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# Memorandum

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**To:** Mayor & Members of Council  
**From:** Monica Irelan, City Manager  
**Subject:** General Information  
**Date:** July 02, 2015

## CALENDAR

**AGENDA:** *City Council* - Monday, July 06 @7:00 pm

**C. APPROVAL OF MINUTES** – the minutes for the following meetings are attached:

- a) Regular Council - June 15, 2015
- b) Special Council - June 29, 2015

## **G. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS**

1. **Resolution No. 031-15**, a Resolution of Necessity regarding Roundhouse Road
2. **Ordinance No. 032-15**, an Ordinance Supplementing the Annual Appropriations Measure (Supplement No. 2) for the Year 2015; and Declaring an Emergency. (Suspension Requested)
3. **Resolution No. 033-15**, a Resolution Authorizing the City Manager to Execute all Documents Necessary to Apply and Accept Ohio Public Works Commission State Capital Improvements Project (SCIP) and Local Transportation Improvement Program (LTIP) funds for the Projects deemed necessary by the City Engineer in the Year 2015; and Declaring an Emergency. (Suspension Requested)
4. **Resolution No. 034-15**, a Resolution Authorizing the City Manager to Execute any and all Documents necessary to Apply for the Ohio Attorney General's Rock Salt Antitrust Litigation Settlement; and Declaring an Emergency. (Suspension Requested)
5. **Resolution No. 035-15**, a Resolution Authorizing the City Finance Director to draw the Appropriate Warrants in Payment of the Amounts Due on Certain Invoices in Compliance with ORC 5705.41; and Declaring an Emergency. (Suspension Requested)
6. **Resolution No. 036-15**, a Resolution in Compliance with ORC 709.023 ( C) relating to the Expedited Type Petition for Annexation of 0.496 Acres, more or less, filed by John B. Reese, an Authorized Representative of Graben, LLC; and Declaring an Emergency. (Suspension Requested)
7. **Resolution No. 037-15**, a Resolution in Compliance with ORC 709.023 (D) Consenting to the Annexation to the City of Napoleon Certain Territory Proposed to be Annexed to the City of Napoleon, Ohio pursuant to a Petition filed with the Henry County Board of Commissioners filed by John B. Reese, an Authorized Representative of Graben, LLC; and Declaring an Emergency. (Suspension Requested).

**H. SECOND READINGS OF ORDINANCES AND RESOLUTIONS - None**

**I. THIRD READINGS OF ORDINANCES AND RESOLUTION - None**

**J. GOOD OF THE CITY (Discussion/Action)**

1. *Award of the Operations Superintendent Truck* – please see the attached Memorandum from Chad.
2. *Acceptance of Donation from Henry Co. Agricultural Society: \$300.00 to Napoleon Fire Department*
3. *Acceptance of Donation from the American Legion: up to \$1,200.00 to the Parks and Recreation Fund for “Free Swim” Week at the Pool*
4. *Approval of Plans, Specifications, Documentation and Contract for the Appian Avenue and Maumee Avenue Traffic Signal Improvements* – the plans and specifications are on file with the Finance Director/Clerk’s office; a Memorandum from Chad is attached on this project.
5. *Approval of Agreement for Professional Design Services with Stantec Consulting Services, Inc. for the Roadway/Pavement Data Collection Project.* – in Chad’s Memorandum that is attached are the QBS rankings, a copy of the agreement is on file with the Finance Director/Clerk’s office.

**L. APPROVE PAYMENT OF BILLS AND APPROVE FINANCIAL REPORTS – the reports are enclosed**

**INFORMATIONAL ITEMS**

1. **CANCELLATION** – Technology Committee Meeting
2. AMP WEEKLY UPDATE/JUNE 26, 2015 & JULY 2, 2015
3. OML Legislative Bulletin/June 26, 2015 /July 2, 2015
4. TMACOG Summer Caucus

MI:rd

Records Retention - CM-11 - 2 Years

June 2015							July 2015							August 2015						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
	1	2	3	4	5	6			1	2	3	4	2	3	4	5	6	7	8	
7	8	9	10	11	12	13	5	6	7	8	9	10	11	9	10	11	12	13	14	15
14	15	16	17	18	19	20	12	13	14	15	16	17	18	16	17	18	19	20	21	22
21	22	23	24	25	26	27	19	20	21	22	23	24	25	23	24	25	26	27	28	29
28	29	30					26	27	28	29	30	31	30	31						

 Calendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<b>28</b>	<b>29</b> 6:30 PM City Council/Personnel Committee Joint Meeting	<b>30</b>	<b>1</b> 6:00 PM River City Rodder's Downtown Cruise-In	<b>2</b>	<b>3</b> HOLIDAY - Closed - July 4th H	<b>4</b>
<b>5</b>	<b>6</b> 7:00 PM City COUNCIL Meeting	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b> 7:00 PM Rally in the Alley	<b>11</b>
<b>12</b>	<b>13</b> 6:30 PM ELECTRIC Committee Board of Public Affairs (BOPA) Mtg. 7:00 PM WATER & SEWER Committee Mtg. 7:30 PM Municipal Properties/ED Committee Meeting	<b>14</b> 4:30 PM Board of Zoning Appeals Meeting 5:00 PM Planning Commission	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>
<b>19</b>	<b>20</b> 6:00 PM Tree Commission Meeting 6:15 PM Parks & Recreation Committee Meeting 7:00 PM City COUNCIL Meeting	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>
<b>26</b>	<b>27</b> 6:30 PM FINANCE & BUDGET Committee Meeting 7:30 PM SAFETY & HUMAN RESOURCES Committee Meeting	<b>28</b>	<b>29</b> 6:30 PM Parks & Rec Board Meeting	<b>30</b>	<b>31</b>	<b>1</b>

City of Napoleon, Ohio

## City Council

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

### Meeting Agenda

Monday, July 6, 2015 at 7:00pm

**A. Attendance** *(Noted by the Clerk)*

**B. Prayer & Pledge of Allegiance**

**C. Approval of Minutes:** *(In the absence of any objections or corrections, the minutes shall stand approved.)*

June 15 Regular Meeting

June 29 Special Meeting

**D. Citizen Communication**

**E. Reports from Council Committees**

**1. Technology & Communication Committee** did not meet on Monday, July 6 due to lack of agenda items.

**2. Finance & Budget Committee** *(Majority Report)* met on Monday, June 22 and recommended:

a. Approval of Second Quarter Budget Adjustments

**3. Safety & Human Resources Committee** did not meet on Monday, June 22 due to lack of agenda items.

**4. Personnel Committee** met on Monday, June 29 and recommended:

a. Approval of Lisa N. Nagel as City Law Director

**F. Reports from Other Committees, Commissions and Boards** *(Informational Only-Not Read)*

**1. Civil Service Commission** met on Tuesday, June 23 and discussed:

a. Preparation for the July 18, 2015 examination

**2. Parks & Recreation Board** did not meet on Wednesday, June 24 due to lack of agenda items.

**G. Introduction of New Ordinances and Resolutions**

**1. Resolution No. 031-15**, a Resolution of Necessity regarding Roundhouse Road

**2. Ordinance No. 032-15**, an Ordinance supplementing the Annual Appropriation Measure (Supplement No. 2) for the year 2015; and declaring an Emergency (Suspension Requested)

**3. Resolution No. 033-15**, a Resolution authorizing the City Manager to execute all documents necessary to apply and accept Ohio Public Works Commission State Capital Improvement Program (SCIP) and Local Transportation Improvement Program (LTIP) funds for projects deemed necessary by the City Engineer in the year 2015; and declaring an Emergency (Suspension Requested)

**4. Resolution No. 034-15**, a Resolution authorizing the City Manager to execute any and all documents necessary to apply for the Ohio Attorney General's Rock Salt Antitrust Litigation Settlement; and declaring an Emergency (Suspension Requested)

**5. Resolution No. 035-15**, a Resolution authorizing the City Finance Director to draw the appropriate warrants in payment of the amounts due on certain invoices in compliance with ORC 5705.41; and declaring an Emergency (Suspension Requested)

**6. Resolution No. 036-15**, a Resolution in compliance with ORC 709.023(C) relating to the Expedited Type Petition for Annexation of 0.496 acres, more or less, filed by John B. Reese, an Authorized Representative of Graben, LLC; and declaring an Emergency (Suspension Requested)

**7. Resolution No. 037-15**, a Resolution in compliance with ORC 709.023(D) consenting to the annexation to the City of Napoleon certain territory proposed to be annexed to the City of Napoleon, Ohio pursuant to a Petition filed with the Henry County Board of Commissioners filed by John B. Reese, an Authorized Representative of Graben, LLC ; and declaring an Emergency (Suspension Requested)

**H. Second Readings of Ordinances and Resolutions**

There are no Second Readings of Ordinances and Resolutions.

**I. Third Readings of Ordinances and Resolutions**

There are no Third Readings of Ordinances and Resolutions.

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

**1. Discussion/Action:** Award of bid: Operations Superintendent Truck

**2. Discussion/Action:** Acceptance of Donation from Henry Co. Agricultural Society: \$300 to Napoleon Fire Department

**3. Discussion/Action:** Acceptance of donation from the American Legion: up to \$1,200 to the Parks and Recreation Fund for "Free Swim" week at the pool

**4. Discussion/Action:** Approval of Plans, Specifications, Documentation and Contract for the Appian Avenue

and Maumee Avenue Traffic Signal Improvements

**5. Discussion/Action:** Approval of Agreement for Professional Design Services with Stantec Consulting Services, Inc. for the Roadway/Pavement Data Collection Project

**K. Executive Session:** *(As needed)*

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

**M. Adjournment**

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

**A. Items Referred or Pending in Committees of Council**

**1. Technology & Communication Committee (1<sup>st</sup> Monday)**

*(Next Regular Meeting: Monday, August 3 @ 6:15 pm)*

**2. Electric Committee (2<sup>nd</sup> Monday)**

*(Next Regular Meeting: Monday, July 13 @ 6:30 pm)*

- a. Review of Power Supply Cost Adjustment Factor
- b. Electric Department Report

**3. Water, Sewer, Refuse, Recycling & Litter Committee (2<sup>nd</sup> Monday)**

*(Next Regular Meeting: Monday, July 13 @ 7:00 pm)*

**4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2<sup>nd</sup> Monday)**

*(Next Regular Meeting: Monday, July 13 @ 7:30 pm)*

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

**5. Parks & Recreation Committee (3<sup>rd</sup> Monday)**

*(Next Regular Meeting: Monday, July 20 @ 6:15 pm)*

**6. Finance & Budget Committee (4<sup>th</sup> Monday)**

*(Next Regular Meeting: Monday, July 27 @ 6:30 pm)*

**7. Safety & Human Resources Committee (4<sup>th</sup> Monday)**

*(Next Meeting: Monday, July 27 @ 7:30 pm)*

2015 Regular Meetings with Townships scheduled for February and November

**8. Personnel Committee (As needed)**

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

**1. Board of Public Affairs (2<sup>nd</sup> Monday)**

*(Next Regular Meeting: Monday, July 13 @ 6:30 pm)*

- a. Review of Power Supply Cost Adjustment Factor
- b. Electric Department Report

