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# Memorandum

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**To:** Mayor & Members of Council  
**From:** Jon Bisher  
**Subject:** General Information  
**Date:** December 20, 2013



## CALENDAR

### AGENDA - *Special City Council Meeting*

- B. FIRST READ ORDINANCE NO. 084-13** an Ordinance Establishing a New Position Classification Pay Plan for Employees of the City of Napoleon; repealing Ordinance No. 078-12 and Ordinance No. 090-12; and Declaring an Emergency. (*Suspension Requested*)
- C. SECOND READ RESOLUTION NO. 083-13** a Resolution Authorizing the City Manager to Enter into an Intergovernmental Cooperative Agreement for the New Water Management Facility; and Declaring an Emergency. (*Suspension Requested*)
- D. THIRD READ ORDINANCE NO. 071-13** an Ordinance Repealing Ordinance No. 012-13 and Establishing New per Person User Fees for EMS Basic Life Support, Advanced Life Support Level 1 Service, and Advanced Life Support Level 2 Service, Mileage Charge, Mutual Aid, Medicaid, Nursing Home Service and Non-Emergency Transport Service as it relates to Coroner Cases, all provided by the City of Napoleon Rescue; and Declaring an Emergency.
- E. THIRD READ ORDINANCE NO. 072-13** an Ordinance Providing for the Issuance and Sale of Notes in the Maximum Principal Amount of \$2,500,000, in Anticipation of the Issuance of Bonds, for the Purpose of Paying the Costs of Improving the Municipal Water System by Constructing a New Water Treatment Plant, Acquiring and Improving Related Interests in Real Property, Improving and Rehabilitating the Existing Water Treatment Plant and Related Storage Facilities, and Rehabilitating the Elevated Storage Tanks, Together with all Necessary and Related Appurtenances Thereto.
- F. SCRIVNER'S ERROR REGARDING RESOLUTION NO. 056-13** a Resolution Authorizing the City Manager to Enter into a Contract with Unison Site Management LLC for the Cell Site Lease Conversion Program; and Declaring an Emergency. (*Suspension Requested*)
- G. SEWER LATERALS COST RESPONSIBILITY AND SEWER ASSESSMENTS**
- a. Enclosed are several pieces of information from Greg Heath.
- H. EXECUTIVE SESSION:** *Discussion of Compensation of Personnel*
- I. GOOD OF THE CITY:** Any Other Items as May Properly Come Before Council

## INFORMATIONAL ITEMS

1. Meetings Canceled:
  - a. Finance & Budget Committee
  - b. Safety & Human Resources Committee
  - c. Civil Service Commission
  - d. Parks & Recreation Board
2. Letters from OhioEPA
3. Press Release/*Christmas Day Refuse & Recycling Routes*
4. Invitation to TMACOG's General Assembly on January 29, 2014

JAB:rd

Records Retention  
CM-11 - 2 Years

November 2013							December 2013							January 2014						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
					1	2	1	2	3	4	5	6	7				1	2	3	4
3	4	5	6	7	8	9	8	9	10	11	12	13	14	5	6	7	8	9	10	11
10	11	12	13	14	15	16	15	16	17	18	19	20	21	12	13	14	15	16	17	18
17	18	19	20	21	22	23	22	23	24	25	26	27	28	19	20	21	22	23	24	25
24	25	26	27	28	29	30	29	30	31					26	27	28	29	30	31	

 Calendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<b>1</b>	<b>2</b> 7:00 PM City COUNCIL Meeting 8:00 PM Technology Committee Meeting AV - Dan	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b> 10:00 AM Christmas Parade
<b>8</b>	<b>9</b> 6:30 PM Electric Committee Board of Public Affairs (BOPA) 7:00 PM Municipal Properties/ED Committee Meeting AV - Rox	<b>10</b> 4:30 PM Board of Zoning Appeals (BZA)	<b>11</b>	<b>12</b> AMP - BISHER	<b>13</b> AMP - BISHER	<b>14</b>
<b>15</b>	<b>16</b> 6:30 PM Lodge Tax Advisory Board Meeting 7:00 PM City COUNCIL Meeting AV - Dan	<b>17</b>	<b>18</b> 6:30 PM Parks & Recreation Board Meeting	<b>19</b>	<b>20</b>	<b>21</b>
<b>22</b>	<b>23</b> 6:30 PM Special COUNCIL Meeting AV - Shery	<b>24</b> 2:00 PM City Offices Close	<b>25</b> HOLIDAY - Christmas	<b>26</b>	<b>27</b>	<b>28</b>
<b>29</b>	<b>30</b> 5th Monday-No Scheduled Meet	<b>31</b>	<b>1</b> HOLIDAY - New Year's Day	<b>2</b>	<b>3</b>	<b>4</b>

## CITY COUNCIL

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

### Special Meeting Agenda

Monday, December 23, 2013 at 6:30 PM

- A. **Call to Order**
- B. **First Read of Ordinance No. 084-13**, An Ordinance establishing a new Position Classification Pay Plan for Employees of the City of Napoleon; repealing Ordinance No. 078-12 and Ordinance No. 090-12; and Declaring an Emergency (*Suspension Requested*)
- C. **Second Read of Resolution No. 083-13**, A Resolution authorizing the City Manager to enter into an intergovernmental Cooperative Agreement for the new Water Management Facility; and Declaring an Emergency (*Add emergency clause back in from Dec. 16 removal*) (*Suspension Requested*)
- D. **Third Read of Ordinance No. 071-13**, an Ordinance Repealing Ordinance No. 012-13 and Establishing New Per Person User Fees for EMS Basic Life Support, Advanced Life Support Level 1 Service, and Advanced Life Support Level 2 Service, Mileage Charge, Mutual Aid, Medicaid, Nursing Home Service and Non Emergency Transport Service as it Relates to Coroner Cases; All Provided by the City of Napoleon Rescue; and Declaring an Emergency
- E. **Third Read of Ordinance No. 072-13**, an Ordinance Providing for the Issuance and Sale of Notes in the Maximum Principal Amount of \$2,500,000, in Anticipation of the Issuance of Bonds, for the Purpose of Paying the Costs of Improving the Municipal Water System by Constructing a New Water Treatment Plant, Acquiring and Improving Related Interests in Real Property, Improving and Rehabilitating the Existing Water Treatment Plant and Related Storage Facilities, and Rehabilitating the Elevated Storage Tanks, Together With All Necessary and Related Appurtenances Thereto
- F. **Scrivner's Error Regarding Resolution No. 056-13**, A Resolution authorizing the City Manager to enter into a contract with Unison Site Management LLC for the Cell Site Lease Conversion Program; and Declaring an Emergency (*Suspension Requested*)
- G. **Sewer Laterals Cost Responsibility and Sewer Assessments**
- H. **Executive Session: Discussion of Compensation of Personnel**
- I. **Good of the City: Any Other Items As May Properly Come Before Council**
- J. **Adjournment**

**ORDINANCE NO. 084-13**

**AN ORDINANCE ESTABLISHING A NEW POSITION  
CLASSIFICATION PAY PLAN FOR EMPLOYEES OF THE CITY  
OF NAPOLEON; REPEALING ORDINANCE NO. 078-12 AND  
ORDINANCE NO. 090-12; AND DECLARING AN EMERGENCY**

**WHEREAS**, Council reviewed the proposed Year 2014 annual appropriation measure and finds, in general, as it relates to its most non-bargaining employees of this City of Napoleon, Ohio, that a compensation increase of 1.5% more or less is generally warranted in pay steps and/or pay scales; and,

**WHEREAS**, Council will review the proposed Year 2014 annual appropriation measure, as it relates to the positions of City Manager, Finance Director, and Law Director, and determine if an increase is warranted, if Council determines an increase is warranted an amendment to this Ordinance will be sought; and,

**WHEREAS**, Council is desirous of adopting a new Classification Pay Plan for its non-bargaining employees; Now Therefore,

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

Section 1. That, notwithstanding any Ordinance or Resolution to the contrary, the City of Napoleon, Ohio, ("this City") establishes a new Position Classification Pay Plan for its non-bargaining municipal employees.

Section 2. That, effective with the first pay period for the Year 2014, that commences on or about December 23, 2013, the pay scale (steps) for this City's non-bargaining hourly paid employees (full time) shall be leveled, unless modified, as provided in the table found in Exhibit A, which is attached and incorporated herein, (expressed in base hourly amounts). Subject to the provisions of this City's Personnel Code, the Employment Policy Manual PM2001-1, and §3 of this Ordinance, the Department Director (Appointing Authority) may place any employee affected by this Ordinance at the level of compensation the Department Director deems appropriate as listed in said Exhibit "A".

Section 3. That, effective with the first pay period for the Year 2014, that commences on or about December 23, 2013, each non-bargaining employee (full time regular) (hourly) holding such a position, subject to Employment Policy Manual PM2001-1 Policy §8.10 (compensation reviews), is eligible on such employee's annual hiring anniversary date of uninterrupted full time service with this City, to be advanced one (1) step in the pay plan until the maximum step is reached. The non-bargaining employee's (full time regular) (hourly) step location prior to advancement in this "New Pay Plan" shall be determined by contrasting employee's base hourly rate said employee received prior to the enactment of this Ordinance with the table found in Exhibit A of this Ordinance for the respective year. For new hires the Appointing Authority may place an employee within the scale where the Appointing Authority deems appropriate considering merit and fitness. Nothing in this Section shall be construed to prohibit a decrease in pay. Step increases for transfer employees shall be in accordance with §197.09(e) of the Personnel Code. A mere reclassification of a current position, where job duties are substantially the same, does not constitute a transfer. Notwithstanding any

other provision of this Pay Plan, the Zoning Administrator shall receive a bonus to be pro-rated over the calendar year of *Five Hundred (\$500.00) Dollars* for each certification he or she holds, as follows: an Ohio Residential Building Official; Ohio Residential Plumbing Inspector; and, Ohio Electrical Safety Inspector. Notwithstanding any other provision of this Pay Plan, the Assistant Chief of the Fire/Rescue Department shall receive a bonus to be pro-rated over the calendar year of *Two Thousand (\$2,000.00) Dollars* for Ohio paramedic certification and services related thereto. Notwithstanding any other provision of this Pay Plan, the Staff Engineer of the City's Engineering Department shall receive an additional *One (\$1.00) Dollar* per hour over and above the established base hourly rate upon successful passage of examinations as administered by the National Council of Examiners for Engineering and Surveying (NCEES), except for the Professional Engineer license (in Ohio) which shall be an increase of *Two (\$2.00) Dollars* per hour over and above the established base hourly rate upon attainment thereof.

Section 4. That, effective with the first pay period for the Year 2014, that commences on or about December 23, 2013, the Pay Scale for non bargaining employee (salaried) (full time) positions of this City, not covered or otherwise exempt under the Fair Labor Standard Act (FLSA) as it relates to overtime, shall be leveled, unless modified, as provided in the table found in Exhibit "B", attached and incorporated herein, (expressed in base biweekly salary amounts). Subject to the provisions of this City's Personnel Code, the Employment Policy Manual PM2001-1, and §5 of this Ordinance, the Department Director (Appointing Authority) may place any employee affected by this Ordinance at the level the Department Director deems appropriate as listed in said Exhibit "B".

Section 5. That, effective with the first pay period for the Year 2014, that commences on or about December 23, 2013, each non bargaining employee (salaried) (full time) position of this City as defined in §4 of this Ordinance, is eligible to have a minimum salary increase of 1.5% for Year 2014, subject to Employment Policy Manual PM2001-1 Policy §8.10 (compensation reviews), calculated from what the employee is making at the time just prior to the proposed increase period. In no event shall any increase place the employee above the top scale as established in §4 of this Ordinance. For new hires or current employees the Department Director (Appointing Authority) may place an employee, at anytime, within the scale where the Department Director deems appropriate considering merit and fitness. Nothing in this Section shall be construed to prohibit a decrease in pay. Notwithstanding the above, the Public Works Director, in addition to the bi-weekly salary and any longevity received by the City Engineer, there shall be the bi-weekly amount of three hundred eighty-four dollars and 62/100 (\$384.62).

Section 6. That, effective with the first pay period for the Year 2014, that commences on or about December 23, 2013, the pay scale for non bargaining employee (salaried) (full time) positions of this City, defined as non-exempt under the Fair Labor Standard Act (FLSA) as it relates to overtime, shall be leveled, unless modified, as provided in the table found in Exhibit "C", attached and incorporated herein, (expressed in base biweekly salary amounts). Subject to the provisions of this City's Personnel Code, the Employment Policy Manual PM2001-1 and §7 of this Ordinance, the Department Director (Appointing Authority) may place any employee affected by this Ordinance at the level the Department Director deems appropriate. Notwithstanding any ordinance, resolution, provision of this City's Personnel Code or policy to the contrary, any overtime as it relates to non-exempt salaried employees as found in this §6 shall be

calculated on a 40 hour work week and not an 8 hour day. In the case of the Chief Probation Officer, level placement shall be controlled by Section 14 of this Ordinance and subject to the provisions found in Section 14; moreover, flexible time shall be permitted at the discretion of the Municipal Court Judge as it relates to the Chief Probation Officer; finally, the Chief Probation Officer shall not accrue overtime without the express consent of the Municipal Court Judge.

Section 7. That, effective with the first pay period for the Year 2014, that commences on or about December 23, 2013, each non bargaining employee (salaried) (full time) positions of this City, defined as non-exempt under the Fair Labor Standard Act (FLSA) as it relates to overtime and as found in §6 of this Ordinance, is eligible to have a minimum salary increase of 1.5% for Year 2014, subject to Employment Policy Manual PM2001-1 Policy §8.10 (compensation reviews), calculated from what the employee is making at the time just prior to the proposed increase period; however, in no event shall any increase place the employee above the top scale as established in §6 of this Ordinance. For new hires or current employees the Department Director (Appointing Authority) may place an employee, at anytime, within the scale where the Department Director deems appropriate considering merit and fitness. Nothing in this Section shall be construed to prohibit a decrease in pay.

Section 8. That, effective with the first pay period of the Year 2014, that commences on or about December 23, 2013, the pay scale (steps) for part time, permanent part time and temporary employees of this City shall be leveled, unless modified, as provided in the table found in Exhibit "D" (which is attached and incorporated herein), except when Federal or State minimum wage of a higher amount is required, then the higher amount of the Federal or State minimum wage shall apply. Subject to the provisions of this City's Personnel Code and Employment Policy Manual PM2001-1, the Department Director (Appointing Authority) may place any employee affected by this Ordinance at the level the Department Director deems appropriate within the scale. Employment Policy Manual PM2001-1 Policy §8.10 (compensation reviews), is applicable only to permanent part time employees.

Section 9. All paid part time, permanent part time, and temporary employees of this City shall, effective with the first pay period of the Year 2014, that commences on or about December 23, 2013, have a minimum hourly base pay increase of 1.5% for Year 2014 calculated from what the employee's base rate was just prior to this proposed increase. Only Permanent part time employees are subject to Employment Policy Manual PM2001-1 Policy §8.10 (compensation reviews), when applicable. Part time employees of the Fire/Rescue Department will remain on probationary/trainee status until removed by the City Manager upon recommendation of the Fire Chief. For new hires or current employees of this City, the Appointing Authority may place an employee within the scale where the Appointing Authority deems appropriate considering merit and fitness. Nothing in this section shall be construed to prohibit a decrease in pay. The non full time status positions found in the table in Exhibit "D" of this Ordinance (i.e. temporary part time or permanent part time) may be modified by the Appointing Authority at anytime, except that Council shall approve any modification to a full time status.

Section 10. That, compensation for employees' appointments made in order to fill temporarily vacant positions shall be at a rate established by the Department Director (Appointing Authority), except that it shall not exceed the top pay scale established in

this Ordinance for the position being filled. Temporary positions being filled by temporary employees for whom no pay scale has been established shall be at a pay scale established by the Department Director (Appointing Authority) by comparing the temporary position created to the most similar position established within the same department that is utilizing the temporary employee. In the event no such similar position exists, then it shall be paid in an amount as determined appropriate by the Department Director so long as the amount paid may be accomplished without exceeding the department's annual budget.

Section 11. That, notwithstanding any section of this Ordinance to the contrary, compensation of the Clerk of the Napoleon Municipal Court shall be as found in §4 of this Ordinance unless otherwise set by the Municipal Court Judge pursuant to ORC §1901.31 (C).

Section 12. That, compensation for the Chief Deputy Clerk and all other Deputy Clerks of the Napoleon Municipal Court shall be as set by the Clerk of the Napoleon Municipal Court pursuant to ORC §1901.31 (H). Longevity for full time Deputy Clerks shall be as set by Ordinance or Resolution. A Chief Deputy Clerk shall be considered a Deputy Clerk for longevity purposes.

Section 13. That, the compensation for Municipal Court Bailiff and/or Deputy Bailiff shall be established by the Municipal Court pursuant to ORC 1901.32.

Section 14. That, the position of Chief Probation Officer as established in and for this City of Napoleon for the Napoleon Municipal Court shall be considered a full time regular employee having a salary –non-exempt status. The job description as included in this City's Position Classification Plan as prepared and/or revised by the Municipal Court Judge is continued to be approved by this Council. The Chief Probation Officer shall not be entitled to any longevity pay; moreover, the Municipal Court Judge may adjust the Chief Probation Officer's salary at any time so long as within the limits of the CCA Grant or as may be otherwise supplemented by the Municipal Court. Notwithstanding any other provision of this Ordinance, in no event shall the Chief Probation Officer's pay and benefits exceed the amount of the CCA Grant or as otherwise may be supplemented by the Municipal Court. Nothing shall be construed in this Ordinance as mandating that the position be filled or continued to be filled each year.

Section 15. That, effective with the first pay period for the Year 2014, that commences on or about December 23, 2013, the bi-weekly salary of the City Manager of this City shall remain the same at *Four Thousand and Ten dollars and 82/100* (\$4,010.82) and continue as such each year thereafter, so long as employed, unless modified by Council.

Section 16. That, effective with the first pay period for the Year 2014, that commences on or about December 23, 2013, the bi-weekly salary of the City Finance Director of this City shall remain at *Three Thousand Four Hundred and Twenty-five dollars and 09/100* (\$3,425.09) and continue as such each year thereafter, so long as employed, unless modified by Council.

Section 17. That, effective with the first pay period for the Year 2014, that commences on or about December 23, 2013, the bi-weekly salary of the City Law Director of this City shall remain at *Two Thousand Five Hundred and Ten dollars and 76/100* (\$2,510.76) and continue as such each year thereafter, so long as employed, unless modified by Council.

Section 18. That, all positions and/or classifications found in this Ordinance shall be deemed created, established, and existing in and for the City of Napoleon, Ohio. The status of part time employees may be further defined by the Department Director (Appointing Authority) as permanent part time, temporary, seasonal, or intermittent employees without affecting the compensation status as stated in this Ordinance. Nothing in this Ordinance shall be construed as mandating that each and every position and/or classification be filled by this City.

Section 19. That, those employees who are covered by collective bargaining agreements shall be paid in accordance with the respective collective bargaining agreement.

Section 20. That, all compensation paid under this Ordinance is subject to appropriation of funds by the Council.

Section 21. That, the Finance Director may adjust compensation for all affected employees to meet the intent of this Ordinance.

Section 22. That, all pay scales reflected in this Pay Plan shall be rounded, utilizing the five rule, to the nearest penny.

Section 23. That, no position mentioned in this Ordinance shall receive longevity benefit unless specified in this City's adopted longevity plan unless otherwise specifically provided for herein, or except as may be permitted by the City's longevity policy.

Section 24. That, Ordinance Nos. 078-12 and 090-12 are repealed in their entirety effective December 24, 2013.

