

January 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				30 December	31 December <i>City Offices Closed New Year's Day Observed</i>	1
2	3 7:00 pm City Council	4	5 11:00 am – Ritter Park Path Bid Opening	6	7	8
9	10 6:00 pm – Special Council Mtg. 6:15 pm - Electric Committee Board of Public Affairs 7:00 pm - Water/Sewer Comm. 7:30 pm - Municipal Properties Committee	11 4:30 pm Board of Zoning Appeals 5:00 pm Planning Commission	12	13	14	15
16	17 6:00 pm -Tree Commission 6:00 pm Park Rec Committee 7:00 pm City Council	18	19	20	21	22
23	24 6:30 pm Finance & Budget Comm 7:30 pm Safety & Human Resources Committee	25 4:30 pm Civil Service Commission	26 11:00 am – VanHying Pump Station Bid Opening 6:30 pm Park and Rec Board	27	28	29
30	31 Fifth Monday No Scheduled Meetings					

City of Napoleon, Ohio

CITY COUNCIL

MEETING AGENDA

Monday, January 03, 2022 at 7:00 pm

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

A. Call to Order

B. Attendance (Noted by Clerk)

C. Prayer and Pledge of Allegiance

D. Swearing in of Councilmembers Elect: Joseph Bialorucki, Lori Sicclair, Ken Haase, Dr. David Cordes

E. Organization of Council

1. Election of President of Council
2. Election of President Pro-Tem of Council
3. Seating Order of Council
4. Appointment of Standing Committees of Council
5. Appointment of Personnel Committee
6. Setting of Meeting Dates and Times for Regular Meetings of Council
7. Setting of Meeting Dates and Times for Standing Committees of Council

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

1. December 20, 2021 Regular Council Meeting Minutes

G. Citizen Communication

H. Reports from Council Committees

1. **Finance and Budget Committee** met on December 27, 2021 and recommend City Council approve the Fourth Quarter Budget Adjustments plus any additional that may stem from the 27th pay period
2. **Safety and Human Resources Committee** did not meet in December due to lack of agenda items.
3. **Technology Committee** did not meet earlier tonight due to lack of agenda items.

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

1. **Civil Service Commission**-did not meet on December 28, 2021 due to lack of agenda items.
2. **Parks and Recreation Board**-did not meet on December 29, 2021 due to lack of agenda items.

J. Introduction of New Ordinances and Resolutions

1. **Ordinance No. 063-21**, an Ordinance Authorizing a Pay Increase for the City of Napoleon, Ohio Law Director; and declaring an Emergency
2. **Ordinance No. 064-21**, an Ordinance Authorizing a Pay Increase for the City of Napoleon, Ohio City Manager; and declaring an Emergency

K. Second Readings of Ordinances and Resolutions

1. **Resolution No. 061-21**; a Resolution Authorizing the City Manager to execute any and all documents necessary to acquire approximately three and three tenths (3.3) acres of land, commonly referred to as Loose Field, located within the City of Napoleon, Ohio; and declaring an Emergency
2. **Ordinance No. 062-21**; an Ordinance amending Section 143.01 of the City of Napoleon's Codified Ordinances, "Composition and Control of the City Fire/Rescue Department," increasing the composition of the Fire Department, and repealing Ordinance No. 018-20

L. Third Readings of Ordinances and Resolutions

1. **Resolution No. 060-21**, a Resolution Authorizing the Finance Director to enter an Agreement with the Regional Income Tax Agency (RITA) to participate in the Regional Council of Governments for the purpose of Administration and Collection of Municipal Income Tax in the City of Napoleon, Ohio, also Authorizing the Expenditure of Funds for the Administration and Collection of Municipal Income Tax in the City of Napoleon, Ohio; and declaring an Emergency

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

1. **Discussion/Action:** Award of Chemical Contracts for the Water Treatment and Wastewater Treatment Plants FY2022
2. **Discussion/Action:** Purchase of two (2) New Vehicles for the Police Department
3. **Discussion/Action:** Acceptance of \$1,000 Donation from Premier Bank to the Napoleon Police Department for Body Worn Cameras
4. **Discussion/Action:** Appointment of two (2) Councilmembers to the Volunteer Firefighters' Dependents Fund Board
5. **Discussion/Action:** Appointment of two (2) Councilmembers to the Volunteer Peace Officers' Dependents Fund Board
6. **Discussion/Action:** Fourth Quarter Budget Adjustments (direct Law Director to draft legislation)
7. **Discussion/Action:** Housing Revolving Loan Fund Administration Agreement with Ohio Department of Development (direct Law Director to draft legislation)

N. Executive Session (as may be needed)

O. Approve Payment of Bills (In the absence of any objections or corrections, the payment of bills shall stand approved.)

P. Adjournment



Roxanne Dietrich - Clerk

A. ITEMS REFERRED OR PENDING IN COMMITTEES OF COUNCIL

- 1. Technology & Communication Committee (1st Monday)**
(Next Regular Meeting: February 7, 2022 @6:00 pm)
- 2. Electric Committee (2nd Monday)**
(Next Regular Meeting: Monday, January 10, 2022 @6:15 pm)
 - a. Review of Power Supply Cost Adjustment Factor for January, 2022
 - b. Electric Department Report
- 3. Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday)**
(Next Regular Meeting: Monday, January 10, 2022 @7:00 pm)
- 4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday)**
(Next Regular Meeting: Monday, January 10, 2020 @7:30 pm)
Review Appeal on Decision of City Engineering Rule 4.1.3 (Tabled)
- 5. Parks & Recreation Committee (3rd Monday)**
(Next Regular Meeting: Monday, January 17, 2022 @6:00 pm)
- 6. Finance & Budget Committee (4th Monday)**
(Next Regular Meeting: Monday, January 24, 2022 @6:30 pm)
- 7. Safety & Human Resources Committee (4th Monday)**
(Next Regular Meeting: Monday, January 24, 2022 @7:30 pm)
Agenda Item for May 23, 2022 – Review Traffic Pattern at Westmoreland and Bales Road
- 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 10, 2022 @6:15 pm)
 - a. Review of Power Supply Cost Adjustment Factor for January, 2022
 - b. Electric Department Report
- 2. Board of Zoning Appeals (2nd Tuesday)**
(Next Regular Meeting: Tuesday, January 11, 2022 @4:30 pm)
- 3. Planning Commission (2nd Tuesday)**
(Next Regular Meeting: Tuesday, January 11, 2022 @5:00 pm)
- 4. Tree Commission (3rd Monday)**
(Next Regular Meeting: Monday, January 17, 2022 @6:00 pm)
- 5. Civil Service Commission (4th Tuesday)**
(Next Regular Meeting: Tuesday, January 25, 2022 @4:30 pm)
- 6. Parks & Recreation Board (Last Wednesday)**
(Next Regular Meeting: Wed., January 26, 2022 @6:30 pm)
- 7. Privacy Committee (2nd Tuesday in May & November)**
(Next Regular Meeting: Tuesday, May 11, 2022 @10:30 am)
- 8. Records Commission (2nd Tuesday in June & December)**
(Next Regular Meeting: Monday, June 6, 2022 @6:45 pm)
- 9. Housing Council (1st Monday of April @6:00 pm after the TIRC meeting)**
- 10. Health Care Cost Committee (as needed)**
- 11. Preservation Commission (as needed)**
- 12. Napoleon Infrastructure/Economic Development Fund Review Committee (NIEDF) (as needed)**
- 13. Tax Incentive Review Council (as needed)**
- 14. Volunteer Firefighters' Dependents Fund Board (as needed)**
- 15. Volunteer Peace Officers' Dependents Fund Board (as needed)**
- 16. Lodge Tax Advisory & Control Board (as needed)**
- 17. Board of Building Appeals (as needed)**
- 18. ADA Compliance Board (as needed)**

Motion: Siclair Second: Haase
to accept the \$5,000 donation from the Church of the Nazarene to the Parks and Rec Department

Roll call vote on the above motion:
Yea-Durham, Haase, Baer, Bialorucki, Siclair, Comadoll, Knepley
Nay-
Yea-7, Nay-0. Motion Passed.

INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

Resolution No. 061-21 – Purchase of 3.3 Acres of Land/Loose Field

Council President Bialorucki read by title Resolution No. 061-21; a Resolution Authorizing the City Manager to execute any and all documents necessary to acquire approximately three and three tenths (3.3) acres of land, commonly referred to as Loose Field, located within the City of Napoleon, Ohio; and declaring an Emergency

