

OCTOBER 2017

| Sun | Mon | Tue | Wed | Thu | Fri | Sat |
|-----------|---|--------------------------------|-----------------------------|-----------|--|-----------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | 6:00 pm Ad-hoc Comm. on COUNCIL RULES | | | | | |
| | 6:55 pm Special Council Mtg | | | | | |
| | 7:00 pm City Council | | | | | |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| | 6:30 pm - Electric Committee & BOPA | | | | | |
| | 7:00 pm Water/Sewer Comm. | | | | | |
| | 7:30 pm – Municipal Properties ED Comm. | | | | | |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| | 6:00 pm Parks & Rec Comm. Tree Commission | | | | 9:00 am Healthcare Cost Committee Mtg. | |
| | 6:15 pm Ad-hoc Comm. Strategic Vision | | | | | |
| | 7:00 pm City Council | | | | | |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| | 6:30 pm – Finance & Budget Committee | 4:30 pm Civil Service Comm. | 6:30 pm Park & Rec Board | | | |
| | 7:30 pm – Safety & Human Resources | | | | | |
| 29 | 30 | 31 | | | | |
| | | | | | | |
| | | | | | | |

City of Napoleon, Ohio

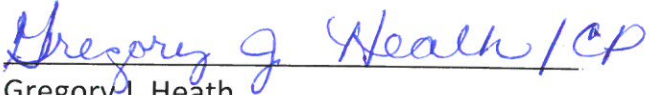
AD-HOC COMMITTEE ON COUNCIL RULES

MEETING AGENDA

Monday, October 02, 2017 at 6:00 pm

LOCATION: City Building, 255 West Riverview Avenue, Napoleon, Ohio

1. Approval of Minutes: September 18, 2017 (*In the absence of any objections or corrections, the Minutes shall stand approved.*)
2. Review of Council Rules.
3. Any other matters currently assigned to the Committee.
4. Adjournment.


Gregory J. Heath

Finance Director/Clerk of Council

AD-HOC COMMITTEE ON COUNCIL RULES

Monday, September 18, 2017 at 6:00 pm

MEETING MINUTES

| | |
|------------------------------------|---|
| PRESENT | |
| Committee Members | Travis Sheaffer-Chair (arrived at 6:06 pm); Joe Bialorucki; Jeff Mires |
| City Staff | Greg Heath-Finance Director Joel Mazur-City Manager Billy D. Harmon, City Law Director |
| Recorder | Roxanne Dietrich |
| Others | Newsmedia |
| ABSENT | |
| Call to Order | Acting Chair Bialorucki called the meeting to order at 6:04 pm. |
| Minutes Approved | Minutes from the July 11, 2017 meeting approved as read with no objections or corrections. |
| Review of Council Rules | Harmon reviewed the changes that were made to the Council Rules. Charter Section 2.08 Vacancies - there were minor word changes that do not require an amendment to the rules. Charter Section 5.07 Charter Review Commission – there were a few procedural changes but none require an amendment to the rules. |
| Sheaffer Arrived at 6:06 pm | Charter Section 9.03 – Removal From Office and Recall - this Charter provision is addressed in Council Rule 10.3. There are a number of changes to Rule 10.3 Expectations of Council – Decorum – Removal Rule 10.3.6 – mirrors the Charter provision having to do with removal of Councilmembers and/or the Mayor. Rule 10.3.4 was added addressing decorum and proper attire to be worn at council meetings, this is a potential change. Rule 10.3.5 has to do with warnings and possible expulsion of Councilmembers from any meeting for breaking decorum and/or expectations. Heath asked how would you enforce Rule 10.3.4. |

Harmon answered Rule 10.3.5. deals with enforcement for breaking decorum of the rules by a simple majority vote to give the member a verbal warning; if necessary, Council can vote to have the member expelled for the remainder of the meeting.

Sheaffer said he is not in favor of Rule 10.3.4. Bialorucki noted he would not mind seeing something vague in there and if there is an issue, we will address it. Heath suggested taking out the word *business* and leave as *proper attire shall be worn at all regular meetings of Council* and remove the last sentence.

Sheaffer asked about Rule 10.3.5, right now if there is a disruption I can point to the Police Chief and he will remove that person. Harmon responded there is a criminal provision in the ORC to have Police here to issue warnings this rule gives the full body of Council an opportunity to decide if they want to warn that person verbally or vote to have the person removed. Short of removing a person there is not much that can be done if someone is being disruptive. Sheaffer said "I'm good with it".

Rule 10.3.6 is exactly what was in the Charter amendment.

Rule 8.2.4 Executive Session - the rules were amended to be in general accordance with the State of Ohio Sunshine Laws, not word-for-word.

Section 9.1. Expenditure of Funds by Council Members – the number was removed, will rely on the Council President to review these things and if there is something with an extra-ordinary amount then we may need to do legislation. Sheaffer noted a requisition form will need to be completed. Heath said they still have to follow the ORC on appropriations and certification of funds.

Heath commented on Rule 9.4 Internet Access - except for the first paragraph, none of this actually applies anymore, now they are reimbursed \$25.00 and it is stated pursuant to Policy 7.6 in the Employment Policy Manual. If you want, you could insert that policy language or refer to it if you want to be the same as the rest of the City. Mazur noted he is taking a look at why we are paying for employees home internet usage.

Heath said in Rule 9.3 Computer Use - at one point Councilmembers were given laptops, nowadays a lot of cities are issuing tablets to their Council, should we leave this section in or scratch it. Sheaffer suggested if you went with a tablet with cellular service then you would not have to pay for internet, it could be combined. Take out the word laptops and put in something like those who utilize City furnished technology or devices, there is software that AMP uses for their board packets that is out there for tablets

that you can communicate back and forth with, someday we may want to take a look at this, I'm not sure what the cost would be. Heath asked if tax liability rule still applies, Sheaffer answered only if for private use. Harmon said he will look into the issues and address, do other fixes and put together a document for next time. Sheaffer suggested we should make a point to review the rules every couple of years.

**Motion to Table
Review of Council
Rules**

Motion: Bialorucki Second: Mires
To Table Review of Council Rules.

**Passed
Yea-3
Nay-0**

Roll call vote on the above motion:
Yea-Mires, Sheaffer, Bialorucki
Nay-

Motion to Adjourn

Motion: Bialorucki Second: Mires
To adjourn the meeting.

**Passed
Yea-3
Nay-0**

Roll call vote on the above motion:
Yea-Mires, Sheaffer, Bialorucki
Nay-

The Ad-hoc Committee on Council Rules was adjourned at 6:34 pm.

Approval Date

Travis Sheaffer, Chairman

City of Napoleon, Ohio

CITY COUNCIL

SPECIAL MEETING AGENDA

Monday, October 02, 2017 at 6:55 pm


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

A. Public Hearing

1. Application for Placement of Farmland in an Agricultural District by Michael W. Adams.
2. Application for Placement of Farmland in an Agricultural District by Keith Fruchey.
3. Application for Placement of Farmland in an Agricultural District by Paul D. Martin, etux.

B. Any Other Business as May Properly Come Before Council.

C. Adjournment.



Gregory J. Heath
Finance Director/Clerk of Council

CITY COUNCIL

MEETING AGENDA

Monday, October 02, 2017 at 7:00 pm

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

A. Attendance *(Noted by the Clerk)*

B. Prayer and Pledge of Allegiance

C. Mayor's Presentation (Bob Weitzel)

D. Approval of Minutes *(in the absence of any objections or corrections, the minutes shall stand approved)*

1. September 18, 2017 City Council Meeting Minutes

E. Citizen Communication

1. HOPE Services

F. Reports from Council Committees

1. **Finance & Budget Committee** met on September 25, 2017; and
 - a. Heard the annual review of the City's Investment Policy and Investment Portfolio by Meeder Investment Management.
 - b. Recommended Approval of the Third Quarter Adjustments.
 - c. Recommended the dates of November 10 and 11, 2017 for Council review of the 2018 Budget.
2. **Safety & Human Resources Committee** did not meet on September 25, 2017 due to lack of agenda items.
3. **Ad-hoc Committee on Council Rules** met earlier this evening and reviewed the Council Rules.
4. **Technology & Communications Committee** did not meet this evening due to lack of agenda items.

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

1. **Civil Service Commission** did not meet on September 26, 2017
2. **Parks and Recreation Board** met on September 27, 2017; and
 - a. Reviewed Parks and Recreation Rates and Fees.
 - b. Discussed Capital Improvements Items and Revenue.
 - c. Recommended the Date of October 31, 2017 from 6:00 pm – 7:00 pm for Trick-or-Treat Night.
3. **Health Care Cost Committee** met on September 29, 2017, with the agenda item:
 - a. Review of Healthcare Costs.

H. Introduction of New Ordinances and Resolutions

1. **Ordinance No. 059-17**, an Ordinance Prohibiting Medical Marijuana Cultivation, Processing, Testing, Packing, Storage and Retail Distribution within the City of Napoleon, Ohio.
2. **Ordinance No. 060-17**, an Ordinance Approving the Renewal of Agricultural District(s) located in the City of Napoleon, Ohio as applied for by Michael W. Adams; and Declaring an Emergency. *(Suspension Requested)*
3. **Ordinance No. 061-17**, an Ordinance Approving the Renewal of Agricultural District(s) located in the City of Napoleon, Ohio as applied for by Keith Fruchey; and Declaring an Emergency. *(Suspension Requested)*
4. **Ordinance No. 062-17**, an Ordinance Approving the Renewal of Agricultural District(s) located in the City of Napoleon, Ohio as applied for by Paul D. Martin, et ux; and Declaring an Emergency. *(Suspension Requested)*

5. **Resolution No. 063-17**, a Resolution Authorizing the Expenditure of Funds over Twenty-Five Thousand Dollars (\$25,000.00), and Eliminating the Necessity of Competitive Bidding, for the Purchase of Hardware required to Complete the Mobile CAD Installation previously approved by Resolution No. 049-17, Utilizing the Federal Cooperative Purchasing Program, which was not included in the 2017 Master Bid Resolution; and Declaring an Emergency; *(Suspension Requested)*
6. **Ordinance No. 064-17**, an Ordinance Authorizing the City Manager to Join a Coalition of Municipalities Retaining Special Counsel for Purposes of Initiating Litigation to Challenge the Constitutionality of Amendments to Chapter 718 of the Ohio Revised Code relating to Municipal Income Tax; and Declaring an Emergency. *(Suspension Requested)*
7. **Ordinance No. 065-17**, an Ordinance Supplementing the Annual Appropriation Measure (Supplement No. 3) for the Year 2017; and Declaring an Emergency. *(Suspension Requested)*

I. Second Readings of Ordinances and Resolutions

1. **Resolution No. 056-17**, a Resolution Appointing Mayor Jason Maassel and Councilman Dan Baer to Represent the City of Napoleon, Ohio as Members of the Board of Directors of the Community Improvement Corporation of Henry County, Ohio; and Declaring an Emergency.
2. **Ordinance No. 058-17**, an Ordinance Creating and Enacting Chapter 143, Section 143.06 of Part 1 of the Codified Ordinances of the City of Napoleon, Ohio, a City of Napoleon, Ohio Fire and Rescue Fee Schedule; and Declaring an Emergency.

J. Third Readings of Ordinances and Resolutions

1. **Resolution No. 053-17**, a Resolution Authorizing the Transfer of Certain Properties to wit: Parcel No. 410095550360 and Parcel No. 410095550380, both Owned by the City of Napoleon, Ohio, to the Community Improvement Corporation (CIC) of Henry County, Ohio; and Declaring an Emergency.

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

1. **Discussion/Action:** Approval of the Plans for the 2017 Recycling Contract.
2. **Discussion/Action:** Award of bid for the Ohio Street Water Main Replacement and Associated Improvements Project.
3. **Discussion/Action:** Approval of Change Order No. 3 to Vernon Nagel, Inc. for the 2017 Downtown Street Improvements Project, an Increase of \$42,660.00.
4. **Discussion/Action:** Recommendation to Set the Dates of November 10 and 11, 2017 FY2018 Budget Review.
5. **Discussion/Action:** Recommendation from the Parks and Rec Board to Set Trick-or-Treat Night for October 31, 2017 from 6:00 pm–7:30 pm.

