



CITY OF NAPOLEON, OHIO

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

Memorandum

To: Mayor and Members of City Council
From: Roxanne Dietrich, Clerk of Council
cc: Joel L. Mazur-City Manager,
Billy D. Harmon-City Law Director,
Kelly O'Boyle-Finance Director
Date: January 4, 2021
Subject: General Information

CALENDAR

MONDAY, JANUARY 4TH

City Council Meeting @ 7:00 pm

APPROVAL OF MINUTES – December 21, 2020 City Council Meeting Minutes

INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 083-20**, an Ordinance Amending a Certain Section of Chapter 925 of the Codified Ordinances of the City of Napoleon, specifically Section 925.08 "Placement of Containers," and Amending Ordinance No. 007-20.
2. **Ordinance No. 084-20**, an Ordinance Approving Current December 2020 Replacement Pages to the City of Napoleon Codified Ordinances.
3. **Ordinance No. 085-20**, an Ordinance Amending Section 931.09 Increasing Sanitary Sewer Rates for the Years 2021, 2022, 2023 and 2024; and Declaring an Emergency.
4. **Ordinance No. 086-20**, an Ordinance Amending Section 931.07 Increasing Water Rates for Residential, Commercial, Industrial and Whole Customers for the Years 2021, 2022, 2023 and 2024; and Declaring an Emergency.

SECOND READINGS OF ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 076-20**, an Ordinance Authorizing a one-time gross payment for the City of Napoleon, Ohio Law Director; and Declaring an Emergency
2. **Ordinance No. 077-20**, an Ordinance Authorizing a one-time gross payment to the City of Napoleon, Ohio City Manager; and Declaring an Emergency
3. **Ordinance No. 078-20**, an Ordinance Authorizing a one-time gross payment to the City of Napoleon, Ohio Finance Director; and Declaring an Emergency

THIRD READINGS OF ORDINANCES AND RESOLUTIONS

1. **Resolution No. 072-20**, a Resolution Extending the Provisions contained in Ordinance No. 021-18 and Resolution No. 086-19, wherein Council Imposed a Temporary Reduction and/or Temporary Elimination of Certain Residential Building Permit Fees; and Declaring an Emergency
2. **Ordinance No. 074-20**, an Ordinance Providing for the Issuance and Sale of Bonds in the Maximum Principal Amount of \$2,500,000, for the Purpose of Paying the Costs of Improving the Municipal Water System by Improving and Rehabilitating the Existing Water Treatment Plant and related

Storage Facilities, Rehabilitating the Elevated Storage Tanks, and Acquiring and Improving Related Interests in Real Property, together with all Necessary and Related Appurtenances thereto, and Declaring an Emergency

3. **Ordinance No. 075-20**, an Ordinance Providing for the Issuance and Sale of Bonds in the Maximum Principal Amount of \$4,100,000 for the Purpose of Paying the Costs of the Construction of a Municipal Swimming Pool with Related Facilities and Appurtenances, Including the Demolition of Existing Facilities, together with all necessary and related Appurtenances thereto; and Declaring an Emergency
4. **Ordinance No. 067-20**, an Ordinance Establishing a New Position Classification Pay Plan for Employees of the City of Napoleon, Ohio for the Year 2021; repealing Ordinance No. 088-19; and Declaring an Emergency

GOOD OF THE CITY (Discussion/Action)

1. Purchase of Vehicles for the Police Department
2. Appointment of two (2) Councilmembers to the Volunteer Firefighter Dependents Fund Board
3. Appointment of two (2) Councilmembers to the Volunteer Peace Officers' Dependents Fund Board
Currently, Joe Bialorucki and Jeff Comadoll are on both Dependents Fund Boards. The short organizational meeting for each board is set for Monday, January 25, 2021 before the Finance and Budget Committee meeting.
4. Funds Collected from the Reciprocity Tax (refer to Committee)
This item was requested by Councilman Durham at the last Council meeting.
5. Acceptance of Cash Donation from Anonymous Citizen for Christmas Cheer (Police Department).
6. Acceptance of Donations to the Fire Department in Memory of Richard "Pete" Travis.

INFORMATIONAL ITEMS

1. Technology and Communications Committee Canceled

JANUARY 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1 	2
3	4 7:00 pm – City Council	5	6	7	8	9
10	11 6:15 pm –Electric Committee BOPA 7:00 pm –Water/Sewer Committee 7:30 pm –Municipal Properties Committee	12 4:30 pm – Board of Zoning Appeals 5:00 pm-Planning Commission	13	14	15	16
17	18 6:00 pm – Park Rec Committee 6:00 pm – Tree Commission 7:00 pm – City Council	19	20	21	22	23
24	25 6:00 pm – Vol Peace Officers Dependents Fund Board 6:15 pm –Vol Firefighter Dependent’s Fund Board 6:30 pm–Finance & Budget Comm. 7:30 pm–Safety & Human Resources Committee	26 4:30 pm–Civil Service Commission	27 6:30 pm–Park and Rec Board	28	29	30
31						

City of Napoleon, Ohio

**CITY COUNCIL
MEETING AGENDA**

Monday, January 4, 2021 at 7:00 pm

City Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio
The WebEx link to the meeting will be posted at www.napoleonohio.com

- A. Attendance** (Noted by the Clerk)
- B. Prayer and Pledge of Allegiance**
- C. Approval of Minutes** (in the absence of any objections or corrections, the minutes shall stand approved)
1. December 21, 2020 Regular Council Meeting Minutes
- D. Citizen Communication**
- E. Reports from Council Committees**
1. Finance and Budget Committee December meeting was canceled
 2. Safety and Human Resources Committee did not meet on December 28, 2020 due to lack of agenda items.
 3. Technology and Communications Committee did not meet earlier tonight due to lack of agenda items.
- F. Reports from Other Committees, Commissions and Boards** (*Informational Only-Not Read*)
1. Civil Service Commission did not meet on December 22, 2020 due to lack of agenda items.
 2. Parks and Rec Board meeting for December was canceled.
- G. Introduction of New Ordinances and Resolutions**
1. **Ordinance No. 083-20**, an Ordinance Amending a Certain Section of Chapter 925 of the Codified Ordinances of the City of Napoleon, specifically Section 925.08 "Placement of Containers," and Amending Ordinance No. 007-20.
 2. **Ordinance No. 084-20**, an Ordinance Approving Current December 2020 Replacement Pages to the City of Napoleon Codified Ordinances.
 3. **Ordinance No. 085-20**, an Ordinance Amending Section 931.09 Increasing Sanitary Sewer Rates for the Years 2021, 2022, 2023 and 2024; and Declaring an Emergency.
 4. **Ordinance No. 086-20**, an Ordinance Amending Section 931.07 Increasing Water Rates for Residential, Commercial, Industrial and Whole Customers for the Years 2021, 2022, 2023 and 2024; and Declaring an Emergency.
- H. Second Readings of Ordinances and Resolutions**
1. **Ordinance No. 076-20**, an Ordinance Authorizing a one-time gross payment for the City of Napoleon, Ohio Law Director; and Declaring an Emergency
 2. **Ordinance No. 077-20**, an Ordinance Authorizing a one-time gross payment to the City of Napoleon, Ohio City Manager; and Declaring an Emergency
 3. **Ordinance No. 078-20**, an Ordinance Authorizing a one-time gross payment to the City of Napoleon, Ohio Finance Director; and Declaring an Emergency
- I. Third Readings of Ordinances and Resolutions**
1. **Resolution No. 072-20**, a Resolution Extending the Provisions contained in Ordinance No. 021-18 and Resolution No. 086-19, wherein Council Imposed a Temporary Reduction and/or Temporary Elimination of Certain Residential Building Permit Fees; and Declaring an Emergency

2. **Ordinance No. 074-20**, an Ordinance Providing for the Issuance and Sale of Bonds in the Maximum Principal Amount of \$2,500,000, for the Purpose of Paying the Costs of Improving the Municipal Water System by Improving and Rehabilitating the Existing Water Treatment Plant and related Storage Facilities, Rehabilitating the Elevated Storage Tanks, and Acquiring and Improving Related Interests in Real Property, together with all Necessary and Related Appurtenances thereto, and Declaring an Emergency
 3. **Ordinance No. 075-20**, an Ordinance Providing for the Issuance and Sale of Bonds in the Maximum Principal Amount of \$4,100,000 for the Purpose of Paying the Costs of the Construction of a Municipal Swimming Pool with Related Facilities and Appurtenances, Including the Demolition of Existing Facilities, together with all necessary and related Appurtenances thereto; and Declaring an Emergency
 4. **Ordinance No. 067-20**, an Ordinance Establishing a New Position Classification Pay Plan for Employees of the City of Napoleon, Ohio for the Year 2021; repealing Ordinance No. 088-19; and Declaring an Emergency
- J. Good of the City** (Any other business that may properly come before Council, including but not limited to):
1. **Discussion/Action:** Purchase of Vehicles for the Police Department
 2. **Discussion/Action:** Appointment of two (2) Councilmembers to the Volunteer Firefighter Dependents Fund Board
 3. **Discussion/Action:** Appointment of two (2) Councilmembers to the Volunteer Peace Officers' Dependents Fund Board
 4. **Discussion/Action:** Funds Collected from the Reciprocity Tax (refer to Committee)
 5. **Discussion/Action:** Acceptance of Cash Donation from Anonymous Citizen for Christmas Cheer (Police Department).
 6. **Discussion/Action:** Acceptance of Donations to the Fire Department in Memory of Richard "Pete" Travis.
- K. Executive Session** (as may be needed)
- L. Approve Payment of Bills** (in the absence of any objections or corrections, the Payment of Bills shall stand approved.)
- M. Adjournment**



Roxanne Dietrich - Clerk of Council

A. ITEMS REFERRED OR PENDING IN COMMITTEES OF COUNCIL

1. **Technology & Communication Committee (1st Monday)**
(Next Regular Meeting: Monday, January 4, 2021 @6:15 pm)
2. **Electric Committee (2nd Monday)**
(Next Regular Meeting: Monday, January 11, 2021 @6:15 pm)
 - a. Review of Power Supply Cost Adjustment Factor for January 2021
 - b. Update on Substations
 - c. Electric Department Report
3. **Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday)**
(Next Regular Meeting: Monday, January 11, 2021 @7:00 pm)
 - a. Marking Excavation Site for Sewers
 - b. Update on 2021 Wastewater Treatment Plant Improvements Project (March 8, 2021 Meeting)
4. **Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday)**
(Next Regular Meeting: Monday, January 11, 2021 @7:30 pm)
5. **Parks & Recreation Committee (3rd Monday)**
(Next Regular Meeting: Monday, January 18, 2021 @6:00 pm)
6. **Finance & Budget Committee (4th Monday)**
(Next Regular Meeting: Monday, January 25, 2021 @6:30 pm)
 - a. Compensation of City Council and Mayor
7. **Safety & Human Resources Committee (4th Monday)**
(Next Regular Meeting: Monday, January 25, 2021 @7:30 pm)
(February 22, 2021 Joint Meeting with Townships and HSCJAD @7:30 pm)
8. **Personnel Committee (as needed)**

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

1. **Board of Public Affairs (2nd Monday)**
(Next Regular Meeting: Monday, January 11, 2021 @6:15 pm)
 - a. Review of Power Supply Cost Adjustment Factor for January 11, 2021
 - b. Update on Substations
 - c. Electric Department Report
 - d. Update on 2021 Wastewater Treatment Plant Improvements Project
2. **Board of Zoning Appeals (2nd Tuesday)**
(Next Regular Meeting: Tuesday, January 12, 2021 @4:30 pm)
3. **Planning Commission (2nd Tuesday)**
(Next Regular Meeting: Tuesday, January 12, 2021 @5:00 pm)
4. **Tree Commission (3rd Monday)**
(Next Regular Meeting: Monday, January 18, 2021 at 6:00 pm)
5. **Civil Service Commission (4th Tuesday)**
(Next Regular Meeting: Tuesday, January 26, 2021 @4:30 pm)
6. **Parks & Recreation Board (Last Wednesday)**
(Next Regular Meeting: Wednesday, January 27, 2021 @6:30 pm)
7. **Privacy Committee (2nd Tuesday in May & November)**
(Next Regular Meeting: Tuesday, May 11, 2021 @10:30 am)
8. **Records Commission (2nd Tuesday in June & December)**
(Next Regular Meeting: Tuesday, June 8, 2021 @4:00 pm)
9. **Housing Council - Meets First Monday in April (meeting to be scheduled after the TIRC meeting)**
10. **Health Care Cost Committee (as needed)**
11. **Preservation Commission (as needed)**
12. **Napoleon Infrastructure/Economic Development Fund Review Committee [NIEDF] (as needed)**
13. **Tax Incentive Review Council (as needed)**
14. **Volunteer Firefighters' Dependents Fund Board**
(Will meet on Monday, January 25, 2021 at 6:15 pm)
15. **Volunteer Peace Officers' Dependents Fund Board**
(Will meet on Monday, January 25, 2021 at 6:00 pm)
16. **Lodge Tax Advisory & Control Board (as needed)**
17. **Board of Building Appeals (as needed)**
18. **ADA Compliance Board (as needed)**

City of Napoleon, Ohio
CITY COUNCIL MEETING MINUTES
Monday, December 21, 2020 at 7:00 pm

PRESENT

Councilmembers	Joseph D. Bialorucki-Council President, Daniel Baer-Council President Pro-Tem, Lori Siclair, Ken Haase, Ross Durham, Molly Knepley
Mayor	Jason P. Maassel
City Manager	Joel L. Mazur
City Law Director	Billy D. Harmon via WebEx
Finance Director	Kelly O'Boyle via WebEx
City Staff	Lt. Greg Smith Dave Pike, Wastewater Treatment Plant Superintendent Tony Cotter, Director of Parks and Recreation and Cemeteries Chad E. Lulfs, P.E., P.S.-Director of Public Works
Clerk of Council	Roxanne Dietrich
Others on WebEx	News Media

ABSENT

Councilmember	Jeff Comadoll
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CALL TO ORDER

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

APPROVAL OF MINUTES

Hearing no corrections or objections, the minutes from the December 7, 2020 City Council meeting were approved as presented.

CITIZEN COMMUNICATION

Council President Bialorucki informed citizen, Kathy Hoover, we have a five-minute rule and I will start the timer now.

Kathy Hoover. First if everyone would take one of these just as a refresher. My name is Kathy Hoover and I sent emails to all of you on November 5th regarding a sewer hookup at my house, my construction home I should say. In just going over this you can see on the invoice page where I was billed, the things circled will match the \$1600 for the excavation for utilities. Everything else that's highlighted is money that cost me extra in fees. Like I said, each of you received an email that I am building at 201 Hurst Street here in Napoleon. We had everything come out to be marked regarding those sewer hookups. When the first mark was put down, we dug down and they said it would be seven to ten feet and it became farther than that. So, we had to fill the hole so that we could go get a cage for them to go deeper so when the guys would get down in there to do the hookup. We went down a total of thirteen feet and there was nothing there. Then we called the city and they sent someone else out and they marked it twenty-two feet to the west from where we had been digging. Now we were digging six-foot holes wide and it was twenty-two feet to the west which then put it beside a tree. The tree had to come down, which I will say graciously the City did cut that down, but it was partly on the right-of-way I found out. They had used some sort of a paper map. The tree was cut down, we had removed the stump and started digging, nothing again. We called again and Aron Deblin came out and like I said in my email, kudos to Aron to be able to read the map because he marked it and was within four inches of where it was. Which was between the two markings. The first one I don't feel was my fault because I was told by the Sewer Department, Jeff Rathge, that the information on the pad that he was using was the wrong information for my area. The written map isn't correct, not my fault as far as I'm concerned. Second, Mr. Rathge himself is what I understand came out and measured it and it was wrong. Again, not my fault it was marked by the city as to where it should be. Aron came out and marked it like I said within four inches of where it was. So, this has cost me a total extra money of \$4,050. Since my email to you on November 5th, I have received a check for \$1200 from the city as reimbursement. I have not

cash that check because I am understanding that if you cash a check then you are considering you are satisfied with the reimbursement. I am not. I am out of pocket \$2,850 due to the city's mistakes. I would like to be reimbursed my \$2,850.

Bialorucki. Thank-you Kathy. I did read your emails. Hoover interjected thank you Dan Baer for being the only one to respond to my email. I appreciate that. Baer commented I did not have an answer for you. Hoover-no you did not but you just responded, I was hoping that everybody read it but go ahead. Maassel commented I never got the email. Hoover-you got the first one, you were attached to the one that was sent out in August that I sent to Joel Mazur, Jeff Rathge, Greg Kuhlman, Chad Lulfs, Jason Maassel and Joe Bialorucki that went out on August 21st. Maassel – okay, but not the second one. Hoover-I only sent that to the councilmembers. Bialorucki commented when I did read that, I felt the frustration and I know you put in there how would you feel and I would feel the same way. I want to turn this over to Mazur right now because I know you have been involved in this. Were you the one that authorized the \$1200? Explain how that works so we know how this process is. Mazur explained typically especially when it's a private property utility, there is responsibility on the private property owners' part as well I want to point that out. When we go out and mark utilities, they call in an OUPS ticket and go out and mark it to the best of what we have trying to locate a private utility hookup. On that end of it, there is some responsibility on the homeowner's side. We want to provide a good service, obviously you know we could have done a better job. The two people that she referenced that did the markings originally have combined over 60-years' experience just in sewers. It's not uncommon to have services mismarked either. This did happen once before since I have been here. Where we did something a little differently. We were able to access the right-of-way and dig out our end of the utility and locate it. Again, that was between the contractor and our staff. You know we can only tell somebody where something is so much and then there's responsibility on their part as well. There's a certain way to locate utilities, it's not our contractor that's being hired to locate these utilities it is somebody else's contractor. Whatever means they use to do their private work is on them. It's not entirely how we would have done it. I have talked with both Jeff Rathge and Chad Lulfs personally about this. With the last dig on our end, even though there's no obligation on the city's end to pay anything out of this but, we felt it was right to make up for that last dig when Aron located it. That's the explanation as to why the \$1200. Other than that, it is not an obligation on our part and there is some responsibility on the private property ownership. We try to do our best in locating but you know, obviously in this circumstance we didn't locate it properly. I don't know if Lulfs can provide anything as to what happened. Lulfs said I wasn't there. I do know the Water and Sewer Rules say we will try to locate utilities to the best of our ability with the information we have available. The field personnel apparently did not have the correct information but that wasn't their fault. Hoover interjected nor was it mine. Lulfs continued Deblin was able to find additional information in some old files is how he located it. By us doing this effort, the contractor and homeowner were not required to locate the tap on their own by putting a video camera inside the sewer with a robot to locate that tap. My staff gave it their best effort with the information they have. Bialorucki asked are the residents required to have the city come out to mark things when they are digging in their yard? Lulfs replied they are required to have utilities located through the State of Ohio Utility (OUPS) notification. We will mark them if we have information but, we can only mark what we know. There are parts of town that we have zero information on the location of taps. In those cases, the property owner is required to put a robot in the sewer main and locate the sewer tap. Maassel asked Hoover, I want to make sure I understand your math. You want us to basically reimburse the highlighted portions, is that what you want? Hoover- less the \$1200 yes. Not the ones circled either. Maassel confirmed just the highlighted ones. Hoover-\$1800, \$1600, \$1400 and \$250 and less the \$1200 is \$2850. Bialorucki said it sounds like we reimbursed her for the dig that was at the right spot. Hoover and all of the mistake ones I'm supposed to be taking care of and I just don't feel that's fair because like he said the customer has a certain responsibility. Okay where do I find the maps, what kind of responsibility do I really have? I am a taxpayer, I live in the City of Napoleon right now, I work in the City of Napoleon. I called my city and asked them to please mark this, mismarked twice before it was found, it's a lot of money. I understand they have 60-years of experience but you know again it was on the tablet that the gentleman used and they told me Jeff Rathge told me flat out when I called him he said that had the wrong information on it. Then the paper map came out and I don't know if it's the same paper map that Aron had or not, but Aron read it and marked it like I said, he was four inches off. Maassel asked if this is normally the contractor that does this? How does this work normally for other builds in town? Lulfs replied most contractors will come to the Engineering Department and ask for copies of our records. If we have records we provide them. It's about a 50-50 chance whether we have them or not. Maassel-so if we

have them, the contractor does the marketing themselves? We will OUPS it before we stake it, I understand that. Lulfs-usually OUPS and then Roger and the field crews will mark it. That map on the tablet is not 100% accurate. That's the GIS map we have been working on for seven years, it is not complete. Bialorucki asked the Law Director if he has had any time to look into this and does he have any recommendations for us? Siclair asked if the GIS is not up-to-date, I mean if you are not certain that is correct, why would that be used in the first place? Lulfs-it's the best information we have. The Water and Sewer Rules say we mark it best with the information that we have. Fortunately, Aaron was able to find an old file we weren't aware existed and that's what he used. Siclair-how does the GIS get updated? Lulfs-we have had a \$100,000 contract with Stantec every year for the last several years. I have been trying to hire a person to fill that role internally and haven't had any success. We don't have the staff to do it so it's a slow process. Someone has to sit there and manually enter that information into these electronics. Siclair-from the old paper maps. Lulfs-yes. We have an intern that's doing that right now for three weeks over his Christmas break. Hoover-are there two separate maps that Jeff Rathge brought one out and Aron got ahold of another one or was it the same map. Lulfs-there would be maps that are GIS and then there are paper maps that might be an old set of plans. Not all plans are in the GIS. They are continually getting updated. They can only do so much in a certain amount of time. Not everything in our plan room has been put into the GIS system. GIS is what they have in the field. Hoover-but both Jeff and Aron brought paper maps out. So, just Roger used the GIS computer? Lulfs-I wasn't there. Harmon stated the basics of it from what I have seen so far, the path chosen by the City Manager made the most sense and following the rules seemed like a fair resolution. That's my two cents. Maassel asked Mazur basically we paid for one of them right? Mazur-yes. Maassel-Kathy you dug four times. Hoover-yep, I'm out \$2,850. Mazur- when we first talked about it, I think there were two markings done, one by Roger and one by Jeff and then the third one was done. Hoover- because we had dug twice in one spot and we had to go get the cage thing for them to be in. Maassel-okay that's what we're seeing on here. They dug one stopped, backfilled it and got it caged and opened it back up. Hoover-right for safety purposes. Bialorucki asked how many times would you say on an average in a year do we do Lulfs asked how many times do we mark them? Bialorucki-for residents. Lulfs-an estimate would be one every week, one every two weeks twenty-five to fifty times a year. Bialorucki-most of the time we are pretty accurate? Lulfs-Yeah. Bialorucki-that's what I was getting at, I didn't know if it was five times a year or you know 50 or 70 times a year. Lulfs-I recall a couple other times over the years where we had misinformation by a fair amount. We are allowed to be off by a foot and a half, but it depends on the information handling. Like I said, generally we don't always mark the laterals. We are required to mark the main. Bialorucki-I realize there are rules and what is stated isn't that it is our responsibility and the homeowner or the resident has some responsibility as well. I guess I'm putting myself in Kathy's position. If I call and somebody comes out whoever it is and says yes that's where it is and that's what we do fifty times plus a year, do we tell the resident we may be wrong, we are not sure and have them sign something saying I know that this is not a guess but it's not 100% accurate. Or, since we are usually so good at this, that is where it is and 99% of the time it is. I would like to see us maybe give her a little bit more than \$1200. Baer-I would agree with that. I understand what the rules are, but the bottom line is, I would be very frustrated if it was me and there are people, I realize she's not a Senior Citizen but there are people who are Senior Citizens who are on a fixed income and if it would happen to them, I would see that as an issue. I would find it very frustrating if I was in her position. Maassel noted thankfully our people are so good that this comes up very rarely. It seems like when it does come up, we need to do something to partially make it better. Mazur-I think one of the things procedurally on our end going forward so we don't have this again is we will have to take a look internally how to not take on that responsibility. It is a good service, but you know when we miss then it turns into this. From a manager's perspective, it feels like no good deed goes unpunished kind of a thing. That is kind of a hard one to take. I know that Roger and Jeff both have a great deal of pride in what they do. I mean everybody makes mistakes. It prevents something like this from happening so homeowners aren't incurring costs and the city is not incurring costs. We change our procedures and go with the route if you can't find it then we can camera it and do the background instead. Bialorucki asked you mean stop doing locates? Mazur-we can do the locates but, we just tell them that this is a take it or leave it thing. The property owner always reserves the right to access and camera the sewer line so that is what it comes down to. I'm assuming that was a big one. Hoover-yes it was. Mazur-that's what makes it tougher marking on vacant lots or like the one earlier this year it was a long stretch of height and it was at an angle so when you start to get one or two degrees off, your margin widens and when you try to do a marking that's a long distance. Something like that occurred earlier in the year and we were able to handle it by getting our crew out there and locating it which

they did right away and this one being on the street where it was we didn't dig on the private property owner's property we would have to dig on the city's street and have a dig at the street line where we'd have to do utility patch or something like that so that's the reason why the \$1200. Maybe we mark one time and say the only other alternative is to camera it that's the information we have and let us do that right. Hoover-most of you know I work at a bank and if there has been a mistake made, we will do everything in our power to correct it for that customer. Whether it was truly our fault or not miscommunication whatever we will still take care of that and reimburse the customer or whatever needs to be done. If I have misquoted a fee when I'm doing a mortgage loan, if it's not on their original closing disclosure form, we eat it as the bank again not my customer's fault that I missed that. Bialorucki-in this case we are talking about taxpayers money also so we don't want to just absorb every mistake or miscommunication. I think this one is worth looking into and I would like to put this on the agenda for the Water and Sewer Committee to talk about different procedures. Number one have the customer sign something that they understand I mean like you said in banking and in a lot of things we have customers sign things and people say why would you have to tell us that well, because things like this happen and second we need to put a disclosure out there a disclaimer that says we may not be 100% accurate and if we aren't, we are not liable for it. At least then the customer knows ahead of time that it's not guaranteed and they can choose at that time to use the robot to go into the sewer opposed to the way it was done for you. Hoover-well I guess my point also is you know I'm asking to be reimbursed \$2,850. Like he said if they didn't have to go out into the city it'll cost you more to do the patchwork on the on the asphalt and all the manpower hire someone to do that. Bialorucki reiterated I would like to move this to the Water and Sewer Committee. Siclair agreed. If we have to talk about a procedure from here on out we might as well do it all at once. Baer-I think we need to look at both the procedure and what may be an additional amount in this case we could give for credit. Bialorucki asked Mazur where did the \$1200 come from? Mazur-sewer. Bialorucki-that is why I was thinking to send this onto the Water and Sewer Committee since it will come out of that fund if anything is increased from the \$1200. Then to also talk about putting a new procedure in place. I apologize it will take a little bit longer to go to the committee and then come back to council but that's the way system is set up to make sure that we talk about it until we come up with a good resolution. 7:30 pm