Motion: Durham Second: Knepley
to approve Resolution No. 061-21 on First Read

Mazur started with a recap stating the prior deal that was before Council a few weeks back did not go through as one party balked at the agreement. We were able to sit down with the Cultural Center of Henry County and have put together something for just Loose Field. This ordinance allows the city to purchase Loose Field. If approved by Council, the portion we would be purchasing is about 3.3 acres for \$100,000. There was an appraisal done and this is the fair market deal for it. The other deal had some caveats that talked about the potential to construct an amphitheater and some other things that had to do with the remainder of the property. This is not that deal, this is just for Loose Field and just between the city and the Cultural Center of Henry County. From staff's perspective, the recommendation to purchase the property is an opportunity. In the city-wide Master Plan this property is deemed to be a critical redevelopment point for the city because of its proximity not just to the river but near the downtown area and its visibility from Riverview. The Master Plan calls for this property to be developed or redeveloped as a mixed use, being commercial and residential uses for these properties. It's more for the opportunity to make sure the city is in the driver seat in order to get the highest and best use out of such a critical property near our downtown. Jeff Tonjes, the CCHS board president could not be here tonight and asked that I pass along he is grateful we were able to come to this agreement and knows the city will be able to do something great with this property. Bialorucki asked the Law Director it states "the city acknowledges and agrees to be bound by all of the covenants and conditions contained in the former agreement as it applies to Loose Field". Is there any concern, is there anything that we need to do that we are not prepared to do? Harmon replied at this point my concerns have been alleviated. There was previous language in there that had us obligating ourselves to the demolition arguably, maybe not, because it is in the recitals to demolish the entire thing and that is obviously more than we were looking to do. With some more specific language that you just read I'm satisfied the spirit of what we are trying to do is accomplished in this agreement. Mazur said the condition that is specified in the old agreement is that it runs with the land and the property owner would have to get a certificate of occupancy for any structures by the deadline that is imposed in the old agreement. The intent at this point would be to acquire the property, at least the Loose Field piece and take down any structures there and clear it and get it ready for any kind of future development. Any structure that is there now is not part of any new development at this point. Harmon said what concerned me previously was the language in the recitals was a little vague and could arguably be used by somebody in the future to say that we had signed on to fund the demolition of the larger building as well. Baer said it has been brought to my attention a couple of times in the last week that there is supposedly some agreement that that field had to be used for agriculture purposes. Maassel asked ag or sports? Baer sports purposes. Mazur responded we believe there is a deed restriction of some sort on the property that does obligate that property to be used for some type of recreational facility; however, it has an expiration date. We were told that expired this year and that would be found in the title search. When we go through that, if there are any restrictions to the property that are discovered on any title or other property searches that go with the closing of properties, then we can cancel the agreement and not move forward with the purchase. Maassel asked does this modify the current agreement between the Cultural Center and Napoleon Area Schools? Harmon said given that we are not a party to that agreement, with that caveat I don't believe so, imagine that is for the parties to determine. Maassel-the selling of Loose Field has been rumored to happen two or three times in the past and has always fallen through and I don't know why. I thought the agreement was all or none between the Cultural Center and Napoleon Area Schools. Mazur stated if you are speaking about the former agreement Maassel interjected I'm talking about people have been in agreement to purchase Loose Field in the past and all have fallen through. Have we done our homework to be sure this can be sectioned off? Mazur said their legal counsel and our legal counsel both reviewed it and are okay with the terms and conditions. There was some thought that portions of it could not be sold off and turns out it

had to do with and that is why the fair market value comes in to play because if a piece of property is sold, that fair market value of that property has to be turned back to one of the other parties of the other agreement. Comadoll asked what are you doing with the sewer that comes off Welsted? Mazur said the sewer on Loose Field runs behind the property right next to the bleachers and through the middle of this property. There is a manhole where it splits and goes to an CSO area. In my opinion, where it is located is not detrimental to future development. Comadoll asked should there be any relocations? Mazur said not for Loose Field in my opinion.

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed.

Ordinance No. 062-21 – Amending Composition and Control of City Fire/Rescue Department

Council President Bialorucki read by title Ordinance No. 062-21; an Ordinance amending Section 143.01 of the City of Napoleon’s Codified Ordinances, “Composition and Control of the City Fire/Rescue Department,” increasing the composition of the Fire Department, and repealing Ordinance No. 018-20

Motion: Haase Second: Knepley
to approve Second Read of Ordinance No. 062-21

Mazur reported this is a cleanup item. When the reciprocity was passed, it allowed us to hire an extra firefighter on “B” shift so, we need to change the composition of the Fire Department in the Codified Ordinances changing the number from five to six.

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed.

SECOND READINGS OF ORDINANCES AND RESOLUTIONS

Resolution No. 060-21 – Regional Income Tax Agency (RITA)

Council President Bialorucki read by title Resolution No. 060-21, a Resolution Authorizing the Finance Director to enter an Agreement with the Regional Income Tax Agency (RITA) to participate in the Regional Council of Governments for the purpose of Administration and Collection of Municipal Income Tax in the City of Napoleon, Ohio, also Authorizing the Expenditure of Funds for the Administration and Collection of Municipal Income Tax in the City of Napoleon, Ohio; and declaring an Emergency

Motion: Durham Second: Knepley
to approve Second Read of Resolution No. 060-21

Garringer stated this is for the City of Napoleon to transition from an internal tax department towards Rita. I have not received any comments, I did have one person call and say they were happy to hear they can eventually file their taxes online.

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed.

THIRD READINGS OF ORDINANCES AND RESOLUTIONS

Resolution No. 048-21 – City Yearly Reoccurring Costs

Council President Bialorucki read by title Resolution No. 048-21, a Resolution Amending Resolution No. 063-20, the City’s Yearly Reoccurring Costs Legislation; and Declaring an Emergency

Motion: Comadoll Second: Knepley
to pass Resolution No. 048-21 on Third Read

Roll call vote on the above motion:

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

Yea-7, Nay-0. Motion Passed.

Ordinance No. 049-21 – Water Rate Review Commission Established

Council President Bialorucki read by title Ordinance No. 049-21, an Ordinance Establishing a Water Rate Review Commission, and Amending Title Five of the Codified Ordinances of the City of Napoleon, Ohio, specifically adding Chapter 183, “Water Rate Review Commission;” and Declaring an Emergency

Motion: Comadoll Second: Knepley
to pass Ordinance No. 049-21 on Third Read

Roll call vote on the above motion:

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

Yea-7, Nay-0. Motion Passed.

Resolution No. 051-21 – Master Vendor List

Council President Bialorucki read by title Resolution No. 051-21, a Resolution Authorizing Expenditure of Funds in Excess of Twenty-Five Thousand dollars (\$25,000) in and for the Year 2022 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 2022 as it relates to Certain Transactions; and Declaring an Emergency

Motion: Haase Second: Knepley
to pass Resolution No. 051-21 on Third Read

Roll call vote on the above motion:

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

Yea-7, Nay-0. Motion Passed.

Resolution No. 052-21 - Master Bidding List

Council President Bialorucki read by title Resolution No. 052-21, a Resolution Authorizing the Expenditure of Funds and Authorizing a Department Director to take Bids on Certain Projects, Services, Equipment, Materials, or Supplies without the Requirement for Additional Legislation to do so in the Year 2022; and Declaring an Emergency

Motion: Sicclair Second: Knepley
to pass Resolution No. 052-21 on Third Read

Roll call vote on the above motion:

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

Yea-7, Nay-0. Motion Passed.

Ordinance No. 053-21 – Position Pay Classification Plan FY 2022 Non-Bargaining Employees

Council President Bialorucki read by title Ordinance No. 053-21, an Ordinance Establishing a New Position Classification Pay Plan for Employees of the City of Napoleon, Ohio for the Year 2022; Repealing Ordinance No. 067-20; and Declaring an Emergency

Motion: Comadoll Second: Knepley
to pass Ordinance No. 053-21 on Third Read

Garringer reported a scrivener's error was discovered in “Exhibit C” for the position of Deputy Court Bailiff. The Judge hired him above scale and that was not noted in previous. The \$15.02 is changed to \$18.41 and that amount includes the 2.25%. We are asking to have Exhibit C of the legislation amended so it does not slow down the raises for other people. Harmon stated pursuant to our rules, normally a third read amended would go back to second read. In this case since it is just the exhibit, that is not necessary to go back to second read if Council wants to simply make the amendment within the exhibit and pass the Ordinance on third read with the amendment.

Motion: Comadoll Second: Knepley
to amend Exhibit C of Ordinance No. 053-21, changing the amount for Deputy Court Bailiff from \$15.02 to \$18.41

Roll call vote on the above motion:
Yea-Durham, Haase, Baer, Bialorucki, Sicclair, Comadoll, Knepley
Nay-
Yea-7, Nay-0. Motion Passed.

Durham asked if this was a newly added position in the last couple of years? Mazur said it was not added, Council already approved the pay raise for that position.

Roll call to pass Ordinance No. 053-21 with Exhibit C amended and on emergency
Yea-Durham, Haase, Baer, Bialorucki, Sicclair, Comadoll, Knepley
Nay-
Yea-7, Nay-0. Motion Passed.

Ordinance No. 055-21 – Appropriation Measure (Budget) Fiscal Year Ending 2022

Council President Bialorucki read by title Ordinance No. 055-21, an Ordinance Establishing the Appropriation Measure (Budget) of the City of Napoleon, Ohio for the Fiscal Year Ending December 31, 2022, listed in Exhibit "A," and Declaring an Emergency

Motion: Comadoll Second: Durham
to pass Ordinance No. 055-21 on Third Read

Garringer informed Council this is the budget after passed on third reading.

Roll call vote on the above motion:
Yea-Durham, Haase, Baer, Bialorucki, Sicclair, Comadoll, Knepley
Nay-
Yea-7, Nay-0. Motion Passed.

Resolution No. 056-21 – Transfer Certain Fund Balances FY 2022

Council President Bialorucki read by title Resolution No. 056-21, 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 2022, listed in Exhibit "A;" and Declaring an Emergency

Motion: Haase Second: Knepley
to pass Resolution No. 056-21 on Third Read

Roll call vote on the above motion:
Yea-Durham, Haase, Baer, Bialorucki, Sicclair, Comadoll, Knepley
Nay-
Yea-7, Nay-0. Motion Passed.

Ordinance No. 057-21 – Amending Allocation of Funds

Council President Bialorucki read by title Ordinance No. 057-21, 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: Durham Second: Sicclair
to pass Ordinance No. 057-21 on Third Read

Garringer stated 65% of income tax will go to operations and 35% will go to capital

Roll call vote on the above motion:
Yea-Durham, Haase, Baer, Bialorucki, Sicclair, Comadoll, Knepley
Nay-
Yea-7, Nay-0. Motion Passed.

Resolution No. 058-21 – Contribution to CIC FY 2022

Council President Bialorucki read by title Resolution No. 058-21, a Resolution Authorizing a Contribution to the Community Improvement Corporation of Henry County, Ohio, in and for the Year 2022; and Declaring an Emergency

Motion: Comadoll Second: Knepley
to pass Resolution No. 058-21 on Third Read

Roll call vote on the above motion:
Yea-Durham, Haase, Baer, Bialorucki, Siclair, Comadoll, Knepley
Nay-
Yea-7, Nay-0. Motion Passed.

