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# Memorandum

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*To:* Mayor and Members of City Council  
*cc:* City Manager, Finance Director, City Law Director  
*From:* Roxanne  
*Regarding:* General Information  
*Date:* January 4, 2019

## CALENDAR

### AGENDA - CITY COUNCIL

#### C. APPROVAL OF MINUTES:

December 17, 2018 Regular Council Meeting Minutes  
December 21, 2018 Special Council Meeting Minutes

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

1. **Resolution No. 001-19**, a Resolution Determining to Proceed with the Levy of an Additional Property Tax in Excess of the Ten Mill Limitation for the Purpose of Providing Additional Funds for Parks and Recreational Purposes as described in Section 5705.91(H) of the Ohio Revised Code and to Submit the Question of the Tax to the Electors at the May 7, 2019 Election; and Declaring an Emergency.

#### H. SECOND READINGS of ORDINANCES and RESOLUTIONS

1. **Ordinance No. 086-18**, an Ordinance Amending Chapter 955 of the Codified Code of Ordinances of the City of Napoleon, Ohio to add Section 955.09(s) regarding Organizational Golf Outing Fees.

#### I. THIRD READING of ORDINANCES and RESOLUTIONS

1. **Resolution No. 081-18**, a Resolution Authorizing a Contribution to the Community Improvement Corporation of Henry County, Ohio, in and for the Year 2019; and Declaring an Emergency.
2. **Ordinance No. 085-18**, an Ordinance Providing for the Issuance and Sale of Notes in the Maximum Principal Amount of \$2,428,000, in Anticipation of the Issuance of Bonds, for the Purpose of Paying the Costs of Improving the Municipal Water System by Improving and Rehabilitating the Existing Water Treatment Plant and Related Storage Facilities, Rehabilitating the Elevated Storage Tanks, and Acquiring and Improving Related Interests in Real Property, together with all Necessary and Related Appurtenances thereto.

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

1. **Approval of Finance Director Job Description.**
  - a. A copy of the job description is enclosed.
2. **Approval of Design Contract Options for the VanHying Pumping Station Replacement Project.**
  - a. The enclosed Memorandum from Chad Lulfs explains the design options.
3. **Award of Chemical Bid FY2019 for the Water Treatment Plant and Wastewater Treatment Plant.**
  - a. Attached is Jeff Weis' Memorandum with recommendation of award for the WTP and WWTP chemicals.
4. **AMP O&M Agreement.**
5. **NCTV Equipment.**
  - a. Please see the enclosed Memo from Joel.
6. **JanMar CRA Agreement.**
  - a. A copy of the CRA Agreement is attached.

7. **MSG CRA Agreement.**
  - a. Included in the packet, is a copy of this CRA Agreement.
8. **Ridi REIO LLC CRA Agreement.**
  - a. This CRA agreement is in the process of being drafted.
9. **Approve Donations to the Police Department.**
  - a. The enclosed Memorandum from Chief Mack explains the donations received.
10. **Approval of Liquor License Name Change from Weideman, Inc. dba Spenglers to Aese Enterprises LLC dba Spenglers.**
  - a. The *Notice to Legislative Authority* from the Ohio Division of Liquor Control is attached.

#### **INFORMATIONAL ITEMS**

1. The *Community Forum* on the City's Master Plan is scheduled for Thursday, January 17<sup>th</sup> at 6:30 pm and will be held at the Oberhaus Park Shelterhouse.
2. Technology Committee Cancellation.
3. Agenda for Civil Service Commission meeting on Tuesday, January 8, 2019 at 4:30 pm.
4. Board of Zoning Appeals Canceled
5. Planning Commission Canceled

Records Retention - CM-11 - 2 Years

## CITY COUNCIL

### MEETING AGENDA

**Monday, January 7, 2019 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. December 17, 2018 Council Meeting Minutes.
2. December 21, 2018 Special Council Meeting Minutes.

**D. Citizen Communication**

**E. Reports from Council Committees**

1. **Finance and Budget Committee** meeting scheduled for December 26, 2018 was canceled due to lack of agenda items.
2. **Safety and Human Resources Committee** scheduled for December 26, 2018 was canceled due to lack of agenda items.
3. **Personnel Committee** met on December 27, 2018 and January 3, 2019 regarding filling the Finance Director position.
4. **Technology Committee** did not meet earlier this evening due to lack of agenda items.

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

1. **Civil Service Commission** did not meet on Tuesday, December 25, 2018, a Special Meeting has been scheduled for Tuesday, Jan. 8, 2019 at 4:30 pm
2. **Parks and Rec Board** did not meet on December 26, 2018 due to lack of agenda items.

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

1. **Resolution No. 001-19**, a Resolution Determining to Proceed with the Levy of an Additional Property Tax in Excess of the Ten Mill Limitation for the Purpose of Providing Additional Funds for Parks and Recreational Purposes as described in Section 5705.91(H) of the Ohio Revised Code and to Submit the Question of the Tax to the Electors at the May 7, 2019 Election; and Declaring an Emergency.

**H. Second Readings of Ordinances and Resolutions**

1. **Ordinance No. 086-18**, an Ordinance Amending Chapter 955 of the Codified Code of Ordinances of the City of Napoleon, Ohio to add Section 955.09(s) regarding Organizational Golf Outing Fees.

**I. Third Readings of Ordinances and Resolutions**

1. **Resolution No. 081-18**, a Resolution Authorizing a Contribution to the Community Improvement Corporation of Henry County, Ohio, in and for the Year 2019; and Declaring an Emergency.
2. **Ordinance No. 085-18**, an Ordinance Providing for the Issuance and Sale of Notes in the Maximum Principal Amount of \$2,428,000, in Anticipation of the Issuance of Bonds, for the Purpose of Paying the Costs of Improving the Municipal Water System by Improving and Rehabilitating the Existing Water Treatment Plant and Related Storage Facilities, Rehabilitating the Elevated Storage Tanks, and Acquiring and Improving Related Interests in Real Property, together with all Necessary and Related Appurtenances thereto.

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

1. **Discussion/Action:** Approval of Finance Director Job Description.
2. **Discussion/Action:** Approval of Design Contract Options for the VanHying Pumping Station Replacement Project.
3. **Discussion/Action:** Award of Chemical Bids FY2019 for the Water Treatment Plant and Wastewater Treatment Plant.
4. **Discussion/Action:** AMP O&M Agreement.

5. **Discussion/Action:** NCTV Equipment.
6. **Discussion/Action:** JanMar CRA Agreement.
7. **Discussion/Action:** MSG CRA Agreement.
8. **Discussion/Action:** Ridi REIO LLC CRA Agreement.
9. **Discussion/Action:** Approve Donations to the Police Department.
10. **Discussion/Action:** Approval of Liquor License Name Change from Weideman, Inc. dba Spenglers to Aese Enterprises LLC dba Spenglers.

**K. Executive Session.** *(as needed)*

**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.**



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Roxanne Dietrich  
Interim Clerk of Council



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

1. **Technology & Communication Committee (1<sup>st</sup> Monday)**  
(Next Regular Meeting: Monday, February 4, 2019 @6:15 pm)
2. **Electric Committee (2<sup>nd</sup> Monday)**  
(Next Regular Meeting: Monday, January 14, 2019 @6:15 pm)
  - a. Review of Power Supply Cost Adjustment Factor for January 2019
  - b. Electric Department Report.
3. **Water, Sewer, Refuse, Recycling & Litter Committee (2<sup>nd</sup> Monday)**  
(Next Regular Meeting: Monday, January 14, 2019 @7:00 pm)
  - a. Water Treatment Plant Solids Management (Tabled)
  - b. Discussion on Privatization of Refuse Pickup
4. **Municipal Properties, Buildings, Land Use & Economic Development Committee (2<sup>nd</sup> Monday)**  
(Next Regular Meeting: Monday, January 14, 2019 @7:30 pm)
  - a. Clairmont Avenue Proposal from Napoleon Area Schools.
5. **Parks & Recreation Committee (3<sup>rd</sup> Monday)**  
(Next Regular Meeting: Monday, January 21, 2019 @6:00 pm)
6. **Finance & Budget Committee (4<sup>th</sup> Monday)**  
(Next Regular Meeting: Monday, January 28, 2019 @6:00 pm)
7. **Safety & Human Resources Committee (4<sup>th</sup> Monday)**  
(Next Regular Meeting: Monday, January 28, 2019 @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, January 14, 2019 @6:15 pm)
  - a. Review of Power Supply Cost Adjustment Factor for January 2019
  - b. Electric Department Report
  - c. Water Treatment Plant Solids Management (Tabled)
2. **Board of Zoning Appeals (2<sup>nd</sup> Tuesday)**  
(Next Regular Meeting: Tuesday, January 08, 2019 @4:30 pm)
3. **Planning Commission (2<sup>nd</sup> Tuesday)**  
(Next Regular Meeting: Tuesday, January 08, 2019 @5:00 pm)
4. **Tree Commission (3<sup>rd</sup> Monday)**  
(Next Regular Meeting: Monday, January 21, 2019 at 6:00 pm)
5. **Civil Service Commission (4<sup>th</sup> Tuesday)**  
(Special Meeting: Tuesday, January 8, 2019 @4:30 pm)
6. **Parks & Recreation Board (Last Wednesday)**  
(Next Regular Meeting: Wednesday, January 30, 2019 @6:30 pm)
7. **Privacy Committee (2nd Tuesday in May & November)**  
(Next Regular Meeting: Tuesday, May 14, 2019 @10:30 am)
8. **Records Commission (2<sup>nd</sup> Tuesday in June & December)**  
(Next Regular Meeting: Tuesday, June 11, 2019 @4:00 pm)
9. **Housing Council.**
10. **Health Care Cost Committee (as needed)**
11. **Preservation Commission (as needed)**
12. **Napoleon Infrastructure/Economic Development Fund Review Committee [NIEDF] (as needed)**
13. **Tax Incentive Review Council (as needed)**
14. **Volunteer Firefighters' Dependents Fund Board (as needed)**
15. **Volunteer Peace Officers' Dependents Fund Board (as needed)**
16. **Lodge Tax Advisory & Control Board (as needed)**
17. **Board of Building Appeals (as needed)**
18. **ADA Compliance Board (as needed)**

# January 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		<b>1</b> New Year's Day <div>CITY OFFICES CLOSED</div>	<b>2</b>	<b>3</b> <b>12:00 Noon</b> Personnel Committee	<b>4</b>	<b>5</b>
<b>6</b>	<b>7</b> 7:00 pm City Council	<b>8</b> 4:30 pm Civil Service Commission	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>
<b>13</b>	<b>14</b> 6:15 pm Electric Comm. 6:15 pm BOPA 7:00 pm Water/Sewer Comm. 7:30 pm Municipal Properties	<b>15</b>	<b>16</b>	<b>17</b> <b>6:30 pm</b> Public Forum at Oberhaus Shelterhouse on City's Master Plan Update	<b>18</b>	<b>19</b>
<b>20</b>	<b>21</b> 6:00 pm Tree Commission 6:00 pm Parks & Rec Comm 7:00 pm City Council	<b>22</b> 4:30 pm Civil Service	<b>23</b>	<b>24</b>	<b>25</b>	<b>26</b>
<b>27</b>	<b>28</b> 6:30 pm Personnel Committee 7:30 pm Safety & HR	<b>29</b>	<b>30</b> 6:30 pm Parks & Rec Board	<b>31</b>	Notes:	

## City Council Meeting Minutes

Monday, December 17, 2018 at 7:00 pm

<b>PRESENT</b>	
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
Asst. Finance Director	Christine Peddicord
Records Clerk/Recorder	Roxanne Dietrich
City Staff	David Mack-Chief of Police, Clayton O'Brien-Fire Chief; Chad E. Lulfs, P.E., P.S.-Public Works Director, Jeff Rathge-Operations Superintendent, Tony Cotter-Director of Parks and Recreation; Lanie Lambert, HR Director
Others	Newsmedia
<b>ABSENT</b>	
<b>Call to Order</b>	Council President Bialorucki called the meeting to order at 7:00 pm with the Lord's Prayer followed by the Pledge of Allegiance.
<b>Approval of Minutes</b>	Hearing no objections or corrections, the minutes from the December 3, 2018 City Council Meeting stand approved as presented.
<b>Item I.1. Moved Up Third Read Resolution No. 066-18 Property Tax Levy New Swimming Pool</b>	Council President Bialorucki read by title <b>Resolution No. 066-18</b> , a Resolution Declaring the Necessity of Levying an Additional Property Tax in Excess of the Ten-Mill Limitation and Requesting the County Auditor to Certify Matters in Connection therewith; and Declaring an Emergency.
<b>Motion to Pass No. 066-18 on Third Read</b>	Motion: Mires Second: Haase to pass Resolution No. 066-18 on third read.
<b>Discussion</b>	Mazur made reference to the letter Council received that explained the comments made about the pool and YMCA. Wauseon did not have a pool for ten years before they built the new one which was well attended, Bowling Green did not give us good data. This item is not being driven by Council, the Mayor, Staff or Parks and Rec Board; it is being driven the public, Kelly Sonnenberg started three years ago and just recently went to the Parks and Rec Board and began the public process to build a new pool and we are now at this point. If Council approves, the plan is to put the levy on the ballot the first of May, the pool reserve fund will be utilized. Bialorucki stated he's been on Council for three years and this is the most support he has seen, kudos to all of you for taking your own time it shows you care about Napoleon and want it to

thrive and be a better community, I appreciate all you have done. Mires agreed with Bialorucki and added the commission will have the hardest job to sell this to the public, thank-you for all you have done so far. Sheaffer asked what will be cut out of the budget to put this on the ballot? The Mayor replied the funds will be drawn out of the reserve set aside for the pool, look at the committee support and all the momentum they have behind it, if this is not on the ballot in May, the timeline gets messed up. Comadoll said he did not know where the funds were coming from and now that he knows park funds will be used, it has my support. Sheaffer voiced a challenge to the group to raise money to have the ballot put on in November. Heath said the cost to put an item on the ballot the last time was \$12,559 with an additional \$1,700 for election expenses the second go around. As of now it is unknown if multiple items will be on the ballot, the Henry County Board of Elections estimated the cost to be \$10,875.

#### **Public Comments**

Council President Bialorucki asked if anyone from the public had any comments they would like to make.

#### **Heather Gallagher**

I've been a member of this town my whole life, you can choose to do something about it, everything costs we could raise money but is going to be hard to do, we need your backing and support this is the largest group we have had here, we formed the committee and we've taken the time and effort to do this, people have wrote letters, we do not want to let this go, we are either going to take charge and do something about it as a committee and town and show support together or we are not and we should cause we are a great community, we want things for people, do we want to have things here, do we want to have things for young kids, if not they are just going to sit in their rooms or what not, no one wants to go to the pool, it is junk, it's not going to be safe eventually if it is even safe right now so obviously we need to do something to do that. We need to make sure we can provide this for new companies that come in, for new things that are going to be available and I'm willing to put in the work and I'm sure many of us are willing to put in the work. You know a long time ago it did not get passed to do this and obviously now we are showing we are ready and we want to do this and we are ready to put in the work and effort, the talk about the Y has been pushed around Napoleon for a long, long time whether or not it is actually going to come here that is a "what if" we don't know, this is a right now right here we have the ability to do this and to make it work I have heard about a Y in Napoleon many different times you just don't know if that is going to be feasible so let's work on what we can work on and can control and can take care of right now.

#### **Dr. Rachel Bostelman**

Travis, one of the things you mentioned was the costs of posting this, there certainly are those costs, the challenge for a small committee of ten in the City to raise \$15,000 would be very atypical and I don't think very appropriate for this community effort. I don't have line item numbers but we've heard over and over how bad of shape this pool is in and we know that it is losing money and days of operation due to loss of water and chemicals all the time and so

every year that we extend keeping it open and say “let’s wait until the right moment” is actually probably a loss of way more than the cost for this to get on the levy so I can’t reassure you that we can raise money to get this at the ballot as an initiative issue. I think it should come from the pool reserve fund as suggested I think that is a fair use of those appropriated dollars and I think that you can see that this community is ready to commit to supporting this. Without having it as an official levy we certainly can’t give you solid line items of how much donations will be, but we will stand behind this and the generous people of Napoleon will make this a successful project that is going to make our community relevant.

Sheaffer said his decision is based totally on fiscal responsibility we have far more pressing needs in the City that there are not funds for and I have a list at home of sixty people that have called and thanked me for my position on this. Dr. Bostelman-look at the fiscal responsibility on the loss that we are having on the pool right now. Sheaffer-we have a loss every year on the pool. Dr. Bostelman-but with the new efficiencies of the new pool that loss will be minimized. Sheaffer-well, I still don’t have any firm numbers from anyone that says Dr. Bostelman-I’m not sure that those loss numbers are going to come strictly from attendance, those loss numbers are going to come in operating expenses that we are not using due to the status of the pool, if we can’t get this moving, if you saw the pictures of the toilets and non-functioning sink that are at the pool, they have to use hand sanitizers to be clean, if you saw the walls, there is going to have to be money put into that system now probably well over \$10,000-\$11,000 so when you are just speaking of fiscal responsibility, I agree right now that may seem like extra, but is actually going to phase the process to save some money in the long run.

**Dave Pollock**

I’m a new member to the community I’ve been in town for about two years, I originally came from a small town with a very similar population by the name of VanWert, Ohio. I grew up around a pool and today there is not a pool in that town and it happens to be I’m not going to go back to a community that is not reinvesting back into the future of the community. A new community pool is a major plus to the community in many tangible ways, when I think about a new community pool I have to consider much more than just a pool, it would not be appropriate to only consider the people who are using the pool, I think it is more important to the professionals in the community. You think about the realtors they are trying to sell our community corporations vs. someone else’s community and it’s difficult for somebody to sell if we are lacking those extra touches that make us who we are. I think of corporations like Campbells and I don’t think for a second that the decision makers don’t take stock in communities they call home those decision makers know every detail that makes Napoleon special and those are details that absolutely you need to consider as much more well-rounded conversation than this just being a pool. I have to consider the parents of children in the community that don’t have a better choice than to allow their children to go to the pool to escape a home life that is less than desirable or they need a place for their child to get away and make it a better day. Lastly, I have to think of our children, they are worth



Passed  
Yea-6  
Nay-1

Baer said VanWert is my hometown and I was on Council when the decision started to close that pool many years ago and I have followed the attempts to get a pool levy down there that were not successful, I also agree with certain things Travis has mentioned, I know there are some concerns, but I do think at this point and time the voters need to have a say, in order for this to pass, it is my opinion, I have seen what has happened in VanWert, it will take a lot from your committee and this community to get this to pass. I'm in favor of putting this on the ballot, but it is going to take a lot of work on your part.

**J.2. Moved Up**  
**PC 18-05 Final Plat**  
**Approval Planned**  
**Cluster Development**

## Motion to Direct Law Director to Draft Legislation

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

None.

**Electric Committee** did not meet on December 10, 2018.

**Water, Sewer, Refuse, Recycling Committee** did not meet on December 10, 2018. The **Municipal Properties, Building, Land Use and Economic Development Committee** did not on December 10, 2018 due to lack of agenda items. The **Parks and Rec Committee** met earlier tonight and Chairman Mires reported the Committee recommended implementing a new rate for golf outings and removed from the agenda the 10% increase on shelter house rates, that will be addressed at a later date. Sheaffer asked if they discussed implementing a rate for organizations, I would like to see that addressed sometime next year.

Mazur asked that the additional requests items be reviewed before start with the budget items.

Mazur reported that he and Chief Mack will be attending the school board meeting on Wednesday regarding the SRO. Heath said he recommends doing nothing now and handle with budget adjustment. Sheaffer said to show our commitment to the SRO, I recommend we do include it and if we don't do it, the funds are not spent. Mazur noted an agreement would need to be entered into first, we do not anticipate starting until August 2019; therefore, only about one-third of what is on the additional request sheet would be spent next year.

Motion: Sheaffer                      Second: Baer  
to add the School Resource Officer to the 2019 appropriation measure.

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

Mazur stated the promotion to sergeant would be an upgrade from an existing position. The concept is to have a career ladder in the Police Department. Maassel asked if this will be a change to a union position. Mazur responded there will need to be some contract work done; but, that can be done with a MOU. Sheaffer suggested including the Sergeant position and if the union wants to negotiate, it's in there. Mazur said this would be a discussion item at negotiations and kept in the budget.

Motion: Sheaffer                      Second: Comadoll  
to add Police Department Sergeant Promotion to the 2019 appropriation  
measure.

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

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

**Water Treatment Plant  
Assistant Superintendent**

Mazur stated he had research done on the turnover rate at the Water Treatment Plant and over the past eight years there has been fourteen people that left. It is very difficult to fill a position when you need qualified people. The biggest difference from the WTP and WWTP is operationally the WTP has staggering shifts, so when people are off or have a vacancy, that puts a lot of strain on those that work there, the WTP has a standby rotation, there is a lot of overtime and wear and tear on employees. The Assistant Superintendent is not a new position it will be an upgrade to a current position. Both the Superintendent and Assistant Superintendent positions will be non-bargaining. The Chief Operator position will be a bargaining position. The water rates would support a new position. Sheaffer noted he does not want to vote to move forward with this position and then have to raise the water rates.

**Motion to Upgrade WTP  
Position to Asst. Supt.**

Motion: Sheaffer  
Second: Comadoll  
to upgrade a current Water Treatment Plant position to Assistant Superintendent.

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

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

**Street Department  
MSWII Position  
No Action Taken**

Mazur said during the budget hearings it was noted by Greg Heath that the general fund balance is already subsidizing the 201 and 204 accounts and to add this position will put further strain on the general fund. Sheaffer added this is one we can look at next year, I'm hesitant to do something that will impact the general fund. Comadoll noted some day we will have to bite the bullet, since I retired five people have left the Operations Department and were not replaced. Sheaffer agreed adding, we are also paying the lowest income tax in Ohio, people do not have their priority right on what levy they want to vote for. No action was taken.

**Sanitation Department  
MSW II Refuse Position**

Mazur said garbage needs to be picked up every day and when someone is off an employee has to be pulled from another department to help with refuse and recycling collection. The question came about whether or not to privatize garbage collection, what benefits or services would you gain or lose. The sanitation guys are also used for snow plowing, special events and call outs, I would argue we can provide better service by keeping refuse collection in-house. What does the sanitation budget look like? It can handle purchasing another truck, we will be going from a 20 yarder to a 25 yarder. Sheaffer asked if the refuse rates as they stand today will support this, you will not have to raise rates. Mazur said correct, rates will not have to be raised. Lulfs said we do not get CCNO helpers anymore. Mazur noted

## Motion to Add MSW II Refuse Worker

Passed  
Yea-7  
Nay-0

**Introduction of  
Ordinance No. 082-18  
FY2018 Budget  
Supplement No. 6**

**Motion to Approve  
First Read of 082-18**

## Discussion

## Motion to Suspend the Rules on 082-18

Maassel informed Council by Charter the Mayor has to present the budget and the budget was just now finished with the additional requests.

Passed  
Yea-5  
Nay-2

Maasel asked if the motion to suspend can be vetoed? Harmon replied, he didn't think so, this legislation and the next are for the fourth quarter budget adjustments in 2018.

Passed  
Yea-7  
Nay-0

## Introduction of Resolution No. 083-18 Transfer of Certain Fund Balances FY2018

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**Passed First Read**  
**Yea-4**  
**Nay-3**

Yea-Comadoll, Baer, Mires, Haase  
Nay-Bialorucki, Sheaffer, Siclair

Council President Bialorucki read by title **Ordinance No. 075-18**, an Ordinance Establishing a New Position Classification Pay Plan for Employees of the City of Napoleon, Ohio for the Year 2019; Repealing Ordinance No. 086-17; and Declaring an Emergency.

Motion: Comadoll                      Second: Sheaffer  
to approve First Read of Ordinance No. 075-18.

Mazur reported this is the pay ordinance for non-bargaining employees that has a 2% increase for 2019, suspension is requested. Heath said you can't pay them without a budget.

Motion: Sheaffer                      Second: Comadoll  
to suspend the rules requiring three readings of Ordinance No. 075-18.

Roll call vote to suspend the rules on Ordinance No. 075-18:  
Yea-Comadoll, Baer, Bialorucki, Sheaffer, Mires, Haase, Siclair  
Nay-

Roll call vote to pass Ordinance No. 075-18 under Suspension and Emergency.  
Yea-Comadoll, Baer, Bialorucki, Sheaffer, Mires, Haase, Siclair  
Nay-

Council President Bialorucki read by title **Ordinance No. 085-18**, an Ordinance Providing for the Issuance and Sale of Notes in the Maximum Principal Amount of \$2,428,000, in Anticipation of the Issuance of Bonds, for the Purpose of Paying the Costs of Improving the Municipal Water System by Improving and Rehabilitating the Existing Water Treatment Plant and Related Storage Facilities, Rehabilitating the Elevated Storage Tanks, and Acquiring and Improving Related Interests in Real Property, together with all Necessary and Related Appurtenances thereto.

