

---

# Memorandum

---

To: Mayor and Members of City Council  
cc: City Manager, Finance Director, City Law Director  
From: Roxanne  
Regarding: General Information  
Date: August 03, 2018

## CALENDAR

### AGENDA - CITY COUNCIL

#### C. APPROVAL of MINUTES:

July 16, 2018 Council Meeting Minutes

#### E. REPORTS from COUNCIL COMMITTEES

#### G. INTRODUCTION of NEW ORDINANCES and RESOLUTIONS

1. **Ordinance No. 039-18**, an Ordinance Authorizing the Consent of the City of Napoleon, Ohio to the Director of the Ohio Department of Transportation (ODOT) to Complete the River Bridge and Waterline Extension Project over the Maumee River, in the City of Napoleon, Henry County, Ohio; and Declaring an Emergency. *(Suspension Requested)*
2. **Resolution No. 040-18**, a Resolution Authorizing the City Manager to Execute all Documents Necessary to Apply for and Accept Ohio Department of Transportation (ODOT) Jobs and Commerce Economic Development Funds in the Amount of \$200,000.00 for the Purpose of Reconstructing Industrial Drive in the City of Napoleon, Ohio; and Declaring an Emergency. *(Suspension Requested)*
  - a. A copy of the agreement is included in your packet also.
3. **Resolution No. 041-18**, a Resolution Authorizing the Expenditure of Funds over Twenty-five Thousand Dollars (\$25,000.00) for the Purpose of Refunding Certain City Tax Overpayments, which was not included in the 2018 Appropriation Budget, also Authorizing the City Finance Director to Execute all Documents Necessary to Transfer the Necessary Fund Balances per Ohio Revised Code (ORC) Section 5705.14 as listed in Exhibit A (Transfer No. 3); and Declaring an Emergency. *(Suspension Requested)*
4. **Ordinance No. 042-18**, an Ordinance Authorizing the Finance Director to make Appropriation Transfers from Respective Funds, Departments and Categories to other Funds, Departments and Categories pursuant to ORC Section 5705.40 for the Fiscal Year Ending December 31, 2018 as Listed in Exhibit "A"; and Declaring an Emergency. *(Suspension Requested)*
  - a. Attached is a draft copy of the minutes from the Finance & Budget Committee's meeting on July 23.
5. **Ordinance No. 043-18**, an Ordinance Supplementing the Annual Appropriation Measure (Supplement No. 3) for the Year 2018; and Declaring an Emergency. *(Suspension Requested)*

#### H. SECOND READINGS of ORDINANCES and RESOLUTIONS - None

#### I. THIRD READING of ORDINANCES and RESOLUTIONS - None

#### J. GOOD of the CITY (Discussion/Action):

1. **Discussion/Action:** Award of Perry Street Bridge Waterline Hanger Support Replacement and Repair Project.
  - a. As noted on the attached bid tab, two bids were received.
2. **Discussion/Action:** Review Replacement of Ford Explorer in Fire Department.
3. **Discussion/Action:** Regarding a Tax and Kilowatt per Hour Agreement.
  - a. A copy of this agreement is attached.

4. **Discussion/Action:** Potential Sale of Real Property to Ventures in Space, Ltd.
5. **Discussion/Action:** Potential CRA Agreement Amendment for Ventures in Space, Ltd.
6. **Discussion/Action:** Expansion of CRA #6 (Refer to Committee)
7. **Discussion/Action:** ODOT Grant Opportunity (Refer to Committee).
8. **Discussion/Action:** NORA Update (Refer to Committee).
9. **Discussion/Action:** In-Car Cameras for Police and Fire (Refer to Committee).
10. **Discussion/Action:** Acceptance of Donations in the amount of \$525.00 to the Fire Department.
  - a. Per the attached letter, the donations were made in remembrance of Marilyn Elizabeth Rausch.

#### **INFORMATIONAL ITEMS**

1. Announcement from Regional Growth Partnership (RGP) *Automotive Supplier Announces Over 300 New Jobs for Northwest Ohio.*
2. Agenda: Technology & Communications Committee; Monday, August 6<sup>th</sup> at 6:15 pm
3. AMP Update/July 27, 2018

Records Retention - CM-11 - 2 Years

# August 2018

◀ July

September ▶

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	<b>6:15 pm</b> Technology Committee <b>7:00 pm</b> City Council	7	8	9	10	11
12	<b>6:15 pm</b> Electric Committee & BOPA <b>7:00 pm</b> Water & Sewer Committee <b>7:30 pm</b> Municipal Properties/ED Committee	<b>4:30 pm</b> Special Civil Service Commission Meeting  <b>5:00 pm</b> Planning Commission	15	16	17	<b>10:00 am</b> – Special Civil Service Comm. Meeting [Police Officer Physical Agility Test]
19	<b>6:00 pm</b> Tree Comm. Parks & Rec Comm. <b>7:00 pm</b> – City Council	21	<b>22</b> 11:00 am – 1:00 pm Employee Appreciation Picnic	23	24	25
26	<b>6:30 pm</b> Finance & Budget Committee <b>7:30 pm</b> Safety & Human Resources Comm	<b>4:30 pm</b> Civil Service Commission	<b>6:30 pm</b> Parks & Rec Board Mtg.	30	31	

City of Napoleon, Ohio

**CITY COUNCIL**

AMENDED MEETING AGENDA

**Monday, August 06, 2018 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. Approval of Minutes** *(in the absence of any objections or corrections, the minutes shall stand approved)*

1. July 16, 2018 Council Meeting Minutes.

**D. Citizen Communication**

**E. Reports from Council Committees**

1. **Finance and Budget Committee met on July 23, 2018 and**
  - a. Recommend Council Make the Appropriations and Transfers as Recommended by the Finance Director for the Income Tax Refund.
2. **Safety and Human Resources Committee** did not meet on July 23, 2018 due to lack of agenda items.
3. **Technology Committee** met earlier tonight with the agenda items:
  - a. City Phone Project Update.
  - b. Update on IT Personnel.

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

1. **Civil Service Commission** due to lack of agenda items did not meet on July 24, 2018.
2. **Parks and Recreation Board** did not meet on July 25, 2018 due to lack of agenda items.

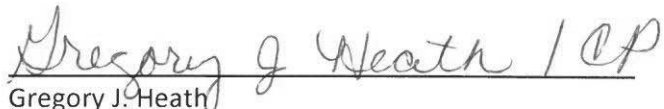
**G. Introduction of New Ordinances and Resolutions**

1. **Ordinance No. 039-18**, an Ordinance Authorizing the Consent of the City of Napoleon, Ohio to the Director of the Ohio Department of Transportation (ODOT) to Complete the River Bridge and Waterline Extension Project over the Maumee River, in the City of Napoleon, Henry County, Ohio; and Declaring an Emergency. *(Suspension Requested)*
2. **Resolution No. 040-18**, a Resolution Authorizing the City Manager to Execute all Documents Necessary to Apply for and Accept Ohio Department of Transportation (ODOT) Jobs and Commerce Economic Development Funds in the Amount of \$200,000.00 for the Purpose of Reconstructing Industrial Drive in the City of Napoleon, Ohio; and Declaring an Emergency. *(Suspension Requested)*
3. **Resolution No. 041-18**, a Resolution Authorizing the Expenditure of Funds over Twenty-five Thousand Dollars (\$25,000.00) for the Purpose of Refunding Certain City Tax Overpayments, which was not included in the 2018 Appropriation Budget, also Authorizing the City Finance Director to Execute all Documents Necessary to Transfer the Necessary Fund Balances per Ohio Revised Code (ORC) Section 5705.14 as listed in Exhibit A (Transfer No. 3); and Declaring an Emergency. *(Suspension Requested)*
4. **Ordinance No. 042-18**, an Ordinance Authorizing the Finance Director to make Appropriation Transfers from Respective Funds, Departments and Categories to other Funds, Departments and Categories pursuant to ORC Section 5705.40 for the Fiscal Year Ending December 31, 2018 as Listed in Exhibit "A"; and Declaring an Emergency. *(Suspension Requested)*
5. **Ordinance No. 043-18**, an Ordinance Supplementing the Annual Appropriation Measure (Supplement No. 3) for the Year 2018; and Declaring an Emergency. *(Suspension Requested)*

**H. Second Readings of Ordinances and Resolutions - None**

**I. Third Readings of Ordinances and Resolutions - None**

- J. Good of the City** *(Any other business as may properly come before Council, including but not limited to):*
1. **Discussion/Action:** Award of Perry Street Bridge Waterline Hanger Support Replacement and Repair Project.
  2. **Discussion/Action:** Review Replacement of Ford Explorer in Fire Department.
  3. **Discussion/Action:** Regarding a Tax and Kilowatt per Hour Agreement.
  4. **Discussion/Action:** Potential Sale of Real Property to Ventures in Space, Ltd.
  5. **Discussion/Action:** Potential CRA Agreement Amendment for Ventures in Space, Ltd.
  6. **Discussion/Action:** Expansion of CRA #6 (Refer to Committee)
  7. **Discussion/Action:** ODOT Grant Opportunity (Refer to Committee).
  8. **Discussion/Action:** NORA Update (Refer to Committee).
  9. **Discussion/Action:** In-Car Cameras for Police and Fire (Refer to Committee).
  10. **Discussion/Action:** Acceptance of Donations in the amount of \$525.00 to the Fire Department.
- K. Executive Session.** *(Economic Development)*
- L. Approve Payment of Bills and Approve Financial Reports.** *(In the absence of any objections or corrections, the payment of bills and financial reports shall stand approved.)*
- M. Adjournment.**

  
Gregory J. Heath  
Finance Director/Clerk of Council

**A. ITEMS REFERRED OR PENDING IN COMMITTEES OF COUNCIL**

1. **Technology & Communication Committee (1<sup>st</sup> Monday)**  
*(Next Regular Meeting: Tuesday, September 4, 2018 @6:15 pm)*
2. **Electric Committee (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, August 13, 2018 @6:15 pm)*
  - a. Review of Power Supply Cost Adjustment Factor for August 2018
  - b. Status of Transmission Ownership.
  - c. Electric Department Report.
3. **Water, Sewer, Refuse, Recycling & Litter Committee (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, August 13, 2018 @7:00 pm)*
  - a. 2017 Sewer Rate Study.
4. **Municipal Properties, Buildings, Land Use & Economic Development Committee (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, August 13, 2018 @7:30 pm)*
  - a. City Right-of-Way Occupancy Permit.
  - b. Expansion of CRA No. 6.
  - c. ODOT Grant Opportunity.
  - d. NORA Update (quarterly Agenda Item: August 13, 2018; November 12, 2018; February 11, 2019; May 13, 2019)
5. **Parks & Recreation Committee (3<sup>rd</sup> Monday)**  
*(Next Regular Meeting: Monday, August 20, 2018 @6:00 pm)*
6. **Finance & Budget Committee (4<sup>th</sup> Monday)**  
*(Next Regular Meeting: Monday, August 27, 2018 @6:30 pm)*
7. **Safety & Human Resources Committee (4<sup>th</sup> Monday)**  
*(Next Regular Meeting: Monday, August 27, 2018 @7:30 pm)*
8. **Personnel Committee (as needed)**

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

1. **Board of Public Affairs (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, August 13, 2018 @6:15 pm)*
  - a. Review of Power Supply Cost Adjustment Factor for August 2018
  - b. Status of Transmission Ownership.
  - c. Electric Department Report
  - d. 2017 Sewer Rate Study
2. **Board of Zoning Appeals (2<sup>nd</sup> Tuesday)**  
*(Next Regular Meeting: Tuesday, August 14, 2018 @4:30 pm)*
3. **Planning Commission (2<sup>nd</sup> Tuesday)**  
*(Next Regular Meeting: Tuesday, August 14, 2018 @5:00 pm)*
4. **Tree Commission (3<sup>rd</sup> Monday)**  
*(Next Regular Meeting: Monday, August 20, 2018 @6:00 pm)*
5. **Civil Service Commission (4<sup>th</sup> Tuesday)**  
*(Special Meetings Scheduled for Tuesday, August 14<sup>th</sup> at 4:30 pm and Saturday, August 18<sup>th</sup> at 10:00 am)*
6. **Parks & Recreation Board (Last Wednesday)**  
*(Next Regular Meeting: Wed., August 29, 2018 @6:30 pm)*
7. **Privacy Committee (2<sup>nd</sup> Tuesday in May & November)**  
*(Next Regular Meeting: Tuesday, November 13, 2018 @10:30 am)*
8. **Records Commission (2<sup>nd</sup> Tuesday in June & December)**  
*(Next Regular Meeting: Tuesday, December 11, 2018 @4:00 pm)*
9. **Housing Council.**
10. **Health Care Cost Committee**
  - a. (Next Meeting: Friday, September 7, 2018 @ 9:00 am)
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)**

**CITY COUNCIL  
MEETING MINUTES**

Monday, July 16, 2018 at 7:00 pm

**PRESENT**

Councilmembers

Joseph D. Bialorucki-Council President, Dan Baer-Council President Pro-Tem, Travis Sheaffer, Jeff Comadoll, Jeff Mires, Lori Sicclair, Ken Haase

Mayor

Jason P. Maassel

City Manager

Joel L. Mazur

Law Director

Billy D. Harmon

Finance Director

Gregory J. Heath

Acting Recorder

Christine Peddicord

City Staff

David J. Mack, Chief of Police

Others

Newsmedia

**ABSENT**

**Call to Order**

Council President Bialorucki 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 from the July 2, 2018 Council Meeting stand approved as presented.