HENRY COUNTY CHAMBER 2021 BUDGET PRESENTATION

Joel Miller. Thank-you. I apologize for not being able to be here for my normal November budget hearing. I appreciate Council giving me a little bit of time to answer any questions and to fill you in on the things that the Chamber did this year. I have passed out a packet that is our main paper communication. The biggest communication thing that we use now is our website and person-to-person contact. The Chamber is the organization that takes care of tourism for the City. We do it year in and year out and I love coming in here and getting a chance to talk to you Council about this and what we are doing to try to bring people in. I would like to have better news about this year but this year was a complete wreck and mess of a year with COVID. Like anything else, so many events were canceled and they are our main focus for the extra dollars. This is a dollar in, dollar out sort of thing. Any of the public funds that are sent our way are expended within that year or a little bit of a carryover through the year. I think we carried over around \$4000, we feel third quarter was back to normal levels and even a little bit higher as the majority of our travelers that use these dollars are business travelers so that business portion came back up and things were running smoothly. We will see how the fourth quarter turns out. Those are basically dollars that we see coming through for the next year. Our main focus is in the advertising area and bounce back into events. Hopefully, fingers crossed, the vaccine does what it's supposed to do and people will feel comfortable coming back out and organizations, groups and attractions can have their events again. There's a line item for sponsorships. Our board serves as the Visitors Bureau Board as well and expend funds out in an application process to different organizations to help them supplement their events. We encourage them to do extra advertising to bring people in from farther out so they can see the things that Henry County and Napoleon have to offer and hopefully they will come back for something else whatever that may be. We are planning a big website redo this year and we are putting funds on the chamber side toward that. You will be seeing a brand new website within the next two months. On the visitors end of that is the events calendar with different itineraries for people to use. If they are coming and staying for a day or staying somewhere they can see we have this winery and restaurant tour that kind of thing or a history tour, different things where people can self-guided themselves around and go to different stops around the city and the county and learn a

little bit about those areas and have some fun. Those are a couple of the ideas that we are going to put on our website as well. We had a contract with Guy in the 4-1-9 to do some live videos for us but when everything shut down it was like why waste our eight different videos for the year and have people not be able to enjoy them. We will be revisiting that with him once things open back up again and will be posting these videos on social media and on our website as well. We want to be proactive, we see ourselves as the leaders in getting people back out not only locally but back out into the businesses and the destinations and the events but also people coming in from outside as well. Hopefully, people are going to be itching to travel. There already are a lot of people who are and a lot of people who aren't, we get it. Durham said I know I asked you this a year ago, but I also know that it can make a difference in money coming in, is the Holiday Inn still on track for taking over that hotel or are they out of that? Miller-they still say they are going to be re-branding themselves as a Holiday Inn Express, the last time I talked with them was probably two to three months ago. Does COVID affect that? I don't know that's a financial decision they know that they need to get re-affiliated. They know when people travel they want to travel with a familiar brand. Bialorucki said he has an update for that. My brother stayed at that hotel. When he called me he said he had a room at the Holiday Inn in Napoleon that was around October 12th. I went over there and they didn't have a front desk but the third floor was completely done and they were listed as a Holiday Inn. Miller added they had every intention of doing it and I don't know what roadblocks that were thrown their way through this year but, they know that's lifeblood for any of these types of businesses. Bialorucki asked about he's heard there are some airbnbs in Napoleon, do you know approximately how many there are? Miller-we have six in the City of Napoleon there are more throughout the county as well. People love them who travel. We get a lot of people who are coming in for a three or four month span out of Campbell's or someplace like that Old Castle and they don't want to stay in a hotel for four months. We are seeing more and more people taking advantage of that kind of option as well. Durham asked about the money that was budgeted last year for 50% of an app that was going to take place contingent on the other half being funded, I take it that did not get funded. Miller-that is correct, it did not get funded. Durham asked if the plan is to roll the functionality of that app into the new website? Miller-as much as we can. With the app you can make your own itinerary and I still love that idea and we are working to be able to do it. I'll be honest with you, I am very happy that we didn't decide to do that. Our board voted not to do it because they were afraid of the funding on our end, month-to-month whether we could do that or not with everything that happened. I am glad we didn't because we would be in a tough spot right now. We are having a local developer, Kelly Goings from Natural Design and Graphics, do the website for us. She feels she can do a lot of what we asked for as well. Siclair said I have talked to a few people recently about the event calendar on the Chamber site and people really appreciate that. You do a really nice job so don't change that. Miller said that will stay the same. A lot of the backend of that we are doing to save money to use for other things too. Thank-you for the time tonight. Thank-you for understanding why I couldn't be here last month.

REPORTS FROM COUNCIL COMMITTEES

Electric Committee meeting for December 14, 2020 was cancelled.

Water, Sewer, Refuse, Recycling and Litter Committee met on December 14, 2020 and;

a) referred Sewer and Water Rate Recommendations to City Council; and

b) recommended Section 925.08 Placement of Containers be amended to add Refuse and Recycling Containers placed at the curb in front of customers' residence are to be removed from the curb within twenty-four hours after pickup.

Municipal Properties, Building, Land Use and Economic Development Committee December meeting was cancelled due to lack of agenda items; and the **Parks and Rec Committee** did not meet tonight due to lack of agenda items.

INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

Ordinance No. 076-20 – Law Director Pay 2021

Council President Bialorucki read by title Ordinance No. 076-20, an Ordinance Authorizing a one-time gross payment for the City of Napoleon, Ohio Law Director; and Declaring an Emergency

Motion: Durham

Second: Knepley

to approve first read of Ordinance No. 076-20

Bialorucki reported Council has put together an ordinance to pay the Law Director a one-time gross payment in January of 2021 for \$2500.

Roll call vote on the above motion:

Yea-Haase, Baer, Bialorucki, Siclair, Knepley, Durham

Nay-

Yea-6, Nay-0. Motion Passed

Ordinance No. 077-20 – City Manager Pay 2021

Council President Bialorucki read by title Ordinance No. 077-20, an Ordinance Authorizing a one-time gross payment to the City of Napoleon, Ohio City Manager; and Declaring an Emergency

Motion: Haase Second: Durham

to approve First Read of Ordinance No. 077-20

Bialorucki stated this is for a \$2500 lump sum payment to the City Manager which will occur January, 2021. Maassel asked we will come back at the January 4, 2021 meeting and pass it under suspension with emergency? Bialorucki replied we can do that at that time. Durham commented he would like this to have three reads if possible. Bialorucki asked O'Boyle if we do three reads and the third read is on January 18, 2021, would we still be able to make this payment in January? O'Boyle said yes because I believe there is three pays in January.

Roll call vote on the above motion:

Yea-Haase, Baer, Bialorucki, Siclair, Knepley, Durham

Nay-

Yea-6, Nay-0. Motion Passed

Ordinance No. 078-20 – Finance Director Pay 2021

Council President Bialorucki read by title Ordinance No. 078-20, an Ordinance Authorizing a one-time gross payment to the City of Napoleon, Ohio Finance Director; and Declaring an Emergency

Motion: Haase Second: Knepley

to approve First Read of Ordinance No. 078-20

Bialorucki said this is the same as the last two, a one-time gross payment of \$2500 payable in January, 2021.

Roll call vote on the above motion:

Yea-Haase, Baer, Bialorucki, Siclair, Knepley, Durham

Nay-

Yea-6, Nay-0. Motion Passed

Ordinance No. 079-20 – Supplement No. 8

Council President Bialorucki read by title Ordinance No. 079-20, an Ordinance Supplementing the Annual Appropriation Measure (Supplement No. 8) for the year 2020; and Declaring an Emergency.

Motion: Knepley Second: Durham

to approve First Read of Ordinance No. 079-20

O'Boyle said this is for the year-end. We have to supplement the income tax fund because the actuals are coming in higher than the estimate. More will be added as we close out the year. I will keep Council updated, this will stay open until we roll the year.

Motion: Durham Second: Haase

to suspend the rule requiring three readings of Ordinance No. 079-20

Roll call vote on the above motion:

Yea-Haase, Baer, Bialorucki, Siclair, Knepley, Durham

Nay-

Yea-6, Nay-0. Motion Passed

Facilities, Rehabilitating the Elevated Storage Tanks, and Acquiring and Improving Related Interests in Real Property, together with all Necessary and Related Appurtenances thereto, and Declaring an Emergency

Motion: Siclair
Second: Knepley
to approve Second Read of Ordinance No. 074-20

Mazur reported this is second read for the water bond issue. This is for the stranded cost from the plant that did not come to fruition and for the UV project that happened prior to the full Water Treatment Plant project.

Roll call vote on the above motion:
Yea-Haase, Baer, Bialorucki, Siclair, Knepley, Durham
Nay-

Yea-6, Nay-0. Motion Passed

Ordinance No. 075-20 – New Aquatic Center Bond

Council President Bialorucki read by title Ordinance No. 075-20, an Ordinance Providing for the Issuance and Sale of Bonds in the Maximum Principal Amount of \$3,950,000 for the Purpose of Paying the Costs of the Construction of a Municipal Swimming Pool with Related Facilities and Appurtenances, Including the Demolition of Existing Facilities, together with all necessary and related Appurtenances thereto; and Declaring an Emergency

Motion: Haase
Second: Durham
to approve Second Read of Ordinance No. 075-20

Mazur stated there was a Memorandum from Tony Cotter in your packet regarding this bond. The new aquatic center project is going well for a construction project like this. The change orders are minimal, there have been a few small items here and there but nothing to get excited about. We have realized cost savings along the way. When we rebid the building, we downsized it a little from the original plan. If you go out there now and look at the building, everything is bigger than what was out there before and we all agree it is the right size for what we have. There are some things that we could shore up on and do a little better to improve on. For example, some of the things that we omitted were the climbing wall, the simulators and we put furniture in the Parks and Rec Budget plus the furnishings, equipment, concession stand and sale equipment were all put into the Parks and Rec Budget. We have to furnish this building and with interest rates being where they are right now, I know February is a long way away in terms of timing for something like this and it is really market driven but, we wanted to raise the point that the levy passed generates around \$286,000 per year. We estimated that conservatively. The rates from the water bond sale were at 1.14%, the sewer bond closed at about 1.5% which is phenomenal. In looking at the forecast, we think 3.65% is a little high, but we wanted to at least bring it to Council's attention to consider raising the bond ceiling amount to \$4.1 million from where it currently is at \$3.95 million. Raising the ceiling amount would give us the opportunity to get all of the furnishings and help save money for the Parks and Rec Budget. We even may be able to repave the whole parking lot if we can fit that in and extend the parking lot a little further, the parking lot is not part of this project. Now that the space is clear and the new building is under construction, we have a good visual of where everything is going to be at and we are trying to rework some things. That is what this is all about. If interest rates come in at like 2.5% or even 2% that will be a tremendous savings for us. The objective is to put a project together the best we can with as much as we can. This would allow us to do that. Cotter has a list of items that includes the parking lot extension, a golf simulator, pool deck furniture, clubhouse furniture and equipment, all these things are from the Parks and Rec budget. Siclair asked what is the additional engineering that would be needed? Mazur said even for the parking lot extension, there are some things that Peterman had to do or is going to have to do that we don't have the in-house expertise for. They are taking care of some things that we cannot do internally. There is a little bit of a trade-off, part of the scope is that we want to eliminate that island in the middle of the parking lot. Bialorucki said the engineering amount that has been proposed to us from Peterman is that an estimate? Mazur-that is down from what was originally submitted by Peterman. Bialorucki asked they submitted something higher than this? Mazur-substantially. Bialorucki-from the issues that we had with Peterman on this project, I am surprised that we would have to pay anything in addition for this project. Mazur- hey are the architect on record. They are reviewing all of the submittals. Everything gets reviewed and stamped by them. Bialorucki-I understand what they are going to do for the money but, there are some things that were not done correctly that cost us either

time or money. I would think that is a drop in the bucket compared to what we have already given them on this project. Mazur-they owned and came in here and redesigned it. Bialorucki-how much money did they give us back when they owned it? Mazur-they didn't charge us for them. Bialorucki- they didn't charge us additional for Mazur interjected that's why this is substantially less. We had a meeting with them when this all happened and they said they wanted to see this through to the end and that we won't be paying them for the redesign of the building. Now, they did submit something to us asking for reconsideration of that. Siclair-none of this will go toward that? Mazur-this is for everything moving forward this is not for anything prior to the item submitted and denied. Siclair-it's about the same amount I thought. Maassel-so we are telling the taxpayers we were going to build a big building. Nope it's too expensive and we make the building smaller. Now, with the rates coming in, we are changing our mind again and will be adding all the guts to it and the price won't go up, right? Mazur-I don't think. Bialorucki-were the building plans on the levy? When I voted, I don't know if it said the building will be this size. Maassel-we changed the size, how much did we shorten it by? Mazur-the building size, yes. Cotter said we dropped the size probably by 20' or 25'. Maassel-on this list, I'm not sure if we want to debt out pieces that are not going to last as long as the debt will. For example, the pool deck furniture is that going to last thirty years? Mazur said the bond is for twenty years. Maassel-okay, find deck furniture that lasts twenty years. Mazur-that is the reason it is in here, we are trying to stay consistent with the original message which was anything that is pool cost related comes out of the levy. If there is a deviation, that's okay because it is in the Parks and Rec budget. The levy funds are paying for this project and the equipment and furniture are a part of that project. That was the message from the beginning. Durham commented one statement that you said that stuck with me is, these are items that can complete the clubhouse, right? I think our citizens voted on having a complete clubhouse and Aquatic Center. I understand that and Mr. Mayor you make a great point, certain items ie. pool deck furniture maybe we could send those to the budget and certain items like the parking lot is a great idea and some of the other items that we had to cut originally. Could we revamp that list and come back with adjusted recommendations that could carry that 20-year term that would be a good mix to complete this Aquatic Center for our citizens. Not to carry \$5000 worth of pool deck furniture for 20 years. Mazur- just so you know, this was written that way for the pool levy for the construction that is going to pay down the debt service. Anything that comes in after that, let's say we don't hit the \$286,000 number per year on debt service, there could be a difference. We will be bringing in however much additional would go towards operating, you see what I mean? You don't want to pay interest for 20 years on something that's going to last five to ten years. Durham-what did we do in the budget for these items? Were they going to roll into Parks and Rec, did we just do a long-term capital plan for those items, where we were going to include it every year? Mazur-those were just for this year and then once we see how it operates and how much we need. We don't have to buy everything all at once, we don't want to over purchase either. We are trying to find that right balance without having the pool built and operating it is hard to gauge how many lounge chairs one needs. Cotter added I understand your point Mayor. I put that list together because those are things that we will have to do that are outside of the contracts to get it complete. None of those are additional items that we put together when we first bid the project. It was unfortunate the building on the first go-round went so far over budget. What the reason was we are not real sure. What we do know now in talking to our contractor is that building supplies costs are through the roof and that certainly could have had something to do with it. If Council does consider raising that ceiling, by the time February rolls around, there are going to be items we need to order to stay on schedule. Many of the items, some of the equipment, the concession stands, some of the things that we need for the deck and some of the things we need for the pool are all in the budget. We did that for a couple reasons, 1) we knew we needed to purchase them before February; and 2) we wanted to make sure the money was there because we are not sure as we move through this construction if we will run into some surprises. We are looking for the ability, if need be, to have that money available to us if we have to make additional purchases. The parking lot addition we really need to do and I think that is very important. Could we have caught that during the design process? I suppose we could have. But as Mazur said, once they knocked down the old clubhouse then all of a sudden you see a lot of green space there that could be used for parking. We believe that is important to do before we open the facilities. We understand you don't want to borrow more money than you really need and we certainly are not advocating that but, the budget is pretty tight and if we can take advantage of lower interest rates to give us a little bit of breathing room on some of these things, it is certainly worth some consideration. Maassel-I really do not have a problem with the majority of the list. My heartburn comes with the items that are not going to last the twenty years. My rule would be, if I can carry it out of there or two people can carry it out of

there without a crowbar take it off the list. Mazur- stated the request is to raise the ceiling, this is not necessarily the final list, these are the options that we know we can use and the parking lot extension. Maassel-I think the extension is fine. Mazur-we are looking at adding things that we feel would enhance what the original design. Durham asked what you proposing to raise the ceiling too? Mazur-at one point we looked \$4 million or \$4.05 million. We would monitor where we think the rates are coming in at and try not to go too far with it. Say the rates came in above 3.65% that would be a different story. When we look at these items and see the opportunity in front of us with interest rates being low right now, raising that ceiling would afford us the opportunity to manage the project that would enhance the end product in a way most beneficial way. That's the point I wanted to drive home, this is just raising the ceiling and taking advantage of an opportunity and shoring up some items that we didn't foresee coming or didn't see as an opportunity to make it even better than what the original design was. Durham-this is a good spot to be in, we have extra money to play with and essentially can give the citizens even more on what they voted on. It's a good problem to have. My concern would be what is that dollar amount we're looking at raising it to and are we staying within the parameters the citizens voted for with the \$286,000 a year roughly worth of income? As long as we are there, I don't have a problem with it per se. The citizens voted that they want this so let's do it right. Mazur-one more thing, if the rates come in so low and we have the chance to do these other items, we would be collecting more on the levy over a period of time if the interest rates do come in really low and the market stays kind of where it's at or maybe goes up a little or even holds steady, we could be bringing in tens of thousands of dollars into this for the pool that can be used for operation. Maassel-or we pay it off sooner and kill the levy sooner. Mazur-depends on what we are allowed to do and when the bond sells. I don't know if there is a penalty for paying it off sooner or not. Durham-great point Mr. Mayor. Bialorucki-Cotter and I talked the other day and I think it's great, especially the parking lot edition. That was some concerns citizens had, that's great we're going to have a lot more people, where are they going to park? I know that will not solve it but, it will help some. We are going to have a new facility, a new building, a new pool and the parking lot is deteriorating. If we have the money within the levy like Durham just said, that's what the people voted on and let's make it look nice staying in the parameters where we need to be. Sicliar added but not looking just for things to spend, correct? Mazur-this is just for the parking lot extension not for resurfacing that is not on here. What would the resurfacing cost be? Lulfs-probably an additional \$75,000. Maassel noted if you take everything off the list and pull that furniture down, there's your \$75,000 to redo the whole parking lot. Lulfs-my concern is if we have more change holders, there's not much cushion in there. We have already found a wall that was part of the old pool that did not get removed. Haase-I said it was going to be there. Bialorucki asked the \$22,500 engineering costs would that be covering the parking lot extension? Lulfs- I think we can get that to cover the engineering for that and some other services needed during the project as far as reviews and such. They have been pretty good to work with considering the situation. I think for that \$22,500 we can get that taken care of. Bialorucki-is that typical percent wide if it's going to cost \$75,000 to do the extension, is the \$22,500 in engineering in line with how it normally goes? Lulfs-it also includes some reviews during construction for items I am not qualified to review. If it has anything to do with the building, I am not qualified. I'm more qualified for pavement than I am for anything architectural. There was a lot included in that number it's not just for the design of the parking lot, it also includes what we generally call engineering during construction, it's assistance that we either don't have the personnel or the staff availability to cover. Durham asked O'Boyle what her opinion is? O'Boyle-Mazur and Cotter and Lulfs have done a nice job. I think no one expected the interest rates to be as low as they are going to be and hopefully they will stay for February. If we want to give our citizens the best pool that we can give them and the interest rates stay low and we stay within that levy amount, then we should try to do it. Maassel clarified you want to change the ordinance, right? But, we do not know we are amending it to. Mazur-we are requesting an amendment from 3.95 million to setting the ceiling at 4.1 million and then take to Parks and Rec Committee or the Board or whoever a review of these final items to solidify that piece of it to have more dialogue about what else or how to manage that ceiling. Durham asked if we pass second read of the legislation as it stands, can we amend it on third read? Maassel said it would go back to a second read. Durham-if we were to do that by the next council meeting, could we have some concrete numbers and dollar amounts in place? Maassel-no because we won't know the debt, that is going to be February. Mazur-we can have estimates on what we would propose to have in it. Durham-I would like to see that first before we change it as is. Mazur- we are going to February, this isn't the final legislation needed for the bond is it? O'Boyle-we have to pay off the note which is due February 24, 2021, so we have to sell it in the middle of February to be able to pay off the note at that point. Once council passes this, then they would start

Motion: Haase Second: Durham
to pass Resolution No. 062-20 on Third Read

Mazur had nothing new to report.

Roll call vote to Pass Resolution No. 062-20 on Third Read

Yea-Haase, Baer, Bialorucki, Siclair, Knepley, Durham

Nay-

Yea-6, Nay-0. Motion Passed.

Resolution No. 063-20 – Master Vendor Resolution

Council President Bialorucki read by title Resolution No. 063-20, a Resolution Authorizing Expenditure of Funds in Excess of Twenty-Five Thousand Dollars (\$25,000) in and for the Year 2021 as it Relates to Reoccurring Costs Associated with the Operation of the City, for Payment of Expenses, and for Purchases Associated with Vendors Utilized by Multiple Departments within the City; Elimination of Necessity of Competitive Bidding in and for the Year 2021 as it relates to Certain Transactions; and Declaring an Emergency

Motion: Siclair Second: Durham

to Pass Resolution No. 063-20 on Third Read

Mazur did not have anything new to add.

Roll call vote to Pass Resolution No. 063-20 on Third Read

Yea-Haase, Baer, Bialorucki, Siclair, Knepley, Durham

Nay-

Yea-6, Nay-0. Motion Passed.

Ordinance No. 064-20 – Appropriation Budget FY2021

Council President Bialorucki read by title Ordinance No. 064-20, an Ordinance Establishing the Appropriation Measure (Budget) of the City of Napoleon, Ohio for the Fiscal Year Ending December 31, 2021, listed in Exhibit "A;" and Declaring an Emergency

Motion: Haase Second: Durham

to pass Ordinance No. 064-20 on Third Read

O'Boyle did not have anything new to add.

Roll call vote to Pass Ordinance No. 064-20 on Third Read

Yea-Haase, Baer, Bialorucki, Siclair, Knepley, Durham

Nay-

Yea-6, Nay-0. Motion Passed.

Resolution No. 065-20 – Transfer Certain Fund Balances in 2021

Council President Bialorucki read by title Resolution No. 065-20, 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 2021, listed in Exhibit "A;" and Declaring an Emergency

Motion: Durham Second: Siclair

to pass Resolution No. 065-20 on Third Read

O'Boyle did not have anything new to report on this legislation.

Roll call vote to Pass Resolution No. 065-20 on Third Read

Yea-Haase, Baer, Bialorucki, Siclair, Knepley, Durham

Nay-

Yea-6, Nay-0. Motion Passed.

Ordinance No. 066-20 – Income Tax Split

Council President Bialorucki read by title Ordinance No. 066-20, an Ordinance Amending the Allocation of Funds as Found in Sections 193.11 and 194.013 of the Codified Ordinances of the City of Napoleon, Ohio; and Declaring an Emergency

Motion: Haase Second: Knepley
to Pass Ordinance No. 066-20 on Third Read

Mazur said this is the income tax split ordinance.

Roll call vote to Pass Ordinance No. 066-20 on Third Read

Yea-Haase, Baer, Bialorucki, Siclair, Knepley, Durham

Nay-

Yea-6, Nay-0. Motion Passed

Resolution No. 068-20 – 2021 Contribution to the CIC

Council President Bialorucki read by title Resolution No. 068-20, a Resolution Authorizing a Contribution to the Community Improvement Corporation of Henry County, Ohio, in and for the Year 2021; and Declaring an Emergency

Motion: Baer Second: Knepley
to Pass Resolution No. 068-20 on Third Read

Mazur did not have anything new to add.