Section 25. 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 26. 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 27. 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 proper payment of wages to employees, proper payment being essential to the harmony of the necessary workforce; therefore, provided 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. 084-13 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.*

\_\_\_\_\_  
*Gregory J. Heath, Clerk/Finance Director*

# EXHIBIT "A"

<u>Title</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Clerk-Typist II	\$11.31	\$12.58	\$13.50	\$14.48
Receptionist	12.79	14.18	15.21	16.34
Records Clerk/Recorder	14.06	15.58	16.75	19.22
Account Clerk I	11.31	12.32	12.94	13.69
Account Clerk II	14.06	15.58	16.75	18.08
Civil Engineering Technician	17.15	19.03	20.38	21.87
Senior Engineering Technician	20.36	22.65	24.25	26.01
Zoning Administrator	22.28	24.73	26.49	28.41
Distribution Services Supervisor	24.71	27.45	29.44	31.56
Electrical Construction/Maintenance Inspector	24.71	27.45	29.44	31.56
Chief Water Treatment Operator	20.36	22.65	24.25	26.01
Chief Wastewater Treatment Operator	20.36	22.65	24.25	27.41
Construction Inspector	22.28	24.73	26.49	29.11
<b>Sanitation Foreman</b>	<b>17.15</b>	<b>19.03</b>	<b>20.38</b>	<b>21.87</b>
Police Lieutenant	25.48	27.66	28.95	30.40
Accounts Payable Clerk	14.06	15.58	16.75	18.08
Administrative Assistant	15.60	17.38	18.67	20.10
Senior Account Clerk	15.60	17.38	18.67	22.06
Sr. Electric Engineering Tech	20.36	22.65	24.25	26.01
Service Building Secretary	11.31	12.32	12.94	13.69
Tax Administrator	15.97	17.75	19.03	22.58
Utility Billing Supervisor	15.97	17.75	19.03	20.38
Asst. Fire Chief	15.13	16.59	17.63	18.67
Staff Engineer	18.93	21.08	22.65	24.34

# EXHIBIT "B"

<u>Title</u>	<u>BOTTOM</u>	<u>TOP</u>
Assistant to the City Engineer	\$1718.65	\$2427.05
City Engineer	2443.00	3830.81
Parks & Recreation Director/Cemetery	1645.87	2763.03
Water Superintendent	1903.32	2955.80
Wastewater Superintendent	1903.32	2955.80
Electrical Engineer	1960.10	2780.45
Electric Distribution Superintendent	2144.46	3043.95
Operations Superintendent	1885.18	2663.46
Fire Chief	2239.63	3188.03
Chief of Police	2239.63	3188.03
Golf Course & Grounds Supt.	1816.18	2358.08
Municipal Court Clerk (see Sec 11 of this Ord)	1719.31	1780.00
Assistant Finance Director	1723.15	2623.50
Management Information System Administrator	1779.32	2435.72
Human Resources Director	2028.66	2973.58
Public Works Director	3932.38	4071.20

# EXHIBIT "C"

<u>Title</u>	<u>BOTTOM</u>	<u>TOP</u>
Executive Assistant to Appointing Authority	\$1515.20	\$1764.07
Chief Probation Officer	1285.60	1311.20

# EXHIBIT "D"

<u>Title</u>	<u>Bottom</u>	<u>Top</u>
Front Desk Administrator (Part Time)	\$9.10	\$12.01
Golf Course Clubhouse Attendant (Seasonal)	7.70	13.13
Lifeguard (Seasonal)	7.70	13.13
Seasonal Laborer - Other	7.70	13.13
Parks Maintenance Worker (Seasonal)	7.70	13.13
Recreation Worker (Seasonal)	7.70	13.13
Probationary/Trainee Fire Fighter/EMT	8.00	11.91
All Fire/Rescue Department (Part Time)	11.60	15.55
Legal Clerk (Temporary)	13.09	20.31
Income Tax /Collection Clerk (Part Time)	9.10	15.51
Construction Engineer (Temporary) Engineer Dept	37.14	38.45
Construction Inspection (Temporary)	12.24	12.67

**RESOLUTION NO. 083-13**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERGOVERNMENTAL COOPERATIVE AGREEMENT FOR THE NEW WATER MANAGEMENT FACILITY; AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Napoleon desires to enter into an Intergovernmental Cooperative Agreement for the establishment of a new water management facility; and,

**WHEREAS**, the City of Napoleon desires to enter into an Intergovernmental Cooperative Agreement so that applications for said project can be submitted to various Grant agencies, such as the USDA; Now Therefore,

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

Section 1. That, the City Manager is authorized to execute any and all documents necessary to enter into an Intergovernmental Cooperative Agreement for the establishment of a new water management facility.

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 be able to submit applications to various granting agencies which would effect the public peace, health or safety accessible to our citizens; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: \_\_\_\_\_

\_\_\_\_\_  
John A. Helberg, Council President

Approved: \_\_\_\_\_

\_\_\_\_\_  
Ronald A. Behm, Mayor

VOTE ON PASSAGE \_\_\_\_ Yea \_\_\_\_ Nay \_\_\_\_ Abstain

Attest:

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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. 083-13 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.*

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*Gregory J. Heath, Clerk/Finance Director*

**ORDINANCE NO. 071-13**

**AN ORDINANCE REPEALING ORDINANCE NO. 012-13 AND ESTABLISHING NEW PER PERSON USER FEES FOR EMS BASIC LIFE SUPPORT, ADVANCED LIFE SUPPORT LEVEL 1 SERVICE, AND ADVANCED LIFE SUPPORT LEVEL 2 SERVICE, MILEAGE CHARGE, MUTUAL AID, MEDICAID, NURSING HOME SERVICE AND NON EMERGENCY TRANSPORT SERVICE AS IT RELATES TO CORONER CASES; ALL PROVIDED BY THE CITY OF NAPOLEON RESCUE; AND DECLARING AN EMERGENCY**

**WHEREAS**, emergency run activity and particularly emergency medical rescue service run activity is increasing each year; and,

**WHEREAS**, the City continues to investigate different methods to maintain the level of quality of emergency services at a reasonable cost; and,

**WHEREAS**, the City Council desires to implement a fair and equitable user fee which includes a moderate increase from that previously authorized instead of imposing additional taxes in order to operate the rescue service; Now Therefore,

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

Section 1. That, the Napoleon City Fire/Rescue Department, (hereinafter referred to as "the City") shall initiate a new user fee for delivery of emergency medical rescue services rendered by the City within its corporation limits or outside the corporation limits when no contract exists and when not otherwise prohibited by law. The rate of the user fee to be charged shall be that as established in §3 of this Ordinance. Nothing in this Section shall be construed as limiting the authority of the City to charge additional amounts for services and supplies provided that are over and above the base rate services in accordance with a separate fee schedule as approved by motion of Council.

Section 2. That, emergency medical rescue services rendered by the City as a result of utilization of a primary contract or an existing mutual aid contract with another state agency or instrumentality, county, or political subdivision of this State, or a governmental entity of an adjoining state, shall be billed for emergency medical rescue services pursuant to the terms of such contract. Where the state agency or instrumentality, county, or political subdivision of this State, or a governmental entity of an adjoining state receives emergency medical rescue services without a contract, then such services shall be billed pursuant to Ohio law or, in the event Ohio law does not apply, such state agency or instrumentality, county, or political subdivision of this State, or a governmental entity of an adjoining state that received the mutual aid shall only be billed an amount not to exceed its established user fee, if any; however, except as may otherwise be provided by Ohio law, when no contract exists, the state agency or instrumentality, county, or political subdivision of this State, or a governmental entity of an adjoining state served shall only be responsible for payment to the extent it collects from the end user.

Section 3. That, it is hereby authorized and approved as reasonable and necessary, the following rates for emergency medical rescue services when services are rendered by the City to any person within the corporation limits or to any person outside the corporation limits when not otherwise prohibited by law:

Base Rate per person (user fee) - Basic Life Support (BLS) (emergency and non-emergency) - \$534.71; Advanced Life Support Level 1 (ALS 1) (emergency and non-emergency) - \$822.13; Advanced Life Support Level 2 (ALS 2) (emergency and non-emergency) - \$1,144.32

Loaded Mile charge of \$13.68 (per loaded mile), in addition to user fees. (Rounding of mileage shall be in accordance with Medicare Regulations)

Section 4. Definitions as described in this Ordinance:

**"Advanced Life support, level 1 (ALS1)" (emergency and non-emergency):** as defined in 42 C.F.R. §414.605 as amended from time to time, incorporated herein by reference thereto.

**"Advance Life support, level 2 (ALS2)"(emergency or non-emergency):** as defined in 42 C.F.R. §414.605 as amended from time to time, incorporated herein by reference thereto.

**"Basic Life Support (BLS)" (emergency and non-emergency):** as defined in 42 C.F.R. §414.605 as amended from time to time, incorporated herein by reference thereto.

**"Emergency Medical Rescue Services"** means: the providing of Basic Life Support (BLS)(emergency and non-emergency); Advanced Life support, level 1 (ALS1) (emergency and non-emergency); and/or, Advance Life support, level 2 (ALS2)(emergency or non-emergency).

**"Loaded Mile"** means: mileage traveled from the point of loading the person in the ambulance or other ground transport vehicle and ending with the transport at the point of delivery to the medical facility or landing zone.

Section 5. That, the Finance Director and/or City Manager are authorized and directed to contract with a billing and collection agency, as he deems appropriate, subject to approval by motion of Council, for collection of user fees as a result of emergency medical rescue services being provided by the City.

Section 6. That, any bills that remain unpaid after following collection guidelines as approved by the Finance Director, shall be reviewed annually by the Finance Director and City Manager to determine if further collection efforts are feasible and in the best interest of the City. The decision to reduce or abate an account or to pursue further collection efforts is in the sole combined discretion of the two above mentioned persons. As it relates solely to Medicare claims, the City will accept the Medicare allowed charge as payment in full and may not bill or collect from the patient any amount other than the unmet Part B deductible and Part B coinsurance amounts. As it relates solely to Medicaid claims, the City will accept the Medicaid allowed charge as payment in full. For emergency medical rescue services and ambulance transport being provided by the City to patients in "nursing home" facilities, otherwise covered under Medicaid, the City will accept the minimum payment of \$90.00 for BLS services and \$170.00 for ALS 1 and ALS 2 services, both inclusive of loaded mile, from the facility as full and final payment for the medical rescue services and ambulance transport.

Section 7. That, there is hereby established a fee for non-medical transports as it relates to Coroner ordered transports of \$100.00, inclusive of loaded mile.

Section 8. That, all amounts collected as a result of this Ordinance shall be placed into such a fund as established by the Finance Director to be used for the fire and rescue department.

Section 9. That, the City Finance Director and/or City Manager may enter into contracts with insurance companies and other entities responsible for patient payment for emergency medical services rendered to accept discounted amounts.

Section 10. That, in the event that Medicare or Medicaid Regulations, as applicable, conflict with any provision contained in this Ordinance, then the Medicare and or Medicaid Regulations, as applicable, shall control.

Section 11. That, any services provided from March 1, 2000 to the effective billing date of this Ordinance for which a fee has been or should have been billed pursuant to Ordinance Numbers 53-01, 035-05, 092-06, 034-08, 098-08,033-10, 013-12, and 012-13 shall not be abated, but shall remain as a valid collectable debt owed to the City, unless otherwise discharged in accordance with law.

Section 12. That, Ordinance No. 012-13 is repealed in its entirety effective at 12:01 AM on April 1, 2014.

Section 13. 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 14. 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 15. 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 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 April 1, 2014.

Passed: \_\_\_\_\_

\_\_\_\_\_  
John A. Helberg, Council President

Approved: \_\_\_\_\_

\_\_\_\_\_  
Ronald 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. 071-13 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.*

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*Gregory J. Heath, Clerk/Finance Director*

**ORDINANCE NO. 072-13**

**AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,500,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE MUNICIPAL WATER SYSTEM BY CONSTRUCTING A NEW WATER TREATMENT PLANT, ACQUIRING AND IMPROVING RELATED INTERESTS IN REAL PROPERTY, IMPROVING AND REHABILITATING THE EXISTING WATER TREATMENT PLANT AND RELATED STORAGE FACILITIES, AND REHABILITATING THE ELEVATED STORAGE TANKS, TOGETHER WITH ALL NECESSARY AND RELATED APPURTENANCES THERETO.**

**WHEREAS**, pursuant to Ordinance No. 005-13 passed on February 4, 2013, notes in anticipation of bonds in the aggregate amount of \$2,500,000, dated March 7, 2013 (the “*Outstanding Notes*”), were issued for the purpose stated in Section 1, to mature on March 6, 2014; and

**WHEREAS**, this Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds available to the City; and

**WHEREAS**, the Finance Director, as fiscal officer of this City, has certified to this Council that the estimated life or period of usefulness of the Improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is at least thirty (30) years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is March 7, 2033;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Napoleon, Henry County, Ohio, that:

Section 1. It is necessary to issue bonds of this City in the maximum principal amount of \$2,500,000 (the “*Bonds*”) for the purpose of paying the costs of improving the municipal water system by constructing a new water treatment plant, acquiring and improving related interests in real property, improving and rehabilitating the existing water treatment plant and related storage facilities, and rehabilitating the elevated storage tanks, together with all necessary and related appurtenances thereto (the “*Improvement*”).

Section 2. The Bonds shall be dated approximately March 1, 2015, shall bear interest at the now estimated rate of 5.50% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds, in any

fiscal year in which principal is payable, shall be substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2015.

Section 3. It is necessary to issue and this Council determines that notes in the maximum principal amount of \$2,500,000 (the “Notes”) shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to retire, together with other funds available to the City, the Outstanding Notes and to pay any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum amount) shall be determined by the Finance Director in the certificate awarding the Notes in accordance with Section 6 of this Ordinance (the “Certificate of Award”) as the amount which, along with other available funds of the City, is necessary to retire the Outstanding Notes and to pay any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance; *provided* that the Finance Director shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 6.00% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Finance Director in the Certificate of Award in accordance with Section 6 of this Ordinance.

Section 4. The debt charges on the Notes shall be payable in lawful money of the United States of America or in Federal Reserve funds of the United States of America as determined by the Finance Director in the Certificate of Award, and shall be payable, without deduction for services of the City’s paying agent, at the office of a bank or trust company designated by the Finance Director in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose or at the office of the Finance Director if agreed to by the Finance Director and the original purchaser (the “Paying Agent”).

Section 5. The Notes shall be signed by the City Manager and Finance Director, in the name of the City and in their official capacities; *provided* that one of those signatures may be a facsimile. The Notes shall also be countersigned by the Mayor; *provided* that the signature of the Mayor may be a facsimile. The Notes shall be issued in minimum denominations of \$100,000 (and may be issued in denominations in such amounts in excess thereof as requested by the original purchaser and approved by the Finance Director) and with numbers as requested by the original purchaser and approved by the Finance Director. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Finance Director will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Ohio Revised Code if it is determined by the Finance Director that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Finance Director and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this Section and this Ordinance:

“*Book entry form*” or “*book entry system*” means a form or system under which (a) the ownership of beneficial interests in the Notes and the principal of and interest on the Notes may be transferred only through a book entry, and (b) a single physical Note certificate in fully registered form is issued by the City and payable only to a Depository or its nominee as registered owner, with the certificate deposited with and maintained in the custody of the Depository or its designated agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

“*Depository*” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“*Participant*” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (a) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (b) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (c) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (d) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Finance Director may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Finance Director does not or is unable to do so, the Finance Director, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Finance Director is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

Section 6. The Notes shall be sold at not less than par plus accrued interest (if any) at private sale by the Finance Director in accordance with law and the provisions of this Ordinance. The Finance Director shall sign the Certificate of Award referred to in Section 3 fixing the interest rate or rates which the Notes shall bear and evidencing that sale to the original purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. The City Manager, the Finance Director, the City Law Director, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Finance Director is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Ohio Revised Code.

Section 7. The proceeds from the sale of the Notes received by the City (or withheld by the original purchaser on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. The Certificate of Award may authorize the original purchaser to withhold certain proceeds from the sale of the Notes to provide for the payment of certain financing costs on behalf of the City. Any portion of those proceeds received by the City (after payment of those financing costs) representing premium or accrued interest shall be paid into the Bond Retirement Fund.

Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

In each year to the extent net revenues from the municipal water utility are available for the payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of such net revenues so available and appropriated.

In each year to the extent receipts from the municipal income tax are available for the payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose, and to the extent not paid from net revenues of the municipal water utility, the amount of the tax shall be reduced by the amount of such receipts so available and appropriated in compliance with the following covenant. To the extent necessary, the debt charges on the Notes and the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and the laws of the State of Ohio and the Charter of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

Nothing in the two preceding paragraphs in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Notes and the Bonds.

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the “Code”) or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Finance Director or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Notes, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Notes, which action shall be in writing and signed by the officer, (b) to take any and all other

actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes. The Finance Director or any other officer of the City having responsibility for issuance of the Notes is specifically authorized to designate the Notes as “qualified tax-exempt obligations” if such designation is applicable and desirable, and to make any related necessary representations and covenants.

Each covenant made in this Section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure the exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Notes.

Section 11. The Clerk of Council is directed to promptly deliver a certified copy of this Ordinance and the Certificate of Award to the County Auditor of Henry County, Ohio.

Section 12. The Finance Director is authorized to request a rating for the Notes from Moody’s Investors Service, Inc. or Standard & Poor’s Ratings Service, or both, as the Finance Director determines is in the best interest of the City. The expenditure of the amounts necessary to secure any such ratings as well as to pay the other financing costs (as defined in Section 133.01 of the Ohio Revised Code) in connection with the Notes is hereby authorized and approved and the amounts necessary to pay those costs are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 13. The legal services of the law firm of Squire Sanders (US) LLP are hereby retained in connection with the authorization, issuance and sale of the Notes. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Notes and securities issued in renewal of the Notes and rendering at delivery related legal opinions. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Finance Director is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any

reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 14. The services of Sudsina & Associates, LLC are hereby retained in connection with the authorization, issuance and sale of the Notes. Those services shall be in the nature of financial advice and recommendations in connection with the sale and issuance of the Notes. For those services that financial advisor shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those services. The Finance Director is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 15. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 16. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and any of its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

Section 17. This Ordinance shall be in full force and effect on the earliest date permitted by law.

Passed: January \_\_\_, 2014

\_\_\_\_\_  
John A. Helberg, Council President

Approved: January \_\_\_, 2014

\_\_\_\_\_  
Ronald Behm, Mayor

VOTE ON PASSAGE \_\_\_\_\_ Yea \_\_\_\_\_ Nay \_\_\_\_\_ Abstain

Attest:

\_\_\_\_\_  
Gregory J. Heath, Clerk of Council

*I, Gregory J. Heath, Clerk of Council of the City of Napoleon, do hereby certify that the foregoing Ordinance No. \_\_\_\_-13 was duly published in the Northwest Signal, a newspaper of general circulation in said City on the \_\_\_\_ day of January, 2014; and 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 of Council*

**CERTIFICATION OF RECORDS**

I, Gregory J. Heath, Clerk of Council, of the City of Napoleon, Ohio, do hereby certify and attest that this document to be a **True and Correct** copy of Ordinance Number \_\_\_\_-13, passed January \_\_\_\_, 2014.

\_\_\_\_\_  
Gregory J. Heath, Clerk of Council

\_\_\_\_\_  
Date

**SUPPLEMENTAL  
FISCAL OFFICER'S CERTIFICATE**

To the City Council of the City of Napoleon, Ohio:

As fiscal officer of the City of Napoleon, Ohio, and supplementing the fiscal officer's certificate of February 4, 2013, I certify in connection with your proposed issue of notes in the maximum principal amount of \$2,500,000 (the "*Notes*"), to be issued in anticipation of the issuance of bonds (the "*Bonds*") for the purpose of paying the costs of improving the municipal water system by constructing a new water treatment plant, acquiring and improving related interests in real property, improving and rehabilitating the existing water treatment plant and related storage facilities, and rehabilitating the elevated storage tanks, together with all necessary and related appurtenances thereto (the "*Improvement*"), that:

1. The estimated life or period of usefulness of the Improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20, Ohio Revised Code, is at least thirty (30) years, being my estimate of the life or period of usefulness of that Improvement. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.
3. The maximum maturity of the Notes is March 7, 2033.

Dated: December \_\_\_\_, 2013

\_\_\_\_\_  
Finance Director  
City of Napoleon, Ohio



## CITY OF NAPOLEON, OHIO

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

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

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DATE: August 10, 2012

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

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

SUBJECT: Items on Water, Sewer, Refuse, Recycling & Litter Committee

I will be out of the office next week attending the Association of Public Treasurers Conference. However, I would like to provide information and address some issues for certain items listed on the Agenda for the Water, Sewer, Refuse, Recycling & Litter Committee, as follows:

### **Item II – Responsibility for Sanitary Sewer Tap Repair and New Installation.**

I would like to address the first part of this item the *Responsibility for Sanitary Sewer Tap Repair*. This is an issue that has directly impacted me. My sewer line to my house collapsed, between the sidewalk and into the street, about two (2) years ago. Listed below are some of the issues I faced as a sewer customer:

- One evening while doing laundry, we noticed water backing up out of the floor drain. Upon investigation we discovered the sewer line full of water and not running. The next day I contacted the City and a crew was sent to verify if there were any issues in the City's sewer line in the street and none were found. The crew did assist in checking my sewer lateral to the house and discovered the line had collapsed somewhere past the sidewalk out into the street, all within the City's right-of-way.
- Upon discovery that it was my sewer lateral and following current policy, the City immediately informed me that it was the property owners responsibility for repairs, and not the City's, even though it was in the right-of-way and out into the street. They said I would have to contact a plumber or contractor and make all arrangements to have it fixed, and to pay. They also informed me the City's sewer line was sixteen (16') deep and was located in the middle of the street.
- I asked for what assistance the City could provide me to help get a qualified plumber or a contractor, and was told again that it was the property owner responsibility for the repair; however, they provided me a list of plumbers and contractors whom supposedly performed those types of repairs. The City also informed me that only certain contractors had the type of equipment, and the proper bonding, to work in the street right-of-way, and to work at a depth of 16 feet deep. In addition, a permit would be required and the City would have to have someone on site to inspect it because it required cutting open the street.
- I immediately began making phone calls to those on the list and soon discovered that most plumbers and contractors listed *could not* work in the street; either due to meeting the bonding requirements, or due to the depth of the sewer and not having the equipment needed to get that deep. I discovered that to get to a depth of 16 feet it required a track-hoe with at twenty (20') foot boom. This type of equipment is brought in on a tractor-trailer low-boy, meaning only a major contractor could provide this type of repair.

(Sanitary Sewer Repair – Continued Next Page)

(Sanitary Sewer Repair – Continued)

- After contacting three (3) major contractors on the list only one returned my call, a local contractor. This contractor did provide me a quote for about \$7,000. Concerned about the cost and the timeliness of the repair I talked to certain City officials about these issues, but was not provided any assistance in regards to my cost concerns. They did provide some assistance on encouraging the contractor to do a timely repair. However, because no other contractors returned my calls, and I could not wait to get the repair done, I agreed with the contractor to provide the repair at the cost stated.
- The earliest the contractor could get the repair was later in the week due to the need to mobilize large equipment including a track-hoe, a dump truck, the boxes required to work past eight (8') foot in depth, and a separate contractor to cut the street. I estimated I would be without sewer for at least 5 days.
- The contractor did come and make the repair that week and did a good job. The old sewer connection was clay pipe and had crumbled in the street at the point of connection with the sewer line. The final cost for this repair was just shy of \$7,000. I paid this myself; the City did not pay per City policy.