**Citizen Communication**

None.

**Committee Reports**

At the direction of the chair, the July 9, 2018 Electric Committee meeting was canceled. The Water and Sewer Committee, Municipal Properties Committee and Parks and Rec Committee all did not meet in July due to lack of agenda items.

**Introduction of Ordinance No. 037-18 Agricultural District Applied for by Hibbards**

Council President Bialorucki read by title, **Ordinance No. 037-18**, an Ordinance Approving with Modification a Certain Agricultural District located in the City of Napoleon, Ohio at the Address of 2950 Enterprise Avenue as Applied for by Bradley Hibbard and Laura Sills-Hibbard; and Declaring an Emergency.

**Motion to Approve First Read of Ordinance No. 037-18**

Motion: Sicclair Second: Mires  
to approve First Read of Ordinance No. 037-18.

**Discussion**

Mazur stated to meet the Ohio Revised Code requirements, action does have to be taken within thirty days of the public hearing. Harmon added action is required at this meeting. Sheaffer asked if I own a John Deere dealership and sell equipment to farmers can I get an agricultural district? I feel this is a business whose primary duty is to sell stuff and train people, growing crops is a secondary part and the fact is it is still subject to city zoning ordinances nothing would change and I do not feel there is the need to approve. Harmon replied based on land it does qualify, the legislation is drafted to assure continued payment of assessments that are on the property. Mazur said the property is zoned commercial C4, the zoning and ordinances of the City of Napoleon still apply. Sheaffer added this is not in the

master plan for the City the master plan of that division when it was added into the City was that it would be going towards building up the industrial technology corridor for that area so that's why we saw Harley Davidson go out there, the vet clinic, starting to get some more you know, truck stops, the trucking place to be able to build that up for that reason. Harmon noted there are standards to be met, in order for us to deny this there are a number of hurdles we would need to jump through and I feel that is not proper legally I feel it does fit and I think we have worked it out so both sides are getting what they want, the Hibbards are getting the ag district and the city continues to receive assessments. Sheaffer asked if we pass this what happens the first time they do not apply for a zoning special use permit or something that would be required under it. Harmon responded the nuisance ordinance and all the other ordinances still apply to the property that is within the city limits we would treat them as any other property that is within the city limits, they would still have to go through the proper permitting and still have to do everything else everybody is required to do. This is what is proper according to law and was requested to be drafted. Mazur said in order to deny there has to be substantial or adverse effect on one of the following: (1) provision of municipal services, I do not think that applies here; (2) the efficient use of land, not sure if that applies here; (3) the orderly growth and development may apply according to what Travis spoke of the City Wide Master Plan; and (4) the public health, safety or welfare of the municipality, I do not think that applies here. Sheaffer noted it could those neighbors surrounding that property are not getting mosquito sprayed so if I'm a neighbor out there. Mazur said that is true because of the honey bee hives that are out there by law we cannot spray mosquito spray within a mile radius so there is that section of Industrial Park that is not getting sprayed. Sheaffer added and all the apartments on Riverview. Bialorucki noted that will happen either way if they are in the ag district or not. Harmon requested suspension to keep within the time frames.

**Motion to Suspend the Rule on 037-18**

Motion: Siclair Second: Mires  
to suspend the rule requiring three readings for Ordinance No. 037-18.

**Passed**  
**Yea-6**  
**Nay-1**

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

**Passed**  
**Yea-6**  
**Nay-1**

Roll call vote to pass Ordinance No. 037-18 under suspension and emergency.  
Yea- Siclair, Comadoll, Baer, Bialorucki, Mires, Haase  
Nay-Sheaffer

**Second Readings**

There was not any legislation presented for second read.

**Third Read of Ordinance No. 036-18 Design Contract with Commissioners for WL Over Second River Bridge**

Council President Bialorucki read by title, **Ordinance No. 036-18**, an Ordinance Authorizing the Expenditure of Funds over Twenty-five Thousand Dollars (\$25,000.00) related to the River Bridge and Waterline Extension Project; and Authorizing the City Manager to Enter into a Contract with the Board of Commissioners of Henry County, Ohio; and Declaring an Emergency.



**Motion to Approve Third Read of 036-18**

Motion: Sheaffer Second: Bear  
to approve Third Read of Ordinance No. 036-18.

**Discussion**

Mazur had nothing new to report. Comadoll asked about the 10” concrete line that goes up Riverview towards the hospital, will something be done with that, you will probably have to tie into that also.

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

Roll call vote to pass Ordinance No. 036-18 on Third Read:  
Yea-Sicclair, Comadoll, Baer, Bialorucki, Sheaffer, Mires, Haase  
Nay-

**Good of the City**

**Funding Options for Income Tax Refund**

Heath reported the company was contacted regarding the income tax refund, there was some concern about the first two years due back to them not being paid in 2018. Mazur stated his recommendation would be to go ahead and move forward with legislation to pay down the \$401,000 of unencumbered general funds and at the end of the Industrial Drive project see what is remaining from that project and go from there. Heath’s recommendation was to refer the second quarter budget adjustments to the Finance and Budget Committee and include how to fund the income tax refund.

**Motion to Direct Law Director to Draft Legislation**

Motion: Sheaffer Second: Comadoll  
to direct the Law Director to draft legislation for the August 6, 2018 Council meeting to make the \$401,000 payment in 2018.

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

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

Sheaffer added when the Industrial Drive Project is final the Finance and Budget Committee can make a recommendation how to reallocate that money.

**City Right-of-Way Occupancy Permit**

Mazur stated the small cell wireless legislation has passed at the State House and will take effect on July 31, 2018. We want to accommodate those that want to install small cell wireless and create an environment that does not intrude in our right-of-way or the right-of-way of other utilities that have access to the City’s right-of-ways. There would be a pole attachment agreement if attached to our pole and they will have their own meter. Harmon noted we are worried about running out of time before something is drafted, we are trying to get input from other municipalities, we do not want to delay too much and run into an issue of people trying to get permits. Would request this be added to the Municipal Properties Committee agenda for August 13<sup>th</sup>.

**July 2018 PSACF Discussion**

Mazur reported this bill was forecasted to be our highest, transmission costs are about one-third of our bill. This is the first month that has the combined hydro project, it is a higher power cost because of the debt service expense. Sheaffer asked if we have any idea where the bills will be at for July with this month being so terribly hot. Mazur replied the rates for June look like \$1.50 per mWh below

what was forecasted. Once the Morgan Stanley contract falls off in 2020, we should see a noticeable dip down as we will be purchasing power off the market for a cheaper rate, the transmission costs are unknown. Sheaffer asked at what point does it make sense to go back into generation? Mazur responded most investments are in natural gas because of it being cheap. Bialorucki asked why when the temps get so hot the city residents are asked to reduce electricity. Mazur said on January 1<sup>st</sup> they take the highest day from the last year and this is what sets your transmission rate. That is why we want people to turn their air conditioners up and turn the lights off to keep the energy usage down so rates are cheaper, for capacity charge they take the five highest days and average them out.

**Motion to Approve July 2018 PSCAF**

Motion: Sheaffer Second: Comadoll  
To approve the July 2018 PSCAF as three month averaged factor \$0.02117, JV2 \$0.029183 and JV5 \$0.029183.

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

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

**Ohio Street Water Main Replacement Project Change Order No. 1 Final**

Lulfs reported the increase in cost was due to many portions of the project requiring additional asphalt repairs as well as some minor additional curbing and water valves, even with this increase we are still under the amount that was budgeted. Bialorucki commented, it may not look the prettiest but it is very smooth.

**Motion to Approve Final Change Order an Increase of \$50,284.57**

Motion: Sheaffer Second: Comadoll  
to Approve Change Order No. 1 – Final, an increase of \$50,284.57 to Vernon Nagel, Inc. for the Ohio Street Water Main Replacement and Associated Improvements project.

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

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

**Update on Water Treatment Plant Rehab Project**

Jeff Weis, Chief WPT Operator gave a presentation on the water treatment plant rehab process (a copy is attached).

Mazur noted MIEX was purchased and installed in 2006, it has served its purpose that process is no longer needed, it is expensive and once was a pre-treatment building. In September, the last major process change will take place other than that there will just be cleanup items to make sure everything is working properly. It has been asked about having an Open House with signs showing the old way and here is the new way and to also recognize local vendors (those that can listen to WNDH without too much fine tuning). Mayor commented he has heard comments about the improved taste of the water. Lulfs reported we have had less than 8% in change orders that have been approved. So far, one-third of the major changes was for the water tower increase and adding rooms there have been a few changes denied.

**Water Rate and Cost of Service Study**

Brad Meyer gave an update on the water tower. The containment curtain will remain around the water tower for another 6-8 weeks. They are done with 75% of the outside work (sandblasting and priming) after the second and third coats are applied on the entire tank, the curtain will come down that process will take month to get the brackets down that hold the curtain up. It will be another two-three months before the tank is back in service. Sheaffer asked what the timeframe will be before the cell towers can go back up, there has been a decrease in cell service since they were moved off. Meyer replied we will wait until the painting is completed, that will probably be three months.

Heath said when the original water rate proposal was done Courtney & Associates said they'd come back review the cost of water when there was more information on the total project costs. A couple months ago I asked Courtney & Associates to do a review and they quoted \$10,000 to revisit the water costs. Mazur added after talking with John Courtney I invited the satellite communities to be part of the rate discussion since there is the perception the city is trying to hold something back.

**Motion to Proceed with Water Rate Review Study by Courtney & Associates**

Motion: Sheaffer Second: Haase  
to proceed with the water rate review study by Courtney and Associates.

**Passed  
Yea-7  
Nay-0**

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

**Industrial Drive River Bridge**

Mazur reported ODOT requires legislation in order for work to be done on the Second River Bridge in the City limits.

**Motion Direct Law Director to Draft Legislation**

Motion: Sheaffer Second: Siclair  
to direct the Law Director to draft the appropriate legislation to allow construction in the corporation limits for the Industrial Drive River Bridge.

**Passed  
Yea-7  
Nay-0**

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

**ODOT Division of Jobs and Commerce Grant**

Mazur said ODOT gave the City a \$200,000 grant for the Industrial Drive project. Suspension and Emergency will be requested since the project is in progress.

**Motion to Direct Law Director to Draft Legislation**

Motion: Sheaffer Second: Baer  
to direct the Law Director to draft legislation accepting a \$200,000 Grant Award from ODOT Division of Jobs and Commerce.

**Passed  
Yea-7  
Nay-0**

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

**Donations to the Fire and EMS Departments**

Mazur noted the Fire Department has received \$150 in donations from various donors.

