



City of Napoleon, Ohio

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GENERAL INFORMATION

June 6, 2022

CALENDAR

MEETINGS

6:15 pm – Technology and Communications Committee

1. Approval of April 4, 2021, Minutes
 - a. a copy of the minutes is attached
2. Discussion on Changing/Updating the Utility Program and Obtaining a New Server for the Finance Department
 - a. Kevin Garringer asked to have this item presented to committee for discussion as they need to upgrade the current Utilities program. Should they stay with the current vendor, some cost options would be:
 - To buy EP for UTYX, then upgrade to Authority Utility + EP before Jan 31, 2023 will cost: \$72,550
 - To buy EP for UTYX and upgrade to Authority Utility after Jan 31, 2023 will cost: \$90,828
 - b. He also wants to discuss purchasing a new server for the Utility/Finance department as the current server will be reaching its capacity within the year.

7:00 pm – City Council Meeting

First Reading of Ordinances and Resolutions

1. **Ordinance No. 031-22**, an Ordinance Approving a Certain Agricultural District located in the City of Napoleon, Ohio at the Location of County Road R, as applied for by American Road Holdings, LLC.; and Declaring an Emergency
2. **Resolution No. 032-22**, a Resolution Amending Resolution No. 051-21, the City's Yearly Reoccurring Costs Legislation; and Declaring an Emergency (Suspension Requested).

Second Reading of Ordinances and Resolutions

1. **Ordinance No. 028-22**, an Ordinance Addressing the Provisions of and Authorizing the City of Napoleon, Ohio to Opt Out of Amended Substitute House Bill 172, and Reaffirming the Ban on the Possession, Sale, and Discharging, Igniting or Exploding Fireworks within the City of Napoleon, Ohio, as set forth in Chapter 1519 of the Codified Ordinances of the City of Napoleon, Ohio as it existed prior to the enactment of Amended Substitute House Bill 172; and declaring an Emergency
2. **Resolution No. 029-22**, a Resolution Authorizing the Transfer of Certain Property to wit: Approximately 10.10 acres, more or less of real property, Parcel No. 28-070078.0200, owned by the City to the Community Improvement Corporation of Henry County, Ohio; and declaring an Emergency

Third Reading of Ordinances and Resolutions - None

Good of the City (Discussion/Action)

- Items 1 and 2 are recommendations from the Safety and Human Resources Committee.
 1. Recommendation to Establish a Temporary Position of Assistant Operations Superintendent (direct Law Director to draft Legislation)

2. Recommendation to Update Section 197.06 Residency Requirements of the Personnel Code (direct Law Director to draft Legislation)
3. 2022 Community Housing Impact and Preservation (CHIP) Program (direct Law Director to draft legislation)
 - a. Maumee Valley Planning Organization is going to apply for funds through the 2022 Community Housing Impact & Preservation (CHIP) Program and needs to update the Partnership Agreement. The update is an extension from the previous agreement to continue the partnership. There are no changes to the agreement.
4. Award of the Ritter Park Area Path Project
 - a. Enclosed is a Memorandum from Chad with this recommendation of award.
5. Request to Apply for the American Rescue Plan Act (ARPA) First Responder Wellness, Recruitment, Retention and Resiliency Grant through the State of Ohio Office of First Responder Wellness for the Police and Fire Departments
6. Request to Apply for the WalMart Safety Grant (Police Department)
7. Request to Apply for the Women Against Women Act 2022 Grant (Police Department)
8. Request to Apply for the PEP Insurance Grant (Police Department)
9. Accept Donation of Meeting Room Chairs from NapNaz Church to the Fire Department

Sun	Mon	Tue	Wed	Thu	Fri	Sat
29	30 Memorial Day Holiday City Offices Closed	31	1	2	3	4
5	6 6:15 pm Technology & Communications Comm. 7:00 pm City Council	7	8	9	10	11
12 * * * * APPA	13 6:30 pm Electric Committee Board of Public Affairs 7:00 pm Water/Sewer Comm. 7:30 pm Municipal Properties Committee National	14 6:00 pm Park and Rec Board Conference	15 * * *	16	17	18 9:00 am – Special Civil Service Comm. Mtg. - Police Officer Physical Agility Test
19	20 6:45 pm Records Commission 7:00 pm City Council	21	22 6:00 pm – Special Civil Service Comm. Mtg. – Police Officer Physical Agility Test	23	24	25
26	27 6:30 pm – Finance and Budget Committee 7:30 pm – Safety and Human Resources Committee	28 4:30 pm Civil Service Commission	29 6:30 pm Park and Rec Board	30		

City of Napoleon, Ohio


TECHNOLOGY & COMMUNICATIONS COMMITTEE

MEETING AGENDA

Monday, June 06, 2022 at 6:15 pm

Location ~ City Building, 255 West Riverview Avenue, Napoleon, Ohio

- 1) Approval of Minutes: April 4, 2021. (In the absence of any objections or corrections, the Minutes shall stand approved.)
- 2) Discussion on Changing/Updating the Utility Program and Obtaining a New Server for the Finance Department
- 3) Adjournment.


Roxanne Dietrich - Clerk of Council

City of Napoleon, Ohio
TECHNOLOGY AND COMMUNICATIONS COMMITTEE
MEETING MINUTES
Monday, April 5, 2021 at 6:15 pm

PRESENT

Committee Members	Ross Durham-Chair, Daniel L. Baer, Ken Haase
City Manager	Joel L. Mazur
City Staff	Dustin Tewksbury-IT, Justin Mullins-IT
Clerk of Council	Roxanne Dietrich
Others	News Media on WebEx

ABSENT

CALL TO ORDER

Chairman Durham called the Technology and Communications Committee meeting to order at 6:15 pm.

APPROVAL OF MINUTES

Hearing no objections or corrections, the minutes from the November 2, 2020 Technology and Communications Committee meeting were approved as presented.

CITY WEBSITE

Mazur began by saying we have been working on this project for over a year and it is a time-consuming project. Our IT Department has spent a lot of time updating our network, our backend, taking care of critical needs, setting up RecDesk and other items for the pool and clubhouse. There were a lot of details that had to be set up before we could get into the new format. We are ready to launch the new website but before we do, we wanted to present it to the committee and make any changes you may want before we launch the new website. The current website is not user friendly and to make updates or changes, you have to go through each click. On the new website, there are historic pages about Napoleon. The color choice is Midnight Blue. Durham asked if the Economic Development quick link could have a photo that is more relevant to ED. Then, the current photo on the ED quick link could be moved to Parks and Rec. Will you pull events from the Chamber's calendar? Tewksbury said there will be an events calendar. Mazur explained on the Mayor and City Council page we have put a picture of everyone on there now, but Tewksbury interjected we would like to everyone to have the same background. Mazur pointed out some websites you click on the councilmember's picture and their profile pulls up. The Parks and Rec piece is a larger one. You will have the calendar through Rec Desk, rec programs, the Golf Course will have changes, the rates and there will be more pictures. With the new Aquatic Center we will have a more robust site with more items to be put in. For the shelter houses there will be pictures of each shelter house that can be scrolled through and will give a description and the rental rates. When we get the GIS piece dialed in, we would like to have a clickable interactive map of all our parks and facilities that will give a description of what is at each park. It will take time to build everything. Mazur pointed out that Municipal Court and the Fire Department have their own websites that was built by a different company for their purpose. The Annual Water Quality Report has to be published every year and posted on our website. There are some pictures and a nice write-up done by Jeff Weiss. The Zoning and Code Enforcement will have all the permits that can be accessed on the website and will have the contact information for Wood County. Tewksbury stated for the most part it is the same yet different. Mazur said redundancy makes it easier depending on how people search for

