

August 2024

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



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: Mikayla Ramirez, Clerk
Date: August 2, 2024
Subject: Technology and Communications Committee – Cancellation

The regularly scheduled meeting of the **Technology and Communications Committee** for Monday, August 5, 2024, at 6:15 pm has been CANCELED due to lack of agenda items.

City of Napoleon, Ohio

CITY COUNCIL

MEETING AGENDA

Monday, August 5, 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. **Approval of Minutes** (in the absence of any objections or corrections, the minutes shall stand approved)
July 15, 2024, Regular Council Meeting Minutes
- E. **Citizen Communication**
- F. **Reports from Council Committees**
 - 1. The Finance and Budget Committee did not meet July 22, 2024 due to a lack of agenda items.
 - 2. The Safety and Human Resources Committee did not meet July 22, 2024 due to a lack of agenda items.
 - 3. The Technology and Communications Committee did not meet earlier tonight due to a lack of agenda items.
- G. **Reports from Other Committees, Commissions and Boards** (*Informational Only-Not Read*)
 - 1. The Civil Service Commission did not meet July 23, 2024 due to a lack of agenda items.
 - 2. The Parks and Recreation Board did not meet July 31, 2024 due to a lack of agenda items
- H. **Introduction of New Ordinances and Resolutions**
 - 1. **Resolution No. 029-24**, A Resolution authorizing and directing the Finance Director of the City of Napoleon to certify and file annual special assessments of the City of Napoleon, Ohio, with the County Auditor of Henry County for placement and collection on the 2024 tax duplicates payable in the year 2025; and declaring an Emergency
- I. **Second Reading of Ordinances and Resolutions-NONE**
- J. **Third Reading of Ordinances and Resolutions**
 - 1. **Ordinance No. 025-24**, An Ordinance amending the City of Napoleon rules, terms and conditions governing the Water and Sewer Service, specifically Rule 5, "Special Service and Extension" and Rule 32, "Appendix A Fees; and declaring an Emergency
 - 2. **Resolution No. 027-24**, 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 2025; and declaring an Emergency
 - 3. **Ordinance No. 028-24**, An Ordinance authorizing and directing the execution of a wastewater collection and treatment contract between the City of Napoleon, Ohio and the Campbell Soup Company; and declaring an Emergency
- K. **Good of the City** (Any other business as may properly come before Council, including but not limited to):
 - 1. Discussion/Action: Direct the Law Director to draft the appropriate legislation for contracting the Scott Street resurfacing project with ODOT.

2. Discussion/Action: Adoption of Henry County Hazard Mitigation Plan (Direct Law Director to draft legislation)
3. Discussion/Action: Request approval to accept grant from the State of Ohio in the amount of \$135,000 for Napoleon Water Tower Upgrades.

L. Executive Session (concerning pending or imminent court action)

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

N. Adjournment



Mikayla Ramirez—Clerk

A. ITEMS REFERRED OR PENDING IN COMMITTEES OF COUNCIL

- 1. Technology & Communication Committee (1st Monday)**
(Next Regular Meeting: August 5,, 2024 @6:15 pm)
- 2. Electric Committee (2nd Monday)**
(Next Regular Meeting: Monday, August 12, 2024 @6:30 pm)
 - a. Review of Power Supply Cost Adjustment Factor for August 2024
 - b. Electric Department Report
- 3. Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday)**
(Next Regular Meeting: Monday, August 12, 2024 @7:00 pm)
- 4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday)**
(Next Regular Meeting: Monday, August 12, 2024 @7:30 pm)
- 5. Parks & Recreation Committee (3rd Monday)**
(Next Regular Meeting: Monday, August 19, 2024 @6:00 pm)
- 6. Finance & Budget Committee (4th Monday)**
(Next Regular Meeting: Monday, August 26, 2024 @6:30 pm)
- 7. Safety & Human Resources Committee (4th Monday)**
(Next Regular Meeting: Monday, August 26, 2024 @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, August 12, 2024 @6:30 pm)
 - a. Review of Power Supply Cost Adjustment Factor for August 2024
 - b. Electric Department Report
- 2. Board of Zoning Appeals (2nd Tuesday)**
(Next Regular Meeting: Tuesday, August 13, 2024 @4:30 pm)
- 3. Planning Commission (2nd Tuesday)**
(Next Regular Meeting: Tuesday, August 13, 2024 @5:00 pm)
- 4. Tree Commission (3rd Monday)**
(Next Regular Meeting: Monday, August 19, 2024 @6:00 pm)
- 5. Civil Service Commission (4th Tuesday)**
(Next Regular Meeting: Tuesday, August 27, 2024 @4:30 pm)
- 6. Parks & Recreation Board (Last Wednesday)**
(Next Regular Meeting: Wed., August 28, 2024 @6:30 pm)
- 7. Privacy Committee (2nd Tuesday in May & November)**
(Next Regular Meeting: Tuesday, November 12, 2024 @10:30 am)
- 8. Records Commission (2nd Tuesday in June & December)**
(Next Regular Meeting: Tuesday, December 10, 2024 @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)**