Ordinance No. 059-21 – Apportioning Expenses

Council President Bialorucki read by title Ordinance No. 59-21, 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, 2022; Amending Ordinance No.(s) 104-09, 087-19, and 069-20; and Declaring an Emergency

Motion: Comadoll Second: Knepley
to pass Ordinance No. 059-21 on Third Read

Garringer noted this allows us to break out payroll expenses of Council from various departments

Roll call vote on the above motion:
Yea-Durham, Haase, Baer, Bialorucki, Siclair, Comadoll, Knepley
Nay-
Yea-7, Nay-0. Motion Passed.

GOOD OF THE CITY

Approval of Power Supply Cost Adjustment Factor for December, 2021

Mazur reported this is a little higher than what we like to see. At next month's Electric Committee meeting, we will have a robust conversation why we are seeing some of the pricing where it is right now.

Motion: Comadoll Second: Siclair
to approve the December 2021 PSCAF as PSA 3-month averaged factor \$0.01420 and JV2 \$0.058577

Roll call vote on the above motion:
Yea-Durham, Haase, Baer, Bialorucki, Siclair, Comadoll, Knepley
Nay-
Yea-7, Nay-0. Motion Passed.

PC 21-11 Subdivision Re-plat, 2950 Enterprise Avenue

Maassel reported the Planning Commission met last Tuesday to discuss two items. The first item was the re-plat of Honey Blossom Orchard. What they have carved off is the farm part of it, recently it was a corn field. Now there is a way to get in and out of that ground. The ground was sold at auction with the contingency that the re-platting has to be approved by the Planning Commission and City Council. The Planning Commission passed this 5-0.

Motion: Durham Second: Knepley
to approve PC 21-11, Subdivision Re-plat 2950 Enterprise Avenue

Roll call vote on the above motion:
Yea-Durham, Baer, Bialorucki, Siclair, Knepley
Nay-Haase, Comadoll
Yea-5, Nay-2. Motion Passed.

PC 21-12 Change Special Use/Conditional Use Permit, 2950 Enterprise Avenue (7:36 pm – 8:12 pm)

Maassel noted this was a longer discussion. Typically, Planning Commission meetings take 10-15 minutes per item. If you read through the minutes, you saw that this portion took 90 minutes. At some point in the year 2021, the owners of Honey Blossom Orchard, had decided to change their business model from mercantile to more of a reception area. To have agriculture events greater than their current occupancy permit that was 49 people. They went through the Wood County building inspector who suggested they do agritourism. They brought the agritourism idea to the City Zoning Inspector, Kevin Schultheis, who looked through our rules and said we do not have this in our rules, please check with the county. They did check with the county, the Assistant County Prosecutor did not find any issues with what they were doing and they had to check with the fire chief. Because their fire taxes are paid to the Village of Liberty Center they called Brian Baker

who is the Jurisdiction Authority and was not aware they were growing to grow from current occupancy permit and said you are fine. Last summer Honey Blossom Orchard started advertising to host larger events at their location. Chief O'Brien saw an advertisement on a website and did not think the right permits were in place. Assistant Chief Frey does fire inspections for the city and went out and visited and found some deficiencies there for larger events. At that point, the Hibbards came to a Planning Commission meeting and that is where the Planning Commission started. They are an agricultural district now being zoned commercial but allows for agriculture to be in city limits. Agritourism takes off some parts of the building code that allows a little more flexibility for areas that are typically not inside the city limits. When you do that, the occupancy permit goes away, you eliminate the need for permanent ADA compliant restroom facilities. Those can be brought in on a temporary basis for the event. They can also put up a tent if they want to. There was a lot of discussion about this as it went on. During the discussion, Chief O'Brien was not in factor of this and knows that we can do inspection part but, really like having the teamwork between Wood County and the City of Napoleon to be doing inspections for building. The Planning Commission did pass 5-0 and will read how the motion was "to approve PC 21-12 with full recommended conditions numbers 1 through 9 and those are laid out and I think the owners of Honey Blossom Orchard are aware of those and agree to those. We can't hear you nodding, but for record I am saying they are nodding yes and continued reading the motion and that be reviewed in one year at the end of 2022. There will be no new structures requiring input from a building inspector and the recommendation is City Council receive feedback from the Law Director during the presentation of this. At this time, I am going to ask for feedback from the Law Director. Harmon I had looked into this and had previously given advice and it was remembered to some extent at the Planning Commission meeting. Mr. Barry who began the discussion by talking about the city not having an agritourism designation or classification in our code and he is correct. The conversation continued for a while it seems. Maassel noted quite a while. Harmon continued that advice had previously been given and was remembered, at least in part, by some. It is still my opinion because we do not have within our code a designation or classification in the Napoleon ordinances for such a permit that that permit cannot be issued. We do not recognize agritourim permit in the city. It is my opinion pursuant to Chapter 1141, our zoning ordinance and permit section, that this permit cannot be issued.

Maassel said the findings on it that our zoning inspector did said the request is pursuant to Chapter 1141, the request is okay?

Harmon - Any request for a conditional use or special use permit will be pursuant to that chapter. That is where you find the code sections you are looking for. It is my opinion because of this classification this designation does not exist within our city code, you would be issuing a permit for something that does not exit pursuant to our rules. Maassel - what can the owners of Honey Blossom do to still be able to host events if they went to go beyond 49. Harmon – they have their attorney and I would not be giving them advice. I can certainly sit and speak with their attorney and we can potentially decide or I can give some opinion going forward but, it is my opinion that pursuant to our own internal rules, we can't issue an agritourim permit when such does not exist within our rules. Maassel asked if we can we create an agritourism in our rules if we wanted to.

Harmon – the agritourism statutes, the exemptions anyways, are contained in the county and township zoning regulations section. A charter municipality gets its police power to zone from the Constitution of Ohio. The statutes are drafted after the Constitution. Sometimes they will purport to change our constitutional power but, generally they are found not to. It is my opinion 1) there are no municipal provisions for agritourism in the state than I can find, certainly not within our rules that they apply to county and township zoning. To recognize such, in my opinion, would be a mistake because 1) it is not in our rules and 2) it is not in any of the municipal law rules in the state that I see. I would be more than happy to sit down with Kristin and discuss this and we can try to hash out something that can be presented and in the future. As presented, this should be denied. Council President Bialorucki asked if there were any comments from anyone. L. Hibbard – I have a question, are you is saying it is not in the Napoleon zoning. Harmon - that is right. L. Hibbard – let me explain something about agritourism. It is not zoning. Agritourism means *an agriculturally related educational, entertainment, historical, cultural or recreational activity*. It doesn't change our zoning. We are in an agricultural district already which is our zoning along with the C4. So, agritourism is an activity, it doesn't change zoning at all. So when I thought that's what the Conditional Use Permit addresses is activities. So, that is why I am a little bit confused when say that it is zoning because, like this is from ORC 901.8 which is the State Ohio law, it was enacted in 2016 to explain what agritourism is, and it is an activity. Harmon – and I do understand that and what I am essentially saying is that municipalities derive their zoning police power from a different source. We do not get them from statute. The charter municipalities get them directly from the constitution. Because we do not have it within our rules, at least currently, to recognize an agritourism exemption to our zoning rules is a mistake, in my opinion, to issue something based on something we don't even have, it does not make sense to me. I have given this advice to staff previously years ago I think, and was somewhat remembered at the commission meeting by Mr. Barry I believe. I do not know why the conversation proceeded from there. That is the answer

in my opinion at this point. L. Hibbard – did you give me that answer, I don't remember that? Harmon - I do not remember giving it to you directly because I do not issue advice to you. I had given this answer to staff previously. L. Hibbard - we need answers on how to do stuff and if we can't get answers on how to do stuff. We were told go to the county and that is when the Assistant Prosecutor told us there are no forms to fill out and that is where things got Harmon - I have not spoken to the Assistant Prosecutor and I don't know what he looked at. I doubt that he was looking at municipal law. L. Hibbard – he probably wasn't Harmon – I'm not sure how much experience he has looking at these sort of things. Was it Mr. Cavanaugh you spoke to? L. Hibbard yea. Harmon – bright guy but I have not had this conversation with him so I don't know exactly what he was looking at or what he based his advice on or why he was giving advice L. Hibbard – it would really have been nice to have that advice back in May of what you just said about it not being under the zoning and not really approved through the city because we would not have taken contracts. Right now have ten contracts. Harmon – I'm not sure what the order of events was exactly and what happened first whether or not certain things were contracted for prior to any approval or anything of that nature. L. Hibbard – that is why I say it got really messy. Harmon – it is messy and I understand I'm really not trying to make things difficult, if I'm to give advice to Council based on our own internal rules, I have to give them and I have previously to staff the right answer and in my opinion, this is the right answer. L. Hibbard -not giving answers to us it basically put us in a position we were told to go to the county, we went to the county. Harmon – why did he tell you to go to the county? L. Hibbard – because he told us that is how you guys did the agricultural district so that's what we think you should do for that. So, I went to the auditors, auditor sent me to the commissioners, commissioners sent me to the prosecutor's office and the prosecutor is the one that said you don't need to do anything. Put up the right signage and follow this ORC, call your fire department, call the Health Department, and back in 2017 we were actually told by the Assistant Fire Chief of Liberty Township that we were in their district and that is where we got our information and we confirmed it on our property tax bill. So that is where we went wrong. We did not know until three weeks ago from Joel Frey that we were actually in the city fire district. Being that we were told two things by two different parties, and for some reason, Captain Baker feels that he only gave us consulting, which I don't know why he would come out for consulting we would just send it to Napoleon. Then we took contracts and that was back in June and now we just found out three weeks ago and now I have ten people, five from the City of Toledo they are going to have to cancel their events because one of them is in March and that's three months away so I can't make them think that they are having an event here, book caterers, book hotel rooms, and all that kind of stuff cuz then they will be out money. Harmon – and I apologize for the confusion whatever part the city might have played in that. It certainly was unattended. Going forward, I would be happy to work with Kristin to try to come to some resolution to help you with this given the state of our rules currently I cannot recommend that this be approved. L. Hibbard - how soon can that be done because I can't leave people think they are getting married. Harmon – I certainly would not think it would be in the timeframe that you are hoping for. L. Hibbard – so we need to cancel everything? Harmon – I am not giving you that advice. Maassel - how many of your events are under 50 people? L. Hibbard - none. We had events over Christmas that were under 50 people but nothing that we have booked for 2022. Harmon – I'm not trying to be difficult here but, you have booked events for greater than your current occupancy permit at this point and I guess I don't understand why you would do that prior to getting all the proper approvals. B. Hibbard – because that was what we were given direction from Chief Baker. L. Hibbard – Chief Baker came in we told him we were going to have events I'm not sure where because in the letter to city he wrote to the City of Napoleon Fire Department he said that he thought we were doing plants. I don't know why when you see chandeliers on the ceiling why you would ever think somebody was doing plants. We used to sell plants and donated plants to them back in 2017 when they had the dedication for their sign. So, maybe he thinking back to that. But we told him specifically we wanted to have agriculture events up to 250. He came in and said you guys it looks great in here, you got five fire extinguishers you have four points of egress to get outside it is all going out, the doors are going out you guys are good to go. He was supposed to send us a letter and he never did. We were supposed to follow up for six months we kept saying we have to get out there and get that letter from him which if we would have done that then there wouldn't have been this he said she said thing with that. So, between the county and what he told us we thought we were approved and that is what we did we went forward because we were told nothing when we came to the city and I don't mean to put them on every (inaudible) I'm just it's hard when don't have something set up for it and people don't know what to tell you exactly but, in my business because I work for a corporation, if do not know the answer go find somebody that does and you take care of the situation because that person could be a customer or you could have other customers that care about you not being able to take care of things right now. Asst. Chief Frey noted even if Chief Baker did issue a form of approval, it would not be valid, he is not the authority here. There are multiple businesses out that way in Liberty Township who know that the City is their fire department and has nothing to do with taxes. It is not just one building out there that is in this situation on the tax forms and the corporation limits. I do understand the confusion but there are businesses that have followed the proper chain through the City of Napoleon building code. B. Hibbard – we are talking now about zoning and agritourism and stuff like