things. Tewksbury said on the old website there were things that did not work. One day a week, Justin goes through every link and page. We spent \$15,000 in 2020 and have an additional \$5,000 budgeted for 2021 with \$1,500 being spent thus far. The balance will be used as needed for any changes that WebInstinct needs to make. Mazur stated one thing that is not on here and we want to have included are the social media icons we have. To build a website like this typically you are looking at a cost of \$40,000 to \$60,000. With all the legwork being done in-house, we have spent \$16,500 so far. Durham asked Mazur what do you see as the benefits of having updated a website? Mazur replied, anymore this is the image of the city. Haase noted it has to give good information Mazur interjected and it has to look good from the city's perspective. Second is functionality. We are paying our bills online, we have RecDesk that saves people time so they don't have to come in here to register and pay for the rec programs they can do that online now. People go to the city website to look up schedules and information on basic city services they would otherwise be calling in about. For the most part, the new website is easier and more accessible for people. We will continue to improve services and accessibility to city services and the way people access. Durham stated it looks great. Knowing the amount of time all three of you have put into this, Thank-you. Mazur reported the plan is to launch the new website on April 15, 2021. We will continue to make updates and will get with Council and the Mayor to see what everyone wants on their profile. I really want to work on a map piece. It is a functionality piece for people looking at Napoleon.

ADJOURNMENT

Motion: Haase

Second: Baer

to adjourn the Technology and Communications Committee meeting at 6:51 pm.

Roll call vote on the above motion:

Yea-Baer, Durham, Haase

Nay-

Yea-3, Nay-0. Motion Passed.

Approved

June 6, 2022

Ross Durham – Chairman
Technology and Communications Committee

CITY COUNCIL

MEETING AGENDA

Monday, June 6, 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. Approval of Minutes (in the absence of any objections or corrections, the minutes shall stand approved)

May 16, 2022 Special Council Meeting Minutes

May 16, 2022 Regular Council Meeting Minutes

E. Citizen Communication

F. Reports from Council Committees

1. Finance and Budget Committee did not meet on May 23, 2022 due to lack of agenda items
2. Safety and Human Resources Committee met on May 23, 2022; and
 - a. Approved Recommendation to establish a temporary position of Assistant Operations Superintendent
 - b. Approved Recommendation to Update Section 197.06 Residency Requirements of the Personnel Code
3. Technology and Communications Committee met earlier tonight with the agenda item:
 - a. Discussion on Changing/Updating the Utility Program and Obtaining a New Server for Finance Department

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

1. Civil Service Commission met Tuesday, May 24, 2022; and
 - a. Certified the list for Police Officer Patrolman Grade; and,
 - b. approved establishing an Original Appointment Hiring List for an Entry Level or Lateral Police Officer Patrolman Grade advertising from May 27, 2022 through June 17, 2022 to receive applications from NTN; and set two options for applicants to take Physical Agility test on either Saturday, June 18, 2022 at 9:00 am or Wednesday, June 22, 2022 at 6:00 pm
2. Parks and Rec Board regularly scheduled meeting for May 25, 2022, has been rescheduled to Tuesday, June 14, 2022 at 6:00 pm

H. Introduction of New Ordinances and Resolutions

1. **Ordinance No. 031-22**, an Ordinance Approving a Certain Agricultural District located in the City of Napoleon, Ohio at the Location of County Road R, as applied for by American Road Holdings, LLC.; and Declaring an Emergency
2. **Resolution No. 032-22**, a Resolution Amending Resolution No. 051-21, the City's Yearly Reoccurring Costs Legislation; and Declaring an Emergency (Suspension Requested).

I. Second Reading of Ordinances and Resolutions

1. **Ordinance No. 028-22**, an Ordinance Addressing the Provisions of and Authorizing the City of Napoleon, Ohio to Opt Out of Amended Substitute House Bill 172, and Reaffirming the Ban on the Possession, Sale, and Discharging, Igniting or Exploding Fireworks within the City of Napoleon, Ohio, as set forth in Chapter 1519 of the Codified Ordinances of the City of Napoleon, Ohio as it existed prior to the enactment of Amended Substitute House Bill 172; and declaring an Emergency
2. **Resolution No. 029-22**, a Resolution Authorizing the Transfer of Certain Property to wit: Approximately 10.10 acres, more or less of real property, Parcel No. 28-070078.0200, owned by the City to the Community Improvement Corporation of Henry County, Ohio; and declaring an Emergency

J. Third Reading of Ordinances and Resolutions - None

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

1. Discussion/Action: on Recommendation to Establish a Temporary Position of Assistant Operations Superintendent (direct Law Director to draft Legislation)
2. Discussion/Action: on Recommendation to Update Section 197.06 Residency Requirements of the Personnel Code (direct Law Director to draft Legislation)
3. Discussion/Action: on 2022 Community Housing Impact and Preservation (CHIP) Program (direct Law Director to draft legislation)
4. Discussion/Action: Award of the Ritter Park Area Path Project
5. Discussion/Action: Request to Apply for the American Rescue Plan Act (ARPA) First Responder Wellness, Recruitment, Retention and Resiliency Grant through the State of Ohio Office of First Responder Wellness for the Police and Fire Departments
6. Discussion/Action: Request to Apply for the WalMart Safety Grant (Police Department)
7. Discussion/Action: Request to Apply for the Women Against Women Act 2022 Grant (Police Department)
8. Discussion/Action: Request to Apply for the PEP Insurance Grant (Police Department)
9. Discussion/Action: Accept Donation of Meeting Room Chairs from NapNaz Church to the Fire Department

L. Executive Session (as may be needed)

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

N. Adjournment



Roxanne Dietrich – Clerk

were allowed to discharge fireworks on their own property. It has been my opinion and believe the Police Chief and Fire Chief agree as well that this is a bad idea at the very least in the municipality of Napoleon. What you have in front of you is legislation reaffirming our rules and banning the discharge, igniting, exploding, etc. of fireworks within the City of Napoleon.

Roll call vote to approve First Read of Ordinance No. 028-22

Yea-Dr. Cordes, Knepley, Siclair, Bialorucki, Baer, Haase

Nay-

Yea-6, Nay-0. Motion Passed.

