
Memorandum

To: Mayor & Members of Council
From: Monica Irelan, City Manager
Subject: General Information
Date: November 16, 2015

CALENDAR

AGENDA: City Council @7:00 pm

C. APPROVAL OF MINUTES

1. November 2, 2015 Council Meeting Minutes

G. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 060-15**, an Ordinance Amending Chapter 955 of the Codified Ordinances of the City of Napoleon, Ohio to Establish a Private Boat Dock Storage Fee at the Ritter Park Boat Ramp are Parking Lot
2. **Resolution No. 061-15**, a Resolution Authorizing Execution of the First Amendment to Rate Levelization Schedule with AMP; and Declaring an Emergency

H. SECOND READINGS OF ORDINANCES AND RESOLUTIONS

I. THIRD READINGS OF ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 053-15**; an Ordinance to Adopt Chapter 194 of the Codified Ordinances of the City of Napoleon Regarding Municipal Income Tax
2. **Ordinance No. 055-15**; an Ordinance Amending Chapter 913 of the Codified Ordinances of the City of Napoleon, Ohio regarding City Sidewalk Policy by Adding Section "913.06 Appeals" to Allow for an Appeal Process Related to the Installation of City Sidewalks
3. **Resolution No. 056-15**; a Resolution Authorizing the City Finance Director to Upgrade Finance Accounting Software with CMI from Finance Client Server to Finance Authority Software; Authorizing Expenditures of Funds in Excess of \$25,000.000 and Eliminating the Necessity of Competitive Bidding
4. **Ordinance No. 057-15**; an Ordinance Amending the Allocation of Funds as found in Sections 193.11 and 193.013 of the Codified Ordinances of the City of Napoleon, Ohio.

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

1. Recommendation to Approve November Power Supply Cost Adjustment Factor
2. Approval of Plans, Specifications, Documentation and Contracts for Chemicals for the Water Treatment Plant and Wastewater Treatment Plant FY2016.
 - a. This is the annual bid for chemicals, this year we are only bidding out three (3) chemicals (Pebble Lime, Liquid Aluminum Sulfate and Rock Salt).

L. APPROVE PAYMENT OF BILLS AND APPROVE FINANCIAL REPORTS

Cancellations

1. Tree Committee Meeting
2. Parks & Recreation Committee Meeting

INFORMATIONAL ITEMS

1. Invitation to NHS Dedication Ceremony on 12.15.2015
2. AMP Weekly Newsletter/November 6, 2015
3. Ohio Municipal League Bulletin/November 13, 2015

MI:rd

Records Retention - CM-11 - 2 Years

October 2015							November 2015							December 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	1	2	3	4	5	6	7	6	7	8	9	10	11	12
4	5	6	7	8	9	10	8	9	10	11	12	13	14	13	14	15	16	17	18	19
11	12	13	14	15	16	17	15	16	17	18	19	20	21	20	21	22	23	24	25	26
18	19	20	21	22	23	24	22	23	24	25	26	27	28	27	28	29	30	31		
25	26	27	28	29	30	31	29	30												

 Calendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11	12	13	14
					8:00 AM 2016 Budget Review Meeting	8:00 AM 2016 Budget Review Meeting
15	16	17	18	19	20	21
	7:00 PM City COUNCIL Meeting					
22	23	24	25	26	27	28
	6:30 PM FINANCE & BUDGET Committee Meeting 7:30 PM SAFETY & HUMAN RESOURCES Committee Meeting		6:30 PM Parks & Rec Board Meeting	HOLIDAY - Thanksgiving		
29	30	1	2	3	4	5
	5th Monday/No Scheduled Mee					

City of Napoleon, Ohio

City Council

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

Meeting Agenda

Monday, November 16, 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.)*
- D. Citizen Communication**
- E. Reports from Council Committees**
- 1. Parks & Recreation Committee** did not meet on Monday, November 16 due to lack of agenda items.
 - 2. Electric Committee** *(Majority Report)* met on Monday, November 19 and recommended:
 - a. Approval of November Power Supply Cost Adjustment Factor
 - b. Authorizing the execution of the First Amendment to the Rate Levelization Schedule with AMP
 - 3. Water, Sewer, Refuse, Recycling & Litter Committee** met on Monday, November 9 and recommended:
 - a. Tabling Review of unlimited pickup procedures
 - 4. Municipal Properties, Buildings, Land Use & Economic Development Committee** met on Monday, November 9 and recommended:
 - a. Tabling Zoning changes regarding poultry within City limits
 - b. Tabling Project Specification Review Process
- F. Reports from Other Committees, Commissions and Boards** *(Informational Only-Not Read)*
- 1. Board of Public Affairs** met on Monday, November 9 with the following agenda items:
 - a. Review of Power Supply Cost Adjustment Factor
 - b. Electric Department Report
 - c. Discussion regarding Rate Levelization Program
 - 2. Board of Zoning Appeals** did not meet on Tuesday, November 10 due to lack of agenda items.
 - 3. Planning Commission** did not meet on Tuesday, November 10 due to lack of agenda items.
 - 4. Privacy Committee** met on Tuesday, November 10 will the following agenda items:
 - a. Review of Policies/Procedures for Identity Theft Prevention
 - b. Report from Staff
 - 5. Tree Commission** did not meet on Monday, November 16 due to lack of agenda items.
- G. Introduction of New Ordinances and Resolutions**
- 1. Resolution No. 060-15**, an Ordinance amending Chapter 955 of the Codified Ordinances of the City of Napoleon, Ohio to establish a private boat dock storage fee at the Ritter Park Boat ramp area parking lot
 - 2. Resolution No. 061-15**, a Resolution authorizing execution of the First Amendment to Rate Levelization Schedule with AMP; and declaring an Emergency
- H. Second Readings of Ordinances and Resolutions**
- There are no Second Readings of Ordinances and Resolutions
- I. Third Readings of Ordinances and Resolutions**
- 1. Ordinance No. 053-15**, an Ordinance to adopt Chapter 194 of the Codified Ordinances of the City of Napoleon regarding Municipal Income Tax
 - 2. Ordinance No. 055-15**, an Ordinance amending Chapter 913 of the Codified Ordinances of the City of Napoleon, Ohio regarding City Sidewalk Policy by adding Section "913.06 Appeals" to allow for an appeal process related to the installation of City sidewalks
 - 3. Resolution No. 056-15**, a Resolution authorizing the City Finance Director to upgrade finance accounting software with CMI from Finance Client Server to Finance Authority Software; authorizing expenditure of funds in excess of \$25,000 and eliminating the necessity of competitive bidding
 - 4. Ordinance No. 057-15**, an Ordinance amending the allocation of funds as found in Sections 193.11 and 194.013 of the Codified Ordinances of the City of Napoleon, Ohio
- J. Good of the City** *Any other business as may properly come before Council, including but not limited to:*
- 1. Discussion/Action:** Recommendation to approve November Power Supply Cost Adjustment Factor as follows:
PSCAF three (3) month averaged factor: $-\$0.00591$

JV2: \$0.035819

JV5: \$0.035819

- 2. Discussion/Action:** Approval of Plans, Specifications, Documentation and Contracts for Chemicals for the Water Treatment Plant and Wastewater Treatment Plant Fiscal Year 2016

K. Executive Session: Imminent Litigation

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

Gregory J. Heath, Finance Director/Clerk of Council

A. Items Referred or Pending in Committees of Council

1. Technology & Communication Committee (1st Monday)

(Next Regular Meeting: Monday, December 7 @ 6:15 pm)

2. Electric Committee (2nd Monday)

(Next Regular Meeting: Monday, December 14 @ 6:30 pm)

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

3. Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday)

(Next Regular Meeting: Monday, December 14 @ 7:00 pm)

- a. Review of unlimited pickup procedures (Tabled)

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

(Next Regular Meeting: Monday, December 14 @ 7:30 pm)

- a. Zoning changes regarding poultry within City limits (Tabled)
- b. Tabling Project Specification Review Process (Tabled)
- c. Review of the Pavement Rating Study
- d. Updated Info from Staff on Economic Development (as needed)

5. Parks & Recreation Committee (3rd Monday)

(Next Regular Meeting: Monday, December 21 @ 6:15 pm)

6. Finance & Budget Committee (4th Monday)

(Next Regular Meeting: Monday, November 23 @ 6:30 pm)

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

(Next Meeting: Monday, November 23 @ 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 (2nd Monday)

(Next Regular Meeting: Monday, December 14 @ 6:30 pm)

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

2. Board of Zoning Appeals (2nd Tuesday)

(Next Regular Meeting: Tuesday, December 8 @ 4:30 pm)

3. Planning Commission (2nd Tuesday)

(Next Regular Meeting: Tuesday, December 8 @ 5:00 pm)

4. Tree Commission (3rd Monday)

(Next Regular Meeting: Monday, December 21 @ 6:00 pm)

5. Civil Service Commission (4th Tuesday)

(Next Regular Meeting: Tuesday, November 24 @ 4:30 pm)

6. Parks & Recreation Board (Last Wednesday)

(Next Regular Meeting: Wednesday, November 25 @ 6:30 pm)

7. Privacy Committee (2nd Tuesday in May & November)

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

8. Records Commission (2nd Tuesday in June & December)

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

9. Housing Council (1st 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 Council

Meeting Minutes

Monday, November 2, 2015 at 7:00pm

**PRESENT
Council**

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

**Mayor
City Manager
Law Director
Finance Director/Clerk Of
Council
Recorder
City Staff**

Ronald A. Behm
Monica S. Irelan
Lisa L. Nagel
Gregory J. Heath

**Others
ABSENT
Council**

News Media; NCTV; Mike DeWit

Call To Order

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

Approval Of Minutes

Minutes of the October 15 Special, October 19 Regular, and October 20 Special Council meetings stand approved as read with no objections or corrections.

Citizen Communication

None

Committee Reports

The Technology & Communication Committee did not meet on Monday, November 2 due to lack of agenda items.

Chairman Maassel reported that the Finance & Budget Committee met on Monday, October 26 and:

1. Discussed 2016 Budget Review
2. Tabled the discussion regarding City Purchasing Limit to match the State Limit

Chairman McColley reported that the Safety and Human Resources Committee met on Monday, October 26 and recommended:

1. Keeping the language in the Personnel Code regarding Vacation Time as is

**Introduction Of Resolution
No. 058-15**

President Sheaffer read by title Resolution No. 058-15, a Resolution authorizing the City Manager to negotiate vacation benefits, different from that which is stated in the Personnel Code, for the position of Wastewater Superintendent for the City of Napoleon, Ohio; and declaring an Emergency

**Motion To Approve
First Read**

Motion: Maassel Second: McColley
To approve First Read of Resolution No. 058-15

Discussion

Irelan reported that Personnel Code Section 197.18(h) states that prior service credit is allowed to be taken under consideration; the current candidate for Wastewater Superintendent has twenty six (26) years of experience and is requesting four (4) weeks of previously earned vacation time to be acknowledged. McColley believes that giving the candidate four (4) weeks of available vacation time as of January 1, 2016 to be a sign on bonus, and asked how the accrual system works; Irelan explained the accrual process to McColley. McColley believes that the City requires employees to accrue vacation hours beginning on the start date however these hours are not available for use during the first year of employment; Heath stated that this is the policy for typical employees without negotiated experience, to accrue vacation time during the first year. McColley stated that he is not comfortable allowing the candidate to have available vacation time from the start date. Maassel asked if vacation time is lost if the employee does not use it; Irelan stated that current vacation policy allows for carryover or the employee being paid out for hours that cannot be used, but Irelan highly encourages employees to use the time. Ridley asked McColley to explain his reasoning for his decision; McColley believes that the candidate should accrue four (4) weeks, but should not be able to accrue the time as well as have the upfront four (4) weeks as a bonus. Sheaffer added that the candidate is taking a lower salary to offset this benefit. Comadoll stated that the retired employee knew the system, asking how Irelan could guarantee that the candidate will; Sheaffer reminded Comadoll that there is a probationary period for Irelan to evaluate the candidate. Irelan stated that she is bringing this request before Council because this is the best candidate and denying this request will cause him to not accept the position. Sheaffer asked Council if three (3) weeks was an agreeable option; Comadoll believes that three (3) weeks would be acceptable until the eighth year of employment when this goes up to four (4) weeks for employees; McColley asked Comadoll if he was agreeing to an accrual of three (3) weeks or giving the candidate three (3) weeks upfront; Comadoll stated accruing. Ridley asked what the current accrual rate for the candidate is; Irelan stated that the candidate currently accrues five (5) weeks and receives five (5) personal days, adding that this request is a reduction from his current status.

**Motion To Allow
Candidate To Receive 120
Hours Of Vacation Time
To Be Usable At The Start
Date, And Accrue
Vacation Time At A Rate
Of 160 Hours Per Year**

**Passed
Yea- 4
Nay- 3**

**Motion To Suspend
The Rules**

**Failed
Yea- 4
Nay- 3**

Motion: Maassel Second: Ridley
To allow the candidate to receive one hundred twenty (120) hours of vacation time to be usable on the start date, and accrue vacation time at a rate of one hundred sixty (160) hours per year

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

Motion: Helberg Second: Ridley
To suspend the Rules requiring three Readings

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

No. 053-15

adopt Chapter 194 of the Codified Ordinances of the City of Napoleon regarding Municipal Income Tax

**Motion To Approve
Second Read**

Motion: McColley Second: Marihugh
To approve Second Read of Ordinance No. 053-15

Discussion

Nagel distributed a memo defining the four (4) minor changes that were required to be made to the Ordinance after the previous Reading; see attached.