The following are concerns as a citizen I had with the process (*I am not addressing payment responsibility*):

- First, the sewer line had collapsed, so my family and I were not able to use any water that would have gone into the sewer lateral for any reason. Getting the sewer functional was our top priority; however, once it was determined it was a sewer lateral, I was never given the feeling that it was a City priority to get us back in service, even though we were a paying customer for the sewer service. I do realize and acknowledge City employees were just following a standard City policy, I was not treated differently.
- The City did assist in locating the problem; however, again once it was discovered it was a collapsed lateral they totally backed away stating it was homeowner responsibility. It took multiple phone calls to the contractors, and also to the City, to even get a response from one contractor. I did get some direct assistance by certain City employees whom I contacted the final contractor, or I may not have had the repair completed when it was completed. I feel certain it could have possibly been weeks versus days.
- The list of plumbers and contractors was almost worthless due to the location of the collapse and the depth of the sewer. It became apparent real fast that only a limited number of contractors could provide such a service, and in reality there is only one contractor that is close enough to actually mobilize for one small job. The others weren't even interested and didn't return phone calls. This limited any competition to get a reasonable quote for the job.
- To be clear, as stated the contractor did give me a quote and did a good job; however, less than two (2) years prior to my collapse two of my neighbors on my street experienced the same type of collapse (*we were all probably installed at the same time*), and they only paid about \$3,500 for the same basic repair, using the same type of equipment and process. My repair was \$7,000, I had no other quotes because no other contractor was interested in such a small job located in Napoleon at that time, and as stated before I had no sewer, what was I to do!? Not having received any other quotes, I can only guess that the price may have been less than the \$7,000 with a different contractor, it also may have been more. I as the home owner had few options in the matter and had to contract for the repair.
- Home owners do not have the same clout the City has in regards to dealing with major contractors. With a job of this type the typical homeowner does not have a clue of whom to contact, or what to say, and with the job being in the right-of-way and under the street the City dictates what happens there, the City controls the whole process. Homeowners are put at a disadvantage right from the beginning, and are subject to being taken advantage of in price and knowing what it really takes to make such a major repair.
- **My recommendation is the City take over the process for ALL REPAIRS that go into City right-of-way, especially those that are into the street.**

(Sanitary Sewer Repair – Continued Next Page)

(Sanitary Sewer Repair – Continued)

- The following is a suggested process:
  1. Determination of the type and location of the problem to be performed by either the City, or by a licensed plumber or contractor.
  2. If the problem is just a blockage, then the customer should have responsibility to have it cleared by using a licensed plumber or contractor, or by themselves. If for whatever reason the City clears the blockage, then the customer should be charged accordingly for services rendered.
  3. If the problem is a collapsed sewer lateral, and the collapse is on the property owner side, then the customer should have responsibility to have it repaired by using a plumber or contractor, or by themselves.
  4. If the problem is a collapsed sewer lateral, and the collapse is in the City's right-of-way, then the City should assume the lead in getting the repair done in a timely manner.
  5. The City may either contract for such repairs, or do it themselves. It is my feeling the City holds all the cards in this situation. If the repair is simple enough, then City crews may be able to make the repair the fastest and at the least cost. However, if it requires a contractor, then City officials deal first hand with major contractors every day and are in a better position to have contractor's provide a quote, and to negotiate a proper price for a timely repair. The contractor's know they are dealing with the City and would generally provide a more competitive price than to individuals.
  6. In addition, the City has full control for any work performed in its right-of-way and is fully aware of the requirements of working in the street in addition to providing for inspection services.
  
- The following is noted for general information:
  1. It is my understanding the average annual number for this type of repair is less than two (2) per year. In some years there are zero (0), on rare occasion there may be three (3).
  2. Each repair is different, and cost is different, depending on the location of the sewer line, how deep the sewer line is, and the condition of the tap. It is additionally noted some sewer lines are only a few feet deep, while others like on Avon Street, are twenty five (25) foot deep; there may be others even deeper.
  3. As for whom pays is a separate policy discussion and I am not suggesting any change on this issue; however, getting the best price and service for the sewer customer, whom has no other choice, is a City service I feel is worth providing.
  4. It is additionally noted, if this were a waterline connection issue, the current City policy is the City assumes All Repairs and Costs for this service up to the property line, even if it means opening the street and digging down to the waterline connection.
  5. I've included a survey of various Cities' and what their policy is on sewer lateral repair, who is responsible, and who pays. (*See Attachment "A"*). The responses vary, there are Cities that follow our current policy, and there are those that assume more responsibility in the repair process. I have marked those that assume more responsibility (\*->).

### **Item III – Lawn (Hose) Meter Policy.**

Due to the recent drought we have had some issues with our current hose meter policy. I have attached for your review and consideration a summary page showing the Current Policy along with Proposed Changes or Additions to this Policy. (*See Attachment "B"*)

### **Item VI – Low Occupancy Bill (Refuse Charge).**

It is my understanding this issue deals with Refuse Charge Credits given to individuals whom do not occupy their premise and generate no refuse. I have attached for your review and information pages showing the Current Policy to apply for and receive a Refuse Credit, the codified code sections on refuse pickup, and a copy of the Affidavit. (*See Attachment "C"*)

(Low Occupancy Bill – Continued Next Page)

(Low Occupancy Bill – Continued)

In general, the Finance Department is satisfied with the current policy and feels it meets the needs of the City and the total customer base. There are some possible recommended changes as listed later below.

As stated in the attachment, if there is current active service for either electric, or water and sewer, for those residents located within the City, then it is assumed the refuse charge applies and it is billed. However, the current policy allows for customers whom will be temporarily vacating their residence, or in the case of landlords waiting to rent a vacant property, to request a Credit for the Refuse Charge. This is accomplished through an Affidavit process, generally after the normal billing, and it is the responsibility of the customer to provide proof that they did not generate any refuse.

This policy impacts individuals whom maintain a residence in Napoleon, but also spend time in other locations like at a summer or winter home. They may keep their services on to provide heat and air-conditioning while they are away, and during these periods they are not generating refuse. When they do occupy their Napoleon residence it is assumed they DO generate refuse. We have heard stories from some individuals whom state they take their trash with them and don't put any out and want a credit; however, this is in direct violation of the City's rules and regulations on transporting of refuse.

It is noted, the City currently charges the full \$18.00 per month to single individuals whom may only put out one bag a month. No Credit is offered or given to those individuals with less usage.

**I do not recommend any changes to the current policy, except as listed below:**

- I would consider a change to the number of days listed in the policy of sixty (60) days to be increased to one hundred eighty (180) days. That matches what is currently practiced and listed on the Affidavit.
- In addition, the current Credit given is the full \$18.00. I would recommend Council consider reducing this to the Refuse portion only and leave on the bill the \$5.00 Special Services charged to All Customers, including commercial and industrial customers. These services are listed in the Refuse Code and include Mosquito Control; Specially-announced Pickups for Storm Debris; Yard-waste-drop-off Site Operations; and, Pickup of Public Garbage Containers, and pertain to services that are not directly based on the amount of refuse generated.
- It is also noted from a cost perspective, the trucks for both refuse and recycling drives by each residence once a week even if refuse or recycling is placed out at the curb or not. At a minimum, the City should consider a base charge for all customers to cover costs of manning a truck and driving the route even if they do not use the service. This is similar to what is done in water, sewer and electric and is charged even if there is no actual consumption or usage.

Thank you for your consideration in these matters. Please feel free to contact me if you have any questions.

Attachments

Cc: Christine Peddicord, Assistant Finance Director  
Lori Rausch, Utility Billing Supervisor

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What is the name of your agency?

If the customer's sewer lateral runs under the City/County/Township street and/or right-of-way, who is financially responsible to pay for any repairs in those areas? Customer or City?

Please share paragraph from ordinance (if available) and any explanations or additional relevant details.

Open-Ended Response  
City of Springfield  
City of Huber Heights/United Water

Customer    Agency    Other (please specify)  
Customer  
Customer

Open-Ended Response

923.06 MAINTENANCE OF BUILDING LATERALS AND PLUMBING. (a) The building lateral, from the City owned and maintained sanitary sewer to the customer's building or facility, is the maintenance responsibility of the customer. (b) Repairs of building laterals, beyond the customer's property line in the right-of-way or easement require the service of a licensed plumber and a City permit. Whenever a cut is to be made in a dedicated street or alley, the customer's plumbing contractor shall contact the City. For any work on the building lateral or plumbing, City permits and inspection are required.

Village of Hicksville  
Village of Thurston  
Village of Fredericktown

Customer  
Customer    We don't own the sewer

If a water line break or leak occurs beyond the curb box at any place upon the premises supplied, it shall be repaired at the expense of the customer.

Vermilion Utilities Department

Customer

It is the City's position that the lateral is the customers to repair. The City will be responsible for the main.

City of Piqua  
City of Findlay

Customer  
Customer

The City shall maintain all sanitary mainline sewers throughout the wastewater collection system and all storm mainline sewers within the corporation limits. The service connection to these mainline sewers from any buildings or property shall be the responsibility of the individual property owner or owners.

City of Mansfield, Ohio

Customer

All Sanitary laterals are the responsibility of the customer or property owner. Water laterals are maintained to the shut-off, Customer is then responsible from shut-off to residence or business.

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(A)

\* → Greene County Sanitary Engineering

Agency

Greene County Regulations A-4-9 Sanitary sewer laterals within the public right-of-way or within a sanitary sewer easement are owned by the Sanitary Engineering Department (SED). Property owners are responsible for routine cleaning of the lateral to the main (including easement and/or right-a-way). If a repair is needed which is no fault of the owner, SED will make the necessary repairs. If the repair is due to damage caused by the property owner (or by contractor retained by property owner), the property owner shall be responsible for reimbursing SED for all cost associated with the repair.

\* → City of Gahanna  
City of Napoleon  
City of Fairborn

Customer

If the repair is the result of a clog or roots, the customer is responsible. If it is found that the problem is an actual breakdown in the street, the city will make the repair.

Our ordinances allow the city manager or authorized representative to make regulations governing the sewer system. Following is the section of our regulation regarding sewer lateral responsibility: 3.6 MAINTENANCE RESPONSIBILITY A. In cases of stoppages in the property owner building sewer, the property owner, sewer service customer and/or manager is responsible for clearing said stoppage from the building to the sewer main. B. The property owner, sewer service customer and/or manager is responsible for maintaining the sewer lateral in proper working condition from the building to the property line. If, at the request of the property owner, the sewer lateral is excavated in the right of way and it is determined that there is no physical damage present or the damage/ blockage is the result of root growth or the flushing of grease or inappropriate items the party requesting the service will be charged all labor, material and equipment costs. C. In the event that a sewer lateral has had consistent problems that could not be remedied by a certified plumber, the property owner, sewer service customer and/or manager may request that the Division of Water and Sewer televise the lateral. This service will be charged to the party requesting the service in accordance to current fee schedules maintained by the Division of Water and Sewer. Work will only be performed during normal working hours and is subject to personnel availability.

P. 2 of 3

A

City of Sylvania

\* >

The customer is responsible for any cleaning that may be required however the City takes responsibility for physical repairs in the right-of-way.

p. 3 of 3

Sample → City of Sylvania, OH. (A)

929.12 SUPERVISION OF ENTIRE JOB REQUIRED WHEN NO JUNCTION IS LEFT IN PIPE.

In case it shall be necessary to connect a drain or sewer pipe with a public sewer, when no junction is left in the same, the new connection with the public sewer can only be made when the inspector designated by the Service Director is present to see the whole of the work done. (Ord. 106-77. Passed 12-7-77.)

929.13 SUPERVISION OF CONNECTION; EXPENSES.

All connections made with public sewers shall be under the superintendence and direction of the inspector designated by the Service Director, and expenses or pay for such services as superintendent shall be paid by the applicant. (Ord. 106-77. Passed 12-7-77.)

929.14 COMPLETION AND ACCEPTANCE OF WORK.

(a) Each tapper who makes connections with the sewers or drains shall keep in repair and good order the whole of the work executed by him, until the same is accepted by the inspector designated by the Service Director; provided, however, that such acceptance shall be given in writing and shall not be given until the expiration of twelve months after the completion of the work, and shall not be so accepted until such connection, sewer or drain has been inspected by the inspector.

(b) Sewer builders shall, within three days after the completion of the sewer or drain, file with the Clerk-Auditor a description of the work done upon a sewer builder's return, properly filled in and signed by him. (Ord. 106-77. Passed 12-7-77.)

929.15 WATER OR GAS PIPES CREATING OBSTRUCTIONS.

In the event that a water or gas pipe comes in the way of a drain or sewer, the question of passing under or over the same shall be determined by the inspector designated by the Service Director. In no case shall the pipe layer be allowed to decide the question himself. (Ord. 106-77. Passed 12-7-77.)

929.16 EXCAVATIONS AND RESTORATIONS.

\* → Excavations into streets, sidewalks or other public ways for the purpose of laying a sewer or drain, the restoration thereof, and the restoration of the flow thereof, shall be done in accordance with the provisions of Chapter 905. Restoration of the flow in a building sewer including crossovers to the wye and the entire cost thereof shall be by and at the expense of the owner of the premises whose building drain discharges into such building sewer the flow of which requires restoration, provided, however, the restoration of flow between a vee and a wye and the entire cost thereof shall be by and at the expense of the City unless the blockage of the sewer is found to have been caused by discharge from a particular building drain, in which event the owner of the premises served by that particular building drain shall, within thirty days after receiving a statement of the cost from the City, reimburse the City the entire cost of restoring such flow and should such owner not so reimburse the City the entire unpaid cost shall be a lien on the premises served by such particular building drain and such lien shall be certified to the County Auditor who shall place the same on the tax duplicate to be collected as other municipal taxes are collected, Should the restoration of flow in a building sewer, including crossovers to the wye, require excavation under the pavement of any street such restoration of flow

(A)

requiring such excavation shall be made by the City and at the City's expense unless the blockage of the sewer is found to have been caused by discharge from a particular building drain, in which event the owner of the premises served by that particular building drain shall, within thirty days after receiving a statement from the City of the cost of such restoration of flow, reimburse the City the entire cost thereof, and should such owner not so reimburse the City the entire unpaid cost shall be a lien on the premises served by such particular building drain and such lien shall be certified to the County Auditor who shall place the same on the tax duplicate to be collected as other municipal taxes are collected.  
(Ord. 129-79. Passed 12-17-79.)

929.17 QUALITY OF PIPE.

The house drain from the outside of the house shall be six-inch vitrified earthenware pipe, standard strength, ASTM classification C-13, unless laid less than three feet in depth, or greater than ten feet deep where extra strength clay pipe, ASTM classification C-200 or cast iron pipe may be used. Clay pipe joints shall be ASTM C-425 or equivalent thereof. The Service Director may establish other acceptable pipe and joint specifications. The Director shall decide in all cases which of such material may be used, and no material may be used in any private drain or sewer unless previously approved by him. The tapper shall request inspection and receive an acceptance of the entire house service connection before backfilling and performing other required work. (See also Section 1-20-14 and 1-20 -17 of Building Code.) (Ord. 106-77. Passed 12-7-77.)

929.18 PROCEDURE FOR MAKING CONNECTION.

(a) The cover of the Y branch on the sewer shall be carefully removed so as to not injure the socket. The first length of pipe attached to the Y branch shall be a bend and set so as to give a good fall into the sewer. The entire line of pipe of any house branch shall be laid on a uniform grade from the house to the Y branch. Such grade shall give a fall of not less than one vertical foot in fifty horizontal feet (two percent grade) from the house to the sewer, unless special permission is received from the Service Director. A bend shall be used for every deflection from a straight line of more than three inches in two feet.

(b) All joints shall conform to the joints in the main sewer, unless otherwise directed by the Director. Joints shall consist of a premium die-cast, premolded plasticized resin or approved equal material.

(c) Before laying, the interior of the bell of the pipe shall be carefully wiped smooth and clean and the annular space shall be entirely freed from dirt, stones or water just before the joint connection is made. Bell holes shall be excavated under all joints and shall be of such size and depth as to give ample working space for making a first-class joint.

(d) Where cast iron is used, all joints shall be mechanical joint or equivalent thereof.

(e) The dead ends of cast iron pipes must have an iron or earthen cover bolted or cemented in the end.

(f) The ends of all private sewers of earthen pipe not immediately used shall be closed watertight by a stopper of vitrified, salt glazed earthenware or concrete, cemented with cement mortar.



**Discussion**

Bisher explained the difference between water and sewer lines. There is a water shutoff valve on the line where your property line and the City easement right of way (ROW) end. Anything up to the valve is the City's responsibility. If it is between the valve and the house, it is the homeowner's responsibility.

For sewer, the lateral from the house is considered everything up to the sewer main. There is no shutoff box or meter. The repair cost is from your house to the sewer. They may have to open up the street to fix it, which can be very expensive. If you don't pay your sewer bill, we would also shut off water if the EPA mandated a shut off. It is typically better to buy a house on the opposite side of the street from where the fire hydrant is because you are closer to the sewer main. It will drive the City's costs up if we start to pay for these repair costs.

Lankenau asked how long things have been done this way. Lulfs said the engineering rules are from 1996. The sewer rules started in 1997 and have been that way ever since. It has been done this way everywhere Lulfs worked. Bisher said we can socialize the cost or charge the person getting the direct benefit of the service. From the staff's perspective, we can change the rule and enforce it any way you want.

Lankenau said he is absolutely against changing the rules. We don't want to take on that expense and raise rates. We haven't socialized this cost in the past. What about the person who just put one in? Bisher said the developer knows these rules and puts them all in. When you buy that lot it's figured into the cost. DeWit said they would have to dig down 20' to fix the sewer that was put in by the City on Oakwood Avenue. Bisher said we have reasonable inspection systems and cameras. The sewers in the central part of town were probably put in by the City 70 years ago and were clay.

Heath said sewer breaks often happen in the middle of the street. It is difficult for a citizen to get the repair done and they get little help from the City. He wouldn't care if the City contracted for it and put it on his assessment. The average citizen doesn't know who to contact and whether it's a good deal.

Engler asked how many of these breaks happen in a year. Heath said less than two. Engler said he agrees with assistance in getting the job done. The City could expedite it. Heath said once you are in the right of way, you are at the mercy of City rules. You can get a list of plumbers, but many aren't bonded to work in the street. The sewer is 16' to the center on Clinton and 25' deep on Avon. Lankenau asked if the City has a list of contractors. Lulfs said there are only two companies that can do a 16' deep sewer. If they are busy on a job, the person must wait until they are available.

Engler said the City might be able to get quicker action than an individual who calls. Lulfs said the City harassed a contractor for Heath's sewer and got them there sooner. Bisher said we tried this with police tows. When we have to get a car out of the way and the person doesn't have AAA, we call a tow company. We have 4-5 companies on the list. We go down the list and if someone doesn't answer, go to the next one. People complain that

we call other people more than them. Lankenau said the City could be blamed if something goes wrong with the job.

Bisher said he understands what Heath is saying. If it is your house, you just want to get your water back on. Heath said the City issues permits, does the inspection, dictates the cutting of the street, and could pick a contractor. The City has the clout and the individual doesn't. Lankenau said he is not in favor of getting in the middle of that.

Druhot said if everyone paid \$5 per month for an insurance policy on their sewer, the City could draw from that when something like this happens. DeWit said it would be the same thing as having it in the rates. Druhot said the extra money would build up in an account to be used for repairs. DeWit said the customer will only see an increase on their bill. Druhot said many people can't afford \$6,000. Bisher said Council annually has access to CHIP & CHIS program grants. If a person qualifies, they can get CHIP money to make their house livable.

DeWit said the City would be providing a service that the customer cannot provide for themselves. The government is supposed to do what a citizen can't do for himself. The consumer didn't do anything wrong. The sewer failed due to improper backfill or age.

Engler said the average consumer has no say in what goes back in the ground. They have to meet City specifications. Bisher said they had a choice when they bought the house. Lankenau said everyone found the money to fix their sewers up till now.

Heath said all of the houses on Washington and Woodlawn got new sewers that would probably have failed. If the City came down his street two years earlier, he wouldn't have had to pay \$7,000. Ridley asked how the City could absorb the cost for this increased level of service if we choose to do so. He would be uncomfortable moving in one direction or another without knowing those numbers or having the Finance & Budget Committee look at those numbers. Lulfs said \$50,000 a year would be a good number. DeWit said this is only for maintenance, not for new sewers.

Engler said you're saying that if a waterline breaks under the road, it is the City's responsibility. But it costs too much to repair the sewer, so the citizen should pay it. Ridley said if we use \$50,000 and divide it by 3,300 customers, the cost would be \$1.20 per month. This seems like a minimal cost to provide an increased level of service. For a cost of \$15 per year the homeowner could pay for 100 years and never pay what it costs to fix their sewer. Bisher said if it goes into an account, we have to budget it.

Hershberger said he is a gambler. He is gambling he won't ever need to repair his sewer. Negligence on your part shouldn't create a hardship for me. Ridley asked how a sewer deteriorating under the road could be due to his negligence. Engler said homeowners need to put away money through the years. Lankenau said we can only do so much for people. This is socialization of costs. Engler said he can understand people's frustration. You can't be without water.





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Hershberger said he is a gambler. He is gambling he won't ever need to repair his sewer. Negligence on your part shouldn't create a hardship for me. Ridley asked how a sewer deteriorating under the road could be due to his negligence. Engler said homeowners need to put away money through the years. Lankenau said we can only do so much for people. This is socialization of costs. Engler said he can understand people's frustration. You can't be without water.

Lankenau said if this cost is put on a utility bill, the tenant pays the bill and the property owner gets the benefit of it and they may not be a resident of the City of Napoleon. Bisher said if you rent and the sewer goes bad, you call the landlord. If he doesn't fix it, you move. Eventually, he fixes it and charges the next guy more rent and you paid extra to fix the sewer. Ridley said you would have to save \$25 a month for 50 years to pay for a sewer repair rather than \$15 per year.