**Motion to Accept Donations**

Motion: Haase Second: Siclair  
to accept the donations to the Fire and EMS Departments from various donors.

**Passed**

Roll call vote on the above motion:

**Yea-7**

Yea-Sicclair, Comadoll, Baer, Bialorucki, Sheaffer, Mires, Haase

**Nay-0**

Nay-

**Second Quarter Budget Adjustments Referred to Finance and Budget Committee**

Council President Bialorucki referred to the Finance and Budget Committee, *Second Quarter Budget Adjustments.*

**AROUND THE TABLE**

**Mazur**

The NIEDF fund balance is at \$104,000 minus the \$20,000 to Ventures in Space for their road project, the CIC still has to meet on that.  
I would request an executive session for Economic Development and another for items to remain confidential as they relate to competitiveness of our utilities.

**Harmon**

The guy that attempted to evade the Police and EMT's and dove into the river and we had to get our boat out, there were some criminal charges attached to the situation. That was tried recently and I had to bother a few of our officers and EMT's guys to come and testify in that case and I want to thank and congratulate everyone involved in that case it went very well the police officers testified very well, the EMT's surprising, not that it should have been, but they did an excellent job on the stand and we got a conviction and that guy won't be pestering our first responders for a good while now so that is a good thing but I would like to thank the police officers and EMT's that had to come down and sit and testify they did an excellent job.

**Haase**

Nothing.

**Mires**

Nothing tonight.

**Sheaffer**

When I was at the Ribfest, I got a lot of positive comments on the downtown, what we are doing, what we have done to what we are planning to do and even the Wildcat and fences outside the establishments, I received quite a few compliments, a lot of people are happy with what we are doing. Mazur added that is cool to see people inside the fence area having dinner.  
Sheaffer continued, another item I had, I was not at the fireworks because I was watching them from the National Mall but let me tell you I think that in past years I cannot compare this year since I was not there, but I think ours is better. Theirs was 20 minutes long, they would shoot one up, then shoot another up, Tony and his guys do a really good job.  
Lastly, can we have Kevin put priority on focusing on the existing zoning and nuisance violations that are already out on County Road 12, have him address those, I know there are some out there we have talked about it I want to make sure they are addressed.

**Mayor Maassel**

Great job for everyone that helped out with the July 4<sup>th</sup> activities everything seemed to go very well. I agree, the downtown looked very nice there is still yarn on some of the sign posts and trash cans, is that coming down soon?

Mazur's response was "that is a good question, the only request that I had was to take them off the light poles before they get painted and off the trees because they will kill trees, as of right now we did not set a timeline when to take off the other items, the yarn wears out and will start to look shabby I will go talk to them and have them put together a timeline when they plan to take everything off there is a shelf life." Maassel said I thought everything was coming off July 1<sup>st</sup>. Mazur said that was only for the trees. Maassel replied, when I called the people they said everything would be off on July 1<sup>st</sup>.

Maassel continued, the underpass on State Route 108, the trees are very big and look a little tough can we get the state to come? Lulfs said we can try in the past the state hasn't done much.

Maassel had somebody ask about a sound wall sound barrier out in their neighborhood, the response sent to me was that the neighborhood was there after the road was built so the state won't put up a wall.

**Bialorucki**

In addition to your last question, the same resident on Becklee asked me about our jake brake law in Napoleon, do we have one, do we enforce it? Harmon said no, we do not have that one, we have a noise ordinance but not a specific jake brake ordinance, both Chief Mack and I looked. Comadoll thought some years back we were to do a jake brake one. Mazur said the issue is, they are coming up to the stop sign we have a lot of transient drivers so it necessarily won't fix the problem. When we have talked about trucks driving down Woodlawn in the past it is always somebody new they are transient. Harmon said we have a noise ordinance on the books we can put signs out that say you can't make a certain amount of noise the signs would be better worded than that we can put those signs up now. Mazur mentioned even rumble strips on the side of the road are loud when people drive over them. Bialorucki added he did mention that too, maybe we'll take a look at that in the future.

Bialorucki continued I did get a chance to view the fireworks this year and thought they were excellent and from where I was viewing them at Woodlawn and Glenwood one of your officers got out and was directing traffic after the fireworks show and did an excellent job of directing all the cars trying to get all of them out of there he did a great job.

**Baer**

Canceled the July Safety & Human Resources Committee meeting due to lack of agenda items.

**Comadoll**

I received a complaint from the resident at the corner of Ohio and Sheffield, before he could mow his new grass he had to go out and take rocks out of his yard Nagel's has a year to fix the problem. Bialorucki asked Lulfs if anyone follows up on that? Lulfs responded we inspect that, if the grass does not take off they will have to reseed it, we will keep an eye on it. Comadoll added, someone is going to have to bring in good dirt. Bialorucki asked if there is something we can do to follow up, residents should not have to do that. Maassel sated he received complaints last year about Park Lane. Bialorucki suggested maybe with the future projects we

emphasize we are going to be paying more attention to this, the roads and sidewalks look nice now the grass needs to too.

Comadoll added, I was home for fireworks the first time in seven years, I was pretty impressed. The campgrounds at Paulding has as good of a show as Napoleon these guys are professional.

**Siclair**

I disagree with him, I did enjoy the fireworks and I am happy to see Park Street sidewalks are going in, who is doing it? Lulfs said the residents have the option of hiring whomever they choose, one contractor is doing the majority they have until the end of September, I sent reminder letters a month or so ago. Sidewalks will be included as part of the project in the next phase of Park Street.

Siclair concluded it came to my attention our Fire Department Auxiliary takes overfilled trucks with food and voluntarily take time to take the overages and find worthy recipients of the donations that was a lot of work with this last one I appreciate the work done.

**Heath**

The 2017 CAFR is out, thanks to Chris for all her due diligence, the audit is complete for 2017. We are working on the annual financial information for the state that is due August 1<sup>st</sup>.

Comadoll had a question about the bills, I see Fitzenreiters are here quite a bit, is it time to put in the budget to replace the air conditioner? Heath said we have 6-8 units in this building, odds are high there will be maintenance issues. Mazur said if you recall in last year's budget cycle there was a line item to take a look at our facilities and what maintenance and upkeep we have, we do not have long term maintenance for the facilities as of right now we fix things as we go. We need to take a look at this building and more importantly the police building they have been in a temporary building for a very long time it has seen its useful life. Sheaffer said before we come up with a big maintenance plan to start rehabbing things we ought to take a look at our facilities and see how long we plan to be in those buildings. This is prime river property I would rather sell and it and do something else I would hate to dump a bunch of money into it and turn around and sell two years later. Maassel asked shouldn't the master plan and facilities maintenance plan help with that? Mazur said he wants to go through the master plan first, we still have issues dealing with the Long Term Control Plan next to the Fire Department. There is a lot of riverfront property in outskirts of downtown, we spent lot of money rehabbing the WTP and WWTP this building and police department are just as important.

**Motion to go into Executive Session for Economic Development**

Motion: Siclair  
Second: Mires  
to go into Executive Session for Economic Development.

**Passed  
Yea-7  
Nay-0**

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

**Motion to go into Executive Session for Confidential Matters**

Motion: Haase Second: Sheaffer  
to go into Executive Session for Items to Remain Confidential as they Relate to Competitiveness of our Utilities.

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

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

**Into Executive Session**

Council went into Executive Session at 8:45 pm.

**Motion to Come Out of Executive Session on Economic Development**

Motion: Sheaffer Second: Haase  
to come out of Executive Session for Economic Development.

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

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

Council President Bialorucki reported no action was taken.

**Motion to Come Out of Executive Session on Confidential Matters**

Motion: Sheaffer Second: Mires  
to come out of Executive Session for Items to Remain Confidential as they Relate to Competitiveness of our Utilities.

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

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

Council President Bialorucki reported no action was taken.

Council came out of Executive Session at 9:10 pm.

**Approve Payment of Bills and Financial Reports**

The bills and financial reports were approved as presented with no objections.

**Motion to Adjourn**

Motion: Sicclair Second: Sheaffer  
to adjourn the City Council meeting.

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

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

**Adjournment**

The City Council meeting was adjourned at 9:10 pm.

**Approved:**

**August 6, 2018**

\_\_\_\_\_  
Joseph D. Bialorucki, Council President

\_\_\_\_\_  
Jason P. Maassel, Mayor

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

DRAFT



**PRELIMINARY LEGISLATION**

Consent

**Ordinance # 039-18**

**PID No. 22984**

**County/Route/Section Hen-New Bridge**

The following is an ordinance enacted by the City of Napoleon, Henry County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the stated described project.

**SECTION I - Project Description**

WHEREAS, the LPA/STATE has identified the need for the described project:

*The construction of a new roadway & bridge over the Maumee River in Henry County.*

NOW THEREFORE, be it ordained by the City of Napoleon, Ohio

**SECTION II - Consent Statement**

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

**SECTION III - Cooperation Statement**

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

- 1) The LPA will assume and bear one hundred percent (100%) of the total cost of any features requested by the LPA which are not necessary for the project as determined by the State and/or the Federal Highway Administration.
- 2) The LPA consents to having the State acquire all necessary rights of way for the subject project in the name of the LPA.
- 3) The LPA agrees, upon completion of the project, to own and maintain all those portions of the project under its jurisdiction.
- 4) The State agrees to be the lead agency and to administer all phases of the project.



CERTIFICATE OF COPY  
STATE OF OHIO

City of Napoleon, Henry County, Ohio

I, \_\_\_\_\_, as Clerk of the City of Napoleon, Ohio, do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the legislative Authority of the said City, on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, that the publication of such ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such ordinance have been taken; and that such ordinance and certificate of publication thereof are of record in

\_\_\_\_\_, Page \_\_\_\_\_ .  
(Ordinance Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this \_\_\_\_\_ day of \_\_\_\_\_, 2 \_\_\_\_\_.

\_\_\_\_\_  
Clerk

(SEAL)  
(If Applicable)

City of Napoleon, Ohio

The afore going is accepted as a basis for proceeding with the project herein described.

For the City of Napoleon, Ohio

Attest: \_\_\_\_\_, Date \_\_\_\_\_  
Contractual Officer

\*\*\*\*\*

For the State of Ohio

Attest: \_\_\_\_\_, Date \_\_\_\_\_  
Director, Ohio Department of Transportation

**RESOLUTION NO. 040-18**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO APPLY FOR AND ACCEPT OHIO DEPARTMENT OF TRANSPORTATION (ODOT) JOBS AND COMMERCE ECONOMIC DEVELOPMENT FUNDS IN THE AMOUNT OF \$200,000.00 FOR THE PURPOSE OF RECONSTRUCTING INDUSTRIAL DRIVE IN THE CITY OF NAPOLEON, OHIO; AND DECLARING AN EMERGENCY**

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

Section 1. That, the City Manager is directed to execute all documents necessary to apply for and accept Ohio Department of Transportation Jobs and Commerce Economic Development funds for the purpose of reconstructing Industrial Drive in the City of Napoleon, Ohio, including but not limited to execution of Grant Agreement(s).

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

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

Section 4. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time so that the funding can be timely made which affect 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. Further, the Emergency Clause is necessary to implement the stated funding and project in a timely manner which affects the public peace, health, and safety accessible to our citizens, and for further reasons as stated in the Preamble hereof.

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

\_\_\_\_\_  
Joseph D. Bialorucki, 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. 040-18 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*

**JOBS AND COMMERCE ECONOMIC DEVELOPMENT AGREEMENT  
BETWEEN THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION AND  
CITY OF NAPOLEON**

**THIS AGREEMENT** is made by and between the State of Ohio, Department of Transportation, (hereinafter referred to as ODOT) 1980 W. Broad Street, Columbus, Ohio 43223 and, the City of Napoleon, 255 W. Riverview Ave., Napoleon, OH 43545 (hereinafter referred to as the CITY).