Roll call vote to Pass Resolution No. 068-20 on Third Read

Yea-Haase, Baer, Bialorucki, Siclair, Knepley, Durham

Nay-

Yea-6, Nay-0. Motion Passed

Ordinance No. 069-20 – Apportioning Expenses

Council President Bialorucki read by title Ordinance No. 069-20, an Ordinance Apportioning the Expenses Incurred Including Wages, Salaries and Fringe Benefits of the Mayor, Council, and Various Other Departments of the City of Napoleon Which Are Not Otherwise Directly Charged to Special and/or Capital Projects Among Various Accounts Effective January 1, 2021; Amending Ordinance No.(S) 104-09 and 087-19; and Declaring an Emergency

Motion: Haase Second: Knepley
to pass ordinance No. 069-20 on Third Read

Mazur did not have anything to add.

Roll call vote to Pass Ordinance No. 069-20 on Third Read

Yea-Haase, Baer, Bialorucki, Siclair, Knepley, Durham

Nay-

Yea-6, Nay-0. Motion Passed

GOOD OF THE CITY

Power Supply Cost Adjustment Factor for December 2020 as PSCAF 3-month Averaged Factor \$0.02012 and JV2 \$0.031163.

Mazur reported the December 2020 PSCAF is for October’s usage that was low. Low usage causes our cost adjustment factor to increase. With the mild temperatures, usage has been low and we are stuck in these contracts for purchasing power with the different projects we are in. Next year we won't be long on power as we have discussed starting in the billing month of March is when we should start to see it going down by about 8%. I believe this is the seventh most mild November we have had on record. Bialorucki stated I would assume with the mild temperatures and increase in the cost adjustment factor, people will likely still see lower bills because

Treatment Plant rebuild. Half of the payment is projected in 2023 and then in 2024 full payment of that project. We are hoping we can change the 2023 debt number so the project goes out a little further and that payment wouldn't start until the full payments start in 2024. That helps give a little bit of cushion but it doesn't change the recommendation. You add your expenses, add your revenues and then determine what per given year your shortfalls or additions would be. Right now in 2021 we are projecting a 41.5% over collection. The biggest part of that is because we cash flowed some of the projects like the volute presses. When we go through OWDA, we will get that back into the fund balance in 2022. Revenues versus expenditures and we still are not ahead, at the end of 2022 and 2023 it drops down because we have that first debt payment. In 2024 is where we see that revenue requirement jump up to about 12%. That's because of the new Wastewater Treatment Plant. In conclusion we need to increase revenues 12% by 2024 to meet the revenue requirement. Therefore, the recommendation is 3% per year over the next four years. For all the projects that we are doing, two pump stations and a Wastewater Treatment Plant rehab, 3% per year over four years is really good given the circumstances that we are up against. The EPA required projects are causing us to spend money and maintain the system but you know we are maintaining things that need to be maintained anyway. The Wastewater Treatment Plant has a mothballed digester sitting inside the dike, we have outdated equipment, the plant it past its' useful life. It is tough to maintain but, Dave Pike and his guys are keeping it together until we get to this point. We have the presses ordered hopefully we can get these things swapped out and shore up some things inside the buildings and then take care of the equipment. These are big capital items. Overall, we will see on here, there is an item for Jones and Henry. Jones and Henry have been doing a good job of value engineering a lot of things for us to keep our costs down to a minimum. Costs go directly into rates and we want to make sure we are maximizing the project as much as we can while minimizing impact to the ratepayers. In looking at the old sewer rate model that was done in 2017, the recommendation was 5% per year for 2018, 2019 and 2020. In the 2017 Cost of Service Study, we were looking at a 40% increase overall at that time, you can see where it was going up 40% in 2023 and now we are looking at 12% in 2024. We have come a long way. This is something the rate payers are going to have a hard time tolerating. We renegotiated our Long-Term Control Plan and are managing the budgets a little tighter and I believe that has helped out tremendously in managing our utilities. Three percent per year is a standard. There are some communities that do 3% per year automatically, or more or less. The bottom line is, it is better than what it was three years ago and 3% a year is really a standardized rate increase for a water and sewer utility, not necessarily an electric utility. With the electric utility you can play the markets a little more and there are contracts for purchasing power. Lastly, in looking at what we have done over the past several years. In 2012 there was a 5% increase, 2013-0%, 2014 had 6% increase, in 2015 it was 8%, 2016 saw a 10% increase, 2017 was 0%, 2018 was 0%, in 2019 just the commodity charge went up 9.6% but Council approved a 5% revenue requirement increase that was applied to the rate, and then 2020 was 0%. Over the past four years, there has been one 5% increase. The recommendation made by the Board of Public Affairs was to accept the recommendation from Courtney & Associates of 3% for the next four years. Lulfs put together a list of capital projects, we have Euclid, the Oberhaus and VanHying Pump Stations are factored in so all of these are actually factored into the rates here but this has been scaled down as some of the projects were pushed back or omitted for the next four years. We do everything we can to minimize impact to the rate payer. I feel we are doing a great job of managing that utility. If it wasn't for the EPA required projects from the Long-Term Control Plan, we might not be having this conversation. Durham asked Mazur there were some conflicting numbers in the committee meeting when asked about the average residential consumer on how much this 3% would impact the residential consumer, have we nailed down numbers on that? Mazur said we did. O'Boyle said on the sewer side the 3% from 2021 to 2024 would be like a 5-1/2% to 6% or it starts at about a \$2.04 per month per 6 ccf, then it will go up from there a little bit each year. Maassel asked so is it 3% or not? O'Boyle said the revenue is 3% but like Mazur showed you when it was 5% it was really 9.64% for the rates. It is just a matter of the calculation for it. Mazur added you can apply it either way and apply it directly to the commodity or both the commodity and the base rate what we refer to as the minimum. That is why there are two numbers here with two columns. This one is the actual usage of the commodity and this one is the base charge. O'Boyle said the numbers that I just talked about are only on the commodity charge not capacity. Durham asked to have the difference between the commodity charge and the base charge explained. Mazur-stated commodity is your actual usage that is what you actually use and you get charged on that per unit, the base rate is what you pay every month that shows up as a line item. As long as your service is there and available, we have to accommodate for that usage or potential usage. In the water world we refer to it as a capacity charge and if you

2019 saw sales drop in residential by 3% with industrial sales dropping by 44%, wholesales sales dropped 9%. Overall, sales were down by about 12% total. For the projected growth on the Industrial side it's 5% and that is due to Loves opening up and this is just for 2021 only. Maassel asked how is Loves an industry not a commercial? Mazur said because of the amount of usage. It's just categorical. Residential growth is 0.5% per year and commercial is projected with no growth commercial. On the wholesale side we also show no growth in sales and also show the loss of sale to Liberty Center and McClure with an effective date put in of July 1, 2023 to give us a date to measure off of. You see the wholesale side drops significantly in 2023 and 2024, Liberty Center and McClure account for about 16% of the total consumption of the water system. Bialorucki asked will we see an increase in the wholesale rate for 2021 and 2022 over 2019, 2018 and 2017 due to Liberty Center? Mazur said when you say rate, do you mean in the rate recommendation or do you mean in the rate for Bialorucki said since they didn't sign another contract with us Mazur replied that is factored in just for Liberty Center since they didn't renew a contract with us they are now paying the outside rate. In projecting revenue requirements the same was applied with personnel at 2.25%, a 3.5% increase was factored in healthcare and materials and supplies were at 3% and the debt services are what they are. The determination for revenue requirements over the next four years you will see that increase in 2023 and then in 2024 its jumps to 30%. This is the direct correlation of the loss of wholesale customers. Siclair commented we could offset that if we could get some big users. Mazur said I was going to get into that but you're right. Hold that thought. Approximately 30% is needed to meet the projections hence the reason for the recommendation of 7% per year over the next four years. If you take out the loss of the wholesale customers, we would be at about 3% per year just like the sewer side which is pretty standard for utilities. On the sewer side we have had less increases over the last few years than the water side that has had some pretty big increases. Those were directly towards the need for the Water Treatment Plant rehab. That was another plant whose equipment was beyond its useful life. Jeff Weis is on the line, he can attest to that he's been there enough years to be working in the old plant and now with the new plant. I think everyone sees a difference in the water quality too. If it wasn't for the loss of the wholesale or the satellite communities, we'd probably be looking at 3% per year. There is one way to stop this from continuing and occurring and that is to add rooftops and users makes a big difference. We are seeing that with just the addition of Loves Travel Stop that adds 5% to the water and 6% to the sewer. If you get growth like that on a continuous basis, it adds up and it helps with the overall expenses of running the utility. The history of the water rates is a little different because the rates factored in only the commodity charges. The capacity charges have not increased over any of the years everything has been applied to the commodity charge. For the Water Treatment Plant Rehab the revenue requirement as you recall was 10%-10% and 10% and on the commodity rates it was roughly 12.5% each year give or take. I feel like we did everything we possibly could do to hang on to the other satellite communities as customers. We even offered them a lower rate than what they were offered by the Northwestern Water and Sewer District but they opted out. So, we are anticipating that they are not going to be here. Maassel noted the rate study says 7%, what does the math look like if we were to do 5%? My issue is, if we do 7% are we going to sell less because we keep selling less and the prices go up. The question is, if we increase less do we sell more? Mazur- that is a tough one. Bialorucki added no matter what, it is still going up understand. Durham noted with the technology and efficiencies that has come out in the previous years too it's hard to judge that. I'm sure 7% seems like a big number Mazur interjected one thing to note, Courtney always likes to take a look at the actual budget rather than looking at the historic actuals. What we did in this one was we looked at historic actuals and tried to project what we think our expenses will be. You can see with the capital projects this was ground down to what we have spent historically on water capital out of the distribution system. I think the plant is pretty well optimized. You heard that from Jeff Weis during the budget hearing. I think the plant operations are pretty well optimized at this point. One thing that was brought up in the Water and Sewer Committee and BOPA meeting was that we do have a contract with Wauseon to supply them with raw water. It is a mutually beneficial contract where we supply them with water and then we can draw it back whenever we need to. Obviously we stay in communication and work with them. What is not accounted for are the electric expenses for pumping the water every single day. I believe that cost is about \$9,300 a month. That is an expense and wear and tear and maintenance on the floaters that is not cheap. That is something we are going to have to factor in when we renegotiate that contract with Wauseon. Durham asked so, that's like a million gallons a day or something? Mazur asked Weis how much do we pump to Wauseon per day? Bialorucki asked how long of a contract is it? Mazur said it's a 20 year contract that will expire in 2022. So, that contract is coming up. Bialorucki asked whoever did the contract didn't think about the electric costs to pump the water? Mazur said there is a trade-off

Roll call vote on the above motion:

Yea-Haase, Baer, Bialorucki, Sicclair, Knepley, Durham

Nay-

Yea-6, Nay-0. Motion Passed

VanHying Pumping Station Replacement Project

Mazur stated no bids were received for this project. We believe that was due to a couple of things but, the main thing is the material prices for everything is high. Concrete and steel prices are up and I think they are going up the first of the year again. This is a Long-Term Control Plan project and is to be completed in December of 2023. We could modify the plans, but we don't think that is the best option. The design we have is solid, especially because we are dealing with the railroad. You can raise the engineer's estimate to match what the material prices are. Maassel asked what is the estimate now? Mazur replied the published estimate was \$1.625 million. Our thought is to postpone the project until next year and re-bid this time next year or maybe sooner or later when the market for material crisis normalizes. Sicclair asked there is no penalty for putting it off if it is a Long Term Control Plan project? Mazur-we have time. If there is a reason we would need to move forward with the bid sooner, we will bring it back. Bialorucki asked if this would be a debt service project so we would need to consider how the bond rates are going or if we wait for the prices of materials to come down? Lulfs said the rates are very stable. I have used them consistently since 2010 and it has always been less than 1%. Right now it is .7%. When we did the EQ Basin it was 0.67%, the Wastewater Plant is going to be 0.7% and the Williams Pump Station was at 1%. Personally I would recommend just waiting. Mazur said since no bids were received, no action is needed.

Change Order No. 2 to Jones & Henry Engineers for the 2021 Wastewater Treatment Plant Improvements Project

Lulfs explained there was a request to increase the Jones & Henry contract. During the course of the design we required several revisions including breaking out of the volute presses which we did design a new generator. Once we discovered the existing generator could not service the plant, they created a separate proposal for the screens and grid system. All the extra work we had them do was in an effort to reduce the construction cost we will see when we do the project. All that added work was outside the scope of their original contract and Jones & Henry is requesting a change order for \$82,000 to keep them in line with what it takes to do that additional design. I discussed this with Pike, Okuley and Mazur and Jones & Henry's request seems very reasonable for the money they saved. If the Change Order is approved, that will be rolled into the costs that will go to DEFA, that has been calculated into our budget number. Maassel asked what the approximate savings would be? Pike responded \$300,000. Maassel said makes a lot of sense to me. Bialorucki-yep that's pretty easy math.

Motion: Haase

Second: Knepley

to approve Change Order No. 2 to Jones & Henry for \$82,000 on the 2021 WWTP Improvements Project

Roll call vote on the above motion:

Yea-Haase, Baer, Bialorucki, Sicclair, Knepley, Durham

Nay-

Yea-6, Nay-0. Motion Passed

Approval of Crack Sealing Contract with American Pavements, Inc.

Mazur said this is a request to approve the contract with American Pavements to lock in the 2020 state contract price

Motion: Haase

Second: Knepley

to approve crack sealing contract with American Pavements, Inc.

Roll call vote on the above motion:

Yea-Haase, Baer, Bialorucki, Sicclair, Knepley, Durham

Nay-

Yea-6, Nay-0. Motion Passed

Approval of 2020 Write-offs for Income Tax, Utilities and EMS Billings

O'Boyle said the total write-offs for 2020 is \$63,966.87 which is down from 2019 around \$92,000. Bialorucki asked do you have anything to add of why that is? Has your department made some changes? O'Boyle said it just depends on the individual if they are able to be collected on, if they have a bankruptcy or are deceased and if Weltman is able to collect on them. We are now able to do Attorney General collections for income tax and on the EMS side but not on the utility side. So, we have seen increased collections on those that have been done this year.

Motion: Siclair Second: Durham
to approve the 2020 write-offs for Income Tax, Utilities and EMS Billings

Roll call vote on the above motion:
Yea-Haase, Baer, Bialorucki, Siclair, Knepley, Durham
Nay-

Yea-6, Nay-0. Motion Passed

December 2020 Replacement Pages to the Codified Ordinances

Motion: Haase Second: Durham
to direct the Law Director to Draft Legislation for the December 2020 Replacement Pages to the Codified Ordinances

Roll call vote on the above motion:
Yea-Haase, Baer, Bialorucki, Siclair, Knepley, Durham
Nay-

Yea-6, Nay-0. Motion Passed

Transfer of Liquor Permit from Ottawa Oil Co., Inc. to Jay Petroleum, Inc. 330 S. Perry Street

Mazur had nothing to report. No action is an approval of the transfer. Bialorucki asked if Jay Petroleum purchased Southside Shell? Mazur-yes. No action was taken.

Accept a \$250.00 Donation from Richard Luzny to the Napoleon Police Department

Mazur read the note from Richard Luzny: *Dear Chief, Thank you for all your good work for all of us. Please use this gift for a party for your team.*

Motion: Haase Second: Baer
to accept the donation from Richard Luzny in the amount of \$250 to the Napoleon Police Department

Roll call vote on the above motion:
Yea-Haase, Baer, Bialorucki, Siclair, Knepley, Durham
Nay-

Yea-6, Nay-0. Motion Passed

AROUND THE TABLE

O'Boyle-Merry Christmas and Happy Holidays to everyone.

Knepley-we got to tour the operations facility with Jeff Rathge, that was really nice and appreciated. Thank-you Tony for going over the Buckeye Trail and working on that. I have already had people reach out to me and say it was done. Thank-you. Merry Christmas everyone.

Sicclair-Merry Christmas.

Maassel- it's always nice when we beat Defiance. Congratulations to the girls basketball team for beating Defiance. Welcome Loves Truck Stop to Napoleon. Other municipalities have Cable TV as well utilities and we don't, is there a reason for that? Can we have an answer for that sometime in January? Merry Christmas everybody.

ORDINANCE NO. 083-20

**AN ORDINANCE AMENDING A CERTAIN SECTION OF
CHAPTER 925 OF THE CODIFIED ORDINANCES OF THE CITY
OF NAPOLEON, SPECIFICALLY SECTION 925.08
“PLACEMENT OF CONTAINERS,” AND AMENDING
ORDINANCE NO. 007-20**

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

Section 1. That, Section 925.08 of the Codified Ordinances of the City of Napoleon, Ohio shall be hereby amended and enacted as follows:

“925.08 PLACEMENT OF CONTAINERS.

1. Bags, tagged bags or containers holding bags or tagged bags shall be placed at the curb located in front of a customer’s residence for residential establishments, and along the alley located off the customer’s premises or other specified location for commercial establishments utilizing residential service who desire to be on the City’s bag refuse service. Sanitation department personnel cannot enter residential or other buildings for the purpose of refuse pickup. Containers if used as bag holders will be returned to the place of pickup, with lids replaced. In the event of a situation not covered by the above, placement of containers may be determined by mutual agreement of the Operations Superintendent and the resident, subject to the approval of the City Manager. [Refuse and Recycling containers placed at the curb in front of a customer’s residence are to be removed from the curb by the end of the next day immediately following the customer’s scheduled pickup day.](#)”

Section 2. That, Section 925.08 of the Codified Ordinances of Napoleon, Ohio, as existed prior to the enactment of this Ordinance, is hereby amended upon the effective date of this Ordinance.

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

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

Section 5. That, this Ordinance shall be in full force and effect at the earliest time permitted by law.

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 083-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2021; & 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, Clerk of Council

ORDINANCE NO. 084-20

**AN ORDINANCE APPROVING CURRENT DECEMBER 2020
REPLACEMENT PAGES TO THE CITY OF NAPOLEON CODIFIED
ORDINANCES**

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and,

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and,

WHEREAS, the City has heretofore entered into a contract with the American Legal Publishing Corporation (formerly known as Walter H. Drane Company) to prepare and publish such revision which is before Council; **Now Therefore**,

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

Section 1. That, the Ordinances of the City of Napoleon, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the December 2020 Replacement Pages to the Codified Ordinances are hereby approved and adopted; such having been certified as correct by the Clerk of Council and the Mayor.

Section 2. That, among others, the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

Administration Code
Department of Finance

Traffic Code
Traffic Schedules

Streets, Utilities and Public Services Code
Waste Collection
Electric Rates
Recreation Facilities

Section 3. That, the complete text of all current Codified changes is set forth in the current replacement pages to the City of Napoleon's Codified Ordinances, said pages which are attached to this Ordinance as Exhibit "A." Any summary publication of this Ordinance shall include a complete listing of these sections. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

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

Codified Ordinances of Napoleon, Ohio.

Section 5. That, if any other prior Ordinance or Resolution is found to be in conflict with this 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 6. 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, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 084-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2021; & 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, Clerk of Council

**CODIFIED
ORDINANCES
OF THE
CITY OF
NAPOLEON
OHIO**

Local legislation current through **December 9**, 2020

State legislation current through **June 19**, 2020

CERTIFICATION

We, Jason Maassel, Mayor and Roxanne Dietrich, Executive Assistant to Appointing Authority - Clerk of Council of Napoleon, Ohio pursuant to Article II Section 2.15 of the Charter and Section 121.03 of the Administrative Code, hereby certify that the general and permanent ordinances of the City of Napoleon, Ohio, as revised, rearranged, compiled, renumbered as to sections, codified and printed herewith in component codes are correctly set forth and constitute the Codified Ordinances of Napoleon, Ohio, 1996, as amended to **December 9**, 2020.

/s/ Jason Maassel
Mayor

/s/ Roxanne Dietrich
Clerk of Council

Codified, edited and prepared for
publication by
THE WALTER H. DRANE COMPANY
Cleveland, Ohio

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Res.			036-17	6-5-17	1101.01
088-11	11-21-11	193.11	038-17	9-18-17	Repeal Ch. 711
99-11	12-19-11	133.07, 139.01, 139.02, 142.01	057-17	9-18-17	1501.01
12-12	2-6-12	1335.08, 1335.32	058-17	10-16-17	143.06
15-12	3-5-12	197.01, 197.03, 197.11	059-17	11-6-17	747.01, 747.02, 747.99, 1127.22
16-12	3-5-12	195.01, 195.08, 195.14	067-17	11-20-17	193.11, 194.013
48-12	7-2-12	931.10	070-17	11-6-17	1301.01
055-12	9-4-12	939.04	074-17	12-4-17	143.06
56-12	9-17-12	939.05	088-17	12-18-17	931.07
60-12	9-17-12	931.08	003-18	3-5-18	955.09
67-12	11-19-12	925.13	005-18	2-19-18	194.30 to 194.315
70-12	12-3-12	121.03	006-18	4-2-18	194.134
Res.			009-18	4-16-18	TRAF. SCH. II
73-12	11-19-12	193.11	011-18	4-16-18	197.15
002-13	2-4-13	955.09, 955.10, 955.16, 955.19	017-18	4-2-18	195.04
015-13	3-18-13	955.09	021-18	5-21-18	931.10, 1105.02, 1325.01 to 1325.06, 1325.99
042-13	10-21-13	1101.01, 1145.01	029-18	7-2-18	505.14
045-13	10-7-13	137.14	058-18	11-5-18	931.09
059-13	11-18-13	197.18	060-18	11-19-18	339.13
067-13	12-16-13	931.07	062-18	12-3-18	925.04
Res.			086-18	1-21-19	955.09
068-13	12-16-13	193.11	007-19	1-21-19	195.04, 195.07
010-14	4-21-14	931.07	030-19	5-20-19	TRAF. SCH. II and IX
027-14	5-19-14	931.13	034-19	6-17-19	143.01
028-14	5-19-14	931.09	061-19	10-21-19	301.183, 301.187, 301.495, 301.505, 343.01, 343.99
042-14	8-4-14	197.01 to 197.19	072-19	11-18-19	194.03
065-14	11-17-14	939.02	076-19	12-2-19	955.10
002-15	1-19-15	197.16, 197.18	078-19	12-16-19	Repeals, 375.03(e), 505.11, 505.15, 549.08, 549.09
004-15	1-19-15	955.09	079-19	12-16-19	193.11, 194.013
015-15	3-16-15	939.02	001-20	2-17-20	137.06
021-15	4-6-15	955.19	006-20	3-16-20	December 2019 Replacement Pages
044-15	8-3-15	955.09	007-20	4-6-20	925.13, 925.16
045-15	8-3-15	955.20	008-20	3-2-20	145.01
053-15	11-16-15	194.01 to 194.20, 194.97, 194.98, 194.99	018-20	5-18-20	143.01
057-15	11-16-15	193.11, 194.013			
060-15	12-21-15	955.21			
013-16	5-16-16	137.06			

Ord. No	Date	C.O. Section
032-20	8-17-20	June 2020 Replacement Pages
034-20	8-3-20	TRAF. SCH. I, III
053-20	11-16-20	194.081
054-20	12-7-20	955.16

TABLE A - Street Dedication and Plat Approval (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
057-07	7-2-07	Accepts Appian Ave. (in Replat of Meyers Replat of Lots 24 & 25 and Part of Lots 23 & 26 of E.T. Barns 1st Addition).
Res. 074-07	9-4-07	Accepts dedicated r-o-w-s and utility easements with plat known as "Twin Oaks 6th Addition" (a major subdivision).
075-07	9-4-07	Accepts Williamsburg Ave. in plat of "Twin Oaks 6th Addition" (a major subdivision).
Res. 035-08	5-5-08	Accepts dedicated r-o-w-s and utility easements associated with the plat know as "Picket Fences Phase V" a major subdivision.
036-08	5-5-08	Accepts extension of Oxford Street as found in the plat of "Picket Fences Phase V", a major subdivision.
Res. 041-08	5-19-08	Accepts dedication of the lift station from the Henry County Hospital.
009-09	1-19-09	Accepts dedication of a part of Clairmont Avenue as identified in a plat known as the "Clairmont Avenue Right-of-Way Dedication Plat".
Res. 046-17	8-7-17	Authorizing the City Manager to dedicate a portion of City owned property as right of way for the Industrial Drive Street Improvements Project, P.I.D. Number 102253.
043-20	11-2-20	Accepts dedication of a section of Clairmont Avenue between Briarheath Avenue and Westmoreland Avenue.

