
Memorandum

To: Mayor & Members of Council
From: Jon Bisher/*rd*
Subject: General Information
Date: October 18, 2013

CALENDAR

CITY COUNCIL AGENDA

C. PRESENTATION IN MEMORY OF JIM HERSHBERGER

D. APPROVAL OF MINUTES

H. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **ORDINANCE NO. 058-13** an Ordinance to Approve Current August 2013 Replacement Pages to the Napoleon Codified Ordinances
2. **ORDINANCE NO. 059-13** an Ordinance Amending Chapter 197 of the City of Napoleon's Personnel Code Regarding Vacation Computation upon Retire/Rehire
3. **RESOLUTION NO. 060-13** a Resolution by the Membership of the Ohio Municipal League as Expressed at the September 26, 2013 Annual Conference Opposing the Passage of House Bill 5 as Introduced and Substitute Draft Proposed by Sponsors; and Declaring an Emergency.
4. **RESOLUTION NO. 061-13** a Resolution Placing an Issue for Advisory Election on the Ballot at the May 6, 2014 General Election Seeking the Authorization of the Voters of the City of Napoleon to Cease Operating Its Police, Fire and EMS Dispatch as it Currently Operates and Outsources said Operations to the Henry County Sheriff.
5. **RESOLUTION NO. 062-13** a Resolution in Compliance with ORC 709.023C Relating to the Expedited Type II Petition for the Annexation of 55.062 Acres, more or less, Filed by the Napoleon Area City School District; and Declaring an Emergency.
 - a. In addition to the Resolution, the following documents are also attached: Notice of Filing of Expedited Typed 2 Annexation Petition, the documents that were filed with the Henry County Board of Commissioners and the H.C. Commissioners Resolution.
6. **RESOLUTION NO. 063-13** a Resolution in Compliance with ORC 709.023(D) Consenting to the Annexation to the City of Napoleon Certain Territory Proposed to be Annexed to the City of Napoleon, Ohio Pursuant to a Petition Filed with the Henry County Board of Commissioners Filed by the Napoleon Area City School District; and Declaring an Emergency.
7. **RESOLUTION NO. 064-13** a Resolution to Approve the Execution of an Efficiency Smart Schedule with American Municipal Power, Inc.

8. **RESOLUTION NO. 065-13** a Resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Auditor for the 2013 Tax Duplicates Payable in Year 2014; and Declaring an Emergency.
9. **RESOLUTION NO. 066-13** a Resolution Authorizing and Directing the Finance Director/Clerk to Certify and File Annual Special Assessments of the City of Napoleon, Ohio, with the County Auditor of Henry County for Placement and Collection on the 2013 Tax Duplicates Payable in the Year 2014; and Declaring an Emergency.

I. SECOND READINGS OF ORDINANCES AND RESOLUTIONS

1. **ORDINANCE NO. 053-13** an Ordinance Establishing a *General Reserve Balance Account*; and Declaring an Emergency.
2. **RESOLUTION NO. 055-13** a Resolution Authorizing the Finance Director to Transfer Certain Fund Balances from Respective Funds to Other Funds per Section 5705.14 ORC on an as Needed Basis in Fiscal Year 2013, listed in Exhibit "A" (Transfer No. 3); and Declaring an Emergency.
3. **Resolution No. 057-13** a Resolution Authorizing the City Manager to Enter into a Contract with Jones and Henry Engineers Ltd for Professional Design Services for the Project known as *The Water Treatment Plant Improvements Final Design*, which was not included in the 2013 Master Bid Resolution No. 079-12; and Authorizing the Expenditure of Funds in Excess of \$25,000 for said Project; and Declaring an Emergency.

J. THIRD READING 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
- 2) **RESOLUTION No. 048-13** a Resolution Authorizing the City of Napoleon, Ohio, to Enter into an **Agreement with the City of Cleveland, Ohio**, for *Services Relating to the Collection of Income Tax*

K. GOOD OF THE CITY

1. DISCUSSION/ACTION - *Recommendation to Approve October Billing Determinants*
2. DISCUSSION/ACTION – for *Special Meetings for 2014 Budget* (November 8th and 9th)
 - a. This is to set the dates for the Friday/Saturday review of the 2014 budget.
3. DISCUSSION/ACTION – MMD&H Holdings, LLC Liquor License – Application for Change of LLC Membership Interests
 - a. A copy of the application and Notice to Legislative Authority are enclosed

4. DISCUSSION/ACTION – ***Water Rate Study*** (Refer to Committee)
5. DISCUSSION/ACTION – ***Speed Study on Riverview Avenue*** (old 424) (Refer to Committee)

INFORMATIONAL ITEMS

1. ODOT News Release/***State Route 424 Stone Arch Project in Henry County***
2. Request from Chief Weitzel to submit ***Justice Assistance Grant for Law Enforcement 2013***
3. Invitation to Police Department's ***Fall Range Training***
4. ***Agenda*** – TREE COMMISSION Meeting; Monday, October 21st @ 6:00 pm
5. ***Cancellations***
 - a. Parks & Recreation Committee Meeting
 - b. Civil Service Commission Meeting
6. From Greg Heath:
 - a. JEDD/JEDZ (HB 289) Legislation Introduced, (attached)
 - b. OML Bulletin / October 11, 2013
 - c. OML Bulletin / October 18, 2013
 - d. NOCAC "***The Hunger Banquet***"

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Records Retention
CM-11 - 2 Years

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

 Calendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29	30	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
	6:00 PM City Tree Commission Mtg. 7:00 PM City COUNCIL Meeting AV					
27	28	29	30	31	1	2
	6:00 PM Halloween Parade 6:30 PM Finance & Budget Committee Mtg. 7:30 PM Safety & Human Resources Committee Mtg. AV - Shery AMP Fall Conference	AMP Fall Conference	AMP Fall Conference	AMP Fall Conference		

City of Napoleon, Ohio

CITY COUNCIL

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

MEETING AGENDA

Monday, October 21, 2013 at 7:00 PM

- A. **Attendance** *(Noted by the Clerk)*
- B. **Prayer & Pledge of Allegiance**
- C. **Presentation in Memory of Jim Hershberger**
- D. **Approval of Minutes: October 7** *(In the absence of any objections or corrections, the minutes shall stand approved.)*
- E. **Citizen Communication**
- F. **Reports from Council Committees**
 - 1. **Technology & Communication Committee** did not meet on Monday, October 7 due to lack of agenda items.
 - 2. **Electric Committee** *(Majority Report)* met on Monday, October 14 and recommended:
 - a. Approval of October billing determinants
 - b. Approval of the Energy Efficiency Contract for 2014-2016
 - 3. **Water, Sewer, Refuse, Recycling & Litter Committee** and **Municipal Properties, Buildings, Land Use & Economic Development Committee** did not meet on October 14 due to lack of agenda items.
- G. **Reports from Other Committees, Commissions and Boards** *(Informational Only-Not Read)*
 - 1. **Board of Public Affairs** met on October 14 with the following agenda items:
 - a. Review of Electric Billing Determinants
 - b. Electric Department Report
 - c. New Energy Efficiency Contract for 2014-2016
 - 2. **Board of Zoning Appeals** and **Planning Commission** did not meet on October 8 due to lack of agenda items.
 - 3. **Tree Commission** met tonight with the following agenda items:
 - a. Tree Call Reports
 - b. Fall Tree Programs
- H. **Introduction of New Ordinances and Resolutions**
 - 1. **Ordinance No. 058-13** An Ordinance to Approve the Current July 2013 Replacement Pages to the Napoleon Codified Ordinances
 - 2. **Ordinance No. 059-13** An Ordinance Amending Section 197.18 (h)(A) of the City of Napoleon's Administrative Code
 - 3. **Resolution No. 060-13** A Resolution Opposing HB 5 and The Substitute Draft Proposed by the Sponsors; and Declaring an Emergency *(Suspension requested)*
 - 4. **Resolution No. 061-13** A Resolution Submitting the Question of the City of Napoleon's Dispatch to the Henry County Board of Elections for the May 2014 Election
 - 5. **Ordinance No. 062-13** An Ordinance Stating the Services that will be provided for the Napoleon City Schools Annexed property; and Declaring an Emergency *(Suspension requested)*
 - 6. **Resolution No. 063-13** Resolution to Accept Annexation; and Declaring an Emergency *(Suspension requested)*
 - 7. **Resolution No. 064-13** A Resolution Authorizing the City Manager to enter into an agreement with AMP for the Efficiency Smart Program 2014-2016
 - 8. **Resolution No. 065-13** A Resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Auditor for the 2013 Tax Duplicates Payable in Year 2014 and Declaring an Emergency *(Suspension requested)*
 - 9. **Resolution No. 066-13** A Resolution Authorizing and Directing the Finance Director/Clerk to Certify and File Annual Special Assessments of the City of Napoleon, Ohio, with the County Auditor of Henry County for Placement and Collection on the 2013 Tax Duplicates Payable in the Year 2014; and Declaring an Emergency *(Suspension requested)*
- I. **Second Readings of Ordinances and Resolutions**
 - 1. **Ordinance No. 053-13** An Ordinance establishing a General Reserve Balance Account; and Declaring an Emergency

2. **Resolution No. 055-13** A Resolution authorizing the Finance Director to transfer certain fund balances from respective funds to other funds per Section 5705.14 ORC on an as needed basis in fiscal year 2013, listed in Exhibit "A" (Transfer No. 3); and Declaring an Emergency
3. **Resolution No. 057-13** A Resolution authorizing the City Manager to enter into a contract with Jones and Henry Engineers, LTD. for professional design services for the project known as The Water Treatment Plant Improvements Final Design, which was not included in the 2013 Master Bid Resolution 079-12; and authorizing the expenditure of funds in excess of \$25,000.00 for said project; and Declaring an Emergency

J. Third 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
2. **Resolution No. 048-13** A Resolution authorizing the City of Napoleon, Ohio, to enter into an agreement with the City of Cleveland, Ohio, for services relating to the collection of Income Tax

K. Good of the City (*Any other business as may properly come before Council, including but not limited to:*)

1. **Discussion/Action:** Recommendation to approve October billing determinants as follows:
Generation Charge: Residential @ \$.07788; Commercial @ \$.09472; Large Power @ \$.05370; Industrial @ \$.05370; Demand Charge Large Power @ \$11.37; Industrial @ \$12.31; JV Purchased Cost: JV2 @ \$.03003; JV5 @ \$.03003
(*September billing determinants: Generation Charge: Residential @ \$.08226; Commercial @ \$.09825; Large Power @ \$.05605; Industrial @ \$.05605; Demand Charge Large Power @ \$10.78; Industrial @ \$11.46; JV Purchased Cost: JV2 @ \$.04060; JV5 @ \$.04060*)
2. **Discussion/Action:** Special Meetings for 2014 Budget for November 8th & 9th
3. **Discussion/Action:** MMD&H Holdings, LLC Liquor License - Application for Change of LLC Membership Interests
4. **Discussion/Action:** Water Rate Study (*Refer to Committee*)
5. **Discussion/Action:** Speed Study on Riverview Ave. (old 424) (*Refer to Committee*)

L. Executive Sessions: Collective Bargaining; Economic Development Issues

M. 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.*)

N. 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, November 4 @ 8:00 PM)

2. Electric Committee (2nd Monday)

(Next Regular Meeting: Monday, November 11 @ 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, November 11 @ 7:00 PM)

4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday)

(Next Regular Meeting: Monday, November 11 @ 7:30 PM)

a. Updated Info from Staff on Economic Development (as needed)

5. Parks & Recreation Committee (3rd Monday)

(Next Regular Meeting: Monday, November 18 @ 8:00 PM.)

6. Finance & Budget Committee (4th Monday)

(Next Regular Meeting: Monday, October 28 @ 6:30 PM)

a. Debt Funding Limits For Water & Sewer Projects (Tabled)

b. Recommendation To Increase Bid Requirement with Consideration to Raise to \$50,000

c. 2014 Budget Request From Henry County CIC

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

(Next Meeting: Monday, October 28 @ 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, November 11 @ 6:30 PM)

a. Review of Electric Billing Determinants

b. Electric Department Report

2. Board of Zoning Appeals (2nd Tuesday)

(Next Regular Meeting: Tuesday, November 12 @ 4:30 PM)

3. Planning Commission (2nd Tuesday)

(Next Regular Meeting: Tuesday, November 12 @ 5:00 PM)

4. Tree Commission (3rd Monday)

(Next Regular Meeting: Monday, November 18 @ 6:00 PM)

5. Civil Service Commission (4th Tuesday)

(Next Regular Meeting: Tuesday, October 29 @ 4:30 PM)

6. Parks & Recreation Board (Last Wednesday)

(Next Regular Meeting: Wednesday, October 30 @ 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 9 @ 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)

City of Napoleon, Ohio
CITY COUNCIL

Meeting Minutes

Monday, October 7, 2013 at 7:00 PM

PRESENT	
Council	John Helberg – President, Travis Sheaffer, Patrick McColley, Christopher Ridley, Jason Maassel, Jon Tassler
Mayor	Ronald A. Behm
City Manager	Dr. Jon A. Bisher
Law Director	Trevor M. Hayberger
Finance Director/Clerk	Gregory J. Heath
Recorder	Tammy Fein (Barb Nelson)
City Staff	Robert Bennett, Fire Chief Scott Hoover, Water Plant Superintendent Chad Lulfs, City Engineer Dan Wachtman, MIS Administrator Robert Weitzel, Police Chief
Others	News Media, NCTV, Larry Lee Bahler, Linda S. Byrley, Jon A. Lee
ABSENT	
Council	Jeffrey Lankenau
Prayer	President Helberg called the meeting to order at 7:00 PM with the Lord’s Prayer followed by the Pledge of Allegiance.
Approval Of Minutes	Minutes of the September 16 regular Council meeting and the September 23 Special Council meeting stand approved with no objections.
Citizen Communication	<p>Larry Lee Bahler presented a petition signed by residents of Glenwood Estates, and a map requesting clarification of public access to the stone path and pond located at the site of the new City of Napoleon Water Treatment Plant. Bahler stated that approximately a year ago it was stated in the Northwest Signal that this property would be developed into a low income senior living area, and a paved road would be built from Glenwood, passing underneath the viaduct and connecting to the Walmart area. Bahler stated at one point while fishing in the pond, Bahler was approached by a man claiming to be the owner who stated that Bahler could fish there as long as the area was kept clean. Bahler stated that on September 24th he was driving his van back from Walmart when he was stopped by two (2) City of Napoleon Police cars and the Patrolman told Bahler that he “couldn’t drive it, couldn’t walk it, couldn’t bike it, and couldn’t fish the pond or it would be considered trespassing”. Bahler asked for clarification if the City of Napoleon owns the property as Bahler was told by the Patrolman; and do the residents of the Glenwood Estates trailer park have access to walk, bike, and drive the road along with fish in the pond. Bahler added that he was told by a trailer park resident that when the pond was dug in the early 1960’s, the State of Ohio stocked the pond; and, if they did, Bahler stated that he and other residents have the right to fish the pond. McColley asked how wide is the stone road; Bahler stated that one (1) vehicle can travel the road with approximately three (3) feet clearance on each side. McColley stated that walking and riding a bike makes sense on that road however driving a car does not, when the option is available to go around.</p> <p>Helberg added that the development of a senior center was proposed on that property with a promise of a path; however, that fell through when the private developer did not receive the funding for the project. Bisher said the City bought the property after</p>

the developer's intent for senior housing failed. Part of that proposed private development project included a walking path from the senior complex underneath the railroad bridge heading back to Walmart. Helberg added that a golf cart would have been the largest vehicle allowed after the path was improved. Linda Byrley stated that there is a cheaper way of making the path, by reusing the material tore up from paving a road and warm rolling it to reseal it; Byrley's son-in-law did this process to an alley at 722 Welsted St. and it is still usable.

