

January 2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
31	1 New Year's Day City Offices Closed	2 7:00pm City Council	3	4	5	6
7	8 6:30pm BOPA 6:30pm Electric Com 7:00pm Water/Sewer 7:30pm Muni Prop.	9 4:30pm BZA 5:00pm Planning Commission	10	11	12	13
14	15 6:00pm Parks and Rec Commission 6:00 Tree Commission 7:00pm City Council	16	17	18	19	20
21	22 6:30pm Finance and Budget 7:30pm Safety and Human Resources	23 4:30pm Civil Service	24	25	26	27
28	29	30	31 6:30pm Parks and Rec Board	1	2	3



City of Napoleon, Ohio

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Memorandum

To: City Council, Mayor, City Manager, City Finance Director, Law Director, Department Heads, News-media
From: MARRISA FLOGAUS, Clerk
Date: December 29, 2023
Subject: Technology and Communications Committee – Cancellation

The regularly scheduled meeting of the **Technology and Communications Committee** for Tuesday, January 2, 2024, at 6:15 pm has been CANCELED due to lack of agenda items.

City of Napoleon, Ohio

CITY COUNCIL

MEETING AGENDA

Tuesday, January 02, 2024 at 7:00 pm

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

- A. Call to Order**
- B. Attendance** (Noted by Clerk)
- C. Prayer and Pledge of Allegiance**
- D. Swearing in of Mayor Joseph Bialorucki**
- E. Swearing in of Councilmembers Elect:** J. Ross Durham, Brittany Schwab, Tom Weaver
- F. Organization of Council**
 - 1. Election of Council President
 - 2. Election of Council President Pro-Tem
 - 3. Seating Order of Council
 - 4. Appointment of Standing Committees of Council
 - 5. Appointment of Personnel Committee
 - 6. Set Meeting Dates and Times for Regular Meetings of Council
 - 7. Set Meeting Dates and Times for Standing Committees of Council
- G. Approval of Minutes** (in the absence of any objections or corrections, the minutes shall stand approved)
December 18, 2023 Regular Council Meeting Minutes
- H. Citizen Communication**
- I. Reports from Council Committees**
 - 1. The Finance and Budget Committee did not meet on December 25, 2023 due to a lack of agenda items.
 - 2. The Safety and Human Resource Committee did not meet on December 25, 2023 due to a lack of agenda items.
- J. Reports from Other Committees, Commissions and Boards** (*Informational Only-Not Read*) –
 - 1. The Civil Service Commission did not meet on December 26, 2023 due to a lack of agenda items.
 - 2. The Parks and Recreation Board did not meet on December 27, 2023 due to a lack of agenda items.
- K. Introduction of New Ordinances and Resolutions- None**
- L. Second Reading of Ordinances and Resolutions**
 - 1. **Resolution No. 057-23**, A Resolution imposing an immediate moratorium on the issuance and processing of permits allowing retail dispensaries, cultivators, or processors of adult use marijuana within the City of Napoleon, Ohio; and declaring an Emergency
- M. Third Reading of Ordinances and Resolutions- None**
- N. Good of the City** (Any other business as may properly come before Council, including but not limited to):
 - 1. Discussion/Action: Award of Chemicals for the Water Treatment and Wastewater Treatment Plants for FY2024
 - 2. Discussion/Action: Approval of Plans and Specifications for the Napoleon Safe Routes to School FY2024
 - 3. Discussion/Action: To accept the Body Worn Vest Grant for the Police Department
 - 4. Discussion/Action: 2023 Fourth Quarter Budget Adjustments (direct Law Director to draft legislation)
 - 5. Discussion/Action: Charter Review Commission meetings and appointments

Executive Session (as needed)

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

P. Adjournment



Marrison Flogaus - Clerk

A. ITEMS REFERRED OR PENDING IN COMMITTEES OF COUNCIL

1. **Technology & Communication Committee (1st Monday)**
(Next Regular Meeting: January 3, 2023 @6:15 pm)
2. **Electric Committee (2nd Monday)**
(Next Regular Meeting: Monday, January 09, 2023 @6:30 pm)
 - a. Review of Power Supply Cost Adjustment Factor for January 2023dfdfdf
 - b. Electric Department Report
3. **Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday)**
(Next Regular Meeting: Monday, January 09, 2023 @7:00 pm)
4. **Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday)**
(Next Regular Meeting: Monday, January 09, 2023 @7:30 pm)
5. **Parks & Recreation Committee (3rd Monday)**
(Next Regular Meeting: Monday, January 16, 2023 @6:00 pm)
6. **Finance & Budget Committee (4th Monday)**
(Next Regular Meeting: Monday, January 23, 2023 @6:30 pm)
7. **Safety & Human Resources Committee (4th Monday)**
(Next Regular Meeting: Monday, January 23, 2023 @7:30 pm)
8. **Personnel Committee (as needed)**

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

1. **Board of Public Affairs (2nd Monday)**
(Next Regular Meeting: Monday, January 09, 2023 @6:30 pm)
 - a. Review of Power Supply Cost Adjustment Factor for January, 2023
 - b. Electric Department Report
2. **Board of Zoning Appeals (2nd Tuesday)**
(Next Regular Meeting: Tuesday, January 10, 2023 @4:30 pm)
3. **Planning Commission (2nd Tuesday)**
(Next Regular Meeting: Tuesday, January 10, 2023 @5:00 pm)
4. **Tree Commission (3rd Monday)**
(Next Regular Meeting: Monday, January 16, 2023 @6:00 pm)
5. **Civil Service Commission (4th Tuesday)**
(Next Regular Meeting: Tuesday, January 24, 2023 @5:30 pm)
6. **Parks & Recreation Board (Last Wednesday)**
(Next Regular Meeting: Wed., January 25, 2023 @6:30 pm)
7. **Privacy Committee (2nd Tuesday in May & November)**
(Next Regular Meeting: Tuesday, May 9, 2023 @10:30 am)
8. **Records Commission (2nd Tuesday in June & December)**
(Next Regular Meeting: Tuesday, June 13, 2023 @4:00pm)
9. **Housing Council (1st Monday after the TIRC meeting)**
10. **Health Care Cost Committee (as needed)**
11. **Preservation Commission (as needed)**
12. **Napoleon Infrastructure/Economic Development Fund Review Committee (NIEDF) (as needed)**
13. **Tax Incentive Review Council**
14. **Volunteer Firefighters' Dependents Fund Board (as needed)**
15. **Volunteer Peace Officers' Dependents Fund Board (as needed)**
16. **Lodge Tax Advisory & Control Board (as needed)**
17. **Board of Building Appeals (as needed)**
18. **ADA Compliance Board (as needed)**

