



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

GENERAL INFORMATION

MONDAY, JANUARY 10, 2022

CALENDAR

5:30 pm – Special Council Meeting

- Swear-in Councilmember Elect Bialorucki
- Organization of Council (Tabled)
Included in your packet are the guidelines/protocol for the organization of council.
- Approval of Plans and Specifications for the Ritter Park Area Path Project
Please see the enclosed Memorandum from Chad
- Appoint two councilmembers to the Volunteer FF Dependents Fund Board (Tabled)
- Appoint two councilmembers to the Volunteer Peace Officers' Dependents Fund Board (Tabled)

6:15 pm - Municipal Properties, Building, Land Use & ED Committee Meeting

- Appeal on Decision of City Engineering Rule 4.1.3 (Tabled)
- Front Street Repaving Project
Included in your packet are two (2) drawings of the West Front Street Addition for the Ritter Park Path

Regularly Scheduled meetings canceled for the week of January 10, 2022 are:

Electric Committee
Water/Sewer Committee
Board of Public Affairs
Board of Zoning Appeals
Planning Commission

January 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3 7:00 pm City Council	4	5	6	7	8
9	10 5:30 pm – Special Council Mtg. 6:15 pm - Municipal Properties Committee Meeting	11	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

SPECIAL MEETING AGENDA

Monday, January 10, 2022 at 5:30 pm

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

A. Swearing in Councilmember Elect: Joseph Bialorucki

B. Organization of Council (Tabled)

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. Set Meeting Dates and Time for Regular Meetings of Council
7. Set Meeting Dates and Times for Standing Committees of Council

C. Good of the City

1. **Discussion/Action:** Approval of Plans and Specifications for the Ritter Park Area Path Project (PID No. 109008)
2. **Discussion/Action:** Appoint two (2) Councilmembers to the Volunteer Firefighters' Dependents Fund Board (Tabled)
3. **Discussion/Action:** Appoint two (2) Councilmembers to the Volunteer Peace Officers' Dependents Fund Board (Tabled)

D. Adjournment


Roxanne Dietrich - Clerk

ORGANIZATION OF CITY COUNCIL*(General Guideline and Procedures Outline)*

CHARTER = Revised Charter of the City of Napoleon, Ordinance No. 022-16, Passed July 5, 2016 and Adopted by Voters on November 8, 2016, Effective January 1, 2018.

COUNCIL RULES = Rules and Regulations of City Council of the City of Napoleon, Ohio, Adopted and Amended by various Ordinances and Resolutions, last Amended by Ordinance No. 068-17, Passed December 4, 2017.

Scheduled Organizational Meeting Date and Time – January 3, 2022 at 7:00 pm.**CHARTER – Section 2.03 Organization**

At the first regular meeting in January following the general municipal election, Council shall meet for the purpose of organization.

CHARTER SECTION 2.07 - Meetings

Regular Meetings. After the organizational meeting, Council shall meet at such times as may be provided by its rules and regulations or by ordinance or resolution; but, it shall hold regular meetings at least twice during each calendar month.

COUNCIL RULE 1.3 - Regular Meetings

The Council of the City shall hold regular meetings at 7:00 p.m. on the first and third Monday of each calendar month at the municipal building. However, if the first or third Monday shall be an observed city holiday, the Council shall meet on the following day.

COUNCIL RULE 1.10 - Agenda for the Organizational Meeting

In addition to the normal agenda, the agenda for the organizational meeting shall include, in this order:

1. CALL TO ORDER BY CLERK OF COUNCIL
2. PRAYER AND PLEDGE OF ALLEGIANCE
3. SWEARING IN (OATH OF OFFICE) OF COUNCIL MEMBERS ELECT: JOE BIALORUCKI, LORI SICLAIR, KEN HAASE, DR. DAVID CORDES.
4. ELECTION OF PRESIDENT OF COUNCIL
5. ELECTION OF PRESIDENT PRO-TEM OF COUNCIL

COUNCIL RULE 2.4 - Protocol for Election of President and President Pro-Tem

In separate actions, the Clerk of Council shall request each member of Council for a name of a candidate for President of Council and a name of a candidate for President Pro-Tem of Council. This shall be asked by first in elected or appointed seniority order (Seniority Order defined as the number of total consecutive years served on City Council from the latest appointment or election date with no break in service), and then alphabetically by last name order for those with equal number of years.

When requested by the Clerk of Council for a nomination for President or President Pro-Tem of Council, each Council Member may: 1) state a name 2) may state their own name 3) may pass if name has already been previously stated and a motion made. Once a name is stated a motion will be requested for the stated name. If a motion (1st) is made, a second (2nd) will be requested. If a second (2nd) is received, then that name will be eligible to be voted on. The Clerk of Council shall proceed to the next member of Council until all members have had their opportunity to state a candidate for President or President Pro-Tem of Council.

Members of Council may nominate themselves for President or President Pro- Tem of Council. Once a given name is stated, and motion and second received, that given name does not need to be repeated by the next person in line.

A vote shall then be taken on each name given, starting with the first eligible name. Each Council Member will be asked to vote *Yes* or *No* on each name presented. The person receiving a clear majority of Yes votes shall be appointed to the office President or President Pro-Tem of Council. In the case of a tie vote on three (3) or more names, than a new vote shall be taken until one of those persons receives a clear majority vote. In the case of a tie

vote on two (2) names only, the winner shall be decided by the flip of a coin, unless another method is approved by majority vote of all the current members of Council. Members of Council may vote for themselves for President or President Pro-Tem of Council.