Bisher said if the sewers on Oakwood Avenue failed, \$50,000 wouldn't be enough to cover it. We can put a number in the budget and raise and lower rates over time. It is not hard to do logistically, but we are socializing the cost. Bisher said he has the opposite problem of Heath. He has to pump sewage because his sewer is only 2' deep and sewage comes into his basement when the pump fails. Hershberger said he has 3 sump pumps.

Engler asked if BOPA needs to take action or leave it as is. Bisher requested that BOPA make a motion to clarify their intention. Engler asked if anyone wanted to make a motion that the BOPA looked at this policy and decided not to change it at this time. No response.

**Motion To Take No Action On Modifying The Rule At This Time**

Motion: Hershberger                      Second: Ridley\*  
Regarding *Review of Responsibility for Sanitary Sewer Tap Repair and New Installation*: To take no action on modifying the rule at this time

\*(Ridley seconded the motion with the statement that he thinks that it would be an increase in service to move it across the street and he thinks this bears further review to see the full financial implications, but in the interest of moving forward on the agenda tonight, he will second the motion so we can move forward.)

Passed  
Yea-3  
Nay-0

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

**Motion To Untable *Low Occupancy Bill***

Motion: Ridley                                      Second: Hershberger  
To remove *Low Occupancy Bill* from the table

Passed  
Yea-3  
Nay-0

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

**Discussion**

Bisher listed several cases where residents leave town for an extended period of time and only come back for a day or two a month, but must pay the full charge for trash pickup because there is activity on their meter.

Heath explained the information that he included in the Council packet. He suggested giving credit only for the refuse/recycling charge when people sign an affidavit, rather than including the \$5 charge for extra services like seasonal cleanup, mosquito spraying, etc. There were 255 affidavits issued in 2011. Those people got an \$18 credit on their bill for the months they were gone. We estimate that the City could gain about \$7,000 annually by charging for the \$5 special service fee on those bills. This would be a \$13 credit instead of \$18.

Lankenau said he is not in favor of a low occupancy discount. Capital costs don't go down when someone is out of town. We still need trucks whether people are there or not. That cost goes to someone else if the homeowner doesn't pay. Ridley said the City has low refuse rates due to CCNO help. He believes fixed costs should remain the same regardless. Hershberger said there are people who only have one bag per month. You can't make the policy suit everyone. He suggested leaving it as is.

**Motion To Take No Action To Modify Policy RE: Reducing Low Occupancy Bills**

Motion: Ridley                                      Second: Hershberger  
To take no action to modify current policy regarding reducing bills for low occupancy

Passed  
Yea-3  
Nay-0

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

Bisher said Heath was talking about an increase for people with affidavits. If they sign an affidavit now, they get the full \$18 off. They should probably get the cost of trash pickup taken off, but not the other costs,

**Motion To Change Low  
Occupancy Bill Credit From \$18  
To \$13**

**Passed**  
**Yea-3**  
**Nay-0**

which come to \$5 per month. This way, they would get a \$13 credit instead of \$18. Lankenau said he agreed with this.

Motion: Ridley                      Second: Hershberger  
To accept the recommendation that the credit of \$18 per month on a low occupancy bill be changed to a credit of \$13 per month to cover the cost of other services (\$5.00 per month) while excluding the cost of trash pickup

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

***Water Treatment Plant  
Evaluation Remained Tabled***

Bisher said there is no need to discuss *Water Treatment Plant Evaluation* tonight, but things are moving there.

**Review Of Rules & Rates For A  
2nd House Meter**

Bisher gave a general overview of what a second house meter is used for and the costs involved with installing one. Heath did a summary of costs. The cost to buy a second meter from the City is about \$350. Ridley asked if it is the citizen's responsibility to pay for the primary meter. Bisher affirmed, noting that the City maintains the meter after that.

**Motion To Take No Action On  
2<sup>nd</sup> House Meter**

**Passed**  
**Yea-3**  
**Nay-0**

Motion: Ridley                      Second: Hershberger  
Regarding *Review of Rules & Rates for a Second House Meter*: To take no action

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

**Motion To Adjourn**

**Passed**  
**Yea-3**  
**Nay-0**

Motion: Ridley                      Second: Hershberger  
To adjourn the meeting at 8:28 PM

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

11.12.12  
Date \_\_\_\_\_

\_\_\_\_\_  
Jeffrey Lankenau, Chair 

City of Napoleon, Ohio

**CITY COUNCIL**

**Special Meeting Minutes**

**Monday, October 29, 2012 at 7:30 PM**

**PRESENT**

**City Council**

**Finance & Budget Comm.  
City Staff**

**Recorder**

**ABSENT**

**Council Members**

**Call To Order**

**Potential Future  
Assessments on Projects**

John Helberg – President, Jeffrey Lankenau, Travis Sheaffer, James Hershberger, Patrick McColley, Christopher Ridley, Jason Maassel  
Christopher Ridley – Chair, John Helberg, Jason Maassel, Mayor Ronald Behm  
Dr. Jon Bisher, City Manager  
Trevor Hayberger, Law Director  
Gregory J. Heath, Finance Director/Clerk of Council  
Chad Lulfs, City Engineer  
Christine Peddicord, Asst. Finance Director  
Barbara Nelson

None

President Helberg called the meeting to order at 7:33 PM.

Heath reviewed and described municipal special assessment procedures and what the City is allowed to assess. Most operational services are assessable. The process is very detailed and is considered a "taking." It should be started at least 60-90 days ahead of a project. He distributed a checklist with dates to be filled in so Council can see what has to be done when. With the State taking away funds, the City has control of utility rates, assessments, and some fees to bring in revenue. Income tax is a voted rate and we don't know how much we will get. The State is trying to take that now. Bisher said local government funds were grabbed to balance the State budget. Inheritance tax disappeared.

Heath gave some examples for perspective on assessments. An assessment study was done on the Woodlawn Project. It was estimated to cost \$2,700,000, with assessments totaling \$1,100,000. This is just shy of 40%. If that had been done on the whole Clairmont, Woodlawn & W. Washington Project, it would have been 40% of \$6,400,000. Bisher asked the question, "Should the person who benefits pay for the improvement or should everyone pay?" He believes we should socialize costs for the water plant or sewer plant, but a new street helps the value of a person's property. Assessments go through the Assessment Equalization Board (AEB). We assessed by the truck stop, some people came to the AEB and said they were assessed in previous sewer projects. The AEB felt that was true and not fair and adjusted their assessments by the amount previously paid. The bill is put on property taxes. Homeowners don't have to come up with the money immediately. It comes back on taxes each year.

Heath said Council has control on assessments. The cost per household depends on how assessments are proscribed. Lulfs said Woodlawn would have been \$10,000-\$20,000 per property. Heath said assessments cannot be done retroactively. Helberg said Council used to do assessments and the City usually paid around 50%. Heath said Council directed Clairmont at 98%. Clairmont was then done without any assessments. Helberg said we were now forced to without assessments because of the EPA schedule. McColley asked if assessments could be implemented in phases. Bisher said it is done on a project by project basis. He would like to say this is our

policy and we will begin it on this project. If it is just a sewer project, people are assessed based on the service area. The south side was assessed that way. Heath said it was a \$3,000,000+ project paid off by assessments. Bisher said you must define the service area and who benefits from it.

Helberg said Woodlawn was cheaper because it was a thoroughfare and the City picks up part of the thoroughfare cost. Bisher said Council's policy for that typically is: if it is a new subdivision, we tell the builder to put the cost of lots for a normal street but the City pays for upsizing. We socialize that cost and have an assessment in effect on the rest, but the builder includes the assessment in the price of the lots. Heath said the waterline on Strong St. could be assessable. We will have an extremely difficult time debting it from the water fund. The money is not there. Bisher said the water on Strong St. would not be brown if we had assessments. We could have done it three years ago. Helberg said we haven't assessed waterline projects.

Lulfs said planning assessments for next year's projects make them almost impossible. He suggested looking at 2014 for assessing projects. Otherwise, we won't be able to get 2013 projects done on time. Heath said no decisions are needed tonight. Bisher said this is not part of the 2013 budget. Heath said if Council wants to give direction for the future, the checklist gives staff direction as to when they need to present a project to Council to meet the assessment guidelines and time tables.

McColley said he would like to see the enterprise funds stabilize rates. We need to stay within our means. Some people will want their road redone and won't be willing to pay for it. Bisher said assessments are not optional once Council decides to do them. Hayberger said every assessment doesn't have to be 98% assessed. Lankenau said we could start at 30% in year one and do more the next year in order to ease it in. Hayberger said you have to set the cost at a certain point. McColley suggested waiting to see what the performance audit says.

Helberg asked what projects are out there that could be assessed. Lulfs said some are strictly design for 2014 including Oberhaus I/I, Southside I/I. Bisher said the southside already paid once and others didn't, then we go back and make them pay again. Helberg said they may get a pass on that. Lulfs said there is nothing much other than sewer projects. We will have to do Oakwood at some point and it will probably be \$6,000,000. Bisher said if people meet the tests for a CDBG grant, we can't assess them. Lulfs said we will have to tackle some projects in town where the roads are shot. Helberg said Park St. from Glenwood to Sheffield has never been fully improved. Lulfs said that is on the books for 2015. Lankenau said the rates are already high. We can't put these costs entirely in the rates. We could start assessing in 2014. Helberg said we can do this project by project. He asked Lulfs for a list of possible projects to consider.

Bisher said if Council wants the numbers on assessments, they will have to spend money to find out. Lankenau said if we go down that road, we have to stick to our guns. Helberg said it should not be done at 98%. McColley asked the maximum amount of time the City can assess. Bisher said it is typically 20 years. This creates a revenue stream. There are three options for the homeowner: pay for the assessment upfront, pay over the period of the assessment, or go to the AEB and ask for an extension. Sometimes it is deferred for 10 years.

~~Review Of Proposed  
Revenues For 2013  
Budget~~

Mayor Behm asked if this was standardized in the past. Bisher said it was not. Behm said people with a deeper sewer line should not have to pay more. Helberg said it is relative to the sewer tap. Heath said the cost is the cost. Bisher said if the water main goes by your house and you use it, you would be assessed. The sewer is an area and laterals run into it. Helberg said if you are only fixing a side street, only the side street gets assessed. Bisher said we try to do it fairly. Heath said if we usually use a 8" line, but the City wants a bigger 24" line, we socialize the difference between the 8" and 24". Lulfs said waterlines almost always go in at 5' deep. The EPA broke projects down into interceptor areas. If we are working on an interceptor, we assess everyone who dumps into that interceptor. Ridley said raising rates and assessing are both bad options. We must use our best discretion. Bisher said most cities assess.

Heath distributed and reviewed proposed revenues of about \$45,000,000 in the 2013 budget. The State impacted revenues greatly. Our .3% income tax has saved us. The 2 mills is down because valuations are down from \$150,000,000 to \$143,000,000. Personal property tax is gone per the State. We got \$50,000 in 2010 and 0 now. Bisher said the estate tax and cigarette tax brought \$100,000-150,000 in 2008-2011.

Heath said his concern is income tax. Council needs to protect City revenues. The legislature has not been our friend. This affects citizens and leaves less money for police/fire, etc. We will be hit hard if the State does what they propose with City income tax. They want to grab what our citizens voted to be used here. Council must talk to legislators. Hayberger said the State is trying to usurp home rule by gutting your choice. Bisher said if you have no money, the State will operate the City for you. The Ohio Constitution allows home rule. It is hard to change that, but they can still take money away. The Governor wants to do away with State income tax and replace it with natural energy tax. He will take City tax too. You can have home rule, but no money to run the City and the State decides what our level of service will be. Behm said some states operating with no income tax are the fastest growing states.

Heath distributed a draft of revised legislation for the split of income tax money. Recreation gets its full levy amount and the net after operating expenses is split. The ordinance says 50% general fund (GF) and 50% capital improvement fund (CIP). We have been running 62% GF and 38% CIP. We estimate \$3,200,000 revenue from income tax next year. The last time changes to the Income tax were made the State said 125 plans are not taxable. This cost the City \$250,000 per year. Withholding is up 6%. Business profit is down a lot. We may not make this up in payments in October. It is down 0.12% now. Bisher said we are doing a final budget, but don't have final numbers. Sheaffer suggested thinking about 100% credit for people who work out of town. Bisher said he gave up on fighting that fight. Sheaffer said we could start out with 25% credit and work up slowly. Bisher said we have a lot of people who work out of town.

Heath said we budgeted \$5,600,000 for the general fund in 2012 and estimate to bring in about \$5,700,000. We are taking it back to \$5,300,000 for 2013. Ordinance No. 088-11 reverts back to splitting tax revenue 50% GF and 50% CIP for 2013, but the general fund will not balance that way. Bisher said staff recommends leaving the split for 2013 the same as in 2012 with 62% GF and 38% CIP. Heath recommended taking all of Section 1(b) out that divides this money 50/50. It sets a dangerous precedent. Council can change the percentages any time. We cannot balance the

**Outline**  
**Municipal Special Assessment Proceedings**  
**(ORC Chapter 727)**

<i>Date</i>	<i>Action</i>
	Prepare and file in the office of the Clerk: <ul style="list-style-type: none"> <li>• plans, specifications and profiles, and</li> <li>• an estimate of the cost of the improvement.<sup>1</sup></li> </ul>
	Adopt a resolution declaring the necessity <sup>2</sup> of the improvement. <ul style="list-style-type: none"> <li>• The passage of which requires the affirmative vote of three-fourths of all members elected to Council.</li> <li>• Must be published as other resolutions are published.<sup>3</sup></li> </ul>
	File the estimated assessments in the office of the Clerk. <sup>4</sup>
	Serve notice of the passage of the resolution of necessity upon the owners of the lots or parcels of land to be assessed. <ul style="list-style-type: none"> <li>• Notice must set forth the place where the estimated assessments are on file and open for public inspection.<sup>5</sup></li> </ul>
	During the two week notice period (which commences after all property owners are notified) Council shall receive the objection of any owner of any lot or parcel of land as to the amount or apportionment of, or the assessment against such lot or parcel as set forth in, the estimated assessment. <sup>6</sup>
	During the two weeks after serving notice of the passage of the resolution of necessity, receive the claim for damages of any owner claiming that s/he will sustain damages by reason of the improvement to be paid for in whole or in part by the special assessment. <sup>7</sup>
	In the event any owner objects as to the amount or apportionment of, or the assessment against such lot or parcel as set forth in, the estimated assessment, <ul style="list-style-type: none"> <li>• Council must appoint an assessment equalization board consisting of three disinterested freeholders of the Municipality</li> <li>• Fix a time and place for the hearing by such board of such objections, and</li> <li>• The Clerk must mail a notice of such hearing to each objecting owner at least five days before the date of such hearing.<sup>8</sup></li> </ul>
	Assessment Equalization Board meets to hear all objections and reports findings to Council. <sup>9</sup>
	Council must review and approve or disapprove the report of the board including any changes recommended by the board in the estimated assessment. If Council disapproves the report of the board, Council must appoint a new equalization board and fix the time and place for the hearing by such board of objections to the estimated assessments. <sup>10</sup>
	If Council determines in an ordinance to proceed with the improvement that damages will be assessed before commencing with the improvement,

	<p>Council must within ten days after passing the ordinance to proceed make written application for a jury to the court of common pleas, or a judge thereof in vacation, or to the probate court of the county in which the Municipality is situated. The court will direct the summoning of a jury and fix the time and place for the inquiry and the assessment of such damages.<sup>11</sup></p>
	<p>If Council determines in an ordinance to proceed with the improvement that damages will be assessed after completion of the improvement, Council must within ten days after completion of the improvement make written application for a jury to the court of common pleas, or a judge thereof in vacation, or to the probate court of the county in which the Municipality is situated. The court will direct the summoning of a jury and fix the time and place for the inquiry and the assessment of such damages.<sup>12</sup></p>
	<p>After the expiration of the time for filing claims for damages, and in the event objections to the estimated assessment have been filed, and the report of the equalization board has been approved, pass an ordinance to proceed with the improvement.<sup>13</sup></p>
	<p>After passage of the ordinance to proceed, proceed with the construction of the improvement by force account, or let a contract for such construction in the manner provided by law, provided that in the event that the lowest and best bid for labor and materials for the improvement exceeds the estimate of the cost of the improvement by 15 percent or more, no contract may be entered into until Council determines by a majority vote at a special meeting or its next regular meeting, after public hearing, that the improvement should be made.<sup>14</sup></p>
	<p>Complete proceedings for Note financing.</p>
	<p>After the actual cost of the improvement has been ascertained, pass an ordinance assessing, in the manner provided in the resolution of necessity, upon the lots and lands enumerated in the estimated assessment, that portion of the total cost of the improvement to be paid for by special assessments and such assessments as to each lot or parcel of land, must be increased or decreased in the same proportion to the estimated assessment on each such lot or parcel of land as the actual cost of the improvement bears to the estimated cost of the improvement upon which the estimated assessment was based. Such assessments must be payable as provided in the resolution of necessity, must be filed with the Clerk, and must be open to public inspection.<sup>15</sup></p>
	<p>Complete proceedings for Bond financing.</p>
	<p>Within 15 days after passage of the assessment ordinance, receive from any owner of property against which assessments are levied an application for deferment of payment of assessment on grounds that timely payment will impose financial hardship upon him. If after examining the applicant's financial condition, Council determines that timely payment will cause such hardship, it may by majority vote amend the resolution of necessity and the assessment ordinance to provide for deferred payment of all or part</p>

	<p>of the amount of the assessment until the earliest of the following<sup>16</sup>:</p> <ul style="list-style-type: none"> <li>• Such future date or dates as Council considers reasonable,</li> <li>• Such time as the property is sold or transferred by the applicant, and</li> <li>• Such time as the property becomes subject to estate taxes.</li> </ul>
	<p>Upon passage of the assessment ordinance, publish notice of the passage of the assessment ordinance in a newspaper of general circulation in the Municipality, stating that such assessment is on file in the office of the Clerk for inspection and examination.<sup>17</sup></p>
	<p>Property owners must be given a period of 30 days to pay the assessments before the assessments are certified to the County Auditor for collection.<sup>18</sup></p>
	<p>When special assessments are levied and securities of the Municipality are issued in anticipation of the collection thereof, the Clerk, on or before the second Monday in September of each year, must certify the special assessment to the County Auditor, stating the amounts and the time of payment.<sup>19</sup></p>

**Other Considerations:**

1. Council may not levy upon a lot or parcel of land in the Municipality any assessment for any purpose which, together with all assessments made for all other purposes within a period five years preceding the passage of the assessment ordinance,<sup>20</sup> would be in excess of 33 1/3 percent of the actual value of such lot or parcel including improvements thereon, as enhanced by the improvement for which the assessment is levied, such value to be determined as of the date of the assessment ordinance.<sup>21</sup>

2. Unless the special assessments are requested by a petition, the Municipality must pay such part of the total cost of the improvement for which special assessments are levied as Council deems just, which part may not be less than 1/50<sup>th</sup> of the total cost of the improvement, and in addition thereto, must pay the cost of intersections.<sup>22</sup>

**§ 727.12. Filing of plans, specifications, profiles; resolution of necessity.**

When it is deemed necessary by a municipal corporation to make a public improvement to be paid for in whole or in part by special assessments levied under this chapter, plans, specifications, profiles of the proposed improvement showing the proposed grade of the street and improvement after completion with reference to the property abutting thereon, and an estimate of the cost of the improvement shall be prepared and filed in the office of the clerk of the legislative authority of the municipal corporation and shall be open to the inspection of all persons interested. After such plans, specifications, profiles, and estimate of cost of the improvement have been filed as provided in this section, the legislative authority of the municipal corporation may declare the necessity for such improvement by the passage of a resolution.

Such resolution shall:

(A) State the nature and location of the improvement and the lots or parcels of land to be assessed for the improvement;

(B) Approve the plans, specifications, profiles, and estimate of cost of the proposed improvement on file as provided by this section;

(C) State what part of the cost of the improvement is to be paid for by the municipal corporation and what part is to be paid for by special assessments;

(D) State whether the method of levying the special assessments shall be:

(1) By a percentage of the tax value of the property assessed;

(2) In proportion to the benefits which may result from the improvement;

(3) By the foot front of the property bounding and abutting upon the improvement.

(E) State the mode of payment, the payment schedule or schedules according to which the special assessments to be levied will be payable, and, if more than one payment schedule is authorized, criteria for use of the different schedules. In no case shall the use of different payment schedules affect the amount of special assessment levied on any lot or parcel of land assessed.

(F) State whether the municipal corporation intends to issue securities in anticipation of the levy of the special assessments;

(G) State whether the municipal corporation intends to issue securities in anticipation of the collection of the special assessments;

(H) Provide for the preparation of an estimated assessment in accordance with the method of assessment set forth in the resolution, showing the amount of the assessment against each lot or parcel of land to be assessed. Such estimated assessment shall be filed in the office of the clerk of the legislative authority of the municipal corporation.

Such resolution may also provide for the assessment to be levied and collected before the improvement

for which the assessment is levied is commenced.

The passage of such resolution shall require the concurrence of three-fourths of the members elected to the legislative authority unless petitioned for by the owners of a majority of the front footage or the area to be assessed, in which event the passage of such resolution shall require the concurrence of a majority of such members. Such resolution shall be published as other resolutions are published.

**HISTORY: 129 v 1227 (Eff 1-1-62); 144 v H 104. Eff 11-1-91.**

**Analogous to former RC § 727.12 (RS Bates § 1536-211; 96 v 39, § 51; 97 v 121, § 51; GC § 3816; Bureau of Code Revision, 10-1-53), repealed 129 v H 262(1253), eff 1-1-62. See former RC §§ 723.24, 723.25, 727.09, 727.10, 727.43 and 727.44.**

# SPECIAL ASSESSMENT- PROLESS STEPS

<sup>1</sup> ORC 727.12.

