

# GENERAL INFORMATION

October 21, 2019

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## CALENDAR

### CITY COUNCIL MEETING AGENDA

Monday, October 21, 2019 @7:00 pm

### APPROVAL OF MINUTES

October 07, 2019 Regular Council Meeting Minutes.

### INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 069-19**, an Ordinance Authorizing the Finance Director to make Appropriation Transfers (Transfer of Appropriation 3) from One Appropriation Line Item to Another Appropriation Line Item Pursuant to O.R.C. Section 5705.40 for the Fiscal Year Ending December 31, 2019 as listed in Exhibit "A"; and Declaring an Emergency (*Suspension Requested*)
2. **Ordinance No. 070-19**, an Ordinance Supplementing the Annual Appropriation Measure (Supplement No. 6) for the Year 2019; and Declaring an Emergency (*Suspension Requested*)
3. **Resolution No. 071-19**, a Resolution Authorizing the Finance Director to Transfer Certain Fund Balances from Respective Funds to Other Funds per Section 5705.14 ORC on an as needed basis in Fiscal Year 2019, listed in Exhibit "A", Transfer 3; and Declaring an Emergency (*Suspension Requested*)
4. **Ordinance No. 072-19**, an Ordinance Amending the City Income Tax Code, Section 194.03 Definitions, to Adopt Sections 718.01(Y) and 718.01(Z) of the Ohio Revised Code, and Declaring an Emergency
5. **Resolution No. 073-19**, a Resolution Approving a Fifty Dollar (\$50.00) Surcharge to City of Napoleon, Ohio Health Insurance Premiums, Amending Resolution No. 012-18; and Declaring an Emergency
6. **Ordinance No. 074-19**, an Ordinance Supplementing the Annual Appropriation Measure (Supplement No. 7) for the Year 2019; and Declaring an Emergency (*Suspension Requested*)

### SECOND READINGS OF ORDINANCES AND RESOLUTIONS

No Second Reads for October 21<sup>st</sup>

### THIRD READINGS OF ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 060-19**, an Ordinance Adopting a Revised Comprehensive Plan with Thoroughfare Plan Provisions in and for the City of Napoleon, Ohio.
2. **Ordinance No. 061-19**, an Ordinance Amending Chapter 301 – Definitions, and Enacting Chapter 343 – Operation of Low Speed Vehicles, Under-Speed Vehicles, Utility Vehicles, or Mini-Trucks, relative to the Traffic Code; and Declaring an Emergency.
3. **Resolution No. 063-19**, a Resolution Authorizing the Expenditure of Funds over Twenty-Five Thousand Dollars (\$25,000.00) for the Purpose of Purchasing a 2019 Terex Vehicle for the City of Napoleon Electric Department, and to Sole Source said Purchase to Terex Utilities, Inc.; and Declaring an Emergency.

**GOOD OF THE CITY** (Any other business as may properly come before Council, including but not limited to):

1. **Discussion/Action:** Approval of Power Supply Cost Adjustment Factor for October 2019 as PSCA 3-month averaged factor \$0.00794 and JV2 \$0.021949
2. **Discussion/Action:** Recommendation to Enter Into a Three-Year Agreement for the Efficiency Smart Enhanced Program (direct Law Director to Draft Legislation)
3. **Discussion/Action:** VanHying Pump Station Project Summary
4. **Discussion/Action:** Accept Donation to the Police Department
5. **Discussion/Action:** Review of 2020 Proposed Revenue Estimates (*refer to Committee*)
6. **Discussion/Action:** Review of 2020 Debt Payments (*refer to Committee*)

**EXECUTIVE SESSION** (*Pending or Imminent Court Action, Security Matters, Personnel*)

**INFORMATIONAL ITEMS**

1. Parks and Rec Committee Meeting Agenda
  - a. Shelter House Rates – enclosed is Memorandum from Tony Cotter regarding the Parks and Rec Board's recommendation to raise the shelter house rates 10% across the board.
2. Tree Commission Meeting Agenda
3. Civil Service Commission Cancellation
4. Information on BZA 19-09 Approved by the Board of Zoning Appeals on October 8, 2019.
5. OML Legislative Bulletin

## October 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6	7 7:00 pm City Council	8 4:30 pm BZA	9	10	11	12
13	14 6:15 pm Electric Comm. 6:15 pm BOPA	15	16	17	18	19
20	21 6:00 pm Park & Rec Comm 6:00 pm Tree Commission 7:00 pm City Council	22 9:00 am Park St. Bid Opening at Commissioners	23	24	25	26
27	28 6:30 pm Finance & Budget 7:30 pm Safety & HR Comm	29	30 11:00 am Bid Opening WWTP Phase I 6:30 pm Park & Rec Bd.	31 Halloween	Notes:	

**CITY COUNCIL**

AMENDED MEETING AGENDA

**Monday, October 21, 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. Swearing-in of Patrolman Nicholas Jones**

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

1. October 07, 2019 Regular Council Meeting Minutes.

**E. Citizen Communication**

**F. Reports from Council Committees**

1. Electric Committee met on October 14, 2019; and
  - a. Approved October 2019 PSCAF
  - b. recommended Council enter into a three-year agreement for the Efficiency Smart Enhanced Program
2. Water, Sewer, Refuse, Recycling and Litter Committee was canceled due to lack of agenda items.
3. Municipal Properties, Building, Land Use and Economic Development Committee was canceled due to lack of agenda items.
4. Parks and Rec Committee met earlier tonight to discuss shelter house rates.

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

1. Board of Zoning Appeals met on October 8, 2019 and
  - a. Approved BZA 19-09 Variance to the Property Setback – 120 Wayne Park Drive
2. Planning Commission meeting for October 8, 2019 was canceled due to lack of agenda items.
3. Tree Commission met earlier this evening with the agenda items:
  - a. Fall Contracts Update
  - b. Review Spring Plantings List
  - c. Review Spring Trimming List
  - d. Finalize Next Year's Budget/Plans

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

1. **Ordinance No. 069-19**, an Ordinance Authorizing the Finance Director to make Appropriation Transfers (Transfer of Appropriation 3) from One Appropriation Line Item to Another Appropriation Line Item Pursuant to O.R.C. Section 5705.40 for the Fiscal Year Ending December 31, 2019 as listed in Exhibit "A"; and Declaring an Emergency (*Suspension Requested*)
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5. **Resolution No. 073-19**, a Resolution Approving a Fifty Dollar (\$50.00) Surcharge to City of Napoleon, Ohio Health Insurance Premiums, Amending Resolution No. 012-18; and Declaring an Emergency



6. **Ordinance No. 074-19**, an Ordinance Supplementing the Annual Appropriation Measure (Supplement No. 7) for the Year 2019; and Declaring an Emergency (*Suspension Requested*)

**I. Second Readings of Ordinances and Resolutions – None**

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

1. **Ordinance No. 060-19**, an Ordinance Adopting a Revised Comprehensive Plan with Thoroughfare Plan Provisions in and for the City of Napoleon, Ohio.
2. **Ordinance No. 061-19**, an Ordinance Amending Chapter 301 – Definitions, and Enacting Chapter 343 – Operation of Low Speed Vehicles, Under-Speed Vehicles, Utility Vehicles, or Mini-Trucks, relative to the Traffic Code; and Declaring an Emergency.
3. **Resolution No. 063-19**, a Resolution Authorizing the Expenditure of Funds over Twenty-Five Thousand Dollars (\$25,000.00) for the Purpose of Purchasing a 2019 Terex Vehicle for the City of Napoleon Electric Department, and to Sole Source said Purchase to Terex Utilities, Inc.; and Declaring an Emergency.

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

1. **Discussion/Action:** Approval of Power Supply Cost Adjustment Factor for October 2019 as PSCA 3-month averaged factor \$0.00794 and JV2 \$0.021949
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3. **Discussion/Action:** VanHyning Pump Station Project Summary
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5. **Discussion/Action:** Review of 2020 Proposed Revenue Estimates (*refer to Committee*)
6. **Discussion/Action:** Review of 2020 Debt Payments (*refer to Committee*)

**L. Executive Session.** (*Pending or Imminent Court Action, Security Matters, Personnel*)

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

**N. Adjournment.**



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, November 4, 2019 @6:15 pm)
  - a. Update on Projects
2. **Electric Committee (2<sup>nd</sup> Monday)**  
(Next Regular Meeting: Monday, November 11, 2019 @6:15 pm)
  - a. Review of Power Supply Cost Adjustment Factor for November 2019
  - b. Electric Department Report.
3. **Water, Sewer, Refuse, Recycling & Litter Committee (2<sup>nd</sup> Monday)**  
(Next Regular Meeting: Monday, November 11, 2019 @7:00 pm)
4. **Municipal Properties, Buildings, Land Use & Economic Development Committee (2<sup>nd</sup> Monday)**  
(Next Regular Meeting: Monday, November 11, 2019 @7:30 pm)
  - a. NORA Review
5. **Parks & Recreation Committee (3<sup>rd</sup> Monday)**  
(Next Regular Meeting: Monday, November 18, 2019 @6:00 pm).
6. **Finance & Budget Committee (4<sup>th</sup> Monday)**  
(Next Regular Meeting: Monday, October 28, 2019 @6:30 pm)
  - a. Proposed Changes to Budget Process-Items Appropriated to the 400 Capital Fund
  - b. Income Tax 2020 Percent Breakdown between General Fund and Capital
  - c. Review of 2020 Proposed Revenue Estimates
  - d. Review of 2020 Debt Payments
7. **Safety & Human Resources Committee (4<sup>th</sup> Monday)**  
(Next Regular Meeting: Monday, October 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, November 11, 2019 @6:15 pm)
  - a. Review of Power Supply Cost Adjustment Factor for November 2019
  - b. Electric Department Report
2. **Board of Zoning Appeals (2<sup>nd</sup> Tuesday)**  
(Next Regular Meeting: Tuesday, November 12, 2019 @4:30 pm)
3. **Planning Commission (2<sup>nd</sup> Tuesday)**  
(Next Regular Meeting: Tuesday, November 12, 2019 @5:00 pm)
4. **Tree Commission (3<sup>rd</sup> Monday)**  
(Next Regular Meeting: Monday, January 20, 2020 at 6:00 pm)
5. **Civil Service Commission (4<sup>th</sup> Tuesday)**  
(Next Regular Meeting: Tuesday, October 22, 2019 @4:30 pm)
6. **Parks & Recreation Board (Last Wednesday)**  
(Next Regular Meeting: Wednesday, October 30, 2019 @6:30 pm)
7. **Privacy Committee (2<sup>nd</sup> Tuesday in May & November)**  
(Next Regular Meeting: Tuesday, November 12, 2019 @10:30 am)
8. **Records Commission (2<sup>nd</sup> Tuesday in June & December)**  
(Next Regular Meeting: Tuesday, December 10, 2019 @4:00 pm)
9. **Housing Council (First Monday of April at 6:30 pm)**
10. **Health Care Cost Committee**  
(Next Meeting:)
11. **Preservation Commission (as needed)**
12. **Napoleon Infrastructure/Economic Development Fund Review Committee [NIEDF] (as needed)**
13. **Tax Incentive Review Council (as needed)**
14. **Volunteer Firefighters' Dependents Fund Board (as needed)**
15. **Volunteer Peace Officers' Dependents Fund Board (as needed)**
16. **Lodge Tax Advisory & Control Board (as needed)**
17. **Board of Building Appeals (as needed)**
18. **ADA Compliance Board (as needed)**

## City Council

### MEETING MINUTES

Monday, October 07, 2019 at 7:00 pm

#### PRESENT

Councilmembers

Joseph D. Bialorucki-Council President, Daniel L. Baer-Council President Pro-Tem, Travis Sheaffer, Jeff Comadoll, Jeff Mires, Lori Sicclair

Mayor

Jason P. Maassel

City Manager

Joel L. Mazur

City Law Director

Billy D. Harmon

City Finance Director

Kelly O'Boyle

City Staff

Dave Mack-Chief of Police, Clayton O'Brien-Fire Chief, Dennie Clapp-Electric Distribution Superintendent, Dave Pike-WWTP Superintendent

Recording Secretary

Roxanne Dietrich

Others

News Media

#### ABSENT

Councilmember

Ken Haase

#### Call to Order

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

#### Approval of Minutes

Hearing no objections or corrections, the minutes from the September 16, 2019 Regular Council Meeting stand approved as presented.

#### Citizen Communication

None.

#### Committee Reports

The **Finance and Budget Committee** met on September 23, 2019; and recommended:

- a) approval of the Third Quarter Budget Adjustments as presented;
- b) referred the 2020 Budget Timeline to the Full Body of Council for further discussion;
- c) a Tiered Breakdown of Proposed Budget Process Changes Be Presented to the Full Body of Council for further Discussion;
- d) approval of Transfer of Appropriations between Departments within the Same Fund; and
- e) that Council direct the Law Director to Draft Legislation on Supplemental Executive Retirement Plan (SERP) Exemption

Chairman Baer reported the **Safety and Human Resources Committee** met on September 23, 2019; and recommended: Council approve the Healthcare Cost Committee's recommendation to leave the Healthcare Plan for 2020 as it is, Employees paying 12.5% and the City paying 87.5%, to continue the Wellness Program and to have a \$50 Monthly Surcharge Added to the Health Insurance Premium for Employees and Spouses that Do Not Complete Their Annual Wellness Check by November 30, 2019, and to offer Vision and Dental plans through BORMA at the Employee's Expense.

**Introduction of New Ordinances and Resolutions**

Tonight's **Technology and Communications Committee** was canceled due to lack of agenda items.

**Second Read of Ordinance No. 060-19 City Master Plan**

There were not any new Ordinances or Resolutions to present tonight.

**Motion to Approve Second Read of 060-19**

President Bialorucki read by title, **Ordinance No. 060-19**, an Ordinance Adopting a Revised Comprehensive Plan with Thoroughfare Plan Provisions in and for the City of Napoleon, Ohio.