Helberg stated that the intent is not to cut off access, but the future full development plan is to put a paved road on that property; Bisher stated that the road may not be accessible to the public until a later date, but the intention was to have an access walking path, probably not a driving path. Bisher stated that the path was part of the property purchased from the previous developer by the City of Napoleon, but the City is not the owner of the pond; the pond owner is Mr. Kaufman. Bisher explained to the Police Department that residents were allowed to walk and ride bikes on the path, but driving is not acceptable especially with rain conditions making the land in need of repair; the Water Plant will be finished closer to 2016, and a walking path from Glenwood may be installed at a later date for walking and riding bikes but not vehicles. McColley added that the South end of the pond is owned by Jeffrey Miller from Defiance, and the North end of the pond is owned by Steve Kaufman. Bisher added that he has no knowledge of the pond being stocked with fish; Byrley added that it was a requirement to allow residents to fish the pond since it was stocked; Helberg replied that City Council had no knowledge of that and could not speak to that point. McColley estimated that the Kaufman's property line goes to the edge of the water however there will be property pins to mark the boundary. Helberg restated; walking and biking on the path may be acceptable but no vehicles are allowed.

Linda Byrley stated that she walks the path for access to running her errands as the Senior Center Transportation doesn't always take her to the places she needs to go; Byrley also restated that she knew the pond was stocked and the State Law requires it to be open for fishing. Byrley stated that there is a less expensive way to fix the path by resealing; Helberg replied that the City Engineer is qualified to put in the path. Bisher stated that Byrley must speak to Henry County regarding the issues with the senior transportation.

Jon Lee stated that he moved to Glenwood Estates in 2001; Lee drives eighteen wheelers for a living, parking at the Pilot Truck Stop. Lee stated that he observes people walking from County Road R onto Route 108 and the safety of the pedestrians is a concern.

Committee Reports

The Parks & Recreation Committee did not meet on Monday, September 16 due to lack of agenda items.

Chairman Ridley reported that the Finance & Budget Committee met on Monday, September 23 and recommended:

- a. Discussed and tabled *Debt Funding Limits for Water & Sewer Projects*
- b. Recommended to increase the City's requirement to bid from \$25,000 to \$30,000.
- c. Recommended to request legislation to approve the 3rd quarter budget adjustments and to authorize transfer of appropriations into the Reserve Fund.

The Safety and Human Resources Committee did not meet on Monday, September 23 due to lack of agenda items.

Introduction Of Ordinance No. 053-13

President Helberg read by title Ordinance No. 053-13 An Ordinance establishing a General Reserve Balance Account; and Declaring an Emergency

Motion To Approve First Read

Motion: Ridley Second: Maassel
To approve first read of Ordinance No. 053-13

Discussion

Heath reported Council previously directed the Law Director to bring forward Legislation to create a 101 General Reserve Balance Fund; Hayberger added this is to establish the Mayor's plan of a 'rainy day fund'. Heath stated this would be a General Fund equivalent for reporting purposes and would be combined with the other General Fund equivalents and reported as such, becoming part of that balance and be usable for any proper public purpose with funds not typically being expended from this fund but instead placing the monies in the appropriate fund to be expended. Ridley asked if the emergency suspension was requested because there are currently funds to be placed in the fund; Heath stated the monies could be moved at any time. Ridley asked if this fund was included in the third quarter budget; Heath replied the transfer was included.

Motion To Suspend The Rules

Motion: Ridley Second: Tassler
To suspend the rules requiring three readings

Discussion

McColley stated that he is not in favor of suspending the rules; Maassel and Sheaffer agreed. Ridley stated the suspension allows the motion to be passed now as opposed to later, as it will eventually pass.

**Failed
Yea- 3
Nay- 3**

Roll call vote on above motion:
Yea- Tassler, Helberg, Ridley
Nay- Maassel, McColley, Sheaffer
Motion dies due to lack of a majority vote.

**Passed
Yea- 6
Nay- 0**

Roll call vote to approve first read of Ordinance No. 053-13
Yea- Maassel, Tassler, Helberg, McColley, Sheaffer, Ridley
Nay-

Introduction Of Ordinance 054-13

President Helberg read by title Ordinance No. 054-13 An Ordinance supplementing the annual appropriation measure (Supplement No. 4) for the year 2013; and Declaring an Emergency

Motion To Approve First Read

Motion: Ridley Second: Maassel
To approve first read of Ordinance No. 054-13

Discussion

Heath reported that updates were included from the information originally reported out from the Finance and Budget Committee; the Reserve Fund transfer appropriation was created and correcting the account number, and the \$45,400 was added; also \$700,000 was added under the Water Plant Improvement Project representing a change in the original appropriation of \$1,800,000, based on the original note that was sold; this note was reissued earlier in the year for \$2,500,000 and the total appropriation to this fund must be adjusted to reflect this change; these funds will be needed if Council continues forward with the Engineering recommendations being presented tonight; Heath requested this to be passed under suspension of the rules.

Motion To Suspend

Motion: Sheaffer Second: Ridley

site with a new reverse osmosis process which would cost approximately \$18,800,000 including \$500,000 to tear down the old plant. Behm read from the November 12, 2012 meeting minutes stating staff met with the satellites, the Village of Liberty Center, and the Henry County Water District, with the Henry County Water District stating that if the City can get the water meeting EPA requirements they would be willing to be partners in the new plant, estimating their cost to be based on last year's use with the City's share to be \$15,000,000. Behm would like an explanation of how the cost increased from \$18,300,000 to \$24,000,000. Behm added that it was previously stated by Bisher that the new plant could operate, including the debt service, for less cost than what the plant is operating currently, including \$8,000,000 of grant money that was estimated to be received, and now the USDA is stating the maximum grant amount that could be received is 30%, though this figure is unclear as the reports are not yet finished. Behm also questioned the assessment figures, as all residents with a connection for the water will be assessed, totaling approximately 5,000 connections, with an estimated assessment of \$3,500. Behm stated that in looking at the debt service, and the interest on loans, an estimate of \$700 per year was stated. Behm stated that a \$24,000,000 loan with 3.25% interest on a thirty (30) year payment would equal \$251.86 per connection per year for the next thirty (30) years, not including the cost of the water production or distribution.

Lulfs replied that the cost for the plant is \$18,000,000 with a 20% contingency fee equaling \$3,600,000; the cost in the PER study is listed as \$18,500,000 and adding the contingency fee brings the cost to approximately \$22,000,000 and adding another approximate \$2,000,000 in design brings the cost to approximately \$24,000,000. Lulfs stated that a \$330,000 pilot project has already been conducted along with \$50,000 - \$100,000 in other studies; the \$18,000,000 cost of construction has not changed. Behm asked why the additional figures were not provided to Council at the time of the original decision based on the listed options; Behm stated that Council chose to dismiss the other alternatives without pursuance based on the figures that were presented at that time. Behm stated that it was presented at the previous meeting that if the choice was made not to build the new water plant, this would immediately cause water rates to increase approximately 35%. Bisher replied that Behm's figures are being based on circumstances remaining the same but they will not; the contract with Liberty Center will be up and they are insistent on doing something different, and that loss of sales alone would make up for any other agreements. Bisher agreed with Behm, stating he was absolutely correct in the sense of urgency, however there are two other factors that influenced the decision; one factor was keeping all the members of the coalition, with a membrane plant being able to do that, and the second factor was having Council decide who the partners were going to be, either Archbold, Defiance or the County coalition. Bisher stated he agrees with Lulfs that the contingency fee makes the cost appear high; and an unexpected issue that arose was the possibility of taking a line to the Wauseon reservoir which would also drive the cost up, but the pilot study showed that this line was not required which decreased the cost by \$5,000,000. Bisher stated that if the City chose to buy water from Defiance, Liberty Center would not agree to be a part of it. Bisher added the 35% increase figure was based on labor. Bisher stated that in his opinion the new water plant must be built, either through the coalition utilizing the assessments, or by the City going to the market itself, meaning that Bisher cannot wait until 2016 to start increasing water rates and the 35% increase process will begin in 2014 to ensure that the City of Napoleon could bond this project with the revenue debt in the financial markets; the City might still be able to secure USDA grant money, but there would not be as much as received for the coalition, and the interest rate could increase as well.

Helberg requested moving agenda items G5, and Good of the City items 6 and 7 to this discussion. Hayberger approved and reminded Helberg there was still a motion on the table.

Bisher stated that John Courtney was asked to do the water rate study to review the results immediately for the 2014-15 budget; the revenue studies showed that an increase of approximately 2% - 3% is appropriate if the new plant is capitalized in 2016 with assessments. Bisher stated the preliminary numbers, based on the \$24,000,000 and a loan of \$16,800,000, both with and without the grant and for a time limit of both thirty (30) and forty (40) years, are correct if the current 5,020 customers are all assessed equal portions, however large water users with a larger tap may be assessed a higher amount than lower water users, and the amount of usage may change over the timeframe of the assessment, but the assessment rate is locked. Bisher added the debt service was based on either a thirty (30) year or forty (40) year timeframe for 5,020 customers using 3.25% for an interest rate. Helberg stated that the assessment based on a \$24,000,000 project with a 30 year payout and a 3.25% interest rate would equal an annual total of \$252, and a \$16,800,000 project with a thirty (30) year payout and a 3.25% interest rate would result in an annual payment of \$177, asking if this would cause the water rates to drop; Bisher stated they would not drop but would probably stay the same; Bisher added that he shoulders the responsibility of distributing water to the Northern portion of Henry County and the plant must still be built whether by the coalition or by the City; Bisher understands that the City will be losing control if the plant is built through the coalition, however he is mitigating the risk involved of building a plant but having no customers such as is the position of Defiance and Archbold; Bisher strongly believes the coalition is the best choice; Behm stated to Council that he is 100% in support of working with the coalition. Maassel added that a benefit is that this plant is very scalable. McColley added that there is competition with Bowling Green, Wauseon, Defiance, and Archbold; McColley asked if water would be more expensive under the new plant, not factoring in the debt; Bisher stated that those figures are not available yet and this is John Courtney's next task; adding that if the water plant is built in 2016, the \$500,000 in lost revenue of no satellites can be made up through other products that are not currently available including the sale of raw water, the City still owns the pump station and the pipe, and the pump station will need raw water from the Maumee River with the revenue going to the Water Fund, and the City customers would experience a decrease in total at the Waste Treatment Plant; currently the rejection water approaches that of the membrane plant but the City does not charge itself for this process, the coalition will be charged for putting water into the system and the money will be received by the Waste Treatment Plant. Bisher stated that the cost of the water is not available yet; Behm asked why this information is not available yet; Bisher replied that the structure of the coalition was still questionable as was where the water would be coming from until the recent conclusion of the pilot study. McColley asked what the timeline would be regarding the percentage of grant money that would be received once the PER study is received; Bisher replied that the information has been provided. Heath stated that once the figure for grant money is received, the USDA can allocate within their own funding that requirement by going out to the market and using their credit to obtain funding; Heath added that the City could also choose to assess the Water Plant funding if we built it ourselves, but it would only be on the City customer population. Bisher added that the language in the water contract makes this difficult, it states 'the best price that Napoleon charges its own residents plus 25%'; Heath replied that the five (5) years that would be left on the Liberty Center contract could be rode out if the City decided to do its own assessment for the cost; Bisher added the risk that the City would be taking involves

the customer base staying in place and the satellites leaving. The way to make customers want to stay is to share the wealth even if this involves giving up the control. Heath stated that the cost of operation is based on the percentage of customers, so the City's cost will be 80% of the cost instead of the 100% that it is currently; McColley stated the cost will be a per gallon cost for all members of the coalition; Heath replied that an incremental cost could be used. Bisher stated that he has the cost for raw water and the distribution costs separated in the current budget, and the satellite distribution costs will be higher than the City's distribution costs since they are receiving the water later; the 25% surcharge that is charged to the satellites will go away; however, the sale of raw water will be used to compensate the City for the loss of control and will make up the some of the \$500,000 in revenue loss. McColley added that McClure is coming on now which will make up for the loss of Liberty Center; Behm added that in looking at the revenues from 2012, based on the budget book, the satellites water sales were about 20% of total water sales of approximately \$2,600,000. Bisher stated that the risk is lessened for the City by creating the coalition even though the City is giving up the control and can stabilize the water bill figures; also the additional customer tap fee costs will be used to lower the operational costs since the debt would be paid. Heath stated that the assessed debt can be defused by additional customer tap fees allowing a lower assessment rate for those customers already assessed. Bisher stated that there may be an early payoff fee on the debt or may not be allowed to be paid off early; and added the bond council fees are a set figure with the USDA at approximately 1.5%, totaling an estimated \$300,000, with no other closing costs but this must be clarified with the USDA. McColley asked why there is bond council fees if this is merely a loan; Bisher replied that it covers the legal opinions; Heath added that this includes the verification of tax exempt status and legal counsel; Heath asked where the consortium stands; Helberg replied the response from the consortium is that everyone seems to be in, and asked if there is any other information that needs to be presented to Courtney; Bisher replied yes, the water rate charge, the wastewater rate, and the raw water cost.

Passed
Yea- 6
Nay- 0

Roll call vote to approve first read of Resolution No. 057-13:
 Yea- Maassel, Tassler, Helberg, McColley, Sheaffer, Ridley
 Nay-

**Motion Of
 Confidence In Favor
 Of Working With
 The Consortium**

Motion: McColley Second: Maassel
 Of Confidence in favor of working with the Henry County Water Sewer District, Village of Liberty Center, and other entities interested in being a part of the consortium for building and operating a New Water Plant

Passed
Yea- 6
Nay- 0

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

President Helberg noted that Ordinance No. 042-13 has been tabled for 30 days.

**Motion To Untable
 Ordinance No. 042-13**

Motion: Sheaffer Second: McColley
 To remove Ordinance No. 042-13 from the table

Passed
Yea- 6
Nay- 0

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

Second Read Of

President Helberg read by title Ordinance No. 042-13 An Ordinance amending

House and Senate level to pronounce the opposition to House Bill 5. Helberg asked if Council should create a Resolution adopting one of the Resolutions suggested by the OML Membership; Heath recommended to create the Resolution.

**Motion To Direct
The Finance
Director And Law
Director To Create
A Resolution**

Motion: Maassel Second: McColley
To direct the Finance Director and Law Director to create a Resolution reaffirming opposition to House Bill 5

Passed
Yea- 6
Nay- 0

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

Helberg received a hard copy of the Audit Report, all Council members except Tassler received their copies electronically; Helberg gave the printed copy to Tassler.

Helberg asked about the possibility of the Senior Center being relocated to Central School; Bisher stated this was a unanimous no due to the structure of the building not being wheelchair accessible.

Helberg asked if the GPS companies should be contacted to reflect the street closings; McColley stated the information is already uploaded and there would be a cost to update the information. Ridley added that a GPS on a smartphone will update with 48 hours.