<sup>2</sup> Resolution of Necessity must include:

- State the nature and location of the improvement and the lots or parcels of land to be assessed;
- Approve the plans, specifications, profiles, and estimate of the cost of the improvement that are on file in the office of the Clerk;
- State what part of the cost of the improvement is to be paid for by the Municipality and what part is to be paid for by special assessments;
- State whether the method of levying the special assessments will be:
  - By a percentage of the tax value of the property assessed,
  - In proportion to the benefits which may result from the improvement, or
  - By the foot front of the property bounding and abutting upon the improvement;
- State the mode of payment, the payment schedule or schedules according to which the special assessments to be levied will be payable, and, if more than one payment schedule is authorized, criteria for use of the different schedules.
- State whether securities will be issued in anticipation of the levy of the special assessments.
- State whether securities will be issued in anticipation of the collection of the special assessments; and
- Provide for the preparation of an estimated assessment in accordance with the method of assessment set forth in the resolution of necessity, which assessment must show the amount of the assessment against each lot or parcel of land to be assessed.

<sup>3</sup> ORC 727.12.

<sup>4</sup> ORC 727.12.

<sup>5</sup> ORC 727.13. Notice must be served in the same manner as a summons in a civil case or by certified mail addressed to the owner at his last known address or to the address to which tax bills are sent.

<sup>6</sup> ORC 727.15.

<sup>7</sup> ORC 727.18.

<sup>8</sup> ORC 727.16.

<sup>9</sup> ORC 727.17.

<sup>10</sup> ORC 727.17.

<sup>11</sup> ORC 727.19.

<sup>12</sup> ORC 727.20.

<sup>13</sup> ORC 727.23. Ordinance to Proceed must:

- State the intention of Council to proceed with the improvement in accordance with the provisions of the resolution of necessity;
- Adopt the estimated assessment filed in accordance with the resolution of necessity, or, in the event that objections to such assessment have been filed, adopt the estimated assessment approved by Council under RC 727.17;
- State whether claims for damages will be judicially inquired into before commencing or after completing the improvement.

<sup>14</sup> ORC 727.24.

<sup>15</sup> ORC 727.25.

<sup>16</sup> ORC 727.251.

<sup>17</sup> ORC 727.26.

<sup>18</sup> ORC 727.30.

<sup>19</sup> ORC 727.30.

<sup>20</sup> Enacted under ORC 727.25.

<sup>21</sup> ORC 727.03.

<sup>22</sup> ORC 727.05.

**WATER, SEWER, REFUSE, RECYCLING & LITTER COMMITTEE**

**Meeting Minutes**

**Monday, June 10, 2013 at 6:30 PM**

**PRESENT**

**Water, Sewer Committee  
City Staff**

Jeffrey Lankenau - Chair, Patrick McColley, Chris Ridley  
Ronald A. Behm, Mayor  
Dr. Jon A. Bisher, City Manager  
Dennis Clapp, Electric Superintendent  
Roxanne Dietrich, Executive Assistant  
Trevor Hayberger, Law Director  
Gregory J. Heath, Finance Director/Clerk of Council  
Scott Hoover, Water Plant Superintendent  
Chad Lulfs, City Engineer  
Jeff Rathge, Operations Superintendent  
Barbara Nelson

**Recorder  
Others**

News Media, Jim Hershberger, John Helberg, Jeff Marihugh, Mike DeWit

**ABSENT**

None

**Call To Order**

Chairperson Lankenau called the meeting to order at 7:30 PM.

**Approval Of Minutes**

The March 11 meeting minutes stand approved as presented with no objections or corrections.

**Discussion On How To Handle Sanitary Sewer Leads On Upcoming Projects**

Lulfs said the City currently replaces the sanitary sewer main and existing laterals to the right of way line on new projects. Developers put utilities in before the street is dedicated to the City, including laterals. Bisher said if someone has to replace laterals they have to go to the main. This may be on the other side of the street. If a resident has a break, it is at their cost to dig up the street. When we redo sewers on big projects, it is because the sewer has reached the end of its useful life. If a lateral is broken, then it goes back to the homeowner to pay. Lankenau said the concern is that we pay with road projects, but not for a resident who has one break at the wrong time.

Heath said a big issue is how deep it is. This is an assessment question that becomes a question for all future projects. Avon St. sewer is 25' deep and if a lateral goes bad, the homeowner will pay for the cost to dig 25'. Lankenau said he doesn't want to take on the expense of resident breaks. We are trying to cut the budget back, not add expense. He also doesn't want to pass the cost of a new line to residents when the line hasn't broken. He is ok with the status quo. Ridley said he is torn because the homeowner should only be responsible up to the property line, but he doesn't know that we can afford to change it now. McColley said this could be an insurance thing where everyone can opt in or opt out. Bisher said insurance is not a bad idea, but implementing it won't be easy. McColley would like to give the insurance thing as an option. It is the city's problem going into the main and the citizen's problem if their sewage can't get out.

Marihugh said many people are not charged for replacing because the City Y is cracked. Their leaking laterals probably caused excess weight on the city T, but how do you prove it? Ohio/Indiana Street line was just replaced. Sewer taps were in backyards. The City approved of this location when the developer submitted it. If the City changes its mind about the location, why is it the homeowners' responsibility? Lankenau said we are not changing our mind. This has been the policy for a long time. Marihugh asked if citizens do what the City says, shouldn't the City accommodate them? In areas where they paid a tap fee and the City changes its mind and moves the main, why is it the homeowner's fault or why are homeowners liable? Lulfs said owners paid to connect to the new tap at their cost on E. Maumee, Strong St. and Ohio St. We have done this the same way for the last seven years. Lankenau said there are many scenarios. We can look at them on a case by case basis, but we have been fairly consistent in the last half decade or so. McColley said the biggest thing is consistency. Heath said assessments have not been consistent. We assessed the south side and all of the projects up to Main, Welsted and Vine in 2003. Washington, Woodlawn and Clairmont were not assessed. Lankenau said this is not on our agenda. DeWit said we don't assess because we would never get the sewers built.

Ridley asked if there is a way to provide service to the main at a cost that is neutral to the City through an insurance opt-in. McColley asked how many breaks like this happen a year. Lulfs said 4-8. If the City pays for this, the number of taps will quadruple. People maintain their taps now by augering. Lankenau suggested that the Committee ask the Council President to refer the insurance issue out to Committee. **No action taken.**

**WATER, SEWER REFUSE, RECYCLING & LITTER COMMITTEE**

**Meeting Minutes**

**Monday, July 8, 2013 at 7:00 pm**

**PRESENT**

**WSRRL Committee Members**  
**BOPA Members**  
**City Staff**

Jeff Lankenau – Chair, Patrick McColley, Chris Ridley  
Keith Engler – Chair, Dr. David Cordes, Mike DeWit  
Dr. Jon A. Bisher, City Manager  
Gregory J. Heath, Finance Director/Clerk of Council  
Trevor Hayberger, City Law Director  
Dennie Clapp, Electric Dept. Superintendent  
Chad Lulfs, City Engineer  
Roxanne Dietrich, Administrative Assistant

**Acting Recorder**  
**Others**

Tammy Fein  
Ron Behm, John Helberg, Jim Hershberger, Mike Migliore (AMP), News media

**Call To Order WSRRL Committee**

Chairperson Lankenau called the meeting to order at 8:05 pm.

**Approval Of Minutes WSRRL Committee**

The Monday, June 10, 2013 meeting minutes stand approved as presented with no objections or corrections.

**Sewer Insurance**

Bisher stated that sewer insurance will be based on the unequal probability of needing it, Bisher added that sewer insurance could be mandated however that would be considered a rate hike. McColley questioned how well it would work since residents can opt in and opt out at any time. Hayberger reminded the Committee that this issue had been brought up approximately eight (8) months ago by Tom Druhot and the Committee already voted no on it; Lankenau added that it was a self insurance involving a small extra charge. McColley restated that the option to opt in and opt out at any time will cause residents to opt in when something needs to be fixed and opt out after the work is done. DeWit agreed with McColley but is concerned about residents that are stuck paying for a sewer tap that is under the road; DeWit stated the rate should be changed so that the homeowner is responsible to the property line and the City is responsible for sewer under the road.

Ridley stated that if the City’s ownership is going to be extended under the streets, then there must be discussion as to how to pay for it, whether it be through insurance or rates; McColley added that the insurance method will not work.

**WSRRL Motion To Accept BOPA Recommendation**

Motion: McColley                      Second: Ridley  
To accept BOPA recommendation to not approve sewer insurance

**Passed**  
**Yea- 3**  
**Nay- 0**

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



have to pay to open up the street to fix the lateral, but it could also be very deep causing it to be a very costly issue. As an example, Heath recently paid \$7,000 for a line sixteen feet deep that was not on the other side of the street but in the middle of the street; Heath noted that the City owns the right-of-way, the City controls the whole mechanism into the right-of-way meaning that Heath was not allowed to rent his own backhoe to dig down to the break to fix the tap, the City controls the process meaning the person doing the construction must be bonded and be a certified contractor.

Heath stated that this issue has been brought before the Board previously as a memo dated August 2012 was entered explaining Heath's view; Lankenau added that this has been decided approximately three times since Lankenau has been on Council not to modify the policy. McColley added that the City should not take this cost over completely as people will opt in to have even minor repairs replaced. Lulfs added there is an assistance program if residents separate the sewer from rain water; the City will pay for 2/3 the cost of the work, not to exceed \$2,500.

DeWit stated concerns with the sewer failing at points that the City, not the homeowner, put in under the road and it's not on the homeowner's property. McColley noted that this issue is similar to the assessment issue to help the homeowner bear the costs. Ridley disagreed; the sewer issue that is not on the homeowner's property and was not put in by the homeowner means that the City should be responsible to repair the issue to the property line. Lulfs noted that regarding the water line, the City is responsible to the valve, not the property line; McColley added if there is a water leak, the valve can be turned off. Lulfs reiterated that the taps are approximately \$4,000 each and if there are 2,000 taps that have not been replaced, the total is \$8,000,000. McColley asked if the sewers fail at the connection point; Lulfs answered during the last few years approximately 25% of the fails have been at the Y connection on the lateral due to the weight of the soil on the ceramic pipes. Lulfs added that the City helps the residents by using their push camera in the lines as much as possible but if the tap is full of water, the camera cannot be used. Bisher stated that there is new technology that occasionally allows the work to be done remotely underground with no digging involved; but sometimes the clay sewer pipes just collapse. Engler asked if the numbers on how many have failed and are they continuing to fail and approximate costs can be obtained; Lulfs stated that there has been almost no sanitary sewer work done on the South side of the City, there has been storm sewer work, a storm sewer separation project was completed, and on the North side there have been some sewer projects but large portions of the City's sewer lines have not been touched; Lulfs stated that approximately 2/3 of the City's sewer taps are concrete and have not been replaced.

Lankenau stated if the Committee is to consider this, then a five or ten year average of costs is needed. DeWit asked if it is feasible to install the trenchless technology on the sewers that are not busted; Lulfs stated that some of the trenchless technology cannot be used after the sewer fails.

McColley noted this issue is 100% desocialized whereas the other sewer issue was 100% socialized; there should be a median between the issues to create a maximum amount for the homeowner to be responsible for with

the City's assistance after the maximum amount is reached. Lulfs noted that the entire Indiana project, 250 feet of sanitary sewer main and replacing the pavement, was completed for \$38,000. Lulfs stated on new lots that the developer includes the cost of the sewer in the cost of building the home and is done before the lot is dedicated to the City.

Lankenau deferred the issue to the BOPA.

**WSRRL Committee Motion To Have City Take Ownership Of The Sewer Leads That Run Under The Street**

Motion: Ridley                      Second:  
To have the City take ownership of the sewer leads that run under the street

Yea-  
Nay-

Roll call vote on above motion:  
Yea-  
Nay-

**Motion Dies For Lack Of Second**

Motion dies for lack of second

**Any Other Items To Come Before The Board**

None

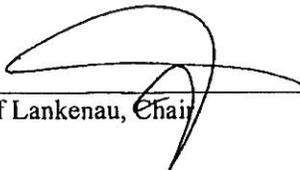
**WSRRL Committee Motion To Adjourn**

Motion: ~~McColley~~ *Ridley*                      Second: Lankenau  
To adjourn meeting at 9:21 pm

Passed  
Yea- 3  
Nay- 0

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

Date 9.8.13

  
\_\_\_\_\_  
Jeff Lankenau, Chair

**CITY COUNCIL**

**Meeting Minutes**

**Monday, July 15, 2013 at 7:00 pm**

<p><b>PRESENT</b></p> <p><b>Council</b></p> <p><b>Mayor</b></p> <p><b>City Manager</b></p> <p><b>Law Director</b></p> <p><b>Finance Director/Clerk</b></p> <p><b>Acting Recorder</b></p> <p><b>City Staff</b></p> <p><b>Others</b></p>	<p>John Helberg (President), Jeffrey Lankenau, Travis Sheaffer, James Hershberger, Patrick McColley, Christopher Ridley, Jason Maassel</p> <p>Ronald A. Behm</p> <p>Dr. Jon A. Bisher</p> <p>Trevor M. Hayberger</p> <p>Gregory J. Heath</p> <p>Tammy Fein</p> <p>Robert Bennett, Fire Chief</p> <p>Dennis Clapp, Electric Superintendent</p> <p>Chad Lulfs, City Engineer/Director Of Public Works</p> <p>Matt Bilow, Waste Water Superintendent</p> <p>Rob McColley, CIC Director</p> <p>Jeff Rathge, Operations Superintendent</p> <p>Dan Wachtman, MIS Administrator</p> <p>Robert Weitzel, Police Chief</p> <p>Jennifer King, Jeff Marihugh, News Media</p>
<p><b>ABSENT</b></p> <p><b>Council</b></p> <p><b>Others</b></p>	
<p><b>Call To Order</b></p>	<p>President Helberg called the meeting to order at 7:00 pm. with the Lord's Prayer followed by the Pledge of Allegiance.</p>
<p><b>Minutes Approved</b></p>	<p>Minutes of the Monday, July 1, 2013 Council meeting and Monday July 1, 2013 Public Hearing stand approved with no objections or corrections.</p>
<p><b>Citizen Communication</b></p>	<p>Jennifer King spoke to Council regarding the traffic on Yeager Street due to the construction. King has seen semis speeding on Yeager and unable to negotiate the curve and driving over King's property; King stated that last Thursday King's three year old son almost got hit by one of the semis. Bisher responded that different signage is being used and communication with Campbell's is being considered.</p>
<p><b>Reports From Committees</b></p>	<p>The Technology &amp; Communication Committee did not meet on Monday, July 1, 2013 due to lack of agenda items.</p> <p>Chairman Sheaffer reported that the Electric Committee met on Monday, July 8, 2013 and recommended:</p> <ol style="list-style-type: none"><li>1. Approval of electric billing determinants</li><li>2. Review of the Electric Department report</li><li>3. To create Electric Rate Levelization Program</li><li>4. To take no action on solar acquisition of additional solar power</li></ol> <p>The Water, Sewer, Refuse, Recycling and Litter Committee met on Monday, July 8, 2013 and recommended:</p> <ol style="list-style-type: none"><li>1. To not approve sewer insurance</li><li>2. No sewer assessments on future projects related to EPA Findings &amp; Orders Projects</li></ol>

river, and now the testing is looking at using both the river and the standing water source from Wauseon. One of the original options was to connect a water line to the City of Archbold and were told that would be too expensive but now are looking at a second water line to Wauseon which is halfway to Archbold.

**Helberg**

None

**Hershberger**

Hershberger expressed praise to the Electric Department for the quick response to being locked out of his residence.

Hershberger asked if the City will pick up brush that is put at the curb; Bisher replied that the City does pick up storm damage and will do it.

Hershberger asked Chiefs Weitzel and Bennett if they have submitted the grant applications with the Elks Lodge and if they have heard a response; Chief Bennett stated the application was submitted but has not heard a response; Hershberger stated that Chief Wietzel's grant application was approved.

**Maassel**

Maassel stated there were many compliments from residents regarding the July 4<sup>th</sup> fireworks.

Maassel asked how many overflow incidents have there been within the last 45-60 days due to all the rain, and how many overflows are suggested by the EPA; Bilow stated the guideline is 4 per year per the EPA; Lulfs added this is based on the ten year storm event; and there have been multiple locations go active on the same storms approximately six (6) times this Spring, and these storms have been much more intense than recent years.

Maassel expressed praise to the Electric Department for all the after hours work that was completed after the storms. Clapp stated that the crews worked until 11 pm.

**Ridley**

Ridley asked how the weather had impacted the golf course; Bisher stated that the course had been closed only for a couple days due to bad weather.

Ridley stated since there are no items assigned to the Finance and Budget Committee, the meeting scheduled for Monday, July 22, 2013 will be canceled.

Ridley asked where the alley on Stevenson Street ends, if it ends at the point where the gravel stops and the grass begins and is that maintained by the property owner or by the City; Bisher stated the alley was researched and the alley ends where the gravel stops; Lulfs replied that there is a history of maintenance by the property owner, the City was not doing the trimming past the stone.

**Heath**

There is a recommendation reported out by the Water and Sewer Committee that needs to be discussed regarding sewer ownership and no sewer assessment on findings and orders projects; McColley added that there was not enough discussion regarding the assessments as stated in his Minority Report.

**Review Of Sewer Insurance**

Helberg stated Council will go down through each issue.

**Motion To Accept**

Motion: Sheaffer      Second: Lankenau

**Water & Sewer  
Committee  
Recommendation To  
Not Approve Sewer  
Insurance**

**Discussion**

To accept Committee recommendation to not approve sewer insurance

McColley stated this is regarding insurance and multiple issues can arise. Ridley added there is no need for insurance without sewer ownership, Ridley noted the issues should be discussed in reverse order. Heath noted that no action was taken on sewer ownership. McColley added there is no real way to make the insurance work.

**Passed**

**Yea- 7**

**Nay- 0**

Roll call vote on above motion:

Yea- Maassel, Hershberger, Helberg, McColley, Sheaffer, Ridley

**Review Of Assessments**

Behm stated that assessments need not be set at 100%, a maximum value with minimum criteria could be set for creating consistent parameters.

Lankenau stated that he is against the assessments for findings and orders projects because the City is doing work that is mandated by the EPA, and so far the projects that have not been assessed total approximately \$20 million so those property owners didn't pay any cost for those improvements. Lankenau stated that assessments for other projects is a possibility to be discussed. Behm added that when a project under findings and orders is begun, other projects are added to it; Lulfs agreed stating that other projects that are necessitated by the findings and orders project are completed at the same time, a majority of the time when the projects are not done at the same time it is due to utility conflicts or the economy of scale. Bisher noted that it is acceptable to separate out assessments for the projects being completed at the same time; no assessment on the findings and orders sewer project, but assess for the water line project that would be taking place.

Ridley stated that assessments, even with caps, will hurt economic development; McColley disagreed stating that assessments will attract business since rates will be lower in areas with assessments.

**Motion To Accept  
Water & Sewer  
Committee  
Recommendation For  
No Assessments On  
Future Findings And  
Orders Sewer Projects**

Motion: Lankenau      Second: Ridley

To accept Water & Sewer Committee recommendation for no assessments on future findings and orders sewer projects including the sanitary sewer leads

**Passed**

**Yea- 4**

**Nay- 3**

Roll call vote on above motion:

Yea- Maassel, Sheaffer, Lankenau, Ridley

Nay- Hershberger, Helberg, McColley

**Motion To Accept  
Minority Report From  
Water & Sewer  
Committee**

Motion: McColley      Second: Maassel

To accept Minority Report from the Water & Sewer Committee as presented

**Passed**

**Yea- 6**

Roll call vote on above motion:

Yea- Maassel, Hershberger, Helberg, McColley, Lankenau, Ridley

Nay- 1

**Sewer Ownership**

Nay- Sheaffer

Heath suggested keeping sewer ownership as-is for now and bring up assessments as needed.

McColley stated that some projects are 100% socialized and some projects are 100% nonsocialized; Helberg agreed that there should be a medium. Behm added socialized projects cannot be afforded without raising rates.

Helberg asked Lulfs regarding projects with a new sanitary lead put in, when a resident ties into the line must the resident apply for a tap permit; Lulfs replied that new taps require a permit but a preexisting tap does not. Helberg asked if Council could create a tap charge for new leads instead of an assessment; Lulfs replied that is a question for the Law Director as Lulfs doesn't know how Council could add a tap charge when there is an existing tap.

Jeff Marihugh stated there is already a tap fee in Ordinance form; Helberg added that does not include repair. Marihugh added that water taps have always been replaced free as part of the monthly charge; and Marihugh stated that it is the responsibility of the developer to run the sewer lines to the right of way for every lot and there is a tap fee paid for the water line.

**No action was taken on sewer ownership.**

**Motion To Go Into Executive Session**

Motion: Maassel            Second: Lankenau  
To go into Executive Session to discuss acquisition of property

Passed  
Yea- 7  
Nay- 0

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

**Into Executive Session**

Council went into Executive Session at 9:23 pm

**Motion To Come Out Of Executive Session**

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

Passed  
Yea- 7  
Nay- 0

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

**Out Of Executive Session**

Council came out of Executive Session at 9:49 pm. President Helberg reported that the discussion was regarding the acquisition of property and no action was taken.

**Approval Of Bills**

Bills and reports stand approved as presented with no objections.

**Motion To Adjourn**

Motion: Lankenau            Second: Sheaffer  
To adjourn the meeting at 9:50 pm.

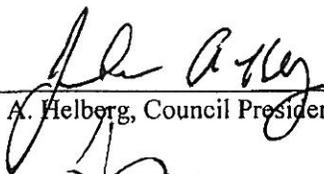
Passed  
Yea- 7  
Nay- 0

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

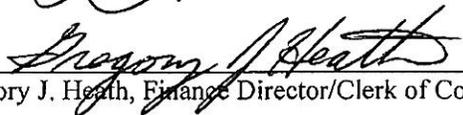
**Adjournment**

Meeting adjourned at 9:50 pm.