Motion: Sheaffer Second: Siclair  
to approve Second Read of Ordinance No. 060-19.

**Discussion**

Mazur had nothing new to report.

**Passed  
Yea-6  
Nay-0**

Roll call vote to Approve Second Read of Ordinance No. 060-19:  
Yea-Sheaffer, Mires, Siclair, Comadoll, Baer, Bialorucki  
Nay-

**Second Read of Ordinance No. 061-19 Golf Carts on Streets**

Council President Bialorucki read by title **Ordinance No. 061-19**, an Ordinance Amending Chapter 301 – Definitions, and Enacting Chapter 343 – Operation of Low Speed Vehicles, Under-Speed Vehicles, Utility Vehicles, or Mini-Trucks, relative to the Traffic Code; and Declaring an Emergency.

**Motion to Approve Second Read of 061-19**

Motion: Mires Second: Siclair  
to approve Second Read of Ordinance 061-19.

**Discussion**

Mazur stated this allows and defines low speed vehicles on 35 mph roads, restricts Scott Street north of Lagrange with the rest following the State Law. Harmon noted a couple of specifics were put in regarding seat belts and not driving on the sidewalks. Sheaffer said there are already too many slow drivers on the road and you have the safety issues revolving around this, I stand by what Council did when we did away with this.

**Passed  
Yea-4  
Nay-2**

Roll call vote to Approve Second Read of Ordinance No. 061-19:  
Yea-Mires, Siclair, Baer, Bialorucki  
Nay-Sheaffer Comadoll

**Second Read of Resolution No. 063-19 Purchase Terex Line Truck for Electric Department**

Council President Bialorucki read by title Resolution **No. 063-19**, a Resolution Authorizing the Expenditure of Funds over Twenty-Five Thousand Dollars (\$25,000.00) for the Purpose of Purchasing a 2019 Terex Vehicle for the City of Napoleon Electric Department, and to Sole Source said Purchase to Terex Utilities, Inc.; and Declaring an Emergency.



<b>Motion to Approve Second Read of 063-19</b>	Motion: Comadoll Second: Siclair to approve Second Read of Resolution No. 063-19.
<b>Discussion</b>	Mazur reported this is for the purchase of a Terex line truck through Source Well, who does national bids and purchasing agreements. The quoted amount was \$260,195.00 this includes a \$21,000 trade-in allowance for the older vehicle, the budgeted amount was \$300,000.
<b>Passed Yea-6 Nay-0</b>	Roll call vote to Approve Second Read of Resolution No. 063-19: Yea-Sheaffer, Mires, Siclair, Comadoll, Baer, Bialorucki Nay-
<b>Third Reading Resolution No. 056-19 Amending Certain Finance Dept. Ordinances</b>	Council President Bialorucki read by title Resolution No. 056-19, a Resolution Amending Certain City Finance Department Ordinances, as they pertain to Financial Transaction Language; and Declaring an Emergency
<b>Motion to Approve Third Read of 056-19</b>	Motion: Siclair Second: Mires to approve Third Read of Resolution No. 056-19
<b>Discussion</b>	O'Boyle stated these are housekeeping items to determine the difference between supplemental vs. transfer of appropriation vs. a transfer of fund.
<b>Passed Yea-6 Nay-0</b>	Roll call vote to Pass Resolution No. 056-19 on Third Read: Yea-Sheaffer, Mires, Siclair, Comadoll, Baer, Bialorucki Nay-
<b>Third Quarter Budget Adjustments</b>	Harmon clarified three pieces of legislation are being requested, an ordinance for transfer of appropriations, an ordinance supplementing the budget and a resolution for transfer of fund balances. O'Boyle said that's correct.
<b>Motion Direct Law Director Draft Legislation</b>	Motion: Comadoll Second: Siclair to direct the Law Director to draft the three pieces of legislation for the Third Quarter Budget Adjustments.
<b>Passed Yea-6 Nay-0</b>	Roll call vote on the above motion: Yea-Sheaffer, Mires, Siclair, Comadoll, Baer, Bialorucki Nay-
<b>2020 Budget Timeline</b>	O'Boyle stated this is the timeline that was presented to the Finance and Budget Committee at their last meeting. I took off the November 25 <sup>th</sup> Finance and Budget Committee meeting, the rest is the same with first read of the budget being proposed on November 18 <sup>th</sup> , second read at the December 2 <sup>nd</sup> meeting and the third and final reading to pass the budget on December 16, 2019.

<b>Motion to Approve 2020 Budget Timeline</b>	Motion: Comadoll to approve the 2020 Budget Timeline as submitted.	Second: Mires
<b>Passed</b>	Roll call vote on the above motion:	
<b>Yea-6</b>	Yea-Sheaffer, Mires, Sicclair, Comadoll, Baer, Bialorucki	
<b>Nay-0</b>	Nay-	
<b>Proposed Change to Budget Presentation-Dept./Division Budget Meetings with Council</b>	O'Boyle said on the list of items I presented to the Finance and Budget Committee some are tabled at this point because they are 4-6 months out or are for the 2020 budget process, we will bring a couple in at each meeting. For the budget meetings on November 8 <sup>th</sup> and 9 <sup>th</sup> instead of going line-by-line on every single item, we will present the major items to Council and go over account summaries so you can see the increases and decreases presenting only major line items. Maassel asked, will we still have all the supporting documentation so if we want to look at it line-by-line we can do that. O'Boyle responded that is correct and every year you would still have that supporting documentation.	
<b>Motion to Approve Changes on How Budget is Presented by Dept./Division Heads</b>	Motion: Comadoll to approve changes on how the budget is presented by Department/Division Heads.	Second: Sicclair
<b>Passed</b>	Roll call vote on the above motion:	
<b>Yea-6</b>	Yea-Sheaffer, Mires, Sicclair, Comadoll, Baer, Bialorucki	
<b>Nay-0</b>	Nay-	
<b>Proposed Change to Budget Presentation Debt Information Presentation</b>	O'Boyle reported the debt information will just show the account and fund pertaining to debt and when the debt falls off, we will be presenting more summary information. When the debt information is presented you will see what fund is paying for what debt and how much debt is left.	
<b>Motion to Approve Changes to how Debt Information is Presented</b>	Motion: Comadoll to approve the changes on how debt information is presented during presentation of the budget.	Second: Mires
<b>Passed</b>	Roll call vote on the above motion:	
<b>Yea-6</b>	Yea-Sheaffer, Mires, Sicclair, Comadoll, Baer, Bialorucki	
<b>Nay-0</b>	Nay-	
<b>Proposed Changes to Budget Process Establish Goal Not Utilizing Unencumbered Cash Balances for On-Going Operations</b>	O'Boyle said the budget should try to be within the revenues so the appropriated budget should try to be within the revenues. If the department heads have to use the encumbered balance, which is the cash carryover items, make it be more one-time items so that you are not using that fund for ongoing operations. If something happens with the economy and there isn't as much coming in then they can still maintain their operations. Maassel asked how are	

you going to establish the goal, is it a certain amount or is it a number? O'Boyle replied the unencumbered balance is a cash carry-in. Maassel cited as an example let's say the goal is one million dollars for the wastewater plant and we lose a major piece of infrastructure during the year and if our goal is to always have a million dollars in there and we have to go below that because we have to have this one-time thing, are we breaking our policy and giving ourselves a ding on the audit. O'Boyle said this will not be tied to the reserve policy that we will bring up later. When department budgets are done the goal is to try to have them stay within that revenue, the appropriation of their budget, to not use the unencumbered balance for on-going operations so if there is an emergency, that is exactly what that cash balance would be used for. Maassel asked if it is used for an emergency how does the money get back in? O'Boyle said there would have to be more revenue or less budget next year or raising fees depending on the fund.

**Motion to Approve Establish Goal Not Utilizing Unencumbered Cash Balances for On-Going Operations**

Motion: Baer Second: Sheaffer  
to approve establishing a goal not to utilize unencumbered cash balances for on-going operations.

**Passed  
Yea-6  
Nay-0**

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

**Proposed Changes to Budget Process – Items Appropriated to the Capital Fund 400**

O'Boyle stated, the Capital fund should be items that are capitalized. The fixed assets limit is \$7,500 and sometimes there are items less than that in the capital fund. We would like this referred to the Finance and Budget Committee for their October 28, 2019 meeting. At the Finance and Budget Committee meeting on October 28, 2019, we'll talk about the split of the income tax for the general fund and capital. Maassel said can you do a budget in ten days if you don't have that split? If we are going to discuss that on October 28<sup>th</sup> and take to Council the following Monday, November 4<sup>th</sup> and we have the budget meeting on November 8<sup>th</sup>, is that enough time to put a budget together. O'Boyle said we would bring that back to the November 8<sup>th</sup> and 9<sup>th</sup> meetings. Maassel continued, see what I'm saying, if it is not going to be a 62%-38% split and we are going to change it, is that enough time to hammer out a budget by November 8<sup>th</sup>. O'Boyle said the current is 62%-38% so if it is changed will have to adjust.

**Motion to Refer Items Appropriated to 400 CIP and Income Tax Split to Finance and Budget Committee**

Motion: Sheaffer Second: Comadoll  
to refer items appropriated to the 400 Capital Fund and Municipal Income Tax Split to the October 28, 2019 Finance and Budget Committee meeting.











AROUND THE TABLE

**O'Boyle**

Thursday afternoon we received an email from Municipal Court, they have a technology grant they received in April that was for \$67,899 and they did not appropriate during the second quarter because they didn't know what the timing was. Now they need the appropriation to can encumber a Purchase Order for an invoice they have. We will need to have legislation drafted for a separate supplemental.

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

Motion: Comadoll Second: Siclair  
to direct the Law Director to draft legislation to appropriate funds for the Municipal Court Technology Grant.

**Passed**  
**Yea-6**  
**Nay-0**

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

Bialorucki thanked O'Boyle for everything today and all the explanations on everything and the changes. We appreciate all the hard work and time that you put in on this.

**Sicclair**

Agree with what you (Bialorucki) said.

**Comadoll**

Last year I decided not to rerun for Council, now things have changed and I'd like to take Travis' spot for the next two years. October 31, 2019 will be my last day as a Councilman and if you approve, November 1, 2019 I will be starting my first day. Bialorucki added I'm glad to hear that. You bring a lot of knowledge to this Council with your experience working for the City and all the input that you get at your other job and you bring back to us, it is appreciated. Comadoll expressed I do not do this for the money my healthcare benefit for this next year will be \$344/month and I don't make that much. I'm doing it for the Citizens of Napoleon. Harmon said both resignations will have to be accepted by separate motions. We will then have two vacancies. Council can appoint Jeff to Travis' spot making it effective for November 1, 2019. A separate motion can be made tonight, if you want, because Travis ran as an Independent and there is no input from a political party. As far as Councilman Comadoll's newly vacant spot, the election will be four to five days after his resignation. Has anyone had a chance to talk to the Democratic Party? The Democratic Party can bring someone to the first meeting in November. Maassel cited they have thirty days after the vacancy. Ross Durham is the only other candidate Council has the final say. Sheaffer said the party will not get notified until the seat is vacant on November 1, 2019 and they will have November to meet. Harmon asked if anyone has spoken to Mr. Durham, the incoming councilman, is he willing, can he start earlier, like November 1, 2019? Maassel said he could be appointed at the November 4, 2019 Council meeting. Baer asked if we need anything official from the Democratic Party? Harmon replied something can be put in writing by email or letter that they are not going to contest. Sheaffer





live on the south side of the street and have to cross Woodlawn to get to the north side to be picked up. There are no crosswalks there and there is quite a bit of traffic on that street. Maassel suggested the kids wait until the bus stops and then cross the street.

Chief O'Brien celebrated ten years with City, that is great. He left the meeting, I will congratulate him later.

**Maassel**

I was at Tenneco for their Efficiency Smart award that they earned with AMP and the boss praised the fire department for their help with the leak they had on the fire suppression system and Lt. Legg for taking them through some training.

Coffee with a Cop, Chief appreciate you guys doing that getting out and talking to people.

Chief, does the SRO just go to Napoleon Area Schools or does he go to the parochial schools too? Chief Mack replied we fill those spots with regular road patrol.

**Sheaffer**

No items tonight.

**Mires**

I have had a couple of complaints about the railroad crossing at Oakwood. Is it possible to do the same thing we did at Bales Road and Washington since the railroad does not seem to want to pay for it. Mazur said it's a fight every time this comes up, dealing with them. I recommend we hold for now and try to get them to do something. When we address all of Oakwood it will be fixed in that project. Mires said if we could do a small patch to help a little. Bialorucki asked what did it cost to do the one on Glenwood. Mazur said it was a few grand. Bialorucki thought residents would appreciate spending a few grand so they don't have to drive over a bumpy crossing.

**Harmon**

No items tonight.

**Mazur**

Mazur I have one thing to refer to the Electric Committee and Board of Public Affairs "Update on Condition of the Substations".

**Update on Condition of Substation Referred to the Elec. Comm. & BOPA**

Council President Bialorucki referred "Update on Condition of the Substations" to the Electric Committee and Board of Public Affairs.

The Henry County Chamber's annual meeting is October 30, 2019 and Joel Miller wants a headcount of who will be there from the City, if you could let me know.

I request an Executive Session to discuss personnel, an Executive Session for Matters to Remain Confidential due to Competitive Nature of Utility, and an Executive Session on Economic Development.

**Motion go into Executive Session Discuss Personnel**

Motion: Siclair

Second: Mires

to go into Executive Session to discuss personnel.







**ORDINANCE NO. 069-19**

**AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO MAKE APPROPRIATION TRANSFERS (TRANSFER OF APPROPRIATION 3) FROM ONE APPROPRIATION LINE ITEM TO ANOTHER APPROPRIATION LINE ITEM PURSUANT TO O.R.C. SECTION 5705.40 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2019 AS LISTED IN EXHIBIT "A"; AND DECLARING AN EMERGENCY**

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

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

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

Section 1. That, pursuant to Section 5705.40 of the Ohio Revised Code, and this Ordinance, the Finance Director is hereby authorized and directed to transfer from one appropriation item to another, in the Fiscal Year ending December 31, 2019, as listed in Exhibit "A," attached hereto and made a part hereof.