Helberg asked Lulfs for an update on the Riverview project, as Helberg has heard that the dams must be removed by November 1, 2013 and will be replaced August 1, 2014; Lulfs stated there is a progress meeting Tuesday morning, but currently he believes the dam can be kept in but not maintained; the Historical Society or Historical Preservation Society have determined that the dam by Tullock's marina must be replaced with precast stones instead of arches. Helberg directed Lulfs to be adamant in requiring a drivable surface for the Winter with safe and open traffic across the culvert.

**Motion To Direct
The City Engineer
To Require ODOT
To Maintain Safe
Traffic Over The
Winter**

Motion: Maassel Second: McColley
To direct the City Engineer to require ODOT to maintain safe and open traffic at the construction site over the winter

Passed
Yea- 5
Nay- 0
Abstain- 1

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

Helberg asked Lulfs for an update on the Scott Street project; Lulfs replied that the project is on schedule with no delays.

Tassler

None

Ridley

Ridley asked Lulfs how the sewer system handled the recent rain; Lulfs replied that 200,000 gallons went into the EQ basin and were able to drain the EQ basin in time.

Ridley asked if the extended season of the Golf Course had begun yet; Bisher stated that would not start until November 1st.

Maassel

Maassel stated that the Memorial for Jim Hershberger will be at the October 21st Council meeting directly after the Lord's Prayer and Pledge of Allegiance, with the first row of audience seats being reserved for Hershberger family members. Behm or Bennett will speak about Hershberger's time with the Fire Department, Helberg will speak about Hershberger's time on City Council, Sheaffer or Lankenau will read the plaque, and Maassel will present the flag to Mrs. Hershberger.

Heath

Heath stated the November retirement of current Recorder Barb Nelson, with the position being filled by Tammy Fein.

Motion To Go Into Executive Session

Motion: McColley Second: Ridley
To go into Executive Session to discuss Collective Bargaining Negotiations.

Passed
Yea- 6
Nay- 0

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

Motion To Go Into Executive Session

Motion: Maassel Second: McColley
To go into Executive Session to discuss Compensation of Personnel.

Passed
Yea- 6
Nay- 0

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

Into Executive Session

Council went into Executive Session at 10:08 PM.

Sheaffer Left Under Protest at 11:00 PM

Sheaffer left the meeting while in executive session and the building under protest at 11:00 PM.

Motion To Come Out Of Executive Session For Collective Bargaining

Motion: Ridley Second: McColley
To come out of Executive Session for collective bargaining.

Passed
Yea- 5
Nay- 0

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

Motion To Come Out Of Executive Session For Personnel Compensation

Motion: Maassel Second: McColley
To come out of Executive Session for compensation of personnel.

Passed
Yea- 5
Nay- 0

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

Out Of Executive Session

Council came out of Executive Session at 11:15 PM. President Helberg reported that the discussion was regarding collective bargaining negotiations and compensation of

personnel, and no action was taken.

Approval Of Bills

Bills and reports stand approved as presented with no objections.

Motion To Adjourn

Motion: Maassel Second: McColley
To adjourn the meeting.

Passed
Yea – 5
Nay - 0

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

Adjournment

Meeting adjourned at 11:21 PM.

Approved:

John A. Helberg, Council President

Ronald A. Behm, Mayor

Gregory J. Heath, Finance Director/Clerk of Council

DRAFT

ORDINANCE NO. 058-13

AN ORDINANCE TO APPROVE CURRENT AUGUST 2013 REPLACEMENT PAGES TO THE NAPOLEON CODIFIED ORDINANCES

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council; Now Therefore,

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

Section 1. That, the ordinances of the City of Napoleon, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the August 2013 Replacement Pages to the Codified Ordinances are hereby approved and adopted; such having been certified as correct by the Clerk of Council and the Mayor.

Section 2. That, the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

Traffic Code

301.031.01	Beacon; Hybrid Beacon. (Added)
301.161	Highway Traffic Signal. (Amended)
301.17	Intersection. (Amended)
301.181	Median (Added)
301.26(b)	Private Road or Driveway. (Added)
301.361	Shared Use Path. (Added)
301.45	Traffic. (Amended)
301.46	Traffic Control Device. (Amended)
301.47	Traffic Control Signal. (Amended)
333.09	Texting While Driving Prohibited. (Added)
335.032	Electronic Wireless Communication Device Prohibited. (Added).
341.01	Commercial Vehicles Definitions. (Amended)
341.03	Prerequisites to Operation of Commercial Motor Vehicle (Amended)
351.04	Parking Near Curb; Handicapped Parking. (Amended)
373.02	Riding Upon Seats; Handle Bars; Helmets and Glasses. (Amended)

General Offenses Code

- 501.01 Definitions. (Amended)
- 501.11 Organizational Criminal Liability. (Amended)

Section 3. That, the complete text of the sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. Any summary publication of this ordinance shall include a complete listing of these sections. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

Section 4. 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 5. 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 6. 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. 058-13 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. 059-13

**AN ORDINANCE AMENDING CHAPTER 197 OF THE CITY OF
NAPOLEON'S PERSONNEL CODE REGARDING VACATION
COMPUTATION UPON RETIRE/REHIRE**

WHEREAS, the Council for the City of Napoleon desires to limit retire/rehire situations; and,

WHEREAS, City of Napoleon's Personnel Code currently allows a person who has retired from the City of Napoleon in accordance with any retirement plan offered by the state after August 1st, 2005, shall upon rehire to a full time position with the City of Napoleon, be granted the same service credit the retiree received just prior to his or her retirement; and,

WHEREAS, the Council for the City of Napoleon, knowing that it can grant benefits in excess of the minimums established by law, now desires to strictly adhere to the requirements of ORC 9.44(C); Now Therefore,

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

Section 1. That, Section 197.18 of the City of Napoleon's Personnel Code is hereby amended and enacted as follows:

“197.18 VACATIONS

(a) Entitlement Restrictions

Except as otherwise provided in Section 197.18(h), full-time regular employees are entitled to vacation with pay after one (1) year of continuous service in the most recent employment with the City and will be due only upon the completion of the first year of said employment, calculated from hire date. The amount of vacation leave to which an employee is entitled is based upon length of service and calculated and earned on a biweekly basis as follows:

Full-time regular employees (except Assistant Chief of the fire/rescue department positions)

Years of Service	Annual Hours	Bi-Weekly Accrual Hours
0 year but less than 6 years	80 hours	3.077 hours/each normal pay
6 years but less than 12	120 hours	4.616 hours/each normal pay
12 years or more	160 hours	6.154 hours/each normal pay

Full-time Assistant Chiefs of the fire/rescue department positions:

0 year through 1	48 hours	1.85 hours/each normal pay
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2 years through 8	120 hours	4.62 hours/each normal pay
9 years through 15	192 hours	7.385 hours/each normal pay
16 years or more	240 hours	9.231 hours/each normal pay

(b) Effect of Time Spent on Authorized Leave of Absence

Time spent on any authorized leave of absence, whether paid or unpaid, shall be counted in determining length of service for purposes of vacation eligibility.

(c) Scheduling of Vacations

Vacations will be arranged to give consideration to the desire of the employee in accordance with a procedure established by the employee's department head which will not interfere with City operations.

(d) Vacations to be Taken During Year After Earned

Except for the first year of service, accrued vacation leave may be taken by an employee at any time after accrual and entitlement, subject to the minimum increments established, so long as properly scheduled in accordance with other provisions of this Code, policy manual or work rule. An employee shall not allow his/her total vacation time to exceed eighty (80) hours his/her maximum accrual entitlement for any employment year (considered for the purpose of this Section as being from the employee's anniversary date to the employee's next anniversary date) without prior approval from the appointing authority. This provision is applicable to accrued vacation as a result of sick leave conversion which is authorized in Section 197.16(e)(12) of this Code. When carryover is requested by a department director, such approval may be by the council president, with notification to the body of council, or merely by the body of council.

(e) Vacation Forfeiture

Employees shall forfeit their right to take or to be paid for any vacation leave to their credit which is in excess of any authorized balance; moreover, any vacation time accrued in the first year of service shall be forfeited if any employee fails to complete one (1) year of continuous service.

(f) Accrual

Vacation leave is accrued only while on active pay status, excluding overtime and in accordance with Section 197.18(a).

(g) Lump Sum Payment of Vacation

In the event an employee is denied the opportunity to schedule and take accrued vacation leave due to operational needs of the City, or in the event an employee fails to

schedule and take accrued vacation leave due to the operational needs of the City, the appointing authority may authorize a year-end lump sum payment to the employee in an amount not to exceed the monetary value of the employee's annual vacation accrual as provided in Section 197.18(a). In the case of a department director, lump sum payment may be approved by the council president, with notification to the body of council, or merely by the body of council.

(h) Prior Service Credit.

A. Except as otherwise provided for in separate legislation, and except as otherwise specifically excluded by a collective bargaining agreement under Ohio R.C. 4117, to determine prior service for the purpose of computing the amount of vacation leave for an employee first employed on or after July 5, 1987 by the City of Napoleon, the employee shall have only his or her prior service with the City of Napoleon counted. Those employees (not elected officials) who were employed by the City of Napoleon prior to July 5, 1987 shall have all their public service with the State of Ohio or any of its political subdivisions credited pursuant to Ohio R.C. 9.44 (A). An employee who has retired in accordance with the provisions of any retirement plan offered by the State of Ohio and who is employed by the State of Ohio or any political subdivision of said State on or after June 24, 1987, shall not have his or her prior service with the State of Ohio or any political subdivision of said State counted for the purpose of computing vacation leave. ~~except as otherwise herein provided. An employee who retired from the City of Napoleon in accordance with the provisions of any retirement plan offered by the State of Ohio and who retired from the City of Napoleon after August 1, 2005, shall upon rehire to a full-time regular position with the City of Napoleon, be granted the same service credit the retiree received just prior to his or her retirement and thereafter the service credit shall increase on an annual basis.~~

B. Except as may be otherwise provided for by separate legislation, employees entitled to prior service credit for purpose of computing vacation leave shall have their anniversary date deferred to their most recent date of employment with the City of Napoleon for purposes of: (1) vacation use or, (2) any use or forfeiture policy regarding vacation.

C. Elected officials are not entitled to prior service credit for purpose of calculating vacation benefit, if any. (Ord. 093-08. Passed 12-15-08.)

Section 2. That, Sections 197.18 of the Codified Ordinances, as existed prior to the enactment of this Ordinance, is repealed.

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, 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. 059-13 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. 060-13

A RESOLUTION BY THE MEMBERSHIP OF THE OHIO MUNICIPAL LEAGUE AS EXPRESSED AT THE SEPTEMBER 26, 2013 ANNUAL CONFERENCE OPPOSING THE PASSAGE OF HOUSE BILL 5 AS INTRODUCED AND SUBSTITUTE DRAFT PROPOSED BY SPONSORS; AND DECLARING AN EMERGENCY

WHEREAS, Municipalities in Ohio exist primarily as a tool of self-governance to provide high quality services to the citizens which live in them and to the constituents who visit for work, entertainment, educational and economic development purposes; and,

WHEREAS, Municipalities agree that revenue-neutral uniformity on issues that will ease compliance burdens for businesses in and potentially locating to Ohio would be of great benefit to all of Ohio; and,

WHEREAS, HB 5 as introduced and the subsequent substitute draft offered by the Sponsors contains language that is detrimental to the financial stability of municipalities; will reduce revenue for all municipalities in Ohio; includes "unfunded mandates" which will limit the ability for municipalities to provide basic services to residents, businesses, and visitors; creates special tax breaks while raising taxes on other taxpayers; and, creates additional state level bureaucracy; and,

WHEREAS, the recent confiscation of Local Government Funds, elimination of the Estate Tax, and the elimination of promised reimbursement for the loss of revenues due to the repeal of the Tangible Personal Property and Public Utilities Taxes has resulted in an unsustainable loss of already depleted revenues for Ohio cities and villages to operate effectively; and,

WHEREAS, Municipalities have been responsive in the past to efforts to streamline the rules and regulations and create uniformity in the overwhelming majority of local tax codes creating a streamlined process for all taxpayers; and,

WHEREAS, municipalities across the state, in cooperation with the Ohio Municipal League, business interest representatives and select members of the Ohio General Assembly, have drafted a comprehensive legislative proposal that addresses all areas identified in HB5 seeking greater uniformity and predictability in the current municipal income tax system which represents solutions far more revenue-neutral to municipalities; and,

WHEREAS, Municipalities must fight to protect their single largest revenue source, which provides essential municipal services, promoting a positive quality of life that residents and businesses alike rely upon, and any forced reduction in this revenue will have a negative impact on residents and businesses, creating an environment detrimental to retaining and attracting business in Ohio; now therefore,

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

Section 1. That, this Resolution urges state legislators to reject HB 5, and to adopt the provisions crafted by select members of Ohio's General Assembly who

have worked extensively with business and municipal leaders to create solutions benefited to all Ohioans.

Section 2. That, the Ohio General Assembly should focus on restoring previous funding levels to the Ohio Business Gateway and focus on correcting its multitude of programming problems and customer service issues to make that tool less cumbersome, more useful and relevant to municipalities and businesses as a simple, generic, one-stop method of filing local business income tax returns in one location.

Section 3. That, members of the Ohio House and Senate should reject HB 5 and instead continue to engage in constructive dialogue with local officials to gain consensus on the correction of the perceived issues of potential revenue-neutral commonality and uniformity in those few remaining differences in municipal income tax provisions.

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

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

Section 6. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time for the further reason of the urgency of communicating to the Ohio General Assembly prior to any short-sighted or harmful action being taken by that legislative body; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____

John A. Helberg, Council President

Approved: _____

Ronald A. Behm, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 060-13 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. 061-13

A RESOLUTION PLACING AN ISSUE FOR ADVISORY ELECTION ON THE BALLOT AT THE MAY 6TH, 2014 GENERAL ELECTION SEEKING THE AUTHORIZATION OF THE VOTERS OF THE CITY OF NAPOLEON TO CEASE OPERATING ITS POLICE, FIRE AND EMS DISPATCH AS IT CURRENTLY OPERATES AND OUTSOURCE SAID OPERATIONS TO THE HENRY COUNTY SHERIFF

WHEREAS, after a process that began over a year earlier involving City Staff, City Council, the State Auditor, and members of the community the decision to cease operating the City of Napoleon's Police, Fire, and EMS dispatch and outsource said operations to the Henry County Sheriff has reached an impasse; and

WHEREAS, this matter is additionally complicated by the fact that due to conflicts of interest two of the seven current members of City Council are prohibited from voting on this decision; and

WHEREAS, in order for City Council to be able to successfully complete negotiations for said services with the Henry County Sheriff, the Council needs to know that the community supports such action; and

WHEREAS, in order to give direction and stability to city staff the Council needs to know that the community supports or does not support such action;

WHEREAS, the City of Napoleon is a municipal corporation operating under a Charter form of government, which grants all powers, general, special, governmental or proprietary that may be now or hereafter lawfully possessed or exercised by municipal corporations under the constitution and general laws of the State of Ohio; and

WHEREAS, for the foregoing reasons, the Council for the City of Napoleon, Ohio seeks to place an issue on the ballot for the May 6th, 2014 General Election, whereby the voters of the City of Napoleon, Ohio may vote on the issue of whether to cease operating the City of Napoleon's Police, Fire, and EMS dispatch and outsource said operations to the Henry County Sheriff; and

WHEREAS, Section 3 of Article XVIII of the Ohio Constitution grants authority to Ohio municipalities to call such elections on such matters of local concern; **Now Therefore,**

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

Section 1. For the reasons set forth above, the Council for the City of Napoleon finds, determines, and declares that the question seeking authorization to cease operating the City of Napoleon's Police, Fire, and EMS dispatch and outsource said

operations to the Henry County Sheriff shall be submitted to the voters of the City of Napoleon for an advisory election at the general election to be held on May 6th, 2014, and said election shall be held at the regular places of voting in said City as established by the Board of Elections of Henry County, Ohio or otherwise, within the time, place, or manner provided by law and shall be conducted, canvassed and certified in the manner provided by law .