Current Seniority and Name Order
(by Consecutive Years Served)

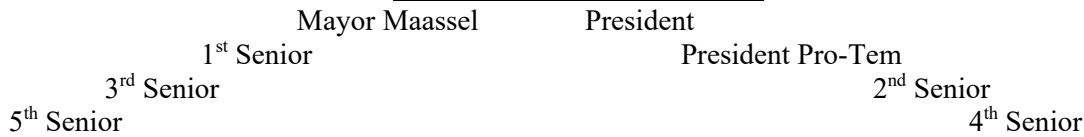
Dan Baer	01-01-2016
Joe Bialorucki	01-18-2016
Lori Siclair	06-05-2017
Ken Haase	01-01-2018
Ross Durham	11-04-2019
Molly Knepley	04-06-2020
Dr. David Cordes	01-01-2022

6. SEATING ORDER FOR COUNCIL

COUNCIL RULE 2.5 - Seating Order for Council

Seating Order shall be from President to President Pro-Tem to Seniority Order, as listed in the example below, unless modified by a majority vote of Council:

COUNCIL SEATING ORDER



A motion to approve to the Seating Order will be requested. If a motion (1st) is made, a second (2nd) will be requested. If a second (2nd) is received, then a vote will be taken to approve the Seating Order of Council. If a simple majority is received, then Seating Order of Council stands approved.

7. APPOINTMENT OF STANDING COMMITTEES OF COUNCIL BY THE PRESIDENT OF COUNCIL

COUNCIL RULE 3.1 - Standing Committees of Council

The following standing committees of Council have been established by Charter:

- Finance and Budget
- Safety and Human Resources
- Electric
- Water, Sewer, Refuse, Recycling and Litter
- Parks and Recreation
- Technology and Communications
- Municipal Properties, Buildings, Land Use and Economic Development.

COUNCIL RULE 3.1.8 - The Appointment of Standing Committees

The Council President shall select and appoint the standing committees, subject to approval of Council. If Council fails to act by January 31st next following the organizational meeting of Council, the selections and appointments of the Council President shall become effective. Prior to selection or appointment to the standing committees, the Council President may allow in an open council meeting for members of Council to request committee appointments, first being for the chair thereof. Requests made shall be in accordance with elected or appointed seniority on Council (number of total consecutive years served on City Council from the latest appointment or election date with no break in service, and then alphabetically by last name order for those with equal number of years). After chair requests are completed, the members in accordance with seniority shall be given the opportunity to select a non-chair position of the standing committees; thereafter, junior members in reverse order shall be allowed to request remaining open seats on the standing committees.

Once Committee members are selected, the President of Council should declare appointments made. **A motion to approve to the Appointment of Standing Committees will be requested.** If a motion (1st) is made, a second (2nd) will be requested. If a second (2nd) is received, then a vote will be taken to approve the Appointment of Standing Committees. If a simple majority is received, then the Appointment of Standing Committees stands approved. Failure to get approval by City Council would require the procedure to be follow again until a simple majority vote of Council is received.

Each standing committee shall consist of three (3) council members. Each Council member shall serve as chairperson of one (1) standing committee and shall serve on two (2) other standing committees. Each committee shall be governed by the rules and regulations of council. Each committee shall investigate and study matters referred to it for consideration and shall report its findings and recommendations to Council as a whole. The Mayor shall serve as an ad hoc member of the Finance and Budget Committee, and the Municipal Properties, Buildings, Land Use and Economic Development Committee, with full voting rights in both committees.

8. APPOINTMENT OF PERSONNEL COMMITTEE

A personnel committee, consisting of the Mayor and two (2) Councilmembers appointed by the Council President is established by the Charter. Council President shall appoint two (2) Councilmembers to the Personnel Committee. If a motion (1st) is made, a second (2nd) will be requested. If a second (2nd) is received, then a vote will be taken to approve the Appointment of Personnel Committee. If a simple majority is received, then the Appointment of the Personnel Committee stands approved. Failure to get approval by City Council would require the Council President to re-submit names for appointment and vote.

The Personnel Committee shall, when a vacancy exists for the office of City Manager, City Finance Director or City Law Director due to death, resignation, or removal, investigate and subsequently recommend in writing one (1) or more suitable persons for appointment. The members of the Personnel Committee shall select one (1) of its members as chairperson. All recommendations of the Personnel Committee shall be presented by the Mayor to Council as a whole.

9. SETTING OF MEETING DATES AND TIMES FOR REGULAR MEETINGS OF COUNCIL

CHARTER – Section 2.07 Meetings

Regular Meetings. After the organizational meeting, Council shall meet at such times as may be provided by its rules and regulations or by ordinance or resolution; but, is shall hold regular meetings at least twice during each calendar month.

COUNCIL RULE – 1.3 Regular Meetings

The Council of the city shall hold regular meetings at 7:00 p.m. on the first and third Monday of each calendar month at the municipal building. However, if the first or third Monday shall be an observed city holiday, the Council shall meet on the following day.

10. SETTING OF MEETING DATES AND TIMES FOR STANDING COMMITTEES OF COUNCIL

COUNCIL RULE 3.2 - Council President, clerk of council and Chairperson of standing committee shall set their respective regular monthly date and time of their standing committee. **Once the regular monthly dates and times are set for the committee meetings, a motion may be made and a vote taken by Council to approve and affirm the dates and times.** The schedule shall be posted upon the bulletin board in the city's principal municipal building. Should the chairperson of a committee find it necessary to hold the meeting at another time or place, notice shall be provided pursuant to Chapter 103 of the Codified Ordinances. All committee meetings shall be open, (except that, upon approved motion, an executive session may be entered into for a proper purpose) and committee report containing a record of the attendance of members of the committee and the action taken thereat shall be kept by the committee in a record provided for that purpose.

Such record shall be kept on file with the clerk of council and open to public inspection as other public records.



City of Napoleon, Ohio

Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

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

www.napoleonohio.com

Memorandum

To: Joel L. Mazur, City Manager
From: Chad E. Lulfs, P.E., P.S., Director of Public Works
cc: Mayor & City Council
Roxanne Dietrich, Clerk of Council
Date: January 7, 2022
Subject: Ritter Park Area Path Project (PID 109008) ~ Re-Bid

On Wednesday, January 5, 2022, we were scheduled to open bids for the Ritter Park Area Path Project (PID 109008). We received no bids. The day before the bid opening, the Design Consultant made us aware of a plan error. However, due to the timing of this finding and the rules regarding the bid process, we were not able to pass this information along to the potential bidders.

City staff contacted the plan holders for the initial bid and there is still interest in the project. We have revised the plan error and are requesting to re-bid this project. With approval of Council, we will rebid this project and open bids on February 2, 2022.

