

November 2024

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

City of Napoleon, Ohio

PRIVACY COMMITTEE

MEETING AGENDA

Tuesday, November 12, 2024 at 8:00 am

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

- 1) Approval of Minutes – May 14, 2024. (In the absence of any objections or corrections, the Minutes shall stand approved)
- 2) Review Policies/Procedures for Identity Theft Protection
- 3) Report from Staff
- 4) Adjournment.


Mikayla Ramirez, Clerk

PRIVACY COMMITTEE MEETING MINUTES

Tuesday, May 14, 2024 at 8:15 am

PRESENT

Committee Members Tony Cotter-Chair, Shannon Fielder, J. Andrew Small
City Staff Lori Rausch-Utility Billing Supervisor

Recorder MARRISA FLOGAUS

ABSENT

CALL TO ORDER

Cotter, Chair of the Privacy Committee, called the meeting to order at 8:17am.

APPROVAL OF MINUTES

The minutes from the November 14, 2023 meeting were approved as presented.

REVIEW POLICIES/PROCEDURES FOR IDENTITY THEFT PROTECTION

Cotter stated, my email was hacked about a month ago and I believe Tracy Crist was also hacked. I am not sure what IT did to assist but I recommend they attend meetings in the future. Small said, I agree that IT should come to future meetings. Cotter replied, the hackers emailed a lot of my vendors and kept calling me to follow up with the email. Fielder said, people were contacting Tracy also.

REPORT FROM STAFF

Rausch said, during the last meeting Fielder brought up having the golf course credit card say golf course, not just City of Napoleon. It now says LS Municipal. Cotter asked if that is okay. Rausch responded yes, that is fine now we know how to differentiate them. Cotter stated, this is a more enhanced POS system, so it is easier to refund. Kevin did not want us to refund after the same business day because it might not be easy on their end.

ADJOURNMENT

Motion: Small Second: Fielder
to adjourn the Privacy Committee meeting at 8:19 am.

Roll call vote on the above motion:

Yea- Cotter, Fielder, Small

Nay-

Yea-3, Nay-0. Motion Passed.

Approved

Tony Cotter - Chair



City of Napoleon, Ohio

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Memorandum

To: Board of Zoning Appeals, City Council, Mayor, City Manager, City Finance Director, Law Director, Department Supervisors, News-media
From: Mikayla Ramirez, Clerk
Date: November 8, 2024
Subject: Board of Zoning Appeals – Cancellation

The regularly scheduled meeting of the Board of Zoning Appeals for Tuesday, November 12, 2024, at 4:30 pm has been **cancelled** due to lack of agenda items.

City of Napoleon, Ohio
PLANNING COMMISSION MEETING AGENDA

PC-24-09 Special Use or Conditional Use Permit

Tuesday, November 12, 2024 at 5:00 pm

Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio

- 1) Call to Order
- 2) Approval of Minutes – September 10, 2024 (in the absence of any objections or corrections, the minutes shall stand approved)
- 3) **New Business**
PC-24-09 Vacation of Alley
An application for a Public Hearing has been filed by Jay Huddle and or Mark Giannetto of the Cultural Center of Henry County located at 203 W. Main, Napoleon Ohio 43545. The applicant is requesting the vacation of an alley that runs West of Scott St. and South of 203 W. Main St. The request is pursuant to Section 909.03 (Planning Commission Review of Alley and Street Vacations) of the Codified Ordinances of Napoleon, Ohio. The property is in a C-1 General Commercial District.
- 4) Closing Remark
- 5) Adjournment



Mikayla Ramirez- Clerk

City of Napoleon, Ohio

PLANNING COMMISSION MEETING MINUTES

Tuesday, September 10, 2024, at 5:00 pm

PC-24-06-, PC-24-07- and PC-24-08- Special Use or Conditional Use Permit

PRESENT:

Commission Members	Tim Barry-Chair, Cory Niekamp, Larry Vocke
City Manager	J. Andrew Small
City Staff	Kevin Schultheis-Zoning Administrator/Code Enforcement Officer
Others	News-Media, Tim, Ron
Clerk	Mikayla Ramirez
ABSENT	Suzette Gerken, Joseph Bialorucki

CALL TO ORDER

Barry, Chairman of the Planning Commission called the meeting to order at 5:00 pm noting a quorum was present.

APPROVAL OF MINUTES

In the absence of any objections or corrections, the April 9, 2024, Planning Commission meeting minutes were approved as presented.

