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# *Memorandum*

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**To:** Mayor & Members of Council  
**From:** Monica Irelan, City Manager  
**Subject:** General Information  
**Date:** November 27, 2015

## **CALENDAR**

### **MEETING AGENDA**

⇒ *Parks & Rec Board*; Wednesday, December 2<sup>nd</sup> @ 6:30 pm

### **INFORMATIONAL ITEMS**

- 1) Ohio Municipal League Bulletin/November 20, 2015

MI:rd  
Records Retention  
CM-11 - 2 Years

November 2015							December 2015							January 2016						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7	1	2	3	4	5		1	2						
8	9	10	11	12	13	14	6	7	8	9	10	11	12	3	4	5	6	7	8	9
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22	23	24	25	26	27	28	20	21	22	23	24	25	26	17	18	19	20	21	22	23
29	30						27	28	29	30	31			24	25	26	27	28	29	30
														31						

 Calendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<b>29</b>	<b>30</b> 5th Monday/No Scheduled Mee	<b>1</b>	<b>2</b> 6:30 PM Parks & Rec Board Meeting	<b>3</b>	<b>4</b>	<b>5</b>
<b>6</b>	<b>7</b> 6:15 PM TECHNOLOGY Committee Meeting 7:00 PM City COUNCIL Meeting	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>
<b>13</b>	<b>14</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>15</b> 5:00 PM Planning Commission Meeting	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<b>20</b>	<b>21</b> 6:00 PM Tree Commission Meeting 6:15 PM Parks & Recreation Committee Meeting 7:00 PM City COUNCIL Meeting	<b>22</b>	<b>23</b>	<b>24</b> FLOATING HOLIDAY - Office	<b>25</b> HOLIDAY - Merry Christmas	<b>26</b>
<b>27</b>	<b>28</b> 6:30 PM FINANCE & BUDGET Committee Meeting 7:30 PM SAFETY & HUMAN RESOURCES Committee Meeting	<b>29</b>	<b>30</b> 6:30 PM Parks & Rec Board Meeting	<b>31</b>	<b>1</b> HOLIDAY - Happy New Year	<b>2</b>

City of Napoleon, Ohio

## **Parks & Recreation Board**

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

### **Special Meeting Agenda**

Wednesday, December 2, 2015 at 6:30pm

- I. Call to Order
- II. Approval of Minutes
- III. Discussion/Action: Parks & Recreation Service Award
- IV. Discussion on 2016 Budget Requests
- V. Miscellaneous
- VI. Any other matters currently assigned to the Board
- VII. Adjournment

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Gregory J. Heath, Finance Director/Clerk of Council



**Proposed Dock Storage Fees**

To untable dock storage fees

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

Roll call vote on above motion:  
Yea- Knepley, Hardy, Funchion, Saneholtz, Richardson, Schmitkey, Bialorucki  
Nay-

**Discussion**

Cotter distributed a memo regarding the proposed Rules and Regulations regarding the dock storage fees including proposed rules, costs, and zone removal deadlines, along with the Waiver of Liability Agreement; see attached.

Cotter reminded the Board the current policy for receiving a dock tag, adding that docks that are not registered are removed at the cost of the owner, which entails approximately ten (10) out of forty (40) docks. Cotter believes the tags are helpful in keeping track of who owns the docks. Cotter suggested a yearly fee of twenty five dollars (\$25); Hardy believes fifty dollars (\$50) is a fair cost. Cotter believes that owners will continue to store their docks even with a fee. Comadoll stated that a former Council member asked why the City did not charge a dock storage fee which is what prompted this discussion. Funchion asked if there would be signage with the rules and cost associated; Cotter stated yes, and each year a different colored tag will be used to track current registrations. Schmitkey asked if the rules and fees would be reviewed annually; Cotter stated that they would. Hardy reminded the Board that this will take effect in 2016/2017.

**Motion To Recommend Council Approve \$50 Dock Storage Fee And Adopt New Rules As Presented**

Motion: Bialorucki Second: Schmitkey  
To approve a dock storage fee of fifty dollars (\$50) annually and adopting the Rules and Regulations as presented

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

Roll call vote on above motion:  
Yea- Knepley, Hardy, Funchion, Saneholtz, Richardson, Schmitkey, Bialorucki  
Nay-

**Discussion/Action: Budget Review**

Cotter distributed a memo regarding the 2016 Parks & Recreation Department Operating Budget Requests Overview; see attached.