**Motion To Approve The
Presented Amendments**

Motion: Comadoll Second: McColley
To approve the presented amendments, including:
The roman numeral in the first Whereas paragraph has been corrected from XVII to XVIII;
The Section number in Chapter 194, Exhibit A has been corrected from 718.691 to 715.691 in Paragraph 19;
Also in Chapter 194, the language ""(23)(A) of this section" was removed and replaced with "For the purposes of this division"; and,
Also in Chapter 194, the language "(E) of section 194.19 of the Chapter" was removed.

Passed

Yea- 7

Nay- 0

Roll call vote on motion to approve Amendments to Ordinance No. 053-15:
Yea- Maassel, Sheaffer, Helberg, Marihugh, McColley, Comadoll, Ridley
Nay-

Passed

Yea- 7

Nay- 0

Nay- Roll call vote to approve Second Read of Ordinance No. 053-15
Yea- Maassel, Sheaffer, Helberg, Marihugh, McColley, Comadoll, Ridley
Nay-

**Second Read Of Ordinance
No. 055-15**

President Sheaffer read by title Ordinance No. 055-15, an Ordinance amending Chapter 913 of the Codified Ordinances of the City of Napoleon, Ohio regarding City Sidewalk Policy by adding Section "913.06 Appeals" to allow for an appeal process related to the installation of City sidewalks

**Motion To Approve
Second Read**

Motion: McColley Second: Maassel
To approve Second Read of Ordinance No. 055-15

Discussion

McColley distributed a suggested language change to the Policy; see attached. McColley – "I would like to make a Motion to amend Section 2(e) and after are the words, anywhere the words 'arbitrary and capricious' are it would say ' , or that the sidewalk in part or in whole is unnecessary'. I did, I did print these out so that if you really wanted to read them you could but, so that's my Motion to amend."

Sheaffer – "Is there a Second on the amendment?"

Comadoll – "I'll Second."

**Motion To Amend
Ordinance No. 055-15
With Language Presented
By McColley**

Motion: McColley Second: Comadoll
To amend Ordinance No. 055-15 with language presented by McColley

Sheaffer – "Alright, Second by Comadoll. Tammy can you take a . . .we'll take a second until everyone can take a look at it."

Maassel – "Can I see it first?"

Sheaffer – "Yeah."

Ordinance No. 055-15

Discussion (Continued)

Irelan – “Can I just make a point of information?”

Sheaffer – “Sure.”

Irelan – “If you’re going to add ‘or necessary’, you shouldn’t have a policy. If you are going to, you’re kind of taking the power away from the policy. That’s just my professional opinion.”

Marihugh – “Well thank you for your input.”

McColley – “Again, this will, this will help solve some of those issues, and this will help solve some issues in the future. There is, I think the City Manager’s opinion is valid, but on the other hand, that doesn’t mean we should, we should not have somewhat of a say. I think with what I’ve talked with Council President about is trying to get some, and as well with what John brought up, trying to get some of this stuff to our Economic Development Infrastructure Committee first, it’ll really, it should really reduce any appeal I would think, I mean it could happen obviously but I think that’d reduce the chance of appeal because basically at that point I mean you’re really finding it necessary if you’re reviewing it first and then approving it.”

Irelan – “I completely agree with the concept, but I don’t see why it needs to be in the policy if the concept is the Committee’s going to review it first.”

Nagel – “And the Ordinance doesn’t have anything in there about Committee.”

Sheaffer – “No, we’re, or I’m going to assign that tonight.”

Helberg – “I’m just afraid it just completely negates the policy. Everybody’s going to say, going to be able to argue that for some reason everything is unnecessary.”

Sheaffer – “My thought is that is if we use the Committee process and then the Committee’s recommendation goes to Council and Council reviews it, that should have a very dramatic effect upon, on reducing the amount of appeals. Now if we’re adding the ‘is unnecessary’ because of the property in question I, I just, when we go around the table I’m going to have a Motion to deal with that anyway, but . . .”

McColley – “And you could even say it, ‘or is unnecessary to provide access to, to provide . . .’”

Marihugh – “Ingress, egress?”

McColley – “. . .access to future facilities’, or, it’s currently unnecessary to provide access to structures, I don’t know, I mean you could, you could add something else there where it’s still pretty much we’re following the policy but if it doesn’t provide access to a structure then we can overturn it on appeal.”

Sheaffer – “What does everybody else think?”

Ridley – “I don’t know what to think so I’m just going to talk and maybe my thoughts will come out while I’m talking. But, you know, I, I guess what I, I appreciate about the, I guess the, the rewording on this is that, you know, then the final decision rests with Council who, who’s elected to make those decisions and so if somebody wants to appeal they can appeal to somebody that they can vote out if they disagree with the, the, so as a voter I like that but I, I totally see the City Manager’s point that if, it’s kind of hard to plan and, and also hard to enforce a policy if, at the end of the day, somebody comes in here and, and is upset about the policy and, I mean, we could have the, the tail wagging the dog here the whole time because people are going to come in and be upset about, whether it’s a sidewalk or, or a water sewer rule or you know, anything like that, so, yeah.”

McColley – “May I?”

Sheaffer – “Sure.”

McColley – “I may have a better terminology. And, and maybe that’s where you could say ‘or that the sidewalk is currently unnecessary to provide further

Discussion (Continued)

development' or not, or 'further access to residents', or something along those lines. That way it's still restricted."

Marihugh – "Yeah, and for what this is worth and my opinion's not valued much, are we talking about the tail wagging the dog or the dog wagging the tail?"

Sheaffer – "Well, that's what . . ."

Marihugh – "I was sent here by the folks that elected me to look after their welfare and their well being and to make sure their will was being performed, not some arbitrary rule or regulation that may or may not be right so I find it really hard to swallow and I'm here to represent not the, not any, that is my full function and duty, and my true loyalty to, to stick up for them, not to stick up for some policy."

Sheaffer – "My question is . . ."

Helberg – "But you have to stick up for the citizens as a whole not just the small block that is affected by this one little issue at this time. It has to be broad ranged, not narrow ranged. That's the problem."

Sheaffer – "I guess my question is that if we take and implement these things where specifications for a policy review come to Committee, Committee makes a recommendation and they come back to Council for it, aren't we exercising our due diligence and, and our thing to protect the citizens at that point rather than taking and having do to it at the, because I mean at that point we are, I mean those are open meetings as well so that people will be able to come and we will be able to invite those so that they would be able to get their input then before we take and bid out the specifications and doing it that way."

DeWit – "I mean, how many guys do you think are actually going to read blueprints out there? I mean, you know, you're talking about an eighty year old lady that's going to have to have something done, and you want her to be able to read a set of drawings and specifications?"

Sheaffer – "We would not be doing an Engineering or, it would be a policy overview so we would be looking at you know, where the sidewalks are going to be at and those types of things."

DeWit – "You're going to look at the schematic beforehand to be able to understand?"

Helberg – "We had Ms. Strobel coming in here begging us to do what you're saying."

Sheaffer – "Right. I mean that's basically what, you know, Mrs. Strobel basically begged us to do is to have it at Committee so that she and her neighbors could come in and you know, do them at that point."

Helberg – "Yeah, have it explained to them and be heard."

McColley – "Mr. President?"

Sheaffer – "Yes."

McColley – "Wouldn't it also, but doesn't it also help to protect the citizens at both ends?"

Marihugh – "Yeah. Why, why do you want to unjustly financially punish somebody for being a citizen of Napoleon because we have no forethought?"

Sheaffer – "But hopefully that forethought should be determined when we do those reviews."

McColley – "Here's hoping. I think the process is good to have it both ways, I mean I think it's good to, what you were talking about doing it before and during, in case something gets missed we've got something to fix it in the end, so."

Ridley – "I've got a question, so I know that the Committee's looked at the policy both, I think twice, and, or three times, and it's gotten hung up there

Discussion (Continued)

and so I'm just wondering if like, I mean, I tend to agree more that it's, it's better to get it right the first time rather than like, you know, quarterback after the fact and, and, and so I'm just wondering if like if we had a more clear policy if, if this is even necessary, this addition or, or and I know we got hung up, I know Pat you suggested some, you know, like more clear guidelines on policy and so I'm just wondering if, if that's something that Council as a whole should spend some more time on. I know that we've got some diverse opinions in that but actually looking, and, and just working through whatever concerns we have with the actual policy itself as opposed to just slapping an appeal process on there because we can't come to an agreement on specifications on the front end."

Comadoll – "So you're talking tabling this?"

Sheaffer – "Well why don't we, I mean, there's an option that we could table it and either address it at the next meeting or in between then we have the Municipal Properties again, we could do that and have it be Special Council as well so that everybody could speak and deal with it during that time."

Helberg – "I thought there was enough flexibility in what we did last time was to give the authority to the Engineer to look at it on a case by case basis and, I mean there's a lot of latitude that got built into that."

Sheaffer – "Right."

Helberg – "Some practicality."

Ridley – "You're saying with the current revisions that are in here?"

Helberg – "From last week."

Ridley – "Yeah."

Helberg – "Or from last meeting."

Sheaffer – "Yeah."

Behm – "Didn't Chad stand up there and say that he was going to force her to put that sidewalk in, even if we put that change into place?"

Marihugh – "That's what I heard."

Sheaffer – "So well, I'm going to make a Motion under Good of the City that we just go ahead and change it so it'll be a . . ."

McColley – "But that's, you're not following policy."

Sheaffer – "Well . . ."

Helberg – "If that's the case . . ."

Sheaffer – "I thought you were okay . . ."

McColley – "That's worse than this."

Sheaffer – "I thought you were okay with that?"

Helberg – "Well, if we've already changed the policy to match what we talked about last week and she wants to bring it in here, it's arbitrary and capricious."

Marihugh – "Well Travis, as a compromise would you, would you consider, if you're Council President bringing this before the new Council? Because we're going to get pretty busy."

McColley – "Don't let him off too easy."

Behm – "Table it 'til January. I'm tired of talking about sidewalks."

Sheaffer – "Well, I am too, but."

Helberg – "We might as well cancel all meetings between now and the end of the year. Why do we make any decisions now between now and the end of the year, why don't we just forget it and you guys can do the budget and . . ."

McColley – "My Motion stands."

Sheaffer – "Alright, so we do have a Motion to amend with a Second. We'll go ahead and take the vote on that and then we can have some more discussion on this to see what we want to do after that vote, so Tammy go ahead and call the roll on the amendment."

**Roll Call On Motion To
Amend Ordinance No.
055-15 With Language
Presented By McColley**

Failed
Yea- 3
Nay- 4

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

Fein – “Jason.”
Maassel – “No.”
Fein – “Travis.”
Sheaffer – “No.”
Fein – “John.”
Helberg – “No.”
Fein – “Jeffrey.”
Marihugh – “You betcha.”
Fein – “Patrick.”
McColley – “Yes.”
Fein – “Jeff.”
Comadoll – “Yes.”
Fein – “Chris.”
Ridley – “No.”

Ordinance No. 055-15
Discussion (Continued)

Motion To Repeal
Sidewalk Ordinance

Sheaffer – “Alright, the amendment does not pass. What do we want to do as far as the Ordinance itself? Any more discussion?”

Marihugh – “I’d like to make a Motion that we repeal the whole sidewalk Ordinance.”

Sheaffer – “Do we have a Second on that?”

Comadoll – “I think we need something in place before we do that.”

Motion: Marihugh Second:
To repeal the Sidewalk Ordinance

McColley – “I’d still, I mean I think we can still work with this and make it more narrow. You talk about, you talk about access, if it does not provide further access to residents at this time we rule it’s unnecessary. So if it does not provide further access, it’s unnecessary. That would be . . .”

Behm – “It ends at the nearest termini point?”

McColley – “To get to a house.”

Behm – “Would be their driveway or their sidewalk going on up to their front door.”

McColley – “Whatever. If it does not provide further access.”

Irelan – “You guys have already had that conversation. I just want to point out that has already come before Committee and Council, you guys have already decided on that but if you want it to go back and go through the process again that is your prerogative.”

Behm – “The problem is we never got the language though.”

McColley – “That did not come up as part of the appeal process, that came up as part of the . . .”

Behm – “I mean we discussed it but there was never any language, I mean for some reason we stumble on trying to get the appropriate language. It’s just something so simple, I mean this, it’s not that complicated but we’re making it complicated.”

Sheaffer – “Well the language of arbitrary and capricious comes from, where is it, the appeal . . .”

Marihugh – “From the land of Oz.”

Sheaffer – “. . .if the appeal would, if we would turn down an appeal and

Ordinance No. 055-15

Discussion (Continued)

**Motion To Repeal
Sidewalk Policy Dies Due
To Lack Of Second**

**Ordinance No. 055-15
Discussion (Continued)**

**Motion To Amend
Language To Read ‘ . .
.Or That The Sidewalk In
Part Or In Whole Is
Unnecessary To Provide
Further Access To Any
Structure’**

somebody would seek litigation, that’s what the court has to.”

Heath – “You do have a Motion out there waiting for a Second.”

Sheaffer – “Do we have a Second on it?”

McColley – “But we’re still talking about it.”

Helberg – “On Councilman Marihugh’s?”

Sheaffer – “Well. . .”

McColley – “You don’t have a Second.”

Sheaffer – “Yeah, we need a Second.”

Marihugh – “I just threw that out there as an alternative.”

Helberg – “Does it fail due to lack of a Second?”

Sheaffer – “Yeah, it officially does now. Alright.”