Section 2. That, the Board of Elections of Henry County, Ohio, place upon the ballot at the May 6th, 2014 General Election the following Advisory Election (or in substantially the same form):

Issue #
Advisory Election for the City of Napoleon
Dispatch Operation
(A majority affirmative vote is necessary for passage)

“Shall the City of Napoleon cease operating its Police, Fire and EMS dispatch as it currently operates and outsource said operations to the Henry County Sheriff?”

YES

NO

Section 3. The Clerk of Council for the City of Napoleon is hereby authorized and directed to forward a certified copy of this resolution to the Board of Elections of Henry County on or before February 5th, 2014.

Section 4. That the Board of Elections for Henry County is hereby requested to cause notice of said election to be given as provided by law and otherwise to provide for such election in the manner provided by law.

Section 5. There is hereby appropriated from the General Fund a sufficient sum of money to pay expenses related to the aforesaid election.

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

Section 7. If any section, subsection, paragraph, clause or provision or any part thereof of this ordinance shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this ordinance shall be unaffected by such adjudication and all the remaining provisions of this ordinance shall remain in full force

and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

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

Section 9. That, this Resolution shall be in full force and effect at the earliest time permitted by law.

Passed: _____

John A. Helberg, Council President

Approved: _____

Ronald A. Behm, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 061-13 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. 062-13

**A RESOLUTION IN COMPLIANCE WITH ORC 709.023(C)
RELATING TO THE EXPEDITED TYPE PETITION FOR
ANNEXATION OF 55.062 ACRES, MORE OR LESS, FILED BY
THE NAPOLEON AREA CITY SCHOOL DISTRICT; AND
DECLARING AN EMERGENCY**

WHEREAS, on the 9th day of October, 2013 a Petition for Expedited Type II Annexation of approximately 55.062 acres of land which is currently in the Township of Napoleon, Henry County, Ohio was filed with the Henry County Board of Commissioners by the Napoleon Area City School District; and,

WHEREAS, under the provisions of ORC 709.023(C) the legislative authority of the City of Napoleon shall, by ordinance or resolution, adopt a statement indicating what services, if any, the City of Napoleon will provide to the property proposed for annexation upon annexation; **Now therefore**,

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

Section 1. That, in accordance with ORC 709.023(C), the territory described by the Petition will be provided all customary general governmental and utility services in the same manner and on the same terms and conditions as applicable to other lands within the territorial boundaries of the City of Napoleon. Upon the effective date of the annexation the City of Napoleon will provide the following services to the territory proposed for annexation:

- a. Water Service
- b. Sewer Service
- c. Electric Service
- d. Street Service
- e. Fire/EMS
- f. Police Service
- g. Planning and Zoning

Section 2. Should the territory be annexed, it would be subject to the City of Napoleon Zoning Requirements. The territory's default zoning classification would be C-4, in which a school is a principally permitted use. The default classification would apply until the Zoning Map is amended to include the territory at which time it could remain C-4 or be reclassified as long as the City of Napoleon's Planning and Zoning Codes are complied with.

Section 3. That, the Clerk of Council is hereby directed to forward a copy of this Resolution to the Henry County Board of Commissioners.

Section 4. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its

committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

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

Section 6. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for the City to comply with ORC requirements regarding Type II Annexation; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____

John A. Helberg, Council President

Approved: _____

Ronald A. Behm, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 062-13 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



Bricker & Eckler
ATTORNEYS AT LAW

COLUMBUS | CLEVELAND
CINCINNATI-DAYTON
MARIETTA

BRICKER & ECKLER LLP
100 South Third Street
Columbus, OH 43215-4291
MAIN: 614.227.2300
FAX: 614.227.2390

www.bricker.com
info@bricker.com

Jennifer A. Flint
OSBA – Certified Specialist in
Appellate Law
614.227.2316
jflint@bricker.com

RECEIVED

OCT 15 2013

Per GH.

Gregory J. Heath, Finance Director/Clerk
City of Napoleon, Ohio

October 9, 2013

VIA CERTIFIED MAIL; RETURN RECEIPT REQUESTED

ATTN: Gregory J. Heath
Clerk of Napoleon City Council
255 West Riverview
Napoleon, OH 43545

Re: Notice of the Filing of Expedited Type 2 Annexation Petition

Dear Clerk of Napoleon City Council:

Per Ohio Revised Code §709.023(B), this is to notify you that on October 9, 2013 at 10:41 a.m., the Napoleon Area City School District Board of Education (“School Board”) filed a petition for annexation of property with the Henry County Board of Commissioners, in Henry County, Ohio. The petition seeks to annex property owned by the School Board, which property is described in the attached documents. The property is located in Napoleon Township, and the School Board seeks annexation of such property into the city of Napoleon, Ohio.

Attached are copies of the documents that were filed with the Henry County Board of Commissioners on October 9, 2013, including the petition for annexation.

Very truly yours,

Jennifer A. Flint
Attorney and Agent for Petitioner

Enclosures

cc: Trevor M. Hayberger, Napoleon City Law Director (w/encs.; via email)

RECEIVED

OCT 15 2013

EXPEDITED TYPE II PETITION FOR THE ANNEXATION
OF 55.062 ACRES MORE OR LESS
IN THE TOWNSHIP OF NAPOLEON
TO THE CITY OF NAPOLEON, OHIO
PURSUANT TO OHIO REVISED CODE SECTION 709.023

Per AH.
Gregory J. Heath, Finance Director/Clerk
City of Napoleon, Ohio

TO THE BOARD OF COUNTY COMMISSIONERS
OF HENRY COUNTY, OHIO:

The undersigned Petitioner in the premises, being ALL OF THE OWNER(S) OF REAL ESTATE in the unincorporated territory of Napoleon Township hereinafter described, consisting of 55.062 acres, more or less, adjacent and contiguous to the city of Napoleon, do hereby petition and request that said territory be annexed to the city of Napoleon under the procedures set forth in Ohio Revised Code Section 709.023.

A full and accurate legal description of the perimeter and an accurate map of said territory petitioned to be annexed are attached hereto and made part hereof.

Jennifer A. Flint, whose address is 100 South Third Street, Columbus, Ohio 43215, is the Agent for the Petitioner, per R.C. 709.02(C)(3).

The owner signing this Petition, by its signature(s), expressly waives any rights it may have to sue on any issue relating to a municipal corporation requiring a buffer as provided in R.C. 709.023, and waives any rights to seek a variance that would relieve or exempt it from that buffer requirement.

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.

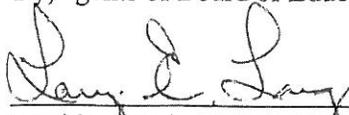
OWNER'S NAME

ADDRESS

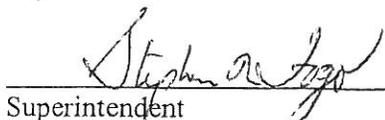
NAPOLEON AREA CITY SCHOOL DISTRICT
BOARD OF EDUCATION

701 Briarheath Drive, Suite 108
Napoleon, Ohio 43545

By, agents of Board of Education authorized to sign this petition:

 Date: 10-8-13
President of the Board of Education

 Date: 10-9-13
Treasurer

 Date: 10-8-13
Superintendent

OCT 09 2013
Received by
Leika R. Glick
Clerk

10:41 am

P.O. Box 2628
6655 Providence Street
Whitehouse, Ohio 43571

Phone (419) 877-0400
Fax (419) 877-1140



www.garciasurveyors.com

DBE Certified with ODOT
ODOT Prequalified for right-of-way development
MBE/EDGE Certified with the State of Ohio
MBE Certified with the City of Toledo

6375 Riverside Drive,
Suite 55
Dublin, Ohio 43017

Phone (614) 389-3733
Fax (888) 316-3943

December 7, 2012

Napoleon School Site

A parcel of land being part of the Southeast Quarter (1/4) of Section fifteen (15), Town five (5) North, Range six (6) East in Napoleon Township, Henry County, Ohio, said parcel of land being bounded and described as follows:

Beginning at the intersection of the North line of said Southeast Quarter (1/4) of Section fifteen (15) with the East line of said Southeast Quarter (1/4) of Section fifteen (15), said East line of the Southeast Quarter (1/4) of Section fifteen (15) also being the centerline of Westmoreland Avenue, as it now exists, said point of intersection being marked with a found "X" cut in a monument box lid;

Thence in a southerly direction along said East line of the Southeast Quarter (1/4) of Section fifteen (15), having an assumed bearing of South one (01) degree, twelve (12) minutes, thirty-four (34) seconds West, a distance of one thousand seven hundred forty-eight and thirteen hundredths (1,748.13) feet to a point, said point being marked with a set Mag nail;

Thence North eighty-eight (88) degrees, forty-seven (47) minutes, twenty-six (26) seconds West along a line, passing through a set capped iron rebar at a distance of thirty and zero hundredths (30.00) feet and also passing through a set capped iron rebar at a distance of one thousand two hundred ninety-six and twelve hundredths (1,296.12) feet, a total distance of one thousand six hundred ninety-one and twelve hundredths (1,691.12) feet to the intersection of the centerline of Garrett Creek;

The following nine (09) courses follow on and along said centerline of Garrett Creek:

Thence North forty-four (44) degrees, six (06) minutes, thirty-five (35) seconds East, a distance of one hundred sixteen and seventy-nine hundredths (116.79) feet to a point;

Thence North thirteen (13) degrees, seventeen (17) minutes, forty-six (46) seconds East, a distance of one hundred twelve and eighty-nine hundredths (112.89) feet to a point;

Thence North eight (08) degrees, fifty-three (53) minutes, fourteen (14) seconds East, a distance of one hundred twenty-five and eighty-four hundredths (125.84) feet to a point;

Thence North thirty-three (33) degrees, fourteen (14) minutes, ten (10) seconds East, a distance of one hundred sixty-three and three hundredths (163.03) feet to a point;

Thence North six (06) degrees, forty (40) minutes, thirty-seven (37) seconds East, a distance of ninety-five and forty-six hundredths (95.46) feet to a point;

Thence North twelve (12) degrees, fifteen (15) minutes, eight (08) seconds West, a distance of seventy-five and twenty-seven hundredths (75.27) feet to a point;

Thence North fifty-nine (59) degrees, forty-nine (49) minutes, eleven (11) seconds West, a distance of one hundred forty and fifty-six hundredths (140.56) feet to a point;

Thence North forty (40) degrees, forty-one (41) minutes, thirty-eight (38) seconds West, a distance of fifty-four and sixty-three hundredths (54.63) feet to a point;

Thence North thirty-three (33) degrees, thirty-three (33) minutes, forty-nine (49) seconds West, a distance of sixty-nine and fifty-seven hundredths (69.57) feet to the intersection of the southeasterly right-of-way line of U.S. Route 24, as it now exists;

The following two (02) courses follow on and along said southeasterly right-of-way line of U.S. Route 24, as it now exists:

Thence North fifty (50) degrees, thirteen (13) minutes, forty-two (42) seconds East, passing through a set capped iron rebar at a distance of twenty-eight and twenty-one hundredths (28.21) feet, a total distance of sixty-seven and twenty-one hundredths (67.21) feet to a point, said point being marked with a set capped iron rebar;

Thence North forty-six (46) degrees, twenty-two (22) minutes, fifty-eight (58) seconds East, a distance of one thousand three hundred seven and twenty-three hundredths (1,307.23) feet to the intersection of said North line of the Southeast Quarter (1/4) of Section fifteen (15);

Thence South eighty-seven (87) degrees, fifty-six (56) minutes, fifty-nine (59) seconds East along said North line of the Southeast Quarter (1/4) of Section fifteen (15), passing through a set capped iron rebar at a distance of six hundred eighty-four and forty-six hundredths (684.46) feet, a total distance of seven hundred fourteen and forty-six hundredths (714.46) feet to the Point of Beginning.

Said parcel of land containing an area of 2,398,517 square feet or 55.062 acres of land, more or less. Subject to legal highways.

Said parcel of land having a present road occupied area of 52,451 square feet or 1.204 acres of land, more or less.

The above described parcel of land is subject to any and all leases, easements or restrictions of record.

December 7, 2012
Napoleon School Site

The bearings used hereon are based on an assumed meridian and are solely for the purpose of calculating angular measurement.

Prior Deed Reference is Volume 238, Page 1926, Henry County Deed Records.

Said set capped iron rebar being a 5/8" diameter with a plastic cap stamped "PS 6842".

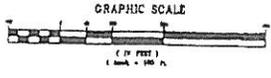
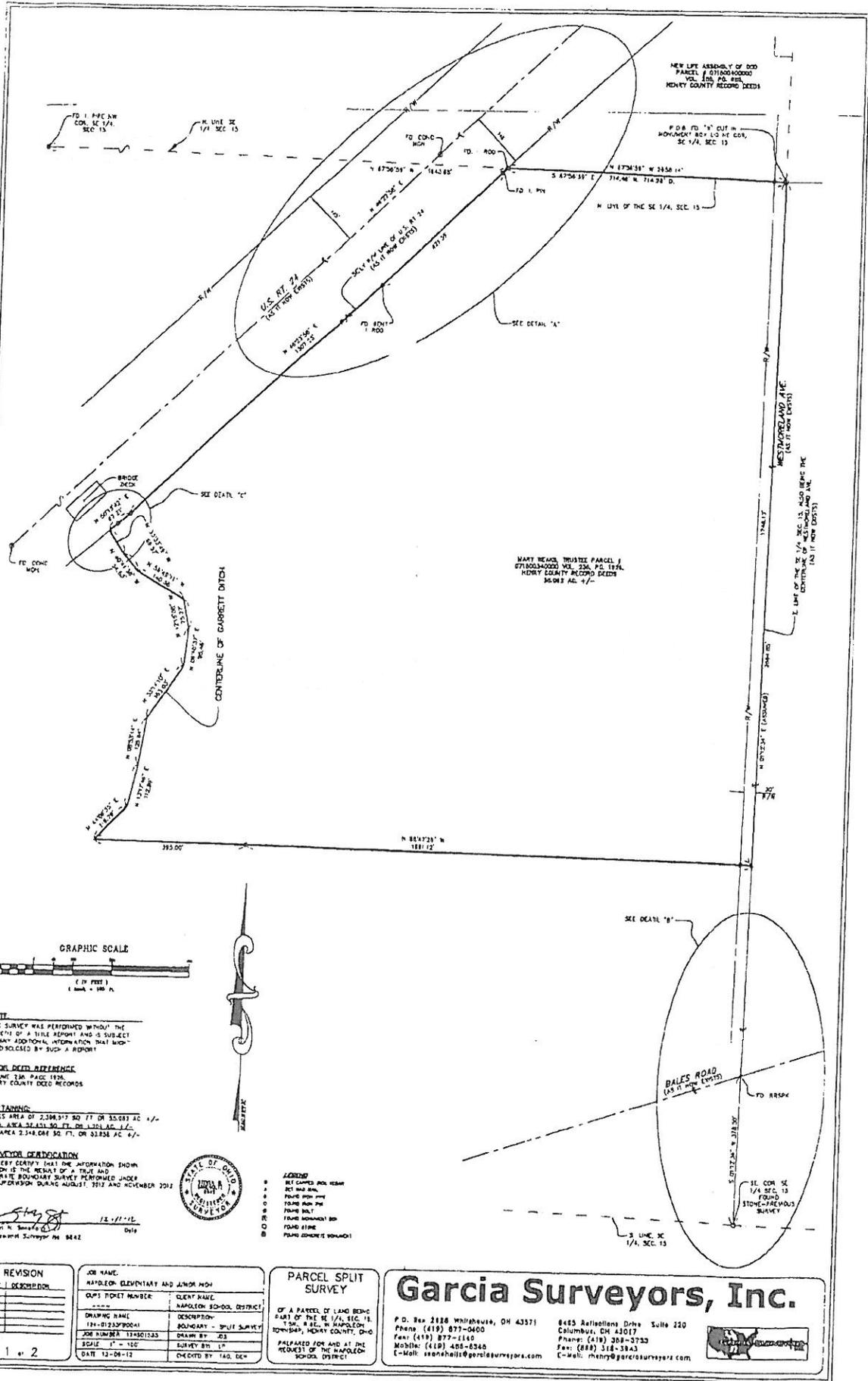
The above described is based on an actual field survey performed under my supervision during August, 2012 and November, 2012.