1. PURPOSE

- 1.1 Section 5501.03(A)(3) of the Ohio Revised Code (ORC) provides that ODOT may coordinate its activities with those of other appropriate state departments, public agencies, and authorities, and enter into any contracts and agreements with such departments, agencies, and authorities as may be necessary to carry out its duties, powers, and functions.
- 1.2 ORC § 5501.11(A)(4) states the department of transportation with respect to highways shall cooperate with the counties, municipal corporations, townships, and other subdivisions of the state in the establishment, construction, reconstruction, maintenance, repair, and improvement of the public roads and bridges.
- 1.3 The CITY will reconstruct Industrial Drive starting at the RR tracks just north of E. Riverview Ave and moving north approximately 3,800' to American Road (hereinafter referred to as the PROJECT).
- 1.4 The purpose of this Agreement is to set forth the responsibilities of the parties associated with the Jobs & Commerce Economic Development Program ("JCED") funding (SAC 4JC7) that is being made available for the PROJECT by ODOT.
- 1.5 The CITY shall comply with all applicable Federal and State laws, regulations, and applicable executive orders in regards to the PROJECT. This obligation is in addition to compliance with any law, regulation, or executive order specifically referenced in this Agreement.

2. FUNDING AND PAYMENT

- 2.1 The total cost for the PROJECT is estimated to be \$3,008,476 as set forth below. Funds provided through ODOT shall be applied only to the eligible costs associated with the actual construction of the PROJECT improvements and construction engineering/inspection activities.

ODOT JCED Funds – SAC 4JC7	\$200,000
ODOT Small Cities	\$1,900,000
City of Napoleon	\$908,476
<b>TOTAL</b>	<b>\$3,008,476</b>

- 2.2 Funds provided by ODOT shall not exceed \$200,000 or 7 percent of the total project cost, whichever is the lesser amount. The CITY shall provide all other financial resources necessary to fully complete the PROJECT, including all cost overruns and CITY claims.
- 2.3 All funding from ODOT under this Agreement operates on a reimbursement basis. The CITY shall review and approve all invoices for materials, equipment and labor prior to payment and prior to requesting reimbursement from ODOT for work performed on the PROJECT.
- 2.4 The CITY shall ensure the accuracy of any invoice in both amount and in relation to the progress made on the PROJECT. The CITY must submit to ODOT a written request for reimbursement of the state share of the expenses involved, attaching copies of all source documentation associated with invoices or paid costs. To assure prompt payment, the measurement of quantities and the recording for payment should be performed on a daily basis as the items of work are completed and accepted. The CITY may submit a maximum of two requests for reimbursement. The deadline for the final reimbursement request is June 30, 2019. The CITY may ask for an extension of this agreement before May 31, 2019 if adequate funds have been appropriated.

- 2.5 Reimbursement to the CITY shall be submitted to:

The City of Napoleon  
Mr. Gregory Heath / Finance Director  
255 W. Riverview Ave  
Napoleon, OH 43545  
419-592-4010

3. PROJECT DEVELOPMENT AND DESIGN

- 3.1 The CITY is administering this PROJECT and is responsible for all aspects of the project, including but not limited to: environmental responsibilities, permit requirements, right of way or utility reimbursement, and construction contract administration.
- 3.2 Any right, claim, interest, and/or right of action, whether contingent or vested, of the CITY, arising out of or related to any contract entered into by the CITY for the work to be performed by the CITY on this PROJECT is the responsibility of the CITY. ODOT expressly rejects any liability for the PROJECT and any claims arising from the PROJECT.

4. CERTIFICATION AND RECAPTURE OF FUNDS

- 4.1 This Agreement is subject to the determination by ODOT that sufficient funds have been appropriated by the Ohio General Assembly to the State for the purpose of this Agreement and to the certification of funds by the Office of Budget and Management, as required by Ohio Revised Code section 126.07. If ODOT determines that sufficient funds have not been appropriated for the purpose of this Agreement or if the Office of Budget and Management fails to certify the availability of funds, this Agreement or any renewal thereof will terminate on the date funding expires.
- 4.2 If for any reason the PROJECT is found to not be in compliance with all applicable local, state, or federal rules and processes the CITY shall repay to ODOT an amount equal to the total funds ODOT disbursed on behalf of the PROJECT.

5. THIRD PARTIES AND RESPONSIBILITIES FOR CLAIMS

5.1 Nothing in this Agreement shall be construed as conferring any legal rights, privileges, or immunities, or imposing any legal duties or obligations, on any person or persons other than the parties named in this Agreement, whether such rights, privileges, immunities, duties, or obligations be regarded as contractual, equitable, or beneficial in nature as to such other person or persons. Nothing in this Agreement shall be construed as creating any legal relations between the Director and any person performing services or supplying any equipment, materials, goods, or supplies for the PROJECT sufficient to impose upon the Director any of the obligations specified in section 126.30 of the Revised Code.

5.2 The CITY hereby agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the actionable negligence of its officers, employees or agents in the performance of the CITY's obligations made or agreed to herein.

6. NOTICE

6.1 Notice under this Agreement shall be directed as follows:

If to the CITY:

Mr. Joel Mazur  
Napoleon City Manager  
City of Napoleon  
255 W. Riverview Ave  
Napoleon, OH 43545  
419-591-8038  
jmazur@napoleonohio.com

If to ODOT:

Jeffrey V. Loehrke  
Division of Jobs & Commerce  
Ohio Department of Transportation  
1980 W. Broad Street  
Columbus, Ohio 43223  
614-915-2631  
Jeffrey.loehrke@dot.ohio.gov

7. FEDERAL REQUIREMENTS

During the performance of this Agreement, the CITY, for itself, its assignees, and successors in interest agrees as follows:

7.1 The CITY will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin (ancestry), disability, genetic information, age (40 years or older), sexual orientation, or military status (past, present, or future). Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment or Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.

7.2 The CITY agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. The CITY will, in all solicitations or advertisements for employees placed by or on behalf of the CITY, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin (ancestry), disability, genetic information, age (40 years or older), sexual orientation, or military status (past, present, or future).

7.3 Compliance with Regulations: The CITY (hereinafter includes consultants) will comply with the Acts and Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.



- 7.4 Nondiscrimination: The CITY, with regard to the work performed by it during the Agreement, will not discriminate on the grounds of race, color, national origin (ancestry), sex, age (40 years or older), disability, low-income status, or limited English proficiency in the selection and retention of the CITY, including procurements of materials and leases of equipment. The CITY will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E, including employment practices when the Agreement covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
- 7.5 Solicitations for the CITY, including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the CITY for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential contractor or supplier will be notified by the CITY of the CITY's obligations under this contract and the Acts and the Regulations relative to nondiscrimination on the grounds of race, color, national origin (ancestry), sex, age (40 years or older), disability, low-income status, or limited English proficiency.
- 7.6 Information and Reports: The CITY will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the ODOT or FHWA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the CITY will so certify to ODOT or FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
- 7.7 Sanctions for Noncompliance: In the event of the CITY's noncompliance with the nondiscrimination provisions of this Agreement, ODOT will impose such sanctions as it or FHWA may determine to be appropriate, including, but not limited to:
- a) Withholding of payments to the CITY under the Agreement until the CITY complies, and/or
  - b) Cancellation, termination or suspension of the Agreement, in whole or in part.
- 7.8 Incorporation of Provisions: The CITY will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations, and directives issued pursuant thereto. The CITY will take action with respect to any subcontract or procurement as ODOT or FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the CITY becomes involved in, or is threatened with litigation by a contractor, or supplier because of such direction, the CITY may request ODOT to enter into any litigation to protect the interests of ODOT. In addition, the CITY may request the United States to enter into the litigation to protect the interests of the United States.

During the performance of this Agreement, the CITY, for itself, its assignees, and successors in interest agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-Aid programs and projects)
- Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 et seq.) (prohibits discrimination on the basis of sex)

- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 et seq.), as amended (prohibits discrimination on the basis of disability) and 49 CFR Part 27
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 et seq.) (prohibits discrimination on the basis of age)
- Airport and Airway Improvement Act of 1982 (49 U.S.C. § 471, Section 47123), as amended (prohibits discrimination based on race, creed, color, national origin, or sex)
- The Civil Rights Restoration Act of 1987 (PL 100-209) (broadened the scope, coverage, and applicability of Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of Federal-Aid recipients, sub-recipients, and CITY (or other)s, whether such programs or activities are Federally funded or not)
- Titles II and III of the Americans with Disabilities Act (42 U.S.C. §§ 12131-12189), as implemented by Department of Transportation regulations at 49 CFR parts 37 and 38 (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities)
- The Federal Aviation Administration’s Non-Discrimination Statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex)
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations)
- Executive Order 13166, Improving Access to Services for People with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100)
- Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended (prohibits discrimination in the sale, rental, and financing of dwellings on the basis of race, color, religion, sex, national origin, disability, or familial status (presence of child under the age of 18 and pregnant women)
- Title IX of the Education Amendments Act of 1972, as amended (20 U.S.C. 1681 et seq.) (prohibits discrimination on the basis of sex in education programs or activities)
- Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA 38 U.S.C. 4301-4335) (prohibits discrimination on the basis of present, past or future military service)

## 8. GENERAL PROVISIONS

- 8.1 *Record Retention:* The CITY when requested at reasonable times and in a reasonable manner, shall make available to the agents, officers, and auditors of ODOT and the United States government, its books, documents, and records relating to the CITY’s obligations under this Agreement. All such books, documents, and records shall be kept for a period of at least three years. In the event that an audit-related dispute should arise during this retention period, any such books, documents, and records that are related to the disputed matter shall be preserved for the term of that dispute.
- 8.2 *Ohio Ethics Laws:* The CITY agrees that they are currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the Ohio Revised Code.
- 8.3 *Governing Law:* This Agreement and any claims arising out of this Agreement shall be governed by the laws of the State of Ohio. Any provision of this Agreement prohibited by the laws of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this Agreement or the performance thereunder shall be brought only in the courts of Ohio, and the CITY hereby irrevocably consents to such jurisdiction. To the extent that ODOT is a party to any litigation arising

out of or relating in any way to this Agreement or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County Ohio.

- 8.4 *Assignment:* Neither this Agreement nor any rights, duties, or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.
- 8.5 *Merger and Modification:* This Agreement and its attachments constitute the entire Agreement between the parties. All prior discussions and understandings between the parties are superseded by this Agreement. Unless otherwise noted herein, this Agreement shall not be altered, modified, or amended except by a written agreement signed by both parties hereto.
- 8.6 *Severability:* If any provision of this Agreement is held to be invalid or unenforceable by a court of competent jurisdiction, such holding shall not affect the validity or the ability to enforce the remainder of this Agreement. All provisions of this Agreement shall be deemed severable.
- 8.7 *Term of Agreement:* This Agreement shall be in effect from the last day executed by the parties through the date which is three (3) years after the Project Completion Date. The CITY acknowledges that the Term extends beyond the Project Completion Date for purposes of reporting by the CITY and monitoring by Grantor of the results of the award of Grant Funds.
- 8.8 *Signatures:* Any person executing this Agreement in a representative capacity hereby represents that he/she has been duly authorized by his/her principal to execute this Agreement on such principal's behalf.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the day and year last written below.

**CITY OF NAPOLEON  
OR AUTHORIZED REPRESENTATIVE**

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**STATE OF OHIO  
OHIO DEPART OF TRANSPORTATION**

By: \_\_\_\_\_  
Jerry Wray  
Director  
Date: \_\_\_\_\_

**RESOLUTION NO. 041-18**

**A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FOR THE PURPOSE OF REFUNDING CERTAIN CITY TAX OVERPAYMENTS, WHICH WAS NOT INCLUDED IN THE 2018 APPROPRIATION BUDGET, ALSO AUTHORIZING THE CITY FINANCE DIRECTOR TO EXECUTE ALL DOCUMENTS NECESSARY TO TRANSFER THE NECESSARY FUND BALANCES PER OHIO REVISED CODE (ORC) SECTION 5705.14 AS LISTED IN EXHIBIT A (TRANSFER NO. 3); AND DECLARING AN EMERGENCY**

**WHEREAS**, the City is a charter municipality having those powers of self-government as stated in Article I of its Charter; and

**WHEREAS**, in order to provide Fund Balances for approved expenditures in certain funds on an as needed basis, it is necessary to transfer funds from respective funds to other funds; and,

**WHEREAS**, the City is now required to refund certain City tax overpayments, the amount of said refund totaling over twenty-five thousand dollars (\$25,000.00); and,

**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 twenty-five thousand dollars (\$25,000.00) for the purpose of refunding certain City tax overpayments.

