## Memorandum

To: Mayor & Members of Council
From: Monica Irelan, City Manager
Subject: General Information
Date: April 15, 2016

#### CALENDAR

Monday, April 18th

AGENDA: City Tree Commission @6:00 pm

AGENDA: Volunteer Peace Officers' Dependents Fund Board @6:30 pm

AGENDA: City Council @7:00 pm

#### C. APPROVAL OF MINUTES - April 4, 2016 Meeting

#### H. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

Lisa's Memo on "New Legislation for the 4/18/2016 Council Meeting" is attached.

- ORDINANCE No. 013-16, an Ordinance Adopting a New City Investment Policy in and for the City of Napoleon, Ohio (Investment Policy No. IP 16-0003); Repealing Ordinance No. 87-99 and Policy No. 0002 as was Periodically Amended
   a conv of the Investment Policy is analoged
  - a. a copy of the *Investment Policy* is enclosed.
- 2. **RESOLUTION NO. 014-16**, a Resolution Approving Revision No. 3 to the Contract with the Henry County Health District; City Contract No. 2016-13; and Declaring an Emergency. (Suspension Requested)
  - a. the Contract is on file with the City Finance Director's office.
- I. SECOND READINGS OF ORDINANCES AND RESOLUTIONS
  - 1. **ORDINANCE No. 009-16**, an Ordinance Amending the City of Napoleon, Ohio Engineering Department Rules and Regulations to wit: Various Sections in Rules 3, 4, 5, 6, and 7.
- J. THIRD READINGS OF ORDINANCES AND RESOLUTIONS None

#### K. GOOD OF THE CITY (Discussion/Action)

- 1. Recommendation to Approve the April 2016 Power Supply Cost Adjustment Factor
- 2. Approval of the 2016 Tax Incentive Review Council regarding CRA Agreements
  - a. Enclosed is a Memo from Lisa along with information provided by the Zoning Dept. for each CRA company.
- 3. WTP UV Disinfection Improvements Project Reject All Bids
  - a. Please see the attached Memorandum from Chad.

- 4. Approval of the Plans, Specifications and Documents for the WTP UV Disinfection Improvements Project
  - a. Chad's Memorandum on this project is enclosed.
- Award of Cleaning of WTP Lime Sludge Lagoons

   Enclosed is my Memorandum on recommendation of award for this project.
- 6. Approval of a New Liquor Permit for Makayla Scarlett LLC, 1425 North Scott Street
  - a. A copy of the *"Notice to Legislative Authority"* from the Ohio Division of Liquor Control is enclosed.

#### INFORMATIONAL ITEMS

- 1. **CANCELLATION –** Parks & Recreation Committee Meeting
- 2. **OPEN HOUSE FOR MARY THOMAS' RETIREMENT** on Friday, April 29, 2016 11:00 am 2:00 pm
- 3. Announcement of Establishment for Maintenance of Traffic Control: Rectangular Rapid Flash Beacons on WESTMORELAND AVENUE SOUTH OF CLAIRMONT AVENUE
- 4. OML Legislative Bulletin/April 08, 2016

MI:rd Records Retention - CM-11 - 2 Years

#### Monthly Calendar

#### April 1 - 30, 2016





#### 🕗 Calendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
27	28	<b>29</b>	30	31	1 <b>1</b>	2
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3	4	5	0	7	8	9
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10	11	12	13	14	15	16
17	18	19	20	21	22	23
	6:00 PM Tree Commission					
	Meeting					
	6:30 PM Volunteer Peace					
	Officers' Dependents Fund					
	Officers' Dependents Fund Board Mtg.					
	7:00 PM City Council Meeting					
24	25	26	27	28	29	30
24	20	20	21			
	6:30 PM FINANCE & BUDGET Committee Meeting				11:00 AM - 2:00 PM Mary	
	BUDGET Committee Meeting				11:00 AM - 2:00 PM Mary Thomas' Retirement Open House	
	7:30 PM SAFETY & HUMAN RESOURCES Committee				nouse	
	RESOURCES Committee Meeting					
	meeting					

## City of Napoleon, Ohio Tree Commission

#### LOCATION: Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio

#### Meeting Agenda Monday, April 18, 2016 at 6:00pm

- I. Approval of Minutes (In the absence of any objections or corrections, the Minutes shall stand approved.)
- II. Swearing in of new Member Ed Clausing
- III. Tree Call Report
- IV. Spring Programs
- V. Fall Programs
- VI. Arbor Day Celebration
- VII. Any other matters to come before the Commission
- VIII. Adjournment

Gregory J. Heath, Finance Director/Clerk of Council

	City of Napoleon, Ohio
	Tree Commission Meeting Minutes
	Monday, March 21, 2016 at 6:00pm
PRESENT Commission	David Volkman - Chair, Bill Rohrs, Kirk Etzler, Joe Bialorucki – Council Representative
City Staff Recorder	Marty Crossland Tammy Fein (Anne Taylor attending)
ABSENT Members	Jim Fitzenreiter
Call To Order	Chairman Volkman called the meeting to order at 6:02pm.
Approval Of Minutes	Minutes from the February 15 meeting stand approved as presented with no objections or corrections.
Volkman Introduced Tree Commission To Bialorucki	Volkman welcomed Bialorucki, introduced the Commission and explained the history and purpose of the Tree Commission.
Tree Call Report	Crossland reported that there were no new tree calls to report.
Spring Programs	Crossland distributed the 2016 Tree Program Schedule; see attached.
	Crossland reported that the Spring planting is completed, with the Arbor Day tree being delivered by North Branch Nursery.
	Crossland reported that the tree planting contract costs have been reduced to \$8,481.
Arbor Day Celebration	Crossland reported that he recently contacted the school, stating that the students are unable to attend due to testing and the inability to travel to the planting area. Crossland suggested having a tree donated to be planted at the new school next year for the celebration. Crossland explained to Bialorucki that the City is required to have an Arbor Day celebration to maintain the status of a Tree City USA city.
Any Other Matters	Crossland reported that the awards ceremony will be in West Unity on April 20; Crossland requested reservations by April 1.
	Crossland reported that the Dodd Street waterline reconstruction will begin soon; replacing approximately thirty two (32) trees will be required.
	Crossland reported that the Park Lane cul-de-sac reconstruction will require two (2) trees to be replaced, adding that the removal of the trees is covered under the contract.
Tree Commission 3/21/16	Crossland believe Clyde Varner from the Parks & Recreation Department will handle filling the gator bags around the trees again this year.

Motion To Adjourn	Motion: Ro To adjourn th	ohrs he meeting at 6:33pm	Second:	Etzler
Passed Yea- 4 Nay- 0	Roll call vote Yea- Rohrs, 2 Nay-	e on above motion: Etzler, Volkman, Bia	lorucki	
Approval Date:	David Volkn	nan, Chair		



City of Napoleon, Ohio

## **Volunteer Peace Officers' Dependents Fund Board (VPODF)**

LOCATION: City Hall Offices, 255 West Riverview Avenue, Napoleon, Ohio 43545

## Meeting Agenda

Monday, April 18, 2016 at 6:30pm

- I. Organization of the Volunteer Peace Officers' Dependents Fund Board
- II. Oath of Office of Committee Members
- III. Election of Officers
- IV. Appointment of the Fifth Member of the Board
- V. Any other matters currently assigned to the Board
- VI. Adjournment

Gregory J. Heath, Finance Director/Clerk of Council

## City of Napoleon, Ohio

## City Council

LOCATION: Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio

#### Meeting Agenda Monday, April 18, 2016 at 7:00pm

- A. Attendance (Noted by the Clerk)
- B. Prayer & Pledge of Allegiance
- C. Approval of Minutes: April 4, 2016 (In the absence of any objections or corrections, the minutes shall stand approved.)
- D. Recognition of Police Officers
- E. Citizen Communication
- F. Reports from Council Committees
  - 1. Parks & Recreation Committee did not meet on Monday, April 18, 2016 due to lack of agenda items.
  - Electric Committee (Majority Report) met on Monday, April 11, 2016 and recommended:
     a. Approval of April, 2016 Power Supply Cost Adjustment Factor
  - 3. Water, Sewer, Refuse, Recycling & Litter Committee met on Monday April 11, 2016 and reviewed the update of Water Treatment Plant Rehabilitation Design
  - 4. Municipal Properties, Buildings, Land Use & Economic Development Committee met on Monday, April, 11, 2016 and recommended:
    - **a.** Referred the St. Paul Methodist Parking Lot Lease to the City Manager to enter into negotiations with St. Paul Methodist Church to share maintenance costs and services
    - b. Referred the draft Assessment Policy to the full body of Council
    - c. Referred the issue of income tax credits in lieu of assessments for projects to the full body of Council
    - **d.** Referred a recommendation to move forward with a 50% forced assessment of the project cost for Round House Road to the full body of Council
    - e. Referred to the full body of Council the Park Lane project to approve the plans as designed with full sidewalks

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

- 1. Board of Public Affairs met on April 11, 2016, with the following agenda items:
  - a. Review of Power Supply Cost Adjustment Factor for April
  - b. Electric Department Report
  - c. The DG Solar Wind and net metering policy is to be reviewed next month
- 2. Board of Zoning Appeals met on April 12, 2016 with the following agenda items:
  - **a.** The Board approved BZA 16-1 as amended to stay with new buyers names of Delvin Chupa or Carl Hall, not , the property address, to amend time restriction period to read 10 pm to 7 am, and including the variance on the deed as a restriction to the property owner for property located at 952 Fifth St, Napoleon , OH
- Planning Commission met on Tuesday, April 12, 2016 with the following agenda items:
   a. Appointed Cheryl Hershberger to the Housing Council Board for a two (2) year term
- 4. Housing Council met on Tuesday, April 12, 2016 with the following agenda items:
  - a. Reorganizational meeting to swear in new members, appoint and swear in two appointments from Housing Council, Elect Chair
  - **b.** Approved the recommendations from the 2016 Tax Incentive Review Council (TIRC) regarding the
- 1 CRA agreements
- 5. Tree Commission met tonight with the following agenda items:
  - a. Tree Call Report
  - **b.** Spring and Fall programs
  - c. Arbor Day Celebration
- 6. Volunteer Peace Officers' Dependents Fund Board (VPODF) met Monday, April 18, 2016 with the following agenda items:

a. Organization of this new Board, Election of Officers, Appointment of the Fifth (5th) Member

#### H. Introduction of New Ordinances and Resolutions

- Ordinance No. 013-16: An Ordinance Adopting a New City Investment Policy in and for the City of Napoleon, Ohio (Investment Policy No. IP 16-0003); Repealing Ordinance No. 87-99 and Policy No. 0002 As Was Periodically Amended
- 2. Resolution No. 014-16: "A Resolution Approving Revision No. 3 to the Contract with The Henry County General Health District; City Contract No. 2016-13; And Declaring an Emergency"
- 1. Second Readings of Ordinances and Resolutions
  - 1. Ordinance No. 009-16: An Ordinance amending the City of Napoleon, Ohio Engineering Department Rules and Regulations, to Wit: Various Sections in Rules 3, 4, 5, 6, and 7
- J. Third Readings of Ordinances and Resolutions

There are no Third Readings of Ordinances and Resolutions.

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

- 1. Discussion/Action: Recommendation to approve the April, 2016 Power Supply Cost Adjustment Factor as follows: PSCAF three (3) month averaged factor: \$0.00289; JV2: \$ 0.014673; JV5: \$ 0.014673
- 2. Discussion/Action: Approval of the 2016 Tax Incentive Review Council regarding CRA agreements
- 3. Discussion/Action: Water Plant UV Project; Rejection of Bids
- 4. Discussion/Action: Approve Plans and Specs for Water Plant UV Project
- 5. Discussion/Action: Award Sludge Removal Contract
- 6. Discussion/Action: Approval of a new Liquor Permit for Makayla Scarlett LLC, 1425 N. Scott St.
- L. Executive Session (As needed)

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

N. Adjournment

Gregory J/Heath, Finance Director/Clerk of Council

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A. Items Referred or Pending in Committees of Council Technology & Communication Committee (1<sup>st</sup> Monday) 1. (Next Special Meeting: Monday, April 25(a) 6:15 pm) (Next Regular Meeting: Monday, June 6 @ 6:15 pm) 2. Electric Committee (2<sup>nd</sup> Monday) (Next Regular Meeting: Monday, May 9(a) 6:30 pm) a. Review of Power Supply Cost Adjustment Factor **b.** Electric Department Report c. AMP Project Update 3. Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday) (Next Regular Meeting: Monday, May 9 @ 7:00 pm) 4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday) (Next Regular Meeting: Monday, May 9 @ 7:30 pm) a. Updated information from Staff on Economic Development (as needed) 5. Parks & Recreation Committee (3rd Monday) (Next Regular Meeting: Monday, May 16 @ 6:15 pm) 6. Finance & Budget Committee (4th Monday) (Next Regular Meeting: Monday, April 25(a) 6:30 pm) 7. Safety & Human Resources Committee (4th Monday) (Next Meeting: Monday, April 25@ 7:30 pm) 2016 Regular Meetings with Townships scheduled for February and November 8. Personnel Committee (As needed) 9. Ad Hoc Committee on Strategic Vision (As needed) 10. Charter Review Commission (Thursday, April 28 @ 7:30 pm) a. Distribution of approved changes to Charter B. Items Referred or Pending In Other City Committees, Commissions & Boards 1. Board of Public Affairs (2<sup>nd</sup> Monday) (Next Regular Meeting: Monday, May 9(2) 6:30 pm) a. Review of Power Supply Cost Adjustment Factor b. Electric Department Report 2. Board of Zoning Appeals (2<sup>nd</sup> Tuesday) (Next Regular Meeting: Tuesday, May 10(a) 4:30 pm) 3. Planning Commission (2<sup>nd</sup> Tuesday) (Next Regular Meeting: Tuesday, May 10 @ 5:00 pm) 4. Tree Commission (3rd Monday) (Next Regular Meeting: Monday, May 16 @ 6:00 pm) 5. Civil Service Commission (4<sup>th</sup> Tuesday) (Next Regular Meeting: Tuesday, April 26 @ 4:30 pm and Tuesday, May 3 @ 4:30 pm) a. Approve Applicants 6. Parks & Recreation Board (Last Wednesday) (Next Regular Meeting: Wednesday, April 27 @ 6:30 pm) 7. Privacy Committee (2nd Tuesday in May & November) (Next Regular Meeting: Tuesday, May 10 @ 10:30 am) 8. Records Commission (2<sup>nd</sup> Tuesday in June & December) (Next Regular Meeting: Tuesday, June 14 @ 4:00 pm) 9. Housing Council (1<sup>st</sup> Monday of the month after the TIRC meeting) 10. Health Care Cost Committee (As needed) 11. Preservation Commission (As needed) 12. Infrastructure/Economic Development Fund Review Committee (As needed) 13. Tax Incentive Review Council (As needed) 14. Volunteer Firefighters' Dependents Fund Board (As needed) 15. Volunteer Peace Officers' Dependents Fund Board (As needed) 16. Lodge Tax Advisory & Control Board (As needed) 17. Board of Building Appeals (As needed) 18. ADA Compliance Board (As needed) 19. NCTV Advisory Board (As needed)

### City of Napoleon, Ohio City Council Meeting Minutes Monday, April 4, 2016 at 7:00pm

PRESENT Council	Travic Sheeffer President Patrick McColley President Pro Tem Den Beer
Council	Travis Sheaffer – President, Patrick McColley – President Pro Tem, Dan Baer, Joe Bialorucki, Jeff Comadoll, Rita Small, Jon Tassler
Mayor	Jason P. Maassel
City Manager	Monica S. Irelan
Law Director	Lisa L. Nagel
Finance Director/Clerk	Gregory J. Heath
of Council	
Recorder	Anne Taylor, Recorder/Records Clerk
City Staff	Robert Weitzel, Police Chief
	Chad Lulfs, Director of Public Works
	Clayton O'Brien, Fire Chief
	Dan Wachtmann, MIS Administrator
Others	News Media; NCTV; Amanda Griffith, Community Improvement
	Corporations (CIC) Director
ABSENT Council	
Council City Staff	
City Stari	
Call To Order	President Sheaffer called the meeting to order at 7:00pm with the Lord's
	Prayer followed by the Pledge of Allegiance.
	Minutes of the March 21, 2016 Council meeting stand approved as read with
	no objections or corrections.
Citizen Communication	None
Committee Reports	Chair Rita Small reported the Technology & Communication Committee
	meeting for tonight was cancelled at the direction of the chair.
	Chair Jon Tassler reported the Finance & Budget Committee ( <i>Majority Report</i> )
	met on Monday, March 28 and recommended:
	1. Approval of the Investment Policy and updates
	2. Approval of the proposed investment policy with the exception of
	adding an annual review and correction of typos.
	Chair Dan Baer reported the Safety & Human Resources Committee did not
	meet on Monday, March 28, due to lack of agenda items.
	Chair Travis Sheaffer reported the Charter Review Commission met on
	Thursday, March 24 and Thursday, March 31 and discussed:

	<ol> <li>Section 9.03 of the City Charter (tabled)</li> <li>Review of Charter</li> <li>Sheaffer reported that all items brought before Committee were discussed and sent to the Law Director for final draft. The Commission will meet on April 28, 2016 for final approval of draft and recommendation to Council.</li> </ol>
Introduction Of Resolution No. 009-16	President Sheaffer read by title Ordinance No. 009-16, an Ordinance amending the City of Napoleon, Ohio Engineering Department Rules and Regulations, to wit: various sections in Rules 3, 4, 5, 6, and 7.
Motion To Approve First Read	Motion: ComadollSecond: SmallTo approve First Read of Ordinance No. 009-16
Discussion	Nagel reported the Ordinance 009-16 is the legislation amending the City of Napoleon, Ohio Engineering Department Rules and Regulations, to wit: various sections in Rules 3, 4, 5, 6, and 7. Nagel advised discussion was held in previous Committee and Council meetings regarding changes to the Engineering rules. Final changes were approved at the March 14, 2016 Municipal Properties meeting and those same final changes were reported out to City Council later that evening on March 14, 2016. This Ordinance is needed in order for the changes to become effective.
Passed Yea- 7 Nay- 0	Roll call vote on the above motion First Reading. Yea- Sheaffer, Comadoll, Baer, Bialorucki, Tassler, Small, McColley Nay-None
Motion To Go Into Executive Session: Economic Development	Motion: Small Second: Bialorucki, To go into Executive Session to discuss Economic Development
Passed Yea- 7 Nay- 0	Roll call vote on above motion: Yea- Small, McColley, Sheaffer, Comadoll, Baer, Bialorucki, Tassler Nay-None
Into Executive Session	Council went into Executive Session at <b>7:05</b> pm including Amanda Griffith , CIC Director; Monica Irelan, City Manager; Lisa Nagel, Law Director; Greg Heath, Finance Director
Motion To Come Out Of Executive Session Discussing Economic Development	Motion:TasslerSecond: SmallTo come out of Executive Session discussing Economic Development
Passed Yea- 7 Nay- 0 Out Of Executive Session	Roll call vote on above motion: Yea- Small, McColley, Sheaffer, Comadoll, Baer, Bialorucki, Tassler Nay-None

Council came out of Executive Session at **7:20pm**. President Sheaffer reported that the discussion was regarding Economic Development; no action was taken.