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

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

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

Scheduled Organizational Meeting Date and Time – January 2, 2024 at 7:00 pm.**CHARTER – Section 2.03 Organization**

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

CHARTER SECTION 2.07 - Meetings

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

COUNCIL RULE 1.3 - Regular Meetings

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

COUNCIL RULE 1.10 - Agenda for the Organizational Meeting

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

1. CALL TO ORDER BY CLERK OF COUNCIL
2. PRAYER AND PLEDGE OF ALLEGIANCE
3. SWEARING IN (OATH OF OFFICE) OF MAYOR: JOSEPH BIALORUCKI
4. SWEARING IN (OATH OF OFFICE) OF COUNCIL MEMBERS ELECT: ROSS DURHAM, BRITTANY SCHWAB, TOM WEAVER
5. ELECTION OF PRESIDENT OF COUNCIL
6. ELECTION OF PRESIDENT PRO-TEM OF COUNCIL

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

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

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

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

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

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

Current Seniority and Name Order
(by Consecutive Years Served)

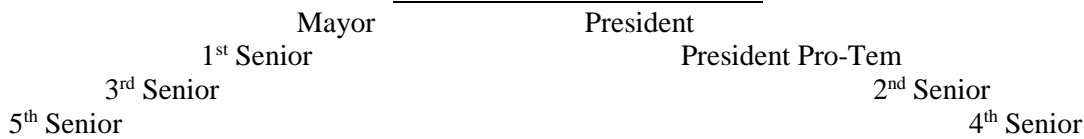
Ken Haase	01-01-2018
Ross Durham	11-04-2019
Dr. David Cordes	01-01-2022
Bob Weitzel	06-05-2023
Brittany Schwab	01-01-2024
Tom Weaver	01-01-2024

6. SEATING ORDER FOR COUNCIL

COUNCIL RULE 2.5 - Seating Order for Council

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

COUNCIL SEATING ORDER



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

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

COUNCIL RULE 3.1 - Standing Committees of Council

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

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

COUNCIL RULE 3.1.8 - The Appointment of Standing Committees

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

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

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

8. APPOINTMENT OF PERSONNEL COMMITTEE

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

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

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

CHARTER – Section 2.07 Meetings

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

COUNCIL RULE – 1.3 Regular Meetings

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

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

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

City of Napoleon, Ohio

CITY COUNCIL MEETING MINUTES

Monday, December 18, 2023 at 7:00 pm

PRESENT

Council Members

Joe Bialorucki- Council President, Ross Durham- Council President Pro-Tem, Daniel Baer, Ken Haase, Molly Knepley, Dr. David Cordes, Robert L. Weitzel

Mayor

Jason Maassel

City Manager

J. Andrew Small

Finance Director

Kevin Garringer

Law Director

Billy Harmon

City Staff

Ed Legg- Assistant Chief of Police

David Mack- Chief of Police

Tony Cotter- Parks and Rec Director

Brittany Roof- Human Resource Director

David Bowen- Fire Chief

Jonah Stiriz- Assistant Fire Chief

Brian Okuley- Operation Superintendent

Jeremy Okuley- Wastewater Superintendent

Greg Kulhman- Electric Superintendent

Alex Rupp- Fire Captain

Justin Mullins- IT Specialist

Dustin Tewksbury- IT Superintendent

Jeff Weis- Water Treatment Superintendent

Others

News- Media

Tom Weaver

Brittany Schwab

Steve Gerken

Clerk of Council

Marrisa Flogaus

ABSENT

CALL TO ORDER

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

SWEARING IN OF FIRE CAPTAIN ALEX RUPP

Mayor Maassel swore in Fire Captain Alex Rupp

APPROVAL OF MINUTES

The minutes from the December 4, 2023 Council meeting were approved as presented.

CITIZEN COMMUNICATION

Gerken stated my name is Steve Gerken, my address is N-372 County Road 14. I am here for Custom AG, which is inside the City Limits. We're requesting that Council reconsider the output limit on solar production to include a commercial level that is above the current 25 KW system limit. The 25 KW limit may work well with residential projects, but fails to make a meaningful impact on commercial facilities. The available grants the federal government has instituted to encourage commercial solar generation are very beneficial to businesses like ours. We do appreciate the quality and reliability that we have with