Cotter explained that the Golf Course revenue was not as high as anticipated due to the flooding damage which caused the golf course to be closed completely for ten (10) days of the season; the projected revenue for 2015 is approximately \$129,000. Cotter believes the previously approved incentives to golfers for the 2016 season will help to rebound the revenue; the discounted rates are factored into the projected revenue for 2016. Funchion asked what the increase in miscellaneous revenue was; Cotter stated that Pepsi was in arrears for three (3) years on their contract and they finally paid; the contract currently has three (3) years until completion. Bialorucki stated that he played on the golf course after the flooding, asking if the course will be better now than it was prior; Cotter and Saneholtz believe the golf course was in the best condition it ever had been prior to the flooding. Knepley agreed, adding that he believes it will continue to get better. Bialorucki believes that golfers should be made aware of the good condition; Cotter agreed. Schmitkey asked if the FEMA money will go back into the Parks budget; Cotter reported that the FEMA funding was denied due to the loss not being a large enough percentage of the City overall budget; this was not

**Discussion/Action:  
Budget Review  
(Continued)**

a dedicated Grant.

Cotter reported the swimming pool revenue stays fairly consistent. Funchion asked why the program fees were lower than projected; Cotter believes this money was entered into the incorrect line item, though it is still in the Recreation Fund.

Cotter reported that all City Departments receive a bill for Utilities which has previously been reimbursed by the Kilowatt hour tax; Comadoll stated there may be legal issues regarding this disbursement; Cotter believes this disbursement being taken away will greatly impact the swimming pool. Hardy asked if this credit would be taken from all departments; Cotter does not know what has been discussed. Comadoll stated this is a BOPA issue and does not know the answer; Cotter added that he has not heard any definite decisions regarding this as of yet, and hopes this will be discussed before it is taken away, giving the Department the ability to adjust the budget accordingly. Hardy believes that all Departments should be asked to give this back if the Parks Department is required to. Cotter agrees that the Parks Department is at a point where they are paying for their own capital expenses and should not be expected to give back operating money as well. Comadoll reminded Cotter that there is a proposal to begin Priority Based Budgeting; Cotter stated that the Parks Department has been requested to be the pilot program for this process. Schnitkey asked why the Parks Department was chosen as the pilot; Knepley believes because the department has done a good job with budgeting; Cotter stated that this is the only department that balances expenses to revenue. Hardy believes that the Parks Department is being singled out and would like other departments to be held to the same standard; Cotter added that he believes that some Council members believe that the Department is still drawing funds from the General Fund which is not the case. Cotter restated that there is a difference between the General Fund and the Capital Improvement Fund; the Parks Department operational budget is balanced and requests are made to the capital improvements fund. Cotter will bring back any information regarding the Kilowatt hour tax as he receives it.

Cotter explained the golf course expenses increased by approximately \$15,000 due to course repair after the flooding event.

Cotter explained there was a significant increase in utilities for the swimming pool including water usage; adding that recently a possible source of leak in one of the lines has been discovered; Cotter reported that a work order has been placed with the Operations Department to try to find the line that is leaking; Cotter will report to the Board when the issue is found. Schnitkey asked if the utilities expense included the Kilowatt hour reimbursement; Cotter stated that this is the true expense and the reimbursement is added back to the revenue side. Funchion believes that eventually an income tax levy will be required to afford the pool; Cotter agreed that this must be decided. Funchion believes that this will always be an expense, but this must be asked of the community. Hardy believes the pool to be a service to the community, but the community must be asked to make it affordable. Cotter stated that the largest issue currently is the leaking of water at approximately \$20,000 annually including chemicals; to increase revenue items must be added including slides which involve hundreds of thousands of dollars of capital outlay. Schnitkey asked if the pool repair funds being set aside could be used to add features as necessary; Cotter stated that this









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November 20 , 2015

### Ohio House Begins Hearing Process on Numerous Municipal Related Bills

The Ohio legislature was in full swing this week, busily working bills through the committee hearing process as the legislative calendar will begin to constrict with the coming of the Holidays, beginning next week. In observance of Thanksgiving next week, there will be little activity at the Statehouse as members of the legislature return to their home districts or do as many of us do and travel over the hills and through the woods to reach your celebratory destinations, which is not the Statehouse for the fortunate ones.