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

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

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to assure the prompt and efficient conduct of the municipal operations related to public peace, health or safety of the City; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to be in effect at the earliest possible time to allow for proper payment of current expenses, and for further reasons as stated in the Preamble hereof.

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

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

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

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

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

Attest:

---

Roxanne Dietrich, interim Clerk of Council

*I, Roxanne Dietrich, interim Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 069-19 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*

**FISCAL YEAR ENDING 2019- TRANSFER OF APPROPRIATION (No. 3)**

**Ordinance Number:**

**Passed:**

	<u>PERSONAL SERVICES</u>	<u>OTHER</u>	<u>Account Description</u>
<b><u>288 Justice Reinvestment Incentive Grant Fund</u></b>			
FROM : 288.1810.53300		(399.21)	Professional Services
TO : 288.1810.51100	255.90		Salary-Non-bargaining
288.1810.51500	139.44		PERS
288.1810.51700	3.87		Medicare-City Share
	-----	-----	
<b>Total Transfer of Appropriation</b>	<b>399.21</b>	<b>(399.21)</b>	
 <b><u>510 Water Revenue Fund</u></b>			
FROM : 510.6200.57200		(60,000.00)	Buildings & Improvements
TO : 510.6200.53110	60,000.00		Utilities -Electric
	-----	-----	
<b>Total Transfer of Appropriation</b>	<b>60,000.00</b>	<b>(60,000.00)</b>	

Working Draft 9/12/19

**ORDINANCE NO. 070-19**

**AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION MEASURE (SUPPLEMENT NO. 6) FOR THE YEAR 2019; AND DECLARING AN EMERGENCY**

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

Section 1. That, the annual appropriation measure passed in Ordinance No. 072-18 for the fiscal year ending December 31, 2019 shall be supplemented (Supplement No. 6) as provided in Exhibit "A" (one page), attached hereto and made a part hereof.

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

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

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

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

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

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

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

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

Attest:

\_\_\_\_\_  
Roxanne Dietrich, interim Clerk of Council

*I, Roxanne Dietrich, interim Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 070-19 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*

2019 APPROPRIATION BUDGET - SUPPLEMENTAL #6

ORDINANCE No. 0-19, Passed, 2019

<u>3rd QUARTER BUDGET ADJUSTMENTS</u>	<u>PERSONAL SERVICES</u>	<u>OTHER</u>	<u>TOTAL</u>	<u>2019 FUND TOTAL</u>
<b>123 Special Events Fund</b>				
123.1900.53400 Contract Services	\$0	\$399	\$399	\$399
<i>Reason: Fall Festival contribution</i>				
<b>130 Economic Development Fund</b>				
130.3500.56300 Taxes and Assessments	\$0	\$20	\$20	\$20
<i>Reason: CAUV on properties we sold - Napoleon agreed to pay Need to transfer \$20 from General Fund to Fund 130</i>				
<b>201 State Highway Improvement Fund</b>				
201.5100.53300 Serv. Fees -Professional	\$0	\$4,500	\$4,500	\$4,500
<i>Reason: More roadside mowing costs due to weather - one final mow</i>				
<b>242 Fire Equipment Fund</b>				
242.2200.57000 Machinery & Equipment	\$0	\$136,080	\$136,080	\$136,080
<i>Reason: Turnout gear was not included in 2019 Budget process -tried to get grant but grant cannot fund gear</i>				
<b>288 Justice Reinv. Incentive Grant (JRIG)</b>				
288.1810.51100 Salary-Non Bargaining	\$2,957.64			
288.1810.51500 PERS	\$373.60			
288.1810.51700 Medicare -City Share	\$42.57			
288.1810.53300 Serv. Fees -Professional		\$5,000.00		
288.1810.54200 Supplies -Operating Materials		\$800.00		
288.1810.59000 Refunds-Miscellaneous		\$401.04		
<b>TOTAL Fund 288</b>	<b>\$3,373.81</b>	<b>\$6,201.04</b>	<b>\$9,574.85</b>	<b>\$9,574.85</b>
<i>Reason: For end of grant true-up; had to send to State by 7/18/19 Relayed to Council prior to sending - follow-up paperwork &amp; 2nd Half Grant appropriation (new allocation) until 12/31/19</i>				
<b>295 IRS 125 &amp; HEALTH DEDUCTIBLE EMP. BENEFITS FUND</b>				
295.1900.53300 Serv. Fees -Professional Services	\$0	\$3,100	\$3,100	\$3,100
<i>Reason: Budget only had \$1,800, need more appropriation to pay Wage Works-6 months of 2018 and 12 months of 2019</i>				
<b>400 Capital Improvements</b>				
400.1500.57000 Machinery & Equipment	\$0	\$6,000	\$6,000	\$6,000
<i>Reason: Finance Director Computer and Desk</i>				
400.2100.57000 Machinery & Equipment	\$0	\$23,500	\$23,500	\$23,500
<i>Reason: Appropriate for K9 donations &amp; replace appropriation for project:</i>				
<b>500 Electric Revenue Fund</b>				
500.6100.59000 Refunds-Miscellaneous	\$0	\$21,000	\$21,000	\$21,000
<i>Reason: Koester Corp Refund from 2016 through 1/1/19 - electric multiplier incorrect on metering</i>				
<b>TOTAL FUNDS</b>	<b>\$3,373.81</b>	<b>\$200,800.04</b>	<b>\$204,173.85</b>	<b>\$204,173.85</b>

Working Draft 9/23/19



**RESOLUTION NO. 071-19**

**A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER CERTAIN FUND BALANCES FROM RESPECTIVE FUNDS TO OTHER FUNDS PER SECTION 5705.14 ORC ON AN AS NEEDED BASIS IN FISCAL YEAR 2019, LISTED IN EXHIBIT "A", TRANSFER 3; AND DECLARING AN EMERGENCY**

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

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

**WHEREAS**, Council previously authorized a transfer in Ordinance No.(s) 047-19, however, another transfer is necessary; **Now Therefore**,

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

Section 1. That, pursuant to Section 5705.14 of the ORC and this Resolution, the Finance Director is hereby authorized and directed to transfer monies among the various funds on an as needed basis in Fiscal Year 2019 as listed in Exhibit "A" attached hereto and made a part of this Resolution.

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

Section 3. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, only that portion shall be held invalid and the remainder shall remain valid.

Section 4. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to assure the prompt and efficient conduct of the municipal operations related to public peace, health or safety of the City; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to complete the transfers in a timely manner, and for further reasons as stated in the Preamble hereof.

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

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

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

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

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

Attest:

\_\_\_\_\_  
Roxanne Dietrich, interim Clerk of Council

*I, Roxanne Dietrich, interim Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 071-19 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*

**ORDINANCE NO. 072-19**

**AN ORDINANCE AMENDING THE CITY INCOME TAX CODE,  
SECTION 194.03 DEFINITIONS, TO ADOPT SECTIONS 718.01(Y)  
AND 718.01(Z) OF THE OHIO REVISED CODE; AND DECLARING  
AN EMERGENCY**

**WHEREAS**, House Bill (H.B.) 166 of the 133<sup>rd</sup> General Assembly, the State's operating appropriations and tax levy bill, includes an amendment by addition of two definitions added to Chapter 718, Municipal Income Taxes, R.C. Section 718.01 regarding supplemental executive retirement plan (SERP) exemptions; and,

**WHEREAS**, Section 757.220 of H.B. 166 makes clear that the amendment by this act of section 718.01 of the Revised Code applies to municipal taxable years beginning on or after January 1, 2020; and,

**WHEREAS**, the relevant income tax definitions added to R.C. 718.01 include a definition for "Pension" and one for "Retirement Benefit Plan;" and,

**WHEREAS**, in recognition of the above-listed changes and with a desire to keep the City's Municipal Income Tax Code up to date the City intends to add the two new definitions contained in R.C. 718.01 to the City's Municipal Income Tax Code. **Now Therefore**,

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

Section 1. That, section 194.03 of Chapter 194 of the Codified Ordinances of the City shall hereby be amended to add the following definitions for tax years starting on or after January 1, 2020:

"Pension" means a retirement benefit plan, regardless of whether the plan satisfies the qualifications described under section 401(a) of the Internal Revenue Code, including amounts that are taxable under the "Federal Insurance Contributions Act," Chapter 21 of the Internal Revenue Code, excluding employee contributions and elective deferrals, and regardless of whether such amounts are paid in the same taxable year in which the amounts are included in the employee's wages, as defined by section 3121(a) of the Internal Revenue Code.

"Retirement benefit plan" means an arrangement whereby an entity provides benefits to individuals either on or after their termination of service because of retirement or disability. "Retirement benefit plan" does not include wage continuation payments, severance payments, or payments made for accrued personal or vacation time.

Section 2. That, the definition for "Pension" currently contained in Chapter 194 of the Codified Ordinances of Napoleon, Ohio remains in full force and effect for all taxable years prior to 2020.

Section 3. That, Chapter 193 of the Codified Ordinances of Napoleon, Ohio remains in full force and effect for all taxable years prior to 2016.

Section 4. That, the Council hereby finds that this Ordinance was deliberated upon and passed in open meetings in compliance with Section 121.22 of the Ohio Revised Code.

Section 5. That, this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health or safety of the City and its inhabitants, such necessity arising from the City's need to effectively manage and control municipal income taxes, and therefore this Ordinance shall be effective upon 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 for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 072-19 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*

**RESOLUTION NO. 073-19**

**A RESOLUTION APPROVING A FIFTY DOLLAR (\$50.00) SURCHARGE TO CITY OF NAPOLEON, OHIO HEALTH INSURANCE PREMIUMS, AMENDING RESOLUTION NO. 012-18; AND DECLARING AN EMERGENCY**

**WHEREAS**, Section 197.15 (a) (2) of the Codified Ordinances (Personnel Code) provides that: Subject to reasonable cost containment measures, the City provides group hospitalization, surgical, and extended medical benefits for each full-time regular employee in accordance with the benefit schedule provided in the City's plan as on file in the office of the City Finance Director marked "BORMA Benefit Plan" and as may be amended from time to time by Resolution of Council. The BORMA Benefit Plan shall include covered services, co-pays, and premium contribution; and,

**WHEREAS**, the Health Care Cost Committee has recommended to City Council to approve a surcharge to City of Napoleon employees' health insurance premiums as follows: to add a fifty dollar (\$50.00) monthly surcharge to employees' health insurance premiums starting December 1, 2019 to employees that do not complete a wellness check, and also to employees' health insurance premiums whose spouse does not complete a wellness check as appropriate, by a licensed physician prior to November 30, 2019. Further, employees and spouses that complete the wellness check during the dates of December 1, 2018 through November 30, 2019 and turn in the Preventative Care Physician form by November 30, 2019, will not be assessed a surcharge to the employee's insurance premium. New employees will be afforded an opportunity to get a wellness check in their first year prior to being assessed a surcharge; and,

**WHEREAS**, there was no recommendation to change the health plan in the year 2019 regarding the out-of-pocket in network deductible currently; **Now Therefore**,

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

Section 1. That, upon recommendation of the Health Care Committee, in and for the year 2019, this Council approves amending Resolution No. 012-18, approving a fifty dollar (\$50.00) monthly surcharge to employees' health insurance premiums starting December 1, 2019 to employees that do not complete a wellness check and also to employees' health insurance premiums whose spouse does not complete a wellness check as appropriate, by a licensed physician prior to November 30, 2019. Further, employees and spouses that complete the wellness check during the dates of December 1, 2018 through November 30, 2019 and turn in the Preventative Care Physician form by November 30, 2019, will not be assessed a surcharge to the employee's insurance premium. New employees will be afforded an opportunity to get a wellness check in their first year prior to getting assessed a surcharge.

Section 2. That, all provisions of the BORMA Benefit Plan shall remain in full force and effect.

Section 3. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its



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

Section 4. 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 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to enter into the stated surcharge in a timely manner which affects the public peace, health, and safety accessible to our citizens, and for further reasons as stated in the Preamble hereof.

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

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

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

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

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

Attest:

\_\_\_\_\_  
Roxanne Dietrich, interim Clerk of Council

*I, Roxanne Dietrich, interim Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 073-19 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*

**ORDINANCE NO. 074-19**

**AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION MEASURE (SUPPLEMENT NO. 7) FOR THE YEAR 2019; AND DECLARING AN EMERGENCY**

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

Section 1. That, the annual appropriation measure passed in Ordinance No. 072-18 for the fiscal year ending December 31, 2019 shall be supplemented (Supplement No. 7) as provided in Exhibit "A" (one page), attached hereto and made a part hereof.

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

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

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

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

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

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

Attest:  
\_\_\_\_\_  
Roxanne Dietrich, interim Clerk of Council

*I, Roxanne Dietrich, interim Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 074-19 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*

2019 APPROPRIATION BUDGET - SUPPLEMENTAL #7

ORDINANCE No. 074-19, Passed , 2019

<u>Supplemental #7</u>	<u>PERSONAL SERVICES</u>	<u>OTHER</u>	<u>TOTAL</u>	<u>2019 FUND TOTAL</u>
<u>400 Capital Improvement Fund</u> 400.1800.53400 Contract Services	\$0	\$67,899	\$67,899	\$67,899
<i>Reason: 2019 Technology Grant Fund Award</i>				
<b>TOTAL FUNDS</b>	<b>\$0</b>	<b>\$67,899</b>	<b>\$67,899</b>	<b>\$67,899</b>

**ORDINANCE NO. 060-19**

**AN ORDINANCE ADOPTING A REVISED COMPREHENSIVE PLAN WITH THOROUGHFARE PLAN PROVISIONS IN AND FOR THE CITY OF NAPOLEON, OHIO**

**WHEREAS**, the City originally adopted a Master Plan in the year 1957; and,  
**WHEREAS**, over the years, changes in the City required revisions to the Master Plan which includes "Thoroughfare Plan" [referred to as "Comprehensive Plan"] and said revisions were adopted pursuant to Ordinance No.(s) 017-03 and 008-09; and,

**WHEREAS**, revisions are again required to the Master Plan [now referred to as "Comprehensive Plan"] that have been studied with the assistance of a consultant looking at both present and future development of the City, and,

**WHEREAS**, this revised Plan in its final form was reviewed and recommended for approval by the Planning Commission at its meeting on August 27, 2019; **Now Therefore,**

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

Section 1. That, the revised "Comprehensive Plan," currently on file with the City Finance Director, being the Master Plan with Thoroughfare Plan provisions, consisting of maps of the City, charts and diagrams showing proposed additions to and improvements of the City streets, parks, public buildings, sewage disposal systems, water system and other systems; and, referencing rules and regulations related to street construction and paving; the planning and zoning code; the subdivision regulations; the flood plain regulations, as well as other referenced codes and programs, is hereby adopted.