City of Napoleon, Ohio
CITY COUNCIL MEETING MINUTES
Monday, July 15, 2024, at 7:00 pm

PRESENT

Council Members	Ross Durham - Council President, Brittany Schwab- Council President Pro-Tem, Ken Haase, Dr. David Cordes, Robert L. Weitzel, Tom Weaver, Jordan McBride
Mayor	Joseph Bialorucki
City Manager	J. Andrew Small
Finance Director	Kevin Garringer
Law Director	Billy Harmon
City Staff	
Others	News- Media, Kelly Burkhart
Clerk of Council	Mikayla Ramirez

CALL TO ORDER

Council President Durham called the City Council meeting to order at 6:59 pm with the Lord’s Prayer followed by the Pledge of Allegiance.

APPROVAL OF MINUTES

The minutes from the July 1, 2024, Regular Council meeting are approved as presented.

CITIZEN COMMUNICATION

Kelly Burkhart said, I am a resident Napoleon. I am also involved in a couple non-profits, the We Can Make a Difference Initiative and Pillars of Success. Joel Miller typically comes but he could not make it tonight, so I am here on his behalf to request that the Safe Haven Emergency Housing go to committee. I have several people who are willing to help with this project. I have been involved with the homeless for 20 years, I even purchased a house three doors down from my own home for a homeless couple. I charged them the price of the mortgage and they lived there until about 2014/2015. I was an administrator for the Ohio Department of Transportation for 23 years, but I left that job to start the Together We Can Make a Difference Initiative in 2010 to help others. Pillars of Success helps with transitional housing and we help people who have been living in their car. Recently, we had about 4-5 people working at Dana and Subway living in their cars. Currently we are helping folks who work at Campbell’s and Defiance Stamping. We have rules and regulations with Pillars of Success, no alcohol, no drugs, and this is all listed on a 2-page document which we would use for the emergency housing. I sat on the Economic Development Board for about 9 years and every meeting we discussed how we need more of a workforce. I also sit on the Housing Board with the health department where I listen to the commissioner, director of Job and Family Services, the prosecutor, and judge who would all love the opportunity to speak with you all. I know there is fear and a need for education, but we need to care for these people. So, I am here today to ask that this go to the committee. We’ve been doing this a long time and not everyone is a success but so many are. Durham said, we appreciate your commitment to the community, and we have done some internal research but at this point I believe we could send this to the Municipal Properties Committee. Burkhart said, if I can help in anyway let me know because I have 20 years of experience. Small said, the Municipal Properties Committee meets August 12th which gives us time to do even more research.

REPORTS FROM COUNCIL COMMITTEES

The Electric Committee did not meet on July 8, 2024, due to lack of agenda items.

The Water, Sewer, Refuse, Recycling and Litter Committee did not meet on July 8, 2024, due to lack of agenda items.

The Municipal Properties, Building, Land Use and Economic Development Committee did not meet on July 8, 2024, due to lack of agenda items.

The Parks and Recreation Committee did not meet earlier tonight due to lack of agenda items.

INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

Resolution No. 020-24 Tax Budget

Council President Durham read by title Resolution No. 020-24, a Resolution adopting the 2025 tax budget for the City of Napoleon, Ohio, as required in Sections 5705.28 and 5705.281 of the Ohio Revised Code and directing the Finance Director to file the same with the County Auditor; and declaring an Emergency

Motion: Haase Second: Schwab
to approve First Read of Resolution No. 020-24

Garringer said, this is an annual resolution we are required to make by statute every year. This is basically the revenue and the start of the budgeting process for 2025t his is the agreed upon amount that we will be receiving in our property taxes. This has already been passed in the Finance and Budget Committee so we need to approve it so it can be sent to the Budget Commission which is the county auditor, treasurer, and prosecutor. Please let me know if you have any questions about the numbers. I request suspension on this because this is due July 20th for the Budget Commission.

Motion: Weaver Second: Schwab
to suspend the rule requiring three reads of Resolution No. 020-24

Roll call vote on the above motion

Yeas- Weitzel, McBride, Weaver, Cordes, Schwab, Durham, Haase

Nays-

Yeas-7, Nays-0. Motion Passed.

Roll call vote to pass Resolution No. 020-24 under Suspension and Emergency

Yeas- Weitzel, McBride, Weaver, Cordes, Schwab, Durham, Haase

Nays-

Yeas-7, Nays-0. Motion Passed.