Marihugh – “I tried.”

Sheaffer – “Mike.”

DeWit – “Yeah, my only concern primarily is ‘arbitrary and capricious’. It’s harder on, on the City Manager and the City Engineer. I mean if all of a sudden, Council will eventually disagree with the City Manager, periodically. And, but, under this, under this Ordinance we brand them as being arbitrary and capricious. And you don’t fire them. You don’t take any action but you write down that your City Engineer is arbitrary and capricious. And maybe you do it three times. I mean, you have a difference of agreement now, now mind you it isn’t anything that a lightning bolt’s going to hit you if you do it one way or the other, and a lot of things are just judgement calls, should we go here or should we got there, are judgement calls they’re not moments in, everybody has an opinion. Now all of a sudden this Ordinance brands them as being arbitrary and capricious. Later on, I assume you’re not going to fire them every time you disagree with them or we’re going to run out of people pretty quick. . . .”

Ridley – “That’s a good point.”

DeWit – “But what’s going to happen is that, is that skeleton is with them, is that skeleton, especially your City Engineer, he goes and he, you say three times he’s arbitrary and capricious the fourth time he makes a real mistake and now you have to defend him in court and the court’s going to look at that case and say ‘well three other times you have determined arbitrary and capricious’ use that against you and use your own words to put a noose around your neck and jump off a cliff. We did it at Owens Corning all the time, we used to have to defend that crap. I mean it’s just, I mean there is no benefit to use that word, I mean it’s just a bad terminology. Even if you were arbitrary and capricious I sure as heck wouldn’t want to document it. I mean it’s just silly, you’re going to hurt your own people for no good reason.”

Sheaffer – “Right. I . . .”

McColley – “Mr. President?”

Sheaffer – “Go ahead.”

McColley – “I’d like to make a Motion to amend or that the sidewalk in part or in whole is unnecessary to provide further access to residential structures.”

Sheaffer – “Are we striking out arbitrary and capricious? I would almost like to see those gone, I mean I agree with Mike, I’d like to see those words gone but . . .”

McColley – “Well, did you, was it, so you’re saying you agree with what I just said minus arbitrary and capricious?”

Sheaffer – “Tell it to me again.”

McColley – “Where it’s highlighted and those other areas it would say, any time it says arbitrary and capricious it would say ‘or that the sidewalk in part or in whole is unnecessary to provide further access to residential structures’ or ‘for residential structures’.”

**Ordinance No. 055-15
Discussion (Continued)**

Marihugh – “You strike, you strike the, the . . .”

McColley – “You strike arbitrary and capricious I would definitely, if, if that’s your desire I will put that in my Motion as well.”

Irelan – “So you don’t want sidewalks to go to commercial industry, only residential?”

McColley – “Good point. We’ll just do ‘structure’. ‘To provide further access to any structure. That’s fine. That’s my Motion.”

Sheaffer – “Do we have a Second on it? (pause) Do we need to chew on it?”

Irelan – “I would, if you’re debating this much, I would recommend you send it back to Committee and let them work through all of this, it shouldn’t be done in, if you’re going to have a Council Committee system, these types of hashing out should happen at the Committee level. That’s just my opinion.”

Maassel – “I just want to make sure I know what I’m voting on, and I don’t know if I’m sure I know what we’re voting on because we have the Ordinance as presented, we have Pat’s homework which I have no problem with and now we’re adding more words in, so how do we get what Pat just said all in there together so we can see it like that.”

McColley – “It, it’s pretty simple, it’s just right where the highlighting is.”

Maassel – “I understand but I’d rather just see it.”

Sheaffer – “Let’s . . .”

McColley – “I, I still have my Motion, so I would ask that you, if there is a Second.”

Sheaffer – “Do we have a Second?”

Marihugh – “Sure.”

Motion: McColley Second: Marihugh

To amend language to read ‘. . .or that sidewalk in part or in whole is unnecessary to provide further access to any structure’

Sheaffer – “Alright we do have a Motion and a Second, so it would say that, and vote accordingly that the City Manager’s decision . . .”

Marihugh – “Arbitrary and capricious was struck.”

Sheaffer – “Okay, so how would that, how would that whole sentence read stating with ‘Council shall only overturn the City Manager’s decision . . .’

Irelan – ‘When they think she’s wrong.”

Sheaffer – “Well that’d be the simplest way to do it.”

Marihugh – “Yeah really. That’s the simplest way.”

Comadoll – “Legally.”

Nagel – “I agree with Monica. How you, I mean you’re considering pretty significant changes based upon what was . . .”

Sheaffer – “Let’s take and, Pat if you would, if you could hold your Motion, let’s send it to, Table it, send it to . . .”

Irelan – “You have a Second, you have to vote on it.”

Sheaffer – “Okay.”

McColley – “Unless I withdraw.”

Sheaffer – “I mean, I’m just thinking we could have a, have Municipal Properties and have Council as a whole, it’d be next week and then we could hash this all out and . . .”

McColley – “What do you think Mayor?”

Helberg – “I think what we already did two weeks ago fixed all of our problems.”

McColley – “So that’s one person on your Committee. I, my, my Motion stands.”

Sheaffer – “Okay. Alright then, Tammy call the roll on the Motion.”

Roll Call On Motion To

**Amend Ordinance No.
055-15 With Language
Presented By McColley**

**Passed
Yea- 4
Nay- 3**

**Ordinance No. 055-15
Discussion (Continued)**

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

Fein – “Jason.”
Maassel – “No.”
Fein – “Travis.”
Sheaffer – “Yes.”
Fein – “John.”
Helberg – “No.”
Fein – “Jeffrey.”
Marihugh – “Yes.”
Fein – “Patrick.”
McColley – “Yes.”
Fein – “Jeff.”
Comadoll – “Yes.”
Fein – “Chris.”
Ridley – “No.”

Sheaffer – “That Motion passes. So we have the Ordinance as amended.”

Irelan – “And what exactly does it say?”

Heath – “Do you have that Tammy?”

Fein – “Yes.”

Sheaffer – “Pat, read it from where it says ‘Council shall only overturn.’”

McColley – “I, I, okay, alright. ‘That the City Manager’s decision was arbitrary and capricious, or that the sidewalk in part or in whole is unnecessary to provide further access to structures.’”

Irelan – “I thought you struck arbitrary and capricious?”

Sheaffer – “Yeah.”

McColley – “If that’s the . . .”

Marihugh – “I did in my Second.”

McColley – “Alright, fine. I’ll take arbitrary and capricious out.”

Irelan – “But finish the sentence then.”

McColley – “Yeah I know, it doesn’t finish well.”

Nagel – “It’s very unclear. I think, again, you guys are, these are significant changes, you ought to send it back to Committee.”

McColley – “It, it, could, Mr. President you could also, we just pass on Second Read, we could send it back to Committee see what changes there are, if we have to read it again on Second Read then we read it again on Second Read, if there’s no changes presented then we read it again.”

Sheaffer – “Beautiful. Alright, so is there a Motion to . . .”

Irelan – “Except there’s still not a full sentence. It doesn’t end.”

McColley – “It doesn’t make sense without arbitrary and capricious.”

Irelan – “It has to be, there has to be something.”

Sheaffer – “Okay then fine, I’m okay. Leave it with.”

McColley – “But you don’t to rule on them.”

Irelan – “No, the vote was to get rid of arbitrary and capricious, so the sentence is not complete. We do not have a complete sentence.”

McColley – “That’s why I didn’t strike arbitrary and capricious in the first place.”

Marihugh – “I was just trying to get Travis on board.”

McColley – “If you leave arbitrary and capricious, you don’t have to rule that the City Manager is arbitrary and capricious you can just rule that the

**Motion To Add Arbitrary
And Capricious Back Into
The Language Of
Ordinance No. 055-15**

sidewalk on whole or in part is unnecessary.”
Sheaffer – “Okay, then I’ll move we add arbitrary and capricious back in for now.”
Marihugh – “So is this official do over?”
Sheaffer – “Yes.”
McColley – “I’ll Second that.”

**Ordinance No. 055-15
Discussion (Continued)**

Motion: Sheaffer Second: McColley
To add arbitrary and capricious back into the language of Ordinance No. 055-15

**Roll Call On Motion To
Add Arbitrary
And Capricious Back Into
The Language Of
Ordinance No. 055-15**

Sheaffer – “Alright.”
Maassel – “So, how does it read?”
Sheaffer – “So it would read . . .”
Maassel – “So we all know what we’re voting on.”
McColley – “Are you ready, I’ll read it. ‘The City Manager’s decision was arbitrary and capricious or that the sidewalk in part or in whole is unnecessary to provide further access to structures’. That’s how it reads. And anywhere where it says arbitrary and capricious that same line follows it.”
Sheaffer – “Discussion. (pause) Alright, Tammy call the roll on the amendment.”

**Passed
Yea- 4
Nay- 3**

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

**Ordinance No. 055-15
Discussion (Continued)**

Fein – “Jason.”
Maassel – “No.”
Fein – “Travis.”
Sheaffer – “Yes.”
Fein – “John.”
Helberg – “No.”
Fein – “Jeffrey.”
Marihugh – “Yes.”
Fein – “Patrick.”
McColley – “Yes.”
Fein – “Jeff.”
Comadoll – “Yes.”
Fein – “Chris.”
Ridley – “No.”

**Roll Call On Motion To
Pass Ordinance No.
055-15 As Amended On
Second Read
Passed**

Sheaffer – “Alright, that Motion passes.”
Marihugh – “Passes four to three.”
Sheaffer – “So, can I have a Motion to table this?”
Helberg – “So moved, but why do you need to table it?”
Sheaffer – “Because we were going to take and go over it.”
Marihugh – “You can reassign it to Committee at your own leisure.”
McColley – “I would say you pass it and if you want to table it before Third Read we’ll just read it again.”
Sheaffer – “Okay. Alright. Then any more discussion on the final, or on the Second Reading on the, on the Ordinance as amended? Alright, Tammy call the roll.”
Fein – “Jason.”

and receive a new tag that must be attached to their dock. Cotter is requesting approval of this policy, to take effect in 2016.

Marihugh believes that this was always supposed to be the Policy. McColley asked if there were different fee structures; Comadoll stated no. Maassel asked if the fees would be assigned to any specific use; Irelan stated that these fees would be included in the Recreation Department General Fund.

Motion To Direct The Law Director To Draft Legislation Regarding Dock Storage Fees

Motion: Ridley Second: Comadoll
To direct the Law Director to draft Legislation regarding dock storage fees

Passed
Yea- 6
Nay- 1

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

Good Of The City (Cont.)
Heath

None

Comadoll

Comadoll reminded everyone to vote.

Comadoll reported that the EPA is working to render results regarding the biogas issue.

Ridley

Ridley wished all candidates on the ballot good luck in the election.

Maassel

Maassel asked if the number of unlimited pickups during the year should be researched; Irelan believes this to be a discussion for the Water, Sewer, Refuse, Recycling & Litter Committee.

Sheaffer Referred Review Of The Unlimited Pick-Up Procedures To WSRRL Committee

Sheaffer referred the review of the unlimited pick-up procedures to the Water, Sewer, Refuse, Recycling & Litter Committee.

Maassel reminded everyone to vote.

Sheaffer

Sheaffer reminded Council that the discussion regarding the project specification review process had been assigned to the Municipal Properties, Buildings, Land Use & Economic Development Committee.

Behm

Behm reported that the Finance Department received the Certificate of Achievement Award in Excellence in Financial Reporting, congratulation Heath and his Department for their efforts. Heath stated this award was given for the 2014 CAFR.

Helberg

Helberg gave his condolences to the Patterson family on their recent loss.

Marihugh

Marihugh asked Heath the bill for \$8,700 and the engineering bills; Heath will distribute these to Marihugh.

McColley

McColley echoed the condolences to the Patterson family and reminded all to vote.

Nagel

None

Irelan

Irelan stated that she has met with the satellite customers and discussions are going quite well with candid and respectful conversations.

Irelan reported that she was asked to sit on the Water Quality Board to represent the region on TMACOG. Sheaffer asked Marihugh if he would like to attend the next meeting; Marihugh declined to go as Council representative.

Motion To Go Into Executive Session: Imminent Litigation

Motion: Maassel Second: McColley
To go into Executive Session to discuss imminent litigation

**Passed
Yea- 7
Nay- 0**

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

Motion To Go Into Executive Session: Compensation Of Personnel

Motion: Maassel Second: McColley
To go into Executive Session to discuss compensation of personnel

**Passed
Yea- 7
Nay- 0**

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

Motion To Go Into Executive Session: Economic Development

Motion: Ridley Second: Maassel
To go into Executive Session to discuss economic development

**Passed
Yea- 7
Nay- 0**

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

Into Executive Session

Council went into Executive Session at 7:58pm.

Motion To Come Out Of Executive Session: Imminent Litigation

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

**Passed
Yea- 7
Nay- 0**

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

Motion To Come Out Of Executive Session: Compensation Of Personnel

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

**Passed
Yea- 7
Nay- 0**

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

**Motion To Come Out Of
Executive Session:
Economic Development**

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

Passed
Yea- 7
Nay- 0

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

Out Of Executive Session

Council came out of Executive Session at 9:05pm. President Sheaffer reported that the discussions were regarding imminent litigation, compensation of personnel, and economic development; no action was taken.

Approval Of Bills

Bills and financial reports stand approved as presented with no objections. Marihugh stated that Heath answered his questions regarding the bills earlier, adding that he may be recommending master bidding Ordinance amendments.