Introduction Of Ordinance No. 007-16

**Motion To Approve First** 

**Read of Resolution 007-16** 

Authorizing The Transfer Of Certain Property To President Sheaffer read by title a Resolution 007-16 "authorizing the transfer of certain property to wit: a portion (approximately 7 acres) of Parcel No. 28-0700320200 owned by the City to the Community Improvement Corporation of Henry County, Ohio"; and declaring an Emergency (Suspension Requested)

Motion:TasslerSecond: McColleyTo approve First Read of Resolution No. 007-16

Wit: A Portion (Approximately Seven (7) Acres) Of Parcel No. 28-0700320200 Owned By The City To The Community Improvement Corporation Of Henry County, Ohio; And Declaring An Emergency

Discussion

Motion To Suspend The Rules Requiring Three (3) Readings

Passed Yea- 7 Nay- 0

Passed Yea- 7 Nay- 0 Nagel reported that Resolution 007-16 is the legislation to authorize the City of Napoleon to transfer approximately seven (7) acres on Commerce Drive to the Henry County CIC for the purposes of economic development. Nagel reported that the City is still waiting on the signed real estate purchase agreement, but wanted to get the Resolution before Council in the event the agreement is signed. Emergency passage with suspension of the rules is necessary in order to allow the real estate transfer timely progress.

Motion: Tassler Second: Bialorucki To suspend the Rules requiring three Readings

Roll call vote on the above motion Yea- Sheaffer, Comadoll, Baer, Bialorucki, Tassler, Small, McColley Nay-None

Roll call vote to pass Resolution 007-16 under Suspension of the Rules Yea- Sheaffer, Comadoll, Baer, Bialorucki, Tassler, Small, McColley, Nay-None

# Introduction Of Resolution No. 010-16

Motion To Approve First Read of Resolution No. 010-16 To Authorize The City Manager And/Or Chief Of Police To Establish An Account With The Ohio Department Of Commerce's Volunteer Peace Officers' Dependents Fund And Appoint Two (2) To The Ohio Department Of Commerce's Volunteer Peace Officers' Dependents Fund

Passed Yea- 7 Nay- 0

Discussion

President Sheaffer read by title Resolution No. 010-16, "a Resolution authorizing the City Manager and/or Chief of Police to establish an account with the Ohio Department of Commerce's Volunteer Peace Officers' Dependents Fund".

Motion: ComadollSecond: BialoruckiTo approve First Read of Resolution No. 010-16 And Appoint Two (2) ToTheOhio Department Of Commerce's Volunteer Peace Officers' Dependents Fund

Yea- Sheaffer, Comadoll, Baer, Bialorucki, Tassler, Small, McColley Nay-None

Nagel reported Ordinance No. 010-16 is the legislation authorizing the City Manager and/or Chief of Police to establish an account with the Ohio Department of Commerce's Volunteer Peace Officers' Dependents Fund. A similar Fund has existed for volunteer firefighters for quite a long period of time, offering benefits to volunteer firefighters and their dependents who are killed or disabled in the line of duty. Earlier this year, the Ohio legislature passed Senate Bill 11 which establishes the Volunteer Peace Officers' Dependents Fund ("VPODF"). The VPODF is administered by the Ohio Department of Commerce. Similar to the volunteer firefighters' fund, the VPODF exists for the purpose of compensating volunteer peace officers and their dependents who are killed or disabled in the line of duty. The City of Napoleon will contribute a one-time premium payment, and that premium will range from a minimum of \$300.00 to a maximum of \$500.00. Then, if the Fund's balance is reduced to 95% or less of its basic capital account, then additional premium payments may be necessary, ranging in the amount of \$90.00 to \$150.00. As stated in the Ordinance, a five (5) member Board will need to be established to oversee any Fund requests. As soon as the City establishes an account with the VPODF, then the City Manager can appoint

	five (5) members to the Board as stated in the Ordinance. We are requesting emergency passage with suspension of the rules because the Department of Commerce would like the Board established in April, 2016. Tassler and Maassel asked if this fund is for Volunteers and not for paid Peace Officers. Weitzel added that it would include part time Peace Officers that are not in full time status. Heath asked if it was mandatory with Nagel stating it is not mandatory and additional contributions are only required if the level falls below the 95%.
Motion To Suspend The Rules Requiring Three (3) Readings	Motion: Comadoll Second: Bialorucki To suspend the Rules requiring three (3) Readings
Passed Yea- 7 Nay- 0	Roll call vote on above motion: Yea- Sheaffer, Comadoll, Baer, Bialorucki, Tassler, Small, McColley Nay-None
Passed Yea- 7 Nay- 0	Roll call vote to pass Resolution No. 010-16 under Suspension of the Rules Yea- Sheaffer, Comadoll, Baer, Bialorucki, Tassler, Small, McColley Nay-None
Motion To Appoint Two (2) ToThe Ohio Department Of Commerce's Volunteer Peace Officers' Dependents Fund	Motion: Bialorucki Second: Baer Councilman Comadoll and Councilman Sheaffer were appointed as Council Appointees to the Ohio Department Of Commerce's Volunteer Peace Officers' Dependents Fund.
Passed Yea- 7 Nay- 0	Roll call vote on above motion: Yea- Sheaffer, Comadoll, Baer, Bialorucki, Tassler, Small, McColley Nay-None
Introduction Of Resolution No. 011-16	President Sheaffer read by title an Resolution No. 011-16 "a Resolution authorizing the transfer of certain property to wit: a portion (approximately 14.625 acres) of Parcel No. 28-0700320200 owned by the City to the Community Improvement Corporation of Henry County, Ohio; and Declaring an Emergency."
Motion To Approve First Read	Motion: McColleySecond: TasslerTo approve First Read Ordinance No. 011-16
Discussion	Nagel reported Resolution No. 011-16 is legislation to authorize the City of Napoleon to transfer approximately 14.625 acres located on Commerce Drive to the Henry County CIC for the purposes of economic development.
Motion To Suspend The Rules	Motion:TasslerSecond: ComadollTo suspend the Rules requiring three Readings
Passed Yea- 7	Roll call vote on above motion: Yea- Sheaffer, Comadoll, Baer, Bialorucki, Tassler, Small, McColley
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Nay-None
Roll call vote to pass Resolution No. 011-16 under Suspension of the Rules Yea- Sheaffer, Comadoll, Baer, Bialorucki, Tassler, Small, McColley Nay-None
There were no Second or Third Readings of Ordinances and Resolutions.
Irelan reported the Miscellaneous Street Paving went out to bid with the bid opening on March 30, 2016 at 11 am. The estimate for the project was \$485,000.00 with only one bid and the lowest and best bid being submitted from Gerken Asphalt Paving in the amount of \$469,152.00 as the only bidder. Irelan distributed a memo for the outline of streets. (See Attached) Municipal Properties Committee reviewed the bid and has recommended the bid to Council for approval. Irelan stated that it was previously discussed that if the bid came in lower than the estimate, that the additional funds would be used towards additional improvements to Oakwood Avenue. The bids for the 2016 Miscellaneous Street Paving and Microsurfacing projects came in under budget by approximately\$25,000.00. Irelan advised she is in the process of negotiating an additional 195 linear feet extension of paving to Oakwood Avenue which would be approximately \$21,000.00 additional cost to the current bid.
Motion: Tassler Second: Small To approve the award of bid for 2016 Miscellaneous Street Paving to Gerken Asphalt Paving, Inc. in the amount of \$469,152.00
Roll call vote on above motion: Yea- Sheaffer, Comadoll, Baer, Bialorucki, Tassler, Small, McColley Nay-None

Motion To Authorize The Motion: Tassler Second: Small To Authorize The City Manager to Negotiate With Gerken Asphalt Paving, City Manager to Inc. For The Additional 195 Linear Feet On Oakwood Avenue Based on **Negotiate With Gerken Asphalt Paving, Inc.** Budgetary Savings From Miscellaneous Street Paving And Micro-For The Additional **Surfacing Projects** 195 Linear Feet On **Oakwood Avenue Based on Budgetary Savings From Miscellaneous Street Paving And Micro-Surfacing Projects** Passed Roll call vote on above motion: Yea-7 Yea- McColley, Sheaffer, Comadoll, Baer, Bialorucki, Tassler, Small Nay-0 Nay-None Award Of Bid for 2016 **Microsurfacing Projects** Discussion Irelan reported the Microsurfacing Projects went out to bid with the bid opening on March 30, 2016 at 11 a.m. The estimate for the project was \$65,000.00 with bids received from American Pavement Inc. and Strawser Construction Inc. The lowest bid was submitted by American Pavement Inc. in the amount of \$56,669.00. Sheaffer asked why there is a difference in the bids with Lulfs responding it was due to mobilization costs. Maassel questioned the experience and quality of work performed by American Pavement Inc., with Lulfs and McColley stating that the company has a good reputation and have completed projects for Henry County in the past. Lulfs added that American Pavement will take care of all public relations issues with the press and residents. **Motion ToApprove** Motion: Tassler Second:McColley To approve the award of bid for 2016 Microsurfacing Projects to American **Award Of Bid For 2016** Microsurfacing Pavement Inc.in the amount of \$56,669.00. **Projects to American Pavement Inc.** Passed Roll call vote on above motion: Yea-7 Yea- Sheaffer, Comadoll, Baer, Bialorucki, Tassler, Small, McColley Nav-0 Nay-None **Award Of Dodd Street Improvements Project** On Thursday, March 17, 2016, the bids for the Dodd Street Improvements Discussion Project were opened with five (5) contractors submitting bids. Vernon Nagel, Inc. was the low bidder of the five (5) bids. The engineers estimate for this

project was \$805,000.00 with the Vernon Nagel, Inc. bid coming in at \$728,398.76. The committee approved the specifications, referred it back to Council and the committee is requesting approval of the bid from Vernon Nagel, Inc. Sheaffer asked if the difference between the amount of the estimate and bid can be used to fund more road improvements this year. Irelan replied stating that technically you could use the excess funds from this project, but there could be unforeseen additional work and expenses once the excavation of the street is started adding that it is her belief it is best to wait and see what other issues may need to be dealt with on the Dodd Street project. Tassler asked if Gerken Asphalt Paving, Inc. could be on standby to negotiate additional street paying if excess funds are available. Irelan replied that she believes they will not be able to align the miscellaneous paving with the Dodd Street project. McColley asked if additional street funds remaining can be returned to the capital infrastructure fund. Irelan stated that the portion left tied to streets can be rolled into the balance and pulled back out for capital improvements next year. Tassler asked what the difference in the total bid was with Irelan stating \$79,000.00, but Irelan was uncertain how much was tied to streets. Irelan will keep council informed during the budget process when there is a better understanding of remaining funds from the Dodd Street project.

Motion: Comadoll Second: Small To approve the award of bid for Dodd Street Improvements Project to Vernon Nagel, Inc. in the amount of \$728,398.76.

Roll call vote on above motion: Yea- McColley, Sheaffer, Comadoll, Baer, Bialorucki, Tassler, Small Nay-None

Greg Heath distributed a memo regarding the Committees recommendations of changes to the investment policy. See attached. It was requested to add annual review language back in and make a correction on diversification that was part of the typographical errors. Heath requested council accept the recommendations of the Finance and Budget Committee to make corrections to the policy to include an annual review and correction of typos and to refer the policy to the Law Director to draft legislation to modify and approve the investment policy.

Motion ToApprove Award Of Bid For Dodd Street Improvements Project To Vernon Nagel, Inc.

> Passed Yea-7 Nay-0

Approval Of The Proposed Investment Policy With The Exception Of Adding An Annual Review And Correction of Typos

Discussion

Motion to Approve The Proposed Investment Policy With The Exception Of Adding An Annual Review And Correction of Typos And To Direct The Law Director To Draft Legislation.	Motion: McColley Second: Tassler To approve the proposed Investment Policy with the exception of adding annual review and correction of typos and to direct the Law Director to draft Legislation.
Passed Yea-7 Nay-0 Appointments to Housing	Roll call vote on above motion: Yea- McColley, Sheaffer, Comadoll, Baer, Bialorucki, Tassler, Small Nay-None
Council	
Discussion	Sheaffer stated that it was determined that the terms of all members of the Housing Council had expired with the exception of Tassler, whose appointment was believed to have come from the Housing Council. Two (2) appointments are made by Council, Two (2) appointments are made by the Mayor, Two (2) appointments are made by the Housing Council, and one (1) appointment is made by the Planning Commission.
Motion To Approve Council Appointments To The Housing Council	Motion:Tassler Second: McColley To approve appointments by Council of Ted Rohrs and Joel Miller to the Housing Council.
Passed Yea- 7 Nay- 0	Roll call vote on above motion: Yea- McColley, Sheaffer, Comadoll, Baer, Bialorucki, Tassler, Small Nay-None
Motion To Approve Mayor Appointments To The Housing Council	Motion: SmallSecond: ComadollTo approve appointments by Mayor Maassel of Patrick McColley and JoeBialorucki to the Housing Council.
Passed Yea- 7 Nay- 0	Roll call vote on above motion: Yea- McColley, Sheaffer, Comadoll, Baer, Bialorucki, Tassler, Small Nay-None
<u>Good Of The City</u> (Cont.) Irelan	Irelan advised that the Napoleon Police Department has been approved to provide two (2) days of training for the 2016 Ohio Peace Officer Training Academy (OPOTA) Continuing Professional Training (CPT) in the State of Ohio for the Napoleon Police Department and surrounding law enforcement

	<ul> <li>agencies. Irelan commended Chief Weitzel, along with Lieutenant Mack and Detective Mendez who are certified trainers for this training. Irelan expressed her gratitude and pride in our Police Chief, Lieutenant Mack and Mendez for their efforts in bringing this training to Napoleon. Sheaffer added that this is a great accomplishment and a testament to Chief Weitzel, our Police Department, and Detectives Mack and Mendez. Sheaffer asked Chief Weitzel to express our gratitude to the Police Department. Irelan advised that the Napoleon Police Department is the only agency outside of OPOTA that is certified to do the CPT training. Weitzel advised they are providing training with no costs to our department, and a \$25.00 cost for other departments attending for copyright and copy fees. Weitzel advised no overtime will be paid, but if necessary a grant is available. See attached flyer.</li> <li>Irelan asked to send the Park Lane project to the Municipal Properties Committee for a review.</li> </ul>
Nagel	Nagel reported there will not be an executive session on pending litigation.
Bialorucki	None at this time.
Baer	None at this time.
Comadoll	None at this time.
Maassel	Maassel Congratulated the Henry County Health Department for achieving the National Health Accreditation as one (1) of ten (10) in Ohio and one (1) of One Hundred Seventeen (117) Health Departments across the United States. Maassel continued that the Henry County Health Department Director Anne Goon is doing a great job. Maassel stated that this accreditation is good for Henry County and the City of Napoleon. A presentation of this award will be held on Wednesday, April 13, 2016 from 2:30 pm to 4:30 pm at the Health Department.
Sheaffer	Sheaffer asked Irelan for information regarding the golf course condition. Irelan advised she has not been on the golf course to give an update with Bialorucki stating he had played the course three (3) times prior to the recent rains and that the course was in good condition.
McColley	McColley updated Council on the Avina property litigation and the Judge has made orders in the case with hopes of a sale or repairs being made to the property. McColley commended the law department for their efforts in this case. McColley extended a welcome to Anne Taylor on her first official session of Council as Recorder/Records Clerk with Tassler concurring.
Small	None at this time.
Tassler	Tassler thanked Irelan for being instrumental in setting up the Ohio Municipal League (OML) training recently held in Napoleon, adding that it was

Heath	<ul> <li>beneficial to approximately fifty (50) persons attending. Attending the OML training on April 4, 2016 at Oberhaus Park were Jon Tassler, Joe Bialorucki, Jeff Comadoll, Rita Small and Anne Taylor.</li> <li>Heath explained the Annual Renewal of Liquor Permit Holders process for local permit holders with current permits expiring on June 1. Heath has reviewed the list of current permit holders with Police Chief Weitzel with no objections being made. Heath advised Council there is no need to take action if there are no further objections to the current Liquor Permit Holders. See the attached list from the Department of Commerce. No objections were noted from Council and no action was taken.</li> <li>Heath advised Council there will be a Special Joint meeting of Council with the Water and Sewer Committee on April 11, 2016 at 7:00 pm.</li> </ul>		
Motion To Go Into Executive Session: To Go Into Executive Session To Discuss Potential Discipline Of Personnel	Motion: Baer Second: McColley To go into Executive Session to discuss potential discipline of personnel. The Executive Session included Elected Officials and Law Director only.		
Passed Yea- 7 Nay- 0	Roll call vote on above motion: Yea- Small, McColley, Sheaffer, Comadoll, Baer, Bialorucki, Tassler Nay-None		
Into Executive Session	Council went into Executive Session at 7:58 pm.		
Motion To Come Out Of Executive Session: Discussing Potential Discipline Of Personnel	Motion:Tassler Second: Bialorucki To come out of Executive Session discussing potential discipline of personnel		
Passed Yea- 7 Nay- 0	Roll call vote on above motion: Yea- Small, McColley, Sheaffer, Comadoll, Baer, Bialorucki, Tassler Nay-		
Out Of Executive Session	Council came out of Executive Session at <b>8:28 pm</b> . President Sheaffer reported that the discussion was regarding potential discipline of personnel; no action was taken.		
Approval Of Bills	Bills and financial reports stand approved as presented with no objections.		
Motion To Adjourn	Motion:Tassler Second:McColley To adjourn the meeting.		
Passed Yea- 7 Nay- 0	Roll call vote on above motion: Yea- Small, McColley, Sheaffer, Comadoll, Baer, Bialorucki, Tassler Nay-		

#### Adjournment

#### Meeting adjourned at 8:30 pm

Approved:

Travis B. Sheaffer, Council President

Jason P. Maassel, Mayor

Gregory J. Heath, Finance Director/Clerk of Council



CITY OF NAPOLEON, OHIO LAW DEPARTMENT MEMORANDUM 255 W. RIVERVIEW AVENUE, PO BOX 151 NAPOLEON, OH 43545 PHONE: 419.592.4010 - FAX: 419.592.4723

TO: Mr. Mayor, Mr. President, and Council MembersFROM: Lisa L. Nagel, City Law DirectorDATE: April 15, 2016

#### Re: New Legislation for 4/18/16 Council Meeting,

- (1) For Monday's Council Meeting (4/18/16), you will have two new pieces of Legislation to consider. The legislation is found in your Council packet. <u>First</u>, **Ordinance No. 013-16** is titled, "An Ordinance Adopting a New City Investment Policy in and for the City of Napoleon, Ohio (Investment Policy No. IP 16-0003); Repealing Ordinance No. 87-99 and Policy No. 0002 as Was Periodically Amended." This legislation authorizes the City of Napoleon to adopt a new investment policy. Greg Heath, Finance Director, can provide answers to questions at the meeting as necessary. There is no need for suspension of the rules or emergency passage with this legislation.
- (2) Second, Resolution No. 014-16 is titled, "A Resolution Approving Revision No. 3 to the Contract with the Henry County General Health District; City Contract No. 2016-13; and Declaring an Emergency." As you can see from the Resolution, there is a long contractual history with the Henry County General Health District, with different entities involved. A District Licensing Council was created in 2002 in response to state legislation passed in late 2001. As part of that legislation, the District Licensing Council was responsible for appointing one (1) member to the Board of Health. State legislation was recently passed that allowed District Licensing Councils to be permissive, rather than mandatory. As such, the Henry County Board of Health officially dissolved the District Licensing Council effective March 31, 2016. As such, a new contract is needed in order to restore the number of Board of Health members appointed by the District Advisory Council to five (5). (When the District Licensing Council still existed, the District Advisory Council only appointed four (4) members to the District Board of Health of Henry County because the District Licensing Council appointed the fifth member). In summary, this legislation has no effect on the City – the City's long-standing responsibility for appointing two (2) Board of Health members remains unchanged. The seven (7) current members of the District Board of Health of Henry County are: Doug Lindsey, M.D.; Joel Miller; Sharon Miller; Roger Richard; Alice Schwiebert, R.N.; Char Weber; and Al Wiederwohl. We have asked for suspension of the rules and emergency passage with this legislation in order for the contract to be signed and submitted to the Ohio Department of Health as soon as possible.