**2. Board of Zoning Appeals (2<sup>nd</sup> Tuesday)**

*(Next Regular Meeting: Tuesday, July 14 @ 4:30 pm)*

**3. Planning Commission (2<sup>nd</sup> Tuesday)**

*(Next Regular Meeting: Tuesday, July 14 @ 5:00 pm)*

**4. Tree Commission (3<sup>rd</sup> Monday)**

*(Next Regular Meeting: Monday, July 20 @ 6:00 pm)*

**5. Civil Service Commission (4<sup>th</sup> Tuesday)**

*(Next Regular Meeting: Tuesday, July 28 @ 4:30 pm)*

**6. Parks & Recreation Board (Last Wednesday)**

*(Next Regular Meeting: Wednesday, July 29 @ 6:30 pm)*

**7. Privacy Committee (2<sup>nd</sup> Tuesday in May & November)**

*(Next Regular Meeting: Tuesday, November 10 @ 10:30 am)*

**8. Records Commission (2<sup>nd</sup> Tuesday in June & December)**

*(Next Regular Meeting: Tuesday, December 8 @ 4:00 pm)*

**9. Housing Council (1<sup>st</sup> Monday of the month after the TIRC meeting)**

**10. Health Care Cost Committee (As needed)**

**11. Preservation Commission (As needed)**

**12. Infrastructure/Economic Development Fund Review Committee (As needed)**

**13. Tax Incentive Review Council (As needed)**

**14. Volunteer Firefighters' Dependents Fund Board (As needed)**

**15. Lodge Tax Advisory & Control Board (As needed)**

**16. Board of Building Appeals (As needed)**

**17. ADA Compliance Board (As needed)**

**18. NCTV Advisory Board (As needed)**

City of Napoleon, Ohio  
**City Council**  
**in Joint Session with**  
**Water, Sewer, Refuse, Recycling & Litter Committee**

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**Meeting Minutes**

Monday, June 15, 2015 at 7:00pm

**PRESENT**

**Council**

Travis Sheaffer – President, Jason Maassel – President Pro Tem, Jeff Comadoll, John Helberg, Jeffrey Marihugh, Christopher Ridley, Heather Wilson

**WSRRL Committee**

Chris Ridley – Chair, John Helberg, Jeff Comadoll

**City Manager**

Monica S. Irelan

**Law Director**

Trevor M. Hayberger

**Finance Director/ Clerk Of**

Gregory J. Heath

**Council**

**Recorder**

Tammy Fein

**City Staff**

Robert Weitzel, Police Chief

Scott Hoover, Water Treatment Plant Superintendent

Chad Lulfs, Director of Public Works

Clayton O'Brien, Fire Chief

Dan Wachtman, MIS Administrator

Tom Zimmerman, Zoning Official

**Others**

News Media; NCTV; Don and Theresa Marshall; Mike DeWit; Jeff Leonard; Frank Godwin, Village of Liberty Center; Nick Rettig, Henry County Water Sewer District; Tom Borck

**ABSENT**

**Council**

Mayor Ronald A. Behm

**Others**

**Call To Order**

President Sheaffer called the meeting to order at 7:00pm with the Lord's Prayer followed by the Pledge of Allegiance.

**Swearing In Of Firefighters**

President Sheaffer swore in and administered the Oath of Office to: Tobias Westhoven – Firefighter/Paramedic; David Bowen – Firefighter/Paramedic; and Joel Frey – Captain.

**Minutes Approved**

Minutes of the June 1 Council meeting and Public Hearing stand approved with no objections or corrections.

**Citizen Communication**

None

**Reports From Committees**

The Parks & Recreation Committee did not meet on Monday, June 15 due to lack of agenda items.

Chairman Sheaffer reported that the Electric Committee met on Monday, June 15 and recommended:

1. Approval of Power Supply Cost Adjustment Factor
2. Review of AMP Gas Generators

Chairman Sheaffer reported that the Personnel Committee met on

Wednesday, June 10 and discussed the employment of personnel in Executive Session with no action being taken.

The Municipal Properties, Buildings, Land Use and Economic Development Committee did not meet on Monday, June 8 at the direction of the Chair.

**Sheaffer Moved Item  
K-3, Approval Of PC 15-02  
Conditional Use Permit 2950  
Enterprise Drive, Up On The  
Agenda**

Sheaffer received a request to move agenda item K-3, Approval of PC 15-2 Conditional Use Permit 2950 Enterprise Drive, up on the agenda; there were no objections.

**Approval Of PC 15-02  
Conditional Use Permit 2950  
Enterprise Drive**

Zimmerman reported that An application for public hearing has been filed by The Henry County Bank, owners of 2950 Enterprise Ave. Napoleon, Ohio, on behalf of Donald and Theresa Marshall; the applicant is requesting the approval of a Conditional Use Permit to allow the property to be utilized as trucking/retail facility, adding that this property is located in a C-4, Planned Commercial Zone.

Zimmerman reported the Research and Findings for the property:

1. Donald and Theresa Marshall owners of D&T Marshall Enterprises, LLC (D&T), plan to expand their company's current operations and relocate in Napoleon; the business currently operates two trucks with two drivers; D&T intends to increase its transportation operation to ten (10) trucks and ten (10) drivers and to as many as thirty (30) trucks and thirty (30) drivers in the future. The transportation operation will also include maintenance and repair of vehicles and equipment owned by both D&T and its customers.
2. The commercial property and buildings provide ample space for D&T's current and proposed operations as well as the opportunity to reestablish the existing greenhouse and garden center offering wholesale/retail sales, delivery of bulk products and sell flowers, plants, outdoor garden supplies and décor, including decorative small animal hutches, garden sheds, playhouses and garden furniture.
3. The nursery, greenhouse, transportation, material supply, commercial vehicle service and the truck parking require a Conditional Use Permit in a C-4, Planned Commercial Zone. A Conditional Use Permit is not required for the retail center/sales in a C-4 Zone but the Marshalls requested the entire business plan be included in the Conditional Use Permit.

Zimmerman read the proposed permitted uses to be included in the requested Conditional Use Permit:

- A. D&T, LLC can operate and park on the property as many as thirty (30) tractors, trailers and straight trucks with ingress and egress from the property.
- B. Parked equipment will be organized and will be in USDOT approved condition, licensed and insured.
- C. Equipment unable to operate will be removed from the property or



**Passed**  
**Yea- 7**  
**Nay- 0**

Roll call vote on above motion:  
Yea- Sheaffer, Helberg, Marihugh, Comadoll, Wilson, Ridley, Maassel  
Nay-

**Introduction Of Resolution  
No. 031-15**

Hayberger reported that Resolution No. 031-15 is not ready at this time.

**Sheaffer Moved The Agenda**

Sheaffer moved the Agenda; there were no objections.

**Second Read Of Ordinances  
and Resolutions**

There were no Second Reads of Ordinances and Resolutions.

**Third Read Of Ordinance  
No. 029-15**

President Sheaffer read by title Ordinance No. 029-15, an Ordinance amending various sections of the Rules and Regulations of City Council for the City of Napoleon

**Motion To Pass  
On Third Read**

Motion: Comadoll Second: Maassel  
To pass Ordinance No. 029-15 on Third Read

**Discussion**

Hayberger reported there are no changes to the Ordinance since the Second Read.

**Passed**  
**Yea- 7**  
**Nay- 0**

Roll call vote to pass Ordinance No. 029-15 on Third Read  
Yea- Sheaffer, Helberg, Marihugh, Comadoll, Wilson, Ridley, Maassel  
Nay-

**Third Read Of Ordinance  
No. 030-15**

President Sheaffer read by title Ordinance No. 030-15, an Ordinance amending Section 12.3 of the Employment Policy Manual of the City of Napoleon to specify the calculated mileage reimbursement and to amend how meals are reimbursed

**Motion To Pass  
On Third Read**

Motion: Comadoll Second: Ridley  
To pass Resolution No. 030-15 on Third Read

**Discussion**

Hayberger reported there are no changes to the Ordinance since the Second Read.

**Passed**  
**Yea- 7**  
**Nay- 0**

Roll call vote to pass Resolution No. 030-15 on Third Read  
Yea- Sheaffer, Helberg, Marihugh, Comadoll, Wilson, Ridley, Maassel  
Nay-

**GOOD OF THE CITY  
Discussion/Action**

**Motion To Approve  
Power Supply Cost  
Adjustment Factor**

Motion: Maassel Second: Comadoll  
To accept the recommendation for approval of the Power Cost Adjustment Factor for June as follows:  
PSCAF three (3) month averaged factor: -\$0.00051  
JV2: \$0.043314  
JV5: \$0.043314

**Passed**  
**Yea- 7**  
**Nay- 0**

Roll call vote on above motion:  
Yea- Sheaffer, Helberg, Marihugh, Comadoll, Wilson, Ridley, Maassel  
Nay-

**Approval Of United Way  
Donation For Safety City:  
\$850**

**Motion To Accept  
Donation From  
United Way For Safety  
City: \$850**

**Passed  
Yea- 7  
Nay- 0**

**WSRRL Call To Order**

**Approval Of Minutes**

**Water Treatment Plant  
Update By City Manager**

Irelan reported that an eight hundred fifty dollar (\$850) donation from the United Way was received to be used toward the Safety City program.

Motion: Comadoll Second: Wilson  
To accept the donation from the United Way for Safety City in the amount of \$850

Roll call vote on above motion:  
Yea- Sheaffer, Helberg, Marihugh, Comadoll, Wilson, Ridley, Maassel  
Nay-

Chairman Ridley called the WSRRL Committee to order at 7:22pm.

The May 11 minutes stand approved as read with no objections or corrections.

Irelan stated that the current water treatment facility is in good shape with the main deficiencies being the HVAC and electric systems; the final structure analysis will be reported to Irelan and shared with the Committee and Council when Irelan receives it. Irelan reported that a few issues include better insulation in the walls, but the cost benefit analysis does not show the benefit of this cost and this will most likely not move forward; Irelan stated that this will be listed in the report. Irelan reported that jar testing will be conducted in the next few weeks, and the chemical and coagulants will be tested to give chemical suggestions to decide the appropriate treatment process which will give a suggestion of what the chemical usage will be and a better assumption of cost for the rehab project.

Irelan reported that she, Water Plant Superintendent Hoover, City Engineer Lulfs, and City Construction Manager Meyer discussed the architectural design, the flow of the plant, and equipment options for the project and will have options to discuss with Council over the next few weeks. Irelan stated that the vision includes a sleeker and more modern building, along with discussing having windows which will allow the residents to see the membrane process. Irelan reported that the team agreed to use UV disinfection to meet the October 2016 LT2 deadline, adding that this plan will be submitted to the Ohio EPA; Irelan added that the UV disinfection will be an immediate resolution to mandatory removal of cryptosporidium, and eliminate the need for a second clear well which will be a cost savings on the project, and Irelan believes that the UV disinfection process can meet any future EPA regulations as well.

Irelan reported that she has had discussions with Rettig recently; Rettig stated that the Henry County Regional Water Sewer District (HCRWSD) plan is coming out with a new version on Wednesday and Rettig did not want to make any proposals to Council until that plan is reviewed. Irelan stated that she received an email from Liberty Center requesting any revisions on the project cost; Irelan restated that the project cost is still the \$14.5 million that had been previously given. Maassel asked if the \$14.5 million is a high estimate; Irelan replied that she directed that the engineers design a \$10 million rehab of the property; the \$14.5 million is a \$12 million rehab along with the \$2.5 million note that is being carried; Irelan

**Water Treatment Plant  
Update By City Manager  
(Continued)**

stated that the extra \$2 million is for the capital intensive items that will save on operation and maintenance costs in the long term. Marihugh asked if the UV disinfection process will involve two (2) machines to be run in tandem or one (1) large machine with rotating bulbs; Irelan stated that the system will contain two (2) medium pressure UV disinfection systems. Hoover stated the water treatment UV disinfection system will be compact and fit on the discharge line.