SECOND READ OF ORDINANCES AND RESOLUTIONS

Ordinance No. 025-24 Amending the City of Napoleon rules, terms and conditions

Council President Durham read by title Ordinance No. 025-24, an Ordinance amending the City of Napoleon rules, terms and conditions governing the Water and Sewer Service, specifically Rule 5, "Special Service and Extension" and Rule 32, "Appendix A Fees; and declaring an Emergency

Motion: Haase Second: Schwab
to approve Second Read of Ordinance No. 025-24

Small said, this is the legislation that related to the hydrant and hose meters there are no changes from the previous reading.

Roll call vote on the above motion

Yeas- Weitzel, McBride, Weaver, Cordes, Schwab, Durham, Haase

Nays-

Yeas-7, Nays-0. Motion Passed.

Resolution No. 026-24 Participation in the Ohio Department of Transportation (ODOT) Cooperative Purchasing Program

Council President Durham read by title Resolution No. 026-24, a Resolution authorizing the participation in the Ohio Department of Transportation (ODOT) Cooperative Purchasing Program; and declaring an Emergency

Motion: Schwab Second: Weaver
to approve Second Read of Resolution No. 026-24

Small said, as I described in the last meeting this is specifically regarding the purchasing program for crack sealing materials and services. The company doing the work will not allow us to get on the schedule until the legislation is passed so I would ask council to pass this under suspension so we can get on their schedule since their schedule is quickly filling up. Durham said, do they have a time frame on when the work will be completed. Small said, sometime before the fall.

Motion: Haase Second: Weitzel
motion for suspension of Resolution No. 026-24

Roll call vote to pass Resolution No. 026-24 under Suspension
Yeas- Weitzel, McBride, Weaver, Cordes, Schwab, Durham, Haase

Nays-

Yeas-7, Nays-0. Motion Passed.

Roll call vote on the above motion

Yeas- Weitzel, McBride, Weaver, Cordes, Schwab, Durham, Haase

Nays-

Yeas-7, Nays-0. Motion Passed.

Resolution No. 027-24 Authorizing the City Manager to execute all documents necessary to apply for and accept (SCIP) and (LTIP)

Council President Durham read by title Resolution No. 027-24, 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 2025; and declaring an Emergency

Motion: Schwab Second: Weaver
to approve Second Read of Resolution No. 027-24

Small said, this is generally referred to as the issue two funding and we will use this to target a project on West Clinton and Erie Street to replace the storm sanitary and water line along that route.

Roll call vote on the above motion

Yeas- Weitzel, McBride, Weaver, Cordes, Schwab, Durham, Haase

Nays-

Yeas-7, Nays-0. Motion Passed.

Ordinance No. 028-24 Wastewater collection and treatment contract between the City of Napoleon, Ohio and the Campbell Soup Company

Council President Durham read by title Ordinance No. 028-24, an Ordinance authorizing and directing the execution of a wastewater collection and treatment contract between the City of Napoleon, Ohio and the Campbell Soup Company; and declaring an Emergency

Motion: Schwab Second: Haase

to approve Second Read of Ordinance No. 028-24

Small said, there are no changes to this legislation. Schwab said, Small have they been in touch with you. Small said, yes, they have and that there is an emergency clause and once the mayor signs its official on the third read on August 5th.

Roll call vote on the above motion

Yeas- Weitzel, Weaver, Cordes, Schwab, Durham, Haase

Nays-

Yeas-6, Nays-0. Abstain-1. Motion Passed.

THIRD READ OF ORDINANCES AND RESOLUTIONS

Ordinance No. 024-24 City of Napoleon Codified Ordinances

Council President Durham read by title Ordinance No. 024-24, an Ordinance approving current March 2023 through April 2024 replacement pages to the City of Napoleon Codified Ordinances

Motion: Schwab Second: Weitzel

to approve Third Read of Ordinance No. 024-24

Small said, there are no changes to this legislation.

Roll call vote on the above motion

Yeas- Weitzel, McBride, Weaver, Cordes, Schwab, Durham, Haase

Nays-

Yeas-7, Nays-0. Motion Passed.

GOOD OF THE CITY (Discussion/Action)

Approval of the Power Supply Cost Adjustment Factor for July 2024 as PSCA 3-month averaged factor \$0.011314 and JV2 \$0.012807

Small said, this is the lowest it has been in 8 months, but we will attribute that to Fremont and Prairie State now being online full time.

Motion: Weitzel Second: Schwab

to approve the Power Supply Cost Adjustment Factor for July 2024 as PSCA 3-month averaged factor \$0.01314 and JV2 \$0.012807

Roll call vote on the above motion

Yeas- Weitzel, McBride, Weaver, Cordes, Schwab, Durham, Haase

Nays-

Yeas-7, Nays-0. Motion Passed.

Certify and File Annual Special Assessments with the Henry County Auditor for Placement and Collection on the 2024 Tax Duplicates Payable in the year 2025 (direct the law director to draft legislation)

Garringer said, this is an annual ordinance that we pass for our assessments. We assess properties for nuisances and this year we had to mow three properties and we charged them, but they still haven't paid their invoices. Since they didn't pay the fine it will be added to their property tax bill. This also allows us to assess the North Point water and sewer lines, which will make people very happy because this will be our last year for that assessment. I am asking the law director to enact legislation to bring it to our next meeting. Cordes said, I was in a different town and noticed if a resident doesn't mow their lawn, then the city puts a sign in the yard. Is adding a sign which gives a little bit of a shame factor something the city would be interested in. I'm not saying it is a good or bad idea, I just noticed another town had done it. Small said, that isn't something we currently do. Harmon said, what we do that many other communities don't is in certain situations whether it's grass, weeds, or another nuisance we charge them. We have a nuisance ordinance on the books and we will charge them with the proper crime based on the nuisance ordinances. We gain compliance that way but I'm not sure how effective it would be to shame a resident with a sign or in the newspaper. Especially, since anyone who drives past the property can clearly see the yard isn't being maintained. Cordes said, I wasn't saying it was a good or bad idea. Has there been an increase? Harmon said, no it has gone down since we started 8 years ago but before I started, we did not really charge for nuisance related stuff. Small said, Kevin and I hold meetings from time to time for those properties owners and no one has ever shown up to those hearings. We do hold the hearings though and we do cite them. Garringer said, just as a reference last year we had two individuals and this year we have three but one of the three is from last year. I don't believe this is a widespread issue for the city. Weitzel said, this was brought before council many years ago, but it was put down at the time. However, we do post a letter on city stationery on the door and most people who drive by can see the posting on the door. I've also seen instances where there is no building, so they put the stationery on a stick in the yard.

Motion: Schwab Second: Haase

to motion to direct the Law Director to draft legislation

Roll call vote on the above motion

Yeas- Weitzel, McBride, Weaver, Cordes, Schwab, Durham, Haase

Nays-

Yeas-7, Nays-0. Motion Passed.

AROUND THE TABLE

Garringer said, the first thing I want to mention is under good of the city, "Approval of the Power Supply Cost Adjustment Factor for July 2024 as PSCA 3-month averaged factor \$0.011314 and JV2 \$0.012807" the \$0.011314 should be corrected to \$0.01314.

Motion: Weaver Second: Cordes

to motion to correct the Approval of the Power Supply Cost Adjustment Factor for July 2024 as PSCA 3-month averaged factor \$0.011314 and JV2 \$0.012807 to Approval of the Power Supply Cost Adjustment Factor for July 2024 as PSCA 3-month averaged factor \$0.01314 and JV2 \$0.012807

Roll call vote on the above motion

Yeas- Weitzel, McBride, Weaver, Cordes, Schwab, Durham, Haase

Nays-

Yeas-7, Nays-0. Motion Passed.

Motion: Haase Second: Schwab

to motion to approve the Approval of the Power Supply Cost Adjustment Factor for July 2024 as PSCA 3-month averaged factor \$0.01314 and JV2 \$0.012807

Roll call vote on the above motion

Yeas- Weitzel, McBride, Weaver, Cordes, Schwab, Durham, Haase

Nays-

Yeas-7, Nays-0. Motion Passed.

Weaver said, the Finance and Budget Committee meeting is cancelled because there are no agenda items.

Cordes-Nothing.

Schwab-Nothing.

Bialorucki-Nothing.

Haase said, it was a great firework display. I think next year council should consider adding another \$2500 to \$5000 to the bill next year.

Weitzel-Nothing.

McBride said, we are going to cancel the Safety and Human Resources Committee.

Harmon-Nothing.

Small said, I received an update this afternoon on a couple of our summer projects. The Oakwood project is finishing up the curbing today and tomorrow the drives and sidewalks on the east side will be complete. The paving on the trenches will take place Saturday, Monday, and Tuesday. The full paving on the roads will also take place next week, fortunately because of good weather and the contractor was able to begin the project early. Miscellaneous Street Project's paving crews will begin on the south side tomorrow since there are 28 streets they have divided them into three different zones. North of Woodlawn, one between Woodlawn and Riverview, and the last one is all the southside. They will be pouring the remainder of Glenwood starting tomorrow and then those paving crews will be moving to the southside Wednesday. The amended Holgate Water Contract was approved by Holgate City Council last week and our signed copies were picked up by them this morning by their solicitor. I expect those

documents back soon. Finally, I would like to thank Chad for handling the city manager duties last week in my absence.