(3) Your Agenda will also show a second reading for **Ordinance No. 009-16**. This is the legislation memorializing the changes made to the Engineering Rules. There are no changes to this legislation from the first reading which took place on April 4, 2016. Assuming this legislation passes on second read at the April 18, 2016 Council Meeting, the final reading will take place at the May 2, 2016 Council Meeting.

As always, if you have any questions, please contact me.

Thank you.

/s/ Lisa L. Nagel City Law Director

#### **ORDINANCE NO. 013-16**

#### AN ORDINANCE ADOPTING A NEW CITY INVESTMENT POLICY IN AND FOR THE CITY OF NAPOLEON, OHIO (INVESTMENT POLICY NO. IP 16-0003); REPEALING ORDINANCE NO. 87-99 AND POLICY NO. 0002 AS WAS PERIODICALLY AMENDED

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

Section 1. That, the City adopts as the City's official Investment Policy, Investment Policy No. IP 16-0003 currently on file in the office of the City Finance Director, having been recommended by the Finance Director and the Finance and Budget Committee of Council, and having been reviewed by this Council.

Section 2. That, Investment Policy No. IP 16-0003 may be amended from time to time by motion of Council.

Section 3. That, Ordinance No. 87-99 and Investment Policy No. 0002, as well as later amendments thereto, are repealed.

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

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

Section 6. That, upon passage, this Ordinance shall take effect at the earliest time permitted by law.

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

Travis B. Sheaffer, Council President

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

Jason P. Maassel, 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. 013-16 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_

*\_\_\_\_\_; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.* 

Gregory J. Heath, Clerk/Finance Director



## CITY OF NAPOLEON, OHIO

# INVESTMENT POLICY IP16-0003

#### ORDINANCE EFFECTIVE DATE – \_\_\_\_\_, 2016

Policy Updates: - New Policy by Ordinance No. -16, passed / /2016

NEW POLICY APPROVED AND ADOPTED BY CITY COUNCIL IN ORDINANCE NO.\_\_\_-16, passed \_\_/\_/2016, Effective \_\_/\_/2016

Repealing <u>Ordinance 87-99, Passed November 15, 1999,</u> INCLUDING ALL SUBSEQUENT AMENDMENTS THEREIN MADE BY MOTION OR LEGISLATION

Subsequent Policy Updates and Changes shall be approved by simple Motion of Council.

CITY OF NAPOLEON, OHIO 255 WEST RIVERVIEW AVENUE P.O. BOX 151 NAPOLEON, OHIO 43545-0151 PHONE: (419) 599-1235 FAX: (419) 599-8393 E-MAIL: gheath@napoleonohio.com

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#### **APPENDIX'S ATTACHED:**

APPENDIX A	- Chart of Accounts - Fund Listing
APPENDIX B	- Ordinance Authorizing Crediting of Interest
APPENDIX C	- Authorization to Invest (City and State Code Sections)
APPENDIX D	- Procedures Manual
APPENDIX E	- Ohio Ethics Law
APPENDIX F	- Authorized Brokers/Dealers, Banks and Advisors
APPENDIX G	- Ordinance Adopting Investment Policy

#### POLICY 0.0 PREFACE:

This document known as the Investment Policy (hereinafter referred to as **POLICY**), of the City of Napoleon, Ohio (hereinafter referred to as **CITY**), has been adopted and formally approved by the Legislative Body of the CITY, its City Council (hereinafter referred to as **COUNCIL**), in conjunction with the Revised Code of the State of Ohio as amended (hereinafter referred to as **ORC**), will govern the investments and the investment activities of the CITY.

#### POLICY 1.0 INVESTMENT POLICY MISSION STATEMENT:

It is the POLICY of the CITY to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the CITY, and conforming to all ORC and CITY statutes governing the investment of public funds.

#### POLICY 2.0 SCOPE:

This POLICY applies to all financial assets of the CITY. These funds are accounted for in the CITY's Comprehensive Annual Financial Report (hereinafter referred to as **CAFR**), and includes the following categories of funds:

#### 2.1 Fund Categories:

- 1) General Funds
- 2) Special Revenue Funds
- 3) Debt Service Funds
- 4) Capital Project Funds
- 5) Enterprise Funds
- 6) Internal Service and Agency Funds

See "**APPENDIX A**" for a detailed listing of Fund Numbers and Names. Fund income allocation is authorized by a separate City Ordinance and is attached as "**APPENDIX B**". These Appendixes shall be deemed automatically updated from time-to-time as funds are added or deleted. All new funds are established and approved by COUNCIL, or by State Legislative Action pursuant to the ORC.

#### POLICY 3.0 PRUDENCE AND DUE DILIGENCE:

Investments will be made with judgment and care--under circumstances then prevailing--which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

#### 3.1 Prudence:

The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio.

#### 3.2 Due Diligence:

Investment officials acting in accordance with written procedures of this INVESTMENT POLICY, and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes provided that deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

#### POLICY 4.0 OBJECTIVE:

The primary objectives, in priority order, of the CITY's investment activities shall be **Safety**, **Liquidity** and **Return on Investment**:

#### 4.1 Safety:

Safety of principal is the foremost objective of the investment program. Investments of the CITY shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will include steps to mitigate credit risk and interest rate risk.

- 1.) Credit Risk the CITY will minimize credit risk, the risk of loss due to the failure of the security issuer or backer, by:
  - A Limiting investments to the safest types of securities;
  - B Diversifying the investment portfolio so that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.
- 2.) Interest Rate Risk the CITY will minimize the risk that the market value of securities in the portfolio will fall due to changes in general interest rates, by:
  - A Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operation, thereby avoiding the need to sell securities on the open market prior to maturity;
  - B Investing a portion of operating funds primarily in shorter-term securities, money market mutual funds, or similar investment pools.

#### 4.2 Liquidity:

The CITY's investment portfolio will remain sufficiently liquid to enable the CITY to meet all operating requirements which might be reasonably anticipated.

#### 4.3 Return on Investment:

The CITY's investment portfolio shall be designed with the objective of attaining a rate of return throughout budgetary and economic cycles, commensurate with the CITY's investment risk constraints and the cash flow characteristics of the portfolio.

#### POLICY 5.0 DELEGATION OF AUTHORITY AND INVESTMENT PROCEDURES:

Authority to manage the CITY's investment program is derived from the following: City Charter, Article 5, Section 5.03 and City Administrative Code of Ordinances - Chapter 137 all sections, and related sections of the ORC Chapters 135 and 731 (Sections 135.14 through 135.182, and Sections 731.57 to 731.59). All items listed are attached as "**APPENDIX C**". This Appendix shall be deemed updated from time-to-time as changes occur to those sections listed.

#### 5.1 Management Responsibility:

Management responsibility for the investment program is hereby delegated to the Finance Director (hereinafter referred to as **DIRECTOR**), who shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials. Pursuant to Section 137.03 of the City Administrative Code, in the absence of the DIRECTOR, the designated ACTING FINANCE DIRECTOR is authorized to take those actions on behalf of the CITY that are delegated to the DIRECTOR.

The DIRECTOR and his/her Assistants shall participate in any beginning and/or continuing education training programs sponsored by the Treasurer of the State of Ohio, the Auditor of State of Ohio, or any professional association such as the Government Finance Officers Association (GFOA) or the Ohio Association of Public Treasurers (OAPT). Through participation in such programs, the DIRECTOR and his/her Assistants will develop and maintain an enhanced background and working knowledge in investment, cash management, and ethics.

#### 5.2 Investment Procedures:

The DIRECTOR shall establish written procedures for the operation of the investment program consistent with this POLICY. The procedures should include reference to: safekeeping, PSA repurchase agreements, wire transfer agreements, banking service contracts and collateral/depository agreements. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. The ACTING FINANCE DIRECTOR is authorized to execute investment transactions, or delegate such authority, in the absence of the DIRECTOR. No person may engage in an investment transaction except as provided under the terms of this POLICY and following the procedures established by the DIRECTOR. Procedures are attached as "**APPENDIX D**". This Appendix shall be deemed updated from time-to-time as changes occur.

#### POLICY 6.0 ETHICS AND CONFLICTS OF INTEREST:

#### 6.1 Ethics:

All State of Ohio ORC Ethics Laws and related statutes, see attached "**APPENDIX E**", shall apply to those with the responsibility and authority of investment transactions. This Appendix shall be deemed updated from time-to-time as changes occur.

#### 6.2 Conflicts of Interest:

Investment officials and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Investment officials and employees shall disclose to COUNCIL any material financial interests in financial institutions that conduct business within this jurisdiction, and they shall further disclose any large personal financial/investment positions that could be related to the performance of the CITY.

#### POLICY 7.0 AUTHORIZED FINANCIAL DEALERS, ADVISORS & INSTITUTIONS:

The DIRECTOR will maintain a list of Financial Institutions and Advisors authorized to provide investment services to the City. See attached list "**APPENDIX F**" for approved financial institutions, advisors and dealers. This Appendix shall be updated from time-to-time as institutions or dealers are added or deleted.

#### 7.1 Investment Advisors:

The CITY may engage the services of an investment advisor (hereinafter referred to as ADVISOR) to assist in the management of the CITY investment portfolio in a manner consistent with the CITY objectives. Such investment advisor may be granted discretion to purchase and sell investment securities in accordance with this investment policy. The investment advisor must be licensed by the division of securities under section 1707.141 of ORC or registered with the Securities & Exchange Commission, and possess experience in public funds investment management specifically in the area of state and local government investment portfolios, or the investment advisor is an eligible institution as mentioned in section of 135.03 of the ORC.

#### 7.2 Annual Review:

The investment advisor must enter into a written investment advisory agreement with the CITY. The investment advisor must supply a copy of their Form ADV Part 2, or make a copy available, on an annual basis. In addition, the investment advisor must provide a periodic update to the CITY of the investment strategy, activity and portfolio metrics. Such update will be scheduled upon the request of the CITY on an annual basis, at a minimum.

#### 7.3 Public Depository:

No public deposit shall be made except in a qualified public depository as established by laws of the State of Ohio.

#### 7.4 Policy Verification:

The State of Ohio requires a copy of this POLICY to be forwarded to each investment advisor, bank, broker or dealer doing investment transactions with the CITY. Their signature will be required indicating that they have received, read, understand, and will abide by its contents when recommending or selling investments to the CITY. The CITY and/or ADVISOR will develop and provide an authorization form for this verification process.

#### POLICY 8.0 AUTHORIZED & SUITABLE INVESTMENTS:

The DIRECTOR is empowered to invest in any security specifically approved as a part of this POLICY, listed below, and any security listed in the ORC, Chapter 135, that may be amended from time-to-time. The DIRECTOR and/or ADVISOR may obtain competitive quotes for each investment transaction. Eligible obligations include but are not limited to:

#### 8.1 Obligations of the United States Government:

Bonds, notes, or other obligations of or guaranteed by the United States, or those of which the faith of the United States is pledged for the payment of the principal and interest thereon. This will include:

- 1) U.S. Treasury Bills;
- 2) U.S. Treasury Notes;
- 3) U.S. Treasury Bonds;
- 4) U.S. Treasury Strips.

#### 8.2 Instrumentalities of the Federal Government:

Bonds, notes, debentures, or any obligations or securities issued by any federal government agency or instrumentality. All federal government agency or instrumentality securities must be direct issuances of the federal government agency or instrumentality. Issuers include:

- 1) Federal Farm Credit Bank;
- 2) Federal Home Loan Bank;
- 3) Federal Home Loan Mortgage Corporation;
- 4) Federal National Mortgage Association.

#### 8.3 Commercial Paper:

Commercial Paper issued by any corporation incorporated under the laws of the United States or any state for which the following conditions apply:

- 1) Rated at the time of purchase in the single highest classification by two nationally recognized rating agencies.
- 2) The aggregate value of the notes does not exceed ten per cent of the aggregate value of the outstanding commercial paper of the issuing corporation.
- 3) Any investment in commercial paper of a single issuer shall not exceed 5% of the CITY investment portfolio at time of purchase.
- 4) The maximum maturity is 270 days.
- 5) The combined total invested in commercial paper and bankers acceptances is limited to 40% of the CITY investment portfolio at time of purchase.

#### 8.4 Banker's Acceptances:

Banker's acceptances of banks insured by the Federal Deposit Insurance Corporation (FDIC) for which the following conditions apply:

1) The maximum maturity is 270 days.

2) The combined total invested in commercial paper and bankers acceptances is limited to 40% of the CITY investment portfolio at time of purchase.

#### 8.5 Master Repurchase Agreements:

Repurchase Agreements with banks or institutions that have signed a written "Master Repurchase Agreement" which is on file with the CITY and are eligible for investment under State of Ohio statutes.

#### 8.6 Certificates of Deposit:

Interim deposits in the eligible institutions applying for interim monies as provided in Section 135.08 of the ORC. The award of interim deposits shall be made in accordance with Section 135.09 of the ORC.

This includes investments in Certificates of Deposit with FDIC insurance coverage on the full amount of deposit plus accrued interest administered through the Certificate of Deposit Account Registry Service (CDARS). Eligibility of this investment is outlined in ORC.135.144 and would also apply to any other program that is deemed to meet the requirements of such statute.

#### 8.7 Municipal Securities:

Bonds and other obligations of the State or its political subdivisions provided that, with respect to bonds or other obligations of political subdivisions, all of the following apply:

- 1) The bonds or other obligations are payable from general revenues of the political subdivision and backed by the full faith and credit of the political subdivision.
- 2) The bonds or other obligations are rated at the time of purchase in the three highest classifications established by at least one nationally recognized standard rating service and purchased through a registered securities broker or dealer.
- 3) The aggregate value of the bonds or other obligations does not exceed 20% of the City's investment portfolio at the time of purchase.
- 4) The CITY is not the sole purchaser of the bonds or other obligations at original issuance.

#### 8.8 Money Market Mutual Funds:

No-load money market mutual funds consisting exclusively of securities described in paragraphs 8.1 and 8.2 of this Section and repurchase agreements secured by such obligations, provided that the investments in securities described in the division are made only through eligible institutions mentioned in Section 135.03 of the ORC. 8.9 Other Suitable Investments:

- 1) The Ohio State Treasurer's Asset Reserve Fund (STAR Ohio).
- 2) The STAR Plus Federally Insured Cash account.

#### POLICY 9.0 COLLATERALIZATION:

Collateralization will be required on two types of investments: CD's and repurchase (and reverse) agreements.

#### 9.1 Certificates of Deposit:

CD's must be backed by collateral with a market value of at least one hundred five percent (105%) of pooled collateral of the certificate's value, less FDIC, by a surety bond, or other as allowed by ORC.

#### 9.2 Collateral Holding:

The collateral for certificates of deposit may be held by a third party, or in a separate trust account, or in a pool of securities as defined in Chapter 135 of the ORC. Specific collateral issued will always be held by an independent third party with whom the CITY has a current custodial agreement. A clearly marked evidence of ownership (safekeeping receipt) must be supplied to the CITY and retained. The right of collateral substitution is granted.

The CITY's demand deposit accounts may be placed in an account which meets the pooled collateral requirements stated in ORC Chapter 135. In this case, the collateral may be held by the institution at which the active funds are deposited.

#### 9.3 Repurchase Agreements:

A Master Repurchase Agreement must be entered into between the CITY and the bank or broker/dealer covering any investments in repurchase agreements.

The individual securities which collectively are the subject of a repurchase agreement become the property of the CITY for the period of the agreement and are to be held by a third party for safekeeping. In order to anticipate market changes and provide a level of security for all funds invested under a repurchase agreement, the collateralization level will be one hundred two percent (102%) of the market value of principal and accrued interest.

#### POLICY 10.0 SAFEKEEPING AND CUSTODY:

All security transactions, including specific collateral for repurchase agreements, entered into by the CITY, except CD's, shall be conducted on a <u>delivery-versus-</u> <u>payment (DVP)</u> basis. Securities will be held by a third party custodian designated by the DIRECTOR and evidenced by safekeeping receipts.

#### POLICY 11.0 DIVERSIFICATION:

The CITY will consider diversification in its investments by security type and institution. Portfolio allocations by percentage of total funds available at time of investments are:

1)	U.S. Government Guaranteed Obligations	100%
2)	Obligations of Federal Instrumentality's	100%
3)	Certificates of Deposits	100%
4)	Repurchase Agreements	100%
5)	Star Ohio (Authorized Pool)	100%
6)	Commercial Paper & Banker's Acceptances Combined	40%
7)	Commercial Paper per Issuer	5%
8)	Municipal Securities	20%
9)	Money Market Mutual Funds	100%
10	) Star Ohio or Star Plus	100%

#### POLICY 12.0 PROHIBITED INVESTMENT PRACTICES:

The CITY is prohibited by state law from investment in stripped principal or interest obligations, reverse purchase agreements and derivatives. The issuance of taxable notes for the purpose of arbitrage, as well as the use of leverage and short term selling is also prohibited.

#### POLICY 13.0 MAXIMUM MATURITIES:

To the extent possible, the CITY will attempt to match its investments with anticipated cash flow requirements.
# 13.1 Maximum Maturity:

The maximum maturity for any investment including certificates of deposit but excluding commercial paper and banker's acceptances will be five (5) years from the date of purchase unless, as per the ORC, the investment is matched to a longer term liability of the CITY. Commercial paper and banker's acceptances are limited to a maximum maturity of 270 days.

Investments shall be made with the reasonable expectation they can be held to maturity. Securities may be redeemed or sold prior to maturity to meet additional liquidity needs, to enhance the yield of the portfolio, to re-structure the portfolio or to realize any capital gains.

# POLICY 14.0 INTERNAL CONTROLS:

The DIRECTOR shall establish an annual process of independent review by an external auditor. This review will provide internal controls by assuring compliance with policies and procedures. Annual Audits are directed or performed by the State of Ohio, State Auditors Office.

# POLICY 15.0 PERFORMANCE STANDARDS:

The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow needs.

# 15.1 Market Yield- Benchmark:

The entity's investment strategy is active. Given this strategy, the basis used by the DIRECTOR to determine whether market yields are being achieved shall be the one year U.S. Treasury Bill.

# POLICY 16.0 REPORTING:

The DIRECTOR shall provide COUNCIL, at a minimum, quarterly investment reports which provide a clear picture of the status of the current investment portfolio. The reports should include comments on the fixed income markets and economic conditions, discussions regarding restrictions on percentage of investment by categories, possible changes in the portfolio structure going forward and thoughts on investment strategies.