CEL

CITY OF NAPOLEON
MUNICIPAL PROPERTIES, BUILDINGS, LAND USE, AND ECONOMIC DEVELOPMENT COMMITTEE
SPECIAL MEETING AGENDA

Monday, January 10, 2022 at 6:15 pm

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

- 1) **Approval of Minutes, December 13, 2021** (In the absence of any objections or corrections, the Minutes shall stand approved)
- 2) **Appeal on Decision of City Engineering Rule 4.1.3 (Tabled)**
- 3) **Front Street Repaving Project**
- 4) **Adjournment.**


Roxanne Dietrich ~ Clerk

City of Napoleon, Ohio
MUNICIPAL PROPERTIES, BUILDING, LAND USE AND ECONOMIC DEVELOPMENT COMMITTEE
SPECIAL MEETING MINUTES
Monday, December 13, 2021 at 7:00 pm

PRESENT

Committee Members	Molly Knepley-Chair, Lori Sicclair, Joe Bialorucki, Jason Maassel
City Manager	Joel Mazur
City Staff	Chad E. Lulfs, P.E., P.S., Director of Public Works
Others	News-media, Attorney Jeff Lankenau, Eric Shaver
Clerk	Roxanne Dietrich

ABSENT

CALL TO ORDER

Knepley, chair of the Municipal Properties, Building, Land Use and Economic Development Committee, called the meeting to order at 7:00 pm.

APPROVAL OF MINUTES

Hearing no objections or corrections, the minutes from the September 13, 2021 Municipal Properties Committee meeting were approved as presented.

REVIEW APPEAL ON DECISION OF CITY ENGINEERING RULE 4.1.3

Mazur stated we received notice mid to late October that the resident at 1010 Fairview Drive was looking to replace his driveway. He was then given the City Engineering Rules stating that the drive approach can only be a certain width and that the driveway has to be a certain width including the wings at the drive approach. I was contacted by the resident, who is here tonight, Mr. Eric Shaver. He said I want to repave my driveway a little differently and I said the engineering rules adopted by Council apply to everyone on a city dedicated street and you have to abide by these specifications/rules. Later we were informed that the resident decided to pave the driveway to how he wanted it to be rather than to city specs. He poured his driveway knowing what the specifications were to a specification that is not outlined in the City Engineering Rules. We then sent a letter to Mr. Shaver stating that he needed to correct the problem. Basically it was poured out of spec, wider than normal without any wings at the drive approach. Sicclair clarified so more than 30' wide with no wings. Shaver – correct, 30' with no wings. Mazur continued we looked at the history of Fairview Drive. That used to be a private drive and there were no rules because the city did not maintain anything. Later Fairview Drive was dedicated to the city and the driveways that were there, the residents were forced to change their drive approaches. There are some drive approaches on Fairview that do not have wings and have the 30' width or less. This is the first appeal for something like this, as far as we know. Lulfs stated I have been here 16 years and have never put a driveway in outside of the specs. Mazur stated we have not had this happen before. The worry now is, if you do it once will it affect future driveways and requests going forward by setting a precedent that would be difficult to reverse. I did receive a phone call from Mr. Lankenau and told him we can put everything in front of committee. The charge of this committee, and we have done one before in the Water and Sewer Committee but, not in this committee. The Water/Sewer Committee was a utility bill issue that was appealed because they had a running toilet in an empty building and wanted to appeal their bill as water had been stuck on for a couple of weeks that resulted in a very large bill. The language is similar here “the Municipal Properties, Buildings, Land Use & Economic Development Committee of Council shall be limited to the question of whether the City Manager acted unreasonably, arbitrary or capricious in his/her decision.” My decision was you have to follow the engineering rules. There is a way to go through a process to get a variance or appeal this beforehand. The rules are what they are and the resident did know about them. I suggested to Mr. Lankenau that this case be looked at by this committee to see if there was another opinion or anything else that could be, should be, that Council may want to take into consideration. The appeal came in and the recommendation right now is the resident should correct it but, is that the right thing to do? Maybe it is, that is why I suggested this hearing. Perhaps the resident or Mr. Lankenau can explain further what took place and why the resident did what he did, why he wanted it in such a configuration that he has now. Sicclair said I would be interested to hear what he has to say however, I would like to know, what problem is it causing to have it configured this way other than the fact that it is not following the rules? Is it affecting anyone else or is it affecting something that needs to be done by the city? Lulfs responded