Section 2. That, any reference to the official plan as described in Section 1 of this Ordinance shall be taken to mean and include all of the items listed or referenced in Section 1 of this Ordinance as now enacted or later amended.

Section 3. That, no plat of subdivision, plan for the construction or layout of streets, or work involving laying sewer or water mains shall be approved unless the same complies with the requirements of the City's "Comprehensive Plan."

Section 4. That, the revised "Comprehensive Plan," shall be the official plan of the City. The prior plans adopted by the passage of Ordinance No. 296, passed December 16, 1957 and Ordinance No. 296 as well as Ordinance No.(s) 17-03 and 008-09, are hereby repealed.

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

Section 6. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further,

if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 7. That, 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:

\_\_\_\_\_  
Roxanne Dietrich, interim Clerk of Council

*I, Roxanne Dietrich, interim Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 060-19 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*



**ORDINANCE NO. 061-19**

**AN ORDINANCE AMENDING CHAPTER 301 – DEFINITIONS AND ENACTING CHAPTER 343– OPERATION OF LOW-SPEED VEHICLES, UNDER-SPEED VEHICLES, UTILITY VEHICLES, OR MINI-TRUCKS, RELATIVE TO THE TRAFFIC CODE AND DECLARING AN EMERGENCY**

**WHEREAS**, in recognition of the increased trend of personal use of golf carts and other similar low or under-speed vehicles on City streets, Council seeks to clarify the legality of golf carts and other low or under-speed vehicles on City streets; and,

**WHEREAS**, in 2017, R.C. 4511.215 took effect providing that a local authority may authorize the operation of certain low or under-speed vehicles, including golf carts, on streets within its jurisdiction; and,

**WHEREAS**, the City of Napoleon seeks to allow the operation of low or under- speed vehicles, including golf carts, within its jurisdiction. **Now Therefore**,

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

Section 1. That, the following definitions be added to Chapter 301 - DEFINITIONS:

"Under-speed vehicle" means a three- or four-wheeled vehicle, including a vehicle commonly known as a golf cart, with an attainable speed on a paved level surface of not more than twenty miles per hour and with a gross vehicle weight rating less than three thousand pounds

"Low-speed vehicle" means a three- or four-wheeled motor vehicle with an attainable speed in one mile on a paved level surface of more than twenty miles per hour but not more than twenty-five miles per hour and with a gross vehicle weight rating less than three thousand pounds.

"Mini-truck" means a vehicle that has four wheels, is propelled by an electric motor with a rated power of seven thousand five hundred watts or less or an internal combustion engine with a piston displacement capacity of six hundred sixty cubic centimeters or less, has a total dry weight of nine hundred to two thousand two hundred pounds, contains an enclosed cabin and a seat for the vehicle operator, resembles a pickup truck or van with a cargo area or bed located at the rear of the vehicle, and was not originally manufactured to meet federal motor vehicle safety standards.

"Utility vehicle" means a self-propelled vehicle designed with a bed, principally for the purpose of transporting material or cargo in connection with construction, agricultural, forestry, grounds maintenance, lawn and garden, materials handling, or similar activities.

Section 2. That, Chapter 343 – Operation of Low-Speed Vehicles, Under-Speed Vehicles, Utility Vehicles, or Mini-Trucks, is hereby enacted as follows:

343.01 – OPERATION RESTRICTED FOR LOW-SPEED VEHICLES, UNDER-SPEED VEHICLES, UTILITY VEHICLES, AND MINI-TRUCKS

- (A) No person shall operate a low-speed vehicle, under-speed vehicle, utility vehicle, or a mini-truck upon any street or highway within the City except upon a street or highway having an established speed limit of thirty-five (35) miles per hour or below. A low-speed vehicle, under-speed vehicle, utility vehicle, or a mini-truck will be permitted to cross intersections with higher speeds, so long as they remain on a street that has a posted speed limit of thirty-five (35) mph or below.
- (B) Notwithstanding Napoleon Ordinance §343.01(A), no person shall operate a low-speed vehicle, under-speed vehicle, utility vehicle, or a mini-truck within the City upon Scott Street north of Lagrange Street.
- (C) The owner of a low-speed vehicle, under-speed vehicle, utility vehicle, or a mini-truck who wishes to operate on a public street or highway must first submit the vehicle to an inspection that complies with the requirements established by the Ohio Department of Public Safety under Section 4513.02 of the Revised Code.
- (D) Every low-speed vehicle, under-speed vehicle, utility vehicle, and mini-truck operated upon any street or highway within the City must have a seat safety belt installed at each designated seating position.
- (E) Low-speed vehicles, under-speed vehicles, utility vehicles, and mini-trucks operated on public streets or highways must successfully pass the required vehicle inspection, be registered in accordance with Chapter 4503 of the Revised Code, and be titled in accordance with Chapter 4505 of the Revised Code.
- (F) Occupants of a low-speed vehicle, under-speed vehicle, utility vehicle, or a mini-truck shall be seated at all times on the seat of the vehicle and buckled by the seat belt when the vehicle is on and in motion. Standing on any portion of the vehicle while it is in motion is prohibited.
- (G) Any child who falls under the child restraint criteria set by Ohio R.C. 4511.81 is prohibited from being a passenger in a low-speed vehicle, under-speed vehicle, utility vehicle, or a mini-truck operated on any street, highway, right of way, public area, or private property used for vehicular travel within the City.
- (H) No person shall operate a low-speed vehicle, under-speed vehicle, utility vehicle, or a mini-truck upon any sidewalks within the City.
- (I) Except as otherwise provided, all sections of the Napoleon Traffic Code and State of Ohio Traffic Laws, or substantially similar offenses, shall apply to low-speed

vehicles, under-speed vehicles, utility vehicles, and mini-trucks operated upon any street, highway, right of way, public area, or private property used for vehicular travel within the City.

343.99 – PENALTY

Whoever violates any provision contained in Chapter 343 is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense. Nothing in this section shall limit the City from filing other violations of law including but not limited to license violations.

Section 3. That, the City Clerk is directed to notify the director of public safety of this local authorization as required by R.C. 4511.215.

Section 4. That, this Ordinance is enacted pursuant to the home rule powers of the City of Napoleon as set forth at Article XVIII, Section 3, of the Ohio Constitution.

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

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

Section 7. That, this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health or safety of the City and its inhabitants, such necessity arising from the City’s need to effectively manage and control the use of golf carts and other low speed vehicles upon the City’s roads, and therefore this Ordinance shall be effective upon 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 for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 061-19 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.*

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*Roxanne Dietrich, interim Clerk of Council*

**RESOLUTION NO. 063-19**

**A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FOR THE PURPOSE OF PURCHASING A 2019 TEREX VEHICLE FOR THE CITY OF NAPOLEON ELECTRIC DEPARTMENT, AND TO SOLE SOURCE SAID PURCHASE TO TEREX UTILITIES, INC.; AND DECLARING AN EMERGENCY**

**WHEREAS**, the purchase of a replacement City Electric Department vehicle was included in the 2019 Master Bid Resolution passed by Council on December 21, 2018, Resolution No. 079-18; and,

**WHEREAS**, the cost to purchase said vehicle and install the required systems exceeds \$25,000.00; and,

**WHEREAS**, Terex Utilities, Inc. is the only company offering the required specifications of the requested vehicle; and,

**WHEREAS**, the current quoted cost from Terex Utilities, Inc. is valid for the purchase of the requested replacement vehicle with required equipment; and,

**WHEREAS**, the City of Napoleon desires to sole source the purchase of the outfitted vehicle to Terex Utilities, Inc. based on the limited availability of the vehicle outfitted with the required systems, and this being the best and lowest price; and,

**WHEREAS**, based on all the foregoing, it is the opinion of this Council that it is in the best interest of the City of Napoleon to eliminate the necessity for competitive bidding, as permitted in Article VI, Section 6.05 of the Charter of the City of Napoleon;  
**Now Therefore**,

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

Section 1. That, the City of Napoleon authorizes the expenditure of funds in excess of \$25,000.00 to purchase a replacement City Electric Department vehicle outfitted with the required systems, as included in the 2019 Master Bid Resolution.

Section 2. That, due to limited availability and the lowest and best price, Council finds it to be in the best interest of the City to eliminate the necessity for competitive bidding.

Section 3. That, the City Manager is authorized to enter into a contract with Terex Utilities, Inc. for the purchase of said vehicle.

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

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

Section 6. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to meet the time requirements necessary for the legislation to take effect before the October 1, 2016 purchase deadline; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to begin the purchasing process in a timely manner, and for further reasons as stated in the Preamble hereof.

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

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

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

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

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

Attest:

\_\_\_\_\_  
Roxanne Dietrich, interim Clerk of Council

*I, Roxanne Dietrich, interim Clerk of Council of the City of Napoleon, do hereby certify that the foregoing Resolution No. 063-19 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*





# CITY OF NAPOLEON, OHIO

## ELECTRIC DEPARTMENT

PO BOX 151, 1775 INDUSTRIAL DR.

NAPOLEON, OH 43545

PHONE: (419) 599-1891 FAX: (419) 592-4379

### INTEROFFICE MEMORANDUM

#### (Amended to include justification for elimination of competitive bidding)

TO: Joel Mazur, City Manager  
FROM: Dennis P. Clapp, Superintendent  
SUBJECT: Purchase of New Terex Commander  
DATE: September 10, 2019  
CC: Mayor, City Council, Finance Director

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Please find in this packet to be presented to Council, the required documentation for the purchase of a new Terex Commander 5050 model hydraulic rotating digger derrick with a turntable winch. Sourcewell (formally NJPA National Joint Powers Alliance) Contract Number: 042815-TER (Reference QU10364 C5050), Quote Number: QU3048, Unit: C5050. The cost details for this purchase are as follows:

- Purchased under approved 2019 Budget
- Account # 503-6110-5700 – Machinery & Equipment
- Budgeted Amount: \$300,000 to replace Line Truck #56 (2005 International Lift All)
- Quoted Amount: \$260,195
  - Includes: \$21,000 – Trade in Allowance
  - Add Option: \$1,636 – Terex Texoma 18” TXD (dirt tooth auger) x 104” long – 60” of 5/16” flighting, 2 5/8” hex bushing. Rollup dish and cable pin welded in place and auger painted Terex Red.
- Vendor: Terex Utilities Inc.  
500 Oakwood Road  
Watertown, South Dakota 57201
- Sales Representative: Brian ODell, cell number (330) 461-7943

The justifications for the elimination of competitive bidding are outlined as follows:

1. The lifting capacity required by the City Electric dept. is 17,300 lbs., however the other vendors researched could only offer a lifting capacity of 15,100 lbs. The Terex truck will meet the future needs for lifting capacity which are increasing with growth of Industrial customers needing larger transformers, and existing customers are aging and may need transformers changed in non-business hours when a crane is not readily available. Also, the existing truck is 15 yrs. old and is no longer able to lift our heavier transformers.
2. There will be a cost savings to the City by purchasing the Terex, as Terex is allowing us to trade in our old truck with pre-determined price of \$21,000; in researching the other vendors, there was no trade in option available.

3. The City Electric dept. requires a 24" auger for transmission poles, which the Terex truck can handle, however in researching the other vendors, the augers were only 18" which is not sufficient for City projects.
4. The steel boom on Terex is heavier duty for added long term stability.
5. The City Electric dept. prefers the hydraulic controls, which are offered by Terex; in researching the other vendors, the controls are electronic.

It is my recommendation to trade in our existing line truck #56 due to condition of truck and liability of resale by the City of Napoleon. I feel the \$21,000 offered for our trade in is a very fair price.