Prepared by:
Garcia Surveyors, Inc.

A handwritten signature in black ink, appearing to read "S N Saneholtz", written over the printed name below.

Steven N. Saneholtz, P.S.
Registered Surveyor No. 6842



NOTE:
THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO ANY ADDITIONAL INFORMATION THAT MIGHT BE DISCLOSED BY SUCH A REPORT.

CORNER REFERENCE:
TO LINE 236 PAGE 1936
HENRY COUNTY DEED RECORDS

CONTAINING:
GROSS AREA OF 2,388.517 SQ FT OR 55.081 AC
E.S. AREA 2,388.517 SQ FT OR 55.081 AC
NET AREA 2,348.046 SQ FT OR 53.856 AC +/-

SURVEYOR CERTIFICATION:
I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS THE RESULT OF A TRUE AND ACCURATE BOUNDARY SURVEY PERFORMED UNDER MY SUPERVISION DURING AUGUST, 2011 AND NOVEMBER 2012

Henry Garcia
12-11-12
Professional Surveyor No. 8442



- LEGEND**
- MET CORNER AND MARK
 - SET AND B.M.
 - FOUND B.M. ONLY
 - FOUND B.M. AND P.M.
 - FOUND B.M.
 - FOUND BOUNDARY B.M.
 - FOUND PIPE
 - FOUND EVIDENCE OF BOUNDARY

REVISION	DATE	DESCRIPTION

JOB NAME: PARCELS - ELEMENTARY AND JUNIOR HIGH	CLIENT NAME: HAMILTON SCHOOL DISTRICT
GPS POINT NUMBER: 124-0123456789	DESCRIPTION: BOUNDARY - SPLIT SURVEY
JOB NUMBER: 124501234	DRAWN BY: JES
SCALE: 1" = 100'	SURVEY BY: H
DATE: 12-04-12	CHECKED BY: TAG, DEH

PARCEL SPLIT SURVEY
OF A PARCEL OF LAND BEING PART OF THE SE 1/4, SEC. 15, T. 5N., R. 4E., W. MAPLETON TOWNSHIP, HENRY COUNTY, OHIO PREPARED FOR AND AT THE REQUEST OF THE HAMILTON SCHOOL DISTRICT

Garcia Surveyors, Inc.

P.O. Box 2888 Whitehouse, OH 43071
Phone: (619) 877-0600
Fax: (419) 877-1140
Mobile: (419) 408-0340
E-Mail: henry@garciasurveyors.com

8485 Reilions Drive Suite 220
Columbus, OH 43017
Phone: (619) 318-3733
Fax: (888) 318-3843
E-Mail: henry@garciasurveyors.com



RECEIVED

OCT 15 2013

Per J.H.
Gregory J. Heath, Finance Director/Clerk
City of Napoleon, Ohio

**TO THE BOARD OF COUNTY COMMISSIONERS
OF HENRY COUNTY, OHIO:**

Per R.C. 709.02(D), the following represents a list of: all tracts, lots or parcels in the territory proposed for the annexation of 55.062 acres, more or less, owned by the Napoleon Area City School District Board of Education, which territory is adjacent and contiguous to the city of Napoleon and is the subject of a Petition for Annexation per R.C. 709.023; and all tracts, lots or parcels located adjacent to that territory or directly across the road and/or roads from it (when the road and/or roads is/are adjacent to it); including the name and mailing address of the owner of each such tract, lot or parcel, and the permanent parcel number from the county auditor's permanent parcel numbering system for each such tract, lot or parcel:

Parcels in the Territory Proposed for Annexation (55.062 acres)

- Parcel Number: 071500340000
Owner: The Napoleon Area City School District Board of Education
Address: 701 Briarheath Drive, Napoleon, Ohio 43545

- Parcel Numbers: 071500320000
Owner: The Napoleon Area City School District Board of Education
Address: 701 Briarheath Drive, Napoleon, Ohio 43545

Parcels Adjacent to/Directly Across the Street From the Territory Proposed for Annexation

- Parcel Number: 411401920000
Owner: The Napoleon Area City School District Board of Education
Address: 701 Briarheath Drive, Napoleon, Ohio 43545

- Parcel Number: 071500400000
Owner: MDC Holdings, LLC
Address: 6205 State Route 110, Napoleon, Ohio 43545

- Parcel Number: 071500340000
Owner: Mary Weaks, Trustee
Address: 16199 Co Rd J, Wauseon, Ohio 43567

- Parcel Number: 071500320000
Owner: Mary Weaks, Trustee
Address: 16199 Co Rd J, Wauseon, Ohio 43567
- Parcel Number: 071500400100
Owner: Betty Burns
Address: 1504 Kershaw Loop, Fayetteville, North Carolina 28314
- Parcel Numbers: 41-149187.2050, 41-149187.2120, 41-149187.2130, 41-149187.2140, 41-149187.2150, 41-149187.2160, 41-149187.2170, 41-149187.2180
Owner: Ron Wiechers
Address: 8-245 US Highway 6, Napoleon, Ohio 43545
- Parcel Number: 41-149187.2010
Owner: Joyce Beck
Address: 1369 Lynne Avenue, Napoleon, Ohio 43545
- Parcel Number: 41-149187.2000
Owner: Darwin Sonnenberg
Address: 1367 Lynne Avenue, Napoleon, Ohio 43545
- Parcel Number: 41-149187.2020
Owner: Priscilla Garbers
Address: 1371 Lynne Avenue, Napoleon, Ohio 43545
- Parcel Number: 41-149187.2030
Owner: Frank Von Seggern
Address: 1373 Lynne Avenue, Napoleon, Ohio 43545
- Parcel Number: 41-149187.2040
Owner: Alma Dachenhaus
Address: 1359 Lynne Avenue, Napoleon, Ohio 43545

- Parcel Number: 41-149187.2060
Owner: David Parcher
Address: 1357 Lynne Avenue, Napoleon, Ohio 43545
- Parcel Number: 41-149187.2070
Owner: Judy Swerline
Address: 1353 Lynne Avenue, Napoleon, Ohio 43545
- Parcel Number: 41-149187.2080
Owner: Encil Rebeau
Address: 1339 Lynne Avenue, Napoleon, Ohio 43545
- Parcel Number: 41-149187.2090
Owner: Edwin Delventhal
Address: 1341 Lynne Avenue, Napoleon, Ohio 43545
- Parcel Number: 41-149187.2100
Owner: Aline Wilson
Address: 1343 Lynne Avenue, Napoleon, Ohio 43545
- Parcel Number: 41-149187.2110
Owner: Michael Snyder
Address: 790 Crooked Tree Drive, Petoskey, Michigan 49770
- Parcel Number: 41-149187.2190
Owner: Alice Moriarity
Address: 1315 Lynne Avenue, Napoleon, Ohio 43545

RESOLUTION

**IN THE MATTER OF THE ANNEXATION OF ONE
PARCEL LOCATED IN NAPOLEON TOWNSHIP,
– HENRY COUNTY, OHIO,
ADJACENT TO THE CITY OF NAPOLEON,
HENRY COUNTY, OHIO
CONTAINING 55.062 acres of land, more or less
PETITIONERS:**

**Napoleon Area City School District
Board of Education**

Parcel No:

**EXPEDITED TYPE 2 ANNEXATION
Pursuant to O.R.C. Section 709.023**

PETITION SUBMITTED

On this 10th day of October, 2013, Mr. Miller moved the adoption of the following
RESOLUTION:

WHEREAS, Attorney Jennifer A. Flint, acting as Agent for the above listed Petitioners per R.C. 709.02(C)(3), filed with the Board of Henry County Commissioners a Petition For Annexation pursuant to O.R.C. Section 709.023 for one (1) parcel, as listed above, located in Napoleon Township, County of Henry and State of Ohio, and which parcel is described on the attached Petition, to be annexed into the City of Napoleon, Henry County, Ohio (copy of Petition attached), now therefore be it

RESOLVED, That the Board of Henry County Commissioners does hereby accept the Annexation Petition as submitted and enter said Annexation Petition upon the Commissioners' Journal.

Within 20 days after the petition is filed, the City of Napoleon to which annexation is proposed must adopt an ordinance or resolution relating to municipal services.

Within 25 days after the Petition has been filed, the City of Napoleon and the Napoleon Township Trustees, may adopt an ordinance or resolution consenting or objecting to the proposed annexation and file the information with the Board of Henry County Commissioners.

If no objections are received, the Henry County Board of County Commissioners will grant the annexation and enter on the Journal at the next regular session.

(Appointment to consider the approval of the annexation request is scheduled on Tuesday / November 5, 2013 at 10:00 a.m.)

AND BE IT FURTHER RESOLVED, That it is found and determined that all formal actions of this Board concerning and relating to the adoption of the Resolution were so adopted in an open meeting of this Board and that any deliberations of this Board and any of its committees that resulted in such formal actions were in a meeting open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Mr. Von Deylen seconded the resolution and the roll being called upon for its adoption, the vote resulted as follows:

Robert E. Hastedt YEA
Robert E. Hastedt

Glenn A. Miller YEA
Glenn A. Miller

Thomas H. Von Deylen YEA
Thomas H. Von Deylen

Attest:

Vicki R. Glick
Vicki R. Glick, Clerk

RESOLUTION NO. 063-13

**A RESOLUTION IN COMPLIANCE WITH ORC 709.023(D)
CONSENTING TO THE ANNEXATION TO THE CITY OF
NAPOLEON CERTAIN TERRITORY PROPOSED TO BE
ANNEXED TO THE CITY OF NAPOLEON, OHIO PURSUANT TO
A PETITION FILED WITH THE HENRY COUNTY BOARD OF
COMMISSIONERS FILED BY THE NAPOLEON AREA CITY
SCHOOL DISTRICT; AND DECLARING AN EMERGENCY**

WHEREAS, on the 9th day of October, 2013 a Petition for Expedited Type II Annexation of approximately 55.062 acres of land which is currently in the Township of Napoleon, Henry County, Ohio was filed with the Henry County Board of Commissioners by the Napoleon Area City School District; and,

WHEREAS, under the provisions of ORC 709.023(D) the legislative authority of the City of Napoleon may adopt an ordinance or resolution consenting to the annexation of the territory proposed; and

WHEREAS it is the intent of the City of Napoleon to respond accordingly; **Now therefore,**

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

Section 1. That, the Council of the City of Napoleon, Ohio does hereby consent to the annexation of the territory proposed.

Section 2. That, the Clerk of Council is hereby directed to forward a copy of this Resolution to the Henry County Board of Commissioners.

Section 3. 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 4. 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 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for the City to comply with ORC requirements regarding Type II Annexation; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____

John A. Helberg, Council President

Approved: _____

Ronald A. Behm, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 063-13 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. 064-13

TO APPROVE THE EXECUTION OF AN EFFICIENCY SMART SCHEDULE WITH AMERICAN MUNICIPAL POWER, INC.

WHEREAS, the City of Napoleon, Ohio (“Municipality”) 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, American Municipal Power, Inc. (“AMP” and formerly known as AMP-Ohio) is an Ohio nonprofit corporation, organized to own and operate facilities, or to provide otherwise, for the generation, transmission or distribution of electric power and energy, or any combination thereof, and to furnish technical services on a cooperative, nonprofit basis, for the mutual benefit of AMP members (“Members”), such Members, including Municipality, being, as of the date hereof, political subdivisions that operate municipal electric utility systems in Ohio, Kentucky, Michigan, Pennsylvania, Virginia and West Virginia; and

WHEREAS, AMP and Municipality have entered into a Master Services Agreement, AMP Contract No. C-8-2013-9778, pursuant to which AMP provides certain services to Municipality as set forth in various schedules to the Master Services Agreement (the “Schedules”); and,

WHEREAS, AMP and the Vermont Energy Investment Corporation (“VEIC”) entered into an agreement effective June 4, 2010 (the “Initial Agreement”) for the implementation of an energy efficiency program for AMP known as Efficiency Smart (“ES”, and originally known as Efficiency Smart Power Plant); and

WHEREAS, AMP and the Municipality entered into a Gorsuch Participating Subscribing Member Utility Schedule for Efficiency Smart Power Plant (the “Initial Schedule”) for services to be provided in connection with the Initial Agreement; and

WHEREAS, the term of the Initial Agreement will expire December 31st, 2013 and AMP and VEIC have entered into a new ES agreement (“ES Agreement”) for AMP to pay VEIC to continue to provide a comprehensive program of energy efficiency services (“ES Services”) designed to lower the total need for higher cost electric generation facilities or purchased power and thereby reduce Municipality’s customers’ bills, to be offered to AMP Members; and

WHEREAS, the initial term of the Initial Schedule will expire December 31, 2013 and Municipality desires to continue to receive ES Services; and

WHEREAS, AMP had provided the Municipality with a copy of the ES Agreement; and

WHEREAS, AMP and Municipality desire to enter into a Schedule (“ES Schedule”), under the MSA, which provides that AMP will obtain and sell to Municipality, and Municipality will agree to take and pay for, a share of the ES Services which AMP has contracted to acquire in the ES Agreement; and NOW, THEREFORE,

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

Section 1: That, the ES Schedule between Municipality and AMP, substantially in the form as on file with the Clerk/Finance Director of the City, including Appendices thereto, are approved, and the City Manager of the Municipality is hereby authorized to execute and deliver the ES Schedule, with such changes as the City Manager may approve as neither inconsistent

with this Resolution nor materially detrimental to the Municipality, his or her execution of the ES Schedule to be conclusive evidence of such approval.

Section 2. That, the City Manager is hereby authorized to take any action necessary for Municipality to fulfill its obligations under the ES Schedule.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in conformance with applicable open meetings laws and that all deliberations of this Council and of any committees that resulted in those formal actions were in compliance with all legal requirements including any applicable open meetings requirements.