NEW BUSINESS

PC-24-06- Application for Amendment

Barry read the background on PC 24-01. An application for a change in zoning is being requested by the Napoleon City Manager, J. Andrew Small. The requested is in pursuant to chapter 1121.02 of the Napoleon Codified Ordinance, Application for Amendment. The request is for the following plats within the City of Napoleon to be changed from a C-5 Highway Commercial Zone and an I-2 Open Industrial District to a C-4 Planned Commercial District.

RESEARCH AND FINDINGS

Schultheis presented his research and findings.

Under the current zoning regulations the following is unlikely to be used as an I-2 or a C-5 with the commercial development in place. A C-4 is the most likely alternative zoning code and functional for the betterment of the City Planning Code and the City's Master Plan.

These two businesses are currently under an I-2 Open Industrial District and with the current location of the commercial businesses a Zone I-2 will no longer be applicable within this district:

Parcel # 411192120040, Murphy Oil USA, Inc. Scott St. Napoleon, Ohio 43545

Parcel # 411100300000, Farmers and Merchants State Bank, 2255 Scott St. Napoleon, Ohio 43545

These three businesses are currently located within a C-5 Highway Commercial Zone and with the current locations of the commercial business a zoning change can be made without impacting the local business, however, with the change, and if a new free standing sign is to be placed at

the back of the commercial development that exceeds 25 feet to a height of 75 feet, a planning commission hearing would be made for the adjustments.:

Parcel # 411293610020, Scott Elliot A, Trustee, 2296 Scott St. Napoleon, Ohio 43545 (Burger King and back lot)

Parcel # 411293610040, Gunn’s Properties, LLC, Scott St. Napoleon, Ohio 43545

Parcel# 411193610080, Joel M. Gerken, Etux 611 Wood Drive Napoleon, Ohio 43545 (Dairy Queen)

Parcel# 411193610040 & 411193610060, Holland Real Estate, LLC 607 Wood Drive Napoleon, Ohio 43545 (Wendy’s)

Parcel # 411193610020 Sundance, Inc. 605 Wood Drive Napoleon, Ohio 43545 (Taco Bell)

All Parcel mentioned in this request would be within the table of permissible uses or a Conditional uses variations under section 1145.01 of the Napoleon Codified Ordinance.

DISCUSSION

Schultheis said, we are asking for an I2 and C5 to become C4. Small said, and I assume the I2 is carried over from Fosters because there are a few of those across the city. Unknown said, that C5 back there by the creek I’m assuming that is unable to be developed. Small said, part of that is owned by Dave Gun that is the only reason he is listed there.

Motion: Second:
To approve PC-24-06 Special Use or a Conditional Use Permit

Roll call vote on the above motion:

Yea- Vocke, Barry, Niekamp

Nay-

Yea-3, Nay-0. Motion Passed.

PC-24-07- Application for Amendment

Barry read the background on PC 24-01. An application for a change in zoning is being requested by the Napoleon City Manager, J. Andrew Small. The requested is in pursuant to chapter 1121.02 of the Napoleon Codified Ordinance, Application for Amendment. The request if for the following plats within the City of Napoleon to be changed from an I-2 Open Industrial District to an R-4 High-Density District and a C-4 Planned Commercial District.

RESEARCH AND FINDINGS

Barry said, which ones are these? Small said, go down Scott Street to Lagrange then it turns onto Yeager to that S-curve then down to Rye. Theres two different entities. The Pedroza’s own these parcels, and they want to develop that. The other parcel over here would leave an island of industrial which really isn’t proper. So, we’d ask to make these a C4.

Motion: Second:
To approve PC-24-06 Special Use or a Conditional Use Permit

Roll call vote on the above motion:

Yea- Vocke, Barry, Niekamp
Nay-
Yea-3, Nay-0. Motion Passed.

PC-24-08- Application for Amendment

Barry read the background on PC 24-01. An application for a hearing has been filed by Ridis car was located at 123 W. Front St. asking for a Conditional use permit for the setback measurements for new vacuum cleaners which is located in a C-4 Planned Commercial District. The applicant is requesting the Vacuum Cleaners be closer to the right-of-way recommendations.

RESEARCH AND FINDINGS

Schultheis presented his research and findings.

Entrances and exits serving permitted uses shall be so located to minimize any adverse effect on adjacent property or the public street. Not more than two driveways with an aggregate maximum of 30 feet at the property line shall be permitted unless the area served has been approved through a conditional use process.