On Tuesday, the House Local Government Committee convened a meeting which included six bills directly pertaining to municipal interests, with topics addressed ranging from issues effecting TYPE-II annexations, municipal home rule to waterway management. All of the bills heard Tuesday by committee members were the first hearing for the respective bills where the sponsor's of the proposals presented to committee members the rationale for their bills. Below is a brief description of the municipal bills heard Tuesday by the House Local Government Committee:

- HB 302, legislation introduced by Representatives Mike Henne (R-Clayton) and Jim Butler (R-Oakwood) which provides that, beginning five years after a TYPE-II annexation is approved, the annexed territory is subject to a fire, police, or emergency medical services (EMS) tax levy only if the levy is imposed by the subdivision that provides the fire, police, or EMS service to the territory. Dubbed the TYPE-II Annexation Dual Taxation Bill, Rep. Henne shared with committee members that the bill would end the practice of double taxation on municipal residents who once were residents of an unincorporated area yet continue to pay taxes for services the township no longer delivers. "HB 302 is a simple commonsense solution to this problem of taxing the property owner twice for the very same service," Rep. Henne said.
- HB 231 sponsored by Reps. Jeff McClain (R-Upper Sandusky) and Cheryl Grossman (R-Grove City) would require before the chief executive or legislative authority of a municipal corporation, a board of county commissioners, a board of township trustees, or the board of education of a school district, files a complaint against the valuation of property the subdivision does not own, the political subdivision must first adopt a resolution approving the complaint at a public meeting of the legislative authority or board. The bill as drafted also specifies that when a resolution is prepared challenging the valuation, it must specify, among other things, the compensation paid to any person retained to represent the county, municipal corporation, township, or school board in the matter of the complaint, unless the person is an employee of the political subdivision. And lastly, the bill specifies the circumstances under which such a resolution need not be adopted.

Rep. McClain shared with committee members that during conference committee deliberations that took place several years ago related to the then proposed state biennial budget, there was an effort by some legislators to remove most entities' or individuals' ability to file a complaint on a property they don't own. "I was able to defeat the amendment because I believed there should be this option, only with proper notification and transparency. That is why I believe HB231 is a fair compromise to protect both the owners' and the public's attempts at fair taxation."

- As described by the bill sponsors, Reps. Hearcel Craig (D-Columbus) and Cheryl Grossman (R-Grove City) said their HB 335 attempts to quell speed traps in villages that subsist solely on traffic offenses, by specifying the jurisdiction of municipal and county courts over municipal traffic ordinances. HB 335 would also establish requirements governing fines, fees, or other charges for traffic violations and infractions imposed by a municipal corporation that does not have the authority to establish a mayor's court. "This legislation would cap fines, fees and other charges that are in excess of or not included in the local municipal or county court's schedule of fines and costs and specifies the jurisdiction of municipal and county courts over municipal traffic ordinances," Rep. Craig said.

The impetus for the proposal seems to derive from one Ohio village which the sponsors claim has established a "civil-violations system," in which fines are paid directly to the village. Although this situation may need to be examined, the league is very concerned about the root effect of the proposal which will **violate the Home Rule provision** of the Ohio Constitution. Even the analysis prepared by LSC for committee members states that under Home Rule authority, municipalities have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary, and other similar regulations not in conflict with general laws. The regulation of traffic is an exercise of municipal police power, as defined by Ohio Supreme Court rulings, and is valid so long as it does not conflict with a general law.

- HB 262 received its first hearing by sponsor's Reps. Mike Stinziano (R-Columbus and Greta Johnson (D-Akron) which would allow a municipal corporation to request assistance from the Ohio Civil Rights Commission in receiving, investigating, passing upon, and enforcing alleged violations of an ordinance of the municipal corporation that prohibits discrimination. The Commission, which enforces the Ohio Civil Rights Law, is required to provide the requested assistance if the Commission has the resources necessary to provide the assistance, and if the assistance is consistent with the Commission's authority to receive, investigate, pass upon, and enforce prohibitions against unlawful discriminatory practices, except that the Commission is not limited to the unlawful discriminatory practices it must enforce under the Ohio Civil Rights. As the bill currently outlines, the Commission may assist a municipal corporation in enforcing a type of discriminatory practice not prohibited under the Ohio Civil Rights Law, so long as it is a discriminatory practice prohibited by the municipal corporation's ordinance. Rep. Stinziano shared with committee members that the idea for the bill came from smaller municipalities in his central Ohio district that, "do not have the resources available to institute their own civil rights commissions. When claims of discrimination are made by residents in accordance with their individual anti-discrimination laws, these cities cannot always investigate those claims."
- A bill that has been drafted in response to language included in HB 64, the most recent state operating budget bill that unconstitutionally stripped Ohio municipal Home Rule authority to regulate and maintain buffers around municipal drinking water reservoirs. HB 304, sponsored by Reps. Mike Stinziano (D-Columbus) and David Leland (D-Grandview Heights) eliminates the new state statute that would require a municipality to allow an owner of property that is contiguous to property that constitutes a buffer around a body of water to interfere with the municipal stewardship of the land. The bill also eliminates a provision included in HB 64 that would prohibit a peace officer or other official with authority to cite trespassers on property that is owned by a municipality and that constitutes a buffer as described above from issuing a civil or criminal citation to an individual who enters the property for the sole purpose of mowing grass, weeds, or other vegetation.