Helberg stated that he is concerned with the property looking institutional within a residential area and believes the building should be friendly to the neighborhood including finishing off the current MIEX building even though this may add cost to the project; Irelan stated that no facelift has been researched for the MIEX building or the current facility. Helberg suggested spending the extra money to be compassionate to the neighborhood, adding that the MIEX building was never finished to what was originally promised. Irelan stated that she did not receive much information regarding the MIEX building, but this will be in the report; Irelan stated that she does not want to spend extra money unless there is an actual need and this will be researched when the structural report is received. Marihugh believes that City Zoning Rules and Regulations should be followed during the construction of the new building. Hoover believes that removing the standing pipe will make the area look better. Comadoll stated that he lives in that neighborhood and has no complaints with it; Sheaffer added that he grew up in that neighborhood with no complaints. Marihugh stated that he shares Helberg's concerns.

Irelan stated that some Council members had spoken with her regarding getting more publicity out regarding the facts of the project and how the discussions have proceeded; Irelan has written a draft letter to the editor for Council to review, and she would like Council to decide if she should send this letter. Irelan stated that her professional ethics do not allow her to send a letter to the editor as the City Manager; Irelan is willing to assist Council in sending it and is asking for specific direction from Council. Wilson believes that it important to get the facts out regarding the steps that have been taken and the direction of this project; Comadoll approved.

**Motion To Direct The City  
Manager To Draft A Letter  
To The Editor Regarding  
The Direction Of The  
Water Plant Rehabilitation  
Project**

**Passed**  
**Yea- 7**  
**Nay- 0**

Motion: Comadoll Second: Ridley  
To direct the City Manager to draft a letter to the editor regarding the direction of the Water Plant Rehabilitation Project

Roll call vote on above motion:  
Yea- Sheaffer, Helberg, Marihugh, Comadoll, Wilson, Ridley, Maassel  
Nay-

Maasel asked Rettig what the HCRWSD would be receiving on Wednesday; Rettig stated that the HCRWSD expected to receive a report regarding options for other sources of water other than the Maumee River. Marihugh asked if there is any additional information that Rettig requires from the City to assist in making an informed decision regarding staying as a City water customer; Rettig stated that he would like to receive the cost of the project as well as the proposed rates; Marihugh stated the he would

**Water Treatment Plant  
Update By City Manager  
(Continued)**

prefer to work together with the HCRWSD and the satellite customers to have a new mutually beneficial agreement for all parties. Godwin asked if this would still be the original agreement that was previously signed; Marihugh replied no, adding that he has several misgivings with the original agreement including the HCRWSD being responsible for financing in which the funds evaporated. Marihugh stated that his misgivings were not based on control issues, but would like an agreement that is mutually beneficial for all parties. Rettig stated that the original agreement was for the construction of a new water plant only. Marihugh stated that the agreement is still in full force and has not been terminated, and the HCRWSD is still in charge of the funding; Ireland clarified that the County Commissioners were in charge of the funding, not the HCRWSD. Marihugh asked if the grant funding was reduced; Ireland stated that the original funding was to be debted through the County and assessed to property owners; Ireland believes that Rettig was to be responsible for the grant funding, however this funding dissolved due to the wetland and assessment issues that arose. Ireland believes that the issues brought up by Marihugh were part of the reason that the direction of the water plant was changed, and although it was proposed that the issues could be resolved eventually, it would take many years to resolve them, and the current facility does not have years to function properly and must be rehabbed. Ireland stated that the current facility is still producing quality water at this time, but requires rehab to continue to produce quality water. Godwin stated that the only negotiation remaining with the original agreement was the operation and maintenance portion; Godwin asked that if that agreement is still in effect and will not work, if a new agreement could be written. Marihugh stated that the City is under contract to supply water at the best quality, which is why the decision needed to be made in a timely manner. Helberg added that the quality issues must be handled to keep the satellite customers in the best quality water and the City must move forward to ensure the satellite customers receive the best quality water to fulfill the City's contractual commitment. Ireland added that millions of dollars could have been spent to maintain the current plant during the construction of a new plant. Marihugh reminded Godwin that there are EPA mandates that must be met to meet compliance guidelines, including the LT2 mandate; Godwin believes that the LT2 guideline has been an issue for the last approximately four (4) years.

Ireland believes that the satellite customers think that changing direction from building a new water plant to rehabbing the current plant was a unilateral decision, though Ireland stated that all issues were discussed with the satellite customers and input was requested, however no feedback was received. Godwin stated that the options were not known at that time. Godwin requested the same original agreement be made available for the water plant rehab including County ownership, and a rate setting committee; Ireland stated one of the concerns that she brought to the satellite customers was the City responsibility to the bond holders of the revenue bonds that are on the system; in order to share ownership, the satellite customers must buy out the revenue bonds to show the bond holders that the funds are available, but until the bonds are paid off, the City has a responsibility to the bond holders; Ireland stated that she brought this issue before the satellite customers on the water tower and the MIEX system with no feedback from the satellite customers. Godwin and Tom Borck stated this was never brought to them as an option; Ireland stated that she brought

**Water Treatment Plant  
Update By City Manager  
(Continued)**

this to the Consortium; this issue was not discussed in an open meeting. Sheaffer added if the County added money to this fund; the residents may be paying twice through assessment as well as a tax levy or fee. Hayberger stated that the County is out of the financing at this point; they were merely the lead applicant for the grant funding and responsible for handling the potential assessment.

Maassel stated that there is a point where the City must state what will be done; and this will likely be discussed with bond holders next year; the bond holders will see that the current contracts end in 2020 meaning that the number of customers will decrease and the bond holder risk will increase. Maassel stated that the City would like the satellite customers to remain as customers; Maassel suggested receiving a decision to remain as customers by October, adding that decisions after that deadline may require a higher rate due to the need to bond the debt. Maassel reminded the satellite customers that options that have been discussed include a higher rate after the deadline as well as creating a rate board, and asked the satellite customer representatives present if four (4) months is enough time for the satellite customers to make an informed decision; Godwin believes this would be enough time to take the discussions before their councils and give a decision to the City. Sheaffer stated that the current Advisory Committee regarding Fire and EMS rates had a lot of mistrust by Township Trustees at the onset, and the City invited the representatives to all quarterly and budget meetings; now the transparency is apparent and the mistrust has ceased. Godwin suggested a Council member come to the meetings of the satellite customers; Liberty Center holds the meetings the first (1<sup>st</sup>) and third (3<sup>rd</sup>) Tuesdays of the month. Godwin asked if Council would welcome proposals within the four (4) month period; Maassel stated that open communication is welcome; Council agreed. Maassel asked Godwin if he believes that the study will show the exact figure for rates using other options; Godwin believes it will be an estimate; Sheaffer stated that the City could give an estimate of what the rates would be remaining as a City customer as well. Sheaffer stated that he, Maassel, and Mayor Behm will attend the satellite customer meetings to discuss this; Ireland will coordinate the attendance. Retig stated that the HCRWSD Engineer would like to meet with Ireland and Council to discuss the plant design; Council agreed.

**Review Of City Water &  
Sewer Rules**

**WSRRL Motion To  
Untable Review Of City  
Water & Sewer Rules**

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

Motion: Comadoll                      Second: Helberg  
To untable review of City Water & Sewer Rules

Roll call vote on above motion:  
Yea- Helberg, Comadoll, Ridley  
Nay-

**WSRRL Motion To Remove  
Review Of City Water &  
Sewer Rules From The  
Agenda**

**Passed**  
**Yea- 3**

Motion: Comadoll                      Second: Helberg  
To remove the review of City Water & Sewer Rules from the agenda

Roll call vote on above motion:  
Yea- Helberg, Comadoll, Ridley

**Nay- 0**

**Motion To Adjourn**

**Passed**

**Yea- 3**

**Nay- 0**

**Good Of The City (Cont'd)**

**Irelan**

Nay-

Motion: Comadoll                      Second: Helberg  
To adjourn the WSRRL Committee meeting at 7:59pm

Roll call vote on above motion:  
Yea- Helberg, Comadoll, Ridley  
Nay-

Irelan received a letter from the City of Defiance requesting the City to waive the thirty (30) day notice to allow B&B Molded Products (B&B) to proceed with moving out of the City of Napoleon; Irelan reported that the City has no facility to meet the needs of B&B and cannot expand the current building; Defiance offered a CRA along with other options to move, and B&B would like this waiver approved for a meeting tomorrow. Hayberger added this is just a waiver and he sees no reason to deny it. Helberg believes that the deletion of lines two (2) and five (5) including 'lower electric rates' must be stricken before he will approve the waiver. Irelan stated that B&B may have received an economic development rate on their electric rates, which could be lower; Hayberger stated the letter is merely to put the City on notice of the pending move. Ridley asked Jeff Leonard, City of Defiance Administrator, if he had anything to add; Leonard stated that this move should be considered a community wide improvement, not as a city versus city issue.

**Motion To Waive The  
Thirty (30) Day  
Requirement For B&B  
Molded Products**

**Passed**

**Yea- 7**

**Nay- 0**

**Hayberger**

**Comadoll**

**Marihugh**

**Helberg**

**Sheaffer**

Motion: Comadoll                      Second: Ridley  
To waive the thirty (30) day requirement for B&B Molded Products

Roll call vote on above motion:  
Yea- Sheaffer, Helberg, Marihugh, Comadoll, Wilson, Ridley, Maassel  
Nay-

None

Comadoll reported that the Relay for Life celebration will take place this Friday and Saturday, adding that the City has been ranked as one of the best in nation for three (3) years in a row.

Marihugh asked if there were any issues with the current sewer line project; Irelan reported that there was an issue with a valve causing the line to back up due to unforeseen circumstances.

Marihugh asked for the status of the guardrails o the boatramp; Irelan stated that Staff is removing the posts that are not needed and repairing the posts that are staying.

None

Sheaffer stated that EPA commended the City on no overflows and asked if the EPA would be willing to give the City recognition for this; Irelan stated that the City may see a three (3) year construction hiatus and one (1) construction project will be moved up to 2017 in exchange. Irelan added

that an entire data analysis will be done along with a complete I/I study. Marihugh asked if there will be flow monitoring in this study; Ireland stated this is part of the new permit.

Sheaffer requested an Executive Session to discuss the employment of personnel.

Sheaffer set a Special Council meeting for Monday, June 22 at 7:00pm.

**Maassel**

Maassel stated the Finance meeting will meet next week to discuss the Second Quarter Budget Adjustments.

Maassel asked for an update on the Appian Avenue Project; Ireland reported that the project is on schedule even with the rain. Helberg asked if there have been access complaints; Council has not heard any.

**Ridley**

Ridley was asked by the Chamber of Commerce to be the Council representative at RibFest; Ridley agreed.

**Wilson**

Wilson canceled the Safety & HR Committee meeting scheduled for Monday, June 22 due to lack of agenda items.

Wilson stated that this is her last Council meeting and thanked everyone and wished them all the best. Council thanked Wilson, adding that she did make a difference.

**Motion To Go Into Executive Session: Employment Of Personnel**

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

**Passed**  
**Yea- 7**  
**Nay- 0**

Roll call vote on above motion:  
Yea- Sheaffer, Helberg, Marihugh, Comadoll, Wilson, Ridley, Maassel  
Nay-

**Into Executive Session**

Council went into Executive Session at 8:15pm.

**Motion To Come Out Of Executive Session**

Motion: Maassel Second: Ridley  
To come out of Executive Session

**Passed**  
**Yea- 7**  
**Nay- 0**

Roll call vote on above motion:  
Yea- Sheaffer, Helberg, Marihugh, Comadoll, Wilson, Ridley, Maassel  
Nay-

**Out Of Executive Session**

Council came out of Executive Session at 8:42pm. President Sheaffer reported that the discussion was regarding the employment of personnel and no action was taken.

**Approval Of Bills**

Bills and financial reports stand approved as presented with no objections.