that why wasn't that part of that addressed back in the meeting we had in March when I presented this or why wasn't there an email coming back to us stating this I mean we are talking almost nine months after the fact. Bialorucki – can you refresh our memory, was it to Council? B. Hibbard - I was at Planning Commission and I believe I was at Council also. Siclair - I do remember because I was pretty excited about your plans but none of it was wedding receptions it was about having beekeeping, horses and inviting people from other communities to come and do beekeeping it was sticks out to me. B. Hibbard – beekeeping was the agricultural side of that. Siclair – this agritourism to me had never been, receptions and those type of events in my mind L. Hibbard – we don't know how the Ohio State Supreme Court that ruling that basically rules in the State of Ohio that the person that is having events like wedding receptions and other things like that falls into the agritourim. Maassel – but was that location inside city limits or was it in a township? L. Hibbard – it was in a township. Harmon to Wacha, Kristin do you know that case is that an accurate recitation of facts there. Wacha – umm, yea it is. Harmon-it simply came back from the Supreme Court as needing more information, I don't believe that they actually ruled that wedding receptions are agritourism. There are a number of cases actually that rule the opposite. Wacha – sure, sure so I'm Kristin Wacha. What the actual connection is if you are an agritourism operator and you are holding weddings, that type of events in a wedding barn if the reception has some actually tie to your agricultural business such as if you sell wine that you make on your farm at the events then that is a qualified agritourism event. In this case, the Hibbards make honey, they have orchards and they are honey producers. In their contract for every event they do, the people must, like a winery, they must buy honey related products. So, really agritourism, I think you know I had said before it has been very successful in some places. I don't think the Ohio Statue is very clear on it so it is very confusing to everybody but it is frustrating as well. Really the agritourism statutes are there to help the small farmer and you know none of believe for a minute that anybody here is against farmers but the idea is taking an agricultural product and then incorporating it even in a small way but a tangible way into events and other non-farming activities that help farmers make money. That's really what it is, it is to help support small farms, keep them going, find other ways to use their agricultural land and products to make money to continue farming but, you know we do see this a lot for wineries. That is really one of the big you know craft beer places we see. In Michigan it has been very successful and it is very clear in supporting not just craft brewers small wineries, we see cheese shops, we see different meat shops, different things that they might hold social events but they have that small tie to their agricultural product. So, umm truly I think if the Hibbards were you know maybe outside of the city limits I don't think that this would be an issue at all, I don't think people would be no be confused about it umm Maassel – it would not come before us. Wacha– or yea but it would be something they weren't familiar with. I would disagree in that I think that there are ways we could do a special use while you are looking at this umm. Harmon – there are provisions within our rules potentially that would I mean if we were looking at potential entertainment thing in some way I don't believe that agritourism that those rules apply to municipalities at all. Wacha – I'm not sure if I totally agree with you and I'm not sure that that is not going to be part of your future code Harmon – and it may be and that is just fine Wacha – right so I think you know it is something you and I can have a discussion about and see if there is a way that we can come up with some resolution but, um you know I don't want anybody to walk away from this thinking agritourism is about somehow you know trying to skate around the building codes or something cause that is absolutely not what it is. It's a statute that is very successful in a lot of places to help small farmers but, um whether or not that is going to work where they are within the city limits whether that is going to stay the way that it is or what we might need to do to make it workable maybe needs to be another discussion and I think that that is something that we should do but it has to be. I mean the Hibbards are in a tough place because we do have emails from the county in different strings where they absolutely thought that they were approved and I think because of the newness of the statute perhaps the way that they were supposed to go about it was not really clear to anybody Harmon – it's not Wacha- even to the people giving advice Harmon it's not, it's really not Wacha – right so um I think they thought they were doing the right thing but we have got ourselves in a position where there are going to be people that are going to lose on a lot of money, including the Hibbards and people coming from out of that are trying to do business in Napoleon and that would be great if we could work that out. The last thing that we want to do is have people get soured on Napoleon because of a very gray situation. You know I think you guys are going to meet again in two weeks, I don't know if there is any way we can have a meeting in the meantime, I know it's Christmas, but at least in two weeks by then we can figure out you know if you guys are in a position to have to cancel everything or if we are going to try and modify our request or anything like that. Harmon – I saw that you called this afternoon and I can give you a return call tomorrow to try to schedule something if that is okay. Wacha – yes that would be fine. So, I guess if it's okay with the Hibbards we would ask that we be able to get on the agenda in two weeks is that I know that there are deadlines for that but Harmon – so as far as I mean it would take much longer than two weeks to change our rules internally in order to be able for me anyway to recommend approval on something like this. Certainly we can start the discussion on the phone tomorrow and that's fine. As far as your timeframe goes, I'm not sure exactly, if Council has, and I'm not speaking for them in the least right now, but if Council has made up its mind already to add something in here that would accommodate

agritourism statute or the agritourism rules even just three read of legislation starting in two weeks that's eight weeks total of going through the process and I don't think that is where we are or where Council is at this point. Certainly we can start the discussion. Wacha- I guess my thought is I don't know if there is a way that we can pass some sort of conditional use or special use Harmon – I don't think so at this point. Honestly, I don't see how that is possible pursuant to our own rules. If you are going to hold an event in the barn as it sits, currently you have an occupancy permit for 49 and the fire code very clearly requires is it (asking Asst. Chief Frey) a sprinkler system or something like that if you are going to go beyond that L. Hibbard – yea beyond 100 Asst. Chief Frey – you are in violation to occupy the building for any use other than a mercantile use. Harmon – we certainly are not in a position to get this done quickly. That is where we are at. L. Hibbard – just so you know, we're done. If we have to cancel this, we are done. So, we have already talked to a couple of barn movers and we have already looked at moving it all premises to a different one of our properties because we just cannot continue to pay \$9,000 a year in utilities and property tax to have a commercial building that we can't do anything commercial in. 49 people is not a commercial business and like I explained to the planning committee, um is that you know when we had the farm market in there for almost a year we had three people come in a day and I can't afford to pay a person sit there for three people a day. So, if we can't get something put through because this is like a service if you offer a place for an event that is like a service business. It's like UPS if they don't deliver your packages you are never going to use them again. So, if we cancel these events we probably will not be able book events again even if we did put something in place. So for us, we will probably be washed up. You know we can do this (inaudible) where we have another property or somewhere else but, we have already had people contact us about our barn in other states and are interested in buying it so, if I have to I can move structure out of town and then I won't have any \$9,000 property tax and utilities anymore. But, that's and I'm telling you that to be brutally honest. Bialorucki – we appreciate that. Unfortunately, L. Hibbard – I mean we have done business there owned property since 2016 and we have not been able to do anything. So, Bialorucki – what do you mean you have not been able to do anything? L. Hibbard – I mean have bees there we extract there but we can extract anywhere. I can put up a shed and extract that is what a lot of beekeepers do. So, the property is costing way more we are paying with our W2 earnings for to run it and I plan on retiring one day and so I don't want to keep paying out of my savings to pay for something that can't support itself. And if you notice, we bought the actual barn from the person that went into foreclosure because they couldn't afford it either and there was a previous foreclosure before Mahnke there. So that place has been in foreclosure twice and that is the situation we are in. I'm not going to continue to subsidize something that cannot pay for itself that's not a good business decision. Garringer – if I could just add, being at the Planning Commission meeting the and I'm not stepping on the toes of the Law Director, it was a blueberry farm or barn that the Supreme Court's decision was about that was about the majority of the usage. I just bring that up as a point because understanding that is that they say you have to purchase honey to have your event there and if Mayor Maassel if I'm correct their the Planning Commission's proposal had something in there about relooking at this in a year's time because to make sure that the majority of the business, not this usage but, the majority of their business comes from their ag product with that. Maassel – 51%. Garringer – and so it's not a space situation because even in the Supreme Court decision that I've read on this and as a layman, it says like gives the example of Ohio Stadium is a football stadium but they hold twenty events a year and there not all football games, there are other events that go on there. But, so in this case here, I just want to reiterate what I understand the Planning Commission as part of that decision was to relook at this in a year's time to see if those conditions are met and if I remember right again, one of the conditions was to really look at their finances and see if the majority still comes from their honey business. I'm just saying, I don't think that changes what Mr. Harmon was saying. Harmon – no, it does not. Maassel – Asst. Chief Frey if they put up a tent on their premises for larger than 49 are the in violation of the fire code ordinance? Asst. Chief Frey – as long as the tent complies with (inaudible-as is sitting at back of room when speaking) then it would be no problem. If would be no different than anyone putting a tent up for a party. Maassel – they could have the tent and have the party in the tent, correct? Asst. Chief Frey – sure. Harmon – so my advice and you need to vote is to deny this request. Baer – you know Mr. President this is obviously there is no easy solution to this at this point. I totally agree with the Law Director but, I also think Wacha has a point that it is an issue in general that needs to be look into more it sounds like a complicated Harmon – and there is no procedure laid out at all in the statutes whatsoever that I can find anyway. It's so it has to be confusing I would imagine to somebody that is not versed in the law. Somebody who is versed in the law who is trying to figure out what the proper procedure is here. It is not clear and is unfortunate. Wacha – just so you know in Michigan you just fill out a simple affidavit saying I'm agricultural it's one paper and this is all over. If they were going to try to work within the framework that exists is there any way for them to get like a grant or subsidized money to put in a sprinkler system that they could afford that. Harmon – I'm not sure exactly how a private citizen would go about. There were a number of additions that need to happen and so unfortunately, I'm not sure what a private citizen would do for grants in a situation like this. Mazur - the best source in my opinion is to look in the US Department of Agriculture they and sometimes through the state offices they have grant funding and especially now with you know some of the money