our current power system and do not want to do anything to upset it. At the same time we would like to take advantage of the current government incentives that could help our business and business like ours grow. The second request that we have is for the city to allow us to limit the solar system to 25 KW output, while still installing a larger system for our own use. This option would allow us to make full usage of a larger system, while limiting the amount that could be fed back onto the grid to the current limit of 25 KW. We believe this would eliminate large fluctuations on the grid that the electric department may be concerned with, while still providing a benefit to our business. This scenario will not provide us with as much savings as the first option, but the compromise may benefit both the city and Custom Agri Systems. The current incentives that are out there that we are interested in: 50% REAP Grants, 30% Federal Tax Credits and 10% Low Income Community Bonuses. If you put all those together, plus depreciation there's an incredible amount of government money that would benefit us greatly. We have two meters on our property. The system sizes that we're looking at a 165 KW on one meter and a 265 KW on the other. Both of those combine would be about 75% of our total usage. These incentive give this project the potential to be very beneficial to our business both now at our current operating capacity and in the future as we grow. We would like Council to reconsider this issue and continue to partner our business in growing our business and others like our in this community. Custom Agri Systems would like to continue to invest in this community rather than shifting that investment our other locations. Thank you for your consideration. Bialorucki asked Small if he wanted to elaborate on this further? If not we could send this to the Electric Committee for a deeper dive. Small replied we can certainly give it another look. As I presented at the last Electric Committee and BOPA meeting I looked at approximately 30 AMP Communities and what they allow. Those ranged anywhere from 5 KW to over 10 Megs. By and large they averaged anywhere from 100 to 200 to 500 KW allowance for non-residential customers. They also limited the amount per circuit in many cases. Some of them also limited the total aggregate amount of kilowatts or Megs that can go onto their system. The pretty standard number is that it could be no more than 1% for solar. I certainly am willing to work at trying to gather more information. I mentioned it at the AMP Board meeting last week. I spoke with Jolene Thompson the Ceo. I asked her for some direction and she stated that Bowling Green has gone through a similar study and they would be a good one to speak with. I am familiar with some of the players over there and I would be more than happy to investigate it further. I don't think it's a bad idea to throw it back to the Electric Committee for further review. Another thing I would like to say about Custom Ag is that they're a homegrown company. Born and raised in Napoleon. They've spouted out to 10 different locations. I want to be able to help them, but at the same time I understand that there are limits on our system. I think its worthy of further review. Bialorucki asked if we could have a representative from AMP join us at the next electric meeting? Small replied I can see what I can do. Maassel stated they could even join via WebEx. Durham asked Gerken if he had a time frame on when you need an answer by? Gerken replied not necessarily. The grant rounds are every three months right now. It's always the sooner the better, but they'll continue through 2024. Cordes asked did I understand it correctly that the amount of energy that you would feed back into the system would still be the amount that were allowing right now? Gerken replied with the second option we can limit the output of the system, so we could program the system to never put out more than 25 KW back onto the grid. If we were overproducing we would have to make a decision to either dump it or get a battery to store it. Cordes asked so it's for internal use? Gerken replied yes, we're not trying to become a generator. Bialorucki stated Small after you check with Bowling Green let us know which month this would be brought up at the Electric Committee. I would hate to schedule it for January and you not have time to check with them. I don't want to put it off either, so either January or February. Small replied I don't believe I can have anything ready for the January meeting, but I'm confident by the February meeting I'll be able to have further information. Bialorucki stated thank you guys and I appreciate you coming here.

REPORTS FROM COUNCIL COMMITTEES

The Electric Committee did not meet on December 11, 2023 due to lack of agenda items.

The Water, Sewer, Refuse, Recycling and Litter Committee did not meet on November 13, 2023 due to lack of agenda items.

The Municipal Properties, Building, Land Use and ED Committee did not meet on December 11, 2023 due to lack of agenda items.

The Parks and Recreation Committee did not meet on December 18, 2023 due to lack of agenda items.

INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

Resolution No. 057-23- Marijuana Moratorium

Council President Bialorucki read by title Resolution No. 057-23, A Resolution imposing an immediate moratorium on the issuance and processing of permits allowing retail dispensaries, cultivators, or processors of adult use marijuana within the City of Napoleon, Ohio; and declaring an Emergency

Motion: Durham

Second: Haase

to approve First read of Resolution No. 057-23

Harmon stated as everyone is aware Issue II passed. The rules changed on December 7th allowing for adult use cannabis. In this situation the final rules are not clear. Of course state legislator hasn't passed anything or sent anything to the governor. I think it would be wise to hit the pause button and put the moratorium on to wait and see how the rules shake out before a decision is made. This would ensure that nothing would take place in the interim. It does have an expiration date of late July. It would expire prior to that if Council were to pass an ordinance making more permanent rules. It's just a pause button at this point to see what's actually going to happen and protect the city in the meantime. Small stated I think I shared with Council in one of my weekly updates that I sat in on an Ohio Municipal League Meeting last week. They shared the information from both the House Bill and the Senate Bill. There's so much varying information between those two bills I'm not sure how it's going to end up. Hopefully, they will have most of it sorted in six months, so we'll be able to make a better decision. Harmon stated a moratorium can be extended if needed as we did last time with medical marijuana. Those rules took a good long while to put into place as well. In my opinion this protects the city in the meantime while we wait. Bialorucki replied I agree. Durham stated I had an OMEA Meeting last week and this was a discussion during the after parts. Several other OMEA communities have issued a moratorium with the uncertainties. It sounds like things even took a turn early last week with the law makers discussion, so I think this is a good move. Maassel asked if this would automatically renew? Harmon replied no, it expires July 31, 2024 if Council takes no other action. Certainly we'll be watching to make sure what going on and not let it expire with nothing else in place.

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed

SECOND READING OF ORDINANCES AND RESOLUTIONS

Ordinance 054-23- City Manager Pay

Council President Bialorucki read by title Ordinance No. 054-23, An Ordinance Authorizing a pay increase for the City of Napoleon, Ohio City Manager; and declaring an Emergency

Motion: Durham

Second: Knepley

to approve Second read of Ordinance No. 054-23

Bialorucki stated there are no changes.

Motion: Durham Second: Haase
To suspend the rule requiring three reads of Resolution No. 054-23

Bialorucki asked Durham to elaborate the need for a suspension. Durham replied historically we done this and postdated it to the first of the year. I don't see us having any issues passing this on the third read. If we could do this while we still have Council of last year intact I think it's a good move. Also, we could avoid the potential postdating. Maassel replied it's this Councils business. Lets just let this Council get it done.