Off-street parking spaces and accessory uses such as filling stated pimps and island, signs and light standard, and access drives may be located in the required front yard, but not within 20 feet of the front lot line.

The Napoleon City Engineers office will be improving the location with the Front Street improvements, including a bike path that will run approximately five feet within the right-of-way boundary.

All Parcels Mentioned in this request would be within the table of Permissible uses or a Conditional uses variations under section 1145.01 of the Napoleon Codified Ordinance.

DISCUSSION

Schultheis said, from the center line to the outside of the bike path would be 23 feet. Then, you have 10 feet of right of way here. So, it would be 15 feet from the center of the road then 15 feet from the bike path where it says 5. Barry said, so the vacuum cleaners would be 15 feet off the edge of the bike path. Schultheis said, that is the request the city is making. Ridis representative Tim said, 15 feet off the edge of the bike path. Schultheis said, that is all we're asking for. Ron said, I told you yesterday it would face the winery, but I was wrong they are going to face the river. Then, at the edge of the winery property is the parking lot and the exit for the bays where we want a new entrance there to go along the river into the car wash. Barry said, do you have enough room if we keep them back that distance from the bike path? Tim said, yes, I believe so I will have to walk it again to be sure. Barry said, I like the way the traffic will flow. Ron said, will the city have that marked on the bike path? Schultheis said, I will send Aron down to mark it for you. Barry said, so we don't need a conditional use permit if they are staying back the other way? Schultheis said, you all must make the determination because per the codes the Planning Commission determines the conditions of the setbacks. Barry said, so we are just approving this, provided that Ridis has the proper setbacks. Schultheis said, yes.

Niekamp said, will the bike paths be done in conjunction with the construction, or will that be done after? Schultheis said, it will begin sometime next week. Tim said, we are set to begin until October 15th. Small said, by November 1st we would like that project completed, weather permitting.

Motion: Vocke

Second: Niekamp

To approve PC-24-08 Special Use or a Conditional Use Permit

Roll call vote on the above motion:

Yea- Vocke, Barry, Niekamp

Nay-

Yea-3, Nay-0. Motion Passed.

ADJOURNMENT

Motion:

Second:

To adjourn the Planning Commission meeting at 5:16 p.m.

Roll call vote on the above motion:

Yea- Vocke, Barry, Niekamp

Nay-

Yea-3, Nay-0. Motion Passed.

Approved

Tim Barry - Planning Commission Chair



City of Napoleon, Ohio
Kevin Schultheis, Zoning Admin.
Code Enforcement

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October 18, 2024

Memorandum

Alley Vacation

To: Members of the Planning Commission
From: Kevin Schultheis, Zoning Administrator / Code Enforcement Officer
Reference: Vacation of Alley
Meeting Date: November 12, 2024 @ 5:00 pm
Hearing Number: PC-24-09

Background:

An application for a Public Hearing has been filed by Jay Huddle and or Mark Giannetto of the Cultural Center of Henry County located at 203 W. Main, Napoleon Ohio 43545. The applicant is requesting the vacation of an alley that runs West of Scott St. and South of 203 W. Main St. The request is pursuant to Section 909.03 (Planning Commission Review of Alley and Street Vacations) of the Codified Ordinances of Napoleon, Ohio. The property is in a C-1 General Commercial District.

Research and Findings:

The administration of subdivision control shall be the responsibility of the Planning Commission and the Interim Zoning Administrator. In furtherance of such responsibility the Zoning Administrator shall:

909.03 Planning Commission review of Alley and Street Vacations:

In addition to any requirement of the Ohio Revised Code relating to vacations of streets, avenues, ways, places, alleys, and the like, Planning Commission review pursuant to Section 159.01(c)(7) shall occur.



66

203

132

148.50

SCOTT ST

SCOTT ST

9

10

16.5

148.50

18

41



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Memorandum

To: Board of Public Affairs, City Council, Mayor, City Manager, City Finance Director, City Law Director, Department Supervisors, News-media
From: Mikayla Ramirez, Clerk
Date: November 8, 2024
Subject: Board of Public Affairs-Cancellation

The regularly scheduled meeting of the Board of Public Affairs for Tuesday, November 12, 2024, at 6:30 pm has been cancelled by the chair.



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Memorandum

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

From: Mikayla Ramirez, Clerk

Date: November 8, 2024

Subject: Electric Committee Meeting Canceled

The Electric Committee meeting scheduled for Tuesday, November 12, 2024, at 6:30 pm has been **cancelled** by the chair.