that has been passed down and being doled out at the federal level. There are a lot of different sources to look into but it's simply a matter of maybe there is a tie-in somewhere where it can help offset costs elsewhere in order to help get the rest completed. Maassel—Mr. Harmon we need a motion to deny the Planning Commission Harmon – correct Maassel – and when you say that and so a yes vote means deny. Harmon – you can term it that way if you'd like Maassel – is that what you need, I can't give a motion. Harmon – yes I do need a motion to deny and I need at least five votes in favor of denying.

Motion: Knepley Second: Haase
to deny the Planning Commission's recommendation on PC 21-12

Roll call vote on the above motion:

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

Yea-7, Nay-0. Motion Passed.

Proposed 2021 Write-offs of Uncollectable Accounts

Garringer reported these are the annual write-offs that we have from various reasons for utilities and other miscellaneous items and also income tax. We typically write off for two reasons, bankruptcy or we are aware someone has passed away. Some of these could be a few years old as a catch up especially if bankruptcy was declared. This year is a little less than last year and we are asking for approval.

Motion: Comadoll Second: Knepley
to approve the write-offs of uncollectable accounts for 2021

Roll call vote on the above motion:

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

Yea-7, Nay-0. Motion Passed.

Front Street Repaving Project/Ritter Park Path Project

Mazur reported Council approved advertising this project for construction. This is only for the path project and does not include repaving of Front Street. To recap, we applied for a grant for the path project that extends from railroad tracks on the north end of Jahns Road down to Riverview, there is a crossing at Riverview and then it connects to the Buckeye Trail System on Ritter Park. From there, the path extends from boat launch area to downtown including navigating through Front Street. ODOT has said this project has to be awarded by January 12, 2022. We put notifications out to all the affected property owners two or three times and did not get a lot of feedback. All too often people get mail and do not pay attention or are not concerned. We had a public meeting, letters were sent to everyone affected about an open forum meeting where they could ask questions. There was a mix of people. From the Jahns Road section there were a lot of questions but nothing changed materially on the plans. For the Front Street section we received several comments about poor drainage, making Front Street one-way, possibly closing off Scott Street from Front to Riverview and the path be only on one side of the road and try to address some of the parking issues. All the comments were taken into consideration and we did the best we could with what we have. The individuals there were from the winery, Bill Myers business and Tri-Jen. They would like to see angle parking in front of the winery. Maassel asked if it will still remain two-way in front of the winery. Mazur – the plan is to have it remain two-way from Scott Street to Perry Street. There simply is not enough room, with or without the path, is the reason for the request for angle parking. Lulfs noted, currently parking is prohibited along Front Street. Mazur stated parking on the street for that section of Front Street is prohibited per code. The area stoned in front of the winery will remain stoned, everything will be repaved. Lulfs stated in repaving we can address some of the drainage issues. Mazur said when you look at the grade from the car wash parking lot, you can see everything sheds in one direction. On the other side where the path comes in off of Riverview and winds around the fence and then there will be the entrance with a couple of bollards. Right now during the day, it can be like a racetrack. We also see people turn the wrong way on Front Street. That would change the entrance to the city parking lot a bit but, would help calm the traffic down from people coming into the parking lot. We would also move the traffic pattern a little. Maassel asked if the city parking lot will be repaved? Mazur—not as part of this project. There will be no parking along the right-of-way. We are looking at alternatives to accommodate the activity that seems to be growing in this area. The southwest direction of Front Street will be one-way, the stone area in front of Tri-Jen will remain stoned, and the drainage issues on the north side of Front Street we will try to address with the repaving. At this point we have an addendum put together to show that path on one side of the road. We are looking at one-way traffic that would not be part of the path project, that would be part of the repaving of Front Street. This is enough of a change, that we thought it was necessary to be open about the changes

that came about from requests from the property owners that are directly affected by it. Right now we are planning on issuing an addendum, which is something we have done in the past without Council approval but, going forward we would propose that we issue the addendum and take to Municipal Properties Committee in January. We can make change orders or modifications to the scope to accommodate any adjustments that need to be made. Per ODOT's schedule, we have to award by January 12, 2022. We did ask for an extension and was told we can make any changes but, it has to be awarded by January 12, 2022. Lulfs advised bids were scheduled to be opened December 15, 2021. Prior to issuing the addendum, we have to have ODOT's approval. An addendum has been issued extending the bid opening to January 5, 2022 and there will need to be a Special Council meeting to award the project. Mazur said we are trying to accommodate the property owners' requests the best we can. I don't think all the changes requested would accommodate all the business traffic of everybody. We would request a Special City Council meeting on January 10, 2022. Council President Bialorucki set a Special Council meeting on Monday, January 10, 2022 at 6:00 pm for award of the Ritter Park Area Path Project. Mazur noted that item will not need to be on the Municipal Properties Committee meeting agenda that night.

Fourth Quarter Budget Adjustments (refer to Committee)

Council President Bialorucki referred Fourth Quarter Budget Adjustments to the Finance and Budget Committee for the meeting on December 27, 2021 and moved the starting time to 5:30 pm.

Acceptance of \$482.00 Donation to the Fire Department in Memory of Clara M. Meyer

Asst. Chief Frey expressed appreciation for the donation and also to everyone that donates to the Fire Department.

Motion: Haase

Second: Siclair

to approve the donation to the Fire Department in memory of Clara M. Meyer

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed.

Recognition of Councilman Comadoll for his Years of Service

Maassel asked how many years were you a city employee before you were on Council? Comadoll – I started in 1972 with the Parks and Rec department and went through high school. In February of 1976, I decided to serve the country for four years. September 10, 1976 I took the oath and on September 9, 1980 I got out of active duty. January 1981 I came to work for the Street Department and stayed after that. In total, I'm just shy fifty years in doing something with either the Federal, State or City government. It was a long time but, I enjoyed every minute of it.

Maassel stated to join the Army in late 70's was a tough time to join the Army because Vietnam was ending, morale was bad.

Comadoll-remember Vietnam got over in May of 1975, so I was in hot and heavy with the volunteer army and served with a lot of people that were in Vietnam and they had some horror stories.

Bialorucki – I appreciate working with you, bouncing things off of you. The number one thing is you took most of the complaints because everyone knew where you worked so they went to see you at work and complain. Appreciate you taking the brunt of those complaints. Comadoll-I will still take complaints.

Maassel presented to Comadoll a proclamation and a flag that was flown over the US Capital for Councilman Comadoll for almost 50 years of service to the city and nation. I really appreciate all your time and all the stuff that you did.

AROUND THE TABLE.

Mazur – no items.

Harmon – no items.

Knepley – Jeff, it has been a pleasure sitting next to you and learning from you. Your expertise will be missed. Thank-you.

Comadoll - The door is always open, if you need anything let me know.

Siclair – (to Comadoll) I will be with you beginning the next Board of Public Affairs meeting. Merry Christmas.

Maassel – Merry Christmas.

Bialorucki - Jeff it was a pleasure working with you sir. Look forward to you being on the Board of Public Affairs.

I have a request for an executive session for compensation of personnel.

Baer – Jeff, thank you for all your service to the city. A few years ago we loss personnel and you agreed to a shift of position and that says lot of your dedication. You will indeed be missed at this table.

Haase - Congratulation Jeff. The dirt being dumped off Commerce Drive is that from along 24? Lulfs-we had a joint project with the State of Ohio to clean ditches and needed a place to store temporarily. That is city property and will be placed there and it is dry and then will be able to spread out.

Durham – Jeff, it is hard to say what hasn't already been said. Thank-you for everything and your wisdom along this journey. You will be missed.

Garringer - Congratulations Mr. Comadoll, we will certainly miss you.

Thank you to all councilmembers, after tonight's third reading, we officially have a budget in place for 2022 and are good to go in 2022 on the finance side.

EXECUTIVE SESSION

Motion: Baer Second: Siclair
to go into Executive Session for compensation of personnel

Roll call vote on the above motion:

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

Yea-7, Nay-0. Motion Passed.

City Council went into Executive Session at 8:48 pm.

ADJOURN FROM EXECUTIVE SESSION

Motion: Comadoll Second: Knepley
to adjourn from Executive Session at 9:16 pm

Roll call vote on the above motion:

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

Yea-7, Nay-0. Motion Passed.

Council President Bialorucki asked for a Motion to direct the Law Director to draft legislation for a 2.25% increase in 2022 for the City Manager and Law Director

Motion: Baer Second: Comadoll
to direct the Law Director to draft legislation for the City Manager and Law Director with a 2.25% increase for the year 2022

Approve Payment of Bills and Financial Reports (in the absence of any objections or corrections, the Payment of Bills and Financial Reports shall stand approved.)