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

Roll Call vote to pass Ordinance 054-23 under Suspension and Emergency
Yea-Durham, Bialorucki, Baer, Knepley, Weitzel, Cordes, Haase
Nay-
Yea-7, Nay-0. Motion Passed

Ordinance 055-23- Finance Director Pay
Council President Bialorucki read by title Ordinance No. 055-23, An Ordinance Authorizing a pay increase for the City of Napoleon, Ohio Finance Director; and declaring an Emergency

Motion: Haase Second: Knepley
to approve Second read of Ordinance No. 055-23

Motion: Durham Second: Knepley
To suspend the rule requiring three reads of Resolution No. 055-23

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

Roll Call vote to pass Ordinance 055-23 under Suspension and Emergency
Yea-Durham, Bialorucki, Baer, Knepley, Cordes, Haase
Nay- Weitzel
Yea-6, Nay-1. Motion Passed

Ordinance 056-23- Law Director Pay
Council President Bialorucki read by title Ordinance No. 056-23, An Ordinance Authorizing a pay increase for the City of Napoleon, Ohio Law Director; and declaring an Emergency

Motion: Durham Second: Knepley
to approve Second read of Ordinance No. 056-23

Motion: Haase Second: Baer
To suspend the rule requiring three reads of Resolution No. 056-23

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed

Roll Call vote to pass Ordinance 056-23 under Suspension and Emergency

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

Nay-

Yea-7, Nay-0. Motion Passed

THIRD READING OF ORDINANCES AND RESOLUTIONS

Resolution 041-23- Master Bid List

Council President Bialorucki read by title Resolution No. 041-23, A Resolution authorizing the expenditure of funds and authorizing a department director to take bids on certain projects, services, equipment, materials, or supplies without the requirement for additional legislation to do so in the year 2024; and declaring an Emergency

Motion: Haase

Second: Knepley

to approve Third read of Resolution No. 041-23

Garringer stated this is the third read of all of these, obviously. This will get us to our budget. I can explain each one of these again, otherwise there's no changes from the previous two readings.

Roll call vote to pass Resolution No. 041-23 on Third read under Emergency

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

Nay-

Yea-7, Nay-0. Motion Passed

Resolution 042-23- Reoccurring Costs

Council President Bialorucki read by title Resolution No. 042-23, A resolution authorizing expenditure of funds in excess of fifty thousand dollars (\$50,000) in and for the year 2024 as it relates to reoccurring costs associated with the operation of the City, for payment of expenses, and for purchases associated with vendors utilized by multiple departments within the City; elimination of necessity of competitive bidding in and for the year 2024 as it relates to certain transactions; and declaring an Emergency

Motion: Durham

Second: Knepley

to approve Third read of Resolution No. 042-23

Garringer stated these exhibits allow us to spend over \$50,000 as budgeted for certain business and organizations listed in the exhibits.

Roll call vote to pass Resolution No. 042-23 on Third read under Emergency

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

Nay-

Yea-7, Nay-0. Motion Passed

Ordinance 045-23- Establishing Budget

Council President Bialorucki read by title Ordinance No. 045-23, An Ordinance establishing the appropriation measure (budget) of the City of Napoleon, Ohio for the fiscal year ending December 31, 2024, listed in Exhibit A; and declaring an Emergency

projects among various accounts effective January 1, 2024; amending Ordinance No.(s) 104-09, 087-19, 069-20, 059-21, and 076-22; and declaring an Emergency

Motion: Haase Second: Knepley
to approve Third read of Ordinance No. 048-23

Garringer stated these are reimbursable cost. This is where individuals are paid out of the General Fund and then the General Fund is reimbursed back. The best example is human resources. Not only does she do human resources for employees paid out of the General Fund, but also the water plant, waste water plant and the electric department. Part of her salary gets reimbursed back to the General Fund. As well as others.

Roll call vote to pass Ordinance No. 048-23 on Third read under Emergency
Yea-Durham, Bialorucki, Baer, Knepley, Weitzel, Cordes, Haase
Nay-
Yea-7, Nay-0. Motion Passed

Ordinance 049-23- 2024 Pay Ordinance

Council President Bialorucki read by title Ordinance No. 049-23, An Ordinance establishing a new position classification pay plan for employees of the City of Napoleon, Ohio for the year 2024 repealing Ordinance No. 077-22; and declaring an Emergency

Motion: Durham Second: Knepley
to approve Third read of Ordinance No. 049-23

Garringer stated these are the base hourly rate pay scales for different levels (A, B, C, D) or tops and bottoms depending on the position. There are no changes from the last read.

Roll call vote to pass Ordinance No. 049-23 on Third read under Emergency
Yea-Durham, Bialorucki, Baer, Knepley, Weitzel, Cordes, Haase
Nay-
Yea-7, Nay-0. Motion Passed

Resolution 050-23- CIC Contribution

Council President Bialorucki read by title Resolution No. 050-23, A Resolution authorizing a contribution to the Community Improvement Corporation of Henry County, Ohio, in and for the year 2024; and declaring an Emergency

Motion: Haase Second: Knepley
to approve Third read of Resolution No. 050-23

Garringer stated this resolution states the City of Napoleon authorizes \$45,000 to our CIC. It’s well worth it and we get billed quarterly. This is the same amount that was approved last year.

Roll call vote to pass Resolution No. 050-23 on Third read under Emergency
Yea-Durham, Bialorucki, Baer, Knepley, Weitzel, Cordes, Haase
Nay-
Yea-7, Nay-0. Motion Passed

Ordinance 052-23- Amending Tax Code

in the 242 account (fire equipment fund), which would cover the 5% match along with any additional cost. The engine were specing is at the top of the line because it's not only for today's fire department it needs to last us 15-20 years down the road. It does have a lot of amenities to it that could potentially get cut off if we get into a financial straight with it, but we don't look for that to happen. There won't be any special need to pass anything because it's already setting there. We just wanted your approval to apply because there's not many grants out there of that size for departments like ours. Bialorucki asked when would be granted? Bowen replied well apply for it in January, but it doesn't go to awarding until around the 3rd quarter. With that said the 242 Account gets money put into that every year and they money that would be due for the engine wouldn't be due until delivery. Right now were looking at a 3-4 year range. Once we get locked in on an apparatus that price stays no matter what. On the flip side if things start to come back down were going to be paying more than what we could get one for then. Small stated I think this is a great opportunity. Garringer and I had lunch with Senator Vance's local representative and he encouraged us to go for this as well. I think it's a great opportunity and timing. It's been on our radar, so I'm all for it. Cordes asked what the current age of our fire engine? Bowne replied the engine were looking to replace is pushing 25 years old, so by the time we would get a new engine it would be 30 years old. Its engine 805, which is having mechanical issues and is nickel and diming us. Right now were waiting on a quote for some repairs to get made to it. That was a demo engine when we purchased it, so it was one that traveled around for people to look at and we bought it. This one here will be custom built by people we put together that are looking into the future of the needs of the fire department and citizens.