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**Electric Superintendent**  
**Dennis P. Clapp**  
**DCLAPP@NAPOLEONOHIO.COM**

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**CITY OF NAPOLEON, OHIO - PSCAF**  
**POWER SUPPLY COST ADJUSTMENT FACTOR (PSCAF) - COMPUTATION OF MONTHLY PSCAF**  
 COMPUTATIONS WITH CORRECTED DATA FROM JULY, 2015, THROUGH MARCH, 2017

AMP Billed Usage Month	PSCAF City Billing Month	AMP - kWh Delivered As Listed on AMP Invoices	Purchased Power Supply Costs (*=Net of Known) (+ OR - Other Cr's)	Rolling 3-Month Totals		Rolling 3 Month Average Cost	Less: Fixed Base Power Supply Cost	PSCA Dollar Difference + or (-)	PSCA-Corrtd. 3 MONTH AVG.FACTOR + Line Loss
				Current + Prior 2 Months					
				kWh	Cost				
				(a)	(b)				
Actual Billed	Actual Billed w/Cr's	c + prior 2 Mo	d + prior 2 Mo	f / e	\$0.07194 Fixed	g + h	i X 1.075		
Aug'17	Oct '17	14,326,956	\$ 1,182,800.05	42,480,669	\$ 3,472,029.96	\$ 0.08173	\$ (0.07194)	\$ 0.00979	\$ 0.01052
Sept'17	Nov'17	12,915,106	\$ 1,041,374.28	41,815,408	\$ 3,416,494.22	\$ 0.08170	\$ (0.07194)	\$ 0.00976	\$ 0.01049
Oct'17	Dec'17	12,743,776	*\$ 1,064,421.41	39,985,838	\$ 3,288,595.74	\$ 0.08224	\$ (0.07194)	\$ 0.01030	\$ 0.01107
Nov'17	Jan'18	12,424,075	\$ 1,088,533.30	38,082,957	\$ 3,194,328.99	\$ 0.08388	\$ (0.07194)	\$ 0.01194	\$ 0.01284
Dec'17	Feb'18	13,391,143	\$ 1,149,912.68	38,558,994	\$ 3,302,867.39	\$ 0.08566	\$ (0.07194)	\$ 0.01372	\$ 0.01475
Jan'18	Mar'18	13,957,533	\$ 1,336,329.96	39,772,751	\$ 3,574,775.94	\$ 0.08988	\$ (0.07194)	\$ 0.01794	\$ 0.01929
Feb'18	Apr'18	12,213,852	*\$ 914,897.80	39,562,528	\$ 3,401,140.44	\$ 0.08597	\$ (0.07194)	\$ 0.01403	\$ 0.01508
Mar'18	May'18	12,894,285	*\$ 1,115,898.14	39,065,670	\$ 3,367,125.90	\$ 0.08619	\$ (0.07194)	\$ 0.01425	\$ 0.01532
Apr'18	June'18	11,995,837	\$ 1,154,645.74	37,103,974	\$ 3,185,441.68	\$ 0.08585	\$ (0.07194)	\$ 0.01391	\$ 0.01495
May'18	July'18	12,812,421	\$ 1,184,249.00	37,702,543	\$ 3,454,792.88	\$ 0.09163	\$ (0.07194)	\$ 0.01969	\$ 0.02117
June'18	Aug'18	13,813,277	\$ 1,230,516.92	38,621,535	\$ 3,569,411.66	\$ 0.09242	\$ (0.07194)	\$ 0.02048	\$ 0.02202
July'18	Sep'18	15,234,049	\$ 1,312,135.13	41,859,747	\$ 3,726,901.05	\$ 0.08903	\$ (0.07194)	\$ 0.01709	\$ 0.01837
Aug'18	Oct'18	15,634,242	\$ 1,275,023.19	44,681,568	\$ 3,817,675.24	\$ 0.08544	\$ (0.07194)	\$ 0.01350	\$ 0.01451
Sep'18	Nov'18	13,195,770	\$ 1,197,316.71	44,064,061	\$ 3,784,475.03	\$ 0.08589	\$ (0.07194)	\$ 0.01395	\$ 0.01500
Oct'18	Dec'18	12,827,093	\$ 1,201,860.98	41,657,105	\$ 3,674,200.88	\$ 0.08820	\$ (0.07194)	\$ 0.01626	\$ 0.01748
Nov'18	Jan'19	12,694,035	\$ 1,177,330.24	38,716,898	\$ 3,576,507.93	\$ 0.09238	\$ (0.07194)	\$ 0.02044	\$ 0.02197
Dec'18	Feb'19	12,936,598	\$ 1,175,315.11	38,457,726	\$ 3,554,506.33	\$ 0.09243	\$ (0.07194)	\$ 0.02049	\$ 0.02203
Jan'19	Mar'19	13,516,644	\$ 1,157,412.90	39,147,277	\$ 3,510,058.25	\$ 0.08966	\$ (0.07194)	\$ 0.01772	\$ 0.01905
Feb'19	Apr'19	12,112,198	\$ 1,076,627.71	38,565,440	\$ 3,409,355.72	\$ 0.08840	\$ (0.07194)	\$ 0.01646	\$ 0.01769
Mar'19	May'19	12,476,648	\$ 1,111,471.41	38,105,490	\$ 3,345,512.02	\$ 0.08780	\$ (0.07194)	\$ 0.01586	\$ 0.01705
Apr'19	June'19	10,913,916	\$ 1,043,515.66	35,502,762	\$ 3,231,614.78	\$ 0.09102	\$ (0.07194)	\$ 0.01908	\$ 0.02051
May'19	July'19	11,554,553	\$ 1,074,988.04	34,945,117	\$ 3,229,975.11	\$ 0.09243	\$ (0.07194)	\$ 0.02049	\$ 0.02203
June'19	Aug'19	12,448,976	\$ 1,059,406.09	34,917,445	\$ 3,177,909.79	\$ 0.09101	\$ (0.07194)	\$ 0.01907	\$ 0.02050
July'19	Sep'19	15,467,755	\$ 1,165,669.13	39,471,284	\$ 3,300,063.26	\$ 0.08361	\$ (0.07194)	\$ 0.01167	\$ 0.01255
Aug'19	Oct'19	14,297,705	\$ 1,123,690.94	42,214,436	\$ 3,348,766.16	\$ 0.07933	\$ (0.07194)	\$ 0.00739	\$ 0.00794

Down

\* Total Includes Other (-) Credits / (+) Debits in Purchased Power Costs, Not Listed on AMP Billings:

**PSCAF - Preparers Signature:**

Name - Lori A. Rausch, Utility Billing Administrator

*Lori A. Rausch*

9/18/2019

Signature

Date

**PSCAF - Reviewers Signature:**

Name - Christine R. Peddicord, Asst. Finance Director

*Christine R Peddicord*

9/18/2019

Signature

Date

**BILLING SUMMARY AND CONS**

2019 - OCTOBER BILLING WITH AUGUST 2019

PREVIOUS MONTH'S POWER BILLS - PU

DATA PERIOD										
AMP-Ohio Bill Month										
City-System Data Month										
City-Monthly Billing Cycle										
	====WIND====		====SOLAR====		===TRANSMISSION, SERVICE FEES & MISC. CONTRACTS===					
(	NYPA	JV-5	JV-6	AMP SOLAR	EFFNCY.SMART	TRANSMISSION	SERVICE FEES	MISCELLANEOUS	TOTAL -	
PURCHASED POWER-RESOURCES ->	HYDRO	HYDRO	WIND	PHASE 1	POWER PLANT	CHARGES	DISPATCH, A & B	CHARGES &	ALL	
(	SCHED. @ NYIS	7x24 @ ATSI	SCHED. @ ATSI	SCHED. @ ATSI	2017 - 2020	Other Charges	Other Charges	LEVELIZATION	RESOURCES	
Delivered kWh (On Peak) ->	618,827	2,297,472	16,661	147,642	0	0	0	0	16,588,914	
Delivered kWh (Off Peak) ->									9,826	
Delivered kWh (Replacement/Losses/Offset) ->		33,562							33,562	
Delivered kWh/Sale (Credits) ->									-2,334,595	
<b>Net Total Delivered kWh as Billed -&gt;</b>	<b>618,827</b>	<b>2,331,034</b>	<b>16,661</b>	<b>147,642</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14,297,707</b>	
Percent % of Total Power Purchased->	4.3282%	16.3036%	0.1165%	1.0326%	0.0000%	0.0000%	0.0000%	0.0000%	100.0001%	
								Verification Total ->	100.0000%	
<b>COST OF PURCHASED POWER:</b>										
<b>DEMAND CHARGES (+Debits)</b>										
Demand Charges	\$5,904.68	\$31,085.29	\$682.37			\$152,634.68			\$514,339.02	
Debt Services (Principal & Interest)		\$55,367.84							\$210,929.74	
<b>DEMAND CHARGES (-Credits)</b>										
Transmission Charges (Demand-Credits)		-\$15,469.87	-\$136.05	-\$2,890.30					-\$62,849.97	
Capacity Credit	-\$2,851.75	-\$9,237.08	-\$234.83	-\$1,689.27					-\$84,546.51	
<b>Sub-Total Demand Charges</b>	<b>\$3,052.93</b>	<b>\$61,746.18</b>	<b>\$311.49</b>	<b>-\$4,579.57</b>	<b>\$0.00</b>	<b>\$152,634.68</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$577,872.28</b>	
<b>ENERGY CHARGES (+Debits):</b>										
Energy Charges - (On Peak)	\$9,229.31	\$40,968.29		\$5,654.67		\$6,315.86			\$459,456.53	
Energy Charges - (Replacement/Off Peak)									\$170.26	
Net Congestion, Losses, FTR	\$1,864.92								\$11,821.83	
Transmission Charges (Energy-Debits)									\$14,562.38	
ESPP Charges					\$16,959.16				\$16,959.16	
Bill Adjustments (General & Rate Levelization)									-\$831.11	
<b>ENERGY CHARGES (-Credits or Adjustments):</b>										
Energy Charges - On Peak (Sale or Rate Stabilization)									-\$53,341.56	
Net Congestion, Losses, FTR									\$4,812.19	
Bill Adjustments (General & Rate Levelization)	\$166.26								-\$31,382.45	
<b>Sub-Total Energy Charges</b>	<b>\$11,260.49</b>	<b>\$40,968.29</b>	<b>\$0.00</b>	<b>\$5,654.67</b>	<b>\$16,959.16</b>	<b>\$6,315.86</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$422,227.23</b>	
<b>TRANSMISSION &amp; SERVICE CHARGES, MISC.:</b>										
RPM / PJM Charges Capacity - (+Debit)						\$112,280.28			\$112,280.28	
RPM / PJM Charges Capacity - (-Credit)									\$0.00	
Service Fees AMP-Dispatch Center - (+Debit/-Credit)							\$130.79		\$130.79	
Service Fees AMP-Part A - (+Debit/-Credit)							\$2,867.34		\$2,867.34	
Service Fees AMP-Part B - (+Debit/-Credit)							\$8,313.02		\$8,313.02	
Other Charges & Bill Adjustments - (+Debit/-Credit)									\$0.00	
<b>Sub-Total Service Fees &amp; Other Charges</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$112,280.28</b>	<b>\$11,311.15</b>	<b>\$0.00</b>	<b>\$123,591.43</b>	
<b>TOTAL NET COST OF PURCHASED POWER</b>	<b>\$14,313.42</b>	<b>\$102,714.47</b>	<b>\$311.49</b>	<b>\$1,075.10</b>	<b>\$16,959.16</b>	<b>\$271,230.82</b>	<b>\$11,311.15</b>	<b>\$0.00</b>	<b>\$1,123,690.94</b>	
Percent % of Total Power Cost->	1.2738%	9.1408%	0.0277%	0.0957%	1.5092%	24.1375%	1.0066%	0.0000%	100.0000%	
<b>Purchased Power Resources - Cost per kWh-&gt;</b>	<b>\$0.023130</b>	<b>\$0.044064</b>	<b>\$0.018696</b>	<b>\$0.007282</b>	<b>\$0.000000</b>	<b>\$0.000000</b>	<b>\$0.000000</b>	<b>\$0.000000</b>	<b>\$0.078592</b>	
								Verification Total ->	\$1,123,690.94	
								(Northern Pool Power - On-Peak + Off-Peak - Energy Charge/kWh) = JV2 Electric Service Rate ->	\$0.021949	
								(Northern Pool Power - On-Peak + Off-Peak - Energy Charge/kWh) = JV5 Electric Service Rate ->	\$0.021949	

*City of Napoleon, Ohio*

## **ELECTRIC COMMITTEE**

MAJORITY REPORT

**Monday, October 14, 2019**

The Electric Committee met on Monday, October 14, 2019, and:

1. Accepted the BOPA Recommendation to Approve the Power Supply Cost Adjustment Factor for October 2019 as PSCA 3-month averaged factor \$0.00794, JV2 \$0.02194; and
2. Accepted the BOPA Recommendation to Enter into a Three-Year Agreement with AMP, Inc. for the Efficiency Smart Enhanced Performance Program.

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Travis Sheaffer, Chairman

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Joseph D. Bialorucki, Committee Member

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Lori Siclair, Committee Member





# City of Napoleon, Ohio

## Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

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

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

## Memorandum

**To:** Joel L. Mazur, City Manager  
**From:** Chad E. Lulfs, P.E., P.S., Director of Public Works  
**cc:** Mayor and City Council  
Roxanne Dietrich, Clerk of Council  
Dave Pike, WWTP Superintendent  
**Date:** October 8, 2019  
**Subject:** VanHyning Pumping Station Replacement ~ Public Information Hearing

One requirement for receiving funding through DEFA is to hold a public information meeting. Attached to this memorandum is a Project Fact Sheet for the VanHyning Pumping Station Replacement project. The fact sheet outlines the scope, location, and cost of this project. Additional facts related to the existing facility are also included on the fact sheet.