Motion To Adjourn

Motion: Ridley Second: Marhigh
To adjourn the meeting.

Passed
Yea- 7
Nay- 0

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

Adjournment

Meeting adjourned at 9:08pm.

Approved:

Travis B. Sheaffer, Council President

Ronald A. Behm, Mayor

Gregory J. Heath, Finance Director/Clerk of Council

ORDINANCE NO. 060-15

AN ORDINANCE AMENDING CHAPTER 955 OF THE CODIFIED ORDINANCES OF THE CITY OF NAPOLEON, OHIO TO ESTABLISH A PRIVATE BOAT DOCK STORAGE FEE AT THE RITTER PARK BOAT RAMP AREA PARKING LOT

WHEREAS, the Parks and Recreation Board previously met and recommended a \$50.00 annual private boat dock storage fee, per dock, at the Ritter Park boat ramp area parking lot; and,

WHEREAS, Council for the City of Napoleon considered all recommendations provided by the Parks and Recreation Board and approves the \$50.00 annual private boat dock storage fee, per dock, at the Ritter Park boat ramp area parking lot; Now Therefore,

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

Section 1. That, Section 955 of the Codified Ordinances of the City of Napoleon, Ohio is hereby amended and enacted as follows:

“955.21 PRIVATE BOAT DOCK STORAGE FEE AT RITTER PARK.
The annual fee for the storage of private boat docks at the Ritter Park boat ramp area parking lot is \$50.00 per dock. Each stored dock must have a valid permit tag issued annually by the City of Napoleon. Any person utilizing this dock storage space at Ritter Park must abide by all other rules and regulations as issued by the City of Napoleon Parks and Recreation Department, and as may be amended from time to time.”

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 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 shall take 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 Ordinance No. 060-15 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. 061-15

A RESOLUTION AUTHORIZING EXECUTION OF THE FIRST AMENDMENT TO RATE LEVELIZATION SCHEDULE WITH AMP; AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon, Ohio (the “Municipality”), owns and operates an electric utility system for the sale of electric capacity and associated energy for the benefit of its citizens and taxpayers;

WHEREAS, Municipality entered into a Rate Levelization Schedule with American Municipal Power Inc. (“AMP”) (AMP Contract No. C-7-2013-9668) (copy attached as Exhibit “A” hereto) in order to levelize power costs (“Rate Levelization Schedule”); and,

WHEREAS, the parties desire to amend the Rate Levelization Schedule (copy of First Amendment to Rate Levelization Scheduled attached as Exhibit “B” hereto) to provide ongoing flexibility to better manage the fluctuations in the cost of capacity and energy that can otherwise cause unpredictable and undesirable variability in projecting cash flow needs and variations in consumers’ bills; Now Therefore,

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

SECTION 1. Article II(D), in Exhibit A, establishing the credit schedule shall be deleted and replaced with a new credit schedule extending through December 31, 2017; such new credit schedule is delineated in Section 1 of Exhibit B.

SECTION 2. The Term of Agreement; Termination section in Article III of the Rate Levelization Schedule (Exhibit A) shall be extended to December 31, 2017 as delineated in Section 2 of Exhibit B.

SECTION 3. The procedures set forth in the Schedule regarding modifications to the Schedule are revised to create a streamlined process to adjust the credit amounts at Municipality’s direction. Accordingly, Article V(A) in Exhibit A, regarding modifications, shall be deleted and replaced with new Articles VI and VII, as delineated in Section 3 of Exhibit B, to describe the new modification process.

SECTION 4. All other terms and conditions of the Rate Levelization Schedule (Exhibit A) shall remain in full force and effect.

SECTION 5. The City Manager or the City Manager’s designee is authorized to execute this First Amendment to the Rate Levelization Schedule, Exhibit B, consistent with and within the scope of the authority set forth in this Resolution.

SECTION 6. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that

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

SECTION 7. 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 8. 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 economic projects to timely move forward; projects that will create jobs; 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. 061-15 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
RATE LEVELIZATION SCHEDULE

A SCHEDULE
TO
AMERICAN MUNICIPAL POWER, INC.
AND
CITY OF NAPOLEON, OHIO
MASTER SERVICES AGREEMENT NO. C-11-2005-4440
DATED DECEMBER 28, 2005

WHEREAS, the City of Napoleon, Ohio ("Municipality") and American Municipal Power, Inc. ("AMP" and together with Municipality, the "Parties") have entered into a Master Services Agreement designated as AMP Contract No. C-11-2005-4440 (the "Agreement") under which certain services may be provided under schedules thereto;

WHEREAS, because of fluctuations in the cost of power and energy, weather patterns, and usage by customers, AMP Member communities, including the Municipality and its customers, experience variations in their monthly power costs;

WHEREAS, such variations increase the difficulty of projecting cash flow needs for the Municipality's electric utility and can cause unpredictable and undesirable variations in consumers' bills, and are therefore undesirable from a management standpoint; and

WHEREAS, the establishment of a rate levelization fund would lessen the variations in cash flow for the Municipality and smooth its customers' bills, and AMP is willing to administer such a fund as a service to Municipality in accordance with the terms of this Rate Levelization Schedule (this "Schedule").

NOW, THEREFORE, in consideration of the conditions, terms and covenants hereinafter contained, the Parties hereto do hereby mutually agree as follows:

- I. Establishment of Fund.
 - A. AMP has established the AMP Rate Levelization Fund (the "Fund"). The Fund is held in trust for the benefit of AMP Members who choose to participate therein, pursuant to a Trust Agreement dated as of September 1, 2012 (the "Trust Agreement") between AMP and US Bank, NA, as trustee.
 - B. The Municipality hereby agrees to participate in AMP's rate levelization program by making deposits to the Fund on the terms and conditions contained in this Schedule.

- C. Funds deposited by the Municipality hereunder are restricted to use for the benefit of the Municipality, as further specified herein and in the Trust Agreement.
- D. The Municipality has reviewed the Trust Agreement and consents to its terms. AMP agrees that it will not make any changes to the Trust Agreement which have a material adverse effect on the Municipality without the Municipality's prior written consent.

II. Deposits into Fund; Withdrawals from Fund.

A. The Municipality agrees to deposit an amount of:

1. \$190,000 per month for the power delivery period from January 1, 2014 through January 31, 2014,
2. \$120,000 per month for the power delivery period from February 1, 2014 through March 31, 2014.
3. \$90,000 per month for the power delivery period from April 1, 2014 through April 30, 2014,
4. \$120,000 per month for the power delivery period from May 1, 2014 through June 30, 2014.
5. \$180,000 per month for the power delivery period from July 1, 2014 through July 31, 2014
6. \$150,000 per month for the power delivery period from August 1, 2014 through August 31, 2014.
7. \$100,000 per month for the power delivery period from September 1, 2014 through November 30, 2014,
8. \$130,000 per month for the power delivery period from December 1, 2014 through December 31, 2014.
9. \$40,000 per month for the power delivery period from January 1, 2015 through January 31, 2015.
10. \$10,000 per month for the power delivery period from February 1, 2015 through February 28, 2015,
11. \$30,000 per month for the power delivery period from March 1, 2015 through March 31, 2015.

The monthly deposit amount will be included in the AMP monthly power invoice to the Municipality. The first charge will be on the January 2014 power bill invoiced in February 2014.

- B. Upon receipt of such amount(s) from the Municipality, AMP will deposit the same into the appropriate account under the Trust Agreement and will cause the same to be applied as provided in this Schedule. The Trust Agreement will provide that the Municipality's funds on deposit in Trust Agreement accounts will be invested in compliance with the requirements for investment of the Municipality's funds contained in Chapter 135 of the Ohio Revised Code.
- C. Interest on the Municipality's funds held in Trust Agreement accounts, if any, will accrue to the sole benefit of the Municipality.
- D. AMP agrees to credit Municipality, from the Fund, an amount of
 - 1. \$50,000 per month for the power delivery period from April 1, 2015 through April 30, 2015,
 - 2. \$20,000 per month for the power delivery period from May 1, 2015 through May 31, 2015.
 - 3. \$100,000 per month for the power delivery period from June 1, 2015 through June 30, 2015,
 - 4. \$70,000 per month for the power delivery period from July 1, 2015 through August 31, 2015.
 - 5. \$150,000 per month for the power delivery period from September 1, 2015 through November 30, 2015,
 - 6. \$70,000 per month for the power delivery period from December 1, 2015 through January 31, 2016.
 - 7. \$110,000 per month for the power delivery period from February 1, 2016 through March 31, 2016.
 - 8. \$140,000 per month for the power delivery period from April 1, 2016 through May 31, 2016.
 - 9. \$20,000 per month for the power delivery period from June 1, 2016 through August 31, 2016,
 - 10. \$60,000 per month for the power delivery period from September 1, 2016 through October 31, 2016,

11. \$20,000 per month for the power delivery period from November 1, 2016 through November 30, 2016,

Any final loan true-up payment needed to fully repay Municipality, or to repay AMP for any shortfall advanced by AMP, will be included in the invoice for December 2016 power delivery invoiced in January 2017.

The monthly repayment amount will be included in the AMP monthly power invoice to the Municipality. The first credit will be on the April 2015 power bill invoiced in May 2015.

- E. An approximate loan schedule is included in Appendix A. In the event that any month is owed to AMP, AMP's interest plus associated carrying charges will be based on the actual cost of AMP's line of credit and will vary on a monthly basis.

III. Term of Agreement; Termination.

Subject to the conditions contained herein, this Schedule shall be for a term beginning on January 1, 2014 ("Effective Date") and ending January 31, 2017. Municipality may terminate this Agreement upon thirty (30) days' written notice to AMP. AMP may terminate this Agreement upon sixty (60) days' written notice to the Municipality. AMP shall cause the return to the Municipality of all funds held for the credit of the Municipality under this Schedule no later than the termination date.

IV. Administrative Costs.

AMP shall be compensated for its services hereunder for costs incurred in conjunction with the Rate Levelization Fund Program as follows:

- A. A reimbursement of the cost to AMP for direct expenses and personnel related to AMP's performance of its obligations hereunder; plus,
- B. A reasonable allocation of the cost to AMP for overhead related to AMP's personnel's performance of its obligations hereunder.

AMP shall render an invoice for such services in the month of December each year to Members participating in the Rate Levelization Fund Program. The invoice shall be due and payable not less than ten (10) days after the date of invoice but shall not be before the 25th day of the month in which the invoice is rendered.

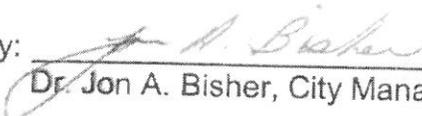
V. Miscellaneous.

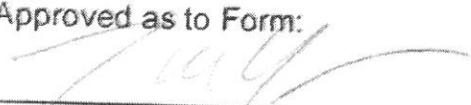
- A. This Agreement may not be modified, amended or terminated orally, and may be modified, amended or terminated only as provided herein or with the written consent of both parties hereto. This Agreement inures to the benefit of AMP, its successors and assigns and it is binding upon Municipality, its successors and assigns.
- B. AMP shall make, or shall cause the Trustee to make, a report of the balance in the Municipality's account under the Trust Agreement to the Municipality periodically, but in no event less than annually.

[Remainder of Page Left Blank Intentionally - Signature Page Follows This Page]

IN WITNESS WHEREOF, this Schedule has been duly executed by the Municipality of Napoleon, Ohio pursuant to ^{Resolution} Ordinance Number 044-13, and by AMP, by their duly authorized officers, as of this 16th day of September, 2013.

CITY OF NAPOLEON

By: 
Dr. Jon A. Bisher, City Manager

Approved as to Form:

Trevor M. Hayberger, Law Director

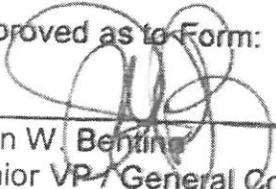
Certificate of Fiscal Officer

It is hereby certified that the amount required to meet the obligations of this contract in the fiscal year in which the contract has been made has been lawfully appropriated for the purposes of the contract and is in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances, obligations or certificates not outstanding.


Gregory J. Heath, Finance Director

AMERICAN MUNICIPAL POWER, INC.