Motion: Weitzel

Second: Cordes

to approve the Fire Department to apply for the AFG Grant in 2024 for the potential purchase of a Fire Engine

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed

PC-23-05- Subdivision of Re-plat at 690 E. Riverview Ave.

Maassel stated 690 E Riverview Ave is basically the old junkyard that sits across Azul. As you drive across E Riverview you open the gate up and a house sits right in the middle of it. Right now, it's a commercial area. The re-plat is to make that a residential house. Obviously they would need special permits if they wanted to bring that back into commercial, but the idea is to have that house be a residence in the commercial area. That passed through Planning Commission with a unanimous vote. Haase asked why was that not rezone when it was built? Maassel replied I think it's been commercial for a long time. That's a good question and I don't have an answer. Bialorucki asked if that was used as part of their business? Maassel replied I think. Haase stated when the old house got to full of junk they built that one.

Motion: Durham

Second: Knepley

to approve PC-05 Subdivision Re-plat at 690 E. Riverview Ave.

Roll call vote on the above motion:

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

Nay-

Yea-7, Nay-0. Motion Passed

each other. Not just with members of Council, but with these department out here, the county commissioners, the schools and businesses. I think when we continue to work as a team I think we have seen some good progress over the last several years and I think we can continue to grow. My wife and I have no plans on leaving Napoleon. No, I don't plan on running again in two years, but I am very willing to continue to serve Napoleon in any way I can by serving on committees or boards. Again, I want to thank you and good luck to the two new folks as they join this body. I have all the confidence in you. Thank you.

Roof stated Maassel, one of my favorite qualities about you is your integrity and dignity. It speaks volumes of you from someone who's been with the city for less than two years. I've heard about you out in the community before I even started here. It was one of the main reasons why I chose to come here. You're very resourceful, efficient, and innovative. That's something that's super hard to find in a mayor. No offense Bialorucki, but you're going to have some big shoes to fill. You have come in here and helped set and shape the city in a way not many mayors can do. You've shaped our future from not only from past leaders that have been in here who spoke volumes of you, but all of us currently and those who step through those doors in the future you'll still be shaping us far into the future. We want to present you with this award for your service to the city. Thank you for everything that you have done. You continue to do for our city. We hope to see you back in the future. Maassel stated I'm glad you don't have the timer because I'm going to go a lot longer than 5 minutes. We have one of those dry erase calendars on the fridge and earlier this month Shauna, my wife, was working on it and I heard her say "oh wow, that's different". I thought oh no what day do we have to move three kids to five things in 20 minutes. Then she said "I was about ready to ask you, since January 1st is a Monday are you going to have Council Tuesday." It dawned on her the same time that it dawned on me that we're not putting Council on our calendar anymore. For the last 11 years and 3 months every time she filled that out every Monday was the first thing that she did. When I was thinking about that I was thinking about this group and people who are going to be here on January 2nd. That's the only thing that's determined right now. You will meet at City Council on January 2nd. After that it's wide open. It is completely wide open and up to you what to do. It's up to you to continue to move Napoleon forward. The nice thing about the people sitting on this side is the people sitting out there. All your great department heads. They do a wonderful job. Before Tewksbury came we had an IT idea. Now we have an IT Department. A department who's technology has to work now because you're not going to tell someone from Chief Mack's team or Chief Bowens team don't worry it will work eventually. No, it has to work now. That's what you do. The highest compliment I can pay to an IT person is I barely knew you because I'm not calling you unless it's broke. My stuff was never broke. I always appreciated that about you, Tewksbury. Cotter and Lulfs are the only two department heads that have served with me the entire time. Everyone else has rotated through. When I first got here there was movement on this side to close the golf course, fill in the pool and cut everything back. I'm so glad we didn't do that. Wiser heads prevailed. Now we have a world class pool, a golf course that's had one of its best years ever in 2023 and a ball park being built because of the pool and golf course. Without those being there they wouldn't be building the ball park. The other reason is what his team does every day. There the team out there cleaning stuff and making it nice because if it was trash people wouldn't have voted for a new pool. That's what Cotter brings to us each and every day. Then there's J. Okuley. When I first got on Council I called not your predecessor, but his predecessor to come down and see his operation. Weaver and Schwab coordinate with Small to get a good tour. You'll learn more in a day or two with boots on the ground than you'll learn up here in a month. Get out there and learn. I received a call from Congressman Latta on a Tuesday that he would be up here on Thursday. We ended up at J. Okuley's department. Congressman Latta really appreciated that because when he was county commissioners that's what he wanted to see. He wanted to see government dollars getting spent. You have a very resourceful staff too. Its incredible the resourcefulness that they have. One of your team member won some kind of big

award. Weis, you've done a hell of a job. I think you have one of the more highly educated departments in Northwest Ohio. It's a testament to how well you manage that. They could go anywhere they want to, but they want to work for you because you treat them right. Did we have a boil alert this year? Weis replied we didn't have a city wide one. Maassel stated well that's another testament to you and your team. As you know the chemistry of the Maumee River changes no daily, but hourly. To bring that in and push it through our system to push out fresh water. It's amazing. We were told when we got the new system online that within 6 months we'd blow a skid out, but we never did that because we took care of our stuff day in and day out. Sitting next to you is the guy that I think I surprised 11 years and 3 months ago, B. Okuley. I think you and Coop came to our house on Strong St when we had rusty water. You came to put a filter in and I told you that I'd tell John Bisher that you did a good job tonight at City Council. You did a great job then and ever since. When you took over for the legend Jeff Rathge we had a conversation where I pretty much said hey do it right. You do a hell of a job. When one of your guys complain that you never did it, yes you did. You're the guy in the hole on a cold day in January. Waterlines never break on 75 and sunny days. It's always 7 degrees and blowing. I appreciate it and I'm glad when I wave at you, you wave back with all five fingers and not just the middle one. Bowen, you're the 3rd fire chief that I've had the honor serving with. There's a tradition of excellence there and Chief Bowen does that day in and day out. He trains his people hard. They work really hard day in and day out. They are on the front lines. One of the best ways we get to show how good we are is when the City of Napoleon gets called for mutual aid. He trains his people hard, so that they all come back at night. Here's the thing if he wasn't doing a good job he has the intestinal fortitude to come in here and say something needs to be changed before someone gets hurt. Chief Bowen I really appreciate all the stuff that you do. Then there's Kulhman. When I was with Denny Clap he took me on a tour and he was talking, but I wasn't understanding. What's amazing to me is that other communities measure their outages in hours or days, but we measure ours in minutes. People up here will vouch for me that I brag about it. I was sitting somewhere recently and someone said they had to buy a generator for when the power went out. Not if, but when. It peaked my ears because we don't have that problem here because of the work you do to make sure we have one hell of a good system. I appreciate that. Full disclose, I did talk to Lulfs before this. Then there's Chief Mack. I told you when you took that job that you were doing two of the hardest things in leadership; taking a good organization and keeping it good, and leading peers. Two days before you were chief they called you Dave, but then you get pinned and they call you chief. That's hard to do. Legg, it's a challenge that you're going to have too. Mack, you pulled it off brilliantly and you've done a hell of a good job. One thing that was different than when Weitzel was Chief was the police force being under scrutiny on a national level. I think one of the things that you didn't really well was how good positive policing can be and show police in a positive way. The SRO is a great example of that, so are both dogs. The way you guys communicate with people. You guys do things that us up here we'll never know. I've always appreciated that. Roof, when you joined us we said grab these two rocks, put a cinder block in your backpack and jump in the deep end. We threw you in. You not only survived that, but you've thrived. Council, if you want to see how valuable she is than lose her. Then you'll realize all the stuff that she does. Amazing stuff. Thank you for everything that you do. I really appreciate it.

AROUND THE TABLE

Bialorucki- I want to thank Maassel for everything. Apparently I followed in his footsteps. I got on Council as he was leaving Council to become Mayor and now he's leaving and I'm falling in as Mayor. I don't know what you're doing next, but hopefully it's as rewarding as Council.

Garringer - I just wanted to thank Maassel, Baer and Knepley for trusting me with everything that I do. I wish you the best of luck. The nice thing about it is that I'll still see you around town. You're not going

anywhere. You guys have served very well proudly and you always represented the City of Napoleon very well. I thank you for that. We have big shoes to fill starting January. Best of luck.

Cordes- Thank you for your service Maassel, Baer and Knepley. It's been a pleasure working with you guys and it's definitely been enjoyable. Discussions we've had and insight. I appreciate how you helped move the process along and helped the city run more efficiently. That a goal that all the councilmembers should have. Thank you for your service.

Haase- Thank you.

Durham- Thank you guys. I really appreciate it. Knepley and I came on at a pretty similar time. We did the department tours together. It was a great bonding experience with Knepley and a great learning opportunity with the department heads. I've kind of always had that connections with Knepley. Bear, I appreciate your wisdom as pro tem and council as a whole coming into this role. I appreciate the opportunity of allowing me to attempt to fill those shoes. Maassel, you've been a huge role model to me here and I'm sure that will continue. I told you I'll be hitting your phone for advice on the frequent, so I hope you keep picking up for me. Thank you all, again. I really appreciate it.

Baer- Nothing additional. I just wish the best of luck to each of you. Like Garringer said I'm not going anywhere. I'm staying here in Napoleon. I just might end up on another city board or committee down the road. Good luck to the future as we start 2024.

Knepley- Nothing more. Thank you.

Weitzel- Thank you all for your service. Maassel, I'm going to miss those conversations and phone calls. I really enjoyed them.

Harmon- Thank you, Maassel, Baer and Knepley for your service to the city. Best of luck in the future. Thanks again and don't be a stranger.

Small- I thank the three of you for sure. I've appreciated the time that I've been able to spend with you over the last almost 12 full months. Maassel, I'm going to miss our Monday and Friday chats. You're welcome to stop in and keep me on the straight and narrow. I appreciate it. If you haven't noticed my staff is here this evening. I promise you that I didn't know the Mayor was going to do that, honestly. That was impressive, nice job. I appreciate them. They've made my first 12 months I won't say easy, but I would say it wouldn't be nearly as easy without them. I really thank every one of them. We've had some tremendous challenges and we've overcome those challenges. We continue to have challenges and we continue to fight every day. They've just been really helpful every step of the way. Their dedication, professionalism, and leadership in each of their respective departments. I'm fortunate to have them. Other than that I don't think I have anything. Merry Christmas everyone and have a wonderful start to your 2024. Well see most of you January 2nd.

Maassel- It's been a pleasure Knepley and Baer. Merry Christmas and Happy New Year.

Executive Session (Personnel: to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee and; Pending Litigation)

Motion: Durham Second: Knepley
to Enter into Executive Session for Personnel: to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee at 8:25pm

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

Yea-7, Nay-0. Motion Passed

Motion: Durham Second: Knepley
to Enter into Executive Session for Pending Litigation at 8:25pm

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

Yea-7, Nay-0. Motion Passed

Motion: Haase Second: Knepley
to Exit Executive Session for Personnel: to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee at 9:08pm

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

Yea-7, Nay-0. Motion Passed

Bialorucki stated no action taken.