TABLE C - Annexation or Detachment (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
081-08	10-6-08	Annexes property owned by the Board of County Commissioners of Henry County, Ohio (Location where the Henry County Garage is sited).
116-08	12-29-08	Consents to an annexation petitioned by David B. Ward at 907 Huddle Road.
004-09	1-19-09	Amends Ord. 114-08, Sec. 1, which is a municipal service statement for a certain annexation petitioned by David B. Ward at 907 Huddle Road.
012-09	4-6-09	Locating an annexation of property at the location of 907 Huddle Road as was petitioned for by David B. Ward.
070-09	12-7-09	Annexes 1.83 acres owned by Maurice and Georgie Davis at the location of 2334 Scott St.
034-10	7-6-10	Accepting an annexation of .99 acres of land owned by Jerry Walker at the location of Huddle Road.
065-10	12-6-10	Accepting an annexation of territory as petitioned for by Thomas E. Wagner et. al. at the location of County Road 11C (Appian Avenue).
98-10	2-21-11	Approving the annexation of several parcels of land owned by Thomas C. Norden, et al, at the location of County Road 11C (Appian Ave.)
062-11	11-21-11	Accepting an annexation of territory as petitioned for by Donna M. Leonhardt, et. al. at the location of 815, 833, 855 and 873 Huddle Road.
063-11	11-21-11	Accepting an annexation of territory as petitioned for by John and Lori Paxton consisting of one lot being 2.98 acres of land more or less at the location of 715 Huddle Road, Parcel Number 07-240002.0200.
005-14	1-20-14	Accepting the annexation to the City of Napoleon certain territory that the Napoleon Area School District filed with the Henry County Board of Commissioners. Westmoreland Ave. Parcel Number 41-150040.0000.
047-14	7-7-14	Authorizes annexation agreement with Napoleon Township for the annexation of 5.448 acres of land owned by MDC Holdings, LLC. Westmoreland Ave. Parcel Number 41-150034.0100.
064-14	10-6-14	Accepts annexation to City of 5.448 acres of land owned by MDC Holdings, LLC. Westmoreland Ave. Parcel Number 41-150034.0100.
052-20	11-16-20	Authorizes annexation agreement of 0.038 acres of land currently in Napoleon Township located along County Road 424 (Parcel No. 07270088.0000), which is owned by William R. Meyers.

- (1) The amount of estimated taxes that were paid equals at least ninety per cent of the tax liability for the current taxable year, determined by annualizing the income received during the year up to the end of the month immediately preceding the month in which the payment is due.
- (2) The amount of estimated taxes that were paid equals at least one hundred per cent of the tax liability shown on the return of the taxpayer for the preceding taxable year, provided that the immediately preceding taxable year reflected a period of twelve months and the taxpayer filed a return with the municipal corporation under Section 194.091 of this Chapter for that year.
- (3) The taxpayer is an individual who resides in the Municipality but was not domiciled there on the first day of January of the calendar year that includes the first day of the taxable year.

(F) A Tax Administrator may waive the requirement for filing a declaration of estimated taxes for any class of taxpayers after finding that the waiver is reasonable and proper in view of administrative costs and other factors.
(Ord. 053-15. Passed 11-16-15.)

194.08 CREDIT FOR TAX PAID.

194.081 CREDIT FOR TAX PAID - CITY OF NAPOLEON.

(A) If a resident of Napoleon is subject to and has paid a municipal income tax due to the operation of a business or the receipt of compensation in another taxing municipality, such taxpayer shall be allowed a 70% credit against the Napoleon tax due, but such credit shall not exceed the amount of Napoleon tax levied on such compensation or from the profits of a business.

(B) If a resident of Napoleon operates a business or businesses in another taxing municipality and the business or businesses incur a loss, the amount of the loss is deemed primarily subject to the taxing jurisdiction of the other taxing municipality and may not be used to reduce the taxpayer's Napoleon tax base.

(Ord. 053-20. Passed 11-16-20.)

194.082 REFUNDABLE CREDIT FOR QUALIFYING LOSS.

(A) As used in this section:

- (1) "Nonqualified deferred compensation plan" means a compensation plan described in section 3121(v)(2)(C) of the Internal Revenue Code.
- (2) (a) Except as provided in division (A)(2)(b) of this section, "qualifying loss" means the excess, if any, of the total amount of compensation the payment of which is deferred pursuant to a nonqualified deferred compensation plan over the total amount of income the taxpayer has recognized for federal income tax purposes for all taxable years on a cumulative basis as compensation with respect to the taxpayer's receipt of money and property attributable to distributions in connection with the nonqualified deferred compensation plan.
- (b) If, for one or more taxable years, the taxpayer has not paid to one or more municipal corporations income tax imposed on the entire amount of compensation the payment of which is deferred pursuant to a nonqualified deferred compensation plan, then the "qualifying loss" is the product of the amount resulting from the calculation described in division (A)(2)(a) of this section computed without regard to division (A)(2)(b) of this section and a fraction the numerator of which is the portion of such compensation on which

Street	From	To	Prohibited Side(s)
Melody Ln.	Glenwood Ave.	Indiana Ave.	N.
Michigan Ave.	Woodlawn Ave.	Lagrange St.	W.
Monroe St.	Fillmore St.	Clinton St., E.	W.
Monroe St.	Front St.	Riverview Ave., E.	W.
Monroe St.	Main St., E.	Riverview Ave., E.	E.
Neward Dr.	Riverview Ave., W.	Becca Ln.	W.
North St.	Oakwood Ave.	Perry St., N.	Both
Northcrest Circle	Northcrest Dr.	Cul-de-sac	E.
Northcrest Dr.	Oakwood Ave.	Derome Dr.	S.
Norton St.	Park St.	Leonard St.	W.
Norton St.	Leonard St.	Dead End	Both
Oak St.	First St.	Daggett Dr.	Both
Oakdale Dr.	Glenwood Ave.	Indiana Ave.	N.
Oakwood Ave.	Fillmore St.	Railroad St.	E.
Oakwood Ave.	Railroad St.	Corporation Limits	Both
Ohio St.	Glenwood Ave.	Scott St.	S.
Old Creek Dr.	Oakwood Ave.	Cul-de-sac	S.
Old School Dr.	Clairmont Ave.	Cul-de-sac	both
Orchard Ln.	Riverview Ave., W.	Briarcliff Dr., E.	S.
Orchard Ln.	Briarcliff Dr., E.	Briarcliff Dr., W.	N.
Orwig Ave.	W. Washington St.	Welsted St.	W.
Oxford St.	Appian Ave.	Cambridge St.	E.
Park Ct.	Park St.	Dead End	W.
Park Lane Dr.	Park St.	Cul-de-sac	W.
Park St.	Sheffield Ave.	Glenwood Ave.	North
Park St.	Riverview Ave., W.	Norton Ave.	North
Park St.	Norton Ave.	Sheffield Ave.	North
Perry St., N.	First alley north of Oakwood Ave.	Yeager St.	W.

Street	From	To	Prohibited Side(s)
Wayne Park Dr.	Co.Rd. M1	Westerly intersection of Riverview Ave., W.	S.
Wayne St.	Riverview Ave., E.	Main St., W.	E.
Welsted St.	Glenwood Ave.	Avon Pl.	S.
Westchester Ave.	Briarheath Ave.	Kenilworth Ave.	N.
Westchester Ave.	Kenilworth Ave.	Briarheath Ave.	S. (4 hr. parking)
Westmont Ave.	Briarheath Ave.	Glenwood Ave.	N.
Westmoreland Ave.	Clairmont Ave.	Bales Rd.	E.
Westwood Ave.	Harmony Dr., S.	Harmony Dr., N.	E.
Willard St.	Woodlawn Ave.	Lagrange St.	E.
Williamsburg Ave.	Becca Ln.	Dead End	S.
Wood Dr.	Scott St., N.	Cul-de-sac	Both
Woodlawn Ave.	Clinton St., W.	Corporation Limits	Both
Woodlawn Ct.	Woodlawn Ave.	High St.	E.
Yeager St.	Oakwood Ave.	Dodd St.	Both

(Ord. 034-20. Passed 8-3-20.)

<i>STOP STREET</i>	<i>RIGHT-OF-WAY</i>
Norton Ave.	Park St.
Norton Ave.	Strong St.
Norton Ave.	Welsted St.
Oak St.	Daggett Ave.
Oakdale Dr.	Indiana Ave.
Oakdale Dr.	Glenwood Ave.
Oakwood Ave.	Perry St., N.
Oakwood Park	Oakwood Ave.
Oberhaus Park	Maumee Ave., W.
Ohio St.	Glenwood Ave.
Ohio St.	Scott St.
Old Creek Dr.	Oakwood Dr.
Old School Dr.	Clairmont Ave.
Orchard Ln.	Briarcliff Dr.
Orchard Ln.	Riverview Ave., W.
Orwig Ave.	Main St., W.
Orwig Ave.	Washington St., W.
Orwig Ave.	Welsted St.
Oxford St.	Appian Ave.
Park Ln.	Park St.
Park Pl.	Park St.
Park St.	Glenwood Ave.
Park St.	Riverview Ave., W.
Perry St., N.	Yeager St.
Pontious Pl.	First St.
Pontious Pl.	Perry St., S.
Railroad St.	Oakwood Ave.
Railroad St.	Perry St., N.

<i>STOP STREET</i>	<i>RIGHT-OF-WAY</i>
Williamsburg Ave.	Becca Ln.
Woodlawn Ct.	Woodlawn Ave.
Yeager St.	Oakwood Ave.

(b) All-Way Stops:

<u>INTERSECTION</u>
Bales Rd./Washington St., W. and Glenwood Ave.
Briarheath Ave. at Clairmont Ave.
Clinton St. at Monroe St.
Clinton St., W. at Norton Ave.
Glenwood Ave. at Woodlawn Ave.
Haley Ave. at Washington St., W.
Industrial Dr. at American Rd.
Indiana St. at Ohio St.
Kenilworth Ave. at Westmont Ave.
Main St., W. at Scott St.
Main St., W. at Webster St.
Main St., E. at Hobson St.
Monroe St. at Washington St.
Norton Ave. at Washington St.
Park St. at Sheffield Ave.
Raymond St. at Third St.
Scott St. at Front St.
Sheffield Ave. at Clinton St.
Third St. at Raymond St.

<u>Location</u>	<u>Description</u>
Perry St., N. (St. Rt. 108) at Washington St.	This three (3) phase signal controls a four-way intersection actuated by loop detectors which generally “stands on green” for through traffic on North Perry St.
Perry St., N. (St. Rt. 108) at Clinton St.	This three (3) phase signal controls a four-way intersection which is actuated by timed sequencing.
Clinton St. (St. Rt. 108) at Scott St. and Woodlawn Ave.	This four (4) phase signal controls a five-way intersection actuated by loop detectors.
Scott St. at Washington St.	This two (2) phase signal is actuated by timed sequencing to cycle through the intersection.
Scott St. (St. Rt. 108) at Lagrange St.	This three (3) phase signal controls a four (4) way intersection actuated by loop detectors. Signal generally “stands on green” for North Scott St.
Scott St. (St. Rt. 108) at Southern Entrance to Heritage Plaza	This three (3) phase signal controls a four (4) way intersection actuated by loop detectors. Signal generally “stands on green” for through traffic on North Scott St.
Woodlawn Ave. at Clairmont Ave.	This two (2) phase signal generally “stands on green” for Woodlawn Ave. The Clairmont Ave. signal is actuated by loop detectors.
Industrial Drive at Independence Drive	This two (2) phase signal is actuated by timed sequencing to cycle through the intersection.
Industrial Drive at Ramps “A” and “D”	This three (3) phase signal controls a 3-way intersection at Ramps “A” and “D” of the Industrial Drive Interchange. Loop detectors are provided on Ramp “A” for both left and right-through lanes. The signal generally “stands on green” for through traffic on Industrial Drive.

(e) Alleys:

All alleys shall be considered the yield street at all crossings with streets.

(Ord. 034-20. Passed 8-3-20.)

TITLE THREE - Utilities

- Chap. 925. Waste Collection.
 Chap. 931. Water and Sewer Service.
 Chap. 939. Electric Rates.

CHAPTER 925
Waste Collection

- | | | | |
|---------------|--|---------------|--|
| 925.01 | Definitions. | 925.16 | Purchase of tags and utility payments. |
| 925.02 | Public utility. | 925.17 | Charge for special sanitation services. |
| 925.03 | Disposal required. | 925.18 | Disposal regulations and extraordinary fees during City's seasonal pickup programs. |
| 925.04 | Sanitation Department collection service. | 925.19 | Charges for specially requested pickup services. |
| 925.05 | Dumping and burning. | 925.20 | Establishment of yard waste management program. |
| 925.06 | Residential collection service mandatory, exceptions. | 925.21 | Separation of yard waste. |
| 925.07 | Bags and tags. | 925.22 | Prohibition against placing yard waste for collection. |
| 925.08 | Placement of containers. | 925.23 | Prohibition against placing hazardous or infectious waste for collection. |
| 925.09 | Miscellaneous refuse and rubbish. | 925.24 | Prohibition against unauthorized use of the City Yard Waste Site. |
| 925.10 | Licensed commercial collections. | 925.99 | Penalty. |
| 925.11 | Private haulers. | | |
| 925.12 | Route-schedules. | | |
| 925.13 | Rates. | | |
| 925.14 | Rules and regulations. | | |
| 925.15 | Unauthorized removal of garbage or refuse. | | |

CROSS REFERENCES

- Collection and disposal of garbage - see Ohio R.C. 715.43, 717.01
 Employment of scavengers - see Ohio R.C. 3707.39
 Disposal and transportation upon public ways - see Ohio R.C. 3767.20 et seq.
 Vehicle loads dropping, sifting, leaking - see TRAF. 339.08
 Littering - see GEN. OFF. 521.08
 Contracts with county garbage and rubbish disposal districts -
 see Ohio R.C. 343.08
 Waste dumped at landfill only - see GEN. OFF. 521.06

925.23 PROHIBITION AGAINST PLACING HAZARDOUS OR INFECTIOUS WASTE FOR COLLECTION.

It shall be a violation of this chapter for any person to place hazardous or infectious waste for collection, removal or disposal by the City's Sanitation Department. (Ord. 28-95. Passed 4-3-95.)

925.24 PROHIBITION AGAINST UNAUTHORIZED USE OF THE CITY YARD WASTE SITE.

(a) No person or business entity with a physical address, street address, residential address, or business address outside the corporate limits of the City of Napoleon, Ohio, shall utilize or in any way make use of the City of Napoleon Yard Waste Site without prior written approval by the City Manager.

(b) The lack of notice of restricted access, posted or otherwise, is not a defense to this section. (Ord. 062-18. Passed 12-3-18.)

925.99 PENALTY.

(a) Whoever violates any provision of this chapter, or any rule or regulation pursuant thereto, where no specific penalty is attached, shall be deemed guilty of a minor misdemeanor and shall be fined not more than \$150.00. Any violation shall constitute a separate offense on each successive day continued. The fact that garbage, refuse, rubbish, yard waste or other waste matter, herein mentioned or not, remains on any residential establishment in the City in violation of this chapter shall be prima facie evidence that the householder of such establishment is responsible for the occurring violation. In addition to the penalties above described for this chapter, the offender may be assessed the cost of any cleanup.

(b) Any person who violates or neglects to comply with any provision of this chapter, or any rule or regulation pursuant thereto, upon commission of the first offense in any twelve-month period, in lieu of filing criminal charges, may be issued a warning by the crew of the City Sanitation Department in the form of an information tag, the form and content of which shall be prepared by the City Manager or his designee, to be issued in person or affixed to the waste, or to its container or to entrance of the dwelling or other structure on the premises upon which the waste or its container is found, and such waste shall not be collected, removed, or disposed of by the City's Sanitation Department. (Ord. 28-95. Passed 4-3-95.)

(c) Any person who violates Section 925.05 is deemed guilty of a misdemeanor of the 4th degree, punishable by a fine not to exceed \$250.00 and/or a period of imprisonment not to exceed 30 days.

(d) The City, its officials, boards or employees failing to carry out any directory function imposed upon the same by this chapter shall not be punishable as a crime under this section. (Ord. 28-95. Passed 4-3-95.)

CHAPTER 939
Electric Rates

939.01	Authority to establish electric regulations and rates.	939.04	Ecosmart Choice Program.
939.02	Rates.	939.05	Net metering.
939.03	Energy Reduction Program.		

CROSS REFERENCES

Power to establish electric light and power rates -
see Ohio R.C. 715.03, 715.06

Power to furnish light power and heat -
see Ohio R.C. 715.06, 717.01

Power to erect electric works - see Ohio R.C. 743.34

939.01 AUTHORITY TO ESTABLISH ELECTRIC REGULATIONS AND RATES.

(a) The Board of Public Affairs of the City shall advise and recommend electric rates and City of Napoleon rules, terms, and conditions governing the sale of electrical service and use of the electric system of the City, subject to enactment by ordinance or resolution of Council. Nothing in this section shall be construed to limit Council's authority to establish, adjust or amend electric rates and amend City of Napoleon rules, terms and conditions governing the sale of electrical service and use of the electrical system in a manner that may be inconsistent with the advice and recommendation of the Board.

(b) The Board shall review monthly, or at times otherwise directed by Council, the PCF rates as it pertains to the City and report its findings to Council.

(c) Except as otherwise provided by law, the rates and rules, terms and conditions governing the sale of electricity by the City, and use of its electrical system established and approved by legislation of Council, shall regulate the use and sale of electricity when furnished by the City, and use of its electrical system when used in the City, unless a separate contract prevails. (Ord. 88-99. Passed 11-15-99.)

"Kilowatt-hour (kWh)". Means the basic unit of electric energy equal to one (1) kilowatt of Power Supplied to or Taken from an Electric Circuit Steadily for One (1) Hour.

"Power Supply Charges". Means charges that are designed to Recover costs associated with the acquisition and/or Purchase of power and energy required to meet the City's power supply requirements, including costs associated with Delivering that power and energy to the city's electric system.

"Power Supply Costs". Means all costs associated with the acquisition and/or purchase of power and energy required to meet the City's power supply requirements, including costs associated with delivering that power and energy to the City's electric system.

"Transition Costs". Generally defined as the difference between purchased power costs of those sources where construction costs, market price at the time of contractual obligation, and/or other factors that may cause the fixed and/or average cost of that power to be significantly higher than average market prices. In addition, significant additional system cost assumed as a result of the offering of open access service may also be included.

(Ord. 065-14. Passed 11-17-14.)

939.03 ENERGY REDUCTION PROGRAM.

The City Manager may initiate an Energy Reduction Program to users of electricity having an account classification of commercial, large power or industrial customers whereby credits shall be applied to the customer's electrical invoice, up to 1/2% per 100 KW of pre-selected and approved reduction of electricity use during a rolling 12 continuous month period basis, in return for reduction of electrical consumption by the customer at times of approach of a peaking condition, during an electrical peak condition, or when there has been declared by the City Manager an emergency electrical condition. The program shall be as established in the City's rules, terms and conditions governing sale of electrical service.

(Ord. 87-05. Passed 10-3-05.)

939.04 ECOSMART CHOICE PROGRAM.

Any electric customer of the City may choose to enroll in the EcoSmart Choice Program. The EcoSmart Choice Program allows customers to offset a portion of their electricity purchases with renewable energy certificates (RECs). The customer will have an increase in electric rates of \$0.005 per kWh. The customer can have participation levels ("usage breaks") of 50% (fifty percent) and 100% (one hundred percent).

(Ord. 055-12. Passed 9-4-12.)

provision. Playing of golf shall be only during the golf season unless otherwise permitted; further, if permitted at times when the club house is closed, registration is not required. (Ord. 30-97. Passed 5-5-97.)

955.12 PERSONS EXEMPT FROM GREENS FEES.

(EDITOR'S NOTE: Former Section 955.12 was repealed by Ordinance 18-2003, passed March 3, 2002.)

955.13 PLAY UPON COURSE SUBJECT TO APPROVAL OF GREENSKEEPER.

Any play upon the course shall be subject to the approval of the greenskeeper who will determine playing conditions from the standpoint of damage to the greens and course. (1978 Code 96.19)

955.14 RULES AND REGULATIONS.

The following rules and regulations shall be in effect:

- (a) "a.m." is to be considered until 9:30 a.m.
- (b) Military personnel on active duty, while on authorized leave, shall play without charge, upon presentation of a proper military identification card.
- (c) Annual golf privilege cards. Annual golf privilege cards are valid from March 15 to October 31 of each year. Payment of annual golf privilege fees exempt holders from daily greens fees throughout the golf season as well as providing holders with specific golf privileges related to some special golf dates and times as may be established. (Ord. 30-97. Passed 5-5-97.)

PARKS

955.15 CLOSING HOURS.

(a) Except as herein provided, the municipal parks shall be closed between the hours of 11:00 p.m. and sunrise.

(b) No person, without privilege to do so, shall knowingly enter or remain upon any municipal park at any time a municipal park is closed.

(c) It is an affirmative defense to a charge under division (b) of this section if the person involved is engaged in an activity properly authorized by the City Manager or other City official designated by the City Manager to authorize such activity.

(d) Notwithstanding any other provision of this Code, when declared by the City Manager to be in the interest of public peace, health, or safety, the City Manager may vary the hours established in this Section 955.15 by journalizing the same with the Parks and Recreation Department and having the varied hours posted at the park. (Ord. 040-08. Passed 5-19-08.)

MUNICIPAL SWIMMING POOL

955.16 SWIMMING POOL ADMISSION.

For the purpose of Section 955.16 of the City of Napoleon Codified Ordinances only, Resident shall be defined as an individual or family residing in the City of Napoleon Corporation limits, not the definition listed in Section 955.02, stating "Resident" means a person living in the corporate limits of the City or a payer of City income tax. (For the purpose of this definition, a payer of City income tax will mean one who currently pays the full established rate of City income

tax or paid the full established rate of City income tax within the preceding twelve-month period (unless the payer was exempted due to an alternate City tax policy of the City); one living within the corporate limits will mean one who has the City as his or her place of domicile; further, when a child is a participant, the consideration of being a resident or non-resident shall be determined by the status of the parent or legal guardian of the participant that pays any applicable participation or activity fee.

(a) The annual swim admission card for the Municipal Swimming Pool shall be as follows:

- (1) Family (up to five (5) members annual swim admission card fee:

Resident:	\$100.00
Nonresident:	\$200.00
- (2) Additional family members annual swim admission card fee:

Resident:	\$10.00
Nonresident:	\$30.00
- (3) Adult individual annual swim admission card fee:

Resident:	\$60.00
Non-resident:	\$100.00
- (4) Child individual annual swim admission card:

Resident:	\$50.00
Non-resident:	\$85.00
- (5) Senior citizen annual swim admission card fee:

Resident:	\$50.00
Non-resident:	\$75.00
- (6) Chief Care Provider annual swim admission card fee:

Resident:	\$50.00
Nonresident:	\$60.00

(b) The daily swim admission fee for the Municipal Swimming Pool shall be as follows:

- (1) Resident - \$3.00
Non-resident - \$5.00

Children aged three years old and younger:

Resident - free
Non-resident - free

Ten (10) visit pass for children:

Resident - \$27.00
Non-resident (\$45.00)

- (2) Daily admission fee for adults:

Resident - \$4.00
Non-resident - \$6.00

Ten (10) visit pass for adults:

Resident - \$36.00
Non-resident - \$54.00

Daily admission fee for senior citizens (aged 65 and older):

Resident - \$3.00
Non-resident - \$5.00

Ten (10) visit pass for senior citizens:

Residents - \$27.00
Non-residents - \$45.00

(c) The Director of Parks, Recreation and Cemeteries is authorized to establish up to six special pool events per season on which a reduced daily recreation admission fee could be offered on a per person or per family basis.

(d) Annual swim admission cards are seasonal and are valid in the summer season of each year during hours as determined by the Parks and Recreation Department.

(e) Pool facility exclusive use rental under terms and conditions and times as authorized by the Parks and Recreation Director (subject to specific approval and terms as set by the Parks and Recreation Director; additionally, Parks and Recreation Director reserves the right to deny rental for any reason):

- (1) Saturday or Sunday evening from 6-9 p.m.
Resident - \$250.00
Non-resident - \$400.00
- (2) All day Friday, Saturday, and Sunday:
Resident - \$750.00
Non-resident - not available

(f) Nothing in this section shall be construed as to limit City Council's authority to adjust daily, weekly, monthly or annual rates.

(g) In order to provide an opportunity for area employers to offer healthy recreational activities for their employees and families, a Corporate Membership rate shall be created per the following:

- (1) The Corporate Membership will be available for eligible employees, and up to four (4) additional immediate family members. (Immediate family members for this section area defined as spouse and children living in the same household.)
- (2) The Corporate Membership will be available to companies located within the Napoleon Corporation limits, and only to employees that work at locations within the Napoleon Corporation limits.
- (3) The Corporate Membership will be available for eligible employees of a company that has purchased a Corporate Membership; the company shall provide a list of eligible employees prior to the start of the pool season. The Corporate membership must be paid in full before the usage is permitted.
- (4) Employees must display a valid membership badge issued by the City of Napoleon to verify eligibility and admission.

- (5) Family members of employees are not included as part of the corporate membership privileges, unless eligible as defined in subsection (g)(1) of the Ordinance.
- (6) Corporate memberships are valid from Municipal Day (or on the first day of pool opening) through Labor Day for pool closing) of each season.
- (7) The following table establishes the fees for a Corporate Membership to the employer, based on number of employees.

Number of Employees	Annual Fee
25 and under	\$2,000.00
26-50	\$3,500.00
51-100	\$5,000.00
101-150	\$7,500.00
Over 150	\$10,000

(Ord. 054-20. Passed 12-7-20.)

955.17 DAILY RATES.

(EDITOR'S NOTE: See Section 955.16.)