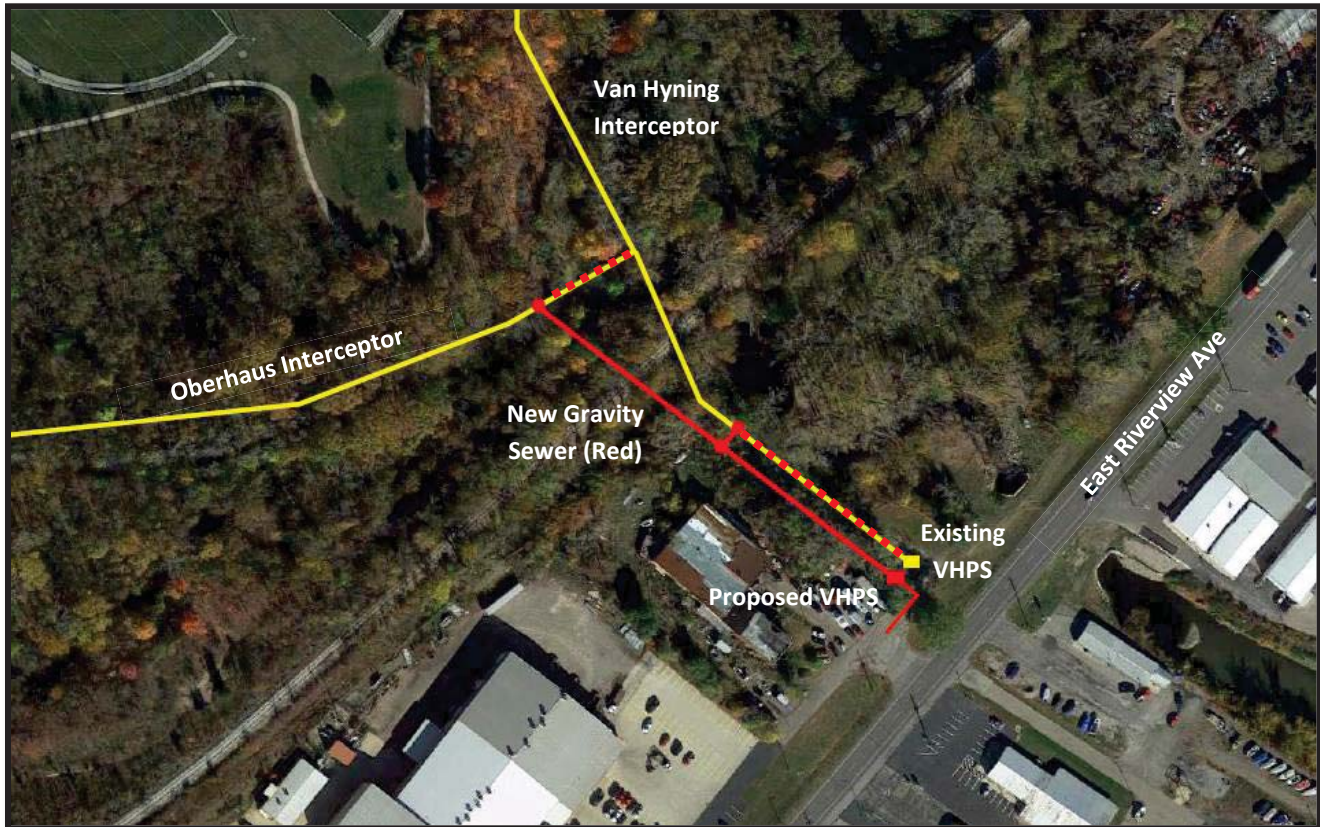
At the end of the fact sheet is space for written comments. This will provide the public an additional opportunity to comment and ask questions after the conclusion of this meeting. I ask that all comments and questions be forwarded to my office by Friday, November 1, 2019





# City of Napoleon Van Hying Pumping Station Replacement Project Fact Sheet

## Project Location:



## Existing Van Hying Pumping Station:

<b>Installation Date:</b>	1979
<b>Sewershed(s):</b>	Oberhaus Interceptor Sewershed and Van Hying Interceptor Sewershed
<b>Service Area:</b>	NW area of Napoleon (as shown above)
<b>Existing Flows:</b>	Average – 0.8 Million Gallons Per Day (MGD) Peak – 4.0+ MGD
<b>Pump Capacity:</b>	3.5 MGD
<b>Existing Issues:</b>	<ul style="list-style-type: none"> <li>▪ Existing pumping station nearing the end of its useful life.</li> <li>▪ Deteriorating performance and increased maintenance costs.</li> <li>▪ Lack of capacity during heavy rainfall events.</li> </ul>



# City of Napoleon

## Van Hying Pumping Station Replacement Project Fact Sheet

### **Proposed Van Hying Pumping Station:**

<b>Proposed Capacity:</b>	4.00 MGD (~15% increase in peak capacity)
<b>Major Project Components:</b>	<ul style="list-style-type: none"> <li>▪ Construction of a new pumping station with VFD control to optimize flow into the WWTP.</li> <li>▪ 500 feet of new gravity sewer in the system.</li> <li>▪ Lining 165 feet of the existing Van Hying Interceptor to extend its useful life.</li> <li>▪ Separate Oberhaus Interceptor from Van Hying Interceptor north of the Oberhaus Creek to reduce surcharging.</li> <li>▪ Re-grade project site to raise the proposed pumping station out of the 100-year floodplain.</li> <li>▪ Demolition of the existing Van Hying Pumping Station.</li> </ul>
<b>Opinion of Probable Cost:</b>	\$1,700,000
<b>Anticipated Project Schedule:</b>	Bidding / Project Award: December 2019 – January 2020 Construction Phase: February 2020 – December 2020

The primary goals of this project are to replace the aging Van Hying Pumping Station that is past its useful life and to increase pumping capacity to reduce surcharging near the Oberhaus Creek and Van Hying Creek during heavy rainfalls.

The proposed pumping station will be located along East Riverview Avenue and be constructed adjacent to the existing pumping station. During design a small wetland area was delineated near the ROW for the Napoleon Defiance & Western RR. As part of the design, efforts were made to ensure that the wetland will be protected and will not be disturbed during the construction of the project.

The project will be funded through the Ohio EPA Water Pollution Control Loan Fund (WPCLF) and is part of the City's Long-Term Control Plan to reduce overflow activity and protect the water quality of the Maumee River. The new pumping station will greatly improve collection system reliability, provide the WWTP staff with better control of flows entering the plant and provide additional capacity to reduce surcharging of the interceptors during heavy rainfall events.

### **Comments:**

Please use the space below to provide comments or questions to the City of Napoleon regarding this project:

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**Law Enforcement Magnets**

2530 Scottsville Road, Suite 6  
Bowling Green, KY 42104  
(270) 746-5444

4853

DATE 10/9/19

21-13/830

PAY  
TO THE  
ORDER OF

Napoleon Police Department

\$ 600<sup>00</sup>/<sub>100</sub>

Six hundred & 00/100

DOLLARS  Security Features  
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Details on Back

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FOR

Lewis N. Spots 

MP

*City of Napoleon, Ohio*


**PARKS AND RECREATION COMMITTEE**

**Meeting Agenda**

**Monday, October 21, 2019 at 6:00 pm**

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

- 1) Approval of Minutes: December 17, 2018. (In the absence of any objections or corrections, the Minutes shall stand approved)
- 2) Increase Shelter House Rates 10% Across the Board with Money going into an Escrow Account for Repair and Maintenance of the Shelter Houses
- 3) Any other matters currently assigned to the Committee
- 4) Adjournment



Roxanne Dietrich  
*interim* Clerk of Council

# PARKS AND RECREATION COMMITTEE

## Meeting Minutes

Monday, December 17, 2018 at 6:00 pm

<b>PRESENT</b>	
<b>Committee Members</b>	Jeff Mires-Chair, Dan Baer, Ken Haase
<b>City Staff</b>	Joel Mazur-City Manager Greg Heath-Finance Director Tony Cotter-Parks and Recreation Director Roxanne Dietrich-Records Clerk/Recorder
<b>Absent</b>	
<b>Call to Order</b>	Chairman Mires called the Parks and Recreation Committee meeting to order at 6:00 pm.
<b>Approval of Minutes</b>	Hearing no corrections, the Minutes of the November 19, 2018 meeting stand approved as presented.
<b>Golf Outing Rate</b>	Cotter reported at the September Parks and Rec Board meeting during the annual review of rates, a new rate was proposed for golf outings. There has been a number of outings on weekends conducted by groups as a fundraiser and there is confusion as to who pays for what. For these golf outings, there would be a flat fee that would cover golf and cart rental, the outing fee would be up to the organization hosting, this will make it easier and cleaner for all. Mires asked about charging members as well. Cotter said some believe members should not pay a fee during these outings, the course is closed to the public during the outings. The rate would be a flat fee of \$15.00 per golfer for 9 holes and \$25.00 per golfer for 18 holes.
<b>Motion to Add Golf Outing Rates to Golf Schedule</b>	Motion: Haase                      Second: Baer to accept the golf outing rates as proposed and add to the current rate schedule.
<b>Passed</b>	Roll call vote on the above motion:
<b>Yea-3</b>	Yea-Baer, Haase, Mires
<b>Nay-0</b>	Nay-
<b>Increase Shelter House Rates</b>	Cotter stated last year the Park and Rec Board proposed a \$10 flat fee increase across the board on all shelter house rentals and Council thought the percentage amount was too high. This year, the board came back with a proposal for a 10% rate increase and it was suggested it be put in a separate fund for maintenance. Heath pointed out if a separate fund was created, a separate rate would need to be passed and I do not recommend going that direction. While I agree with the increase, I disagree with a separate fund and splitting it out. Mazur suggested we could do this like we do the Fire Equipment Fund, have an incremental increase each year to build up the fund. Cotter said money can be put aside similar to what we are doing with the pool. Baer said I see the need for this but it appears there may be a pool levy on the May ballot and to raise the shelter house rates right now may create a negative effect to pass the pool levy. I do agree with the need; but,

**Motion to Remove from  
Table Bring Back Next Year**

until we know the outcome of the pool situation I am not in favor of a rate increase. Mazur suggested removing this from the agenda and bring it back next year.

**Motion to Remove Shelter  
House Rate Increase from  
Agenda**

Motion: Haase  
Second: Baer  
to remove Shelter House Rate Increase from the agenda.

**Passed**  
**Yea-3**  
**Nay-0**

Roll call vote on the above motion:  
Yea-Baer, Haase, Mires  
Nay-

**Motion to Bring Shelter  
House Rate Increase in June**

Motion: Baer  
Second: Haase  
to bring back shelter house rate increase in June.

**Passed**  
**Yea-3**  
**Nay-0**

Roll call vote on the above motion:  
Yea-Baer, Haase, Mires  
Nay-

**Other Matters**

None.

**Motion to Adjourn**

Motion: Baer  
Second: Haase  
to adjourn the Parks and Rec Committee meeting.

**Passed**  
**Yea-3**  
**Nay-0**

Roll call vote on above motion:  
Yea-Baer, Haase, Mires  
Nay-

**Adjournment**

The Parks and Rec Committee was adjourned at 6:19 pm.

**Approved:**

**October 21, 2019**

---

Jeff Mires-Chairman





# City of Napoleon, Ohio

## Parks and Recreation Department

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

www.napoleonohio.com

# Memorandum

**To:** Joel Mazur, City Manager  
**From:** Tony Cotter, Parks and Recreation Director  
**Date:** October 15, 2019  
**Subject:** Proposed Shelter House Rental Rate Increase Recommendation

In November of 2018, the Parks and Recreation Board recommended that the shelterhouse rental rates be increased 10% across the board. Additionally, it was proposed that a new fund be established where the additional revenue generated by this increase be placed to be used for repairs to the shelter facilities. This recommendation was referred by City Council to the Parks and Recreation Committee where it was tabled. At its September meeting, the Parks and Recreation Board asked that this recommendation be removed from the table and be considered for implementation. It is on the agenda for the upcoming Parks and Recreation Committee scheduled to meet on October 21 at 6:00 pm.

The following represents the current and proposed fee schedule:

	Ritter Park				Wayne Park			
	Weekday		Weekend		Weekend		Weekend	
	current	proposed	current	proposed	current	proposed	current	proposed
9:00 a.m. - 12:00 p.m.	\$35.00	\$38.50	\$40.00	\$44.00	\$30.00	\$33.00	\$35.00	\$38.50
1:00 p.m. - 5:00 p.m.	\$35.00	\$38.50	\$40.00	\$44.00	\$30.00	\$33.00	\$35.00	\$38.50
9:00 a.m. - 5:00 p.m.	\$40.00	\$44.00	\$45.00	\$49.50	\$35.00	\$38.50	\$40.00	\$44.00
6:00 p.m. - 11:00 p.m.	\$40.00	\$44.00	\$45.00	\$49.50	\$35.00	\$38.50	\$45.00	\$49.50
1:00 p.m. - 11:00 p.m.	\$45.00	\$49.50	\$50.00	\$55.00	\$40.00	\$44.00	\$45.00	\$49.50
9:00 a.m. - 11:00 p.m.	\$50.00	\$55.00	\$55.00	\$60.50	\$45.00	\$49.50	\$50.00	\$55.00
Rotary-Lions Community Center								
	Weekday			Weekend				
	current	proposed		current	proposed			
9:00 a.m. - 12:00 p.m.	\$50.00	\$55.00		\$60.00	\$66.00			
1:00 p.m. - 5:00 p.m.	\$60.00	\$66.00		\$70.00	\$77.00			
9:00 a.m. - 5:00 p.m.	\$80.00	\$88.00		\$90.00	\$99.00			
6:00 p.m. - 11:00 p.m.	\$80.00	\$88.00		\$90.00	\$99.00			
1:00 p.m. - 11:00 p.m.	\$90.00	\$99.00		\$100.00	\$110.00			
9:00 a.m. - 11:00 p.m.	\$110.00	\$121.00		\$120.00	\$132.00			

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

*City of Napoleon, Ohio*

## **TREE COMMISSION**

### **MEETING AGENDA**

**Monday, October 21, 2019 at 6:00 pm**

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

1. Approval of Minutes: September 16, 2019 (In the absence of any objections or corrections, the Minutes shall stand approved.)
2. Review Tree Call Reports
3. Fall Contracts Update
4. Review Spring Plantings List
5. Review Spring Trimming List
6. Finalize Next Year's Budget/Plans
7. Any Other Matters to Come Before the Commission
8. Adjournment

*Roxanne Dietrich*

Roxanne Dietrich

Interim Clerk of Council

## TREE COMMISSION

Meeting Minutes

Monday, September 16, 2019 at 6:00 pm

### PRESENT

Commission Members  
Council Representative  
City Staff  
Recording Secretary

Jim Fitzenreiter-Chair, Dave Volkman, Ed Clausing, Larr Etzler, Kyle Moore  
Jeff Mires  
Aron Deblin  
Roxanne Dietrich

### ABSENT

### Call to Order

Chairman Fitzenreiter called the meeting to order at 6:00 pm.

### Approval of Minutes

Hearing no objections or corrections, the minutes from the August 19, 2019 regular meeting and August 26, 2019 special meeting were approved

### Review Tree Call Reports

Deblin reported he received four tree calls. 816 Daggett, 414 Rohrs and 422 Brownell all asked what the process was for getting stumps we ground in the spring cleaned up and seeded. 607 Sheffield has a Red Maple that he's worried is starting to show signs of hollowing on a couple of limbs we recently pruned, take a look at. We can remove the tree in the spring if we need to, I still believe it's due to the depth of grinding stumps. Next spring, I hope to get back on the topsoil contract like we have done in the past to give it a chance to settle and the following season address topsoil.