By: 
Marc S. Gerken, P.E.
President/ CEO

Approved as to Form:

John W. Benting
Senior VP / General Counsel

APPENDIX A – Loan ScheduleCITY OF NAPOLEON RATE LEVELIZATION FUND
LOAN SCHEDULE

Estimated Annual Interest Rate:

0.00%

<u>Month (1)</u>	<u>Payment from AMP to Municipality (2)</u>	<u>Monthly Interest Credit</u>	<u>Accumulated Loan Balance</u>
Jan-14	\$ (190,000.00)	\$ -	\$ (190,000.00)
Feb-14	\$ (120,000.00)	\$ -	\$ (310,000.00)
Mar-14	\$ (120,000.00)	\$ -	\$ (430,000.00)
Apr-14	\$ (90,000.00)	\$ -	\$ (520,000.00)
May-14	\$ (120,000.00)	\$ -	\$ (640,000.00)
Jun-14	\$ (120,000.00)	\$ -	\$ (760,000.00)
Jul-14	\$ (180,000.00)	\$ -	\$ (940,000.00)
Aug-14	\$ (150,000.00)	\$ -	\$ (1,090,000.00)
Sep-14	\$ (100,000.00)	\$ -	\$ (1,190,000.00)
Oct-14	\$ (100,000.00)	\$ -	\$ (1,290,000.00)
Nov-14	\$ (100,000.00)	\$ -	\$ (1,390,000.00)
Dec-14	\$ (130,000.00)	\$ -	\$ (1,520,000.00)
Jan-15	\$ (40,000.00)	\$ -	\$ (1,560,000.00)
Feb-15	\$ (10,000.00)	\$ -	\$ (1,570,000.00)
Mar-15	\$ (30,000.00)	\$ -	\$ (1,600,000.00)
Apr-15	\$ 50,000.00	\$ -	\$ (1,550,000.00)
May-15	\$ 20,000.00	\$ -	\$ (1,530,000.00)
Jun-15	\$ 100,000.00	\$ -	\$ (1,430,000.00)
Jul-15	\$ 70,000.00	\$ -	\$ (1,360,000.00)
Aug-15	\$ 70,000.00	\$ -	\$ (1,290,000.00)
Sep-15	\$ 150,000.00	\$ -	\$ (1,140,000.00)
Oct-15	\$ 150,000.00	\$ -	\$ (990,000.00)
Nov-15	\$ 150,000.00	\$ -	\$ (840,000.00)
Dec-15	\$ 70,000.00	\$ -	\$ (770,000.00)
Jan-16	\$ 70,000.00	\$ -	\$ (700,000.00)
Feb-16	\$ 110,000.00	\$ -	\$ (590,000.00)
Mar-16	\$ 110,000.00	\$ -	\$ (480,000.00)
Apr-16	\$ 140,000.00	\$ -	\$ (340,000.00)
May-16	\$ 140,000.00	\$ -	\$ (200,000.00)
Jun-16	\$ 20,000.00	\$ -	\$ (180,000.00)
Jul-16	\$ 20,000.00	\$ -	\$ (160,000.00)
Aug-16	\$ 20,000.00	\$ -	\$ (140,000.00)
Sep-16	\$ 60,000.00	\$ -	\$ (80,000.00)
Oct-16	\$ 60,000.00	\$ -	\$ (20,000.00)
Nov-16	\$ 20,000.00	\$ -	\$ -
Dec-16	\$ -	\$ -	\$ -

(1) Month means month of power delivery.

(2) Negative means payment from Municipality to AMP

December 2016 payment is estimated. Actual payment will include true-up to fully reimburse AMP for principal and carrying charges.

CITY OF NAPOLEON
FIRST AMENDMENT TO
RATE LEVELIZATION SCHEDULE

This First Amendment to Rate Levelization Schedule (this “Amendment”), dated as of _____, 2015, is entered into by and between the City of Napoleon, Ohio (“Municipality”) and American Municipal Power, Inc. (“AMP”, and together with Municipality, “Parties”).

WHEREAS, Municipality and AMP have entered into a Rate Levelization Schedule dated January 1, 2014, designated as AMP Contract No. C-7-2013-9668 (the “Schedule”), a schedule to American Municipal Power, Inc. and City of Napoleon, Ohio Master Services Agreement (AMP Contract No. C-11-2005-4440), whereby a rate levelization fund was established for the benefit of Municipality and its customers;

WHEREAS, the Parties desire to amend Appendix A to provide ongoing flexibility to better manage the fluctuations in the cost of capacity and energy that can otherwise cause unpredictable and undesirable variability in projecting cash flow needs and variations in consumers’ bills.

Section 1. Modifications to the Credits from Fund.

Given the lower than expected rates for 2015, AMP agrees to forego crediting Municipality for the period from September 1, 2015 through December 31, 2015, and to adjust the remainder of the credits. Accordingly, Article II(D) shall be deleted in its entirety and replaced with the following:

- D. AMP agrees to credit Municipality an amount of:
 - 1. \$50,000 per month for the power delivery period from April 1, 2015 through April 30, 2015,
 - 2. \$20,000 per month for the power delivery period from May 1, 2015 through May 31, 2015.

3. \$100,000 per month for the power delivery period from June 1, 2015 through June 30, 2015,
4. \$70,000 per month for the power delivery period from July 1, 2015 through August 31, 2015,
5. \$0 per month for the power delivery period from September 1, 2015 through December 31, 2015,
6. \$50,000 per month for the power delivery period from January 1, 2016 through January 31, 2016,
7. \$80,000 per month for the power delivery period from February 1, 2016 through March 31, 2016,
8. \$145,000 per month for the power delivery period from April 1, 2016 through May 31, 2016,
9. \$80,000 per month for the power delivery period from June 1, 2016 through June 30, 2016,
10. \$30,000 per month for the power delivery period from July 1, 2016 through August 31, 2016,
11. \$130,000 per month for the power delivery period from September 1, 2016 through November 30, 2016,
12. \$30,000 per month for the power delivery period from December 1, 2016 through December 31, 2016,
13. \$0 per month for the power delivery period from January 1, 2017 through March 31, 2017,
14. \$60,000 per month for the power delivery period from April 1, 2017 through June 30, 2017,
15. \$0 per month for the power delivery period from July 1, 2017 through August 31, 2017,
16. \$50,000 per month for the power delivery period from September 1, 2017 through September 30, 2017,

Any final loan true-up payment needed to fully repay Municipality, or to repay AMP for any shortfall advanced by AMP, will be included in the invoice for November 2017

power delivery invoiced in December 2017.

The monthly repayment amount will be included in the AMP monthly power invoice to the Municipality.

Section 2. Modification to the Term of the Agreement.

As a result of reducing the amount credited from the Fund, the term of the agreement shall be extended. Accordingly, Article III shall be deleted in its entirety and replaced with the following:

III. TERM OF AGREEMENT; TERMINATION

Subject to the conditions contained herein, this Schedule shall be for a term beginning on January 1, 2014 ("Effective Date") and ending December 31, 2017 ("End Date"). Municipality may terminate this Agreement upon thirty (30) days written notice to AMP. AMP may terminate this Agreement upon sixty (60) days written notice to the Municipality. AMP shall cause the return to the Municipality of all funds held for the credit of the Municipality under this program no later than the termination date.

Section 3. Amendments or Modifications.

For the purpose of providing flexibility in adjusting the credits from the fund going forward, Article V(A) shall be deleted in its entirety and new Articles VI and VII, as set forth below, shall be added after Article V:

VI. AMENDMENTS OR MODIFICATIONS

In addition to any amendments required by the Loan Agreement, Article II(D) and Appendix A (Loan Schedule) herein may be amended in accordance with this Article VI by mutual written agreement of the Parties to adjust the credit from the rate levelization fund based on updated power cost projections so long as the total rate levelization fund balance does not go below \$0 and is extinguished by the End Date.

This Schedule may not be modified or amended orally, and may be modified or amended only as provided herein with the written consents of both parties hereto. This Schedule inures to the benefit of each Party, its successors and assigns and it is binding upon each Party, its successors and assigns.

VII. PROCEDURES FOR AMENDMENTS OR MODIFICATIONS

A. It is understood and anticipated that throughout the term of this Schedule, Municipality may desire to modify the amounts deposited, credited or the repayment schedule based upon updated power cost projections, subject to the approval of the City Manager. The steps that will be followed in securing such deposit or repayment schedule modifications are set forth below.

At the time that Municipality requests to modify the deposit amount or repayment schedule, the following shall take place:

1. The City Manager (or his/her designee) shall provide via e-mail to AMP's Director of Energy Accounting and Reporting (billing@amppartners.org) a revised fund deposit schedule or fund credit schedule as necessary to reflect Municipality's requested modification. Provided that the modified schedules provided by Municipality meet the requirements of Article VI, the revised deposit or credit amount (including carrying charges) will be reflected in the next AMP monthly power invoice to Municipality.

Section 4. Remaining Terms and Conditions.

All other terms and conditions of the Schedule shall remain in full force and effect.

IN WITNESS WHEREOF, this Agreement has been duly executed by the Municipality of Napoleon, Ohio pursuant to Resolution Number 061-15, and by AMP, by their duly authorized officers, as of this ____ day of _____, 2015.

CITY OF NAPOLEON

By: _____
City Manager

Approved as to
Form:

Law Director

AMERICAN MUNICIPAL POWER, INC.

By: _____
President

Approved as to
Form:

General Counsel

APPENDIX A –Loan Schedule

CITY OF NAPOLEON RATE LEVELIZATION FUND			
LOAN SCHEDULE			
Estimated Annual Interest Rate:			0.00%
<u>Month (1)</u>	<u>Payment from AMP to Municipality (2)</u>	<u>Monthly Interest Credit</u>	<u>Accumulated Loan Balance</u>
Jan-14	\$ (190,000.00)	\$ -	\$ (190,000.00)
Feb-14	\$ (120,000.00)	\$ -	\$ (310,000.00)
Mar-14	\$ (120,000.00)	\$ -	\$ (430,000.00)
Apr-14	\$ (90,000.00)	\$ -	\$ (520,000.00)
May-14	\$ (120,000.00)	\$ -	\$ (640,000.00)
Jun-14	\$ (120,000.00)	\$ -	\$ (760,000.00)
Jul-14	\$ (180,000.00)	\$ -	\$ (940,000.00)
Aug-14	\$ (150,000.00)	\$ -	\$ (1,090,000.00)
Sep-14	\$ (100,000.00)	\$ -	\$ (1,190,000.00)
Oct-14	\$ (100,000.00)	\$ -	\$ (1,290,000.00)
Nov-14	\$ (100,000.00)	\$ -	\$ (1,390,000.00)
Dec-14	\$ (130,000.00)	\$ -	\$ (1,520,000.00)
Jan-15	\$ (40,000.00)	\$ -	\$ (1,560,000.00)
Feb-15	\$ (10,000.00)	\$ -	\$ (1,570,000.00)
Mar-15	\$ (30,000.00)	\$ -	\$ (1,600,000.00)
Apr-15	\$ 50,000.00	\$ -	\$ (1,550,000.00)
May-15	\$ 20,000.00	\$ -	\$ (1,530,000.00)
Jun-15	\$ 100,000.00	\$ -	\$ (1,430,000.00)
Jul-15	\$ 70,000.00	\$ -	\$ (1,360,000.00)
Aug-15	\$ 70,000.00	\$ -	\$ (1,290,000.00)
Sep-15	\$ 150,000.00	\$ -	\$ (1,140,000.00)
Oct-15	\$ 150,000.00	\$ -	\$ (990,000.00)
Nov-15	\$ 150,000.00	\$ -	\$ (840,000.00)
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Jul-16	\$ 20,000.00	\$ -	\$ (160,000.00)
Aug-16	\$ 20,000.00	\$ -	\$ (140,000.00)
Sep-16	\$ 60,000.00	\$ -	\$ (80,000.00)
Oct-16	\$ 60,000.00	\$ -	\$ (20,000.00)
Nov-16	\$ 20,000.00	\$ -	\$ -
Dec-16	\$ -	\$ -	\$ -
(1) Month means month of power delivery.			
(2) Negative means payment from Municipality to AMP			
December 2016 payment is estimated. Actual payment will include true-up to fully reimburse AMP for principal and carrying charges.			

ORDINANCE NO. 053-15

AN ORDINANCE TO ADOPT CHAPTER 194 OF THE CODIFIED ORDINANCES OF THE CITY OF NAPOLEON REGARDING MUNICIPAL INCOME TAX

WHEREAS, the Home Rule Amendment of the Ohio Constitution, Article XVIII ~~XVII~~, Section 3, provides that “Municipalities shall have authority to exercise all powers of local self-government,” and the municipal taxing power is one of such powers of local self-government delegated by the people of the State to the people of municipalities; and

WHEREAS, Article XIII, Section 6 of the Ohio Constitution provides that the General Assembly may restrict a municipality’s power of taxation to the extent necessary to prevent abuse of such power, and Article XVIII, Section 13 of the Ohio Constitution states that “laws may be passed to limit the powers of municipalities to levy taxes and incur debts for local purposes;” and

WHEREAS, the General Assembly has determined it is necessary and appropriate to comprehensively review and amend Chapter 718 of the Ohio Revised Code, setting forth statutory requirements for municipal income tax codes in Ohio; and

WHEREAS, more specifically, the General Assembly enacted H. B. 5 in December 2014, and mandated that municipal income tax codes be amended by January 1, 2016 such that any income or withholding tax is “levied in accordance with the provisions and limitations specified in Ohio Revised Code Chapter 718;” and

WHEREAS, upon a detailed review of H. B. 5 and the Codified Ordinances of the City of Napoleon, this Ordinance is found and determined by this Council to enact the amendments required prior to the January 1, 2016 deadline to be in accord with the provisions and limitations specified in Chapter 718 of the Revised Code; and

WHEREAS, Council also finds and determines that the constitutionality of certain provisions of the state-mandated code may have been put in question by recent decisions of the Ohio Supreme Court regarding, among other things, taxation of professional athletes, but these provisions must be included if the municipal income tax code is to be “levied in accordance with the provisions and limitations specified in Ohio Revised Code Chapter 718” and thus reluctantly are adopted by this Council but are disclaimed to the extent they are unlawful or unconstitutional;

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

Section 1. That Chapter 194 of the Codified Ordinances of Napoleon, Ohio be adopted to read as set forth in the document entitled “Chapter 194, Municipal Income Tax, Effective January 1, 2016” attached hereto as Exhibit A and incorporated herein by reference.

Section 2. That Chapter 193 of the Codified Ordinances of Napoleon, Ohio remains in full force and effect for all taxable years prior to 2016.

Section 3. That this Ordinance No. 053-15 shall take effect and be in force from and after January 1, 2016.