Motion: Comadoll                      Second: Sheaffter  
to approve First Read of Ordinance No. 085-18.

Heath said initially \$2.5 million was rolled and is due at the end of February, OWDA wanted material I did not get that to them. This is a five-year issuance that requires pay down on principal.

Roll call vote to approve Ordinance No. 085-18 on first read:  
Yea-Comadoll, Baer, Bialorucki, Sheaffer, Mires, Haase, Siclair  
Nay-

Council President Bialorucki ordered a five-minute recess.

Council President Bialorucki read by title **Ordinance No. 067-18**, an Ordinance Authorizing the Transfer of Certain Properties Located in and Owned by the City of Napoleon, Ohio to the Community Improvement Corporation (CIC) of Henry County, Ohio, to wit: Parcel Nos. 41-119361.0400 and 41-119361.0500; and Declaring an Emergency.

Motion: Siclair    Second: Mires  
to approve Second Read of Ordinance No. 067-18.

Mazur reported there are no changes.

Roll call vote to approve Second Read of Ordinance No. 067-18.  
Yea-Comadoll, Baer, Bialorucki, Sheaffer, Mires, Haase, Siclair  
Nay-

Council President Bialorucki read by title **Resolution No. 071-18**, a Resolution Authorizing the Expenditure of Funds and an Agreement for Financial Consultant Professional Services with Schonhardt and Associates for Preparation of the City CAFR, GAAP Reports and Infrastructure Cost Information for GASB-34.

Motion: Comadoll                      Second: Haase  
to approve Second Read of Resolution No. 071-18.

Roll call vote to approve second read of 071-18:  
Yea-Comadoll, Baer, Bialorucki, Sheaffer, Mires, Haase, Siclair  
Nay-

Motion: Sheaffer                      Second: Comadoll  
to approve Power Supply Cost Adjustment Factor (PSCAF) for December 2018  
as three month averaged factor \$0.01748, JV2 \$0.034934 and JV5 \$0.034934.

Mazur said he had nothing to report.

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

Cotter stated at the September Parks and Rec Board meeting, it was the recommendation of the board to implement a new rate at the golf course.



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

Motion: Comadoll                      Second: Sheaffer  
to direct the Law Director to draft legislation implementing the golf outing rate.

Passed  
Yea-7  
Nay-0

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

## Increase to All Shelterhouse Rates

Mazur reported this item was removed from the Park and Rec Committee agenda and will be brought up at a later date in 2019.

**AFSCME Bargaining Unit  
Contract Article 45**

Mazur stated that Article 45 of the AFSCME contract is for wages. In the past a market analysis was done on all bargaining unit positions, per the contract all will get 1%, there are certain individuals that will get 0% and some will get no more than 8% some positions were lower than the market analysis. Sheaffer expressed his concern on being asked to vote on contracts and not receiving a copy prior to, this was never explained to council, we always get a high level summary. Mazur said there is a clause that separates pay steps over four years and no person shall get more than 3% per year (per MOU attached hereto).

## Motion to Direct Law Director to Draft Legislation

Motion: Comadoll                      Second: Siclair  
to direct Law Director to draft legislation.

Passed  
Yea-7  
Nay-0

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

## Write-Offs for Uncollectable Accounts

Heath said we do this annually, included this year was some from the former collection agency that are still outstanding and the new collection agency returned them, is why so high.

## Motion to Approve Write-Offs

Motion: Mires  
to approve the write-offs.

Passed  
Yea-5  
Nay-2

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

## Appointment to Volunteer Firefighter Dependents Fund Board

Motion: Sheaffer                      Second: Mires  
to appoint Jeff Comadoll and Joe Bialorucki to the Volunteer Firefighter Dependents Fund Board.

Passed  
Yea-7  
Nay-0

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

## Appointment to Volunteer Peace Officers' Dependents Fund Board

Motion: Baer                                 Second: Siclair  
To appoint Jeff Comadoll and Joe Bialorucki to the Volunteer Peace Officers' Dependents Fund Board.

Passed  
Yea-7  
Nay-0

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

**Acting Finance Director**

Mazur asked Heath you were going to appoint Chris Peddicord as the Acting Finance Director through December 31, 2018. Heath responded to December 31, 2018 after that it's up to Council. Mazur said the advertisement process will take time Council should consider appointing an interim Finance Director or figure out a way to have a Finance Director. Sheaffer asked Chris if she was willing to be Interim Finance Director. Peddicord answered "yes".

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

Motion: Sheaffer                      Second: Siclair  
to direct the Law Director to draft legislation appointing Chris Peddicord as the  
Interim Finance Director.

Passed  
Yea-7  
Nay-0

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

## Personnel Committee

Council President Bialorucki appointed himself and Lori Siclair to the Personnel Committee, per the Charter the Mayor is also a member of this committee.

## Motion to Approve Appointments to Personnel Committee

Motion: Baer                                  Second: Comadoll  
to approve the appointment of Joe Bialorucki and Lori Siclair to the Personnel Committee.

Passed  
Yea-7  
Nay-0

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

**Around the Table  
Mazur**

Congratulations Greg, thanks for everything you have done, I learnt a lot from you, we did not always agree on everything but agreed to disagree.

Request an Executive Session.

I would request NCTV Sale of Equipment as a Discussion/Action item for the January 7, 2019 Council Agenda.

I would request Clairmont Avenue issues around Napoleon Schools be referred to the Municipal Properties Committee.

I was informed regarding the two CRAs that are drafted and out there right now, that Napoleon Area Schools made the determination not to go any higher or approve anything higher than 50% for a CRA property tax exemption to my knowledge that does not require their approval so will come just to Council.

The AMP O&M agreement for the Northside Substation went live on December 14<sup>th</sup>, staff is reviewing the draft O&M agreement and I would request this be a Discussion/Action item for the next regularly scheduled Council meeting.

Request Council get exit interview with Greg.

A reminder need to set a date for a special council meeting.

**Special Council Meeting  
December 21, 2018 at  
7:15 am**

Council President Bialorucki set a Special Council meeting for this Friday, December 21, 2018 at 7:15 am. With agenda items 5, 6, 7, 8 and CIC for second read and item number 9.

**Harmon**

Not requesting myself; but, there are three outstanding pieces of legislation that need to be directed to be written regarding the appointing authority pay.

**Haase**

Congratulations on your retirement Greg, I've tried three times and it worked pretty good.

**Mires**

Thank-you Greg for your service wishing you nothing but the best in your retirement.

**Sheaffer**

Congratulations on your retirement Greg. I want to thank-you for everything you have done for us over your time.

After the Friday meeting, I will be concluding my 25<sup>th</sup> year on this body, don't know if I'll make it to the end of 26.

**Maassel**

I appoint Joel Miller to the Housing Board, Dr. David Cordes to the Board of Public Affairs and Kevin Yarnell to the ADA Committee.

**Motion to Approve  
Mayor's Appointments  
to Various Boards**

Motion: Comadoll

Second: Sheaffer

to approve Mayor's appointments of Joel Miller to the Housing Board, Dr. David Cordes to the Board of Public Affairs and Kevin Yarnell to the ADA Committee.

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

Merry Christmas and Happy New Year.  
If there is an athletic event that involves the police and fire hopefully next year  
I find out about it ahead of time before it is reported in the newspaper.

Mayor Maassel presented Greg Heath with a key to the City on his retirement.

Requested an Executive Session for compensation of personnel.  
I want to appoint a Clerk of Council beginning December 22, 2018 through until further notice and I'd like that to be Roxanne.

Motion: Sheaffer                      Second: Comadoll  
to appoint Roxanne Dietrich as the interim Clerk of Council.

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

Congratulations again Greg, I appreciate all the knowledge I received in my three years here, you helped me a lot I really appreciate it.

Thanks Greg you dedicated a long time of your life to the City of Napoleon. I did try to retire once and now I'm working again, best of luck to you. I would like to cancel the December Safety & Human Resources Committee meeting due to lack of agenda items.

Congratulations Greg, you are going to love it.

Congratulations Greg, I appreciate all the knowledge that you shared.  
Thank-you Chief Mack for being here tonight when you didn't need to be.

Thanks everyone for the thank-yous. I appreciate and look forward to my time off. Hopefully you pick someone who knows what they are doing.

Motion: Comadoll                      Second: Siclair  
to go into Executive Session for Compensation of Personnel.

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

Council went into Executive Session at 9:33 pm.

**Motion to Come Out of  
Executive Session for  
Personnel**

Motion: Comadoll                      Second: Sheaffer  
to come out of Executive Session for Compensation of Personnel.

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

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

Council President Bialorucki reported no action was taken at this time.

**Out of Executive Session**

Council came out of Executive Session at 9:54 pm.

**Approve Payment of  
Bills and Financial  
Reports**

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

**Motion to Adjourn**

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

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

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

**Adjournment**

The City Council meeting was adjourned at 9:55 pm.

**Approved:**

**January 7, 2019**

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Joseph D. Bialorucki, Council President

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Jason P. Maassel, Mayor

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Roxanne Dietrich, Interim Clerk of Council



## ARTICLE 45

### WAGES

**A. Mission Statement** - The parties agree that, in order to attract and retain quality employees, a market value analysis shall be done to ensure equitable pay rates for all Bargaining Unit positions. It is not the intent of the parties to reduce any pay scales that may be higher than the current market value at the time of the review.

**B. Meeting 1** - The parties agree that they shall meet no later than January 1, 2018 to review all Bargaining Unit positions. On said date, the parties agree to the following:

1. Agree on three (3) like sized comparable communities with similar services provided within the State Employee Relations Board (SERB) district for Water Treatment/Distribution, Wastewater Treatment/Collection, Parks & Recreation/Cemetery, and Operations.
2. Agree on three (3) like sized comparable American Municipal Power (AMP) communities with similar services provided within Ohio and reference American Public Power Association (APPA) Salary Survey Report based on revenue and customer size for Electric Department positions.

**C. Meeting 2** - The parties agree that they shall meet no later than March 1, 2018 to review all Bargaining Unit positions in order to ensure equitable pay rates for those positions. On said date, the parties agree to the following:

1. All data collected prior to March 1, 2018 shall be shared and reviewed by both parties.
2. If there are not three (3) comparables for each position, those specific positions will be identified and comparables will be agreed upon by both parties.
3. The parties agree to meet as often as necessary to achieve the goals outlined in the Mission Statement.

**D. Conclusion** - All positions affected by the review shall have a revised pay scale effective the first pay period of 2019. Any additional increase shall be applied after the one percent (1%) across the board adjustment.

Memorandum of Understanding between and among the City of Napoleon, AFSCME Local 3859, AFL-CIO, and AFSCME Ohio Council 8

In accordance with article 45 of the Collective Bargaining Agreement, the parties conducted a market value analysis of Bargaining Unit positions and have agreed to implement the following:

Pay steps A through D in tables in Article 45 'Wages' shall be increased each contract year, up to a maximum three percent (3%) per year, until the Exhibit A 'Wages' value is reached. Hereinafter, this adjustment is referred to as the "Market Adjustment". Effective December 18, 2018, Article 45 'Wages' shall include Exhibit B 'AFSCME Table'.

Any negotiated across the board adjustment in future contracts shall be applied in addition to any necessary Market Adjustment. Exhibit A 'Wages' values shall be increased by any across the board adjustment in future contracts.

For the Union:

  
President

\_\_\_\_\_  
Vice President

  
Secretary

\_\_\_\_\_  
Treasurer

  
Date:

10.18.18

For Management:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date:

\_\_\_\_\_

## Exhibit A

## Wages

Line	Job Description	7.25%			
		A	B	C	D
1	Community Service Foreman	15.86	17.00	18.24	19.56
2	Head Greenskeeper	21.37	22.92	24.58	26.36
3	Parks/Recreation Assistant Dir	11.03	11.83	12.69	13.61
4	Parks/Recreation Foreman	21.93	23.53	25.23	27.06
5	Parks/Recreation Worker I	11.01	11.81		
6	Parks/Recreation Worker II	12.91	13.85	14.85	15.93
7	Parks/Recreation Worker III	15.26	16.37	17.56	18.83
8	Laborers	13.14	14.09	15.11	16.21
9	Automotive Mechanic	18.00	19.30	20.70	22.20
10	Automotive Mechanic Helper	15.86	17.00		
11	Head Mechanic	21.93	23.53	25.23	27.06
12	Collection System Technician I	19.07	20.45	21.93	
13	Collection System Technician II	20.44	21.93	23.52	25.22
14	Streets & Sewer Foreman	21.93	23.53	25.23	27.06
15	Maintenance Foreman	21.37	22.92	24.58	26.36
16	Maintenance Serviceman	18.58	19.92	21.37	22.92
17	Municipal Service Worker I	16.15	17.32		
18	Municipal Service Worker II	16.66	17.86	19.16	
19	Municipal Service Worker III	18.58	19.92	21.37	22.92
20	Recycling Foreman	17.25	18.50	19.84	21.28
21	Sanitation Foreman	19.00	20.38	21.86	23.44
22	Water Distribution System Foreman	21.93	23.53	25.23	27.06
23	Water System Technician I	18.77	20.13	21.59	
24	Water System Technician II	20.44	21.93	23.52	25.22
25	Operations Lead Worker	19.35	20.75	22.26	23.87
26	Construction Foreman	21.37	22.92	24.58	26.36
27	WWTP Apprentice	15.72	16.85	18.07	
28	WWTP Operator I	17.27	18.53	19.87	
29	WWTP Operator II	18.77	20.13	21.59	23.15
30	WWTP Operator III	21.93	23.52	25.23	27.06
31	Water Treatment Plant Apprentice	15.72	16.85	18.07	
32	Water Treatment Plant Operator I	17.27	18.53	19.87	
33	Water Treatment Plant Operator II	18.77	20.13	21.59	23.15
34	Water Treatment Plant Operator III	21.93	23.52	25.23	27.06
35	Line Clearance Worker	13.94	14.95	16.04	17.20
36	Apprentice Lineman	18.30	19.63		
37	Meter Reader	15.86	17.00	18.24	19.56
38	Electric Service Worker	17.17	18.41	19.75	21.18
39	Groundman	17.62	18.90	20.27	21.74
40	Electrical Engineering Technician	18.77	20.13	21.59	23.16
41	Lead Line Clearance Worker	20.29	21.76	23.34	25.03
42	Lineman Second Class	21.72	23.29	24.98	26.79
43	Serviceman	21.72	23.29	24.98	26.79
44	Lineman First Class	25.18	27.00	28.96	31.06
45	Substation Technician	24.20	25.95	27.83	29.85
46	Lead Lineman	27.82	29.84	32.00	34.32
47	Substation Specialist	28.53	30.59	32.81	35.19



**Exhibit B****AFSCME Table**

Effective December 17, 2018, pay steps A through D shall be increased by 1.00%

Title	A	B	C	D	E
<b>2019</b>		7.25%	7.25%	7.25%	
Community Service Foreman	15.86	17.00	18.24	19.56	21.56
Head Greenskeeper	21.37	22.92	24.58	26.36	28.36
Parks/Recreation Assistant Dir	11.03	11.83	12.69	13.61	15.61
Parks/Recreation Foreman	21.93	23.53	25.23	27.06	29.06
Parks/Recreation Worker I	11.01	11.81			
Parks/Recreation Worker II	12.91	13.85	14.85	15.93	17.93
Parks/Recreation Worker III	15.04	16.14	17.31	18.56	20.56
Laborers	11.69	12.54	13.45	14.42	16.42
Automotive Mechanic	18.00	19.30	20.70	22.20	24.20
Automotive Mechanic Helper	15.86	17.00			
Head Mechanic	21.93	23.53	25.23	27.06	29.06
Collection System Technician I	19.07	20.45	21.93		
Collection System Technician II	20.44	21.93	23.52	25.22	27.22
Streets & Sewer Foreman	21.93	23.53	25.23	27.06	29.06
Maintenance Foreman	21.37	22.92	24.58	26.36	28.36
Maintenance Serviceman	18.54	19.88	21.32	22.87	24.87
Municipal Service Worker I	15.08	16.17			
Municipal Service Worker II	16.34	17.52	18.79		
Municipal Service Worker III	17.77	19.06	20.44	21.92	23.92
Recycling Foreman	17.25	18.50	19.84	21.28	23.28
Sanitation Foreman	19.00	20.38	21.86	23.44	25.44
Water Distribution System Foreman	21.93	23.53	25.23	27.06	29.06
Water System Technician I	18.77	20.13	21.59		
Water System Technician II	20.44	21.93	23.52	25.22	27.22
Operations Lead Worker	19.35	20.75	22.26	23.87	25.87
Construction Foreman	21.37	22.92	24.58	26.36	28.36
WWTP Apprentice	15.05	16.14	17.31		
WWTP Operator I	15.88	17.03	18.27		
WWTP Operator II	18.03	19.33	20.74	22.24	24.24
WWTP Operator III	21.93	23.52	25.23	27.06	29.06
Water Treatment Plant Apprentice	15.05	16.14	17.31		
Water Treatment Plant Operator I	15.88	17.03	18.27		
Water Treatment Plant Operator II	18.03	19.33	20.74	22.24	24.24
Water Treatment Plant Operator III	21.93	23.52	25.23	27.06	29.06
Line Clearance Worker	13.30	14.27	15.30	16.41	18.41
Apprentice Lineman	18.30	19.63			
Meter Reader	15.86	17.00	18.24	19.56	21.56
Electric Service Worker	17.03	18.27	19.59	21.01	23.01
Groundman	17.03	18.27	19.59	21.01	23.01
Electrical Engineering Technician	18.77	20.13	21.59	23.16	25.16
Lead Line Clearance Worker	20.17	21.63	23.20	24.88	26.88
Lineman Second Class	20.17	21.63	23.20	24.88	26.88
Serviceman	20.17	21.63	23.20	24.88	26.88
Lineman First Class	24.00	25.74	27.61	29.61	31.61
Substation Technician	24.00	25.74	27.61	29.61	31.61
Lead Lineman	27.43	29.42	31.55	33.84	35.84
Substation Specialist	27.43	29.42	31.55	33.84	35.84

Column E is for those employees hired after 12-1-2010 on their 27th anniversary date. Step E represents a \$2.00 increase over Step D

	<b>Current</b>	<b>2019</b>	<b>2019 Step</b>	<b>2020 Step</b>	<b>2021 Step</b>	<b>2022 Step</b>
<b>Nathan Butler</b>	\$17.57	\$17.75	\$18.27	\$18.80	\$19.34	\$19.87
<b>Ken Griffith</b>	\$18.56	\$18.75	\$19.33	\$21.34	\$23.15	
<b>Jason Kupersmith</b>	\$17.57	\$17.75	\$18.27	\$18.80	\$19.34	\$19.87
<b>Stewart Graf</b>	\$19.92	\$20.12	\$20.74	\$22.89	\$23.15	
<b>Mike Wenner</b>	\$21.38	\$21.59	\$22.24	\$22.89	\$23.15	

All wages in 2020 and after are subject to contract language.



Base Wage				2019				2020				2021				2022			
				New Steps (Calc back from D)				New Steps (Calc back from D)				New Steps (Calc back from D)				New Steps (Calc back from D)			
				7.25%	7.25%	7.25%		7.25%	7.25%	7.25%		7.25%	7.25%	7.25%		7.25%	7.25%	7.25%	
Line	Job Description	Employees	Hrs	A	B	C	D	A	B	C	D	A	B	C	D	A	B	C	D
1	Community Service Foreman		2080	15.86	17.00	18.24	19.56												
2	Head Greenskeeper		2080	21.37	22.92	24.58	26.36												
3	Parks/Recreation Assistant Dir		2080	11.03	11.83	12.69	13.61												
4	Parks/Recreation Foreman	1	2080	21.93	23.53	25.23	27.06												
5	Parks/Recreation Worker I	1	560	11.01	11.81														
6	Parks/Recreation Worker II	1	2080	12.91	13.85	14.85	15.93												
	Parks/Recreation Worker III	1	2080	15.04	16.14	17.31	18.56	15.26	16.37	17.56	18.83								
7	Parks/Recreation Worker III	1	2080	15.04	16.14	17.31	18.56	15.26	16.37	17.56	18.83								
8	Laborers		2080	11.69	12.54	13.45	14.42	12.39	13.28	14.25	15.28	13.12	14.08	15.10	16.19	13.14	14.09	15.11	16.21
9	Automotive Mechanic	1	2080	18.00	19.30	20.70	22.20												
10	Automotive Mechanic Helper		2080	15.86	17.00														
11	Head Mechanic	1	2080	21.93	23.53	25.23	27.06												
12	Collection System Technician I		2080	19.07	20.45	21.93													
13	Collection System Technician II	1	2080	20.44	21.93	23.52	25.22												23.52
	Collection System Technician II	1	2080	20.44	21.93	23.52	25.22												
14	Streets & Sewer Foreman	1	2080	21.93	23.53	25.23	27.06												
15	Maintenance Foreman	1	2080	21.37	22.92	24.58	26.36												
	Maintenance Serviceman		2080	18.54	19.88	21.32	22.87	18.58	19.92	21.37	22.92								
17	Municipal Service Worker I		2080	15.08	16.17			15.52	16.65	18.58	19.92	15.98	17.14	18.58	19.92	16.15	17.32	18.58	19.92
18	Municipal Service Worker II	2	2080	16.34	17.52	18.79		16.66	17.86	19.16									
19	Municipal Service Worker III		2080	17.77	19.06	20.44	21.92	18.29	19.61	21.03	22.56	18.58	19.92	21.37	22.92				21.37
20	Recycling Foreman	1	2080	17.25	18.50	19.84	21.28												
21	Sanitation Foreman	1	2080	19.00	20.38	21.86	23.44												
22	Water Distribution System Foreman	1	2080	21.93	23.53	25.23	27.06												
23	Water System Technician I	1	2080	18.77	20.13	21.59													
24	Water System Technician II	2	2080	20.44	21.93	23.52	25.22												23.52
25	Operations Lead Worker		2080	19.35	20.75	22.26	23.87												
26	Construction Foreman		2080	21.37	22.92	24.58	26.36												
27	WWTP Apprentice		2080	15.05	16.14	17.31		15.49	16.62	17.82		15.72	16.85	18.07					
28	WWTP Operator I	1	2080	15.88	17.03	18.27		16.34	17.53	18.80		16.81	18.03	19.34		17.27	18.53	19.87	
29	WWTP Operator II	2	2080	18.03	19.33	20.74	22.24	18.55	19.90	21.34	22.89	18.77	20.13	21.59	23.15				
30	WWTP Operator III	1	2080	21.93	23.52	25.23	27.06												
31	Water Treatment Plant Apprentice		2080	15.05	16.14	17.31		15.49	16.62	17.82		15.72	16.85	18.07					
32	Water Treatment Plant Operator I	2	2080	15.88	17.03	18.27		16.34	17.53	18.80		16.81	18.03	19.34		17.27	18.53	19.87	
33	Water Treatment Plant Operator II	1	2080	18.03	19.33	20.74	22.24	18.55	19.90	21.34	22.89	18.77	20.13	21.59	23.15				
34	Water Treatment Plant Operator III	1	2080	21.93	23.52	25.23	27.06												
35	Line Clearance Worker	1	2080	13.30	14.27	15.30	16.41	13.68	14.67	15.74	16.88	13.94	14.95	16.04	17.20				
36	Apprentice Lineman		2080	18.30	19.63														
37	Meter Reader		2080	15.86	17.00	18.24	19.56												
38	Electric Service Worker	1	2080	17.03	18.27	19.59	21.01	17.17	18.41	19.75	21.18								
39	Groundman		2080	17.03	18.27	19.59	21.01	17.62	18.90	20.27	21.74								
40	Electrical Engineering Technician		2080	18.77	20.13	21.59	23.16												
41	Lead Line Clearance Worker	1	2080	20.17	21.63	23.20	24.88	20.29	21.76	23.34	25.03								
42	Lineman Second Class		2080	20.17	21.63	23.20	24.88	20.77	22.27	23.89	25.62	21.38	22.93	24.60	26.38	21.72	23.29	24.98	26.79
43	Serviceman		2080	20.17	21.63	23.20	24.88	20.77	22.27	23.89	25.62	21.38	22.93	24.60	26.38	21.72	23.29	24.98	26.79
44	Lineman First Class	4	2080	24.00	25.74	27.61	29.61	24.71	26.50	28.42	30.48	25.18	27.00	28.96	31.06				
45	Substation Technician	1	2080	24.00	25.74	27.61	29.61	24.20	25.95	27.83	29.85								
46	Lead Lineman	2	2080	27.43	29.42	31.55	33.84	27.82	29.84	32.00	34.32								
47	Substation Specialist	1	2080	27.43	29.42	31.55	33.84	28.23	30.27	32.47	34.82	28.53	30.59	32.81	35.19				
Total		38																	

**City Council**  
**SPECIAL MEETING MINUTES**

**Friday, December 21, 2018 at 7:15 am**

<b>PRESENT</b>	
Councilmembers	Joseph D. Bialorucki-Council President, Dan Baer-Council President Pro-Tem, Travis Sheaffer (arrived at 7:18 am), 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
Records Clerk/Recorder	Roxanne Dietrich
City Staff	Chad E. Lulfs, P.E., P.S.-Director of Public Works, Tony Cotter-Director of Parks and Recreation, Patrolman Ruffer and Patrolman Steward
Others	Newsmedia
<b>ABSENT</b>	
<b>Call to Order</b>	Council President Bialorucki called the meeting to order at 7:15 am.
<b>Presentation of 2019 Budget</b>	Mayor Maassel presented the 2019 Budget (a copy is attached). Some of the highlights included: the largest revenue for the City comes from the Electric Department thus the value of our relationship with AMP is of great importance; on the expense side, purchased power is our largest expense with salary and wages next and third are the CIP (Capital Improvement Project) costs. We do have to be careful of the \$4.2 million we spend each year which is in debt, our debt service is over 8% and we need to be cognizant that that number does not become too large, debt gets paid before anything else that is an ORC requirement. Some of the capital improvement projects in 2019 include the Williams Pump Station Improvements, Park Street Improvements, Miscellaneous Street Improvements now known as the Annual Resurfacing project; Haley Avenue was repaved late in 2017 and with the Water Treatment Plant almost completed, now is the time to fix Haley; waterline improvement projects are the Perry Street Hanger on the bridge and hopefully on the new Industrial Drive Bridge. Major machinery and equipment purchases are a bucket truck for the Electric Department, a packer unit for our Refuse Department, a patrol car for the Police Department and fiber for the lift stations.
<b>Introduction of Ordinance No. 072-18 FY2019 Budget [Tabled]</b>	Council President Bialorucki read by title <b>Ordinance No. 072-18</b> , an Ordinance Establishing the Appropriation Measure (Budget) of the City of Napoleon, Ohio for the Fiscal Year Ending December 31, 2019, listed in Exhibit "A"; and Declaring an Emergency.