**Motion To Adjourn**

Motion: Ridley Second: Maassel  
To adjourn the meeting.

**Passed**  
**Yea- 7**

Roll call vote on above motion:  
Yea- Sheaffer, Helberg, Marihugh, Comadoll, Wilson, Ridley, Maassel

**Nay- 0**  
**Adjournment**

Nay-  
Meeting adjourned at 8:42pm.

**Approved:**

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Travis B. Sheaffer, Council President

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Ronald A. Behm, Mayor

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Gregory J. Heath, Finance Director/Clerk of Council

DRAFT

City of Napoleon, Ohio  
**City Council**  
in joint session with  
**Personnel Committee**

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Special Meeting Minutes

Monday, June 29, 2015 at 6:30pm

**PRESENT**  
**Council Members**

**Personnel Committee**

**Mayor**

**City Manager**

**Finance Director/Clerk Of  
Council**

**Recorder**

**City Staff**

**Others**

**ABSENT**

**Call To Order**

**Approval Of Minutes**

**Personnel Issue Dealing  
With Employment Of  
Personnel In The Law  
Department**

**Personnel Motion To  
Go Into Executive Session**

**Passed**

**Yea- 3**

**Nay- 0**

**Council Motion To Go  
Into Executive Session**

**Passed**

**Yea- 5**

**Nay- 0**

**Into Executive Session**

**Personnel Motion To  
Come Out Of Executive  
Session**

Travis Sheaffer - President, Jason Maassel – President Pro Tem, John Helberg, Chris Ridley, Jeff Comadoll  
Travis Sheaffer – Chair, Jason Maassel, Ron Behm  
Ronald A. Behm  
Monica S. Irelan  
Gregory J. Heath

Tammy Fein  
Robert Weitzel, Police Chief  
News Media; Lisa L. Nagel  
Trevor Hayberger; Jeffrey Marihugh attended via telephone

President Sheaffer called the Council meeting and Personnel Committee to order at 6:30pm.

The minutes of the June 10 Personnel Committee meeting stand approved as read with no objections or corrections.

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

Roll call vote on above motion:  
Yea- Sheaffer, Maassel, Behm  
Nay-

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

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

The Personnel Committee and Council went into Executive Session at 6:32pm.

Motion: Maassel Second: Behm  
To come out of Executive Session



**Into Executive Session**

Council went into Executive Session at 6:47pm.

**Motion To Come  
Out Of Executive  
Session**

Motion: Ridley Second: Maassel  
To come out of Executive Session

**Passed**  
**Yea- 5**  
**Nay- 0**

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

**Out Of Executive Session**

Council came out of Executive Session at 7:11pm. President Sheaffer reported that the discussion was regarding economic development and no action was taken.

**Any Other Matters To Come  
Before Council**

Sheaffer read a letter written by Staff to Congressman Latta regarding the City concern over the proposed cuts to the Clean Water State Revolving Fund (CWSRF) and the Drinking Water State Revolving Fund (DWSRF) in the 2016 EPA funding package; see attached. Ireland stated that the City does plan to apply for this funding which warrants the necessity of the letter.

**Motion Of Support In  
Sending The Letter To  
Representative Latta**

Motion: Ridley Second: Maassel  
To support sending the above stated letter to Representative Latta

**Passed**  
**Yea- 5**  
**Nay- 0**

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

**Council Motion To Adjourn**

Motion: Maassel Second: Ridley  
To adjourn the meeting at 7:14pm.

**Passed**  
**Yea- 5**  
**Nay- 0**

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

**Date Approved:**

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Travis B. Sheaffer, Council President

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Ronald A. Behm, Mayor

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Gregory J. Heath, Finance Director/Clerk of Council

**ORDINANCE NO. 032-15**

**AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION MEASURE (SUPPLEMENT NO. 2) FOR THE YEAR 2015; AND DECLARING AN EMERGENCY**

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

Section 1. That, the annual appropriation measure passed in Ordinance No. 075-14 and Ordinance No. 020-15 for the fiscal year ending December 31, 2015 shall be supplemented (Supplement No. 2) as provided in Exhibit "A", attached hereto and made a part hereof.

Section 2. 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 the City of Napoleon, Ohio.

Section 3. 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 4. 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 because this Ordinance provides for appropriations for the current expenses of the City which are related to public peace, health or safety; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

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

\_\_\_\_\_  
Travis A. Sheaffer, 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. 032-15 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*

**2015 APPROPRIATION BUDGET - 2ND QT BUDGET ADJUSTMENTS**  
**BUDGET SUMMARY BY FUND, DEPARTMENT AND CATEGORY**

ORDINANCE No. _____, Passed / / 2ND QT Proposed - 2015 Appropriation Budget	2015 2ND PROPOSED QUARTERLY BUDGET ADJ			2015
	PERSONAL SERVICES	OTHER	TOTAL	FUND TOTAL
<b>100 GENERAL FUND</b>				
1370 City Manager/Human Resources	0	7,500	7,500	
<b>Total - 100 General Fund</b>	<b>0</b>	<b>7,500</b>	<b>7,500</b>	<b>\$7,500</b>
<b>- 1370 City Man./Human Resources - Additional for Cost Centering of Advertising Costs to HR from 1900 Gen.Misc - +\$5,000:</b>				
<b>- 1370 City Man./Human Resources - Additional for Cost Centering of Civil Service supplies to HR from 1900 Gen.Misc - +\$2,500:</b>				
Accounts - 100.1370.53810 Legal Advertising		\$5,000		
<b>220 RECREATION FUND</b>				
4400 Recreation/Programs	0	1,150	1,150	
<b>Total - 220 Recreation Fund</b>	<b>0</b>	<b>1,150</b>	<b>1,150</b>	<b>\$1,150</b>
<b>- 4400 Recreation/Programs - Appropriate Donation from Henry Wood Sportsman Alliance to stock fish - +\$500:</b>				
<b>- 4400 Recreation/Programs - Appropriate Donation from Penny Rowley to purchase memorial bench - +\$650 (Rounded):</b>				
Accounts - 220.4400.54200 Supplies-Operating Materials		\$1,150		
<b>503 ELECTRIC DEVELOPMENT FUND</b>				
6110 Electric/Operations, Distribution System	0	148,400	148,400	
<b>Total - 503 Economic Development Fund</b>	<b>0</b>	<b>148,400</b>	<b>148,400</b>	<b>\$148,400</b>
<b>- 6110 Electric/Operations, Distribution System - Appropriate Line Relocation costs to First Energy, not budgeted - +\$148,400:</b>				
Accounts - 503.6110.57600 Electric Improvements		\$148,400		
<b>510 WATER REVENUE FUND</b>				
6200 Water/Treatment Plant Operations	0	121,000	121,000	
<b>Total - 510 Water Revenue Fund</b>	<b>0</b>	<b>121,000</b>	<b>121,000</b>	<b>\$121,000</b>
<b>- 6200 Water/Water Treatment Plt.- Appropriate additional funds for Pass Through Payments to HCRWSD - +\$121,000:</b>				
Accounts - 510.6200.53435 Cnt. HCRWSD-Water Revenue		\$121,000		
<b>511 WATER DEPRECIATION RESERVE FUND</b>				
6210 Water/Distribution System	0	24,350	24,350	\$24,350
<b>- 6210 Water/Distribution Sys.- Appropriate additional funds for Appian Ave. Project over budgeted allocation - +\$24,350:</b>				
Accounts - 511.6210.57700 Water Improvements		\$24,350		
<b>521 SEWER (WWT) UTILITY, REPAIR &amp; IMPROVEMENT FUND</b>				
6310 Sewer(WWT)/Collection System	0	68,060	\$68,060	
<b>Total - 521 Sewer (WWT) Utility, Repair &amp; Imp. Fund</b>	<b>\$0</b>	<b>\$68,060</b>	<b>\$68,060</b>	<b>\$68,060</b>
<b>- 6310 Sewer (WWT)/Collection Sys. - Appropriate additional funds for Appian Ave. Project over budgeted allocation - +\$68,060:</b>				
Accounts - 521.6310.57800 Sanitary Sewer Improvements		\$65,550		
Accounts - 521.6310.57900 Storm Sewer Improvements		\$2,510		

**2015 APPROPRIATION BUDGET - 2ND QT BUDGET ADJUSTMENTS**  
**BUDGET SUMMARY BY FUND, DEPARTMENT AND CATEGORY**

ORDINANCE No. _____, Passed / / 2ND QT Proposed - 2015 Appropriation Budget	2015 2ND PROPOSED QUARTERLY BUDGET ADJ			2015
	PERSONAL SERVICES	OTHER	TOTAL	FUND TOTAL
<b>SPECIAL NOTE:</b>				
Appian Avenue Project Original Budget to Actual PO:	Original Budget	Actual PO	Difference	
400-5100-57500 Street Improvements	1,920,000	1,201,162	\$718,838	
511-6210-57700 Water Improvements	130,000	154,350	-\$24,350	
521-6310-57800 Sanitary Sewer Improvements	310,000	375,542	-\$65,542	
521-6310-57900 Storm Sewer Improvements	285,000	287,510	-\$2,510	
<b>Totals - Appian Avenue Project</b>	<b>\$2,645,000</b>	<b>\$2,018,564</b>	<b>\$626,436</b>	
<b>* GRAND TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$370,460</b>	<b>\$370,460</b>	<b>\$370,460</b>

**RESOLUTION NO. 033-15**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO APPLY AND ACCEPT OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM (SCIP) AND LOCAL TRANSPORTATION IMPROVEMENT PROGRAM (LTIP) FUNDS FOR PROJECTS DEEMED NECESSARY BY THE CITY ENGINEER IN THE YEAR 2015; AND DECLARING AN EMERGENCY**

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

Section 1. That, the City Manager is directed to execute all documents necessary to apply for and accept Ohio Public Works Commission State Capital Improvement Program (SCIP) and Local Transportation Improvement Program (LTIP) funds for the year for projects deemed necessary by the City Engineer in the Year 2015, including but not limited to execution of Grant Agreement(s).

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

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

Section 4. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to meet the grant deadline; 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: \_\_\_\_\_

\_\_\_\_\_  
Travis B. Sheaffer, 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. 033-15 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*

**RESOLUTION NO. 034-15**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO APPLY FOR THE OHIO ATTORNEY GENERAL'S ROCK SALT ANTITRUST LITIGATION SETTLEMENT; AND DECLARING AN EMERGENCY**

**WHEREAS**, on June 3<sup>rd</sup>, 2015 Attorney General DeWine announced an \$11.5 million settlement with Morton Salt and Cargill Inc., regarding an antitrust lawsuit filed in March of 2012 regarding rock salt sales to Ohio public entities; and,

**WHEREAS**, Ohio public entities that purchased rock salt from Morton Salt and/or Cargill Inc., during the period of July 1<sup>st</sup>, 2008 through June 30<sup>th</sup>, 2011 may be eligible to receive a share of this settlement; and,

**WHEREAS**, the City of Napoleon authorizes the City Manager to file any and all documents necessary to determine if the City may be eligible to receive a share of the settlement,

**NOW THEREFORE;**

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

Section 1. That, the City Manager is authorized to file any and all documents necessary to determine if the City may be eligible to receive a share of the antitrust settlement with Morton Salt and/or Cargill Inc.