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

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

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 Ordinance No. 053-15 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

ORDINANCE NO. 055-15

AN ORDINANCE AMENDING CHAPTER 913 OF THE CODIFIED ORDINANCES OF THE CITY OF NAPOLEON, OHIO REGARDING CITY SIDEWALK POLICY BY ADDING SECTION “913.06 APPEALS” TO ALLOW FOR AN APPEAL PROCESS RELATED TO THE INSTALLATION OF CITY SIDEWALKS

WHEREAS, Council for the City of Napoleon previously enacted Ordinance No. 111-02, now codified as Chapter 913 of the Codified Ordinances of the City of Napoleon, Ohio, related to the construction, reconstruction, repair, and replacement of sidewalks, driveways, and abutting improvements thereto; and,

WHEREAS, the Municipal Properties, Buildings, Land Use, and Economic Development Committee, and Council for the City of Napoleon, have previously met and discussed, on several occasions during 2015, the City’s current sidewalk installation policy; and

WHEREAS, Council for the City of Napoleon now desires to implement an appeals process whereby a citizen who is mandated to comply with Chapter 913 of the Codified Ordinances of the City of Napoleon, Ohio by installing a new sidewalk at that citizen’s property location, may, prior to installing the new sidewalk, pursue an appeals process related to the sidewalk installation mandate found in Chapter 913 of the Codified Ordinances of the City of Napoleon, Ohio;

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

Section 1. (a) As part of any City construction or reconstruction project, new sidewalk installation remains the financial burden and responsibility of the property owner as provided in Chapter 913 of the Codified Ordinances of the City of Napoleon, Ohio; (b) Said new sidewalk installation must encompass the entire length of the project, unless otherwise determined or decided by the City Engineer; and (c) Said new sidewalk must be completely installed (pursuant to the requirements found in all relevant Sections in Chapter 913) no later than twelve (12) months following completion of the construction project;

Section 2. The aforementioned appeals process related to the sidewalk installation mandate found in Chapter 913 of the Codified Ordinances of the City of Napoleon, Ohio, shall follow the following rules, and shall otherwise be heard by the City, in the following manner:

(a) If a property owner wishes to challenge the new sidewalk installation mandate on his/her property, then that property owner shall notify the City Engineer in writing, either by hand delivery, or by regular U.S. Mail, to the City of Napoleon, P.O. Box 151, 255 W. Riverview Ave., Napoleon, OH 43545 (the “Appeal”), no later than 90 days following completion of the construction project.

(b) The City Engineer shall then provide a written response to the Appeal. The City Engineer’s written response shall be either hand delivered, or mailed by regular U.S. Mail, to the property owner’s address of record, no later than 15 days following receipt of the Appeal. No hearing will be held.

(c) If the property owner wishes to appeal the City Engineer’s written response, then the property owner shall notify the City Manager in writing, either by hand delivery, or by regular

U.S. Mail, to the City of Napoleon, P.O. Box 151, 255 W. Riverview Ave., Napoleon, OH 43545, no later than 30 days following receipt of the City Engineer's written response.

(d) The City Manager shall then provide a written response to the Appeal. The City Manager's written response shall be either hand delivered, or mailed by regular U.S. Mail, to the property owner's address of record, no later than 15 days following receipt of the Appeal. No hearing will be held.

(e) If the property owner wishes to appeal the City Manager's decision, then the property owner shall notify the Clerk of Council in writing, either by hand delivery, or by regular U.S. Mail, to the City of Napoleon, P.O. Box 151, 255 W. Riverview Ave., Napoleon, OH 43545, no later than 30 days following receipt of the City Manager's written response. Upon timely receipt of said notification, the full body of Council for the City of Napoleon shall hear and decide said Appeal at the next regularly scheduled City Council Meeting, or at another later scheduled Council Meeting as deemed necessary by Council or the City Manager. Council shall only overturn the City Manager's decision if a majority of Council Members determine, and vote accordingly, that the City Manager's decision was arbitrary and capricious, [or that the sidewalk in part or in whole is unnecessary to provide further access to structures](#). If a majority of Council Members do not find the City Manager's decision to be arbitrary and capricious, [or that the sidewalk in part or in whole is unnecessary to provide further access to structures](#), then the City Manager's decision will stand as final. Council's decision will be considered a final order.

(f) The 12-month installation deadline, as stated in Section 1 above, remains in full force and effect at all times, and shall not be extended due to the filing of an appeal.

(g) A filing fee, as established by the City, and as may be amended from time to time, will be charged for all appeals related to the sidewalk policy; however, this fee will be returned to the appealing party if he/she prevails.

Section 3. That the aforementioned language contained in Section 2, shall be added to Chapter 913, "Construction and Repair," of the Codified Ordinances of the City of Napoleon, Ohio as Section 913.06. Said Section 913.06 shall be titled "Appeal."

Section 4. That the remainder of Chapter 913 in the Codified Ordinances, namely Sections 913.01, 913.02, 913.03, 913.04, 913.05, and 913.99, as existed prior to the enactment of this Ordinance 055-15, remains enacted, lawful, and effective.

Section 5. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of the City of Napoleon, Ohio.

Section 6. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 7. That, upon passage, this Ordinance shall take effect at the earliest time permitted by law.

Passed: _____
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 Ordinance No. 055-15 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. 056-15

A RESOLUTION AUTHORIZING THE CITY FINANCE DIRECTOR TO UPGRADE FINANCE ACCOUNTING SOFTWARE WITH CMI FROM FINANCE CLIENT SERVER TO FINANCE AUTHORITY SOFTWARE; AUTHORIZING EXPENDITURE OF FUNDS IN EXCESS OF \$25,000 AND ELIMINATING THE NECESSITY OF COMPETITIVE BIDDING

WHEREAS, CMI is and has been the software provider to the City's Finance Department as it relates to finance accounting; and,

WHEREAS, CMI has offered the City an upgrade to the finance accounting software with CMI from a finance client server to finance authority software; and

WHEREAS, this matter has been reviewed and recommended for approval by the City's Finance and Budget Committee of Council in the 2015 Budget Approval; Now Therefore,

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

Section 1. That, the City Finance Director is granted the authority to upgrade from a finance client server to finance authority software under the terms and conditions as presented by CMI (Contract No. 2015-15), such terms and conditions having been reviewed by this Council; moreover, the City Finance Director shall be the executing officer of the said contract.

Section 2. That, the expenditure of funds in excess of \$25,000.00 is hereby approved as a necessary and proper expenditure for such software.

Section 3. That, the necessity of competitive bidding is hereby eliminated in the best interest of the City.

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, upon passage, this Resolution shall take 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. 056-15 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



CREATIVE MICROSYSTEMS, INC.
 52 Hillside Court
 Englewood, OH 45322
 Tel: (800) 686-9313
 Fax: (937) 836-1036
 Email: sales@CivicaCMI.com

REPRESENTATIVE	ORDER #	2740091815
Mark VanHoose	DATE	September 29, 2015
800-686-9313	<i>Pricing Valid Through December 31, 2015</i>	
CUSTOMER	CUSTOMER #	2740
City of Napoleon 255 West Riverview Avenue Napoleon, OH 43545	CONTACT:	Greg Heath
	TELEPHONE:	419-599-1235
	EMAIL:	gheath@napoleonohio.com
Software		
License Fees Upgrade	\$ 28,427	
Implementation & Training	Included	
Total		\$ 28,247
Hardware & Managed Services		
Hardware – Virtual	\$ Existing	
Microsoft SQL Server Standard	\$ Third Party	
Managed Services	\$ Existing	
		\$ 0
Total Year 1 Project Costs		\$ 28,427
CIVICA CMI Standard Terms and Conditions Apply Payment Terms: 100% Due Upon Invoice		
<p>Our mutual signatures make this a binding contractual agreement. Please mail, fax or email signature pages to CIVICA CMI. Our fax # is 937-836-1036 and the email address is sales@CivicaCMI.com.</p>		
FOR CITY OF NAPOLEON:		FOR CIVICA CMI:
_____	_____	_____
Contract Signer Name		Mark R. Jordan, Managing Director/CEO
_____	_____	_____
Date		Date
_____	_____	
Purchase Order Number	Amount	

Civica CMI Authority Upgrade Cost

Software	License Fee for Upgrade Application (A)	Implementation & Training	2015 Client/Server Annual Fees (B)	2016 Authority Annual Fees (C)
Authority Finance	28,427	Included	\$5,196	\$5,975
Total	\$28,427	Included	5,196	\$5,975

Third Party Software

Software	License Fee	Implementation & Training	Year One Annual Fee	Est. Year Two Annual Fee
Microsoft SQL Server 2012 Standard (D)	Customer Provided	N/A	--	--
Total	Customer Provided	N/A	--	--

Civica CMI Software Cost Summary

Software	Cost
License Fees Authority Upgrades	\$28,427
License Fees 3 rd Party Software	Customer Provided
Total Software	\$28,427

Please see software footnotes on the following page

- A** These license fees are required for the new Authority software. Project implementation services and on-site training services are included in these fees and are required for successful implementation of the software.
- B** Annual fees are required for all CIVICA CMI software and provide for annual renewal of the software license and software updates. The annual fees also include remote technical software support and updates 8:00 AM to 5:00 PM Monday through Friday EST, except on scheduled CIVICA CMI Holidays.
- C** The Authority software fees listed will be pro-rated upon installation and credits given for 2015 fees paid at the Client/Server rates.
- D** Microsoft SQL Server Standard provides the database platform required for CIVICA CMI Authority applications.
Compatible Editions:
> Microsoft SQL Server 2008 R2 Standard
> Microsoft SQL Server 2012 Standard
- Customer is responsible for providing and installing a compatible version of Microsoft SQL Server Standard prior to implementation of Authority Finance.



Hardware & Managed Services Cost Schedule 2

Hardware & Managed Services

#	Description	Note	Quantity	Price	Extended Price
1	CIVICA CMI Application Server	A	1	Existing	Existing
2	UPS APC Smart-UPS VA Tower (Backup Battery)		1	Existing	Existing
3	Remote Technical Services		-	N/A	N/A
4	jBASE Database Transition for Concurrent Users	B	35	N/A	N/A
Subtotal Hardware					\$0
5	Remote System Access for CIVICA CMI	C	1	3 rd Party	3 rd Party
6	Authority Server	D	1	\$1,200	Existing
7	System Restore Support	E	1	\$1,050	Existing
Subtotal Managed Services					\$0
Total					\$0

Please see hardware & managed services footnotes on the following page

A	Recommended Specifications:	
	Operating System	Windows Server 2008 R2 Standard or 2012 Standard edition.
	Processor	Intel Xeon 2.0GHz Quad Core
	Memory Capacity	32GB
	Hard Drives	(2) 2TB
	RAID Configuration	RAID 1
	Removable Storage	LTO-5 Tape Drives or External Device (with backup software)
	Data Platform	jBASE (required for CIVICA CMI Client/Server applications) Microsoft SQL Server 2008 R2 Standard or Microsoft SQL Server 2012 Standard (required for CIVICA CMI Authority applications)
	Manufacturer's Warranty	Standard Manufacturer's Warranty
B	The jBASE database is required to run the existing CIVICA CMI Client/Server applications on the existing server. Once the client goes live with the Authority versions of all CIVICA CMI applications, jBASE will no longer be required and pro-rated credits for annual fees will be applied.	
C	Internet access to the host machine via VPN and/or RDP connectivity for CIVICA CMI is required. If the client is unable to provide remote access, CIVICA CMI offers a secure VPN service that can be installed for an annual fee that has not been included in this proposal.	
D	<p>Authority Server provides for help desk support for the host machine, including problem analysis, preliminary diagnostic support and troubleshooting, as well as help desk support for the network infrastructure that supports the hardware system used to run the CIVICA CMI software and LAN (Local Area Network) configuration and troubleshooting. In addition, the proactive, comprehensive support includes:</p> <ul style="list-style-type: none"> > CIVICA CMI services needed because of viruses and/or spyware > Installation of virus/spyware protection software should the customer not already have up-to-date protection software installed > Assistance with installation of new devices/software/components > Systems and network monitoring > Backup monitoring > Backup and restore management of files > Low disk space alerts, as well as numerous other system alerts > Patch management > Defrag and temp file cleanup > Status reports upon request <p>The customer has this service contracted through December 31, 2015.</p>	
E	<p>The System Restore Support (SRS) annual support coverage provides for the following on-site or remote services by CIVICA CMI during its normal business hours (Monday through Friday, 8:00AM to 5:00PM):</p> <ul style="list-style-type: none"> > Re-installations and re-configuration services prompted by hardware failures. > Reloads of operating systems and data prompted by hardware failures of server components. <p>The customer has this service contracted through December 31, 2015.</p>	

ORDINANCE NO. 057-15

AN ORDINANCE AMENDING THE ALLOCATION OF FUNDS AS FOUND IN SECTIONS 193.11 AND 194.013 OF THE CODIFIED ORDINANCES OF THE CITY OF NAPOLEON, OHIO

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

Section 1. That, Section 193.11 of the Codified Ordinances of Napoleon, Ohio, shall be amended and enacted as follows:

“193.11 ALLOCATION OF FUNDS.

(a) Effective January 1, 2016, the funds collected under the provisions of this chapter shall be deposited in the “General Fund equivalent” of the City for municipal income taxes and shall be disbursed in the following order:

(1) Such part thereof as shall be necessary to defray all costs of collecting this tax and all costs of administering and enforcing the provisions of this chapter and the rules and regulations adopted by Council in connection therewith.

(2) Not more than 62% of the net available tax receipts received annually may be used to defray operating expenses of the City.