L. Executive Session *(as may be 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

A. ITEMS REFERRED OR PENDING IN COMMITTEES OF COUNCIL

- 1. Technology & Communication Committee (1st Monday)**
(Next Regular Meeting: November 6, 2017 @6:15 pm)
- 2. Electric Committee (2nd Monday)**
(Next Regular Meeting: Monday, October 9, 2017 @6:30 pm)
 - a. Review of Power Supply Cost Adjustment Factor for October, 2017
 - b. Transmission Operator for Northside Substation
 - c. Electric Vehicle Rebate (Tabled)
 - d. Electric Department Report
 - e. Portfolio Realignment Opportunity
- 3. Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday)**
(Next Regular Meeting: Monday, October 9, 2017 @7:00 pm)
 - a. Update on Wastewater Treatment Plant
 - b. Recycling Contract
- 4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday)**
(Next Regular Meeting: Monday, October 9, 2017 @7:30 pm)
 - a. Downtown Improvements
 - b. Updated Information from Staff on Economic Development (as needed)
- 5. Parks & Recreation Committee (3rd Monday)**
(Next Regular Meeting: Monday, October 16, 2017 @6:00 pm)
 - a. Request from County to Designate Vorwerk Park as a Primitive Camp Site Location. (Tabled)
- 6. Ad Hoc Committee on Organizational Health and Strategic Vision (3rd Monday)**
(Next Regular Meeting: Mon., October 16, 2017 at 6:15 pm)
 - a. Discussion on Mission and Strategic Vision.
- 7. Finance & Budget Committee (4th Monday)**
(Next Regular Meeting: Monday, October 23, 2017 @6:30 pm)
- 8. Safety & Human Resources Committee (4th Monday)**
(Next Regular Meeting: Monday, October 23, 2017 @7:30 pm)
- 9. Personnel Committee (as needed)**
- 10. Ad-hoc Committee on Council Rules**
(Next Meeting: to be determined)

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

- 1. Board of Public Affairs (2nd Monday)**
(Next Regular Meeting: Monday, October 9, 2017 @6:30 pm)
 - a. Review of Power Supply Cost Adjustment Factor for October, 2017
 - b. Discussion on Transmission Operator for Northside Substation
 - c. Electric Vehicle Rebate (Tabled)
 - d. Electric Department Report
- 2. Board of Zoning Appeals (2nd Tuesday)**
(Next Regular Meeting: Tuesday, October 10, 2017 @4:30 pm)
- 3. Planning Commission (2nd Tuesday)**
(Next Regular Meeting: Tuesday, October 10, 2017 @5:00 pm)
- 4. Tree Commission (3rd Monday)**
(Next Regular Meeting: Monday, October 16, 2017 @6:00 pm)
- 5. Civil Service Commission (4th Tuesday)**
(Next Regular Meeting: Tuesday, September 26, 2017 @4:30 pm)
- 6. Parks & Recreation Board (Last Wednesday)**
(Next Regular Meeting: Wed., October 25, 2017 @6:30 pm)
- 7. Privacy Committee (2nd Tuesday in May & November)**
(Next Regular Meeting: Tuesday, November 14, 2017 @10:30 am)
- 8. Records Commission (2nd Tuesday in June & December)**
(Next Regular Meeting: Tuesday, December 12, 2017 @4:00 pm)
- 9. Housing Council (1st Monday of the month after the TIRC meeting)**
- 10. Health Care Cost Committee (as needed)**
- 11. Preservation Commission (as needed)**
- 12. Napoleon Infrastructure/Economic Development Fund Review Committee (NIEDF) (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 COUNCIL

MEETING MINUTES

MONDAY, SEPTEMBER 18, 2017 AT 7:00 PM

PRESENT

Council

Travis Sheaffer-Council President, Joe Bialorucki-Council President Pro-Tem, Jeff Comadoll, Rita Small, Dan Baer, Jeff Mires, Lori Sicclair

Mayor

Jason P. Maassel

Finance Director/Clerk

Gregory J. Heath

City Manager

Joel Mazur

Law Director

Billy D. Harmon

City Staff

Dave Mack, Chief of Police

Lt. Ed Legg

Dave Pike, WWTP Superintendent

Recorder

Roxanne Dietrich

Others

Newsmedia

ABSENT

Prayer

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

Approval of Minutes

Hearing no objections or corrections, the minutes of the September 05, 2017 Council meeting stand approved as read.

Citizen Communication

None.

Council Committee Reports

Electric Committee met on September 11, 2017 and approved the BOPA recommendation to approve the September 2017 PSCAF, they heard an update on the Transmission Operator for the Northside Substation, the Portfolio Realignment Opportunity was discussed and approved the Electric Department providing Mutual Aid to Tallahassee.

Chairman Comadoll reported the **Water and Sewer Committee** met on September 11, 2017 and heard the sewer rate study was not available until next month, the Wastewater Treatment Plant project will be done in three phases at a cost of about \$4 million for each phase, and talked about the recycling contract and should have it in place or have some kind of notification next month the contract is up in November.

Municipal Properties, Building, Land Use and Economic Development Committee met on September 11, 2017 and Chairperson Sicliar reported the Committee was updated on the downtown project and heard it is going as planned and recommended no action be taken on the Kenilworth Sidewalk.

Parks and Recreation Committee did not meet due to lack of agenda items.

Ad-hoc Committee on Organizational Health and Strategic Vision meeting was canceled.

Ad-hoc Committee on Council Rules met earlier this evening and reviewed the Council Rules, there will be a final draft for us to look at and then to take back to Council shortly thereafter.

Introduction of Resolution No. 056-17 City Representatives on CIC Board

Council President Sheaffer read by title **Resolution No. 056-17**, a Resolution Appointing Mayor Jason Maassel and Councilman Dan Baer to Represent the City of Napoleon, Ohio as Members of the Board of Directors of the Community Improvement Corporation (CIC) of Henry County, Ohio; and Declaring an Emergency.

Motion to Approve First Read of 056-17

Motion: Bialorucki Second: Mires
to approve First Read of Resolution No. 056-17.

Discussion for 056-17

Mazur said the Mayor and Dan have been the City representatives on the CIC Board and it is prudent to keep both of them on due to familiarity with ongoing projects. Sheaffer noted typically we can do the appointment by a motion and vote; but, the CIC requested we do by Resolution.

**Passed
Yea-7
Nay-0**

Roll call vote to approve first read of Resolution No. 056-17.
Yea-Mires, Small, Bialorucki, Sheaffer, Comadoll, Baer, Siclair
Nay-

Introduction of Ordinance No. 057-17

Council President Sheaffer read by title **Ordinance No. 057-17**, an Ordinance amending Chapter 1501, Section 1501.01, "Adoption", of Part 15 of the Codified Code of the City of Napoleon, Ohio; and Declaring an Emergency.

Motion to Approve First Read of 057-17 Amending ORC Section 1501.01

Motion: Comadoll Second: Bialorucki
to approve first read of Resolution No. 057-17.

Discussion for 057-17

Mazur reported it is currently written in the Codified Ordinances to follow the 2007 Ohio Fire Code, we would like the language amended to read will follow *the most current* State of Ohio Fire Code. Heath said he was under the impression the dates were going to be removed so this will not have to be modified again.

Motion to Amend Ordinance No. 057-17

Motion: Baer Second: Small
to amend Ordinance No. 057-17 by removing "effective January 1, 2017" and also remove one of "the most".

**Passed
Yea-7
Nay-0**

Roll call vote to approve amending Ordinance No. 057-17:
Yea-Mires, Small, Bialorucki, Sheaffer, Comadoll, Baer, Siclair
Nay-

Motion to Suspend the Rules on 057-17

Motion: Comadoll Second: Siclair
To suspend the rule requiring three readings for Ordinance No. 057-17.

**Passed
Yea-7
Nay-0**

Roll call vote to approve suspending the rule on Ordinance No. 057-17
Yea-Mires, Small, Bialorucki, Sheaffer, Comadoll, Baer, Siclair
Nay-

**Passed
Yea-7
Nay-0**

Roll call vote to pass Ordinance No. 057-17 under suspension of the rule and with emergency.
Yea-Mires, Small, Bialorucki, Sheaffer, Comadoll, Baer, Siclair
Nay-

County Auditor

and Declaring an Emergency.

**Motion to Approve
Second Read of 052-17**

Motion: Bialorucki Second: Comadoll
To approve second read of Resolution No. 052-17.

**Discussion on
Resolution No. 052-17**

Heath said there are no changes from the First Reading; I am requesting suspension due to the ORC filing requirement of October 1st.

**Motion to Suspend the
Rule for 052-17**

Motion: Comadoll Second: Bialorucki
To suspend the rule requiring three readings for Resolution No. 052-17.

**Passed
Yea-7
Nay-0**

Roll call vote on the above motion:
Yea-Mires, Small, Bialorucki, Sheaffer, Comadoll, Baer, Siclair
Nay-

**Passed
Yea-7
Nay-0**

Roll call vote to pass Resolution No. 052-17 under suspension of the rule and with emergency.
Yea-Mires, Small, Bialorucki, Sheaffer, Comadoll, Baer, Siclair
Nay-

**Second Read of
Resolution No. 053-17
Transfer City Owned
Properties to CIC**

Council President Sheaffer read by title **Resolution No. 053-17**, a Resolution Authorizing the Transfer of Certain Properties to wit: Parcel No. 410095550360 and Parcel No. 410095550380, both Owned by the City of Napoleon, Ohio, to the Community Improvement Corporation (CIC) of Henry County, Ohio; and Declaring an Emergency.

**Motion to Approve
Second Read of 053-17**

Motion: Siclair Second: Comadoll
To approve second read of Resolution No. 053-17.

**Discussion on
Resolution No. 053-17**

Mazur stated we are waiting on a property survey from the interested party to complete the transaction. Harmon noted a survey is needed to get the proper legal description for the properties.

**Passed
Yea-7
Nay-0**

Roll call vote to approve Second Read of Resolution No. 053-17:
Yea-Mires, Small, Bialorucki, Sheaffer, Comadoll, Baer, Siclair
Nay-

**Third Reading of
Ordinance No. 038-17
Repeal Codified
Ordinance Section 711**

Council President Sheaffer read by title **Ordinance No. 038-17**, an Ordinance Repealing Section 711 of Part 7 of the City of Napoleon, Ohio Codified Ordinances, Specifically Amusement Devices and Arcades.

**Motion to Approve
Third Read of 038-17**

Motion: Baer Second: Small
To approve Third Read of Ordinance No. 038-17

Discussion

Mazur stated he has not received any further comments.

**Passed
Yea-7
Nay-0**

Roll call vote to pass Ordinance No. 038-17 on Third Read.
Yea-Mires, Small, Bialorucki, Sheaffer, Comadoll, Baer, Siclair
Nay-

Discussion/Action:
Recommendation to Approve the September 2017 PSCAF

Recommendation to Approve the PSCAF for September 2017 as: PSCAF–three (3) month averaged factor \$0.01042, JV2 \$0.022959, JV5 \$0.022959.

Motion to Approve PSCAF for September 2017

Motion: Small Second: Comadoll
to approve the PSCAF for September 2017 as: PSCAF–three (3) month averaged factor \$0.01042, JV2 \$0.022959, JV5 \$0.022959.

Passed
Yea-7
Nay-0

Roll call vote on the above motion:
Yea-Mires, Small, Bialorucki, Sheaffer, Comadoll, Baer, Siclair
Nay-

2017 Manhole Lining Project Discussion

Mazur said the approved budget was \$40,000 the Engineer’s Estimate is \$60,000. This will complete the manhole lining project for the entire LTCP, we will do what we can and if there is a cost savings from another project, will put towards this project. Comadoll noted he talked to Chad today and he has money set aside to do the project.

Motion to Approve Plans and Specs

Motion: Comadoll Second: Small
To approve the plans and specifications for the 2017 Manhole Lining Project.

Passed
Yea-7
Nay-0

Roll call vote on the above motion:
Yea-Mires, Small, Bialorucki, Sheaffer, Comadoll, Baer, Siclair
Nay-

PC 17-04 Medical Marijuana Moratorium

Discussion

Harmon reported in a Memorandum from Mark Spiess and myself presented to the Planning Commission, it is noted that HB523 approved medical marijuana cultivation, processing, etc. within the State of Ohio; this bill and subsequent laws enacted thereafter stand in direct conflict with the Federal Law, the City cannot grant permits that violate Federal Law.. The Planning Commission recommended Council should enact prohibition on the cultivation, processing, etc. of medical marijuana within the City. Pursuant to the Planning Commission, my recommendation is this should not and cannot happen.

Motion to Approve PC 17-04 and Direct Law Director to Draft Legislation

Motion: Comadoll Second: Siclair
To approve the Planning Commission recommendation and to direct the Law Director to draft legislation.

Passed
Yea-7
Nay-0

Roll call vote on the above motion:
Yea-Mires, Small, Bialorucki, Sheaffer, Comadoll, Baer, Siclair
Nay-

Set Public Hearing for Monday, October 2, 2017 at 6:55 pm Farmland in an Agricultural District

Council President Sheaffer set a Public Hearing for Monday, October 2, 2017 at 6:55 pm to consider application for placement of farmland in an agricultural district by: Michael W. Adams, Trustee 9.09 acres; Keith Fruchey 11.94 acres; and Paul D. Martin, Etux. 12.08 acres.