955.18 OPENING AND CLOSING OF MUNICIPAL SWIMMING POOL.

(a) Except as provided in divisions (c) and (d) of this section or except in case of an accident, emergency or disaster, the Municipal Swimming Pool, hereinafter called the Swimming Pool, in the City shall be kept open at all times during regular hours in the summer season, normally being Memorial Day weekend through Labor Day, if the air temperature at the Swimming Pool is 73°F or higher, and the Swimming Pool Manager is directed to so keep the Swimming Pool open.

(b) In the event the air temperature at the Swimming Pool at any time during regular hours in the summer season is less than 73°F, the Swimming Pool Manager is authorized to close the Swimming Pool for the duration of that day.

(c) In the event the weather conditions at the Swimming Pool become dangerous or threatening at any time during regular hours in the summer season, the Swimming Pool Manager is authorized to close the Swimming Pool for the duration of that day as he/she determines prudent in the exercise of his/her best judgment.

(d) The City has the right to close the Swimming Pool at anytime during the season for special events or other cause deemed appropriate by the Parks and Recreation Department.

(Ord. 30-97. Passed 5-5-97.)

955.19 RECREATION PROGRAM PARTICIPATION FEES.

(a) Rates (per participant):

Activity	(Rates)	
	Resident	Nonresident
Tee Ball	\$20	\$30
Youth Little League	\$20	\$30
Junior Little League	\$20	\$30
Henry Co. Bank Lge. Softball	\$20	\$30
Rookie League Softball	\$20	\$30
Minor League Softball	\$20	\$30

Major League Softball	\$20	\$30
Little Cats Basketball	\$20	\$30
Wild Kittens Basketball	\$20	\$30
Kiddy Cats Basketball	\$20	\$30
Flag Football	\$20	\$30

Activity	(Rates)	
	Resident	Nonresident
Intramural Basketball	\$20	\$30
Tennis Lessons/League	\$20	\$30
Soccer	\$20	\$30
Safety City	\$10	\$15
Outdoor Education Program (per activity)	\$5	\$5

(Ord. 021-15. Passed 4-6-15.)

(b) Reduced Recreation Program User Fee Policy: The City of Napoleon Parks and Recreation Department, as part of its continued goal of offering recreation programming to all of its residents, has made available the following reduced Recreation Program policy for those families that need financial assistance:

Eligibility: Reduced fees or “grants” are allowable for City operated youth recreation programs only.

- (1) Grants shall be considered based on an individual(s) participation in the Napoleon Area Schools District Free and Reduced Lunch Program.
 - A. Verification of enrollment in the program will be through the assistance of Napoleon Area Schools.
 - B. Authorization must be given by applicant for the Napoleon Area Schools to release free/reduced lunch program information to the City of Napoleon. Consideration for grants will not be given if authorization is not received.
 - C. Application for grants shall be submitted at the City of Napoleon offices at the time of program registration.
 - D. All requests for grants must be submitted on the appropriate application form.
 - E. Each application shall be considered individually. Completion of the application does not automatically ensure approval of fee reduction.
 - F. Applicants shall be notified of their status prior to the start of the program.
- (2) If application is approved, families (parents or guardians) who have been approved for the grant shall be required to pay 25% of the current Recreation Program rate if they are enrolled in the Free Lunch Program. Families shall be required to pay 50% of the current Recreation Program rate if they are enrolled in the Reduced Lunch Program. The appropriate fee must be paid to the City prior to the start of the program.
 - A. Failure to pay will disqualify the applicant for participation of the Reduced Program Fee Program. Participation in the Recreation Program is still allowed at the regular program rate.
 - B. Only two (2) Reduced Fee grants shall be awarded per person, per year.
 - C. If a grant recipient cancels his/her participation in the Recreation Program without a bona fide reason (injury, illness, etc.) the grant may not be transferred to another program or activity in that year. That individual will not be permitted to any subsequent application requests during that year. This shall be determined solely by the Parks and Recreation Director.
- (3) Recreation Program registration form must still be completed.
- (4) Online registration is not available for the Reduced Fee Program.
- (5) Additional costs not associated with the City’s Recreation Program participation fee may still apply (supplies, equipment, etc.)
(Ord. 002-13. Passed 2-4-13.)

955.20 DOG PARK FEES.

The annual membership fee for the Dog Park is ten dollars (\$10.00) which includes the key fob, on the condition that the person submits a completed application and all pet vaccination documentation as required or listed in the park rules. The City reserves the right to terminate the membership, key fob access, and/or deny any person or animal access for any reason.
(Ord. 045-15. Passed 8-3-15.)

955.21 PRIVATE BOAT DOCK STORAGE FEE AT RITTER PARK.

The annual fee for the storage of private boat docks at the Ritter Park boat ramp area parking lot is \$50.00 per dock. Each stored dock must have a valid permit tag issued annually by the City of Napoleon. Any person utilizing this dock storage space at Ritter Park must abide by all other rules and regulations as issued by the City of Napoleon Parks and Recreation Department, and as may be amended from time to time.
(Ord. 060-15. Passed 12-21-15.)

955.99 PENALTY.

Whoever violates any provision of this chapter where no other penalty is provided is guilty of a minor misdemeanor. (A.O.)

Whoever violates Section 955.15(b) is deemed guilty of a misdemeanor of the 4th degree.
(Ord. 142-96. Passed 12-16-96.)

ORDINANCE NO. 085-20

**AN ORDINANCE AMENDING SECTION 931.09 INCREASING
SANITARY SEWER RATES FOR THE YEARS 2021, 2022, 2023 AND
2024; AND DECLARING AN EMERGENCY**

WHEREAS, the Board of Public Affairs and the Water and Sewer Committee met in a regular meeting held on December 14, 2020, reviewed the existing sanitary sewer rates and determined a rate increase over a four (4) year period effective January 1, 2021 for the year 2021, 2022, 2023, and 2024 is necessary in order to keep the sanitary sewer fund sound; and,

WHEREAS, the City Council of Napoleon in a regular meeting held on December 21, 2021 reviewed the existing water rates and determined a rate increase over a four (4) year period for the years 2021, 2022, 2023, and 2024 is necessary in order to keep the water utility fund sound; and,

WHEREAS, the Council for the City of Napoleon now desires to increase sewer rates for the years 2021, 2022, 2023 and 2024; **Now Therefore**,

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

Section 1. That, Section 931.09 of the Codified Ordinances of the City of Napoleon, Ohio, shall be amended and enacted as follows:

**“931.09 SANITARY SEWER RATES FOR INSIDE AND OUTSIDE CORPORATION
LIMITS.**

The sanitary sewer rates charged by the City shall be as follows, except as may otherwise be permitted by rule:

(a) It is determined and declared to be necessary to the protection of the public health, safety, welfare, and convenience of the City to establish and collect charges upon all lots, lands, and premises which are served by the municipal sanitary sewer system of the City.

(b) The following measures shall be used to determine the sewer charges provided to a premises served by the City sanitary sewer system:

(1) Any premises using water exclusively supplied by the City and having a water meter acceptable to the City shall be measured by said meter for determining the sanitary sewer charge for the premises.

(2) Any owner or other interested party of a premises using water supplied either in whole or in part from sources other than the waterworks system of the City may be required to install water meters satisfactory to the City to the extent necessary to measure all such supplies of water. The quantity of water consumed on said premises shall be deemed to be the aggregate amount disclosed by said meter for the purpose of determining the sanitary sewer charge for the premises.

(3) In the event it can be shown to the satisfaction of the City that a portion of the water from any source consumed on said premises does not and cannot enter the City sanitary sewer system, then in such case the owner or other interested party may, at the owner's or interested party's expense, install and maintain separate metering devices, subject to inspection and testing by the City, to the extent necessary to demonstrate to the satisfaction of the City that only a portion of the water consumed on the premises is being

discharged into the City sanitary sewer system, which portion shall constitute the basis for measuring the sanitary sewer charge for said premises. In the event that such metering devices are impractical, then other reliable evidence produced by the owner or other interested party may be considered by the City Manager, in the City Manager's sole discretion, in adjusting sewer charges.

(4) Effective with the billing cycle in January of the year ~~2019~~ 2021, to be reflected in the first billing in February of the year ~~2019~~ 2021, the following rate structure related to sanitary sewer charges shall be charged as follows, except as may otherwise be permitted by rule:

Wastewater (Sanitary Sewer) Service Charge:

Capacity Charge (Base Charge):

Charges per Month	Residential	Commercial or Industrial
Inside Corporation Limits	\$35.19	\$35.19
Outside Corporation Limits	\$70.59	\$70.59

Commodity Charge: (To be charged in addition to the Capacity Charge)

Commodity Charge/100cf	Residential	Commercial or Industrial
Inside Corporation Limits	\$6.14 \$6.48	\$6.14 \$6.48
Outside Corporation Limits	\$12.28 \$12.96	\$12.28 \$12.96

Industrial metering and monitoring charge: \$25.00 per sample

Excess Strength surcharges:

Charge per pound of CBOD above 200 MG/L	\$0.15
Charge per pound of SS above 250 MG/L	\$0.15
Charge per pound of phosphorus above 7 MG/L	\$0.15

CBOD = Carbonaceous Biological Oxygen Demand

SS = Suspended Solids

MG/L = Milligrams per Liter

CF = Cubic Feet

Overflow Abatement Charge pursuant to Section 931.12 and sewer lateral charge pursuant to Section 931.13: (To be charged in addition to the Capacity and Commodity Charge)

Overflow Abatement Charge pursuant to Section 931.12 and sewer lateral charge pursuant to Section 931.13: (To be charged in addition to the Capacity and Commodity Charge)

(5) Effective with the billing cycle in January of the year 2022, to be reflected in the first billing in February of the year 2022, the following rate structure related to sanitary sewer charges shall be charged as follows, except as may otherwise be permitted by rule:

Wastewater (Sanitary Sewer) Service Charge:

Capacity Charge (Base Charge):

Charges per Month	Residential	Commercial or Industrial
Inside Corporation Limits	\$35.19	\$35.19
Outside Corporation Limits	\$70.59	\$70.59

Commodity Charge: (To be charged in addition to the Capacity Charge)

Commodity Charge/100cf	Residential	Commercial or Industrial
Inside Corporation Limits	\$6.48 \$6.83	\$6.48 \$6.83
Outside Corporation Limits	\$12.96 \$13.66	\$12.96 \$13.66

Industrial metering and monitoring charge: \$25.00 per sample

Excess Strength surcharges:

Charge per pound of CBOD above 200 MG/L	\$0.15
Charge per pound of SS above 250 MG/L	\$0.15
Charge per pound of phosphorus above 7 MG/L	\$0.15

CBOD = Carbonaceous Biological Oxygen Demand
 SS = Suspended Solids
 MG/L = Milligrams per Liter
 CF = Cubic Feet

Overflow Abatement Charge pursuant to Section 931.12 and sewer lateral charge pursuant to Section 931.13: (To be charged in addition to the Capacity and Commodity Charge)
 Overflow Abatement Charge pursuant to Section 931.12 and sewer lateral charge pursuant to Section 931.13: (To be charged in addition to the Capacity and Commodity Charge)

(6) Effective with the billing cycle in January of the year 2023, to be reflected in the first billing in February of the year 2023, the following rate structure related to sanitary sewer charges shall be charged as follows, except as may otherwise be permitted by rule:

Wastewater (Sanitary Sewer) Service Charge:

Capacity Charge (Base Charge):

Charges per Month	Residential	Commercial or Industrial
Inside Corporation Limits	\$35.19	\$35.19
Outside Corporation Limits	\$70.59	\$70.59

Commodity Charge: (To be charged in addition to the Capacity Charge)

Commodity Charge/100cf	Residential	Commercial or Industrial
Inside Corporation Limits	\$6.83 \$7.19	\$6.83 \$7.19
Outside Corporation Limits	\$13.66 \$14.37	\$13.66 \$14.37

Industrial metering and monitoring charge: \$25.00 per sample

Excess Strength surcharges:

Charge per pound of CBOD above 200 MG/L	\$0.15
Charge per pound of SS above 250 MG/L	\$0.15
Charge per pound of phosphorus above 7 MG/L	\$0.15

CBOD = Carbonaceous Biological Oxygen Demand
SS = Suspended Solids
MG/L = Milligrams per Liter
CF = Cubic Feet

Overflow Abatement Charge pursuant to Section 931.12 and sewer lateral charge pursuant to Section 931.13: (To be charged in addition to the Capacity and Commodity Charge)
Overflow Abatement Charge pursuant to Section 931.12 and sewer lateral charge pursuant to Section 931.13: (To be charged in addition to the Capacity and Commodity Charge)

(7) Effective with the billing cycle in January of the year 2024, to be reflected in the first billing in February of the year 2024, the following rate structure related to sanitary sewer charges shall be charged as follows, except as may otherwise be permitted by rule:

Wastewater (Sanitary Sewer) Service Charge:

Capacity Charge (Base Charge):

Charges per Month	Residential	Commercial or Industrial
Inside Corporation Limits	\$35.19	\$35.19
Outside Corporation Limits	\$70.59	\$70.59

Commodity Charge: (To be charged in addition to the Capacity Charge)

Commodity Charge/100cf	Residential	Commercial or Industrial
Inside Corporation Limits	\$7.19 \$7.56	\$7.19 \$7.56
Outside Corporation Limits	\$14.37 \$15.11	\$14.37 \$15.11

Industrial metering and monitoring charge: \$25.00 per sample

Excess Strength surcharges:

Charge per pound of CBOD above 200 MG/L	\$0.15
Charge per pound of SS above 250 MG/L	\$0.15
Charge per pound of phosphorus above 7 MG/L	\$0.15

CBOD = Carbonaceous Biological Oxygen Demand
SS = Suspended Solids
MG/L = Milligrams per Liter
CF = Cubic Feet

Overflow Abatement Charge pursuant to Section 931.12 and sewer lateral charge pursuant to Section 931.13: (To be charged in addition to the Capacity and Commodity Charge)

Overflow Abatement Charge pursuant to Section 931.12 and sewer lateral charge pursuant to Section 931.13: (To be charged in addition to the Capacity and Commodity Charge)

(c) Disposal of Domestic Septage.

(1) Domestic septage accepted. The City accepts hauled domestic septage from approved hauling companies for disposal at the City's Wastewater Treatment Plant or other place as may be designated by the City's Wastewater Superintendent. The City's Wastewater Superintendent shall determine what constitutes an "approved hauling company". As used in this Ordinance, septage is considered waste collected from septic tanks in place for domestic type use. It contains partially treated household waste disposed through a homes plumbing system or other similar type waste commonly disposed in toilets, sinks, and showers.

(2) Company information required. Companies wishing to haul septage to the City's disposal site must apply to the City's Wastewater Superintendent and provide:

- A. Company contact and ownership information;
- B. Information about the types and capacities of the trucks used to haul septage;
- C. Information about the source and characteristics of the septage to be hauled; and,
- D. Approximate daily/weekly/monthly volumes which are planned to be hauled.

(3) Internal Policy Compliance. All hauled septage accepted at the City's dumping site must comply with any internal policies as may be established by the City's Wastewater Superintendent.

(4) Testing. Testing of the septage may be required prior to the disposal to ensure compliance with the internal policies.

(5) Waste manifest. A manifest document as provided by the Henry County, Ohio, Health Department, or other approved manifest as approved by the City's Wastewater Superintendent, is required for each load, prior to disposal. The City Wastewater Superintendent or designee may request to review this septage manifest document and/or inspect and test the load to confirm that the material being delivered can be accepted.

(6) Prior disposal arrangements. The City's Wastewater Treatment Plant or other designated facility must be contacted prior to each disposal so that arrangements can be made to access the facility.

(7) Rates. The rate for dumping septage shall be six cents (\$0.06) per gallon."

Section 2. That, Section 931.09 of the Codified Ordinances of Napoleon, Ohio, as existed prior to the enactment of this Ordinance, is repealed.

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

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

Section 5. That, 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 processing of rates, 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, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 085-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2021; & 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, Clerk of Council

ORDINANCE NO. 086-20

AN ORDINANCE AMENDING SECTION 931.07 INCREASING THE WATER RATES FOR RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND WHOLE CUSTOMERS FOR THE YEARS 2021, 2022, 2023 AND 2024; AND DECLARING AN EMERGENCY

WHEREAS, the Board of Public Affairs and the Water, Sewer, Refuse, Recycling and Litter Committee in a regular meeting held on December 14, 2020, reviewed the existing water rates and determined a commodity charge rate increase over a four (4) year period for the years 2021, 2022, 2023, and 2024 is necessary in order to keep the water utility fund sound; and,

WHEREAS, the City Council of Napoleon in a regular meeting held on December 21, 2021 reviewed the existing water rates and determined a commodity charge rate increase over a four (4) year period for the years 2021, 2022, 2023, and 2024 is necessary in order to keep the water utility fund sound; and,

WHEREAS, the Council for the City of Napoleon now desires to increase commodity charge rates for the years 2021, 2022, 2023 and 2024; **Now Therefore**,

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

Section 1. That, Section 931.07 of the Codified Ordinances of the City of Napoleon, Ohio, shall be amended and enacted as follows:

“931.07 WATER RATES.

The water rates charged by the City shall be as follows except as may otherwise be permitted by rule:

- (a) A City approved water meter shall be utilized for determining use of water.
- (b) The following rates are established and shall be charged to all classes of water users, until otherwise changed.

- (1) Effective with the first billing cycle in the year ~~2016~~ 2021, to be reflected in the first billing in February of the year ~~2016~~ 2021, except for direct sales as established in subsection (b)(5)C hereof, the net rate per month per service shall be the sum of the commodity charge plus the capacity charge set forth in subsection (b)(6) hereof. The commodity charge shall be computed as follows:

- A. Units of water used inside the corporation:
 - Units: 1 up to 10 = ~~\$7.38~~ \$7.90 each unit, then
 - Units: 11 up to 250 = ~~\$7.02~~ \$7.51 each unit, then
 - Units: Over 250 = ~~\$5.32~~ \$5.69 each unit.

Note: One Unit of Water is defined as 100 cubic feet.

- B. Units of water used outside the corporation: *
 - Units: 1 up to 10 = ~~\$11.07~~ \$11.84 each unit, then
 - Units: 11 up to 250 = ~~\$10.53~~ \$11.27 each unit, then
 - Units: Over 250 = ~~\$7.98~~ \$8.54 each unit.

Note: One Unit of Water is defined as 100 cubic feet.

- C. Direct sales at the plant: \$8.18 per 1,000 gallons.

(2) In addition, there shall be a capacity charge (base charge) per service as follows:

Capacity Of Service (Meter size in Inches)	Capacity Charge (Inside Corporation)	Capacity Charge (Outside Corporation)*
A. 1.00 And Less	\$11.07 \$11.84	\$16.60 \$17.76
B. 1.25	39.72 42.50	59.58 63.75
C. 1.50	62.93 67.34	94.41 101.02
D. 2.00	128.01 136.97	192.02 205.46
E. 3.00 AND UP	353.14 377.86	529.68 566.76
F. 4.00	600.00 642.00	900.00 963.00
G. 6.00	1,000.00 1,070.00	1,500.00 1,605.00
H. 8.00	1,500.00 1,605.00	2,250.00 2,407.50
I. 10.00 AND UP	2,000.00 2,140.00	3,000.00 3,210.00

(3) Effective with the first billing cycle in the year ~~2017~~ 2022, to be reflected in the first billing in February of the year ~~2017~~ 2022, except for direct sales as established in subsection (b)(7)C hereof, the net rate per month per service shall be the sum of the commodity charge plus the capacity charge set forth in subsection (b)(8) hereof. The commodity charge shall be computed as follows:

- A. Units of water used inside the corporation:
 Units: 1 up to 10 = ~~\$7.90~~ \$8.45 each unit, then
 Units: 11 up to 250 = ~~\$7.51~~ \$8.04 each unit, then
 Units: Over 250 = ~~\$5.69~~ \$6.09 each unit.

Note: One Unit of Water is defined as 100 cubic feet.

- B. Units of water used outside the corporation:*
 Units: 1 up to 10 = ~~\$11.84~~ \$12.67 each unit, then
 Units: 11 up to 250 = ~~\$11.27~~ \$12.06 each unit, then
 Units: Over 250 = ~~\$8.54~~ \$9.14 each unit.

Note: One Unit of Water is defined as 100 cubic feet.

- C. Direct sales at the plant: \$8.18 per 1,000 gallons.

(4) In addition, there shall be a capacity charge (base charge) per service as follows:

Capacity of Service (Meter size in inches)	Capacity Charge (Inside corporation)	Capacity Charge (Outside corporation)*
A. 1.00 and less	\$11.84 \$12.67	\$17.76 \$19.01
B. 1.25	42.50 45.48	63.75 68.21
C. 1.50	67.34 72.05	101.02 108.09
D. 2.00	136.97 146.56	205.46 219.84

E. 3.00 AND UP	377.86 404.31	566.76 606.43
F. 4.00	642.00 686.94	963.00 1,030.41
G. 6.00	1,070.00 1,144.90	1,605.00 1,717.35
H. 8.00	1,605.00 1,717.35	2,407.50 2,576.03
I. 10.00 AND UP	2,140.00 2,289.80	3,210.00 3,434.70

- (5) Effective with the first billing cycle in the year ~~2018~~ 2023 to be reflected in the first billing in February of the year ~~2018~~ 2023, except for the direct sales as established in Subsection (b)(5)C hereof, the net rate per month per service shall be the sum of the commodity charge plus the capacity charge set forth in Subsection (b)(6) hereof. The commodity charge shall be computed as follows:

- A. Units of water used inside the Corporation:
 Units: 1 up to 10 = ~~\$8.45~~ \$9.04 each unit, then
 Units: 11 up to 250 = ~~\$8.04~~ \$8.60 each unit, then
 Units: over 250 = ~~\$6.09~~ \$6.52 each unit.

Note: one unit of water is defined as 100 cubic feet.

- B. Units of water used outside the Corporation:*\br/>
 Units: 1 up to 10 = ~~\$12.67~~ \$13.56 each unit, then
 Units: 11 up to 250 = ~~\$12.06~~ \$12.90 each unit, then
 Units: over 250 = ~~\$9.14~~ \$9.78 each unit.

Note: one unit of water is defined as 100 cubic feet.

- C. Direct sales at the plant: \$8.18 per 1,000 gallons.

- (6) In addition, there shall be a capacity charge (base charge) per service as follows:

Capacity of Service (Meter size in inches)	Capacity Charge (Inside Corporation)	Capacity Charge (Outside Corporation)*
A. 1.00 and less	\$12.67 \$13.56	\$19.01 20.34
B. 1.25	45.48 48.66	68.21 72.99
C. 1.50	72.05 77.09	108.09 115.66
D. 2.00	146.56 156.82	219.84 235.23
E. 3.00 and up	404.31 432.61	606.43 648.88
F. 4.00	686.94 735.03	1,030.41 1,102.54
G. 6.00	1,144.90 1,225.04	1,717.35 1,837.56
H. 8.00	1,717.35 1,837.56	2,576.03 2,756.35
I. 10.00 and up	2,289.80 2,450.09	3,434.70 3,675.13

- (7) Effective with the first billing cycle in the year ~~2019~~ 2024 to be reflected in the first billing in February of the year ~~2019~~ 2024, except for the direct sales as established in Subsection (b)(5)C hereof, the net rate per month per service shall be the sum of the commodity charge plus the capacity charge set forth in Subsection (b)(6) hereof. The commodity charge shall be computed as follows:

- A. Units of water used inside the Corporation:
 Units: 1 up to 10 = ~~\$9.04~~ \$9.67 each unit, then
 Units: 11 up to 250 = ~~\$8.60~~ \$9.20 each unit, then

Units: over 250 = ~~\$6.52~~ \$6.97 each unit.

Note: one unit of water is defined as 100 cubic feet.

B. Units of water used outside the Corporation:*

Units: 1 up to 10 = ~~\$13.56~~ \$14.51 each unit, then

Units: 11 up to 250 = ~~\$12.90~~ \$13.80 each unit, then

Units: over 250 = ~~\$9.78~~ \$10.46 each unit.

Note: one unit of water is defined as 100 cubic feet.

C. Direct sales at the plant: \$8.18 per 1,000 gallons.

(8) In addition, there shall be a capacity charge (base charge) per service as follows:

Capacity of Service (Meter size in inches)	Capacity Charge (Inside corporation)	Capacity Charge (Outside corporation)*
A. 1.00 and less	\$13.56 \$14.51	\$20.34 \$21.76
B. 1.25	48.66 52.06	72.99 78.10
C. 1.50	77.09 82.49	115.66 123.75
D. 2.00	156.82 167.79	235.23 251.70
E. 3.00 and up	432.61 462.89	648.88 694.30
F. 4.00	735.03 786.48	1,102.54 1,179.72
G. 6.00	1,225.04 1,310.80	1,837.56 1,966.19
H. 8.00	1,837.56 1,966.19	2,756.35 2,949.29
i. 10.00 AND UP	2,450.09 2,621.59	3,675.13 3,932.39

(c) The capacity of service shall be determined by the City and, normally, shall be equal to the size of the consumer's water meter.