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 comply with the August 7<sup>th</sup>, 2015 deadline; 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: \_\_\_\_\_

\_\_\_\_\_  
Travis B. Sheaffer, Council President

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

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

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

Attest:

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

*I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 034-15 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.*

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

**RESOLUTION NO. 035-15**

**A RESOLUTION AUTHORIZING THE CITY FINANCE DIRECTOR TO DRAW THE APPROPRIATE WARRANTS IN PAYMENT OF THE AMOUNTS DUE ON CERTAIN INVOICES IN COMPLIANCE WITH ORC 5705.41; AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Napoleon entered into an agreement with Vernon Nagel Inc., in relation to the repair of a sewer tap on Haley Road in the City of Napoleon, for \$15,362.36; and,

**WHEREAS**, the City of Napoleon entered into an agreement in 2013 to provide \$96,225.00 in relation to the Industrial Drive Project and out of which the City now desires to expend \$20,997.52 to B. Hill'z Excavating for services rendered; and,

**WHEREAS**, No additional appropriations are needed for either of these transactions; and,

**WHEREAS**, the City of Napoleon approves full payments to Vernon Nagel Inc., and B. Hill'z Excavating, in compliance with ORC 5705.41, **NOW THEREFORE**;

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

Section 1. That, the City's Finance Director is authorized and directed to issue warrants in payments of \$15,362.36 to Vernon Nagel Inc., and \$20,997.52 to B. Hill'z Excavating for payment of services rendered, in compliance with ORC 5705.41.

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 make timely payments to Vernon Nagel Inc., and B. Hill'z Excavating; 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: \_\_\_\_\_

\_\_\_\_\_  
Travis B. Sheaffer, Council President

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

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

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

Attest:

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

*I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 035-15 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.*

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

**RESOLUTION NO. 036-15**

**A RESOLUTION IN COMPLIANCE WITH ORC 709.023(C)  
RELATING TO THE EXPEDITED TYPE PETITION FOR  
ANNEXATION OF 0.496 ACRES, MORE OR LESS, FILED BY  
JOHN B. REESE, AN AUTHORIZED REPRESENTATIVE OF  
GRABEN, LLC; AND DECLARING AN EMERGENCY**

**WHEREAS**, on the 26th day of June, 2015 a Petition for Expedited Type II Annexation of approximately 0.496 acres of land which is currently in the Township of Napoleon, Henry County, Ohio was filed with the Henry County Board of Commissioners by John B. Reese, an Authorized Representative of Graben, LLC; and,

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

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

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

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

Section 2. Should the territory be annexed, it would be subject to the City of Napoleon Zoning Requirements. The territory's default zoning classification would be R-1, in which the property as it currently stands would be a principally permitted use. The default classification would apply until the Zoning Map is amended to include the territory at which time it could remain R-1 or be reclassified as long as the City of Napoleon's Planning and Zoning Codes are complied with.

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

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

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

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

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

Passed: \_\_\_\_\_  
Travis B. Sheaffer, Council President

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

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

Attest:

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

*I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 036-15 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.*

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

**RESOLUTION NO. 037-15**

**A RESOLUTION IN COMPLIANCE WITH ORC 709.023(D)  
CONSENTING TO THE ANNEXATION TO THE CITY OF  
NAPOLEON CERTAIN TERRITORY PROPOSED TO BE  
ANNEXED TO THE CITY OF NAPOLEON, OHIO PURSUANT TO  
A PETITION FILED WITH THE HENRY COUNTY BOARD OF  
COMMISSIONERS FILED BY JOHN B. REESE, AN  
AUTHORIZED REPRESENTATIVE OF GRABEN, LLC ; AND  
DECLARING AN EMERGENCY**

**WHEREAS**, on the 26th day of June, 2015 a Petition for Expedited Type II Annexation of approximately 0.496 acres of land which is currently in the Township of Napoleon, Henry County, Ohio was filed with the Henry County Board of Commissioners by John B. Reese, an Authorized Representative of Graben, LLC; and,

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

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

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

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

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

Section 3. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

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

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

\_\_\_\_\_  
Travis B. Sheaffer, Council President

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

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

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

Attest:

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

*I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 037-15 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.*

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



# City of Napoleon, Ohio

## Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

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

www.napoleonohio.com

## Memorandum

**To:** Monica Irelan, City Manager  
**From:** Chad E. Lulfs, P.E., P.S., Director of Public Works  
**cc:** Mayor & City Council  
Greg Heath, Finance Director  
Jeff Rathge, Operations Superintendent  
**Date:** July 6, 2015  
**Subject:** Operations Superintendent Replacement Vehicle  
Award of Bid

On Wednesday, July 1, 2015, bids were opened and read aloud for the above referenced project. One (1) bid was submitted and read as follows:

<u>Bidder &amp; Description</u>	<u>Estimated Delivery Date</u>	<u>Bid Total</u>
Snyder Chevrolet-Olds Co. 2015 Chevrolet Silverado 1500 Crew Cab LT 4WD (Summit White*)	August 1-31, 2015	\$29,400.00

Per the state contract, a comparable Ford truck is available as follows:

<u>Bidder &amp; Description</u>	<u>Estimated Delivery Date</u>	<u>Bid Total</u>
Middletown Ford 2015 Ford F150 XL Crew Cab 4WD (White)	80-90 Days**	\$27,400.78

Both options exceed budget and the City of Napoleon's head mechanic has concerns with the Ford option. His past experience with aluminum panels, which this has, is that the paint peels off within a few years. One other concern raised by our mechanic is the location of the nearest Ford dealership. There is no Ford dealer in Napoleon. Any warranty work or parts that we need for the Fords currently in the fleet requires us to go to Archbold. This is usually an hour roundtrip. With the location of the dealership, there are potential long term costs that should be considered.

Because both options exceed the approved budget, I request that the remaining funds required for the purchase of this vehicle be taken from the Salt Shed budget. However, I am open to recommendations from Council and the City Manager. The existing budget is as follows:

400.5100.57000 (Capital Improvement Fund)	20%	\$5,380.00
510.6210.57000 (Water Revenue Fund)	20%	\$5,380.00
520.6310.57000 (Sewer Revenue Fund)	20%	\$5,380.00
520.6311.57000 (Sewer Revenue Fund)	10%	\$2,690.00
560.6740.57000 (Sanitation Revenue Fund)	<u>30%</u>	<u>\$8,070.00</u>
	100%	\$26,900.00

Having reviewed the submitted bid and the available vehicle on the state contract, and after discussing the available options with staff, it is my recommendation to purchase the 2015 Chevrolet (Summit White) 1500 LT, 4WD Crew Cab pickup truck from Snyder Chevrolet in the amount of \$29,400.00.

*CEL*

- \* *No bid was submitted for the Wheatland Yellow color option.*
- \*\* *Dealer was unable to estimate the delivery date for a yellow truck, but stated that it would be much longer than a white one.*

HENRY COUNTY AGRICULTURAL SOCIETY, INC.  
NAPOLEON FIRE DEPT

FIRE/RESCUE SERVICE

6/24/2015

13506

300.00

NAPOLEON FIRE DEPT  
PO BOX 151  
265 W RIVERVIEW AVE  
NAPOLEON, OH 43545

*Thank You!*

*Rec 6/29/15* 

CHECKING ACCOUN

300.00



# City of Napoleon, Ohio

## Department of Public Works

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Napoleon, OH 43545

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

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[www.napoleonohio.com](http://www.napoleonohio.com)

## Memorandum

**To:** Monica Irelan, City Manager  
**From:** Chad E. Lulfs, P.E., P.S., Director of Public Works  
**cc:** Mayor & City Council  
Greg Heath, Finance Director  
Dennie Clapp, Electric Department Superintendent  
**Date:** July 6, 2015  
**Subject:** Appian Avenue & Maumee Avenue Traffic Signal Improvement Project – Approval of Plans & Specifications

The City of Napoleon's Department of Public Works requests approval of the plans and specifications for the Appian Avenue & Maumee Avenue Traffic Signal Improvement Project. This project consists of replacing the traffic signal heads, poles, and all appurtenances with new hardware. Traffic loop detectors will be replaced with traffic cameras.

Engineer's Estimate of Construction: \$130,000.00

CEL



# City of Napoleon, Ohio

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# Memorandum

**To:** Monica Irelan, City Manager  
**From:** Chad E. Lulfs, P.E., P.S., Director of Public Works  
**cc:** Mayor & City Council  
Greg Heath, Finance Director  
**Date:** July 6, 2015  
**Subject:** Roadway/Pavement Data Collection Project

Quality Based Selection (QBS) was utilized to select a consulting firm for the above referenced project. The firms that submitted Qualification Statements were ranked as follows:

1. Stantec Consulting Services, Inc.
2. Transmap Corporation
3. The Mannik & Smith Group

This project consists of mapping and analyzing the condition of city streets and scoring them based on condition and use to provide a database for future roadway improvement projects.

Negotiations were entered into with Stantec Consulting Services, Inc. and a contract price was agreed upon. The negotiated price for the above referenced project is \$45,000.00. **Having reviewed the submitted Qualification Statements and after extensive negotiations, it is my recommendation that Council award the above referenced project to Stantec Consulting Services, Inc. in the amount of \$45,000.00.** If you have any questions or require additional information, please contact me at your convenience.

*CEL*

# Memorandum

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

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

**Date:** 6/30/2015

**Re:** Technology and Communication Committee Meeting Cancellation

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The Technology and Communication Committee meeting regularly scheduled for Monday, July 6, 2015 at 6:15pm has been CANCELED due to lack of agenda items.



# Update

A weekly newsletter presented by AMP President/CEO Marc Gerken

June 26, 2015

## Update on status of RICE litigation

By Lisa McAlister – deputy general counsel FERC/RTO affairs

In the May 15, 2015, edition of Update, AMP reported that the D.C. Circuit Court issued an order that may impact the use of backup generators to operate without adequate emissions controls. Specifically, the court held, in *DE Department of Natural Res. v. EPA*, that U.S. Environmental Protection Agency (USEPA) acted “arbitrarily and capriciously” when it modified the [National Emissions Standards for Hazardous Air Pollutants \(NESHAP\)](#) and the [New Source Performance Standards \(NSPS\)](#) under the Clean Air Act (CAA) to allow commercial backup generators to operate without emissions controls for up to 100 hours per year as part of an emergency demand response program (the 100-hour limit includes not only time run in response to a demand response (DR) emergency, but also all “non-emergency” operation, which includes all hours operated for maintenance and testing, as well as local system reliability issues). The hours limit was raised to 100 hours from 15 hours in a 2013 USEPA rulemaking.

As we noted, the court’s ruling did not take effect immediately and AMP has been working with the American Public Power Association (APPA), National Rural Electric Cooperative Association (NRECA) and PJM, among others, on steps going forward to mitigate the risk. Specifically, AMP prepared information on the impact to AMP and its members who own reciprocating internal combustion engine (RICE) units that the court’s ruling would affect should it stand. APPA aggregated the information we provided with other public power entities’ data and sent a letter to counsel for the USEPA and the Department of Justice (DOJ) to underscore the importance of the existing emergency DR provisions and persuade them to either seek rehearing of the court’s decision, file a motion to delay the issuance of the court’s mandate demonstrating that vacating the 100-hour exemption will create hardship, or have the USEPA voluntarily take the rule back in order to issue a new or interim rule but providing more robust support for its action.

Other parties have sent USEPA and DOJ similar letters, including PJM. PJM’s letter provided information about its DR program and described how disruptive it would be for PJM to try to transition its program in the middle of the summer months should the court’s remand order not be stayed. PJM, however, took no position “as to the feasibility or time associated with retrofitting these units to install the applicable pollution controls.”

Additionally, several of the parties including APPA and Enernoc have begun drafting a joint motion for a stay to be filed if USEPA does not take action to reverse or delay the court’s ruling.

We will continue to monitor this matter as it develops and keep you apprised of any information as it becomes available.