Heath requested a motion to direct the Law Director to draft legislation.

Motion to Direct the Law Director to Draft Legislation on Farmland in an Ag District

Motion: Bialorucki Second: Small
To direct the Law Director to draft legislation on applications for placement of farmland in an agricultural district by: Michael W. Adams, Trustee 9.09 acres; Keith Fruchey 11.94 acres; and Paul D. Martin, etux. 12.08 acres.

Passed
Yea-7
Nay-0

Roll call vote on the above motion:
Yea-Mires, Small, Bialorucki, Sheaffer, Comadoll, Baer, Siclair
Nay-

Around the Table

Heath

Requested Third Quarter Budget Adjustments be referred to Committee.

Third Quarter Budget Adjustments Referred to Finance & Budget Comm.

Council President Sheaffer assigned *Third Quarter Budget Adjustments* to the Finance and Budget Committee.

Mires

Nothing.

Small

Nothing.

Bialorucki

Nothing.

Sheaffer

The downtown job is looking really good, they are staying on top of things and moving right along.

Maassel

I would like to appoint Kyle Moore to the Tree Commission.

Motion to Approve Mayor's Appointment to Tree Commission

Motion: Comadoll Second: Bialorucki
To approve the Mayor's appointment of Kyle Moore to the Tree Commission.

Passed
Yea-7
Nay-0

Roll call vote on the above motion:
Yea-Mires, Small, Bialorucki, Sheaffer, Comadoll, Baer, Siclair
Nay-

Bob McLimans tendered his resignation from the Board of Zoning Appeals and Planning Commission.

Comadoll

Nothing.

Baer

I would like to cancel the Safety and Human Resources meeting for next Monday since there are not any agenda items. On the downtown construction project, working out of the courthouse three days a week you can see the progress being made, I would like to stress to residents to continue to visit the restaurants, offices and businesses but be careful it is a construction zone, I encourage the public to support the businesses.

Siclair

I haven't been watching the downtown project, but the Park Street project is winding down and looks fabulous, I can get out on a daily basis!

Council President Sheaffer reported personnel was discussed in Executive Session and no action was taken.

Motion to Come Out of Executive Session on Economic Development

Motion: Bialorucki Second: Small
To come out of Executive Session on Economic Development.

Passed
Yea-7
Nay-0

Roll call vote on the above motion:
Yea-Mires, Small, Bialorucki, Sheaffer, Comadoll, Baer, Siclair
Nay-

Council President Sheaffer reported Economic Development was discussed in Executive Session and no action was taken.

Council came out of Executive Session at 8:32 pm.

Approval of Bills

The bills and reports stand approved as presented with no objections.

Mires

I would like to add to the Finance and Budget Committee the agenda item *Set Dates for 2018 Budget Reviews*.

Council President Assigned Set Date for 2018 Budget Review to the Finance and Budget Committee

Council President Sheaffer assigned *Set Dates for 2018 Budget Reviews* to the Finance and Budget Committee

Maassel

Maassel shared this is Constitution Week.

Motion to Adjourn

Motion: Bialorucki Second: Siclair
to adjourn the City Council meeting.

Passed
Yea-7
Nay-0

Roll call vote on the above motion:
Yea-Mires, Small, Bialorucki, Sheaffer, Comadoll, Baer, Siclair
Nay-

Adjournment

The City Council meeting was adjourned at 8:34 pm.

Approved:

October 02, 2017

Travis Sheaffer, Council President

Jason P. Maassel, Mayor

Gregory J. Heath, Finance Director/Clerk of Council

ORDINANCE 059-17

AN ORDINANCE PROHIBITING MEDICAL MARIJUANA CULTIVATION, PROCESSING, TESTING, PACKING, STORAGE, AND RETAIL DISTRIBUTION WITHIN THE CITY OF NAPOLEON, OHIO

WHEREAS, on May 25, 2016, the Ohio General Assembly passed Substitute House Bill 523 (“H.B. 523”), which allows individuals with a qualifying medical condition, on the recommendation of a physician, to apply to the State, and upon approval of their application receive an identification card allowing them to obtain, possess, and use medical marijuana for the treatment of said condition; and

WHEREAS, H.B. 523 was signed into law by Ohio Governor John Kasich and thereafter became effective on September 9, 2016; and

WHEREAS, pursuant to home rule authority found in Article XVIII of the Constitution of the State of Ohio, the City Charter, and the Ohio Revised Code, municipalities have the inherent power to enact planning, zoning and business regulation laws that further the health, safety, welfare, comfort and peace of the citizens of the municipality, including restricting, prohibiting and/or regulating certain business uses; and

WHEREAS, ORC § 3796.29, enacted by H.B. 523, affirms that municipalities may adopt restrictions, including prohibiting or limiting the number of cultivators, processors, or retail dispensaries of medical marijuana within their corporation limits; and

WHEREAS, H.B. 523 provides that the Ohio Department of Commerce, the Board of Pharmacy, and the State Medical Board shall adopt rules establishing standards and procedures for the medical marijuana control program; and

WHEREAS, these state boards have published their proposed rules governing operation of marijuana dispensaries, cultivators, and processors, the issuance of certificates to physicians wishing to recommend medical marijuana to patients, and the registration of patients and caregivers wishing to purchase medical marijuana pursuant to these recommendations; and

WHEREAS, these proposed rules are in the process of completing the state’s agency rule review; and

WHEREAS, the City has studied these proposed rules; and

WHEREAS, marijuana (cannabis) remains classified as a Schedule I controlled substance under the Federal Controlled Substances Act, rendering the manufacture, distribution, dispensation, and the possession of marijuana with intention to manufacture, distribute, or dispense, a crime under federal law; and

WHEREAS, a consequence of the continued prohibition of marijuana by the Federal government is that financial services providers such as banks and credit card companies are unable to do business with marijuana enterprises because it is illegal under Federal law to transmit funds known to have been derived from marijuana; and

WHEREAS, the unbanked status of marijuana businesses results in the businesses and their customers carrying significant amounts of cash; and

WHEREAS, the presence of large amounts of cash invites opportunity for robbery, theft, money laundering, tax evasion, and other crimes constituting threats to the public health, safety, and welfare; and

WHEREAS, due to the above threats to public health, safety, and welfare, having reviewed the State's rules and Federal law's continued classification of marijuana (cannabis) as a Schedule I drug, the City of Napoleon determines that cultivation, processing, testing, and retail dispensing of marijuana for medical purposes, or otherwise, shall not be a permitted use within this City;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Napoleon, Henry County, State of Ohio, _____ of the elected members concurring, that:

SECTION 1. That Part VII , Business Regulation Code, shall be amended by enacting Chapter 747, Medical Marijuana, to read as follows:

CHAPTER 747 – MEDICAL MARIJUANA

747.01 DEFINITIONS

(a) “Marijuana” has the same meaning as marihuana as defined in section 3719.01 of the Ohio Revised Code.

(b) “Medical marijuana” means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.

(c) “Medical marijuana-related business or home occupation” means a business or home occupation use, involving in whole or in part, the cultivation, processing, distribution, and/or wholesale or retail sale of medical marijuana on the premises. This definition shall specifically include, but is not limited to, dispensaries of medical marijuana; facilities for the cultivation, packing, transportation, processing, storage, and/or sale of medical marijuana; and bakeries or kitchens producing edible forms of medical marijuana or products containing the same.

747.02 CULTIVATION, PROCESSING, TESTING, PACKING, STORAGE, OR RETAIL DISPENSING OF MEDICAL MARIJUANA PROHIBITED

(a) The cultivation, processing, testing, packing, storage, or retail dispensing of medical marijuana within the City of Napoleon is hereby prohibited.

(b) No medical marijuana-related business or home occupation may be established, operated, or maintained within the City of Napoleon, nor shall any provision of the Planning and Zoning Code be construed to permit the use of any property for that purpose. This prohibition shall apply to all zoning districts within the City.

747.99 PENALTY

Whoever violates Section 747.02 is guilty of a misdemeanor of the first degree. Each day of violation shall constitute a separate offense.

SECTION 2. That Part XI, Planning and Zoning Code, shall be amended by enacting Section 1127.22, Cultivation, Processing, Testing, Packing, Storage, or Retail Dispensing of Medical Marijuana Prohibited in All Districts, to read as follows:

1127.22 CULTIVATION, PROCESSING, TESTING, PACKING, STORAGE, OR RETAIL DISPENSING OF MEDICAL MARIJUANA PROHIBITED IN ALL DISTRICTS.

(a) The cultivation, processing, testing, packing, storage, or retail dispensing of medical marijuana shall be a prohibited use in all zoning districts within the City of Napoleon.

(b) Use of property in violation of this section shall constitute a nuisance.

(c) In addition to other penalties provided by law, the Director of Law shall be authorized to institute civil proceedings in a court of competent jurisdiction to enjoin violations of this Section; for monetary damages arising from violations of this Section; and to take all actions necessary to secure enforcement of any injunction and collect upon any damage award, judgment, or fine in contempt levied in relation to a violation of this Section.

SECTION 3. Council hereby finds that all deliberations and votes taken in relation to this Ordinance were done in a public meeting in accordance with Section 121.22 of the Ohio Revised Code.

SECTION 4. The provisions of this Ordinance are severable, and if any one or more should be found unenforceable for any reason, the remaining provisions shall remain in full force and effect.

SECTION 5. This ordinance shall take effect at the earliest opportunity allowed 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. 059-17 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. 060-17

AN ORDINANCE APPROVING THE RENEWAL OF AGRICULTURAL DISTRICT(S) LOCATED IN THE CITY OF NAPOLEON, OHIO AS APPLIED FOR BY MICHAEL W. ADAMS, TRUSTEE; AND DECLARING AN EMERGENCY

WHEREAS, with the passage of Ordinance 039-12, City Council authorized land owned by Michael W. Adams, Trustee, to be placed into an agricultural district pursuant to Chapter 929 of the Ohio Revised Code; and,

WHEREAS, renewal applications have been made by Michael W. Adams, Trustee, pursuant to R.C. Chapter 929, for the purpose of keeping the nine and nine one hundredths (9.09) more or less acres of land used solely for agricultural purposes in an agricultural district; and,

WHEREAS, a Public Hearing was held on said issue, after notice, pursuant to R.C. 929.02(B), on October 2, 2017; and,

WHEREAS, after said hearing, Council is desirous to permit the proposed acres to remain in an agricultural district, the Council unable to find that the "ag district" would cause substantial adverse effects on; (1) municipal services within the municipal corporation; (2) the efficient use of and/or development of property within the municipal corporation; or, (3) the health, safety and welfare of the citizens; **Now Therefore**,

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

Section 1. That, the renewal application submitted to the City of Napoleon, Ohio for the placement of nine and nine one hundredths (9.09) more or less acres of farmland into an agricultural district, identified in the renewal application as at the location of American Road, Napoleon, Henry County, Ohio; the tax district being Napoleon Corp., Liberty Center School District, Parcel Number 27-060016.0500, consisting of nine and nine one hundredths (9.09) acres of land, is hereby approved without modification by this Council pursuant to R.C. Chapter 929 and this Ordinance as a renewal application.

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

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

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the

earliest possible time to allow for farmland preservation, farmland essential to producing product that is essential to health of our citizens; moreover, this must timely take effect to meet the intent of the law; 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 ____ Nay ____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 060-17 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. 061-17

AN ORDINANCE APPROVING THE RENEWAL OF AGRICULTURAL DISTRICT(S) LOCATED IN THE CITY OF NAPOLEON, OHIO AS APPLIED FOR BY KEITH FRUCHEY; AND DECLARING AN EMERGENCY

WHEREAS, with the passage of Ordinance 043-12, City Council authorized land owned by Keith Fruchey to be placed into an agricultural district pursuant to Chapter 929 of the Ohio Revised Code; and,

WHEREAS, renewal applications have been made by Keith Fruchey pursuant to R.C. Chapter 929, for the purpose of keeping the ten (10) or more acres of land used solely for agricultural purposes in an agricultural district; and,

WHEREAS, a Public Hearing was held on said issue, after notice, pursuant to R.C. 929.02(B), on October 2, 2017; and,

WHEREAS, after said hearing, Council is desirous to permit the proposed acres to remain in an agricultural district, the Council unable to find that the "ag district" would cause substantial adverse effects on; (1) municipal services within the municipal corporation; (2) the efficient use of and/or development of property within the municipal corporation; or, (3) the health, safety and welfare of the citizens; **Now Therefore**,

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

Section 1. That, the renewal application submitted to the City of Napoleon, Ohio for the placement of ten (10) or more acres of farmland into an agricultural district, identified in the renewal application as at the location of Appian Avenue, Napoleon, Henry County, Ohio; the tax district being Napoleon Corp., Napoleon City Area School District, Parcel Number 24-190076.0300, consisting of eleven and ninety four one hundredths (11.94) acres of land, is hereby approved without modification by this Council pursuant to R.C. Chapter 929 and this Ordinance as a renewal application.