*Except for bulk sales direct from the Water Plant, both capacity and commodity water charges outside the City are charged at approximately fifty percent (50%) higher than in the City, unless otherwise modified by rule or terms of a contract. Nothing in this section shall be construed to prohibit the City from increasing or decreasing the percentage stated in a contract where not otherwise prohibited by law.

(d) No deduction in capacity charge (from the beginning of time) is applicable as it relates to governmental buildings, schools, and charitable institutions.

(e) Water testing fees shall be as follows:

- (1) Testing bacteria mmo/mugg /Smp \$20.00
- (2) Calibrate chlorine meters /Mtr \$30.00
- (3) Testing for special samples /Smp \$40.00
- (4) Weekend testing for any sample /Smp \$100.00

Section 2. That, Section 931.07 of the Codified Ordinances of Napoleon, Ohio, as existed prior to the enactment of this Ordinance, is repealed.

Section 3. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal

requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

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

Section 5. That, 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 processing of rates, 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, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 086-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the ____ day of _____, 2021; & 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, Clerk of Council

ORDINANCE NO. 076-20

AN ORDINANCE AUTHORIZING A ONE TIME GROSS PAYMENT FOR THE CITY OF NAPOLEON, OHIO LAW DIRECTOR; AND DECLARING AN EMERGENCY

WHEREAS, Council desires to authorize a one time gross payment to the City Law Director; and,

WHEREAS, Council desires to make said changes effective with the first pay on or about January 1, 2021; and,

WHEREAS, to achieve the above stated goals Council now desires to repeal Ordinance No. 099-19, and to establish a new Classification Pay Plan; **Now Therefore**,

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

Section 1. That, effective with the first pay period for the year 2021, that commenced on or about December 14, 2020, the biweekly salary of the City Law Director of this City shall be four thousand one hundred seven dollars and thirty-six cents (\$4,107.36) and continue as such each year thereafter, so long as employed, unless modified by Council.

Section 2. That, effective with the first pay of January 2021, the Law Director shall receive a one time gross payment of two thousand five hundred dollars (\$2,500).

Section 3. That, this Ordinance allows the terms and conditions of this pay Ordinance to be retroactively applied, the same being hereby approved as it so exists.

Section 4. That, all compensation paid under this Ordinance is subject to appropriation of funds by the Council.

Section 5. That, the Finance Director may adjust compensation for all affected employees to meet the intent of this Ordinance.

Section 6. That, all pay scales reflected in the City of Napoleon Pay Plan shall be rounded, utilizing the five rule, to the nearest penny.

Section 7. That, this biweekly salary is figured before any approved Cost of Living Adjustments are added to the biweekly salary.

Section 8. That, no position mentioned in this Ordinance shall receive longevity benefit unless specified in this City's adopted longevity plan unless otherwise specifically provided for herein, or except as may be permitted by the City's longevity policy.

Section 9. That, Ordinance No. 099-19 is repealed in its entirety effective December 14, 2020.

Section 10. 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 11. 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 12. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for proper payment of wages to employees, proper payment being essential to the harmony of the necessary workforce; therefore, provided 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 commence the amendments 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, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 076-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2020; & 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, Clerk of Council

ORDINANCE NO. 077-20

AN ORDINANCE AUTHORIZING A ONE TIME GROSS PAYMENT TO THE CITY OF NAPOLEON, OHIO CITY MANAGER; AND DECLARING AN EMERGENCY

WHEREAS, Council desires to authorize a one time gross payment to the City Manager; and,

WHEREAS, Council desires to make said changes effective with first pay on or about January 1, 2021; and,

WHEREAS, to achieve the above stated goals Council now desires to repeal Ordinance No. 100-19, and to establish a new Classification Pay Plan; **Now Therefore**,

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

Section 1. That, effective with the first pay period for the Year 2021, that commences on or about December 14, 2020, the biweekly salary of the City Manager of this City shall be four thousand three hundred forty-six dollars and eighty-one cents (\$4,346.81) and continue as such each year thereafter, so long as employed, unless modified by Council.

Section 2. That, effective with the first pay of January 2021, the City Manager shall receive a one time gross payment of two thousand five hundred dollars (\$2,500).

Section 3. That, this Ordinance shall contain a provision that allows the terms and conditions of this Ordinance to be retroactively applied, the same being hereby approved as it so exists.

Section 4. That, all compensation paid under this Ordinance is subject to appropriation of funds by the Council.

Section 5. That, the Finance Director may adjust compensation for all affected employees to meet the intent of this Ordinance.

Section 6. That, all pay scales reflected in the City of Napoleon Pay Plan shall be rounded, utilizing the five rule, to the nearest penny.

Section 7. That, this biweekly salary is figured before any approved Cost of Living Adjustments are added to the biweekly salary.

Section 8. That, no position mentioned in this Ordinance shall receive longevity benefit unless specified in this City's adopted longevity plan unless otherwise specifically provided for herein, or except as may be permitted by the City's longevity policy.

Section 9. That, Ordinance No. 100-19 is repealed in its entirety effective December 14, 2020.

Section 10. 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 11. 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 12. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for proper payment of wages to employees, proper payment being essential to the harmony of the necessary workforce; therefore, provided 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 commence the amendments 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, Clerk of Council

I, Roxanne M. Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 077-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2020; & 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 M. Dietrich, Clerk of Council

ORDINANCE NO. 078-20

AN ORDINANCE AUTHORIZING A ONE TIME GROSS PAYMENT TO THE CITY OF NAPOLEON, OHIO FINANCE DIRECTOR; AND DECLARING AN EMERGENCY

WHEREAS, Council desires to authorize a one time gross payment to the City Finance Director; and,

WHEREAS, Council desires to make said changes effective with the first pay on or about January 1, 2021; and,

WHEREAS, to achieve the above stated goals Council now desires to repeal Ordinance No. 101-19, and to establish a new Classification Pay Plan; **Now Therefore**,

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

Section 1. That, effective with the first pay period for the Year 2021, that commenced on or about December 14, 2020, the biweekly salary of the City Finance Director of this City shall be three thousand five hundred forty-eight dollars and eight cents (\$3,548.08) and continue as such each year thereafter, so long as employed, unless modified by Council.

Section 2. That effective with the first pay of January 2021, the Finance Director shall receive a one time gross payment of two thousand five hundred dollars (\$2,500).

Section 3. That, this Ordinance allows the terms and conditions of this pay increase to be retroactively applied, the same being hereby approved as it so exists.

Section 4. That, all compensation paid under this Ordinance is subject to appropriation of funds by the Council.

Section 5. That, the Finance Director may adjust compensation for all affected employees to meet the intent of this Ordinance.

Section 6. That, all pay scales reflected in the City of Napoleon Pay Plan shall be rounded, utilizing the five rule, to the nearest penny.

Section 7. That, this biweekly salary is figured before any approved Cost of Living Adjustments are added to the biweekly salary.

Section 8. That, no position mentioned in this Ordinance shall receive longevity benefit unless specified in this City's adopted longevity plan unless otherwise specifically provided for herein, or except as may be permitted by the City's longevity policy.

Section 9. That, Ordinance No. 101-19 is repealed in its entirety effective December 14, 2020.

Section 10. 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 11. 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 12. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for proper payment of wages to employees, proper payment being essential to the harmony of the necessary workforce; therefore, provided 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 commence the amendments 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, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 078-20 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, Clerk of Council

RESOLUTION NO. 072-20

A RESOLUTION EXTENDING THE PROVISIONS CONTAINED IN ORDINANCE NO. 021-18 AND RESOLUTION NO. 086-19, WHEREIN COUNCIL IMPOSED A TEMPORARY REDUCTION AND/OR TEMPORARY ELIMINATION OF CERTAIN RESIDENTIAL BUILDING PERMIT FEES; AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon Municipal Properties, Buildings, Land Use and Economic Development Committee met on March 12, 2018 and, in order to increase economic development within the City, determined it appropriate to temporarily waive and/or reduce certain City fees for new construction of residences commencing July 1, 2018 and continuing through December 31, 2019; and,

WHEREAS, upon recommendation of the City Municipal Properties, Buildings, Land Use and Economic Development Committee, Council deemed it prudent to temporarily waive and/or reduce certain City fees for new construction of residences commencing July 1, 2018 and ending December 31, 2019; and,

WHEREAS, City Council previously enacted a twelve (12) month extension to the previously passed Ordinance in Resolution No. 086-19, passed unanimously on December 16, 2019, in an effort to continue the trend of increased economic development within the City, ending December 31, 2020; and,

WHEREAS, City Council now deems it appropriate to enact another twelve (12) month extension to the previously passed Ordinance and Resolution, ending December 31, 2021; and,

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Napoleon, Ohio, and its citizens, and to provide for the efficient daily operation of all City Departments, City Council finds that an emergency exists regarding the aforesaid, and that it is advisable that this Resolution be declared an emergency measure which will take immediate effect in accordance with Rule 6.3 of the Rules and Regulations of City Council, City of Napoleon, Ohio, upon its adoption; **Now Therefore**,

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

Section 1. That this Council hereby extends by twelve (12) months the provisions contained in Ordinance No. 021-18 and Resolution No. 086-19, wherein Council previously imposed a temporary reduction and/or temporary elimination of certain residential building permit fees.

Section 2. That, this extension shall become effective December 31, 2020 shall remain in effect for twelve (12) months, through December 31, 2021, and, thereafter, upon a majority vote of City Council, may be continued in effect, if City Council finds such continuance is conducive to the trend of increasing economic development in the City and to allow sufficient time for the Municipal Properties, Buildings, Land Use and Economic Development Committee or other City departments, committees, or commissions to complete the research and recommendation of what action, if any, the City of Napoleon should take to safeguard the public health, safety and welfare

through the provision of waiving said building fees to increase economic development within the City.

Section 3. This City Council finds and determines 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, for all the reasons stated herein, 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 extension 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, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 072-20 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, Clerk of Council

ORDINANCE NO. 074-20

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,500,000, FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE MUNICIPAL WATER SYSTEM BY IMPROVING AND REHABILITATING THE EXISTING WATER TREATMENT PLANT AND RELATED STORAGE FACILITIES, REHABILITATING THE ELEVATED STORAGE TANKS, AND ACQUIRING AND IMPROVING RELATED INTERESTS IN REAL PROPERTY, TOGETHER WITH ALL NECESSARY AND RELATED APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Ordinance No. 098-19 passed January 20, 2020, notes in anticipation of bonds in the principal amount of \$2,352,000, dated February 25, 2020 (the “*Outstanding Notes*”) were issued for the purpose described in Section 2, to mature on February 25, 2021; and,

WHEREAS, this City Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Bonds described in Section 2 and other funds available to the City and provide an additional \$148,000 for the purpose described in Section 2; and,

WHEREAS, this City Council has requested that the Finance Director, as fiscal officer of this City, certify the estimated life or period of usefulness of the Improvement described in Section 2 and the maximum maturity of the Bonds described in Section 2; and,

WHEREAS, the Finance Director has certified to this City Council that the estimated life or period of usefulness of the Improvement is at least five (5) years and that the maximum maturity of the Bonds is at least twenty-seven (27) years; **Now Therefore**,

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

Section 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

“*Authorized Denominations*” means the denomination of \$5,000 or any integral multiple in excess thereof.

“*Bond Proceedings*” means, collectively, this Ordinance, the Certificate of Award, the Continuing Disclosure Agreement, the Purchase Agreement (if any), the Registrar Agreement and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

“*Bond Register*” means all books and records necessary for the registration, exchange and transfer of Bonds as provided in Section 5.

“*Bond Registrar*” means a bank or trust company authorized to do business in the State of Ohio and designated by the Finance Director in the Certificate of Award pursuant to Section 4 as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds under the Registrar Agreement and until a successor Bond Registrar shall have become such pursuant to the provisions of the Registrar Agreement and, thereafter, “*Bond Registrar*” shall mean the successor Bond Registrar.

“*Bonds*” means, collectively, the Serial Bonds and the Term Bonds, each as is designated as such in the Certificate of Award.

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

“*Certificate of Award*” means the certificate authorized by Section 6, to be executed by the Finance Director, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

“*City*” means the City of Napoleon, Ohio.

“*City Law Director*” means the City Law Director of the City or any person serving in an interim or acting capacity with respect to that office.

“*City Manager*” means the City Manager of the City or any person serving in an interim or acting capacity with respect to that office.

“*Clerk of Council*” means the Clerk of Council of the City Council or any person serving in an interim or acting capacity with respect to that office.

“*Closing Date*” means the date of physical delivery of, and payment of the purchase price for, the Bonds.

“*Code*” means the Internal Revenue Code of 1986, as amended, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

“*Continuing Disclosure Agreement*” means the Continuing Disclosure Agreement which shall constitute the continuing disclosure agreement made by the City for the benefit of the

holders and beneficial owners of the Bonds in accordance with the Rule, as it may be modified from the form on file with the Clerk of Council and executed by the City Manager and the Finance Director, all in accordance with Section 9(c).

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

“*Finance Director*” means the Finance Director of the City or any person serving in an interim or acting capacity with respect to that office.

“*Financing Costs*” shall have the meaning given in Section 133.01 of the Ohio Revised Code.

“*Interest Payment Dates*” means, unless otherwise specified in the Certificate of Award, June 1 and December 1 of each year that the Bonds are outstanding, commencing on the date specified in the Certificate of Award.

“*Mandatory Redemption Date*” shall have the meaning set forth in Section 3(b).

“*Mandatory Sinking Fund Redemption Requirements*” shall have the meaning set forth in Section 3(e)(i).

“*Original Purchaser*” means the purchaser of the Bonds specified in the Certificate of Award.

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

“*Principal Payment Dates*” means, unless otherwise specified in the Certificate of Award, December 1 in each of the years from and including 2021 to and including 2040; *provided* that the first Principal Payment Date may be deferred up to one year and the last Principal Payment Date may be deferred up to eight years and/or advanced by such number of years as determined in each case by the Finance Director, and *provided further* that in no case shall the final Principal Payment Date of the Bonds exceed the maximum maturity limitation referred to in the preambles hereto, all of which determinations shall be made by the Finance Director in the Certificate of Award in such manner as to be in the best interest of and financially advantageous to the City.

“*Purchase Agreement*” means the Bond Purchase Agreement between the City and the Original Purchaser, as it may be modified from the form on file with the Clerk of Council and executed by the City Manager and the Finance Director, all in accordance with Section 6.

“*Registrar Agreement*” means the Bond Registrar Agreement between the City and the Bond Registrar, as it may be modified from the form on file with the Clerk of Council and executed by the City Manager and the Finance Director, all in accordance with Section 4.

“*Regulations*” means Treasury Regulations issued pursuant to the Code or to the statutory predecessor of the Code.

“*Rule*” means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

“*SEC*” means the Securities and Exchange Commission.

“*Serial Bonds*” means those Bonds designated as such and maturing on the dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and not subject to mandatory sinking fund redemption.

“*Term Bonds*” means those Bonds designated as such and maturing on the date or dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and subject to mandatory sinking fund redemption.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 2. Authorized Principal Amount and Purpose; Application of Proceeds. This City Council determines that it is necessary and in the best interest of the City to issue bonds of this City in the maximum principal amount of \$2,500,000 (the “*Bonds*”) for the purpose of paying the costs of improving the municipal water system by improving and rehabilitating the existing water treatment plant and related storage facilities, rehabilitating the elevated storage tanks, and acquiring and improving related interests in real property, together with all necessary and related appurtenances thereto (the “*Improvement*”). The Bonds shall be issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance and the Certificate of Award.

The principal amount of Bonds to be issued shall not exceed the maximum principal amount specified in this Section 2 and shall be an amount determined by the Finance Director in the Certificate of Award to be the principal amount of Bonds that is required to be issued at this time for the purpose described in this Section 2, taking into account the costs of refunding the Outstanding Notes and providing additional money for the purpose described in Section 2, the estimates of the Financing Costs and the interest rates on the Bonds.

The proceeds from the sale of the Bonds received by the City (or withheld by the Original Purchaser on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are hereby appropriated and shall be used for the purpose for which the Bonds are being issued, including without limitation but only to the extent not paid by others, the payment of the costs of issuing and servicing the Bonds, printing and delivery of the Bonds, legal services including obtaining the approving legal opinion of bond counsel, fees and expenses of any municipal

advisor, paying agent and rating agency, any fees or premiums relating to municipal bond insurance or other security arrangements determined necessary by the Finance Director, and all other Financing Costs and costs incurred incidental to those purposes. The Certificate of Award and the Purchase Agreement (if any) may authorize the Original Purchaser to withhold certain proceeds from the purchase price of the Bonds to provide for the payment of Financing Costs related to the Bonds on behalf of the City. Any portion of those proceeds received by the City representing premium (after payment of any Financing Costs identified in the Certificate of Award, and in the Purchase Agreement (if any) and/or the Registrar Agreement) shall be paid into the Bond Retirement Fund. Any portion of those proceeds received by the City representing accrued interest shall be paid into the Bond Retirement Fund.

Section 3. Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as provided in the Certificate of Award, *provided* that their dated date shall not be more than sixty (60) days prior to the Closing Date.

(a) Interest Rates and Payment Dates. The Bonds shall bear interest at the rate or rates per year (computed on the basis of a 360-day year consisting of twelve 30-day months) as shall be determined by the Finance Director, subject to subsection (c) of this Section 3, in the Certificate of Award. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) Principal Payment Schedule. The Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements on the Principal Payment Dates in principal amounts as shall be determined by the Finance Director, subject to subsection (c) of this Section 3, in the Certificate of Award, which determination shall be in the best interest of and financially advantageous to the City.

Consistent with the foregoing and in accordance with the Finance Director's determination of the best interest of and financial advantages to the City, the Finance Director shall specify in the Certificate of Award (i) the aggregate principal amount of Bonds to be issued as Serial Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date and (ii) the aggregate principal amount of Bonds to be issued as Term Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Term Bonds shall be subject to mandatory sinking fund redemption (each a "*Mandatory Redemption Date*") and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date.

(c) Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts. The rate or rates of interest per year to be borne by the Bonds, and the principal amount of Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption

Requirements on each Principal Payment Date, shall be such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year. The net interest cost for the Bonds determined by taking into account the respective principal amounts of the Bonds and terms to maturity or Mandatory Sinking Fund Redemption Requirements of those principal amounts of Bonds shall not exceed 6.00%.

(d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of and any premium on the Bonds shall be payable when due upon presentation and surrender of the Bonds at the designated corporate trust office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th day of the calendar month next preceding that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Finance Director, in the name and on behalf of the City, in connection with the book entry system.

(e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Mandatory Sinking Fund Redemption of Term Bonds. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory redemption in part by lot and be redeemed pursuant to mandatory sinking fund redemption requirements, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those Dates, for which provision is made in the Certificate of Award (such Dates and amounts being referred to as the "*Mandatory Sinking Fund Redemption Requirements*").

The aggregate of the moneys to be deposited with the Bond Registrar for payment of principal of and interest on any Term Bonds on each Mandatory Redemption Date shall include an amount sufficient to redeem on that Date the principal amount of Term Bonds payable on that Date pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as hereinafter provided).

The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City, as specified by the Finance Director, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered. That option shall be exercised by the City on or before the 45th day preceding any Mandatory Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Finance Director, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking

Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation), as specified by the Finance Director, also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered, redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations), as specified by the Finance Director, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) Optional Redemption. The Bonds of the maturities and interest rates specified in the Certificate of Award (if any are so specified) shall be subject to optional redemption by and at the sole option of the City, in whole or in part in integral multiples of \$5,000, on the dates and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, to be determined by the Finance Director in the Certificate of Award; provided that the redemption price for any optional redemption date shall not be greater than 103%.

If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity (and interest rate within a maturity if applicable) to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Finance Director to the Bond Registrar, given upon the direction of the City by passage of an ordinance or adoption of a resolution. That notice shall specify the redemption date and the principal amount of each maturity (and interest rate within a maturity if applicable) of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

(iii) Partial Redemption. If fewer than all of the outstanding Bonds are called for optional redemption at one time and Bonds of more than one maturity (or interest rate within a maturity if applicable) are then outstanding, the Bonds that are called shall be

Bonds of the maturity or maturities and interest rate or rates selected by the City. If fewer than all of the Bonds of a single maturity (or interest rate within a maturity if applicable) are to be redeemed, the selection of Bonds of that maturity (or interest rate within a maturity if applicable) to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as if it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then, upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (A) for payment of the redemption price of the \$5,000 unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (B) for issuance, without charge to the registered owner, of a new Bond or Bonds of any Authorized Denomination or Denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(iv) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (A) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on behalf of the City by mailing a copy of the redemption notice by first-class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Bond Registrar at the close of business on the 15th day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(v) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as provided above, there shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to the provisions of Sections 3(d) and 5, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Bonds and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Bond Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the

redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All moneys held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds, *provided* that any interest earned on the moneys so held by the Bond Registrar shall be for the account of and paid to the City to the extent not required for the payment of the Bonds called for redemption.

Section 4. Execution and Authentication of Bonds; Appointment of Bond Registrar. The Bonds shall be signed by the City Manager and the Finance Director, in the name of the City and in their official capacities, *provided* that either or both of those signatures may be a facsimile. The Bonds shall also be countersigned by the Mayor, *provided* that the signature of the Mayor may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Finance Director, shall be numbered as determined by the Finance Director in order to distinguish each Bond from any other Bond, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance and the Certificate of Award.

The Finance Director is hereby authorized to designate in the Certificate of Award a bank or trust company authorized to do business in the State of Ohio to act as the initial Bond Registrar. The City Manager and the Finance Director shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement between the City and the Bond Registrar, in substantially the form as is now on file with the Clerk of Council. The Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Finance Director on behalf of the City, all of which shall be conclusively evidenced by the signing of the Registrar Agreement or amendments thereto. The Finance Director shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement, except to the extent paid or reimbursed by the Original Purchaser and/or the Bond Registrar pursuant to the Certificate of Award, the Purchase Agreement (if any) and/or the Registrar Agreement, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond Proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond Proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Finance Director on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

Section 5. Registration; Transfer and Exchange; Book Entry System.

(a) Bond Register. So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register at its designated corporate trust office. Subject to the provisions of Sections 3(d) and 9(c), the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond Proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section 5. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the designated corporate trust office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the designated corporate trust office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond Proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond Proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) Book Entry System. Notwithstanding any other provisions of this Ordinance, if the Finance Director determines in the Certificate of Award that it is in the best interest of and financially advantageous to the City, the Bonds may be issued in book entry form in accordance with the following provisions of this Section 5.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully

registered Bond representing each maturity, and, if applicable, each interest rate within a maturity, and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository or its designated agent for that purpose, which may be the Bond Registrar; (ii) the beneficial owners of Bonds in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

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

The Finance Director is hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that the Finance Director determines to be necessary in connection with a book entry system for the Bonds.

Section 6. Sale of the Bonds to the Original Purchaser. The Finance Director is authorized to sell the Bonds at private sale to the Original Purchaser at a purchase price, not less than 97% of the aggregate principal amount thereof, as shall be determined by the Finance Director in the Certificate of Award, plus accrued interest (if any) on the Bonds from their date to the Closing Date, and shall be awarded by the Finance Director with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award and the Purchase Agreement (if any), in accordance with law and the provisions of this Ordinance. The Finance Director is authorized, if it is determined to be in the best interest of the City, to combine the issue of Bonds with one or more other bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Ohio Revised Code in which case a single Certificate of Award may be utilized for the consolidated bond issue if appropriate and consistent with the terms of this Ordinance.

The Finance Director shall sign and deliver the Certificate of Award and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price.

To the extent that the Finance Director determines it would be financially advantageous to the City, the City Manager and the Finance Director shall sign and deliver, in the name and on behalf of the City, the Purchase Agreement between the City and the Original Purchaser, in

substantially the form as is now on file with the Clerk of Council, providing for the sale to, and the purchase by, the Original Purchaser of the Bonds. The Purchase Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Finance Director on behalf of the City, all of which shall be conclusively evidenced by the signing of the Purchase Agreement or amendments thereto.

The Mayor, the City Manager, the Finance Director, the City Law Director, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The actions of the Mayor, the City Manager, the Finance Director, the City Law Director, the Clerk of Council or other City official, as appropriate, in doing any and all acts necessary in connection with the issuance and sale of the Bonds are hereby ratified and confirmed.

Section 7. Provision for Tax Levy. There shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as the same fall due.

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

In each year to the extent receipts from the municipal income tax are available for the payment of the debt charges on the Bonds and are appropriated for that purpose, and to the extent not paid from the net revenues of the municipal water utility, the amount of the tax shall be reduced by the amount of such receipts so available and appropriated in compliance with the following covenant. To the extent necessary, the debt charges on the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and the laws of the State of Ohio and the Charter of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

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

Section 8. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Code or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Bonds will not be an item of tax preference under Section 57 of the Code.

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

The Finance Director or any other officer of the City having responsibility for issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Bonds as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Bonds, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Bonds, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds. The Finance Director or any other officer of the City having responsibility for issuance of the Bonds is specifically authorized to designate the Bonds as “qualified tax-exempt obligations” if such designation is applicable and desirable, and to make any related necessary representations and covenants.

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

Section 9. Official Statement, Rating, Bond Insurance, Continuing Disclosure and Financing Costs.