Section 2. That, pursuant to Section 5705.14 of the Ohio Revised Code (ORC) and this Resolution, the Finance Director is hereby authorized and directed to transfer monies among the various funds in Fiscal Year 2018 as listed in Exhibit "A" attached hereto and made a part of this Resolution.

Section 3. That, the Finance Director is hereby authorized and directed to make the necessary refunds of certain City tax overpayments pursuant to the City of Napoleon Income Tax Code.

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

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

Section 6. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time so that the funding can be timely made which affect 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. Further, the Emergency Clause is necessary to implement the stated funding in a timely manner which affects the public peace, health, and safety accessible to our citizens, and for further reasons as stated in the Preamble hereof.

Passed: \_\_\_\_\_  
Joseph D. Bialorucki, 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. 041-18 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*

**2018 APPROPRIATION BUDGET - TRANSFER OF FUNDS**

**RESOLUTION No. 041-18, Passed 08/06/2018**

**BUDGET REVIEW - 2018 TRANSFER OF FUNDS**

**= TRANSFER AMOUNTS =**

**FUND NAME, FROM - TO, PURPOSE**

**FROM**

**TO**

**Account Numbers From & To**

**FROM:** 100 GENERAL FUND

**\$200,000**

<- 100.9900.59470 TR-TO 170 MUN.IN.TAX FUND

**TO:** 170 MUNICIPAL INCOME TAX FUND

**\$200,000**

<- 170.0000.49900 Transfers-In

**Purpose:** Move Funds back from 100 General Fund to the 170 Mun.In.Tax Fund to pay for Income Tax Refunds.

**FROM:** 400 CAPITAL IMPROVEMENT FUND

**\$201,000**

<- 400.9900.59470 TR-TO 170 MUN.IN.TAX FUND

**TO:** 170 MUNICIPAL INCOME TAX FUND

**\$201,000**

<- 170.0000.49900 Transfers-In

**Purpose:** Move Funds back from 400 CIP Fund to the 170 Mun.In.Tax Fund to pay for Income Tax Refunds.

**TOTALS - FROM**

-----  
**401,000**

**TOTALS - TO**

-----  
**401,000**

=====

**ORDINANCE NO. 042-18**

**AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO MAKE APPROPRIATION TRANSFERS FROM RESPECTIVE FUNDS, DEPARTMENTS AND CATEGORIES TO OTHER FUNDS, DEPARTMENTS AND CATEGORIES PURSUANT TO O.R.C. SECTION 5705.40 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2018 AS LISTED IN EXHIBIT "A"; AND DECLARING AN EMERGENCY**

**WHEREAS**, the City appropriates funds by fund, department, and category of personal services and other; and,

**WHEREAS**, transfer from one appropriation item to another is necessary to provide appropriations for current expenses of the City; **Now Therefore**,

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

Section 1. That, pursuant to Section 5705.40 of the Ohio Revised Code, and this Ordinance, the Finance Director is hereby authorized and directed to transfer from one appropriation item to another, in the Fiscal Year ending December 31, 2018, as listed in Exhibit "A," attached hereto and made a part hereof.

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

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 assure the prompt and efficient conduct of the municipal operations related to public peace, health or safety of the City; 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: \_\_\_\_\_

\_\_\_\_\_  
Joseph D. Bialorucki, 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. 042-18 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.*

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



FISCAL YEAR ENDING 2018- 2nd QUARTER BUDGET ADJUSTMENT				
2018 APPROPRIATION BUDGET - TRANSFER OF APPROPRIATIONS (NO. 2)				
Appropriation Transfer No. 2 - Council Approved Budget Adjustment, Ord. No. 042-18, Passed 08/06/2018				
FROM/ TO	FUND DEPARTMENT/COST CENTER	= ACCOUNT CATEGORY = PERSONAL SERVICES	OTHER	APPROPRIATION CATEGORY'S NET CHANGE
<b>400 CAPITAL IMPROVEMENT FUND</b>				
FROM :	5100 Service/Streets Maintenance and Properties		-201,000.00 **	-201,000.00
TO :	9900 Transfer Accounts		201,000.00 **	201,000.00
<b>Total Appropriation Transfers-100 General Fund</b>		0.00	0.00 **	0.00
<i>- Move Funds in 5100 Serv/Streets Mnt &amp; Prop., FROM- Other Cat., to 9900 Transfer Acct., TO-Other Cat., to Transfer to 170 Mun Income Tx. Fd.:</i>				
Acct.From:	400-5100-57500 Street Improvements		-\$201,000	
Acct.To:	400-9900-59470 TR-TO 170 Mun.In.Tax Fund		\$201,000	

**FINANCE AND BUDGET COMMITTEE**

Meeting Minutes

Monday, July 23, 2018 at 6:30 pm

<b>PRESENT</b>	Joseph D. Bialorucki-Chairman, Jeff Comadoll, Ken Haase, Jason Maassel Joel L. Mazur Gregory J. Heath Roxanne Dietrich Newsmedia
Committee Members City Manager Finance Director/Clerk Recorder/Records Clerk Others	
<b>ABSENT</b>	
<b>Call to Order</b>	Chairman Bialorucki called the Finance and Budget Committee meeting to order at 6:30 pm.
<b>Approval of Minutes</b>	Hearing no objections or corrections, the minutes of the May 29, 2018 Finance and Budget Committee meeting stand approved as presented.
<b>Second Quarter Budget Adjustments</b>	Heath informed the committee the only appropriation he has to present tonight is for the income tax refund with his recommendation for funding being as follows: \$200,000 out of the General Fund and \$201,000 out of the Capital Improvements Program fund. The CIP Street Improvements Fund (400.5100.57000) has an unobligated balance of \$693,410.00, taking \$201,000 out of this account will still leave a balance close to half million should anything occur. Maassel asked if this will adversely affect the current service level. Heath replied at budget time there could be some tightening of funds.
<b>Motion to Recommend Council Make the Appropriations and Transfers as Recommended by the Finance Director</b>	Motion: Maassel                               Second: Comadoll to have Council: (1) do a Supplemental Appropriation to appropriate \$200,000 in the 100 General Fund moved to the 170 Municipal Income Tax Fund; and appropriate \$401,000 to the 170 Municipal Income Tax Fund for payment of the Income Tax Refund; (2) to move \$201,000 appropriated in the 400 CIP fund from 5100 into the 9900 Transfer Accounts to transfer to the 170 Municipal Income Tax Fund; and (3) to transfer move \$401,000 in actual cash funds from the 100 General Fund (\$200,000) and the 400 CIP Fund (\$201,000) to the 170 Municipal Income Tax Fund.
<b>Passed Yea-4 Nay-0</b>	Roll call vote on the above motion: Yea-Bialorucki, Comadoll, Haase, Maassel Nay-
	The legislation will be on the next Council agenda with Emergency and Suspension being requested. The Committee members feel the legislation should be presented that way to show good faith of making every effort to make sure payment happens as quickly as it can.



**ORDINANCE NO. 043-18**

**AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION MEASURE (SUPPLEMENT NO. 3) FOR THE YEAR 2018; 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. 080-17, and supplemented by Ordinance No.(s) 018-18 and 025-18, for the fiscal year ending December 31, 2018 shall be supplemented (Supplement No. 3) as provided in Exhibit "A" (one page), 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: \_\_\_\_\_

\_\_\_\_\_  
Joseph D. Bialorucki, 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. 043-18 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

<b>2018 APPROPRIATION BUDGET - SUPPLEMENTAL BUDGET ADJUSTMENT</b>				
<b>BUDGET SUMMARY BY FUND, DEPARTMENT AND CATEGORY</b>				
<i>ORDINANCE No. 043-18, Passed 08/06/2018</i> <b>FUND/DEPARTMENT-2nd QUARTER ADJUSTMENTS</b>	<b>2018 SUPPLEMENTAL BUDGET ADJUSTMENT</b>			<b>2018</b>
	<b>PERSONAL SERVICES</b>	<b>OTHER</b>	<b>TOTAL</b>	<b>FUND TOTAL</b>
<b>100 GENERAL FUND</b>				
9900 Transfer Accounts	\$0	\$200,000	\$200,000	
<b>Total - 100 General Fund</b>	<b>\$0</b>	<b>\$200,000</b>	<b>\$200,000</b>	<b>\$200,000</b>
<b>170 MUNICIPAL INCOME TAX FUND</b>				
1510 Finance/Income Tax Collection	\$0	\$401,000	\$401,000	
<b>Total - 100 General Fund</b>	<b>\$0</b>	<b>\$401,000</b>	<b>\$401,000</b>	<b>\$401,000</b>
<b>* GRAND TOTAL - ALL FUNDS</b>	<b>\$0.00</b>	<b>\$601,000.00</b>	<b>\$601,000.00</b>	<b>\$601,000.00</b>

City of Napoleon  
**Perry Street Bridge Waterline Hanger Support Replacement and Spot Repair**  
 Bid Tabulation Worksheet  
 July 25, 2018  
Engineer's Estimate  
 \$55,000.00

		<b>Integrity Solutions Field Services</b>			<b>Vernon Nagel, Inc.</b>	
		411 W. Lk Lansing Road, Suite A-105 East Lansing, MI 48823 989-429-4632			O-154 County Road 11C Napoleon, Ohio 43545 419-592-3861	
<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>ESTIMATED QUANTITY</u>	<u>UNIT PRICE</u>	<u>SUBTOTAL</u>	<u>UNIT PRICE</u>	<u>SUBTOTAL</u>
1	Labor & Material	1 LS	\$51,469.73	\$51,469.73	\$59,696.00	\$59,696.00
		<b>GRAND TOTAL:</b>		<b>\$51,469.73</b>	<b>GRAND TOTAL: \$59,696.00</b>	

## Kilowatt Hour Tax Rebate Agreement

This Kilowatt Hour Tax Rebate Agreement (this “Agreement”) is made and entered into by and between the CITY OF NAPOLEON, an Ohio municipal corporation (the “City”), and JAC Products, Inc., a Michigan Corporation with an active Ohio Foreign Corporation License, Entity Number 658104, and with an address at 225 S. Industrial Drive, Saline, Michigan 48176 (the “Grantee”).

### BACKGROUND INFORMATION

- A. The City seeks to increase employment opportunities, encourage establishment of new jobs and increase the electrical use within the corporate boundaries of the City of Napoleon (the “City Boundaries”), in order to improve the economic welfare of the City and its citizens, in furtherance of the public purposes enunciated in Article VIII, Section 13 of the Ohio Constitution.
- B. The City has determined that the Grantee will create new jobs and additional electrical use within the City Boundaries in connection with a project to be implemented by the Grantee at 620 Independence Drive in Napoleon, Ohio (the “Project Site”), consisting of manufacturing work at said address (the “Project”).
- C. The State of Ohio has implemented an excise tax as described in ORC 5727 on electric distribution entities based on the amount of kilowatt hours of electricity distributed in a thirty-day period or Billing Cycle.
- D. The City and Grantee intend that Grantee will implement the Project partly as a result of Grantee cost savings resulting from a one hundred (100%) Kilowatt Hour (“KWH”) tax rebate, not to exceed \$12,000 per month, applicable to new electric generation in the City Electrical System of a minimum of a one and a half Megawatt (1.5 MW) load in the City Electrical System.

### STATEMENT OF THE AGREEMENT

In consideration of the foregoing and the mutual promises and covenants hereinafter set forth, the parties agree as follows:

- 1. PRECONDITIONS TO EFFECTIVENESS OF AGREEMENT.
  - (A) This Agreement shall be of no force and effect unless and until:
    - (1) This Agreement is fully executed by both parties;
    - (2) The Council of the City of Napoleon passes an ordinance approving this Agreement, and the ordinance takes effect.

(B) If the date of full execution of the State Agreement or the date of the City's passage of an ordinance authorizing this Agreement does not occur prior to one hundred twenty (120) days after the date on which this Agreement is fully executed (the "Execution Date"), then either the City or the Grantee may terminate this Agreement upon written notice to the other party. Even if not so terminated, this Agreement remains of no force and effect unless and until the conditions of subsection (A) above are met.

2. CERTAIN DEFINITIONS. As used in this Agreement:

(A) "City KWH Tax Rebate Term" means the 3-year term starting the First Full Month of Operation in the Facility.

(B) "Facility" means the buildings, land, utilities and any other appurtenances associated with the Project Site and the Project.

(C) "First Full Month of Operation" means the first full month in which the Grantee's Facility begins production starting at the beginning of the Billing Cycle.

(D) "Billing Cycle" means the time between meter readings. Generally a thirty (30) day period determined by the billing date.

(E) "Electrical Usage" means the amount of electricity used by the Grantee at the Facility, which is metered by the City and billed to Grantee on a monthly basis.

(F) "KWH Tax" means the tax that is collected by the City defined in ORC 5727.

(G) "KWH Tax Revenue" means, for any Billing Cycle, payments from the Grantee to the City in an amount equal to the amount of taxes levied as defined in ORC 5727.81 based on the amount of Electrical Usage at the Facility and paid by the Grantee to City, which is calculated on a monthly basis.

3. PROJECT; CITY KWH TAX REBATE.

(A) Rebate Requirements. Subject to the terms and conditions of this Agreement, for each Billing Cycle during the City KWH Tax Rebate Term in which the Grantee is in full compliance with all requirements under this Agreement, the Grantee shall be allowed to apply the City KWH Tax Rebate stated in this Section against the tax imposed on the Grantee's Electrical Usage.



- (B) KWH Tax Calculation. The KWH Tax shall be calculated each month for each individual meter based on the formula provided in ORC 5727.81 and detailed below:

For the first 2,000 KWH distributed: \$0.00465

For the next 2,001 to 15,000 KWH distributed: \$0.00419

For 15,001 and above KWH distributed: \$0.00363

- (C) Amount of Rebate. The amount of the City KWH Tax Rebate shall be one hundred percent (100%) of any Electrical Usage in a given Billing Cycle. The City KWH Tax Rebate shall be applied against any KWH tax revenue collected by the City from the Grantee in a Billing Month except that the City KWH Tax Rebate shall not exceed \$12,000 in any Billing Cycle.

- (D) Minimum Electrical Usage. The Grantee shall ensure that the minimum amount of electricity used at the Facility remains at a minimum of 1.5 MW of load used on average during any given Billing Cycle throughout the term of this Agreement. If this requirement is not met in any Billing Cycle, then the City shall only rebate the pro rata share of the KWH Tax Calculation by the percentage of Grantee's Electrical Usage.

- (E) Rebate Payments. The City KWH Tax Rebate will be calculated on a monthly basis and payment will be made to the Grantee in a lump sum with no interest by no later than March 1<sup>st</sup> of the following year or 90 days after the end of the 3-year term of this Agreement.

4. COVENANT AS TO OUTSTANDING LIABILITIES; INSPECTION OF RECORDS; FALSE STATEMENTS.

- (A) In accordance with Ohio Revised Code Section 9.66, (A) the Grantee affirmatively covenants that it does not owe: (1) any delinquent taxes to the State of Ohio (the "State") or to a political subdivision of the State; (2) any moneys to the State or a State agency for the administration or enforcement of any environmental laws of the State; or (3) any other moneys to the State, a State agency or a political subdivision of the State that are past due, regardless of whether the amounts owed are being contested in a court of law or not; (B) the Grantee authorizes the City and/or the State to inspect the personal financial statements of the Grantee, including tax records and other similar information not ordinarily open to public inspection; and (C) the Grantee authorizes the Ohio Environmental Protection Agency and the Ohio Department of Taxation to release information to the City and or other State departments in connection with the above statements. As provided by statute, a knowingly false statement under this Section may be

prosecuted as a first degree misdemeanor under Ohio Revised Code Section 2921.13, may render the Grantee ineligible for any future economic development assistance from the State or any political subdivision of the State and will result in the City requiring the Grantee's repayment of any assistance provided by the City in connection with the Project.

5. **TERMINATION; REIMBURSEMENT FOR DEFAULT.**

- (A) Suspension or Termination of the City KWH Tax Rebate. Subject to the provisions of subsections (B) and (C) below, if the City provides the Grantee with written notice of an event of default under this Agreement, and such default is not cured to the City's satisfaction within thirty (30) days of such notice, the City shall suspend or terminate the City KWH Tax Rebate hereunder and may, in the City's sole discretion, take such other measures as may be lawful (including suing for specific performance). Except as provided in subsection (B) below, such suspension or termination shall only affect City KWH Tax Rebate otherwise allowable after the date of suspension or termination.
- (B) Grantee's Failure to Comply with Outstanding Liability Obligations. If the City provides the Grantee with written notice of an event of default under Section 5, the City may, after giving the Grantee an opportunity to explain such default, require the Grantee to pay to the City all or any portion of the City KWH Tax Rebate previously allowed under this Agreement.

6. **REPORTING.**

- (A) During the term of this Agreement, the Grantee shall have access to the City's records upon request and the City shall furnish a report showing the monthly KWH Tax Calculation defined in Section 3 (B) of this Agreement when a Rebate Payment defined in Section 3 (E) of this Agreement is made to the Grantee.

7. **FORBEARANCE NOT A WAIVER.**

- (A) No act of forbearance or failure to insist on the prompt performance by the Grantee of its obligations under this Agreement, either express or implied, shall be construed as a waiver by the City of any of its rights hereunder.

8. **ENFORCED FAILURE TO PERFORM FOR CAUSES BEYOND CONTROL OF THE GRANTEE - - RELIEF FROM REIMBURSEMENT OBLIGATION.**

- (A) The Grantee shall not be required to pay the reimbursement required for default under Section 3(D) of this Agreement for any Billing Cycle in

which such default is due to un-foreseeable causes beyond the control of the Grantee and the Related Members and without fault or negligence of the Grantee or the Related Members, restricted to: acts of the federal, state or city government; orders of courts; fires, floods, epidemics, earthquakes or similar natural disasters; quarantine restrictions; strikes; and other causes which in the opinion of the City Manager are beyond the control of the Grantee and without fault or negligence of the Grantee. Economic difficulties of the Grantee (including, without limitation, bankruptcy), do not constitute causes beyond the control of the Grantee or the Related Members under this subsection. If the Grantee seeks the benefit of the provisions of this subsection it shall, within sixty (60) days after the beginning of any such unforeseeable cause, notify the City thereof in writing.

- (B) Notwithstanding the provisions set forth in subsection (A) above, the Grantee shall not be allowed a City KWH Tax Rebate hereunder in any Billing Cycle in which the Grantee is not in full compliance with all requirements of this Agreement.

## 9. INDEMNIFICATION.

- (A) The Grantee shall indemnify, defend and save the City, its agents and employees harmless from and against any and all losses, claims, damages, liabilities, costs or expenses (including reasonable fees, disbursements, settlement costs and other charges of counsel) imposed on, incurred by or asserted against any of them in connection with any litigation, investigation, claim or proceeding commenced or threatened related to the negotiation, preparation, execution, delivery, enforcement, performance or administration of this Agreement, any other documents related to this Agreement or any undertaking or proceeding related to any of the transactions contemplated hereby or thereby or any act, omission, event or transaction related or attendant thereto, including amounts paid in settlement, court costs and the fees and expenses of counsel, except that the Grantee shall not have any obligation under this Section to the extent that such losses, claims, damages, liabilities, costs or expenses do not result from an act or omission by the Grantee. To the extent that the undertaking to indemnify, pay and hold harmless set forth in this Section may be unenforceable because it violates any law or public policy, the Grantee shall pay the maximum portion which it is permitted to pay under applicable law to the City in satisfaction of indemnified matters under this Section. To the extent permitted by applicable law, neither the Grantee nor the City shall assert, and each of the Grantee and the City hereby waives, any claim against either the Grantee or the City, as applicable, on any theory of liability for special, indirect, consequential or punitive damages (as opposed to direct or actual damages) arising out of, in connection with, or as a result of, this Agreement, any other

documents related to this Agreement or any undertaking or transaction contemplate hereby. All amounts due under this Section shall be payable upon demand. The foregoing indemnity shall survive the termination of this Agreement.

10. CONFLICT OF INTEREST.

- (A) The Grantee agrees that no officer, employee or agent of the City who exercises any functions or responsibilities in connection with the planning and carrying out of this Agreement, nor any immediate family member, close business associate or organization which is about to employ any such person, shall have any personal financial interest, direct or indirect, in the Grantee or in this Agreement and the Grantee shall take appropriate steps to assure compliance.

11. MISCELLANEOUS.

- (A) Relocation of Project Site Within the City. During the term of the Agreement, the Grantee may change the location of the Project Site to another location, but only within the City of Napoleon's corporate boundaries.
- (B) Governing Law. This Agreement shall be governed by the laws of the State of Ohio as to all matters, including but not limited to matters of validity, construction, effect and performance.
- (C) Forum and Venue. All actions regarding this Agreement shall be brought in a court of competent subject matter jurisdiction in Henry County, Ohio.
- (D) Entire Document. This Agreement and its exhibits and any documents referred to herein constitute the complete understanding of the parties and merge and supersede any and all other discussions, agreements and understandings, either oral or written, between the parties with respect to the subject matter hereof.
- (E) Severability. If any provisions of this Agreement are declared by final non-appealable court order to be unlawful or invalid under applicable law, then such order shall not invalidate the remainder of this Agreement not found to be unlawful or invalid, and shall not create any liability to the City resulting from the unlawfulness or invalidity of such provisions. Any provision so declared to be unlawful or invalid shall, if possible, be construed in a manner which will give effect to the terms of such provision to the fullest extent possible while remaining lawful and valid.

- (F) Assignment. Neither this Agreement nor any rights, duties, or obligations described herein shall be assigned or subcontracted by the Grantee without the prior express written consent of the City.
- (G) Successor in Interest. Each and all of the Grantee's obligations under this Agreement shall extend to and bind not only the Grantee, but its successors and assigns. Only in the case of assignment consented to by the City (as provided in subsection (F) above), the Grantee's benefits hereunder shall inure to the benefit of any approved assignee.
- (H) Notices. All notices, consents, demands, requests and other communications given hereunder shall be in writing and shall be deemed duly given if personally delivered or sent by mail, registered or certified, to the addresses set forth hereunder, or to such other address as the other party hereto may designate in written notice transmitted in accordance with this provision.

To the City:

City of Napoleon  
Box 151  
Napoleon, Ohio 43545  
Attention: City Manager

with a copy to:

City of Napoleon  
Box 151  
Napoleon, Ohio 43545  
Attention: Council President

To the Grantee:

JAC Products, Inc.  
225 S. Industrial Drive  
Saline, Michigan 48176  
Attention: Dennis Kirby, CFO

If the Grantee sends a notice to the City alleging that the City is in breach of this Agreement, the Grantee shall simultaneously send a copy of such notice by U.S. certified mail to: City of Napoleon, Box 151, Napoleon, OH 43545, Attention: City Law Director.

[remainder of page intentionally blank – signature page follows]

IN WITNESS WHEREOF, the parties have executed this KWH Tax Rebate Agreement on the dates indicated below.

