

# February

2025

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



# *City of Napoleon, Ohio*

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

## *Memorandum*

**To:** Mayor and City Council, City Manager,  
City Finance Director, Law Director,  
Department Supervisors, News Media

**From:** Mikayla Ramirez, Clerk

**Date:** January 31, 2025

**Subject:** Technology and Communications Committee—  
Cancellation

The regularly scheduled meeting of the Technology and Communications Committee for Monday, February 3, 2025, at 6:15 pm has been **CANCELED** due to lack of agenda items.

City of Napoleon, Ohio  
**CITY COUNCIL**  
MEETING AGENDA

**Monday, February 3, 2025, 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. State of the City Address: Mayor Bialorucki**
- E. Approval of Minutes** (in the absence of any objections or corrections, the minutes shall stand approved)  
January 20, 2025, Regular Council Meeting Minutes
- F. Citizen Communication**
- G. Reports from Council Committees**
  - 1. The Finance and Budget Committee did not meet on January 27, 2025, due to lack of agenda items.
  - 2. The Safety and Human Resources Committee did not meet on January 27, 2025, due to lack of agenda items.
  - 3. The Technology and Communications Committee did not meet earlier tonight due to a lack of agenda items.
- H. Reports from Other Committees, Commissions and Boards (Informational Only-Not Read)**
  - 1. The Civil Service Commission did not meet on January 28, 2025, due to lack of agenda items.
  - 2. The Parks and Recreation Board did meet on January 29, 2025, and:
    - a. Organized board members
    - b. Discussed the Swearingen Park Pickleball Court Project and Skatepark
    - c. Discussed the 2024 Parks and Recreation Service Award
- I. Introduction of New Ordinances and Resolutions**
  - 1. **Resolution No. 004-25**, the final participatory Resolution regarding State Rte. 108 in cooperation with the Ohio Department of Transportation (suspension requested)
- J. Second Reading of Ordinances and Resolutions-None**
- K. Third Reading of Ordinances and Resolutions- None**
- L. 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 legislation in regard to the Golf Course Corporate Membership fee proposal.
- M. Executive Session (To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official) (To discuss pending or imminent court action)**
- N. Approve Payments of Bills** (In the absence of any objections or corrections, the payment of bills shall stand approved.)
- O. Adjournment**



Mikayla Ramirez

Mikayla Ramirez, Clerk

**A. ITEMS REFERRED OR PENDING IN COMMITTEES OF COUNCIL**

1. **Technology & Communication Committee (1<sup>st</sup> Monday)**  
*(Next Regular Meeting: February 3, 2025 @6:15 pm)*
  - a. Review of Power Supply Cost Adjustment Factor for January 2025
  - b. Electric Department Report
2. **Electric Committee (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, February 10, 2025 @6:30 pm)*
  - a. Review of Power Supply Cost Adjustment Factor for January 2025
  - b. Electric Department Report
3. **Water, Sewer, Refuse, Recycling & Litter Committee (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, February 10, 2025 @7:00 pm)*
4. **Municipal Properties, Buildings, Land Use & Economic Development Committee (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, February 10, 2025 @7:30 pm)*
5. **Parks & Recreation Committee (3<sup>rd</sup> Monday)**  
*(Next Regular Meeting: Monday, February 17, 2025 @6:00 pm)*
6. **Finance & Budget Committee (4<sup>th</sup> Monday)**  
*(Next Regular Meeting: Monday, February 24, 2025 @6:30 pm)*
7. **Safety & Human Resources Committee (4<sup>th</sup> Monday)**  
*(Next Regular Meeting: Monday, February 24, 2025 @@7:30 pm)*
8. **Personnel Committee (as needed)**

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

1. **Board of Public Affairs (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, February 10, 2025 @6:30 pm)*
  - a. Review of Power Supply Cost Adjustment Factor for January 2025
  - b. Electric Department Report
2. **Board of Zoning Appeals (2<sup>nd</sup> Tuesday)**  
*(Next Regular Meeting: Tuesday, February 11, 2025 @4:30 pm)*
3. **Planning Commission (2<sup>nd</sup> Tuesday)**  
*(Next Regular Meeting: Tuesday, February 11, 2025 @5:00 pm)*
4. **Tree Commission (3<sup>rd</sup> Monday)**  
*(Next Regular Meeting: Monday, February 17, 2025 @6:00 pm)*
5. **Civil Service Commission (4<sup>th</sup> Tuesday)**  
*(Next Regular Meeting: Tuesday, February 25, 2025 @4:30 pm)*
6. **Parks & Recreation Board (Last Wednesday)**  
*(Next Regular Meeting: Wednesday, February 26, 2025 @6:30 pm)*
7. **Privacy Committee (2nd Tuesday in May & November)**  
*(Next Regular Meeting: Tuesday, May 13, 2025 @10:30 am)*
8. **Records Commission (2<sup>nd</sup> Tuesday in June & December)**  
*(Next Regular Meeting: Tuesday, June 10, 2025 @4:00pm)*
9. **Housing Council (1<sup>st</sup> 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**  
**Special City Council Meeting Minutes**  
**Monday, January 20, 2025, at 6:00 pm**