the only thing I see it is affecting is if we do not have a rule, we cannot limit the width and the design of driveways in the City's right-of-ways. If we have to review every driveway that comes in, that is an issue for staff. There is one standard and staff knows what to expect when they go out. If we change them this time why are there any rules on it? We do well enforcing the rules on paper because that is what we are tasked with. If we do not follow those rules on paper what are we to enforce is my concern. Siclair said the problem is the driveway is wider than a normal driveway because the entire thing is 30'. Lulfs stated the 30' maximum width at the back of curb was met but, the rules say it is then to taper in 3' to the right-of-way line, usually the right-of-way line. If the right-of-way line is obscenely far back we don't make them go all the way back but, the rule simply says 3' back of curb which includes a 3' wing on each side. Mazur said can you explain the reason why the design is the way it is. Lulfs explained inevitably when people have a straight driveway they drive off of the edge and then we have low areas behind the curb and in the city right-of-way. The wings are meant to be basically how you would turn a corner, to allow vehicles to turn into a driveway. Commercial driveways are not required to have wings put in, they are required to have actual radius with a curb. That is more expensive so residential driveways have always been just wings. Maassel asked what are we asking the resident to do, are we asking him to break off 6'? Lulfs stated in the letter that was issued, we simply requested the property owner to correct the issue and we were willing to consider options. Whether that means cutting a triangle off each side or remove the entire approach and re-pour the approach. The driveway itself behind the right-of-way can be as wide as you want it. We have had a few residents do a concrete area behind the right-of-way off to one side so they can back up and not back into traffic, they can just turn around in their driveway. Once you get behind the right-of-way there is no requirement other than you cannot be on your neighbor's property. Maassel asked if the driveway closest to the river has wings on the driveway? Shaver said yes he does. Lulfs said it is an older driveway that was done before the city standard and the wings are like a 2' x 2' radius on each corner. Maassel asked Mr. Shaver how wide was the driveway before you re-poured it? Shaver said 17' and it had no wings. The approach was done sometime in the 90's or 2000 and re-poured by the city straight as well. Maassel noted this is quite a bit bigger so you can back your stuff in. Shaver said the main reason I went 30' was a safety concern for backing. To pull into the dead end and back right in is another reason I did not put wings in. Towards the river because if I turn right, I am in the river. Lankenau noted the actual drive, because it is straight back with no wings is 30' wide and that is within the limits. I am not talking about any wings, if they were in there. The actual drive is 30' and that is the maximum so that does not exceed the 30' limit. Lulfs said that is true, there are two parts Lankenau interjected if it did have wings then it would exceed the 30'. Lulfs said the wings, we will call it the throat of the driveway. Lankenau stated the throat is the far eastern end, the western end Lulfs interjected well, the throat is the section up the center without wings on each side. The engineering rules were designed so that the primary throat of the driveway is 24' wide which is the width of a city street with 3' wings on each side for total of 30', so 30' with wings would exceed the 30' maximum. Lankenau stated but when the whole thing is 30' wide that encompasses the extra 3' for the wings so it is essentially at the same width, right and accomplishing the same thing as the wings would. Lulfs – essentially. Lankenau – and even more because it is 30' all the way until you run into the garage. Lulfs said the committee is to decide if the City Manager's decision is arbitrary, reasonable or capricious. Maassel – understand. Lankenau said well that is exactly the resident's point, that it is arbitrary. Implying these rules, sticking a square peg in a round hole one rule fits all. This particular physical layout of this dead-end street that happens to dead-end into the river, one house later is very different than virtually every subdivision in the rest of the city or at least 90% of them is different. Nobody comes from the north to pull in, they come from the south. There is a fire hydrant and a waterline that these wings, if they were placed on the north end would cover the waterline. Mr. Shaver would like to speak to the point that this layout is different than most in the city and it is arbitrary to apply the rules that apply to 90% of the other subdivisions to his particular property. He was not trying to cut corners although he cut the wings off, it actually cost him more money to do it the way he did it especially with the backing from the outside street back to his driveway. The short period of time it has been in, his driveway it getting a lot of use from the neighbors, from delivery trucks, Prime is backing out of his driveway all the time rather than going into the skinny little driveways that are to the north and south. Mr. Shaver would like to speak why he did what he did and why he thinks overall it is a much better situation for the whole neighborhood than if you make him start cutting off slabs of concrete. Shaver stated the right-of-way is only 6' from back of curb and in my twenty some years of construction experience, that is a very short right-of-way. I understand why it is short because on the opposing side they have 18' because that is where all of our drainage is ran down that street. Lulfs' point as to why there are wings and how to turn out is exactly right. I went out and measured the neighbor's wings and was going to go 30' wide so I can back my trailer in safely without passing all the kids on the street. I did a 6' wide wing 12'

back. The inspector came out and said it was too wide so I tried to compromise and just go 30' as I thought that meets our parameters of the maximum width and would go straight in. Now we have plenty of room, I can open my doors and as Lankenau stated Fedex, UPS, Amazon use the drive too. The neighbor had a delivery and I did not know about it until my ring camera went off. A semi pulled down the road had a forklift on the back, unloaded the forklift, backed into my drive picked up a large item drove it down to his driveway and back. Where if that was not there, the forklift would have been in someone's yard. This being a true dead-end, safety for me going in and out is why I did what I did and my reasoning and determination for going 30' was I was trying to find a compromise. Mazur stated I will argue I was not arbitrary only because there is a public process. The resident knew what the engineering rules were and decided and acted on his own to deviate from those rules. There is a process to go through, get a permit and appeal to the correct and appropriate body to look at variances is why I made the decision the way I did. Everything else aside, he brings up good points it is just that that process was not followed. The resident knew what the rules were that is as plain and simple as that. He just choose not to follow those rules. He received the letter and now is asking for forgiveness rather than permission I do not have any personal attachment to that and what he is bringing up does make sense. I wanted to bring that up because of the statement it was arbitrary. Had this went through the normal process would this have been approved? That is the question. It is important to have a public process so that neighbors, residents and those that are or could be affected are able to weigh in on it and that needs to be respected. That won't be tolerated as long as I am City Manager. There is a process for a reason and it is out of respect for everyone else in the neighborhood. If we were to rewind the clock and start over and he brought this up to everybody at the appropriate time, hour and give everybody a chance to look at it and nobody objected, and in a lot of these cases you do not get any objections, I don't think we would really have an issue with it. Knepley noted that is where I'm struggling. We do not want residents to think they can just go ahead with it and then we will approve it. The rules are there for a reason. Lulfs and his department went out and did what they needed to do. Bialorucki said I feel similar. If there was enough time for the process to work on this case and I do not know the timing of when the pouring was done by the contractor or whoever Shaver said I did the pouring. Bialorucki continued you knew there was a process and maybe we could have Shaver interjected I did not know there was a process for appealing until I got a letter saying I should have done so after the fact. I had blueprints showing what I was supposed to do. I made some contacts and tried. I was going to go 36' wide and tried to find a happy medium and went 30' wide with no wings so I could still get a trailer in. Maassel asked was drive otherwise poured to city spec? Lulfs replied we believe it was proper thickness because we inspected the excavation. We do not have the concrete ticket. Shaver noted I have the concrete receipts. I did 5" on everything and 6" at the 6' right-of-way is what the city told me to do with all the service trucks in and out. Lulfs said I have no concerns with any of the other parameters. Maassel stated the potential solutions are do nothing or do something. If we do something where does that come in? The wing that goes north will that affect the gas line, the fire hydrant if in 3'? Lulfs said it will not affect the fire hydrant. Technically there are gas valves under driveways too. Shaver said with that valve being 12" deep and the estimate I was given by Ohio Gas, who was nervous knowing I was going to do this with that gas line running down this driveway, I did not want to take that risk and did not put concrete in even close. I put tickers in the back so it wouldn't be near the gas line. Lankenau told Shaver to tell council the efforts you made prior to pouring to get the city to come out to the site and reach some resolution. Shaver said the actual blueprints/city drawing for the standard of the driveway says in parenthesis "unless otherwise approved by the city engineer". I contacted him and asked to have anybody come out and look at it, you can look at the maps all you want and you still cannot get the entire picture. Seeing it in person would make a little difference but not going back and forth through emails and numerous phone calls. I made a visit to the actual city building to talk to either one and that day he was off, he was in a meeting. There were seven attempts Lankenau added prior to Shaver continued to get somebody to come out before being poured. Lulfs said my office was contacted, Jerry Hillis did the excavation. Deblin went out and inspected it and said this is too wide, you cannot do it. We sent the specifications and the detail showing what you can do. I do not have the authority to overrule the engineering rules. I called and explained to him what the book says is how it has to be. If you don't like it you can appeal it to the City Manager. Maassel said that is what he tried to do. Lulfs noted Mazur was out of town so we had to do some of this via email and he got back late Friday and responded. Shaver said if you read the emails there are at least two or three attempts where I invited anybody from the city to show up and not look at google maps. Lulfs stated whether I go or not, I cannot vary from what the books says. Shaver expressed that "approved by the City Engineer" should not be in there on the print emailed to me. Lankenau explained at the end of the drive in parenthesis it says "unless approved by City Engineer" is what led him to believe it was Lulfs' call. Lulfs then read Engineering Rule 4.1.3. Sicclair said you have