Section 4. If any section, subsection, paragraph, clause or provision or any part thereof of this Resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Resolution shall be unaffected by such adjudication and all the remaining provisions of this Resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

Section 5. That this Resolution shall take effect at the earliest date allowed 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. 064-13 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. 065-13

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR FOR THE 2013 TAX DUPLICATES PAYABLE IN YEAR 2014 AND DECLARING AN EMERGENCY

WHEREAS, this Council in accordance with the provisions of law has previously adopted a Tax Budget (Resolution No. 032-13) for the next succeeding fiscal year commencing January 1, 2014; and,

WHEREAS, the Budget Commission of Henry County, Ohio, has certified its action thereon to this Council together with an estimate of the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within the ten mill tax limitation; Now Therefore,

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

Section 1. That, the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; further, the necessary tax levies are authorized, to be certified to the County Auditor for the 2013 Tax Duplicates, payable in the year 2014.

Section 2. That, there be and is hereby levied on the tax duplicate of the City the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

SCHEDULE A				
SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION, AND COUNTY AUDITOR'S ESTIMATED TAX RATES				
City Tax Valuation \$144,228,260		Amount Approved by Budget Commission Inside 10 Mill Limitation	County Auditor's Estimate of Tax Rate to be Levied	
FUND			Inside 10 Mill Limit	Outside 10 Mill Limit
General Fund		\$288,457	2.00	
Police Pension Fund		\$86,537	0.60	
Fire Pension Fund		\$43,269	0.30	
TOTAL		\$418,263	2.90	

Section 3. 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 4. 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 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow timely adoption of tax levies for placement on tax rolls; 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 H. Helberg, Acting 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. 065-13 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. 066-13

A RESOLUTION AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR/CLERK TO CERTIFY AND FILE ANNUAL SPECIAL ASSESSMENTS OF THE CITY OF NAPOLEON, OHIO, WITH THE COUNTY AUDITOR OF HENRY COUNTY FOR PLACEMENT AND COLLECTION ON THE 2013 TAX DUPLICATES PAYABLE IN THE YEAR 2014; AND DECLARING AN EMERGENCY

WHEREAS, this Council in accordance with the provisions of law and by Ordinance has previously established special assessments for various projects in the City; and,

WHEREAS, these special assessments must be annually certified to the County Auditor by the Clerk of the Municipality; Now Therefore,

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

Section 1. That, the City Council of the City of Napoleon, Ohio, directs the Finance Director/Clerk to certify and file annual special assessments of the City with the County Auditor, as required by Section 727.30 of the Ohio Revised Code, in the form presented to Council and on file in the office of the Finance Director, attached and marked as (Exhibit "A"), for placement and collection on the 2013 tax duplicates, payable in the year 2014.

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

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

Section 4. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow timely placement of special assessments on the tax rolls; 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, Acting 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. 066-13 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

255 West Riverview Avenue, PO Box 151 • Napoleon, Ohio 43545-0151
Gregory J. Heath, Director of Finance/Clerk of Council

Phone (419) 599-1235 Fax (419)-599-8393
E-mail: gheath@napoleonohio.com
Web Page: www.napoleonohio.com

August 08, 2013

Mr. Kevin Garringer
Henry County Auditor
Napoleon, Oh 43545

Dear Mr. Garringer:

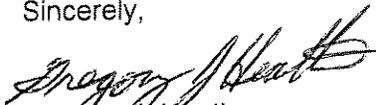
I hereby certify that the Special Assessments have been levied upon the following lots and lands:

<u>CODE</u>	<u>PROJECT</u>	<u>YEARS</u>	<u>AMOUNT</u>
196A	So. Side Sewer-Storm & Sanitary - Deferment now due	18	2,218.53
203	Front/Jefferson/Norton Streets	2	18,082.19
204	Fair/Tyler/Sycamore Streets	4	6,469.62
205	Hobson/Reynolds Streets	4	12,986.14
206	W. Main/Welsted/Vine Streets	6	2,897.00
207	Palmer Ditch Sewer	6	6,481.94
208	NP Water Main & Dist System	11	2,772.46
209	NP Pump Station & Force Main	11	4,344.27
210	NP Collector Sewer	11	3,044.39
211	NP East Interceptor Sewer	11	3,172.64
212	NP West Interceptor Sewer	11	3,652.98

			66,122.16

These are to be applied upon the tax listings for the year 2013 and collected as other taxes are collected.

Sincerely,


Gregory J. Heath
Finance Director

CITY OF NAPOLEON, OHIO



255 West Riverview Avenue, PO Box 151 • Napoleon, Ohio 43545-0151
Gregory J. Heath, Director of Finance/Clerk of Council

Phone (419) 599-1235 Fax (419)-599-8393
E-mail: gheath@napoleonohio.com
Web Page: www.napoleonohio.com

October 16, 2013

Mr. Kevin Garringer
Henry County Auditor
Napoleon, Oh 43545

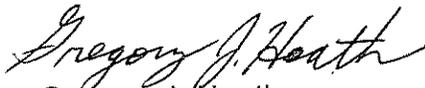
Dear Mr. Garringer:

I hereby certify that the Special Assessments have been levied upon the following lots and lands for nuisance control:

<u>PARCEL NO.</u>	<u>AMOUNT</u>	<u>AUDITOR FEE - 3%</u>	<u>TOTAL</u>
24.199301.0600	\$160.00	\$4.80	\$164.80
41.009063.0120	\$40.00	\$1.20	\$41.20
41.009221.0420	\$160.00	\$4.80	\$164.80
41.009550.0240	\$40.00	\$1.20	\$41.20
		TOTAL	\$412.00

This is to be applied upon the tax listings for the year 2013 and collected as other taxes are collected.

Sincerely,


Gregory J. Heath
Finance Director/Clerk
City of Napoleon, Ohio

ORDINANCE NO. 053-13

**AN ORDINANCE ESTABLISHING A GENERAL RESERVE
BALANCE ACCOUNT; AND DECLARING AN EMERGENCY**

WHEREAS, the City of Napoleon desires to establish General Reserve Balance Account; and,

WHEREAS, the City desires to establish the General Reserve Balance Account to stabilize the City’s budgets against cyclical changes in revenues and expenditures; now therefore,

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

Section 1. That, the City of Napoleon, pursuant to ORC §5705.13(A)(1), which may be amended from time to time, does hereby establish the 101 General Reserve Balance Account.

Section 2. That, the City of Napoleon does hereby establish this account in the General Fund to be used for any proper public purpose and the amount of money in the reserve account shall not exceed the maximum amount of money allowed by law.

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 allow for timely deposit of funds into the account from the supplemental appropriations; 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. 053-13 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. 055-13

A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER CERTAIN FUND BALANCES FROM RESPECTIVE FUNDS TO OTHER FUNDS PER SECTION 5705.14 ORC ON AN AS NEEDED BASIS IN FISCAL YEAR 2013, LISTED IN EXHIBIT "A" (TRANSFER 3); AND DECLARING AN EMERGENCY

WHEREAS, the City is a charter municipality having those powers of self government as stated in Article I of its Charter, and,

WHEREAS, in order to provide Fund Balances for approved expenditures in certain funds on an as needed basis, it is necessary to transfer funds from respective funds to other funds; Now Therefore,

WHEREAS, Council previously authorized such a transfer in Resolution No. 077-12 and 034-13; however, another transfer is necessary; Now Therefore,

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

Section 1. That, pursuant to Section 5705.14 of the ORC and this Resolution, the Finance Director is hereby authorized and directed to transfer monies among the various funds on an as needed basis in Fiscal Year 2013 as listed in Exhibit "A" (Transfer 3), attached hereto and made a part of this Resolution.

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 the City 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, only that portion shall be held invalid and the remainder shall remain valid.

Section 4. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to assure the prompt and efficient conduct of the municipal operations related to public peace, health or safety of the City; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____

John A. Helberg, Council President

Approved: _____

Ronald A. Behm, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 055-13 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

2013 APPROPRIATION BUDGET - TRANSFER OF FUNDS			
	<i>RESOLUTION No. 055-13, Passed 10/07/2013</i>		
	BUDGET CHANGE - 2013 TRANSFER OF FUNDS - No. 3	= TRANSFER AMOUNTS =	
	<u>FUND NAME, FROM - TO, PURPOSE</u>	<u>FROM</u>	<u>TO</u>
FROM:	100 GENERAL FUND	\$45,400	
TO:	101 GENERAL RESERVE BALANCE FUND		\$45,400
Purpose:	Undesignated Reserves in 100 General Fund, move to 101 General Reserve Balance Fund		
		-----	-----
	TOTALS - FROM	<u>45,400</u>	
	TOTALS - TO		<u>45,400</u>

RESOLUTION NO. 057-13

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JONES AND HENRY ENGINEERS LTD FOR PROFESSIONAL DESIGN SERVICES FOR THE PROJECT KNOWN AS THE WATER TREATMENT PLANT IMPROVEMENTS FINAL DESIGN, WHICH WAS NOT INCLUDED IN THE 2013 MASTER BID RESOLUTION 079-12; AND AUTHORIZING THE EXPENDITURE OF FUNDS IN EXCESS OF \$25,000.00 FOR SAID PROJECT; AND DECLARING AN EMERGENCY

WHEREAS, the City desires to move forward with the design of a water treatment plant; and,

WHEREAS, the City sought statements of qualifications from engineering firms for the final design of a water treatment plant; and

WHEREAS, the City ranked the responding firms and determined that Jones and Henry Engineers Ltd. as the most qualified firm; and

WHEREAS, the City now desires to enter into a contract with Jones and Henry Engineers Ltd. for professional design services for the Water Treatment Plant Improvements Final Design Project; and

WHEREAS, this Project was not included in the annual Master Bid List, Resolution 079-12, and that the cost of this project exceeds \$25,000.00; **Now therefore**,

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

Section 1. That, the expenditure of funds in excess of \$25,000.00 for professional design services for the Water Treatment Plant Improvements Final Design Project is hereby authorized as a necessary public expenditure.

Section 2. That, having found Jones and Henry Engineers Ltd to be the most qualified firm, the City Manager is hereby authorized to enter into a contract with Jones and Henry Engineers Ltd. for professional design services for the Water Treatment Plant Improvements Final Design Project.

Section 3. 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 4. 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 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the

earliest possible time to comply with EPA mandates; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____
John A. Helberg, Council President

Approved: _____
Ronald A. Behm, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 057-13 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) HOSPITAL. FACILITIES PROVIDING MEDICAL OR SURGICAL CARE TO PATIENTS AND OFFERING INPATIENT (OVERNIGHT) CARE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- A. Continuous, frequent or repetitive noises or vibrations;
- B. Noxious or toxic fumes, odors or emissions;
- C. Electrical disturbances; or,
- D. Night illumination into residential areas.
- E. Exceptions: Noise and vibrations from temporary construction;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. The creation of any new public streets.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

	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

RESOLUTION NO. 048-13

A RESOLUTION AUTHORIZING THE CITY OF NAPOLEON, OHIO TO ENTER INTO AN AGREEMENT WITH THE CITY OF CLEVELAND, OHIO FOR SERVICES RELATING TO THE COLLECTION OF INCOME TAX

WHEREAS, the Codified Ordinance of the City of Cleveland ("Cleveland"), authorize Cleveland to enter into an agreement with another municipal corporation to act as the agent of the other municipal corporation, provide a central collection facility for the collection of income tax, and do all things allowed by law to accomplish such purpose; and,

WHEREAS, this Council finds it to be in the best interest of the City of Napoleon to enter into an agreement with Cleveland to allow Cleveland to act as agent for administration of the income tax laws of the City of Napoleon and collection of income tax due and owing to the City of Napoleon; and,

WHEREAS, such administration and collection shall be restricted to delinquency issues referred to Cleveland by the City of Napoleon, including collection of outstanding balances and pursuit of non-filed tax returns and other delinquency programs as agreed to by Cleveland and the City of Napoleon; now therefore,

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

Section 1. That, the Napoleon City Finance Director is hereby authorized to enter into an agreement for the central collection of municipal income tax, as attached hereto, with Cleveland on behalf of the City of Napoleon, to allow Cleveland to act as agent for the purpose of administering income tax laws of the City of Napoleon and collecting income tax due and owing to the City of Napoleon or delinquency issues referred to Cleveland by the City of Napoleon.

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 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 Resolution No. 048-13 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

Office Hours
8:00 a.m. - 5:00 p.m.
For Questions call
(614) 644-3156

Ohio Department of Commerce - Division of Liquor Control
6606 Tussing Road, Reynoldsburg, Ohio 43068-9005
<http://www.com.ohio.gov/liqr>
APPLICATION FOR CHANGE OF LLC MEMBERSHIP INTERESTS
PROCESSING FEE \$100.00

ICK
\$100



CAUTION: ALLOW 10 TO 12 WEEKS FOR PROCESSING

PERMIT HOLDER REQUESTS APPROVAL OF THE DIVISION OF LIQUOR CONTROL OF THE FOLLOWING:

Permit Holder Name: <i>MMDH Holdings LLC</i>		Permit Premises Address: <i>900 American Rd Napoleon, OH 43545</i>
Liquor Permit Number(s): <i>6071806-FO10710</i>	Federal Tax ID Number:	

DIVISION OF LIQUOR CONTROL
 2013 SEP 12 AM 11:09

Email Address: *jackeAdams21@gmail.com*

Attorney's Name, Address and Telephone Number (If represented):

Please be advised that any social security numbers provided to the Division of Liquor Control in this application may be released to the Ohio Department of Public Safety, the Ohio Department of Taxation, the Ohio Attorney General, or to any other state or local law enforcement agency if the agency requests the social security number to conduct an investigation, implement an enforcement action, or collect taxes.

PLEASE COMPLETE ALL AREAS OF SECTION A & B BELOW

Section A - PREVIOUS List of managing members and all persons with a 5% or greater membership or voting interest in the LLC

NAME	SOCIAL SECURITY # OR FEDERAL TAX ID #	OFFICE HELD	INTEREST	BIRTHDATE
1) <i>Ross Dunham</i>	-	<i>President</i>	<input type="checkbox"/> Managing Member <input type="checkbox"/> Voting interest <u>25</u> % <input type="checkbox"/> Membership interest <u>25</u> %	<i>12-8-79</i>
2) <i>Mike Adams</i>		<i>Vice President</i>	<input checked="" type="checkbox"/> Managing Member <input type="checkbox"/> Voting interest <u>25</u> % <input type="checkbox"/> Membership interest <u>25</u> %	<i>6-28-52</i>
3) <i>Steven Mullen</i>		<i>Secretary</i>	<input type="checkbox"/> Managing Member <input type="checkbox"/> Voting interest <u>25</u> % <input type="checkbox"/> Membership interest <u>25</u> %	<i>12-29-62</i>
4) <i>Garry Adams</i>		<i>Treasurer</i>	<input type="checkbox"/> Managing Member <input type="checkbox"/> Voting interest <u>25</u> % <input type="checkbox"/> Membership interest <u>25</u> %	<i>4-9-50</i>

Section B - REVISED List of managing members and all persons with a 5% or greater membership or voting interest in the LLC

NAME	SOCIAL SECURITY # OR FEDERAL TAX ID #	OFFICE HELD	INTEREST	BIRTHDATE
1) <i>Michael Adams</i>		<i>President</i>	<input checked="" type="checkbox"/> Managing Member <input type="checkbox"/> Voting interest <u>100</u> % <input type="checkbox"/> Membership interest <u>100</u> %	<i>6-28-52</i>
2) <i>ok to key in JY, Send Pd, cc, rept.</i>			<input type="checkbox"/> Managing Member <input type="checkbox"/> Voting interest _____ % <input type="checkbox"/> Membership interest _____ %	
3)			<input type="checkbox"/> Managing Member <input type="checkbox"/> Voting interest _____ % <input type="checkbox"/> Membership interest _____ %	
4)			<input type="checkbox"/> Managing Member <input type="checkbox"/> Voting interest _____ % <input type="checkbox"/> Membership interest _____ %	

no viol, pend. ren., 1 permit issued to entity

From: Pollick, Theresa
Sent: Thursday, October 17, 2013 3:49 PM
Subject: News Release: SR 424 in Henry County



OHIO DEPARTMENT OF TRANSPORTATION

JOHN KASICH, OHIO GOVERNOR JERRY WRAY, ODOT DIRECTOR

Ohio Department of Transportation • News Release

DISTRICT 2 • TODD M. AUDET, P.E., DEPUTY DIRECTOR
 317 East Poe Rd. • Bowling Green, Ohio 43402-1330
www.transportation.ohio.gov/dist2

State Route 424 Stone Arch Project in Henry County

BOWLING GREEN (*Thursday, October 17, 2013*) - The Ohio Department of Transportation (ODOT) District Two announces an update to the SR 424 Stone Arch project in Henry County. Construction was recently halted due to unforeseen circumstances impacting work on the stone arch culvert on East Riverview Avenue in Henry County.