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**Present**

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

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**Call to Order**

Council Pro-Tem Schwab called the City Council meeting to order at 6:00 pm with the Lord's Prayer followed by the Pledge of Allegiance

**Approval of Minutes**

In the absence of any objections or corrections, the minutes from the January 6, 2025, meeting were approved as presented.

**Citizen Communication-None**

**Reports from Council Committees**

The Finance and Budget Committee met on January 13, 2025, and recommended to approve the 2024 Fourth Quarter Adjustments

The Electric Committee did not meet on January 13, 2025, due to a lack of agenda items.

The Water, Sewer, Refuse, and Litter Committee did not meet on January 13, 2025, due to a lack of agenda items.

The Municipal Properties, Building, Land Use and ED did not meet on January 13, 2025, due to a lack of agenda items.

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

**Introduction of new Ordinances and Resolutions-None**

**Ordinance No. 001-25 Annual Appropriation**

Council Pro-Tem Schwab read by title Ordinance No. 001-25, an Ordinance supplementing the annual appropriation measure (supplement No. 4) for the year 2024; and declaring an Emergency (suspension requested)

Motion: Haase              Second: McBride  
to approve first read of Ordinance No. 001-25

Garringer said, this is any increases to any line items we needed to do and there are quite a few of them. That is because this is the 4<sup>th</sup> quarter and if anybody is over by one penny we have to make sure we do that increase so the books are balanced out.

Motion: Haase              Second: McBride  
to suspend the rule requiring three reads of Ordinance No. 001-25

Roll call vote on the above motion  
Yea- Cordes, Schwab, Haase, Weitzel, McBride, Weaver  
Nays-  
Yea-6, Nays-0. Motion Passed.

Roll call vote to pass Ordinance No. 001-25 under Suspension and Emergency  
Yea- Cordes, Schwab, Haase, Weitzel, McBride, Weaver  
Nays-  
Yea-6, Nays-0. Motion Passed.

### **Ordinance No. 002-25 Transfer of Appropriation**

Council Pro-Tem Schwab read by title Ordinance No. 002-25, an Ordinance authorizing the Finance Director to make appropriation transfers (Transfer of Appropriation 4) from one appropriation line item to another appropriation line item pursuant to ORC. Section 5705.40 for the fiscal year ending December 31, 2024 as listed in Exhibit A; and declaring an Emergency (suspension requested)

Motion: McBride      Second: Weaver  
to approve first read of Ordinance No. 002-25

Garringer said, this is if we don't budget enough, we try to borrow from another line item. Small said, I would like to add that we budgeted \$64,363,000 for 2024 but we only spent \$56,673,000 so we did come in under budget as far as spending.

Motion: Haase      Second: McBride  
to suspend the rule requiring three reads of Ordinance No. 002-25

Roll call vote on the above motion  
Yea- Cordes, Schwab, Haase, Weitzel, McBride, Weaver  
Nays-  
Yea-6, Nays-0. Motion Passed.

Roll call vote to pass Ordinance No. 002-25 under Suspension and Emergency  
Yea- Cordes, Schwab, Haase, Weitzel, McBride, Weaver  
Nays-  
Yea-6, Nays-0. Motion Passed.

### **Resolution No. 003-25 Transfer of Funds**

Council Pro-Tem Schwab read by title Resolution No. 003-25, a Resolution authorizing the Finance Director to transfer certain fund balances (Transfer No. 5) from respective funds to other funds pursuant to ORC. section 5705.14 on an as needed basis in fiscal year 2024, as listed in exhibit A; and declaring an Emergency (suspension requested)

Motion: Haase      Second: Weaver  
to approve first read of Ordinance No. 003-25

Garringer said, there is a resolution that passed that allows us to transfer certain money from one fund to another without having to come to council but sometimes we have a few items that are not listed on the resolution. This is a cash movement from one fund to another, this just allows us to clean up unclaimed funds.