to follow the rules but, it can be to your discretion is what you are saying. You can decide if his plan makes more sense than that is okay but there is a process. Mazur said I was not comfortable deviating from the rules and making an exception with such little time when the excavation was already done and somebody already had plans to pour over the weekend. The decision from the resident's perspective was already made. There is value in pushing the pause button and evaluating but, that was not afforded to me at that time. Shaver said I tried to be within the 30' rule, I saved \$3,000-\$4,000 doing it myself. We had been planning to do this for a long time and then find out there is different rules that may or may not apply. Siclair asked if there were any complaints from your neighbors? Shaver responded they actually are very happy with it and really like the convenience. Bialorucki asked you poured the concrete on Saturday, October 23rd? Shaver - yes. Maassel said if we agree with Mr. Lankenau that the City Manager did act in an arbitrary manner, it goes back to the City Manager for further consideration. What will your solution be if it comes back. Mazur replied I do not have an issue with the way it is laid out. I would like to check with some of the neighbors and do not want this to be a decision that would set a precedent. Maassel asked if he puts wings on one, it is now 33' wide. I do not see a need to put on one on north side. I do not want to go wider than 30', I like the standardization. Siclair noted it does not look bad. Maassel said Lulfs did everything right. Knepley reiterated where I struggle is, the process was not followed and it should have been. The rules are there for a reason and if you go outside of the rules and bounds why do we have rules? I do understand Mr. Shaver why you did what you did and it does look nice. Shaver said my biggest issue is to let future residents know there is a process to follow and remove approved by the city engineer. I now know if this was done six months ago and I had approval, I would not have been in this situation. Bialorucki said going forward, if this went to the Law Department what would the steps be? Lulfs said if he is ordered to correct the issue and it went to legal, it is a minor misdemeanor for each day out of spec with a potential fine of \$100/day it is out of spec. Bialorucki said it sounds like the City Manager had the time to be able to go out there and evaluate it and talk with you but, he did not have time being out of town. If there is a way in our rules we could impose something to show if you do not follow the process, then it is going to work this way. We do not want to set the precedent if do something wrong, there is nothing. Siclair asked what is the process when the neighbors need to be notified? Mazur replied that is on me I would notify everybody. One is a Planning Commission member on that street. I want to make sure everyone is okay with this. Siclair asked how far out does that go? Mazur responded I would just check with the neighbors around him. Word gets out about things like this. I did not appreciate someone doing something they were told not to do and now is asking for forgiveness instead of permission. Siclair asked if you would be alright with checking with the neighbors, would that be the end of it? Mazur said I do not have any issues with the layout and fire hydrant. I can appreciate he does not want to come close to that and other utilities. A history check was done by going through this process. Zero times this was deviated in the last sixteen years. Maassel noted there was no appeals. Bialorucki said going forward maybe adding to the resident that is asking question can we do this, in rereading your response which was late on Friday you are required to follow Engineering Rules adopted by City Council and your role is to ensure policy is followed. In the future if you can add other options if someone wants to appeal the engineering rules, here is how to do it. Mazur said the rules were submitted to him and he knew there was an appeal process. Shaver stated I thought I read the appeal was contacting the City Manager is why I thought I was appealing and did not realize there was an extra process. Mazur said that is correct he did that by email. Knepley said I am alright with checking with the neighbors and see what they say or do you want to bring it back to vote. Mazur said you can vote now or wait. Maassel noted the only thing we can vote on is did the City Manager act unreasonably, arbitrary or capricious in his decision. Bialorucki said voting "no" means you were not the rules apply. Siclair said if the rules apply then what? Do we make him cut concrete? I don't get behind that part of it. Mazur suggested how about no action, I can get with Mr. Shaver, check with neighbors and make a decision based on that and report back to committee. Knepley stated I would like that, to have more time to think about it. Lankenau expressed our point is, the rules do not fit the physical layout of this particular area and therefore applying any of those rules would be acting arbitrary.

Motion: Maassel
to table this matter

Second: Siclair

Roll call vote on the above motion:
Yea-Bialorucki, Knepley, Maassel, Siclair
Nay-

Yea-4, Nay-0. Motion Passed.

size ≤ 0.3 mm) shall be required between the subgrade and the aggregate base. Heavier pavements shall be required for arterial streets and streets within commercial and industrial areas. (Amended – August 7, 2006 – Ordinance No. 062-06)

Except for those streets designated as arterial streets, the standard width of pavement shall be twenty- nine feet (29') as measured from the back of curb with ODOT Type 2 concrete curb and gutter. ODOT Type 3 concrete curb and gutter may be utilized in new residential subdivisions. (Amended – August 7, 2006 – Ordinance No. 062-06)

The pavement width may be reduced to twenty-five feet (25') if existing right-of-way width prohibits standard width pavement and approved by the City Engineer. (Amended – May 2, 2016 – Ordinance No. 009-16)

Arterial streets shall be a minimum of thirty-three feet (33') in width as measured from the back of curb with ODOT Type 2 concrete curb and gutter. The concrete curb and gutter may be eliminated in industrial developments if approved by the City Engineer. Where curbs and gutters are eliminated, shallow grass drainage swales shall be provided along both sides of the roadway. (Amended – August 7, 2006 – Ordinance No. 062-06)

Streets shall be constructed with transverse slopes of one quarter inch ($\frac{1}{4}$ ") per foot as measured from the centerline to the edge of asphalt. Parking lots shall be sloped to a point, or series of points, within the pavement so as not to shed storm water off the site. Such slopes shall not be less than one percent (1%).

Six inch (6") nominal diameter perforated under drains shall be provided along both sides of pavement. Underdrain inverts shall be four feet (4') below the top of curb. The under drains shall be located directly under the back of curb. Where no curbs are to be constructed, the under drains shall be located directly beneath the edge of the proposed pavement and the invert shall be four feet (4') below the edge of pavement. (Amended – August 7, 2006 – Ordinance No. 062-06)

Rule 4.1.3 SIDEWALKS AND DRIVE APPROACHES

Sidewalks shall be located along both sides of streets, *unless otherwise approved by the City Engineer*. Sidewalks shall be four inches (4") of ODOT Item 499, Class "C" concrete over six inches (6") of Compacted Aggregate Base (ODOT Item 304) or Stabilized Crushed Aggregate (ODOT Item 411) except within five feet (5') of drive approaches and within the intersection of rights-of-ways. At drive approaches and intersections, sidewalks shall be six inches (6") of ODOT Class "C" concrete over four inches (4") of Compacted Aggregate Base (ODOT Item 304) or Stabilized Crushed Aggregate (ODOT Item 411). (Amended June 6, 2016 Ordinance No. 020-16)(Amended – May 2, 2016 – Ordinance No. 009-16) (Amended – August 7, 2006 – Ordinance No. 062-06)

Sidewalks shall be four feet (4') in width when located at least two feet (2') from the back of curb or edge of pavement, as applicable. Where within two feet (2') of the back of curb or edge of pavement, sidewalks shall be five feet (5') in width.

Sidewalks shall have a transverse slope no greater than one quarter inch ($\frac{1}{4}$ ") per foot, nor a longitudinal slope greater than one inch (1") per foot.

Handicap ramps with curb drops shall be provided at all intersections. *(Amended – August 7, 2006 – Ordinance No. 062-06)*

Drive approaches for residential developments shall be a minimum six inches (6") of ODOT Item 499, Class "C" concrete over six inches (6") of Compacted Aggregate Base (ODOT Item 304) or Stabilized Crushed Aggregate (ODOT Item 411). Commercial drive approaches shall be no less than eight inches (8") of ODOT Item 499, Class "C" concrete over six inches (6") of Compacted Aggregate Base (ODOT Item 304) or Stabilized Crushed Aggregate (ODOT Item 411). Minimum drive approach curb cuts shall be fourteen feet (14'). Maximum drive approach curb cuts shall be thirty feet (30') for residential drives. Both minimum and maximum curb cuts include three feet (3') wide drive wings on each side of the drive approach. No residential lot shall have more than one (1) drive unless approved by the City Engineer. *(Amended – May 2, 2016 – Ordinance No. 009-16)*
(Amended – August 7, 2006 – Ordinance No. 062-06)

Commercial and industrial drive approaches shall have Type 2A concrete curb with radii in place of wings. Commercial drive approach widths shall be submitted for review by the City Engineer. *(Amended – May 2, 2016 – Ordinance No. 009-16)*

Rule 4.1.4 VERTICAL GEOMETRY

A vertical curve shall be established where the algebraic differential of grade is greater than ninety-five hundredths percent (0.95%). Vertical curves shall be no less than fifty feet (50') in length.

Pavement grades shall be not less than fifty hundredths percent (0.50%), nor greater than five percent (5%), except in cases of extreme necessity. *(Amended – August 7, 2006 – Ordinance No. 062-06)*

Pavement and gutter grades shall be established on intersection details at the following locations: *(Amended – August 7, 2006 – Ordinance No. 062-06)*

1. At the end of all radii.
2. At the Center of all radii.
3. At the intersection of pavement centerlines.
4. At any point necessary to clarify drainage.

Rule 4.1.5 HORIZONTAL GEOMETRY

The minimum allowable radius at intersections shall be twenty-five feet (25') as measured to the back of curb, except at intersections of a proposed street with an arterial street or state route where the minimum radius shall be thirty-five feet (35') as measured to the back of curb. If streets are not curbed, the minimum radii shall apply to the edge of payment. Where a street is terminated due to phasing, a temporary cul-de-sac shall be constructed. Temporary cul-de-sacs shall have a minimum radius of thirty-five feet (35') and shall be constructed of twelve inches (12") of Compacted Aggregate Base (ODOT Item 304) installed in two (2) lifts. *(Amended – August 7, 2006 – Ordinance No. 062-06)*

RULE 7 ADMINISTRATIVE APPEALS

Rule 7.1 Appeals in General

Any decision of the City Manager in regard to the denial, suspension or revocation of a permit, as required by the "City of Napoleon, Ohio Engineering Department Rules and Regulations", or any finding or imposition of an administrative fine, as authorized by the "City of Napoleon, Ohio Engineering Department Rules and Regulations", or forfeiture of prior approvals of the City Engineer may be appealed to the Municipal Properties, Buildings, Land Use & Economic Development Committee of Council, so long as the appeal is commenced in a timely manner. *(Amended – May 2, 2016 – Ordinance No. 009-16)*

A filing fee of thirty-five dollars (\$35.00), as may be amended from time to time, will be charged for all appeals to the Municipal Properties, Buildings, Land Use & Economic Development Committee of Council. However, this fee may be waived by the Finance Director in cases of indigence. Further, said fee will be returned if the appealing party prevails. *(Amended – May 2, 2016 – Ordinance No. 009-16)*

Rule 7.2 Appeals from Decision of City Manager

After a hearing by the City Manager, a decision or order shall be rendered and delivered by either personal service or mailed to the person who filed the appeal at the last known address by regular mail.

An appeal from a decision of the City Manager, after hearing, may be taken to the Municipal Properties, Buildings, Land Use & Economic Development Committee of Council, so long as a notice of appeal is filed in writing with the Finance Director within thirty (30) business days after mailing of the decision or order of the City Manager or thirty (30) business days after rendering the decision or order by personal service to the person who filed the appeal. *(Amended – May 2, 2016 – Ordinance No. 009-16)*

Appeals will not stay the decision or order of the City Manager as a result of his/her finding.


Appeals to the Municipal Properties, Buildings, Land Use & Economic Development Committee of Council will be held in a timely manner and will be informal in nature such that the rules of evidence shall not apply. *(Amended – May 2, 2016 – Ordinance No. 009-16)*

Such orders of the Municipal Properties, Buildings, Land Use & Economic Development Committee of Council will be considered final. *(Amended – May 2, 2016 – Ordinance No. 009-16)*

Rule 7.3 Scope of Appeals

The scope of all appeals to the Municipal Properties, Buildings, Land Use & Economic Development Committee of Council shall be limited to the question of whether the City Manager acted unreasonably, arbitrary or capricious in his/her decision. The Committee may, upon a finding that the City Manager acted unreasonable, arbitrary or capricious in his/her decision, merely remand the

subject of appeal to the City Manager for further consideration. *(Amended – May 2, 2016 – Ordinance No. 009-16)*