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Memorandum

To: Water, Sewer, Refuse, Recycling & Litter
Committee, City Council, Mayor, City Manager, City Finance
Director, City Law Director, Department Supervisors, News-
media
From: Mikayla Ramirez, Clerk
Date: November 8, 2024
Subject: Board of Public Affairs Meeting Canceled

The regularly scheduled meeting of the Water, Sewer, Refuse,
Recycling & Litter Committee for Tuesday, November 12, at 7:00 pm has been **canceled** by the
chair.



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Memorandum

To: City Council, Mayor, City Manager, City Finance Director, Law Director, Department Supervisors, News-media
From: Mikayla Ramirez, Clerk
Date: November 8, 2024
Subject: Municipal Properties, Building, Land Use and Economic Development Committee – Cancellation

The regularly scheduled meeting of the Municipal Properties, Building, Land Use and Economic Development Committee for Tuesday, November 12, 2024, at 7:30 pm has been **cancelled** due to lack of agenda items.

City of Napoleon, Ohio

CIVIL SERVICE COMMISSION

SPECIAL MEETING AGENDA

Wednesday, November 13, 2024, at 4:30 pm

Council Chambers, 255 West Riverview Avenue, Napoleon, OH

1. Call to Order
2. Untable discussion/action: in regard to switching from Sergeant to Lieutenant at the Napoleon Police Department.
3. Discussion/Action: Approve to open the Lieutenant's Position at the Napoleon Police Department from November 18th, 2024, until December 13th, 2024.
4. Discussion/Action: Grandfather David Steward into the Lieutenant's position.
5. Discussion/Action: Set date for Civil Service meeting in December from the 16th through the 20th of December.
6. Adjournment.


Mikayla Ramirez ~ Clerk

City of Napoleon, Ohio
SPECIAL CIVIL SERVICE COMMISSION
Meeting Minutes
Wednesday, October 16, 2024, at 4:30 pm

PRESENT

Commission Members Bill Finnegan-Chair, Amy Bains, Megan Lytle-Steele
City Staff Brittney Roof- Human Resource Director
Others Asst. Chief Ruffer, Chief Legg, Media-News, Robert Lipscomb, Tyler Murrey,
Chase Laver, David Steward, Jacob Trejo

CALL TO ORDER

The meeting of the Civil Service Commission was called to order by chair Bill Finnegan at 4:36 pm.

APPROVAL OF MINUTES

Hearing no objections or corrections, the minutes from the Civil Service Commission meeting on July 16, 2024, were approved as presented.

SWITCHING FROM SERGEANT TO LIEUTENANT AT THE NAPOLEON POLICE DEPARTMENT

Legg said, I am not sure who was on the board originally when this took place so I'd like to give a brief history. When Chief Mack took over there were four lieutenants in total: one was an administrative lieutenant and the other three lieutenants in charge of each shift. There was always a difficult time because there was no assistant chief. At the time Joel Massel was the city manager, Mack was the Chief, and Ms. Lambert was the human resources director. City manager Joel was against having an assistant chief so to be able to have that separation he was open to having sergeants in charge of the shift. So, at that time Chief Mack was chief, Lieutenant Smith as an administrative lieutenant and there were three lieutenants. Massel was open to the idea at the time. Bains said, so you had one administrative lieutenant and three lieutenants in charge. Legg said, yes, at that time sergeants didn't exist, but the plan was to make it that way. Before this change could be made everyone left including the chief, city manager, and human resource director, then the assistant chief position was created. I took that position and assistant chief Ruffer was the first sergeant. We created that position, but we still had a lieutenant, so on day shift there was a lieutenant, an assistant chief, a sergeant, and two other lieutenants. The city charter allows for four supervisors so, we had Chad M. as a lieutenant, me, Greg M. but promoted him to sergeant because we had this long-term plan. Sergeants were strictly going to supervise the roads on the shifts. They were not going to have extra duties, such as training, field training, the range, and I could go on with all the extra duties. So, Chad M. retires, and we go through the process of assistant chief and we promote sergeant Steward to sergeant. Here we sit with me being promoted from lieutenant to assistant chief, then sergeant Smith in charge of day shift, sergeant Ruffer in charge of 3rd shift, and sergeant Steward in charge of 2nd shift. The whole idea of these sergeants was they were just going to supervise the troops on the road, they were not going to have all these other duties. We found out that it was impossible to do because we weren't that size of a department. When I took over, we had seen the problem for a while, so my goal was to go back to how we did it before. For example, what he is going to pass out to you is the job descriptions and we have already shown the city manager. Ruffer said, the job description is from when I took the lieutenants exam and the other is when I got promoted to sergeant. Bains asked, what is this one? Ruffer said, I am not going to tell you and that is the point of the exercise. You tell me which one is the lieutenant, and which one is the sergeant. Bains said, no you tell me which is which. Ruffer said, okay this is the lieutenant, and this is the sergeant, but you can probably tell there is really no difference. Also, these are our various rank structures we have had over the years because we have never been able to figure out where the sergeants fit in the equation. You can see that they are different every year since 2017. I was the first