Resolution No. 029-22 – Transfer of 10.10 acres to CIC

Council President Bialorucki read by title Resolution No. 029-22, a Resolution Authorizing the Transfer of Certain Property to wit: Approximately 10.10 acres, more or less of real property, Parcel No. 28-070078.0200, owned by the City to the Community Improvement Corporation of Henry County, Ohio; and declaring an Emergency

Motion: Haase

Second: Siclair

to approve First Read of Resolution No. 029-22

Mazur reported this is the ten acres of land that the city owns by Defiance Stamping and on the other side is JAC Products. There is a CRA in place for this property waiting for the transfer to file. There is a development agreement that has already been approved by City Council. After talking this through with the Law Director and the CIC Director, it is felt it would be cleaner to run it through the CIC as a pass-through to the developer so they can obtain the property and start some of the site work. Hopefully they follow through with their commitment of developing the Spec Building. Their starting timeframe is September.

Roll call vote to approve First Read of Resolution No. 029-22

Yea-Dr. Cordes, Knepley, Siclair, Bialorucki, Baer, Haase

Nay-

Yea-6, Nay-0. Motion Passed.

Resolution No. 030-22 – Brownfield Remediation Program Grant from ODOD

Council President Bialorucki read by title Resolution No. 030-22, a Resolution Authorizing the City Manager to execute any and all documents necessary to Apply for and Accept a Brownfield Remediation Program Grant from the Ohio Department of Development; and declaring an Emergency

Motion: Knepley

Second: Dr. Cordes

to approve First Read of Resolution No. 030-22

Mazur explained this has to do with the grant for the demolition of the Central School Property with our agreement that we have with the CCHC. The application has already been submitted. There is not anything in the application that specifically states that a resolution is required however, there is a field to upload an ordinance or a resolution from a governing body to support the application. Not wanting to leave anything to chance, it is our recommendation that City Council pass this under suspension tonight so we have it in hand. The application is technically due May 31, 2022 and we would have this in hand if there is a cure period. Typically, some of these grant applications have a cure period and we would have this in tow when they go through the review process. We do not want to leave anything to chance, we do not want this to be a reason why they throw out the application. We do have the approved City Council meeting minutes with the approval from the motion that was made in the

response received was for parking lots and chip sealing roads. There was a negative response from one entity regarding a chip sealing job. The two bids were separated by \$10,000 and having gone through several governmental entities and the fact that both bids are under budget and with the biggest problem on three of their projects being they never showed up for two projects and on a third one, they walked off a job; it is my recommendation that Council award this project to Gerken Paving, Inc. at the bid price of \$398,918.50. We do make a recommendation for lowest and best and I believe this is the best. Mazur added the lowest is not always the best, a majority of the time it is. I have been on a couple of projects myself where we had to throw out the lowest bid due to lesser things than this. This was pretty glaring and was a big concern hence the reason for the recommendation. Lulfs said the bid documents do state Council has the right to throw out any and all bids and it also has a stipulation that if we do not award to the low bidder, we are to notify the low bidder of such and give them an opportunity to respond. If we go this route, we will send that paperwork out to give them that opportunity. Harmon stated the Charter and our ordinances permit us to make the decision based on what Council believes is in the City's best interest. Siclair asked the company is out of Genoa? Lulfs replied yes. Another concern is they are not purchasing their asphalt locally and depending on which one of their plants they bring the asphalt from, it could be a 45-minute drive. Asphalt is to be put down at over 300 degrees and believe that could be very difficult. I see a lot of potential issues and with the reports received from the other governmental entities, I do not think it is worth the risk. We have had several projects the last couple of years with contractors we were not familiar with that have not gone as well as we would have liked. In this case, we have documentation that there have been issues in other communities. They have already had at least one bid possibly two where they were a low bidder this year and were not awarded for all of these same reasons. Mazur commented we have \$500,000 set aside for this and seeing that road repairs and repaving is an important function of the engineering office and one of the city's responsibilities Lulfs interjected I would like to spend the full budgeted amount. We hear everyday the roads are in poor condition. We have \$100,000 left in this line item in our budget and if Council approves the award to Gerken's, I would reach out to them and ask them to quote us a couple more streets we have. We are looking for direction on what to do as we want to spend all the budgeted amount. Mazur stated since they are already mobilized and we do have a couple of streets in that general vicinity that need to be done, the recommended streets would be Glenwood from Woodlawn to Bales and Lynne Avenue. We would repave the east side of Lynne since the west side has already been done. We can ask them to put the numbers together and then bring them back to City Council or we can take it to the Municipal Properties Committee; however you want to handle it. Lulfs said once we have a contract in place, if we are directed to move forward with getting pricing, I would get a Change Order for Lynne Avenue and a separate Change Order for Glenwood. Mazur said even if the prices came back favorable and they are over \$100,000 there could be a budget adjustment from the unappropriated balance. If you look at Glenwood, there is some heaving going on there and it's starting to unravel. Harmon stated to be clear, this item reads award of the street improvements project so you should just simply vote on what was on the agenda for now. This is a good heads up and Council can continue to think about that but for now, the discussion/action item is just the award of the street improvements project.

Motion: Dr. Cordes

Second: Haase

to award the 2022 Miscellaneous Street Improvements Project to Gerken Paving, Inc. for \$398,198.50

Roll call vote on the above motion:

Yea-Dr. Cordes, Siclair, Bialorucki, Baer, Haase

Nay-

Abstain-Knepley

Yea-5, Nay-0, Abstain-1. Motion Passed.

Liquor Permit Application for Lagrange LLC dba Agave Grill at 250 Lagrange Street, Napoleon, Ohio.

Mazur reported this is just a transfer to a new name. That was actually the location of Clubhouse Pizza. Bialorucki asked do we have any idea when they plan to open? Mazur responded it's the same thing with some others like Dunkin Donuts and Bigby. We have their plans, a lot of them are going through Wood County. We do not get a lot of contact from the business owners, they have not asked us for anything, they have complied with everything that we need from them so, there is no need for us to be involved other than curiosity when they are going to open. Bialorucki said my only concern with that would be if we only have a limited amount of liquor permits and if we award this one to them and they do not open for five years or so, that holds one hostage. Harmon explained in this situation, a motion is not necessary. If Council were to object, we would need some very specific reasons. Silence is acceptance in this situation. If somebody has some concerns that they would like to express, then we can certainly discuss that but otherwise, we leave it where it is. It is not necessarily up to us locally unless we have concerns. Baer asked if the previous tenant had a liquor license or beer only? Haase – they did not have a license. Harmon asked Police Chief Mack if there are any concerns? Chief Mack – no.

AROUND THE TABLE

Garringer – I have nothing to add.

Knepley – I do not have any items, thank-you.

Sicclair – I do not have any items, thank-you.