## FirstEnergy creates new transmission company

By Chris Norton – director of market regulatory affairs

On June 19, FirstEnergy Corporation (FE) made a Federal Energy Regulatory Commission (FERC) filing to transfer the transmission assets of its Eastern operating companies to a new company called Mid-Atlantic Interstate Transmission or MAIT. The new company will take over the transmission facilities of Pennsylvania Electric Company (Penelec), Metropolitan Edison Company (MetEd) and Jersey Central Power & Light (JCP&L). MAIT will operate as a transmission-only company, owning and operating the transmission facilities as well as building new transmission facilities.

In the FERC filing FE stated that once FERC approves the asset transfer to MAIT, the new company would file new transmission rates to become effective under the PJM Tariff. The company’s intent is to file formula transmission rates that update each year based on accounting data reported to FERC. Additionally, FE stated that MAIT intends to invest from \$2.5 to \$3 billion in the transmission system over the next five to 10 years.

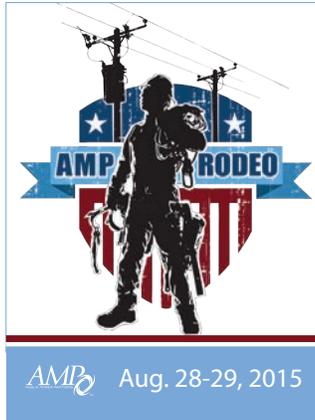
Penelec, MetEd and JCP&L will continue to own and operate their distribution systems. FE also filed to request approval from the Pennsylvania Public Utility Commission and the New Jersey Board of Public Utilities for the transfer of the transmission facilities from the operating companies to MAIT.

AMP is monitoring this issue and will provide more information to the members as it becomes available.

## AMP Rodeo materials mailed

By Michelle Palmer, PE – assistant vice president of technical services

Registration materials for the second annual AMP Lineworkers Rodeo were distributed earlier this week. The 2015 Rodeo will take place Aug. 29 at AMP headquarters in Columbus and will showcase the talents of lineworkers in AMP member communities. The deadline to register is July 31.



Last year's event was a great success and a wonderful opportunity to promote safe practices and camaraderie among member lineworkers, utility staff and families.

All AMP member utilities are eligible to participate. The event features three levels of competition: team, individual and apprentice. In addition to the Rodeo, training sessions will be held during the morning of Aug. 28.

We are also in need of volunteers and judges to help throughout the day.

The Rodeo is a family-friendly event and will be open to the public at no charge. Food will be available for purchase during the day.

Hotel rooms are available at the Crowne Plaza North, 6500 Doubletree Ave., Columbus, Ohio, for the discounted rate of \$96/night (includes breakfast for one person per room in the restaurant) plus applicable taxes. Please contact the Crowne Plaza directly at 614.885.1885, ext. 2 and ask for the "AMP" Rate.

As a reminder, AMP sponsorship for the American Public Power Association's national rodeo will only be available to those who participate in the AMP event.

Registration forms (contestant, volunteer, sponsor/vendor, and banquet) are available on the [AMP website](#). Please contact Jennifer Flockerzie at 614.540.0853 or email to [rodeo@amppartners.org](mailto:rodeo@amppartners.org) for more information.

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

### Week ending June 26

MON	TUE	WED	THU	FRI
\$33.96	\$51.25	\$36.60	\$33.85	\$30.73

### Week ending June 19

MON	TUE	WED	THU	FRI
\$44.20	\$37.90	\$35.20	\$37.00	\$33.30

AEP/Dayton 2016 5x16 price as of June 26 — \$42.13

AEP/Dayton 2016 5x16 price as of June 19 — \$42.06

## Lazy days of summer keep energy markets flat

By Craig Kleinhenz – manager of power supply planning

Energy markets had a fairly quiet week. Temperatures are expected to be mild for the next two weeks across much of the U.S., which will help to offset the recent heat wave on the East Coast.

Natural gas storage levels are still healthy as stocks are 1.4 percent higher than the five-year average and 38 percent above this point last year.

July natural gas prices are up \$0.08/MMBtu from last week, finishing yesterday at \$2.85/MMBtu. 2016 on-peak power prices at AD Hub also closed up, finishing yesterday at \$42.13/MWh which was \$0.07/MWh higher for the week.

## AFEC weekly update

By Craig Kleinhenz

AFEC was dispatched online six of seven days this week, with last Saturday the only day offline. The remaining days saw the plant at maximum base generation levels during the on-peak hours and offline during the overnight hours. The exception was the plant remaining online Monday night into Tuesday morning.

Duct burners were run 12 hours during Sunday and Monday evenings. The plant ended the past seven days with a 46 percent load factor (based on 675 MW).

## AMP awards Gorsuch scholarship recipient with \$2,000

Katelyn Krieger (center) of Piqua receives a \$2,000 Richard H. Gorsuch Scholarship with her father, Ed Krieger (left), Piqua Power System director and member of the AMP Board of Trustees, from Karen Ritchey (right), AMP manager of communication programs.

The Gorsuch scholarship is awarded to graduating seniors whose parent or guardian is an employee of either a member municipal electric system or AMP, or is an elected official with responsibility for the electric system.

Since 1988, \$272,000 has been awarded to deserving high school seniors through AMP's Richard H. Gorsuch and Lyle B. Wright [scholarship programs](#).



## AMP members educate teachers through OEP events

By Karen Ritchey – manager of communication programs

AMP members Cuyahoga Falls and Orrville both hosted Ohio Energy Project (OEP) events last week. Becky McCleary, Cuyahoga Falls public utilities customer advocate, led a fifth grade professional development course for teachers; and Jeff Brediger, Orrville director of utilities and member of the AMP Board of Trustees, conducted a tour of the Orrville power plant for teachers attending the Energy Sources Blitz tour.

OEP provides energy programs and materials for schools

utilizing innovative, hands-on techniques correlated to the Ohio Academic Content Standards. Their mission is to facilitate students' and teachers' understanding of the science of energy and its efficient use in order to empower the next generation of energy consumers. A number of AMP's Ohio member communities participate in OEP programs. If you would like more information about the programs, please contact me at [kritchey@amppartners.org](mailto:kritchey@amppartners.org) or 614.540.0933.



LEFT: Jeff Brediger leads a tour of the Orrville power plant for Blitz teachers. RIGHT: Cuyahoga Falls hosts professional development course for teachers.

### Spots available for AMP Hotline, Regulator courses

By Jennifer Flockerzie – technical services program coordinator

There are still spots available for two upcoming hands-on training courses at AMP headquarters: Hotline Training July 7-9 and Cooper Industries Regulator Class Nov. 17-19.

The Hotline Training class, taught by AMP instructors, is designed to provide an in-depth understanding of proper work techniques for line construction from the bucket. Geared to operations staff, this course is an expansion of AMP's lineworker series.

The Cooper Industries Regulator Class will cover the testing, troubleshooting and repair of voltage regulators. A well-maintained regulator helps ensure more reliable power and increased safety. This course, limited to 24 attendees, will be led by Cooper Industries representatives and is geared to operations and technical staff who want to gain a better understanding of the inner workings of a regulator and controller.

For more information or to register for a class, please contact me at [jflockerzie@amppartners.org](mailto:jflockerzie@amppartners.org) or 614.540.0853.

### Save the date: Aug. 18 for meeting, member outing

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

AMP's annual organizational and project update dinner and member outing have been scheduled for Aug. 18. The organizational dinner will be held at the Crowne Plaza Hotel and is open to all members and Municipal Electric Partners (MEPs). AMP President/CEO Marc Gerken and members of AMP's executive management team will provide insight on various AMP initiatives. The member outing will again be held at Rattlesnake Ridge.

Additional information for the organizational dinner and member outing will be provided at a later date. Please contact me at 614.540.0835 or [mbeirne@amppartners.org](mailto:mbeirne@amppartners.org) with questions.

## Calendar

July 7-9—AMP Hotline Training class  
AMP Headquarters, Columbus

July 23—AMP Finance & Accounting  
Subcommittee meeting  
AMP Headquarters, Columbus

Aug. 29—AMP Lineworkers Rodeo  
AMP Headquarters, Columbus



## Columbus to hold open exam for power distribution load trainee

The City of Columbus Department of Public Utilities is seeking qualified candidates for the position of Power Distribution Load Trainee. To apply, one must first take the open-competitive examination. Applications may be submitted to the Civil Service Commission by applying online at [www.csc.columbus.gov](http://www.csc.columbus.gov) by July 1, 2015. Applicant tracking is now managed by NEOGOV. If candidates have submitted a profile in the past, they will have to submit a new one through NEOGOV.

This position will be responsible for learning to operate the power distribution/transmission control system. To qualify, candidates must have one year of experience performing electrical work. Substitution: successful completion of a formal classroom or apprenticeship training program in the general principles of electricity or power distribution may be substituted for six months of the experience. Possession of a valid driver's license is required. Salary: \$41,600 - \$51,376. Please contact the Civil Service Commission at 614.645.8300 with questions. EOE.

## Beach City seeks lineworker

The Village of Beach City has openings for an experienced, Lineworker-Utility Worker or Apprentice Lineworker-Utility Worker in its electric utility. Successful candidates will meet the following qualifications: high school diploma or GED, two-year trade school, journeyman certification or be willing to apprentice toward a journeyman certification. Commercial Driver's License (CDL) with a Class B Endorsement or must be obtained within six months of hire.

Employee will be on call 24/7 to respond to outages or problems. Village Lineman-Utility Workers are also expected to perform duties in areas such as water, wastewater, tree trimming, streets and park maintenance. This is an inherently hazardous and physically demanding job. Candidate must be willing to work in all kinds of weather conditions. Position pay scales: \$19 to \$23 per hour for a Journeyman Lineworker and a five-year apprenticeship program starting at \$14.95 for the apprentice, both depending on qualifications. Beach City offers a comprehensive benefit package. Applications available at Village of Beach City, 105 E. Main St., Beach City, Ohio 44608 or via email to: [utilities@beachcityohio.org](mailto:utilities@beachcityohio.org). Applications will be accepted until 4:30 p.m. July 2, 2015. Beach City is an equal opportunity employer.

## AMP accepts applications for open positions

American Municipal Power, Inc. (AMP) is seeking applicants for the following positions. For complete job descriptions, please visit the "careers" section of the [AMP website](http://AMP website) or email to Teri Tucker at [tucker@amppartners.org](mailto:tucker@amppartners.org).

**Senior Accountant** – The senior accountant role is a trusted business adviser who is focused on the monthly financial close process, data governance, regulatory and GAAP accounting and financial reporting, assisting with the consol-

idation of the financial statements, analysis of actual results, footnote disclosures and issuance of financial statements. This position is responsible for ensuring consistent, timely and transparent financial statement reporting and analysis, ad hoc financial statement analysis, and assisting in the coordination of external audits. Will facilitate the implementation of the Oracle GL Wand reporting tool, as well as develop benchmarking tools and scorecard dashboards to focus on delivering specific and actionable fact-based solutions to senior management to improve financial results. Will prepare and interpret financial reports for executive level briefings and presentations to the Board of Trustees.

A bachelor's or master's degree in accounting or finance is required – MBA and/or CPA is preferred. Five to seven years of corporate accounting and financial reporting experience is required. Previous experience in utility accounting is preferred, but not required.

**Human Resources Generalist** – This position works with senior management to create and maintain an employee culture that supports AMP's mission, vision and values. Also administers human resources functions in accordance with labor laws and AMP policies. A four-year degree in business, communications or human resources is required. A minimum of three years of corporate human resources experience and previous payroll processing and/or Oracle experience are also required.

**Vice President of Transmission** – This position will participate in the appropriate RTO (MISO, PJM, etc.) stakeholder committees as an advocate of AMP related to transmission and reliability; develop strategies related to influencing, interpreting, and implementing the rules and regulations developed by FERC and RTOs; keep staff and members abreast of regulatory issues which impact transmission, ancillary services and wholesale markets.