Approved:

  
\_\_\_\_\_  
John A. Helberg, Council President

  
\_\_\_\_\_  
Ronald A. Behm, Mayor

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

# Memorandum

**To:** Finance & Budget Committee, Council, Mayor, City Manager, City Law  
Director, City Finance Director, Department Supervisors, Media

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

**Date:** 12/19/2013

**Re:** Finance & Budget Committee Meeting Cancellation

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The Finance & Budget Committee meeting, regularly scheduled for Monday, December 23, 2013 at 6:30 PM has been CANCELED due to lack of agenda items.

# Memorandum

**To:** Safety and Human Resources Committee, Township Trustees, Council,  
Mayor, City Manager, City Law Director, City Finance Director, Department  
Supervisors

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

**Date:** 12/19/2013

**Re:** Safety and Human Resources Committee Meeting Cancellation

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The Safety and Human Resources Committee meeting scheduled for Monday,  
December 23, 2013, at 7:30 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:** 12/19/2013

**Re:** Civil Service Commission Meeting Cancellation

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The regular Civil Service Commission meeting, scheduled for Tuesday,  
December 24 at 4:30 PM, has been CANCELED due to lack of agenda items.

# Memorandum

**To:** Parks & Recreation Board, Council, Mayor, City Manager, City Law Director,  
City Finance Director, Department Supervisors

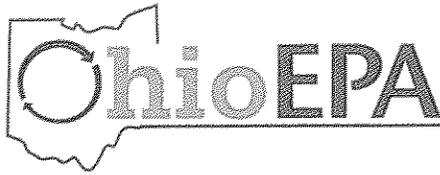
**From:** Gregory J. Heath, Finance Director/Clerk of Council

**Date:** 12/19/2013

**Re:** Parks & Recreation Board Meeting Cancellation

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The regular meeting of the Parks & Recreation Board, scheduled for Wednesday, December 25 at 6:30 PM, has been CANCELED due to lack of agenda items.



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

Re: City of Napoleon WWTP  
**Notice of Violation**  
NPDES  
Henry County  
2PD00000\*QD

December 11, 2013

Mayor and Council  
City of Napoleon  
255 West Riverview Street  
Napoleon, Ohio 43545

Dear Mayor and Council:

On July 29, 2013, Ohio Environmental Protection Agency (EPA) staff members Dana Martin-Hayden and Caitlin Ruza met with Chad Lulfs, City Engineer, Mr. Matt Bilow, WWTP Superintendent, and Mr. Adam Hoff, of Stantec to conduct an inspection of the wastewater treatment plant (WWTP) and collection system. This letter focuses on the current status of the Combined Sewer Overflows (CSOs), the degree of implementation of the Nine Minimum Controls (NMCs) for reducing CSOs and the status of the Long-Term Control Plan (LTCP) projects. Details regarding the City's efforts and additional measures the City should implement are outlined in the City of Napoleon Nine Minimum Controls Compliance Inspection Summary enclosed in Attachment A.

The current City of Napoleon National Pollutant Discharge Elimination System (NPDES) permit (Ohio EPA No. 2PD00000\*QD) identifies five CSOs that discharge to the Maumee River. The City estimated that approximately 30% of the collection system is combined.

The City reported that wooden blocks attached to rope have been suspended in the CSO regulators to more accurately estimate the number of overflow occurrences at each CSO outfall. The City indicated the blocks were installed in May 2013 and are inspected after wet weather events, and reset when an occurrence is recorded during the inspection.

The City's LTCP was also discussed during the inspection. The City has requested a three-year construction hiatus from the current LTCP schedule that was approved by the Director of the Ohio EPA on March 30, 2007, as Plan Approval Number 03-16124. The approved plan includes a 20-year, prioritized implementation schedule for the City to reduce the occurrence of overflows to not more than four overflows system-wide in a typical year. The City and Ohio EPA are in the process of negotiating the terms of the requested hiatus.

During the inspection, the City indicated that overflows from CSO Station 003, which is located in a school yard, are routed to a storm pipe with a double barrel outfall to the Maumee River. The City indicated this CSO is a relief point for the portion of the City designated as the "Hayley Area". When this CSO is active, it overflows through a pipe that runs under a school parking lot to the storm sewer. A duckbill is located on the end of the CSO overflow pipe where it enters the storm sewer. The City was unsure of the purpose of this duckbill, but anti-intrusion devices are traditionally installed to prevent river intrusion or backflow from downstream hydraulic restrictions. The City indicated that overflows do occasionally occur at the manhole upstream of the permitted Station 003 CSO outfall. This manhole is located in the parking lot of the school yard. When this school yard manhole overflows, it sends combined sewage flooding across the school parking lot and grassy area adjacent to the playground and into the nearest surface water drainage ditch. This manhole is **not a permitted outfall** location in the current NPDES permit and any overflows at this location are prohibited and should be reported as Sanitary Sewer Overflows (SSOs) under Station 300.

It is recommended that the City investigate the purpose of the in-line duckbill to decide if this anti-intrusion device is reducing the number of overflow events by preventing storm water from backing up into the overflow pipe or if the anti-intrusion device is increasing the number of discharges to the school yard by restricting the flow during large rain events. Measures should be taken immediately to remove the device if the incidents of overflow events in this area could be reduced. These overflow events are considered SSOs and this SSO is located in an area that has a high probability of exposing a sensitive population (children) to overflows that may contain microorganisms, viruses, bacteria, and intestinal parasites that can cause serious illnesses. During the inspection, the school band was observed to be practicing in close proximity to this manhole, and the school playground was located approximately 100 feet from the manhole.

At a minimum, a water level probe should be installed as soon as possible to alert staff of surcharging in this manhole. The water level probe should also signal/alarm the school when this manhole is overflowing into the school yard to allow school personnel to direct children away from this area. In addition, a temporary sign informing the public of the potential health threat should be installed near this manhole when the SSO is active and for a period following the SSO event.

The City of Napoleon is in **violation** of the NPDES permit for failure to prohibit and report SSOs in accordance with Part 1, B Station 300 and Part II, Item F. Please provide a written response to this office within 30 days that addresses how future SSOs at this specific location will be avoided.

The duckbill location in CSO 003 also presents a potential issue for any proposed monitoring at the CSO overflow point. If the overflow volume is unable to overcome the hydraulic pressure on the backside of the duckbill during storm events, the water in the overflow pipe may back up causing inaccurate readings using a level monitor. This issue was also discussed with the City during the inspection. A significant buildup of sanitary debris (e.g. toilet paper) was observed at the CSO 003 outfall on the bank of the river indicating this is an active CSO outfall location. This area should be checked for debris on a regular basis and any floatables shall be removed as soon as practicable upon accumulation.

Discussion during the inspection, review of records, and review of information submitted to this office indicates that the City is in **violation** of the following NMCs:

- *Proper operation & regular maintenance programs for the sewer system and CSOs (NMC-1)*  
The City indicated that an operational plan (OP) for the WWTP was submitted to Ohio EPA and records indicate the plan was approved by Ohio EPA on March 26, 1996. The OP should be reviewed and updated to reflect modifications to the structure, operation and maintenance of the collection system especially as the LTCP projects are implemented.

The City also indicated that most maintenance activity is conducted on a reactive basis without implementing regularly scheduled activities. Sewer cleaning is being conducted in order to perform studies on the system, but a regular rotating schedule has not been established. The City indicated that a jet-vac truck and televising equipment are available, but are mostly used when emergency issues occur or when studies are conducted. The City should create a formal maintenance schedule to implement maintenance, operation and inspection activities on a regular basis. Given the effect river intrusion may have on the collection system, an emphasis should be placed on maintaining the integrity of the flood plain sewers.

- *Control of solid and floatable materials in CSOs (NMC-6)*  
The City should implement measures such as installing baffles at CSO outfalls to prevent floatables from discharging to the receiving stream. Please refer to the United States EPA CSO Technology Fact Sheet for Floatables Control enclosed in Attachment B for more information
- *Prohibition of CSOs during dry weather (NMC-5)*  
The permittee indicated they are inspecting CSOs during or after wet weather events, but not on a regular schedule or during dry weather. The City should develop a routine monitoring program to inspect the CSO and SSO locations during dry weather in addition to wet weather events.
- *Public Notification to ensure that the public receives adequate notification of CSO occurrences and CSO impacts (NMC-8)*  
Typically, public notification includes raising awareness in the community about where the CSOs are located, the potential health risks associated with CSO discharges, and what is being done to prevent them. In some communities this information has been distributed through an ad in the local newspaper during the recreational season, through inserts in a utility bill, or by including a fact sheet on the City's website to address common questions about CSOs, sanitary sewer overflows (SSOs), and water-in-basement (WIB) events. This is an inexpensive control that can help prevent potentially harmful exposures and also educate the community on how their monthly sewer payments are being invested.

The City must also perform regular maintenance near the signs to remove vegetation to keep the outfall signs visible.

- *Monitoring to effectively characterize CSO impacts and the efficacy of CSO controls (NMC-9)*  
The City indicated that historically the CSO outfalls were inspected when staff was available after wet weather events. The City just recently installed block monitoring devices in the CSO regulators and has been reporting overflow occurrences using these devices. At a minimum, the City should check these block monitors after each wet weather event.  
The City is in the process of developing a monitoring plan for the CSO outfalls and known SSOs in the system. The CSO outfalls should be monitored using data collection devices to accurately report occurrences and volumes in order to evaluate what is leaving the system, what overflows are most active, what conditions cause activations, and what interaction is occurring between the collection system and the receiving streams.

The NMCs are included in Part II, Item E of your current NPDES permit and additional information on these topics can be found in Attachments A, B and C.

During an inspection conducted on April 18, 2013, by Ohio EPA, two unidentified outfalls were observed discharging brown solids creating a cloudy plume in the Oberhaus Creek. These discharges were addressed in a letter to the City dated May 10, 2013. If sampling is conducted and the City does find indications that cross connections do exist, the NPDES permit Part III – General Conditions, Item 29, requires the permittee to submit this information. In addition, the NPDES permit Part II.F.2 requires reporting of all SSOs monthly and annually. Further, under Part II.G., the permittee must maintain the treatment works and sewerage system in good working order and operated as efficiently as possible to achieve compliance with the permit and prevent discharges such as these, and under Part III, item 14, the permittee has a duty to mitigate these discharges.

Please provide a written response within 30 days to this letter outlining the steps that will be taken to attain compliance with the CSO NMCs. If you have questions/concerns regarding this letter, please contact me at (419) 373-3002 or by email at [Elizabeth.Wick@epa.ohio.gov](mailto:Elizabeth.Wick@epa.ohio.gov).

Sincerely,



Elizabeth A. Wick, P.E.  
Environmental Engineer/Section Manager  
Division of Surface Water  
Northwest District Office

DMH/jlm

Enclosures

pc: Chad Lulfs, P.E., City of Napoleon

ec: Paul Novak, P.E., DSW/CO  
Tracking

**Attachment A**  
**City of Napoleon Nine Minimum Controls Compliance Inspection Summary**

Part II – Other Requirements Item E, in the permittee’s NPDES permit (Ohio EPA No. 2PD00000\*QD), indicates that the entire wastewater treatment system shall be operated and maintained so that the total loading of pollutants discharged during wet weather is minimized. This is to be accomplished through use of what is known as the Nine Minimum Controls (NMCs). Part II.B. of the National Combined Sewer Overflow (CSO) Control Policy discusses implementation requirements for these control measures, which are listed and discussed below.

1. Proper operation & regular maintenance programs for the sewer system and CSOs.

The City indicated that an Operational Plan (OP) for the WWTP was submitted to Ohio EPA and records indicate the plan was approved by Ohio EPA on March 26, 1996. **The OP and the O&M Manual should be regularly reviewed and updated to reflect modifications to the structure, operation and maintenance of the collection system especially as the LTCP projects are implemented.**

The City indicated that most maintenance activity is not conducted proactively, but rather on a reactive basis. Sewer cleaning is being conducted in order to perform studies on the system, but a regular rotating schedule has not been established. The City indicated that a jet-vac truck and televising equipment are available, but are mostly used when emergency issues occur or when studies are conducted. **The City should create a formal maintenance schedule to implement maintenance, operation and inspection activities on a regular basis.** Based on discussions with the City and the potential effect river intrusion may have on the collection system, an emphasis should be placed on maintaining the integrity of the flood plain sewers.

The City is completing forms and logbooks to document inspections and has developed an electronic tracking system for lift station maintenance. The City is being proactive in maintaining the pump and lift stations in the system and has implemented the electronic tracking system for regularly scheduled operational and preventative maintenance activities. The City should maintain a log for when the pump station was unable to pump wastewater to the WWTP due to capacity concerns at the WWTP.

2. Maximum use of the collection system for storage.

The City indicated that the weir heights for the regulators in the system were determined based on system modeling conducted during the development of the LTCP which was approved in 2007. The City is in the process of developing a monitoring plan to identify sources of I/I and river intrusion that may be decreasing the usable capacity of the collection system for storage. The specifications of the river intrusion and I/I monitoring plan are being negotiated in response to a request for a 3-year hiatus from the LTCP construction schedule.

The City also indicated that in the past, the pumping capacity of the southern pump stations was throttled back during wet weather events to maximize storage in the collection system. The CSO stations upstream of these pump stations were historically not monitored using any type of monitoring device, therefore it is unclear if the capacity is maximized or exceeded upstream of these pump stations during wet weather events. **The monitoring plan under negotiation must include collecting defensible data to evaluate the capacity of the sewers tributary to all of the pump stations downstream of flood plain sewers.** Please see the Ohio EPA letter to the City of Napoleon dated August 30, 2013 for more details.

3. Review and modification of pretreatment requirements to assure CSO impacts are minimized.

The city does not have an approved pretreatment program.

4. Maximize flow at the WWTP for treatment.

The City indicated that once the WWTP has reached capacity, the equalization basin at the WWTP is utilized

before CSOs become active. City staff also indicated that in the past, the pumps in the southern portion of the City were throttled back during wet weather events to avoid hydraulically overloading the WWTP. **The City should evaluate options for pushing more flow through the plant and equalization basin before throttling back the pumping capacity of the southern pump stations or any other pump station within the collection system.**

5. Prohibition of CSOs during dry weather.

The permittee indicated they are inspecting CSOs during or after wet weather events, but not on a regular schedule. Historically, CSOs were not checked during unstaffed hours and in some cases were not visually inspected for overflows until the day after a wet weather event. The City installed wooden monitoring blocks in the CSO outfalls in May 2013 to better monitor when activations occur. **The City should develop a routine monitoring program to inspect the CSO locations during dry weather in addition to wet weather events. Ohio EPA recommends inspecting all of the CSO outfalls a minimum of once per week and after wet weather events.** The City indicated that no dry weather overflow (DWO) discharges have occurred in the past year; however, regularly scheduled dry weather monitoring is necessary to verify. DWO discharges have always been prohibited by the NPDES program. Such discharges can create serious public health and water quality problems.

**In addition, CSOs that are subject to surcharge during high river stage/river intrusion should also be monitored for activity during high river stage events regardless of the daily precipitation. River intrusion may occur in one section of the collection system causing surcharging in another area (i.e. due to pumping or back flow through interceptors) triggering a CSO event. The City should compare the CSO activation data to the river stage data to identify correlations that may affect CSO activations near the river.**

6. Control of solid and floatable materials in CSOs.

The City conducts routine cleaning and seasonal leaf removal as a pollution prevention measure. No floatables control is being implemented in any of the CSOs. Significant sanitary debris and floatables were observed at the outfall of CSO 003. **The City should implement floatables control in the CSOs (e.g. screens, baffles, netting, etc.). The US EPA CSO Technology Fact Sheet for Floatables Control is included in Attachment B.**

7. Pollution prevention.

The permittee conducts regularly scheduled seasonal leaf collection, and street sweeping activities. The City conducts televising, smoke testing and dye testing to identify and remove illegal connections in the collection system and the City's engineering department sends letters to enforce City Ordinances.

8. Public Notification to ensure that the public receives adequate notification of CSO occurrences and CSO impacts.

The City had posted signage at the observed CSO outfalls, but the signs were not visible due to vegetation overgrowth. **The City must perform regular maintenance to keep the outfall signs visible.**

**The City should also periodically (e.g., during recreational season, when new projects are being constructed, etc.) include CSO-related information (such as outfall location, health concerns, construction project specifics and contact information where additional details can be obtained) with sewer bills, in the local newspaper, and on the City website. This added effort should increase public awareness regarding CSO issues and LTCP projects.**

9. Monitoring to effectively characterize CSO impacts and the efficacy of CSO controls.

Historically, the City estimated occurrences and volumes of CSOs during staffed hours. In May 2013, the City

installed block monitoring devices in the CSO stations to better track overflow occurrences. The City continues to estimate volumes, but indicated that the blocks have demonstrated the CSOs activate more often than previously estimated. Attachment C demonstrates the marked increase in reported overflow occurrences in CSO Stations 003, 004, 006 and 0010. For these four CSO stations, more occurrences were reported in the two month period after installing the blocks than were reported between January 2008 and May 2013. CSO Station 011 has a flow monitoring device installed that automatically collects data and CSO stations 008 and 009 were reported to have been eliminated.

The City also created an inspection form to complete when conducting the CSO inspections.

The City is in the process of developing a monitoring plan for the remaining CSO outfalls and designated SSOs in the system. **These outfalls should be monitored using data collection devices to accurately report occurrences and volumes in order to evaluate what is leaving the system, what overflows are most active, what conditions cause activations, and what interaction is occurring between the collection system and the receiving streams.**





# Combined Sewer Overflow Technology Fact Sheet Floatables Control

## DESCRIPTION

This fact sheet describes various technologies for controlling discharges of floatable materials from combined sewer overflows (CSOs). Control of floatable material is an important component of the U.S. Environmental Protection Agency's (EPA's) CSO Control Policy.

Combined sewer systems (CSSs) are wastewater collection systems designed to carry both sanitary sewage and storm water runoff in a single pipe to a wastewater treatment plant. CSOs generally occur during wet weather periods when the hydraulic capacity of the CSS becomes overloaded. Floatables control technologies are designed to reduce or eliminate the visible solid waste that is often present in CSO discharges.

Example floatables control technologies include:

- Baffles
- Screens and trash racks
- Catch basin modifications
- Netting
- Containment booms
- Skimmer vessels

### Baffles

Baffles are simple floatables control devices that are typically installed at flow regulators within the CSS. They consist of vertical steel plates or concrete

beams that extend from the top of the sewer to just below the top of the regulating weir. During an overflow event, floatables are retained by the baffles while water passes under the baffles, over the regulator, and into the receiving water body. When the flow recedes below the bottom of the baffle, floatable material is carried downstream to the wastewater treatment plant. Figure 1 presents an example of a typical baffle in a CSO regulator.

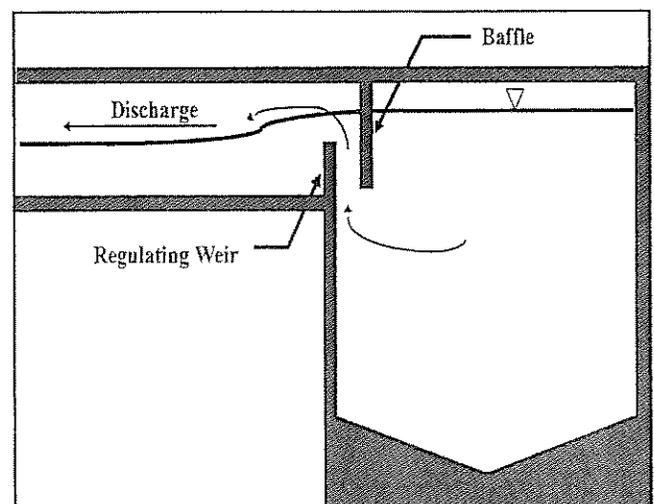


FIGURE 1 BAFFLE IN CSO REGULATOR

### Screens and Trash Racks

Screens and trash racks consist of a series of vertical and horizontal bars or wires that trap floatables while allowing water to pass through the openings between the bars or wires. Screens can be installed at select points within a CSS to capture floatables and prevent their discharge in CSOs. Screens used for CSO control include mechanically cleaned permanent screens, static screens, traveling screens, or drum screens. Screens can also be divided into

three categories according to the size of floatable material they are designed to capture. These are:

Bar screens (> 2.5 centimeter [1 inch] openings)

Coarse screens (0.5 - 2.5 centimeter [0.19 - 1 inch] openings)

Fine screens (0.01 - 0.5 centimeter [0.004 - 0.19 inch] openings)

The screens most commonly used to control CSOs are trash racks (a type of bar screen primarily used as an end-of-pipe control) and coarse screens. See EPA's fact sheet "Screens" (EPA 832-F-99-027) for additional information on screens for CSO control.

### Catch Basin Modifications

Catch basins are surface-level inlets to the sewer system that are often used to allow runoff from streets and lawns to enter the CSS. These basins are often modified to prevent floatables from entering the system. Inlet grates installed at the top of the catch basins reduce the amount of street litter and debris that enters the catch basin. If floatables enter the basin through these grates, they can be collected in colander-like structures called trash buckets installed in the basin beneath the grate. These structures retain floatables while letting water flow through to the CSS.

Other catch basin modifications, such as hoods, submerged outlets, and vortex valves, alter outlet pipe conditions and keep floatables from entering the CSS. Hoods are vertical cast iron baffles installed in catch basins. Submerged outlets are located below the elevation of the CSS and are connected by a riser pipe. The original intent of both hoods and submerged outlets was to serve as gas traps, but they have also proven to be effective barriers for retaining litter and other floatables within catch basins. A vortex valve is a discharge throttling device that is able to reduce the frequency and the volume of CSO events. Vortex valves have also proven capable of controlling floatables. A typical modified catch basin with hood is presented in Figure 2.