one who took a sergeant's promotion so I guess I can speak about the issues it causes. The jobs are the same and the way we distribute our assignments for shift supervisors is the same but the rank structure and flow chart show how the chain of command gets confusing when you add sergeants to the mix. The reason it is confusing is because regardless of the title of the employee the assignment is to run a shift. I believe everyone is too caught up on the rank title, whereas if we eliminated the rank title and referred to them all as shift supervisors, I think you would see it's the same job. Our department is too small to be broken down that far with different ranks, our agency is about the size of Defiance, which is double ours. They have a sergeant and lieutenant on each shift and the lieutenant runs the administrative side while the sergeant runs the roads. We only have so many shift supervisors to divide our tasks among so what we run into overtime is that I am sitting here as a sergeant making a significant amount less than lieutenant that I have more responsibility than. When I was a sergeant, I ran our field training program. I did a lot of extra tasks for the entire department and because of the size of department we have to do it that way. The road guys have to work the road so to compensate for a 3rd shift sergeant at significantly less than a day shift lieutenant when that 3rd shift has truly more administrative duties, I don't think that is an appropriate way to handle this. Legg said, the goal is to have a separation because Chief Mack was told he wasn't getting an assistant chief, so this was the solution to get that separation in our rank structure. A police department has to have a chain of command because it operates in no other way. To have a chief, assistant chief, and a supervisor in charge of each shift it has to operate that way. He was told he wasn't getting an assistant chief, so this was his solution and then that happened and the three people who made the decision aren't here anymore. We are stuck with unevenness in that lower supervisory rank. I believe that it is incredibly important to even out that supervisor role. Ruffer said, that also creates tension among the shifts and it trickles down, it is not just the supervisors. When you have all your supervisors on a level playing field of equal rank and everything it has the same authority right. Like any other office we have inter office conflicts but if I am just a sergeant, but my shift is having an issue with the day shift lieutenant, who on paper is superior to me then, it creates chaos amongst the rank. Do you understand what I am saying? On paper, it looks like, me, the leader on my shift when I'm trying to work something out with the leader of another shift who on paper outranks me creates tension amongst the shifts. All we're asking is to put it back to the way it functioned forever with all the shift supervisors being the same rank. If you look at the flow charts you can see how messy the chain of command gets over the years. Bains said, what were the responsibilities of the assistant chief? What did duties did they assume when that position was created? Ruffer said, I believe that is in the job description. Roof said, it needs printed out. Bains said, can you speak to it then, since you are in that position now? Roof said, no she is asking Ed when he was in that position as assistant chief what were his job duties. Legg said, I took over all the scheduling, reviews of records request before they went out the door, and Ruffer agrees that it is a massive undertaking but people in this building don't ever understand. People in this building may get 50 records requests a year but we get 50 in a week. That is just 50 records requests, and those requests might have 50 records attached to them that include redactions, video with redactions, and that takes up our dispatcher's time, then the assistant chief reviews them. That task is incredibly time consuming. Then, citizen complaints, supervising detectives/SROs, and public meetings that we split between assistant chief and the chief. It depends on what public meeting has to occur, whether it be at the health department, county meeting, man unit, council, and we have probably a dozen other meetings a month between the agencies. Jen, you are usually at most of them. Off the top of my head that is what you do as an assistant chief. Ruffer said, the shift supervisors report directly to the assistant chief. Finnegan asked, so essentially you want to go back to the 2017 set up? Ruffer said, yes with assistant chief as the number two in command, which is an appropriate rank structure for a department our size. I have not been able to wrap my head around why we have different ranks of shift supervisors. Finnegan said, so this change was talked about in 2018 and then, 2019 it was carried out. That has been 5 years. If this should be granted, would you come back in 5 years and asked sergeants be added back to the ranks? Legg said, I can't predict the future but this would be my thought, you guys and city council have the ability to make whatever decision you want to