Candidates must have a four-year accredited degree in engineering; licensed Professional Engineer preferred. Must have a minimum of 15 years of utility experience in transmission operation, planning or transmission tariff analysis. Knowledge of PJM and MISO transmission expansion processes preferred and must have a working knowledge of the wholesale electric energy marketplace and the impact of transmission.

## Minster offers transformer for sale

The Village of Minster is offering for sale a McGraw-Edison Substation Transformer. The three-phase transformer was manufactured in 1988 and is rated at 10,000 to 12,500 KVA. It is copper wound and has a primary voltage of 70,600 volts and a secondary voltage of 13,717 volts with 16 taps. The unit is filled with non-PCB mineral oil with a total weight of 70,670 pounds. The length of the transformer is 11 feet with radiators. Depth with radiators is 12 feet. The unit measures 16 feet 4 inches to the top of the bushings.

The Village of Minster has set a minimum acceptable price of \$45,000.00 for the unit. Additional information can be obtained by contacting Electrical Superintendent John Neuman at 419.305.2971.



# UPdate

A weekly newsletter presented by AMP President/CEO Marc Gerken

July 2, 2015

## June 2015 boasts lowest prices for June power since 2003

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

Although the past week has made it seem like fall has arrived, average June temperatures did turn out above normal in most AMP cities. Eastern PJM was warmer than western PJM through the month and PJM never saw a day with high loads throughout the RTO. Because of the lack of extreme weather and high generation availability in PJM and MISO, prices for June averaged only \$27.76/MWh at the AEP/Dayton Hub. This was the lowest price for the month of June since way back in 2003.

Congestion throughout PJM stayed relatively tame. The PPL area continued to see the lowest prices in PJM. This has been due to a transmission bottleneck around the Baltimore and southeastern Pennsylvania areas, which limits the amount of power that can flow out of PPL to the rest of PJM.

### AVERAGE DAILY RATE COMPARISONS

	June 2015 \$/MWh	May 2015 \$/MWh	June 2014 \$/MWh
A/D Hub 7x24 Price	\$27.76	\$33.33	\$38.96
PJM West 7x24 Price	\$28.53	\$34.75	\$40.80
A/D to AMP-ATSI Congestion/Losses	\$2.47	\$1.43	\$1.44
A/D to Blue Ridge Congestion/Losses	\$4.19	\$0.87	\$0.63
A/D to PJM West Congestion/Losses	\$0.77	\$1.42	\$1.83
PJM West to PP&L Congestion/Losses	-\$6.26	-\$2.52	-\$2.84
IND Hub to A/D Hub Congestion/Losses	\$2.44	\$3.87	\$2.61

## AMP protests MISO proposed cost allocation

By Lisa McAlister – deputy general counsel

On June 22, AMP submitted reply comments in a MidContinent ISO, Inc. (MISO) case opposing the recovery of multi-value project costs for transmission service provided by MISO to loads located on the PJM Interconnection (PJM) transmission system. AMP argued that the Federal Energy Regulatory Commission (FERC) previously eliminated charging duplicative costs from both MISO and PJM Interconnection (PJM) for transmission service between the two regional transmission organizations (RTOs) (also known as “rate pancaking”) in a case involving the Seams Elimination Charge/Cost Adjustments/Assignments (SECA) about a decade ago. Load-serving entities, including AMP, have relied on that policy in

see MISO Page 2



## AMP names Blair as 2015 DNA Award recipient

By Marc Gerken, PE – president/CEO

Andrew Blair, AMP’s assistant vice president of financial planning and analysis, is the 2015 recipient of AMP’s DNA Award. I presented the award to Andy during a full staff meeting on June 30.

Nominated by peers, the recipient of the DNA Award exemplifies AMP’s core values: cooperation, integrity, innovation, action oriented, effective communication and member focused.

Andy has been remarkable as far as the breadth of what he can do. He is a longtime AMP employee who is passionate about the organization, its members and public power.

He came to AMP in 1987 as a power dispatcher and worked in operations until moving to Gorsuch Station in 1992. He held several positions in engineering and management at the Marietta generating plant before returning to AMP headquarters in 2005.

continued on Page 2

*MISO continued from Page 1*

making power supply decisions. If FERC were to backtrack on that policy, it would cause harm to load-serving entities that arranged for resources across the RTO border from their load. AMP projected a cost increase of approximately \$4.6 million per year over the next 20 years if MISO is allowed to re-pancake the border.

This is the second time in this long-running docket that the cost allocation issue has come before FERC. The commission originally decided against allowing MISO to assess transmission charges on power scheduled from MISO into PJM to serve PJM load. MISO and its transmission owners appealed the decision to the courts. The 7th Circuit Appellate Court remanded the original order back to FERC – stating FERC had not justified its decision. To develop the record, FERC instituted a paper hearing process, allowing parties to file comments supporting or opposing the MISO proposed cost allocation. Generally, AMP and other entities in PJM oppose the proposed MISO cost allocation, while entities in MISO support the proposal.

Now that comments have been submitted in the docket, it is up to FERC to issue another decision. It is highly likely that any FERC decision would again be appealed to the 7th Circuit Appellate Court. AMP is monitoring the issue and will provide more information to members as it becomes available.

For more information, please contact me at 614.540.6400 or [lmcalister@amppartners.org](mailto:lmcalister@amppartners.org), or Chris Norton at 614.540.6417 or [cnorton@amppartners.org](mailto:cnorton@amppartners.org).



## Ernie Energy gets in the spirit of Independence Day

Ernie Energy, AMP's mascot, kicked off the Fourth of July celebration in Orrville during a parade, leading the utility's charge. Orrville hosts a five-day, 96-team ASA Girls 14 softball tournament and carnival with fireworks.

Pictured with Ernie are (from left): Scott Myers, Mike Hedberg, Brenda Nussbaum, Roberta Munsey and Mindy Bisesi. Not pictured are Amaya Evans and Ella Gonzales.

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

### Week ending July 2

MON	TUE	WED	THU	FRI
\$29.58	\$34.86	\$31.77	\$27.93	NA

### Week ending June 26

MON	TUE	WED	THU	FRI
\$33.96	\$51.25	\$36.60	\$33.85	\$30.73

AEP/Dayton 2016 5x16 price as of July 2 — \$41.50

AEP/Dayton 2016 5x16 price as of June 26 — \$42.13

## 2015 DNA Award recipient

*continued from Page 1*

"I've always looked forward to coming to work," Blair said. "I feel like what I do matters to the organization and its members."

Previous DNA award recipients are: Kent Carson, senior director of media relations and communications programs, 2008; Craig Kleinhenz, manager of power supply planning, 2009; Marlene Grout, secretary-receptionist, 2010; Chuck Giffhorn, manager of generation maintenance and support, 2011; Michelle Palmer, assistant vice president of technical services, 2012; Karen Ritchey, manager of communication programs, 2013; and Chris Deeter, assistant vice president of finance and member credit compliance, 2014.

## AFEC weekly update

*By Craig Kleinhenz – manager of power supply planning*

Cooler weather has resulted in AFEC being dispatched online during the week and offline during last weekend. For the weekdays, AFEC has been generating at base maximum levels during the daytime hours and offline during the overnight hours. The lone exception to this was the plant remaining online Tuesday night into Wednesday morning.

Duct burners were not needed this week and the plant ended the past six days with a 37 percent load factor (based on 675 MW).

## Energy markets cool off with temperatures

*By Craig Kleinhenz*

Mild weather is expected to persist through mid-July for the Midwest and much of the East Coast. This has helped keep energy prices down for the holiday trading week.

August natural gas prices closed down \$0.09/MMBtu from last week, finishing yesterday at \$2.78/MMBtu. 2016 on-peak power prices at AD Hub also closed down, finishing yesterday at \$41.50/MWh, which was \$0.63/MWh lower for the week.



## AMP/OMEA Conference

The 2015 AMP/OMEA Conference will take place Sept. 28-Oct. 1 at the Hilton Columbus at Easton. Traditionally held the last week in October, the conference is moving to September starting this year to better accommodate the timing of member budgetary processes. The dates for the next two years have also been set: Sept. 26-29, 2016, and Sept. 25-28, 2017. The Hilton Columbus at Easton will remain the location through 2017. Look for conference registration materials, hotel and additional information later this month.



### News or Ads?

Call Krista Selvage at 614.540.6407 or email to [kbselvage@amppartners.org](mailto:kbselvage@amppartners.org) if you would like to pass along news or ads.

## AMP welcomes Kyser to legal

By John Bentine, Esq. – senior vice president/general counsel

Michael Kyser is the newest member of the AMP staff, joining the legal department on June 29 as assistant deputy general counsel. He will assist and help support Deputy General Counsels Rachel Gerrick and Lisa McAlister to represent AMP and advise its members on a wide variety of legal matters including transactions, construction contracts, records policies, general business and utility matters along with helping facilitate internal and external strategies, including regulatory initiatives at the Federal Energy Regulatory Commission, PJM Interconnection and MidContinent ISO.



Michael Kyser

Prior to coming to AMP, Kyser was in-house counsel with the City of Toledo, Ohio, Law Department and interned at the Ohio Attorney General's Office. He holds a bachelor of arts degree from the Ohio State University (2008) and a juris doctorate, with a Publicly Held Companies Concentration Certificate, from Capital University Law School (2011), where he received the CALI Award for the highest grade in Corporate Finance. Please join me in welcoming Michael.

## Classifieds

### Lineworker needed in Ephrata

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

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

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

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

Complete an application at the borough or send

a resume to: Human Resources Dept., Borough of Ephrata, 124 S. State St., Ephrata, PA 17522 or [skramer@ephrataboro.org](mailto:skramer@ephrataboro.org). Visit [www.ephrataboro.org](http://www.ephrataboro.org). Application deadline: Aug. 1, 2015. EOE M/F/D/V

### AMP accepts applications for open positions

American Municipal Power, Inc. (AMP) is seeking applicants for a Senior Accountant position. For a complete job description, please visit the "careers" section of the [AMP website](http://AMP website) or email to Teri Tucker at [tucker@amppartners.org](mailto:tucker@amppartners.org).

The senior accountant is responsible for ensuring consistent, timely and transparent financial statement reporting and analysis, ad hoc financial statement analysis, and assisting in the coordination of external audits. Will facilitate the implementation of the Oracle GL Wand reporting tool, as well as develop benchmarking tools and scorecard dashboards to focus on delivering specific and actionable fact-based solutions to senior management to improve financial results. Will prepare and interpret financial reports for executive level briefings and presentations to the Board of Trustees.

A bachelor's or master's degree in accounting or finance is required – MBA and/or CPA is preferred. Five to seven years of corporate accounting and financial reporting experience is required. Previous experience in utility accounting is preferred, but not required.



## Ohio Municipal League Legislative Bulletin

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June 26 , 2015

### STATE OPERATING BUDGET NEARS FINAL PASSAGE/MUNICIPALITIES ASK GOVERNOR FOR VETO CONSIDERATIONS

The Ohio legislature is putting the final touches on the proposed \$71.3 billion, two-year state operating budget plan this week as the House votes today on the report produced by members of the HB64 Conference Committee including the last language changes. Yesterday, the Ohio Senate did their part by approving the conference committee report which including large portions of the version adopted by Senator's the week before. The Legislative Service Commission has produced a "Comparison Document" for HB64, the state operating budget bill that can be accessed at: <http://www.lsc.ohio.gov/fiscal/comparedoc131/cc/comparedoc-hb64-ccr.pdf>. The document compares all of the budget proposals offered by the Ohio House, Senate and what was decided upon as the final policy through the conference committee negotiations. The issues are listed through the state agency or department sections that have jurisdiction over that particular area of state government. Most of the areas that effect municipalities can be found in the "Local Government Provisions" section that begins on page #1105, municipal tax changes are included in the Department of Taxation section beginning on page #972, while the municipal LGF revenue changes can be found in the "State Revenue Distributions" area, on pages #958-959 specifically.