(a) Primary Offering Disclosure -- Official Statement. The City Manager and the Finance Director are each authorized and directed, on behalf of the City and in their official capacities, to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, a disclosure document in the form of an official statement relating to the original issuance of the Bonds in substantially the form as is now on file with the Clerk of Council, (ii) determine, and to certify or otherwise represent, when the official statement is to be “deemed final” (except for permitted omissions) by the City as of its date or is a final official statement for purposes of paragraph (b) of the Rule, (iii) use and distribute, or authorize the use and distribution of those official statements and any supplements thereto in connection with the original issuance of the Bonds, and (iv) complete and sign those official statements and any supplements thereto as so approved, together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of those official statements and any supplements, as they may deem necessary or appropriate.

(b) Application for Rating or Bond Insurance. If, in the judgment of the Finance Director, the filing of an application for (i) a rating on the Bonds by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Bonds, is in the best interest of and financially advantageous to this City, the Finance Director is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid or reimbursed pursuant to the Purchase Agreement (if any) and/or the Registrar Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. The Finance Director is hereby authorized, to the extent necessary or required, to enter into any agreements, in the name of and on behalf of the City, that the Finance Director determines to be necessary in connection with the obtaining of that bond insurance.

(c) Agreement to Provide Continuing Disclosure. For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees to provide or cause to be provided such financial information and operating data, audited financial statements and notices of the occurrence of certain events, in such manner as may be required for purposes of the Rule. The City Manager and the Finance Director are each authorized and directed to complete, sign and deliver the Continuing Disclosure Agreement, in the name and on behalf of the City, in substantially the form as is now on file with the Clerk of Council. The Continuing Disclosure Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Finance Director on behalf of the City, all of which shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement or amendments thereto.

The Finance Director is further authorized and directed to establish procedures in order to ensure compliance by the City with its Continuing Disclosure Agreement, including timely provision of information and notices as described above. Prior to making any filing required

under the Rule, the Finance Director shall consult with and obtain legal advice from, as appropriate, the City Law Director and bond or other qualified independent special counsel selected by the City. The Finance Director, acting in the name and on behalf of the City, shall be entitled to rely upon any such legal advice in determining whether a filing should be made. The performance by the City of its Continuing Disclosure Agreement shall be subject to the annual appropriation of any funds that may be necessary to perform it.

(d) Financing Costs. The expenditure of the amounts necessary to pay any Financing Costs in connection with the Bonds, to the extent not paid or reimbursed by the Original Purchaser and/or the Bond Registrar pursuant to the Certificate of Award, the Purchase Agreement (if any) and/or the Registrar Agreement, is authorized and approved, and the Finance Director is authorized to provide for the payment of any such amounts and costs from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 10. Bond Counsel. The legal services of the law firm of Squire Patton Boggs (US) LLP are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Bonds and rendering at delivery related legal opinions, all as set forth in the form of engagement letter from that firm which is now on file in the office of the Clerk of Council. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State of Ohio, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services, that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. To the extent they are not paid or reimbursed pursuant to the Purchase Agreement (if any) and/or the Registrar Agreement, the Finance Director is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Bonds, if available, and otherwise from available moneys in the General Fund.

Section 11. Municipal Advisor. The services of Sudsina & Associates, LLC., as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Bonds. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State of Ohio, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. The Finance Director is authorized and directed, to the extent they are not paid or reimbursed pursuant to the Purchase Agreement (if any) and/or the Registrar Agreement, to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that

firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Bonds, if available, and otherwise from available moneys in the General Fund.

Section 12. Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to promptly deliver or cause to be delivered a certified copy of this Ordinance and an executed copy of the Certificate of Award to the County Auditor of Henry County, Ohio.

Section 13. Satisfaction of Conditions for Bond Issuance. This City Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 7) of the City are pledged for the timely payment of the debt charges on the Bonds; that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds; and that the Bonds are being authorized and issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance, the Certificate of Award, the Purchase Agreement (if any) and other authorizing provisions of law.

Section 14. Compliance with Open Meeting Requirements. This City Council finds and determines that all formal actions of this City Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Council or any of its committees, and that all deliberations of this City Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.

Section 15. Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety in the City and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Bonds, which is necessary to enable the City to timely retire the Outstanding Notes and thereby preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 074-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City on the ____ day of _____, 2020; and I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances of Napoleon, Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Roxanne Dietrich, Clerk of Council

CERTIFICATION OF RECORDS

I, Roxanne Dietrich, Clerk of Council, of the City of Napoleon, Ohio, do hereby certify and attest that this document to be a **True and Correct** copy of Ordinance Number 074-20, passed _____, 2020.

Roxanne Dietrich, Clerk of Council

Date

**SUPPLEMENTAL
FISCAL OFFICER'S CERTIFICATE**

To the City Council of the City of Napoleon, Ohio:

As fiscal officer of the City of Napoleon, Ohio, and supplementing the fiscal officer's certificate of February 4, 2013, I certify in connection with your proposed issue of bonds in the maximum principal amount of \$2,500,000 (the "*Bonds*"), to be issued for the purpose of paying the costs of improving the municipal water system by improving and rehabilitating the existing water treatment plant and related storage facilities, rehabilitating the elevated storage tanks, and acquiring and improving related interests in real property, together with all necessary and related appurtenances thereto (the "*Improvement*"), that:

1. The estimated life or period of usefulness of the Improvement is at least five (5) years.

2. The maximum maturity of the Bonds, calculated in accordance with Section 133.20, Ohio Revised Code, is at least thirty (30) years, being my estimate of the life or period of usefulness of that Improvement; provided, however, since notes in anticipation of Bonds have been outstanding for a period beyond December 31, 2018, that period beyond December 31, 2018 shall be deducted from the maximum maturity of the Bonds and therefore, the maximum maturity of the Bonds is at least twenty-seven (27) years.

Dated: December 1, 2020



Finance Director
City of Napoleon, Ohio

ORDINANCE NO. 075-20

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$4,100,000, FOR THE PURPOSE OF PAYING THE COSTS OF THE CONSTRUCTION OF A MUNICIPAL SWIMMING POOL WITH RELATED FACILITIES AND APPURTENANCES, INCLUDING THE DEMOLITION OF EXISTING FACILITIES, TOGETHER WITH ALL NECESSARY AND RELATED APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Ordinance No. 105-19 passed January 20, 2020, notes in anticipation of bonds in the principal amount of \$3,500,000, dated February 25, 2020 (the “*Outstanding Notes*”) were issued for the purpose described in Section 2, to mature on February 25, 2021; and,

WHEREAS, this City Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Bonds described in Section 2 and other funds available to the City and provide an additional \$600,000 for the purpose described in Section 2; and,

WHEREAS, this City Council has requested that the Finance Director, as fiscal officer of this City, certify the estimated life or period of usefulness of the Improvement described in Section 2 and the maximum maturity of the Bonds described in Section 2; and,

WHEREAS, the Finance Director has certified to this City Council that the estimated life or period of usefulness of the Improvement is at least five (5) years and that the maximum maturity of the Bonds is at least twenty (20) years; **Now Therefore**,

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

Section 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

“*Authorized Denominations*” means the denomination of \$5,000 or any integral multiple in excess thereof.

“*Bond Proceedings*” means, collectively, this Ordinance, the Certificate of Award, the Continuing Disclosure Agreement, the Purchase Agreement (if any), the Registrar Agreement and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

“*Bond Register*” means all books and records necessary for the registration, exchange and transfer of Bonds as provided in Section 5.

“*Bond Registrar*” means a bank or trust company authorized to do business in the State of Ohio and designated by the Finance Director in the Certificate of Award pursuant to Section 4 as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds under the Registrar Agreement and until a successor Bond Registrar shall have become such pursuant to the provisions of the Registrar Agreement and, thereafter, “*Bond Registrar*” shall mean the successor Bond Registrar.

“*Bonds*” means, collectively, the Serial Bonds and the Term Bonds, each as is designated as such in the Certificate of Award.

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

“*Certificate of Award*” means the certificate authorized by Section 6, to be executed by the Finance Director, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

“*City*” means the City of Napoleon, Ohio.

“*City Law Director*” means the City Law Director of the City or any person serving in an interim or acting capacity with respect to that office.

“*City Manager*” means the City Manager of the City or any person serving in an interim or acting capacity with respect to that office.

“*Clerk of Council*” means the Clerk of Council of the City Council or any person serving in an interim or acting capacity with respect to that office.

“*Closing Date*” means the date of physical delivery of, and payment of the purchase price for, the Bonds.

“*Code*” means the Internal Revenue Code of 1986, as amended, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

“*Continuing Disclosure Agreement*” means the Continuing Disclosure Agreement which shall constitute the continuing disclosure agreement made by the City for the benefit of the

holders and beneficial owners of the Bonds in accordance with the Rule, as it may be modified from the form on file with the Clerk of Council and executed by the City Manager and the Finance Director, all in accordance with Section 9(c).

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

“*Finance Director*” means the Finance Director of the City or any person serving in an interim or acting capacity with respect to that office.

“*Financing Costs*” shall have the meaning given in Section 133.01 of the Ohio Revised Code.

“*Interest Payment Dates*” means, unless otherwise specified in the Certificate of Award, June 1 and December 1 of each year that the Bonds are outstanding, commencing on the date specified in the Certificate of Award.

“*Mandatory Redemption Date*” shall have the meaning set forth in Section 3(b).

“*Mandatory Sinking Fund Redemption Requirements*” shall have the meaning set forth in Section 3(e)(i).

“*Original Purchaser*” means the purchaser of the Bonds specified in the Certificate of Award.

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

“*Principal Payment Dates*” means, unless otherwise specified in the Certificate of Award, December 1 in each of the years from and including 2021 to and including 2047; *provided* that the first Principal Payment Date may be deferred up to one year and the last Principal Payment Date may be advanced by such number of years as determined by the Finance Director, and *provided further* that in no case shall the final Principal Payment Date of the Bonds exceed the maximum maturity limitation referred to in the preambles hereto, all of which determinations shall be made by the Finance Director in the Certificate of Award in such manner as to be in the best interest of and financially advantageous to the City.

“*Purchase Agreement*” means the Bond Purchase Agreement between the City and the Original Purchaser, as it may be modified from the form on file with the Clerk of Council and executed by the City Manager and the Finance Director, all in accordance with Section 6.

“*Registrar Agreement*” means the Bond Registrar Agreement between the City and the Bond Registrar, as it may be modified from the form on file with the Clerk of Council and executed by the City Manager and the Finance Director, all in accordance with Section 4.

“*Regulations*” means Treasury Regulations issued pursuant to the Code or to the statutory predecessor of the Code.

“*Rule*” means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

“*SEC*” means the Securities and Exchange Commission.

“*Serial Bonds*” means those Bonds designated as such and maturing on the dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and not subject to mandatory sinking fund redemption.

“*Term Bonds*” means those Bonds designated as such and maturing on the date or dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and subject to mandatory sinking fund redemption.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 2. Authorized Principal Amount and Purpose; Application of Proceeds. This City Council determines that it is necessary and in the best interest of the City to issue bonds of this City in the maximum principal amount of \$4,100,000 (the “*Bonds*”) for the purpose of paying the costs of the construction of a municipal swimming pool with related facilities and appurtenances, including the demolition of existing facilities, together with all necessary and related appurtenances thereto (the “*Improvement*”). The Bonds shall be issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance and the Certificate of Award.

The principal amount of Bonds to be issued shall not exceed the maximum principal amount specified in this Section 2 and shall be an amount determined by the Finance Director in the Certificate of Award to be the principal amount of Bonds that is required to be issued at this time for the purpose described in this Section 2, taking into account the costs of refunding the Outstanding Notes and providing additional money for the purpose described in Section 2, the estimates of the Financing Costs and the interest rates on the Bonds.

The proceeds from the sale of the Bonds received by the City (or withheld by the Original Purchaser on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are hereby appropriated and shall be used for the purpose for which the Bonds are being issued, including without limitation but only to the extent not paid by others, the payment of the costs of issuing and servicing the Bonds, printing and delivery of the Bonds, legal services including obtaining the approving legal opinion of bond counsel, fees and expenses of any municipal advisor, paying agent and rating agency, any fees or premiums relating to municipal bond

insurance or other security arrangements determined necessary by the Finance Director, and all other Financing Costs and costs incurred incidental to those purposes. The Certificate of Award and the Purchase Agreement (if any) may authorize the Original Purchaser to withhold certain proceeds from the purchase price of the Bonds to provide for the payment of Financing Costs related to the Bonds on behalf of the City. Any portion of those proceeds received by the City representing premium (after payment of any Financing Costs identified in the Certificate of Award, and in the Purchase Agreement (if any) and/or the Registrar Agreement) shall be paid into the Bond Retirement Fund. Any portion of those proceeds received by the City representing accrued interest shall be paid into the Bond Retirement Fund.

Section 3. Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as provided in the Certificate of Award, *provided* that their dated date shall not be more than sixty (60) days prior to the Closing Date.

(a) Interest Rates and Payment Dates. The Bonds shall bear interest at the rate or rates per year (computed on the basis of a 360-day year consisting of twelve 30-day months) as shall be determined by the Finance Director, subject to subsection (c) of this Section 3, in the Certificate of Award. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) Principal Payment Schedule. The Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements on the Principal Payment Dates in principal amounts as shall be determined by the Finance Director, subject to subsection (c) of this Section 3, in the Certificate of Award, which determination shall be in the best interest of and financially advantageous to the City.

Consistent with the foregoing and in accordance with the Finance Director's determination of the best interest of and financial advantages to the City, the Finance Director shall specify in the Certificate of Award (i) the aggregate principal amount of Bonds to be issued as Serial Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date and (ii) the aggregate principal amount of Bonds to be issued as Term Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Term Bonds shall be subject to mandatory sinking fund redemption (each a "*Mandatory Redemption Date*") and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date.

(c) Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts. The rate or rates of interest per year to be borne by the Bonds, and the principal amount of Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Principal Payment Date, shall be such that the total principal and interest

payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year. The net interest cost for the Bonds determined by taking into account the respective principal amounts of the Bonds and terms to maturity or Mandatory Sinking Fund Redemption Requirements of those principal amounts of Bonds shall not exceed 6.00%.

(d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of and any premium on the Bonds shall be payable when due upon presentation and surrender of the Bonds at the designated corporate trust office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th day of the calendar month next preceding that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Finance Director, in the name and on behalf of the City, in connection with the book entry system.

(e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Mandatory Sinking Fund Redemption of Term Bonds. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory redemption in part by lot and be redeemed pursuant to mandatory sinking fund redemption requirements, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those Dates, for which provision is made in the Certificate of Award (such Dates and amounts being referred to as the "*Mandatory Sinking Fund Redemption Requirements*").

The aggregate of the moneys to be deposited with the Bond Registrar for payment of principal of and interest on any Term Bonds on each Mandatory Redemption Date shall include an amount sufficient to redeem on that Date the principal amount of Term Bonds payable on that Date pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as hereinafter provided).

The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City, as specified by the Finance Director, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered. That option shall be exercised by the City on or before the 45th day preceding any Mandatory Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Finance Director, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal

Payment Date and bearing interest at the same rate as the Term Bonds so delivered. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation), as specified by the Finance Director, also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered, redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations), as specified by the Finance Director, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) Optional Redemption. The Bonds of the maturities and interest rates specified in the Certificate of Award (if any are so specified) shall be subject to optional redemption by and at the sole option of the City, in whole or in part in integral multiples of \$5,000, on the dates and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, to be determined by the Finance Director in the Certificate of Award; provided that the redemption price for any optional redemption date shall not be greater than 103%.

If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity (and interest rate within a maturity if applicable) to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Finance Director to the Bond Registrar, given upon the direction of the City by passage of an ordinance or adoption of a resolution. That notice shall specify the redemption date and the principal amount of each maturity (and interest rate within a maturity if applicable) of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

(iii) Partial Redemption. If fewer than all of the outstanding Bonds are called for optional redemption at one time and Bonds of more than one maturity (or interest rate within a maturity if applicable) are then outstanding, the Bonds that are called shall be Bonds of the maturity or maturities and interest rate or rates selected by the City. If

fewer than all of the Bonds of a single maturity (or interest rate within a maturity if applicable) are to be redeemed, the selection of Bonds of that maturity (or interest rate within a maturity if applicable) to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as if it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then, upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (A) for payment of the redemption price of the \$5,000 unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (B) for issuance, without charge to the registered owner, of a new Bond or Bonds of any Authorized Denomination or Denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(iv) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (A) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on behalf of the City by mailing a copy of the redemption notice by first-class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Bond Registrar at the close of business on the 15th day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(v) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as provided above, there shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to the provisions of Sections 3(d) and 5, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Bonds and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Bond Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to

bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All moneys held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds, *provided* that any interest earned on the moneys so held by the Bond Registrar shall be for the account of and paid to the City to the extent not required for the payment of the Bonds called for redemption.

Section 4. Execution and Authentication of Bonds; Appointment of Bond Registrar. The Bonds shall be signed by the City Manager and the Finance Director, in the name of the City and in their official capacities, *provided* that either or both of those signatures may be a facsimile. The Bonds shall also be countersigned by the Mayor, *provided* that the signature of the Mayor may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Finance Director, shall be numbered as determined by the Finance Director in order to distinguish each Bond from any other Bond, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance and the Certificate of Award.

The Finance Director is hereby authorized to designate in the Certificate of Award a bank or trust company authorized to do business in the State of Ohio to act as the initial Bond Registrar. The City Manager and the Finance Director shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement between the City and the Bond Registrar, in substantially the form as is now on file with the Clerk of Council. The Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Finance Director on behalf of the City, all of which shall be conclusively evidenced by the signing of the Registrar Agreement or amendments thereto. The Finance Director shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement, except to the extent paid or reimbursed by the Original Purchaser and/or the Bond Registrar pursuant to the Certificate of Award, the Purchase Agreement (if any) and/or the Registrar Agreement, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond Proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond Proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Finance Director on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

Section 5. Registration; Transfer and Exchange; Book Entry System.

(a) Bond Register. So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register at its designated corporate trust office. Subject to the provisions of Sections 3(d) and 9(c), the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond Proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section 5. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the designated corporate trust office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the designated corporate trust office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond Proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond Proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) Book Entry System. Notwithstanding any other provisions of this Ordinance, if the Finance Director determines in the Certificate of Award that it is in the best interest of and financially advantageous to the City, the Bonds may be issued in book entry form in accordance with the following provisions of this Section 5.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully

registered Bond representing each maturity, and, if applicable, each interest rate within a maturity, and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository or its designated agent for that purpose, which may be the Bond Registrar; (ii) the beneficial owners of Bonds in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

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

The Finance Director is hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that the Finance Director determines to be necessary in connection with a book entry system for the Bonds.

Section 6. Sale of the Bonds to the Original Purchaser. The Finance Director is authorized to sell the Bonds at private sale to the Original Purchaser at a purchase price, not less than 97% of the aggregate principal amount thereof, as shall be determined by the Finance Director in the Certificate of Award, plus accrued interest (if any) on the Bonds from their date to the Closing Date, and shall be awarded by the Finance Director with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award and the Purchase Agreement (if any), in accordance with law and the provisions of this Ordinance. The Finance Director is authorized, if it is determined to be in the best interest of the City, to combine the issue of Bonds with one or more other bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Ohio Revised Code in which case a single Certificate of Award may be utilized for the consolidated bond issue if appropriate and consistent with the terms of this Ordinance.

The Finance Director shall sign and deliver the Certificate of Award and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price.

To the extent that the Finance Director determines it would be financially advantageous to the City, the City Manager and the Finance Director shall sign and deliver, in the name and on behalf of the City, the Purchase Agreement between the City and the Original Purchaser, in

substantially the form as is now on file with the Clerk of Council, providing for the sale to, and the purchase by, the Original Purchaser of the Bonds. The Purchase Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Finance Director on behalf of the City, all of which shall be conclusively evidenced by the signing of the Purchase Agreement or amendments thereto.

The Mayor, the City Manager, the Finance Director, the City Law Director, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The actions of the Mayor, the City Manager, the Finance Director, the City Law Director, the Clerk of Council or other City official, as appropriate, in doing any and all acts necessary in connection with the issuance and sale of the Bonds are hereby ratified and confirmed.

Section 7. Provision for Tax Levy. There shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as the same fall due.

In each year to the extent receipts from the municipal income tax are available for the payment of the debt charges on the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of such receipts so available and appropriated in compliance with the following covenant. To the extent necessary, the debt charges on the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and the laws of the State of Ohio and the Charter of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

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

Section 8. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Code or (ii) be treated other than as bonds the

interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Bonds will not be an item of tax preference under Section 57 of the Code.

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

The Finance Director or any other officer of the City having responsibility for issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Bonds as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Bonds, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Bonds, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds. The Finance Director or any other officer of the City having responsibility for issuance of the Bonds is specifically authorized to designate the Bonds as “qualified tax-exempt obligations” if such designation is applicable and desirable, and to make any related necessary representations and covenants.

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

Section 9. Official Statement, Rating, Bond Insurance, Continuing Disclosure and Financing Costs.

(a) Primary Offering Disclosure -- Official Statement. The City Manager and the Finance Director are each authorized and directed, on behalf of the City and in their official capacities, to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, a disclosure document in the form of an official statement relating to the original issuance of the Bonds in substantially the form as is now on file with the Clerk of Council, (ii) determine, and to certify or otherwise represent, when the official statement is to be “deemed final” (except for permitted omissions) by the City as of its date or is a final official statement for purposes of paragraph (b) of the Rule, (iii) use and distribute, or authorize the use and distribution of those official statements and any supplements thereto in connection with the original issuance of the Bonds, and (iv) complete and sign those official statements and any supplements thereto as so approved, together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of those official statements and any supplements, as they may deem necessary or appropriate.

(b) Application for Rating or Bond Insurance. If, in the judgment of the Finance Director, the filing of an application for (i) a rating on the Bonds by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Bonds, is in the best interest of and financially advantageous to this City, the Finance Director is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid or reimbursed pursuant to the Purchase Agreement (if any) and/or the Registrar Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. The Finance Director is hereby authorized, to the extent necessary or required, to enter into any agreements, in the name of and on behalf of the City, that the Finance Director determines to be necessary in connection with the obtaining of that bond insurance.

(c) Agreement to Provide Continuing Disclosure. For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees to provide or cause to be provided such financial information and operating data, audited financial statements and notices of the occurrence of certain events, in such manner as may be required for purposes of the Rule. The City Manager and the Finance Director are each authorized and directed to complete, sign and deliver the Continuing Disclosure Agreement, in the name and on behalf of the City, in substantially the form as is now on file with the Clerk of Council. The Continuing Disclosure Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Finance Director on behalf of the City, all of which shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement or amendments thereto.

The Finance Director is further authorized and directed to establish procedures in order to ensure compliance by the City with its Continuing Disclosure Agreement, including timely provision of information and notices as described above. Prior to making any filing required

under the Rule, the Finance Director shall consult with and obtain legal advice from, as appropriate, the City Law Director and bond or other qualified independent special counsel selected by the City. The Finance Director, acting in the name and on behalf of the City, shall be entitled to rely upon any such legal advice in determining whether a filing should be made. The performance by the City of its Continuing Disclosure Agreement shall be subject to the annual appropriation of any funds that may be necessary to perform it.

(d) Financing Costs. The expenditure of the amounts necessary to pay any Financing Costs in connection with the Bonds, to the extent not paid or reimbursed by the Original Purchaser and/or the Bond Registrar pursuant to the Certificate of Award, the Purchase Agreement (if any) and/or the Registrar Agreement, is authorized and approved, and the Finance Director is authorized to provide for the payment of any such amounts and costs from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 10. Bond Counsel. The legal services of the law firm of Squire Patton Boggs (US) LLP are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Bonds and rendering at delivery related legal opinions, all as set forth in the form of engagement letter from that firm which is now on file in the office of the Clerk of Council. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State of Ohio, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services, that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. To the extent they are not paid or reimbursed pursuant to the Purchase Agreement (if any) and/or the Registrar Agreement, the Finance Director is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Bonds, if available, and otherwise from available moneys in the General Fund.

Section 11. Municipal Advisor. The services of Sudsina & Associates, LLC., as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Bonds. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State of Ohio, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. The Finance Director is authorized and directed, to the extent they are not paid or reimbursed pursuant to the Purchase Agreement (if any) and/or the Registrar Agreement, to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that

firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Bonds, if available, and otherwise from available moneys in the General Fund.

Section 12. Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to promptly deliver or cause to be delivered a certified copy of this Ordinance and an executed copy of the Certificate of Award to the County Auditor of Henry County, Ohio.

Section 13. Satisfaction of Conditions for Bond Issuance. This City Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 7) of the City are pledged for the timely payment of the debt charges on the Bonds; that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds; and that the Bonds are being authorized and issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance, the Certificate of Award, the Purchase Agreement (if any) and other authorizing provisions of law.

Section 14. Compliance with Open Meeting Requirements. This City Council finds and determines that all formal actions of this City Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Council or any of its committees, and that all deliberations of this City Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.

Section 15. Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety in the City and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Bonds, which is necessary to enable the City to timely retire the Outstanding Notes and thereby preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

Passed: January _____, 2021

Joseph D. Bialorucki, Council President

Approved: January _____, 2021

Jason P. Maassel, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 075-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City on the _____ day of January, 2021; and I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances of Napoleon, Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Roxanne Dietrich, Clerk of Council

CERTIFICATION OF RECORDS

I, Roxanne Dietrich, Clerk of Council, of the City of Napoleon, Ohio, do hereby certify and attest that this document to be a **True and Correct** copy of Ordinance Number _____-20, passed January ____, 2021.

Roxanne Dietrich, Clerk of Council

Date

**SUPPLEMENTAL
FISCAL OFFICER'S CERTIFICATE**

To the City Council of the City of Napoleon, Ohio:

As fiscal officer of the City of Napoleon, Ohio, and supplementing the fiscal officer's certificate of July 1, 2019, I certify in connection with your proposed issue of bonds in the maximum principal amount of \$4,100,000 (the "*Bonds*"), to be issued for the purpose of paying the costs of the construction of a municipal swimming pool with related facilities and appurtenances, including the demolition of existing facilities, together with all necessary and related appurtenances thereto (the "*Improvement*"), that:

1. The estimated life or period of usefulness of the Improvement is at least five (5) years.
2. The maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Ohio Revised Code, is at least twenty (20) years, being my estimate of the life or period of usefulness of that Improvement.

Dated: December 30, 2020



Finance Director
City of Napoleon, Ohio

ORDINANCE NO. 067-20

**AN ORDINANCE ESTABLISHING A NEW POSITION
CLASSIFICATION PAY PLAN FOR EMPLOYEES OF THE CITY
OF NAPOLEON, OHIO FOR THE YEAR 2021; REPEALING
ORDINANCE NO. 088-19; AND DECLARING AN EMERGENCY**

WHEREAS, Council reviewed the proposed Year 2021 annual appropriation measure and finds, in general, as it relates to non-bargaining employees of the City of Napoleon, Ohio, that a compensation increase of two percent (2%) is generally warranted subject to various considerations as contained herein; and,

WHEREAS, Exhibits A, B, and C attached hereto and incorporated herein, reflect pay scales for City of Napoleon non-bargaining employees. The pay scales noted in these Exhibits generally contain a two percent (2%) pay increase from the 2020 pay scales; and,

WHEREAS, Council desires to make said compensation increases effective on the pay period commencing on or about December 14, 2020; and,

WHEREAS, Council now desires to adopt a new 2021 Classification Pay Plan for its non-bargaining employees as stated in this Ordinance and Exhibits A, B, and C;
Now Therefore,

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

Section 1. That, notwithstanding any Ordinance or Resolution to the contrary, the City of Napoleon, Ohio, (the "City") had previously established a new 2020 Position Classification Pay Plan ("Pay Plan") for its non-bargaining employees, passed by Council on January 6, 2020.

Section 2. That, effective with the first pay period for the Year 2021, that commences on or about December 14, 2020, the pay scale (steps) for the City's non bargaining employees (full time) positions of this city shall be provided, unless modified, as established in Exhibit "A," attached and incorporated herein. Subject to the provisions of the City's Personnel Code, the Employment Policy Manual as Amended 2014-1 (Ordinance No. 084-14), and Section 3 of this Ordinance, the Department Director or Appointing Authority may place any employee affected by this Ordinance at the level of compensation the Department Director or Appointing Authority deems appropriate as listed in Exhibit "A."

Section 3. That, effective with the first pay period for the Year 2021, which commences on or about December 14, 2020, each non-bargaining employee (full time regular) (hourly), subject to Employment Policy Manual Policy §8.10 (Compensation Reviews), is eligible on such employee's annual hiring anniversary date of uninterrupted full time service with the City, to be advanced one (1) step in the Pay Plan until the maximum step is reached. The non-bargaining employee's (full time regular) (hourly) step location prior to advancement in the Pay Plan shall be determined by contrasting the base hourly rate said employee received prior to the enactment of this Ordinance with the table found in Exhibit "A" for the respective year. For new hires, the Department Director or Appointing Authority may place an employee within the scale where the Department Director or Appointing Authority deems appropriate considering merit and

fitness. Nothing in this Section shall be construed to prohibit a decrease in pay. Step increases for transfer employees shall be in accordance with §197.09(e) of the Personnel Code. A mere reclassification of a current position, where job duties are substantially the same, does not constitute a transfer. Notwithstanding any other provision of this Pay Plan, the Zoning Administrator shall receive a bonus to be pro-rated over the calendar year of *Five Hundred (\$500.00) Dollars* for each certification he or she holds, as follows: an Ohio Residential Building Official; Ohio Residential Plumbing Inspector; and, Ohio Electrical Safety Inspector. The Zoning Administrator must provide written proof of each certification to the City Manager prior to receiving the bonus.

Section 4. That, effective with the first pay period for the Year 2021, that commences on or about December 14, 2020, the pay scale for non-bargaining employee (salaried) (full time) positions of this City which are exempt under the Fair Labor Standards Act (FLSA) as it relates to overtime, shall be provided, unless modified, as established in Exhibit “B,” attached and incorporated herein, (expressed in base biweekly salary amounts). Subject to the provisions of the City’s Personnel Code, the Employment Policy Manual as Amended 2014-1 (Ordinance No. 084-14), and Section 5 of this Ordinance, the Department Director or Appointing Authority may place any employee affected by this Ordinance at the level the Department Director or Appointing Authority deems appropriate as listed in Exhibit “B.”

Section 5. That, effective with the first pay period for the Year 2021, that commences on or about December 14, 2020, each non bargaining employee (salaried) (full time) position of this City as defined in Section 4 of this Ordinance, is eligible to have a minimum salary increase of two percent (2%) for Year 2021, subject to Employment Policy Manual “Policy §8.10 (Compensation Reviews),” calculated from what the employee is making at the time just prior to the proposed increase period, and as reflected in the amounts expressed in Exhibit “B.” In no event shall any increase place the employee above the top scale as established in Section 4 of this Ordinance. For new hires or current employees, the Department Director or Appointing Authority may place an employee, at any time, within the scale where the Department Director or Appointing Authority deems appropriate considering merit and fitness. Nothing in this Section shall be construed to prohibit a decrease in pay.

Section 6. That, effective with the first pay period of the Year 2021, that commences on or about December 14, 2020, the Pay Scale (steps) for part time, permanent part time, and temporary employees of this City shall be provided unless modified, as stated in the table found in Exhibit “C” (attached and incorporated herein), except when Federal or State minimum wage of a higher amount is required, then the higher amount of the Federal or State minimum wage shall apply. Subject to the provisions of the City’s Personnel Code and Employment Policy Manual as Amended 2014-1 (Ordinance No. 084-14), the Department Director or Appointing Authority may place any employee affected by this Ordinance at the level the Department Director or Appointing Authority deems appropriate as listed in Exhibit “C.” Employment Policy Manual 2014-1, Policy Section 8.10, (compensation reviews), is applicable only to permanent part time employees, not part time or temporary employees.

Section 7. That, all paid part time, permanent part time, and temporary employees of the City shall, effective with the first pay period of the Year 2021, that commences on or about December 14, 2020, have a minimum hourly base pay increase of two percent (2%) for Year 2021 calculated from what the employee’s base rate was

just prior to this proposed increase, and as is reflected in the amounts expressed in Exhibit "C" (the amounts include the two percent (2%) increase). Only permanent part time employees are subject to Employment Policy Manual 2014-1 Policy §8.10 (compensation reviews), when applicable. Part time employees of the Fire/Rescue Department will remain on probationary/trainee status until removed by the City Manager upon recommendation of the Fire Chief. For new hires or current employees of the City, the Appointing Authority or Department Director may place an employee within the scale where the Appointing Authority or Department Director deems appropriate considering merit and fitness. Nothing in this section shall be construed to prohibit a decrease in pay. The non-full time status positions found in Exhibit "C" (i.e. temporary part time or permanent part time) may be modified by the Appointing Authority or Department Director at any time, except that Council shall approve any modification to a full time status. Additionally, the position of Probation Officer PIIG Grant is hereby set as expressed in Exhibit "C."

Section 8. That, compensation for employees' appointments made in order to fill temporarily vacant positions shall be at a rate established by the Department Director or Appointing Authority, except that it shall not exceed the top pay scale established in this Ordinance for the position being filled. Temporary positions being filled by temporary employees for whom no pay scale has been established shall be at a pay scale established by the Department Director or Appointing Authority by comparing the temporary position created to the most similar position established within the same department that is utilizing the temporary employee. In the event no such similar position exists, then it shall be paid in an amount as determined appropriate by the Department Director or Appointing Authority so long as the amount paid may be accomplished without exceeding the department's annual budget.

Section 9. That, notwithstanding any section of this Ordinance to the contrary, compensation of the Clerk of the Napoleon Municipal Court shall be as found in Section 4 of this Ordinance and as stated in Exhibit "B" unless otherwise set by the Municipal Court Judge pursuant to ORC §1901.31 (C).

Section 10. That, compensation for the Chief Deputy Clerk and all other Deputy Clerks of the Napoleon Municipal Court shall be as set by the Clerk of the Napoleon Municipal Court pursuant to ORC §1901.31 and as stated in Exhibits "A, B, and C."

Section 11. That, the compensation for Municipal Court Bailiff and/or Deputy Bailiff shall be established by the Municipal Court pursuant to ORC §1901.32 and as stated in Exhibits "A, B, and C."

Section 12. That, the position of Chief Probation Officer as established in and for the City for the Napoleon Municipal Court shall be considered a full time regular employee having an hourly, non-exempt status. The job description as included in the Pay Plan, as prepared and/or revised by the Municipal Court Judge, is continued to be approved by this Council. The Chief Probation Officer shall not be entitled to any longevity pay; moreover, the Municipal Court Judge may adjust the Chief Probation Officer's wage rate at any time so long as within the limits of the CCA Grant or as may be otherwise supplemented by the Municipal Court. Notwithstanding any other provision of this Ordinance, in no event shall the Chief Probation Officer's pay and benefits exceed the amount of the CCA Grant or as otherwise may be supplemented by the Municipal

Court. Nothing shall be construed in this Ordinance as mandating that the position be filled or continued to be filled each year.

Section 13. That, the position of Part-Time Probation Officer is hereby established by this legislation pursuant to City of Napoleon Charter Article II, Section 2.14, in and for the City for the Napoleon Municipal Court shall be considered a part time regular employee having an hourly, non-exempt status. The job description as included in the Pay Plan, as prepared and/or revised by the Municipal Court Judge, is hereby approved by this Council. The Part-Time Probation Officer shall not be entitled to any longevity pay; moreover, the Municipal Court Judge may adjust the Part-Time Probation Officer's wage rate at any time so long as within the limits of the JRIG Grant or as may be otherwise supplemented by the Municipal Court. Notwithstanding any other provision of this Ordinance, in no event shall the Part-Time Probation Officer's pay and benefits exceed the amount of the JRIG Grant or as otherwise may be supplemented by the Municipal Court through other grants or funds outside the General Fund. Nothing shall be construed in this Ordinance as mandating that the position be filled or continued to be filled each year.

Section 14. That, all positions and/or classifications found in this Ordinance shall be deemed created, established, and existing in and for the City of Napoleon, Ohio. The status of part time employees may be further defined by the Department Director or Appointing Authority as permanent part time, temporary, seasonal, or intermittent employees without affecting the compensation status as stated in this Ordinance. Nothing in this Ordinance shall be construed as mandating that each and every position and/or classification be filled by this City.

Section 15. That, this Ordinance allows the terms and conditions of this pay increase to be retroactively applied, the same being hereby approved as it so exists.

Section 16. That, those employees who are covered by collective bargaining agreements shall be paid in accordance with the respective collective bargaining agreement.

Section 17. That, all compensation paid under this Ordinance is subject to appropriation of funds by Council.

Section 18. That, the Finance Director may adjust compensation for all affected employees to meet the intent of this Ordinance.

Section 19. That, all pay scales reflected in this Pay Plan shall be rounded, utilizing the five rule, to the nearest penny.

Section 20. That, no position mentioned in this Ordinance shall receive longevity benefit unless specified in this City's adopted longevity plan unless otherwise specifically provided for herein, or except as may be permitted by the City's longevity policy.

Section 21. That, any employee who is employed by the City in more than one position shall be paid overtime in accordance with State and Federal wage and salary laws (specifically, after forty hours of work within one week the person should receive overtime based on the salary or wage for the position they are working when they surpass forty hours for that work week). However, but for the employee's normal scheduled employment, the department that causes the overtime shall be liable for the payment of overtime regardless of where the hours were worked.

Section 22. That, Ordinance No. 088-19 is repealed in its entirety effective December 14, 2020.

Section 23. 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 24. 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 25. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for proper payment of wages to employees, proper payment being essential to the harmony of the necessary workforce; therefore, provided 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 processing of wages to employees, this being essential to the harmony of the necessary workforce, 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, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 067-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2020; & 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, Clerk of Council

2021 Pay Ordinance

EXHIBIT "A"
(BASE HOURLY RATE)

<u>Title</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Clerk-Typist II	\$12.53	\$14.41	\$15.47	\$16.60
Receptionist	\$14.17	\$16.25	\$17.42	\$18.73
Administrative Assistant	\$17.26	\$19.92	\$21.39	\$23.03
Front Desk Administrator	\$12.53	\$14.14	\$14.83	\$15.68
Service Building Secretary	\$12.53	\$14.14	\$14.83	\$15.68
Senior Service Building Secretary	\$15.57	\$17.86	\$19.20	\$20.73
Executive Assistant to Appointing Authority	\$20.96	\$22.34	\$23.78	\$25.29
Executive Assistant/Paralegal to Law Director	\$25.29	\$27.62	\$29.66	\$31.71
Account Clerk I	\$12.53	\$14.14	\$14.83	\$15.67
Account Clerk II	\$15.57	\$17.86	\$19.21	\$20.73
Utility Billing Administrator	\$17.68	\$20.35	\$21.80	\$25.89
Senior Account Clerk	\$17.26	\$19.92	\$21.40	\$25.30
Records Clerk/Recorder	\$15.57	\$17.86	\$19.20	\$20.72
Accounts Payable Clerk	\$15.57	\$17.86	\$19.20	\$21.80
Tax Administrator	\$17.68	\$20.35	\$21.80	\$25.89
Engineering Technician	\$18.98	\$21.80	\$23.35	\$25.05
Senior Engineering Technician	\$22.54	\$25.96	\$27.78	\$29.80
Staff Engineer	\$20.95	\$24.15	\$25.96	\$27.88
Licensed Staff Engineer	\$28.36	\$30.50	\$32.80	\$36.68
Construction Inspector*	\$25.38	\$29.16	\$31.25	\$34.34
Senior Electric Engineering Technician	\$22.54	\$25.96	\$27.78	\$29.80
Electrical Construction/Maintenance Inspector*	\$28.14	\$32.38	\$34.72	\$37.22
Zoning Administrator	\$24.66	\$28.33	\$30.37	\$32.55
Assistant Water Superintendent	\$30.26	\$31.39	\$33.11	\$34.84
Chief Water Treatment Operator	\$22.54	\$25.96	\$27.78	\$31.42
Chief Wastewater Treatment Operator	\$22.54	\$25.45	\$27.78	\$31.42
Police Lieutenant	\$0.00	\$32.96	\$34.51	\$36.24
Deputy Court Clerk	\$16.73	\$18.22	\$19.54	\$20.94
Chief Probation Officer	\$20.22		\$0.00	\$22.34
IT Specialist	\$18.60	\$20.58	\$22.57	\$24.56

* 5% Increase

2021 Pay Ordinance

EXHIBIT "B"
(BASED ON AN 80 HOUR PAY PERIOD)

<u>Title</u>	<u>BOTTOM</u>	<u>TOP</u>
Assistant to the City Engineer	\$2,821.22	\$3,255.26
City Engineer	\$3,309.51	\$4,014.81
Public Works Director *	\$3,936.09	\$4,712.67
Golf Course & Grounds Superintendent	\$2,010.12	\$2,702.02
Parks & Recreation Director/Cemetery	\$1,821.64	\$3,166.04
Assistant Finance Director	\$3,006.15	\$3,489.63
Electrical Engineer	\$3,130.73	\$3,646.10
Electric Distribution Superintendent	\$3,191.92	\$3,931.98
IT Administrator	\$1,969.32	\$2,925.47
Human Resources Director	\$2,245.29	\$3,407.31
Municipal Court Bailiff	\$0.00	\$1,405.59
Municipal Court Clerk	\$1,902.91	\$2,128.43
Assistant Fire Chief	\$2,224.43	\$3,255.26
Fire Chief	\$2,766.96	\$3,653.04
Operations Superintendent	\$2,295.37	\$3,255.26
Water Superintendent	\$2,513.06	\$3,386.92
Wastewater Superintendent	\$2,513.06	\$3,386.92
Chief of Police	\$2,917.20	\$3,761.55

*Lump Sum of \$1500.00 not in base

2021 Pay Ordinance

EXHIBIT "C"
(BASE HOURLY RATE)

<u>Title</u>	<u>Bottom</u>	<u>Top</u>
Front Desk Administrator (Part Time)	\$10.08	\$13.77
Legal Clerk (Temporary)	\$14.49	\$23.28
Probationary/Trainee Fire Fighter/EMT	\$8.97	\$13.67
All Fire/Rescue Department (Part Time)	\$12.84	\$17.82
Deputy Court Clerk (Part Time)	\$11.17	\$15.34
Deputy Court Bailiff (Part Time)		\$14.69
Probation Officer JRIG Grant		\$16.61
Construction Inspection (Temporary)	\$13.55	\$14.51
Construction Engineer (Temporary) Engineering Dept.	\$41.11	\$44.05
Income Tax/Collection Clerk (Part Time)	\$10.08	\$17.78
Lifeguard (Seasonal)	\$8.97	\$15.06
Seasonal Laborer – Other	\$8.97	\$15.06
Recreation Worker (Seasonal)	\$8.97	\$15.06
Parks Maintenance Worker (Seasonal)	\$8.97	\$15.06
Golf Course Clubhouse Attendant (Seasonal)	\$8.97	\$15.06
Senior Center Fitness Coordinator (Part Time)	\$8.97	\$15.06
Code Enforcement Inspector	\$19.53	\$30.39
Adjunct EMS Instructor for the Fire Department (Part Time)		\$20.86
Adjunct Fire Instructor for the Fire Department (Part Time)		\$20.86

Chapter 143: VOLUNTEER PEACE OFFICERS DEPENDENTS

143.01 Definitions.

As used in this chapter:

(A) "Killed in the line of duty" means either of the following:

(1) Death in the line of duty;

(2) Death from injury sustained in the line of duty, including heart attack or other fatal injury or illness caused while in the line of duty.

(B) "Totally and permanently disabled" means unable to engage in any substantial gainful employment for a period of not less than twelve months by reason of a medically determinable physical impairment that is permanent or presumed to be permanent.

(C) "Volunteer peace officer" means any person who is employed as a police officer, sheriff's deputy, constable, or deputy marshal in a part-time, reserve, or volunteer capacity by a county sheriff's department or the police department of a municipal corporation, township, township police district, or joint police district and is not either of the following:

(1) A member of the public employees retirement system, Ohio police and fire pension fund, state highway patrol retirement system, or the Cincinnati retirement system;

(2) A retirant as defined in section [145.01](#) of the Revised Code.

Amended by 132nd General Assembly File No. TBD, HB 49, §101.01, eff. 9/29/2017.

Added by 131st General Assembly File No. TBD, SB 11, §1, eff. 3/23/2016.

143.02 Volunteer peace officers dependents fund.

(A) There is hereby established the volunteer peace officers dependents fund.

Each county, municipal corporation, township, township police district, and joint police district with a police or sheriff's department that employs volunteer peace officers is a member of the volunteer peace officers' dependents fund and shall establish a volunteer peace officers' dependents fund board. Each board shall consist of the following board members:

(1) Two board members, elected by the legislative authority of the fund member that maintains the police or sheriff's department;

(2) Two board members, elected by the volunteer peace officers of the police or sheriff's department;

(3) One board member, elected by the board members elected pursuant to divisions (A)(1) and (2) of this section. The board member must be an elector of the fund member in which the police or sheriff's department is located, but not a public employee, member of the legislative authority, or peace officer of that police or sheriff's department.

(B) The term of office of a board member begins the first day of January and is one year.

(C)

(1) The election of the board members specified in division (A)(1) of this section shall be held each year not earlier than the first day of November and not later than the second Monday in December. The election of the member specified in division (A)(3) of this section shall be held each year on or before the thirty-first day of December.

(2) The members specified in division (A)(2) of this section shall be elected on or before the second Monday in December, as follows:

(a) The secretary of the board shall give notice of the election by posting it in a conspicuous place at the headquarters of the police or sheriff's department. Between nine a.m. and nine p.m. on the day designated, each person eligible to vote shall send in writing the name of two persons eligible to be elected to the board who are the person's choices.

(b) All votes cast at the election shall be counted and recorded by the board, which shall announce the result. The two persons receiving the highest number of votes are elected. If there is a tie vote for any two persons, the election shall be decided by lot or in any other way agreed on by the persons for whom the tie vote was cast.

(D) Any vacancy occurring on a board shall be filled at a special election called by the board's secretary.

Added by 131st General Assembly File No. TBD, SB 11, §1, eff. 3/23/2016.

143.03 Volunteer peace officers' dependents fund board.

A volunteer peace officers' dependents fund board shall meet promptly after election of the board's members and organize. The board shall select from among its members a chairperson and a secretary.

The secretary of the board shall keep a complete record of the board's proceedings, which shall be maintained as a permanent file.

Board members shall serve without compensation.

The legislative authority of the fund member shall provide sufficient meeting space and supplies for the board to carry out its duties.

The secretary shall submit all of the following to the director of commerce:

(A) The name and address of each board member and an indication of the group or authority that elected the member;

(B) The names of the chairperson and secretary;

(C) A certificate indicating the current assessed property valuation of the fund member that is prepared by the clerk of the fund member.

Added by 131st General Assembly File No. TBD, SB 11, §1, eff. 3/23/2016.

143.04 Rules.

Each volunteer peace officers' dependents fund board may adopt rules as necessary for handling and processing claims for benefits.

The board shall perform such other duties as are necessary to implement this chapter.

Added by 131st General Assembly File No. TBD, SB 11, §1, eff. 3/23/2016.

143.05 Legal advisor.

The prosecuting attorney of the county in which a fund member is located shall serve as the legal advisor for the volunteer peace officer's dependents' board.

Added by 131st General Assembly File No. TBD, SB 11, §1, eff. 3/23/2016.

143.06 Maintenance of fund; initial premiums.

146.02 Volunteer fire fighters' dependents fund board.

(A) Each political subdivision or fire district having a fire department employing volunteer fire fighters is a member of the volunteer fire fighters' dependents fund and shall establish a volunteer fire fighters' dependents fund board.

(B) A private volunteer fire company which has contracted to afford fire protection to a political subdivision or fire district may become a member of the volunteer fire fighters' dependents fund by election and shall, if it so elects, establish a volunteer fire fighters' dependents fund board. The company shall notify the state fire marshal and the

Next council agenda

David J. Mack <dmack@napoleonohio.com>

Mon 12/21/2020 3:00 PM

To: Roxanne Dietrich <rdietrich@napoleonohio.com>

Cash donation from anonymous private citizen for Christmas cheer I'll get you the total dollar amount when I get back but it's over 1000 thank you have a great holiday

Respectfully,

Chief



Image

David Mack

Chief of Police

Phone: [419.599.2810](tel:419.599.2810)

Email: dmack@napoleonohio.com

310 Glenwood Ave PO Box 151

Napoleon, Ohio 43545

www.napoleonohio.com

MFIRE 100.2200.44350

These were memorials given
in memory of my Dad
Richard "Pete" Travis

Thank you!

Kimberly (Travis) Camp

Fire Donations

\$20.00 Cash

\$50.00 Check

\$70.00

CITY OF NAPOLEON UTILITY DEPARTMENT

Batch 44464
Sequence 4

Date 23 DEC 2020 Time 02:15PM

Account MFIRE
Name FIRE DONATION
Document RICHARD TRAVIS MEMORIAL

Pay Type CS
Refer

Amt Paid 20.00
Amt Tend 20.00
Change 0.00
100.2200.47019 20.00

CITY OF NAPOLEON UTILITY DEPARTMENT

Batch 44464
Sequence 5

Date 23 DEC 2020 Time 02:16PM

Account MFIRE
Name LORI A RAUSCH
Document DONATION FOR RICHARD TRAV

Pay Type CK
Refer 403

Amt Paid 50.00
Amt Tend 50.00
Change 0.00
100.2200.47010 50.00





City of Napoleon, Ohio

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

www.napoleonohio.com

Memorandum

To: City Council, Mayor, City Manager, City Law Director, Department Supervisors, Newsmedia
From: Roxanne Dietrich, Clerk of Council
Date: December 31, 2020
Subject: Technology and Communications Committee – Cancellation

The regularly scheduled meeting of the **Technology and Communications Committee** for Monday, January 04, 2021 at 6:15 pm has been CANCELED due to lack of agenda items.