make. My intent, I would expect the City of Napoleon to grow and therefore, the police department to grow to keep up. If we were to double in size, one day we are going to have to come and say we're going to need more supervision. I am not going to say 5, 10, or 20 years from now but we will likely someday have to change the rank structure again. Am I going to say just because I want to change? No, not because I just want to change. Ruffer said, I have 12 years left and I never thought that our shift supervisors should have different ranks it just doesn't make sense. Legg said, there is always going to be purpose behind the reasons we ask for change. Anyone who does FEMA or ICS organization becomes too big for one person to handle so you split up that span of control. There would always be a reason to split up that span of control, so I'm not saying that it won't ever happen but there will be a reason if we do ask. I don't think anybody council or yourselves is just going to do it on a whim, it would be done for a reason. Would I sit here and say do away with sergeants or don't do away with sergeants, keep them and don't fill the position it is your decision. 10 years from now fill them then when you need them, I would suggest but if you don't want to then yeah, do it when you need to. Finnegan said, from what I read was that council decided to put the sergeant position on there in thoughts by making that another step in the ladder for someone. Ruffer said, that is a problem in itself. That comes from a place that doesn't necessarily understand how the office functions because what I will tell you is, so the initial plan for me was to go from sergeant through attrition right? Then, we are going to be left with a lieutenant and three sergeants on each shift. If you stick with the way we are currently operating now with a lieutenant on day shift with a sergeant on 2nd and 3rd shift, then that sergeant has to get another promotion before they even have the opportunity to come off an off shift. I think the step up is not as relevant as all these supervisors being the same rank so they can eventually even get back to a normal life on day shift. The way this started to materialize for me was I'm going to be stuck on 2nd or 3rd shift if I can't get promoted again. Does that make sense? Bains asked, so how does a patrolman get promoted? Ruffer asked, to shift supervisor? Bains said, I don't have a shift supervisor on here. I have patrolman, sergeant or lieutenant on here. Ruffer said, those sergeants and lieutenants are shift supervisors. Bains said, so if I am a patrolman how do I get promoted to lieutenant? Ruffer said, the same way we always have. We have the competitive process and that is truly part of that is up to you guys. Legg said, one day I will leave, and someone will take my spot then, it will filter up or maybe he will leave, and that spot will be open. Then, people below him will have the opportunity to fill that spot. Bains said, so it is normal career path to go from a patrolman to a lieutenant. Ruffer said, historically yes, it has been since this sergeant scenario has been thrown into the equation. When I got hired in, we only had lieutenants. Legg said, I started off as a patrolman and got promoted to lieutenant, prior we didn't have sergeants. Ruffer said, call it whatever you want, it is just a shift supervisor position. Bains said, but it doesn't seem like it is because the issue is the inequity of the ranks, so if it is a sergeant or lieutenant that's where some of the conflicts and things come in. Ruffer said, yes because they are performing the same jobs. Bains said, right. Finnegan said, also what I remember reading is there was a memorandum made up to talk about this with the union, is that correct? So, if this gets changed back then that will have to be done as well? Ruffer said, no I don't think so neither you or I have control over whether someone bargains or not. If we have all lieutenants they could come in tomorrow and say they want to join the union, then all the union would have to do is vote to accept them. The sergeants tomorrow can say they are opting out of the union, and they can do that as well. Bains said, is that correct? Roof said, because we have them built into the contract, we have to be able to fill the position and have somebody in it. We can't eliminate the position out of the contract or off the line without an agreement with the union. Ruffer said, we don't have to eliminate it out of the contract. Roof said, but you are eliminating the position off the line. Ruffer said, where does it say that? Roof said, if you are promoting somebody and not filling the position then that is removing someone off the line. Ruffer said, right but where is that written? Roof said, that is what we were told by our attorney. Ruffer said, I haven't been able to find that in any union contract or anything anywhere. Roof said, that is what we have been told. We are not against doing it, but we want to make sure the union is going to have an issue with it. Ruffer said, and we can have an open dialogue with the union but at the end of the day it is up to the employee if they want to be in the