Durham said, The 4th of July activities were all great and thank you to Parks & Recreation, the police department, and all involved in making it happen. My family visiting from out of state had nothing but great things to say about the events.

EXECUTIVE SESSION (for pending or imminent court action)

Motion: Schwab Second: Weitzel

To enter executive session for pending or imminent court action at 7:28 pm

Roll call vote on the above motion

Yeas- Weitzel, McBride, Weaver, Cordes, Schwab, Durham, Haase

Nays-

Yeas-7, Nays-0. Motion Passed.

Motion: Weaver Second: Schwab

A motion to end the executive session to end at 7:38

Roll call vote on the above motion

Yeas- Weitzel, McBride, Weaver, Cordes, Schwab, Durham, Haase

Nays-

Yeas-7, Nays-0. Motion Passed.

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

ADJOURNMENT

Motion: Weitzel Second: Schwab

to adjourn the City Council meeting at 7:39 p.m.

Roll call vote on the above motion

Yeas- Weitzel, McBride, Weaver, Cordes, Schwab, Durham, Haase

Yeas-7, Nays-0. Motion Passed.

Approved

J. Ross Durham, Council President

Joe Bialorucki, Mayor

Mikayla Ramirez, Clerk

DRAFT

RESOLUTION NO. 029-24

A RESOLUTION AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR OF THE CITY OF NAPOLEON TO CERTIFY AND FILE ANNUAL SPECIAL ASSESSMENTS OF THE CITY OF NAPOLEON, OHIO, WITH THE COUNTY AUDITOR OF HENRY COUNTY FOR PLACEMENT AND COLLECTION ON THE 2024 TAX DUPLICATES PAYABLE IN THE YEAR 2025; AND DECLARING AN EMERGENCY

WHEREAS, this Council in accordance with all relevant provisions of law and by Ordinance has previously established special assessments for various projects in the City; and,
WHEREAS, these special assessments must be annually certified to the County Auditor by the Clerk of the Municipality; **Now Therefore**,

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

Section 1. That, the City Council of the City of Napoleon, Ohio, directs the Finance Director to certify and file annual special assessments of the City with the County Auditor, as required by Section 727.30 of the Ohio Revised Code, in the form presented to Council and on file in the office of the Finance Director, attached and marked as Exhibit A, for placement and collection on the 2024 tax duplicates, payable in the year 2025.

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 allow timely placement of special assessments on the tax rolls; 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 certify and file said assessments in a timely manner which affects the public peace, health, and safety accessible to our citizens, and for further reasons as stated in the Preamble hereof.

Passed: _____
J. Ross Durham, Council President

Approved: _____
Joseph D. Bialorucki, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Mikayla Ramirez, Clerk of Council

I, Mikayla Ramirez, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 029-24 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2024; & 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.

Mikayla Ramirez, Clerk of Council



CITY OF NAPOLEON, OHIO

255 West Riverview Avenue • PO 151 • Napoleon, Ohio 43545-0151

KEVIN GARRINGER, FINANCE DIRECTOR

phone (419) 599-1235

fax (419)-599-8393

Web Page: www.napoleonohio.com

Email: kgarringer@napoleonohio.com

September 03, 2024

To: Elizabeth Fruchey, Henry County Auditor
From: Kevin Garringer, Finance Director
Reference: Nuisance assessments on properties

Dear Mrs. Fruchey,

I hereby certify that the Special Assessments have been levied up on the following lots and lands for nuisance control.

<u>Parcel No</u>	<u>Assessment Amounts</u>	<u>Auditor Fee 3%</u>	<u>Total Assessment</u>
41-009063.0120	\$137.50	\$4.13	\$141.63
41-009550.1020	\$137.50	\$4.13	\$141.63
41-009091.0460	\$68.75	\$2.06	\$70.81
		Total:	\$354.07

This is to be applied for tax year 2024.

Sincerely,

Kevin Garringer
Finance Director

Nuisance Billing - 2023

414 E Clinton St. 88.03642.1 Parcel 41-009063.0120

Bill To:

Harold Mann
1209 Rye St
Napoleon, OH 43545
\$ 68.75 nuisance mowing billed 7-14-23
\$ 68.75 nuisance mowing billed 10-01-23

880 Westmont Ave. 88.05796.1 Parcel 41-009550.1020

Bill To:

Mike Moden
880 Westmont Ave.
Napoleon, OH 43545
\$ 68.75 nuisance mowing billed 10-12-23
\$ 68.75 nuisance mowing billed 12-13-23

824 Daggett Dr. 88.05795.1 Parcel 41-009091.0460

Bill To:

Jeffery Ludeman
824 Daggett Dr.
Napoleon, OH 43545
\$ 68.75 nuisance mowing billed 10-01-23

ORDINANCE NO. 025-24

AN ORDINANCE AMENDING THE CITY OF NAPOLEON RULES, TERMS AND CONDITIONS GOVERNING THE WATER AND SEWER SERVICE, SPECIFICALLY RULE 5, "SPECIAL SERVICE AND EXTENSION" AND RULE 32, "APPENDIX A FEES ; AND DECLARING AN EMERGENCY

WHEREAS, the City, with the enactment of Ordinance No. 82-97 revised, rearranged and thereafter adopted City of Napoleon Rules for Water and Sewer Service"; and,

WHEREAS, since the adoption numerous amendments and/or revisions have been made with prior rules being repealed; and,

WHEREAS, the Board of Public Affairs and the Water, Sewer, Refuse, Recycling and Litter Committee of Council met on June 10, 2024, and are recommending that Council amend the current Water and Sewer Service Rules, specifically Rule 5, regarding special service and extension, and Rule 32, regarding fees; and,

WHEREAS, this Council now desires to amend the City of Napoleon rules for water and sewer service; **Now Therefore**,

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

Section 1. That, notwithstanding any prior legislation to the contrary, the City of Napoleon Rules for Water and Sewer Service, as most recently revised in year 2021, and as currently on file in the office of the City Finance Director, having been approved by the Board of Public Affairs, the Electric Committee of Council, and this Council, is hereby adopted and enacted as written.

Section 2. Any reference in a water or sewer service contract with the City referring to City water and sewer rules, regulations, policies and the like, shall mean these adopted rules as amended or revised.

Section 3. That, Rule 5 of the City of Napoleon Rules for Water and Sewer Service is hereby adopted as follows:

"RULE 5 SPECIAL SERVICE AND EXTENSION

Rule 5.1 Fire Protection Service (Outside Corporation)

(A) Where water main extensions are required solely for the purpose of providing fire protection to the property owner/customer, the property owner/customer shall pay the entire cost of such special mains including any special meters and/or approved backflow prevention device as may be required. In any event to avoid the possibility of cross-connecting, no special extensions of water mains will be made to provide fire protection service unless the customer agrees in writing to purchase 100% of customer's other water requirements from the City.

(B) Upon the expiration of any such agreement where such special fire protection has been established and the property owner/customer subsequently obtains his/her normal water supply from sources other than the City, the charge for the remaining fire protection service shall be in accordance with the minimum charges set forth in the City's

commercial & industrial rate schedules based, at the City's option, on the size of the water service line or main line required for the fire protection.

(C) The City may, but is not required to, maintain fire hydrants and flushing outside the corporate limits where the City furnishes water thereto.

Rule 5.2 Fire Protection Service (Within Corporation Limits)

(A) Unless waived in writing by the City Manager after consulting with the City Fire Chief, for all desired fire protection service installations within the corporation limits made after the October 20, 1997, there is required a special dedicated fire service line located on premises at the property owner's expense subject to City's inspection and approval, including all of the necessary complete and separate piping system extending from the property owner's system and connection to the City's existing water main; such installations being subject to all applicable backflow regulations.

(B) If any illegal diversion is suspected from old fire service lines, the property owner will be given reasonable written notice to properly install meters, and if not installed by the date specified by the City, the fire service line may be disconnected.

(C) Potable water supply off of fire lines will be permitted only when connections and valving are made outside of structure foundations and metered; moreover, such connections shall be made in a manner that will allow shut off of water supply without interruption of the fire protection system line.

(D) No water shall be diverted from a fire service line without the City's knowledge and consent, such diversion can constitute theft of a utility and be charged under the applicable section of law.

(E) No charge will be made for any measured water flow through said fire line resulting from use of water for fire fighting or flushing purposes.

(F) Under no condition will new fire service line extensions or connections be made, after the effective date of these Rules, unless customer purchases one hundred (100%) percent of his/her water requirements from the City. Where customer purchases one hundred (100%) percent of customer's water requirements from City and where all of customer's water requirements, including fire protection service, are taken through a single metered service line, no additional charge will be made for any fire lines or sprinkler systems connected to the regular metered service line.

Rule 5.3 Temporary Service

Whenever the service requested by the property owner/customer is temporary, special short term or emergency, the written application or contract for such service shall specify the period of service and the character of service. The property owner/customer shall pay for all extra charges, including deposits, if any, as determined by the Utility Department, involved in connection, installation and removal of the service together with all material, labor and other expenses incidental thereto.

Rule 5.4 Special Watering

For summer watering of grass or the like, hose meters will be issued for a maximum period of ninety (90) days upon payment of a deposit as determined by the City Utility Department. Meters are limited; therefore, meters will only be issued to people watering a new yard, or newly planted trees, shrubs or the like, or filling swimming pools or the like, and will be distributed on a first come first serve basis. During prolonged drought conditions, and at the City Manager's discretion, hose meters will be available to customers doing summer watering of grass, trees, shrubs or the like for a maximum of thirty (30) days. When filling swimming pools or the like, the maximum period of time for hose meter use will be seventy two (72) hours. **No sewer credit as contained in Codified Ordinance 931.09 Section 3 will be given for these purposes without the use of a hose meter.** The fee for using a hose meter shall be as contained in Rule 32, pro rated to the nearest day.

Rule 5.5 Hydrant Meter Use

(A) Any request for a hydrant meter will need to be made a minimum of ~~twenty-four (24) hours~~ **three (3) business days** in advance. At the time of the request, the City shall be notified as to how many feet of hose is required. The City, upon payment of a deposit of **\$500** as determined by the City Utility Department and when determined practical for the intended use as determined by the City's Operations Department, will attach it to the fire hydrant, turn the hydrant on and place the hose beside the hydrant. When the customer is finished, the hose is required to be rolled back up and placed beside the hydrant. Any hoses left unrolled will result in additional charges for labor at the City's current hourly rate. Upon completion the customer is required to contact the City **Utility Operations** Department to have the hoses picked up and the hydrant closed and meter removed. Under no circumstance will the City allow ~~either~~ the customer ~~or contractor~~ to operate the City's hydrant.

(B) For people requesting a hydrant meter for reasons such as: to start a new lawn, fill a swimming pool, or the like, the service may only be allowed for a period not to exceed one (1) week.

(C) For contractors in the construction business requesting a hydrant meter for reasons such as: dust control, grading, building or other construction-related activities, the service may be allowed for short and long term usage. The contractor shall under no circumstances transport water out of city limits for any reason. Contractors shall not remove the meter from the hydrant on which it was originally installed. Only City personnel may install, remove or relocate hydrant meters.

~~(D)~~ (D) Due to limited availability of ramps, in cases where a hose must cross a road, the person requesting this service will be put on a list and will receive the service as soon as practical.

~~(E)~~ (E) All meters will be set and picked up during normal working hours. No request for hydrant meters will be handled on an overtime basis.

~~(F)~~ (F) Charges will be as follows: one (1) hour to set and pickup hydrant meter and hoses (at the City's current rate for labor), plus the cost of the water (which will be the current charge for bulk sales for water at the Water Treatment Plant) and any additional charges

for rolling up hoses. The fee for using a hydrant meter shall be as contained in Rule 32, pro rated to the nearest day.

(G) Any damage to the meter or its components **MUST** be reported to the City Operations Department immediately and returned for inspection and/or replacement. Any misuse of the device, intentional damage to the metering components, any other action that results in damage to the meter, or obtaining water without use of the meter will result in fines & fees. If the meter is lost or damaged in such a way that precludes obtaining an actual reading, the customer shall pay a sum for water usage calculated as follows: For each day after check-out date, the current rate approved by the City for water discharged through a hydrant based upon the maximum flow capacity of the hydrant meter for an eight (8) hour period.

Rule 5.6 Bulk Water Sales To Tank Trucks

Bulk water sales will be available at the City of Napoleon Water Treatment Plant. Rates shall be pursuant to the current rate schedule. If no special rate is developed for "bulk" sale, then it shall be the standard water rate.

Rule 5.7 Special Line Extensions

(A) Special extensions of the City's water mains will be made only where the property owner/customer pays the entire costs of such extensions. Where a property owner/customer or group of property owners/customers pay for the cost of a special extension, the terms and security of payments shall be as prescribed by the City and must meet the approval of the City.

(B) The size, specifications, and installations of all water main extensions shall be determined by the City and no connections will be made by the City unless the extensions conform to the City's specifications.

(C) This Rule does not supersede the Rules pertaining to water/sewer service outside the corporation limits.

Rule 5.8 Second Meters

When a second meter is installed on a premises for irrigation or other non-potable purposes, utilizing City water, where no discharge enters the sanitation sewer, the Customer shall pay all cost associated with installation, including time and material therefore and shall be charged the standard water rate applicable to the particular type premises with a 50% reduction in the regular capacity charge, and excluding any sewer charges. (This Rule is subject to Rule 24, Backflow Prevention.)”

Section 4. That, Rule 32, Appendix A, Fees, of the City of Napoleon Rules for Water and Sewer Service is hereby adopted as follows:

“Rule 32 Appendix “A” Fees

To partially offset the additional expense to the City in furnishing special services requested or caused by the customer, such as the connection service, collection of accounts, etc. the charges for such services are set forth in this Appendix "A". Normal connections will occur during regular business hours of the City. Any service connections after normal business hours may have an added fee to cover the additional cost of services. This appendix also covers other current rates, fees and charges. All rates not contained in this Appendix shall be as contained in Chapter 931 of the Codified Ordinances of the City or other policy, resolution or ordinance.

Trip Charges:

Initial Customer Requested Water Connection (Trip Charge)	\$0.00
Other Customer Requested Water Connection (Trip Charge)	\$20.00 \$50.00
City Maintenance Connection/Disconnection (Trip Charge)	\$0.00
Customer Emergency Maintenance Connection/Disconnection (Trip Charge)	\$0.00
City Disconnection Water Service (each trip) pursuant to RULE 15 (b)	\$50.00

Other:

Filing of Appeal Fee	\$35.00
Return Check Service Fee	\$35.00
Well, Pond Reservoir, Lagoon Permit Application Fee	\$50.00
Temporary Water Service Fee (Includes Permit Fee)	\$100.00
Hose Meter Charge (\$1.00 Minimum Fee)	\$10.00 Per Month
Hydrant Meter Charge (\$10.00 Minimum Fee) (When not used for city projects)	\$10.00 Per Day

Meter Testing Fee at Customer's Request (when no meter problem found) the customer's cost shall be time and material as determined ~~at~~ by the actual cost to City

* Fees listed under this Rule (Appendix A) apply only during normal business hours. Services performed after normal business hours will have an additional \$40.00 added fee for each service, except for appeals.

* Placement and/or removal of a limiter constitutes disconnect/connect for purposes of trip charges.”

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

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

Section 8. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for the proper enforcement of City Water and Sewer rules; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to begin charging the appropriate rates in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: _____
J. Ross Durham, Council President

Approved: _____
Joseph D. Bialorucki, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Mikayla Ramirez, Clerk of Council

I, Mikayla Ramirez, Clerk for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 025-24 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2024; & 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.

Mikayla Ramirez, Clerk of Council

RESOLUTION NO. 027-24

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 2025; 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 2025, 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: _____

J. Ross Durham, Council President

Approved: _____

Joseph D. Bialorucki, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Mikayla Ramirez, Clerk of Council

I, Mikayla Ramirez, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 027-24 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2024; & 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.

Mikayla Ramirez, Clerk of Council

ORDINANCE NO. 028-24

AN ORDINANCE AUTHORIZING AND DIRECTING THE EXECUTION OF A WASTEWATER COLLECTION AND TREATMENT CONTRACT BETWEEN THE CITY OF NAPOLEON, OHIO AND THE CAMPBELL SOUP COMPANY; AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon is organized and established under the provisions of the Ohio Revised Code, for the purpose of constructing and operating a wastewater collection and treatment system serving water users within the area described in plans now on file in the office of the City Finance Director and to accomplish this purpose, Campbell Soup Company will require the collection and treatment of wastewater; and,

WHEREAS, the City of Napoleon owns and operates a wastewater collection and treatment system with a capacity currently capable of serving the present customers of the City of Napoleon's system and wastewater produced by Campbell Soup Company, e as shown in the plans of the system now on file in the office of the City Finance Director; and,

WHEREAS, the City of Napoleon desires to authorize the City Manager to enter into a Wastewater Collection and Treatment Contract with Campbell Soup Company;
Now Therefore,

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

Section 1. That, the provisions of a Wasterwater Collection and Treatment Contract, attached hereto as Exhibit A and by reference made a part hereof, between the City of Napoleon, Ohio and Campbell Soup Company which provides that the City will collect and treat wastewater produced by Campbell Soup Company, is hereby approved.

Section 2. That, the City Manager is authorized and directed to execute and deliver said Wastewater Collection and Treatment Contract in the name of and on behalf of the City of Napoleon, such instrument to include any other necessary or advisable provisions as determined by the City Manager and as approved by the City Law Director.

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

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

Section 5. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time because the addition of Campbell Soup Company to the City's

Wastewater Collection and Treatment process is mutually beneficial for both parties; 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 the commencement of the project to begin at the earliest possible time, and for further reasons as stated in the Preamble hereof.

Passed: _____
J. Ross Durham, Council President

Approved: _____
Joseph D. Bialorucki, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Mikayla Ramirez, Clerk of Council

I, Mikayla Ramirez, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 028-24 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2024; & 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.

Mikayla Ramirez, Clerk of Council

SAVE *the* DATE

10.24.24

Annual Meeting & Reception

FOUR-THIRTY TO SEVEN

**LEISURE TIME WINERY-FIELD HOUSE
16982 COUNTY RD M2, NAPOLEON, OH 43545**



**COMMUNITY
IMPROVEMENT
CORPORATION**
OF HENRY COUNTY