Fitzenreiter said he had the resident at 1125 Hurst Drive contact him regarding the Norway Maple that has a couple of branches in the power lines. The tree is on private property; however, it is really close to the right-of-way. Deblin said due to potential problems with the power lines, we'll just go ahead and trim. Moore stated the owners of Moxi asked if a tree will be planted where the one was removed, they prefer a tree not be replanted. Deblin said we send letters out before we replant trees, if they don't want a tree replanted, we're good with that. Clausing asked if there was any wind damage? Deblin said we had one at 703 Daggett, the top broke out it.

### Fall Contracts Update

Deblin reported the Fall Removal Contract started with 16 trees and 25 stumps (some of the stumps are from when the Electric Department removed trees). The contractor is down to 10 trees and 17 stumps, he started work on August 27<sup>th</sup>.

### Award Fall Planting Contract

Deblin stated three fall planting packets were sent out with just one proposal being submitted. North Branch Nursery's proposal was \$5,781 for 24 trees. All but four of the trees are on Park Street the others are on Haley, Clairmont, Highland and the tree well by Snyders. The Commission approved awarding the Fall Planting Contract to North Branch Nursery at \$5,781.00.

### Award Fall Trimming Contract

Deblin said two invites for the fall trimming were sent out with just Tawa Tree submitting a proposal. Their base bid is \$180/hour, their Alternate Bid adds a

second truck and another worker at \$360/hour. My recommendation would be to go with the Alternate Bid with the two crews. That's 36 hours at \$360/hour and gets them in and out, that worked well last Spring. The Committee approved awarding the Alternate Bid with two crews at \$360/hour for 36 hours to Tawa Tree. There was discussion on why we are receiving just one bid on the tree proposals and possible other companies we can reach out to.

**Begin Spring Planting List**

Fitzenreiter suggested planting trees at Pickett Fences to enhance that area. He measured the boulevard at 7-8 feet and thought Deblin could send letters to the homeowners. Deblin said Trail Drive is being extended and Raymond Street is going in now, that would be just a block. Fitzenreiter added there are two new houses going in at Twin Oaks with another one on Sycamore.

**Review Next Year's Budget/Plans**

Deblin reported the last couple of years we've had \$60,000 in the budget. Chad informed me, the pre-budget amount is \$50,000, he said \$60,000 was due to construction projects that needed trees replanted. I don't think we can go backwards and will ask Chad to push for the additional \$5,000 this year with an increase of \$1,000 each year after. The Ohio average is \$7.69 per capita and the National average is \$8.40 per capita, Napoleon's is \$7.38 per capita. We spend 54% on trimming and 40% is split between tree plantings and removals. ODNR recommends a 5 to 7-year cycle for tree trimming and ours is on an eight to ten-year cycle. Etzler pointed out by doing the tree trimmings we have not had a lot of damage from high winds, trees at risk are being taken down and that is what tree trimming buys us. Deblin added removals are on an as needed basis and we try to plant as many as we have taken down if not more. To meet Ohio's average, we would need \$64,000 and to meet the Nation's average that figure would be \$70,000. My proposal is we need the extra \$5,000 to keep up.

**Other Matters**

Fitzenreiter asked if the trees on Clinton have been straightened yet? Deblin said *no*. Fitzenreiter responded we should remind them North Branch is to look at the trees on Clairmont too.

**Motion to Adjourn**

Motion: Moore Second: Volkman  
to adjourn the Tree Commission meeting at 6:46 pm.

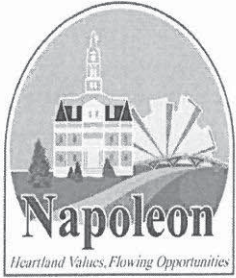
**Passed  
Yea-6  
Nay-0**

Roll call vote on the above motion:  
Yea-Clausing, Mires, Volkman, Fitzenreiter, Etzler, Moore  
Nay-

**Date Approved:**

**October 21, 2019**

\_\_\_\_\_  
Jim Fitzenreiter, Chairman



# City of Napoleon, Ohio

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

Telephone: (419) 599-1235 Fax: (419) 599-8393

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

## Memorandum

**To:** Civil Service Commission  
**cc:** Mayor and City Council, City Law Director, City  
Manager, City Finance Director, Department  
Supervisors, News Media  
**From:** Roxanne Dietrich, *interim* Clerk of Council *rd*  
**Date:** October 17, 2019  
**Subject:** Civil Service Commission – Cancellation

Due to a lack of agenda items, the **CIVIL SERVICE COMMISSION** meeting scheduled for Tuesday, October 22, 2019 at 4:30 pm has been *cancelled*.

# BOARD OF ZONING APPEALS REPORT TO CITY COUNCIL

This form records the vote of each member of the Board of Zoning Appeals and the reason for disapproval in the matter of:

**BZA-19-09**

	<u>Approval</u>	<u>Disapproval</u>	<u>Absent</u>
Tom Mack, Chair	<u>X</u>	_____	_____
Steve Small	<u>X</u>	_____	_____
David Dill	<u>X</u>	_____	_____
Lynn Rausch	<u>X</u>	_____	_____
Laurie Sans	_____	_____	<u>X</u>

Member \_\_\_\_\_  
Reason stated for disapproval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Member \_\_\_\_\_  
Reason stated for disapproval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Member \_\_\_\_\_  
Reason stated for disapproval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Member \_\_\_\_\_  
Reason stated for disapproval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





# City of Napoleon, Ohio

## Zoning Department

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

Mark B. Spiess, Senior Engineering Technician / Zoning Administrator

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

www.napoleonohio.com

### Variance Certificate

Date: October 8, 2019

Hearing No.: BZA-19-09

Address: 120 Wayne Park Dr

Applicant: Frank S. Cashman  
120 Wayne Park Dr.  
Napoleon, OH 43545

Requested Use: Side yard setback reduced from 10' to 6'

Decision:	Approve	Deny	Reason
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
	<input type="checkbox"/>	<input type="checkbox"/>	ABSENT
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____

Chairman Signature

# BZA-19-09

## Variance To The Property Setback Located At 120 Wayne Park Dr.

### **MEMORANDUM**

**TO:** Members of The Board of Zoning Appeals

**FROM:** Mark B. Spiess, Sr. Eng. Tech. / Zoning Admin.

**SUBJECT:** Variance To The Property Setbacks

**MEETING DATE:** October 8, 2019 @ 4:30 PM

**HEARING #:** BZA-19-09

#### **BACKGROUND:**

An application for public hearing has been filed by Frank S. Cashman, 120 Wayne Park Dr. Napoleon, Ohio 43545. The applicant is requesting a variance to Section 1147 regarding the building setbacks in an R-1 Zone, Suburban Residential. The applicant is requesting a variance to the side yard setback, from 10' to 6', to build a 24x40' building.

#### **RESEARCH AND FINDING**

1. These lots were originally platted before the zoning determination was set for this area.
2. The natural contours of this area limit the buildable space
3. Upon approval of this variance and issuance of a zoning permit, a building permit from Wood County Building Inspection shall be required followed by a Certificate of Occupancy.

#### **STANDARDS FOR A VARIANCE :**

The Board, after a hearing, may grant a variation from the regulations of the City's Planning and Zoning Code, but only when such variation is in harmony with the general purpose and intent of the Planning and Zoning Code, and the Board finds all of the following:

- (a) That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or use in the same vicinity or district;
- (b) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity or district but which is denied to the property in question;
- (c) That granting such variance will not be materially detrimental to the public welfare or injurious to the property of improvements in the vicinity or district in which the property is located;
- (d) That granting such variance will not alter the land use characteristics of the vicinity or district, diminish the value of adjacent land and improvements, or increase the congestion in the public streets. (Ord. 69-01. Passed 7-2-01.)

# Application for Public Hearing

## City of Napoleon, Ohio

I/We hereby request a public hearing to consider the following:

<u>Planning Commission</u>	<u>Preservation Commission</u>	<u>Board of Zoning Appeals</u>
(MZON 100.1700.46690)	(MZON 100.1700.46690)	(MZON 100.1700.46690)
<input type="checkbox"/> Conditional Use <b>\$125.00</b>	<input type="checkbox"/> Certificate of Appropriateness <b>\$25.00</b>	<input type="checkbox"/> Certificate of Zoning <b>\$25.00</b>
<input type="checkbox"/> Amendment <b>\$125.00</b>		<input type="checkbox"/> Re-Zoning <b>\$125.00</b>
<input type="checkbox"/> Subdivision in City <b>\$75.00 + \$5.00 each, after two</b>		<input checked="" type="checkbox"/> Variance <b>\$125.00</b>
<input type="checkbox"/> Preliminary Plat of Development <b>\$125.00</b>		<input type="checkbox"/> Administrative Appeal <b>\$50.00</b>

Address of property: 120 Wayne Park Drive, Napoleon, OH

Description of request:  
Construct 24' x 40' detached garage made of high quality material to match design & look of existing house. Requesting a variance to build structure closer to neighbors property than the 10 foot requirement. This will allow the structure to maintain symmetry with existing driveway

Frank cashman  
 OWNER(S) NAME (PRINT)

120 Wayne Park Drive, Napoleon, OH 43545  
 ADDRESS- CITY, STATE, ZIP

419-789-9733  
 PHONE NUMBER

[Signature]  
 SIGNATURE

**\*\*\*Public hearings are held on the second Tuesday of each month; this petition must be filed with the Zoning Administrator thirty (30) days before the public hearing date. All plans, plats, deeds and other requested information must accompany this application before the hearing will be scheduled.\*\*\***

**APPLICANT MUST BE AN OWNER OR AN AUTHORIZED REPRESENTATIVE EVIDENCED BY LETTER OF APPOINTMENT.**

Frank cashman  
 APPLICANT NAME (PRINT)