union or not. Roof said, I get that but it is built into the contract per se, if we are not filling it going forward then at negotiations in 2025 than it comes out of the contract. The only thing the city was worried about was that the union would write an MOU understanding that we were taking that position out of the contract. Ruffer said, you can leave it titled in there even because there are sections in the union contract that have been titled for years. For example, the canine section we didn't fill for 20 years, but it stayed in the union contract and you simply have to redo the language. Roof said, we don't mind doing it we just want the union to understand what the plan of the city is and that they agree to it. Ruffer said, ultimately it is the employee's decision and that has been talked about over the years, even when we didn't have lieutenants, and they weren't in the union. There have been different periods of time when lieutenants thought about joining the union. There is nothing anyone here can do about that. Bains said, so currently there is one lieutenant. Ruffer said, correct. Bains said, and 3 sergeants? Ruffer said, one sergeant and one lieutenant. Roof said, they have an open position for another sergeant it's not filled. Ruffer said, with the opening of a shift supervisor, which is why we are kind of hoping to get some clarity so we can come up with a plan. Lytle-Steele said, so right now there is the chief, assistant chief, one lieutenant, and one sergeant. Ruffer said, yes. Bains said, when did it go from the one lieutenant to the three sergeants? So, the open position was just left from that transition, when you left from that position to assistant chief? Legg said, no he was the 3rd shift sergeant, he was promoted to assistant chief and we did not fill that position. At that time, we did not make any promotion. Bains said, there was one lieutenant and two sergeants then, the sergeant was promoted to assistant chief. Legg said, yes, that is when I went to the city manager and told him what I would like to do. Roof said, the original verbiage from Mack in 2018 was that there would be a chief, assistant chief, a lieutenant, and three sergeants that would run each shift. However, the charter does not allow that, so we had to change that charter for that to happen, but we haven't done that yet. Ruffer said, in my opinion that is overkill on admin for a department of our size to have a chief, assistant chief, lieutenant, and sergeant on each shift. We are not big enough to require that type of rank structure, in my opinion. Bains said, there are 22 positions? Roof said, there are 24, including dispatch. Bains said, so the sergeants are currently doing shift scheduling and those duties? Ruffer said, yes and since I've been promoted Sergeant Steward has taken over the field training program and some of those responsibilities. Finnegan said, do you want to discuss this more in executive session? Bains said, yes, I want to make sure all my questions are answered before we enter it. Finnegan said, it is a lot of information. Bains said, yes we just have to sort through it all. Roof said, I also gave them Ruffer's job description and Ed's but his job description is different than it is for you. Legg said, it might not seem like it, but I tried to simplify it. Bains said, what about the testing process? To do this, to make these differences, what are the testing requirements for it? Ruffer said, to be eligible to take the test or what are you asking? Bains said, if I am currently a sergeant, what testing requirements do I have to do to become a lieutenant? Ruffer said, I have no idea because we have never done that and that is part of the issue. That is because the jobs are the same so how do you test somebody to become a lieutenant, I do not know. Bains said, so if I am a patrolman and want to become a lieutenant, what is that testing? Ruffer said, we have done it a few different ways during my career. The first time I took a test to be shift supervisor was a written exam, where we all came here. That has changed over the years that includes an oral test type of thing. That, frankly, has been up to the civil service commission. Lytle-Steele said, they used to come in one day to take a test, then the physical fitness, and it would take 4-5 hours. Bains said, if the sergeant positions are eliminated then what will someone have to do to get a lieutenant position? Legg said, well we were going to bring that up. Roof said, there are two different ways here so you have to look at David Steward and a new person who would have to come in. Legg said, Sergeant Steward how long have you been promoted now? Steward said, 2 years. Legg said, as Sergeant Steward as you can see has been doing the supervisor's job for 2 years, so we would request that he would be considered under rule 8 and be promoted to lieutenant, specifically rule 8.3 exceptional appointments. Then for the other open position we would be amenable to an oral board which is what we have done in the past for assistant chief, chief, and sergeants, that is what we have been doing in the last few promotions. We would be amenable for