# 16.1 Reporting Format:

Schedules in the quarterly report should include the following:

- 1) A detailed listing of individual securities held at the end of the reporting period by authorized investment category.
- 2) Average life and final maturity of all investments listed.
- 3) Coupon, discount or earnings rate.

- 4) Par value, Amortized Book Value and Market Value as applicable.
- 5) Percentage of the Portfolio represented by each investment category.

# POLICY 17.0 INVESTMENT POLICY ADOPTION:

The CITY's POLICY shall be adopted by Ordinance of the CITY's legislative authority, see "**APPENDIX G**". This POLICY may be reviewed annually by the COUNCIL and modifications made thereto must be approved by the COUNCIL on a simple Motion.

# POLICY 18.0 SIGNATURES (APPOINTING AUTHORITY):

	/S/	
Monica S. Irelan, City Manager	Monica S. Irelan, City Manager	
	/S/	
Gregory J. Heath, Finance Director	Gregory J. Heath, Finance Director	

# **APPROVED AS TO FORM**

<u>/S/</u>

Lisa L. Nagel, Law Director

Lisa L. Nagel, Law Director

## POLICY 19.0 GLOSSARY:

Agencies: Federal agency securities and/or Government-sponsored enterprises.

**Asked:** The price at which securities are offered.

**Bankers' acceptance (BA):** A draft or bill or exchange accepted by a bank or trust company. The accepting institution guarantees payment of the bill, as well as the issuer.

**Bid:** The price offered by a buyer of securities. (When you are selling securities, you ask for a bid.) See Offer.

**Broker:** A broker brings buyers and sellers together for a commission.

**Certificate of Deposit (CD):** A time deposit with a specific maturity evidenced by a certificate. Large-denomination CD's are typically negotiable.

**Collateral:** Securities, evidence of deposit or other property which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public funds.

**Comprehensive Annual Financial Report (CAFR):** The official annual report for the City of Napoleon, Ohio. It includes five (5) combined statements for each individual fund and account group prepared in conformity with GAAP. It also includes supporting schedules necessary to demonstrate compliance with finance- related legal and contractual provisions, extensive introductory material, and a detailed Statistical Section.

**Coupon:** 1.) The annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value. 2.) A certificate attached to a bond evidencing interest due on a payment date.

**Dealer:** A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.

**Debenture:** A bond secured only by the general credit of the issuer.

**Delivery Versus Payment:** There are two (2) methods of delivery of securities: delivery versus payment and delivery versus receipt. Delivery versus payment is delivery of securities with an exchange of money for the securities. Delivery versus receipt is delivery of securities with an exchange of a signed receipt for the securities.

**Discount:** The difference between the cost price of a security and its maturity when quoted at lower than face value. A security selling below original offering price shortly after sale also is considered to be at a discount.

**Discount securities:** Non-interest bearing money market instruments that are issued a discount and redeemed at maturity for full face value, e.g. U.S. Treasury Bills.

**Diversification:** Dividing investment funds among a variety of securities offering independent returns.

**Federal Credit Agencies:** Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, e.g., S&L's, small business firms, students, farmers, farm cooperatives, and exporters.

**Federal Deposit Insurance Corporation (FDIC):** A federal agency that insures bank deposits, currently up to \$100,000 per deposit.

**Federal Farm Credit Banks (FFCB):** The Federal Farm Credit Banks Funding Corporation is an integral part of the Farm Credit System, a leading provider of loans, leases and services to rural communities and U.S. agriculture. The Farm Credit System is a government sponsored enterprise, created in 1916 and dedicated to assuring a steady source of financing to qualified borrowers. The Funding Corporation issues highly rated notes and bonds on behalf of the four Banks of the Farm Credit System: AgFirst FCB, AgriBank, FCB of Texas and CoBank, ACB and partners with a select group of dealers to market and distribute the securities to investors in the United States and around the world.

**Federal Funds Rate:** The rate of interest at which Fed funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

**Federal Home Loan Banks (FHLB):** Government sponsored wholesale banks (currently 12 regional banks) which lend funds and provide correspondent banking services to member commercial banks, thrift institutions, credit unions and insurance companies. The mission of the FHLB's is to liquefy the housing related assets of its members who must purchase stock in their district Bank.

**Federal Home Loan Mortgage Corporation (FHLMC):** The Federal Home Loan Mortgage Corporation (FHLMC), known as Freddie Mac, is a stock-holder owned government-sponsored enterprise (GSE). The FHLMC was created in 1970 to expand the secondary market for mortgages in the US. Along with the Federal National Mortgage Association (Fannie Mae), Freddie Mac buys mortgages on the secondary market, pools them, and sells them as a mortgage-backed security to investors on the open market. In addition Freddie Mac issues general debt obligations to fund its working capital requirements. Freddie Mac's securities are highly liquid and widely accepted.

**Federal National Mortgage Association (FNMA):** FNMA, like GNMA was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. Fannie Mae, as the corporation is called, is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans, in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest.

**Federal Open Market Committee (FOMC):** Consists of seven members of the Federal Reserve Board and five (5) of the twelve (12) Federal Reserve Bank Presidents. The President of the New York Federal Reserve Bank is a permanent member, while the other Presidents serve on a rotating basis. The Committee periodically meets to set Federal Reserve guidelines regarding purchases and sales of Government Securities in the open market as a means of influencing the volume of bank credit and money.

**Federal Reserve System:** The central bank of the United States created by Congress and consisting of a seven (7) member Board of Governors in Washington, D.C., 12 regional banks and about 5,700 commercial banks that are members of the system.

**Generally Accepted Accounting Practice (GAAP):** Generally Accepted Accounting Practice for local governmental entities.

**General Purpose Financial Statements (GPFS):** General Purpose Financial Statements prepared for the entity reporting financial status.

**Government National Mortgage Association (GNMA or Ginnie Mae):** Securities influencing the volume of bank credit guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations, and other institutions. Security holder is protected by full faith and credit of the U.S. Government. Ginnie Mae securities are backed by the FHA, VA or FMHM mortgages. The term "pass-through" is often used to describe Ginnie Maes.

**Liquidity:** A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable size can be done at those quotes.

**Local Government Investment Pool (LGIP):** The aggregate of all funds from political subdivisions that are placed in the custody of the State Treasurer for investment and reinvestment.

**Market Value:** The price at which a security is trading and could presumably be purchased or sold.

**Master Repurchase Agreement:** A written contract covering all future transactions between the parties to repurchase--reverse repurchase agreements that establish each party's rights in the transactions. A master agreement will often specify, among other things, the right of the buyer-lender to liquidate the underlying securities in the event of default by the seller-borrower.

**Maturity:** The date upon which the principal or stated value of an investment becomes due and payable.

**Money Market:** The market in which short-term debt instruments (bills, commercial paper, bankers' acceptances, etc.) are issued and traded.

**Municipal Securities:** A general term referring to a bond, note, warrant, certificate of participation or other obligation issued by a state or local government or their agencies or authorities (such as cities, towns, villages, counties or special districts or authorities). A prime feature of most municipal securities is that interest or other investment earnings on them are generally excluded from gross income of the bondholder for federal income tax purposes. Some municipal securities are subject to federal income tax, although the issuers or bondholders may receive other federal tax advantages for certain types of taxable municipal securities.

**Offer:** The price asked by a seller of securities. (When you are buying securities, you ask for an offer.) See Asked and Bid.

**Open Market Operations:** Purchases and sales of government and certain other securities in the open market by the New York Federal Reserve Bank as directed by the FOMC in order to influence the volume of money and credit in the economy. Purchases inject reserves into the bank system and stimulate growth of money and credit; sales have the opposite effect. Open market operations are the Federal Reserve's most important and most flexible monetary policy tool.

Portfolio: Collection of securities held by an investor.

**Primary Dealer:** A group of government securities dealers who submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC) registered securities broker-dealers, banks and a few unregulated firms.

**Prudent Person Rule:** An investment standard. In some states the law requires that a fiduciary, such as a trustee, may invest money only in a list of securities selected by the custody state--the so-called legal list. In other states the trustee may invest in a security if it is one which would be bought by a prudent person of discretion and intelligence who is seeking a reasonable income and preservation of capital.

**Qualified Public Depositories:** A financial institution which does not claim exemption from the payment of any sales or compensating use or ad Valorem taxes under the laws of this state, which has segregated for the benefit of the commission eligible collateral having a value of not less than its maximum liability and which has been approved by the Public Deposit Protection Commission to hold public deposits; as established by laws of the State of Ohio.

**Rate Of Return:** The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond the current income return.

**Repurchase Agreement (RP OR REPO):** A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date. The security "buyer" in effect lends the "seller" money for the period of the agreement, and the terms of the agreement are structured to compensate him for this. Dealers use RP extensively to finance their positions. Exception: When the Fed is said to be doing RP, it is lending money that is, increasing bank reserves.

**Safekeeping:** A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank's vaults for protection.

**Secondary Market:** A market made for the purchase and sale of outstanding issues following the initial distribution.

**Securities & Exchange Commission:** Agency created by Congress to protect investors in securities transactions by administering securities legislation.

Sec Rule 15c301: See Uniform Net Capital Rule.

**Structured Notes:** Notes issued by Government Sponsored Enterprises (FHLB, BNMA, SLMA, etc.) And Corporations which have imbedded options (e.g., call features, step-up coupons, floating rate coupons, floating rate coupons, derivative-based returns) into their debt structure. Their market performance is impacted by the fluctuation of interest rates, the volatility of the imbedded options and shifts in the shape of the yield curve.

**Treasury Bills:** A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three (3) months, six (6) months, or one (1) year.

**Treasury Bonds:** Long-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities of more than ten (10) years.

**Treasury Notes:** Medium-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities from two (2) to ten (10) years.

**Treasury Strips:** Treasury STRIPS are fixed-income securities sold at a significant discount to face value and offer no interest payments because they mature at par. STRIPS is the acronym for Separate Trading of Registered Interest and Principal of Securities. STRIPS let investors hold and trade the individual interest and principal components of eligible Treasury notes and bonds as separate securities. When a Treasury fixed-principal note or bond or a Treasury inflation-protected security (TIPS) is stripped through the commercial book-entry system each interest payment and the principal payment becomes a separate zero-coupon security. Each component has its own identifying number and can be held or traded separately. STRIPS are not issued or sold directly to investors. STRIPS can be purchased and held only through financial institutions and government securities brokers and dealers.

**Uniform Net Capital Rule:** Securities and Exchange Commission requirement that member firms as well as non-member broker-dealers in securities maintain a maximum ratio of indebtedness of liquid capital of 15 to 1; also called net capital rule and net capital ratio. Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

Yield: The rate of annual income return on an investment, expressed as a percentage.

1.) *Income Yield* is obtained by dividing the current dollar income by the current market price for the security.

2.) *Net Yield* or *Yield To Maturity* is the current income yield minus any premium above par or plus any discount from par in purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

#### **RESOLUTION NO. 014-16**

# A RESOLUTION APPROVING REVISION NO. 3 TO THE CONTRACT WITH THE HENRY COUNTY GENERAL HEALTH DISTRICT; CITY CONTRACT NO. 2016-13; AND DECLARING AN EMERGENCY

**WHEREAS**, the District Advisory Council of Henry County, Ohio, a General Health District, at a Regular meeting held March 6, 1952, by a majority vote of the representatives of the total number of townships and villages entitled to representation did vote affirmatively on the question of union with the City Health District of Napoleon, Ohio, and did instruct the chairman of the advisory council to enter into a contract with the Mayor of the said City to provide public health services; and,

**WHEREAS**, the Council of the City of Napoleon, at a regular meeting held March 6, 1952, by a majority of all members voting affirmatively on the question of uniting with the Henry County General Health District, by the passage of Resolution No. 8, did authorize the Mayor of said City to enter into a contract with the chairman of the District Advisory Council for public health services for said City; and,

**WHEREAS**, the parties to this amendment agreement entered into a contract dated March 6, 1952, for the union of the Napoleon City Health District with the Henry County Combined General Health District to form a Combined General Health District to be known as the "Henry County General Health District"; and,

WHEREAS, on or about March 6, 1956, another agreement was entered into by the parties; however, the agreement was never adopted by formal resolution or ordinance of City Council, merely, by simple motion; thereby not constituting a proper adoption; and,

**WHEREAS**, the parties entered into revised contract in the month of August, 1987, thereby amending the original March 6, 1952 agreement, in order to reflect an increase to seven the number for the Combined Board Membership; and,

WHEREAS, in the year 1991, via the passage of Ordinance No. 58-91, the Napoleon City Council in the spirit of cooperation authorized an agreement where payment was made to the Henry County Commissioners by the City in the amount of \$60,628.50 to pay for a portion of the capital costs of constructing and remodeling the office of the Combined General Health District at the location of the Hahn Center; and,

**WHEREAS**, in the year 1989, a special levy not to exceed ten (10) years was passed by the voters of Henry County for the Health Department, thereby satisfying the budget requirements set forth in Section 3709.28 of the Ohio Revised Code; and,

**WHEREAS**, in the year 1998, to take effect in the year 1999, another special levy (or renewal) not to exceed ten (10) years (1 mill) was passed by the voters in regards to the Health Department, thereby satisfying the budget requirements set forth in Section 3709.28 of the Ohio Revised Code; and,

**WHEREAS**, in the year 2002, to be collected in the calendar year 2003, another special levy was passed by the voters not to exceed ten (10) years, to replace the existing levy, and to provide for the general operation of the Henry County Health District at a rate not to exceed 1.2 mills; and,

WHEREAS, Ohio legislation known as Substitute Senate Bill 136, which became effective November 21, 2001, made a number of changes pertaining to general health districts, and, in particular, changed the statutory scheme by requiring inclusion on each board of health of a member who represents the activities licensed by the Board of Health. Specifically, O.R.C. §§3709.41 and 3709.07 were amended to provide for a Health District Licensing Council in each Ohio General Health District and that the Board of Health have as one of its members a member appointed by the Health District Licensing Council; and,

**WHEREAS**, the original contract needed to be revised to conform with this new legislation so as to provide that one of the members of the Board of Health of the Henry County Combined General Health District be a member appointed by the Health District Licensing Council, and to clarify the payment of operation costs, and to prohibit termination of the agreement during the period a health levy is in existence; and,

**WHEREAS**, the District Advisory Council of the Henry County General Health District, at a meeting held February 2, 2002, by a majority affirmative vote of the members of the District Advisory Council on the question of the amendment, did instruct the Chairman of the District Advisory Council to enter into an agreement with the chief executive of the City of Napoleon to amend the existing contract; and,

**WHEREAS**, the Council of the City of Napoleon, at a meeting held November 3, 2003, by a majority affirmative vote on the question of the amendment, did authorize the chief executive of the City of Napoleon to enter into an agreement with the chairman of the District Advisory Council to amend the existing contract; and,

**WHEREAS**, the original contract was, on or about December 3, 2003, pursuant to agreement, revised to conform with this new legislation so as to provide that one of the members of the Board of Health of the Henry County Combined General Health District be a member appointed by the Health District Licensing Council, and to clarify the payment of operation costs, and to prohibit termination of the agreement during the period a health levy is in existence; and,

**WHEREAS**, in the year 2012, to be collected in the year 2013, a renewal levy was passed by the voters not to exceed five (5) years, to replace the existing levy, and to provide for the general operation of the Henry County Health District at a rate not to exceed 1.2 mills; and,

**WHEREAS**, the 31<sup>st</sup> Ohio General Assembly amended O.R.C. §§3709.41 and 3709.07 to make the establishment of a Health District Licensing Council permissive, rather than mandatory, effective September 15, 2015. Specifically, these statutes were amended to state that the existence of a Health District Licensing Council in each Ohio General Health District is no longer mandatory and the Board of Health, by implication, is no longer required to have as one of its members a member appointed by the Health District Licensing Council; and

**WHEREAS**, the original contract again needs to be revised to conform with O.R.C. §§3709.41 and 3709.07, as amended which state that the existence of a Health District Licensing Council in each Ohio General Health District is no longer mandatory, and that the Board of Health, by implication, is no longer required to have as one of its members a member appointed by the Health District Licensing Council, and to clarify the

payment of operation costs, and to prohibit termination of the agreement during the period of a health levy is in existence; and

**WHEREAS**, the District Advisory Council of the Henry County General Health District, at a meeting held March 29, 2016, by a majority affirmative vote of the members of the District Advisory Council on the question of the amendment, did instruct the Chairman of the District Advisory Council to enter into an agreement with the chief executive of the City of Napoleon to amend the existing contract to establish that the existence of a Health District Licensing Council in each Ohio General Health District is no longer mandatory and the Board of Health, by implication, is no longer required to have as one of its members a member appointed by the Health District Licensing Council; and,

#### Now Therefore,

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

Section 1. That, the City Manager is hereby authorized to enter into Revised Agreement No. 3 with the Henry County General Health District, Contract No. 2016-13, currently on file in the office of the City Finance Director.

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

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

Section 4. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time so that the signed contract can be submitted to the Ohio Department of Health; 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:	
	Jason P. Maassel, Mayor
VOTE ON PASSAGE Yea	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. 014-16 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. 009-16**

# AN ORDINANCE AMENDING THE CITY OF NAPOLEON, OHIO ENGINEERING DEPARTMENT RULES AND REGULATIONS, TO WIT: VARIOUS SECTIONS IN RULES 3, 4, 5, 6, AND 7

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

**Section 1.** That, Rule 3.2.5 (Preliminary Construction Plan Requirements) of the City Engineering Department Rules and Regulations found in Document NO. CNER98-1 is hereby amended and enacted as follows:

#### PRELIMINARY CONSTRUCTION PLAN REQUIREMENTS

Four (4) copies of the preliminary construction plans shall be submitted by the Owner, Developer or their Agent to the Zoning Administrator who shall submit two (2) copies to the City Engineer and shall be subject to and/or contain the following: (the Preliminary Plat may be used as the base map for the preliminary construction plan).

The name of the Subdivision (or development), the name of the Owner or Developer, and the name and seal of the Professional Engineer and Professional Surveyor registered in the State of Ohio preparing the plans.

The scale of the preliminary plans shall not be smaller than one inch (1") equals one hundred feet (100').

The preliminary plan shall be submitted on twenty-four inch (24") by thirty-six inch (36") sheets electronically in .pdf format.

Location of development by Section, Township, and Range. (Amended – August 7, 2006 – Ordinance No. 062-06)

Scale of plan and north arrow.

Boundaries of the proposed development indicated by a heavy line including the bearing and distance for each line and monuments found or set.

Names of adjacent subdivisions and/or owners of record.

A location map of a scale not less than one inch (1") equals two thousand feet (2,000') showing the development in relationship to the corporation limits of the City of Napoleon.

Lot layout and location of existing and proposed utilities and structures.

Show location, widths and names of existing streets, railroad right-of-way, easements, parks, permanent buildings, corporation and township lines, location of wooded areas and other significant topographic and natural features within and adjacent to the proposed development.

Show street names and scaled dimensions for all proposed roads, alleys, easements (with purpose stated) and areas to be reserved for parks, schools, or other public uses.

Angles shall be shown where streets intersect at something other than ninety degrees  $(90^{\circ})$ .

Show the existing contours with the following intervals: Five feet (5') where the slope is greater than ten percent (10%). Two feet (2') where the slope is less than ten percent (10%). One foot (1') in flat areas.