<b>Motion to Untable Ordinance No. 072-18</b>	Motion: Sheaffer to untable Ordinance No. 072-18.	Second: Siclair
<b>Passed</b>	Roll call vote to untable Ordinance 072-18:	
<b>Yea-7</b>	Yea-Baer, Bialorucki, Sheaffer, Mires, Haase, Siclair, Comadoll	
<b>Nay-0</b>	Nay-	
<b>Motion to Approve First Read of 072-18</b>	Motion: Comadoll to approve First Read of Ordinance No. 072-18.	Second: Siclair
<b>Discussion</b>	Mazur reported these are the details projecting expenditures and revenues in 2019, one major note, we were able to absorb the income tax refund that had to be made for 2018.	
<b>Motion to Suspend the Rules</b>	Motion: Sheaffer to suspend the rules requiring three readings for Ordinance No. 072-18:	Second: Comadoll
<b>Passed</b>	Roll call vote to approve suspending the rules for 072-18:	
<b>Yea-7</b>	Yea-Baer, Bialorucki, Sheaffer, Mires, Haase, Siclair, Comadoll	
<b>Nay-0</b>	Nay-	
<b>Passed</b>	Roll call vote to pass Ordinance No. 072-18 under Suspension and Emergency.	
<b>Yea-7</b>	Yea-Baer, Bialorucki, Sheaffer, Mires, Haase, Siclair, Comadoll	
<b>Nay-0</b>	Nay-	
<b>Motion to Untable Resolution No. 084-18</b>	Motion: Sheaffer to untable Resolution No. 084-18.	Second: Mires
<b>Passed</b>	Roll call vote to untable Resolution No. 084-18:	
<b>Yea-7</b>	Yea-Baer, Bialorucki, Sheaffer, Mires, Haase, Siclair, Comadoll	
<b>Nay-0</b>	Nay-	
<b>Introduction of Resolution No. 084-18 Transfer Certain Fund Balances in FY2019</b>	Council President Bialorucki read by title <b>Resolution No. 084-18</b> , a Resolution Authorizing the Finance Director to Transfer Certain Fund Balances from Respective Funds to Other Funds per Ohio Revised Code Section 5705.14 on an as needed basis in Fiscal Year 2019, listed in Exhibit "A"; and Declaring an Emergency.	
<b>Motion to Approve First Read of 084-18</b>	Motion: Sheaffer to approve First Read of Resolution No. 084-18.	Second: Haase
<b>Discussion</b>	Mazur stated this is legislation for the 2019 budget.	
<b>Motion to Suspend the Rules for 084-18</b>	Motion: Sheaffer to suspend the rules requiring three readings of Resolution No. 084-18:	Second: Comadoll







<b>Motion to Approve Second Read of 085-18</b>	Motion: Sheaffer Second: Mires to approve Second Read of Ordinance No. 085-18.
<b>Discussion</b>	Mazur noted this is second read for the \$2.4 million funds rolled for the UV project at the Water Treatment Plant and the Jones & Henry Study from where the other proposed Water Treatment Plant was going to go.
<b>Passed Yea-7 Nay-0</b>	Roll call vote to approve second read of Ordinance No. 085-18: Yea-Baer, Bialorucki, Sheaffer, Mires, Haase, Siclair, Comadoll Nay-
<b>Third Read of Ordinance No. 067-18 Property Transfer to CIC</b>	Council President Bialorucki read by title <b>Ordinance No. 067-18</b> , an Ordinance Authorizing the Transfer of Certain Properties Located in and Owned by the City of Napoleon, Ohio to the Community Improvement Corporation (CIC) of Henry County, Ohio, to wit: Parcel Nos. 41-119361.0400 and 41-119361.0500; and Declaring an Emergency.
<b>Motion to Pass Third Read of 067-18</b>	Motion: Comadoll Second: Mires to pass Ordinance No. 067-18 on third read
<b>Discussion</b>	Mazur reported this is third read on the transfer of the parcels behind Taco Bell off of Marco Drive, they are looking to develop this parcel plus two other parcels.
<b>Passed Yea-7 Nay-0</b>	Roll call vote to pass Ordinance No. 067-18 on third read: Yea-Baer, Bialorucki, Sheaffer, Mires, Haase, Siclair, Comadoll, Nay-
<b>Third Read of Resolution No. 071-18 Schonhardt &amp; Assoc. 3- Year Contract for CAFR</b>	Council President Bialorucki read by title <b>Resolution No. 071-18</b> , a Resolution Authorizing the Expenditure of Funds and an Agreement for Financial Consultant Professional Services with Schonhardt and Associates for Preparation of the City CAFR, GAAP Reports and Infrastructure Cost Information for GASB-34.
<b>Motion to Pass Third Read of 071-18</b>	Motion: Comadoll Second: Haase to pass Resolution No. 071-18 on third read.
<b>Discussion</b>	Heath said this is the firm that develops the City's CAFR reports, notification has been received that the CAFR for 2017 was approved.
<b>Passed Yea-7 Nay-0</b>	Roll call vote to pass Resolution No. 071-18 on third read: Yea-Baer, Bialorucki, Sheaffer, Mires, Haase, Siclair, Comadoll Nay-
<b>VanHying Pumping Station Replacement Project</b>	Mazur reported the VanHying pump station was in the 2018 budget with \$100,000 budgeted to start the design work, we put an additional \$50,000 in the 2019 budget to continue with other items associated with design and

## Motion to Approve Agreement with Stantec

Passed  
Yea-7  
Nay-0

## Other Business

## Motion to Adjourn

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

## Adjournment

**Approved:**

**January 7, 2019**

Roxanne Dietrich, Interim Clerk of Council

# **City of Napoleon, Ohio 2019 Appropriation Budget**

**Presented in accordance with  
City Charter Article II, Section 2.13  
by**

**Jason P. Maassel, Mayor**

**December 21, 2018**



# 2019 APPROPRIATION BUDGET

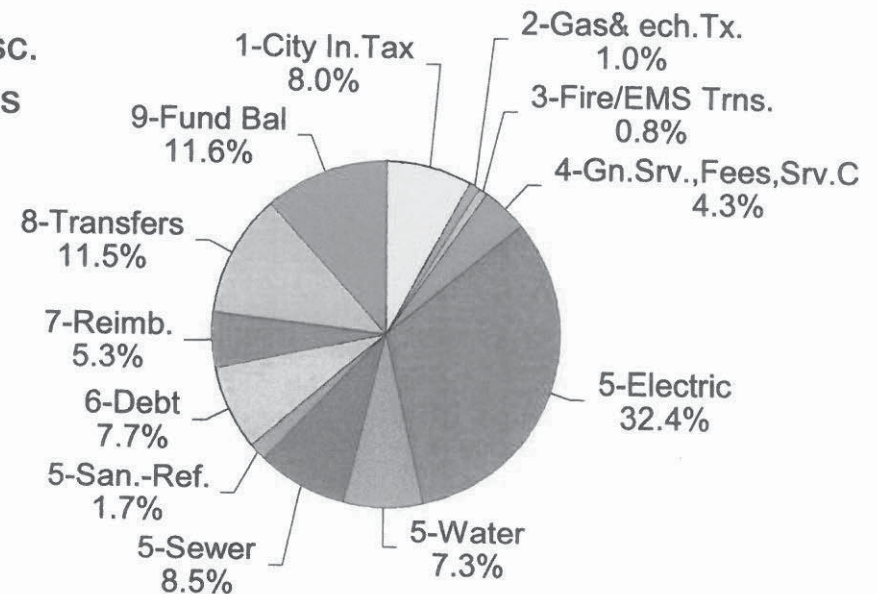
## Revenue/Receipt Funding Sources (All Funds)-

### ■ \* \$51,469,840 TOTAL BUDGET

- (1) \$ 4,100,000 City Income Taxes
- (2) \$ 501,000 Gasoline & Vehicle Taxes
- (3) \$ 420,070 Fire, EMS Transport Chgs
- (4) \$ 2,201,070 Gen.Srv.Chgs.,Fines,Int.,Misc.
- (5) \$25,660,490 Utilities-Serv.Charges & Fees
  - Electric \$16,677,990
  - Water \$ 3,770,110
  - Sewer \$ 4,361,670
  - Sanitation(Refuse) \$ 850,720
- (6) \$ 3,985,990 Debt-Notes, Bonds & Loans
- (7) \$ 2,733,230 Interfund Reimbursables
- (8) \$ 5,897,280 Interfund Transfers
- (9) \$ 5,970,710 Fund Balance Reserves

### 2019 REVENUE BUDGET

#### By Major Categories



# 2019 APPROPRIATION BUDGET

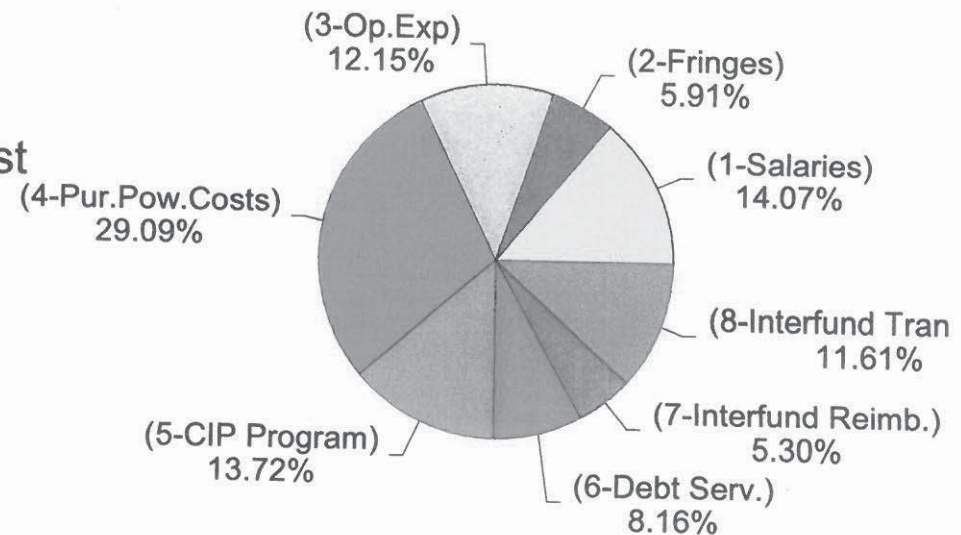
## Expenses Budgeted (All Funds) -

### ■ \*\$51,469,840 TOTAL BUDGET

- (1) \$ 7,252,170 Salaries & Wages
- (2) \$ 3,045,970 Fringe Benefits
- (3) \$ 6,263,840 Operating Expenses
- (4) \$15,000,000 Purchased Power Costs
- (5) \$ 7,072,240 Capital Improvement Cost
- (6) \$ 4,205,110 Debt Service Payments
- (7) \$ 2,733,230 Interfund Reimbursable
- (8) \$ 5,897,280 Interfund Transfers

### 2019 Expenditures

#### By Major Expense Areas Expenditures



# 2019 APPROPRIATION BUDGET

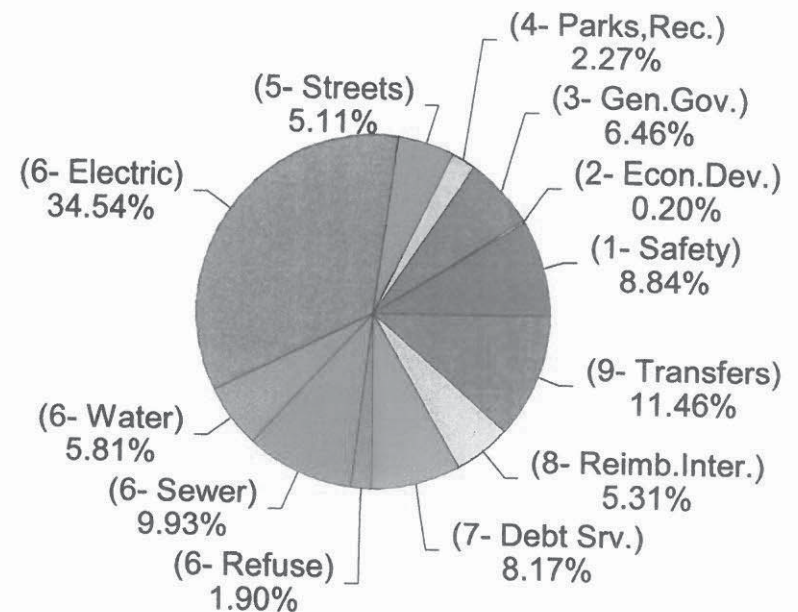
## Expenses Budgeted (By Cost Center Function) -

### ■ \* \$51,469,840 TOTAL BUDGET

- (1) \$ 4,548,210 Safety-Police, Fire, Health & Court
- (2) \$ 104,450 Economic Development & Zoning
- (3) \$ 3,327,430 General Government
- (4) \$ 1,167,700 Parks, Recreation & Tourism
- (5) \$ 2,629,860 Street Maintenance & Properties
- (6) \$26,856,570 Utilities-Operational & Capital
  - Electric \$17,779,220
  - Water \$ 2,988,840
  - Sewer \$ 5,109,700
  - Sanitation(Refuse) \$ 978,810
- (7) \$ 4,205,110 Debt Payments-Principal & Interest
- (8) \$ 2,733,230 Interfund Reimbursables
- (9) \$ 5,897,280 Interfund Transfers

### 2019 Expenditures

By Functional Areas  
Expenditures





# 2019 APPROPRIATION BUDGET

## Major Capital Items

### ■ Major Capital Items in 2019:

✓ Sewer - Williams Pump Station Improvements (Construction, DEFA Loan)	\$ 1,621,600
✓ Sewer - Park Street Improvements (Sewer Accounts)	\$ 1,340,000
✓ Streets - Road & Street Programs (Various Projects, Undefined at this time)	\$ 583,720
✓ Water - Major Water Line Improvements (Undefined at this time)	\$ 400,000
✓ Streets - Raymond Street (Various Accounts)	\$ 204,000
✓ Streets - Multi-Use Path (Design)	\$ 150,000
✓ Streets - GIS Setup (Various Accounts)	\$ 115,000
✓ Sewer - Major Sewer Line Improvements (Undefined at this time)	\$ 100,000
✓ Sewer - Engineering for Primary Digester Repairs	\$ 86,400
✓ Sewer - Engineering for Lynn Avenue (Design Only)	\$ 70,000
✓ Sewer - Sanitary Sewer Cleaning Program	\$ 85,000
✓ Sewer - Elimination of Haley SSO	\$ 50,000
✓ Sewer - Sewer Lateral Improvements in ROW	\$ 50,000

# 2019 APPROPRIATION BUDGET

## Major Machinery & Equipment

### ■ Major Machinery and Equipment in 2019:

✓ Electric - Replace Line Bucket Truck	\$ 300,000
✓ Refuse - Replace Packer Unit	\$ 180,000
✓ Street - Replace Large Dump Truck	\$ 170,000
✓ Police - Police Patrol Car Replacement (1 Unit)	\$ 45,000
✓ Sewer - Fiber for Lift Stations	\$ 20,000

**CITY OF NAPOLEON, OHIO**

**RESOLUTION NO. 001-19**

**A RESOLUTION DETERMINING TO PROCEED WITH THE LEVY OF AN ADDITIONAL PROPERTY TAX IN EXCESS OF THE TEN MILL LIMITATION FOR THE PURPOSE OF PROVIDING ADDITIONAL FUNDS FOR PARKS AND RECREATIONAL PURPOSES AS DESCRIBED IN SECTION 5705.19(H) OF THE OHIO REVISED CODE AND TO SUBMIT THE QUESTION OF THE TAX TO THE ELECTORS AT THE MAY 7, 2019, ELECTION; AND DECLARING AN EMERGENCY**

**WHEREAS**, on December 17, 2018, this Council, by Resolution 066-18, declared the necessity of levying a one and nine tenths mills (1.9 mills) tax, in excess of the ten mill limitation, for the purpose of providing additional funds for parks and recreational purposes as described in Section 5705.19(H) of the Ohio Revised Code; and;

**WHEREAS**, this Council, in compliance with Ohio Revised Code Section 5705.03, did certify to the Henry County Auditor Resolution 066-18, requesting the Auditor to certify the total current tax valuation of the City of Napoleon and the dollar amount of revenue that would be generated by the additional one and nine tenths mills (1.9 mills); and;

**WHEREAS**, the Auditor has certified to this Council that the total current tax valuation is \$150,298,770.00 and that the dollar amount of revenue that would be generated by additional tax is \$285,560.00 (attached hereto as Exhibit A); and;

**WHEREAS**, Ohio Revised Code Section 5705.19(H) authorizes this Council, by a vote of two-thirds of all its members, to submit the question of such additional tax to the electors of the City of Napoleon at the next primary election; **Now Therefore**,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON, COUNTY OF HENRY, OHIO (AT LEAST TWO THIRDS OF ITS MEMBERS CONCURRING) THAT:**

Section 1. That, it is hereby declared that the amount of taxes that may be raised within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the City.

Section 2. That, it is necessary to levy an additional property tax, upon the entire territory of the City Of Napoleon, in excess of the ten-mill limitation for the benefit of the City of Napoleon for the purpose of providing additional funds for parks and recreational purposes as described in Section 5705.19(H) of the Ohio Revised Code at a rate not exceeding 1.9 mills for each one dollar (\$1.00) of valuation, which amounts to sixty-seven thousandths cents (\$0.067) for each one hundred dollars (\$100.00) of valuation, for a period of twenty (20) years, and which levy is an additional tax levy of 1.9 mills, with the additional levy commencing in the tax year 2019, first due and/or collected in calendar year 2020.

Section 3. That, it is hereby declared that the question of the additional one and nine tenths mills (1.9 mills) tax levy shall be submitted to the electors of the City of Napoleon at a primary election to be held on May 7, 2019.

Section 4. That, it is hereby declared the form of the ballot to be used at said primary election shall be substantially as follows:

PROPOSED TAX LEVY (ADDITIONAL)  
CITY OF NAPOLEON

**A majority affirmative vote is necessary for passage**

An additional tax for the benefit of the City of Napoleon for the purpose of providing additional funds for parks and recreational purposes at a rate not exceeding one and nine tenths (1.9) mills for each one dollar (\$1.00) of valuation, which amounts to sixty-seven thousandths cents (\$0.067) for each one hundred dollars (\$100.00) of valuation, for a period of twenty (20) years, beginning in tax year 2019, to first be collected in calendar year 2020.

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

Section 5. That, the City of Napoleon Clerk is hereby directed to certify a copy of this Resolution, with the attached Exhibit A, and a copy of Resolution 066-18, passed on December 17, 2018, to the Board of Elections AND to the County Auditor no later than February 6, 2019.

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

Section 7. That, the Resolution is an emergency measure necessary for the health, safety, and welfare of the citizens of Napoleon, Ohio for reason that the deadline for tax levies is near and the Resolution needs to be effective immediately upon its passage.

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

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

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

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

VOTE ON PASSAGE \_\_\_\_ Yea \_\_\_\_ Nay \_\_\_\_ Abstain



Attest:

---

Roxanne Dietrich, interim Clerk of Council

*I, Roxanne Dietrich, interim Clerk of Council of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 001-19 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.*

---

*Roxanne Dietrich, interim Clerk of Council*

**Certificate of Estimated Property Tax Revenue**

Use this form when a taxing authority certifies a millage rate  
and requests the revenue produced by that rate.

The county auditor of Henry County, Ohio, does hereby certify the following:

- On December 17, 2018, the taxing authority of the City of Napoleon  
(political subdivision name) certified a copy of its resolution or ordinance adopted December 17, 2018,  
requesting the county auditor to certify the current tax valuation of the subdivision and the amount of revenue  
that would be produced by one and nine tenths (1.9) mills, to levy a tax outside the 10-mill limitation for parcels  
and recreational purposes pursuant to Revised Code § 5705.19 (H), to be placed on the ballot  
at the May 7, 2019, election. The levy type is additional.
- The estimated property tax revenue that will be produced by the stated millage, assuming the tax valuation of  
the subdivision remains constant throughout the life of the levy, is calculated to be \$ 285,560.00.
- The total tax valuation of the subdivision used in calculating the estimated property tax revenue is  
\$ 150,298,770.

Kens Garvin  
Auditor's signature

December 20, 2018  
Date

**Instructions**

- "Total tax valuation" includes the taxable value of all real property in the subdivision as indicated on the tax list most recently certified for collection and estimates of the taxable value of personal and public utility personal property for the first year the levy will be collected as set forth on the worksheets prescribed in conjunction with this form. If the subdivision is located in more than one county, the home county auditor (where the greatest taxable value of the subdivision is located) shall obtain the assistance of the other county auditors to establish the total tax valuation of the subdivision.
- For purposes of this certification, "subdivision" includes any agency, board, commission or other authority authorized to request a taxing authority to submit a tax levy on its behalf.
- "Levy type" includes the following: (1) additional, (2) renewal, (3) renewal with an increase, (4) renewal with a decrease, (5) replacement, (6) replacement with an increase and (7) replacement with a decrease levies.
- Please file this certificate with the subdivision as soon as possible, so the taxing authority can pass a resolution to proceed not later than 90 days before the election.

## ORDINANCE NO. 086-18

### AN ORDINANCE AMENDING CHAPTER 955 OF THE CODIFIED CODE OF ORDINANCES OF THE CITY OF NAPOLEON, OHIO TO ADD SECTION 955.09(S) REGARDING ORGANIZATIONAL GOLF OUTING FEES

**WHEREAS**, the Parks and Recreation Board met on September 26, 2018 and, in order to provide the opportunity for area organizations to offer golf outings, determined it appropriate to create certain golf fees; and,

**WHEREAS**, the City of Napoleon's Parks and Recreation Committee met on December 17, 2018 and concurred with the Parks and Recreation Board's determination that certain golf fees should be created; and,

**WHEREAS**, this Council has considered all recommendations, and now deems appropriate that golf fees as listed below shall be created; **Now Therefore**,

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

**Section 1.** That, Section 955.09 of the Codified Code of Ordinances of the City of Napoleon, Ohio shall remain as is currently written, with the addition of the following section to 955.09; Golf Privilege Fees is hereby amended and enacted to add section (s) which reads as follows:

*(s) In order to provide an opportunity for area organizations to offer golf outings, a golf outing rate shall be created per the following:*

<i>Number of Holes</i>	<i>Fee per Participant</i>
9	\$15.00
18	\$25.00

**Section 2.** That, this Ordinance No. 086-18 amends Ordinance No. 003-18 so as to incorporate and adopt all identified changes noted herein. The remaining, unchanged portions of Ordinance No. 003-18 remain in full force and effect as it existed and to now include section (s).