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

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

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for farmland preservation, farmland essential to producing product that is essential to health of our citizens; moreover, this must timely take effect to

meet the intent of the law; 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 _____ 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. 061-17 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. 062-17

AN ORDINANCE APPROVING THE RENEWAL OF AGRICULTURAL DISTRICT(S) LOCATED IN THE CITY OF NAPOLEON, OHIO AS APPLIED FOR BY PAUL D. MARTIN, ET UX; AND DECLARING AN EMERGENCY

WHEREAS, with the passage of Ordinance 038-12 (with a scrivener error subsequently corrected with the passage of Ordinance 043-12), City Council authorized land owned by Keith Fruchey to be placed into an agricultural district pursuant to Chapter 929 of the Ohio Revised Code; and,

WHEREAS, renewal applications have been made by Paul D. Martin, et ux, pursuant to R.C. Chapter 929, for the purpose of keeping the ten (10) or more acres of land used solely for agricultural purposes in an agricultural district; and,

WHEREAS, a Public Hearing was held on said issue, after notice, pursuant to R.C. 929.02(B), on October 2, 2017; and,

WHEREAS, after said hearing, Council is desirous to permit the proposed acres to remain in an agricultural district, the Council unable to find that the "ag district" would cause substantial adverse effects on; (1) municipal services within the municipal corporation; (2) the efficient use of and/or development of property within the municipal corporation; or, (3) the health, safety and welfare of the citizens; **Now Therefore**,

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

Section 1. That, the renewal application submitted to the City of Napoleon, Ohio for the placement of ten (10) or more acres of farmland into an agricultural district, identified in the renewal application as at the location of County Road R, Napoleon, Henry County, Ohio; the tax district being Napoleon Corp., Liberty Center School District School District, Parcel Number 27-060014.0200, consisting of twelve and eight one hundredths (12.08) acres of land, is hereby approved without modification by this Council pursuant to R.C. Chapter 929 and this Ordinance as a renewal application.

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

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

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for farmland preservation, farmland essential to producing

product that is essential to health of our citizens; moreover, this must timely take effect to meet the intent of the law; 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 _____ 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. 062-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

RESOLUTION NO. 063-17

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00), AND ELIMINATING THE NECESSITY OF COMPETITIVE BIDDING, FOR THE PURCHASE OF HARDWARE REQUIRED TO COMPLETE THE MOBILE CAD INSTALLATION PREVIOUSLY APPROVED BY RESOLUTION NO. 049-17, UTILIZING THE FEDERAL COOPERATIVE PURCHASING PROGRAM, WHICH WAS NOT INCLUDED IN THE 2017 MASTER BID RESOLUTION; AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon Police Department desires to purchase the required hardware to complete the installation of Mobile CAD, previously approved by the passage of Resolution No. 049-17; and,

WHEREAS, the necessary hardware can be purchased utilizing the Federal Cooperative Purchasing Program, and,

WHEREAS, the Council believes it is in the best interest of the City of Napoleon to eliminate the necessity for competitive bidding, **Now Therefore**,

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

Section 1. That, the City of Napoleon authorizes the expenditure of funds in excess of \$25,000.00 for the purchase of necessary hardware to complete City of Napoleon Police Department Mobile CAD software, utilizing the Federal Cooperative Purchasing Program. Further, Council finds it to be in the best interest of the City to eliminate the necessity for competitive bidding.

Section 2. That, pursuant to the Charter of the City of Napoleon, Ohio, Section 6.05, Elimination of Competitive Bid or Proposal Permitted, and Napoleon Ordinance 106.04, Competitive Bidding Eliminated, when the City may otherwise be required by the laws of Ohio, ordinance or resolution, to make any purchase or contract of any type of property or services, or contract for purchases or services by competitive bid, the proposal process, or qualified base selection process, Council may eliminate the necessity therefor in the best interest of the City, as determined in the sole discretion of Council by a majority vote of the current members of Council.

Section 3. That, this Council previously authorized the City Manager to purchase the software component of the Mobile CAD installation, by passage of Resolution 049-17 on August 21, 2017.

Section 4. That, the City Manager is directed and authorized to enter into a contract for the purchase at issue in this legislation.

Section 5. 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 6. 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 7. 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; 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 ____ Nay ____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 063-17 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. 064-17

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO JOIN A COALITION OF MUNICIPALITIES RETAINING SPECIAL COUNSEL FOR PURPOSES OF INITIATING LITIGATION TO CHALLENGE THE CONSTITUTIONALITY OF AMENDMENTS TO CHAPTER 718 OF THE OHIO REVISED CODE RELATING TO MUNICIPAL INCOME TAX; AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon, Ohio recognizes, as a home rule power of local self-government, that municipal income tax administration and collection is vital to the health, safety and welfare of the municipality; and,

WHEREAS, the City of Napoleon, Ohio relies on the revenue from effective municipal income tax administration and collection to provide the services that maintain the health, safety and welfare of the municipality; and,

WHEREAS, the Ohio General Assembly has attempted to assert control over the administration and collection of municipal income taxes by claiming that a municipality has no authority to impose an income tax unless it adopts a code in strict compliance with Ohio Revised Code Chapter 718; and,

WHEREAS, the established law of Ohio is clear that any such preemption of municipal income tax codes by the State of Ohio violates the Ohio Constitution and home rule provisions that allow a municipal corporation the right to administer and enforce its own municipal income tax; and,

WHEREAS, more specifically, the State of Ohio has enacted HB 5 in 2014 comprehensively rewriting the entire municipal income tax law and HB 49 in 2017 authorizing centralized collection by the State of Ohio of municipalities' net profits taxes; and,

WHEREAS, the City of Napoleon, Ohio desires to assert its home rule authority to control the administration and collection of the municipal income tax, in order to provide for the health, safety and welfare of the municipality; **Now Therefore**,

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

Section 1. That, the City Manager is hereby authorized to join a coalition of municipalities being formed for the purpose of initiating litigation to challenge the constitutionality of amendments to Chapter 718 of the Ohio Revised Code contained in H.B. 5 and H.B. 49, and retain the law firm of Frost Brown Todd, LLC as special counsel for the coalition of municipalities.

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

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

Section 4. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that this Ordinance is required to be in effect at the earliest possible time is the need for immediate judicial proceedings, given that the effective date of Am. Sub. HB 49 is January 1, 2018; 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 _____ 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. 064-17 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. 065-17

AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION MEASURE (SUPPLEMENT NO. 3) FOR THE YEAR 2017; AND DECLARING AN EMERGENCY

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

Section 1. That, the annual appropriation measure passed in Ordinance No. 062-16, supplemented by Ordinance No.(s) 015-17 and 045-17, for the fiscal year ending December 31, 2017 shall be supplemented (Supplement No. 3) as provided in Exhibit "A" (two (2) pages), attached hereto and made a part hereof.

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

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

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time because this Ordinance provides for appropriations for the current expenses of the City which are related to public peace, health or safety; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____

Travis 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. 065-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

RESOLUTION NO. 056-17

A RESOLUTION APPOINTING MAYOR JASON MAASSEL AND COUNCILMAN DAN BAER TO REPRESENT THE CITY OF NAPOLEON, OHIO AS MEMBERS OF THE BOARD OF DIRECTORS OF THE COMMUNITY IMPROVEMENT CORPORATION OF HENRY COUNTY, OHIO; AND DECLARING AN EMERGENCY

WHEREAS, the Community Improvement Corporation of Henry County, Ohio was deemed an Agent of the City of Napoleon, Ohio for industrial, commercial, distribution, and research development by the approval and passage of Ordinance No. 106-05; and

WHEREAS, the Community Improvement Corporation of Henry County, Ohio (CIC) exists for a public purpose, namely as an Agent of the City of Napoleon, Ohio to create and preserve jobs and employment opportunities in the City and improve the economic welfare of the residents of the City and of the State; and further encourages and causes the maintenance, location, relocation, expansion, modernization, and equipment of sites, buildings, structures, and appurtenant facilities for industrial, commercial, distribution, and research activities within the City and thereby preserves, maintains, or creates additional opportunities for employment within the City; and

WHEREAS, the affairs of the CIC are managed by a Board of Directors (“Board”), with six (6) voting members, two (2) of which are designated for elected officials, and four (4) of which are designated for City residents; and

WHEREAS, the City is required to formally designate two (2) elected officials to represent the City on the Board and to exercise the duties of CIC; **Now Therefore**,

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

Section 1: That effective immediately, Jason Maassel and Dan Baer, as incident of their capacity as Mayor of, and a Councilmember of the Municipality respectively, hereby are designated the representatives of the Municipality on the Board of the CIC to act on behalf of the Municipality and discharge duties as a voting member of said Board.

Section 2: That the representatives so designated are authorized and empowered, acting for, in the name of and on behalf of the Municipality, and as the Municipality’s agent, to exercise all the functions, powers, rights and privileges, and to fulfill the obligations, that the Municipality may have as a voting member of the Board, including, without limitation, to attend and take part in meetings of the Board and of committees of the Board, to vote on and otherwise act with respect to all matters that may properly come before the Board or any committee of the Board, and to do or cause to be done all acts, and to take all steps as may in each case be, in the opinion of such representative, necessary or desirable in order to represent the Municipality and exercise its functions, powers, rights and privileges, and to fulfill its obligations, as a Director and to carry out the full intent and purposes of this Resolution and the purposes and powers of the CIC.

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

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

Section 6: That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to designate new representatives to the CIC Board which affects the public peace, health, and safety accessible to our citizens; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____

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 Resolution No. 056-17 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. 058-17

AN ORDINANCE CREATING AND ENACTING CHAPTER 143, SECTION 143.06 OF PART 1 OF THE CODIFIED ORDINANCES OF THE CITY OF NAPOLEON, OHIO, A CITY OF NAPOLEON, OHIO FIRE AND RESCUE FEE SCHEDULE; AND DECLARING AN EMERGENCY

WHEREAS, City Council recently reviewed the City of Napoleon Codified Ordinances in an effort to keep up to date with current regulations; and,

WHEREAS, the Safety and Human Resources Committee determined, upon recommendation of the City of Napoleon Fire Chief, to create and/or amend the following Napoleon Fire & Rescue fee schedule as listed in this Ordinance, in accordance with current County of Henry, State of Ohio fees; and,

WHEREAS, this Council has considered all recommendations, now deems appropriate that the City of Napoleon, Ohio Codified Ordinances amend and/or adopt the City of Napoleon Fire & Rescue fee schedule as listed in this Ordinance, which shall be implemented until amended by this Council; **Now Therefore**,

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

Section 1. That, upon recommendation of the Safety and Human Resources Committee and the City of Napoleon Fire Chief, and after a finding that the fees listed in the schedule as listed in this Ordinance are reasonable, the City hereby adopts and establishes a schedule of fees, listed in this Ordinance, for services rendered by Napoleon Fire & Rescue, to be known as the Napoleon Fire & Rescue Fee Schedule, in accordance with current County of Henry, State of Ohio fees.