Motion: Haase      Second: McBride  
to suspend the rule requiring three reads of Ordinance No. 003-25

Roll call vote on the above motion  
Yea- Cordes, Schwab, Haase, Weitzel, McBride, Weaver  
Nays-  
Yea-6, Nays-0. Motion Passed.

Roll call vote to pass Ordinance No. 003-25 under Suspension and Emergency  
Yea- Cordes, Schwab, Haase, Weitzel, McBride, Weaver  
Nays-  
Yea-6, Nays-0. Motion Passed.

### **Second read of Ordinances and Resolutions-None**

### **Third read of Ordinances and Resolutions-None**

#### **Good of the City (discussion/action)**

##### **Approval of the Power Supply Cost Adjustment Factor for January 2025 as PSCA 3-month averaged factor \$0.01585 and JV2 \$0.045004**

Small said, this is up slightly from last month, but I attribute that to Prairie State, the coal fire plant, was down for an extended period so during that time we had to buy off the net market.

Motion: Weitzel      Second: Haase  
to approve the Power Supply Cost Adjustment Factor for January 2025 as PSCA 3-month averaged factor \$0.01585 and JV2 \$0.045004

Roll call vote on the above motion  
Yea- Cordes, Schwab, Haase, Weitzel, McBride, Weaver  
Nays-  
Yea-6, Nays-0. Motion Passed.

#### **Accept Firehouse Subs Public Safety Foundation Grant for \$14,857.88**

Bowen said, we were able to obtain this grant this year and we are using it for equipment that isn't usually budgeted for. We are using it for 12 Seek FirePro Engine cameras, and this gives the guys a point of reference so if they get lost or something they could locate a window. Firehouse Subs is going to purchase the equipment and donate it to the city.

Motion: Weitzel      Second: Weaver  
to accept the Firehouse Subs Public Safety Foundation Grant for \$14,857.88

Roll call vote on the above motion  
Yea- Cordes, Schwab, Haase, Weitzel, McBride, Weaver  
Nays-  
Yea-6, Nays-0. Motion Passed.

#### **Direct the Law Director to draft the appropriate legislation as required by ODOT for the Scott Street Resurfacing Project**

Small said, this is legislation ODOT requires whenever they are doing work within city limits, which they are this summer. It also states that we will pay our percentage of the cost for this project. We budgeted \$545,000 for this project but we recently found out that there was federal aid funds that became available so now our cost is \$76,800.

Motion: Weitzel      Second: Weaver

motion to direct the Law Director to draft the appropriate legislation as required by ODOT for the Scott Street Resurfacing Project

Roll call vote on the above motion

Yea- Cordes, Schwab, Haase, Weitzel, McBride, Weaver

Nays-

Yea-6, Nays-0. Motion Passed.

**Requesting approval to seek bids for the E. Washington Street Improvement Project**

Small said, I am asking for your approval to move forward with seeking bids for this project.

Motion: McBride      Second: Weitzel

to approve of seeking bids for the E. Washington Street Improvement Project

Roll call vote on the above motion

Yea- Cordes, Schwab, Haase, Weitzel, McBride, Weaver

Nays-

Yea-6, Nays-0. Motion Passed.

**Around the Table**

Small-Nothing.

Harmon said, I would like to give year end numbers for issues handled by the law department.

Criminal cases-403

Traffic cases-2,034 and 102 being OVIs

Appeals-2

Contracts reviewed/drafted-31

Formal/informal legal opinions-75

Criminal fines, traffic fines and settlement money-\$39,889.25

Legislation drafted-58 and 6 were unused

Pending civil cases-2

I would also like to have a brief executive session for an update on or imminent litigation. Cordes said, can we have last year's number so we can compare numbers. Harmon said, I can get that for you and send an email.

McBride-Nothing.

Weitzel-Nothing.

Haase-Nothing.

Bialorucki said, thank you to the city employees working outside in this weather. Small said, we will not be collecting refuse today or tomorrow but we will get that information out on Facebook and the radio.

Schwab-Nothing.

Cordes-Nothing.

Weaver said, the Finance and Budget Committee will be canceled.

Garringer said, thank you council for passing this legislation.

**Executive Session (pending or imminent litigation)**

Motion: Weitzel      Second: McBride  
to enter executive session for pending or imminent litigation at 6:24 pm

Roll call vote on the above motion  
Yea- Cordes, Schwab, Haase, Weitzel, McBride, Weaver  
Nays-  
Yea-6, Nays-0. Motion Passed.