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

**Section 4.** That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

**Section 5.** That, upon passage, this Ordinance shall take 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, Roxanne Dietrich, interim Clerk of Council of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 086-18 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.*

\_\_\_\_\_  
*Roxanne Deitrich, interim Clerk of Council*

## **RESOLUTION NO. 081-18**

### **A RESOLUTION AUTHORIZING A CONTRIBUTION TO THE COMMUNITY IMPROVEMENT CORPORATION OF HENRY COUNTY, OHIO, IN AND FOR THE YEAR 2019; AND DECLARING AN EMERGENCY**

**WHEREAS**, the City, by Ordinance in accordance with Section 1724.10 of the Ohio Revised Code, designated The Community Improvement Corporation of Henry County, Ohio ("CIC") as the agency of the City for the industrial, commercial, distribution, and research development of the City; and,

**WHEREAS**, a "Plan" as defined in Section 165.01 of the Revised Code was prepared and confirmed to advance, encourage, and promote the industrial, commercial, distribution, and research development of the City in a manner which among several things, creates and preserves jobs and employment opportunities in the City and the State and improves the economic welfare of the people of the City and of the State; and further, encourages and causes the maintenance, location, relocation, expansion, modernization, and equipment of sites, buildings, structures, and appurtenant facilities for industrial, commercial, distribution, and research activities within the City and thereby preserves, maintains, or creates additional opportunities for employment within the City; and,

**WHEREAS**, this Council desires to further advance the Plan and has determined to financially assist the CIC with operational and the other expenses in the year 2019;  
**Now Therefore,**

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

Section 1. That, in an effort to further advance the "Plan" referenced in the preamble of this Resolution, the City Finance Director is directed and authorized to pay to The Community Improvement Corporation of Henry County, Ohio ("CIC") the amount of thirty-five thousand four hundred and 00/100 Dollars (\$35,400.00) in and for the year 2019 to the CIC for operational expenses and costs for the advancement of economic development projects for both present companies and future companies. The amounts contributed herein are deemed by this Council to be a proper public expenditure of public funds.

Section 2. That, the monies contributed as found in Section 1 of this Resolution shall be used for operational expenses and to advance the "Plan" as referenced in the preamble of this Resolution and shall not be pledged to secure any debt of the CIC.

Section 3. That, all payments stated in this Resolution are subject to appropriation of funds by Council. In the event appropriation of funds by Council is satisfied, payment shall be made by the Finance Director in quarterly installments to the CIC, all in and for the year 2019.

Section 4. That, Resolution Number 087-17 is repealed upon the effective date of this Resolution.

Section 5. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open

meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

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

Section 7. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for economic projects to timely move forward; projects that will create jobs; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

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

\_\_\_\_\_  
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. 081-18 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*



## **ORDINANCE NO. 085-18**

**AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,428,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE MUNICIPAL WATER SYSTEM BY IMPROVING AND REHABILITATING THE EXISTING WATER TREATMENT PLANT AND RELATED STORAGE FACILITIES, REHABILITATING THE ELEVATED STORAGE TANKS, AND ACQUIRING AND IMPROVING RELATED INTERESTS IN REAL PROPERTY, TOGETHER WITH ALL NECESSARY AND RELATED APPURTENANCES THERETO**

**WHEREAS**, pursuant to Ordinance No. 091-17 passed December 18, 2017, notes in anticipation of bonds in the principal amount of \$2,500,000, dated February 27, 2018 (the “Outstanding Notes”), were issued for the purpose described in Section 1, to mature on February 27, 2019; and,

**WHEREAS**, this Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds available to the City; and,

**WHEREAS**, the Finance Director, as fiscal officer of this City, has certified to this Council that the estimated life or period of usefulness of the Improvement described in Section 1 is at least five (5) years, the estimated maximum maturity of the Bonds described in Section 1 is at least twenty-nine (29) years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is March 7, 2033;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Napoleon, Henry County, Ohio, that:

Section 1. It is necessary to issue bonds of this City in the maximum principal amount of \$2,428,000 (the “Bonds”) for the purpose of paying the costs of improving the municipal water system by improving and rehabilitating the existing water treatment plant and related storage facilities, rehabilitating the elevated storage tanks, and acquiring and improving related interests in real property, together with all necessary and related appurtenances thereto (the “Improvement”).

Section 2. The Bonds shall be dated approximately February 1, 2020, shall bear interest at the now estimated rate of 5.50% per year, payable semiannually until the



principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds, in any fiscal year in which principal is payable, shall be substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2020.

Section 3. It is necessary to issue and this Council determines that notes in the maximum principal amount of \$2,428,000 (the “Notes”) shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to retire, together with other funds available to the City, the Outstanding Notes and to pay any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum principal amount) shall be determined by the Finance Director in the certificate awarding the Notes in accordance with Section 6 of this Ordinance (the “Certificate of Award”) as the amount which, along with other available funds of the City, is necessary to provide for the retirement of the Outstanding Notes and to pay any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance; provided that the Finance Director shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 6.00% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Finance Director in the Certificate of Award in accordance with Section 6 of this Ordinance.

Section 4. The debt charges on the Notes shall be payable in lawful money of the United States of America or in Federal Reserve funds of the United States of America as determined by the Finance Director in the Certificate of Award, and shall be payable, without deduction for services of the City’s paying agent, at the office of a bank or trust company designated by the Finance Director in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose or at the office of the Finance Director if agreed to by the Finance Director and the original purchaser (the “Paying Agent”). The Finance Director is authorized, to the extent necessary or appropriate, to enter into an agreement with the Paying Agent in connection with the services to be provided by the Paying Agent after determining that the signing thereof will not endanger the funds or securities of the City.

Section 5. The Notes shall be signed by the City Manager and Finance Director, in the name of the City and in their official capacities; provided that one of those signatures may be a facsimile. The Notes shall also be countersigned by the Mayor, provided that

the signature of the Mayor may be a facsimile. The Notes shall be issued in minimum denominations of \$100,000 (and may be issued in denominations in such amounts in excess thereof as requested by the original purchaser and approved by the Finance Director) and with numbers as requested by the original purchaser and approved by the Finance Director. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Finance Director will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Ohio Revised Code if it is determined by the Finance Director that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Finance Director and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this Section and this Ordinance:

“Book entry form” or “book entry system” means a form or system under which (a) the ownership of beneficial interests in the Notes and the principal of and interest on the Notes may be transferred only through a book entry, and (b) a single physical Note certificate in fully registered form is issued by the City and payable only to a Depository or its nominee as registered owner, with the certificate deposited with and “immobilized” in the custody of the Depository or its designated agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

“Depository” means any securities depository that is a clearing agency registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934, operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of and interest on the Notes, and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book entry system and includes securities brokers and dealers, banks and trust companies and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (a) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (b) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (c) ownership of beneficial interests in book entry form shall

be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (d) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Finance Director may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Finance Director does not or is unable to do so, the Finance Director, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Finance Director is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

Section 6. The Notes shall be sold at not less than par plus accrued interest (if any) at private sale by the Finance Director in accordance with law and the provisions of this Ordinance. The Finance Director shall sign the Certificate of Award referred to in Section 3 fixing the interest rate or rates which the Notes shall bear and evidencing that sale to the original purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. The City Manager, the Finance Director, the City Law Director, the Clerk of Council and other City officials, as appropriate, and any person serving in an interim or acting capacity for any such official, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Finance Director is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Ohio Revised Code.

Section 7. The proceeds from the sale of the Notes received by the City (or withheld by the original purchaser or deposited with the Paying Agent, in each case on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. The Certificate of Award may authorize the original purchaser to (a) withhold certain proceeds from the sale of the Notes or (b) remit certain proceeds from the sale of the Notes to the Paying Agent, in each case to provide for the payment of certain financing costs on behalf of the City. If proceeds are remitted to the Paying Agent in accordance with this Section 7, the Paying Agent shall be authorized to create a fund in accordance with the Certificate of Award for that purpose. Any portion of those proceeds received by the City (after payment of those financing costs) representing premium or accrued interest shall be paid into the Bond Retirement Fund.

Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

In each year to the extent net revenues from the municipal water utility are available for the payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of such net revenues so available and appropriated.

In each year to the extent receipts from the municipal income tax are available for the payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose, and to the extent not paid from net revenues of the municipal water utility, the amount of the tax shall be reduced by the amount of such receipts so available and appropriated in compliance with the

following covenant. To the extent necessary, the debt charges on the Notes or the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and the laws of the State of Ohio and the Charter of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

Nothing in the two preceding paragraphs in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Notes or the Bonds.

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the “Code”) or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Finance Director or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to

the Notes, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Notes, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the

Notes. The Finance Director or any other officer of the City having responsibility for issuance of the Notes is specifically authorized to designate the Notes as “qualified tax-exempt obligations” if such designation is applicable and desirable, and to make any related necessary representations and covenants.

Each covenant made in this Section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure the exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Notes.

Section 11. The Clerk of Council is directed to promptly deliver or cause to be delivered a certified copy of this Ordinance and the Certificate of Award to the County Auditor of Henry County, Ohio.

Section 12. The Finance Director is authorized to request a rating for the Notes from Moody’s Investors Service, Inc. or S&P Global Ratings, or both, as the Finance Director determines is in the best interest of the City. The expenditure of the amounts necessary to secure any such ratings as well as to pay the other financing costs (as defined in Section 133.01 of the Ohio Revised Code) in connection with the Notes is hereby authorized and approved and the amounts necessary to pay those costs are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 13. The legal services of the law firm of Squire Patton Boggs (US) LLP are hereby retained. Those legal services shall be in the nature of legal advice and



recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Notes and securities issued in renewal of the Notes and rendering at delivery related legal opinions, all as set forth in the form of engagement letter from that firm which is now on file in the office of the Clerk of Council. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Finance Director is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 14. The services of Sudsina & Associates, LLC, as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Notes. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out of pocket expenses it incurs in rendering those municipal advisory services. The Finance Director is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 15. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in



Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 16. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or any of its committees, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.

Section 17. This Ordinance shall be in full force and effect on the earliest date 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 of Council

*I, Gregory J. Heath, Clerk of Council of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 085-18 was duly published in the Northwest Signal, a newspaper of general circulation in said City on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_; and 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 of Council

**CERTIFICATION OF RECORDS**

I, Gregory J. Heath, Clerk of Council, of the City of Napoleon, Ohio, do hereby certify and attest that this document to be a **True and Correct** copy of Ordinance Number 086-18, passed \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Gregory J. Heath, Clerk of Council

\_\_\_\_\_  
Date

City of Napoleon  
**City Finance Director**

**Department:** Finance  
**Reports To:** City Council  
**FLSA Status:** Salaried (Exempt)  
**Civil Service:** Un-Classified (Non-Competitive)  
**Union:** Non-Bargaining  
**Approved By:** City Council  
**Approved Date:**

**SUMMARY**

The City Finance Director is a city charter position appointed by City Council. The duties of this official are performed in accordance with home rule pursuant to the City Charter, City Code and Ohio Revised Code Statutes. The City Finance Director is chief accounting, financial and fiscal officer of the City who performs highly responsible administrative work in planning, organizing, coordinating and directing all financial activities of the City. City Finance Director is assigned powers and duties of City Auditor, City Treasurer and is the Appointing Authority for the Department of Finance. This position is responsible for the accounting, budgeting, collection, control and proper use for all City Funds. Performs managing duties for the Finance Department, including hiring, firing, directing and evaluation of employees, setting rates of pay, determining work techniques and counter signs all issued debt for the City.

**ESSENTIAL DUTIES AND RESPONSIBILITIES** include the following. Other duties may be assigned not specifically listed here:

- Responsibility for planning, directing and supervising personnel in all operational activities for the Department of Finance.
- Attends council meetings and committee meetings participating in discussions.
- Certifies funds for purchases, issues check warrants for all payroll, fringe benefits and the purchase of goods and services for the City.
- Oversees and directs all manual and automated financial systems and other computer operations in the Finance Department, including the divisions of Payroll, Accounts Payable and Receivable, Utility Billing, Income Tax and Recorder/Records functions.
- Processes citizen, council and department requests.
- Makes recommendations on City policy to City Council and implements policy directed by City Council.
- Supervises the preparation of legal and other documents necessary on bond and note debt issues, maintains debt schedules and payments.
- Prepares working detailed budgets for all city funds and coordinates budget information and submission process with the City Manager, Mayor and Council.
- Directs, monitors and authorizes investments of all City funds.
- Negotiates financial contracts.
- Coordinates claims filed for general property and casualty claims; oversees City health insurance programs and insurance pools.
- Directs the establishment of all general ledgers, revenue and expenditure accounts, maintains contracts and other files and audits the postings of monthly entries.
- Directs the preparation of the Annual Financial Reports for both GAAP Reporting to the State of Ohio and CAFR Reporting for audit and general distribution.
- Responsible for keeping accountability, security and reporting of all assets for the City.
- Maintain cooperative and effective working relationships with the City Council, the City Manager, the City Law Director, department heads and employees. Demonstrate and model excellent customer service to all vendors, businesses and city residents.
- Provides City Council and others with timely and informative financial and special reports or statements.
- Work is reviewed by City Council and through independent post audits by the State of Ohio.
- Performs other duties as assigned.



## **QUALIFICATIONS**

- Comprehensive knowledge of City, State and Federal Laws, regulations, principles, policies and procedures of bookkeeping, treasury, accounting functions for Municipal Governments, Fund Accounting, GAAP and CAFR Reporting.
- Knowledge of budgetary principles and practices.
- Thorough knowledge of professional and modern office practices, accounting practices and reporting.
- Knowledge of clerical methods used in keeping fiscal accounts, receipting and expensing monies.
- Ability to maintain issue confidentiality.
- Ability to operate computer and office equipment, including software such as Microsoft Office and CMI software.
- Familiar with meeting procedures and Roberts Rules of Order.
- Ability to prepare informative financial reports.
- Interpersonal skills necessary to provide effective leadership to subordinate personnel and to develop cooperative working relationships with employees, senior management, elected officials, and vendors.
- Ability to perform fiscal planning and advise the City Council on the formulation of fiscal policy based on good professional judgment.
- Ability to supervise and direct the work of subordinate personnel as well as create an environment in which subordinates are rewarded for accomplishment of group and individual goals.
- Requires considerable independent judgment and initiative.
- Good knowledge of business arithmetic and the methods used in keeping fiscal accounts, tax records, tax auditing and general auditing procedures.
- Ability to analyze and determine solutions to complex problems.

## **EDUCATION and/or EXPERIENCE**

- Three (3) to five (5) years experience in public finance administration including experience in local municipal government in a responsible professional or supervisory capacity.
- Graduation from a college or university of recognized standing with major work in accounting or business or public administration (preferably a minimum of a four year degree or higher) or any equivalent combination of experience and training which provides the required knowledge's, skills and abilities.

## **LANGUAGE SKILLS**

- Must be fluent in both written and spoken English.

## **REASONING ABILITY**

- Thorough knowledge of laws, regulations, policies and procedures covering City Finances.
- Ability to understand and carryout complex oral and written directions.
- Ability to analyze and determine solutions to complex problems.

## **PHYSICAL DEMANDS**

- Must be able to lift up to forty (40) pounds.

## **WORK ENVIRONMENT**

- This job must be performed on-site unless otherwise directed.

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily with or without reasonable accommodation and possess or have the qualifications listed. The requirements listed are representative of the knowledge, skill, and/or physical ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.



# *City of Napoleon, Ohio*

## *Department of Public Works*

*255 West Riverview Avenue, P.O. Box 151*

*Napoleon, OH 43545*

*Chad E. Luffs, P.E., P.S., Director of Public Works*

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

*www.napoleonohio.com*

## *Memorandum*

**To:** *Joel L. Mazur, City Manager*  
**From:** *Chad E. Luffs, P.E., P.S., Director of Public Works*  
**cc:** *Mayor & City Council*  
*Chris Peddicord, Interim City Finance Director*  
*Jeff Rathge, Operations Superintendent*  
*Dave Pike, W.W.T.P. Superintendent*  
**Date:** *January 2, 2019*  
**Subject:** *VanHying Pumping Station Replacement Project –*  
*Approval of Design Contract Options*

Stantec Consulting Services, Inc. was recently awarded the Design Contract for the above referenced project. At that Council meeting, I stated that portions of the contract were listed as "Executable Options" due to insufficient funding available in the 2018 Budget and that these options would be brought to Council for approval in 2019. I am requesting approval for these options (see attached). The total for these options is \$59,500.00; funding for these options is available in the 521.6310.57800 account.

*CEL*



## **Appendix "B"**

### **Scope of Services**

- Incorporate all review comments and submit 100 percent complete plans, specifications and detailed estimates of probable cost of construction for final approval.
- Attend meetings (assume not less than four (4) on-site meetings) with City of Napoleon and other affected parties to review the preliminary and detailed plans.
- Prepare and print three (3) full-sized and three (3) half-sized contract drawings in color for use by the City. Provide AutoCAD files and PDF images of the design drawings, as well as the final MS Word specifications and MS Excel estimate for use by the City. The PDF image plans shall include the signature and seal of the registered professional engineer(s) responsible for the design.

#### **Bidding Phase (Basic Services)**

The City will administer the formal bidding phase efforts. The Consultant shall support the City in the acquisition of competitive bids by providing the following services:

- Assist the City in responding to bidder questions and preparation of addenda, as required.
- If requested by the City, attend and assist in conducting a pre-bid meeting at the City of Napoleon Administration Building.
- Assist the City in the evaluation of the bids submitted, including references and alternate bids, and provide a detailed recommendation for award of the construction contract.

#### **Engineering During Construction (If-Authorized Services)**

The City will generally administer the construction phase efforts. The Consultant shall support the City in the construction administration by providing the following service:

- Attend and assist in conducting a pre-construction meeting with all project stakeholders, including City staff, the selected contractor, local utility companies, and all other affected agencies.
- Attend and assist the City in conducting monthly construction progress meetings with all project stakeholders, including City staff, the selected contractor, local utility companies, and all other affected agencies.
- Review and recommend shop drawings for the proposed sewer lining, pumping station and related electrical and control materials and equipment.
- Perform periodic site visits at critical points of construction to assist the City's construction inspector, including up to three (3) local coordination meetings.

## **Appendix "B"**

### **Scope of Services**

- Assist the City and contractor in resolving unforeseen design or specification deficiencies. Respond to requests for information (RFI's) and distribute corresponding responses.
- Prepare and submit record drawings based upon field data provided by the contractor, and the City's construction inspector. Record drawings shall be submitted to the City on 20-lb. opaque bond (one (1) set ~ color) and as electronic files in AutoCAD and PDF format.

#### **Environmental Services (If-Authorized Services)**

It is anticipated that there may be undocumented wetlands areas near the project site that may be affected by construction. The Consultant shall support the City with environmental reviews by providing the following services:

- Complete a desktop analysis utilizing various government geological, wetlands, and soil survey databases and aerial imagery to identify potential wetlands or water bodies that exist within the project area.
- Complete wetland and floodplain delineations and permit applications, as well as coordination of the respective agencies, including USACE, ODNR, OEPA, and ODOT, as applicable. The City shall pay all application fees.
- Provide a summary environmental report to the City detailing all desktop and/or field investigations.
- Assist in the negotiations for applicable permits, including up to three (3) local coordination meetings.

#### **Ecological/Mitigation Services (If-Authorized Services)**

It is anticipated that the City will purchase mitigation credits from a local wetland bank or other approved resource to offset any impacts to existing wetlands or streams due to the proposed construction. However, should the City elect to complete a local project to obtain the necessary mitigation credits, the Consultant shall support the City by providing the following service:

- Assist the City with the preparation of initial mitigation plans to submit to the USACE for review, including detailed notes and specifications and corresponding permit packages, as well as notes and details pertaining to the new pumping station and related sewer construction.
- Assist in the negotiations of the applicable permits, including up to three (3) local coordination meetings.



## **Appendix "B"**

### **Scope of Services**

- Incorporate the proposed mitigation plan within the detailed design documents for the pumping station and sanitary sewer improvements.
- Perform periodic site visits during the implementation of all proposed mitigation plans.
- Perform one (1) annual follow-up inspection of the mitigation site, if required, and file applicable reports to appropriate agencies.

### **PROGRESS MEETINGS**

The Consultant will hold a project kickoff meeting and progress meetings with the City as defined by the scope and determined through communication with City staff, to discuss project status. Meeting minutes will be taken by the Consultant and distributed to all attendees. Updated status reports will be submitted to the Engineering Department at least two (2) working days prior to the scheduled meeting date.

Monthly status reports will be submitted with each invoice to provide current project status relative to submitted project schedule and cost, tasks completed in preceding phase(s), tasks to be performed in following phase(s), any problems, delays, or set-backs that have occurred or are foreseen for the future and other significant information that may impact the project completion date or final costs.

### **DESIGN SCHEDULE**

- |   |                  |
|---|------------------|
| • Notice to Proceed:                        | January 14, 2019 |
| • Design-Basis Memorandum:                  | March 29, 2019   |
| • 60% Design Review Submittal:              | May 31, 2019     |
| • 90% (Permitting) Design Review Submittal: | August 30, 2019  |
| • Final Design Submittal:                   | November 1, 2019 |

### **CLARIFICATIONS**

For the purposes of the development of the above scope of services and the proposed fees, the Consultant has assumed the following:

1. Electronic and/or hard copies of City records and standards will be made available to the Consultant at no cost to the Consultant.
2. No financing or construction observation services are included within the proposed scope of work or fees.

## Appendix "B" Scope of Services

3. Assessment calculations are not included within the proposed scope or fees.
4. Should the City require such additional services as noted above, Consultant will provide supplemental scopes and fees upon request.
5. The proposed SCADA/telemetry system for the pumping station will be designed by the City's local vendor for system integration, Koester Corporation. The City and Consultant shall coordinate necessary power supply and space requirements for the proposed SCADA system.
6. The proposed scope provided does not include the preparation and/or submission of a conditional letter of map revision (CLOMR) for the area surrounding the pumping station site to the flood plain administrator for the City.

### FEE SUMMARY

The table below summarizes the estimated not-to-exceed fees for the scope provided above.

Task	Estimated Fee	Subconsultant Allowance	Total
Detailed Design Phase	\$52,500.00	\$43,000.00	\$95,500.00
Bidding Phase	\$3,500.00	\$1,000.00	\$4,500.00
<b>Basic Services Subtotal:</b>	<b>\$56,000.00</b>	<b>\$44,000.00</b>	<b>\$100,000.00</b>
Construction Phase (If-Authorized)	\$15,500.00	\$4,500.00	\$20,000.00
Record Drawings (If-Authorized)	\$4,000.00	\$1,000.00	\$5,000.00
Environmental Services (If-Authorized)	\$12,000.00	\$0.00	\$12,000.00
Ecological/Mitigation Services (If-Authorized)	\$22,500.00	\$0.00	\$22,500.00

The total fee for the above basic services scope of work shall **not exceed \$100,000.00**, unless otherwise approved in writing by the City of Napoleon.

### CITY RECORDS

Electronic and hard copies of City records will be made available to the Consultant at no cost to the Consultant.

## **Appendix "B"**

### **Scope of Services**

#### **COMPUTER FILES**

All computer files representing the final work product of this investigation and report will be delivered to the City of Napoleon at the completion of the Project. All computer files (disks, tapes or other formats) provided to the City will first be scanned for viruses using an approved virus scanning software and labeled "virus free", indicating the date scanned, scanning software used and initialed by the person performing the scan.