Vertical Datum shall be USGS or NGS. (Amended – August 7, 2006 – Ordinance No. 062-06)

One (1) copy of <u>runoff drainage</u> calculations showing pre- and post-development storm water runoff for two (2), five (5) and ten (10) year storm events shall be submitted with the preliminary plans. If storm water retention or detention is required based upon these calculations, preliminary pond sizing shall be included as part of the submittal. <u>All</u> drainage calculations shall be prepared and sealed by a licensed engineer.

If the area is to be developed in phases, the preliminary plan shall be for the entire development. (*Amended – August 7, 2006 – Ordinance No. 062-06*)

After the approval of the preliminary plan by the City Engineer, a reproducible copy of the plan shall be placed on file with the City Engineering Department.

**Section 2.** That, Rule 3.2.6 (Detailed Construction Plans) of the City Engineering Department Rules and Regulations found in Document NO. CNER98-1 is hereby amended and enacted as follows:

Four (4)-One (1) sets of the detailed construction plans and specifications in .pdf format prepared by a Professional Engineer registered in the State of Ohio shall be submitted to the Zoning Administrator who shall submit two (2) sets distribute them to the City Engineer and other appropriate department heads.

The plans shall be on twenty four inch (24") by thirty six inch (36") sheets.

A title block shall be placed on each sheet showing the design engineer's name, the date when the drawing was done, the sheet number, the total number of sheets and a revision block.

There shall be a title sheet showing a location map, the name of the development, the name and signature of the owner; the name, signature and seal of the design engineer and a signature block for the approvals of the Mayor, the City Manager, and the City Engineer.

The plans shall include general notes, general summary, test boring locations and logs, intersection details and construction details.

Two (2)-One (1) electronic copiesy of the soil boring log and report, including recommendations for design and construction of streets, underground utilities and buildings, shall be submitted with the detailed construction plans.

Each plan and profile sheet shall have a north arrow and scales denoted and a minimum of one (1) site bench mark.

A note on the plans shall indicate that all work will be done in accordance with the latest ODOT Construction and Materials Specifications and with the City of Napoleon Standard Specifications for Construction.

All proposed improvements shall be shown in plan and profile.

All existing utilities and structures shall be shown in <u>the</u> plan and profile including, but not limited to, gas mains, storm and sanitary sewers, water mains and buried cables.

The type of pipe material, joints, strength, etc. shall be shown by ODOT, ASTM or AWWA nomenclature.

Details of special structures shall be included in the plans.

All property lines, dimensions, corporation limits, section lines, boundary lines, easements, and other survey lines shall be shown.

The location, description and elevation of all bench marks shall be shown on the appropriate sheets.

USGS or NGS Datum shall be used. (Amended – August 7, 2006 – Ordinance No. 062-06)

Indicate references for all existing section corners, street intersections, property corners, etc. that are relevant to the construction.

All supporting data including survey information, pavement design calculations, soil test results, storm sewer design and construction estimates, including a <u>fifteen-ten</u> percent (150%) contingency, shall be submitted with the detailed plans.

**Section 3.** That, Rule 3.3.4 (Site Plan Requirements) of the City Engineering Department Rules and Regulations found in Document NO. CNER98-1 is hereby amended and enacted as follows:

Three (3)- One (1) copyies of the site plan in electronic .pdf format shall be submitted by the Owner, Developer or their Agent to the Zoning Administrator who shall submit one (1) copy distribute it to the City Engineer and other appropriate department heads and shall be subject to and/or contain the following:

The name of the development, the name of the Owner, or Developer, and the name of the Engineer or Surveyor preparing the plans. (Amended – August 7, 2006 – Ordinance No. 062-06)

Scale of plan and north arrow.

Property lines including the bearing and distance for each line and monuments found or set.

Names of adjacent subdivisions and/or owners of record.

Location of existing and proposed utilities and structures.

Show location, widths and names of existing streets, railroad right-of-way, easements, permanent buildings, location of wooded areas and other significant topographic and natural features within and adjacent to the proposed development.

At a minimum, spot elevations shall be given for every one hundred (100) feet of surface to be developed.

Vertical Datum shall be defined on the drawings.

One (1) copy of <u>runoff\_drainage</u> calculations showing pre- and post-development storm water runoff for two (2), five (5) and ten (10) year storm events may be requested to be submitted with the preliminary plans, as determined by the City Engineer. If storm water

retention or detention is required based upon these calculations, preliminary pond sizing shall be included as part of the submittal.

If the area is to be developed in phases, the preliminary plan shall be for the entire development. (*Amended – August 7, 2006 – Ordinance No. 062-06*)

**Section 4.** That, Rule 3.3.5 (Fees) of the City Engineering Department Rules and Regulations found in Document NO. CNER98-1 is hereby amended and enacted as follows:

FEES (NOTE: 3.2.7 and 3.3.5 are not the same for Plan Review Fee)

The City Engineering Department shall charge a fee to the Owner or Developer to cover the cost of reviewing the Site Plan. A fee shall also be charged for Construction Inspection and Testing, if required.

# Site Plans

**Before the Construction Plan review is begun,** the Owner, Developer or their Agent must pay a fee of two hundred dollars (\$200.00), by check or money order payable to "City of Napoleon", noting "Engineering Plan Review". This fee is intended to cover the cost of reviewing the Site Plans. (*Amended – August 7, 2006 – Ordinance No. 062-06*)

# Inspection Fee Amounts

If construction inspection is performed by the City Engineering Department utilizing its own or contracted forces, as determined by the City Engineer, the Owner, Developer or their Agent shall: (*Amended – August 7, 2006 – Ordinance No. 062-06*)

- 1. Pay an amount equal to two percent (2%) of the estimated cost of construction (including contingencies) of all improvements to be connected to City utilities, as verified by the City Engineer, for the City to provide part-time inspection services; or, (*Amended August 7, 2006 Ordinance No. 062-06*)
- 2. In the event the owner or developer hires or utilizes its own inspector responsible for the supervision of construction during the construction period with the consent of the City Engineer, the inspector shall be a professional engineer registered in the State of Ohio or employed by a qualified engineering consulting firm. The inspector shall be responsible to submit construction reports to the City Engineer on a regular basis as determined by the City Engineer and notify the City Engineering Department a minimum of one (1) working day prior to when testing is to be performed. (*Amended August 7, 2006 Ordinance No. 062-06*)

**Section 5.** That, Rule 4.1.2 (Pavement Cross Section) of the City Engineering Department Rules and Regulations found in Document NO. CNER98-1 is hereby amended and enacted as follows:

Pavement for residential streets and parking lots shall include a minimum of one and one half inches (1½") of Asphalt Concrete Surface (ODOT Item 448 Type 1 Medium, PG 64-22), one and one half inches (1½") of Asphalt Concrete Intermediate (ODOT Item 448 Type 2 Medium, PG 64-22), three inches (3") of Bituminous Aggregate Base (ODOT Item 301 PG 64-22), and eight inches (8") of Compacted Aggregate Base (ODOT Item

304) installed in two (2) lifts. Subgrade stabilization fabric meeting the requirements of ODOT Item 712.09 Type D, soil type 2 (apparent opening size  $\leq 0.3$  mm) shall be required between the subgrade and the aggregate base. Heavier pavement designs shall be required for arterial streets and streets within commercial and industrial areas. (*Amended – August 7, 2006 – Ordinance No. 062-06*)

Rigid concrete pavements may also be utilized if approved by the City Engineer. The minimum residential concrete pavement shall be eight inches (8") of ODOT Item 499, Class "C" concrete over six inches (6") of Compacted Aggregate Base (ODOT Item 304) installed in two (2) lifts. Subgrade stabilization fabric meeting the requirements of ODOT Item 712.09 Type D, Soil type 2 (apparent opening size  $\leq 0.3$  mm) shall be required between the subgrade and the aggregate base. Heavier pavements shall be required for arterial streets and streets within commercial and industrial areas. (*Amended – August 7, 2006 – Ordinance No. 062-06*)

Except for those streets designated as arterial streets, the <u>minimum-standard</u> width of pavement shall be twenty-five <u>nine</u> feet (295') as measured from the back of curb with ODOT Type 2 concrete curb and gutter. ODOT Type 3 concrete curb and gutter may be utilized in new residential subdivisions. (*Amended – August 7, 2006 – Ordinance No. 062-06*)

The pavement width may be reduced to twenty-five feet (25') if existing right-of-way width prohibits standard width pavement and approved by the City Engineer.

Arterial streets shall be a minimum of thirty-three feet (33') in width as measured from the back of curb with ODOT Type 2 concrete curb and gutter. The concrete curb and gutter may be eliminated in industrial developments if approved by the City Engineer. Where curbs and gutters are eliminated, shallow grass drainage swales shall be provided along both sides of the roadway. (*Amended – August 7, 2006 – Ordinance No. 062-06*)

Streets shall be constructed with transverse slopes of one quarter inch  $(\frac{1}{4})$  per foot as measured from the centerline to the edge of asphalt. Parking lots shall be sloped to a point, or series of points, within the pavement so as not to shed storm water off of the site. Such slopes shall not be less than one percent (1%).

Six inch (6") nominal diameter perforated under drains shall be provided along both sides of pavement. Underdrain inverts shall be four feet (4') below the top of curb. The under drains shall be located directly under the back of curb. Where no curbs are to be constructed, the under drains shall be located directly beneath the edge of the proposed pavement and the invert shall be four feet (4') below the edge of pavement. (*Amended – August 7, 2006 – Ordinance No. 062-06*)

**Section 6.** That, Rule 4.1.3 (Sidewalks and Drive Approaches) of the City Engineering Department Rules and Regulations found in Document NO. CNER98-1 is hereby amended and enacted as follows:

Sidewalks shall be located along both sides of streets. Sidewalks shall be four inches (4") of ODOT Item 499, Class "C" concrete over <u>four six</u> inches (<u>64</u>") of Compacted Aggregate Base (ODOT Item 304) or Stabilized Crushed Aggregate (ODOT Item 411) except within five feet (5') of drive approaches and within the intersection of rights-of-ways. At drive approaches and intersections, sidewalks shall be six inches (6") of ODOT Class "C" concrete over four inches (4") of Compacted Aggregate Base (ODOT Item

304) or Stabilized Crushed Aggregate (ODOT Item 411). (Amended – August 7, 2006 – Ordinance No. 062-06)

Sidewalks shall be four feet (4') in width when located at least two feet (2') from the back of curb or edge of pavement, as applicable. Where within two feet (2') of the back of curb or edge of pavement, sidewalks shall be five feet (5') in width.

Sidewalks shall have a transverse slope no greater than one quarter inch  $(\frac{1}{4})$  per foot, nor a longitudinal slope greater than one inch (1) per foot.

Handicap ramps with curb drops shall be provided at all intersections. (Amended – August 7, 2006 – Ordinance No. 062-06)

Drive approaches for residential developments shall be a minimum six inches (6") of ODOT Item 499, Class "C" concrete over six inches (6") of Compacted Aggregate Base (ODOT Item 304) or Stabilized Crushed Aggregate (ODOT Item 411). Commercial drive approaches shall be no less than eight inches (8") of ODOT Item 499, Class "C" concrete over six inches (6") of Compacted Aggregate Base (ODOT Item 304) or 411 Stabilized Crushed Aggregate (ODOT Item 411). Minimum drive approach curb cuts shall be fourteen feet (14'). Mmaximum drive approach curb cuts shall be thirty feet (30') for residential drives. Both minimum and maximum curb cuts include three feet (3') wide drive wings on each side of the drive approach. No residential lot shall have more than one (1) drive unless approved by the City Engineer. (Amended – August 7, 2006 – Ordinance No. 062-06)

Commercial and industrial drive approaches shall have Type 2A concrete curb with radii in place of wings. Commercial drive approach widths shall be submitted for review by the City Engineer.

**Section 7.** That, Rule 4.1.6 (Storm Sewer Sizing) of the City Engineering Department Rules and Regulations found in Document NO. CNER98-1 is hereby amended and enacted as follows:

An overall drainage area layout plan showing the limits of the area contributing to each drainage pickup point shall be submitted with the detailed construction plans. The drainage design within the development shall be adequate to handle the entire contributing watershed area, along with its existing, proposed or probable future development, and not just the area being submitted for approval.

If the development is to be completed in phases, the overall drainage plan shall be submitted with the first set of detailed construction drawings and the storm outlet for the entire development shall be included for construction within the first phase.

Storm sewers shall be sized using the "Rational Method" (Q = CIA). The storm sewers shall be designed to flow just full for a five (5) year storm event. The hydraulic grade for each segment of sewer shall be checked by using the ten (10) year intensity-duration-frequency curve. The initial time of concentration (Tc) shall be not less than twenty (20) minutes.

The runoff coefficients (C) to be used shall be based on a weighted coefficient of runoff using the following ranges:

Type of Ground Cover	Runoff
or Development	Coefficient (C)
Concrete or Asphalt Pavements	0.90

Roof Areas	0.90
Gravel Roadways	0.50
Undeveloped Sites	0.20

Catch basin and curb inlet crossovers shall be twelve inch (12") nominal diameter and placed at no less than one percent (1%) slope.

Catch basins and curb inlets shall be constructed per the City of Napoleon Standard Construction Drawings.

Storm taps shall be provided for residential and commercial lots. Storm taps shall consist of a six inch (6") wye connected to the <u>storm sewer main pavement under drains and a</u> non-perforated and a six inch (6") <u>PVC</u> crossover extended to the right-of-way line for each building lot in a development. The location and the elevation of the storm tap at the right-of-way line shall be shown on the detailed plans. Storm taps shall be utilized as outlets for footer drains and sump pumps only. Downspouts shall outlet onto the ground surface.

Rear yard drainage shall be provided by means of drainage swales and/or catch basins located between lots.

Manholes shall be provided at intervals not to exceed four hundred feet (400'), at all changes in size, direction or grade, at the connection point between two (2) or more <u>mainline</u> sewers and at the upper terminus of the sewer.

A headwall with dump rock fill shall be provided at the outfall of a proposed storm sewer. Dump rock fill shall be ODOT Item 601.07 Type C.

The proposed outlet for the storm drainage system must be approved at the time of the preliminary plan. If a sufficient outlet or receiving stream is not available to carry all of the runoff from the watershed, a<u>A</u> method of on-site retention or detention of storm water shall be provided. Calculations for the sizing of a retention/detention pond or basin shall be based upon the following criteria:

Any increase in the volume of storm water runoff caused by site development shall be controlled such that the post-development peak rate of discharge does not exceed that of pre-development for all twenty-four (24) hour storms between the two (2) year frequency and the critical storm, as subsequently defined. In other words, when required, facilities shall be provided such that the volume of water equal to that produced under post-development conditions for the critical storm may be retained or detained on site while discharging at a rate not to exceed that produced by a two (2) year storm under pre-development conditions. <u>Pre-development conditions assumes all developments to be grass lots.</u>

The method by which the Owner or Engineer shall determine the changes in rates of runoff and runoff volumes is presented in Urban Hydrology for Small Watersheds (TR-55) as prepared by the US Department of Agriculture, Soil Conservation Service, Engineering Division and dated June, 1986. TR-55 is supplemented by the Ohio Supplement to Urban Hydrology for Small Watersheds.

To determine the critical storm for which control is required, the Owner or Engineer shall:

Calculate the storm water runoff for a two (2) year frequency, twenty-four (24) hour storm for undeveloped conditions (C = 0.20) and post-development of the site. The maximum allowable runoff from the proposed site shall be pre-development runoff.

Subtract the pre-development runoff from the post-development runoff and divide by the pre-development runoff to determine the percent of increase.

Determine the critical storm frequency for which for which storm water control is required from the following table:

Storm Frequency Requirements			
Equal to or	Less Than	Storm	
Greater Than	(%)	Frequency	
(%)		(Years)	
	20	2	
20	50	5	
50	100	10	
100	250	25	
250	500	50	
500		100	

Example (critical storm):

Development Area = 6.25 acres

Pre-development "C" = 0.230 August 7, 2006 – Ordinance No. 062-06)  $Post-development \ "C" = 0.80 \ {\it (Amended - }$ 

2 year, 24 Hour Rainfall = 2.60 inches (Table OH-1, TR-55 Ohio Supplement)

Q2A = (0.230)\*(2.0)\*(6.25) = 3.254.88 CFS Q2B = (0.80)\*(2.60)\*(6.25) = 13.00 CFS

(Q2B-Q2A)/(Q2A) = (13.00-3.254.88)/(3.254.88) = 3.01.66, or 300166%

Therefore, the critical storm is the <u>fifty</u> twenty five (250) year frequency, twenty-four (24) hour storm.

Develop a unit hydrograph of the critical storm for the proposed development, including a horizontal line at the rate of allowable discharge (Q2A). Calculate the area beneath the curve and above the horizontal line. This will equate to the volume of retention or detention required.

**Section 8.** That, Rule 4.2.2 (Sewer Extensions) of the City Engineering Department Rules and Regulations found in Document NO. CNER98-1 is hereby amended and enacted as follows:

If a development can be reasonably served by the extension of an existing sewer, as determined by the City Engineer, the Owner, Developer or their Agent may petition the City for the extension of said sewer. <u>All extensions shall be to the farthest end of the development and shall be at the cost of the developer</u>. (See also City of Napoleon Rules for Water and Sewer Service.)

**Section 9.** That, Rule 4.2.4 (Sanitary Sewer Services) of the City Engineering Department Rules and Regulations found in Document NO. CNER98-1 is hereby amended and enacted as follows:

Sanitary sewers shall be a minimum of eight inches (8") in diameter and shall be constructed with six inch (6") diameter service connections to within five feet (5') of the structure foundation for each proposed lot or unit within a development- and shall be extended from the sanitary sewer main to the right-of-way line. A six inch (6") diameter cleanout shall be required at the right-of-way line. (Amended – August 7, 2006 – Ordinance No. 062-06)

Service connections shall be constructed at no less than one percent (1%) slope, not greater than three percent (3%) slope and shall outlet directly into the sewer main, not into manholes unless authorized by the City Engineer. (*Amended – August 7, 2006 – Ordinance No. 062-06*)

Manholes shall be provided at intervals not to exceed four hundred feet (400'), at all changes in size, direction or grade, at the connection point between two (2) or more <u>mainline</u> sewers and at the upper terminus of the sewer.

Where oversizing of the proposed sanitary sewers is required by the City, the City shall pay the incremental cost of oversizing, as determined by the City Engineer, prior to construction. The oversizing of sanitary sewers to reduce the slope of the sewer and compensate for grade concerns is prohibited.

Prior to commencing with construction, the City Engineer shall receive one (1) copy of the Ohio EPA Permit to Install for the proposed sanitary sewers and an approved set of plans. Any construction commencing prior to the City Engineer receiving such documentation shall be subject to penalties as subsequently defined.

**Section 10.** That, Rule 4.3.2 (Water Main Extensions) of the City Engineering Department Rules and Regulations found in Document NO. CNER98-1 is hereby amended and enacted as follows:

If a development can be reasonably served by the extension of an existing water main, as determined by the City Engineer, the Owner, Developer or their Agent may petition the City for the extension of said water main. <u>All extensions shall be to the farthest end of the development and shall be at the cost of the developer.</u> (See also City of Napoleon Rules for Water and Sewer Service.)