Following excavation, crews discovered significant deterioration in many of the stone blocks and found that the culvert was supported by a wooden timber foundation.

ODOT has been working with the Ohio Historic Preservation Office (OHPO), the City of Napoleon and the Henry County Engineer's Office to expedite the redesign of this portion of the project. Following an extensive assessment, ODOT is moving forward with the following work:

ODOT will reconstruct East Riverview Avenue (CR 424) between Commerce Drive and Fillmore Street (Oberhaus Creek) in Napoleon to open the roadway by the end of November. Short-term closures and/or intermittent lane restrictions will be possible in this area through May 2014.

Work outside of the roadway on the arches will include installation of a metal liner and restoration of the headwalls. Work on the culvert will continue through spring of next year.

Below is an update for completion dates on the project:

County Road 424: Stone Arch Replacement

Henry County (607-12): Through November, East Riverview Avenue (CR 424) between Commerce Drive and Fillmore Street (Oberhaus Creek) in Napoleon will be closed for stone culvert replacement. Detour: SR 108; SR 110; US 6. Through May 2014, intermittent lane and shoulder restrictions are possible on CR 424 between CR 4 and CR 15 for replacement of historic stone arches. Additionally, through November, CR 424 between Glenwood Avenue and Hurst Drive will be reduced to one lane. Traffic is maintained by temporary signal. Project complete: Summer 2014. All work is weather permitting.

###

**For more information contact:**

The District Two Public Information Office at (419) 373-4428
or email D02.PIO@dot.state.oh.us

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Version: 2013.0.3408 / Virus Database: 3222/6761 - Release Date: 10/18/13



310 Glenwood Ave
Box 151
Napoleon Ohio
43545
419-599-2810
Fax 419-599-7969
www.napoleonohio.com

Napoleon City Police Department

10/17/2013

Napoleon City Council
255 W Riverview Ave.
PO Box 151
Napoleon, Ohio 43545

Chief Robert L Weitzel
Napoleon City Police Department
310 Glenwood Ave.
PO Box 151
Napoleon, Ohio 43545

RE: Justice Assistance Grant for Law Enforcement (JAG LE) 2013

City Council,

I am requesting permission to seek grant funding through the Ohio Department of Justice. As you are aware, I was successful, under JAG LE 2012, in obtaining funds to replace 2 of our 4 main patrol car mobile terminals. Those terminals are installed and the reimbursement by the grant has been approved.

I would like to apply to replace the other two terminals for our main patrol vehicles. I would submit the project, as I did for 2012, in the amount of \$6000.00. The city would have to match 10% of the grant fund. I included this as a capital project for 2014 among the other computer and software upgrades necessary within the department. The grant proposal is due by October 31st 2013. Award will be on January 15th 2014 and the project starts February 1st 2014.

Respectfully,

Chief Robert L Weitzel
NPD
419-599-2810



310 Glenwood Ave
Box 151
Napoleon Ohio
43545
419-599-2810
Fax 419-599-7969
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Napoleon City Police Department

10/17/2013

Napoleon City Council and Mayor
255 W Riverview Ave.
PO Box 151
Napoleon, Ohio 43545

Chief Robert L Weitzel
Napoleon City Police Department
310 Glenwood Ave.
PO Box 151
Napoleon, Ohio 43545

City Council and Mayor Behm,

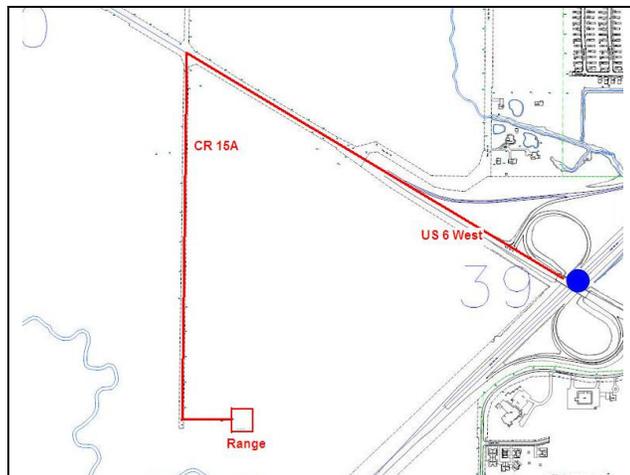
The department will be holding fall range training on November 11 and 12, 2013. Hours will be from 0830 to 1300 both days. You are welcome to attend and observe this training mission. We will be training with hand gun, shot gun, rifle, and Taser. There may also be OC spray training and exposure.

Typically, exposure to the Taser is part of the original certification for the department. I, along with the regular officers, have been exposed to the Taser so to better understand its effect and the gravity of its use. We would be willing to provide you with exposure to the Taser if you are interested. One of my certified instructors will explain the device and provide the training experience.

The range is on CR 15A. Leave the city west on US6. Turn left on CR 15A and continue to its end, which is approximately 1/2 mile. Turn left onto the range drive and park in the lot.

Respectfully,

Chief Robert L Weitzel
NPD
419-599-2810



City of Napoleon, Ohio

TREE COMMISSION

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

Meeting Agenda

Monday, October 21, 2013 at 6:00 PM

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

Gregory J. Heath, Finance Director/Clerk of Council

City of Napoleon, Ohio
TREE COMMISSION

Meeting Minutes

Monday, September 16, 2013 at 6:00 PM

PRESENT

Commission

David Volkman - Chair, Bill Rohrs, Ron Bahler, Kirk Etzler, Anella Huff,
Jason Maassel

City Staff

Marty Crossland

Recorder

Barbara Nelson

ABSENT

Members

None

Call To Order

Chairman Volkman called the meeting to order at 6:01 pm

Approval Of Minutes

Minutes from the August 19 meeting stand approved.

Tree Call Report

Crossland there were some trees reported by the electric department that are getting rotted out. They are trimming them two or three times per year because they are in the wires all the time.

825 Maple has two good-sized trees. One has more dead branches hanging in it than the other. The other just needs to be trimmed.

1023 N Perry has two trees. One is a problem for the electric department and the other one is dead.

1043 N Perry has one tree they'd like down.

We removed a tree at 960 Glenwood between Lynn & Clairmont that was in our easement. The homeowner asked them to take it down since it had been hacked so much. The stump will have to be removed. We probably won't replant due to lines running down through the alley and on their property.

Fall Tree Programs

Crossland sent out bids for filling in holes. Northwest Landscaping was the only one who replied on time. North Branch Nursery called to say the bid got lost on his desk. Northwest's number was higher than the \$4,000 cap. He said he can do a majority of the holes for \$4,000 and he can do all of them for \$4,760. Crossland told him to go ahead. He did not accept the late bid from North Branch. Northwest Landscaping will start filling all of the 119 holes on Wednesday. This will get us caught up from ash removals.

Crossland talked to the insurance company regarding storm damage. They will only cover trees that did damage to publicly insured property. That means only 2 of the 13 trees are covered. Crossland will get an estimate for just those 2 trees to turn in to insurance. That will determine the size of the remainder of removals for this year. We need a healthy chunk of money for trimming. Bahler said it was good that Crossland contacted insurance even if only two of the trees were covered.

Crossland said the planting bid will open on Monday, Sept. 23. This will start late this month or next month for 22-23 trees. Maassel asked when watering bags will be collected. Crossland said there was a personnel issue in Parks & Recreation and they are short-handed now. The bags should be removed soon. Crossland removed the staking on the trees planted a year ago and some of them didn't have bags that should have. He doesn't know why.

Volkman asked about tree replacements on W. Washington. Crossland said two

London Planetrees and one Red Oak plus a couple of trees on High St. didn't make it. The Washington St. trees are not under warranty, but the High St. ones are. The stumps are still in. Jared came in on an emergency basis and will come back, but there is no timetable on it yet. We want the insurance stuff done before he comes back so we know how much money we have to do more removals, etc.

Any Other Matters

Volkman said he will talk to Jim Fitzenreiter at Twin Oaks about what they have in mind for next spring. Bahler said there are trees in there now, one in each planter. Volkman said the trees are small and there is room for something else.

Crossland said Nancy Conrad contacted him about a tree that was removed from the arboretum. It had been planted in honor of her husband who has since died. The older plaques have the tree type on them. It was an Ash tree that was removed. He told her we can plant another tree, but it won't be an Ash. We will need a new plaque. We may want to consider this for planting at Riverdowns on Arbor Day. Ms. Conrad and her family would like to be there. Maassel said there might be room on Scott St., but the Riverdowns location may be better. Crossland said one was removed by the school due to storm damage. The Commission can decide the location. Etzler said there has been a change in teachers at the middle school. The teacher we worked with last year is no longer in Napoleon. Volkman said we've had kids plant at E. Riverdowns before.

Volkman asked if Crossland heard anything from Stephanie about the downtown tree wells. Crossland said we can't do anything until spring, so he hasn't asked yet. His schedule is busy the next couple months. Etzler asked if there are trees where the buildings are being demolished. Crossland said there are not. There are one or two Rose of Sharon on the side streets and lilacs in front, but those should remain intact. The Rose of Sharon in front of Jeff Lankenau's office has tiny leaves on it. He trimmed half of it that was dead. The trunks are going to start pushing on those grates. It's a little more open on that street and buildings aren't as close. We may be able to put something with a wider canopy there.

Maassel asked how many meetings are required per year for the Tree Commission. Volkman said six. Crossland said we have met eight times so far. Maassel asked if they will meet in October. Crossland said they usually meet in October, but skip November and December.

Motion To Adjourn

Motion: Bahler Second: Etzler
To adjourn the meeting at 6:21 pm

Passed
Yea-6
Nay-0

Roll call vote on above motion:
Yea-Huff, Rohrs, Bahler, Etzler, Maassel, Volkman
Nay-

Date:

October 21, 2013

David Volkman, Chair

Memorandum

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

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

Date: 10/18/2013

Re: Parks & Recreation Committee Meeting Cancellation

The regular Parks & Recreation Committee meeting scheduled for Monday, October 21 at 8:00 PM has been canceled due to lack of agenda items.

Memorandum

To: Civil Service Commission, Council, Mayor, City Manager, City Law Director,
City Finance Director, Department Supervisors, Media

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

Date: 10/18/2013

Re: Civil Service Commission Meeting Cancellation

The regular Civil Service Commission meeting, scheduled for Tuesday, October 22, has been CANCELED due to lack of agenda items.



UPdate

A weekly newsletter presented by AMP President/CEO Marc Gerken

October 18, 2013

Government shutdown ends; budget talks begin

By Jolene Thompson – senior vice president member services & external affairs/OMEA executive director

As you know, the 16-day U.S. government shutdown ended with federal governmental agencies reopening and employees returning to work. Now begins the work on Capitol Hill to try to resolve the underlying conflicts in budgetary priorities, with another deadline looming in December.

The bill signed by President Obama did three things:

- Reopened the federal government and funds it through Jan. 15, 2014;
- Extended the debt ceiling (government's borrowing authority) through Feb. 7, 2014; and
- Commenced a House-Senate conference on the Fiscal Year 2014 budget agreement to fund the government past Jan. 15, with a Dec. 13, 2013, deadline for an agreement to be reached.

The budget negotiations potentially are of most concern to AMP/OMEA in terms of both opportunities and risks. For example, the budget negotiations may provide an opportunity for AMP/OMEA, other impacted public power entities, and other governmental bodies to push for changes to budget sequestration provisions that are currently restricting payments to issuers for Build America Bonds (BABs) and New Clean Renewable Energy Bonds (New CREBs), thus resulting in increased costs for certain financed projects. With the next round of sequestration cuts scheduled for Jan. 15, 2014, AMP/OMEA and APPA are already pursuing such a strategy.

On the risk side, should budget negotiations try to find a "grand bargain" encompassing longer term revenues and expenses, tax-exempt financing may once again be on the chopping block. While some pundits see this as unlikely given the short time frame available for compromise and the goal to find an acceptable "middle ground," AMP/OMEA remain vigilant to these possibilities gaining ground.

We will be providing additional updates as we gain a better understanding of the options being discussed and will also be asking you to weigh in again with your elected officials. If you have any questions, please let me know at jthompson@amppartners.org or 614.540.1111.

Lack of EIA data leads to quiet markets

By Craig Kleinhenz – manager of power supply planning

The markets were flying blind this week as the EIA did not release a natural gas storage report due to the government shutdown. This lack of data seemed to keep the markets more quiet than normal.

November natural gas prices finished trading on Thursday up \$0.04/MMBtu this week to close at \$3.76/MMBtu. Electric prices closed lower this week with 2014 on-peak electric prices at AD Hub finishing down \$0.04/MWh from last week, closing at \$40.76/MWh.



Public Power Week demonstration in Bryan

Visitors gather along the railing of Bryan Municipal Utilities' (BMU) hydroelectric plant deck on the Auglaize River to watch the floodgates open briefly during a demonstration. More than 600 people took part in BMU's Public Power Week celebration this past week.

Walsh joins AMP team as generation DCS specialist

By Clint Sexton – senior generation DCS specialist

Bryan Walsh is the latest addition to the AMP team, starting Oct. 14 as generation DCS specialist.

Prior to AMP, Walsh was an operator/technician with FirstEnergy for six years at a simple cycle gas turbine site as well as at the AMP Fremont Energy Center.



Bryan Walsh

He served in the U.S. Navy for four years as an electrician and holds an associate degree in electronics and computer technology from DeVry University. He resides in Amherst.

Please join me in welcoming Bryan to AMP.

Dougherty to discuss feeder automation, conservation voltage reduction

By Michelle Palmer – assistant vice president of technical services

Michael Dougherty, electric superintendent for the City of Cuyahoga Falls and member of the AMP Board of Trustees, will present Member Case Study: Feeder Automation from 4 to 5 p.m. Oct. 29 as part of the 2013 AMP/ OMEA Conference technical track concurrent sessions.



Michael Dougherty

Dougherty will explain Cuyahoga Falls' plans for a new distribution automation system, and discuss the benefits of the system and technology the city has chosen to install, including feeder automation and conservation voltage reduction.