Adjournment

Motion: Haase Second: Comadoll
to adjourn the City Council meeting at 9:18 pm.

Roll call vote on the above motion:

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

Yea-7, Nay-0. Motion Passed.

Approved:

January 03, 2022

Council President

Jason Maassel, Mayor

Submitted by:

Roxanne Dietrich, Clerk of Council

ORDINANCE NO. 063-21

AN ORDINANCE AUTHORIZING A PAY INCREASE FOR THE CITY OF NAPOLEON, OHIO LAW DIRECTOR; AND DECLARING AN EMERGENCY

WHEREAS, Council desires to authorize a pay increase to the City Law Director; and,

WHEREAS, Council desires to make said changes effective with the pay period commencing on or about December 27, 2021; and,

WHEREAS, to achieve the above stated goals Council now desires to repeal Ordinance No.(s) 014-19, 099-19, and 076-20, 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 2022, that commences on or about December 27, 2021, the biweekly salary of the City Law Director of this City shall be four thousand one hundred ninety-nine dollars and seventy-eight cents (\$4,199.78) and continue as such each year thereafter, so long as employed, unless modified by Council.

Section 2. 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 3. That, all compensation paid under this Ordinance is subject to appropriation of funds by the Council.

Section 4. That, the Finance Director may adjust compensation for all affected employees to meet the intent of this Ordinance.

Section 5. That, all pay scales reflected in the City of Napoleon Pay Plan shall be rounded, utilizing the five rule, to the nearest penny.

Section 6. That, this biweekly salary is figured before any approved Cost of Living Adjustments are added to the biweekly salary.

Section 7. 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 8. That, Ordinance No.(s) 014-19, 099-19, and 076-20 are repealed in their entirety effective December 27, 2021.

Section 9. 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 10. 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 11. 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. 063-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2022; & 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. 064-21

AN ORDINANCE AUTHORIZING A PAY INCREASE FOR THE CITY OF NAPOLEON, OHIO CITY MANAGER; AND DECLARING AN EMERGENCY

WHEREAS, Council desires to authorize a pay increase to the City Manager; and,

WHEREAS, Council desires to make said changes effective with the pay period commencing on or about December 27, 2021; and,

WHEREAS, to achieve the above stated goals Council now desires to repeal Ordinance No.(s) 015-19, 100-19, and 077-20 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 2022, that commences on or about December 27, 2021, the biweekly salary of the City Manager of this City shall be four thousand four hundred forty-four dollars and sixty-one cents (\$4,444.61) and continue as such each year thereafter, so long as employed, unless modified by Council.

Section 2. 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 3. That, all compensation paid under this Ordinance is subject to appropriation of funds by the Council.

Section 4. That, the Finance Director may adjust compensation for all affected employees to meet the intent of this Ordinance.

Section 5. That, all pay scales reflected in the City of Napoleon Pay Plan shall be rounded, utilizing the five rule, to the nearest penny.

Section 6. That, this biweekly salary is figured before any approved Cost of Living Adjustments are added to the biweekly salary.

Section 7. 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 8. That, Ordinance No.(s) 015-19, 100-19, and 077-20 are repealed in their entirety effective December 27, 2021.

Section 9. 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 10. 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 11. 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. 064-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2022; & 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. 061-21

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO ACQUIRE APPROXIMATELY THREE AND THREE TENTHS (3.3) ACRES OF LAND, COMMONLY REFERRED TO AS LOOSE FIELD, LOCATED WITHIN THE CITY OF NAPOLEON, OHIO; AND DECLARING AN EMERGENCY

WHEREAS, pursuant to City of Napoleon Charter Section 6.01, Council may provide, by ordinance or resolution, a method for the City to purchase, construct, lease, sell, or to otherwise dispose of real property and, tangible or intangible personal property, including the contracting therefor, that may be contrary to any provision of the laws of Ohio.

WHEREAS, the City of Napoleon desires to acquire approximately three and three tenths (3.3) acres of land, located within the City of Napoleon, Ohio; and,

WHEREAS, the City of Napoleon desires to acquire said land for further economic development of the City. **Now Therefore;**

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

Section 1. That, the City of Napoleon authorizes and directs the City Manager to execute any and all documents necessary for the acquisition of certain real property which is located within the City of Napoleon.

Section 2. That, the property listed shall include approximately three and three tenths (3.3) acres of land located on Riverview Avenue, Napoleon, Ohio, commonly referred to as Loose Field.

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

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

Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for the City to begin economic development of the property; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____
Joseph D. Bialorucki, Council President

Approved: _____
Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 061-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2022; & 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. 062-21

AN ORDINANCE AMENDING SECTION 143.01 OF THE CITY OF NAPOLEON'S CODIFIED ORDINANCES, "COMPOSITION AND CONTROL OF THE CITY FIRE/RESCUE DEPARTMENT," INCREASING THE COMPOSITION OF THE FIRE DEPARTMENT, AND REPEALING ORDINANCE NO. 018-20

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

Section 1. That, Section 143.01 of the Codified Ordinances of the City of Napoleon, Ohio shall be hereby amended and enacted as follows:

"143.01 COMPOSITION AND CONTROL OF THE CITY FIRE/RESCUE DEPARTMENT.

(a) The regular Fire/Rescue Department of the City shall be composed of a department head known as the "Fire Chief," and such other officers, fire fighters, fire rescue personnel, drivers, emergency medical personnel, fire safety inspectors, paramedics, secretaries, clerks and other employees as provided by legislation of the City, the Organizational Chart of the City, and/or the Administrative Code of the City.

(b) Definitions. For purposes of this Chapter, the following words and phrases shall have the following meanings ascribed to them respectively.

(1) "Fire Chief" means the Chief of the regular Fire/Rescue Department.

(2) "Regular Fire/Rescue Department" means the Fire/Rescue Department of the City composed of the full-time and part-time paid personnel and its auxiliary.

(c) Notwithstanding any prior Ordinance or Resolution to the contrary, the regular Fire/Rescue Department shall be composed of the following:

- 1 Fire Chief (full-time)
- 4 Officer of the supervisory grade (full-time)
- ~~5~~ 6 Fire Fighter/Paramedics or Fire Fighter/Emergency Medical technicians, or combination thereof (full-time)
- 5 Officers of supervisory grade (part-time)

1 (not to exceed 70) Staff of any combination of the following:

Fire fighters, paramedics, emergency medical technicians (any level), fire fighter/paramedics, firefighter/emergency medical technicians, secretary, communication officers, instructors (all of part-time status as approved by the City Manager)

1 (not to exceed 20) Auxiliary members.

(d) The making of an assignment by the Chief of one or more officers to any job or division such as fire fighters, drivers, fire safety inspectors, paramedics, arson investigators, and other similar positions shall not be construed as disturbing the composition of the regular Fire/Rescue Department or violating subsection (c) hereof; moreover, temporary vacancies in the regular Fire/Rescue Department shall not be construed as a departure from this section; finally, adding or eliminating secretaries,

clerks, communication and the like positions shall not be construed as disturbing the composition of the regular Fire/Rescue Department.

(e) Nothing in this chapter shall be construed as limiting the number of additional officers that may be required in case of an emergency.”

Section 2. That, Section 143.01 of the Codified Ordinances of Napoleon, Ohio, as existed prior to the enactment of this Ordinance, is repealed 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. 062-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2022; & 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. 060-21

A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO ENTER AN AGREEMENT WITH THE REGIONAL INCOME TAX AGENCY (RITA) TO PARTICIPATE IN THE REGIONAL COUNCIL OF GOVERNMENTS FOR THE PURPOSE OF ADMINISTRATION AND COLLECTION OF MUNICIPAL INCOME TAX IN THE CITY OF NAPOLEON, OHIO, ALSO AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE ADMINISTRATION AND COLLECTION OF MUNICIPAL INCOME TAX IN THE CITY OF NAPOLEON, OHIO; AND DECLARING AN EMERGENCY

WHEREAS, a Regional Council of Governments was created pursuant to Ohio Revised Code Chapter 167, to foster cooperation between Ohio's municipalities; and,

WHEREAS, the creation of the Regional Council of Governments was primarily to establish a central collection facility, the Regional Income Tax Agency (RITA), for the purpose of administering the income tax laws of the various participating member municipalities; and,

WHEREAS, this Council finds it to be in the best interest of the preservation of the public peace, health or safety of the City of Napoleon and its inhabitants to join the Regional Council of Governments for the purpose of having the Regional Income Tax Agency administer the City of Napoleon's Tax Code and enter into an agreement for same, which is more fully described in Exhibit "A" which is attached and incorporated herein; and,

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

Section 1. That, the Finance Director is hereby authorized to execute on behalf of the City of Napoleon, Ohio an agreement with the Regional Council of Governments for the administration and collection of the City's income tax through the Regional Income Tax Agency (RITA) upon such terms as directed in the agreement, subject to any changes deemed appropriate by the Law Director and approved as to form and correctness by the City Law Director; said agreement having been reviewed by this Council.

Section 2. That, this agreement, shall be on file with the City Finance Director, which has been reviewed by this Council, is approved subject to any nonmaterial change deemed appropriate by the Finance Director and as approved to form and legality by the City Law Director; moreover, the Finance Director is authorized to execute the same on behalf of the City.

Section 3. That, the Finance Director is hereby appointed as the City's representative to the Regional Council of Governments and shall have the authority to designate an alternate who may act in place of the representative in his absence, as authorized by Section 3 of the agreement.

Section 4. That, the expenditure of funds in excess of twenty-five thousand dollars (\$25,000) is necessary and therefore authorized for the administration and collection of municipal income tax in the City of Napoleon through an executed agreement with the Regional Income Tax Agency (RITA).

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

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

Section 7. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for proper funding for financial operations, a service necessary for 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 begin the process in a timely manner and to ensure the smooth transition to RITA with the continued and necessary daily operations of the City's income tax department, 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. 060-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2022; & 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

**AGREEMENT FOR PARTICIPATION IN
A REGIONAL COUNCIL OF GOVERNMENTS**

This Agreement is made and entered into by and between certain municipal corporations in Cuyahoga County, Ohio, and other Ohio counties, who have become parties to this Agreement by causing either this Agreement or an identical copy of it to be signed by an officer duly authorized by the legislative authority of such municipal corporation.