**Section 11.** That, Rule 4.3.3 (Water Mains) of the City Engineering Department Rules and Regulations found in Document NO. CNER98-1 is hereby amended and enacted as follows:

Water mains shall be a minimum of eight inches (8") in diameter. <u>Six inch (6") diameter</u> water mains shall only be allowed if justified by the City of Napoleon's water model. All costs for modeling the proposed waterline shall be paid by the developer regardless of the findings.

Service connections shall be installed by the contractor responsible for the installation of the respective water mains.

Service connections shall be provided for each building lot within a development and shall be extended from the water main to the right-of-way line with a curb valve and box installed at the right-of-way line.

Service connections shall be sized based upon the water fixture unit demand as determined by current building codes. However, no service connections shall be less than one inch (1") diameter, Type K copper.

Water mains shall be "looped", where possible.

Where oversizing of the proposed water mains is required by the City, the City shall pay the incremental cost of oversizing, as determined by the City Engineer, prior to construction.

Valves shall be located as follows:

- 1. The lesser of not more than every five hundred feet (500') or at all intersections for commercial and industrial developments;
- 2. The lesser of not more than every eight hundred feet (800') or at all intersections for residential developments;
- 3. At all connections to existing water mains; and
- 4. At the end of all dead end water mains. Plugs shall also be provided at dead ends.

Fire hydrants shall be located as follows:

1. Every three hundred feet (300') for commercial and industrial developments;

- 2. Every five hundred feet (500') for residential developments; and
- 3. At the end of all dead end water mains.

Prior to commencing with construction, the City Engineer shall receive one (1) copy of the Ohio EPA Permit to Install for the proposed water mains and an approved set of plans. Any construction commencing prior to the City Engineer receiving such documentation shall be subject to penalties as subsequently defined.

**Section 12.** That, Rule 5.1 (Permits) of the City Engineering Department Rules and Regulations found in Document NO. CNER98-1 is hereby amended and enacted as follows:

The Owner or Developer shall obtain all applicable permits, including but not limited to, the Ohio EPA Permit to Install for water mains and sanitary sewers and building permits from the proper authorities, which may be necessary to proceed with the construction of the improvements.

Prior to commencing with construction, the City Engineer shall receive one (1) copy of the Ohio EPA Permit to Install for the proposed water mains and sanitary sewers along with an approved set of plans <u>in .pdf format</u>. Any construction commencing prior to the City Engineer receiving such documentation shall be subject to penalties as subsequently defined.

**Section 13.** That, Rule 5.4 (As-Built Plans) of the City Engineering Department Rules and Regulations found in Document NO. CNER98-1 is hereby amended and enacted as follows:

The Owner or Developer shall, within sixty (60) days after the completion of construction, submit one (1) set of mylar, permanent, reproducible tracings-<u>electronic</u> plans in .pdf format marked "AS-BUILT" to the City Engineer.

The Owner's or Developer's Engineer shall provide a notarized affidavit certifying that the completion of the work is in accordance with the approved plans. If any changes to the approved plans occurred, a list of these deviations shall be included with the certification. A sample affidavit is available from the office of the City Engineer.

**Section 14.** That, Rule 6.4 (Administrative Penalties for Failure to Meet Specifications) of the City Engineering Department Rules and Regulations found in Document NO. CNER98-1 is hereby amended and enacted as follows:

If the Owner, Developer or Agent thereof, opts to provide their own inspection services and does not comply with the requirements of the "City of Napoleon, Ohio Engineering Department Rules and Regulations", the Owner, Developer or Agent shall be subject to Administrative Fines in the amount of fifty dollars (\$50.00) per day for each day that a violation exists, to be levied by the City Manager (upon a finding that the violation exists after an informal hearing with the Owner, Developer or Agent thereof and the City Engineer, unless such hearing is waived). The <u>F</u>failure to appear at a scheduled hearing after notice constitutes a waiver thereof. All improvements completed during times when inspection does not meet the requirements of the "City of Napoleon, Ohio Engineering Department Rules and Regulations" will not be accepted by the City.

**Section 15.** That, Rule 7.1 (Appeals in General) of the City Engineering Department Rules and Regulations found in Document NO. CNER98-1 is hereby amended and enacted as follows:

Any decision of the City Manager in regard to the denial, suspension or revocation of a permit, as required by the "City of Napoleon, Ohio Engineering Department Rules and Regulations", or any finding or imposition of an administrative fine, as authorized by the "City of Napoleon, Ohio Engineering Department Rules and Regulations", or forfeiture of prior approvals of the City Engineer may be appealed to the <u>Safety and Human</u> <u>Resources\_Municipal Properties, Buildings, Land Use & Economic Development</u> Committee of Council, so long as the appeal is commenced in a timely manner.

A filing fee of thirty-five dollars (\$35.00), as may be amended from time to time, will be charged for all appeals to the <u>Safety and Human Resources Municipal Properties</u>, <u>Buildings, Land Use & Economic Development</u>-Committee of Council. However, this fee may be waived by the Finance Director in cases of indigence. Further, said fee will be returned if the appealing party prevails.

**Section 16.** That, Rule 7.2 (Appeals from Decision of City Manager) of the City Engineering Department Rules and Regulations found in Document NO. CNER98-1 is hereby amended and enacted as follows:

After a hearing by the City Manager, a decision or order shall be rendered and delivered by either personal service or mailed to the person who filed the appeal at the last known address by regular mail.

An appeal from a decision of the City Manager, after hearing, may be taken to the Safety and Human Resources Municipal Properties, Buildings, Land Use & Economic

<u>Development</u> Committee of Council, so long as a notice of appeal is filed in writing with the Finance Director within thirty (30) business days after mailing of the decision or order of the City Manager or thirty (30) business days after rendering the decision or order by personal service to the person who filed the appeal.

Appeals will not stay the decision or order of the City Manager as a result of his/her finding.

Appeals to the Safety and Human Resources Municipal Properties, Buildings, Land Use <u>& Economic Development</u> Committee of Council will be held in a timely manner and will be informal in nature such that the rules of evidence shall not apply.

Such orders of the Safety and Human Resources Municipal Properties, Buildings, Land Use & Economic Development Committee of Council will be considered final.

**Section 17.** That, Rule 7.3 (Scope of Appeals) of the City Engineering Department Rules and Regulations found in Document NO. CNER98-1 is hereby amended and enacted as follows:

The scope of all appeals to the <u>Safety and Human Resources Municipal Properties</u>, <u>Buildings, Land Use & Economic Development</u> Committee of Council shall be limited to the question of whether the City Manager acted unreasonably, arbitrary or capricious in his/her decision. The Committee may, upon a finding that the City Manager acted unreasonabley, arbitrary or capricious in his/her decision, merely remand the subject of appeal to the City Manager for further consideration.

**Section 18.** That, the Engineering Rules and Regulations as amended by this Ordinance shall have a Revised 2016 indicator to reflect that it is the amended copy.

Section 19. That, Ordinance No. 100-06 and Rules 3.2.5, 3.2.6, 3.3.4, 3.3.5, 4.1.2, 4.1.3, 4.1.6, 4.2.2, 4.2.4, 4.3.2, 4.3.3, 5.1, 5.4, 6.4, 7.1, 7.2, and 7.3 of the City Engineering Department Rules and Regulations found in CNER98-1, as existed prior to the enactment of this Ordinance, are repealed.

**Section 20.** 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 21.** 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 22.** That, upon passage, this Ordinance shall take effect at the earliest time permitted by law.

Passed:	
	Travis B. Sheaffer, Council President
Approved:	
	Jason P. Maassel, 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. 009-16 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director



CITY OF NAPOLEON, OHIO LAW DEPARTMENT MEMORANDUM 255 W. RIVERVIEW AVENUE, PO BOX 151 NAPOLEON, OH 43545 PHONE: 419.592.4010 - FAX: 419.592.4723

TO: Mr. Mayor, Mr. President, and Council MembersFROM: Lisa L. Nagel, City Law DirectorDATE: April 15, 2016

# Re: 2016 Tax Incentive Review Council

Council Members previously received a letter dated March 21, 2016 from the Henry County CIC regarding the 2016 Tax Incentive Review Council ("TIRC"). (Another copy of the letter is included with this Memo for your reference). Ohio Revised Code Section 5709.85 authorizes the establishment of a TIRC council to review compliance with area community reinvestment agreements. As stated in the March 21, 2016 letter, the local TIRC met on March 17, 2016, and was chaired by Henry County Auditor's designee, Amanda Griffith. TIRC recommended continuances of the following community reinvestment agreements in Napoleon: MWA Enterprises, Koester Corporation, and Napoleon I, LLC. TIRC also recommended expiration of the community reinvestment agreement with MMD Holdings (Petro) effective December 31, 2016, with the understanding that the company will be invoiced its last abatement payment in September, 2016.

The Housing Council met on Tuesday, April 12, 2016 and approved the recommendation from the 2016 TIRC. At Monday's April 18, 2016 City Council meeting, as part of a Discussion/Action item, Council will be asked for a motion to approve the 2016 TIRC recommendations.

As always, if you have any questions, please contact me.

Thank you.

/s/ Lisa L. Nagel City Law Director



# THE COMMUNITY IMPROVEMENT CORPORATION OF HENRY COUNTY

104 E. Washington Street, Suite 301 Napoleon, Ohio 43545

Phone: (419)592-4637 Fax: (419) 599-9865

March 21, 2016

Napoleon City Council 255 West Riverview Ave, Napoleon, Ohio 43545

## Re: 2016 Tax Incentive Review Council

Dear Council Members:

Ohio Revised Code Section 5709.85 provides for establishment of a Tax Incentive Review Council ("TIRC") to review the compliance of each community reinvestment area agreement—at least annually. The TIRC then makes a recommendation to you to continue, modify, or cancel each agreement.

The TIRC met on March 17, 2016. As the County Auditor's designee, Amanda Griffith chaired the 2016 TIRC. After reviewing each agreement in-depth and at length, the TIRC has recommended that you **CONTINUE** the following community reinvestment area agreements in Napoleon:

MWA Enterprises

Koester Corporation

Napoleon I, LLC

After reviewing each agreement in-depth and at length, the TIRC has recommended that you **EXPIRE** the following agreements in Henry County as of December 31, 2015 with the understanding that both companies will be invoiced the last abatement payment in September 2016:

MMD Holdings (Petro) - CRA Agreement



and visit us at www.hencoed.com Page 2 2016 Tax Incentive Review Council

The TIRC found that almost all applicant businesses were in complete compliance with all terms of the applicable agreements. In response to the same, the TIRC took into consideration fluctuations in the business cycle unique to that owner's business when agreeing to recommend to you to continue each of those specific agreements. See R.C, §5709.85(C) (1).

Ohio Revised Code Section 5709.85(E) states as follows:

R.C. § 5709.85 (E) A legislative authority that receives from a tax incentive review council written recommendations under division (C)(1) or (D) of this section shall, within sixty days after receipt, hold a meeting and vote to accept, reject, or modify all or any portion of the recommendations.

Consistent therewith, I hereby submit this written recommendation and respectfully request that you ACCEPT the recommendation of the TIRC to CONTINUE each of the aforementioned agreements, except the MMD Holdings (CRA) Agreement, which we request you to EXPIRE as of December 31, 2015.

Should you have any questions please contact the office at (419) 592-4637. Thank you.

Respectfully submitted,

affith manda

Amanda Griffith. Executive Director

Enclosure

cc: Greg Heath, Clerk of City of Napoleon Council Lisa Nagel, Law Director for City of Napoleon, Ohio Kevin Garringer, Henry County Auditor Tom Zimmerman, City of Napoleon Zoning Administrator Ohio Department of Development Ohio Department of Taxation

# COMMUNITY IMPROVEMENT CORPORATION OF HENRY COUNTY

### 2016 Tax Incentive Review Council Meeting Minutes March 17, 2016

The Henry County Auditor's Designee, Amanda Griffith, Executive Director of Henry County CIC, called the Thursday, March 17, 2016, meeting of the Tax Incentive Review Council (TIRC) to order at 9:05 a.m., and the TIRC reviewed the following agreements:

The second s		
	TJ Automation	
	Railtech Boutet	
	MMD Holdings (CRA)	
	MWA Enterprises (CRA)	
	Koester Corp. (CRA)	
	Napoleon I, LLC (CRA)	
	Keller Packaging '06	
	Keller Packaging '13	
	Campbell Soup '12	
	Campbell Soup '06	

#### **TJ** Automation:

Attendance: Christine Ziegler, Tim Meister, Calvin Spiess, Ted Guelde, Brian Yarnell, Amanda Griffith

Others: Kevin Garringer (Henry County Auditor)

Executive Director Amanda Griffith reviewed the Project Status Report (Section C form). Mrs. Griffith stated that this project is still under construction however they listed on the State of Ohio reporting website. TJ Automation is putting on an expansion and will create 5 new positions. They have 3 years to expand and create those jobs. Expected completion of construction should be 2018. Cal Spiess moved to recommend continuing the agreement. Christine Ziegler seconded. Motion to continue the agreement carried.

#### Railtech Boutet:

Attendance: John Overmeier, Tim Meister, Calvin Spiess, Ted Guelde, Brian Yarnell, Amanda Griffith Others: Kevin Garringer (Henry County Auditor)

Executive Director Amanda Griffith reviewed the project status report (Section C form). Mrs. Griffith stated that according to the agreement they were to retain 28 and create 33 and they have retained 24 and created 33. The execution date needs to be revised on their form as it should be March 4, 2010. Cal Spiess moved to recommend continuing the agreement. John Overmeier seconded.

## MMD Holdings (PETRO) CRA:

Attendance: John Overmeier, Patrick McColley, Jonathan Tassler, Tim Meister, Calvin Spiess, Ted Guelde, Brian Yarnell, Amanda Griffith

Others: Kevin Garringer (Henry County Auditor), Tom Zimmerman (City of Napoleon)

- and that they are actively trying to hire

Executive Director Amanda Griffith reviewed the Project Status Report (Section C form). Per their agreement they were to retain 35 and create 36. They are down but we will take the economy into consideration. Expiration should be December 31, 2015 which would roll back onto taxes for 2016. Their last invoice will be sent in September 2016.

Cal Spiess motioned to expire the agreement. Ted Guelde seconded. Motion carried.

4 with the understanding their last PILDT will be involved in September.

#### **MWA Enterprises:**

Attendance: John Overmeier, Patrick McColley, Jonathan Tassler, Tim Meister, Calvin Spiess, Ted Guelde, Brian Yarnell, Amanda Griffith

Others: Kevin Garringer (Henry County Auditor), Tom Zimmerman (City of Napoleon)

Executive Director Amanda Griffith reviewed the Project Status Report (Section C form). Mrs. Griffith reported that they are to create 25 new jobs per the agreement. They currently have 11. They are down but we will consider the economy and that they are actively trying to hire. This will be the first time they will be invoiced for their PILOT in September and will continue to be invoiced yearly through December 31, 2025. Cal Spiess moved to continue the CRA. Ted Guelde seconded. Motion carried.

#### Koester Corporation:

Attendance: Mike Bostelman, Patrick McColley, Jonathan Tassler, Tim Meister, Calvin Spiess, Ted Guelde, Brian Yarnell, Amanda Griffith

Others: Kevin Garringer (Henry County Auditor), Tom Zimmerman (City of Napoleon)

Executive Director Amanda Griffith reviewed the Project Status Report (Section C form). Mrs. Griffith stated that according to the agreement they were to have retained 56 jobs and create 5. They have created 14 thus far exceeding their original 12 with 64 employees which is up from 62 last year. Mike Bostleman moved to continue. Jon Tassler seconded. Motion approved.

#### Napoleon I, LLC (CRA):

Attendance: Mike Bostelman, Patrick McColley, Jonathan Tassler, Tim Meister, Calvin Spiess, Ted Guelde, Brian Yarnell, Amanda Griffith

Others: Kevin Garringer (Henry County Auditor), Tom Zimmerman (City of Napoleon)

Executive Director Amanda Griffith reviewed the project status report (Section C form). Mrs. Griffith reported that they were to retain 21 and create 4 jobs; they reported they met those requirements. The fact that Ride Aid has sold out has still not affected them. At this point they will keep their employees. Ted Guelde recommended continuing the agreement. Jon Tassler seconded. Motion carried.

#### Keller Packaging '06:

Attendance: Mike Bostelman, Rosalie Ashenfelter, Vernon Oberhaus, Tim Meister, Calvin Spiess, Ted Guelde, Brian Yarnell, Amanda Griffith Others: Kevin Garringer (Henry County Auditor)

Executive Director Amanda Griffith reviewed the project status report (Section C form). Mrs. Griffith reported they were to retain 0 jobs and create 20. They did create that number and their employee number is 77. Their initial employee number of 1416 as stated on their Project Status Report is due to the original company that the agreement was created for. When it was amended to the current Keller Packaging their number was then adjusted to the current 77. They continue to do very well. Cal Spiess motioned to continue the agreement. Mike Bostelman seconded. Motion carried.

#### Keller Packaging '13:

Attendance: Mike Bostelman, Rosalie Ashenfelter, Vernon Oberhaus, Tim Meister, Calvin Spiess, Ted Guelde, Brian Yarnell, Amanda Griffith Others: Kevin Garringer (Henry County Auditor)

Executive Director Amanda Griffith reviewed the project status report (Section C form). Mrs. Griffith reported that this is fairly new and will expire in 2024. They were to retain 60 and create 15 jobs. They retained 77 employees and created the 15 jobs as stated. Cal Spiess moved to recommend continuing the agreement. Brian Yarnell seconded. Motion carried,

#### Campbell Soup Supply Company '12

Attendance: Mike Bostelman Rosalie Ashenfelter, Vernon Oberhaus, Tim Meister, Calvin Spiess, Ted Guelde, Brian Yarnell, Amanda Griffith

Others: Kevin Garringer (Henry County Auditor)

Executive Director Amanda Griffith reviewed the project status report (Section C form). Mrs. Griffith reported this agreement will not expire until December 31, 2022. As a note regarding that the agreement is for Campbell Soup Company with Amcor; Amcor had the Personal Property and Campbell Soup had the Real Property. So this agreement is only looking at Real Property and does not include the Personal Property that was originally expected. They were to retain 1,007 jobs. According to the agreement they retained 1,687 which include the 322 seasonal employees. Rosalie Ashenfelter moved to recommend continuing the agreement. Mike Bostelman seconded. Mr. Tim Meister abstained. Motion carried.

#### Campbell Soup Supply Company '06:

Attendance: Mike Bostelman Rosalie Ashenfelter, Vernon Oberhaus, Tim Meister, Calvin Spiess, Ted Guelde, Brian Yarnell, Amanda Griffith

Others: Kevin Garringer (Henry County Auditor)

Executive Director Amanda Griffith reviewed the project status report (Section C form). This agreement will have two more payments left until they expire. Mrs. Griffith reported they were to retain 0 and create 0 but they have exceeded and have 1,687 employees which include the 322 seasonal employees. Campbell's is a very stable company for Napoleon and will continue to grow. The downsizing that the other Campbell's locations have been doing has not affected the Napoleon location. For this agreement they did not state that would create or retain any jobs. The agreement may have been doine since Campbell Soup is such a big player in the community. When the project was complete they determined that the freezer was personal property and that lowered the property

Value

amount as-that-is-Personal Property. Cal Spiess moved to recommend continuing the agreement. Vern Oberhaus seconded. Mr. Meister abstained. Motion carried.

Adjournment: Meeting adjourned at 9:54 a.m.