Motion: Cordes Second: Knepley
to Exit Executive Session for Pending Legislation at 9:08pm

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

Yea-7, Nay-0. Motion Passed

Bialorucki stated no action 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)

ADJOURNMENT

Motion: Knepley Second: Haase
to adjourn the City Council meeting at 9:09pm

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

Yea-7, Nay-0. Motion Passed

Approved

January 2, 2023

Joe Bialorucki, Council President

Jason Maassel, Mayor

Marrisa Flogaus, Recorder

DRAFT

RESOLUTION NO. 057-23

A RESOLUTION IMPOSING AN IMMEDIATE MORATORIUM ON THE ISSUANCE AND PROCESSING OF PERMITS ALLOWING RETAIL DISPENSARIES, CULTIVATORS, OR PROCESSORS OF ADULT USE MARIJUANA WITHIN THE CITY OF NAPOLEON, OHIO; AND DECLARING AN EMERGENCY

WHEREAS, Ohio voters approved State Issue 2 on November 7, 2023 adopting proposed legislation authorizing the cultivation, sale and use of marijuana products for recreational purposes; and,

WHEREAS, pursuant to the operation of Article II, Section 1b of the Ohio Constitution, the proposed legislation now approved by Ohio voters will automatically be incorporated into the Ohio Revised Code as Sections 3780.01 through 3780.99 and become effective on December 7, 2023 with no further action required by the Ohio General Assembly (the “Act”); and,

WHEREAS, upon the passage of Issue 2, members of the Ohio General Assembly have already expressed an intention to amend the Act but have not yet clarified whether the Act will be repealed, modified, or materially altered; and,

WHEREAS, Section 3780.03 of the Act provides that a newly created “Division of Cannabis” shall adopt rules establishing standards and procedures for the implementation of the adult use marijuana program, including licensing requirements for cultivators, processors, and retailers; and

WHEREAS, the Act, as currently constituted, provides the Division of Cannabis a period of nine months after December 7, 2023 to implement rules and regulations regarding the adult use marijuana program; and

WHEREAS, Council and the Mayor intend to adopt legislation that provides for the orderly prohibition or implementation of adult use cannabis in the City consistent with State laws and regulations; and

WHEREAS, pursuant to the Ohio Constitution and local ordinances, City Council possesses the inherent power to enact appropriate planning, zoning, and business regulation laws that further the health, safety, welfare, comfort and peace of its citizens, including restricting, prohibiting and/or regulating certain business uses; and

WHEREAS, at least until such time as regulations are adopted, the amendments to the Act are adopted and the City has had an opportunity to study the foregoing, Council has determined it to be in the best interests of the community health, safety, and welfare to impose an immediate moratorium on any cultivation, processing, or retail dispensing of marijuana for adult use business purposes in any form within the City of Napoleon, except as required by the Act; now, therefore

Be it Resolved by the City Of Napoleon, Ohio:

Section 1: Except as required by the Act, the Mayor and Council hereby impose an immediate moratorium on the issuance and processing of any permits for cultivators, processors,

and retail dispensaries of adult use marijuana as defined in Sections 3780.01 through 3780.99 of the Ohio Revised Code.

Section 2: The purpose of this moratorium is to allow the City Administration and Council to consider amendments to pertinent Codified Ordinances, including the Napoleon Zoning Code, to prepare regulations which may be necessary, and to determine where and whether to allow, limit or prohibit cultivators, processors, and retail dispensaries in the City.

Section 3. Council and the Mayor hereby direct and order that no permits for cultivators, processors or retail dispensaries of adult use marijuana shall be issued or processed by the City during the moratorium, except as may be required by the Act with respect to existing dispensaries of marijuana products for medical use.

Section 4. The moratorium shall be in effect for a period beginning from the effective date of this Resolution through the earlier of July 31, 2024, until changes are enacted to amend the Codified Ordinance of the City of Napoleon to address these issues, or until Council approves legislation explicitly revoking this moratorium, whichever occurs first.

Section 5. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 6. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least two thirds of the members of Council, this Resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Passed: _____
Joseph D. Bialorucki, Council President

Approved: _____
Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Marrisa Flogaus, Clerk of Council

I, Marrisa Flogaus, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 057-23 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.

Marrisa Flogaus, Clerk of Council



City of Napoleon, Ohio

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

Memorandum

To: J. Andrew Small, City Manager
Cc: Mayor and City Council
From: Jeff Weis, Superintendent of Water Treatment
 Jeremy Okuley, Superintendent of Wastewater
Date: December 20, 2023
Subject: 2024 Chemical Bids

On December 20, 2023 bids were opened for the Chemicals that will be used at the Water and Wastewater Treatment Plants FY2024. There were 2 bids submitted. After reviewing the bids and specifications, we would like to recommend that the FY2024 Chemical bids be awarded to the following companies as the lowest and best:

<u>Chemical</u>	<u>Bid</u>	<u>Current Cost</u>	<u>Difference</u>
Aluminum Chlorohydrate	USALCO @ \$4.7133/gal	\$4.436/gal	+\$0.2773/gal
Liquid Aluminum Sulfate	Chemtrade @ \$1.5066/gal	\$1.5228/gal	-\$0.0162/gal

JW:JO



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
Brian Okuley, Operations Superintendent
Roxanne Dietrich, Administrative Assistant
Marrisa Flogaus, Clerk
Date: December 18, 2023
Subject: HEN Napoleon SRTS FY24 ~ Approval of Plans & Bid Documents

The City of Napoleon's Engineering Department requests approval to proceed with advertising the above referenced project for bids. The project consists of construction of new sidewalks on Bales Road, Briarheath Avenue, and Glenwood Avenue. Crosswalks and pedestrian signals will also be constructed on Briarheath Avenue, Glenwood Avenue, and Woodlawn Avenue. This project was previously advertised with no awardable bids. The project has been modified, the Engineer's Estimate has been increased, and additional funding has been obtained.

Engineer's Estimate: \$359,165.00

O.D.O.T. Grant: \$370,000.00

The completion date for this project is August 17, 2024.

CEL



Napoleon Police Department

Chief David Mack

310 Glenwood Ave P.O. Box 151
Napoleon, Ohio 43545-0151
Phone: (419) 599-2810
<https://napoleonpoliceoh.com>

Mayor
Jason Maassel

City Manager
J. Andrew Small

Police Chief
David J. Mack

*Assistant Chief &
PIO*
Edward Legg

Lieutenants
Greg Smith

Sergeant
Justin Ruffer
David Steward

*School Resource
Officer*
Bradley Strickland

K9 Officer
Rob Lipscomb

Detectives
James Augustine
Ryan VonDeylen

To: CM Small/City Council
From: Edward Legg Assistant Chief of Police – Napoleon PD
Cc: File
Date: 12/27/2023
Re: BWC Body Armor Grant Award

To All;

I wish to inform the group that the Bureau of Workers Comp Body Armor Grant requested several weeks ago has been awarded. As you recall our existing Ballistic Plates manufacturer was called into question by State and Federal Authorities and the Ohio Bureau of Criminal Investigation advised us to stop using the plates immediately.