# City of Napoleon, Ohio

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

www.napoleonohio.com

## Memorandum

**To: City Council & Joel Mazur, City Manager**

**From: Jeff Weis, Superintendent of Water Treatment**

**Dave Pike, Superintendent of Wastewater**

**Date: January 2, 2019**

**Subject: 2019 Chemical Bids**

On December 19, 2018 bids were opened for the Chemicals that will be used at the Water and Wastewater Treatment Plants for the 2019 Operational Year. There were a total of 7 bids submitted. After reviewing the bids and specifications, we would like to recommend that the 2019 Chemicals bids be awarded to the following companies as the lowest and best:

<u>Chemical</u>	<u>Bid</u>	<u>Current Cost</u>	<u>Difference</u>
<b>Aluminum Chlorohydrate</b>	USALCO @ \$2.46/gal	\$3.25/gal	-\$0.79/gal
<b>Caustic Soda</b>	Bonded Chemical @ \$2.22/gal	\$2.70/gal	-\$0.48/gal
<b>Hydrofluorosilicic Acid</b>	Bonded Chemical @ \$3.11/gal	\$2.90/gal	+\$0.21/gal
<b>Orthophosphate</b>	Bonded Chemical @ \$8.55/gal	\$13.11/gal	-\$4.64/gal
<b>Powdered Activated Carbon</b>	Bonded Chemical @ \$0.85/lb	\$0.85/lb	+\$0.00/lb
<b>Sodium Bisulfite</b>	Bonded Chemical @ \$2.89/gal	\$2.46/gal	+\$0.43/gal
<b>Sodium Hypochlorite</b>	SAL Chemical @ \$0.878/gal	\$1.05/gal	-\$0.172/gal
<b>Sodium Permanganate</b>	Bonded Chemical @ \$12.21/gal	\$11.45/gal	+\$0.76/gal
<b>Liquid Aluminum Sulfate</b>	ChemTrade Chemicals @ \$1.09/gal	\$0.9288/gal	+\$0.1612/gal

For 2019 we opened all chemicals out to bid. I am rejecting the bid from Shannon Chemical for Sodium Permanganate and Orthophosphate, their product is not Carus Brand. It is my recommendation to select Bonded Chemical for the Orthophosphate and Sodium Permanganate bid. Their product is Carus, American made, and has worked well so far in our new plant system with corrosion control and parameters involved with Lead and Coppers. Liquid Aluminum Sulfate is the only chemical used at the Wastewater Plant, the rest are at the Water plant. If you have any questions concerning the chemical bids, please feel free to contact either of us about them.



# *City of NAPOLEON, Ohio*

## *DEPARTMENT OF MANAGEMENT*

*255 West Riverview Avenue • P.O. Box 151  
Napoleon, Ohio 43545-0151*

*Phone: (419) 592-4010 • Fax: (419) 599-8393*

*Web Page: [www.napoleonohio.com](http://www.napoleonohio.com)*

## MEMORANDUM

DATE: 12/12/18  
TO: Joel Mazur, City Manager/AG  
FROM: IT Department  
CC: City Council and Mayor  
SUBJECT: NCTV Purchase Equipment

With the process of moving away from NCTV for recording council meetings, we have retained recording equipment that the Napoleon Area School District would like to purchase from the City in order to continue classes at the school for broadcasting television. We have attached the letter received from the District along with the list of equipment they would like to purchase. It is our opinion that the proposed amounts from the District are fair and we would recommend Council accept this offer, especially as it will be used for the further education of those pursuing any experience with broadcasting. The remaining equipment not purchased by the District will be returned to the City and repurposed or sold on govdeals.com.



# NAPOLEON AREA CITY SCHOOLS

## BOARD OF EDUCATION

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

701 Briarheath Avenue, Suite 108  
Napoleon, Ohio 43545

*Dr. Stephen R. Fogo, Superintendent*

## ADMINISTRATIVE OFFICE

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

## TREASURER

Michael R. Bostelman

December 6, 2018

City of Napoleon  
Attn: Mr. Joel Mazur, City Manager  
255 W Riverview, PO Box 151  
Napoleon OH 43545-0151

12-10-18 P12:06 IN

Re: NCTV Contract

Dear Mr. Mazur:

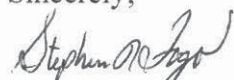
As you know, the Napoleon Area City Schools has a long-standing partnership with the City of Napoleon regarding the district's production and broadcasting of a community public broadcasting channel (NCTV5). Due to the City's partnership, literally hundreds of students have had hands-on experience with television broadcasting. I want to thank the City for allowing the students in the district this privilege.

Unfortunately, it saddens me to share that factors have come together leading me to request the dissolution of this partnership. The district has not been able to find personnel to uphold its obligations to the City under the partnership. Consequently, the district finds itself in the position of dissolving the partnership.

The City's annual monetary contribution has been used to upgrade equipment for the NCTV5 program over time. As the district is arranging offering students a broadcasting class in the future and utilizing its internal network to provide live daily announcements, it is my request that the City allow the district to compensate the City for equipment it needs to continue the broadcasting class. Not all of the current equipment is needed, however. To this end, I have attached a City owned equipment listing to this letter and an estimate of the value of the equipment. I would ask that you have your technical department review the estimates and notify me if the district may move forward purchasing the equipment from you and the pick-up schedule for by the City for those items not purchased by the district.

Please know the district is grateful to the City of Napoleon for allowing it to offer NCTV over the last three decades. The City's partnership has allowed us to touch so many students. Thank you.

Sincerely,



Stephen Fogo, Ed.D.  
Superintendent – Napoleon Area City Schools

Enclosures - 1

cc: Michael Bostelman, Treasurer – Napoleon Area City Schools

*"Our Future Starts Now"*

NCTV Inventory			
Keep	Camera	JVC GYHM600U	\$600
Keep	Camera	JVC GYHM620U	\$600
Keep	Camera (x2)	JVC GYHM150U	\$440
Keep	IKAM Teleprompter (x2)		\$320
Keep	Sony TV (x2)	KDL32W600D	\$200
Keep	Channel Mixer	Mackie 1402 VLZ4	\$225
Keep	Tripod (x3)	Manfrotto 546GB Pro	\$600
Keep	LaCie (x2)	Rugged 1 TB	\$20
Keep	Apple Macbook	Macbook Pro A1347	\$600
			<b>\$3,605</b>
Return	TriCaster Mini	NewTek HD-4sdi	\$3,500
Return	Apple Macbook (x2)	Macbook Pro A1286	EOL
Return	Mac Pro (x2)	A1289	EOL
Return	Nexus Broadcast Tower		EOL - \$225
Return	Custom Built Desktop for Nexus Tower		EOL - \$150
Return	LG Monitor in Case (x2)	LG L206WU	\$225
			<b>\$3,725</b>

2018 COMMUNITY REINVESTMENT AREA  
AGREEMENT

between

CITY OF NAPOLEON,  
OHIO

and

JAN MAR PROPERTIES, LLC

Dated

as of

XXX

## TABLE OF CONTENTS

Section 1.	Definitions.....	2
Section 2.	Interpretation.....	3
Section 3.	The Project.....	3
Section 4.	Enterprise’s Representation.....	4
Section 5.	City Obligations.....	4
Section 6.	Enterprise’s Covenants & Agreements.....	4
Section 7.	Exemptions.....	5
Section 8.	Annual Fee.....	5
Section 9.	Events of Default & Remedies.....	6
Section 10.	Notices & Payments.....	6
Section 11.	Miscellaneous.....	7

Appendix “A” – Application of the Enterprise for Exemptions

Appendix “B” – Improvements

Appendix “C” – The Real Property

Appendix “D” - Property Plat

This Community Reinvestment Area Agreement (the "Agreement") is made and entered into by and between the City of Napoleon, Ohio, a municipal corporation located at 255 W. Riverview Avenue, Napoleon, Ohio 43545 (the "City") and Jan Mar Properties, LLC., a limited liability corporation organized under the laws of Ohio, located at 582 Moorings Drive, Napoleon, Ohio 43545 (the "Enterprise"), under the circumstances summarized under the following recitals (capitalized words and terms used in the recitals and not otherwise defined shall have the meanings assigned to such words and terms in Section I of this Agreement):

WHEREAS, the City, by Resolution adopted on September 18, 2000, designated an area as a Community Reinvestment Act Zone pursuant to Ohio Revised Code Chapter 3735 and by Resolution, adopted on September 4, 2018, enlarging Community Reinvestment Area #6 (CRA #6); and,

WHEREAS, the Director of Development determined that CRA #6 so designated by the City contained the characteristics set forth in Ohio Revised Code Section 3735.66; and,

WHEREAS, the Director of Development on December 23, 2000 and November 5, 2018, certified the area as a community reinvestment area known as CRA #6; and,

WHEREAS, the City encourages the development of real property in CRA #6; and,

WHEREAS, the Enterprise desires to construct and install a Project in CRA #6 if incentives are available to support the economic viability of the Project; and,

WHEREAS, the City has the authority to exempt the Project from the real property taxes in accordance with Ohio Revised Code Chapter 3735; and,

WHEREAS, the Enterprise has submitted an application to the City through the City's agent for economic development, the Community Improvement Corporation of Henry County, Ohio (the "CIC"), for such tax exemptions, a copy of which is attached as Appendix "A" and is incorporated as part of this Agreement; and,

WHEREAS, the Enterprise has remitted to the City the required state application fee of \$750.00 made payable to the Ohio Department of Development to be forwarded to the Director of Development with a copy of this Agreement; and,

WHEREAS, the Housing Officer for CRA #6 for the City has investigated the application of the Enterprise and has recommended the same to the City of Napoleon Council on the basis that the Enterprise is qualified by financial responsibility and business experience; further, that in granting the CRA Agreement, new construction or remodeling will be made in CRA #6 which will serve to encourage economic stability, maintain real property values, and generate new employment opportunities; and,

WHEREAS, the determination of the tax incentive is calculated on the investment made in the construction of a commercial real estate development. The value of the improvements being determined by the Henry County Auditor; and,

WHEREAS, the Project is located in the Napoleon Area City School District and within Four County Career Center District; and,



WHEREAS, the Board of Education of the appropriate School District(s) required to be notified has been notified in accordance with Sections 3735.671 and 5709.83 of the Ohio Revised Code and has been given a copy of the Application with the stated percentages of the value of the real property to be exempted, an estimate of the true value of that property, and the number of years that property will be exempted; and,

WHEREAS, the School Board adopted a resolution (i) consenting to the Agreement; and, (ii) waiving the required notice period that the City may act on approval of the Agreement; and,

WHEREAS, pursuant to Section 3735.67(A) and in conformance with the format required under 3735.671(B) of the Ohio Revised Code, the parties hereto desire to set forth their Agreement with respect to matters hereinafter contained; and,

WHEREAS, the School Board has filed or will file a certified copy of its Resolution with the City; and,

NOW, THEREFORE, on the basis of the foregoing recitals and in consideration of the representations, agreements, and covenants of the City and the Enterprise contained in this Agreement, the City and the Enterprise agree as follows:

**Section 1.        Definitions.** In addition to words and terms defined elsewhere in this Agreement:

"Application" means an Application for Real Property Tax Exemption and Remission (Form DTE 24) and any successor form to that form.

"Area" means Community Reinvestment Act Zone 069-53550-01 Napoleon located in the City as certified by the Director of Development.

"City" means the City of Napoleon, Ohio

"County" means Henry County, Ohio.

"County Auditor" means the Auditor of Henry County, Ohio.

"Department of Development" means the Department of Development created pursuant to Ohio Revised Code Section 121.02.

"Director of Development" means the Director of the Department of Development.

"Enterprise" means the entity named in the application seeking the CRA Agreement, including its approved assigns and transferees.

"Facility" means the Enterprise's facilities located on the Real Property.

"Four County" means the Four County Career Center, a Joint Vocational School District under Ohio law whose school district boundaries encompass the Facility.

"Housing Officer" means the person or entity designated as the Housing Officer by the City for CRA #6.

"Improvements" means the improvements to the real property resulting from the Project, as more fully described in Appendix "B", incorporated into the Agreement by reference thereto.

"Lessee" [if applicable] means generally, the person, business, corporation, or other entity, that leases the facility from the Enterprise;

"Plat" means the plot of land on which the Project will be developed that is divided into separate lots as outlined in Appendix "D";

"Project" means the development of the Facility through the construction, acquisition, and installation of the Improvements.

"Project Completion Date" means December 31, 2024, even though the actual completion date may be earlier.

"Real Property" means the real property described in Appendix "C", incorporated into the Agreement by reference thereto.

"School Board" means the Board of Education of the School District.

"School District" means the Napoleon Area City School District.

"TIRC" means the Tax Incentive Review Council created pursuant to Ohio Revised Code Section 5709.85 and Napoleon City Council Resolution Numbers 106-00 and 119-00.

**Section 2. Interpretation.** Any reference in this Agreement to the City, or to other public bodies or entities, or their members, officers or employees, shall include those who succeed to their functions, duties or responsibilities by operation of law and those who at the time may legally act in their place.

Any reference to a section, chapter, division, paragraph or other provision of the Ohio Revised Code shall include that section, chapter, division, paragraph or other provision as from time to time amended, modified, supplemented, revised, or superseded.

Unless the context clearly otherwise indicates, words importing the singular number shall include the plural number, and vice versa; the terms "hereof", "hereby", "herein", "hereto", "hereunder" and similar terms refer to this Agreement; and the term "hereafter" means after, and the term "heretofore" means before the date of this Agreement. Words of any gender include the correlative words of the other genders. Reference to a "Section" or an "Appendix" is a reference to a Section of or an Appendix to this Agreement. All Appendix(s) is/are part of this Agreement.

The captions and headings in this Agreement are solely for convenience of reference and in no way define, limit or describe the scope or the intent of any Section.

**Section 3. The Project.** The Project will involve a total capital investment in real property currently estimated at \$7,000,000.00, plus or minus 10% in commercial development and new construction of thirty-four (34) individual residential villas between 1,350-1,580 square feet each.

(a) A description of all the investments to be made at the facility including: value of new real property shall be as in Appendices "A" and "B", incorporated into this Agreement by attachment hereto.

(b) The Project will commence by December 15, 2018 and all acquisition, construction, and installation of the Project will be completed by no later than December 31, 2024.

(c) The total investment of this construction project is greater than the (10%) of market value of the facility assets already owned at the site prior to such expenditures.

**Section 4. Enterprise's Representations.** The Enterprise certifies that:

(a) The Project, being commercial real-estate development, is to draw a residential interest in the Project and therefore sell said Project. Total creation of jobs is unavailable as it is dependent on contracting and sub-contracting for the duration of construction of the Project.

(b) The Enterprise currently has approximately one (1) full-time permanent employee, no part-time permanent employees and no temporary employees within the State of Ohio.

(c) It does not owe any delinquent real or tangible personal property taxes to any taxing authority or in the State of Ohio, and does not owe any delinquent taxes for which it is liable under Ohio Revised Code Chapters 5733, 5735, 5739, 5741, 5743, 5747 or 5753, or, if such delinquent taxes are owed, it currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against it. For purposes of this paragraph "delinquent taxes" are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

**Section 5. City Obligations.**

(a) The City shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

(b) If for any reason the City revokes the designation of CRA #6, the City shall continue to grant the entitlements under this Agreement for the number of years specified under this Agreement, unless the Enterprise materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation pursuant to this Agreement.

**Section 6: Enterprise's Covenants & Agreements.** The Enterprise covenants and agrees that:

(a) Regarding the construction and renovations, the Enterprise will make a minimum investment of \$7,000,000.00, plus or minus 10%.

(b) The Enterprise shall use its best efforts to employ, or cause the employment of, residents of the County for any new job opportunities created at the Facility during the duration of this Agreement.

(c) The Enterprise shall provide, or cause to be provided, to the TIRC any and all information requested by the TIRC that is reasonably necessary for the TIRC to evaluate the applicant's compliance with the Agreement, including returns filed pursuant to Section 5711.02 of the Ohio Revised Code if requested by the TIRC.

(d) The Enterprise shall pay such real and tangible personal property taxes on property located in the County that are not exempt pursuant to this Agreement, other tax abatement agreements, or by law. The Enterprise shall file all tax reports and returns required by law.

(e) The Enterprise shall file two copies of the Application with the County Auditor prior to the first year for which real property taxes on the Improvements would be taxable if the Improvements were not exempt from taxation pursuant to this Agreement. The Enterprise acknowledges that exemptions from real property taxes granted by this Agreement are not effective until an Application has been filed with the County Auditor and forwarded to the Ohio Department of Taxation.

(f) The Enterprise will perform such other acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain the exemptions granted by this Agreement, including, without limitation, executing documents and providing certifications required in connection with those exemptions.

(g) The Enterprise has made no false statements to the City, the School District, or the State of Ohio in the process of obtaining the exemptions granted by this Agreement.

#### **Section 7. Exemptions.**

(a) The City, with consent of the School District and upon notification to the Four County, hereby grants the Enterprise a 50% exemption, pursuant to Section 3735.67 of the Ohio Revised Code for eligible real property, from real property taxes for a period of 10 years for the Improvements.

(b) The description of the specific real property to be exempted is as described in Appendices "A", "B" and "C".

(c) The Plat on which the Project will be developed is attached as Appendix "D" and the exemption shall apply to each individual lot as it is developed.

(d) The exemption commences the first year for which the real property on each individual platted lot that is developed would first be taxable were that property not exempted from taxation. No exemption shall commence after January 1, 2025, nor shall extend beyond December 31, 2035. The maximum investment for the Improvements to qualify for the exemption granted in this paragraph is \$7,000,000.00.

(f) The exemption shall be transferable to a new property owner of each individual platted lot that is developed and shall be reviewed and approved by the Housing Officer before or at the time of transfer. The Project shall be reviewed by the TIRC as one Project CRA Agreement, not as individual Agreements as lots are sold and exemptions are transferred.

(e) The Enterprise shall pay such real and tangible personal property taxes as are not exempted under this Agreement and are charged against such property and shall file all tax reports and returns as required by law.

#### **Section 8. Annual Fee.**

The Enterprise shall pay an annual fee equal to the greater of one percent of the dollar value of the incentives offered by this Agreement or \$500; provided, however, if the value of the incentives exceed \$250,000, the fee shall not exceed \$2,500.

The City or its agent shall calculate the amount of the fee and shall mail an invoice for the fee to the Enterprise on or before September 15 of each year within which any taxes are abated pursuant to this Agreement. The invoice shall be paid by the Enterprise to the City or its agent within the thirty (30) days immediately following the invoice date.

The Annual Fee shall apply to each new property owner as a fixed amount of \$50 and shall be incorporated into the invoicing method outlined in Section 9 of this Agreement.

**Section 9. Events of Default and Remedies.** The occurrence of any of the following shall be considered an Event of Default by the Enterprise under this Agreement.

(a) If the Enterprise materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement is fraudulent, the City may terminate or modify the exemptions from taxation granted under this Agreement, and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this Agreement; further, the City may, at its option, secure repayment of such taxes by a lien on the exempted property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on the real property.

(b) Exemptions from taxation granted under this Agreement shall be revoked if it is determined that the Enterprise, any successor enterprise, or any related member (as those terms are defined in Section 3735.671 of the Ohio Revised Code) has violated the prohibitions against entering into this Agreement under Division (E) of Section 3735.671 or Section 5709.62 or 5709.63 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections.

(c) If the Enterprise fails to pay such taxes or files such returns and reports as required by law concerning this exemption, exemptions from taxation granted under this Agreement shall be rescinded beginning with the year for which such taxes are charged or such reports are required to be filed and thereafter.

(d) If the Enterprise fails to provide information requested by the TIRC or to file copies of all Applications with the TIRC, then this Agreement may be terminated.

(e) The minimum investment for the Improvements is less than that stated in Section 6 after the Project completion date, then this Agreement may be terminated.

(f) The Enterprise made material false statements to the City in the process of obtaining the exemptions granted by this Agreement, then this Agreement may be terminated.

(g) The Enterprise fails to pay the annual fee required by Section 8, or any of the compensation payments required by Section 9, then this Agreement may be terminated.

**Section 10. Notices & Payments.** All notices required by this Agreement shall be in writing and either mailed by first class U.S. mail, postage prepaid, addressed to the person or persons to be so notified or delivered by personal delivery to such person. Notice shall be deemed given on the earlier of the day the notice is mailed or personally delivered.

Payments must be received by the person entitled to payment on or before the date specified in this Agreement.



All notices and applicable payments shall be delivered to the following addresses;  
original payments from Enterprise to the City shall be mailed to the City:

- |                             |   |
|-----------------------------|---|
| (a) To the City:            | City of Napoleon, Ohio<br>c/o City Manager<br>255 West Riverview<br>Napoleon, Ohio 43545                      |
| With a Copy to:             | Henry County CIC<br>c/o Executive Director<br>104 East Washington Street<br>Suite 301<br>Napoleon, Ohio 43545 |
| (b) To the Enterprise:      | Jan Mar Properties, LLC<br>Mrs. Suzette Gerken<br>582 Moorings Drive<br>Napoleon, Ohio 43545                  |
| (c) To the County Auditor:  | Auditor<br>County of Henry, Ohio<br>660 N. Perry Street<br>Napoleon, Ohio 43545                               |
| (d) To the School District: | Napoleon Area City School District<br>c/o Treasurer<br>701 Briarheath Ave.<br>Napoleon, Ohio 43545            |
| (e) To Four County:         | Four County Career Center<br>c/o Superintendent<br>22-900 State Route 34<br>Archbold, Ohio 43502              |
| (f) To the TIRC:            | Henry County CIC<br>c/o Executive Director<br>104 East Washington St.<br>Suite 301<br>Napoleon, Ohio 43545    |

**Section 11. Miscellaneous.**

(a) The Enterprise shall provide to the proper TIRC any information reasonably required by the TIRC to evaluate the applicant's compliance with the Agreement, including returns filed pursuant to Section 5711.02 of the Ohio Revised Code if requested by the TIRC.

(b) If for any reason the CRA #6 designation expires, or the Director of Development revokes the certification of CRA #6, or the City revokes the designation of CRA #6, the exemptions granted by this Agreement shall continue as provided in this Agreement.

(c) No individual shall be denied employment at the Facility on the basis of race, religion, gender, disability, color, national origin, or ancestry.

(d) This Agreement is not transferable or assignable without the written consent of the City, and the Enterprise acknowledges that the City may not give that consent if the School District objects to any transfer or assignment; however, the exemptions provided in this Agreement may be applicable and assignable (upon notice to the City) to entities that are directly and immediately related to the Enterprise that may already have indirect ownership of the property subject to the exemption, without prior written approval from the City.

(e) This Agreement may be executed in any number of counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same instrument.

(f) This Agreement shall be deemed to be a contract made under the laws of the State of Ohio and for all purposes shall be governed by and in accordance with the laws of the State of Ohio.

(g) Any legal action regarding this Agreement shall be filed in the Court of Common Pleas of Henry County, Ohio, or, in case of Bankruptcy, the appropriate Bankruptcy Court.

(h) The Enterprise acknowledges that this Agreement must be approved by formal action of the City Council of Napoleon, Ohio as a condition for the Agreement to take effect. This Agreement takes effect upon such approval and upon execution by the parties.

(i) In the event that any part or provision of this Agreement is held invalid or void by a court of competent jurisdiction, only that part or provision shall be invalid or void and the parts or provisions not held invalid or void shall remain in full force.

(j) This Agreement shall be construed as mutually drafted by the parties.

(k) Time is of the essence.

(l) The Enterprise expressly agrees to waive and forego its rights to appeal the Auditor's determination on the value of the investment stated in this Agreement.

(m) The preamble of this Agreement shall be incorporated into this Agreement as part thereof.

(n) Any obligation of the City to pay money under this Agreement is subject to appropriation of funds by the City.

IN WITNESS WHEREOF, the City and the Enterprise have caused this Agreement to be executed on their behalf by their respective duly authorized officer or representative, all as of and effective upon the date printed on the cover page of this Agreement.

**AGREED TO:**

**CITY OF NAPOLEON, OHIO**

By \_\_\_\_\_  
City Manager

**JAN MAR PROPERTIES, LLC.**

By: \_\_\_\_\_  
Suzette Gerken, President

**CONSENTED TO:  
DISTRICT**

**NAPOLEON AREA CITY SCHOOL**

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

APPROVED AS TO FORM AND CORRECTNESS:

\_\_\_\_\_  
Prosecuting Attorney

**Appendix "A"**

**APPLICATION CRA**

(POST-1994)

ATTACHED

## **Appendix "B"**

### **THE IMPROVEMENTS**

The Project will involve a total capital investment in real property currently estimated at \$7,000,000.00, plus or minus 10% in commercial development and new construction of thirty-four (34) individual residential villas between 1,350-1,580 square feet each located on parcel #:41-1401420000, 700 Clairmont Avenue, Napoleon, Ohio.