(3) At least 38% of the net available tax receipts received annually shall be set aside and used for capital improvements including, but not limited to, development and construction of storm sewers and street improvements; for public buildings, parks, and playgrounds; and for equipment necessary for the Police, Fire, Street, Traffic, and Safety Departments.

(b) Effective January 1, 2017 and thereafter, the funds collected under the provisions of this chapter shall be deposited in the “General Fund equivalent” of the City for municipal income taxes and shall be disbursed in the following order:

(1) Such part thereof as shall be necessary to defray all costs of collecting this tax and all costs of administering and enforcing the provisions of this chapter and the rules and regulations adopted by Council in connection therewith.

(2) Not more than 50% of the net available tax receipts received annually may be used to defray operating expenses of the City.

(3) At least 50% of the net available tax receipts received annually shall be set aside and used for capital improvements including, but not limited to, development and construction of storm sewers and street improvements; for public buildings, parks, and playgrounds; and for equipment necessary for the Police, Fire, Street, Traffic, and Safety Departments.”

Section 2. That, Section 193.11 of the Codified Ordinances of Napoleon, Ohio, as existed prior to the enactment of this Ordinance, is repealed effective December 31, 2015 at 11:59 PM.

Section 3. That, Section 194.013 of the Codified Ordinances of Napoleon, Ohio, shall be amended and enacted as follows:

“194.013 ALLOCATION OF FUNDS.

(A) Effective January 1, 2016, the funds collected under the provisions of this Chapter shall be deposited in the “General Fund equivalent” of the City for municipal income taxes and shall be disbursed in the following order:

(1) Such part thereof as shall be necessary to defray all costs of collecting this tax and all costs of administering and enforcing the provisions of this Chapter and the rules and regulations adopted by Council in connection therewith.

(2) Not more than 62% of the net available tax receipts received annually may be used to defray operating expenses of the City.

(3) At least 38% of the net available tax receipts received annually shall be set aside and used for capital improvements including, but not limited to, development and construction of storm sewers and street improvements; for public buildings, parks, and playgrounds; and for equipment necessary for the Police, Fire, Street, Traffic, and Safety Departments.

(B) Effective January 1, 2017 and thereafter, the funds collected under the provisions of this chapter shall be deposited in the “General Fund equivalent” of the City for municipal income taxes and shall be disbursed in the following order:

(1) Such part thereof as shall be necessary to defray all costs of collecting this tax and all costs of administering and enforcing the provisions of this chapter and the rules and regulations adopted by Council in connection therewith.

(2) Not more than 50% of the net available tax receipts received annually may be used to defray operating expenses of the City.

(3) At least 50% of the net available tax receipts received annually shall be set aside and used for capital improvements including, but not limited to, development and construction of storm sewers and street improvements; for public buildings, parks, and playgrounds; and for equipment necessary for the Police, Fire, Street, Traffic, and Safety Departments.”

Section 4. That, Section 194.013 of the Codified Ordinances of Napoleon, Ohio, as existed prior to the enactment of this Ordinance, is repealed effective December 31, 2015 at 11:59 PM.

Section 5. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 6. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 7. That, this Ordinance shall take 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 Ordinance No. 057 -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

Memorandum

To: Tree Commission, Council, Mayor, City Manager, City Law Director, City Finance Director, Department Supervisors

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

Date: 11/10/2015

Re: Tree Commission Meeting Cancellation

The regular meeting of the Tree Commission scheduled for Monday, November 16 at 6:00pm, has been canceled due to lack of agenda items.

Memorandum

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

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

Date: 11/10/2015

Re: Parks & Recreation Committee Meeting Cancellation

The regular Parks & Recreation Committee meeting scheduled for Monday, November 16 at 6:15pm has been CANCELED due to lack of agenda items.

NAPOLEON AREA SCHOOLS

BOARD OF EDUCATION

Rob M. Rettig, President
Marcia S. Bruns, Vice President
Ty A. Otto, Member
Michael J. Wesche, Member
Frank S. Cashman, Member

701 Briarheath Drive, Suite 108
Napoleon, Ohio 43545

Dr. Stephen R. Fogo, Superintendent

ADMINISTRATIVE OFFICE

PHONE 419-599-7015
FAX 419-599-7035

TREASURER

Michael R. Bostelman

November 2, 2015

Dear Napoleon City Council,

I would like to personally invite you to the Dedication Ceremony at the newly completed Napoleon Elementary School in Napoleon, Ohio. The ceremony will begin at 5:30 p.m. on December 15, 2015, at Napoleon Elementary School, 725 Westmoreland Avenue, Napoleon, Ohio. After a ribbon cutting at the front doors of the building, visitors and participants will gather in the elementary gymnasium for the dedication of the facility. This will be followed by guided tours of the facility.

The Napoleon Elementary School project started in spring of 2015. The building is now complete and preparing to open for school on January 11, 2016, for all of the district's PK-6 grade students.

The agenda for the morning will be

- 5:30 p.m. Ribbon Cutting at Front Doors at
Napoleon Elementary School
- 5:40 p.m. Dedication Ceremony in the Gymnasium
- 6:15 p.m. Guided or Self-Guided Tours of the Facility

The staff, students, Board of Education and administration would ask that you consider attending the ceremony and tour so that you can see the blessing of our communities' support to provide a beautiful educational environment for our boys and girls.

Please R.S.V.P. to Char Weber by calling 419-599-7015 or by emailing her at char.weber@napoleonareaschools.org if you plan on attending. In addition, I would welcome you the opportunity to address the audience. If it is your intentions to do so, please indicate in your R.S.V.P. and time will be allotted in the dedication program.

I look forward to seeing you on December 15, 2015, at 5:30 p.m.

Sincerely,

Stephen R. Fogo, Ed.D.
Superintendent

NAPOLEON AREA SCHOOLS

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Dr. Stephen R. Fogo, Superintendent

TREASURER
Michael R. Bostelman

Dedication Program

The Napoleon Elementary School will be dedicated on Tuesday, December 15th, 2015 with the ceremony starting at 5:30 p.m. The following will be the plan(s) for the dedication ceremony:

Outdoor Ceremony Location/Participants

Ceremonial Cutting of the Ribbon.....Main School Entrance Near Flag Pole
Participants will be representatives of the school administration, board of education, architectural firm, contractors, and local/state governmental agencies and officials with viewing for the general public. After the cutting of the ribbon, everyone is invited to the indoor ceremony in elementary school gymnasium.

Indoor Ceremony Location/Participants

Ceremonial Procession.....The Napoleon Elementary Gymnasium
Prelude.....Napoleon High School Band
Welcome.....Mr. Adam Niese, 3-6 Elementary Principal
Pledge of Allegiance.....Mr. Matt Dietrich, PK-2 Elementary Principal
The National Anthem.....Audience, Band, Choir
Recognition of Guests.....Dr. Stephen Fogo, Superintendent
State Dignitary Address.....By R.S.V.P. – State Elected Officials
Presentation and Acceptance of Building.....Superintendent, Treasurer, BOE, Architect,
CMR, OFCC, and State Dignitaries
Presentation of Building Plaque.....Superintendent, Treasurer, BOE, Architect,
CMR, OFCC, and State Dignitaries
BOE Acceptance Response.....Board of Education Representative
Alma Mater and Choral Recession.....Napoleon High School Choir
Public Tours.....Building open to all attendees until 7 p.m.

On Friday, December 18th Napoleon Elementary School will host a public open house. Building tours will be available from 10:00 a.m.-3:00 pm.

“Our Future Starts Now!”



UPdate

A weekly newsletter presented by AMP President/CEO Marc Gerken

November 6, 2015

Fitch affirms A rating for OMEGA JV5 bonds

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

Fitch Ratings (Fitch) has affirmed the A rating with a stable outlook on the Ohio Municipal Electric Generation Agency (OMEGA) Joint Venture 5 (JV5) Series 2001 beneficial interest certificates. The bonds were issued to finance the construction completion of the Belleville hydroelectric project facilities with aggregate generating capacity of 42 MW located on the Ohio River, along with 28 MW of diesel peaking capacity. The facility is owned by 42 Ohio AMP members and operated on their behalf by AMP.

Fitch's press release pointed out that the major factors driving the A rating are:

1. Solid project operations – supplies reasonably priced wholesale power since 1999, much of which is emission free and generated by the project's principal asset, the 42 MW Belleville hydroelectric generating plant.
2. The entire output is contracted by the participants pursuant to a take-or-pay joint venture agreement.
3. Stable financial performance – JV5 has historically reported stable financial results with solid liquidity.
4. The participants are a geographically and economically diverse group of Ohio cities and villages. A concentration of solid purchasers, with the top seven participants including Bowling Green, Cuyahoga Falls and Niles accounting for over 68 percent of the project output and ownership. Six of the top seven participants are exhibiting solid credit characteristics and utility fundamentals in recent years.
5. Strong standard contract provisions including a 125 percent step-up provision.

If you would like a copy of the press release, please contact me at 614.540.0848 or cdeeter@amppartners.org.

AMP president/CEO issues editorial on budget sequestration

The following editorial by AMP President/CEO Marc Gerken, and reviewed by the AMP Board of Trustees, was sent to media contacts earlier this week to express frustration regarding the budget sequester on Build America Bonds.

Shame on Washington

Washington is financially bleeding municipal utilities and their customers with the impact of the budget sequester on Build America Bonds (BABs). The BABs program was put in place by Congress at the height of the national recession as a tool to help spur development, job creation and improve

see EDITORIAL Page 2

AFEC weekly update

By Jerry Willman – director of energy marketing

The Fremont plant remained online all week as a function of low natural gas prices and a competitive heat rate that kept the plant near base load with some additional duct firing hours across the peak. Above average seasonal temperatures and generation outages provided support for both PJM loads and prices. PJM generation outages for the week were around 50 GW's as units finalize their fall outage maintenance plans in preparation for the winter peak season. For the week, the plant generated at a 73 percent capacity factor (based on 675 MW rating).

AMP announces Easton as chief risk officer

By Marc Gerken – president/CEO

Chris Easton has been named chief risk officer and is also being added to AMP's Executive Management Team.

Easton has held a senior management position with AMP since October 2014, serving as vice president of business operations. Prior to joining the AMP staff, he worked 30 years for the AMP member community of Wadsworth, Ohio, where he retired as director of public service. Easton is a former member of the AMP Board of Trustees, having served as Board treasurer and chair of the Finance Committee.

As chief risk officer, Easton will chair the Risk Management Committee and provide overall management of the Middle Office – the independent oversight, compliance, control and monitoring office for the organization. This includes the day-to-day valuation, reporting and monitoring of all power, energy and fuel procurement



Chris Easton

continued on Page 2



EDITORIAL continued from Page 1

ments to infrastructure. American Municipal Power, Inc. (AMP), the nonprofit wholesale power supplier and services provider for 132 member municipal electric systems in nine states, participated in the BABs program to assist with the development of new electric generating facilities.

BABs are a municipal bond for which the interest is taxable and the issuer receives a credit payment from the government.

Budget sequestration came about in 2011 as a method for Washington policymakers to deal with their budget impasse by forcing across-the-board cuts to most programs, including BABs. Congress and the Administration have twice selectively extended the budget sequester, which has resulted in ongoing cuts to the promised BABs credit payments. These cuts are costing Americans real dollars, and now Congress and the Administration have taken action to extend the mandatory spending cuts through 2025 as part of the recent budget deal.

AMP and its members invested billions of dollars through the BABs program in much-needed new electric generation projects. We did what the program intended – we built critically needed infrastructure and provided jobs – more than 4,500 construction jobs and over 500 permanent jobs between our hydro and coal investments. We acted in good faith, trusting in the continued commitment of the federal government to improve critical infrastructure, but we had the rug pulled out from under us when Washington policymakers adopted the budget sequester. The federal government has failed the faith we put in them.

The negative financial implications on AMP and its impacted members are profound. The recent extension of the budget sequester through fiscal year 2025 will result in a cumulative loss of nearly \$70 million for our members who invested in the projects and their consumers. This means higher electric bills.

Eighty-five AMP member communities in five states and their combined 459,514 residential, commercial and industrial customers are negatively impacted by the financial losses.

Cutting promised federal payments has been a breach of obligation and continuing to extend the budget sequester is unacceptable, unfair and sends a strong message that the federal government is not a trusted partner. The bottom line is lawmakers can fix this issue, and we strongly encourage customers to contact their representatives in Washington and ask them to repeal the budget sequester on BABs.

Energy markets update

By Jerry Willman

The December 2015 natural gas contract rallied \$0.102 (plus 4.5 percent) to close at \$2.364 yesterday as the EIA released a bullish number, a 52 Bcf injection versus industry consensus of 57 Bcf. The market continues to look for any positive price signals for improvement, but bearish winter forecasts persist with the strength of El Nino creating conditions for a warm dry north with a cool and wet Southeast.

On-peak power prices for 2016 at AD Hub closed yesterday at \$37.90/MWh, which was up slightly for the week.

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

Week ending Nov. 6

MON	TUE	WED	THU	FRI
\$31.10	\$33.89	\$34.20	\$35.68	\$35.98

Week ending Oct. 30

MON	TUE	WED	THU	FRI
\$34.24	\$33.20	\$32.52	\$32.69	\$30.44

AEP/Dayton 2016 5x16 price as of Nov. 5 — \$37.90

AEP/Dayton 2016 5x16 price as of Oct. 29 — \$37.70

Easton as chief risk officer

continued from Page 1

activities, as well as implementing and overseeing the Enterprise Risk Management Program. His responsibilities also include management of AMP's Corporate Energy Risk Control Policy. AMP is a large and diverse organization and risk management is a critical function that is greatly supported by our Board of Trustees and organization leadership. Chris' experience in the industry and with the organization will contribute greatly to efforts to enhance and expand our existing risk management activities, and our staff within the risk group.

University of Maryland names Berlin a sustainable community

By David Deal – director of sustainability & energy policy

The Environmental Finance Center at the University of Maryland recognized Berlin, Maryland, as Sustainable Maryland Certified during the Maryland Municipal League annual conference on Oct. 29. Berlin was one of 12 Maryland municipalities honored at the 2015 conference and was the first-ever recipient of this state certification when the program launched in 2012.

Berlin Mayor Wm Gee Williams noted in a town-issued press release, "The citizens of the Town of Berlin recognize that in the 21st century, environmental stewardship and economic development are equally important sides of the same coin for any community that is going to develop a vibrant, diverse and sustainable quality of life for multiple generations."

Sustainable Maryland is designed to support Maryland's 157 municipalities as they look for cost-effective and strategic ways to protect their natural assets and revitalize their communities.

Berlin is home to a number of sustainability initiatives across a wide range of social and environmental issues. The town has illustrated a history of successes, including a Maryland Green School (Berlin Intermediate), a 7 kW wind turbine on town property, and development of the walkable/bikeable Berlin and Corridor trail (in partnership with the Lower Shore Land Trust).

"Berlin's approach is to teach, not preach and show by example the tangible, positive results of sharing the results of rising expectations brought about by the enhancement of our natural environment in every neighborhood through citizen cooperation and collaboration," Williams said in the release.

Hands-on course covers inner workings of regulator, controller

By Jennifer Flockerzie – technical services program coordinator

There are still spots available for the upcoming Voltage Regulator Class, to be held Nov. 17-19 at AMP headquarters.

Led by Eaton Cooper Power Systems, this hands-on class is geared to operations and technical staff who want to gain a better understanding of the inner workings of a regulator and controller. The three-day course will include training sessions and lectures on the testing, troubleshooting and repair of voltage regulators.

For more information or to register for the course, please contact me at jflockerzie@amppartners.org or 614.540.0853, or Bob Rumbaugh at 614.540.6386 or rbumbaugh@amppartners.org.

Thompson re-elected to TAPS Board, legislative committee

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

AMP/OMEA's Jolene Thompson has been re-elected to the Transmission Access Policy Study Group (TAPS) Board of Directors and as chair of the TAPS legislative committee.

TAPS is an association of transmission-dependent electric utilities located in more than 35 states that advocates on legislative and regulatory issues with FERC, NERC and Congress. Membership is largely public power.

The TAPS legislative committee has been active in the recent debate regarding RTO capacity market language supported by investor-owned utilities and generation owners and opposed by public power groups.

AMP is a long-time TAPS member. For more information about the group, please visit <http://www.tapsgroup.org/>.

2015 AMP Hard Hat Safety Award recipients

The AMP Hard Hat Safety Awards recognize municipal electric system employees who contribute to safety within their community during the past year, show adherence to on-the-job safety procedures, and promote electrical safety within their department and community. Communities

with Hard Hat Safety Award winners were recognized at the 2015 AMP/OMEA Conference in Columbus, but individuals were not announced. They are, and will continue to be, recognized at meetings in their home communities and presented with their awards at that time.



Jim Eberly (right), AMP OSHA/Safety coordinator, and Bruce Metz (left), Jackson Center village administrator, present a 2015 AMP Hard Hat Award to Dave Overman.



Bobby Angst from Hamilton (left) receives a Hard Hat Award from AMP's Jim Eberly.



Jim Eberly (right) presents a 2015 Hard Hat Award to Dale Owens of Hamilton.



Kyle Wuebker (left) of Minster receives the 2015 award from Jim Eberly.



Subcommittee meeting covers issues regarding financial soundness for members

By Joe Regan – member credit compliance analyst

The Borough of Grove City, Pennsylvania, hosted members from several AMP communities on Nov. 5 for an AMP Finance & Accounting Subcommittee meeting.

Dawn Lund, vice president of Utility Financial Solutions, started the meeting with a discussion on performing a financial checkup for utilities. Lund covered a variety of financial topics and best practices intended to provide a total picture of the overall condition of a utility.

Chris Brewer, partner with Dinsmore & Shohl, followed Lund with a presentation on economic development bonds. Brewer spoke on how economic development bonds can be used as tools to benefit Pennsylvania communities and their economies.

I followed Brewer with a discussion on the AMP credit scoring program. Specifically, I discussed the program and provided insight on a few things AMP members can do to strengthen their credit scores. Additionally, I covered how rating agencies cited the AMP credit scoring program as a credit positive in recent ratings reviews.

Following lunch, Alice Wolfe, AMP assistant vice president of power supply planning and alternative generation, provided a discussion on AMP peaking projects. Specifically, Wolfe spoke on the AMP Solar Phase II and behind the meter gas projects and how they can be used to help AMP members with peaking needs.

Wolfe was followed by Jim Moore, principal of Kensington Capital Advisors and AMP's financial products adviser, who provided a primer on hedging bond financings. Moore discussed how hedging is an important tool used to maximize savings for AMP project participants.

Matt Stuczynski, with Provident Financial Advisor, finished out the day with a presentation on regulatory changes impacting the municipal securities market. Specifically, Stuczynski spoke on the impact of recent changes in the SEC Municipal Advisor rules and what should be expected when a member is considering utilizing a municipal adviser.

The next Finance & Accounting Subcommittee meeting will be held Dec. 3 at AMP Headquarters. All interested parties from municipalities are welcome to attend. Please RSVP to either me at jregan2@amppartners.org or 614.540.6913, or Chris Deeter at cdeeter@amppartners.org or 614.540.0848.



News or Ads?

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

AMP mails scholarship packets

By Karen Ritchey – manager of communication programs

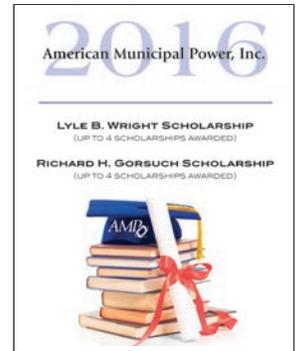
AMP scholarship informational packets were mailed earlier this week regarding the Richard H. Gorsuch and Lyle B. Wright scholarship programs. Sent to principal contacts and high schools in member communities, the packets include details on rules, eligibility, deadlines and nomination forms.

Member communities can nominate one high school senior for each scholarship (Gorsuch and Wright). Nominations are due by Dec. 11.

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

Up to four Wright and up to four Gorsuch scholarships will be awarded. Scholarships are \$2,000 each. Recipients will be determined by the AMP Board of Trustees and announced in May. Since the program began in 1988, AMP has provided \$272,000 in scholarships to graduating high school seniors. Member communities are encouraged to participate in this program by nominating a student for the scholarships.

Scholarship packet information is also available on the Member Extranet section of the [AMP website](#). If you have any questions, please contact me at 614.540.0933 or kritchey@amppartners.org.



AMP distributes fall edition of Public Power Connections

By Krista Selvage – manager of publications

The fall 2015 edition of Public Power Connections (PPC) was distributed earlier this week to AMP principal contacts and others who have requested it. In this edition are articles on why residential solar installations need a back-up, facts about wind chill, how recycling numbers work and a safety spotlight.



Members who would like to be added to the PPC distribution list may contact me at 614.540.6407 or kbselvage@amppartners.org.

Feedback and article suggestions are always welcomed. For current and past editions of PPC, please visit the Member Extranet section of the [AMP website](#).

AMP offers Advanced Transformer, Groundworker courses

Pennsylvania hosted two AMP training courses last week – an Advanced Transformer class in Lansdale (pictured right) and a Groundworker class in Watsonstown.

There were 19 attendees from six AMP members for the Advanced Transformer program, a one-day workshop focused on advanced transformer theory and the review of transformer connections; and eight participants from three members in the Groundworker course, which is designed for entry-level apprentices or for municipal employees who assist the electric line crew as groundworkers.

AMP offers both of these programs as requested. For more information, please contact Jennifer Flockerzie at 614.540.0853 or jflockerzie@amppartners.org.



Classifieds

Director of electric applications are being accepted in Martinsville

The City of Martinsville, Virginia, is seeking qualified applicants for the position of Director of Electric Utilities.

Responsibilities: plans, organizes, coordinates, supervises and evaluates programs, plans, services, staffing, equipment, electric facilities and infrastructures of the Electric Department. Evaluates electric utility needs and formulates short and long-range plans to meet needs. Drafts and reviews bid documents. Negotiates and administers contracts and ensures compliance with all local, state and federal regulations. Presents agenda items relating to department activities to mayor and city council. Supervises the review of private project development plans for compliance with codes, regulations and standards, adequacy of application for permits and compliance with approved plans.

Qualifications: Education equivalent to a bachelor's degree in engineering, public or business administration or related field required; master's degree preferred. Ten years extensive experience in electric and utilities business management, preferably in a municipal setting experience in with progressively increasing responsibility including five years supervisory/managerial experience or any combination of experience, training, and education. Valid driver's license required.

Min Salary: \$80,493 DOQ, excellent benefits package. Open until filled. A required city application must be completed online at www.martinsville-va.gov. EOE. Women and Minorities are encouraged to apply.

AMP seeks qualified candidates

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 or email to Teri Tucker at tucker@amppartners.org.

Generation Technician: This position performs and/or directs the operation and maintenance of internal combustion

turbines. Candidates must have a minimum of five years of experience in the operation and maintenance of internal combustion and combustion turbine electric generation equipment, and have a working knowledge of emissions monitoring equipment and makeup water treatment equipment. Experience with programmable logic controllers is preferred and training and maintenance experience with Caterpillar diesel generators is a plus.

AFEC Project Coordinator: This position performs project management and performance analysis for the Fremont Energy Center and associated systems. Qualifications include a four-year college degree in mechanical or electrical engineering; or minimum of two-year college degree in a mechanical or electronics field and five years of experience in plant operation and maintenance. Candidates must have the ability to read basic schematics, be familiar with symbols used in civil, mechanical and electrical diagrams and read/interpret instruction manuals.

Environmental Compliance Specialist: The specialist maintains compliance status of AMP-owned/managed facilities. Qualifications include a bachelor's degree in chemical/civil/environmental engineering or environmental/natural science, with one to three years of environmental compliance/regulatory work experience preferred.

Bowling Green to administer written exam for police officer

The Bowling Green Civil Service Commission will administer a written examination for Police Officer on Dec. 5, 2015. Candidates must complete an application that is available through the city's Personnel Dept, City Administrative Services Building, 304 N. Church St., Bowling Green, Ohio 43402. Hours: 8 a.m. to 4:30 p.m. weekdays. Telephone: 419.354.6200; Fax: 419.352.1262; Email: BGPersonnel@bgohio.org. Application materials are available [here](#). and will be accepted through Nov. 12, 2015. Starting salary is \$23.45 per hour. AA/EEO



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November 13 , 2015

BILL EXPANDING BWC CANCER COVERAGE FOR FIREFIGHTERS RECEIVES SECOND HEARING

The Ohio General Assembly has been rather quiet the last several weeks with the November 3rd General election keeping members in their legislative districts that week and the abbreviated legislative schedule this week due to Veterans Day. The committee schedule released for next week, provided at the end of our bulletin, shows that the level of legislative activity will ramp-up to full speed with many bills receiving attention that have municipal interests.

Although activity at the Statehouse has been minimal, the Senate Insurance Committee met this week to hear a bill we are tracking closely, SB 27, legislation introduced by Senator Tom Patton (R-Strongsville). The legislation, which has been introduced in the past four legislative sessions, received a second hearing on Tuesday, when a handful of firefighters presented testimony in support of the proposal.

As currently drafted, SB 27 would provide that a firefighter who is disabled as a result of specific types of cancer is presumed for the purposes of the laws governing workers' compensation and the Ohio Police and Fire Pension Fund (OP&F) to have incurred the cancer while performing the required duties of a firefighter. Firefighters must have been assigned to at least three years of "hazardous duty" (defined as duty performed under the circumstances in which an accident could result in serious injury or death) for the presumption to apply. The specific types of cancer which would be included in the expanded coverage include: cancer of the lung, brain, kidney, bladder, rectum, stomach, skin, or prostate; Non-Hodgkin's lymphoma; Leukemia; multiple myeloma; testicular or colorectal cancer.

Although the financial impact to municipal budgets is currently unknown, based on an analysis prepared by the Legislative Service Commission (LSC), it is projected that the annual cost of providing this benefit to qualifying recipients at approximately \$87 million. From data provided through the U.S. Fire Department Census and the OP&F Pension Fund, there are approximately 70,000 active and retired career and volunteer firefighters in Ohio.

SB 27 also allows the presumption created by the bill to be subject to challenge or rebuttal upon the presentation of competent or affirmative evidence to the contrary of the presumption or if the cancer was revealed during the firefighter's entrance physical examination. The legislation as drafted is not retroactive and would only apply to applications for disability benefits filed on or after the bill's effective date.

We would encourage any of our members who may have thoughts on the effects of this legislation to contact their state Representative or Senator and share those issues with them. The bill is not scheduled for a hearing next week in the Senate Insurance Committee, but we will be sure to keep our members aware of any future hearings on the matter.

[Committee Schedule](#)

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[2014](#)

[2013](#)

[2012](#)

[2011](#)