Bialorucki – I would like to bring back the discussion we were just having with Lulfs. At this point now can we add something? Harmon advised he is going to need to bring forth more specifics before we Lulfs interjected once we are able to establish a contract, we will be able to get pricing. I believe there is enough input to move forward with getting that pricing. Once I have that pricing, we can do a change order and that will have to come to Council for approval. Mazur asked do you want it to go through the committee or do you want it go through full council? Bialorucki replied to move it a little quicker let's take it right to Council so we can get a couple more streets paved. The only concern I would have is, if we are at \$400,000 now and we have a budget of \$500,000 and knowing change orders are quite often in projects, I do not want us to go up to the \$500,000 and then we have a change order of \$50,000 later on. Lulfs said that is why each of these would be done as a separate change order. The two combined will probably exceed \$100,000. We are not replacing curb on these projects, this would be just grind the top off and put the top on. So, there is not much danger of a change order on any of these since we are not digging we are not going to find anything hidden. We physically measured them so we know what the quantity should be. I do not see us even having a 1% change order on this job. Bialorucki said that is a good idea to look into trying to get a couple more streets done. Mazur said we will know what exactly is in the unencumbered balance too. Not to put the Finance Director on spot but, believe the unencumbered balance of the capital fund is somewhere north of \$700,000. That is going on memory. Bialorucki asked for an update on the Front Street portion for the trail. Lulfs replied there are two pieces. Ritter Park is being advertised for bids. There was a mix up at the state, not by the city. The current bid opening date is set for June 1, 2022 and hopefully we will bring something to Council for award at the June 6, 2022 City Council meeting. That will be the portion from the City Building to the west. The Front Street portion is currently under design. To keep the design costs down, I had my staff do the topographic survey. The survey has been finished, the field investigation has been finished and has been forwarded to the consultant who is working on the plans. We are hoping to have a preliminary set to next week or so. I cannot say when those plans will be ready to go for bid but, they are currently being designed and it is the same firm that designed the other two thirds of the project.

Baer – I do not have any items for tonight.

Approved

June 6, 2022

Joseph Bialorucki – Council President

Jason Maassel – Mayor

Roxanne Dietrich - Recorder

DRAFT

ORDINANCE NO. 031-22

AN ORDINANCE APPROVING A CERTAIN AGRICULTURAL DISTRICT LOCATED IN THE CITY OF NAPOLEON, OHIO AT THE LOCATION OF COUNTY ROAD R, AS APPLIED FOR BY AMERICAN ROAD HOLDINGS, LLC.; AND DECLARING AN EMERGENCY

WHEREAS, application was made by American Road Holdings, LLC., pursuant to R.C. Chapter 929, for the purpose of placing 11.49 acres of land used solely for agricultural purposes in an agricultural district; and,

WHEREAS, a public hearing was held on said issue, after notice, pursuant to R.C. 929.02(B), on May 16, 2022; and,

WHEREAS, after said hearing, it was recommended by the hearing board [council] to permit the proposed acres to be placed into an agricultural district, the board being unable to find that the "agricultural district" would cause substantial adverse effects on: (1) municipal services within the municipal corporation; (2) the efficient use of and/or development of property within the municipal corporation; or, (3) the health, safety and welfare of the citizens; **Now Therefore**,

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

Section 1. That, the application submitted to the City of Napoleon, Ohio for the placement of eleven and forty-nine hundredths (11.49) acres of farmland into an agricultural district, identified in the application as at the location of County Road R, Napoleon, Henry County, Ohio, the tax district being Napoleon Corp., Napoleon City Area School District, Parcel Number 27-060014.0000, with exception of any portion of any parcel herein listed that is not the name of American Road Holdings, LLC. at the time of the passage of this Ordinance, said application being modified accordingly, is hereby approved by this Council pursuant to R.C. Chapter 929 and this Ordinance; such agricultural district being declared created.

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

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

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for the availability of funds required for the installation of a public sewer; 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.

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. 031-22 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. 032-22

**A RESOLUTION AMENDING RESOLUTION NO. 051-21, THE
CITY'S YEARLY REOCCURRING COSTS LEGISLATION;
AND DECLARING AN EMERGENCY**

WHEREAS, the City each year has reoccurring costs associated with the conducting of business with groups or associations established for or on behalf of the political subdivisions or instrumentalities of the State, which annually exceed twenty-five thousand dollars (\$25,000); and,

WHEREAS, the City each year has reoccurring costs associated with the conducting of business, many which result in mandatory payments or merely occur as a result of the method of accounting utilized by the City's Finance Department; and,

WHEREAS, for convenience and efficiency, purchase orders are annually written to vendors by multiple departments of the City with a combined total that exceeds twenty-five thousand dollars (\$25,000); and,

WHEREAS, Resolution No. 051-21 was previously passed on December 20, 2021; and,

WHEREAS, certain vendors were omitted from Resolution No. 051-21, and Council now desires to add these vendors for proper payment. **Now Therefore**,

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

Section 1. That, the expenditure of funds by the City in excess of twenty-five thousand dollars (\$25,000), in and for the year 2022, is hereby necessary and authorized as a proper public expenditure, subject to appropriation of funds, for purchases, services, coverage, or benefits listed in Exhibit "A" attached hereto and made a part of this Resolution.

Section 2. That, the expenditure of funds by the City in excess of twenty five thousand dollars (\$25,000), in and for the year 2022, is hereby necessary and authorized as a proper public expenditure, subject to appropriation of funds, for the following purchases associated with recreation, fund balance maintenance, public labor costs, public auditing, utilities, bonding, accounting, the payment of debt service, postal service, banking, permitting, and codification listed in Exhibit "B" attached hereto and made a part of this Resolution.

Section 3. That, the expenditure of funds in excess of twenty five thousand dollars (\$25,000) is hereby necessary and authorized as a proper public expenditure, subject to appropriation of funds, for the City's cumulative purchase of product, supply, equipment and/or services periodically through the year 2022 from the following vendors; however, in no event shall the amount exceed twenty five thousand dollars (\$25,000) for any one purchase of product, supply, equipment and/or services or any one specific project under the authority of this Resolution listed in Exhibit "C" attached hereto and made a part of this Resolution.

Section 4. That, due to nature or uniqueness of the transactions or vending listed in Sections 1, 2 and 3 of this Resolution, except for the prohibition in Section 3 regarding the one time purchase over twenty-five thousand dollars (\$25,000), any requirement that may exist for competitive bidding is hereby eliminated in the best interest of the City.

Section 5. That, Resolution No. 051-21 is hereby amended to include JT's Building Maintenance and Construction on Exhibit "C" for the purpose of various property maintenance and construction services.

Section 6. That, nothing in this Resolution shall be construed as to eliminate the necessity of quality based selection as it relates to architect, engineer or construction services for any one project that would otherwise require such a selection process, as such elimination of quality based selection would require separate Council action; moreover, nothing in this Resolution shall be construed as to eliminate the restriction found in Section 3 of this Resolution as it relates to a single purchase or project expenditures.

Section 7. 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 8. 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 9. 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 prompt purchases required to remain operational, being operational essential to public peace, health or safety; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to begin the payment process 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. 032-22 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

EXHIBIT "A"

American Municipal Power, Inc.	For: Contracted Power Purchase and Services
BORMA Benefit Plans	For: Insurance Premiums (Health)
CIC of Henry County, Ohio	For: Economic Development Services
Henry County Auditor	For: Auditor Fees and Assessment Fees
Henry County Chamber of Commerce	For: Chamber Programs, Tourist Bureau and Other
Henry County Engineer	For: Engineering Shared Projects and Materials
Northwestern Ohio Water & Sewer District	For: Payments for Water Collections
Auditor of State of Ohio	For: Annual Auditing Services
Henry County Auditor	For: Law Library Payments
MAN Unit	For: Police Services and Narcotics Task Force
Maumee Valley Planning	For: CHIS/CHIP Grant Administration
Ohio Bureau of Workers Compensation	For: Employee Worker's Comp. Insurance Coverage
Ohio Police Pension Fund	For: Police Pension Payment
Ohio Fire Pension Fund	For: Fire Pension Payment
Ohio Public Employers' Retirement System	For: Pension Payments
Public Entities Pool (PEP)	For: Insurance Premiums (Property & Casualty)
Treasurer State of Ohio	For: Various Items
Treasurer State of Ohio, ODOT	For: Road Salt & Other Items

EXHIBIT "B"

BHM CPA Group, Inc.	For: Auditing Services
Bonded Chemical	For: Chemicals at Water Treatment Plant
Bryan Publishing	For: Newspaper Publication Services
City of Napoleon, Fuel Rotary	For: Fuel Purchases
City of Napoleon, Garage Rotary	For: Garage Rotary Services
City of Napoleon, Income Tax	For: Refunds of Income Taxes
City of Napoleon, Payroll	For: Payroll Postings
City of Napoleon, Reimbursements	For: Inter-fund Reimbursements
City of Napoleon, Rescue	For: Township Portion of EMS Revenues
City of Napoleon, Utility	For: Meter Deposit Refunds
City of Napoleon, Utility	For: Utility Services
City of Napoleon, Utility	For: Water and Sewer Refunds
City of Napoleon, Utility	For: Electric Refunds
Farmer and Merchant's State Bank	For: Banking and Debt Service Payments
Greenline	For: Telephone Services
Huntington National Bank	For: Banking & Debt Service Payments
KSB Dubric	For: Pump supplies and repairs
Ohio CAT	For: Equipment Rental & Parts
Ohio Gas Company	For: Utility Services
Ohio Water Development (OWDA)	For: Debt Service Payment
OMEGA JV5/Amp-Ohio Inc.	For: Purchase of Power
OMEGA JV6/Amp-Ohio Inc.	For: Purchase of Power
PNC Bank, N.A.	For: Debt Service Payments
Postmaster	For: Postal Services and Supply
Rescue-Township Charges (EMS)	For: EMS Revenues to Townships
Schonhardt and Associates	For: CAFR Preparation
Smart Bill, LTD	For: Outsourcing of Utility Bill Printing and Mailing
Squires, Patton, Boggs (US) LLP	For: Bond Counsel (Professional Services)
Telnamix	For: City Phone Services
The Accumed Group	For: EMS Billings and Collections
Treasurer State of Ohio	For: Payments to State
US Bank N.A.	For: Debt Service Payments
US EPA (Treasurer, State of Ohio)	For: Permits
Verizon Wireless	For: Wireless Phone Services
Weltman, Weinberg & Reis	For: Collection Services

EXHIBIT "C"

Amazon	For: Various City Supplies & Equipment
A & A Custom Crushing	For: Concrete Crushing
A Cut Above the Rest Tree Service	For: Tree Services
Advanced Rehabilitation Technology	For: Sewer Cleaning and Rehabilitation
Altec Industries	For: Digger Truck Services
All Seasons Tree Care	For: Tree Services
Alloway	For: Professional Services – Lab Testing
American Pavements, LLC	For: Crack Sealing
American Property Analysts	For: Property Appraisals
American Rock Salt Co., LLC	For: Road Salt
Anixter Inc.	For: Electrical Transformers, Parts and Supplies
Axon	For: Tasers & Body Cameras
B Clean Pro Services	For: Janitorial Services
Baker Vehicle Systems	For: Vehicle Parts & Repairs
Baldwin Poles	For: Utility Poles
Bob Wingate, Integrity Solutions	For: Bridge Inspections, Management & Repairs
Boundtree Medical Supply, LLC	For: Medical Supplies
Brown Supply Co.	For: Janitorial Supplies
Brownstown Electric Supply	For: Electrical Supplies
Buck Pavement Restoration	For: Crack Sealing
Buckeye Pumps	For: Pump Repairs and Parts
Burch Hydro	For: Electrical Supplies & Sludge Removal
Burke Excavating and Mowing	For: Construction and Mowing Services
Bryan Excavating	For: Construction Services
Cahaba Timber	For: Wood Electric Poles
Cargill, Inc.	For: Road Salt
C&W Tank Cleaning	For: Digester Cleaning
CDW Government, Inc.	For: Computers and Supplies
Chemtrade Chemicals US, LLC	For: Chemicals
City Blueprint of Toledo	For: Survey Supplies
Clarke Mosquito Control Product	For: Mosquito Control Supply
Clemons Nelson	For: Legal Services
CMI (Creative Microsystems, Inc.)	For: Software and Hardware Systems
Compass Minerals America	For: Road Salt
D & R Demolition Corp.	For: Concrete Crushing

Defiance County Landfill	For: Sanitation Dumping Services/Landfill Biosolids
Dell Marketing	For: IT Hardware Systems
Dennis Panning Excavating	For: Yard Waste Hauling and Disposal
Detroit Salt Company	For: Road Salt
Encompass Engineers	For: Electrical Engineering Services
Ermco	For: Electric Transformers
Estabrook, Corp.	For: Pump Supplies and Repairs
Ferguson Waterworks	For: Operations Parts and Supplies
Finley Fire Equipment	For: Fire Engines and Service Repairs
Fire Safety Services Inc.	For: Fire Services and Supply
Fire Service, Inc.	For: Fire Services and Supply
Fitzenrider, Inc.	For: Heating and Air Conditioning Service Work
Flex-Com	For: Camera Systems
Forrest Auto Supply	For: Automotive Parts & Supplies
Gerken Asphalt Paving, Inc.	For: Paving Materials & Asphalt Laying
Heartland Disposal	For: Sludge Removal
Henschen and Associates, Inc.	For: Software and Hardware Systems
Hoff Consulting, LLC	For: Consulting Services
Hydro Dyne Engineering, Inc.	For: Wastewater Remanufacturing of Screens
Jack Doheny Supplies Ohio, Inc.	For: Wastewater Supplies
J.A. Hillis Excavating, LLC	For: Excavation Services
Jones & Henry Engineers, LTD	For: Consulting Services
JT's Building Maintenance & Construction	For: Various Property Maintenance and Construction Services
K-Tech	For: Beet Heet
Kalida Truck	For: Vehicle Accessories
Koester Corp.	For: Engineering Services
Kuhlman Corp.	For: Parts and Supply
Kurtz Ace Hardware	For: Supply
The Mannik and Smith Group, Inc.	For: Engineering Services (Professional Services)
Masterpiece Sign Graphics, Inc.	For: Signs
Meeder Investment Management	For: Investment Management Services
Meggar	For: Electrical Testing Equipment
Mel Lanzer Co.	For: Construction Services
Meldrum Mechanical	For: Pump Supplies & Equipment Repairs
Melrose Pyrotechnics, Inc.	For: Fireworks
Midwest Compost	For: Digester Cleaning

Miller Brothers Construction	For: Trucking, Hauling, and Excavating Services
Morton Salt	For: Road Salt
Neptune Equipment Co. (NECO)	For: Meter Parts and Supplies
Newegg Business	For: Computers and Supplies
North Branch Nursery	For: Tree Plantings
Northwest Landscape Service	For: Landscaping and Supplies, Roadside & City Owned Property Mowing
Northwest Pools	For: Pool Chemicals
NRP Midwest	For: Wastewater Treatment Chemicals
Office Depot	For: Office Supply
One Source Waste Solutions	For: Waste Services
O'Reilly Auto Parts	For: Parts & Supplies
Path Master	For: Traffic Signals Supplies and Services
Paulding County Engineer's Office	For: Cold Patch
Parker Hannfin Corp.	For: Water Meter Analyzer
Perrysburg Pipe and Supply	For: Parts and Supply
Perry Corporation	For: Copier, Scanner and Printer Supplies
Peterman Associates, Inc.	For: Engineering Services (Professional Services)
P&R Communications	For: Radio repair and parts
Poggemeyer Design Group	For: Electrical Engineering Services
Porter's BP, LLC	For: Gas and Diesel Fuel
Powerhouse Supply	For: Electrical Parts and Supplies
Powerline Supply Co.	For: Electrical Parts and Supplies
Processing Solutions	For: Water Treatment Chemicals
Reinke Ford	For: Automotive Services
Reveille	For: Engineering Services
RTEC Communications, Inc.	For: Communication Supplies & Equipment
S & S Directional Boring	For: Directional Boring
Sauber Manufacturing Co.	For: Reel Trailers
Saylor Tree Service, LLC	For: Tree Services
Schneider	For: Software for Metering
Schweitzer Engineering	For: Electrical Substation Materials
Snyder Chevrolet, Inc.	For: Automotive Services
Solomon Corporation	For: Transformers and Electric Supplies
Southeastern Equipment	For: Operations Parts and Supplies
Spectrum Engineering Corp.	For: Engineering Services (Professional Services)
Spengler Nathanson, PLL	For: Outside Counsel (Professional Services)

Stantec Consulting Services, Inc.	For: Engineering Services (Professional Services)
Statewide Ford	For: Police vehicle
Stoops Freightliner	For: Vehicle parts
Stuart C. Irby Co.	For: Electrical Parts & Supplies
Superior Uniform Sales, Inc.	For: Uniform Services
Survalent Technology	For: SCADA Programming Services
Target Specialty Products	For: Golf Course Chemicals
Tawa Tree Service	For: Tree Services
Tawa Mulch Landscape Supply	For: Landscaping Services
Terex Utilities, Inc.	For: Electric Equipment Purchases
The Accumed Group	For: Ambulance Billing Services
Toledo Edison	For: Contracted Power Services
Toledo Fence & Supply Co.	For: Fencing Supplies
T & R Electric	For: Transformers
Tri City Industrial Power	For: Batteries & Other Power Supplies
UniFirst Corporation	For: Uniforms & Supplies
URS Corporation	For: Engineering Services (Professional Services)
US Utility Contractor Co.	For: Traffic and Electrical Services
USALCO	For: Chemicals for Water Treatment
Utility Service Group	For: Chemicals for Water Treatment
Utility Services	For: NERC Compliance Services
Utility Truck Equipment	For: Bucket Truck
Vermeer	For: Wood Chipper/Parts
Vernon Nagel, Inc.	For: Trucking, Hauling, and Excavating Services
Viking Trucking, Inc.	For: Trucking and Hauling Services
Werlor, Inc.	For: Brush Grinding Services/Recycling Services
Wesco Distribution, Inc.	For: Electrical Supplies
Wigen Water Technologies	For: Membrane Services, Cleaning & Chemicals
Wood County Land Fill	For: Sanitation Dumping Services
WR Meyers Co., Inc.	For: Construction and Excavating Services
Wright Express FSC-WEX, Inc.	For: Fuel Purchases
Zacks Recycling, LLC	For: Recycling Services
Zimmerman, Jack	For: Road Striping Services

ORDINANCE NO. 028-22

AN ORDINANCE ADDRESSING THE PROVISIONS OF AND AUTHORIZING THE CITY OF NAPOLEON, OHIO TO OPT OUT OF AMENDED SUBSTITUTE HOUSE BILL 172, AND REAFFIRMING THE BAN ON THE POSSESSION, SALE, AND DISCHARGING, IGNITING OR EXPLODING FIREWORKS WITHIN THE CITY OF NAPOLEON, OHIO, AS SET FORTH IN CHAPTER 1519 OF THE CODIFIED ORDINANCES OF THE CITY OF NAPOLEON, OHIO AS IT EXISTED PRIOR TO THE ENACTMENT OF AMENDED SUBSTITUTE HOUSE BILL 172; AND DECLARING AN EMERGENCY

WHEREAS, on October 27, 2021, the Ohio General Assembly passed Amended Substitute House Bill 172 (House Bill 172) concerning, among other things, the regulation, possession, discharge, ignition and exploding of fireworks in the State of Ohio; and,

WHEREAS, on November 8, 2021, Ohio Governor DeWine signed House Bill 172; and,

WHEREAS, House Bill 172 amends current Ohio Revised Code Sections 3743.45(D), (E) and 3743.451(B), effective July 1, 2022, allowing any person authorized to possess consumer grade fireworks to discharge, ignite or explode fireworks on their property, or if permitted, on another person's property on certain designated days of the year; and,

WHEREAS, House Bill 172 also purports to expressly grant municipalities the home rule authority to retain any and all municipal ordinances that regulate and/or prohibit the discharge, ignition or exploding of fireworks, and to retain all ordinances that regulate noise, disturbance of the peace, and disorderly conduct. The power to legislate fireworks restrictions, however, is granted to municipalities by the Ohio Constitution, thus House Bill 172 merely purports to grant powers previously authorized to the City of Napoleon, Ohio; and,

WHEREAS, if ordinances currently a part of the City of Napoleon Codified Ordinances relating to the above are not reaffirmed by the referenced effective date, a private cause of action is created through which the City may be liable for damages, attorney fees, and other costs; and,

WHEREAS, City Council recognizes that the City of Napoleon has home rule authority under the Ohio Constitution, also recognizing that the City needs to protect itself against potential liability; and,

WHEREAS, this Council finds that continuing the ban on the possession, sale, and discharge of consumer grade fireworks, as set forth in Chapter 1519 of the Codified Ordinances of the City of Napoleon, will best protect the public's right to the quiet enjoyment of their premises; and,

WHEREAS, this Council finds that the unsafe and illegal discharge of fireworks poses a significant danger to the public and may cause serious injuries as well as significant property damage, especially in densely populated residential and business areas; and,

WHEREAS, both Fire Chief O'Brien and Police Chief Mack strongly recommend that the Council of the City of Napoleon opt out of House Bill 172 and reaffirm the existing ban on the possession, sale, and discharging, igniting or exploding fireworks set forth in Chapter 1519 of the Codified Ordinances of the City of Napoleon, Ohio; and,

WHEREAS, the Administration and Council of the City of Napoleon find that it is in the best interests of the public to continue to ban the possession, sale, and discharge, ignition and explosion of fireworks otherwise permitted in House Bill 172, as set forth in existing Chapter 1519 of the Codified Ordinances of the City of Napoleon; and,

WHEREAS, as a result, the City of Napoleon is in need of reaffirming certain Ordinances to place it in compliance with the above referenced law. **Now Therefore**,

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

Section 1. That, the Council of the City of Napoleon expressly opts out of the provisions set forth in House Bill 172, and reaffirms the ban on the possession, sale, and discharging, igniting or exploding fireworks as set forth in Chapter 1519 of the Codified Ordinances of the City of Napoleon. Further, Chapter 1519 of the Codified Ordinances of the City of Napoleon is reaffirmed in its entirety.

Section 2. That, this Ordinance shall be published in accordance with applicable Ohio Law.

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

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

Section 5. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for passage before the deadline; moreover, this must timely take effect to meet the intent of the law; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to be in effect at the earliest possible time to allow for passage prior to the effective date of July 1, 2022, 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 of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 028-22 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. 029-22

A RESOLUTION AUTHORIZING THE TRANSFER OF CERTAIN PROPERTY TO WIT: APPROXIMATELY 10.10 ACRES, MORE OR LESS OF REAL PROPERTY, PARCEL NO. 28-070078.0200, OWNED BY THE CITY TO THE COMMUNITY IMPROVEMENT CORPORATION OF HENRY COUNTY, OHIO; AND DECLARING AN EMERGENCY

WHEREAS, the City, by Ordinance 34-86, passed July 21, 1986, designated the Community Improvement Corporation of Henry County, Ohio (hereinafter called “the CIC”) as the agency and instrumentality of the City for the industrial, commercial, distribution and research development of the City pursuant to Chapter 1724.10 of the Ohio Revised Code; and,

WHEREAS, the City and the CIC have since entered into an amended Agreement and Plan of Industrial, Commercial, Distribution and Research Development (Amendment No. 2 dated March 21, 2011; Ordinance No. 017-11); and,

WHEREAS, pursuant to Article VIII Section 13 of the Ohio Constitution, which provides for economic development, and the Ohio Revised Code, the Agreement and Plan provides in pertinent part, that in furtherance of the Plan, the CIC [may/will] sell or lease any lands or interests in lands owned by the City determined from time to time by the Council of the City not to be required by the City for its purposes, for uses determined by the Council of the City as those that will promote the welfare of the people of the City, stabilize the economy, preserve, maintain or provide employment, and assist in the development of industrial, commercial, distribution and research activities to the benefit of the people of the City; moreover, that such sale or lease may be made without advertising and receipt of bids when in the best interest of the City, the City specifying the consideration of such sale or lease; and,

WHEREAS, the Agreement and Plan also provides in pertinent part, that the City may convey to the CIC lands and interest in lands owned by the City and determined by the Council of the City not to be required by the City for its purposes, and that such conveyance of such land or interests in land will promote the welfare of the people of the City, stabilize the economy, provide employment and assist in the development of industrial, commercial, distribution and research activities to the benefit of the people of the City and preserve, maintain or provide additional opportunities for their gainful employment; moreover, that such sale or lease shall be made without advertising and receipt of bids when in the best interest of the City, the City determining the consideration of such sale or lease; further, if any lands or interests in lands conveyed by the City to the CIC are sold by the CIC at a price in excess of the consideration received by the City from the CIC therefore, such excess shall be paid to the City after deducting therefrom the following costs to the extent incurred by the CIC; the costs of acquisition and sale by the CIC, taxes, assessments, costs of maintenance, costs of improvements to the land by the CIC, debt service charges of the CIC attributable to such lands or interests, and a reasonable service fee determined by the CIC; and,

WHEREAS, it has been presented and requested by the Executive Director of the CIC that transfer of approximately ten and one tenths (10.10) acres of land owned by the

City to the CIC be made in order to further the Plan for Economic Development, consistent with Ohio Revised Code Section 1724.10; and,

WHEREAS, the subject property for which the CIC requests transfer (“Subject Property”) is approximately ten and one tenths (10.10) acres of land, more or less, located on Independence Drive; and,

WHEREAS, the Subject Property is Parcel No. 28-070078.0200 as found in the Henry County Auditor’s Office; and,

WHEREAS, the CIC agrees to hold title to and transfer the Subject Property at the appropriate time to any eventual transferee (and potentially eventually back to the City) as determined and agreed upon by simple majority vote of its Board of Trustees consistent with all laws and regulations and the aforementioned Agreement and Plan and the supplemental purchase agreement; and,

WHEREAS, the City Manager, being the official in charge of the property, has advised this Council that the Subject Property is no longer needed for a public purpose;

Now Therefore,

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

Section 1. That, Parcel No. 28-070078.0200, approximately ten and one tenths (10.10) acres, located in the City of Napoleon, Henry County, Ohio, is hereby determined by this Council not to be required by the City for its purposes, and that such conveyance of such land or interests in land will promote the welfare of the people of the City, stabilize the economy, provide employment and assist in the development of industrial, commercial, distribution and research activities to the benefit of the people of the City and preserve, maintain or provide additional opportunities for their gainful employment.

Section 2. That, being consistent with the City’s Charter, Ordinances, Resolutions and the Agreement and Plan, as well as being consistent with the Ohio Revised Code, the parcel or parcels identified in Section 1 of this Resolution shall be transferred to the CIC of Henry County, Ohio without necessity of advertisement or receipt of bids, the same being determined by this Council as being in the best interest of the City; moreover, the City Manager is authorized to execute all agreements, deeds, and other documents required to complete said transfer(s).

Section 3. That, Council determines that the consideration for the conveyance of the Parcel identified in Section 1 of this Resolution shall be as found in a certain real estate purchase agreement and escrow agreement between the CIC and a third party substantially in the form as currently on file in the office of the City Finance Director.

Section 4. That, if any parcel or parcels of land as identified in Section 1 of this Resolution so conveyed by the City to the CIC is or are sold by the CIC at a price in excess of the consideration received by the City from the CIC therefore, then such excess shall be paid to the City after deducting therefrom the following costs to the extent incurred by the CIC; the costs of acquisition and sale by the CIC, taxes, assessments, costs of maintenance, costs of improvements to the land by the CIC, debt service charges of the CIC attributable to such lands or interests, and a reasonable service fee determined by the CIC.

Section 5. That, nothing in Section 4 of this Resolution shall be construed as relieving the CIC of its obligations under the land purchase agreement.

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

Section 7. That, 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.

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 for the furtherance of economic development within the City of Napoleon, all of which affects the public peace, health or safety accessible to our citizens; 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. 029-22 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

City of Napoleon, Ohio

SAFETY AND HUMAN RESOURCES COMMITTEE

MAJORITY REPORT

The Safety and Human Resources Committee met on Monday, May 23, 2022, and made the following recommendations to Council:

1. to Approve the Establishment of the Temporary Position of Assistant Operations Superintendent; and,
2. to Approve Updating Section 197.06 Residency Requirements of the Personnel Code.

Daniel Baer, Chair

Molly Knepley, Committee Member

Dr. Dave Cordes, Committee Member



City of *NAPOLEON*, Ohio

255 West Riverview Avenue • P.O. Box 151
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Web Page: www.napoleonohio.com

Memorandum

Mayor
Jason Maassel

To: Joel Mazur, City Manager
From: Lanie Lambert, Chad Lulfs, & Jeff Rathge
Date: May 18, 2022
Subject: Operations Superintendent Replacement

Members of Council
Joseph Bialorucki, President
Ross Durham, President Pro-Tem
Kenneth Haase
Molly Knepley
Lori Siclair
Daniel Baer
Dr. Dave Cordes

City Manager
Joel L. Mazur

Finance Director
Kevin Garringer

Law Director
Billy D. Harmon

Jeff Rathge is retiring at the end of May 2023 and his last day in the office will be in April 2023. Jeff has been the Operations Superintendent for 11 years and in the department for 30 years. The amount of experience and knowledge that we will be losing when Jeff retires is huge. Chad, Jeff, and I are recommending having a replacement for the operations superintendent in the third quarter of this year and have that person train with Jeff around 6 to 8 months.

Below are a few of the tasks/duties that support the need for the extra training with Jeff:

- Coordinating spring/fall cleanup
- Hydrant flushing
- Snow removal
- EPA reporting (wastewater collection and water distribution)
- Refuse and recycling routes
- Street sweeping
- Mosquito control plan

The Assistant Superintendent starting at the beginning of October would allow that person to observe and learn fall clean up, hydrant flushing, budget preparation, snow removal, spring clean up and items that arise during that time.

Thank you

197.06 Residency Requirements – Personnel Code

I am requesting that the residency requirement in the Personnel Code to be updated to reflect the Fire Department's current part-time workforce. The current section states that paid part-time employees of the Fire/Rescue Department are required to reside within fifteen miles of the Henry County Courthouse. I am recommending to remove that section.

The Fire Department has two different paid part-time employees.

1. Local Responders – This class of part-time employees have to live in our district and do respond to the station for calls.
2. Contingent – This class of part-time employees live outside of our district and do not normally respond to the station for calls. Contingent employees sign up for open 12 or 24 shifts or are assigned an every 3rd day shift.

Lanie Lambert
HR Director

⁰⁶
197.1 RESIDENCY REQUIREMENTS

(a) Except as otherwise provided herein, all employees of the City are required to reside within Henry County, Ohio, or within an adjacent county thereto within this State.

~~(b) Paid part-time employees of the Fire/Rescue Department that are firefighters or emergency medical technicians or the like, or a combination thereof, and paid part-time employees of the Police Department, not to be construed as solely volunteer personnel, are required to reside within fifteen (15) miles of the Henry County Courthouse. The herein mentioned radii shall be construed as a straight line and not as driven miles. All other~~ paid part-time employees of the City, regardless of paid part-time class, are exempt from the residency requirements of the City. Nothing herein shall be construed as to provide for grandfathering as it relates to residency should a part-time employee obtain full-time employee status; further, dual employees, meaning for the purpose of this provision, employees working in two (2) capacities of the City, one full-time and one paid part-time, shall meet the most restrictive residency requirement.

(c) Unless otherwise exempted, any employee of the City ~~employed after the effective date of this section~~ shall meet residency requirements within 365 days of employment with the City, except that the City Manager, City Finance Director and City Law Director shall meet residency requirements within 180 days of employment with the City.

~~(d) For purpose of continuing employment with the City, notwithstanding any other provision, policy, rule, resolution or ordinance, except the provision found in paragraph (f) hereof, full time regular employees (salary or hourly) employed by the City on or prior to April 16, 2007, regardless of probation status, shall have 180 days to meet the residency requirements of the City; moreover, full-time regular employees (salary or hourly) employed by the City after April 16, 2007, but before the effective date of this section, regardless of probation status, shall have 365 days from the effective date of this section to meet the City's established residency requirements.~~

~~(e)~~(d) The appointing authority as appropriate, shall suspend from service any employee who fails to meet residency requirements as required by this section, until such time as the employee has met City residency requirements. In the event the suspension exceeds two (2) weeks in duration, the employee may be dismissed from the City service.

~~(f)~~(e) Unless otherwise prohibited by law, this section shall not be construed as to limit the enforceability of any residency provision found in a collective bargaining agreement between the City and a collective bargaining unit; further, nothing herein shall be construed as to limit the ability of an appointing authority of the City to require residency of its volunteers.

(Ord. 095-07. Passed 11-19-07.)



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

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Memorandum

To: Joel L. Mazur, City Manager
From: Chad E. Lulfs, P.E., P.S., Director of Public Works
cc: Mayor & City Council
Kevin Garringer, Finance Director
Roxanne Dietrich, Clerk of Council
Date: June 1, 2022
Subject: Ritter Park Area Path Project (PID 109008) ~
Recommendation of Award

On Wednesday, June 1, 2022, bids were opened and read aloud for the above referenced project. One bid was submitted and read as follows:

<u>Bidder</u>	<u>Base Bid</u>	<u>Base Bid with Alternates</u>
Vernon Nagel, Inc.	\$971,017.00	\$979,613.90

The Engineer's Estimate for this project is \$921,685.50 for the Base Bid and \$927,764.50 including the Alternates. This project consists of constructing a multi-use path on Jahns Road from the Corporation Limit (railroad) to W. Riverview Avenue; a multi-use path down the embankment from W. Riverview Avenue into Ritter Park; and a multi-use path along the southerly side of W. Riverview Avenue from Ritter Park to Front Street. The Alternates includes the placement of concrete instead of asphalt on the southerly side of W. Riverview Avenue from Ritter Park to Front Street. I believe that this will allow for less long-term maintenance.

This project is being partially funded through a Transportation Alternative Project (TAP) Grant (\$800,000.00) through the Ohio Department of Transportation (O.D.O.T.). O.D.O.T. requires a Resolution for the award of this project. I request that Council **pass the prepared Resolution to allow us to award this project to Vernon Nagel, Inc. in the amount of \$979,613.90 for the Base Bid with Alternates.** If you have any questions or require additional information, please contact me at your convenience.

CEL