## Appendix "C"

### REAL PROPERTY DESCRIPTION

CONTAINING: 2.70 acres of land

Tax Parcel # 41-0100260200

Township: Napoleon

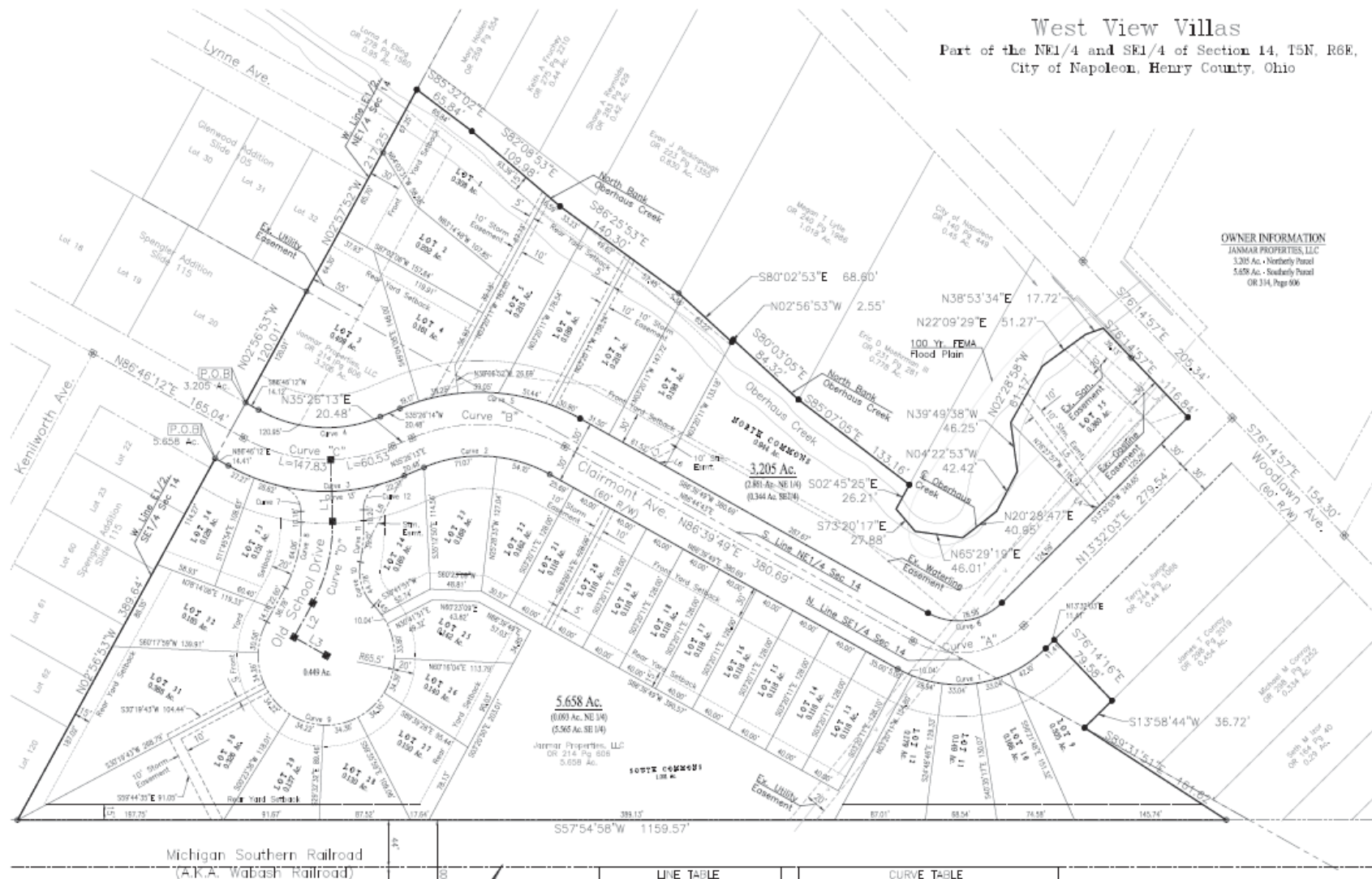
Current Year 35% Taxable Values	
Land	17460
Building	43950
Total	61410
Original Parcel	070100260000

**Appendix “D”**  
**PROPERTY PLAT**

# West View Villas

Part of the NE1/4 and SE1/4 of Section 14, T5N, R6E,  
City of Napoleon, Henry County, Ohio

**OWNER INFORMATION**  
JANMAR PROPERTIES, LLC  
3.205 Ac. - Northern Parcel  
5.658 Ac. - Southern Parcel  
OR 314, Page 906



## LEGEND

- Monument Box Found
- Monument Set
- Iron Pin Found (5/8" Dia.)
- Iron Pin Set (5/8" Dia. 30")
- 1st Lot Corners To be Marked With Iron Pin Set (5/8" Dia. 30")
- Existing Cornerline
- Contourline
- Existing Property Line
- Proposed Property Line
- Proposed Easement
- Existing Right-Of-Way
- Proposed Right-Of-Way
- Section Line

GRAPHIC SCALE



## LINE TABLE

Line	Bearing	Length
L1	S33°32'00"E	58.19'
L2	S02°56'53"E	36.78'
L3	N87°03'07"E	35.50'
L4	N43°13'53"E	82.58'
L5	S89°39'20"W	122.02'
L6	S89°39'20"W	122.02'
L7	N31°03'53"E	22.75'
L8	N02°28'36"E	82.58'

## CURVE TABLE

Curve	Length	Radius	Delta	Chord
A	114.87'	80.00'	73°07'46"	S02°05'56"W 102.23'
B	191.89'	170.00'	50°13'36"	S61°03'01"W 146.88'
C	147.83'	160.00'	67°18'39"	S81°06'12"W 142.93'
D	80.87'	190.00'	30°38'07"	S18°14'27"E 78.19'
E	183.16'	120.00'	73°07'46"	S62°05'56"E 142.92'
F	125.17'	140.00'	67°18'39"	S81°06'12"E 121.04'
G	174.71'	195.00'	57°18'59"	N81°06'12"E 168.07'
H	120.06'	135.00'	50°19'59"	S61°06'12"W 114.00'
I	179.81'	200.00'	50°13'36"	S61°03'01"W 172.02'
J	28.58'	60.00'	73°07'46"	S62°05'56"W 71.48'
K	32.96'	25.00'	79°31'53"	S71°17'57"E 30.62'
L	84.08'	120.00'	30°38'07"	S18°14'27"E 63.30'
M	261.68'	65.00'	265°08'52"	S49°28'41"W 103.83'
N	44.16'	45.00'	57°07'48"	N49°35'21"E 43.95'
O	39.12'	180.00'	12°27'03"	N27°18'20"W 39.04'
P	32.95'	25.00'	79°30'48"	N64°15'24"E 30.62'
Q	88.55'	195.00'	28°57'18"	S56°27'28"W 97.50'

**PETERMAN**  
ASSOCIATES, INC.

• ARCHITECTS • ENGINEERS • SURVEYORS •  
CORPORATE OFFICE  
3435 N. Elm Street  
Napoleon, Ohio 43540  
Phone: (419) 482-9470  
Fax: (419) 482-9488

PAI Job #18-0280

LEGAL DESCRIPTION  
NORTHERLY PARCEL

Situated in the City of Napoleon, County of Henry, State of Ohio, being part of the Northeast 1/4 and Southeast 1/4 of Section 14, T5N, R6E, a tract of land bounded and described as follows:

Beginning at the intersection of the West line of the East 1/2 of said Southeast 1/4 of Section 14 with the north right-of-way line Claimont Avenue (60' R/W) as dedicated in Slide 3548 of the Henry County Plat Records, also being the southeasterly corner of Lot 20 as platted in the Spengler Addition to Napoleon Ohio, as recorded in Slide 115 of the Henry County Plat Records;

thence along said West line of the East 1/2 of the Southeast 1/4 of Section 14, N02°56'53"W, a distance of 120.01 feet to a 5/8" iron pin found marking the northeast corner of said Lot 20 and being on the North line of said East 1/2 of the Southeast 1/4 of Section 14;

thence with the West line of the East 1/2 of the Northeast 1/4 of Section 14 and the East line of Glenwood Addition as recorded in Slide 105 of the Henry County Plat Records, N02°57'52"W, a distance of 217.25 feet to an iron pin set on the northerly bank of Oberhaus Creek, as described in Official Record Volume 223, Page 1355, Henry County Deed Records;

thence along the northerly bank of Oberhaus Creek, as described in Official Record Volume 223, Page 1355 of the Henry County Deed Records, the following courses;

thence, S85°32'02"E, a distance of 65.84 feet to an iron pin set;

thence, S82°08'53"E, a distance of 109.98 feet to an iron pin set;

thence, S86°25'53"E, a distance of 140.30 feet to an 5/8" iron pin found;

thence, S80°02'53"E, a distance of 68.60 feet to an iron pin set marking the intersection of a westerly line of a tract of land as described in Official Record Volume 240, Page 1986, Henry County Deed Records;

thence along said westerly line N02°56'53"W, a distance of 2.55 feet to an iron pin set on the northerly bank of Oberhaus Creek;

thence along the northerly bank of Oberhaus Creek for the following courses;

thence, S80°03'05"E, a distance of 84.32 feet to an iron pin set;

thence, S85°07'05"E, a distance of 133.16 feet to an iron pin set on the westerly line of 0.45 acre tract of land as described in Official Record Volume 140, Page 449, Henry County Deed Records;

thence leaving said northerly bank and along said westerly line, S02°45'25"E, a distance of 26.21 feet to the intersection of the centerline of Oberhaus Creek, as it now exists, said centerline of Oberhaus Creek also being the southeast corner of said 0.45 acre tract;

thence along the centerline of Oberhaus Creek and the Southeasterly line of said 0.45 acre tract the following courses;

thence, S73°20'17"E, a distance of 27.88 feet;

thence, N65°29'19"E, a distance of 46.01 feet;

thence, N20°28'47"E, a distance of 40.95 feet;

thence, N04°22'53"W, a distance of 42.42 feet;

thence, N39°49'38"W, a distance of 46.25 feet;

thence, N02°28'58"W, a distance of 61.17 feet;

thence, N22°09'29"E, a distance of 51.27 feet;

thence, N38°53'34"E, a distance of 17.72 feet to the southerly right-of-way Woodlawn Avenue (60' R/W);

thence along the southerly right-of-way of Woodlawn Avenue, S76°14'57"E, a distance of 116.84 feet to an iron pin set marking the intersection of the southerly right-of-way of Woodlawn Avenue and westerly right-of-way of the aforementioned Claimont Avenue, passing a 5/8" iron pin found at 39.13 feet,

thence along the along the northerly and westerly right-of-way Claimont Avenue the following courses:

thence, S13°32'03"W, a distance of 249.65 feet to an iron pin set marking a point of curvature;

thence in a southwesterly direction, along a curve to the right, having a radius of 80.00 feet, a central angle of 73°07'46", and a length of curve of 78.58 feet, the chord of said curve bearing S50°05'56"W, a distance of 71.49 feet to an iron pin set marking a point of tangency;

thence, S86°39'49"W, a distance of 380.69 feet to an iron pin set marking a point of curvature;

thence in a southwesterly direction, along a curve to the left, having a radius of 200.00 feet, a central angle of 51°13'36", and a length of curve of 178.81 feet, the chord of said curve bearing S61°03'01"W, a distance of 172.92 feet to a 5/8" iron pin found marking a point of tangency;

thence, S35°26'13"W, a distance of 20.48 feet to a 5/8" iron pin found marking a point of curvature;

thence in a southwesterly direction, along a curve to the right, having a radius of 135.00 feet, a central angle of 51°19'59", and a length of curve of 120.95 feet, the chord of said curve bearing S61°06'12"W, a distance of 116.95 feet to a 5/8" iron pin found marking a point of tangency;

thence, S86°46'12"W, a distance of 14.12 feet to the Point of Beginning containing 3.205 acres of land more or less, of which 2.861 acres of land lies within the Northeast 1/4 of Section 14 and 0.344 acres of land lies within the Southeast 1/4 of Section 14, subject to all prior easements of record.

SOUTHERLY PARCEL

Situated in the City of Napoleon, County of Henry, State of Ohio, being part of the Northeast 1/4 and Southeast 1/4 of Section 14, T5N, R6E, a tract of land bounded and described as follows:

Beginning at a 5/8" iron pin found marking the intersection of the West line of the East 1/2 of said Southeast 1/4 of Section 14 with the southerly right-of-way of Claimont Avenue (60' R/W) as dedicated in Slide 3548 of the Henry County Plat Records,

thence along said southerly right-of-way of Claimont Avenue, N86°46'12"E, a distance of 14.41 feet to a 5/8" iron pin found marking a point of curvature;

the continuing along said southerly right-of-way of Claimont Avenue for the following courses:

thence in a northeasterly direction, along a curve to the left having a radius of 195.00 feet, a central angle of 51°19'59", and a length of curve of 174.71 feet, the chord of said curve bearing N61°06'12"E, a distance of 168.92 feet to a 5/8" iron pin found marking a point of tangency;

thence, N35°26'13"E, a distance of 20.48 feet to a 5/8" iron pin found marking a point of curvature;

thence in a northeasterly direction, along a curve to the right, having a radius of 140.00 feet, a central angle of 51°13'36", and a length of curve of 125.17 feet, the chord of said curve bearing N61°03'01"E, a distance of 121.04 feet to a 5/8" iron pin found marking a point of tangency;

thence, N86°39'49"E, a distance of 380.69 feet to a 5/8" iron pin found marking a point of curvature;

thence in a northeasterly direction, along a curve to the left, having a radius of 120.00 feet, a central angle of 73°07'46", and a length of curve of 153.16 feet, the chord of said curve bearing N50°05'56"E, a distance of 142.97 feet to an iron pin set marking a point of tangency;

thence, N13°32'03"E, a distance of 11.41 feet to an iron pin set marking the southwest corner of a 0.44 acre tract of land as described Official Record Volume 244, Page 1068 of the Henry County Official Records;

thence leaving said right-of-way and along the south line of said 0.44 acre tract, S76°14'16"E, a distance of 79.58 feet to an iron pin set marking the southeast corner of said 0.44 acre tract and being on the west line of a 0.454 acre tract of land as described in Official Record Volume 298, Page 2019 of the Henry County Official Records;

thence along the west line of said 0.454 tract, S13°58'44"W, a distance of 36.72 feet to an iron pin set marking the southwest corner of said tract, also being on the North line of said Southeast 1/4 of Section 14;

thence along the north line of a 5.658 acre tract of land described in Official Record Volume 314, Page 806 of the Henry County Official Records, S89°31'51" E a distance of 161.62 feet to a 5/8" iron pin found marking the northeasterly corner of said 5.565 acre tract and on the northerly right-of-way of the Michigan Southern Railroad, also known as the Wabash Railroad;

thence with the northerly right-of-way of the Michigan Southern Railroad, S87°54'58"W, a distance of 1159.57 feet to a 5/8" iron pin found marking the intersection of said northerly right-of-way line with the West line of the East 1/2 of the Southeast 1/4 of Section 14, also being the east line of the Spengler Addition as recorded in Slide 115 of the Henry County Plat Records;

thence along said West line and East line of said Spengler Addition, N02°56'53"W, a distance of 389.64 feet to the Point of Beginning containing 5.858 acres of land, more or less, of which 5.565 acres lies within the Southeast 1/4 of Section 14 and 0.093 acres of land lies within the Northeast 1/4 of Section 14, subject to all prior easements of record;

Henry County Auditor

I, the Henry County Auditor, do hereby certify that there are no unpaid taxes on the property herein and certify the same for transfer. Transferred this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Henry County Auditor

Henry County Recorder

Filed for record this \_\_\_\_ day of \_\_\_\_\_, 2008 at \_\_\_\_ o'clock \_\_\_\_ m. and recorded in Plat Cabinet \_\_\_\_ Slide \_\_\_\_.

\_\_\_\_\_  
Henry County Recorder

City of Napoleon Council

Under authority provided by Ohio R.C. Chapter 711 and Chapter 1105 of the Napoleon Codified Ordinances, the plat is hereby approved by the City Council of the City of Napoleon.

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Attest: Clerk of Council

City of Napoleon Planning Commission

Under authority provided by Ohio R.C. Chapter 711 and Chapter 1105 of the Napoleon Codified Ordinances, the plat is hereby approved by the Planning Commission of the City of Napoleon.

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

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Clerk of Council

City of Napoleon Engineer

In accordance with Ohio R.C. 711.08, the undersigned, being the Engineer for the City of Napoleon, Ohio hereby certifies that the streets as laid out on the plat of such addition corresponds with those laid out on the recorded plats of the Planning Commission.

\_\_\_\_\_  
City of Napoleon Engineer

Owners Certificate

The undersigned, \_\_\_\_\_ owners

of the real estate described herein, do hereby dedicate to the City of Napoleon all rights of way, streets, alleys, easements or other areas described or indicated as dedicated on the plat.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

STATE OF OHIO )  
COUNTY OF \_\_\_\_\_ )

Before me, a Notary Public in and for said County and State, personally appeared the above owners of the lands shown hereon, and that the signing of the above certificate is their own free act and deed for the uses and purposes therein expressed.

In witness thereof, this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Notary Public

Surveyor's Certificate

I hereby certify that this plat represents a survey made by me, and that the specified monumentation shown hereon actually exists, and its location is correctly shown.

\_\_\_\_\_  
Nick E. Nigh, Reg. Surveyor #7384  
Peterman Associates, Inc.

\_\_\_\_\_  
Dated

Appendix "A" Attachment

**PROPOSED AGREEMENT** for Community Reinvestment Area Tax Incentives between the  
(local legislative authority) located in the County of Henry and  
(property owner) \_\_\_\_\_.

1. a. Name of property owner, home or main office address, contact person, and telephone number (attach additional pages if multiple enterprise participants).

Jan Mar Properties LLC  
Enterprise Name  
582 Moorings Dr  
Napoleon, OH 43545  
Address

Suzette Gerken  
Contact Person  
419-438-1172  
Telephone Number

- b. Project site:

700 Clairmont  
Napoleon, OH 43545  
Address

Suzette Gerken  
Contact Person  
419-438-1172  
Telephone Number

2. a. Nature of commercial/industrial activity (manufacturing, warehousing, wholesale or retail stores, or other) to be conducted at the site.

Commercial Construction of new residential housing

- b. List primary 6 digit North American Industry Classification System (NAICS) # \_\_\_\_\_

Business may list other relevant SIC  
numbers. \_\_\_\_\_

- c. If a consolidation, what are the components of the consolidation? (must itemize the location, assets, and employment positions to be transferred: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



d. Form of business of enterprise (corporation, partnership, proprietorship, or other).

Jan Max Properties LLC

3. Name of principal owner(s) or officers of the business.

Shirley Gibson Pres.

4. a. State the enterprise's current employment level at the proposed project site:

0

b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? Yes \_\_\_ No X

c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:

N/A

d. State the enterprise's current employment level in Ohio (itemized for full and part-time and permanent and temporary employees):

1

e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets:

N/A

f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated?

N/A

5. Does the Property Owner owe:

a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?

Yes \_\_\_ No X

b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State? Yes ☐ No ☒

c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not?  
Yes ☐ No ☒

d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers (add additional sheets).

6. Project Description: 34 units - VIAs - 1350-1580 sq ft. each  
1 single family home - 2000-2500 sq ft.  
All new construction -

7. Project will begin Nov, 2018 and be completed end of, 2023  
provided a tax exemption is provided.

8. a. Estimate the number of new employees the property owner will cause to be created at the facility that is the project site (job creation projection must be itemized by the name of the employer, full and part-time and permanent and temporary):

20-25 new permanent jobs

b. State the time frame of this projected hiring: 4-5 yrs.

c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees): Start of 2019

9. a. Estimate the amount of annual payroll such new employees will add \$ \*  
(new annual payroll must be itemized by full and part-time and permanent and temporary new employees).

\* Job creation will be through Janvar Properties contracting and subcontracting.

b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: \$ \_\_\_\_\_

10. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:

A. Acquisition of Buildings:	\$ 0
B. Additions/New Construction:	\$ 7,000,000.-
C. Improvements to existing buildings:	\$ 0
D. Machinery & Equipment:	\$ n/a
E. Furniture & Fixtures:	\$ n/a
F. Inventory:	\$ n/a
Total New Project Investment:	\$ 7,000,000.-

11. a. Business requests the following tax exemption incentives: 100 % for 10 years covering real property as described above. Be specific as to the rate, and term.

- b. Business's reasons for requesting tax incentives (be quantitatively specific as possible)

to promote affordable new construction  
in Napoleon, Ohio

Submission of this application expressly authorizes City of Napoleon to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item # 5 and to review applicable confidential records. As part of this application, the property owner may also be required to directly request from the Ohio Department of Taxation, or complete a waiver form allowing the Department of Taxation to release specific tax records to the local jurisdiction considering the request.

The Applicant agrees to supply additional information upon request.

The Applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C) (1) and 2921.13(D) (1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefits as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

Open Mark Properties LLC  
Name of Property Owner

10-18-18  
Date

Suzette Gerken  
Signature

Suzette Gerken, Pres.  
Typed Name and Title

\* A copy of this proposal must be forwarded by the local governments to the affected Board of Education along with notice of the meeting date on which the local government will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the legislative authorities considering the request.

\*\* Attach to Final Community Reinvestment Area Agreement as Exhibit A

Please note that copies of this proposal must be included in the finalized Community Reinvestment Area Agreement and be forwarded to the Ohio Department of Taxation and the Ohio Development Services Agency within fifteen (15) days of final approval.

2018 COMMUNITY REINVESTMENT AREA  
AGREEMENT

between

CITY OF NAPOLEON,  
OHIO

and

MSG INVESTMENTS, LTD.

Dated

as of

XXXXXX



## TABLE OF CONTENTS

Section 1.	Definitions.....	2
Section 2.	Interpretation.....	3
Section 3.	The Project.....	4
Section 4.	Enterprise’s Representation.....	4
Section 5.	City Obligations.....	4
Section 6.	Enterprise’s Covenants & Agreements.....	5
Section 7.	Exemptions.....	5
Section 8.	Annual Fee.....	6
Section 9.	Events of Default & Remedies.....	6
Section 10.	Notices & Payments.....	7
Section 11.	Miscellaneous.....	8

Appendix “A” – Application of the Enterprise for Exemptions

Appendix “B” – Improvements

Appendix “C” – The Real Property

This Community Reinvestment Area Agreement (the "Agreement") is made and entered into by and between the City of Napoleon, Ohio, a municipal corporation located at 255 W. Riverview Avenue, Napoleon, Ohio 43545 (the "City") and MSG Investments, Ltd., a limited liability company organized under the laws of Ohio, located at 1045 N. Main St., Suite 7B, Bowling Green, Ohio 43402 (the "Enterprise"), under the circumstances summarized under the following recitals (capitalized words and terms used in the recitals and not otherwise defined shall have the meanings assigned to such words and terms in Section I of this Agreement):

WHEREAS, the City by Resolution, adopted on September 18, 2000, designated an area as a Community Reinvestment Area pursuant to Ohio Revised Code Chapter 3735 and Resolution, adopted on September 4, 2018, enlarging Community Reinvestment Area #6 (CRA #6); and,

WHEREAS, the Director of Development determined that CRA #6 so designated by the City contained the characteristics set forth in Ohio Revised Code Section 3735.66; and,

WHEREAS, the Director of Development on December 23, 2000 and November 5, 2018, certified the area as a community reinvestment area known as "CRA #6"; and,

WHEREAS, the City encourages the development of real property in CRA #6; and,

WHEREAS, the Enterprise desires to construct and install a Project at the Facility in CRA #6 if incentives are available to support the economic viability of the Project; and,

WHEREAS, the City has the authority to exempt the Project from the real property taxes in accordance with Ohio Revised Code Chapter 3735; and,

WHEREAS, the Enterprise has submitted an application to the City through the City's agent for economic development, the Community Improvement Corporation of Henry County, Ohio (the "CIC"), for such tax exemptions, a copy of which is attached as Appendix "A" and is incorporated as part of this Agreement; and,

WHEREAS, the Enterprise has remitted to the City the required state application fee of \$750.00 made payable to the Ohio Department of Development to be forwarded to the Director of Development with a copy of this Agreement; and,

WHEREAS, the Housing Officer for CRA #6 for the City has investigated the application of the Enterprise and has recommended the same to the City of Napoleon Council on the basis that the Enterprise is qualified by financial responsibility and business experience; further, that in granting the CRA Agreement, new construction or remodeling will be made in CRA #6 which will serve to encourage economic stability, maintain real property values, and generate new employment opportunities; and,

WHEREAS, the determination of the tax incentive is calculated on the investment made in the construction of a multi-family leasing development consisting of twenty-four (24) residential units. The value of the improvements being determined by the Henry County Auditor; and,

WHEREAS, the Project is located in the Napoleon Area City School District and within Four County Career Center District; and,

WHEREAS, the Board of Education of the appropriate School District(s) required to be notified has been notified in accordance with Sections 3735.671 and 5709.83 of the Ohio Revised Code and has been given a copy of the Application with the stated percentages of the value of the real property to be exempted, an estimate of the true value of that property, and the number of years that property will be exempted; and,

WHEREAS, the School Board adopted a resolution (i) consenting to the Agreement; and, (ii) waiving the required notice period that the City may act on approval of the Agreement; and,

WHEREAS, pursuant to Section 3735.67(A) and in conformance with the format required under 3735.671(B) of the Ohio Revised Code, the parties hereto desire to set forth their Agreement with respect to matters hereinafter contained; and,

WHEREAS, the School Board has filed or will file a certified copy of its Resolution with the City; and,

NOW, THEREFORE, on the basis of the foregoing recitals and in consideration of the representations, agreements, and covenants of the City and the Enterprise contained in this Agreement, the City and the Enterprise agree as follows:

**Section 1.        Definitions.** In addition to words and terms defined elsewhere in this Agreement:

"Application" means an Application for Real Property Tax Exemption and Remission (Form DTE 24) and any successor form to that form.