We have been awarded \$22,890 by Ohio BWC to reimburse a large portion of the \$30,520.64 needed to replace the plates. I respectfully request that City Council approve the acceptance of this grant. Our new vendor, PROTECH from Brea Ohio estimates delivery of the new plates in 4 to 8 weeks after the order is placed.

Respectfully,


Edward Legg
Assistant Chief of Police
Napoleon Ohio



City of Napoleon, Ohio

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

To: Mayor and Members of Council
From: J. Andrew Small, City Manager
cc: Billy Harmon, Law Director
Date: December 21, 2023
Subject: Charter Review Commission

In this week's packet, you will see information regarding the Charter Review Commission. The commission must meet once every eight (8) years. The commission last met in 2016 and must meet again in 2024.

The information I included is taken directly from Chapter 167 (Charter Review Commission) of our Codified Ordinances and details the necessary steps to complete the process.

I've also added this topic to the *Good of the City* portion of the agenda as a discussion/action item. I would suggest you review the information in the event Council chooses to take action on the issue.

While the City Charter is available online, I will have hard copies available for each of you at the next meeting.

CHAPTER 167

Charter Review Commission

167.01 Establishment.

167.02 Powers and duties.

167.03 Meetings/hearings and rules.

167.04 Amendments to Charter.

CROSS REFERENCES

Charter Review Commission - see CHTR. 5.07

167.01 ESTABLISHMENT.

(a) No later than the second regularly scheduled Council meeting in January of the year 2008, and at least every eight (8) years thereafter, there shall be a Charter Review Commission (hereinafter called the "Commission") consisting of seven (7) members, each of whom shall be a resident and qualified elector of the City: five (5) of whom shall be appointed by Council and two (2) of whom shall be appointed by the Mayor. Two (2), but not more than two (2) of the Council appointments, may be Council members. Members of the Commission shall not receive, or be entitled to receive, any compensation therefor, unless otherwise provided by Council. Nevertheless, no Council member shall be additionally compensated for serving on the commission. Council shall be the body that initiates the calling of any Charter Review Commission.

(b) The term of each member of the Commission shall commence upon the date of his or her appointment and shall terminate upon completion of the Commission's task evidenced by submission to Council of any amendments, additions, deletions or other changes to the Charter that are deemed necessary or would be advisable or beneficial. Council may by approved motion establish and extend any mandatory submission date.

(c) If any member of the Commission dies, resigns, or ceases to qualify as a member, or otherwise is unable or unwilling to complete the term of his or her appointment, the appointing authority for such vacated seat shall appoint a successor for the unexpired term.

(Ord. 64-01. Passed 6-4-01.)

167.02 POWERS AND DUTIES.

The Commission shall review the City's Charter to determine whether any amendments, additions, deletions or other changes are necessary or would be advisable or beneficial, and, immediately prior to the end of any term of the Commission, shall bring any and all proposed amendments, additions, deletions or other changes to the attention of Council in

the form of a recommendation to amend the City's Charter. The Council may accept, reject or modify the Charter Review Commission's recommendations.

(Ord. 64-01. Passed 6-4-01.)

167.03 MEETINGS/HEARINGS AND RULES.

(a) The Commission is hereby authorized to promulgate rules and regulations governing its meetings or hearings. The Commission shall select a Chairman. All meetings and hearings shall be governed by the minimum rules contained in this section. Any additional rules that the Commission may adopt shall be adopted by resolution of the Commission. For passage of the Commission resolutions, such resolutions shall require only one (1) reading prior to passage and an affirmative vote by a majority of all current members. After passage, the resolutions shall be signed by the Commission Chairman or Acting Chairman, who is selected by the Commission, and need not be published, but shall be filed in the office of the Finance Director, or in the case when a specific Council Clerk exists, then in the office of the Council Clerk.

(b) All meetings or hearings of the Commission shall be held at the call of the Chairman of the Commission and at such other times as the Commission may determine. The Chairman or Finance Director, or in the case when a specific Council Clerk exists, then such Clerk, shall notify all members of the Commission in advance of all meetings and hearings, of their time and place. No meeting, hearing or action may be taken unless a quorum is present: a majority of all current members of the Commission constitutes a quorum.

(c) Decisions and recommendations of the Commission shall be reached only after a meeting or when required, a hearing, and after due notice of all meetings and hearings has been given to all parties and interests; such notice may be satisfied by publication when not otherwise required by other means.

(d) All meetings or hearings shall be open to the public, except as may otherwise be permitted by law.

(e) All evidence and testimony submitted to the Commission shall be publicly presented, except as may otherwise be permitted by law.

(f) The Chairman, or in the Chairman's absence, the Acting Chairman, may administer oaths and compel attendance of witnesses. In the absence of the Chairman, the Acting Chairman may do all other things associated with the duties of the Chairman.

(g) The Finance Director, or in the case when a specific Council Clerk exists, then such Clerk, shall keep a record of the proceedings of the Commission, showing the vote of each member on every question.

(Ord. 64-01. Passed 6-4-01.)

167.04 AMENDMENTS TO CHARTER.

The Charter, or any part of it, may be amended by submission of the question to the electors at a general municipal election if one shall occur not less than sixty (60) nor more than one hundred and twenty (120) days after passage of an ordinance providing for the submission; otherwise it shall be at a special election to be called and held within the time aforesaid. Amendments to the Charter shall be as provided by the Charter, so long as not otherwise prohibited by the Constitution of Ohio, and as provided by the Constitution of Ohio. If any proposed amendment is approved by a majority of the electors voting, it shall become part of the Charter, except that if two (2) or more inconsistent proposed amendments on the same subject are submitted at the same election, only the one (1) receiving the highest number of affirmative votes, but not less than a majority, shall become part of the Charter.

(Ord. 64-01. Passed 6-4-01.)