Section 2. That Part One, Administrative Code, Title Five, Administrative, Chapter 143, Fire/Rescue Department, shall be amended by enacting Section 143.06, Fee Schedule, to read as follows:

143.06 Fee Schedule

The City of Napoleon hereby adopts and establishes a schedule of fees for services rendered by Napoleon Fire and Rescue as follows:

| Service | Type | Description | Cost per Hour or Incident |
|-----------|------------------|------------------|----------------------------|
| Education | Public Education | CPR/includes AED | \$45.00/person |
| Education | Public Education | CPR | \$9.00/high school student |

| | | | |
|---------------------|-------------------|---|--------------------------------|
| Education | Public Education | Fire Extinguisher | Free |
| Education | Public Education | Use of Fire Safety Trailer (out of County) | \$150.00 |
| Education | Training Facility | Use of building – no burn | \$50.00/hour |
| Education | Training Facility | Use of building and Bullex Fire Simulator (includes 1 safety officer) | \$55.00/hour |
| Education | Training Facility | Use of building – live burn | \$60.00/hour |
| Education | Training Facility | Lead Instructor | \$50.00/hour |
| Education | Training Facility | Assistant instructor | \$35.00/hour |
| Education | Training Facility | Safety Officer (required for ALL use of building) | \$50.00/hour |
| Education | Training Facility | Vehicle Fire (up to 2 cars) | \$50.00/hour |
| Education | Training Facility | Vehicle Extrication (up to 2 cars) | \$50.00/hour |
| Education | Training Facility | Fire Engine | \$125.00/hour |
| Education | Training Facility | Ladder Truck | \$150.00/hour |
| Public Relations | Stand by | Football Game | \$100.00/game |
| Inspection | Fire Prevention | Initial Fire Inspection | Free |
| Inspection | Fire Prevention | Re-Inspection | Free |
| Inspection | Fire Prevention | Third Inspection | \$50.00 |
| Inspection | Fire Prevention | All subsequent re-inspections | Increase by \$50.00/inspection |
| False Alarm | Incident Response | Third False Alarm (Commercial) | \$250.00 |
| False Alarm | Incident Response | Fourth False Alarm (Commercial) | \$500.00 |
| False Alarm | Incident Response | Fifth False Alarm (Commercial) | \$750.00 |
| False Alarm | Incident Response | Third False Alarm (Residential) | \$100.00 |
| False Alarm | Incident Response | Fourth False Alarm (Residential) | \$200.00 |
| False Alarm | Incident Response | Fifth False Alarm (Residential) | \$300.00 |
| Hazardous Materials | Incident Response | Hazardous Materials spills greater than 25 gallons | Itemized |
| Hazardous Materials | Incident Response | Engine/Pumper | \$125.00/hour |
| Hazardous Materials | Incident Response | Ladder Truck | \$150.00/hour |
| Hazardous Materials | Incident Response | Tender | \$50.00/hour |
| Hazardous Materials | Incident Response | EMS Transport Vehicle (does not include transport fee) | \$100.00 |

| | | | |
|---------------------|-------------------|---|---|
| Hazardous Materials | Incident Response | Hazardous Materials (trailer and pick up) | \$150.00/incident |
| Hazardous Materials | Incident Response | Support Vehicle (secondary unit needed by IC) | \$10.00/hour or actual cost |
| Hazardous Materials | Incident Response | Decontamination | \$200.00/incident |
| Hazardous Materials | Incident Response | Incident Commander | \$35.00/hour (each) |
| Hazardous Materials | Incident Response | Operations Officer | \$25.00/hour (each) |
| Hazardous Materials | Incident Response | Support Staff | \$15.00/hour (each) |
| Hazardous Materials | Incident Response | Fire and EMS Personnel (on scene and standby) | Actual hourly rate (each) |
| Hazardous Materials | Incident Response | Other Personnel and Government Employees | Actual hourly rate (each) |
| Hazardous Materials | Incident Response | Station fees (if utilized as part of the operation) | \$200.00 first hour; \$25.00 after \$500.00 maximum |
| Hazardous Materials | Incident Response | Supplies | Charged at replacement cost |
| Hazardous Materials | Incident Response | Administrative fees | 15% of total billing |

Section 3. 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 4. 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 5. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that this Ordinance is required to be in effect at the earliest possible time to allow for emergency services to be rendered in a timely manner, emergency services also utilized by the City inhabitants when needed outside the City's jurisdictional boundaries; 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 _____ 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. 058-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

RESOLUTION NO. 053-17

A RESOLUTION AUTHORIZING THE TRANSFER OF CERTAIN PROPERTIES TO WIT: PARCEL NO. 410095550360 AND PARCEL NO. 410095550380, BOTH OWNED BY THE CITY OF NAPOLEON, OHIO, TO THE COMMUNITY IMPROVEMENT CORPORATION (CIC) OF HENRY COUNTY, OHIO; AND DECLARING AN EMERGENCY

WHEREAS, the City, by Ordinance 34-86, passed July 21, 1986, designated the Community Improvement Corporation of Henry County, Ohio (hereinafter called “the CIC”) as the agency and instrumentality of the City for the industrial, commercial, distribution and research development of the City pursuant to Chapter 1724.10 of the Ohio Revised Code; and

WHEREAS, the City and the CIC have since entered into an amended Agreement and Plan of Industrial, Commercial, Distribution and Research Development (Amendment No. 2 dated March 21, 2011; Ordinance No. 017-11); and

WHEREAS, pursuant to Article VIII Section 13 of the Ohio Constitution, which provides for economic development, and the Ohio Revised Code, the Agreement and Plan provides in pertinent part, that in furtherance of the Plan, the CIC [may/will] sell or lease any lands or interests in lands owned by the City determined from time to time by the Council of the City not to be required by the City for its purposes, for uses determined by the Council of the City as those that will promote the welfare of the people of the City, stabilize the economy, preserve, maintain or provide employment, and assist in the development of industrial, commercial, distribution and research activities to the benefit of the people of the City; moreover, that such sale or lease may be made without advertising and receipt of bids when in the best interest of the City, the City specifying the consideration of such sale or lease; and

WHEREAS, the Agreement and Plan also provides in pertinent part, that the City may convey to the CIC lands and interest in lands owned by the City and determined by the Council of the City not to be required by the City for its purposes, and that such conveyance of such land or interests in land will promote the welfare of the people of the City, stabilize the economy, provide employment and assist in the development of industrial, commercial, distribution and research activities to the benefit of the people of the City and preserve, maintain or provide additional opportunities for their gainful employment; moreover, that such sale or lease shall be made without advertising and receipt of bids when in the best interest of the City, the City determining the consideration of such sale or lease; further, if any lands or interests in lands conveyed by the City to the CIC are sold by the CIC at a price in excess of the consideration received by the City from the CIC therefore, such excess shall be paid to the City after deducting therefrom the following costs to the extent incurred by the CIC; the costs of acquisition and sale by the CIC, taxes, assessments, costs of maintenance, costs of improvements to the land by the CIC, debt service charges of the CIC attributable to such lands or interests, and a reasonable service fee determined by the CIC; and

WHEREAS, it has been presented and requested by the Executive Director of the CIC that the City transfer two specific parcels of land owned by the City to the CIC in

order to further the Plan for Economic Development, consistent with Ohio Revised Code Section 1724.10; and

WHEREAS, the subject property, Parcel No. 410095550360 for which the CIC requests transfer (“Subject Property”) is approximately twenty nine one hundredths (0.29) acres of land, more or less, located to the northwest of Riverview Avenue as found in the Henry County Auditor’s Office; and

WHEREAS, the subject property Parcel No. 410095550380 for which the CIC requests transfer (“Subject Property”) is at this time an undetermined number of acres of land, less than twenty five one hundredths (0.25), located northwest of Riverview Avenue as found in the Henry County Auditor’s Office; and

WHEREAS, the CIC agrees to hold title to and transfer the Subject Properties at the appropriate time to any eventual transferee (and potentially eventually back to the City) as determined and agreed upon by simple majority vote of its Board of Trustees consistent with all laws and regulations and the aforementioned Agreement and Plan and the supplemental purchase agreement; and

WHEREAS, the City Manager, being the official in charge of the property, has advised this Council that the Subject Property is no longer needed for a public purpose;
NOW THEREFORE,

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

Section 1. That, Parcel No. 410095550360 and Parcel No. 410095550380, located in the City of Napoleon, Henry County, Ohio, are hereby determined by this Council not to be required by the City for its purposes, and that such conveyance of such land or interests in land will promote the welfare of the people of the City, stabilize the economy, provide employment and assist in the development of industrial, commercial, distribution and research activities to the benefit of the people of the City and preserve, maintain or provide additional opportunities for their gainful employment.

Section 2. That, being consistent with the City’s Charter, Ordinances, Resolutions and the Agreement and Plan, as well as being consistent with the Ohio Revised Code, the parcel or parcels identified in Section 1 of this Resolution shall be transferred to the CIC of Henry County, Ohio without necessity of advertisement or receipt of bids, the same being determined by this Council as being in the best interest of the City; moreover, the City Manager is authorized to execute all agreements, deeds, and other documents required to complete said transfer(s).

Section 3. That, Council determines that the consideration for the conveyance of the Parcel identified in Section 1 of this Resolution shall be as found in a certain real estate purchase agreement and escrow agreement between the CIC and a third party substantially in the form as currently on file in the office of the City Finance Director.

Section 4. That, if any parcel or parcels of land as identified in Section 1 of this Resolution so conveyed by the City to the CIC is or are sold by the CIC at a price in excess of the consideration received by the City from the CIC therefore, then such excess shall be paid to the City after deducting therefrom the following costs to the extent incurred by the CIC; the costs of acquisition and sale by the CIC, taxes, assessments, costs of maintenance, costs of improvements to the land by the CIC, debt service charges

of the CIC attributable to such lands or interests, and a reasonable service fee determined by the CIC.

Section 5. That, nothing in Section 4 of this Resolution shall be construed as relieving the CIC of its obligations under the land purchase agreement.

Section 6. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 7. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 8. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time for the furtherance of economic development within the City of Napoleon, all of which affects the public peace, health or safety accessible to our citizens; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____

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 Resolution No. 053-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director



City of Napoleon, Ohio

Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

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

www.napoleonohio.com

Memorandum

To: Joel L. Mazur, City Manager
From: Chad E. Lulfs, P.E., P.S., Director of Public Works
cc: Mayor & City Council
 Greg Heath, City Finance Director
Date: September 27, 2017
Subject: Ohio Street Water Main Replacement and
 Associated Improvements Project –
 Recommendation of Award

On Wednesday, September 27, 2017, bids were opened and read aloud for the above referenced project. Six bids were submitted and read as follows:

| | <u>Base Bid</u> | <u>Alternate Bid</u> | <u>Combined Bid</u> |
|---|-----------------|----------------------|---------------------|
| Vernon Nagel, Inc. | \$496,240.00 | \$65,354.00 | \$561,594.00 |
| Cash Services, L.L.C. | \$502,052.75 | \$65,432.05 | \$567,484.80 |
| Hohenbrink Excavating, L.L.C. | \$517,623.25 | \$60,206.00 | \$577,829.25 |
| Edward Kelly & Sons, Inc. | \$598,335.00 | \$71,894.00 | \$670,229.00 |
| Bryan Excavating, L.L.C. | \$607,773.50 | \$76,128.00 | \$683,901.50 |
| Crestline Paving & Excavating Co., Inc. | \$619,965.00 | \$81,574.00 | \$701,539.00 |

The Engineer's Estimate for the Base Bid for this project is \$630,000.00. This project consists of: replacing the existing cast iron waterline on Ohio Street from Glenwood Avenue to Stevenson Street; replacing a large portion of the curbing due to deterioration; patching affected pavement and drives due to trench work. The Alternate Bid is for connecting the proposed waterline on Ohio Street to the new waterline that was installed under the bridge on Stevenson Street. The budget for this project is \$650,000.00. The completion date for this project is May 26, 2018.

Having reviewed the submitted bids, it is my recommendation that Council award Vernon Nagel, Inc. the contract for the Ohio Street Water Main Replacement and Associated Improvements Project in the amount of \$561,594.00 for the combined Base & Alternate Bid. If you have any questions or require additional information, please contact me at your convenience.

CEL

CHANGE ORDER

No. 3

PROJECT

2017 Downtown Street Improvements Project

DATE OF ISSUANCE

October 3, 2017

OWNER

City of Napoleon
255 W. Riverview Ave., P.O. Box 151
Napoleon, OH 43545

City Contract No. 2017-13**CONTRACTOR**

Vernon Nagel, Inc.
O-154 Co. Rd. 11C
Napoleon, Ohio 43545

ENGINEER

Chad E. Lulfs, P.E., P.S.
City Engineer

CONTRACT FOR: 2017 Downtown Street Improvements

You are hereby directed to proceed promptly with the following change(s):

DESCRIPTION:

To pour Concrete Wall in one (1) location. 100'x8'x10" Concrete Wall w/Rebar, 1'x3' Footing, Rebar in Footing, Demolition, Excavation, Waterline Service Relocation.

ATTACHMENTS - (List Documents Supporting Change)

If a claim is made that the above change(s) have affected Contract Price or Contract Time, any claim for a Change Order based thereon will involve one of the following methods of determining the effect of the change(s).

Method of Determining Change In

CONTRACT PRICE

- Time and Materials
- Unit Prices
- Cost Plus Fixed Fee
- Other

Method of Determining Change In

CONTRACT TIME

- Contractor's Records
- Engineer's Records
- Other

Estimated Increase/Decrease in

CONTRACT PRICE \$42,660.00

If the Change involves an Increase, the estimated amount is not to be exceeded without further authorization.

Estimated Increase/Decrease in

CONTRACT TIME N/A days

If the Change involves an Increase, the estimated time is not to be exceeded without further authorization.