"Area" means Community Reinvestment Area Zone 069-53550-01 Napoleon located in the City as certified by the Director of Development.

"City" means the City of Napoleon, Ohio

"County" means Henry County, Ohio.

"County Auditor" means the Auditor of Henry County, Ohio.

"Department of Development" means the Department of Development created pursuant to Ohio Revised Code Section 121.02.

"Director of Development" means the Director of the Department of Development.

"Enterprise" means the entity named in the application seeking the CRA Agreement, including its approved assigns and transferees.

"Facility" means the Enterprise's facilities located on the Real Property.

"Four County" means the Four County Career Center, a Joint Vocational School District under Ohio law whose school district boundaries encompass the Facility.

"Housing Officer" means the person or entity designated as the Housing Officer by the City for CRA #6.

"Improvements" means the improvements to the real property resulting from the Project, as more fully described in Appendix "B", incorporated into the Agreement by reference thereto.

"Lessee" [if applicable] means generally, the person, business, corporation, or other entity, that leases the facility from the Enterprise;

"Project" means the development of the Facility through the construction, acquisition, and installation of the Improvements.

"Project Completion Date" means April 30, 2019, even though the actual completion date may be earlier.

"Real Property" means the real property described in Appendix "C", incorporated into the Agreement by reference thereto.

"School Board" means the Board of Education of the School District.

"School District" means the Napoleon Area City School District.

"TIRC" means the Tax Incentive Review Council created pursuant to Ohio Revised Code Section 5709.85 and Napoleon City Council Resolution Numbers 106-00 and 119-00.

**Section 2. Interpretation.** Any reference in this Agreement to the City, or to other public bodies or entities, or their members, officers or employees, shall include those who succeed to their functions, duties or responsibilities by operation of law and those who at the time may legally act in their place.

Any reference to a section, chapter, division, paragraph or other provision of the Ohio Revised Code shall include that section, chapter, division, paragraph or other provision as from time to time amended, modified, supplemented, revised, or superseded.

Unless the context clearly otherwise indicates, words importing the singular number shall include the plural number, and vice versa; the terms "hereof", "hereby", "herein", "hereto", "hereunder" and similar terms refer to this Agreement; and the term "hereafter" means after, and the term "heretofore" means before the date of this Agreement. Words of any gender include the correlative words of the other genders. Reference to a "Section" or an "Appendix" is a reference to a Section of or an Appendix to this Agreement. All Appendix(s) is/are part of this Agreement.

The captions and headings in this Agreement are solely for convenience of reference and in no way define, limit or describe the scope or the intent of any Section.

**Section 3. The Project.** The Project will involve a total capital investment in real property currently estimated at \$1,650,000.00, plus or minus 10% in development of new construction of a multi-family leasing development consisting of twenty-four (24) residential units, approximate size being 16,980 square feet, and appurtenances at the site located on parcel #:41-119045.0180, Trail Drive, Napoleon, Ohio.

(a) A description of all the investments to be made at the facility including: value of new real property shall be as in Appendix(s) "A" and "B", incorporated into this Agreement by attachment hereto.

(b) The Project will commence by September 1, 2018 and all acquisition, construction, and installation of the Project will be completed by April 30, 2019.

(c) The total investment of this construction project is greater than the (10%) of market value of the facility assets already owned at the site prior to such expenditures.

**Section 4. Enterprise's Representations.** The Enterprise certifies that:

(a) Enterprise currently has no full-time permanent employees, no part-time permanent employees and no temporary employees within the State.

(b) The Project shall create job(s) for one (1) full-time permanent employee, no new part-time permanent, no new full-time temporary employees and no new part-time temporary employee at the Facility upon completion of the Project. The schedule for hiring the new employee at the Facility is immediate upon completion of Project.

(c) The number of employees will result in approximately \$35,000.00, plus or minus 25% of additional payroll at the Facility following completion of the Project.

(d) The Enterprise does not owe any delinquent real or tangible personal property taxes to any taxing authority or in the State of Ohio, and does not owe any delinquent taxes for which it is liable under Ohio Revised Code Chapters 5733, 5735, 5739, 5741, 5743, 5747 or 5753, or, if such delinquent taxes are owed, it currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against it. For purposes of this paragraph "delinquent taxes" are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

#### **Section 5. City Obligations.**

(a) The City shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

(b) If for any reason the City revokes the designation of CRA #6, the City shall continue to grant the entitlements under this Agreement for the number of years specified under this Agreement, unless the Enterprise materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation pursuant to this Agreement.

#### **Section 6: Enterprise's Covenants & Agreements.** The Enterprise covenants and agrees that:

(a) Regarding the construction, the Enterprise will make a minimum investment of \$1,650,000.00, plus or minus 10%.

(b) The Enterprise shall use its best efforts to employ, or cause the employment of, residents of the County for any new job opportunities created at the Facility during the duration of this Agreement.

(c) The Enterprise shall provide, or cause to be provided, to the TIRC any and all information requested by the TIRC that is reasonably necessary for the TIRC to evaluate the applicant's compliance with the Agreement, including returns filed pursuant to Section 5711.02 of the Ohio Revised Code if requested by the TIRC.

(d) The Enterprise shall pay such real and tangible personal property taxes on property located in the County that are not exempt pursuant to this Agreement, other tax abatement agreements, or by law. The Enterprise shall file all tax reports and returns required by law.

(e) The Enterprise shall file two copies of the Application with the County Auditor prior to the first year for which real property taxes on the Improvements would be taxable if the Improvements were not exempt from taxation pursuant to this Agreement. The Enterprise acknowledges that exemptions from real property taxes granted by this Agreement are not effective until an Application has been filed with the County Auditor and forwarded to the Ohio Department of Taxation.



(f) The Enterprise will perform such other acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain the exemptions granted by this Agreement, including, without limitation, executing documents and providing certifications required in connection with those exemptions.

(g) The Enterprise has made no false statements to the City, the School District, or the State of Ohio in the process of obtaining the exemptions granted by this Agreement.

**Section 7. Exemptions.**

(a) The City, with consent of the School District and upon notification to the Four County, hereby grants the Enterprise a 50% exemption, pursuant to Section 3735.67 of the Ohio Revised Code for eligible real property, from real property taxes for a period of 10 years for the Improvements.

(b) The description of the specific real property to be exempted is as described in Appendix(s) "A", "B" and "C".

(c) The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation. No exemption shall commence after January 1 2020, nor shall extend beyond December 31, 2030. The maximum investment for the Improvements to qualify for the exemption granted in this paragraph is \$1,650,000.00.

(d) The Enterprise shall pay such real and tangible personal property taxes as are not exempted under this Agreement and are charged against such property and shall file all tax reports and returns as required by law.

**Section 8. Annual Fee.** The Enterprise shall pay an annual fee equal to the greater of one percent of the dollar value of the incentives offered by this Agreement or \$1,500; provided, however, if the value of the incentives exceed \$250,000, the fee shall not exceed \$2,500.

The City or its agent shall calculate the amount of the fee and shall mail an invoice for the fee to the Enterprise on or before September 15 of each year within which any taxes are abated pursuant to this Agreement. The invoice shall be paid by the Enterprise to the City or its agent within the thirty (30) days immediately following the invoice date.

**Section 9. Events of Default and Remedies.** The occurrence of any of the following shall be considered an Event of Default by the Enterprise under this Agreement.

(a) If the Enterprise materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement is fraudulent, the City may terminate or modify the exemptions from taxation granted under this Agreement, and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this Agreement; further, the City may, at its option, secure repayment of such taxes by a lien on the exempted property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on the real property.

(b) Exemptions from taxation granted under this Agreement shall be revoked if it is determined that the Enterprise, any successor enterprise, or any related member (as those terms are defined in Section 3735.671 of the Ohio Revised Code) has violated the prohibitions against entering into this Agreement under Division (E) of Section 3735.671 or Section 5709.62 or 5709.63 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections.

(c) If the Enterprise fails to pay such taxes or files such returns and reports as required by law concerning this exemption, exemptions from taxation granted under this Agreement shall be rescinded beginning with the year for which such taxes are charged or such reports are required to be filed and thereafter.

(d) If the Enterprise fails to provide information requested by the TIRC or to file copies of all Applications with the TIRC, then this Agreement may be terminated.

(e) The minimum investment for the Improvements is less than that stated in Section 6 after the Project completion date, then this Agreement may be terminated.

(f) The Enterprise made material false statements to the City in the process of obtaining the exemptions granted by this Agreement, then this Agreement may be terminated.

(g) The Enterprise fails to pay the annual fee required by Section 8, or any of the compensation payments required by Section 9, then this Agreement may be terminated.

**Section 10. Notices & Payments.** All notices required by this Agreement shall be in writing and either mailed by first class U.S. mail, postage prepaid, addressed to the person or persons to be so notified or delivered by personal delivery to such person. Notice shall be deemed given on the earlier of the day the notice is mailed or personally delivered.

Payments must be received by the person entitled to payment on or before the date specified in this Agreement.

All notices and applicable payments shall be delivered to the following addresses; original payments from Enterprise to the City shall be mailed to the City:

- |                            |   |
|----------------------------|---|
| (a) To the City:           | City of Napoleon, Ohio<br>c/o City Manager<br>255 West Riverview<br>Napoleon, Ohio 43545                      |
| With a Copy to:            | Henry County CIC<br>c/o Executive Director<br>104 East Washington Street<br>Suite 301<br>Napoleon, Ohio 43545 |
| (b) To the Enterprise:     | MSG Investments, Ltd.<br>Ms. Michelle Green<br>1045 N. Main St.<br>Suite 7B<br>Bowling Green, Ohio 43402      |
| (c) To the County Auditor: | Auditor<br>County of Henry, Ohio<br>660 N. Perry Street<br>Napoleon, Ohio 43545                               |

- (d) To the School District: Napoleon Area City School District  
c/o Treasurer  
701 Briarheath Ave.  
Napoleon, Ohio 43545
- (e) To Four County: Four County Career Center  
c/o Superintendent  
22-900 State Route 34  
Archbold, Ohio 43502
- (f) To the TIRC: Henry County CIC  
c/o Executive Director  
104 East Washington St.  
Suite 301  
Napoleon, Ohio 43545

**Section 11. Miscellaneous.**

- (a) The Enterprise shall provide to the proper tax incentive review council any information reasonably required by the TIRC to evaluate the applicant's compliance with the Agreement, including returns filed pursuant to Section 5711.02 of the Ohio Revised Code if requested by the TIRC.
- (b) If for any reason CRA #6 designation expires, or the Director of Development revokes the certification of CRA #6, or the City revokes the designation of CRA #6, the exemptions granted by this Agreement shall continue as provided in this Agreement.
- (c) No individual shall be denied employment at the Facility on the basis of race, religion, gender, disability, color, national origin, or ancestry.
- (d) This Agreement is not transferable or assignable without the written consent of the City, and the Enterprise acknowledges that the City may not give that consent if the School District objects to any transfer or assignment; however, the exemptions provided in this Agreement may be applicable and assignable (upon notice to the City) to entities that are directly and immediately related to the Enterprise that may already have indirect ownership of the property subject to the exemption, without prior written approval from the City.
- (e) This Agreement may be executed in any number of counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same instrument.
- (f) This Agreement shall be deemed to be a contract made under the laws of the State of Ohio and for all purposes shall be governed by and in accordance with the laws of the State of Ohio.
- (g) Any legal action regarding this Agreement shall be filed in the Court of Common Pleas of Henry County, Ohio, or, in case of Bankruptcy, the appropriate Bankruptcy Court.
- (h) The Enterprise acknowledges that this Agreement must be approved by formal action of the City Council of Napoleon, Ohio as a condition for the Agreement to take effect. This Agreement takes effect upon such approval and upon execution by the parties.

(i) In the event that any part or provision of this Agreement is held invalid or void by a court of competent jurisdiction, only that part or provision shall be invalid or void and the parts or provisions not held invalid or void shall remain in full force.

(j) This Agreement shall be construed as mutually drafted by the parties.

(k) Time is of the essence.

(l) The Enterprise expressly agrees to waive and forego its rights to appeal the Auditor's determination on the value of the investment stated in this Agreement.

(m) The preamble of this Agreement shall be incorporated into this Agreement as part thereof.

(n) Any obligation of the City to pay money under this Agreement is subject to appropriation of funds by the City.

IN WITNESS WHEREOF, the City and the Enterprise have caused this Agreement to be executed on their behalf by their respective duly authorized officer or representative, all as of and effective upon the date printed on the cover page of this Agreement.

**AGREED TO:**

**CITY OF NAPOLEON, OHIO**

By \_\_\_\_\_  
City Manager

**MSG INVESTMENTS, LTD.**

By: \_\_\_\_\_  
Michelle Green, Owner

**CONSENTED TO:**

**NAPOLEON AREA CITY SCHOOL DISTRICT**

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

APPROVED AS TO FORM AND CORRECTNESS:

\_\_\_\_\_  
Prosecuting Attorney

**Appendix "A"**

**APPLICATION CRA**

(POST-1994)

ATTACHED



## **Appendix "B"**

### **THE IMPROVEMENTS**

The Project will involve a total capital investment in real property of currently estimated at \$1,650,000.00, plus or minus 10%, in development of twenty-four (24) unit residential multi-family leasing building and appurtenances at the site located at parcel #:41-119045.0180, Trail Drive, Napoleon, Ohio, containing 2.93 acres. The creation of this residential leasing development is to assist in housing availability stock.

## **Appendix "C"**

### **REAL PROPERTY DESCRIPTION**

Tax Parcel # 41-119045.0180

Acres: 2.93

Legal Description: LOT 15 BECK AND SCHULTZ

Volume: 294.00 Page: 736.00

Map Number: 0511476002

Township: NAPOLEON

Appendix A Attachment

**PROPOSED AGREEMENT** for Community Reinvestment Area Tax Incentives between the  
City of Napoleon located in the County of Henry and  
MSG Investments, Ltd.

1. a. Name of property owner, home or main office address, contact person, and telephone number (attach additional pages if multiple enterprise participants).

<u>MSG Investments, Ltd.</u>	<u>Michelle Green</u>
Enterprise Name	Contact Person
<u>1045 N. Main St., Suite 7B</u>	
<u>Bowling Green, OH 43402</u>	
Address	<u>(419) 360-7991</u>
	Telephone Number

- b. Project site:

<u>760, 780 Trail Drive</u>	<u>Steve Green</u>
760 Trail Drive	Contact Person
780 Trail Drive	
<u>Napoleon, OH 43545</u>	
Address	<u>(419) 360-7990</u>
	Telephone Number

2. a. Nature of commercial/industrial activity (manufacturing, warehousing, wholesale or retail stores, or other) to be conducted at the site.

Multifamily leasing units

- b. List primary 6 digit North American Industry Classification System (NAICS) # \_\_\_\_\_

Business may list other relevant SIC  
numbers. \_\_\_\_\_

- c. If a consolidation, what are the components of the consolidation? (must itemize the location, assets, and employment positions to be transferred: \_\_\_\_\_

N/A

d. Form of business of enterprise (corporation, partnership, proprietorship, or other).

Limited Liability Company

3. Name of principal owner(s) or officers of the business.

Steve A. Green & Michelle S. Green

4. a. State the enterprise's current employment level at the proposed project site:

0

b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? Yes\_\_\_ No X

c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:

\_\_\_\_\_  
\_\_\_\_\_

d. State the enterprise's current employment level in Ohio (itemized for full and part-time and permanent and temporary employees):

\_\_\_\_\_

e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets:

N/A

f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated?

N/A

5. Does the Property Owner owe:

- a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?  
Yes ☐ No ☒
- b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State? Yes ☐ No ☒
- c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not?  
Yes ☐ No ☒
- d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers (add additional sheets).
6. Project Description: New construction of 24 new residential units. Two buildings, each - 7,452 sf of living and 1,038 sf of garage space. Total of 14,904 sf of living and 2,076 sf. of garage space. Project total - 16,980 sf.
- 
7. Project will begin September 1, 2018 and be completed April 30, 2019 provided a tax exemption is provided.
8. a. Estimate the number of new employees the property owner will cause to be created at the facility that is the project site (job creation projection must be itemized by the name of the employer, full and part-time and permanent and temporary):  
1 full-time permanent employee
- 
- b. State the time frame of this projected hiring: N/A yrs.
- c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees):  
Employee hired contingent upon completion of project.
9. a. Estimate the amount of annual payroll such new employees will add \$ 35,000.00 full-time permanent employee (new annual payroll must be itemized by full and part-time and permanent and temporary new employees).  
permanent and temporary new employees).
- b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: \$



10. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:

A. Acquisition of Buildings:	\$ _____
B. Additions/New Construction:	\$ <u>1,600,000</u>
C. Improvements to existing buildings:	\$ _____
D. Machinery & Equipment:	\$ _____
E. Furniture & Fixtures:	\$ <u>50,000</u>
F. Inventory:	\$ _____
<b>Total New Project Investment:</b>	<b>\$ <u>1,650,00</u></b>

11. a. Business requests the following tax exemption incentives: 100 % for 15 years covering real property as described above. Be specific as to the rate, and term.

- b. Business's reasons for requesting tax incentives (be quantitatively specific as possible)

1. economic feasibility of project

2. Assisting to solve housing availability stock

3. Increased monetary collections from new investment and residents benefiting local, regional and state agendas.

Submission of this application expressly authorizes City of Napoleon to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item # 5 and to review applicable confidential records. As part of this application, the property owner may also be required to directly request from the Ohio Department of Taxation, or complete a waiver form allowing the Department of Taxation to release specific tax records to the local jurisdiction considering the request.

The Applicant agrees to supply additional information upon request.

The Applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C)(1) and 2921.13(D)(1) penalties for falsification which could result in the forfeiture of all current and future economic

development assistance benefits as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

MSG Investments, Ltd - Steve Green

Name of Property Owner



Signature

7/27/18

Date

MSG Investments LTD.

Steve Green/Michelle Green, Members

Typed Name and Title

\* A copy of this proposal must be forwarded by the local governments to the affected Board of Education along with notice of the meeting date on which the local government will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the legislative authorities considering the request.

\*\* Attach to Final Community Reinvestment Area Agreement as Exhibit A

Please note that copies of this proposal must be included in the finalized Community Reinvestment Area Agreement and be forwarded to the Ohio Department of Taxation and the Ohio Development Services Agency within fifteen (15) days of final approval.



# City of Napoleon, Ohio

Napoleon Police Department

David J. Mack, Chief of Police

310 Glenwood Avenue, P.O. Box 151, Napoleon, OH 43545

Telephone: (419) 599-2810 Fax: (419) 599-7969

www.napoleonohio.com

## Memorandum

To: City Council Members

From: David Mack, Chief of Police

cc: file, Joel Mazur, City Manager

Date: January 2, 2019

Subject: Donations

---

Respective Council Members:

I would like to inform you of a few donations we have received in the police department over the last couple weeks.

We have had a local business owner donate \$1,200.00 to our department and they asked that they would not be identified. They only asked that officers find individuals that they felt deserve the \$100 a day. 12 different officers gave \$100.00 bill to receptions in the last 12 days before Christmas. Officers reported that these individuals ranged from parents with kids that were overheard denying a child a larger gift due to price, to an elderly couple that was counting their cash and comparing it to what they were ringing up at the cashier, to a man with psychiatric care needs that could not afford medication, to a female who just moved here from out of state due to a bad relationship who had her hours cut due to the Industrial Ave Overpass project and is a mother of 5. Many other stories are detailed in emails to me and this has continued to be a very positive and heartfelt opportunity for the officers and the community that are only made possible but by the kindness of this business owner.

I have also received a \$1,000.00 Donation from Thomas and Linda Behnfeldt for the DARE program that my department is hoping to start as part of our SRO assignment.

Finally, I received, on behalf of the department, \$2,000.00 from Steve Small and Northwest Capital Financial Group LLC for the new K9 Program.

I would like to respectfully request council to approve these donations, as the donators intended.



Thomas J. Behnfeldt  
Linda K. Behnfeldt  
T482 County Road 19  
Napoleon, OH 43545

11644  
56-7085/2412

12-27 2018

PAY TO THE ORDER OF Napoleon Police Dept \$ 1,000.00  
One thousand and 00/100 DOLLARS

First Federal Bank

FOR Donor program Donation Linda K Behnfeldt

Northwest Capital Financial Group, LLC  
1036 Chelsea Avenue  
Napoleon, OH 43545  
(419) 592-7783

PNC BANK  
6-12/410

3280  
12/31/2018

PAY TO THE ORDER OF Napoleon Police Department \$ \*\*2,000.00  
Two thousand and 00/100 DOLLARS

Napoleon Police Department  
310 Glenwood Avenue  
Napoleon, OH 43545

MEMO K9

[Signature]  
AUTHORIZED SIGNATURE

Security features. Details on back.

Northwest Capital Financial Group, LLC					3280
12/31/2018	Napoleon Police Department				
Date	Type	Reference	Original Amount	Balance Due	Payment
12/31/2018	Bill	2018	2,000.00	2,000.00	2,000.00
		Check Amount			2,000.00

PNC Business Check

2,000.00

NOTICE TO LEGISLATIVE  
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL  
6606 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX(614)644-3166

TO

0071820		TRFO	AESE ENTERPRISES LLC DBA SPENGLERS 1ST FL & BSMT & PATIO 713 N PERRY ST NAPOLEON OHIO 43545
PERMIT NUMBER		TYPE	
06	01	2018	
ISSUE DATE			
12	11	2018	
FILING DATE			
D2 D2X D3		PERMIT CLASSES	
35	088	A	F21516
TAX DISTRICT			RECEIPT NO.

FROM 12/13/2018

9470007			WEIDEMAN INC DBA SPENGLERS 1ST FL & BSMT & PATIO 713 N PERRY ST NAPOLEON OHIO 43545
PERMIT NUMBER		TYPE	
06	01	2018	
ISSUE DATE			
12	11	2018	
FILING DATE			
D2 D2X D3		PERMIT CLASSES	
35	088		
TAX DISTRICT			RECEIPT NO.



MAILED 12/13/2018

RESPONSES MUST BE POSTMARKED NO LATER THAN. 01/14/2019

**IMPORTANT NOTICE**

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

**A TRFO 0071820**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF NAPOLEON CITY COUNCIL  
PO BOX 151  
NAPOLEON OHIO 43545



**FOR IMMEDIATE RELEASE**

**Napoleon Residents Urged to Participate in Planning Forum**

Napoleon, Ohio- January 3, 2019 -Is there something that you'd like to see occur in Napoleon that isn't present? Do you imagine something better?

On Thursday, January 17th, residents and interested community stakeholders will be able to participate in an interactive community forum from 6:30pm to 8pm at Oberhaus Park located at 750 W. Maumee Ave. The community forum is being held as part of the City's Master Plan update.

Participants will learn about the planning process, community survey results and participate in activities that will help guide the development of the Plan. The planning and economic development firm Reveille was retained to assist with the Master Plan Update and will be facilitating this event.

The Plan will provide recommendations in areas like pedestrian connectivity, riverfront development, neighborhood / downtown revitalization, parks, community services, and infrastructure. "We have many dots to connect to bring out the best in our community, and this Plan will help advance that" said Mayor Jason Maassel. Residents can learn more about the planning process and complete the community survey on the city's website ([www.napoleonohio.com](http://www.napoleonohio.com)). Printed copies of the survey can also be attained at Napoleon City Hall, 255 W. Riverview Avenue.