WITNESSETH

The parties to this Agreement, wishing to participate in a Regional Council of Governments pursuant to Chapter 167 of the Ohio Revised Code, consisting of the municipal corporations who are parties to this Agreement, agree as follows:

I. NAME

The name of the Regional Council is "Regional Council of Governments."

II. PURPOSE

The purpose of the Council established is to foster cooperation between municipalities through sharing of facilities for their common benefit. This includes the establishment of a central collection facility for the purpose of administering the income tax laws of the various municipal corporations who are parties hereto and for the purpose of collecting income taxes on behalf of each such municipal corporation, doing all things allowed by law to accomplish such purpose.

III. ADMINISTRATIVE AUTHORITY

The Council is established and administered in the following manner:

A. Each municipal corporation which is a party to this Agreement has one (1) representative to a Council of Governments, who shall be appointed by the Chief Executive with the approval of City Council. Each municipal corporation shall similarly designate an alternate who may act in place of the representative in his absence.

B. Each member of the Council shall be entitled to one (1) vote on each item under consideration. Voting shall be done by members or alternates personally present and no proxy or absentia voting shall be allowed.

C. The Council shall elect a President, Secretary and Treasurer and such other officers as the Council may desire. All officers shall hold office for a term of one (1) year or until a successor is elected and qualified. Officers shall serve without compensation. The Council shall have the authority to adopt its own rules and by-laws to govern its proceedings.

IV. MUNICIPAL TAX COLLECTION AGENCY

The Council has established a "Municipal Tax Collection Agency" for the collection of municipal income tax revenues on behalf of the member municipalities.

A. The Agency hereby established shall be administered by a Board of Trustees composed of nine (9) persons, at least six (6) of whom shall be officers or employees of participating municipalities. Effective July 1, 1973, these nine (9) persons shall be divided into three groups of three persons each who shall serve overlapping terms. Three members shall be elected for a term of one (1) year, three members elected for a term of two (2) years, and three members elected for a term of three (3) years, beginning July 1, 1973. Thereafter as the terms of each group expire, three Trustees shall be elected for succeeding terms of three (3) years each. A majority of the Trustees shall constitute a quorum and affirmative action may be taken only by a majority of all the members elected to the Board of Trustees. The Trustees shall select annually one of its members to serve as Chairman, one to serve as Vice-Chairman, one to serve as Secretary, and one to serve as Treasurer. Trustees shall serve without compensation.

The Board shall establish its own by-laws which shall include the following:

1. Provision for regular and special meetings.
2. Provision for minutes of all Board meetings to be mailed to all Council representatives and to the Advisory Committee.

B. The members of the Board of Trustees shall be elected in the following manner. Each Municipal member of the Council of Governments may nominate an individual to serve on the Board. Such individual need not necessarily be a representative to the Council or an employee of the municipality which nominates him. The nominees will then be voted on by the Council with each representative having one vote for each vacancy on the Board. The number of nominees receiving the highest votes corresponding to the number of vacancies on the Board shall be deemed to have been elected to the Board by the Council, provided, however, that they receive at least thirty percent (30%) of the votes of those present and voting and subject to the provisions of Paragraph A herein above. If any one or more of the members so-elected does not receive thirty percent (30%), this election shall be void and a run-off election shall be held.

C. Any Trustee may be removed from office by the affirmative vote of two-thirds (2/3) of all the members of the Council at any regular or special meeting. In the event of the removal or resignation of any Trustee from office, the Council shall proceed immediately to elect his successor for the balance of his term.

D. The Board of Trustees shall be authorized to administer and enforce the income tax laws of each of the participating municipal corporations, party to this agreement, as its agent as set forth in the various ordinances. Each municipal corporation, however, retains its right to administer and enforce its own income tax laws coincidentally with the Board.

E. Said Board shall employ an Administrator and such assistants as it deems necessary to fulfill these obligations and the Board may delegate such of its duties, responsibilities and authority as it deems advisable to the Administrator. In addition to the duties and responsibilities required by the various Ordinances, the Board of Trustees, through its Administrator, shall be responsible for, but not limited to the following functions as hereinafter defined:

1. Compiling and furnishing taxpayer lists, which shall be revised, corrected, and re-issued annually.
2. Tax Forms shall be designed, provided, distributed and processed.
3. Billing of taxpayers, except accounts which are delinquent for a period of more than one (1) year shall also be forwarded to the participating government, which has jurisdiction of the subject matter for further action. Upon a request from such participating government, any extraordinary costs incurred by it in collecting delinquent accounts may be charged against the distribution of each participating government which benefits from said collection.
4. Examining and auditing income tax returns and records.
5. Notifying taxpayers of payments due and delinquencies.
6. Disbursing income tax collection to the various participants, as hereinafter provided.
7. Assembling a data processing bank of tax information and tax records. In this connection, the Board of Trustees is authorized to acquire the necessary equipment, by lease or purchase, and to engage the necessary personnel to assemble and maintain this data, and to charge the costs thereof in accordance with sound accounting principles and practices. Said costs shall be prorated to the participating governments in the manner hereinafter set forth in the allocation of costs. The Board of Trustees may also prorate to all the participants over a period of years the costs of major expenditures.

V. RESPONSIBILITIES OF THE PARTICIPANTS

A. Each of the participants in the Regional Council agrees to cooperate insofar as it is practicable to do so with the Board of Trustees or its employees in the following matters:

1. The adoption of compatible income tax provisions and rules and regulations for collection.
2. The granting of full faith and credit to the provisions of the other participants' ordinances and the implementation of such provisions where possible.
3. Furnishing of information or assistance which may be necessary to the successful operation of the Municipal Tax Collection Agency, including the requiring of wage withholding by employers within its jurisdiction for employees living within the jurisdiction of some other participating community.
4. The interchange of tax information and records necessary to the allocation of costs of the Agency or enforcement of its rules and regulations.
5. Sponsoring legal action necessary and desirable for the enforcement of the individual tax ordinances, including legal action necessitated due to audit procedures.

VI. ALLOCATION OF COSTS

A. Each participant to this Agreement agrees to share the costs of establishing this Regional Council of Governments and the Municipal Tax Collection Agency by contributing to the Agency that amount of money which bears the same proportion to the cost of such establishment as the 1970 Income Tax Revenues of the participating community bears to the 1970 Income Tax Revenues of all participating communities. At the initial meeting of the Council of municipal representatives, the Council shall determine the estimated cost of such establishment and each participating municipality agrees to forthwith contribute its share. In the event that such estimate is inadequate, each participating community agrees to take further action to supplement its contribution. Any funds not required shall be returned to the participating community or credited against its future costs of collection.

B. Any municipality which subsequently chooses to join the Council of Governments and to participate in the Municipal Tax Collection Agency shall be required to pay its proportionate share of the costs of establishment computed on the same basis used to compute the shares paid by the original members, as determined by the Board of Trustees, into the general operating fund of the Agency.

C After deduction of direct charges made to municipalities which request special information or extraordinary service, the remaining actual costs of tax collection shall be shared by the participants in the Agency according to the following formula:

1. The total cost of the Tax Collection Agency shall be multiplied by a factor consisting of the number of transactions processed for such participants as the same relates to the total number of transactions processed by said Agency.
2. Total cost of the Agency shall be multiplied by a factor consisting of the participant's percentage share of the total receipts collected by the Agency.
3. Add step 1 and step 2.
4. The sum of steps 1 and 2 (step 3) shall be divided by two and the figure so derived shall represent the participant's total cost.

This formula may be exemplified by the following equations:

Step 1.

$$\frac{\text{Total Cost} \times \text{No. of Participant's Transactions}}{\text{Total Number of Transactions}} = \$ \underline{\hspace{2cm}}$$

Step 2.

$$\frac{\text{Total Cost} \times \text{Participant's Total Receipts}}{\text{Total Agency Receipt}} = \$ \underline{\hspace{2cm}}$$

Step 3.

Add Step 1 and 2. = \$

Step 4.

Divide Step 3 by 2. Participant's Cost = \$

5. The term "Transaction" as used in the above formula includes any activity related to the processing, auditing and handling of forms or communications, the same to be weighted by an experience factor.

VII. DISTRIBUTION OF MONEY

A. The Board of Trustees shall keep all monies collected hereunder in the manner provided by law in a segregated and separate bank account. They shall keep records showing the amount of all income tax monies received by them together with all increments, additions and investment interest thereto. The Board of Trustees shall as far as practicable invest all monies received by them and the interest thereby received shall apply to reduce the total cost of operation of the Agency without regard to any allocation of such interest in participating municipalities.

B. On or before the tenth business day after the end of each month, the Board of Trustees shall settle with the participants for all monies collected by said Board on the participants' behalf, so far as this money can be identified and allocated to the proper participants together with any adjustments thereof. In the event that the monies collected by the Board of Trustees cannot be identified and therefore allocated, said Board shall distribute to the participant said monies with the next immediate monthly payment, after identification and allocation can be made. The Board of Trustees shall retain five percent (5%) of any tax monies to be distributed to the participant to apply toward each participant's respective share of the cost of the operation of the Municipal Tax Collection Agency. The Board of Trustees shall have the authority to amend or adjust the withholding percentage to reflect any changes in the cost of the administration of the Agency as revealed by the annual audit. Disbursements shall be made to all participants at the same time and at the same percentage.

C. At the end of the year, if the cumulative amount withheld from each monthly distribution of any participant shall exceed such participant's share of the annual cost of the operation of the Agency such excess shall be refunded to the respective participant. However, if the cumulative amount held from each distribution for any participant shall be less than such participant's share of the annual cost of the operation of the Agency, such deficiency shall be assessed against the respective participant. The distribution of tax monies to any participant shall be adjusted to reflect any such overpayment or deficiency.