that for a lieutenant's position also. Bains said, what is rule 8.3 and how has that been used previously? Legg said, I can read it if you'd like. Bains said, you are the one requesting it. Legg said, "in the case of vacancy in a position in a classified service where a particular and exceptional qualifications of scientific managerial, professional, or educational character are required upon satisfactory evidence that the specific reason, competition in such special case is impractical and that the position can be best filled by a selection of some designated person of high and recognized attainments in such quantities the commission may suspend the provision of the civil service code unless otherwise prohibited by the council such order in which may be formulated or approved by motion of council." That is from the civil service rules, essentially, what I gather from it is if someone is qualified for the position you can approve the appointment to that position. Bains said, has that been used in the past to appoint positions? Lytle-Steele said, not since we have been here, and we've been here since 2017. Ruffer said, I think Sergeant Steward would check all those boxes because he has been doing the job for 2 years. Bains said, I am not questioning that. Our job is to make sure everything is fair, and we have to understand it. I don't question anyone's ability or qualifications to do their job. Ruffer said, the reason I said that is because that is what that exceptional appointment is, it is one individual's qualifications. Bains said, right the exceptional appointment part didn't catch my attention as much as the "if competition is impractical" that is the part that I don't understand. If it were something we would be setting precedence with and that's another as a committee we'd have to consider. Once we set a precedence that we allow that it is something we must deal with. Ruffer said, to move the sergeant we have actively to lieutenant competition would be impractical because it doesn't solve any of our problems then, if he doesn't get moved to lieutenant, we are just left with him as a sergeant it doesn't solve our issues. Does that make sense? Bains said, from your perspective yes, it does. Can you clarify the training piece again. Who is taking care of the training currently? Ruffer said, which aspect, the field training or continued training? Bains said, all of them. Ruffer said, right now Sergeant Steward oversees our field training program for dispatch and patrol. Lieutenant Smith oversees the regular department training we have to attend that is required by the state every year. Legg said, we also do firearms training, and we all have extensive training responsibilities.

Motion: Bains Second: Lytle-Steele
to enter executive session at 5:20 pm

Roll call vote on the above motion:

Yea- Finnegan, Lytle-Steele, Bains

Nay-

Yea-3, Nay-0. Motion Passed.

Motion: Bains Second: Lytle-Steele
to exit executive session at 5:55 pm

Roll call vote on the above motion:

Yea- Finnegan, Lytle-Steele, Bains

Nay-

Yea-3, Nay-0. Motion Passed.

Finnegan said, our next meeting will be November 26th and no action was taken. We would like to table this for now and we would ask that you come back with job descriptions for proposed changes from chief to patrol officer reflecting how you would like the changes to reflect. Ruffer said, do you want a job description for every rank we have? Roof said, the proposed changes you are trying to make, he wants you to restructure your department with brand new job descriptions and how you think everything should work out. Bains said, how do you want it structured under those changes. Lytle-Steele said, from

chief to patrolman. Legg said, that seems confusing. Bains said, what we are asking is you have the current specifications when you take the position. You are asking us to restructure the department, what we are asking is with the restructuring what your job description would be and the ranks all the way down to patrol. So, each individual ranks what the descriptions would be. We want you to lay it out how you would assign the duties for those positions to reflect the changes. Roof said, also includes any duties you do that currently aren't on the job description, make sure those are added. Like you were talking about how you oversee the records retention stuff, and you redact the information, so add that in the job descriptions. Also, you mentioned the scheduling Stewie does on shift because that isn't on there either. Legg said, just so you understand where the difficulty comes in, is because this has been pushed back, we are looking at shift bids which are a union requirement, we will have to go ahead with that. Without any decision being made we will have to push things back and just letting you know. We are going to have an open position going into shift bids and we will have to make an agreement with the union. Ruffer said, any position, regardless of rank, has a domino effect for the shift bids. Bains said, right but the sergeants position has been open. Legg said, what is going to end up happening is that is supervisor position that will get bid by someone who is a patrolman, and they are going to know when someone gets that position they will have to move. Bains said, who is covering that position now? Legg said, it is open right now, but we have a person in training. Bains said, but no one takes care of those responsibilities. Legg said, right now is sergeant Steward on occasion stays over on 2nd shift to make sure they get to see a sergeant, then lieutenant Smith comes in, so they see a supervisors. So, we aren't having 3rd shift run supervisors. Ruffer said, and the contract designates an acting supervisor in the absence of a supervisor. Bains said, so that will continue through this bid. Legg said, right so the person who bids into that shift will bid into that knowing whatever motion is made that they will move.

Motion: Bains Second: Lytle-Steele
To motion to table switching from sergeant to lieutenant at the napoleon police department

Roll call vote on the above motion:
Yea- Finnegan, Lytle-Steele, Bains
Nay-
Yea-3, Nay-0. Motion Passed.

ADJOURNMENT
Motion: Lytle-Steele Second: Bains
to adjourn the Special Civil Service Commission meeting at 6:01 pm.

Roll call vote on the above motion:
Yea- Finnegan, Lytle-Steele, Bains
Nay-
Yea-3, Nay-0. Motion Passed.

Approved

Bill Finnegan, Chair