**Contact:**

Chad Lulfs, PE, PS  
Public Works Director  
City of Napoleon  
255 West Riverview Avenue  
P.O. Box 151  
Napoleon, Ohio 43545  
(419) 592-4010



# City of Napoleon, Ohio

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

[www.napoleonohio.com](http://www.napoleonohio.com)

## Memorandum

**To:** City Council, Mayor, City Manager, City Law  
Director, Department Supervisors, Newsmedia  
**From:** Roxanne Dietrich, Interim Clerk of Council *rd*  
**Date:** January 4, 2019  
**Subject:** Technology and Communications Committee –  
Cancellation

The regularly scheduled meeting of the **Technology and Communications Committee** for Monday, January 07, 2019 at 6:15 pm has been CANCELED due to lack of agenda items.

*City of Napoleon, Ohio*

## **CIVIL SERVICE COMMISSION**

### **Special Meeting Agenda**

**Tuesday, January 08, 2019 at 4:30 pm**

Location: Council Chambers, 255 West Riverview Avenue, Napoleon, OH

1. Approval of Minutes.
2. Current Open Positions.
3. Police and Fire Lateral Transfer.
4. Police Physical Requirement.
5. City of Napoleon's Application.
6. Police Promotional Exam-Sergeant.
7. Any other matters to come before the Commission.
8. Adjournment.



Roxanne Dietrich  
Interim Clerk of Council



# City of Napoleon, Ohio

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

[www.napoleonohio.com](http://www.napoleonohio.com)

## Memorandum

**To:** Board of Zoning Appeals, City Council, Mayor, City  
Manager, City Law Director, Department  
Supervisors, Newsmedia  
**From:** Roxanne Dietrich, Interim Clerk of Council *rd*  
**cc:**  
**Date:** January 04, 2019  
**Subject:** BZA – Cancellation

The regularly scheduled meeting of the Board of Zoning Appeals set for Tuesday, January 08, 2019 at 4:30 pm has been CANCELED due to lack of agenda items.



# *City of Napoleon, Ohio*

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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[www.napoleonohio.com](http://www.napoleonohio.com)

## *Memorandum*

**To:** City Council, Mayor, City Manager, City Law  
Director, Department Supervisors, Newsmedia  
**From:** Roxanne Dietrich, Interim Clerk of Council *rd*  
**Date:** January 4, 2019  
**Subject:** Planning Commission – Cancellation

The regularly scheduled meeting of the **PLANNING COMMISSION** for Tuesday, January 08, 2019 at 5:00 pm has been *canceled* due to a lack of agenda items.





## 2019 Training Catalog now available on member extranet

*By Jennifer Flockerzie - technical services program coordinator*

The 2019 AMP Training Catalog is now available on the [member extranet](#) page (login required) at [www.amppartners.org](http://www.amppartners.org). AMP members seeking high-quality training that is designed to help improve employee performance and enhance safety will find the Training Catalog to be a great resource. Regular training for personnel can ultimately lead to greater system reliability and enhanced customer satisfaction.

Over the past 21 years, more than 930 workers from 86 member communities in six states have attended AMP's popular lineworker training series. Based on member feedback, AMP has expanded its offerings to meet a growing need among member communities. These offerings will help member personnel to develop important skills through technically oriented, hands-on training that emphasizes safe working practices.

AMP will also assist members interested in arranging local or regional training sessions.

For more information, please contact me at 614.540.0853 or [jflockerzie@amppartners.org](mailto:jflockerzie@amppartners.org).

## AMP offers 19 things to love about public power in 2019

*By Zachary Hoffman - communications and public relations specialist*

AMP is kicking off the new year by issuing 19 things to love about public power in 2019 on our [Facebook page](#) over the coming weeks. Members are encouraged to share these posts with their customers.



In addition to these graphics, AMP has a wealth of information on the benefits of public power that can be found on the [Currents page](#) and [Consumers page](#) of the [AMP website](#). You can direct customers there if they are interested in learning more.

For those interested in more social media content, AMP has created the [Public Power Connections page](#) on the [member extranet](#) (login required) of the [AMP website](#). The Public Power Connections page provides members with easy-to-use graphics and videos for social media, including an entire toolkit dedicated to the benefits of public power.

If you have questions about our social media efforts or the Public Power Connections page, please contact me at [zhoffman@amppartners.org](mailto:zhoffman@amppartners.org) or 614.540.1011.

## 2019 APPA Legislative Rally registration packets coming soon

*By Charles Willoughby - director of government affairs*

Registration packets for the 2019 American Public Power Association (APPA) Legislative Rally taking place Feb. 25-27 at the Mayflower Hotel in Washington, D.C. will be arriving in mailboxes soon. AMP/OMEA members are strongly encouraged to attend, as they are the best resource on Capitol Hill to explain how legislation and regulations directly impact communities at the local level. It is critical that our congressional members hear from their public power constituents. Among the key policy issues to discuss in February are transmission costs, wholesale market concerns, tax-exempt financing, the continued

impact of sequestration and FCC regulation of pole attachments.

For questions or additional information regarding the 2019 APPA Legislative Rally, please visit the [APPA website](#) or contact me at [cwilloughby@amppartners.org](mailto:cwilloughby@amppartners.org) or 614.540.1036.



## Designing Rates: Moving Beyond Net Metering webinar scheduled for Jan. 22

*By Erin Miller - director of energy policy and sustainability*

The Focus Forward Advisory Council is scheduled to meet via WebEx on Jan. 22, 2-3 p.m.

John Courtney, owner of Courtney and Associates, Garrett Cole, principal, power supply, and Jacob Thomas, project manager for GDS Associates, will present Designing Rates: Moving Beyond Net Metering. The speakers will give examples of how municipal utilities have designed rates for distributed energy resources while recovering fixed costs.



If you have questions, need additional information or are interested in joining the webinar, please contact me at [emiller@amppartners.org](mailto:emiller@amppartners.org) or 614.540.1019. Webinar login details are also posted on the [Focus Forward](#) page of the [member extranet](#) (login required).

## December 2018: Warm end to December brings down prices

*By Mike Migliore - vice president of power supply planning*

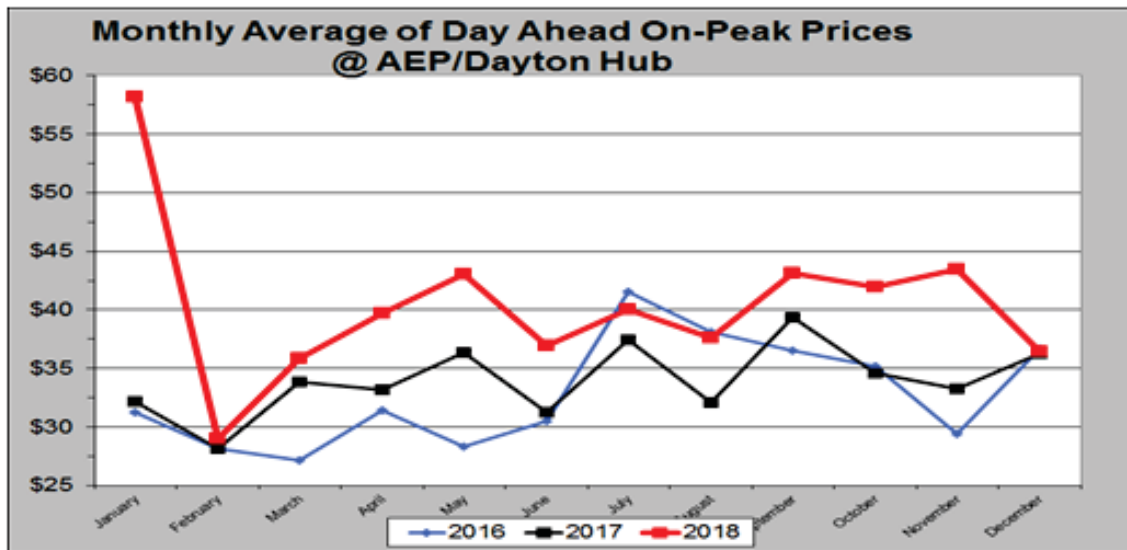
Although December 2018 temperatures started out cold for the first two weeks, the second half of the month was warm enough to push the average temperature above normal. Prices followed suit and dropped throughout the month. December's final market prices were the lowest since March of this year. The highest LMP was only \$68/MWh on the morning of Dec. 6. Prices failed to eclipse \$30/MWh for any hour of the last five days of the month. Congestion remained low across the system due to the lack of extreme weather.

<b>AVERAGE DAILY RATE COMPARISONS</b>			
	<b>December 2018 \$/MWh</b>	<b>November 2018 \$/MWh</b>	<b>December 2017 \$/MWh</b>
<b>A/D Hub 7x24 Price</b>	<b>\$32.54</b>	<b>\$37.38</b>	<b>\$31.66</b>
<b>PJM West 7x24 Price</b>	<b>\$33.79</b>	<b>\$37.35</b>	<b>\$36.70</b>
<b>A/D to AMP-ATSI Congestion/Losses</b>	<b>\$0.99</b>	<b>\$0.55</b>	<b>\$1.69</b>
<b>A/D to Blue Ridge Congestion/Losses</b>	<b>\$0.32</b>	<b>\$0.51</b>	<b>\$0.34</b>
<b>A/D to PJM West Congestion/Losses</b>	<b>\$1.25</b>	<b>-\$0.03</b>	<b>\$5.04</b>
<b>PJM West to PP&amp;L Congestion/Losses</b>	<b>-\$2.60</b>	<b>-\$3.92</b>	<b>\$2.64</b>
<b>IND Hub to A/D Hub Congestion/Losses</b>	<b>-\$1.92</b>	<b>\$1.30</b>	<b>\$2.78</b>

## 2018 market prices: Weather inflates prices throughout year

By Mike Migliore

In 2018, 10 of 12 months saw either colder- or hotter-than-normal weather, which led to increased energy usage and higher power prices. The year started out with frigid temperatures causing many members to set their peak for the year during the first seven days of January. The highest hourly LMP at the AEP/Dayton Hub was \$197/MWh on the morning of Jan. 5, while the lowest price of \$13/MWh occurred on July 8 at 8 a.m. The summer months saw a max price of \$138/MWh on PJM's peak day of June 18. Average congestion was higher than in previous years, but was mostly driven by January's large spread. Congestion costs from February through December were minimal throughout PJM.



<b>AVERAGE DAILY RATE COMPARISONS</b>			
	<b>2018 \$/MWh</b>	<b>2018 \$/MWh</b>	<b>2017 \$/MWh</b>
<b>A/D Hub 7x24 Price</b>	<b>\$34.63</b>	<b>\$29.33</b>	<b>\$27.85</b>
<b>PJM West 7x24 Price</b>	<b>\$36.45</b>	<b>\$29.70</b>	<b>\$29.23</b>
<b>A/D to AMP-ATSI Congestion/Losses</b>	<b>\$2.06</b>	<b>\$0.62</b>	<b>\$0.34</b>
<b>A/D to Blue Ridge Congestion/Losses</b>	<b>\$3.32</b>	<b>\$0.51</b>	<b>\$1.41</b>
<b>A/D to PJM West Congestion/Losses</b>	<b>\$1.82</b>	<b>\$0.37</b>	<b>\$1.38</b>
<b>PJM West to PP&amp;L Congestion/Losses</b>	<b>-\$3.25</b>	<b>-\$1.97</b>	<b>-\$4.97</b>
<b>IND Hub to A/D Hub Congestion/Losses</b>	<b>\$34.63</b>	<b>\$29.33</b>	<b>\$27.85</b>

## Energy markets update

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

The February 2019 natural gas contract decreased \$0.013/MMBtu to close at \$2.945 yesterday. The EIA reported a withdrawal of 20 Bcf for the week ending Dec. 28, which was below market expectations of 43 Bcf. The EIA reported a net withdrawal of -193 bcf last year, and a five-year average withdrawal of -107 bcf.

On-peak power prices for 2020 at AD Hub closed yesterday at \$36.55/MWh, which was \$.40/MWh lower for the week.

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

Week ending Jan. 4

MON	TUE	WED	THU	FRI
\$24.66	\$23.47	\$30.87	\$27.08	\$25.32

Week ending Dec. 27

MON	TUE	WED	THU	FRI
\$28.07	\$26.64	\$28.91	\$26.26	\$22.84

Week ending Dec. 21

MON	TUE	WED	THU	FRI
\$45.30	\$41.83	\$38.14	\$36.29	\$35.69

AEP/Dayton 2020 5x16 price as of Jan. 3 — \$36.55

AEP/Dayton 2019 5x16 price as of Dec. 26 — \$39.89

AEP/Dayton 2019 5x16 price as of Dec. 20 — \$40.40

### AFEC weekly update

*By Jerry Willman*

The AMP Fremont Energy Center (AFEC) was available for 2x1 operation for the week. PJM dispatched the plant offline on New Year's Day based on economics. Duct firing operated for 0 hours this week. The plant generated at a 53 percent capacity factor (based on 675 MW rating).



AMERICAN PUBLIC  
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2019

THE ACADEMY

Webinars

## Register now for Webinars

Learn from your office! Individual webinars are \$109, 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 **AMP** to receive the member rate.

Webinars can be purchased individually or as the 5-part series:

- Exploring Electric Utility Regulations and Business Models: **February 22, 2019**
- Understanding the Generation & Transmission Grid: **March 8, 2019**
- Operating a Local Public Power System: **March 22, 2019**
- Managing a Public Power Utility Enterprise: **April 5, 2019**



## 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 Napoleon seeks applicants for city finance director

The City of Napoleon is currently accepting applications for the position of city finance director. This position is directly responsible for planning, directing, organizing and coordinating all financial activities of the city including general accounting, capital financing, payroll, risk management, budget preparation, tax collection, fixed asset control and ensuring ongoing and documented compliance with all governmental

financial and accounting regulations, policies and procedures. Job requirements include a bachelor's degree in accounting, three to five years of related work experience in public finance administration and a valid State of Ohio driver's license.

This is a full-time position with a starting annual salary of \$75,000 to \$100,000, depending on experience. Applications may be obtained from the City of Napoleon's Administration Building, 255 W. Riverview Ave., PO Box 151, Napoleon, OH, 43545, and from [www.napoleonohio.com](http://www.napoleonohio.com) under Human Resources. A properly completed, notarized application must be returned to the above address with a resume and cover letter by 12:00 p.m. on Friday, Jan. 25, 2019 to be considered. The City of Napoleon is an Equal Opportunity Employer.

## City of Milford seeks applicants for electric superintendent

The City of Milford Public Works Department is seeking applicants for the position of electric superintendent. The electric superintendent oversees the overall operations of the city's electric system that serves approximately 7,500 homes and businesses from two substations in an approximately 12 square mile service territory, covering all of Milford and portions of unincorporated areas of Kent and Sussex Counties. The system peaks at just over 46,000 MW and delivers over 225 million kWh annually.

The electric superintendent supervises approximately 10 employees and is responsible for construction, maintenance and design of the distribution system, including substation operations and maintenance. Electricity is purchased in bulk from the Delaware Municipal Electric Corporation. Work is performed under the general supervision of the public works director.

The city is seeking applicants with a bachelor degree in electrical engineering (preferred) or a related field with at least five years of experience; or 10 years of experience in the electric utility industry with considerable supervisory and management experience may be substituted for a degree; or any combination of education and experience equivalent to the requirements. Possession of a valid Delaware vehicle operator's license and Class B CDL (minimum - within one year of the date of hire) is required.

Salary range: \$84,136-\$107,681.60 based on qualifications and experience.

To apply: Click [here](#) and attach your resume.

The position will remain open until filled.

## Village of Brewster seeks applicants for electric lineworker

The Village of Brewster is accepting applications for the position of electric lineman. The electric lineman is responsible for constructing, planning, maintaining, troubleshooting and repairing the distribution system, substation and street lighting in the village electric utility system. The individual hired will work under the supervision of the electric department superintendent. Proof of electric lineman will be required, such as graduation from Northwest Lineman College, Union Certification or equivalent. Must also hold a CDL. Five or more years of experience required. Entry level wage rate for an electric lineman - a is \$30.05 per hour. The position is a full-time non-exempt position. The normal schedule is a 40-hour work week, with standby status as well as occasional overtime and scheduled weekend work. The Village of Brewster offers an attractive benefit package that includes health, dental, vision and life insurance after 30 days of service and membership in the Ohio Public Employees Retirement System

Applications can be obtained at either 302 S. Wabash St., Brewster, OH 44613 or online from the village's [website](#). A copy of the job description can be obtained from the village administrator. Questions can be directed to the village administrator at 330.767.3931. Deadline for submitting an application or resume is Jan. 25, 2019. The Village of Brewster is an equal opportunity employer.

## Village of Oak Harbor seeks applicants for fiscal officer

The Village of Oak Harbor is accepting resumes for the position of full-time fiscal officer. This position is appointed by the Mayor, with confirmation by the Village Council. The fiscal officer is responsible for, but not limited to, financial planning and management of all finance issues. The position is responsible for attending all council meetings and keeping official records of all Village Council proceedings. Knowledge of assessment projects, human resources and public records laws is desired. The preferred candidate should have at a minimum an associates degree in accounting with at least five years of experience in governmental cash basis fund accounting in a municipal setting. Salary commensurate with qualifications and experience, plus benefits. Interested candidates should submit a cover letter, resume, salary requirement and professional references to Administrator Randall Genzman, 146 N. Church St., P.O. Box 232, Oak Harbor, OH 43449 or [randyg@oakharbor.oh.us](mailto:randyg@oakharbor.oh.us) by 4:30 p.m., Jan. 4, 2019. A background investigation will be conducted for those applicants reaching final consideration. Questions regarding this

position may be directed to the village administrator at 419.898.5561 or via email. Position description is available upon request. EOE

## City of Piqua selling excess AMI water meters

The City of Piqua purchased new Sensus Omni C2 water meters for the city's AMI system and is looking to sell excess meters to communities that are currently implementing or planning to implement a new AMI system. All meters were purchased new in 2016 and the following sizes and quantities are available.

- 2" Sensus, Qty. of 33, for a price of \$587/each
- 3" Sensus, Qty. of 7, for a price of \$733/each
- 4" Sensus, Qty. of 21, for a price of \$1,267/each
- 6" Sensus, Qty. of 7, for a price of \$2,267/each

Please contact Bev Yount at 937.778.4002 or [byount@piquaoh.org](mailto:byount@piquaoh.org) for more information. To see more pictures, please visit the classifieds page on the [member extranet](#) (login required).



## Coldwater Board of Public Utilities seeks applicants for two positions

### Apprentice lineman

The Coldwater Board of Public Utilities is seeking qualified individuals to fill the available position of an experienced apprentice lineman. Located in Coldwater, Mich., the CBPU is the local public power provider



of more than 10,000 Coldwater residents. The perfect place to raise a family, Coldwater, Mich. sits just north of the Indiana border directly off of Interstate 69. The city of Coldwater offers two massive lake chains, a top notch education system and a plethora of opportunities to continue growth, personally and professionally, all while giving residents that small hometown feel.

**Duties:** Responsible for the performance of a variety of functions related to the construction and maintenance of the electric distribution system. Being closely inspected during progress and upon completion receives instruction in the performance of individual tasks and observes adequate safety precautions; assists in all facets of overhead and underground work; climb poles as required; assists in setting transformers either as part of ground crew or participating in the actual attachment; responsible for and use rope blocks, shovels, wrenches, rules, pliers, connectors, etc. together with all tools and equipment normally encountered in the trade; increase and master skills in each step of the apprentice program to journeyman lineman; performs related work as required.

**Qualifications:** Good physical condition; willingness to learn; willingness to perform hard, physically demanding work in all types of weather, sometimes for long periods of time; ability to understand and follow oral and written instructions; skill in the care and use of hand tools; ability and willingness to learn a wide variety of skilled tasks required in line construction and maintenance work; ability and willingness to acquire skill in climbing poles and working with energized high voltages.

**Experience and training:** High school graduate or equivalent; participation in a Journeyman's apprenticeship program as required by CBPU; experience in construction work and/or equivalent operation is desirable.

**Essential job functions:** Must attend an apprentice line school; must have manual and mental dexterity to perform the work; must have normal vision with or without corrective lenses; must be able to lift over 80 pounds; must have near normal hearing with or without corrective measures; must have valid Michigan CDL; must have six months experience as a groundsman; must not have fear of heights to a minimum of 80 feet; must be able to climb in and out of a bucket truck; must be able to travel on foot in rough terrain; must be able to read and write by hand.

**Hours:** Monday through Friday, 8 a.m. to 4 p.m.

**Salary:** Competitive wage, based upon experience.

If you are seeking an excellent place of employment with a family-friendly environment to balance your work/life schedule, modern equipment and highly skilled and motivated fellow workers, this is the ideal work place. Send resume to Nicki Luce, Coldwater Board of Public Utilities, One Grand St., Coldwater, MI 49036, or email [resume@coldwater.org](mailto:resume@coldwater.org). This position is included under a collective bargaining agreement with the United Steelworkers AFL-CIO-CLC Local 14178.

### **Journeyman lineman**

The Coldwater Board of Public Utilities is seeking qualified individuals to fill the available position of an experienced journeyman lineman. Located in Coldwater, Mich., the CBPU is the local Public Power Provider of more than 10,000 Coldwater residents. The perfect place to raise a family, Coldwater, Mich. sits just north of the Indiana border directly off of Interstate 69. The city of Coldwater offers two massive lake chains, a top notch education system and a plethora of opportunities to continue growth, personally and professionally, all while giving residents that small hometown feel.

**Duties:** Constructs, maintains and repairs all electric distribution and substation equipment from 120 volt to 138 kV, from street lights to power distribution overhead and underground; trouble shoots; climbs poles to 100 feet above ground and in general performs all work required on municipal electric distribution system as assigned.

**Qualifications:** Working knowledge of practices, materials, tools and equipment of the lineman trade; working knowledge of electrical principles; working knowledge of metering, regulators, breakers, transformer connections, substations and testing equipment used in testing or trouble shooting; good physical condition; willingness to perform duties during severe weather and long hours; willingness to work after hours; thorough knowledge of all safety aspects of the trade; good hand writing.

**Experience and training:** Graduation from high school or equivalent; holder of a journeyman lineman certification; and minimum five years of experience.

**Essential job functions:** Must have manual and mental dexterity to perform the work; must have satisfactorily performed the duties of an apprentice lineman; must have satisfactorily completed a line school program; must have normal vision with or without corrective lenses; must be able to lift over 80 pounds; must have near normal hearing with or without corrective measures; must have valid Michigan CDL.

**Hours:** Monday through Friday, 8 a.m. to 4 p.m.

Salary: Competitive wage, based upon experience.

If you are seeking an excellent place of employment with a family-friendly environment to balance your work/life schedule, modern equipment and highly skilled and motivated fellow workers, this is the ideal work place. Send resume to Nicki Luce, Coldwater Board of Public Utilities, One Grand St., Coldwater, MI 49036, or email [resume@coldwater.org](mailto:resume@coldwater.org) along with a copy of your certified journeyman lineman card. This position is included under a collective bargaining agreement with the United Steelworkers AFL-CIO-CLC Local 14178.

## City of Danville seeks applicants for director of Power & Light Division

The City of Danville, Va. Utilities Department is seeking applicants for the position of director for its Power & Light Division. The Power & Light director manages the overall operations of the city's electric system that serves approximately 42,000 homes and businesses from 17 substations in a 500-square mile service territory covering all of Danville and portions of a three county area. The system peaks at 220 MW and delivers 1 billion kWh annually. Danville Power & Light owns a small 10 MW hydroelectric facility and purchases generation from various resources. The balance of power distributed is purchased on the wholesale market. The director supervises approximately 75 staff members responsible for generation, distribution, construction and maintenance, substation operations and maintenance, engineering and meter servicing. Strong management skills required. Work is performed under the general supervision of the director of utilities.

The city is seeking applicants with experience combined to be equivalent to a bachelor's degree in electrical engineering or business administration, and preferably has seven to nine years of experience in energy utilities with considerable management experience. Possession of or ability to obtain Certification as a Professional Engineer in the Commonwealth of Virginia is desirable. Salary range: \$79,356-\$124,589 based on qualifications and experience. The position will remain open until filled. Apply online at [jobs.danvilleva.gov](http://jobs.danvilleva.gov). Equal Opportunity Employer.

## Opportunities available at AMP

AMP is seeking applicants for the following positions:

Information systems intern

Generation optimization specialist

Director of key accounts and economic development

Controller

Chief risk officer

Public relations and communications intern

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

American Municipal Power, Inc.

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