Marn Amanda Griffith 00

Executive Director of Henry County CIC and Henry County Auditor's TIRC Representative



# **Chio** Bevelopment SPECIFIC CRA AGREEMENT/PROJECT STATUS REPORT Services Agency 2014 REPORT YEAR

Agreement #: 13-001

CRA #: 069-53550-02

Amendments/Corrections to Agreement Information			
Current Agreement Data	Changes/Corrections (blank if unchanged)		
MWA Enterprises, Ltd.			
ct is located:			
HENRY			
NAPOLEON			
LIBERTY CENTER LOCAL SD	0		
6/18/2013			
12/31/2025			
0			
9:			
0			
0			
	Current Agreement Data   MWA Enterprises, Ltd.   Act is located:   HENRY   NAPOLEON   LIBERTY   CENTER   LOCAL SD		

<ol><li>Number of permanent full-time jobs commited to create and CRA agreement:</li></ol>	/or retain within the	
Retain:	0	
Create:	25	
7. Job creation period outlined in agreement (months):	- 12	
8. Estimated annual payroll attributed to the new and/or retaine pursuant to question 6.:	ed employees	
Retained Payroll:	\$0.00	\$0.00
New Payroll:	\$1,139,000.00	
9. Enterprise's total project investment commitment and the eli exemption as specified in the CRA Agreement:	gible granted tax	
Real Property:	\$1,004,300.00	
Granted Exemption:	\$1,004,300.00	
10. Tax exemptions granted to the business under the EZ Agre	eement:	
Real Property Exemption:	100 %	0 %
Real Property Exemption Term (years):	10	
Actual Project Information as o		
11. Total number of full-time permanent employees employed site for the following categories:	by the CRA project	
a. As of 12/31/2014	0	0
b. New jobs created attributed to the CRA Agreemer	nt: 0	0
c. Jobs retained attributed to the CRA Agreement:	0	0
12. Identify the total actual annual payroll as of 12/31/2014 attreet employment (11b) resulting from the CRA Agreement:	ibuted to the new	
	\$0.00	\$0.00
13a. State the project investment level achieved from the signi Agreement through December 31, 2014 :	ng of the CRA	
Real Property:	\$0.00	\$0.00
Real Property Eligible for Exemption:	\$0.00	\$0.00
Personal Property:	\$0.00	\$0.00
13b. Identify the taxes paid and forgone in calendar year 2014 project investments:	with regard to	

Real Property Taxes Paid:	\$0.00	\$0.00
Real Property Taxes Forgone:	\$0.00	\$0.00
Personal Property Taxes Paid:		\$0.00
Personal Property Taxes Forgone:		\$0.00
13c. Identify cumulative taxes paid and foregone at the project site ove CRA Agreement:	er the term of the	
Real Property Taxes Paid:	\$0.00	\$0.00
Real Property Taxes Forgone:	\$0.00	\$0.00
Personal Property Taxes Paid:	\$0.00	\$0.00
Personal Property Taxes Forgone:		\$0.00
13d. State the type and total estimated value of any other incentives pr local authorities under the CRA Agreement:	rovided by the	
	\$0.00	\$0.00
14. Date of the most recent Tax Incentive Review Council (TIRC) revie project:	w of this	
	4/29/2013	3/17/2015
a. TIRC recommendations from most recent compliance review:		
	NA	NA
b. Local Government action/status on TIRC recommendation:		
	NA	NA

#### **CERTIFICATION INFORMATION**

I hereby represent and certify that the foregoing information, to the best of my knowledge, is true, complete, and accurately describes the status of the CRA project as of December 31, 2014.

#### **Enterprise's Authorized Representative:**

Signature

Jake Adams/CFO

Typed Name/Title:

#### **Community Authorized Representative:**

(CRA Housing Officer or C.E.O. of local government)

Signature

55592

Tom Zimmerman/Housing Officer

Typed Name/Title:

Confirmation #:


### Ohio Development SPECIFIC CRA AGREEMENT/PROJECT STATUS REPORT Services Agency 2014 REPORT YEAR

Agreement #: 11-001

CRA #: 069-53550-02

Amendments/Corrections to Agreement Information				
	Current Agreement Data	Changes/Corrections (blank if unchanged)		
1. Name the business(es) party to the CRA Agreement:	Koester Land Acquisitions, LLC			
2. Name the Local Governmental Jurisdiction(s) where the proj	ect is located:			
County:	HENRY			
City, Municipality, or Township:	NAPOLEON			
Local School District:	NAPOLEON AREA CITY SD	0		
3. For the CRA Agreement:				
a. Execution Date:	4/18/2011			
b. Expiration Date:	12/31/2023			
c. Amendment Date(s) (please list all):				
<ol> <li>Baseline total full-time permanent employment of the enterprise:</li> </ol>				
a. At the facility prior to executing the CRA Agreement:				
Payroll:				
b. In Ohio prior to executing the CRA Agreement:	56			
5. Did the enterprise close or reduce employment at another sit	te:			
a. Within Ohio as a result of this agreement?				
Community:				
Jobs:	0			
b. Outside of Ohio as a result of this agreement?				
State:				
Jobs:	0			

<ol><li>Number of permanent full-time jobs commited to create and CRA agreement:</li></ol>	/or retain within the	
Retain:	56	
Create:	5	
7. Job creation period outlined in agreement (months):	36	
8. Estimated annual payroll attributed to the new and/or retained pursuant to question 6.:	ed employees	
Retained Payroll:	\$0.00	\$0.00
New Payroll:	\$235,000.00	
9. Enterprise's total project investment commitment and the eli exemption as specified in the CRA Agreement:	gible granted tax	
Real Property:	\$1,500,000.00	
Granted Exemption:	\$1,500,000.00	
10. Tax exemptions granted to the business under the EZ Agree	eement:	
Real Property Exemption:	100 %	0 %
Real Property Exemption Term (years):	10	
Actual Project Information as o	f December 31, 2014	
11. Total number of full-time permanent employees employed site for the following categories:	by the CRA project	
a. As of 12/31/2014	58	62
b. New jobs created attributed to the CRA Agreemer	nt: 8	12
c. Jobs retained attributed to the CRA Agreement:	50	0
12. Identify the total actual annual payroll as of 12/31/2014 attreet employment (11b) resulting from the CRA Agreement:	ibuted to the new	
	\$303,351.58	\$563,180.00
13a. State the project investment level achieved from the signi Agreement through December 31, 2014 :	ng of the CRA	
Real Property:	\$1,757,423.18	\$0.00
Real Property Eligible for Exemption:	\$1,500,000.00	\$0.00
Personal Property:	\$0.00	\$0.00
13b. Identify the taxes paid and forgone in calendar year 2014 project investments:	with regard to	

Real Property Taxes Paid:	\$0.00	\$31,857.58
Real Property Taxes Forgone:	\$0.00	\$13,061.30
Personal Property Taxes Paid:		\$0.00
Personal Property Taxes Forgone:		\$0.00
13c. Identify cumulative taxes paid and foregone at the project site ov CRA Agreement:	er the term of the	
Real Property Taxes Paid:	\$31,857.58	\$31,857.58
Real Property Taxes Forgone:	\$13,061.30	\$13,061.30
Personal Property Taxes Paid:	\$0.00	\$0.00
Personal Property Taxes Forgone:		\$0.00
13d. State the type and total estimated value of any other incentives plocal authorities under the CRA Agreement:	provided by the	
	\$0.00	\$0.00
14. Date of the most recent Tax Incentive Review Council (TIRC) reviposed project:	ew of this	
	4/29/2013	3/17/2015
a. TIRC recommendations from most recent compliance review:		
	CONTINUE	CONTINUE
b. Local Government action/status on TIRC recommendation:		
	CONTINUE	CONTINUE

#### **CERTIFICATION INFORMATION**

I hereby represent and certify that the foregoing information, to the best of my knowledge, is true, complete, and accurately describes the status of the CRA project as of December 31, 2014.

#### **Enterprise's Authorized Representative:**

Signature

Jeanette Spiller/Corp. Secratary

Typed Name/Title:

#### Community Authorized Representative:

(CRA Housing Officer or C.E.O. of local government)

Signature

14595

Tom Zimmerman/Housing Officer

Typed Name/Title:

Confirmation #:



### Ohio Development SPECIFIC CRA AGREEMENT/PROJECT STATUS REPORT Services Agency 2014 REPORT YEAR

Agreement #: 10-001

CRA #: 069-53550-01

Amendments/Corrections to Agr	Amendments/Corrections to Agreement Information		
	Current Agreement Data	Changes/Corrections (blank if unchanged)	
1. Name the business(es) party to the CRA Agreement:	Napoleon 1, LLC.		
2. Name the Local Governmental Jurisdiction(s) where the proje	ect is located:		
County:	HENRY		
City, Municipality, or Township:	NAPOLEON		
Local School District:	NAPOLEON AREA CITY SD	0	
3. For the CRA Agreement:			
a. Execution Date:	2/10/2010		
b. Expiration Date:	12/31/2022		
c. Amendment Date(s) (please list all):			
<ol> <li>Baseline total full-time permanent employment of the enterprise:</li> </ol>			
a. At the facility prior to executing the CRA Agreement:			
Payroll:			
b. In Ohio prior to executing the CRA Agreement:			
5. Did the enterprise close or reduce employment at another sit	e:		
a. Within Ohio as a result of this agreement?			
Community:			
Jobs:	0		
b. Outside of Ohio as a result of this agreement?			
State:			
Jobs:	0		

<ol><li>Number of permanent full-time jobs commited to create and/ CRA agreement:</li></ol>	or retain within the	
Retain:	21	
Create:	4	
7. Job creation period outlined in agreement (months):	11	
8. Estimated annual payroll attributed to the new and/or retaine pursuant to question 6.:	d employees	
Retained Payroll:	\$600,000.00	\$600,000.00
New Payroll:	\$170,000.00	
<ol> <li>Enterprise's total project investment commitment and the eligence exemption as specified in the CRA Agreement:</li> </ol>	gible granted tax	
Real Property:	\$4,347,300.00	
Granted Exemption:	\$4,347,300.00	
10. Tax exemptions granted to the business under the EZ Agre	ement:	
Real Property Exemption:	100 %	0 %
Real Property Exemption Term (years):	10	
Actual Project Information as of	December 31, 2014	
11. Total number of full-time permanent employees employed basis for the following categories:	by the CRA project	
a. As of 12/31/2014	25	25
b. New jobs created attributed to the CRA Agreemen	t: 46	6
c. Jobs retained attributed to the CRA Agreement:	21	21
12. Identify the total actual annual payroll as of 12/31/2014 attri employment (11b) resulting from the CRA Agreement:	buted to the new	
	\$180,000.00	\$280,000.00
13a. State the project investment level achieved from the signir Agreement through December 31, 2014 :	ng of the CRA	
Real Property:	\$4,347,300.00	\$4,347,300.00
Real Property Eligible for Exemption:	\$0.00	\$0.00
Personal Property:	\$0.00	\$0.00
13b. Identify the taxes paid and forgone in calendar year 2014 project investments:	with regard to	

Real Property Taxes Paid:	\$13,061.00	\$14,317.43
Real Property Taxes Forgone:	\$0.00	\$0.00
Personal Property Taxes Paid:		\$0.00
Personal Property Taxes Forgone:		\$0.00
13c. Identify cumulative taxes paid and foregone at the project site ov CRA Agreement:	ver the term of the	
Real Property Taxes Paid:	\$31,478.00	\$31,478.00
Real Property Taxes Forgone:	\$0.00	\$0.00
Personal Property Taxes Paid:	\$0.00	\$0.00
Personal Property Taxes Forgone:		\$0.00
13d. State the type and total estimated value of any other incentives plocal authorities under the CRA Agreement:	provided by the	
	\$0.00	\$0.00
14. Date of the most recent Tax Incentive Review Council (TIRC) review project:	iew of this	
	4/29/2013	4/29/2013
a. TIRC recommendations from most recent compliance review:		
	CONTINUE	CONTINUE
b. Local Government action/status on TIRC recommendation:		
	CONTINUE	CONTINUE

#### **CERTIFICATION INFORMATION**

I hereby represent and certify that the foregoing information, to the best of my knowledge, is true, complete, and accurately describes the status of the CRA project as of December 31, 2014.

#### **Enterprise's Authorized Representative:**

Signature

Ray Cox/Managing Member

Typed Name/Title:

#### **Community Authorized Representative:**

(CRA Housing Officer or C.E.O. of local government)

Signature

99425

Tom Zimmerman/Housing Officer

Typed Name/Title:

Confirmation #:

# MMD & HOLDINGS LLC.

91

9

PETR

Business | CRA Annual Report

at another site:

#### CRA Agreement/Project Status Report for 2013

Agreement#: 04-001 CRA#: 069-53550-02

Print a Blank Report

#### SPECIFIC CRA AGREEMENT PROJECT STATUS REPORT - 2013

Development Services Agency

This project remains under construction AND has received no exemption from taxation for this reporting year

Please leave the entries in blue blank if they are correct. This section contains parameters of the current CRA Agreement. If you do feel that any of these parameters are incorrect or have been changed, enter the correct value.

		Current		
		Information	Changes/Corre	ctions
1.	Name the business(es) party to the CRA Agreement:	MMD & HOLIDINGS	MWA Enterprises, Ltd.	$\sim$
2.	Name the Local Governmental Jurisdiction(s) where the project is located:			
	County:	HENRY	Select	$\checkmark$
	City, Municipality, or Township:	NAPOLEON #7		
	Local School District:	LIBERTY CENTER	Select	$\checkmark$
3.	For the CRA Agreement:			
	a. Execution Date:	11/15/2004		
	b. Expiration Date:	12/31/2017		
	c. Amendment Date(s) (please list all):			
4.	Baseline total full-time permanent employment of the enterprise:			
	<ul> <li>At the facility prior to executing the CRA Agreement:</li> </ul>			
	Payroll:			
	<ul> <li>b. In Ohio prior to executing the CRA Agreement:</li> </ul>	0		
5.	Did the enterprise close or reduce employment			

0 -				0
	a. Within Ohio as a result of this			
	agreement?			
	Community:			
	Jobs:	0		
	b. Outside of Ohio as a result of this			
	agreement? State:			]
	Jobs:	0		]
	5005.	0		
6.	Number of permanent full-time jobs committed to create and/or retain within the CRA			
	agreement:			
	Retain:			
	Create:	35		
				1
7.	Job creation period outlined in agreement	36		
	(months):			
8.	Estimated annual payroll attributed to the new			
	and/or retained employees pursuant to question	ו		
	6.:			1
	Retained Payroll:			]
	New Payroll:	\$700,000.00		
9.	Enterprise's total project investment			
5.	commitment and the eligible granted tax			
	exemption as specified in the CRA Agreement:			
	Real Property:	\$2,700,000.00		
	Granted Exemption:	\$2,700,000.00		
10.	Tax exemptions granted to the business under	• • • • • • • • •		I
	the CRA Agreement:			
	Real Property Exemption:	100		
	Real Property Exemption Term (years):	10		
				1
	Actual Project Information as	of December 31, 2013	}	
	the following data as of the end of the year. Please enter of questions are vital to the success of program evaluation.	data in all of these blanks,	even if it has not changed.	
compl	etely. If you have any questions feel free to contact ODOE	) at (614)466-2317.		
Note	: Entries marked with an asterisk (*) are required	fields.		
		2012 Information	Current Info (2013)	
11.	Total number of full-time permanent employees site for the following categories:	employed by the ente	erprise at the project	
	a. As of 12/31/2013:	46	26	*
	b. New jobs created attributed to the CRA		25	*
	Agreement:			1

http://development.ohio.gov/CRAANNUALREPORTS/AgreementAnnualReport.aspx?ID=069-53550-02;06... 4/3/2014

\*

Agre	ement Report		
10	c. Jobs retained attributed to the CRA Agreement:		¢ 425 000 00 *
12.	Identify total actual annual payroll as of 12/31/2013 attributed to the new employment (11b) resulting from the CRA Agreement:	\$421,726.00	\$425,000.00
13a.	State the project investment level achieved as	of 12/31/2013	
	Real Property:	\$0.00	\$0.00 *
	Real Property Eligible for Exemption:	\$2,902,100.00	\$2,950,000.00 *
	Personal Property:	\$0.00	\$0.00
13b.	Identify the taxes paid and forgone in calendar	year 2013with regard t	to project investments:
	Real Property Taxes Paid:	\$0.00	\$0.00
	Real Property Taxes Forgone:	\$13,472.65	\$13,472.65
	Personal Property Taxes Paid:	\$4,051.90	\$4,051.90
	Personal Property Taxes Forgone:	\$0.00	\$0.00
13c.	Identify cumulative taxes paid and foregone at Agreement:	the project site over the	e term of the CRA
	Real Property Taxes Paid:	\$0.00	\$0.00 *
	Real Property Taxes Forgone:	\$29,712.29	\$29,712.29 *
	Personal Property Taxes Paid:	\$0.00	\$0.00 *
	Personal Property Taxes Forgone:	\$0.00	\$0.00 *
13d.	State the type and total estimated value of any provided by the local authorities under the CRA		
		\$0.00	\$0.00
14.	Date of the most recent Tax Incentive Review ( of this project:	Council (TIRC) review	
		4/25/2012	4/29/2013 *
14a.	TIRC recommendations from most recent comp	pliance review:	
		CONTINUE	EXPIRE 🗸 *
14b.	Local Government action/status on TIRC recommendation:		
		CONTINUE	CONTINUE ×

**Click "Submit" button to submit entered data.** If you need to revise the data before March 31, 2013, you may do so and click "Submit".

#### **CERTIFICATION INFORMATION**

I hereby represent and certify that the foregoing information, to the best of my knowledge, is true, complete, and accurately describes the status of the CRA project as of December 31, 2013

#### http://development.ohio.gov/CRAANNUALREPORTS/AgreementAnnualReport.aspx?ID=069-53550-02;06... 4/3/2014

#### Agreement Report

Enterprise's Authorized Representative:		
First and Last Name:	Michael Adams	*
Title:	Owner/President	*
Community Authorized Representative Name:		
(CRA Housing Officer or C.E.O. of local government)		
First and Last Name:	Tom Zimmerman	*
Title:	Housing Officer	*
Submit		



## City of Napoleon, Ohio

Department of Public Works

255 West Riverview Avenue, P.O. Box 151 Napoleon, OH 43545 Chad E. Lulfs, P.E., P.S., Director of Public Works Telephone: (419) 592-4010 Fax: (419) 599-8393 www.napoleonohio.com

# Memorandum

To:	Monica Irelan, City Manager
From:	Chad E. Lulfs, P.E., P.S., Director of Public Works
cc:	Mayor & City Council
	Greg Heath, Finance Director
	Scott Hoover, WTP Superintendent
Date:	April 18, 2016
Subject:	WTP UV Disinfection Improvements –
	Recommendation to Reject All Bids

On Wednesday, April 6, 2016, bids were opened and read aloud for the above referenced project. Five bids were submitted and read as follows:

Peterson Construction Company	\$1,337,000.00
Zachrich Construction Company	\$1,482,065.00
Kirk Brothers Construction, Inc.	\$1,553,000.00
Hank's Plumbing & Heating	\$1,557,880.00
Mosser Construction, Inc.	\$1,585,000.00

The Engineer's Estimate for this project was \$1,097,000.00. This project consisted of installing UV disinfection units, replacing pumps, and installing hardware/software to control them. After the initial advertisement of the project, 3 addenda were issued by the design engineer. As part of these addenda, a second waterline from the plant and additional SCADA controls were added to the project. Temporary bypass pumping was required to accommodate some of the construction and was added as well. A few additional structural components were also added. These additions added to the cost of the project but were not added to the Engineer's Estimate by the consultant. (Please note that this additional work and cost will reduce the work and cost of the final phase of the project.)