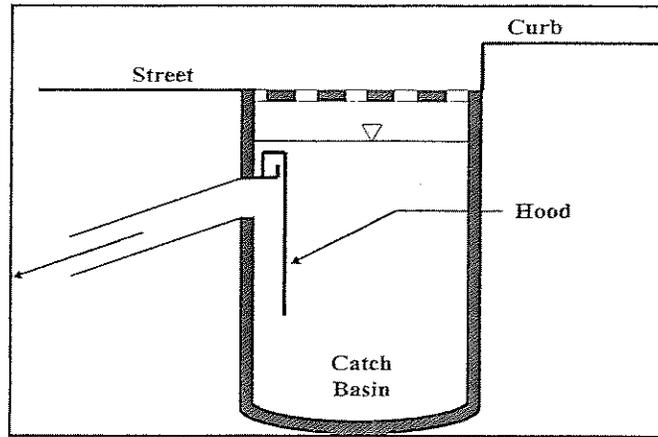


FIGURE 2 MODIFIED CATCH BASIN WITH HOOD

### Netting

Two types of netting systems can be used to collect floatables in a CSS: in-line netting, and floating units.

In-line netting can be installed at strategic locations throughout the CSS. The nets would be installed in underground concrete vaults containing one or more nylon mesh bags and a metal frame and guide system to support the nets. The mesh netting is sized according to the volume and types of floatables targeted for capture. The CSO flow carries the floatables into the nets for capture. Bags are replaced after every storm event.

Floating units consist of an in-water containment area that funnels CSO flow through a series of large nylon mesh nets. Mesh size depends on the volume and type of floatables expected at the site. This system is passive and relies on the energy of the overflow to carry the floatables to the nets. However, nets must be located some distance from the outfall (often 15 meters [50 feet] or more) to allow floatables entrained in the turbulent CSO flow to rise to the flow surface and be captured. The nets are single use, and after an overflow, the nets are typically removed and taken to a disposal area. Additional information on one type of floating unit, the TrashTrap™ system, is provided in a separate fact sheet (EPA 832-F-99-024).

## Containment Booms

Booms are containment systems that use specially fabricated flotation structures with suspended curtains designed to capture buoyant materials. Booms can also be designed to absorb oils and grease. They are typically anchored to a shoreline structure and the bottom, and they can be located downstream of one or more outfalls. Booms are sized based upon the expected volume of floatables released during a design-storm event. After a storm event, material captured in the boom can be removed manually, or with a vacuum truck or a skimmer vessel.

## Skimmer Vessels

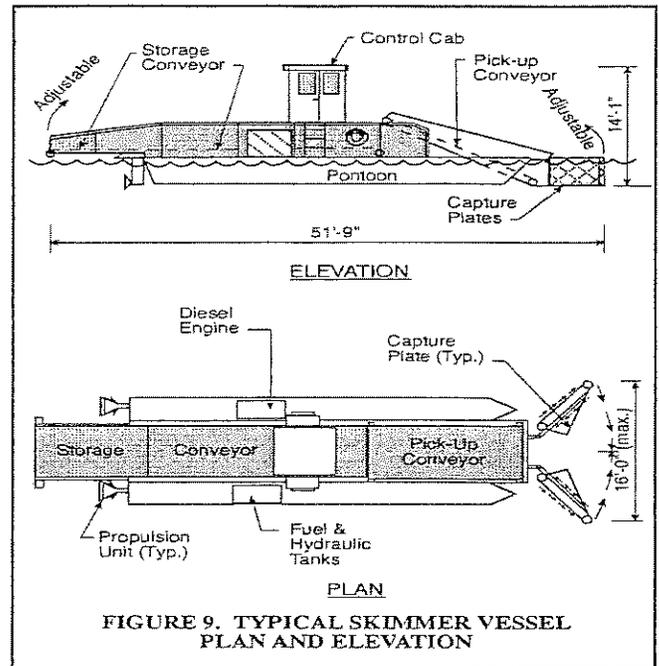
Skimmer vessels are specially-designed boats used to collect floating debris, including material contained behind booms. Skimmer vessels almost always require companion equipment, including a shore conveyor for offloading, a truck for disposal, and a trailer for land transport. Floatables are brought on board the skimmer vessel with moving screens on a conveyor belt system, or by lowering large nets into the water. Skimmer vessels are used primarily in lakes, harbors, and bays. Figure 3 shows a schematic diagram of a skimmer vessel.

## APPLICABILITY

### Baffles

The effectiveness of baffles depends on the design of the flow regulator. Baffles should be considered if new regulators are being designed and constructed. Baffles can also be retrofitted to existing regulators in many collection systems. In some situations, baffles may restrict access to regulating structures, making maintenance more difficult. However, baffles are considered a low maintenance alternative, and require only occasional cleaning to remove debris and reduce odors.

The city of Columbus, GA, uses baffles for CSO control in parts of its sewer system. The city has installed concrete baffles at the CSO outfalls for each of its 12 new diversion structures. These baffles retain floatables during high flows, and then release the floatables to the treatment plant through



a vortex box during low flows. The city has found that the baffles effectively remove most floatable material from the overflow, with minimal costs.

### Screens and Trash Racks

Trash racks and coarse screens can be used effectively for CSO control because they capture a significant amount of aesthetically undesirable floating debris and trash contained in the CSS. Removal efficiencies are tied closely to the design size, and can range from 25-90 percent of the total solids. Finer screens have higher removal efficiencies, but are more susceptible to clogging and tearing and may require maintenance after each overflow event. The effectiveness of screening units is reduced significantly by the presence of oil and grease in the flow.

### Catch Basin Modifications

The ability of catch basins to control floatables ultimately depends upon their regular maintenance and cleaning. While most catch basins need to be cleaned only once per year, catch basins that have been modified to trap floatables may require cleaning and maintenance after each storm event.

The physical placement of the inlet grates is important to their efficiency. For example,

installing basin gratings with openings parallel to flow direction will optimize the flow hydraulics. However, grates of this type may be hazardous to bicyclists.

Hoods or submerged outlets can be included as key components in standard catch basin design. Hoods can also be retrofitted in catch basins in many situations.

### **Containment Booms**

Containment boom efficiency can range from 60 to 90 percent. Site conditions such as receiving water velocity and CSO flow velocity should be considered when evaluating containment boom design, placement, and anchoring. Although booms will float and therefore accommodate water level fluctuations, high river velocities and winds may dislodge them. Booms cannot be employed during the winter in waters that are subject to freezing.

Maintenance requirements for booms are moderate relative to other floatables control technologies. Containment booms must be cleaned after storm events, and this can be costly. Special consideration should be given to booms located in highly visible public areas. Booms potentially create unsightly conditions near the outfalls, and may therefore be inappropriate in areas with waterfront development. In addition, resource and regulatory agencies may have concerns about the presence of floating booms within the natural boundaries of waterways.

### **Netting**

The netting system most appropriate for a given situation depends on three sizing requirements: the absolute peak flow expected, the maximum flow velocity, and the volume of floatable material per million gallons of CSO. In-line units are widely applicable, and can be adapted to most combined systems. Floating units are more suitable for use in lakes, estuaries, and tidal waters at outfalls or close to the water level. Since floating units collect floatables after they enter the receiving water, they can potentially create unsightly conditions near the outfall, and may be inappropriate in areas with waterfront development. In addition, resource and regulatory agencies may have concerns about

floating units that lie within the natural boundaries of waterways.

Netting systems require a high amount of maintenance. The frequency with which bags must be changed depends on site-specific conditions, including the frequency and volume of overflows, the volume of floatables, and the overall water quality. In some places, bags may need to be changed as frequently as 30 to 60 times per year. In many instances bags are changed to remove captured waste before it gets old and moldy, rather than because the bags are full. It can take 30 minutes to two hours to service each unit, depending on the number and size of the netting bags. Field test results indicate netting can provide removal efficiencies of up to 90 percent for floatables.

### **Skimmer Vessels**

Skimmer vessels are a very visible floatables control method that are easy for the general public to understand and support. Skimmer vessels are typically used to clean broad areas of open water. As a result, the floatable debris and litter collected comes from a variety of sources including CSOs, separate storm water systems, and upstream sources. Financial assistance from sources other than the owner and operator of the CSS may be warranted.

Although the U.S. Coast Guard does not require a specific license in order to operate a skimmer vessel, operation requires considerable skill. Most skimmers require a crew of two, and usually do not fare well in high winds, in the wakes of other vessels, or in strong currents. Ice impedes navigation and the collection of floatables. It is also important to be aware of minimum depth and clearance height requirements specific to each vessel.

## **PERFORMANCE**

### **Baffles**

Columbus, GA uses baffles as part of their CSO control system. However, their specific

performance is not tracked. See below for a discussion of the overall performance of Columbus' CSO controls.

### **Bar Screens and Trash Racks**

Columbus, GA uses bar screens and trash racks in both of its treatment plants to mitigate the effects of CSOs. Columbus' Uptown Park CSO facility, which receives flow from the Cooks Branch line of its combined sewer system, has enhanced its CSO system as part of a CSO demonstration project for EPA. The Uptown Park CSO facility uses bar screens and trash racks to filter CSOs, as well as to retain floatables released to the plant after storms from baffles in other parts of the system. During storms, all flow (including excess flow) in the Cooks Branch line is filtered through the bar screens and trash racks located at the Uptown Park CSO facility, and overflows go directly to the receiving water body. Floatables from the Cooks Branch line are retained on the bar screens and trash racks and are taken by conveyor to a dumpster for characterization and disposal. In addition, floatables originally retained during storms by baffles in other parts of the system are eventually released to the Uptown Park CSO facility, where they are removed by the trash racks.

Both the bar screens and the trash racks at the Columbus facility have 3.8 centimeter (1.5 inch) openings. The system effectively captures large solids and floatables, and the facility meets its permit requirements for floatables and fecal coliform. The screens and trash racks are self-cleaning, and so maintenance is minimal. Annual maintenance costs are below \$15,000 for the entire sewer system.

### **Catch Basin Modifications**

As part of a city-wide floatables study in New York City, the amount of litter released to the CSS was compared for catch basins with and without hoods, under identical flow regimes. The hooded catch basins retained approximately 85 percent of the litter delivered to the CSS, while unhooded catch basins captured only 30 percent of the litter.

### **Netting**

End-of-pipe netting was installed by New York City at the Fresh Creek outfall, a tributary to Jamaica Bay. Fresh Creek is one of the city's largest CSO outfalls. The floating netting system, using a total of eight bags, removed an average of 295 kilograms (650 pounds) of floatables for every 37.85 million liters (10 million gallons) of CSO filtered. The net is designed to trap material 1.3 centimeters (0.5 inches) or greater in size, and has a capture efficiency of 90 to 95 percent.

In Kentucky, the Louisville and Jefferson County Metropolitan Sewer District (MSD) installed three in-line netting units in their CSS at a total capital cost of \$75,500. City personnel changed the bags after two to three overflow events. They found that even though the bags were not always full after three events, they become clogged with dried materials and needed to be replaced. The MSD estimates that the operation and maintenance costs associated with changing the bag(s) in a unit approaches \$900, including personnel, machinery, and disposal fees. Additionally, the local landfill does not accept the bags until they have been dewatered, which requires a suitable location for the bags to drain overnight.

### **Containment Booms**

A four-boom containment system was tested by New York City during a two-year pilot study in Jamaica Bay, NY. Floatables were contained by the booms and collected using a skimmer vessel. An assessment of the effectiveness of the booms was made by measuring the quantities of floatable material in the waters and on the shorelines of the Bay before and after installation of the booms. Results showed substantial improvements from the pre-boom conditions, and indicated that containment booms provide a floatables retention efficiency of approximately 75 percent. During the two-year test period, more than 40,640 kilograms (40 tons) of trash were removed from the containment area.

## **Skimmer Vessels**

The Anacostia Floatable Debris Removal Program in Washington, DC, employs five full-time workers and uses two skimmer boats to maintain more than ten miles of shoreline. In 1998, the skimmer vessels removed 406,400 kilograms (400 tons) of debris from Washington waterways. Overall, the program has removed 3.02 million kilograms (2,975 tons) of debris from waterways since 1992. The program has enjoyed marked success and is hoping to expand in the future. Two additional personnel were hired into the program in late 1998, and the program plans to purchase another skimmer vessel in 1999.

## **COSTS**

### **Baffles**

Capital costs for baffles depend on the size of the structure and the design storm. Sewers that are retrofitted with baffles typically employ stainless steel or aluminum curtains at an average cost of less than \$10,000 each. Concrete baffles can be considerably less expensive, but are usually reserved for use in new construction. In complex situations where proper installation requires substantial structural alterations, costs may exceed \$25,000 per outfall.

### **Screens and Trash Racks**

Screen installation, operation, and maintenance costs vary widely, and depend upon the flow rate and the type of screen selected. Construction costs for screen systems include costs for installing a specialized housing unit for the screen within the pipe. This may require costly structural alterations to regulators and outfalls. In general, screens and trash racks have moderate maintenance requirements. All units need regular inspection and cleaning. However, these costs are generally low, especially for self-cleaning units. For example, Columbus, GA, spent approximately \$15,000 on maintaining their CSO abatement system in 1998. These costs included costs for cleaning screens at the Cooks Branch treatment facility, as well as maintaining other CSO treatment works in other parts of the system.

## **Catch Basin Modifications**

The costs associated with different modifications vary greatly. Trash buckets can cost as little as \$100, while installing vortex valves in catch basins can cost as much as \$700 per basin. Additionally, the modified basins require regular maintenance at \$50 to \$150 per unit, including equipment and labor costs.

### **Netting**

Typical purchase, construction, and installation costs for commercially available netting systems range from \$25,000 to \$150,000 per site. Operating and maintenance costs are estimated at \$1,000 per changeout, including \$100 for the disposable netting bags.

### **Containment Booms**

The installed cost of a containment boom can run as high as \$100,000 to \$150,000 per site. Capital costs for the 4-boom system pilot-tested in New York City (excluding engineering costs) were \$240,000, while O&M costs were \$5,000 over eighteen months. This figure does not include expenses incurred when removing floatables from behind the boom. This was done using a skimmer vessel, and costs for skimmer vessels are discussed elsewhere in this fact sheet. Disposal costs for removing floatables are heavily dependent on the type of system used for removal, the boom's accessibility, the travel time between locations, and fuel use.

### **Skimmer Vessels**

Skimmer vessels can range in cost from \$300,000 to almost \$700,000, including shore conveyors for off-loading, and a trailer for transporting the vessel from site to site. Annual operating costs average \$75,000 to \$125,000 per boat and include vessel maintenance and repair, crew wages, fuel, insurance, and land disposal fees for the collected matter. Operating costs for the eighteen month New York City study were \$280,000. Of these operating costs, \$26,000 in costs related to offloading collected floatables were recorded in 9 months.

Skimmer vessels can be expensive to maintain. For example, while the skimmer vessel program in Washington, D.C. has been very successful, the vessel itself has required a great deal of mechanical maintenance. Maintaining the vessel requires mechanics who are knowledgeable in repairing boats.

## REFERENCES

1. Columbus Water Works, 1999. Cliff Arnett, Senior Vice President of Operations, Columbus Water Works, personal communication with Parsons Engineering Science, Inc.
2. Heath, G. R. *CSO Floatables Control for the Greater Boston, Massachusetts, Area*. Metcalf & Eddy, Inc.
3. Municipal Environmental Research Laboratory, September, 1981. *A Planning and Design Guidebook for Combined Sewer Overflow Control and Treatment*.
4. New York City Department of Environmental Protection, 1995. *City-Wide Floatables Study*. Bureau of Environmental Engineering, Division of Water Quality Improvement, prepared by HydroQual, Inc.
5. Washington, D.C. Water and Sewer Authority, 1999. Dunbar Regis, Chief, Inspection and Maintenance Section, Bureau of Sewer Services, Washington D.C. Water and Sewer Authority, personal communication with Parsons Engineering Science, Inc.

## ADDITIONAL INFORMATION

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For more information contact:

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U.S. EPA  
Mail Code 4204  
401 M St., S.W.  
Washington, D.C., 20460

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## Attachment C

DATE	CSO STATION				
	003 MG	004 MG	006 MG	010 MG	011 MG
6/28/2008	0.045	0.081			
7/3/2008					
7/8/2008	0.006				
2/11/2009					
3/10/2009		0.004			
6/19/2009	0.007				
7/11/2009					0.136
7/29/2009					0.435
8/16/2009					2.818
8/19/2009					0.124
9/9/2009					0.419
10/2/2009					0.66
10/9/2009					0.316
10/23/2009					0.315
12/8/2009					0.754
12/25/2009					0.606
3/13/2010					1.551
3/28/2010					0.148
4/7/2010					1.156
4/24/2010					0.507
4/25/2010					1.755
2/28/2011					0.031
4/23/2011					0.309
4/28/2011					0.402
5/14/2011					1.006
5/15/2011					0.161
5/19/2011					0.139
5/25/2011					0.966
5/26/2011					1.483
6/19/2011					0.062
7/11/2011					0.015
7/18/2011					0.015
11/23/2011					0.55
11/29/2011	0.029				1.468
1/13/2013					0.062
Monitoring Blocks Installed May 2013					
6/1/2013	0.01	0.01		0.01	
6/13/2013	0.01	0.01	0.01	0.1	0.031
7/9/2013	0.02	0.02		0.02	
7/10/2013	0.03	0.03		0.03	0.403
7/20/2013	0.01	0.01		0.01	
7/27/2013		0.005			
Occurrences reported January 2008 - May 2013	4	2	0	0	29
Occurrences reported after June 2013-July 2013	5	6	1	5	2





John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

Re: City of Napoleon  
NPDES  
Henry County  
2PD00000\*QD

December 13, 2013

Mayor and Council  
City of Napoleon  
255 West Riverview Street  
Napoleon, OH 43545

**Re: NPDES Permit Renewal Schedule of Compliance**

Dear Mayor and Council:

On October 30, 2013, representatives from the Ohio EPA Division of Surface Water (DSW) met with representatives from the City of Napoleon to discuss renewal of the City of Napoleon NPDES Permit (permit). The main issue in the NPDES permit renewal is how to address overflows from the sewer system.

We appreciate the previous and continuing efforts of Napoleon to address sewage overflows. We also understand that these efforts to reduce the volume of overflow have resulted in significant costs and increased sewer rates.

The City has requested a three year construction hiatus and an extension of the final completion date from the approved LTCP projects. The reason for the requested extensions is to allow for additional studies to identify sources of infiltration/inflow (I/I) of clean water into the sewer system. Review of data submitted to Ohio EPA indicates that river intrusion and infiltration/inflow of storm water are resulting in overloaded sewers and overflows of sewage from the sewer system.

The following items have been agreed to between the City and Ohio EPA based on previous correspondence and the most recent meeting.

- A 3-year delay in construction projects
- Completion of the three remaining I/I studies from the approved LTCP by the proposed date of December 31, 2015 including:
  - Van Hying Interceptor (LTCP project No. 22)
  - East Riverview Interceptor (LTCP Project No. 23)
  - Front Street Interceptor (LTCP Project No. 25)
- Additional Sensors/Monitoring for Palmer Ditch and Van Hying/Oberhaus Studies
  - Palmer Ditch Study:
    - Installation of sensors located in the Palmer Ditch interceptor capable of accurately recording data for hydraulic pressure or water level,
    - Installation of a gauge in Palmer Ditch capable of accurately recording data for creek water level,
    - Elevation data of the manholes (should be correlated to creek level to indicate when manholes are inundated).

- Van Hying/ Oberhaus Study:
  - Installation of sensors located in the Oberhaus Interceptor capable of accurately recording data for hydraulic pressure or water level (at least one sensor each in both the east and west side of Scott Street),
  - Installation of sensors located in the Van Hying Interceptor capable of accurately recording data for hydraulic pressure or water level,
  - Installation of gauges in Oberhaus Creek capable of accurately recording data for creek water level,
  - Elevation data of the manholes along the Oberhaus Interceptor and Van Hying Interceptor (should be correlated to creek level to indicate when the manholes are inundated),
  - An evaluation of specific projects to rebuild / replace the Oberhaus Interceptor west of Scott St. to reduce I/I,
  - Sample the two unknown discharges that were identified in the Ohio EPA letter to the City dated May 10, 2013 for wastewater indicators.
- By July 31, 2014 install sensors at all permitted CSO overflows (052-059) to accurately report overflow occurrence and volume data on monthly discharge monitoring reports (DMRs);
- By July 31, 2014 install sensors at SSO 302 and SSO 303 to accurately report overflow occurrences on DMRs. These sensors should also capture volume data to quantify the volume of overflow that needs to be addressed in evaluating and implementing future I/I removal projects.
- A 5-year delay in the final completion date for LTCP projects. The new end date is proposed to be no later than December 2030.

The river/creek water level gauges described above will be used to gather river stage data that will be compared to the CSO/SSO activation and flow data to identify correlations that may affect overflow events. The CSO and SSO sensors described above should be capable of capturing overflow volume and occurrence data in the presence of potential surcharging and backflow conditions that were discussed during the most recent meeting. The potential for these conditions to exist were specifically discussed, but are not limited to, CSO Station 003 (potentially caused by the inline duckbill), CSO Station 004 (potentially caused by a bottleneck created at the confluence of three sewers into one of a lesser combined capacity) and SSO Station 303 (potentially caused by a capacity issue in the Riverview Interceptor as a result of excessive I/I).

The items above will be included as a Schedule of Compliance in the NPDES permit renewal. Ohio EPA anticipates that the collection of data as outlined above will allow the City to re-evaluate future LTCP projects and more accurately define project scopes based on that data. Therefore, a requirement to submit a revised LTCP based on the obtained monitoring data that expedites SSO elimination will also be included in the Schedule of Compliance. The City has proposed an acceptable submittal date of December 31, 2016 for the revised LTCP.

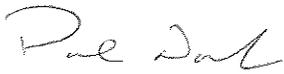
During the meeting, we also discussed the combined sewage overflow that occasionally occurs at the regulator manhole upstream of CSO Station 003. This manhole is located in the parking lot of the school yard. When this school yard manhole overflows it sends combined untreated sewage across the school parking lot and grassy area adjacent to the playground and into the nearest surface water drainage ditch. This manhole is not a permitted outfall location in the current NPDES permit. Any overflows at this location are prohibited and should be reported as Sanitary Sewer Overflows (SSOs) under Station 300 of the City's NPDES permit. These SSOs are located in an area that has a high probability of exposing a sensitive population (i.e. children) to overflows that may contain microorganisms that can cause serious illnesses. As discussed during the meeting, a temporary sign informing the public of the potential health threat should be installed near this manhole when the SSO is active and remain until the SSO event has been adequately remediated. The City indicated during the October 30, 2013 meeting that it would submit a plan to promptly address this SSO.

As a final item, if the City plans to install sensors outside of the physical overflow outfalls, the City should continue to check the monitoring blocks installed in May 2013 in order to verify that the sensors are accurately recording overflow occurrence data. Collecting and submitting defensible data from the system overflows will be a critical component of any future LTCP submissions, especially in designing solutions to resolve the capacity and overflow issues that have historically resulted from the interaction between CSO 003, CSO 004, Haley area I/I, and the Riverview Interceptor capacity.

Ohio EPA is in the process of drafting the NPDES permit renewal and in doing so, updating the Schedule of Compliance to reflect the above. We appreciate the cooperation of the City in working with Ohio EPA and the ongoing efforts to address remaining sewage overflows.

If you have any questions, please contact me at (614) 644-2035 or [Paul.Novak@epa.ohio.gov](mailto:Paul.Novak@epa.ohio.gov).

Sincerely,



Paul Novak, P.E.  
Manager  
Division of Surface Water

pc: Elizabeth Wick, P.E., NWDO  
Chad Lulfs, P.E., City of Napoleon  
DSW, CO File

# City of NAPOLEON, Ohio

## Operations Department

1775 Industrial Dr., P.O. Box 151, Napoleon, OH 43545

Phone: 419/599-1891 Fax: 419/592-4379



Operations Superintendent  
Jeffrey H. Rathge

Water Distribution Foreman  
Brian Okuley

Streets/Sewer Foreman  
Roger Eis

Sanitation Foreman  
Perry Hunter

Head Mechanic  
Tony Kuhlman

# Press Release

## CHRISTMAS DAY REFUSE & RECYCLING ROUTES

Napoleon, Ohio, -- Due to the upcoming Christmas Day holiday, the refuse and recycling pickup routes for the City of Napoleon will be as follows **for the week of December 23 - 27, 2013 ONLY:**

- 🕒 **Monday, Dec. 23 – as usual**
- 🕒 **Tuesday, Dec. 24 – as usual**
- 🕒 **Wednesday, Dec. 25 – HOLIDAY – NO PICK UP**
- 🕒 **Thursday, Dec. 26 – as usual; Wednesday's route will also be run on Thursday (there is a possibility of later than usual pick up time for Thursday's route)**
- 🕒 **Friday, Dec. 27 – as usual**

Wednesday's and Thursday's routes will both be run on Thursday, December 26<sup>th</sup>. The Operations Department is asking that those affected, an extra effort be made to have their refuse and recycling at the curb by 7:00 a.m. on the 26<sup>th</sup>.

Please contact the Operations Department at the above referenced number if there are any questions regarding this matter.



## Fw: TMACOG 2014 General Assembly

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

12/20/13 11:02 AM

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

From: TMACOG <public.info@tmacog.org>  
To: gheath@napoleonohio.com  
Date: 12/20/2013 11:00 AM  
Subject: TMACOG 2014 General Assembly

[View this e-mail in your browser](#)



## The 2014 TMACOG General Assembly

# Agri business

Wednesday, January 29, 8:30 a.m. - 1:15 p.m.  
Holiday Inn French Quarter, Perrysburg

**You are invited to participate in the 2014 General Assembly of the Toledo Metropolitan Area Council of Governments. All TMACOG members are asked to send a representative to the General Assembly. This is the annual business meeting where you will vote on leadership, participate in caucus sessions, and shape TMACOG planning activities.**

### Agenda

- |               |   |
|---------------|---|
| 8:30-9 a.m.   | Registration, Continental Breakfast, and Networking |
| 9-10 a.m.     | Caucus Sessions                                     |
| 10-10:30 a.m. | Networking Break                                    |
| 10:30-11 a.m. | Business Meeting and Election of Leadership         |
| 11-11:30 a.m. | Networking Break                                    |
| 11:30-12:15   | Lunch   |
| 12:15-1 p.m.  | Keynote Presentation                                |



Dan Anderson, President of the Retail Group, The Andersons, Inc.  
*Agri-business: From local fields to global yields - the economic impact of agriculture*

1 p.m.

Closing Remarks

Register by Friday, January 24. Fee is \$30/members, \$60/non-members.  
Registration is online at [tmacog.org](http://tmacog.org).  
Questions? Contact Jennifer Allen at [allen@tmacog.org](mailto:allen@tmacog.org), or 419.241.9155 ext. 107.

300 Martin Luther King Jr. Drive, Suite 300 | Toledo, OH 43604 | Phone: 419.241.9155 | Fax: 419.241.9116  
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# Update

A weekly newsletter presented by AMP President/CEO Marc Gerken

December 20, 2013

## OMEA leadership strongly represented on APPA Policy Makers Council

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

The American Public Power Association (APPA) has announced the 2014 Policy Makers Council (PMC). According to APPA, this year's selection process was extremely competitive as there were a number of qualified candidates.

OMEA Board President Mayor Richard Homrighausen of Dover was named to the "emeritus Policy Makers Council," a special designation reserved for long-time PMC members with exceptional records of service.

OMEA Board member and Montpelier Mayor Steve Yagelski was selected as a new PMC member (Region 2), and OMEA Board member and Tipp City Councilmember Patrick Hale was also selected as a new PMC member (at large).

The PMC assists APPA in promoting positions on federal legislative and regulatory initiatives that are important to public power systems.

Congratulations to Mayors Homrighausen and Yagelski, and Councilman Hale.



Richard Homrighausen



Steve Yagelski



Patrick Hale

## Scholarship information has been mailed

By Karen Ritchey – manager of communication programs

Informational packets regarding the Richard H. Gorsuch and Lyle B. Wright scholarships including rules, eligibility, deadlines and nomination forms were mailed to AMP's principal contacts last week.

Scholarship information has also been sent to high school guidance counselors in each member community. AMP member communities can nominate one high school senior for each scholarship (Gorsuch and Wright). Nominations are due by Jan. 31, 2014.

Wright scholarship applicants must be students whose household receives electricity from an AMP member community. Applicants for the Gorsuch scholarship must be students whose parent or guardian is an employee of an AMP member municipal electric department or an employee of AMP.

Up to four Wright and up to four Gorsuch scholarships will be awarded. Winners will be determined by the AMP Board of Trustees and announced in May. Since the program began in 1988, AMP has provided \$240,000 in scholarships to graduating high school seniors. Member communities are encouraged to participate in this program by nominating a student for the scholarships.

Informational scholarship packets are also available on [AMP's Member Extranet](#). If you have any questions, please contact me at 614.540.0933 or [kritchey@amppartners.org](mailto:kritchey@amppartners.org).

## No 'Update' next week

Due to the holiday, there will be no *Update* newsletter next week, Dec. 27.

## AMP staff gives back to community for holidays

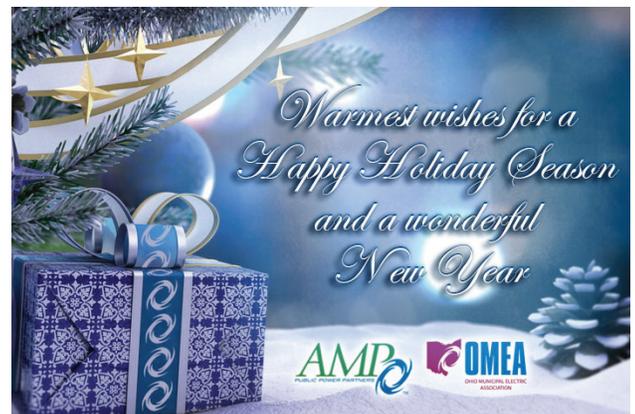
The AMP staff got into the holiday spirit by donating nearly 300 pounds of items to Lutheran Social Services (LSS) food pantries and Faith Mission shelter this year.

The staff's charitable giving will go a long way to helping those in need in the Columbus community as a recent study showed there has been about a 4 percent increase in homeless people in Franklin County over the last year. According to a representative from an LSS food pantry location, they serve about 8,000 people per month.

For more information and a full list of programs/services offered by LSS, please visit <http://www.lssco.org>.

An employee from the Smithland Hydroelectric Project also helped spread goodwill and cheer when he contacted Family First about its Christmas For Kids Project. Employees of the

*continued on Page 3*





## Trends in sustainability

By Julia Blankenship – director of energy policy & sustainability

In an ongoing series of analyses done by the U.S. Department of Energy's Energy Information Administration (EIA), the regional variations in electricity generation since 2001 are highlighted, showing the increasing importance of natural gas as a fuel resource.

EIA notes that the mix of fuels used to generate the electricity in homes, factories, and businesses across the United States has changed in the past few years as coal, still the largest single fuel used for electricity, has lost some of its share of the generation market to natural gas and non-hydroelectric renewables in certain regions. The generation mix is not uniform across the country and varies significantly by region depending on available resources and regional market prices. Further, the regional differences in electricity generation will continue to be extremely important as the Administration and Congress consider regulations and legislation aimed at reducing various emissions, including CO<sub>2</sub>.

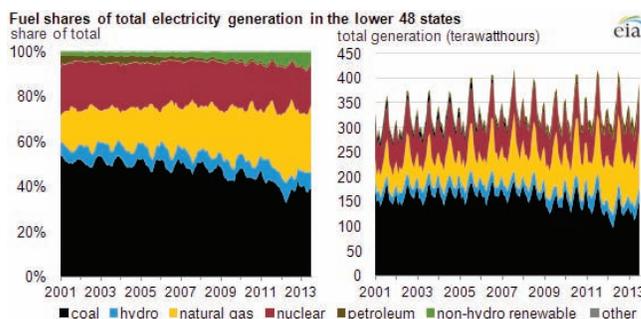
For purposes of this analysis, EIA grouped the vast majority of AMP's footprint states within the Mid-Atlantic region (see map below), represented by the PJM Interconnection's electric system, the largest single electric system in the nation in terms of customers served. According to EIA, the fuel mix in this region has remained fairly consistent, compared to the larger shifts seen in other regions.



Source: U.S. Energy Information Administration.

Note: The gray area in Northern Maine is an area of the continental United States that is not connected to the wider U.S. grid.

The graphs below show fuel shares of total electricity in the lower 48 states (first two charts) and the Mid-Atlantic region (next two charts). Note that coal and nuclear are the predominant fuels in the Mid-Atlantic, with a growing percentage of natural gas. Coal has fallen off sharply since about 2011.



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

#### Week ending Dec. 20

MON	TUE	WED	THU	FRI
\$47.93	\$39.05	\$40.10	\$32.91	\$32.65

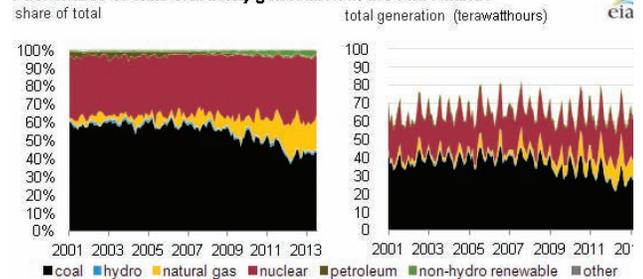
#### Week ending Dec. 13

MON	TUE	WED	THU	FRI
\$40.40	\$49.31	\$52.26	\$63.39	\$45.32

AEP/Dayton 2014 5x16 price as of Dec. 20 — \$41.25

AEP/Dayton 2014 5x16 price as of Dec. 13 — \$41.11

### Fuel shares of total electricity generation in the Mid-Atlantic



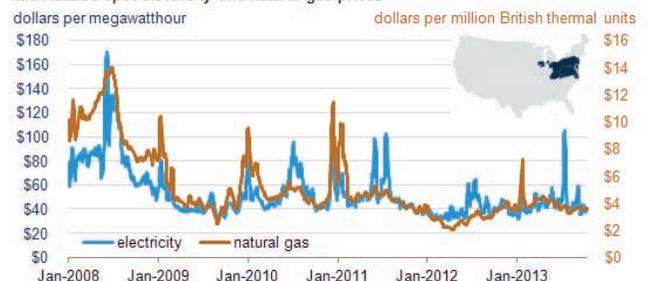
Source: U.S. Energy Information Administration, [Electricity Monthly Update](#)

Note: Other refers to electricity generated from the non-biogenic portion of municipal solid waste, other non-renewable waste fuels, hydroelectric pumped storage, other energy storage, and other sources.

In the Mid-Atlantic region, natural gas power generation increased because of low natural gas prices in 2012 and 2013, but the availability of cheap coal from the Illinois Basin has kept coal-fired units producing nearly half of the output in PJM's system, especially in the western portion (Indiana and Illinois).

Although natural gas-fired units do not make up a majority of the generation units in this region, these units often set the wholesale electricity price. This is because in the PJM market, the electricity price is determined by the last unit selected (the marginal unit) to run at a given time, based on fuel and other operating costs. Because natural gas often fuels the last unit selected, the wholesale power price in the PJM system generally moves with the natural gas price on any given day (see graph below).

### Mid-Atlantic spot electricity and natural gas prices



Source: U.S. Energy Information Administration based on SNL Energy

Note: Data are the rolling seven-day average. The electricity price is PJM West, and the natural gas price is the TETCO M-3 zone.

More information on other regional trends and impacts can be found at <http://www.eia.gov/todayinenergy/detail.cfm?id=13831#>.

## Hard Hat Safety Award



Mark Lamonica (right) of Dover receives an AMP Hard Hat Safety Award from Jason Hall, Dover Light & Power assistant plant superintendent.

## Record withdrawal leads to volatile week for prices

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

There was 285 billion cubic feet (Bcf) of natural gas withdrawn from storage during the bitter cold week ending Dec. 13. This broke the January 2008 record for the largest one-week withdrawal. Gas prices had dropped to \$4.25/MMBtu prior to the storage report and then shot up 21 cents as the report pointed out the fact that storage levels were 7 percent below the five year average and 13 percent below last year. Gas storage levels currently stand at 3,248 Bcf.

January natural gas prices closed Thursday at \$4.44/MMBtu, which is only 3 cents higher than last week's close, although we saw many ups and downs throughout the week. Electric prices settled higher this week with 2014 on-peak electric prices at AD Hub finishing up \$0.14/MWh from last week, closing at \$41.25/MWh.

## DEED grant, scholarship deadline approaches

Applications are being sought for the latest round of the American Public Power Association's Demonstration of Energy & Efficiency Developments (DEED) program grants and scholarships.

Utility members of APPA's DEED grant program may apply for innovative project funding up to \$125,000. Utilities are also able to use \$4,000 in DEED funds to hire an intern from a local university to work at their utility. The deadline for applications for both scholarships and grants is Feb. 15.

AMPA covers the DEED dues for its members, and AMP members have participated in a number of projects throughout the years. For more information, please visit the DEED [funding opportunities page](#), or email to [DEED@publicpower.org](mailto:DEED@publicpower.org).

## AMP staff gives back

*continued from Page 1*

Smithland Hydroelectric Project, as well as the project's subcontractors and their employees, all came together and made an impressive donation of \$20,926 to Family First, which benefits children in Livingston County. Smithland is located approximately 62 river miles upstream of the confluence of the Ohio and Mississippi rivers, in Livingston County, Ky.

Thank you to all those who are giving back to the community. Your kindness and generosity truly make a difference.

## AFEC weekly update

By Mike Migliore

Fremont continued to operate in a 5x16 manner as the weather turned milder and gas prices remained elevated compared to power prices. The plant ran Dec. 13, but was scheduled offline by PJM for Dec. 14 and 15.

The plant ran at full 2x1 base level for Dec. 16 and 17, but only operated in a 1x1 mode on Dec. 18 as combustion turbine 2 was scheduled down for minor maintenance. The plant was then scheduled offline by PJM on Dec. 19 and 20 due to the warmer weather. Duct burners were used for three hours Monday evening. The plant ended the week with a 34 percent load factor (based on 675 MW) and was approximately \$11/MWh cheaper than on-peak market prices for base generation.

An additional highlight to note from this week was that Fremont now qualifies to provide regulation as an ancillary service to PJM, which will help to further enhance the value of Fremont to project participants.

## Calendar

**Jan. 23—AMP finance & accounting subcommittee meeting**  
*Philadelphia, Pennsylvania*

**Jan. 27—APPA Maintenance of High-Voltage Electrical Distribution**  
*AMP Headquarters, Columbus*

**Jan. 28-30—APPA Overhead Distribution Systems**  
*AMP Headquarters, Columbus*

**Feb. 13—AMP finance & accounting subcommittee meeting**  
*Coldwater, Michigan*

**Feb. 20—AMP finance & accounting subcommittee meeting**  
*Ellwood City, Pennsylvania*

**Feb. 25—Regulator, Recloser, Capacitor Safety Training class**  
*AMP Headquarters, Columbus*

**Feb. 25—OMEA Legislative Day and Mayors' Reception**  
*Vern Riffe Center, Columbus*

**March 10-12—APPA Legislative Rally**  
*Grand Hyatt, Washington, D.C.*



## Westerville invites applications for tree trimmer-electric division

The City of Westerville invites applications for the position of Tree Trimmer/Electric Division. This is skilled technical work in the care and maintenance of trees. Work involves climbing, trimming and removing trees, operating heavy equipment, chain saws, chippers, and other power and hand tools and interacts with customers.

Work is performed under the general supervision of a Tree Crew Supervisor. Employee must be able to make correct decisions regarding the removal of tree limbs from live electric lines during tree trimming activities, in compliance with established safety procedures. The employee provides guidance and direction to other employees assisting with tree removal jobs. Work is reviewed through observation of completed projects for quality and adherence to policy.

Minimum requirements include: possession of a high school diploma and three years of experience in tree work, especially with regard to trimming trees; or any equivalent combination of training and experience that provides the following knowledge, abilities and skills.

Candidates must possess a valid Ohio commercial Class A with Air Brakes Driver's License, a valid First Aid and CPR Training Certification, a valid Electric Hazard Awareness Training Certification, and International Society of Arboriculture – Certified Arborist Certification.

Please visit <http://www.westerville.org/index.aspx?page=312> for a complete job description and requirements. Position posting will close Jan. 16.

## Village of Yellow Spring recruits for electric/water positions

To apply for the positions below (by Dec. 30) or for more information, contact Village Manager Kent Bristol, Village of Yellow Springs, 100 Dayton St., Yellow Springs, Ohio 45387. Phone: 937.767.1279 or email: [kbristol@vil.yellowsprings.oh.us](mailto:kbristol@vil.yellowsprings.oh.us). Applications are available online at [www.yso.com](http://www.yso.com).

- **Superintendent of Electric/Water Distribution:** Pay range \$49,000-63,000/yea. Vacancy created by retirement of current employee; municipal electric and water distribution operation (power purchased through AMP, water treatment a separate department); supervise a crew of three people operating and maintaining about 25 miles of lines, electric mostly overhead and at rear of properties served. Need minimum of journeyman certification in electric line work, prefer State of Ohio water distribution license and supervisory experience.
- **Utility Service Worker:** Pay range \$34,000-\$49,000/year DOQ. Vacancies created by impending retirement of present employees; job involves repair and maintenance of a mostly overhead electric distribution utility and requires journeyman lineman certification; this work unit also repairs and maintains water distribution lines; State of Ohio water distribution license a plus but not an absolute requirement.

## AMP seeks lineworker to lead circuit rider program

The basic function of this AMP position is to serve as a trainer and technical advisor to member communities for the Circuit Rider program, safety programs, special projects, and also assist with the centralized administration of the Mutual Aid program.

This position provides contract services via the Circuit Rider program in such areas as maintaining and operating an electric utility system; organizing or reorganizing an electric department; assisting in budgeting, record-keeping and system planning; recommending consultants; and training personnel.

Essential functions also include assisting with and conducting safety education programs, assisting with the implementation of Lineperson Apprenticeship Program, and providing hands-on training in operations of distribution systems.

Candidates must have a high school diploma (two-year technical degree desirable); be a journeyman lineperson; have a working knowledge of OSHA regulations; be a self-starter and team oriented with excellent interpersonal and communication skills; have a CDL license and be willing to travel about 75 to 80 percent of the time; be CPR certified; have a minimum of two years management experience; have public speaking experience; and domiciled in Northwest Ohio area. Experience in a municipal environment is strongly preferred.

For a complete job listing, please visit [www.amppartners.org](http://www.amppartners.org) or email to [jpawlak@amppartners.org](mailto:jpawlak@amppartners.org).

## Niles accepts applications for plant superintendent

The City of Niles is accepting applications for Waste Water Treatment Plant Superintendent. Candidates must have Class 4 Waste Water License and Water License 2 or 3.

Please contact City of Niles at 330.652.3415 for more information or to apply.

## Schuylkill Haven in need of journeyman electric lineworker

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

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

A complete job description and job application can be obtained by contacting the borough office at 570.385.2841 or by logging on to the Borough's website [www.schuylkillhaven.org](http://www.schuylkillhaven.org).

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