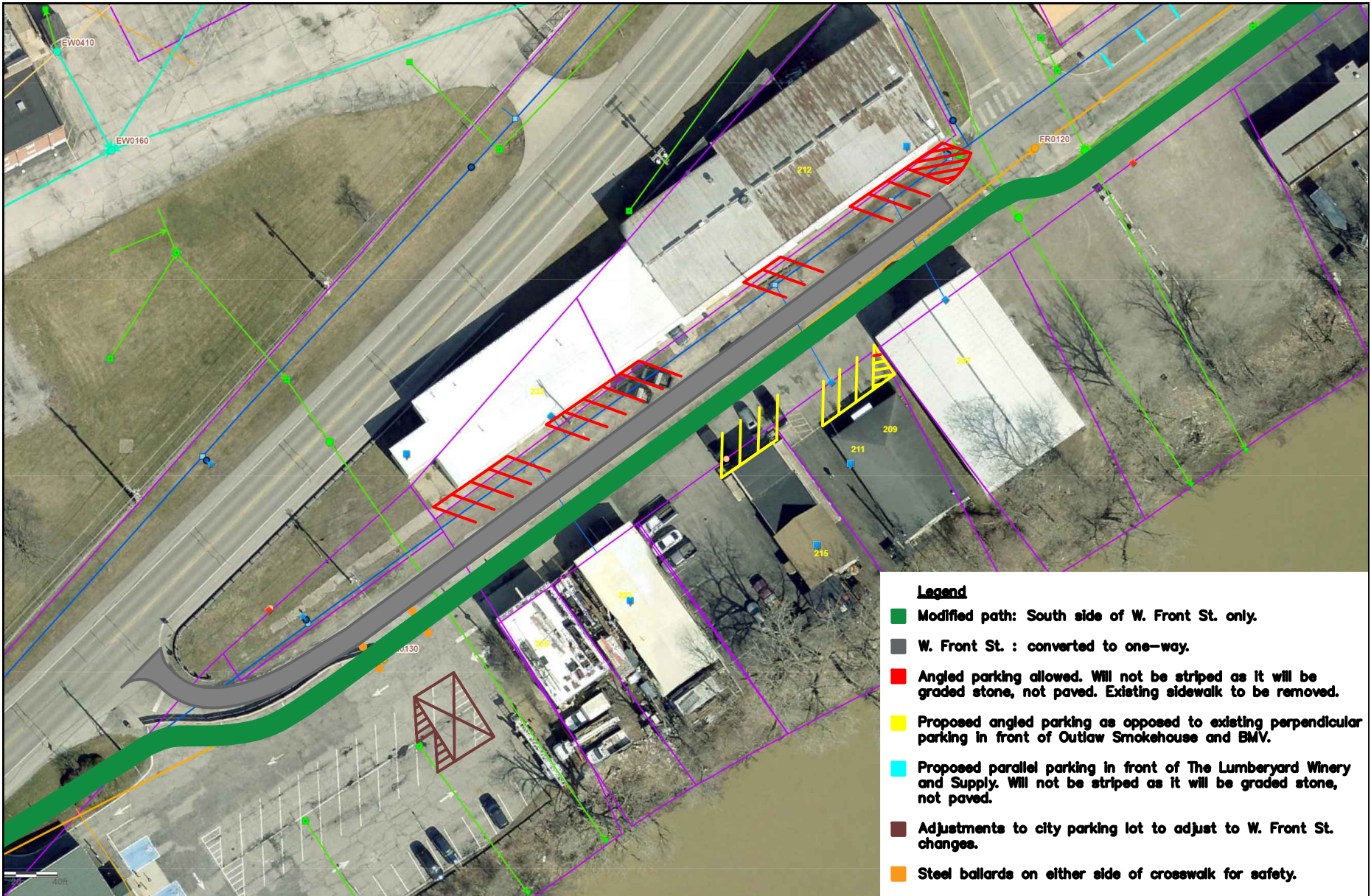


**T in gas line, valve 12" below
grass, 9' from curb**

**Fire hydrant 3' from curb, 5'
from driveway**

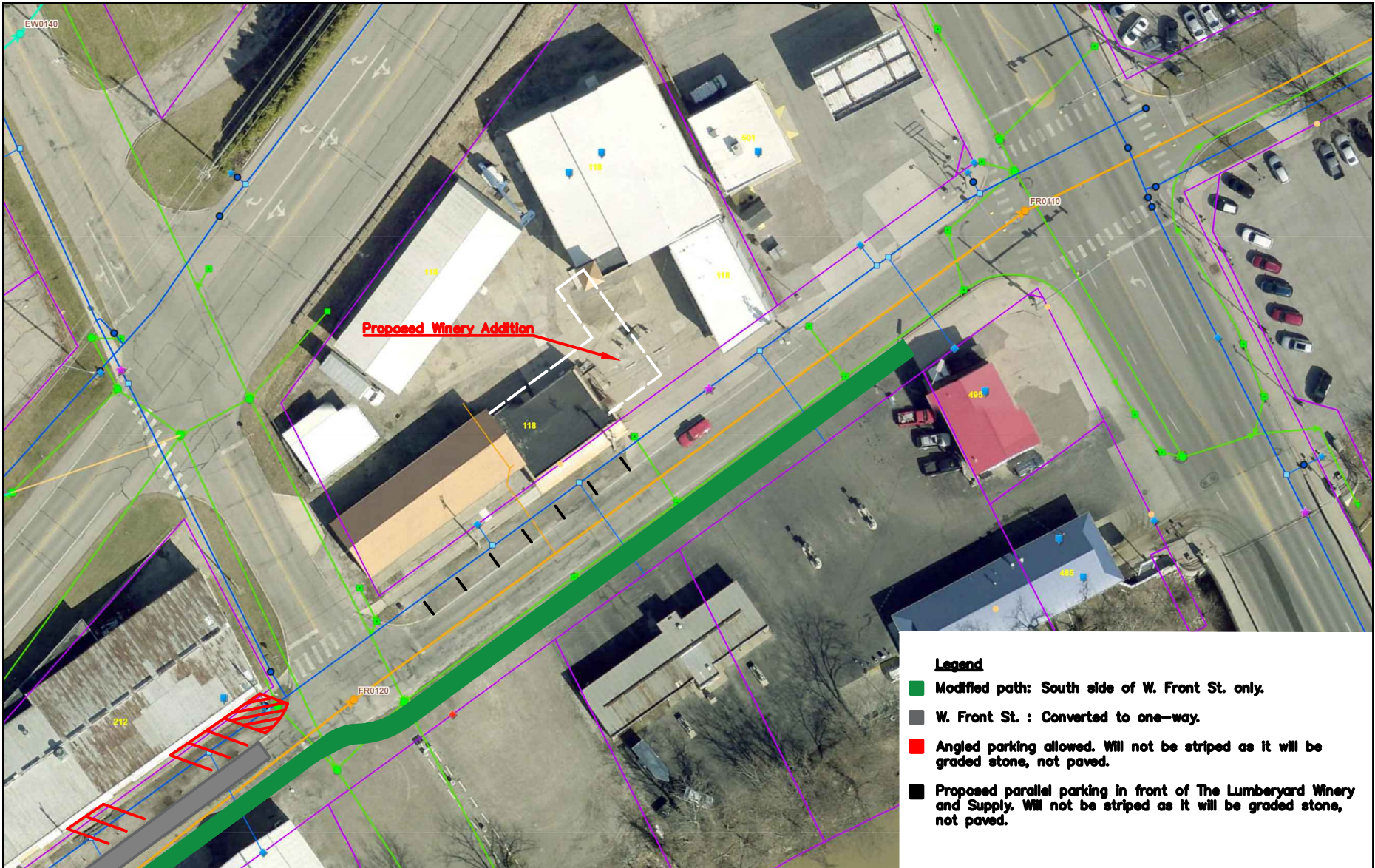


40' to deadend



Legend

- Modified path: South side of W. Front St. only.
- W. Front St. : converted to one-way.
- Angled parking allowed. Will not be striped as it will be graded stone, not paved. Existing sidewalk to be removed.
- Proposed angled parking as opposed to existing perpendicular parking in front of Outlaw Smokehouse and BMV.
- Proposed parallel parking in front of The Lumbyard Winery and Supply. Will not be striped as it will be graded stone, not paved.
- Adjustments to city parking lot to adjust to W. Front St. changes.
- Steel ballards on either side of crosswalk for safety.





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: Electric Committee, City Council, Mayor,
City Manager, City Finance Director, City Law
Director, Department Supervisors, News-media

From: Roxanne Dietrich, Clerk

Date: January 07, 2022

Subject: Electric Committee Meeting Canceled

The Electric Committee meeting scheduled for Monday,
January 10, 2022 at 6:15 pm has been CANCELED by the chair.



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: Water, Sewer, Refuse, Recycling & Litter Committee,
City Council, Mayor, City Manager, City Finance Director,
City Law Director, Department Supervisors, News-media

From: Roxanne Dietrich, Clerk

Date: January 7, 2022

Subject: Water, Sewer, Refuse, Recycling & Litter
Committee Meeting Canceled

The regularly scheduled meeting of the **Water, Sewer, Refuse, Recycling and Litter Committee** for Monday, January 10, 2022 at 7:00 pm has been CANCELED due to lack of agenda items.



City of Napoleon, Ohio

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

Memorandum

To: Board of Public Affairs, City Council, Mayor, City Manager, City Finance Director, City Law Director, Department Supervisors, News-media
From: Roxanne Dietrich, Clerk
Date: January 7, 2022
Subject: Board of Public Affairs Meeting Canceled

The regularly scheduled meeting of the Board of Public Affairs for Monday, January 10, 2022 at 6:15 pm has been CANCELED by the chair.



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: Board of Zoning Appeals, City Council, Mayor, City Manager, City Law Director, Finance Director, Department Supervisors, News-media

From: Roxanne Dietrich, Clerk

Date: January 7, 2022

Subject: Board of Zoning Appeals – Cancellation

The regularly scheduled meeting of the Board of Zoning Appeals set for Tuesday, January 11, 2022 at 4:30 pm has been CANCELED due to lack of agenda items.



City of Napoleon, Ohio

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

www.napoleonohio.com

Memorandum

To: Planning Commission, City Council, Mayor,
City Manager, City Finance Director, City Law
Director, Department Supervisors, News-media

From: Roxanne Dietrich, Clerk

Date: January 07, 2022

Subject: Planning Commission – Cancellation

The regularly scheduled meeting of the **PLANNING COMMISSION** for Tuesday, January 11, 2022 at 5:00 pm has been *canceled* due to lack of agenda items.