VIII. ANNUAL AUDIT

The Board of Trustees shall cause an annual audit to be made of the operations of the Municipal Tax Collection Agency by an independent Certified Public Accounting firm of their choice for the purposes of verifying the correctness of all accounting procedures employed, all distributions of funds made, allocation of all costs and all reports submitted to the participants. The expenses of such audit shall be part of costs of the administration of the Municipal Tax Collection Agency. Copies of the audit in its entirety shall be furnished to all participants.

IX. BOARD OF REVIEW DECISIONS

A. It shall be the prerogative of the Board of Review of each of the parties hereto to make rulings and to decide appeals from all questions arising in their respective jurisdictions. Copies of all said rulings and opinions shall be filed with the Board of Trustees of the Agency.

B. The parties agree to the extent practicable to consider any prior decision on file with the Board of Trustees on similar questions rendered by the Board of Review of any party. Furthermore, the Board of Trustees shall have the right to request a re-hearing before any Board of Review that renders a decision which they deem incompatible with the operation of the Municipal Tax Collection Agency.

X. ADVISORY COMMITTEE

An Advisory Committee shall be established for the purpose of consulting and advising the Board of Trustees on problems of mutual interest to the participants. Such Advisory Committee shall consist of the respective tax administrators of the participants. Said Committee shall meet at least once a month in the office of the Agency or at any such time as a majority of the members of such Committee shall designate.

XI. CANCELLATION OF THE AGREEMENT

A. Any participant may withdraw from this Agreement for the operation of a Municipal Tax Collection Agency provided, however, that any such withdrawal shall be effective only on December 31st of any given year, and shall be preceded by written notice of withdrawal delivered to the Board of Trustees by registered mail or by personal service not later than July 1, prior to the effective date of such withdrawal. In the event that any participant should repeal its income tax ordinance, the obligations of this Agreement relative to auditing and distribution of funds shall continue in effect until final settlement has been made for all monies collected for the participant, prior to the effective date of such repeal.

B. In the event of the withdrawal for any reason by any participant, such information and records which have been created shall be returned by the Board of Trustees to the respective participant or alternate agency, if so directed, within a reasonable time after settlement has been made. All other rights, titles or interests of the participant to any of the property of the Agency arising out of this Agreement or otherwise, shall be deemed to be forfeited by such withdrawing participant.

C. This Agency may be dissolved by a majority of the parties hereto and in such an event, the Board of Trustees shall liquidate all of the assets of the Agency, pay all outstanding debts and distribute the remaining funds to the participants in the proportion that they share the total cost of the Agency as provided in Article VI.

XII. ADDITIONAL MEMBERS OF THE COUNCIL

In the event any municipality files an application to become a member of this Council of Governments, agreeing to abide by all of the terms and conditions set forth in this Agreement, and such application is approved by members of the Board of Trustees at any regular or special meeting, thereafter, such municipality shall be entitled to representation in the same manner hereinbefore provided for other municipalities.

(Adopted at the Regional Council of Governments Meeting of June 21, 2006/July 18, 2006 as reported at the Regional Income Tax Agency Board of Trustees Meeting July 20, 2006. Effective immediately).

XIII. ADDITIONAL ACTIVITIES

In the event that the Regional Council of Governments shall determine at any time to undertake cooperative activities other than the collection of municipal income taxes, no municipal corporation party to this Agreement shall be required to participate in the administration or cost of such activity without its prior consent. This section may be amended only through unanimous consent of the legislative bodies of all member municipal corporations.

XIV. AMENDMENTS

Except as provided in Article XIII above, this Agreement may be amended by majority vote of all members of the Regional Council of Governments at any regular or special meeting, provided copies of such proposed amendments are mailed to all members not less than thirty (30) days prior to such meeting.

XV. SEVERABILITY

In the event any part or portion of this Agreement shall be found to be contrary to law and thereby held to be null and void, all other provisions of the Agreement shall remain in full force and effect, and shall not be otherwise affected by any such ruling, finding or decision.

XVI. FACILITIES

Pursuant to R.C. 167.04, the Regional Council of Governments adopted the following by-law and amendment.

- A. This Regional Council of Governments is authorized, by and through its governing Board, the 9-member Board of Trustees, to purchase, lease, or construct, or otherwise provide for, facilities to house the operation of the Regional Income Tax Agency as authorized by R.C. 167.05. Any such action requires the affirmative vote of not less than 2/3 of the members elected to the Board.

- B. This by-law adopted April 8, 1997 and effective immediately.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed on the date indicated by signing this Agreement or identical copies of same.

Village/City of _____

Authorized by Ordinance No. _____

Effective Date of Ordinance _____

By _____
 Name Title

By _____
 Name Title

Date _____

Effective Date of Collection

ACCEPTED

 R.C.O.G. President

Date _____



City of NAPOLEON, Ohio

Water Treatment Plant

527 Welsted Street, Napoleon, Ohio 43545-0151

Phone: (419) 592-8811

Web Page: www.napoleonohio.com

MEMORANDUM

To: **Joel Mazur, City Manager**
 From: **Jeff Weis, Water Superintendent,**
Jeremy Okuley, Wastewater Superintendent
 cc: **Mayor & City Council**
 Date: **January 3, 2022**
 Subject: **2022 Chemical Bids**

On December 15, 2021, bids were opened for the chemicals that will be used at the Water and Wastewater Treatment Plants for the 2022 Operational year. There were five (5) bids submitted. After reviewing the bids and specifications, we would like to recommend that the 2022 chemical bids be awarded to the following companies as the lowest and best:

<u>Chemical</u>	<u>Bid</u>	<u>Current Cost</u>	<u>Difference</u>
Aluminum Chlorohydrate.	USALCO @ \$3.9924/gal	\$2.6838/gal	+\$1.3086/gal
Caustic Soda	BONDED @ \$3.00/gal	\$1.47/gal	+\$1.53/gal
Hydrofluorosilicic Acid	BONDED @ \$3.57/gal	\$3.30/gal	+\$0.27/gal
Orthophosphate	BONDED @ \$10.40/gal	\$7.40/gal	+\$3.00/gal
Powdered Activated Carbon	BONDED @ \$1.05/lb	\$0.88/lb	+\$0.17/lb
Sodium Bisulfite	BONDED @ \$3.49/gal	\$2.49/gal	+\$1.00/gal
Sodium Hypochlorite	BONDED @ \$2.05/gal	\$0.93/gal	+\$1.12/gal
Sodium Permanganate	BONDED @ \$14.00/gal	\$10.15/gal	+\$3.85/gal
Liquid Aluminum Sulfate	Chemtrade @ \$1.2798/gal	\$1.0638/gal	+\$0.216/gal

Sincerely,

Jeffrey L. Weis
 Water Treatment Superintendent

Jeremy Okuley
 Wastewater Treatment Superintendent

COPY

**PREMIER BANK
ACCOUNT PAYABLE
P.O. BOX 1111
YOUNGSTOWN, OH 44501**

PREMIER BANK

180204

56-7085/2412

12/15/2021

PAY TO THE
ORDER OF NAPOLEON POLICE DEPARTMENT

\$ **1,000.00**

One Thousand and 00/100

DOLLARS

NAPOLEON POLICE DEPARTMENT
C/O DAVID MACK CHIEF OF POLICE
310 GLENWOOD AVE
NAPOLEON, OH 43545

MEMO

[Signature]
AUTHORIZED SIGNATURE



Photo Safe Deposit

Details on Back

**PREMIER BANK
Premier Bank**

ACCOUNT PAYABLE

180204

NAPOLEON POLICE DEPARTMENT

180204

12/15/2021

Document Date	Document Number	Description	Base Amount	Net Amount
12/8/2021	REQ120821	DONATION FOR BODY CAMERA PROG	\$1,000.00	\$1,000.00
Total			\$1,000.00	\$1,000.00

- DONATION FROM PREMIER BANK - FOR BODY WORN
CAMERAS -

- Needs to be on the TAW Council Agenda Please -

[Signature]

ROX

Housing Revolving Loan Fund Administration Agreement

This Housing Revolving Loan Fund Administration Agreement (the "Agreement") is made and entered into by and between the Ohio Department of Development (the "Grantor") and **City of Napoleon** (the "Grantee") for the period beginning **January 1, 2022** (the "Effective Date") and ending **December 31, 2026** (the "Termination Date").

Background Information

- A. Grantor, through its Office of Community Development ("OCD"), administers the federal Community Development Block Grant ("CDBG") Program and the HOME Investment Partnerships ("HOME") Program for the State of Ohio.
- B. Grantee has been determined to be an eligible recipient of CDBG and/or HOME funds and Grantee has been awarded CDBG and/or HOME funds from the Grantor for use to finance eligible activities that may generate Program Income as defined herein.
- C. Grantor has recognized the positive impact on community development initiatives when the use of Program Income is locally determined. Grantor has permitted the establishment of Housing Revolving Loan Funds within local political subdivisions to meet the primary development goals of:
 - 1. improving the affordable housing stock; and
 - 2. providing for the affordable housing needs of low-and moderate-income persons in designated areas of the Housing Revolving Loan Fund.
- D. Grantor desires to have Grantee to administer a Housing Revolving Loan Fund using the CDBG and/or Home Program Income and Grantee desires to administer a Housing Revolving Loan Fund using the CDBG and/or Home Program Income for the purposes stated above.
- E. Grantee has adopted a Resolution or Ordinance authorizing the execution of this Agreement.

NOW THEREFORE, in consideration of the foregoing and the mutual promises and covenants hereinafter set forth, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

Statement of the Agreement

- 1. **Housing Revolving Loan Fund Capitalization.** Grantee shall deposit any and all Housing Program Income into a Housing Revolving Loan Fund account held by the Grantee.
- 2. **Definitions.**



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, Finance Director, Law Director, , Department Heads, News-media
From: Roxanne Dietrich, Clerk
Date: December 30, 2021
Subject: Technology and Communications Committee – Cancellation

The regularly scheduled meeting of the **Technology and Communications Committee** for Monday, January 3, 2022 at 6:15 pm has been CANCELED due to lack of agenda items.