JAC Products, Inc.,  
a Michigan Corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Authorized corporate resolution on \_\_\_\_\_, 2018

CITY OF NAPOLEON,  
an Ohio municipal corporation

By: \_\_\_\_\_

Name: Joel Mazur

Title: City Manager

Date: \_\_\_\_\_

Approved as to Form:

By: \_\_\_\_\_

Title: Law Director

Certification of Funds:

Certified

Date: \_\_\_\_\_

Fund/Code: \_\_\_\_\_

Amount: \_\_\_\_\_

By: \_\_\_\_\_

Name:

Title: Finance Director



P.O. Box 512

Abingdon, MD 21009

July 19, 2018

Chief Clayton O'Brien

Napoleon Fire and Rescue Company

265 West Riverview Ave.

P.O. Box 151

Napoleon, Ohio 43545

25.00	+
115.00	+
50.00	+
235.00	+
100.00	+
525.00	*
0.00	*

Dear Chief O'Brien,

\$525.00 CP

Enclosed are donation checks in the combined amount of ~~\$500.00~~ in remembrance of my mother, Marilyn Elizabeth Rausch. She was the first woman elected to Napoleon City Council. During her time there, she became a big advocate for the Napoleon Fire and Rescue Company. The family is requesting that you designate these funds for training and/or needed equipment.

Thank you for your time and attention to this request. If you have any questions, please contact me at the above address or 410-515-4209.

Sincerely,



Susan Rausch Cook

Acct. # 210.2200.44350  
Donations - Fire



JOHN LINDER  
LUCINDA LINDER  
PO BOX 99  
SALSBURY COVE, ME 04672

1701

52-7453/2112  
10

7/12/18

Date CHECK ARMOR  
FRAUD PROTECTION

Pay to the Order of Napoleon Fire & Rescue \$ 25.00 / 100  
Twenty five 00 Dollars 100 Photo Safe Deposit® Details on back

**Machias**  
Savings Bank  
BAR HARBOR OFFICE

For Marlyn Rausch remembrance Mrs. L. Linder MP

MARILYN E RAUSCH 05-78  
SUSAN RAUSCH COOK  
C/O SUSAN RAUSCH COOK  
PO BOX 512  
ABINGDON, MD 21009-0512

9722

6-12/410  
403

July 19, 2018

Date

Pay to the Order of Napoleon Fire & Rescue Company \$ 115.00  
One hundred fifteen dollars and no cents Dollars Photo Safe Deposit® Details on back

**PNC BANK**  
PNC Bank, N.A. 070

For juvied cash donations Susan Rausch Cook MP

ELLIOTT FAMILY TRUST  
ROBERT M ELLIOTT TRUSTEE  
604 ARDEN COURT  
NAPOLEON, OH 43545

11826

56-7085/2412

July 11, 2018

Date CHECK ARMOR  
FRAUD PROTECTION

Pay to the Order of Napoleon Rescue and Fire Company \$ 50.00  
Fifty 00 Dollars Photo Safe Deposit® Details on back

**FIRST FEDERAL BANK**  
NAPOLEON, OH 43545

Merit Checking

For Marlyn Rausch Memorial Robert M. Elliott MP

MARILYN E RAUSCH 05-78  
SUSAN RAUSCH COOK  
C/O SUSAN RAUSCH COOK  
PO BOX 512  
ABINGDON, MD 21009-0512

9723  
5-12/410  
403

July 19, 2018  
Date

Pay to the Order of Napoleon Fire & Rescue Company \$ 235.00

Two hundred thirty five dollars and no cents Dollars



PNC Bank, N.A. 070

For personal donation Marilyn Rausch Susan Rausch Cook

TONDRA S RAUSCH  
4590 KNIGHTSBRIDGE BLVD.  
COLUMBUS, OH 43214-4327

13-1/420

238

July 13, 2018  
Date

PAY TO THE ORDER OF Napoleon Fire & Rescue \$ 100.00

One hundred and no/100 Dollars



Memo \_\_\_\_\_

Sandra Rausch MP

Reply | Delete | Junk | ...

# Automotive Supplier Announces Over 300 New Jobs for Northwest Ohio

RP

Regional Growth Partnership <webteam@rgp.org>

Reply |

Today, 12:02 PM

Roxanne Dietrich

Inbox



Unsubscribe



**FOR IMMEDIATE RELEASE**  
**August 1, 2018**  
**News Release**

## **Major Automotive Supplier Bringing Over 300 New Jobs to Northwest Ohio**

A leading designer and manufacturer of exterior trim products for the automotive industry has chosen Northwest Ohio for the location of its new production facility.

JAC "Jack" Products will create more than 300 jobs when it takes over a new 200,000 square-foot building in Napoleon, Ohio. The company will invest more than \$5 million in setting up operations to include manufacturing, fabrication, assembly and distribution.

"This is an exciting time for JAC Products and this expansion marks a huge milestone for our Company, our employees and our customers," said Stuart McRobbie, Chief Operating Officer. "Our continued new business growth in North America requires

↩ Reply | ▾ 🗑 Delete Junk | ▾ ⋮

manufacturing operations into Napoleon, Ohio was a logical step in our business growth strategy and places our operation in good proximity to our customers, our core supply base, and the available labor market. We are excited to partner with the City of Napoleon, the Henry County Community Improvement Corporation and JobsOhio in this expansion. These partnerships have helped significantly to build a solid economic plan for our expansion."

JAC Products is a recognized leader in automotive exterior functional components, industrial and structural extrusions and assemblies, and a broad range of standard and custom extrusions. Along with its premier roof rack products, the company also produces cargo management systems and step rails/running boards.

"We are excited that JAC Products selected Ohio for its rapidly expanding components business and pleased that their new operation will bring new jobs to Napoleon," said Kristi Tanner, Senior Managing Director for Automotive at JobsOhio. "We also appreciate the quick response of RGP and our local partners in helping this globally-recognized company grow in Ohio."

"Since the beginning of this industrial building project, we have been determined to build and fill this structure," said Jason Maassel, Mayor for the City of Napoleon. "Napoleon is thrilled to welcome JAC Products to our community. We remain committed to help JAC Products, and all of our other current industrial community members, fill their job openings."

With 1,500-plus people working on more than 50 vehicle lines across four continents, JAC Products invests significant resources in recruiting, training and supporting its valued workforce. Continuing in that spirit, the company has announced plans to start the hiring process in Napoleon immediately.

"JAC Products is bringing exciting new opportunities to Napoleon, and we're looking for high quality applicants who want a career, not just a job," said Anna Norman, Human Resource Manager for the Napoleon manufacturing facility. "We offer comprehensive training programs and a competitive compensation

Reply | Delete | Junk | ...

opportunities available, can be found on our careers page at [www.jacproducts.com/careers](http://www.jacproducts.com/careers)."

JobsOhio, along with the Regional Growth Partnership and the Henry County Community Improvement Corporation, all worked collaboratively with JAC to bring the project to Napoleon.

*The Regional Growth Partnership is a private, nonprofit development corporation dedicated to fostering local, national and international investment opportunities for Northwest Ohio. The RGP serves as Northwest Ohio's network partner for JobsOhio. Visit [www.rgp.org](http://www.rgp.org) for more information.*

*JobsOhio is a private, nonprofit corporation designed to drive job creation and new capital investment in Ohio through business attraction, retention and expansion efforts. JobsOhio works with six regional partners across Ohio: [Appalachian Partnership for Economic Growth](#), [Columbus 2020](#), [Dayton Development Coalition](#), [REDI Cincinnati](#), [Regional Growth Partnership](#) and [Team NEO](#). Learn more at [www.jobs-ohio.com](http://www.jobs-ohio.com). Follow us on [LinkedIn](#), [Twitter](#) and [Facebook](#).*

**Media Contact:**

Matt Englehart  
JobsOhio  
(202) 415-5313  
[englehart@jobsohio.com](mailto:englehart@jobsohio.com)



**Company Contact:**

Susan Gold  
JAC Products  
(248) 874-1800

STAY CONNECTED



RGP, 300 Madison Ave., Suite 270, Toledo, OH 43604

[SafeUnsubscribe™\\_rdietrich@napoleonohio.com](mailto:SafeUnsubscribe™_rdietrich@napoleonohio.com)

[Forward this email](#) | [About our service provider](#)

*City of Napoleon, Ohio*

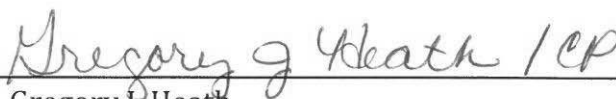
## **TECHNOLOGY & COMMUNICATIONS COMMITTEE**

MEETING AGENDA

**Monday, August 06, 2018 at 6:15 pm**

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

- 1) Approval of Minutes: June 4, 2018. *(In the absence of any objections or corrections, the Minutes shall stand approved.)*
- 2) City Phone Project Update.
- 3) Update on IT Personnel.
- 4) Any other matters currently assigned to the Committee.
- 5) Adjournment.



---

Gregory J. Heath  
Finance Director/Clerk of Council



DRAFT





## July Board meeting update

By Marc Gerken, P.E. - president/CEO

The AMP Board of Trustees held its monthly meeting on Jul. 18-19. Below is a brief, high-level update of the meeting.

### Transmission

Staff provided updates on a number of transmission and RTO related issues. This included updates on activities at FERC, PJM and MISO:

- FERC rejected PJM's "jump ball" filing on proposed modifications to its resource adequacy construct. PJM filed two competing proposals, neither of which were accepted by the Commission. FERC proposed an alternative approach and established a paper hearing seeking comments on implementing its proposal.
- On PJM issues, staff provided an overview of the Quadrennial Review and the recommendations from the Market Monitor and Brattle for changes to the capacity construct, discussed proposed battery storage regulations and highlighted the concerns with the resource adequacy analysis.
- On transmission projects in the PJM footprint, staff noted that more than \$4 billion in supplemental projects have been proposed since the beginning of the year, compared to only \$1.2 billion in baseline projects. Additionally, in the most recent transmission planning competitive window, of the 104 potential upgrades proposed, only four of those upgrades are eligible for the competitive process.
- At MISO, a former public power official - Phyllis Currie - was named chair of the board. Currie previously worked for the LA Department of Water and Power and for Pasadena Water and Power. She is also a past chair of the APPA Board of Directors.

The AMP Board of Trustees supported the creation of AMPT, LLC to assist members who have NERC transmission compliance obligations associated with their local systems. The entity will allow for more strategic opportunities to help members control transmission costs. Members will hear more detail at the AMP/OMEA Annual Conference.

### RICE Peak Shaving Project

Power Supply staff reported that subscription packets for the RICE Peak Shaving project would be sent to members later that week. For additional information or to request a presentation to Council, please contact Harry Phillips at [hphillips@amppartners.org](mailto:hphillips@amppartners.org) or 614.540.0846.

### Participants meetings

The **Hydro Phase 1 Participants Committee** met and reviewed the recently completed refinancing which saw beneficial results. The committee also reviewed operational data for the project.

The **JV6 Participants** met during the board meeting and approved a proposed vendor maintenance agreement.

### Presentations

Board and committee members heard two presentations.

The first was from Bondlink, an investor service that will coordinate AMP's financial information online to provide greater transparency to investors. The company, who also provides the service to a number of state and local entities, will have a booth at the AMP conference.

The second presentation was from Gartner, a research and advisory company. Transforming into A Digital Utility, is based on the research paper titled "Top 10 Trends in 2018 Driving the Utility Industry Toward a Decarbonized, Distributed, Digital and Democratized Future," which highlights the confluence of socioeconomic drivers and technology innovation that is forcing utilities to transform into digital enterprises.

### **Sustainability**

The AMP Board adopted updated sustainability principles. The principles were originally adopted in 2005 and updated in 2011. The latest version can be found on the [sustainability page](#) of the [AMP website](#).

If you have any questions or need additional information about the Board meeting, please contact me at 614.540.1111 or [mgerken@amppartners.org](mailto:mgerken@amppartners.org).

## **Registration opens for AMP/OMEA Annual Conference on Aug. 1**

*By Jodi Allalen - member events and programs manager*

The AMP/OMEA Annual Conference, set to take place Sept. 24-27 at the InterContinental Hotel Cleveland, is the premier opportunity for AMP and OMEA members to connect with public power colleagues and municipal electric partners to learn more about industry trends, as well as AMP projects and programs.



Attendees will be able to attend general sessions focused on industry trends as well as breakout sessions covering various topic areas. The popular member "lightning talks" are back, as well as the annual general membership and participant meetings for AMP, MESA, OMEA, the joint ventures and generation projects.

Conference registration information will be mailed out next week and is also available Aug. 1 on the AMP website. New this year, attendees can register and pay via credit card on a single site. This is the first year this option has been available. Please contact me with questions at [jallalen@amppartners.org](mailto:jallalen@amppartners.org) or 614.540.0916.

## **Nominations open for AMP Board**

*By Roy Johnson - village administrator, Village of Carey*

Four at-large seats on the AMP Board of Trustees will be up for election at the organization's general membership meeting on Sept. 26, during the 2018 AMP/OMEA Conference in Cleveland. The at-large seats, for three-year terms, are currently held by the communities of Bryan, Montpelier, Oberlin and Orrville. Trustees, whether at-large or service group representatives, are elected by member community - not by individual. The elected municipality then appoints a representative to fill its Board seat. If your member community would like to be considered for nomination, please contact me at 419.396.7681 or [roy.johnson@careyohio.org](mailto:roy.johnson@careyohio.org).

Rachel Gerrick, AMP senior vice president and general counsel for corporate affairs, provided the following reminder on the designation and notification of proxy in order to vote at a general membership meeting, special meeting or service group caucus. Each member in good standing shall designate in writing one representative and may also designate one (or more) alternates.

*Each member, through its representative, shall be entitled to one vote on any matter coming before the members at a general membership meeting, special meeting or service group caucus. Note:*

*Proxy voting is permitted; however, a representative may only vote for one member. Designation and notification of such proxy must be provided prior to such general membership meeting, special meeting or service group caucus via correspondence by the use of electronic means, facsimile, courier or U.S. mail from an authorized official (i.e., mayor/city, village or borough manager/board chair/general manager) designating a person to carry the proxy for all voting purposes. Emails will suffice if the email address is from the member; otherwise, correspondence must be on member letterhead or its legal adviser's letterhead.*

Proxy correspondence should be addressed to Barbara Johnson at [bjohnson@amppartners.org](mailto:bjohnson@amppartners.org). If sending by courier or U.S. mail: Barbara Johnson, American Municipal Power, Inc., 1111 Schrock Rd., Suite 100, Columbus, Ohio 43229.

## **Nominations sought for OMEA Board and honorary membership**

*By Steve Yagelski - Montpelier mayor, chairman, OMEA Nominating Committee*

Four seats on the Ohio Municipal Electric Association (OMEA) Board of Directors expire this year and the OMEA nominating committee is seeking nominations. The seats up for election this year on the OMEA Board of Directors are currently held by Cuyahoga Falls, Dover, Pioneer and Wadsworth. Each of these seats must be filled by an elected official. There are no non-elected seats up for election this year.

Nominations should be directed by Aug. 17 to the nominating committee, which is made up of Montpelier Mayor Steve Yagelski, 419.485.5543 or [steve.yagelski@cktech.biz](mailto:steve.yagelski@cktech.biz), chair; Orrville Mayor Dave Handwerk, 330.684.5012 or [mayor@orrville.com](mailto:mayor@orrville.com); St. Marys Mayor Pat McGowan, 419.394.3303 or [pmcgowan@cityofstmarys.net](mailto:pmcgowan@cityofstmarys.net). You may also contact Jolene Thompson, OMEA executive director, at 614.540.0992 or [jthompson@amppartners.org](mailto:jthompson@amppartners.org).

We also welcome suggestions for OMEA honorary membership. Honorary membership is awarded to individuals who have had a distinguished public power career with significant accomplishments - with special consideration given to individuals who have retired from service or announced that they will be retiring in the near future.

## **AMP to hold third Finance and Accounting subcommittee webinar**

*By Joe Regan - member credit compliance analyst*

AMP will hold the third, one-hour Finance and Accounting Subcommittee webinar on Aug. 1 at 10 a.m. Participants who RSVP will receive an attendance certificate, which will be emailed shortly after the conclusion of the webinar.

Lisa Eisenberg, deputy director, Office of Debt Management with the Ohio Treasurer of State, will provide a lecture titled "Roles in a Bond Issue." Issuing bonds involves many people inside and outside of an organization, and this webinar will review the different service providers involved in debt issuance, as well as the methods of selection used to procure them.

Participants are asked to RSVP for the webinar by July 30, and can do so by contacting me at [jregan2@amppartners.org](mailto:jregan2@amppartners.org) or 614.540.6404. A follow-up email containing instructions for accessing the webinar and a copy of the presentation will be sent to those who RSVP.

## **AMP offers regional power supply conference**

*By Mike Migliore - vice president of power supply and marketing*

AMP is offering a regional power supply conference in August to provide members with opportunities to obtain more information about power supply related topics. There is no cost for attendance of this conference.

The conference is scheduled for Aug. 9 from 10 a.m. to 1 p.m. at the Kutztown Water Treatment Plant, 50 Kohler Road, Kutztown, PA 19530. Members are asked to RSVP for lunch by Aug. 3 by contacting Keila Marlow at [kmarlowe@amppartners.org](mailto:kmarlowe@amppartners.org) or 614.540.6909.

Topics on the agenda include:

- Energy markets, congestion and FTRs
- Capacity and transmission update
- AMP services
- AMP peaking project update
- Blockchain and cryptocurrency

If you have any questions about the regional power supply conference, please contact me at [mmigliore@amppartners.org](mailto:mmigliore@amppartners.org) or 614.540.0921.

## **Milford AMI water deployment underway**

The Milford AMI water deployment began on July 24 and saw 34 interpreter registers and one wall mount transceiver module successfully installed over the first two days. The installation is expected to be complete by the end of October.



## Four DEMEC communities partner with Efficiency Smart

*By Steven Nyeste - communications project manager, Efficiency Smart*

Efficiency Smart is excited to announce that four Delaware Municipal Electric Corporation (DEMEC) communities - the Town of Clayton, City of Milford, Municipal Services Commission of the City of New Castle and City of Seaford - have become the newest participants in AMP's energy efficiency program.



The partnership between the communities, DEMEC and Efficiency Smart is designed to provide information, financial incentives, resources and technical assistance to help the communities meet their energy efficiency goals.

For DEMEC, Efficiency Smart is another valuable service it can offer its communities.

"DEMEC, along with our member communities, values the many benefits of energy efficiency. We are excited to offer Efficiency Smart in these communities to aid in economic development and reduce costs to our members' customers," stated Kimberly Schlichting, DEMEC senior vice president of operations and power supply.

Efficiency Smart is excited to work with DEMEC and the four new communities, and it looks forward to a successful partnership together.

For more information regarding Efficiency Smart's services, visit [www.energysmart.org](http://www.energysmart.org) or call 877.889.3777.

## Deadline to register for AMP Lineworkers Rodeo is Aug. 3

*By Jennifer Flockerzie - technical services program coordinator*

For those interested in competing in the 2018 AMP Lineworkers Rodeo, the deadline to register is Aug. 3. Competitors can view event descriptions and register to compete on the [rodeo page](#) of the [AMP website](#).

Now in its fifth year, the annual rodeo provides journeyman and apprentice lineworkers the opportunity to demonstrate their skill and knowledge of the craft.



The rodeo will be held at AMP headquarters in Columbus, Aug. 24-25, with an awards banquet to be held after. Volunteers and judges are always needed to assist during the event. You can register to do so on the [rodeo page](#).

If you have questions about the rodeo or registration, please contact me at [jflockerzie@amppartners.org](mailto:jflockerzie@amppartners.org) or 614.540.0853.

## Energy markets update

*By Jerry Willman - assistant vice president of energy marketing*

The August 2018 natural gas contract increased \$0.005/MMBtu to close at \$2.780 yesterday. The EIA reported an injection of 24 Bcf for the week ending July 20, which was below market expectations of 35 Bcf. Gas in storage now stands at 2,273 Bcf. This is 20 percent under the five-year average of 2,830 Bcf.

On-peak power prices for 2018 at AD Hub closed yesterday at \$35.80/MWh which was \$.36/MWh higher for the week.

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

Week ending July 27

MON	TUE	WED	THU	FRI
\$37.56	\$36.88	\$36.56	\$37.81	\$33.45

Week ending July 20

MON	TUE	WED	THU	FRI
\$45.65	\$37.88	\$34.27	\$38.08	\$35.71

AEP/Dayton 2019 5x16 price as of July 26 — \$35.80

AEP/Dayton 2019 5x16 price as of July 19 — \$35.44

### AFEC weekly update

*By Jerry Willman*

The AMP Fremont Energy Center was available for 2x1 operation for the week. PJM dispatched Fremont plant offline Sunday morning during the off peak hours based on economics. The plant was online for the remainder of the week and operated between base load and duct fire range during the peak hours. Duct firing operated for 101 hours this week. The plant generated at a 76 percent capacity factor (based on 675 MW rating).

# Register now for Webinars

An internet connection and a computer are all you need to educate your staff. Individual webinars are \$99 or sign up for a series at a discounted rate. Register today at [www.PublicPower.org](http://www.PublicPower.org) under Education & Events. Non-members can enter coupon code Insert **AMP** to receive the member rate.

- Wireless Pole Attachments Series  
New Regulatory and Legislative Developments Impacting Wireless Attachments **Aug. 7**
- Accounting & Finance Series  
How to Set and Achieve Revenue Targets **Aug. 8**
- Strategic Planning Series—Finances and Performance: Building Your Strategic Plan **Aug. 16**
- Accounting & Finance Series  
Meeting New GASB Standards **Aug. 30**

Recorded webinars are also available for purchase. Visit [www.PublicPower.org](http://www.PublicPower.org) under Shop.



## Classifieds

Members interested in posting classifieds in Update may send a job description with start and end advertisement dates to [zhoffman@amppartners.org](mailto:zhoffman@amppartners.org). There is no charge for this service.



## City of Newton Falls seeks applicants for city manager

The City of Newton Falls is seeking applicants for the position of city manager. Salary negotiable, plus excellent benefits. Newton Falls residency is required. Newton Falls has a charter form of government with a five-member council and mayor. \$17.6 million budget, 38 full-time employees and 23 part-time employees. Municipal utilities include water treatment, water pollution control and electric distribution. A graduate degree in government/public administration/business-related field with a background in electric, water, water pollution control, administration, personnel management and economic development or municipal finance is preferred. Desire a credentialed City Manager who is a strong leader and motivator. Please send a letter of interest, resume, salary history, requirements and at least three work-related references to Kathleen King, city clerk, 19 N. Canal St., Newton Falls, OH 44444 or email [cityclerk@ci.newtonfalls.oh.us](mailto:cityclerk@ci.newtonfalls.oh.us) by Aug. 31, 2018. EOE

## City of Westerville seeks applicants for utility billing supervisor

The City of Westerville is seeking an experienced professional to serve as utility billing supervisor for our nationally recognized community of more than 37,000 residents who are provided water, sewer, trash and electricity services through municipal accounts. The city, served primarily through AMI-metering, has a newly-expanded water plant and its electric division is the only municipally owned and operated suburban electrical provider in Central Ohio.

The successful candidate will supervise six FTE/s in utility billing, accounts receivable, customer service and metering. Primary work involves planning, directing and supervising all utility billing and collection activities, assuring billing accounts are accurately posted, payments are properly applied to customer accounts, delinquent accounts are processed in accordance with the city's policies and procedures, and customer inquiries receive timely and courteous responses. The utility billing supervisor provides input oversight of: the budgeting process; meter reading activities for non-AMI metered accounts; meter checks due to exception reports; compliance with related state and federal statutes; and other related financial and legislative requirements regarding public utilities.

Required: College degree in business or public administration, accounting or finance, and a minimum three years of direct supervisory experience is preferred. No resumes please. Apply at [www.westerville.org](http://www.westerville.org). EOE/ADA

## Opportunities available at AMP

AMP is seeking applicants for the following positions:

Intern - strategic planning and risk

Director of human resources

For complete job descriptions, please visit the [AMP careers page](#).

American Municipal Power, Inc.

STAY CONNECTED



[www.amppartners.org](http://www.amppartners.org)