120 Wayne Park Drive  
 ADDRESS

[Signature]  
 APPLICANT SIGNATURE

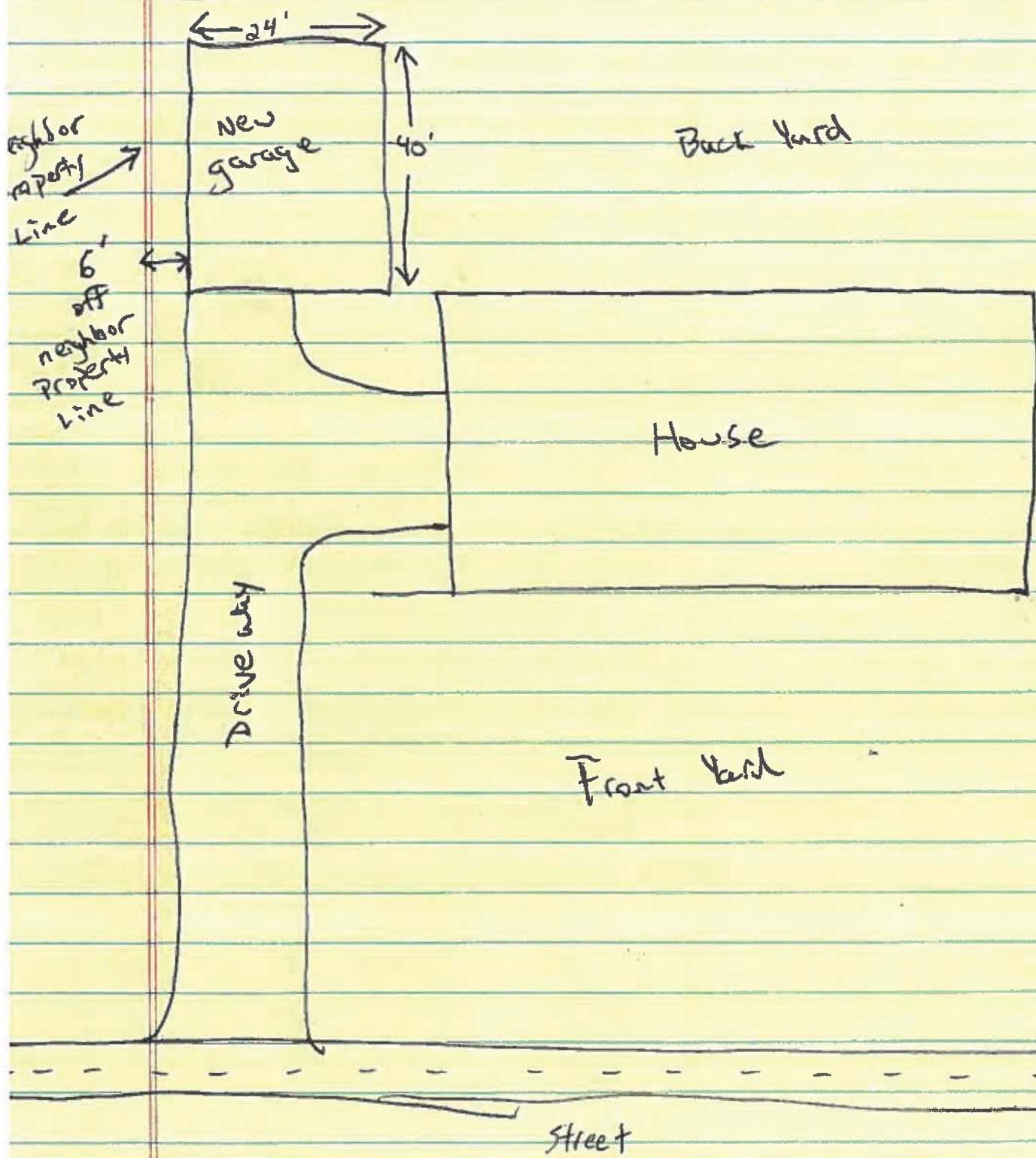
Napoleon, OH 43545  
 CITY, STATE, ZIP

419-789-9733  
 PHONE

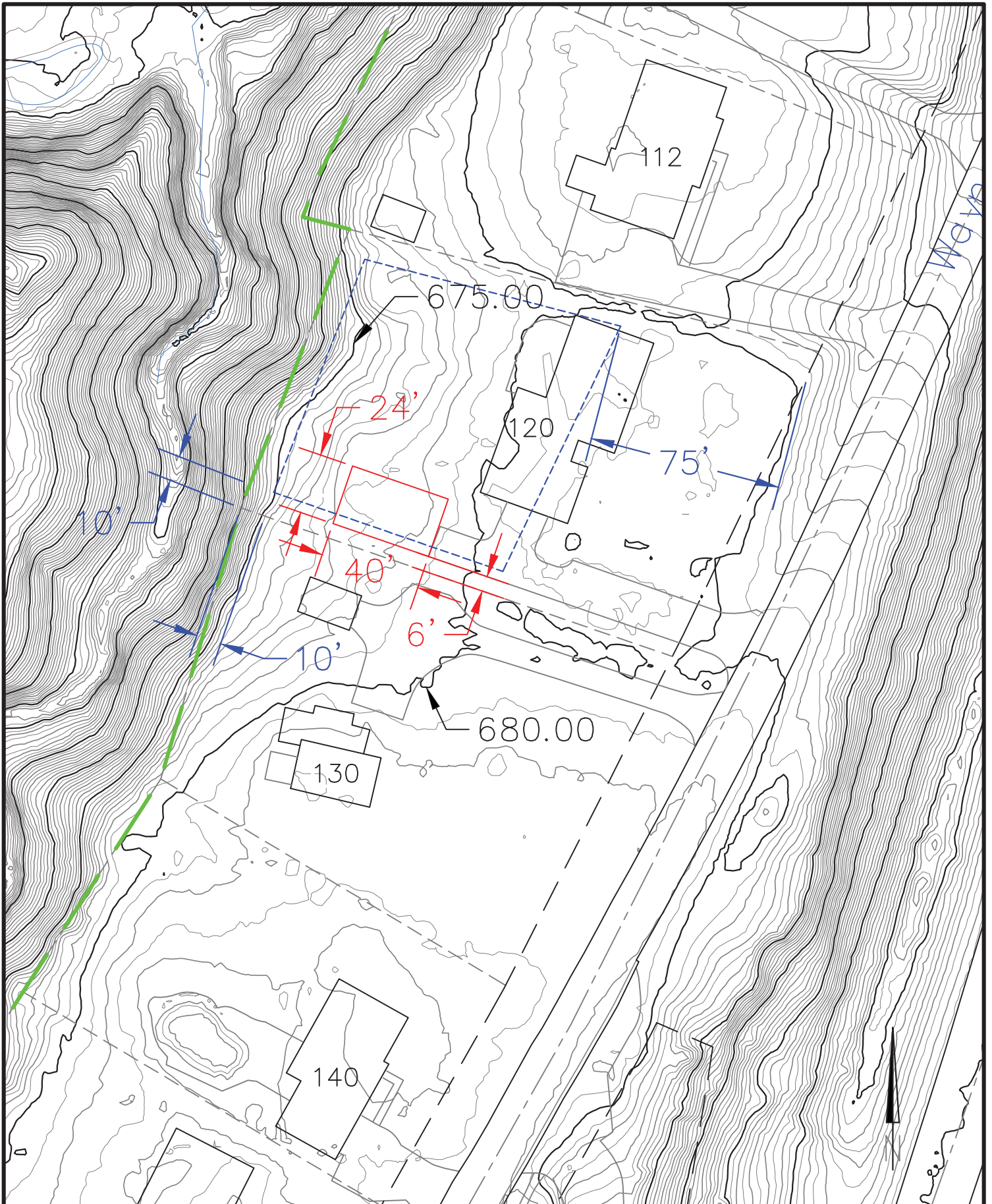
Hearing #: \_\_\_\_\_ Hearing Date: \_\_\_\_\_ Zoning District: \_\_\_\_\_

<b>Office Use Only</b> Batch # <u>41883</u> Check # <u>1160</u> Date <u>9-9-19</u>
---

Wooded Ravine







**BZA-19-09**  
**120 Wayne Park Dr**  
**Front Yard Setback Variance**

Created: 9/24/19  
Plotted: 9/24/19  
Scale: 1"=50'  
Sheet 00 Of 00

# Ohio Municipal League Legislative Bulletin

Ohio Municipal League

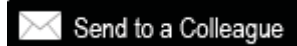
Fri 10/18/2019 1:34 PM

To: Roxanne Dietrich <rdietrich@napoleonohio.com>

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 Send to a Colleague



## Legislative Bulletin

**October 18, 2019**

### OML UPDATE AT-A-GLANCE

Here are the top three things you need to know from this past week:

- *Area Development Magazine* named Ohio as ninth on a list of "Top States for Doing Business" for the year 2019. In a subcategory, Ohio ranked first in "most improved economic development policies." As Ohio's economic engines, municipalities play a critical role in providing a business-friendly environment that supports jobs and economic development throughout the state.
- The League regrets to report that Delaware County Treasurer and former state representative Jon Peterson passed away earlier this week. Peterson represented Delaware County in the House of Representatives for five terms, from 1998 to 2008. We also regret to report the passing of former state senator Cooper Snyder, who represented Highland county just over four terms from 1979 through 1996. Our thoughts are with their families.
- Ohio's September tax revenue estimates were exceeded by 2%, or \$37.3 million. Total tax revenues totaled at \$1.93 billion for the month. This marks the third month in a row of exceeded revenue estimates. The first three months of the fiscal year have seen their estimates surpassed by \$71.4 million in total.



## SENATE INTRODUCES "BAG TAX" PREEMPTION BILL

The Senate has introduced a companion bill to HB 242, which is the municipal preemption on taxing auxiliary containers. The Senate's version of the bill, SB 222, was introduced this week by Sen. Rulli (R - Salem). (Link: <https://bit.ly/2MmvbVN>).

Like the bill in the House, SB 222 prohibits a municipality from taxing containers such as plastic bags and takeout boxes, as well as applying existing anti-littering laws to those containers. This bill is yet another in a long line of legislative preemptions from the General Assembly that continue to erode the Home Rule authority granted to Ohio's cities and villages in Article XVIII of the state's constitution.

The League's Executive Director, Kent Scarrett, published an op-ed in the Columbus Dispatch last month discussing the "bag tax" municipal preemption, as well as the history of preemptions passed by the legislature over the past several years. You can read his column in full [HERE](#).

As with HB 242, the League opposes SB 222 and will follow closely any progress the misguided proposal may receive. If the bill receives committee action, we will notify our members with a Call-to-Action to let them know when there is an opportunity for municipal leaders to come to Columbus and testify against this bill and its violation of the principles of Home Rule authority.

In the meantime, we strongly encourage our members to contact their state senators and alert them of this dangerous piece of legislation and the challenges it will present for the tenets of local control and respect for Home Rule authorities.

## GOV. DEWINE'S "STRONG OHIO" LEGISLATION INTRODUCED

This week, Sen. Dolan (R - Chagrin Falls) introduced SB 221, which is the official legislation implementing Gov. DeWine's "STRONG Ohio" plan dedicated to curbing gun violence in Ohio. (Link: <https://bit.ly/2Mk4Pn4>). The bill as written would do the following:

- issue a Safety Protection Order in specific circumstances regarding a person who a court determines is under a drug dependency, chronic alcoholic, or mental health-related firearms disability.
- specify Law Enforcement Automated Data System (LEADS) and National Crime Information Center (NCIC) reporting and removal procedures for certain types of protection orders.
- require submissions to the Attorney General to include findings of incompetent to stand trial (IST) or not guilty by reason of insanity (NGRI) in LEADS.
- modify some of the prohibitions under the offense of "unlawful transactions in weapons", such as increased penalties for "straw purchases" (purchasing a firearm

for someone legally unable to purchase a firearm).

- add new prohibitions and exemptions under the "unlawful transactions in weapons" offense, including a new exemption if a state background check mechanism enacted by this bill is used to determine that the individual receiving the firearm is not barred from possessing a firearm.
- provide a seller's protection certificate in certain circumstances under the bill's new state background check mechanism.
- increase the penalty for certain firearms-related offenses in specified circumstances, such as committing a felony while possessing a firearm.
- modify the law governing the entry of arrest warrants into LEADS as extradition warrants.
- expand the law regarding the provision of drug and alcohol test results to law enforcement personnel.
- provide a new exception to testimonial privilege for specified medical and dental personnel regarding certain probate court proceedings.

The League will be tracking this legislation closely as it begins committee hearings and we will inform our members of any changes that are made as it moves through the legislative process.

### **OML'S ANNUAL CONFERENCE STARTS NEXT WEEK**

The League's 2019 Annual Conference is almost here! We hope you've registered to join us from Wednesday, Oct. 23rd to Friday, Oct. 25th at the downtown Renaissance Hotel.

Our Annual Conference will offer the exclusive opportunity to hear from Ohio leaders Dayton Mayor Nan Whaley and Celina Mayor Jeff Hazel, who will be discussing the timely and relevant topic on community crisis management. Ohio's cities and villages are learning how to navigate the shifting landscape for keeping our communities safe, and this is a session you won't want to miss. Local leaders and their staff will also hear firsthand how Governor DeWine's administration is working alongside Ohio's municipalities from Director of the Development Services Agency and former Findlay Mayor Lydia Mihalik.

We are very excited to give our attendees the opportunity to hear from Leon Andrews, Director for the National League of Cities' Race, Equity and Leadership (REAL) initiative to discuss strategies for creating a more inclusive and equitable community. REAL offers communities the tools and resources they need to build safe communities where all races and cultures thrive in every area of life.

Our keynote speaker this year is nationally-renowned communications expert Jan Hargrave, who has been featured on national television programs and worked with some

of the most recognizable companies as well as many world leaders on developing successful communication techniques. You can learn more about all of our featured speakers [HERE](#).

Educational workshops on current issues, as well as roundtables with other municipal leaders, will give attendees the chance to network, build valuable relationships and exchange best practices. The conference will host a large variety of vendors with programs and products that may benefit your municipality. And it wouldn't be a League conference without some entertainment: Thursday night will feature both a Casino Night as well as a raffle prize drawing.

You can find the updated conference agenda [HERE](#) and register [HERE](#). We look forward to seeing you there!

### **COMMITTEE UPDATE: BILLS OF MUNICIPAL INTEREST**

Here are the bills impacting municipalities that received committee hearings this week:

- **HB 295 - ELECTRIC SCOOTERS.** Sponsored by Rep. Hoops (R - Napoleon), would establish requirements governing low-speed electric scooters. During its fourth hearing before the House Transportation and Public Safety Committee, the bill was voted unanimously out of committee. It now heads to the Senate for further hearings. The League is neutral on this legislation.(Link: <https://bit.ly/30I0H4t>)
- **SB 39 - INSURANCE TAX.** Sponsored by Sen Schuring (R - Canton), would authorize an insurance premiums tax credit for capital contributions to transformational mixed-use development projects. During its first hearing before the House Economic and Workforce Development Committee, the bill's sponsor said the bill is targeted towards "mega-development projects designed to revitalize downtown areas and boost local economies. The League is supportive of this legislation.(Link: <https://bit.ly/2Juc8Zm>)

### **COMMITTEE SCHEDULE FOR THE WEEK OF OCTOBER 20, 2019**

**Tuesday, October 22, 2019**

#### **HOUSE INSURANCE**

Tue., Oct. 22, 2019, 10:00 AM, Hearing Room 122

Rep. Brinkman: 614-644-6886

**[HB308\\*\\*](#)**PTSD COVERAGE - FIRST RESPONDERS (PATTON T) Concerning workers' compensation and disability retirement for peace officers, firefighters, and emergency medical workers

diagnosed with posttraumatic stress disorder arising from employment without an accompanying physical injury.

**Second Hearing, Proponent Testimony**

**HB330\*\*** FIREFIGHTER CANCER CLAIMS (PATTON T) Regarding charging workers' compensation experience in firefighter cancer claims.

**Second Hearing, Proponent Testimony**

**HOUSE WAYS AND MEANS**

Tue., Oct. 22, 2019, 3:00 PM, Hearing Room 116

Rep. Merrin: 614-466-1731

**SB95\*\*** STATE AND LOCAL TAX INDUCEMENTS (KUNZE S, PETERSON B) To enhance state and local tax inducements for businesses making substantial fixed asset and employment investments and their suppliers.

**First Hearing, Sponsor Testimony**

**HB17\*\*** SURVIVING SPOUSES-HOMESTEAD EXEMPTION (GINTER T) To allow an enhanced homestead exemption for surviving spouses of public safety personnel killed in the line of duty.

**Third Hearing, All Testimony**

**Wednesday, October 23, 2019**

**SENATE GENERAL GOVERNMENT AND AGENCY REVIEW**

Wed., Oct. 23, 2019, 3:15 PM, North Hearing Room

Sen. Schuring: 614-466-0626

**SB202\*\*** LOCAL FIREARMS RESTRICTIONS (THOMAS C, CRAIG H) To restore local authority to generally regulate firearms-related conduct.

**First Hearing, Sponsor Testimony**

**HB10\*\*** OFFICE OF DRUG POLICY (BROWN R, STOLTZFUS R) To establish the Governor's Office of Drug Policy and to make an appropriation.

**Fourth Hearing, All Testimony**

**CHECK OUR WEBSITE MONDAY FOR ANY CHANGES TO THE COMMITTEE SCHEDULE**

**Ohio Municipal League Meetings & Trainings**

<p><b><u>OML Annual Conference</u></b> <b>October 23 ~ 25, 2019</b> <b>Renaissance Hotel, Downtown Columbus</b></p>	<p><b><u>Registration Information</u></b></p>
<p><b><u>MFOAO Annual Fall Conference</u></b> <b>October 23 &amp; 24, 2019</b> <b>Renaissance Hotel, Downtown Columbus</b></p>	<p><b><u>Registration Information</u></b></p>