AMP weighs in with Ohio EPA

By Julia Blankenship – director of energy policy & sustainability

AMP provided comments to the Ohio Environmental Protection Agency (OEPA) on Oct. 16 in response to proposed modifications to the City of Fremont's emission limits for its wastewater pretreatment program.

AMP concurred with the proposed limits for various pollutants included in "Public Notice No. 13-09-001-PTM, Application for Modification of the Pretreatment Program for the City of Fremont," noting that AMP is not requesting a hearing at this time but is actively participating as a party to this proceeding.

AMP's participation in this regulatory process is based on its ownership (on behalf of 88 participating member municipal electric systems) and operation of the AMP Fremont Energy Center (AFEC). AFEC is currently operating under an extension of an interim Wastewater Contribution Permit notification from the City of Fremont.

2013 AMP/ OMEA CONFERENCE October 28-31

There's still time to register!

Registration and hotel information for the 2013 AMP/ OMEA Conference is available on the home page of the [AMP website](#).

Please contact Karen Ritchey at kritchey@amppartners.org or 614.540.0933 with any problems or questions.

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

Week ending Oct. 18

MON	TUE	WED	THU	FRI
\$34.10	\$34.69	\$38.21	\$38.60	\$36.85

Week ending Oct. 11

MON	TUE	WED	THU	FRI
\$32.37	\$34.38	\$33.01	\$36.43	\$34.33

AEP/Dayton 2014 5x16 price as of Oct. 18 — \$40.76

AEP/Dayton 2014 5x16 price as of Oct. 11 — \$40.80

AMP to announce certification program for policymakers

By Kent Carson – senior director media relations & communications programs

The second day of the 2013 AMP/ OMEA Conference will begin with Opening Breakfast: AMP Public Power & Industry Overview Certification from 7:30 to 8:30 a.m. Oct. 29.

AMP is rolling out a new program, Public Power Certification for Local Policymakers, developed to help meet the unique needs of public power governing board members in AMP member communities.

Please join us for breakfast on Oct. 29 to learn more about this new program.

Conference awards lunch honors dedication, service

By Michelle Palmer

The commitment to safety in AMP member communities will be recognized during the 2013 AMP/ OMEA Conference Safety Awards Lunch from noon to 1 p.m. Oct. 30.

The luncheon will feature the presentation of AMP Safety Awards for members and individuals, as well as recognition of mutual aid providers.

Safety is one of the most important issues in our industry and we're proud to honor the efforts our member communities put forth.

Please join us as we announce and congratulate award recipients during the Safety Awards Lunch.



City of St. Clairsville Mayor Robert Vincenzo (left) receives a safety award on behalf of St. Clairsville Light & Power from AMP Director of Member Safety Kyle Weygandt at last year's Conference Safety Awards Lunch.



Lund to speak on cost of service challenges, solutions

By Chris Deeter – assistant vice president finance & member credit compliance

During the third session of the financial track for the upcoming AMP/ OMEA Conference on Oct. 29, Vice President of Utility Financial Solutions Dawn Lund will be discussing the challenges of cost of service studies as well as the solutions to make these studies work optimally for your utility.



Dawn Lund

Municipal utilities experience both internal and external pressures when considering the proper setting of rates for their utility. They are always challenged with the task of ensuring that their rates are set to recoup costs sufficiently and in an equitable fashion. In some cases, certain rate classes may be subsidizing others. There are also issues with classifying charges and in establishing proper tiers.

Lund will cover all of these areas during her presentation. We look forward to seeing you at the financial track presentations for conference.

AFEC weekly update

By Craig Kleinhenz

AFEC returned from its fall outage this week. The plant came online the morning of Oct. 14 and did some testing until the morning of Oct. 15. Starting Tuesday afternoon the plant returned to the pattern of maximum base production during the on-peak hours and minimum base production during the off-peak hours for the remainder of the week. This led to the plant having a 29 percent load factor for the week (based on 675 MW). Duct burners were not needed this week due to lower market prices. For the week, AFEC was approximately \$3.98/MWh cheaper than on-peak market prices for base generation.

AMP spotlights Elmore online

By Krista Selvage – manager of publications

The Village of Elmore is currently the featured community in AMP's Member Spotlight.

What is now Elmore used to be in the middle of Northwest Ohio's Great Black Swamp. The swamp has long been drained and is now home to productive farm lands.

A village with a small-town atmosphere, Elmore's outstanding schools and local businesses help make it a family-friendly community.

Elmore has a very diverse energy portfolio, participating in a number of AMP programs that assist in providing reliable energy and other benefits to the community and its citizen-owners.

Learn more about Elmore and other AMP member communities in the Member Spotlight section of [AMP's website](#).



APPA Academy Webinar Series



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

- **Smart Grid Technologies—Implementing the Building Blocks of An Advanced Distribution Management System (ADMS)** Nov. 19
- **2014 Electric Utility 101 Series**
Purchase the entire series (one free webinar) for just \$269.
 - Generation: Jan. 15
 - Substations: Feb. 19
 - Transmission: Mar. 19
 - Distribution: Apr. 16

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

Co-hosted by



SAVE THE DATE

2014 Legislative Rally

March 10-12 | Washington, D.C.

American Public Power Association
2014 Legislative Rally: **March 10-12**
Grand Hyatt Washington, Washington, D.C.

AMP/OMEA will send out information regarding group activities after the first of the year.



News or Ads?

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

American Municipal Power

1111 Schrock Road,

Columbus, Ohio 43229

614.540.1111 • FAX 614.540.1113

www.amppartners.org





Ephrata accepts applications for first class electric lineman

The Borough of Ephrata is seeking a 1st Class Electric Lineman. Ephrata is a small community in Lancaster County, PA. Ephrata is located within 1-2 hours from three major cities: Philadelphia, Baltimore and New York. The borough has approximately 6,600 meters in a service area of 3.4 square miles.

Working as part of a team, linemen use technical, analytical and electrical knowledge to deliver reliable electric service to customers. 1st Class Electric Lineman will be responsible to perform inspections, maintenance, operations and construction work on the substations, transmission, distribution and street lighting systems. Work on circuits up to 13.2 kV with hot sticks and/or with rubber protective equipment in aerial buckets and in required safety apparel.

Applicants must possess: minimum Class B motor vehicle license; minimum of four years work experiences for a public or private utility or completion of a recognized apprenticeship program, demonstrate thorough working knowledge of transformer connections, phasing, testing line inspections, emergency sectionalizing, meter and service installation; must be able to climb utility poles and perform work up to 60 feet above the ground; and must reside within 30 minutes of Ephrata to respond to call-outs.

The borough offers an attractive wage, comprehensive benefit package and a workplace with an emphasis on quality and teamwork.

Complete an application at the borough or send a resume to: Human Resources Department, Borough of Ephrata, 124 S. State St., Ephrata, PA 17522 or skramer@ephrataboro.org. Visit Ephrata's website at www.ephrataboro.org. Application deadline: Nov. 30. EOE M/F/D/V

City of Bryan in need of electric distribution lineworker

The City of Bryan is seeking an Electric Distribution Lineworker. Completed coursework in a recognized lineworker apprenticeship program or apprentice lineman preferred, but entry-level candidates are welcome to apply.

Resumes may be mailed to 841 E. Edgerton St., Bryan, Ohio 43506, or emailed to humanresources@cityofbryan.com.

For more information please visit: www.cityofbryan.net/Employment.asp. EOE

Danville looks for electric compliance coordinator candidates

The City of Danville Utilities-Power & Light is seeking an Electric Compliance Coordinator.

Electric Compliance Coordinator performs difficult technical work in the accumulation, manipulation and analysis of electrical system data; Assurance of PCB and Federal En-

ergy 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.

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

City of Columbus seeks electrical engineering associate II

The City of Columbus is seeking qualified applicants for the classification of Electrical Engineering Associate II. An Open-Competitive examination is currently open for filing until Oct. 25, 2013.

One vacancy for this classification is currently located within the Department of Public Utilities, Division of Power. This position will be responsible for performing paraprofessional electrical engineering work associated with the Division of Power's Electrical Distribution Systems, Street Lighting, Joint Electric Pole Use/Attachment projects and plan review. This position will also oversee street lighting projects including planning, bid preparation, design and construction.

Responsibilities will also include reviewing plans and designs prepared by city staff and consulting engineers for conformance to planning, contract specifications, federal, state and city regulations and codes and sound engineering principles. To qualify you must have completed the twelfth school grade and have three years of experience performing paraprofessional electrical engineering work. Substitution(s): College education in electrical engineering or a related curriculum may be substituted for the experience on a year-for-year basis. A certificate of high school equivalence (GED) will be accepted in lieu of the twelfth school grade requirement. Possession of a valid motor vehicle operator's license is required. Pay Range 28, \$22.08 - \$26.16 per hour. Interested applicants for this Open-Competitive Examination should apply by visiting the Columbus Civil Service Commission website at <https://csc.columbus.gov> and clicking on "current job openings" to follow the instructions for application submission as this posting period will close Oct. 25. EOE



Legislative Bulletin

Ohio Municipal League Legislative Bulletin

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October 11, 2013

BILL TO BAN RED LIGHT AND SPEED MONITORING CAMERAS RECEIVES HEARING IN SENATE COMMITTEE

As we reported to our members last week, on Tuesday the Senate State Government Reform and Oversight Committee held a sponsor's hearing on HB 69, legislation introduced by Reps. Ron Maag (R-Loveland) and Dale Mallory (R-Cincinnati) that would prohibit the use of traffic law photo-monitoring devices by municipal corporations, counties, townships, and the State Highway Patrol to detect traffic signal light and speed limit violations. The testimony presented by the sponsor's followed closely their arguments presented during deliberations when the issue was before the Ohio House of Representatives. Reps. Maag and Mallory impressed upon committee member's their shared perspective that the practice of using red light and speed control monitoring devices is motivated by the pursuit of revenue and that the safety benefits that have been presented as a driving justification for their use is a secondary factor, if at all. During testimony, the legislators also shared their perspective that they feel it is less safe for communities to use the electronic monitoring systems because of the motoring public's fear of violating a law and the erratic driving that is the consequence. The bill is not listed on the Senate committee schedule for another hearing next week. We will continue to meet with members of the legislature to try and work-out solutions to our objections with the legislation as it currently reads.

LEGISLATION INTRODUCED TO MODIFY "JEDD" AND "JEDZ" AGREEMENTS

On Wednesday, legislation was introduced in the Ohio House of Representatives which would further regulate and put restrictions on joint economic development districts and joint economic development zones (JEDD/JEDZ). Specifically, HB 289 introduced by Rep. Kirk Schuring (R-Canton) will require subdivisions to obtain written approval from owners and lessees of real property located within a proposed or existing JEDD or JEDZ before approving, amending, or renewing the JEDD or JEDZ contract. The bill goes on to require that income tax revenue derived from a JEDD or JEDZ approved, amended, or renewed after the bill's effective date be used to carry out the JEDD or JEDZ economic development plan before being used for other purposes, and to institute contiguity requirements for which subdivisions may create a JEDD or JEDZ. The league has serious concerns with the direction of the legislation as introduced and we look forward to working with the sponsor of the bill to try and reach areas of common ground. The bill has been referred to the House State and Local Government Committee.

MUNICIPAL TAX UNIFORMITY BILL DISCUSSIONS CONTINUE

Work continues, meetings persist and language continues to be drafted and reworked in an attempt to address the

sometimes difficult and often technically intricate issues contained in HB 5, the municipal income tax uniformity bill. There are several items that remain unresolved and differences persist on what the appropriate treatments should be for very important issues that, if not resolved correctly, will significantly reduce the ability of municipalities to adequately generate revenue to fund basic services. The items that we are at an impasse over relate to a proposed unfunded mandate by requiring municipalities to allow a 5 year net operating loss carry forward system, changes to the current occasional entrant treatment for workers in communities and their obligation to contribute to the tax base of communities where they generate their income and the forced application on to municipalities of the state's audit, assessment and procedure requirements. The league and our coalition of statewide municipal officials continue to offer suggestions of compromise and legislative solutions that will achieve predictability, simplification and uniformity while protecting the already depleted revenues of Ohio cities and villages. So far, our ideas are still being considered but have not yet been approved for what will be the language adopted as the final sub bill. It remains critical that leaders of Ohio's cities and villages continue to reach out to members of the General Assembly to impress upon them the need to protect municipal revenues at a time when demand for quality services remains a priority for current and future businesses and the workforce needed to keep Ohio on the path to economic recovery. We will be sure to keep our members updated on the status of the bill and when there is any resolution to the differing directions.

Past Bulletins:[2013](#)[2012](#)[2011](#)[2010](#)

Fw: Ohio Municipal League Legislative Bulletin

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

10/18/13 11:45 AM

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

From: "Ohio Municipal League" <kscarrett@omloho.org>
To: gheath@napoleonohio.com
Date: 10/18/2013 10:59 AM
Subject: Ohio Municipal League Legislative Bulletin

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Ohio Municipal League

October 18, 2013

BILLS OF MUNICIPAL INTEREST UP FOR SPONSOR TESTIMONY

Two bills of municipal interest are up for sponsor testimony next Tuesday before the House State and Local Government Committee. The hearing will be at 3:00 p.m. in Room 121. The bills in question are HB289 sponsored by Representative Kirk Schuring which makes changes to the JEDD and JEDZ statute and HB277 sponsored by Representative Stautberg which makes changes to the Annexation law. The titles for the two pieces of legislation are listed below:

HB288 JOINT ECONOMIC DEVELOPMENT ZONE-DISTRICT (SCHURING K) To require subdivisions to obtain written approval from owners and lessees of real property located within a proposed or existing joint economic development zone (JEDZ) or joint economic development district (JEDD) before approving, amending, or renewing the JEDZ or JEDD contract.

HB277 STATE-POLITICAL SUBDIVISION ANNEXATIONS (STAUTBERG P) To require that the state or a political subdivision real estate owner be included in determining the number of owners needed to sign a petition for an expedited type-II annexation, unless the real estate is a road or road right-of-way.

Fw: SAVE THE DATE - NOCAC PRESENTS "THE HUNGER BANQUET"

From: "Gregory J Heath" <gheath@napoleonohio.com>
 To: "Roxanne Dietrich" <rdietrich@napoleonohio.com>
 Attachments: SAVE THE DATE.pdf (743.2 kB);

10/14/13 02:46 PM

Rox, please include the Attachment in the Council Packet. Thank you.

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

From: "Deb Gerken" <dgerken@nocac.org>
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Tuesday

November 19, 2013

5:30-8 p.m.

UAW Hall, Baltimore Road

Defiance, Ohio

Tickets*: \$10.00 Adults

\$5.00 Students &
children 12 and under

* Meal and beverage provided

SAVE THE DATE!

Northwestern Ohio
COMMUNITY ACTION
Commission



Presents.....

THE HUNGER BANQUET

*An evening to expand the understanding of
and provide illustrative experiences about
hunger, food insecurity and poverty in
Northwest Ohio.*

Facts.....

Ohio is the 10th worst State in our nation for "food insecurity.

- Ten years ago 29 States had larger numbers of residents that were suffering overall food insecurity than Ohio, Now only 9 do!
- The percentage of families forced to skip meals, eat less or unable to afford nutritious meals has grown more in Ohio over the past 10 years than all, but two other States.
- Like the families they serve, food pantries are feeling the pinch as hunger becomes more prevalent in middle-class and even affluent areas where many continue struggling to get back on their feet after the recession, even if they have a job.



For more information about NOCAC or this event please visit us on the web
at

www.nocac.org