Because of the additional work, the bids came in above the Engineer's Estimate. Per the Ohio Revised Code Section 153.12, no contract can be entered into by a public entity if the bid was not within 10% of the Engineer's Estimate. We received no bids within 10% of the Engineer's Estimate.

## Having reviewed the submitted bids, I recommend that Council REJECT ALL BIDS for the WTP UV Disinfection Improvements Project that were received on April 6, 2016.

CEL



# City of Napoleon, Ohio

Department of Public Works

255 West Riverview Avenue, P.O. Box 151 Napoleon, OH 43545 Chad E. Lulfs, P.E., P.S., Director of Public Works Telephone: (419) 592-4010 Fax; (419) 599-8393 www.napoleonohio.com

# Memorandum

To:	Monica Irelan, City Manager
From:	Chad E. Lulfs, P.E., P.S., Director of Public Works
<i>cc:</i>	Mayor & City Council
	Greg Heath, City Finance Director
Date:	April 18, 2016
Subject:	WTP UV Disinfection Improvements – Approval of
	Plans & Specifications

The City of Napoleon's Department of Public Works requests approval of the plans, specifications, and bid documents for the WTP UV Disinfection Improvements Project. This project consists of installing UV units, replacing pumps, installing a second waterline from the plant (including temporary bypass pumping), installing hardware/software to control them, and miscellaneous structural modifications to facilitate the installation. These items were removed from the overall project in order to meet the deadline for the LT2 rule imposed by the Ohio EPA (October 1, 2016). The cost of this project will come off the total project cost and will be fully integrated into the final project which is scheduled to bid later this year.

Project Budget: \$1,400,000.00.

CEL





#### **DEPARTMENT OF MANAGEMENT**

255 West Riverview Avenue, P.O. Box 151 Napoleon, OH 43545 Telephone: (419) 592-4010 Fax: (419) 599-8393 www.napoleonohio.com

### Memorandum

To: Mayor and City Council From: Monica Irelan, City Manager *RE: Lime Sludge Lagoon Cleaning Bids* 

#### History:

The current treatment plant uses lime softening. The chemical reaction between lime and river water creates sludge. That sludge is housed in lagoons until it needs cleaned and transported to an approved dumping site. The City contracts this cleaning out. When we discussed the specifications and documents, we indicated there are new EPA requirements for the cleaning and disposing of lime sludge. Those new requirements were added to our bid documents.

The City opened bids on April 13, 2016. There was one bidder Burch Hydro Inc. The City has never used the company, but references state that Burch Hydro does a great job. They have already implemented the entire new EPA requirement.

#### Financial Impacts:

The Water Treatment budget has \$52,000 for Sludge Lagoon Cleaning. This is based on historic trends. Unfortunately, the new bid is significantly higher than previous trends. We are estimating that this could increase this budget by \$19,000-35,000 depending on the level of cleaning. An internal transfer will take place in order to cover the cost. It is apparent that the increase in EPA requires and the lack of competition has impacted the price.

#### Recommendation:

Approve the low bidder, Burch Hydro Inc.

NOTICE TO LEGISLATIVE AUTHORITY		OHIO DIVISION OF LIQUOR CONTROL 6606 TUSSING ROAD, P.O. BOX 4005 REYNOLDSBURG, OHIO 43068-9005 (514)644-2360 FAX{614}644-3166 TO
5462715 PERMIT NUMBER USSUE DATE 04 05 2016	NEW	MAKAYLA SCARLETT LLC 1425 N SCOTT ST NAPOLEON OH 43545
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CLERK OF NAPOLEON CITY COUNCIL PO BOX 151 NAPOLEON OHIO 43545									

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PA2-KEY = END SESSION, CLEAR-KEY = END OPTION, ENTER-KEY = TO CONTINUE

### 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:** 4/14/2016

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

The regular Parks & Recreation Committee meeting scheduled for Monday, April 18, 2016 at 6:15pm has been CANCELED at the direction of the Chair due to lack of agenda items.

After 32 years, 9 months and 11 days of hard work and dedication it's time to take a permanent vacation! Please join us as we offer Mary Thomas Best wishes on her Retirement! Friday, April 29, 2016 from 11 a.m. to 2 p.m. The Finance Department will be hosting an Open House for Mary at the City Administration Building

in the Council Chambers. Hors d'oeuvres, coffee and punch will be provided.

Please stop by as your schedule allows and help us remember Mary and wish her a Happy Retirement!





#### ANNOUNCEMENT OF ESTABLISHMENT OR MAINTENANCE OF TRAFFIC CONTROL (City Code 305.01)

Now Comes, the City Manager in and for the City of Napoleon, Ohio and formally announces his intention to act pursuant to and under the authority granted by Chapter 305 of the Codified Ordinances of the City of Napoleon, Ohio, in the establishment or maintenance of traffic control as follows:

- 1. Establishment or Maintenance of a traffic control device, to wit:
  - a. Rectangular Rapid Flash Beacons (RRFB) on Westmoreland Avenue south Clairmont Avenue, within the City, signaling pedestrian crossings in the marked crosswalk on Westmoreland Avenue south of Clairmont Avenue. The RRFB shall be push-button activated. The center of the crosswalk is located 560.5' south of the Westmoreland Avenue and Clairmont Avenue intersection, more or less.

Notice hereby filed with the City Finance Director this 14<sup>th</sup> day of April, 2016, to be effective April 18th, 2016, at 12:00 a.m. and to be journalized in accordance with Chapter 305 of the Codified Ordinances of the City of Napoleon, Ohio.

Monica Irelan City Manager



# Legislative Bulletin

### **Ohio Municipal League Legislative Bulletin**

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**Committee Schedule** 

April 8 , 2016

#### MARIETTA BECOMES STATE CAPITAL AGAIN AS OHIO LEGISLATORS CONVENE FOR JOINT SESSION TO RECEIVE GOVERNOR'S STATE UPDATE

Legislative work was relatively slow this week, largely because Governor Kasich, members of his administrative cabinet and a large majority of Ohio legislators converged on Marietta Wednesday to participate in state committee hearings and receive the Governor's final State of the State address. Governor Kasich's speech was sprinkled with parts of his presidential stump speech with much of the speech touted Ohio as a success story that overcame the recession that was lingering when he took office.

In the nearly hour long speech, the Governor offered little remarks about local government policy or issues related directly to Ohio's municipalities. The Governor did offer a few new policy proposals, including his request of lawmakers to accelerate tax cuts scheduled to become effective next year, and a plea for legislative leaders to move forward with stalled congressional redistricting revisions.

Legislators on both sides of the poilitcal spectrum praised the hard work by Marietta's officials to organize the day's activities for legislators and the commitment to ensure that the event was a success. It was truly a great day for Marietta to showcase their community and for legislators to be reminded of the important role cities and villages play in the vitality of the state.

#### BILL INTRODUCED TO SUPPORT COMMUNITIES IN FISCAL DISTRESS

Last week, Representatives Kent Smith(D-Euclid) and Kristin Boggs(D-Columbus) introduced House Bill 508, a bill which would make supplemental appropriations to the Auditor of State for purposes of distributing these funds to 31 Ohio political subdivisions currently classified by the Auditor of State as being in fiscal caution, watch, or emergency. The list of municipalities and townships include:

**Fiscal Emergency** Manchester Village Manchester Township

Trimble Village St. Clair Township Clarksville Village City of Galion Tiro Village City of East Cleveland City of Maple Heights Patterson Village City of Wellston Smithfield Village West Mansfield Village Green Camp Village Leipsic Village **Bloom Township** City of Massillon City of Niles Newcomerstown Village Edgerton Village Portage Village

#### **Fiscal Watch**

City of Norwood City of Portsmouth

#### **Fiscal Caution**

Bloomingburg Village Madison Township Franklin Township City of Chillicothe Rarden Township Rush Township Newtown Township Liberty Township

Specifically, HB 508 would transfer revenue deposited in the state's rainy day fund, which holds over \$2 billion, and shift a portion over to the communities identified as being in the greatest fiscal distress.

The league will keep our members aware of future activity for the legislation and when there are opportunities to participate in the committee process.

#### LEAGUE TESTIFIES ON FIREFIGHTER CANCER PERSUMPTION BILL VOTE DELAYED

On Tuesday, the league testified before the Senate Insurance committee in opposition to SB 27, the legislation introduced by Sen. Tom Patton (R-Cleveland) which would create a presumption that whenever a firefighter gets certain cancers, that cancer would be presumed to have been work-related. Testifying along with OML Director of Communications Josh Brown was Kristopher Kachline, an attorney that specializes in firefighter cancer cases in Pennsylvania, which passed a similar law in 2011.

Although the bill was scheduled for a vote, the committee chairman explained to committee members that the delay was made at the request of other members of the Senator who would appreciate more time before moving the bill, to consider new information presented on the proposal.

A copy of the OML testimony presented to committee members Tuesday can be found **<u>HERE.</u>** 

The OML has offered areas of compromise to the current version of the bill to improve the legislation and address concerns raised by our members. The league has pledged to work with Senators and interested party members to discuss future amendments. The bill is scheduled for another hearing when the committee meets next Tuesday, April 12 in the South Hearing Room of the Senate Annex building at 10:30 a.m. when the bill may receive more amendments and is scheduled for a possible vote.

#### DOWNTOWN REDEVLOPMENT BILL MOVES OUT OF SENATE COMMITTEE

Tuesday April, 5 the Senate Ways and Means Committee took testimony on Rep. Kirk Schuring's HB 233, legislation which would authorize municipal corporations to create downtown redevelopment districts and innovation districts for the purposes of promoting the rehabilitation of historic buildings, creating jobs, encouraging economic development in commercial and mixed-use areas, and supporting grants and loans to technology-oriented and other businesses.

The committee favorably reported the bill after adopting two amendments. One is a technical change recommended by attorneys that clarifies language in the most recent state operating budget bill, HB 64, pertaining to the definition of construction projects. The second amendment adopted provides a charitable use property tax exemption.

The league had previously testified in support of the legislation in both the House and Senate and we appreciate the Senate's attention to this important tool for Ohio's cities and villages.

#### BILL TO ADDRESS DISSOLUTION OF VILLAGES INTRODUCED

This week, Representative Gary Scherer (R-Ashville) introduced House Bill 509 which would allow electors of a village to petition the board of elections, as an alternative to the legislative authority, for the dissolution of the village and would provide for the timely transfer of village property and services with the assistance of the Auditor of State. The proposal introduced would also require the Auditor of State to perform and complete an audit or agreed-upon procedures before transferring any cash balances to a township following a village dissolution, and would modify the deadline to file a county charter petition with the board of county commissioners.

The OML has been involved in discussions with the sponsor during drafting of the bill and we appreciate the time that has been afforded us to present issues related to the topic. The main purpose of the bill is to fill in the gaps in the village dissolution process. In the past, the courts have overseen the process with little statutory guidance. We will continue to monitor and report to our members any activity related to the bill.

#### CAPITAL BILL TO BE INTRODUCED NEXT WEEK

The Ohio Senate Finance Committee announced this week that it will hold hearings on the Capital Appropriations bill. The bill has not been introduced yet. Currently, not much is known about what the bill will look like but the capital bill traditionally addresses priorities identified by the General Assembly related to infrastructure and capital improvement projects statewide. We will give our members more information on projects included in the bill when the proposal is introduced.

#### LEGISLATION IMPACTING LOCAL DEVELOPMENT RECEIVES HEARING IN SENATE

The Senate Ways and Means committee held a third hearing this week on SB 235, legislation introduced by Sens. Bill Coley (R-Cincinnati) and Bill Beagle (R-Tipp City) which would exempt from property tax the increased value of property on which industrial or commercial development is planned until construction of new commercial or industrial facilities at the property commences. A substitute bill was accepted by the Senate Ways & Means Committee Tuesday essentially increasing the amount of time an eligible property could have its property value frozen. SB 235 is aimed at freezing a property's value while a developer proceeds with construction or infrastructure improvements and gains no revenue from the property as the project proceeds.

The substitute version furthermore modifies the language to state that the property would revert back to its market value as soon as a certificate of occupancy is issued. The as-introduced version had set that reversion to take place during the vertical construction stage. It also cleared up some ambiguity in the original bill because a certificate of occupancy is something that's a definite trigger.

In addition to the TIF issue, a principal concern is that the bill would remove authority from local governments, which can currently create community reinvestment areas and enterprise zones for economic development.

During the hearing, the committee received mixed views on the legislation. A key concern is whether the bill would impair existing Tax Increment Financing projects or strip authority from local political subdivisions. Sen. Beagle said neither of those are the bill's intent and he will work to address those concerns moving forward in what he anticipates will be an amendment.

- Andrea Ashley of Associated General Contractors of Ohio spoke in favor of the sub bill.

- Brad Cole of the County Commissioners Association of Ohio, disagreed. He said the majority of input the CCAO has received from economic development professionals has been negative toward the bill.

- Lindsey Gardiner of the Greater Ohio Policy Center offered interested party testimony, saying the group supports the overall goal of the legislation, but the GOPC expressed several concerns.

The league has serious reservations about the legislation and are communicating those concerns with members of the Senate. We will be sure to keep our members aware of developments related to this issue.

#### STATE AUDITOR FRAUD TRACKING PROGRAM HOLDS MEETINGS STATEWIDE

At the request of the Auditor of State, we are passing along this information about a program local officials have expressed an interest in.

More than 70 public officials and employees were trained recently on how to prevent fraud or detect it as soon as possible as part of a series of seminars provided by State Auditor Dave Yost's office. Tuesday's program, held in Perrysburg, was the first of seven seminars being held across the state. The next session will be held in Marietta on Thursday and is expected to draw as many people if not more.

The two-hour training sessions feature presentations by members of the auditor's Public Integrity Assurance Team who focus on spotting the warning signs of fraud, the different schemes people use to defraud - including payroll padding and check tampering - and how to use the best practices and controls to prevent fraud from occurring. The interactive program is designed to give local government officials the tools and knowledge to avoid falling victim to fraud.

"We get complaints almost every week from people alleging fraud in Ohio's governments," Yost said, explaining why he initiated the training program. "Too often, fraud is discovered and reported after the damage is done. We need to help our good-government watchdogs sniff out fraud early, and this training should help them."

Yost insisted the training be held throughout the state to make it easy for local government officials to attend, and that there not be a charge to eliminate any economic obstacles for cash-strapped communities.

Yost said he wants to help local officials put in place the proper controls to protect their offices and the tax dollars entrusted to them.

Each of the remaining scheduled training sessions is eligible for two hours of Fiscal Integrity Act continuing education and CLE credit.

The remaining seminars include:

- \* Tuesday, April 12: Canfield (5 7 p.m.)
- \* Wednesday, April 13: Parma (2 4 p.m.)
- \* Tuesday, April 19: Wyoming (2:30 4:30 p.m.)
- \* Wednesday, April 20: Piqua (5 7 p.m.)
- \* Wednesday, April 27: Powell (5 7 p.m.)

Visit www.ohioauditor.gov/trainings/registration or call 614-466-2813 to register for the training nearest you.

#### REED VS GILBERT, U.S. SUPREME COURT MANDATES CHANGES TO LOCAL SIGN REGULATIONS

The United States Supreme Court has mandated municipalities make changes to their sign regulations. On June 18, 2015, the U.S. Supreme Court ruled cities and villages generally cannot limit roadside signs based on content. In a unanimous decision, the Court held the town of Gilbert, Az. violated the 1st Amendment by giving church worship signs inferior treatment compared to political signs.

Gilbert's sign code identified various categories of signs based on the type of information they conveyed, then subjected each category to different restrictions. The Good News Community Church had no permanent building and posted temporary signs in public R/W on Saturday morning and removed the signs on Sunday afternoon. The Church was twice cited for violation of the Gilbert Sign Ordinance because the Church sign exceeded the time limit for displaying its temporary directional sign and because it failed to include the date of the event on the signs. Gilbert treated Ideological and Political signs more favorably than Temporary Directional Signs in terms of size and time in which the sign could be up.

The United States Supreme Court held the first crucial step in the content-neutral analysis is determining whether the law is content neutral on its face. A law that is content based on its face is subject to strict scrutiny regardless of the government's benign motive, content-neutral justification or lack of animus toward the ideas contained in the regulated speech. Thus, an innocuous justification cannot transform a facially content-based law into one that is content neutral. A court must evaluate each question-whether a law is content based on its

face and whether the purpose and justification for the law are content-based-before concluding that a law is content neutral. The Supreme Court concluded: This decision will not prevent governments from enacting effective sign laws. The Town has ample content-based options available to resolve problems with safety, and esthetics, including regulating size, building materials, lighting, moving parts, and portability. The Town may be able to forbid postings on public property, so long as it does so in an evenhanded, content-neutral manner.

The Ohio Municipal Attorneys Association is drafting a model sign ordinance that meets the new Supreme Court standard. This model sign ordinance will be ready by July according to Garry Hunter, General Counsel for the Ohio Municipal Attorneys Association. Each municipality will need to adapt the model sign ordinance to meet their individual sign regulations.

#### OHIO SENATE PRESIDENT ANNOUNCES CHANGES TO COMMITTEE APPOINTMENTS

Senate President Keith Faber (R-Celina) Monday named Sen. Frank LaRose (R-Copley) chair of the Senate Transportation, Commerce and Labor Committee, replacing Sen. Gayle Manning (R-North Ridgeville), who becomes vice chair. In addition, Sen. Joe Uecker (R-Loveland) replaces LaRose as chair of the Senate State and Local Government Committee. Also, Sen. Tom Patton (R-Strongsville) was named chair of the Senate Finance Committee's Corrections Subcommittee, replacing Uecker.

The following summarizes all of the changes which were announced Monday afternoon:

Senate Agriculture - Remove Manning, Uecker as vice chair; appoint Hackett vice chair.

Senate Civil Justice - Appoint Hackett.

Senate Criminal Justice - Remove Obhof; appoint Hughes vice chair and Hackett.

Senate Education - Remove Widener; appoint LaRose.

Senate Finance - Remove LaRose; appoint Hite.

Finance Education Subcommittee - Remove Widener; appoint Gardner.

Finance Corrections Subcommittee - Remove Uecker as chair; appoint Patton chair.

Finance Workforce Subcommittee - Remove Widener; appoint Hackett.

Senate Government Oversight and Reform - Remove Widener; appoint Peterson.

Senate Insurance - Remove Manning; appoint Hackett, Peterson.

Senate Medicaid - Remove Widener; appoint Uecker.

Senate Rules and Reference - Appoint Obhof vice chair, Peterson.

Senate State and Local Government - Remove LaRose as chair, Peterson; appoint Uecker chair, Hackett.

Senate Transportation, Commerce and Labor - Remove Manning as chair; appoint LaRose chair, Manning vice chair.

Senate Ways and Means - Remove Hite, Obhof, Widener; appoint Balderson, LaRose, Hackett.

Below is the list of committee hearings for the coming week.

Have a safe weekend

Committee Schedule

#### Past Bulletins: