



City of Napoleon, Ohio

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GENERAL INFORMATION
Week of August 7, 2023

CALENDAR

Monday, August 7th

7:00 pm - City Council Meeting

H. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **Resolution No. 033-23**, a Resolution Authorizing the City Manager to Execute All Documents Necessary to Apply for and Accept Ohio Public Works Commission State Capital Improvement Program (SCIP) and Local Transportation Improvement Program (LTIP) Funds for projects deemed necessary by the City Engineer in the year 2024; and declaring an Emergency.

I. SECOND READING OF ORDINANCES AND RESOLUTIONS

1. **Resolution No. 032-23**, a Resolution Authorizing a Community Reinvestment Area (CRA) Agreement with Shank Properties, LLC. within Napoleon CRA #7; and declaring an Emergency.
 - a copy of the CRA Agreement and Application are enclosed.

J. THIRD READING OF ORDINANCES AND RESOLUTIONS - *None*

K. GOOD OF THE CITY (Discussion/Action):

1. Award of the Palmer Ditch Pumping Station Project
 - Included in your packet is a Memorandum from Chad with his recommendation of award on this project.
2. to Approve the City Manager as the AMP Board Representative for the City of Napoleon, Ohio with the Finance Director as the Alternate.
3. to Accept the Drug Use Prevention Program Grant from the Ohio Attorney General's Office in the Amount of \$2,041.20
4. Review of Solar Rules (refer to Electric Committee/BOPA)

INFORMATIONAL ITEMS

- a. Technology Committee – Canceled
- b. Tuesday, August 8th @12:30 pm – Special Civil Service Commission meeting
- c. Board of Zoning Appeals – Canceled
- d. Planning Commission Rescheduled to Tuesday, August 15th at 5:00 pm
- e. AMP Weekly Newsletter July 28, 2023

AUGUST 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6	7 7:00 pm – City Council Meeting	8 12:30 pm – Special Civil Service Comm.	9	10	11	12
13	14 6:30 pm Electric Committee / BOPA 7:00 pm Water/Sewer 7:30 pm Municipal Properties Committee	15 5:00 pm - Special Planning Commission	16	17	18	19
20	21 6:00 pm Parks & Rec Committee 6:00 pm Tree Comm. 7:00 pm City Council	22 4:30 pm - Civil Service Commission	23	24	25	26
27	28 6:30 pm Finance and Budget Committee 7:30 pm Safety and Human Resource Committee	29 12Noon Preservation Commission Meeting	30 6:30 pm Park & Rec Board	31		

City of Napoleon, Ohio

CITY COUNCIL

MEETING AGENDA

Monday, August 07, 2023 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)
July 17, 2023 Regular Council Meeting Minutes
- E. Citizen Communication**
- F. Reports from Council Committees**
 - 1. The Finance and Budget Committee did not meet on July 24, 2023 due to lack of agenda items.
 - 2. The Safety and Human Resources Committee did not meet on July 24, 2023 due to lack of agenda items
 - 3. The Technology Committee did not meet today due to lack of agenda items.
- G. Reports from Other Committees, Commissions and Boards** (*Informational Only-Not Read*) –
 - 1. The Civil Service Commission did not meet on July 25, 2023 due to lack of a quorum.
 - 2. The Park and Rec Board did not meet on July 26, 2023 due to lack of agenda items.
- H. Introduction of New Ordinances and Resolutions**
 - 1. **Resolution No. 033-23**, a Resolution Authorizing the City Manager to Execute All Documents Necessary to Apply for and Accept Ohio Public Works Commission State Capital Improvement Program (SCIP) and Local Transportation Improvement Program (LTIP) Funds for projects deemed necessary by the City Engineer in the year 2024; and declaring an Emergency.
- I. Second Reading of Ordinances and Resolutions**
 - 1. **Resolution No. 032-23**, a Resolution Authorizing a Community Reinvestment Area (CRA) Agreement with Shank Properties, LLC. within Napoleon CRA #7; 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: Award of the Palmer Ditch Pumping Station Project
 - 2. Discussion/Action: to Approve the City Manager as the AMP Board Representative for the City of Napoleon with the Finance Director as the Alternate.
 - 3. Discussion/Action: to Accept the Drug Use Prevention Program Grant from the Ohio Attorney General's Office in the Amount of \$2,041.20
 - 4. Discussion/Action: Review of Solar Rules (refer to Electric Committee/BOPA)
- 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 – Acting Clerk of Council

City of Napoleon, Ohio
CITY COUNCIL MEETING MINUTES
Monday, July 17, 2023 at 7:00 pm

PRESENT

Council Members	Ross Durham- Council President Pro-Tem, Dan Baer, Molly Knepley, Ken Haase, Dr. David Cordes, Robert L. Weitzel
Mayor	Jason Maassel
City Manager	J. Andrew Small
City Staff	Chad Lulfs- P.E., P.S. - Director of Public Works Elizibeth Schuller- Municipal Court Judge David Bowen- Fire Chief David Steward- Police Officer Tammy Fein- Law Department
Others	News- Media
Acting Recorder	Roxanne Dietrich
Absent	
Councilmembers	Joe Bialorucki- Council President
Finance Director	Kevin Garringer
City Law Director	Billy Harmon

CALL TO ORDER

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

APPROVAL OF MINUTES

The minutes from the July 3, 2023 Special City Council meeting were approved as presented.

CITIZEN COMMUNICATION- None

REPORTS FROM COUNCIL COMMITTEES

The Electric Committee did not meet on July 10, 2023 due to lack of agenda items.

The Water, Sewer, Refuse, Recycling & Litter Committee did not meet on July 10, 2023 due to lack of agenda items

The Municipal Properties, Building, Land Use and Economic Development Committee did not meet on July 10, 2023 due to lack of agenda items.

The Park and Rec Committee did not meet today due to lack of agenda items.

INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

Resolution No. 032-23- Shank Properties, LLC. CRA

Council President Pro-Tem Durham read by title Resolution No. 032-23, a Resolution Authorizing a Community Reinvestment Area (CRA) Agreement with Shank Properties, LLC. within Napoleon CRA #7; and declaring an Emergency.

Motion: Knepley Second: Haase
to approve First Read of Resolution No. 032-23

Small stated at the last council meeting we discussed this item at length. Harmon was advised by legal council that we could offer a CRA in a TIF District. With that being said I will allow Arps to speak on this further if you have any questions. There's nothing new from what we discussed at the last meeting.

Weitzel stated I have quite a few questions. Garringer said something about \$1.1 million in infrastructure payments that are due. What are those infrastructures? Small replied we reconstructed American Road from Love's Truck Stop westward towards Oakwood Ave. That road wasn't built to the standards required for heavier trucks. The infrastructure was in place and was adequate for development in that area, but the road itself had to be rebuilt. Weitzel asked if that was all included in the \$1.1 million? Small replied that project was all road. Lulfs stated there was also storm sewer. Weitzel asked if anything was done on Freedom where this particular CRA would be? Lulfs replied nothing other than the intersection itself. Weitzel asked how was that financed? Maassel replied that the City financed it ourselves borrowing from our electric department. Small stated I think we're paying it back to ourselves at 2.5% over 30 years. Weitzel asked how the debt was to be serviced? Would the TIF service that debt? Maassel replied that's the idea behind the TIF. We were looking for economic development back there, so we had two options. We could have built a road that would withstand bigger truck traffic or we could've piecemealed where Love's was. If we chose to piecemeal we would have to do it again when another company came along. Weitzel stated the County's GIS maps must be old because it looks like the newest part is in front of Love's. It doesn't show further down, so when you're looking at the map it doesn't look like any improvements were made to the west. Maassel stated when you drive you can see it. Small replied I believe the area in front of Love's was built to a different standard than the rest of the road. That must be what you're seeing on the maps. Weitzel asked where the \$500,000 came from to trigger the TIF? I did my own research on TIFs. Before a TIF is in effect the property value of the space freezes and the taxes goes into the TIF. Then if there are any new improvements that increase the value those additional tax dollars would go into the TIF. For some reason here there's a \$500,000 factor. I don't understand it. Small replied I think that was written in the legislation. Weitzel asked if instead of freezing the property values we just said in an improvement had to be over \$500,000? Small replied that's correct. Arps stated \$500,000 is the evaluation of improvements. The amount of improvements could be higher. Weitzel asked the taxable evaluation? Arps replied, correct. Right now Love's is the only parcel out there high enough to trigger into the TIF. Weitzel asked what year the TIF was created? Arps replied I believe 2020. Weitzel stated that probably didn't even consider the inflation that we saw afterwards. Maassel replied no. That was probably close to the going rate of debt. I know Lulfs got some stuff cheaper than that through the State. Weitzel stated that it doesn't encompass the massive inflation that has taken place. Maassel replied right. Weitzel stated that Love's triggered the TIF. What happens if that property value decreases? Does it fall out? Small replied I don't think it falls out, but the property taxes would be reduced. Weitzel asked how many years the TIF is for? Maassel replied for 30 years. The same as the debt. Weitzel asked Arps in your opinion does a TIF create a better atmosphere than a CRA under the circumstances? Arps replied not in this scenario. The TIF doesn't serve the Shanks. The TIF created served the purpose of the infrastructure that was created for the roads. Any other businesses out there beside the roads aren't benefiting from that. For this instance, this is the only incentive that can be offered. I know it's in a TIF, but we've all learned that we can put a CRA on top of it. Weitzel asked if his property falls within the TIF? Arps replied, correct. Weitzel asked if there was anything we could partner or offer that would help enough to make the TIF worthwhile? Small replied the TIF and the CRA are the same, but completely different. They both recoup the tax dollars or redirect. For the CRA you're redirecting the tax dollars into the business. For the TIF you're redirecting tax dollars to support infrastructure. Weitzel replied that's a big difference. A smaller development would probably much rather have the money put back into their own business rather than pay all of it to taxes. They didn't even have the investment when the infrastructure was created. Small replied correct. Weitzel asked if the TIF hinders development in that area? Maassel replied no. Exhibit one is Love's. If we didn't have the TIF we wouldn't have Love's. Weitzel stated that we would've had to find a different way to fund the infrastructure. Maassel replied this was the easiest way to do it. Cordes stated if I understand correctly the payment coming due will be covered by Love's for the most part. Weitzel replied I haven't heard

that. I was hoping to get that answer today. Cordes stated supposedly there's been enough money collected that the upcoming TIF payment would be covered. Weitzel asked if the money had already been collected? Maassel replied no, but it will be collected by the time the debt payment is due in 2029. Weitzel asked even if nothing else falls into the TIF it would be collected? Small replied that's the exact way I understand it. Garringer is concerned that we are just barely making that payment. To get back to your question regarding if the property value decreases. The taxes that are recouped for the debt service would be lowered in which case we wouldn't have enough money to support the debt. Maassel stated the CRA is for 10 years. After the CRA expires if the property is reevaluated at an excess of \$500,000 then those dollars would go towards the TIF. Arps replied correct. You're still going to catch 20 years. Weitzel asked if the CRA would come first regardless of what happens? Then the TIF would come in afterwards? Arps replied correct. Weitzel stated at that point the CRA accomplished its goal by putting money back into the business for 10 years. Arps replied correct your supporting both ends essentially. Hopefully that would trigger more development in the 10 years that the CRA is running. Weitzel asked if the TIF promoted the reduction of the size of the expansion that he was looking for? Arps replied no. Weitzel stated however, the CRA is going to put money back into the business. Arps replied yes. Weitzel stated that I have had all my questions answered. Thank you. Maassel stated we talked about this a lot. When you focus in on this little patch it's a sign of what we're doing to help local businesses grow. That's something we want to make sure we continue to promote across Napoleon. We want businesses to grow. This sends a really strong message to people considering the spec building or other places in town that are empty. We're not just taking care of the new people coming in, but we're also taking care of the people who are here. If we expand out and look at the larger view, that's what we're trying to do. Economic development is a bunch of dominoes lining up. Once you push the first one it becomes easier and easier, but once you stop it's really hard to get the dominoes all set back up. I encourage us to do this. I agree with what Councilman Baer said about doing the three reads. I appreciate all of Weitzel's great questions. I'm in full support of this because of the signal it's sending to the rest of Napoleon and the four county area. I think recently in the last 30 days Defiance has mentioned larger projects that they're moving forward with. If we say we're not too sure about this what are we saying to other people who want to grow here in Napoleon? I understand it's all case by case. They're all unique circumstances, but at the same time you have someone who wants to grow their business and needs a little help to get it going. He's had a CRA before and knocked it out of the park. This one is for 11 jobs. Hopefully we can get more than 11 out of it. That will lead to more families in town and a reason to build more houses. Weitzel stated I didn't see a problem before, but there was an awful lot of concern. I don't see that concern right now. There's money coming in and there's probably going to be enough to pay the debit. If there isn't it's not going to be a huge amount. What's going to change in two more reads? Why don't we move this along? Arps replied I understand the concern and wanting to take it through two more reads. I will have to amend the agreement as the start of construction was supposed to be in July. If we push this out expect an amendment before we move forward. Durham replied I agree. I think the CRA is something we should do for the business. It's not only to help them expand, but to retain a valuable asset to the community. I spoke with Arps earlier today. I think our priority needs to be how else are we going grow the TIF district to attract other businesses to that area. I don't know what that would take maybe forming a committee, but this is the first step to that puzzle. I think Garringer brought up some great points. That's his role as a finance director to provide checks and balances. I think it's a polarizing enough issue that we should take the time to do the three readings. I've asked 10 people their opinions and 60% gave me one answer and the other 40% gave me a different answer. It's something that we should take our time with and allow people from the community to come forward to voice their concerns. At this point I'm in favor and I will vote yes tonight, but I think we need to do our due diligence and give it three reads. Cordes stated as it was mentioned earlier for him to be eligible for the CRA he would have to create 11 jobs. That's 11 jobs

minimum anything extra that comes along would be beneficial. I would hope something like that would happen for him and for us. It makes it a little more worth it. Durham stated one other point I'll add is that the CRA agreements are reviewed every year. Two members of Council sit on that committee and we go over how they're performing. Then we make a recommendation to Council to continue the CRA or not. Arps does a great job at tracking their progress. We're going to have snapshots of how that's progressing. Small stated Jade and April Shank are phenomenal business people. They run four businesses out of that area. I think we as a body must continue to remember to keep our open for business sign out because it's an important message to send. I do appreciate Council taking a good look at this. I would certainly encourage you to pass this. Haase stated for too long Napoleon has been noted as a place not to do business. It's time that that changes. Maassel replied I've been fighting that for eight years. We're on the uphill, but we could quickly slip back the other way. Arps stated these incentives are competitive. Business owners can go somewhere else and get 10 years and 100% real quick. We have to keep them here. Weitzel stated all the more reason why I said I didn't think we should drag our feet too long. I think we're holding things up.

Motion: Weitzel Second: Knepley
to suspend the rule requiring three readings of Resolution No. 032-23

Roll call vote on the above motion:

Yea-Weitzel, Cordes, Haase
Nay- Baer, Knepley, Durham
Yea-3, Nay-3. Motion Failed

Roll call vote to approve First Read of Resolution No. 032-23:

Yea- Baer, Knepley, Weitzel, Cordes, Haase, Durham
Nay-
Yea-6, Nay-0. Motion Passed

Maassel stated since the suspension failed maybe we can make a decision the next council meeting to get this done in two reads.

SECOND READING OF ORDINANCES AND RESOLUTIONS- None

THIRD READING OF ORDINANCES AND RESOLUTIONS- None

GOOD OF THE CITY (Discussion/Action)

Review/Approval of the Power Supply Cost Adjustment Factor for July 2023 as PSCAF three-month averaged factor \$0.01501 and JV2 \$0.028054

Small stated this month power supply adjustment factor is actually the lowest that we've had in nine months. It's a full penny lower than it was a year ago. I don't know why it was so high a year ago. Part of the reason this one is so low is because we received \$384,000 in credits from the sale of JV5, which is the hydroelectric plant down in Belleville. When you produce more energy than you use you can sell those clean energy credits. We did that and received \$384,407 of credits. That's a big part of why this is so low. Haase asked how long is the wind generator in Bowling Green going to be in operation? Small replied I believe only another year or two. Only three of the four are currently in operation. Haase stated one kill an eagle. Small stated that's a very small part of our portfolio like .2%.

Motion: Haase Second: Cordes
to approve the Power Supply Cost Adjustment Factor for July 2023 as PSCAF three-month averaged factor \$0.01501 and JV2 \$0.028054

Roll call vote on the above motion:

Yea- Baer, Knepley, Weitzel, Cordes, Haase, Durham

Nay-

Yea-6, Nay-0. Motion Passed

Approval to Apply for Ohio Public Works Commission (OPWC) Funding FY2024 (direct Law Director to draft legislation).

Lulfs stated this is the legislation that we bring forth every summer. The OPWC application will be due in early September. This legislation will allow the city manager to sign all the documents required for the application and acceptance of the grant. Right now we are considering tackling the East Washington's sanitary sewer. It is one of the project required through both the long term control plan as well as our current NPDES permit. We are going to have to do this project in several phases because of cost. If we can receive some grant money through the state to offset those cost that makes sense to me. We're just asking for legislation to be drafted so that the city manager can sign those documents when we submit the application.

Motion: Knepley

Second: Baer

to direct the law director to draft legislation to apply for OPWC Funding FY2024

Roll call vote on the above motion:

Yea- Baer, Knepley, Weitzel, Cordes, Haase, Durham

Nay-

Yea-6, Nay-0. Motion Passed

Approval for Municipal Court to Apply for the CCA 2.0 and Tech Grants.

Schuller stated we talked about upgrading our court security with the tech grant, but lots of the things we were hoping to have paid for won't be covered. The tech grant will pay for a metal detector and an x-ray machine. Those are the only two things that we can use that money for. I believe that money for the already CCA 2.0 grant is already here. The City has to provide a probation office. Through my research I found the court has gotten a grant to pay for that position since 1996. In the past there were two grants to cover the position, which were the original CCA and the JRIG. Those are two grants we always applied for to pay for probation officers. Now, both of those grants are combined into one called the CCA 2.0. Weitzel stated hopefully they give you the same amount or more. Schuller replied they're giving us the same amount, but we applied for a little bit more to cover raises, educational needs and operational materials. They've not made any promises. Baer asked if there was any problem getting the items for the tech grant? Schuller replied they've been ordered. The grant says we have to have the items installed by June 2024.

Motion: Baer

Second: Weitzel

to approve Municipal Court to Apply for the CCA 2.0 and Tech Grants.

Roll call vote on the above motion:

Yea- Baer, Knepley, Weitzel, Cordes, Haase, Durham

Nay-

Yea-6, Nay-0. Motion Passed

AROUND THE TABLE

Baer- Do we have any agenda items for the Safety and Human Resource Committee? Small replied no. Baer stated I will cancel that meeting.

Knepley- Nothing tonight. Thank you.

Weitzel- Nothing for me. Thank you.

Small- First off I want to commend our crews for their activity in the last couple weeks. It's been a crazy time in terms of water loss and electrical outages, but our crews have really gone over and above. We found the leak. It was actually found by one of our electrical lineman. It was located out along Independence Drive. We have some sewer work that we're digging into tomorrow morning to make an attempt to fix the storm sewer that was damaged. Once we get that done we will move forward with insurance to get that taken care of. In addition to that we had scheduled Aqualine to come in to help locate the leak. Just by chance we located it the day before they were scheduled, but we didn't cancel them. We made the decision for them to check a few locations that we had suspected. They found a minor leak on Derome Drive that we fixed right away. More importantly we had them look at the 16 inch crossing under the river, which came back good. It got to the point over the 11 days that we suspected that area because we couldn't find anything else. Fortunately we don't have an issue there. They checked 3 or 4 other locations in town, but came up with nothing. Durham replied that was a good call still bringing them in. Small stated we decided pretty quickly on Tuesday as we were standing around digging the hole. They are a very hard company to get in. It took us 8-9 days to even get them here and we thought it was going to be longer. I don't know if I relayed this to you or not. The holes in the waterline were adjacent to the storm sewer. The storm sewer was ripped up, so the water was able to go right into it and flow into Oberhaus Creek. I'm glad we found it.

Cordes- Nothing for me tonight.

Haase- The fireworks were exceptional compared to around the area. We had a really fine show. Small replied Cotter is his biggest critic. Other than Cotter every single person I talked to loved it. Haase stated my wife saw a show in Illinois the week before that was about a \$45,000 show that was no better. Durham stated I saw a lot of positive comments on the show, so a job well done.

Fein - Nothing from the law department.

Durham- Nothing from me tonight.

Maassel- I want to add an executive session to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee.

Executive Session

Motion: Knepley Second: Haase
to enter executive session to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee at 7:40pm

Motion: Knepley Second: Weitzel
to enter executive session for compensation of personnel at 7:40 pm

Roll call vote on the above motions:
Yea- Baer, Knepley, Weitzel, Cordes, Haase, Durham
Nay-

Yea-6, Nay-0. Motion Passed

Motion: Weitzel Second: Cordes
to exit executive session to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee and for compensation of personnel at 7:57pm

Roll call vote on the above motion:

Yea- Baer, Knepley, Weitzel, Cordes, Haase, Durham

Nay-

Yea-6, Nay-0. Motion Passed

Council President Pro-Tem Durham reported no action was taken.

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

Durham stated on page 10 there was a roadside mowing service fee. What roads is that for. Small replied there's a whole list of roads that it covers. I have a list of 3-4 pages. Durham asked if I could get that list at some point? Small replied yes. Haase asked if they are mowing what the state doesn't mow inside the city limits. Small replied I'm not sure. They mow everything they're contracted to mow. Haase stated the state has taken out the limited access fences at intersections within the city. For example, they aren't going to mow in front of the old Holiday Inn or the intersection by Saint Paul's. Lulfs replied I know a portion of those were added into the contract. I don't know if all of them were. I know we can have the fences removed if we want. ODOT hasn't told me if they're taking them all out by Saint Paul's. I know they're planning on taking them out on 108. I believe the area on Scott Street were added into the contract this year, but I don't know about the ones on Woodlawn. Cotter runs that contract. I can find out. Durham asked if that was a monthly cost? Small replied we have an annual contract. Durham stated that makes me feel a little bit better.

ADJOURNMENT

Motion: Haase Second: Weitzel
to adjourn the City Council meeting at 8:02pm

Roll call vote on the above motion:

Yea- Baer, Knepley, Weitzel, Cordes, Haase, Durham

Nay-

Yea-6, Nay-0. Motion Passed

Approved

August 7, 2023

Joe Bialorucki, Council President

Jason Maassel, Mayor

Acting Recorder

RESOLUTION NO. 033-23

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO APPLY FOR AND ACCEPT OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM (SCIP) AND LOCAL TRANSPORTATION IMPROVEMENT PROGRAM (LTIP) FUNDS FOR PROJECTS DEEMED NECESSARY BY THE CITY ENGINEER IN THE YEAR 2024; AND DECLARING AN EMERGENCY

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

Section 1. That, the City Manager is directed to execute all documents necessary to apply for and accept Ohio Public Works Commission State Capital Improvement Program (SCIP) and Local Transportation Improvement Program (LTIP) funds for the year for projects deemed necessary by the City Engineer in the Year 2024, including but not limited to execution of Grant Agreement(s).

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

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

Section 4. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to assure the prompt and efficient application for project funds related to public peace, health or safety of the City; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to be in effect at the earliest possible time to allow for proper and timely application of grant funds, 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, acting Clerk of Council

I, Roxanne Dietrich, acting Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 033-23 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2023; & 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, acting Clerk of Council

RESOLUTION NO. 032-23

A RESOLUTION AUTHORIZING A COMMUNITY REINVESTMENT AREA (CRA) AGREEMENT WITH SHANK PROPERTIES, LLC. WITHIN NAPOLEON CRA #7; AND DECLARING AN EMERGENCY

WHEREAS, the Ohio Reinvestment Area Program, pursuant to Ohio Revised Code Chapter 3735, authorizes the City to grant real property tax exemptions on eligible new investments; and,

WHEREAS, the City by Resolution 114-01 adopted on October 1, 2001 that designated an area (CRA 7) as a Community Reinvestment Area pursuant to Ohio Revised Code Chapter 3735 and, with the adoption of Resolution No. 65-02 adopted June 17, 2002 enlarged the area; and,

WHEREAS, the Director of Development determined that the area so designated by the City contained the characteristics set forth in Ohio Revised Code Section 3735.66; and,

WHEREAS, the Director of Development certified the area as a community reinvestment area known as Zone No. 069-53550-02 (the "Area"); and,

WHEREAS, Shank Properties, LLC. made application that will involve a total capital investment in real property currently estimated at \$1,227,000.00, plus or minus ten percent (10%), in construction of a new building, approximate size being approximately 20,352 square feet (total), and appurtenances at the site located on parcel number 41-0100260300, 450 Freedom Drive, Napoleon, Ohio; and,

WHEREAS, it was recommended by the Director of the County Community Improvement Corporation of Henry County, Ohio, contracted administrator of the CRA's for the City, that Shank Properties, LLC. receive a seventy-five percent (75%) abatement for ten (10) years on the proposed real property improvements; and,

WHEREAS, the appropriate school(s) were provided with all legally-required notices; and,

WHEREAS, the Napoleon Area City School District Board of Education, either waived the timeliness of the notice requirement(s) and approved the proposed agreement or, timely received the notice(s) and made approval; **Now Therefore**,

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

Section 1. That, the City approves and consents to a certain Community Reinvestment Area Agreement with Shank Properties, LLC., in substantially the form as being currently on file with the City Finance Director, Agreement No. 2021-17, subject to any changes deemed appropriate by the City Manager and approved as to form and correctness by the City Law Director; said agreement having been reviewed by this Council.

Section 2. That, the City Manager is both authorized and directed to execute the Community Reinvestment Area Agreement as referred to in Section 1 of this Resolution in the name of and on behalf of the City.

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

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

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

Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to expeditiously proceed with this development project for the economic welfare of the inhabitants of the City; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect a the earliest time permitted by law. Further, the Emergency Clause is necessary to begin the construction process in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: _____
Joseph D. Bialorucki, Council President

Approved: _____
Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Roxanne Dietrich, acting Clerk of Council

I, Roxanne Dietrich, acting Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 032-23 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2023; and I further certify the compliance with the 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, acting Clerk of Council

2023

COMMUNITY REINVESTMENT AREA AGREEMENT

Between

THE CITY OF NAPOLEON, OHIO

and

SHANK PROPERTIES, LLC

Dated as of

_____, 2023

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Appendix “A” – Application of the Enterprise for Exemptions

Appendix “B” – Improvements

Appendix “C” – The Real Property

This Community Reinvestment Area Agreement (the "Agreement") is made and entered into by and between the City of Napoleon, Ohio, a municipal corporation located at 255 W. Riverview Avenue, Napoleon, Ohio 43545 (the "City") and Shank Properties, LLC. organized under the laws of Ohio, located at 13226 Co. Rd. R, Napoleon, Ohio, 43545 (the "Enterprise"), under the circumstances summarized under the following recitals (capitalized words and terms used in the recitals and not otherwise defined shall have the meanings assigned to such words and terms in Section I of this Agreement):

WHEREAS, the City by Resolution adopted on October 1, 2001 designated an area (CRA #7) as a Community Reinvestment Area pursuant to Ohio Revised Code Chapter 3735; and,

WHEREAS, the Director of Development determined that CRA #7 so designated by the City contained the characteristics set forth in Ohio Revised Code Section 3735.66; and,

WHEREAS, the Director of Development on November 20, 2001, certified CRA #7 as a community reinvestment area known as Zone No 7 ("CRA #7"); and,

WHEREAS, the City encourages the development of real property in CRA #7; and,

WHEREAS, the Enterprise desires to construct and install a Project at the Facility in CRA #7 if incentives are available to support the economic viability of the Project; and,

WHEREAS, the City has the authority to exempt the Project from the real property taxes in accordance with Ohio Revised Code Chapter 3735; and,

WHEREAS, the Enterprise has submitted an application to the City through the City's agent for economic development, the Community Improvement Corporation of Henry County, Ohio (the "CIC"), for such tax exemptions, a copy of which is attached as Appendix "A" and is incorporated as part of this Agreement; and,

WHEREAS, the Housing Officer for CRA #7 for the City has investigated the application of the Enterprise and has recommended the same to the City of Napoleon Council on the basis that the Enterprise is qualified by financial responsibility and business experience; further, that in granting the CRA Agreement, new construction or remodeling will be made in CRA #7 which will serve to encourage economic stability, maintain real property values, and generate new employment opportunities; and,

WHEREAS, the determination of the tax incentive is calculated on the investment made in the construction of a 20,352 square foot steel pre-engineered addition to the Enterprises existing manufacturing facility. The value of the improvements being determined by the Henry County Auditor; and,

WHEREAS, the Project is located in the Napoleon Area City School District and within Four County Career Center District; and,

WHEREAS, the Board of Education of the appropriate School District(s) required to be notified has been notified in accordance with Sections 3735.671 and 5709.83 of the Ohio Revised Code and has been given a copy of the Application with the stated percentages of the value of the real property to be exempted, an estimate of the true value of that property, and the number of years that property will be exempted; and,

WHEREAS, pursuant to Section 3735.67(A) and in conformance with the format required under 3735.671(B) of the Ohio Revised Code, the parties hereto desire to set forth their Agreement with respect to matters hereinafter contained; and,

NOW, THEREFORE, on the basis of the foregoing recitals and in consideration of the representations, agreements, and covenants of the City and the Enterprise contained in this Agreement, the City and the Enterprise agree as follows:

Section 1. Definitions. In addition to words and terms defined elsewhere in this Agreement:

"Application" means an Application for Real Property Tax Exemption and Remission (Form DTE 24) and any successor form to that form.

"Area" means Community Reinvestment Area Zone 069-53550-02 Napoleon #7 located in the City as certified by the Director of Development.

"City" means the City of Napoleon, Ohio

"County" means Henry County, Ohio.

"County Auditor" means the Auditor of Henry County, Ohio.

"Department of Development" means the Department of Development created pursuant to Ohio Revised Code Section 121.02.

"Director of Development" means the Director of the Department of Development.

"Enterprise" means the entity named in the application seeking the CRA Agreement, including its approved assigns and transferees.

"Facility" means the Enterprise's facilities located on the Real Property.

"Four County" means the Four County Career Center, a Joint Vocational School District under Ohio law whose school district boundaries encompass the Facility.

"Housing Officer" means the person or entity designated as the Housing Officer by the City for the CRA #7.

"Improvements" means the improvements to the real property resulting from the Project, as more fully described in Appendix "B", incorporated into the Agreement by reference thereto.

"Lessee" [if applicable] means generally, the person, business, corporation, or other entity, that leases the facility from the Enterprise;

"Project" means the development of the Facility through the construction, acquisition, and installation of the Improvements.

"Project Completion Date" means November 30, 2023, even though the actual completion date may be earlier.

"Real Property" means the real property described in Appendix "C", incorporated into the Agreement by reference thereto.

“School Board” means the Board of Education of the School District.

“School District” means the Napoleon Area City School District.

“TIRC” means the Tax Incentive Review Council created pursuant to Ohio Revised Code Section 5709.85 and Napoleon City Council Resolution Numbers 106-00 and 119-00.

Section 2. Interpretation. Any reference in this Agreement to the City, or to other public bodies or entities, or their members, officers or employees, shall include those who succeed to their functions, duties or responsibilities by operation of law and those who at the time may legally act in their place.

Any reference to a section, chapter, division, paragraph or other provision of the Ohio Revised Code shall include that section, chapter, division, paragraph or other provision as from time to time amended, modified, supplemented, revised, or superseded.

Unless the context clearly otherwise indicates, words importing the singular number shall include the plural number, and vice versa; the terms "hereof", "hereby", "herein", "hereto", "hereunder" and similar terms refer to this Agreement; and the term "hereafter" means after, and the term "heretofore" means before the date of this Agreement. Words of any gender include the correlative words of the other genders. Reference to a "Section" or an "Appendix" is a reference to a Section of or an Appendix to this Agreement. All Appendix(s) is/are part of this Agreement.

The captions and headings in this Agreement are solely for convenience of reference and in no way define, limit or describe the scope or the intent of any Section.

Section 3. The Project. The Project will involve a total capital investment in real property currently estimated at \$727,000.00, plus or minus 10% in development and construction of a light-industrial building, approximate size being 20,352 square feet, on the Real Property. The Project will also involve a total capital investment of personal property in the form of machinery and equipment currently estimated at \$500,000.00, plus or minus 10%. Total Project investment totals \$1,227,000.00.

(a) A description of all the investments to be made at the facility including: value of new real property shall be as in Appendix(s) "A" and "B", incorporated into this Agreement by attachment hereto.

(b) The Project will commence by July 2023 and all acquisition, construction, and installation of the Project will be completed by November 30, 2023.

(c) The total investment of this construction project is greater than the (10%) of market value of the facility assets already owned at the site prior to such expenditures.

Section 4. Enterprise's Representations. The Enterprise certifies that:

(a) The Project shall create a minimum of eleven (11) full-time permanent jobs and zero (0) part-time permanent jobs and zero (0) temporary jobs at the Facility by December 31, 2028.

(b) The increase in the number of employees will result in the approximately \$605,000.00., plus or minus 25% of additional payroll at the Facility by the end of the fifth (5th) calendar year following the completion of the Project.

(c) The Enterprise currently has approximately thirty-two (32) full-time permanent

employees, no part-time permanent employees, and no temporary employees within the State of Ohio. The annual payroll for employees to be retained at the Facility is estimated at \$790,400.00

(d) It does not owe any delinquent real or tangible personal property taxes to any taxing authority or in the State of Ohio, and does not owe any delinquent taxes for which it is liable under Ohio Revised Code Chapters 5733, 5735, 5739, 5741, 5743, 5747 or 5753, or, if such delinquent taxes are owed, it currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against it. For purposes of this paragraph "delinquent taxes" are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

Section 5. City Obligations.

(a) The City shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

(b) If for any reason the City revokes the designation of CRA #7, the City shall continue to grant the entitlements under this Agreement for the number of years specified under this Agreement, unless the Enterprise materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation pursuant to this Agreement.

Section 6: Enterprise's Covenants & Agreements. The Enterprise covenants and agrees that:

(a) Regarding the construction and renovations, the Enterprise will make a minimum investment of \$727,000.00, plus or minus 10%.

(b) Regarding the Machinery & Equipment, the Enterprise will make a minimum investment of \$500,000.00, plus or minus 10%.

(c) The Enterprise shall use its best efforts to employ, or cause the employment of, residents of the County for any new job opportunities created at the Facility during the duration of this Agreement.

(d) The Enterprise shall provide, or cause to be provided, to the TIRC any and all information requested by the TIRC that is reasonably necessary for the TIRC to evaluate the applicant's compliance with the Agreement, including returns filed pursuant to Section 5711.02 of the Ohio Revised Code if requested by the TIRC.

(e) The Enterprise shall pay such real and tangible personal property taxes on property located in the County that are not exempt pursuant to this Agreement, other tax abatement agreements, or by law. The Enterprise shall file all tax reports and returns required by law.

(f) The Enterprise shall file two copies of the Application with the County Auditor prior to the first year for which real property taxes on the Improvements would be taxable if the Improvements were not exempt from taxation pursuant to this Agreement. The Enterprise acknowledges that exemptions from real property taxes granted by this Agreement are not effective until an Application has been filed

with the County Auditor and forwarded to the Ohio Department of Taxation.

(g) The Enterprise will perform such other acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain the exemptions granted by this Agreement, including, without limitation, executing documents and providing certifications required in connection with those exemptions.

(h) The Enterprise has made no false statements to the City, the School District, or the State of Ohio in the process of obtaining the exemptions granted by this Agreement.

Section 7. Exemptions.

(a) The City, with notification of the School District and to the Four County, hereby grants the Enterprise a 75% exemption, pursuant to Section 3735.67 of the Ohio Revised Code for eligible real property, from real property taxes for a period of 10 years for the Improvements. The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation. No exemption shall commence after January 1 of the first tax year for which the Improvements appear on the tax rolls of the Henry County Auditor. Nor shall extend beyond the ten (10) year anniversary of such date. The maximum investment for the Improvements to qualify for the exemption granted in this paragraph is \$727,000.00.

(b) The description of the specific real property to be exempted is as described in Appendices "A", "B", and "C".

(c) The Enterprise shall pay such real and tangible personal property taxes as are not exempted under this Agreement and are charged against such property and shall file all tax reports and returns as required by law.

Section 8. Annual Fee. The Enterprise shall pay an annual fee of \$500.00 which is supportive of a Henry County CIC membership, supporting monitoring, and administration of the agreement and reporting.

The City or its agent shall mail an invoice for the fee to the Enterprise on or before September 15th of each year within which any taxes are abated pursuant to this Agreement. The invoice shall be paid by the Enterprise to the City or its agent within the thirty (30) days immediately following the invoice date.

Section 9. Compensation Payments. The Enterprise agrees to compensate a portion of the tax revenue foregone by the County, City, School District, Four County, and other political subdivisions or receivers thereof as a result of the exemptions as provided by this Agreement.

(a) The Enterprise shall annually pay to the City or its agent an amount equal to twenty-five percent (25%) of the dollar amount of the incentives offered by this Agreement; in other words, the total taxes that would have been payable had this Agreement not been entered into. The amounts due to the City Infrastructure Fund and the School District Separately and respectively, shall each be a percentage of the total amount of the total payment in lieu of taxes annually under this Section, as agreed to by the City and the School District.

**Years 1 through 10
Entities Receiving**

Estimated Figures + or –

Payments in Lieu of Taxes	Percentage of net Abatement Total	Payment in Lieu of Taxes
Napoleon Area City School District	50%	\$1,413.48
Four County Career Center	25%	\$706.74
Napoleon Infrastructure gets:	25%	\$706.74
TOTAL	100%	\$3,593.63 (estimated)

(b) On or before September 15th following each year within which any taxes are abated pursuant to this Agreement, the City or its agent shall calculate the amount of incentives offered by this Agreement and the amount equal to 25 of the taxes foregone through this Agreement. Immediately thereafter, the City or its agent shall invoice the Enterprise for the amounts due and owing under the Enterprise’s actual investment and abatement, as explained above.

(c) Within thirty (30) days immediately following each September 15th invoicing above, the Enterprise shall pay such invoiced amounts to the City or its agent for distribution to the affected political subdivision and schools as applicable.

(d) The City and the School district may respectively expressly agree in writing to reallocate, in whole or in part, any portion of each one’s respective allocation under this Section. Any written agreement entered into pursuant to this paragraph shall be communicated to the City and the Enterprise and shall become effective upon notice being provided to the City and the Enterprise. Any agreement to reallocate shall adjust the City’s distribution among affected entities, but this ability to reallocate and any act of reallocation shall never, by itself, increase the total amount due by the Enterprise under this Section 9.

(e) The payment of the compensation payments due to the City and/or the School District, are for the benefit, run in favor of, and are enforceable by the City and the School District respectively, is the exclusive intended third-party beneficiaries to the provisions and terms of this Section.

Section 10. Events of Default and Remedies. The occurrence of any of the following shall be considered an Event of Default by the Enterprise under this Agreement.

(a) If the Enterprise materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement is fraudulent, the City shall terminate or modify by reducing the exemptions from taxation granted under this Agreement, and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this Agreement for the previous year; further, the City may, at its option, secure repayment of such taxes by a lien on the exempted property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on the real property. In applying this paragraph, the Enterprise shall not be considered to be in material default so long as it has rented or sold the facility to an Approved Employer, as per section 4 (a) of this Agreement.

(b) Exemptions from taxation granted under this Agreement shall be revoked if it is determined that the Enterprise, any successor enterprise, or any related member (as those terms are defined in Section 3735.671 of the Ohio Revised Code) has violated the prohibitions against entering into this Agreement under Division (E) of Section 3735.671 or Section 5709.62 or 5709.63 of the Ohio

Revised Code prior to the time prescribed by that division or either of those sections.

(c) If the Enterprise fails to pay such taxes or files such returns and reports as required by law concerning this exemption, exemptions from taxation granted under this Agreement shall be rescinded beginning with the year for which such taxes are charged or such reports are required to be filed and thereafter.

(d) If the Enterprise fails to provide information requested by the TIRC or to file copies of all Applications with the TIRC, then this Agreement may be terminated.

(e) The minimum investment for the Improvements is less than that stated in Section 6 after the Project completion date, then this Agreement may be terminated.

(f) The Enterprise made materially false statements to the City in the process of obtaining the exemptions granted by this Agreement, then this Agreement may be terminated.

(g) The Enterprise fails to pay the annual fee required by Section 8 then this Agreement may be terminated.

Section 11. Notices & Payments. All notices required by this Agreement shall be in writing and either mailed by first class U.S. mail, postage prepaid, addressed to the person or persons to be so notified or delivered by personal delivery to such person. Notice shall be deemed given on the earlier of the day the notice is mailed or personally delivered.

Payments must be received by the person entitled to payment on or before the date specified in this Agreement.

All notices and applicable payments shall be delivered to the following addresses; original payments from Enterprise to the City shall be mailed to the City or its Agent:

(a) To the City: City of Napoleon, Ohio
c/o City Manager
255 West Riverview
Napoleon, Ohio 43545

With a Copy to: Henry County CIC,
c/o Executive Director
104 East Washington Street, Suite 301
Napoleon, Ohio 43545

(b) To the Enterprise: Shank Properties, LLC
c/o Jade Shank
13226 Co. Rd. R
Napoleon, Ohio 43545

(c) To the County Auditor: Auditor
County of Henry, Ohio
660 N. Perry Street
Napoleon, Ohio 43545

- (d) To the School District: Napoleon Area City School District
c/o Treasurer
701 Briarheath Ave.
Napoleon, Ohio 43545
- (e) To Four County: Four County Career Center
c/o Superintendent
22-900 State Route 34
Archbold, Ohio 43502
- (f) To the TIRC: Henry County CIC
c/o Executive Director
104 East Washington St.
Suite 301
Napoleon, Ohio 43545

Section 12. Miscellaneous.

(a) The Enterprise shall provide to the proper tax incentive review council any information reasonably required by the TIRC to evaluate the applicant's compliance with the Agreement, including returns filed pursuant to Section 5711.02 of the Ohio Revised Code if requested by the TIRC.

(b) If for any reason CRA #7 designation expires, or the Director of Development revokes the certification of CRA #7, or the City revokes the designation of CRA #7, the exemptions granted by this Agreement shall continue as provided in this Agreement.

(c) No individual shall be denied employment at the Facility on the basis of race, religion, gender, disability, color, national origin, or ancestry.

(d) This Agreement is not transferable or assignable without the written consent of the City, and the Enterprise acknowledges that the City may not give that consent if the School District objects to any transfer or assignment. Further provided, however, the exemptions provided in this Agreement may be applicable and assignable (upon notice to the City) to entities that are directly and immediately related to the Enterprise that may already have indirect ownership of the property subject to the exemption, without prior written approval from the City. In the event that a sale of the property occurs without written consent of the City and School District to transfer or assign the Agreement, this Agreement shall terminate at the time of sale without any requirement of the Enterprise to pay back any prior tax abatement given as a part of this Agreement.

(e) This Agreement may be executed in any number of counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same instrument.

(f) This Agreement shall be deemed to be a contract made under the laws of the State of Ohio and for all purposes shall be governed by and in accordance with the laws of the State of Ohio.

(g) Any legal action regarding this Agreement shall be filed in the Court of Common Pleas of Henry County, Ohio, or, in case of Bankruptcy, the appropriate Bankruptcy Court.

(h) The Enterprise acknowledges that this Agreement must be approved by formal action of the City Council of Napoleon, Ohio as a condition for the Agreement to take effect. This Agreement takes effect upon such approval and upon execution by the parties.

(i) In the event that any part or provision of this Agreement is held invalid or void by a court of competent jurisdiction, only that part or provision shall be invalid or void and the parts or provisions not held invalid or void shall remain in full force.

(j) This Agreement shall be construed as mutually drafted by the parties.

(k) Time is of the essence.

(l) The Enterprise expressly agrees to waive and forego its rights to appeal the Auditor's determination on the value of the investment stated in this Agreement.

(m) The preamble of this Agreement shall be incorporated into this Agreement as part thereof.

(n) Any obligation of the City to pay money under this Agreement is subject to appropriation of funds by the City.

IN WITNESS WHEREOF, the City and the Enterprise have caused this Agreement to be executed on their behalf by their respective duly authorized officer or representative, all as of and effective upon the date printed on the cover page of this Agreement.

AGREED TO:

CITY OF NAPOLEON, OHIO

By _____
J. Andrew Small, City Manager

SHANK PROPERTIES, LLC

By: _____
Jade Shank, Member

CONSENTED TO:

NAPOLEON AREA CITY SCHOOL DISTRICT

By: _____
Dr. Erik Belcher, Superintendent

By: _____
Michael Bostelman, School Board Treasurer

CONSENTED TO:

FOUR COUNTY CAREER CENTER

By: _____
Jeff Slattery, Superintendent

By: _____
Connie Nicely, School Board Treasurer

APPROVED AS TO FORM AND CORRECTNESS:

Billy D. Harmon, City of Napoleon Law Director

Appendix "A"

APPLICATION CRA

ATTACHED

**Appendix
"B"**

THE IMPROVEMENTS

The Project will involve a total capital investment in real property currently estimated at \$727,000.00, plus or minus 10% in development and construction of a steel pre-engineered manufacturing addition, approximate size being 20,352 square feet, on the Real Property.

Appendix "C"

**REAL PROPERTY
DESCRIPTION**

Containing: 7.03 acres of land

Tax Parcel # 41-010026.0300
450 Freedom Drive
Napoleon, OH 43545

Township: Napoleon

COMMUNITY REINVESTMENT AREA TAX INCENTIVE APPLICATION

PROPOSED AGREEMENT for Community Reinvestment Area Tax Incentives between the City of Napoleon, Ohio located in the County of Henry and Jade Shank.

1. a. Name of property owner, home or main office address, contact person, and telephone number (attach additional pages if multiple enterprise participants).

Shank Properties, LLC
Enterprise Name

Jade Shank
Contact Person

13226 Co. Rd. R, Napoleon
Address

(419) 467-1408
Telephone Number

- b. Project site:

Shank Properties, LLC

Jade Shank
Contact Person

450 Freedom Drive, Napoleon
Address

(419) 467-1408
Telephone Number

2. a. Nature of commercial/industrial activity (manufacturing, warehousing, wholesale or retail stores, or other) to be conducted at the site.

Manufacturing

- b. List primary 6 digit North American Industry Classification System (NAICS) # _____

Business may list other relevant SIC numbers. 332312 – Fabricated Structural Metal Manufacturing

- c. If a consolidation, what are the components of the consolidation? (must itemize the location, assets, and employment positions to be transferred: _____

- d. Form of business of enterprise (corporation, partnership, proprietorship, or other).

LLC

3. Name of principal owner(s) or officers of the business.

April Shank, Member Jade Shank, Member

4. a. State the enterprise's current employment level at the proposed project site:

0

b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? Yes No X

c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:

d. State the enterprise's current employment level in Ohio (itemized for full and part-time and permanent and temporary employees):

32 Full-Time

e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets:

f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated?

5. Does the Property Owner owe:

a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?
Yes No X

b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State? Yes No X

- c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not?
Yes ___ No X
- d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers (add additional sheets).
6. Project Description: Construction of a 20,352 SF steel pre-engineered addition adjacent to our existing manufacturing facility at 400 Freedom Drive. Total manufacturing space of C&C Fabrication will be over 100,000 SF.
7. Project will begin July , 2023 and be completed November 30, 2023 provided a tax exemption is provided.
8. a. Estimate the number of new employees the property owner will cause to be created at the facility that is the project site (job creation projection must be itemized by the name of the employer, full and part-time and permanent and temporary):

This addition will allow the creation of 8-11 full-time permanent employees.
- b. State the time frame of this projected hiring: 5 yrs.
- c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees):
All permanent employees; 2-3 employees per year up to 5 years, if not sooner
9. a. Estimate the amount of annual payroll such new employees will add \$ 605,000
(new annual payroll must be itemized by full and part-time and permanent and temporary new employees).
- b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: \$ 790,400.00
10. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:
- | | | | |
|----|--------------------------------------|----|---------------------|
| A. | Acquisition of Buildings: | \$ | _____ |
| B. | Additions/New Construction: | \$ | <u>727,000.00</u> |
| C. | Improvements to existing buildings: | \$ | _____ |
| D. | Machinery & Equipment: | \$ | <u>500,000.00</u> |
| E. | Furniture & Fixtures: | \$ | _____ |
| F. | Inventory: | \$ | _____ |
| | Total New Project Investment: | \$ | <u>1,227,000.00</u> |

11. a. Business requests the following tax exemption incentives: 75 % for 10 years covering real property as described above. Be specific as to the rate, and term.
- b. Business's reasons for requesting tax incentives (be quantitatively specific as possible)
Our customer is committed to "filling up" our space rapidly, meaning that they will need more production from C&C Fabrication and of course we would need more employees to meet the demand. This same customer is willing to offer us the same deal in Charlotte, NC or Birmingham, AL. For Logistical and personal reasons, we prefer that operations remain in Napoleon, but the offer is there.

Submission of this application expressly authorizes The City of Napoleon to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item # 5 and to review applicable confidential records. As part of this application, the property owner may also be required to directly request from the Ohio Department of Taxation, or complete a waiver form allowing the Department of Taxation to release specific tax records to the local jurisdiction considering the request.

The Applicant agrees to supply additional information upon request.

The Applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C) (1) and 2921.13(D) (1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefits as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

Jade Shank
 Name of Property Owner

5/8/2023
 Date

 Signature

Jade Shank, Owner
 Typed Name and Title

NOTES

* A copy of this proposal must be forwarded by the local governments to the affected Board of Education along with notice of the meeting date on which the local government will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the legislative authorities considering the request.

** Attach to Final Community Reinvestment Area Agreement as Exhibit A

Please note that copies of this proposal must be included in the finalized Community Reinvestment Area Agreement and be forwarded to the Ohio Department of Taxation and the Ohio Department of Development within fifteen (15) days of final approval.

C&C Fabrication LLC/Shank Properties LLC
2023 Expansion

Steel structure 100' x 192' sq ft

Sitework	40,000
Dryshell	457,000
Concrete	55,000
Interior Finish	<u>175,000</u>
	727,000
Equipment Costs	500,000

Equipment will require a 480 Electrical service

All interested parties have received the last two years
financial statements

2023 C&C Fab PILOT Example 2023			Real Property Portion					
https://henryparcel.appraisalresearchcorp.com/?Parcel=410100260200								
41-0100260200								
INCENTIVE TERM					10 YEARS			
GROSS INCENTIVE PERCENTAGE					75%			
Net Incentive					50%			
YEAR OF ABATEMENT	YEAR OF COLLECTION	INVESTMENT VALUE (Per Co. Aud.)	ASSESSMENT PERCENTAGE	LISTED VALUE	MILLAGE RATE (Dist. 41)	TOTAL ANNUAL NET TAXES DUE BEFORE ABATEMENT	TOTAL ANNUAL COMPENSATION PAYMENT 25%	
2024	2025	\$436,200	35.00%	\$ 152,670	0.07406737	\$ 11,308	\$ 2,827	
					10 Year Taxes =	\$ 113,078.65		
Fee Calculation Example								
				Total Fee				
Year of	Year of		1% of	Within Agreement's				
Abatement 2022	Collection 2023	Total Tax Savings \$8,480.90	Total Savings \$84.81	Terms \$500.00		Over 10 Years (tax savings) \$84,808.99	Over 10 Years (PILOT PYMTs) \$ 28,269.66	
"Total taxes" means the total taxes that would have been payable.								
Shank C&C Fabrication Example Agreement:								
	Notes:							
	Napoleon Area City School gets 50% of total taxes							
	Four County gets 25% of total taxes							
	Napoleon Infrastructure Fund gets 25% of total taxes							
	Bottom Line:							
	CIC gets the \$500.00 annual fee							
	Of the: \$2,827							
	NACS School gets: 50.00% \$1,413							
	Four County gets: 25.00% \$707							
	NIEDF 25.00% \$707							
				TOTAL:	100.00%	\$2,827		



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: J. Andrew Small, City Manager
From: Chad E. Lulfs, P.E., P.S., Director of Public Works
cc: Mayor & City Council
Kevin Garringer, Finance Director
Jeremy Okuley, WWTP Superintendent
Roxanne Dietrich, Administrative Assistant
Adam Hoff, Hoff Consulting Services
Date: July 26, 2023
Subject: Palmer Ditch Pump Station Improvements ~
Recommendation of Award

On Wednesday, July 26, 2023, bids were opened and read aloud for the above referenced project. Two bids were submitted and read as follows:

Unilliance, Inc.	\$119,720.00
R. G. Zachrich Construction, Inc.	\$131,225.00

The Engineer's Estimate for this project is \$125,000.00 The project consists of rehabilitation and upgrades to the Palmer Ditch Pump Station. The completion date for this project is March 31, 2024.

Having reviewed the submitted bids, it is my recommendation that Council award Unilliance, Inc. the contract for the Palmer Ditch Pump Station Improvements in the amount of \$119,720.00. If you have any questions or require additional information, please contact me at your convenience.

CEL



City of Napoleon, Ohio

255 West Riverview Avenue, P.O. Box 151
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Memorandum

To: City Council, Mayor, City Manager, City Finance Director, Law Director, Department Heads, News-media
From: Roxanne Dietrich, Acting Clerk of Council
Date: August 4, 2023
Subject: Technology and Communications Committee – Cancellation

The regularly scheduled meeting of the **Technology and Communications Committee** for Monday, August 7, 2023, at 6:15 pm has been CANCELED due to lack of agenda items.

City of Napoleon, Ohio

CIVIL SERVICE COMMISSION

SPECIAL MEETING AGENDA

Tuesday, August 08, 2023 at 12:30 pm

Council Chambers, 255 West Riverview Avenue, Napoleon, OH

1. Call to Order
2. Approval of Minutes - (in the absence of any objections or corrections, the minutes shall stand approved) April 25, 2023.
3. Set Date for Receiving Applications through the National Testing Network for Police Officer/Patrolman Grade
4. Set Date, Time, and Place for Police Officer/Patrolman Grade Physical Fitness Test
5. Set Determination of Credits and How the Credits are to be Applied for the Police Officer/Patrolman Grade Position.
6. Any Other Matters to Come Before the Commission
7. Adjournment.



Roxanne Dietrich - Acting Clerk of Council

City of Napoleon, Ohio
CIVIL SERVICE COMMISSION
Meeting Minutes

Tuesday, April 25, 2023 at 4:30pm

PRESENT

Commission Members Bill Finnegan-Chair, Megan Lytle-Steele, Amy Bains
City Staff Brittney Roof- Human Resource Director
David Bowen- Fire Chief
Recorder Marris Flogaus

ABSENT

Commission Member

CALL TO ORDER

The special meeting of the Civil Service Commission was called to order by Chair Finnegan at 4:35pm.

APPROVAL OF MINUTES

Hearing no objections or corrections, the minutes from the Civil Service Commission meeting on February 27, 2023 were approved as presented.

APPROVE APPLICANTS FOR THE POSITION OF FIREFIGHTER/ PARAMEDIC

We are asking to have the following five applicants approved and certified:

Michael Outland
Kara McCann
David Reguera
Kevin Myles
Nicholson Moore

Motion: Bains Second: Lytle-Steele
To approve and certify the seven candidates listed above

Roll call vote on the above motion:

Yea- Bains, Lytle-Steele, Finnegan

Nay-

Yea-3, Nay-0. Motion Passed.

CERTIFY LIST FOR THE POSITION OF FIREFIGHTER/ PARAMEDIC

The seven candidates being requested to be on the Certified Eligibility List for the Position of Firefighter/Paramedic are:

NAME	SCORE	EXPIRATION DATE
Michael Outland	104.74%	April 25, 2025
Joshua Benanth	94.64%	October 18, 2024
Reed Warnement	94.57%	October 18, 2024
Eric Rolls	93.50%	October 18, 2024
Abigail Zunk	92.75%	October 18, 2024
Kara McCann	91.78%	April 25, 2025
David Reguera	91.33%	April 25, 2025
Kyle Howard	90.32%	April 27, 2023
Zachary Reed	89.03%	April 27, 2023

Daniel Timpe	88.97%	April 27, 2023
Ann Burrell	88.76%	October 18, 2024
Tanner Dodge	87.49%	November 23, 2023
Kevin Myles	86.94%	April 25, 2025
Brandon Klingshirn	86.09%	April 27, 2023
Nicholson Moore	80.76%	April 25, 2025
Andrew Pentonio	79.82%	November, 23, 2023

Motion: Lytle-Steele Second: Bains
to certify the Firefighter/Paramedic list as shown above

Roll call vote on the above motion:

Yea- Bains, Lytle-Steele, Finnegan

Nay-

Yea-3, Nay-0. Motion Passed.

OTHER MATTERS

Bowen stated, I would like to give an update on where we stand within the promotional process in the fire department. We have appointed Jonah Stiriz as Assistant Chief, which allowed Assistant Chief Frey to step down to the captain's position. It was very tough to choose who to appoint to Assistant Chief. Both candidates were very impressive in their interviews. Bains asked who the other candidate was? Bowen replied Tyler Reiser, who's under 30 years old and well above his time in the fire service. He told me that he was glad I made the tough decision because he really didn't want to due to what he does outside of the fire station. The past few weeks Frey worked a 40-hour week to get Jonah set. Starting next week, he will go back on a shift. Then we will start the process for the promotion of the captain. We've already talked about the one time suspension of the rules for the 3 years of paramedics because we're such a young department. With that being said, we're going to draw this out until the first of the year and allow our people to work in an acting role for 2 months at a time. That way, they will all get experience and find out if they are ready for it or not on their own accord before we offer the test in December. I have that timeline laid out if you'd like to see it. It's really unprecedented for it to last this long, but I feel that with the age of the department this is the best route to go. The shift that they will be going to will be the shift that was vacated by Stiriz when he was promoted. It has a strong group of people who will help groom the next captain. Bains asked if this process has already been started with Anderson? Bowen replied yes. Anderson started in March, when I took the Fire Chief position, so he's been acting in that time frame. The only thing he'll miss is the daily checklist form. This form will be filled out by the shift that comes after them, so that they know the things they need to improve on. Anderson and Westhoven have the most experience as firefighters and paramedics. Anderson started at Van Wert and came to us from the City of Wauseon. He's had a short amount of time at both places, but he's had a pretty decent amount of time in the fire service. Westhoven has been with us for a good amount of time and does a really good job. He will be the senior guy, helping groom the rest of them for the process. Bains asked about Jones? Bowen replied that Jones has enough acting time now. He said he would take the test because he's the second most senior firefighter, but he doesn't have an interest in doing the captain's job. When he's in the acting role now, he does all the administrative parts, but usually someone else rides the seat going to the calls because he likes to drive the engine. He knows his limits and knows interior firefighting isn't where he needs to be right now and that's okay. The last thing I want to do is put people in a position they don't want to be in because that's when they'll make errors we can't afford to have. Lytle-Steele asked if the test in December would be before Christmas? Bowen replied yes. My goal would be to have it by the second week of December and have the holiday time to think about it. This would give us time to think about what we want to do. I'm not a big fan of the written test. Just because you can sit and take a test

doesn't mean you're able to make a decision. I've seen some really good firefighters not get promoted because they're not great test takers and I've seen good test takers that aren't worth a darn on the line get promoted. Bains asked if you'll be able to back flow off the list? Bowen replied yes. We've already hired Josh Benanth as our 9th person off the list prior to today. We're fully staffed, so all it would take is some jockeying of people. Pugsley is automatically getting moved to B shift just because of how it lines up. She'll work under Westhoven for a month, then take the reins for two months. Then Kepling and Rupp will flip shifts, so Kepling can have his turn. After that Kepling and Rupp will flip back. We did it this way because Rupp has the least amount of time at the department, so that'll get him closer to his year. By the time we test in December, everyone will have a year on, which satisfies civil service. Bains asked if the department is at full staff? Bowen replied yes and we hired 8 part time people yesterday. Roof stated at the police department we lost our brand new applicant, Justin Jackson. Small and I are digging into as of why. Once we get the exit interview, it might be an executive session if Small decides to share the information. We've already offered Thalia Perez, who's currently in the academy, a conditional offer. To fill Jackson's position, we sent out a conditional offer to Sabra Schumacher, who is also in the academy. Both are looking to start around July or August depending on when they pass their OPOTA certification. Lytle-Steele asked if Thalia was old enough? Roof replied that she turns 21 the day before class ends. Sabra will come to us with military experience. Bains asked Bowen if he had everything he expected at this point? Bowen replied yes, there's been a few bumps in learning the role. I never knew how much money the fire department spent. The transition has been flawless and the guys have accepted it fairly well. The biggest change is walking into a room and having it go quiet. The support from the community, outside our community and area departments have been overwhelming. The hardest thing is going to be having to replace equipment because of the cost of everything.

ADJOURNMENT

Motion: Bains Second: Lytle-Steele
to adjourn the Special Civil Service Commission meeting at 4:48pm.
Roll call vote on the above motion:

Yea- Finnegan, Bains, Lytle-Steele

Nay-

Yea-3, Nay-0. Motion Passed.

Approved

August 08, 2023

Bill Finnegan, Chair



City of Napoleon, Ohio

255 West Riverview Avenue, P.O. Box 151
Napoleon, OH 43545
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Memorandum

To: Board of Zoning Appeals, City Council, Mayor, City Manager, City Finance Director, Law Director, Department Supervisors, News-media
From: Roxanne Dietrich, Acting Clerk of Council
Date: August 4, 2023
Subject: Board of Zoning Appeals – Cancellation

The regularly scheduled meeting of the Board of Zoning Appeals for Tuesday, August 8, 2023 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

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Memorandum

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

From: Roxanne Dietrich – Acting Clerk of Council

Date: August 4, 2023

Subject: Planning Commission – Rescheduled

The regularly scheduled meeting of the **PLANNING COMMISSION** for Tuesday, August 8, 2023 at 5:00 pm has been rescheduled to Tuesday, August 15, 2023 at 5:00 pm.

AMP Update for July 28, 2023

American Municipal Power, Inc.

Fri 7/28/2023 4:05 PM

To:Roxanne Dietrich <rdietrich@napoleonohio.com>



July 28, 2023

AMP July Board meeting update

By Jolene Thompson – President/CEO

The AMP Board of Trustees met in person on July 19 and 20. The meeting was also available virtually to Board and Committee members. Vice Chair Robert Patrick, Wadsworth director of public service, provided welcoming remarks and presented a draft of the 2024 Board meeting schedule.

Below are brief high-level updates of the meeting.

Finance and Audit Committee

PricewaterhouseCoopers (PwC) presented their report to the Finance and Audit Committee on the results of their Q1 2023 review of the consolidated financial information, which included an update on the status of their quarterly review, a summary of the results of their audit work and other required communications. The Board adopted a resolution acknowledging receipt of the PwC Q1 2023 Review Report.

The Board adopted a resolution for a request made by the Village of Jackson Center to issue Bond Anticipation Notes to refinance improvements to the village's municipal electric system, and staff reviewed the labor and general fund IT portions of the 2024 proposed budget.

Legislative Committee

Staff provided federal, state and environmental legislative and regulatory updates including the U.S. Environmental Protection Agency's proposed rule to regulate greenhouse gas emissions from the power sector.

Transmission/RTO Committee

Staff provided a capacity performance update related to Winter Storm Elliott.

Power Supply and Generation Committee

The Board approved entering into a purchase power agreement for existing hydroelectric projects and to proceed with the member subscription process.

AMP Transmission Committee

Staff updated the Board on the status of various projects under development and construction, and the Board approved a construction budget amendment.

Efficiency Smart Committee

Staff provided an update on the Efficiency Smart® program.

Member Services Committee

Staff provided updates on projects and programs including the Community Energy Savings: Smart Thermostat Program, grant opportunities, recommended OSHA program adjustments, and on the efforts of our recently established Board Training Committee Task Force.

During my Management Report, the Board received updates on various matters and adopted a resolution recommending updates to the AMP Regulations (Bylaws), which will be presented for consideration at the General Membership meeting that will take place during the 2023 AMP Annual Conference, Sept. 25-27.

The next Board meeting will be held Aug. 16 and 17.

If you have any questions or need additional information about the Board meeting, please contact me at 614.540.0992 or jthompson@amppartners.org.

U.S. DOE allocates funding to five states in AMP Member footprint

By Beth Trombold – senior vice president of public affairs and talent management



The U.S. Department of Energy (DOE) allocated funding to states for the first two years of the five-year Grid Resilience Formula Grant Program, including several states in the AMP Member footprint. [Indiana](#) was awarded \$9,180,926; [Kentucky](#) was awarded \$11,118,903; [Michigan](#) was awarded \$14,934,332; [Ohio](#) was awarded \$14,216,570; and [Pennsylvania](#) was awarded \$16,249,636. DOE is releasing funds to states on a rolling basis.

State awards are based on a formula that includes factors such as population size, land area, probability and severity of disruptive events, and a locality's historical expenditures on mitigation efforts. The grants are intended to assist states with improving the safety, resilience and reliability of their electric grids in a way that creates beneficial community impact.

Funds will be distributed to eligible entities by the [Indiana Office of Energy Development](#); [Kentucky Energy and Environment Cabinet](#); [Michigan Department of Environment, Great Lakes and Energy](#); [Public Utilities Commission of Ohio](#); and [Pennsylvania Energy Program Office](#), respectively. Municipal utilities and rural co-ops are eligible. Additionally, the entities charged with distributing funds must subaward a portion of said funds to small entities, as defined by U.S. DOE, meaning less than 4 million in megawatt-hours (MWh) sales per year. Eligible entities include:

- Electric grid operators
- Electricity storage operators
- Electricity generators
- Transmission owners or operators
- Distribution providers
- Fuel suppliers

An email outlining this funding opportunity has been sent to members in awarded states. AMP staff is currently assessing how funds might be utilized by the organization and Members. If you have questions about this program or the awarded grant funds, please contact me at 614.359.7477 or btrombold@amppartners.org.

Energy market update

By Jerry Willman – vice president of energy marketing

The August 2023 natural gas contract decreased \$0.173/MMBtu to close at \$2.492 yesterday. The EIA reported an injection of 16 Bcf for the week ending July 21, which was above market expectations of 14 Bcf. Last year was an injection of 18 Bcf and the five-year average was +31 Bcf. Storage is now 2,987 Bcf, 23.7 percent above a year ago and 13.1 percent above the five-year average.

On-peak power prices for 2024 at AD Hub closed yesterday at \$49.40/MWh, which was \$1.60/MWh lower for the week.

With the warm temperatures this week, AMP has been peak shaving Wednesday through Friday for 1 CP and 5 CP peaks.

On Peak (16 hour) prices into AEP/Dayton

Week ending July 28

MON	TUE	WED	THU	FRI
\$47.38	\$45.15	\$47.24	\$125.85	\$121.32

Week ending July 21

MON	TUE	WED	THU	FRI
\$41.16	\$38.07	\$37.83	\$38.98	\$35.78

Week ending July 29, 2022

MON	TUE	WED	THU	FRI
\$113.41	\$103.86	\$115.03	\$114.81	\$106.03

AEP/Dayton 2024 5x16 price as of July 27 — \$49.40

AEP/Dayton 2024 5x16 price as of July 20 — \$51.00

AFEC weekly update

By Jerry Willman

The AMP Fremont Energy Center (AFEC) was in 2x1 configuration for the week with an overnight shutdown on Sunday for economics. Duct firing operated for 112 hours this week. For the week, the plant generated at an 85.9 percent capacity factor, based on 675-megawatt rating.

Registration open for the 2023 AMP Annual Conference

By Holly Karg – assistant vice president of communications and public relations

Registration is now open for the 2023 AMP Annual Conference, set to take place Sept. 25-27 at the Hilton Columbus at Easton. The conference is the premier event to learn about industry trends, participate in discussions on current challenges and innovations in public power, hear from industry leaders and receive updates on AMP programs.

“Attending the AMP Annual Conference is much more than simply staying in touch with market technology, trends and programs,” said Joe Price, village administrator for the Village of Grafton. “I find it a reassuring reminder that we in Grafton are not alone in our issues and that we share a common community with many in public power through mutual resources and aid.”

To view the agenda, [click here](#). Registration is online only and [available here](#) on the [conference page](#) of the [AMP website](#). If you have questions about conference or registration, please contact Amanda Smithey, member events and program manager, at 614.540.6403 or asmithey@amppartners.org.

2023

AMP ANNUAL CONFERENCE

Sept. 25 - 27

REGISTER HERE



OMEA

Nominations sought for OMEA Board and Honorary Membership

By the OMEA Nominating Committee

The Ohio Municipal Electric Association (OMEA) Nominating Committee is currently seeking nominations for four expiring seats on the Board of Directors. The seats up for election this year are currently held by Edgerton, Montpelier, Napoleon and Orrville. Three of these seats must be represented by an elected official; one may be filled by an elected or non-elected official. Based on feedback and action by the OMEA Executive Committee, the meeting and voting will be held in person.

Nominations are due by Aug. 25, and should be directed to the nominating committee. The OMEA Nominating Committee consists of Bryan Mayor Carrie Schlade (419.633-6002 or mayor@cityofbryan.com), St. Marys Mayor Pat McGowan (419.394.3303 or pmcgowan@cityofstmarys.net) and Westerville Mayor Diane Conley (614.901.6400 or diane.conley@westerville.org). You may also contact Michael Beirne, OMEA executive director, at 614.540.0835 or mbeirne@amppartners.org.

We also welcome suggestions for OMEA Honorary Membership. Honorary Membership is awarded to individuals who have had a distinguished public power career with significant accomplishments — special consideration is given to individuals who have retired from service or announced that they will be retiring in the near future.

OMEA members will vote for the four Board seats and Honorary Members at the OMEA General Membership meeting on September 27.

Marshall Jones joins AMP as plant operator

By Jonathan Woosley – Cannelton operations and maintenance supervisor

Marshall Jones joined AMP on July 24 as a plant operator at the Cannelton Hydroelectric Plant. In this role, Jones will be responsible for the overall daily monitoring and maintenance of the hydroelectric plant, serving as a control room operator, starting and stopping units, coordinating unit discharge rates with the U.S. Army Corps of Engineers (USACE) Lockmaster staff and more.



Prior to joining AMP, Jones served as an electrician for Commonwealth Rolled Products, where he was responsible for performing breakdown calls, troubleshooting, run turn and downturn work, and more. He holds an associate of applied science in industrial technology from Ivy Tech Community College.

Please join me in welcoming Marshall to AMP.



Georgia Saurer joins AMP as accounts payable manager

By Justin Hutchings – assistant vice president of accounting

Georgia Saurer joined AMP on July 24 as accounts payable manager. In this role, Saurer will supervise accounts payable staff and coordinate all accounts

payable operations, including the processing of invoices, research and follow-up on invoice discrepancies, month-end close processes, check requests, account reconciliations and more.

Prior to joining AMP, Saurer served as accounts payable manager for IGS Energy, where she organized and managed the work of accounts payable specialists, reviewed and verified vendor invoices and check requests, oversaw the completion of annual compliance of 1099 requirements and more. She holds an associate degree in accounting from Ivy Tech Community College.

Please join me in welcoming Georgia to AMP.

Steven Spicer joins AMP as plant operator

By Jonathan Woosley – Cannelton operations and maintenance supervisor

Steven Spicer joined AMP on July 24 as a plant operator at the Cannelton Hydroelectric Plant. In this role, Spicer will be responsible for the overall daily monitoring and maintenance of the hydroelectric plant, serving as a control room operator, starting and stopping units, coordinating unit discharge rates with the U.S. Army Corps of Engineers (USACE) Lockmaster staff and more.



Prior to joining AMP, Spicer served as electrical supervisor for H3O Mining, where he provided electrical technical support and supervision for cryptocurrency processing projects. He also served as a machinist mate in the U.S. Navy from 2001 to 2006. He holds Common Faculty Instructor Certification and completed the Naval Nuclear Power Training Program.

Please join me in welcoming Steven to AMP.

Paducah Power System celebrates National Intern Day

By Zachary Hoffman – manager of communications and publications

Paducah Power System (PPS) celebrated National Intern Day by highlighting the work of their summer interns. For the past eight weeks, McCracken County High School (MCHS) students Carter Ivitts and Spencer Cates and 2023 MCHS graduate Halen Anderson have been working with PPS line crews to learn more about linework. PPS introduced the internship program in 2022 with the goal of introducing high school students to the trade and developing their interest in public service.



Efficiency Smart 2022 Annual Report available

By Steven Nyeste – senior marketing project manager, VEIC

The 2022 Efficiency Smart® Annual Report is now available. The report highlights the strong appetite for energy efficiency among participating communities, with annual MWh and kilowatts savings nearly doubling from the past two years combined. Efficiency Smart also saved participating utilities \$17.7 million in energy, capacity and transmission costs in the past year.

The report's highlights also include:

- The introduction of new customer surveys, with 95 percent of customers giving Efficiency Smart a top rating
- Increased engagement and deeper relationships with customers
- Updates on renewal and expansion

Efficiency Smart's 2022 report is available in digital format and can be viewed [here](#).

Efficiency Smart provides energy efficiency services to subscribing AMP member communities. If you would like more information about the program, please contact Steve Dupee, AMP assistant vice president of energy efficiency and programs, at 614.540.6945 or sdupee@amppartners.org.



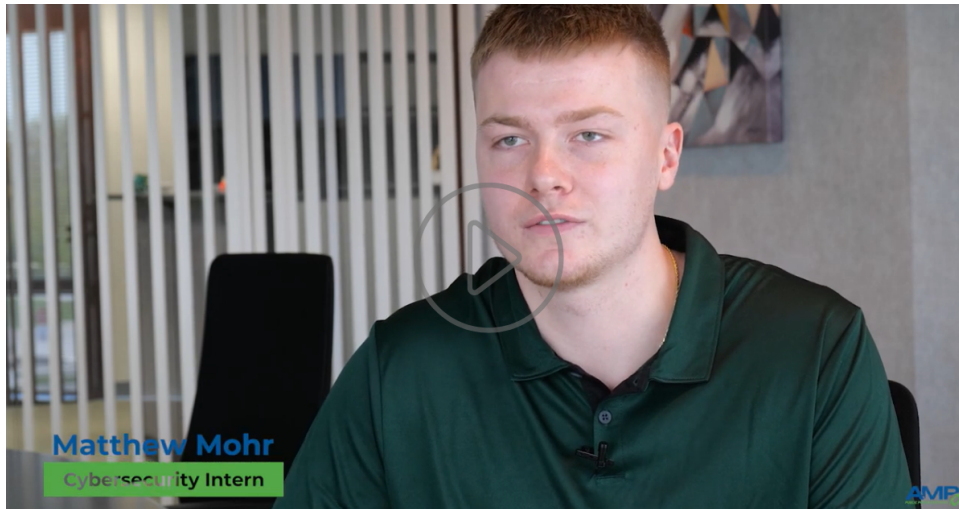
2022
EFFICIENCY SMART
ANNUAL REPORT



AMP Intern Highlight: Matthew Mohr

By Julia Grimm – digital content specialist

Matthew Mohr is the cybersecurity intern at AMP, where he assists with member cybersecurity assessments and help desk tickets. A freshman at Central Ohio Technical College, Matthew is majoring in information technology. In his spare time, he enjoys spending time with friends and playing slow-pitch softball, pickleball and golf.



Watch out for .zip domains

Article provided by KnowBe4

Recently, .zip top-level domains have become available for public purchase. A top-level domain is the final section of a domain name. So, in knowb4.com, .com is the top-level domain. Unsurprisingly, cybercriminals have begun purchasing and using .zip domains for their own malicious purposes.

In the coming months, we expect to see an influx of cybercriminals trying to take advantage of .zip domains in their phishing scams. Cybercriminals may use .zip domains to trick you into thinking you are downloading a file instead of visiting a malicious website. If you click a malicious .zip link, cybercriminals can trick you into entering your sensitive information.

Follow these tips to spot similar scams:

- Before you click a link, look at the top-level domain. If it is a .zip domain, it could be a phishing link.
- Think before you click. Cyberattacks are designed to catch you off guard and trigger you to click impulsively.
- When you receive an email, stop and look for red flags. For example, watch out for emails that were sent outside of business hours and emails that contain spelling or grammatical errors.

KnowBe4 is the world's largest integrated platform for security awareness training combined with simulated phishing attacks.



FOCUS FORWARD 2023 WEBINAR SERIES

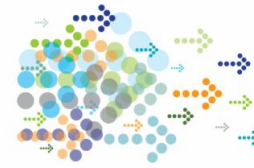
To register, contact Erin Miller, assistant vice president of energy policy and sustainability at 614.540.1019 or by email at emiller@amppartners.org.

Sept. 26, AMP Annual Conference sessions

Transportation Electrification
Utility Facing Grid Modernization

Nov. 8, 10–11 a.m.

Innovative Infrastructure



The Focus Forward Advisory Council has identified these topics to help educate and inform AMP's members about emerging industry trends and to prepare for further integration of distributed energy resources.



AMP TECHNICAL AND SAFETY TRAINING WEBINAR SCHEDULE

Aug. 25

Fall Holiday Safety
Instructor: Darren Westenberger

Dec. 15

Winter Driving Safety
Instructor: Kyle Weygandt

Oct. 24

Lineworker Communication
Instructor: Doug Sturgeon



For more information on the AMP Training Program or to access the virtual training webinars, please contact Jennifer Flockertzie, AMP's manager of technical services logistics, at jflockertzie@amppartners.org.

Classifieds

Members interested in posting classifieds in *Update* may send a job description with start and end advertisement dates to zhoffman@amppartners.org. There is no charge for this service.

Bowling Green seeks customer service specialist

The City of Bowling Green is seeking applicants for the position of customer service specialist. This full-time, hourly position is responsible for utilities billing, receipts, work order processing and customer service. The specialist assists customers and resolves billing problems; enters, sorts and distributes work orders; acts as a liaison with other departments in resolving customer problems; accepts payments, posts to accounts and balances cash drawer; prepares payment batches; reconciles payment batches and balances receipts reports; calculates adjustments to accounts, reviews billing registers, processes customer billing and posts penalties; sets up payment extensions with customers and tracks to ensure compliance; prepares automated phone notification file for past due accounts and final notices; issues orders for disconnections for non-payment; processes customer information, sends to collection agency, posts receipts from collection agency and writes off bad debt accounts; and prepares invoices and maintains spreadsheets. Applicants must be able to use computers and understand computer software; possess a high school diploma or equivalent; and have three to five years of related experience required. A copy of the job description is [available here](#).

Employees accrue vacation leave and sick leave per the administrative code. Employees can participate in group medical, dental and vision coverage, first of the month following employment. Information on insurance is [available here](#). Retirement benefits are through the Ohio Public Employees Retirement System: www.opers.org.

Interested persons must complete an application packet that is available either by visiting the Department of Human Resources of the City of Bowling Green at 304 N. Church St., Bowling Green, OH 43402-2399 or by accessing it online [here](#). Resumes may be included but will not substitute for a completed application. Application materials must be returned to the one of the following methods: by email to humanresources@bgohio.org; by fax to 419.352.1262 or by USPS mail or hand-delivery to the address above. Office hours are Monday through Friday, 8 a.m.–4:30 p.m. You may reach the Department of Human Resources by phone at 419.354.6200.

The City considers applicants for positions without regard to a person's actual or perceived, race, immigration status, source of income, color, religion, gender/sex, pregnancy, national origin, age, marital status, sexual orientation, creed, ancestry, disability, political ideology, veteran status,

military status, gender expression, gender identity, family status, physical characteristics, HIV-status, genetic information or any other legally protected status. The deadline for making application is Aug. 18, 4:30 p.m. AA/EEO

Bryan seeks human resources director

The City of Bryan is seeking applicants for the position of human resources director. Under the administrative supervision of the clerk-treasurer, the human resources director performs a variety of complex administrative, technical and professional work in managing all aspects of human resources for the city, including classification, compensation, benefits, workers comp, recruitment, labor relations and training. This position also acts as backup for payroll-related duties, as needed. Required qualifications include a bachelor's degree from an accredited college or university with a degree in human resources, business administration, industrial relations, accounting, psychology or comparable area of study; at least seven years of progressive experience in human resources functions; Professional in Human Resources® or Senior Professional in Human Resources® certification is preferred. An equivalent combination of education, experience and training which provides the required knowledge, skills and abilities may also be considered. A complete job description may be found at www.cityofbryan.com.

Please submit a cover letter with resume to: City of Bryan, Clerk-Treasurer, 1399 East High Street, PO Box 190, Bryan, OH 43506, or email to cityclerk@cityofbryan.com. EOE

Napoleon seeks assistant city engineer

The City of Napoleon is seeking applicants for the position of assistant city engineer. This position is responsible for performing complex professional civil engineering work and exercising supervision over sub-professional and technical personnel as assigned. Applicants must have graduated from an accredited college or university with a bachelor's degree in civil engineering or a closely related field with a Professional Engineer license in the state of Ohio and five years of increasingly responsible experience in engineering work or any equivalent combination of education and experience. This is a full-time position with a pay range of \$77,627.16–\$89,570.00 per year, depending on licensing. A valid State of Ohio's driver's license is required. Applications may be obtained from the City of Napoleon's Administration Building, 255 W. Riverview Avenue, P.O. Box 151, Napoleon, OH, 43545 or from www.napoleonohio.com. A completed application must be returned to the above address to be considered. The City of Napoleon is an Equal Opportunity Employer.

Oberlin seeks electrical technician

The City of Oberlin is seeking applicants for the full-time position of electrical technician I/II. The technician is responsible for the operation, maintenance and routine construction of the electric technical services system. Technician II is a training position. If a candidate, upon hire, has previous experience and possesses the knowledge, skills and ability of this position, they will be eligible for technician I and eligible for the higher pay range listed.

The successful applicant must have a high school diploma or equivalent; supplemented with electrical, electronics and/or engineering technology courses; or an equivalent combination of education and experience that provides the skills and abilities necessary to perform the job; valid State of Ohio driver's license; valid Ohio Class A commercial driver's license within one year of hire date. The salary range for this position is \$20.86–\$32.19 per hour, depending on qualifications. Apply online at www.governmentjobs.com/careers/oberlinoh. To request a paper application or for assistance, please contact the Oberlin Human Resources Department at 440.775.7205.

City of Niles seeks applicants for two positions

Assistant superintendent

The City of Niles is seeking applicants for the position of assistant superintendent in the Light Department. This position is responsible for assisting the Light Department superintendent in The City of Niles is seeking applicants for the position of assistant superintendent in the Light Department. This position is responsible for assisting the Light Department superintendent in supervising and assigning the work to be performed by the various crews. The work to be assigned and supervised will include the construction and maintenance of distribution substations and associated equipment. The assistant superintendent will be responsible for the supervision of the substation technician and the assistant substation technician and will also be responsible

for the bookwork and testing of the apprentice lineworker program. This position is under the supervision of the superintendent of the Light Department.

The successful applicant will have knowledge of all phases of the electrical distribution system of the City of Niles; an ability to instruct other employees in the occupational hazards associated with electrical distribution work; a thorough knowledge of the theory and maintenance of substations and traffic signal controllers; the ability to identify causes of electrical interruptions and assembling the necessary personnel and equipment to restore power in a timely fashion; and knowledge of city streets, neighborhoods, boundaries and routes within the city for departmental purposes. Applicants must be knowledgeable about safety rules when on the road and in traffic; have computer proficiency, especially MS Office, Excel, etc.; have the ability to make decisions in accordance with the ordinances, regulations and department policies and procedures; maintain confidentiality of all information obtained; and have the ability to maintain an effective working relationship with other employees and the general public, especially in difficult and emergency situations. The successful applicant will have a high school diploma or GED equivalent, a valid Ohio driver's license and experience as journeyman lineworker and/or accredited substation schooling. A degree in electrical engineering or equal amount of experience, and experience in a supervisory position, preferably in a union environment, are preferred. A complete position description and application for employment are [available here](#).

Lineworker

The City of Niles is seeking applicants for the position of lineworker. This position is accountable for performing routine duties in handling electric line materials, overhead and underground electrical work involved in the construction, maintenance and extension of power lighting and signal systems; also, does related work as required. This position involves the responsibility for willing and efficient performance of assigned tasks. This position is under the direct supervision of a group leader and the general supervision of the foreman or designee who may, from time to time, review said work, methods of results and give general instructions on assignments.

The successful applicant will have knowledge of the practices, methods, equipment and tools used in the electrical theory; be skilled in the proper use of lineworker's tools, equipment and materials, thorough knowledge of occupational hazards connected with the work and necessary safety precautions; have the ability to climb poles and towers, perform manual labor and physical stamina to withstand work during adverse weather conditions; know how to operate the HI Pot/Thumper/Radar machine to locate and repair high voltage URD; have knowledge of the safe and proper use of rope, knots and rope rigging; have the ability to calculate proper fuse and conductor sizes using algebraic equations; have the ability to calculate residential load to determine conductor sizes, fuse sizes and equipment size; have the knowledge of proper grounding procedures to perform work on de-energized power lines safely; have knowledge in the use of hot sticks to perform work on energized power lines; know how to read prints; and have the ability to keep up to date on the current rules, tool use and safety regulations and work practices associated with this industry. The successful applicant will have a high school diploma (GED equivalent); a valid CDL- Class B license; possession of First Aid/CPR Certification; the ability to pass a Fit-For-Duty physical, upon request; have some vocational training in electricity, or any equivalent combination of experience and training which provides the required knowledge, skills and abilities; completion of a four-year apprenticeship as an apprentice lineworker with Northwest Lineman College or other accredited facility; be able to wear fire-retardant clothing while working on energized power lines (these clothes are extremely uncomfortable in warm weather); be able to operate all trucks and equipment, including the digger/pole truck, forklift, etc.; and must have completed an accredited climbing school. A complete position description and application for employment are [available here](#).

City of Coldwater seeks applicants for two positions

Electrical engineer

The City of Coldwater is seeking applicants for the position of electrical engineer. This position is responsible for engineering, planning and management of Coldwater Board of Public Utilities' electrical facilities and operations. Work would include, but is not limited to, the review and preparation of designs, reports, studies, layouts and estimates of electrical projects. The engineer will prepare and review engineering studies, design analyses, specifications and cost estimates; design overhead and underground distribution infrastructure up to 13.8 kV; apply standard engineering practices and techniques; prepare and execute switching and tagging orders at substations and on distribution system; maintain and oversee operations of electrical distribution substations; propose and manage projects to improve electric operations; perform complex engineering calculations to support design and operations; provide technical support during electrical outages; communicate complex ideas and solutions to both technical and non-technical audiences; manage and develop electrical SCADA system; calculate load flow and available fault current for both customers and the electric system; perform account reviews for commercial and industrial customers; develop and manage integration of outage management system (OMS); provide support to other departments on projects and tasks; and perform other duties as assigned.

The successful applicant will have strong written and oral communication skills; be proficient with Microsoft Office applications; have a basic understanding of CAD or other drafting software; have the ability to multi-task, organize and manage multiple projects and deadlines at once; be proficient in time-management skills; have attention to detail; be capable of critical thinking; and have the ability to work independently and in a team environment. Applicants should have a Bachelor of Science in electrical engineering from an ABET-accredited university; successful completion of the fundamentals of engineering or engineer in training exam, or the ability to obtain within one year; be familiar with utility operations and terminology; have knowledge of electrical power theory; have a basic understanding of NESC, NEC, NFPA 70E, ANSI and OSHA; and have a valid driver's license. Being a registered Professional Engineer in the State of Michigan is preferred See the full job description and [apply here](#).

Engineering technician

The City of Coldwater is seeking applicants for the position of engineering technician. This position is responsible for supporting Coldwater design and operations, preparing and reviewing engineering and technical drawings as well as supporting the Geographic Information System (GIS) department with data collection and entry. The technician will administer, develop, maintain and support engineering, mapping, GIS and modeling systems including Milsoft, ArcMap and ESRI; perform complex engineering calculations to support utility operations; produce design documents and drawings in CAD; review and prepare technical specifications for a project; prepare detailed engineering drawings to facilitate design and operations; provide engineering information in support of public works infrastructure; assist with engineering and management of capital projects; collect, enter and maintain engineering data to include, but not be limited to, municipal and utility records, plans and maps; coordinate permit requests for pole attachments and right-of-way access; perform various technical services for operation, inspection and maintenance of various municipal and utility projects and assets; provide technical assistance and support for municipal and utility systems and assets; support the recording, filing and retrieval of as-built construction drawings; participate in various department meetings to support planning and sharing of project information; coordinate directly with customers, contractors and developers; prepare special purpose maps, charts, graphical layouts and other visual aid material; coordinate and support projects across multiple departments and organizations; and perform any/all other duties as assigned.

The successful applicant will be proficient with specialized industry-related software and applications such as AutoCAD; proficient with use of office computers, printers and software applications to include, but not be limited to, Microsoft Word, Excel, PowerPoint and Access; and will understand municipal and utility operations and terminology to include electric, water, wastewater, storm water, streets and GIS. Applicants should also have the ability to work both independently and as a team member within a multi-disciplined municipal utility operation; outstanding technical skills; excellent verbal and written communication skills; attention to detail; and knowledge of proper safety procedures. Candidates must have a high school diploma/GED equivalent and a valid driver's license. A college degree in technical related field of study and/or equivalent work experience required, civil or electrical engineering and project management experience is preferred. Experience with municipal and utility construction practices and recordkeeping is a plus. See the full job description and [apply here](#).

City of Marshall seeks senior lineworker

The City of Marshall is seeking applicants for the position of senior lineworker. This position is responsible for the construction, operation and maintenance of overhead and underground electric distribution lines and services that are energized at electric distribution voltages. The senior lineworker responds to and manages electric utility power outage service restoration. Applicants must be certified as a journeyman lineworker and have a valid Michigan driver's license with CDL Class A endorsement. Starting pay \$44.37 per hour, plus a full benefit package (pay increase after six months).

Located at the intersection of I-94 and I-69, Marshall, Mich., is a small town with a rich history. Visitors enjoy touring the city's many restored sites and a vibrant downtown within one of the nation's largest historic landmark districts. Our local businesses take advantage of a highly skilled workforce and the award-winning Marshall Public Schools.

Visit www.cityofmarshall.com to complete an online application and [view the full job description here](#). Questions can be directed to the City of Marshall Human Resources department by email: thall@cityofmarshall.com or phone: 269.558.0306.

The City of Marshall is an Equal Opportunity Employer and a Drug Free Workplace.

Opportunities available at AMP

AMP is seeking applicants for the following positions:

- Director of applications

- Plant operator — Smithland
 - Senior system administrator — infrastructure (Microsoft)
- For complete job descriptions, please visit the [AMP careers page](#).



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