Recommended

City of Napoleon

Accepted

Vernon Nagel, Inc.

Contractor

Chad E. Lulfs, P.E., P.S.; City Engineer

by: _____

Approved

City of Napoleon

Joel Mazur, City Manager

| | |
|---|--------------|
| Original Contract Prior to this Change Order | \$903,171.84 |
| Increase / Decrease Resulting from this Change Order | \$42,660.00 |
| Current Contract Price, Including this Change Order | \$945,831.84 |



City of Napoleon, Ohio

Parks and Recreation Department

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

Telephone: (419) 592-4010 Fax: (419) 592-8955

www.napoleonohio.com

Memorandum

To: Joel Mazur, City Manager
From: Tony Cotter, Parks and Recreation Director
cc: Roxanne Dietrich, Recorder
Amanda Griffith, Admin Asst.
Date: September 29, 2017
Subject: Trick or Treat Night Recommendation

At its September meeting, the Parks and Recreation Board passed a unanimous motion to recommend that Trick or Treat Night in Napoleon be held on Tuesday, October 31 from 6:00 -7:30 pm.

Please let me know if you have any questions or would like additional information.



City of Napoleon, Ohio

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

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Memorandum

To: *City Council, Mayor, City Law Director, City Manager, Department Supervisors, Newsmedia*

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

Date: *September 28, 2017*

Subject: *Technology and Communications Committee – Cancellation*

The regularly scheduled meeting of the Technology and Communications Committee for Monday, October 2, 2017 at 6:15 pm has been CANCELED due to lack of agenda items.

SCHEDULE FOR FALL SEASONAL PICK UP

October 2 through October 6, 2017

The following General Rules and Regulations shall be effective for the October 2 – October 7, 2017 Fall Seasonal Clean Up:

1. MATERIALS MUST BE IN CONTAINERS AND KEPT DRY.
2. NO CONTAINERS LARGER THAN THIRTY (30) GALLONS, OR WEIGHING MORE THAN 50 LBS.
3. ALL UNMARKED CONTAINERS WILL BE CONSIDERED AS LEFT FOR DISPOSAL.
4. ALL MATERIAL MUST BE COVERED DURING RAIN OR STRONG WIND TO AVOID WETNESS AND BLOWING.
5. ALL BUILDING MATERIAL SHALL NOT BE LARGER THAN FOUR FEET (4') IN LENGTH AND THREE FEET (3') WIDE. ALL LOOSE ITEMS MUST BE BOXED OR BAGGED. THE WEIGHT OF SUCH CONTAINERS SHALL NOT EXCEED 50 LBS. CARPETING OR PADDING SHALL BE IN ROLLS NO WIDER THAN FOUR FEET (4') AND TIED WITH A CORD.
6. **DO NOT BLOCK OR BURY FIRE HYDRANTS.**
7. NO MATERIAL SHALL CONTAIN NAILS THAT HAVE NOT BEEN BENT OVER.
8. IT IS PROHIBITED TO HAVE ROCKS, BRICKS, CONCRETE BLOCKS OR PLASTER WEIGHING IN EXCESS OF 50 LBS.
9. IT IS PROHIBITED TO MIX REGULARLY SCHEDULED REFUSE WITH MATERIAL SCHEDULED FOR THIS PICK UP
10. IT IS PROHIBITED TO PLACE FOR PICKUP BRUSH, LIMBS, OR OTHER YARD WASTE MATERIAL.
11. IT IS PROHIBITED TO PLACE FOR PICK UP LIQUID WASTE, INCLUDING BUT NOT LIMITED TO: PAINT, HOUSEHOLD CHEMICALS, USED MOTOR OIL, ANTIFREEZE, AND TAR. HOUSEHOLD CHEMICAL CONTAINERS AND PESTICIDES MUST BE RINSED PRIOR TO PLACEMENT FOR PICKUP AND WHEN APPLICABLE, IN ACCORDANCE WITH PRODUCT LABELING INSTRUCTIONS (TRIPLE RINSE FOR PESTICIDES).
12. PAINT CANS OR TAR BUCKETS MUST HAVE THE LIDS REMOVED AND REMAINING PAINT OR TAR COMPLETELY DRY. PAINT WILL BE ACCEPTED IN THE FOLLOWING WAYS: (i) WOOD OR CARDBOARD MAY BE PAINTED TO USE UP THE REMAINING PAINT; OR, (ii) CAT LITTER OR FLOOR DRY MAY BE USED TO MAKE THE PAINT A THICK PASTE; THEREAFTER, SO LONG AS THE CONTAINER IS DRY, THE MATERIAL MAY BE INCLUDED FOR PICKUP.
13. ALL REFRIGERATORS AND/OR FREEZERS MUST HAVE THE DOORS REMOVED AND THE CONTENTS EMPTIED PRIOR TO PLACEMENT FOR PICKUP.
14. WHITEWARE SHALL BE TAGGED IN ACCORDANCE WITH APPROVED TAGS AND AMOUNTS AS ESTABLISHED BY THE CITY. TAGS FOR REFRIGERATORS AND/OR FREEZERS MUST BE ON THE UNIT AND NOT ON THE REMOVED DOOR.
15. ANY ITEMS NOT PROPERLY TAGGED OR PLACED FOR PICKUP, IN A MANNER THAT APPEARS TO BE INTENDED FOR PICKUP, SHALL BE DEEMED AUTHORIZED BY PICKUP AND WILL BE TREATED BY THE CITY AS A "SPECIAL PICKUP" WITH CHARGES BEING ACCORDINGLY ASSESSED.
16. ***MATERIAL OR OTHER ITEMS PLACED FOR PICK UP SHALL BE AT THE CURB NO MORE THAN FIVE (5) DAYS IN ADVANCE OF THE SUBSCRIBER'S SCHEDULED SEASONAL PICK UP DAY. ITEMS PLACED AT THE CURB EARLIER THAN FIVE (5) DAYS IN ADVANCE OF THE SCHEDULED PICK UP DAY WILL BE TREATED BY THE CITY AS A "SPECIAL PICKUP" WITH CHARGES BEING ASSESSED TO THE SUBSCRIBER OR PERSON RESPONSIBLE FOR PLACEMENT.***

The City shall require the use of City *Refuse Tags* to cover the disposal cost of the following items:

- | | |
|-------------------------|--------|
| 1. Whiteware with Freon | 5 tags |
| 2. Air Conditioner | 5 tags |
| 3. Passenger Car Tire | 1 tag |
| 4. Semi-Truck Tire | 4 tags |
| 5. Tractor Tire | 6 tags |

*The City of Napoleon, in cooperation with Zack's Recycling, will again accept used **computers, printers, and keyboards** as part of this year's "spring seasonal clean up". Please set the equipment out apart from your regular material. A separate truck, which picks up recyclable materials, will stop and collect the electronics for proper recycling. **Monitors are to be placed with regular pick up items.***

ALL RULES AND REGULATIONS, ALONG WITH ANY ACCESSED CHARGES, WILL BE ENFORCED. All materials are to be at the curb by 7:00 a.m. the morning of your pick up. Return trips will not be made for items set out late.

Any questions regarding the guidelines should be directed to the City of Napoleon Operations Department at 419/599-1891.

Monday, October 2, 2017

Arden Court
Avon Place
Becca Lane
Bordeaux Drive
Briarcliff Drive
Buckeye Lane
Capri Drive
Chesterfield Drive
Cripple Creek Court
Duquesne Drive
Erie Street
Garden Street
Glenwood Avenue (from Riverview to Washington)
Haley Avenue (from Riverview to Washington)
Hilltop Lane
Hurst Drive
Jahns Road
Joliette Drive
Lafayette Drive
Lemans Drive
Martha Lane
Neward Drive
Norton Avenue (from Washington to Park)
Orchard Lane
Orwig Lane
Park Court
Park Lane
Park Place
Park Street
Robinwood Avenue
Rohm Drive
Sedward Drive
Sheffield Avenue (from Riverview to Washington)
Strong Street
Sycamore Lane
Thershan Drive
Vincennes Drive
Vine Street
Wayne Park Drive
Webster Street (from Washington to Main)
Welsted Street
West Main Street
West Front Street
West Riverview Avenue
West Washington Street
Williamsburg Avenue

Tuesday, October 3, 2017

Bauman Place
Becklee Drive
Carey Street
Collingwood Drive
Depot Street
Derome Drive
Detroit Avenue
Dodd Street
East Riverview Avenue (from Scott to Enterprise)
East Clinton (from Perry to Riverview)
East Washington Street (from Monroe to Hobson)
Enterprise Avenue
Fair Street
Fillmore Street
Freedom Drive
Hobson Street (from Riverview to Oakwood)
Hudson Street
Independence Court
Independence Drive
Industrial Drive
Ken James Court
Kolbe Street
Lagrange Street (from Willard to Dodd)
Lakeview Drive
Lamar Lane
Maple Street
Monroe Street (from Fillmore to Riverview)
North Street
North Perry Street
Northcrest Circle
Northcrest Drive
Norwood Drive
Oakwood Avenue
Ohio Street (from Willard to Scott)
Old Creek Drive
Railroad Street
Reynolds Street
Rye Street
Scott Street
Shelby Street
Stevenson Street
Trail Drive
Union Street
Vocke Street
W. Clinton Street (from Scott to Perry)
Willard Street
Woodland Groves
Yeager Street

Wednesday, October 4, 2017

Bales Road
Briarheath Avenue
Broadmoor Avenue
Chelsea Avenue
Clairmont Avenue
Glenbrook Court
Glenwood Estates
Glenwood Avenue (from Washington to Harmony)
Haley Avenue (from Washington to Woodlawn)
Harmony Drive
High Street
Highland Avenue
Indiana Avenue
Kenilworth Avenue
Lagrange Street (from Indiana to Willard)
Leonard Street
Lumbard Street
Lynne Avenue
Melody Lane
Michigan Avenue
North Sheffield Avenue (from Washington to Clinton)
North Harmony Drive
Norton Avenue (from Washington to railroad tracks)
Oakdale Avenue
Ohio Street (from Glenwood to Willard)
Richmar Lane
Romain Avenue
Taylor Drive
Tyler Street
Webster Street (from Clinton to Washington)
West Clinton Street (from Scott to Sheffield)
Westchester Avenue
Westmont Avenue
Westmoreland Avenue
Westwood Avenue
Woodlawn Avenue
Woodlawn Court


Thursday, October 5, 2017

Appian Avenue
Bavarian Village
Beckham Street
Brownell Street
Cambridge Street
Cliff Street
Daggett Drive
East Washington Street (from Hobson to Waste Water Plant)
East Barnes Avenue
East Front Street
East Graceway Drive
East Main Street
East Maumee Avenue
Euclid Avenue
Fairview Drive
Fifth Street
First Street
Fourth Street
Hobson Street (from Riverview to Front)
Huddle Road
Jefferson Street
Last Street
Pleasant View
Maumee Lane
Meekison Street
Monroe Street (from Riverview to Front)
Moorings Drive
Moser Drive
Oak Street
Oxford Street
Pontious Place
Raymond Street
Rohrs Street
Second Street
Short Street
South Perry Street
Spruce Street
Stout Street
Third Street
Walnut Street
Wayne Street
West Maumee Avenue
West Graceway Drive
West Barnes Avenue

Friday, October 6, 2017

Catch-up Day!!!

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 Send to a Colleague



September 29, 2017

While the Legislature slowed down a little this week with the House in recess, League staff was still kept busy with attending Senate committee hearings and meeting with legislatures to discuss current and pending legislation. We are also entering into the final weeks before our annual conference, which you can register for [HERE](#) if you haven't already. The League has extended invitations to both municipal advocates and legislators across the state, and we are excited to give our members the opportunity to potentially touch base with their district lawmakers during the conference. In the meantime, we will continue to keep you up to speed on what's happening at the Statehouse.

SENATE HOLDS COMMITTEE HEARINGS DURING HOUSE RECESS

While the House is in recess this week and next, the Senate held committee hearings that heard several bills of municipal interest. All of the bills referenced and other legislation introduced this session can be accessed on the Ohio Legislative Service Commission (LSC) website www.legislature.ohio.gov.

Senate Local Government, Public Safety and Veterans Affairs Committee, heard three bills of municipal interest:

- SB 127, sponsored by Sen. LaRose (R - Hudson) legislation that require actions when driver approaches waste collection vehicle. The bill mandates that motor vehicles must slow down and/or move over when approaching a waste collection vehicle that is collecting trash on the side of the road. It was up for its third hearing and received no testimony, written or otherwise.
- Sub. HB 95, sponsored by Rep. Hughes (R - Upper Arlington) and Rep. Seitz (R - Cincinnati), legislation that would enhance the penalty for moving violations while distracted. The bill would increase the penalty for distracted driving if the distracted driving causes a moving violation. Three proponents testified to the bill, two of whom were victims of distracted driving or had lost loved ones to distracted driving.
- HB 125, sponsored by Rep. Seitz and Rep. Craig (D - Columbus) deals with specifying court jurisdiction over municipal traffic ordinances. Specifically, the

bill states that small municipalities without mayor's courts may not charge fines and fees for traffic violations that exceed the amounts charged by the state, municipal or county schedule while prohibiting townships from using traffic cameras on interstates. While no testimony was offered, a technical amendment was adopted to clarify that while township law enforcement officers cannot use photo traffic monitoring on interstates, they are not prohibited from assisting police forces from the state or other jurisdictions.

Senate Finance Committee:

- HB 54, sponsored by Rep. Blessing (R - Colerain) and Rep. Gaverone (R - Bowling Green) is a proposal to issue state revenue bonds to finance acquisition of improvements. The bill creates a state bond bank under the Treasurer's office that would loan money to public entities for permanent improvement projects. During the third hearing, an amendment from Sen. Skindell was adopted which clarified that the State's full faith and credit are not behind any of the bonds that would be created by this bank. The amendment also mandated that the bonds bear a statement to that effect.

Senate Ways and Means Committee:

- HB 69, sponsored by Rep. Cupp (R - Lima), legislation that proposes to allow townships to be reimbursed for medical service levy revenue forgone because of TIF. The bill would allow a reimbursement to townships for fire and EMS services in a TIF where the township is the sole provider of those services. The committee heard proponent testimony from Jackson Township Fire Chief Randy Little, who said the legislation was about fairness.

LEGISLATION TO REINSTATE "THROWBACK" AMONG NEW BILLS INTRODUCED

Earlier this week, Sen. Matt Dolan (R - Chagrin Falls) introduced SB 203, legislation that would reinstate the "throwback" rule for municipalities. The removal of the rule in the state budget, HB 49, will be a substantial revenue loss for those municipalities with large warehouse districts and communities that have commercial distribution systems as part of their business constituencies. In his co-sponsor request, Sen. Dolan said the removal of the rule "creates a clear tax avoidance opportunity for multi-state corporations."

"The purpose of this legislation is to help level the economic playing field among all business and to alleviate the fiscal stress placed on the state," he said. "Through this legislation, we will ensure that all of the profits companies earn are subject to taxation in the states in which they do business.

We are grateful to Sen. Dolan for his leadership and recognition of the significant financial strain the removal of the "throwback" rule will place on municipalities and is working to reinstate this vital source of revenue.

Additionally, Sen. Hite (R - Findlay) and Sen. Schiavoni (D - Boardman) have introduced SB 199, which would create Ohio Broadband Development Grant Program

under the Ohio Development Services Agency. The grant program would award up to \$5 million or 50% of the total project cost to eligible applicants, which would include private businesses, political subdivisions, nonprofit organizations and co-ops. The entity could then use the awarded funds for the construction of broadband infrastructure, but only to expand broadband service to unserved areas of the state. Political subdivisions would be required to demonstrate they had written all broadband service providers in their area and asked for the provider's plan to upgrade broadband service in the area. Grants would be awarded by the Director of the DSA based on need. Communities needing broadband service for libraries, educational institutions, public safety facilities and healthcare facilities would be prioritized.

League staff will be tracking this bill as it moves through the legislative process and we will be updating our members accordingly.

BWC ANNOUNCES CUT RATE FOR PUBLIC EMPLOYERS BY AN AVERAGE OF 6.1%

On Thursday, the board of the Bureau of Worker's Compensation announced that starting January 1, 2018, public employers will pay on average 6.1% less in premiums.

This announcement affects 3,700 political subdivisions and public entities, including school districts, counties, and, of course, municipalities. The cut applies to those entities covered by the State Insurance Fund. BWC Administrator and CEO Sarah Morrison said in a statement the cuts are intended to show BWC's support for seeing public employers succeed. "We know the less they spend on premiums," she said, "the more they can invest in their communities and into safer work environments for their employees."

OML is glad to see the BWC taking steps to invest in local governments by cutting premiums for public employers. It is vital that municipalities have the capital to invest in public safety, infrastructure and other services while being able to provide quality coverage for the people they employ to provide those services. We hope to see the continued trend of investments in municipalities like this one in the future.

JUDGE RULES ON SINGLE-SUBJECT SB 331/SMALL CELL WIRELESS INFRASTRUCTURE CASE IN FAVOR OF CINCINNATI

Judge Ethna Cooper of the Hamilton County Court of Common Pleas has granted the city of Cincinnati's Motion for Summary Judgement in their challenge to SB 331. As many will recall, SB 331 was passed in the 131st General Assembly and initially dealt with animal welfare. An amendment was added that would allow wireless telecommunication providers the ability to deploy small cell wireless infrastructure in a municipality's right of way without affording a municipalities ability to control many aspects of the deployment of the new technology in their communities. League members will also remember that we reported last week that an interested party meeting was convened last week by Ohio House Speaker Cliff Rosenberger and lead by Reps. Rob McColley (R- Napoleon) and Ryan Smith (R - Bidwell) to discuss legislative changes to address concerns and objections municipalities have with the enacted statewide deployment language in SB 331.

Judge Cooper ruled that the small cell provisions in the bill were improperly added and were therefore in violation of the Ohio Constitution's single-subject rule. In her opinion, the Judge writes "the Court can find 'no practical, rational or legitimate reason' for combining these provisions into one act."

The League is pleased the Judge recognized the unconstitutionality of the provision and hopes the summary judgement can help inform other cities' ongoing litigation.

ACEC RELEASES WHITE PAPER ON OHIO TRANSPORTATION FUNDING

Last week, the American Council of Engineering Companies (ACEC), a council representing more than 5,000 engineering firms throughout the country, released a white paper titled "Funding Ohio's Transportation System".

According to the white paper, which you can read [HERE](#), Ohio has the third largest number of urbanized areas in the country. An Access Ohio study is cited which projects a \$14 billion financial gap between funding and transportation infrastructure needs from now through 2040. The paper breaks down current transportation needs and proposes several solutions lawmakers can take to ensure those needs are met. As Ohio's economic vitality increases, so does the strain on our roads and bridges. If Ohio's economy is going to continue to grow, we are going to need to increase investment in our transportation infrastructure so Ohio can remain a viable option for businesses and the workforce.

The League has been advocating to legislators to identify new means of investing in infrastructure, as well as engaging interested parties that have an interest in seeing Ohio increase its financial commitment to the infrastructure needs of our communities. This analysis, along with others, help direct Ohio's legislative leadership to better understand these challenges.

COMMITTEE SCHEDULE FOR THE WEEK OF OCTOBER 1, 2017

Tuesday, October 3, 2017

SENATE JUDICIARY

Tue., Oct. 3, 2017, 10:15 AM, North Hearing Room

Sen. Bacon: 614-466-8064

[SB195](#)** DOGS LAW REVISIONS (BEAGLE B, LEHNER P) To revise provisions of the Dogs Law governing nuisance, dangerous, and vicious dogs, to revise enforcement of that Law, and to establish a notification process regarding complaints of certain violations of that Law.

First Hearing, Sponsor Testimony

Report(s): My Tracked Bills, OML Legislative Report

Wednesday, October 4, 2017

SENATE WAYS AND MEANS

Wed., Oct. 4, 2017, 9:00 AM, South Hearing Room

Sen. Eklund: 614-644-7718

[HB69](#)** LEVY REVENUE REIMBURSEMENT (CUPP B) To require reimbursement of certain township fire and emergency medical service levy revenue forgone because of the creation of a municipal tax increment financing district.

Fourth Hearing, All Testimony

Report(s): My Tracked Bills, OML Legislative Report

**PLEASE CHECK OUR WEBSITE MONDAY FOR ANY COMMITTEE
SCHEDULE UPDATES**

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Send to a Colleague



September 22, 2017

This week kept the Ohio Municipal League busy, with many bills of municipal interest receiving hearings in various committees. This week, a wide variety of issues impactful to municipalities were being addressed legislatively which included proposals to change to Ohio's sovereign immunity law, increase penalties for distracted drivers, relax notification procedures related to Ohio's concealed carry statues, and many more. League staff also participated in several meetings with legislators discussing potential upcoming legislation, including an interested party meeting which was convened by House leadership to begin the conversation on addressing issues related to the deployment of small cell wireless technology within a municipality's right of way and the objections raised by municipalities related to the language passed by the legislature last year via SB 331, for a statewide deployment plan.

Additionally, this week on Wednesday the league hosted our third quarterly Legislative Municipal Study Group Breakfast. We are grateful to all who rose early in the morning to meet with us and discuss the important issue of infrastructure funding throughout the state and to examine actions taken by other states. It was a productive discussion and we are looking forward too many more to come.

Legislative activity will likely slow a little over the coming weeks, as the Legislature is not scheduled to resume session until the week of October 10.

OML HOSTS THIRD QUARTERLY MUNICIPAL STUDY GROUP BREAKFAST FOR LEGISLATORS

Early Wednesday morning, legislators from both chambers along with municipal advocates gathered together in the downtown Sheraton hotel to discuss a critical topic facing our state: infrastructure funding. Attendees heard from Sean Sloan, Director of Transportation and Infrastructure Policy at the Council of State Governments. Mr. Sloan presented an in-depth overview of how states around the country are addressing their own infrastructure needs and where Ohio is in the national conversation of addressing infrastructure needs. The power point presentation can be accessed [HERE](#). Through his presentation, Mr. Sloan shared with the group that, among other things:

- Since 2012, 31 states have enacted a funding increase specifically for infrastructure.
- This year, 10 states approved new fees for electric and/or hybrid vehicles; 8 states raised their gas tax while other states have approved one-time transportation funding.

- 17% of public roads in Ohio are rated as being in "poor" condition while 6.9% of the bridges are structurally deficient.

Following his presentation, Mr. Sloan took questions regarding which practices did or did not work in states within the region.

The breakfast Wednesday is just a small part of the efforts the league and other groups are making to generate action by our state policy makers to take a leadership role in addressing the critical infrastructure needs throughout the state. Roads, bridges, dams, water and sewer infrastructure across Ohio face delayed repairs and funding challenges that impact both the safety and the quality of life of Ohioans. Especially on a municipal level, crumbling infrastructure impacts not only the citizens that live and work in our cities and villages, but also impacts the many businesses that call an Ohio municipality home. The Ohio Municipal League maintains that an investment in municipal infrastructure is an investment in Ohio's economy. We look forward to continuing the discussion with local leaders around the state and with members of the Ohio State Legislature.

HOUSE LEADERSHIP CALLS INTERESTED PARTY MEETING FOR SMALL CELL WIRELESS LEGISLATION

This past week, House leaders Rep. McColley (R - Napoleon) and Rep. Smith (R - Bidwell) called for a meeting of municipal leaders and representatives from the wireless industry to have a discussion regarding potential forthcoming legislation concerning small cell wireless technology within a municipality's right of way. House leaders have heard from municipalities' and the objections expressed with the provisions included in SB 331, which was passed last year, and have initiated the discussion as a means to address the concerns expressed in new legislation. It was expressed during the meeting that one of the desired outcomes of future legislation could create a solution amenable to both parties and which would make the current action within the courts unnecessary.

Representatives from multiple municipal organizations were present, including the Ohio Municipal League, the Central Ohio Mayors and Managers Association, the Dayton Area Mayors and Managers Association, the Hamilton County Municipal League, the Northeast Mayors and Managers Association, and the Mayor's Alliance. Regions that were not represented at the meeting will be included in conversations going forward. Also present were representatives from American Municipal Power, individual municipal advocates and lawyers, and representative from AT&T. Municipalities voiced their eagerness to work with wireless companies in order to get their constituents the latest wireless technology as quickly and efficiently as possible, but strongly reiterated the need for local control within their jurisdictions. AT&T has agreed to sit down with several representatives from municipal groups to work through the needs municipalities will outline in order to work towards legislation with which both parties can live. Prior to the meeting, League staff and representatives from municipal groups have begun to outline the provisions the new bill must contain in order to preserve local control while local governments work with wireless companies to roll out the latest wireless technology. Forthcoming meetings should take place within the next couple of weeks. We will keep our members apprised as this process continues.

BILL THAT WOULD ELIMINATE SOVEREIGN IMMUNITY GETS SECOND HEARING

HB 267, which we covered in last week's legislative bulletin, received proponent testimony in the House Civil Justice Committee. The bill, sponsored by Rep. Ingram (D - Cincinnati) would essentially eliminate immunity for political subdivisions in the case of a motor vehicle accident except for the instance where someone wrecks as a result of being pursued by local law enforcement officers.

The bill was introduced because of an incident in Cincinnati in sole verbal proponent when a car was struck by a Cincinnati Police Department vehicle. There is no "middle ground" in this legislation and the bill effectively does away with all sovereign immunity for all political subdivision across the state.

League staff are closely monitoring this bill. In the event the bill is allowed a third hearing, we will be asking members to either come to the Statehouse to testify against the legislation or to submit written testimony opposing it. The State Legislature must be made to understand the devastating effect the total removal of sovereign immunity would have on our municipalities, as well as the unseen, unanticipated consequences that would happen if this legislation were to become law.

BILLS OF MUNICIPAL INTEREST RECEIVE COMMITTEE HEARINGS

Committee hearings in both the House and the Senate were packed with bills that could impact Ohio municipalities. Here is an overview of the bills League staff is tracking that received a hearing this week:

In the House Financial Institutions, Housing and Urban Development Committee, HB 251 received its third hearing. Sponsored by Rep. Greenspan (R - Westlake), the bill increases the maturity period of a local government's bond from five to ten years. Proponents of the bill, including Cuyahoga County Councilman Jack Schron, said that local governments would be more likely to take advantage of local bond programs if the maturation period is expanded. At present, he said during testimony, the five-year limit is impractical for many local entities because of the fees.

The Senate Local Government, Public Safety and Veterans Affairs Committee heard several bills of municipal interest, including SB 127, which is sponsored by Sen. LaRose (R - Hudson) and sets requirements for motor vehicles approaching a waste collection vehicle while it is collecting trash. During testimony, proponents of SB 127 said they would feel safer if cars were required to move over and slow down when approaching a garbage collection vehicle. Some testifiers were permanently disabled after having been struck by a vehicle while on the job. HB 95, which is sponsored by both Rep. Hughes (R - Upper Arlington) and Rep. Seitz (R - Cincinnati), and enhances the penalty for committing a moving violation because of distracted driving, especially with regards to cell phones and similar devices. Proponents of HB 95 cited law such as one that made texting while driving a secondary offense, has effectively reduced distracted driving. HB 125 was also heard, which is sponsored by Rep. Craig (D - Columbus) and Rep. Seitz and was covered in last week's legislative bulletin. The bill specifies that small municipalities without mayor's courts may not charge fines and fees for traffic violations that exceed the amounts charged by the state, municipal or county schedule while prohibiting townships from using traffic cameras on interstates. During her proponent testimony, he Clerk of the Franklin County Municipal Court Lori Tyack decried the inconsistency in record keeping, processing and fining in jurisdictions without mayor's courts. She said the legislation caps maximum fines while preserving a defendant's right to appeal.

SB 180 was heard in the Senate Judiciary Committee. The bill, sponsored by Sen. Uecker (R - Miami Township) and Sen. Hottinger (R - Newark), makes multiple changes to law regarding firearms. It assigns the prosecution the burden of disproving a self-defense or similar claim and does not require a person to retreat before using force if the person legally has the right to be in that location. It also modifies the Concealed Handgun Licensing Law, eliminating the requirement a licensee's duty to keep their hands in plain sight once a law enforcement officer begins approaching their vehicle if it is deemed impractical for the licensee to do so. It reduces the penalties for illegally carrying a concealed firearm or improperly handling firearms in a motor vehicle to a minor misdemeanor if no other offense was committed. Lastly, it eliminates the requirement for various entities to post warning signs prohibiting the possession of weapons on specified premises. This would extend to police stations, municipal jails and courthouses, sheriff's offices, highway patrol stations, local correctional institutions, and local government rest facilities among many others.

The House Criminal Justice Committee held a first hearing on HB 278, sponsored by Rep. Patton (R - Strongsville) and Rep. Kelly (D - Cincinnati), which expands the definition of vehicular assault to include injuring a law enforcement officer while negligently operating a motor vehicle. Rep. Patton said the bill was inspired by the tragic deaths of two Ohio law enforcement officers who were struck and killed on the side of a highway while on duty.

The House Economic Development, Commerce and Labor Committee heard HB 221 and HB 163. HB 221, sponsored by Rep. Hughes, requires home inspectors to be licensed and creates the Ohio Home Inspector Board to regulate both licensure and home inspector performance. During the committee hearing, a substitute bill was adopted, which among other things removed language requiring home inspectors to maintain insurance coverage and retain records for five years. It also creates the home Inspection Recovery Fund. Proponents of the bill applauded the increased educational requirements within the bill, while opponents suggested having home inspectors register with the state as opposed to licensing. HB 163, sponsored by Rep. Roegner (R - Hudson) and Rep. Riedel (R - Defiance) heard proponent testimony. The bill would allow local governments decide for themselves whether or not to impose prevailing wage within their jurisdiction. Supporters championed local control and challenged the notion that prevailing wage statutes mean higher-quality projects or better workplace safety records.

HB 54, sponsored by Rep. Blessing (R - Colerain) and Rep. Gaverone (R - Bowling Green) had its third hearing in the Senate Finance Committee. Representatives of private banks testified against it, unhappy about the fact that banks would be competing with the State Treasurer for the opportunity to loan money to local governments. OML submitted written testimony in support of the bill, which you can read [HERE](#).

The House Federalism and Interstate Relations Committee voted out a bill requiring concealed handgun licensees notify law enforcement officers that they are carrying a concealed handgun during traffic stops once the law enforcement officer has asked for their driver's license or state ID card. HB 142 clears up confusion within current law, which requires "prompt" notification from concealed-carry licensees. The bill, sponsored by Rep. Wiggam (R - Wooster) was originally intended to eliminate the requirement that concealed handgun licensees notify law enforcement officers that they are concealed-carry licensees during traffic stops.

The Senate Ways and Means Committee held hearings on SB 113 and HB 69. SB 113, sponsored by Sen. Colely (R - Liberty Township), levies an additional vehicle

registration tax while allowing consumers to buy gas where the price has been reduced by 28 cents - the equivalent of the state's motor fuel tax. It also exempts gas sold at that reduced price from the state motor fuel tax. There was no proponent testimony given or submitted as written. HB 69, sponsored by Rep. Cupp (R -Lima), would require municipalities in a TIF with a township to reimburse the township for fire and EMS services if those services are provided by the township. Proponents cited the fact that townships cannot levy income or sale tax or receive casino revenue as a reason for the necessity of the reimbursement.

Three bills of municipal interest were heard in the House Finance Committee: HB 3, HB 168 and HB 281. HB 3, sponsored by Rep. Duffey (R - Worthington) and Rep. Hagan (R - Alliance) would incentivize government entities to standardize their records keeping. Proponents said the bill would save local governments money while helping them learn from each other about which strategies are the most cost-effective. Among the proponents was OML Executive Director Kent Scarrett, who applauded the transparency bill would create and expressed his hope the appropriation would stay in the bill in order to incentivize municipalities to take part in the program. HB 168, sponsored by Rep. Stein (D - Norwalk), was amended and voted out of committee. Among the bills provisions are specifications that cemetery owners must reasonably maintain cemeteries and the establishment of both a Cemetery Grant program and a recovery fund to protect victims of preneed funeral fraud. HB 281, sponsored by Rep. Carfagna (R - Westerville), would establish a residential broadband expansion program with the Development Services Agency to award matching grants to local governments for last mile broadband expansion. Rep. Carfagna cited the fact that there are approximately one million Ohioans without internet, particularly in rural areas, as the reason for his introducing the bill. OML is supportive of this proposal, as the digital divide in Ohio continues to prevent the growth of economic development opportunities throughout the state.

In the House State and Local Government Committee, sponsor testimony was heard for HB 291, which is being sponsored by Rep. Wiggam. Known as the "Protect Local Treasuries Act", the bill would allow local governments to buy insurance against dishonest elected officials and public employees in lieu of bonding. Rep. Wiggam cited the need for his legislation due to the old system being "antiquated."

HB 312 received sponsor testimony in the House Government Accountability and Oversight Committee. The bill, sponsored by Rep. Schuring (R - Canton) and Rep. Greenspan establishes uniform protocols for the use of credit cards in local governments. Rep. Greenspan noted that the legislation is not intended to add an administrative burden to local governments, as 90% of political subdivisions already have existing policies.

The Senate Energy and Natural Resources Committee amended SB 51, sponsored by Sen. Skindell (D - Lakewood) and Sen. Eklund (R - Munson Township), which creates a special improvement district to facilitate Lake Erie shoreline improvement. One amendment ensured any property held in trust by the state would not be taxed as a result of the district's creation, and another amendment ensures property owners and homeowner and condominium associations impacted by the district are on board with the legislation and ensured the district defers to those associations' bylaws.

Finally, the House Community and Family Advancement Committee heard opponent testimony on HB 187, which is sponsored by Rep. Dever (R - Madeira). The bill regulates the use, collection and retention of certain information obtained from a job applicant during the hiring process. Written opposition from business groups stated

there was no precedent within the status quo that made the bill necessary and placed a significant burden on Ohio's employers.

MUNICIPAL LEGISLATION INTRODUCED THIS WEEK

Two new bills of municipal interest were introduced this week. The first is a bill by Rep. Perales (R - Beacercreek). HB 351 would exempt the military pay of members of the commissioned corps of the National Oceanic and Atmospheric Administration (NOAA) and the Public Health Service (USPHS) from municipal income tax. According to Rep. Perales's office, the bill would apply to less than 100 Ohioans who fall into either commissioned corps.

The second bill is SB 187, sponsored by Sen. Eklund and Sen. Wilson (R - Maineville). The bill would allow municipalities to charge delinquent taxpayers the costs of collecting municipal income tax, regardless of whether those costs were incurred before or after a judgement is entered against the taxpayer.

We will be tracking both bills as they move through the legislative process and will be keeping our members apprised of their progress.

DON'T FORGET TO REGISTER FOR OML'S ANNUAL CONFERENCE!

OML'S Annual Conference is practically here! The final touches are being made to the program and we are really excited about the speakers and important issues covered on the agenda. Again, this year we have invited members of the General Assembly to join us at any of the sessions or at the luncheon Thursday to hear nationally syndicated columnist, pundit, author and radio commentator Cal Thomas share his insights on the state of politics in America, providing common sense perspectives to uncommon circumstances. Registration material is available on our new website, which you can access [HERE](#). Please click and register to take advantage of our early bird registration discount. Unfortunately at this time, attendees are unable to pay for the conference through the website, as we are working through some technical timelines to get that service up but we are closer to having that option available. We will announce to our members once that feature comes on-line, in the very near future. We are looking forward to seeing everyone November 1-3rd at the downtown Columbus Renaissance hotel for the conference!

COMMITTEE SCHEDULE FOR THE WEEK OF SEPTEMBER 24, 2017

Tuesday, September 26, 2017

SENATE FINANCE

Tue., Sep. 26, 2017, 2:30 PM, Senate Finance Hearing Room
Sen. Oelslager: 614-466-0626

HB54**

STATE REVENUE OBLIGATIONS (BLESSING III L, GAVARONE T) To authorize the Treasurer of State to issue revenue obligations of the state for the purpose of making loans to qualifying public entities for their acquisition of permanent improvements through the Treasurer of State's purchase of public obligations of those qualifying entities.

Fourth Hearing, All Testimony, AMENDMENTS

Report(s): My Tracked Bills, OML Legislative Report

Wednesday, September 27, 2017

SENATE WAYS AND MEANS

Wed., Sep. 27, 2017, 9:00 AM, South Hearing Room
Sen. Eklund: 614-644-7718

HB118** TAX COMPLAINT DISMISSAL (MERRIN D) To expressly prohibit the dismissal of a property tax complaint for failure to correctly identify the property owner.

First Hearing, Sponsor Testimony

Report(s): My Tracked Bills, OML Legislative Report

HB69** LEVY REVENUE REIMBURSEMENT (CUPP B) To require reimbursement of certain township fire and emergency medical service levy revenue forgone because of the creation of a municipal tax increment financing district.

Third Hearing, All Testimony

Report(s): My Tracked Bills, OML Legislative Report

CHECK OUR WEBSITE MONDAY FOR ANY COMMITTEE SCHEDULE UPDATES

Meeting/ Training

| | | |
|-------------------------------|--------------------|---|
| Mayors Court Refresher Course | November 3 | <u>Registration Information</u> |
| OML Annual Conference | November 1 ~ 3 | <u>Registration Information</u> |
| MFOA Fall Conference | November 2nd & 3rd | <u>Registration Information</u> |

[Ohio Municipal League](#)

Legislative Inquires:

[Kent Scarrett, Executive Director](#)

[Edward Albright, Deputy Director](#)

[Ashley Brewster, Director of Communications](#)