Rep. Stinziano explained to committee members that, "in effect, a single amendment in H.B. 64 placed the quality of the public's drinking water in the hands of nearby residents by giving them access to alter 'buffer

zones' owned by municipalities. These cities maintained certain vegetation requirements in order to naturally filter out chemicals that could enter the drinking supply.”

- Another bill that addresses the issue of “double taxation”, Representative Andrew Brenner (R-Delaware) presented his HB 277, legislation that would authorize a municipal corporation, county, or township to levy a tax for the establishment and operation of a 9-1-1 system in only the portion of the subdivision that would be served by the system. Only electors residing in the portion of the subdivision subject to the tax would be permitted to vote on the question of the levy. Under current law, a subdivision may levy a tax to establish and operate a 9-1-1 system, and, even when only a portion of the subdivision is served by the system, all electors of the subdivision are permitted to vote on the question of the levy and the tax applies throughout the entirety of the subdivision. In his sponsor’s testimony, Rep. Brenner explained that Ohio Revised Code will not allow for subdivisions to be carved out of a tax district. House Bill 277 would allow for the exclusion of territory that will not be served by a 911 system, and only tax those within the area served by the 911 system.

## **2020 Tax Policy Study Commission Holds Second Meeting; Municipal Taxation Enters Conversation**

A legislative tax study committee met this week to begin the process of examining issues associated with the feasibility of Ohio revamping the current income tax structure from a graduated tier system to a flat tax, further review of the existing severance tax and the future of the Ohio Historical Preservation Tax Credit. The 2020 Tax Policy Study Commission, chaired by Sen. Bob Peterson (R-Washington Courthouse) and Rep. Jeff McClain (R-Upper Sandusky) received testimony Thursday from three witnesses, Richard Vedder, distinguished professor of economics emeritus at Ohio University, and two representatives of the National Federation of Independent Businesses (NFIB), Albert Macre, CPA of Steubenville , and Steve Bowser of the engineering firm Bowser-Morner, Inc. The witnesses generally talked about the overall universe of state tax issues such as how the CAT tax is working, how a flat tax could be accomplished, how other states have modified their tax administrative practices and the outcomes that have resulted or not resulted, including general opinions of how the state should proceed in making tax policy adjustments.

Invariably, although not part of the charge assigned to the tax study committee, the issue of municipal taxation was addressed by the business witnesses, as part of their prepared testimony. The CPA shared with committee members that he looks forward to the changes coming through the implementation of municipal income tax “reforms” included in HB5 while the business owner feels the reform measure did not go far enough and that conforming with employee tax liability withholding requirements remains very onerous for his organization and feels that this requirement to contribute to the financial support for services his workers enjoy while working in various Ohio municipalities puts his company at an “uncompetitive” disadvantage.

Following the testimony by the three witnesses, a discussion ensued regarding levels of local taxation and how they affect the state’s overall tax exposure ranking. The comments were offered by commission panelist Tim Keen, Director of Ohio Budget and Management, part of the Governor’s administration, who observed that, “municipal income taxes continue to only climb higher, the various piggy-back taxes that are being applied by counties on sales taxes and the taxing authority of local school districts, all accumulates to add tremendous pressure on taxpayers and inflates the state’s overall tax rating as compared with other states and through the Tax Foundations scoring system.” Mr. Keen implored the panel to widen the scope of issues to be considered by the review panel to include what to do about the growing local tax issues.

League staff present at the hearing found that comment interesting and a little perplexing that there is now a concern for the “tax shift” that has and continues to take place through-out the state followed by the recommendation that something must be “done about it” by the Ohio legislature. It may be lost on the OBM Director, who was one of the lead spokesman for the administration cheerleading the policy decisions of 2010

that included slashing the Local Government Fund (LGF) by more than half and the elimination the Ohio's Estate Tax, depriving cities and villages of nearly \$250 million annually, compounding the financial pain of already depleted municipal budgets. It is the hope of the league that the legislature will address the current inequities of past revenue sharing policy changes and will accept that when the state withdraws from decades old revenue sharing agreements and makes other tax policy changes that have the effect of draining already scarce local revenues away from our service providing cities and villages, that these changes do not occur in a vacuum and that residents and businesses suffer.

## **Legislature to Recess Next Week in Observance Of Thanksgiving**

Due to the upcoming Holiday next week, there is only one committee that has announced a hearing schedule for next week, which is listed below. If there are any changes to the committee schedule, we will be sure to post those to our website Monday. The league will not produce a legislative bulletin next week and will resume our reporting of legislative activity the following week.

Have a safe and enjoyable Thanksgiving.~

[Committee Schedule](#)

### **Past Bulletins:**

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