Most troubling to Ohio municipalities in what is being approved as the two year state spending plan is the retention of language adopted by the Ohio Senate that "redirects" revenue dedicated specifically for Ohio municipalities through the LGF municipal distribution, in the amount of \$39 million over the two- year biennium. As we have previously reported through our last several editions of the legislative bulletin, reporting on the evolving budgetary additions and subtractions, budget language was added that will "redirect" over the two-year budget period \$20 million of the municipal LGF distribution to the general funds of Ohio's 1308 townships; \$4 million to villages smaller than 1,000 in population and \$15 million over the biennium to the Law Enforcement Assistance Program to increase police officer training for all police officials across the state including State Highway Patrol Troopers, Township Constables, County Sheriff Deputies, and state Park Rangers. The enhanced training mandates were proposed through recommendations offered by the Governor's Police Relations Advisory Commission, many of which the administration is implementing. As a reminder of agreements reached in the not so distant past between the state of Ohio and its local government partners, this one goes back 43 years ago as to why the state provides some municipalities with this supplemental distribution. The city of Toledo was the first city to institute a municipal income tax in 1946, and thus was the first form of taxation on income for Ohio workers with other cities following suit shortly thereafter. The distribution formula for state support to local communities through the LGF, in what we are sure was made in

good faith between Ohio's state legislative leaders and their municipal counterparts at the time, included the recognition in 1972 that because the state legislature had just enacted Ohio's own income tax, this new statewide income tax would be in direct competition with the ability of Ohio municipalities to raise revenue on the local level through their current local tax, because of the growing tax burden on Ohioans now coming from the state. In recognition of this new threat to funding municipal services and the importance of sustaining the mission of cities and villages, state leaders dedicated a mere 10% of the total yearly LGF distribution to be dedicated to Ohio municipalities who administer their own income tax. In 2014, that amount of the municipal LGF revenue distribution was roughly \$28 million. What municipalities who receive this stipend will be left after the state budget siphons away this supplement to 536 Ohio cities and villages will be minimal, at best. The Department of Taxation will produce an analysis of the projected revenue losses cities and villages will incur soon and we will provide that information when it is available.

Ohio cities and villages are challenged more than ever by previous agreements with the state that have been broken or not lived up to in the area of taxation policy, revenue replacement schemes and numerous other instances where the state government continues to grow its scope of influence, eclipsing the authority and effectiveness of their local governments who deliver the services businesses and residents depend upon and expect every day.

The language included by the Ohio House that punitively withholds LGF revenue from municipalities that continue to operate Red Light cameras under the new state guidelines remains part of the operating budget plan despite current court challenges making their way through the judicial process, questioning the constitutionality of the state imposed restrictions.

There were changes made by the conference committee that we had asked for and are grateful that the final budget reflects things that we support such as:

- The reinsertion of \$20 million appropriation of GRF over the biennium to create the Local Government Safety Grant Program.
- The removal of legislative language in HB5 from the previous General Assembly that would have made municipal Tax Administrators personally liable for performing their duties.
- The removal of language that would have included the mental affliction of post-traumatic stress disorder (PTSD) as an eligible condition covered through workers' compensation system.

Other general budget items included in the final package worth highlighting include:

- Increased Ohio's "Rainy Day Fund" or Budget Stabilization Fund from \$1.85 billion to \$3.15 billion.
- 6.3% across-the-board state income tax cut
- Will increase the current 50% small business income tax cut to 100% income tax cut for business that earn less than \$250,000 annually over the two year biennium
- Lowers the income tax rate to 3% for businesses that earn greater than \$250,000 a year.

After the House completes their approval of the state budget (HB64) conference committee report, the final budget plan will be sent to Governor Kasich over the weekend for his review. The Governor does possess the power of the "Veto" and can strike any language that he does not believe is the best policy for Ohio going forward. On Tuesday, on behalf of the OML Board of Trustees and our members, the league sent to Governor Kasich a letter [HERE](#) requesting his veto consideration for issues included in the budget that cities and villages are in opposition and wish not to be included in the state operating budget and enacted into law. Throughout the summer, the league will include in our legislative bulletins greater detail on changes made in the budget that will have an impact on the administration of Ohio municipalities.



Ohio Municipal League  
Our Cities and Villages ★ Bringing Ohio to Life

# Legislative Bulletin

## Ohio Municipal League Legislative Bulletin

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July 2, 2015

### GOVERNOR'S SIGNATURE FINALIZES FY 2016-17 BUDGET PROCESS

On Tuesday evening, Governor Kasich affixed his signature to sub.HB64, the new two-year state operating budget. Before signing the bill and enacting the budget into law, the Governor exercised his constitutionally provided veto authority to 44 items that had been part of the spending and policy package. As we shared with our members in the last legislative bulletin, the league drafted a letter to the Governor asking that he veto areas of the bill that would cause municipalities to needlessly lose additional revenue through continuing to withhold LGF distributions specifically earmarked for Ohio cities and villages who administer an income tax and other policy proposals by the state that violate Home Rule authority. Unfortunately, the Governor did not veto the areas of the budget detrimental to Ohio municipalities. As a result, municipalities currently struggling to raise revenue on the local level will see their financial challenges increased and the quality and quantity of services businesses and taxpayers depend upon everyday put in greater jeopardy. You can access the list of items vetoed by the Governor [HERE](#).

### BILLS ON THE MOVE MEAN MORE RESTRICTIONS TO MUNICIPAL HOME RULE

In the final legislative push to advance bills considered to be priorities by leaders of their respective chambers, this week members of the House and Senate passed legislation that has been making their way through the committee process, before adjourning for summer recess. A few of those bills acted upon deal with municipal issues which include more threats to municipal home rule authority.

One example is the issue of restricting residency requirements for local construction projects which surfaced in two bills which later were included in the state transportation budget and then in the biennial operating budget as amendments, only to be removed after legislators agreed the issue needed additional study through the committee process. Both bills mirror each other as they will prohibit municipalities from enforcing requirements on contractors who are awarded local construction projects to employ a certain percentage of the workforce from the community, where the projects are being performed. Tuesday afternoon by a vote of 61-31, the Ohio House of Representatives passed HB 180, sponsored by Rep. Ron Maag (R-Lebanon) which is the House's version while the Ohio Senate acted quicker on their proposal, SB 152 (Sen. Uecker-R, Loveland) when it was passed by that body this past Thursday by a 21-11 vote. The decision on which bill will be the legislation to complete the process and be enacted, further restricting the ability of Ohio municipalities to fully exercise their constitutionally protected home rule powers, has yet to be determined by legislative leaders.

The other bill clearing its first legislative hurdle in the process before becoming law is a bill introduced by Representative Mike Duffey (R-Worthington) and Bob Hackett (R-London) that would among other things, establish requirements governing Transportation Network Companies (TNCs), such as Uber or Lyft-style ride sharing businesses, TNC drivers, and the services provided by TNCs. Under the bill, a "transportation network company" includes any entity operating in Ohio that uses a digital network, such as an online-enabled application, software, website, or other system, to prearrange rides between TNC riders to TNC drivers. The bill analysis states, per the description offered by the Legislative Service Commission (LSC): "HB237 specifies the intent of the General Assembly to preempt any local ordinance, resolution, or other law adopted to license, register, tax, or otherwise regulate TNCs, TNC drivers, and TNC services." The analysis goes on to explain that the legislation specifies that with regard to the provision of TNC services, no TNC or TNC driver may be regulated as a chauffeured limousine, a taxicab or vehicle for hire, or a for-hire motor carrier and that no vehicle used to provide TNC services can be required to register as a chauffeured limousine, a taxicab or vehicle for hire, or a for-hire motor carrier in order to provide TNC services.

As a means of guidance for legislators as they consider the contents and consequences of HB237, LSC added in the comment section at the end of the analysis this point of clarification:

***COMMENT: Under Article XVIII, Section 3 of the Ohio Constitution, municipal corporations "have the authority to exercise all powers of local self-government and adopt and enforce within their limits such local police, sanitary, and other similar regulations, as are not in conflict with general laws." Accordingly, a statute enacted by the General Assembly that purports to limit that constitutional authority may be invalid as applied to municipal corporations. See Canton v. State, 95 Ohio St.3d 149 (2002).***

The Ohio House passed HB237 by a vote of 93-0. The league objects to the language giving the state of Ohio exclusive regulatory authority over this fast growing industry, operating throughout Ohio cities and villages. To preserve the ability of municipalities to regulate "vehicles for hire" including Uber and other ride sharing enterprises accessible to the general public not only insures that safety standards are being met through local requirements that regular maintenance and general inspections are occurring on vehicles the unsuspecting citizen may hire for service, but it also adds a layer of protection for consumers, through the establishment of uniform fare rates via local ordinance and regular inspection of metering devices. By setting fare rates through municipal ordinance, "vehicle for hire" charges are published and not subject to fluctuation when specific "business opportunities" such as location of the ride request, time of night or volume of business may entice drivers to charge higher fare rates or develop their own schedule for fare charges.

HB 237 has moved on to the Ohio Senate where it is waiting to be assigned to a committee. We presume hearings will begin when the legislature returns later in the fall and will be sure to keep our members updated on any future activity concerning the bill. We encourage municipal officials that object to continued attempts to erode the home rule provision of the Ohio Constitution to contact their state Representative and Senator and ask them to uphold the tenants of Ohio's Constitution, as they swore to do with their hand atop the Bible, as they were sworn into their state legislative seats.

While the members of the General Assembly are on their legislative recess and back in their hometowns and districts participating in meetings, parades and other civic events in your municipalities, please share with them concerns you and other municipal leaders may have with changes the state is making regarding the deterioration of financial support provided cities and villages and how previous revenue sharing agreements are not being lived up to but rather are being diverted away from municipalities unnecessarily. You might also share with your state policy makers when you see them that state imposed challenges to home rule powers is not making the job of local governance any easier and that interference by the state on local matters only separates taxpayers from their local democracies and adds greater frustration for businesses and citizens alike.

## Register Today for TMACOG Member Caucuses & Forum with State Lawmakers, August 5

From: "Jennifer Allen" <allen@tmacog.org>

07/01/15 07:23 AM

To: "Jennifer Allen" <allen@tmacog.org>

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# Plan now to attend the Summer Caucus and Forum with State Lawmakers

**Wednesday, August 5, 8:30 a.m. – noon**  
**Penta Career Center, 9301 Buck Rd., Perrysburg**

**Learn about opportunities and share community challenges with your peers at the caucus sessions. Hear from and speak to your Ohio and Michigan elected officials in a Q & A session.**

Lawmakers who have confirmed their attendance:

- Rep. Tim Brown – 3rd District, Ohio

- Rep. Teresa Fedor – 45th District, Ohio
- Sen. Randy Gardner – 2nd District, Ohio
- Rep. Bill LaVoy – 17th District, Michigan
- Rep. Bill Reineke – 88th District, Ohio
- Rep. Jason Sheppard – 56th District, Michigan

There is no fee to attend but please register to reserve your seat at the caucus and forum. Contact [Jennifer Allen](#) at 419.241.9155, ext. 107 by Friday, July 31. If you have topics or questions for state lawmakers, please provide them when you register so that TMACOG can help panelists prepare.

Thank you to [Penta Career Center](#) and [AT&T Ohio](#) for support of the Summer Caucus.

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