Motion: Haase      Second: Weitzel  
to end executive session for pending or imminent litigation at 6:34 pm

Roll call vote on the above motion  
Yea- Cordes, Schwab, Haase, Weitzel, McBride, Weaver  
Nays-  
Yea-6, Nays-0. Motion Passed.

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

**Adjournment**

Motion: Weitzel      Second: Weaver  
to adjourn the City Council meeting at 6:34 pm

Roll call vote on the above motion  
Yea- Cordes, Schwab, Haase, Weitzel, McBride, Weaver  
Nays-  
Yea-6, Nays-0. Motion Passed.

**Approved**

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J. Ross Durham, Council President

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Joe Bialorucki, Mayor

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Mikayla Ramirez, Clerk

## **FINAL RESOLUTION**

The following Final Resolution enacted by the City of **Napoleon**, Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency or "LPA", in the matter of the stated described project.

WHEREAS, on the **16th day of September 2024**, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

**The project consists of resurfacing improvements to Scott Street (S.R. 108) from S.L.M. 16.56 to S.L.M. 17.15 and S.L.M. 17.48 to S.L.M. 17.60 and S.R. 109 from S.L.M. 0.00 to S.L.M. 4.01 and S.L.M. 16.58 to S.L.M. 19.26 including asphalt concrete surfacing, partial depth pavement repair, pavement planing, drainage and waterwork upgrades, concrete walk and ramps, and pavement markings, lying within the City of Napoleon; and**

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

**The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.**

The share of the cost of the LPA is now estimated in the amount of **Seventy-Six Thousand Eighty-Six and - - - 00/100 Dollars, (\$76,086.00)**, but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW, THEREFORE, be it resolved:

- I. That the estimated sum, of **Seventy-Six Thousand Eighty-Six and - - - - 00/100 Dollars, (\$76,086.00)** is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from **Federal** funds.
- II. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.
- III. That the LPA enter into a contract with the State, and that the **City Manager** be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.
- IV. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.

We further certify that said Resolution and the action of said LPA thereon is recorded in the journal of said LPA in Volume \_\_\_\_\_, at Page \_\_\_\_\_, and under date of \_\_\_\_\_, 20\_\_\_\_.

Legislative Authority of the  
City of **Napoleon**, Ohio

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**City Manager**

SEAL  
(If Applicable)

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Clerk (Secretary Ex-Officio)

**FISCAL OFFICER'S CERTIFICATE**  
(Chapter 5521 and Section 5705.41, Ohio Revised Code)

I hereby certify to that the money, to wit: **\$76,086.00** required for the payment of the cost other than that thereof assumed by the **Federal** Government, for the improvement of that portion of **S.R. 108/109 - 16.57/0.00**, lying within the corporate limits of the City of **Napoleon**, more particularly described as follows:

**The project consists of resurfacing improvements to Scott Street (S.R. 108) from S.L.M. 16.56 to S.L.M. 17.15 and S.L.M. 17.48 to S.L.M. 17.60 and S.R. 109 from S.L.M. 0.00 to S.L.M. 4.01 and S.L.M. 16.58 to S.L.M. 19.26 including asphalt concrete surfacing, partial depth pavement repair, pavement planing, drainage and waterwork upgrades, concrete walk and ramps, and pavement markings, lying within the City of Napoleon; and**

has been lawfully appropriated for such purpose and is in the treasury to the credit of, or has been levied placed on the duplicate and in process of collection for the appropriate fund, and not appropriated for any other purpose; or is being obtained by sale of bonds issued on account of said improvement, which bonds are sold and in process of delivery.

I further certify that this certificate was made, sealed and filed with the legislative authority of the City of **Napoleon**, Ohio, after said legislative authority passed the final resolution in connection with the within described project; and that this certificate was forthwith recorded in the record of the proceedings of said legislative authority, namely:

Legislative Authority's Journal, Volume \_\_\_\_\_, at Page \_\_\_\_\_,

IN WITNESS WHEREOF, I have hereunto set my hand and official seal as said fiscal officer, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(Fiscal Officer's Seal)  
(If Applicable)

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Fiscal Officer of the City of  
**Napoleon, Ohio**

**C O N T R A C T**  
(Chapter 5521, Ohio Revised Code)

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street, Columbus, Ohio 43223, and the City of **Napoleon**, (hereinafter referred to as the legislative authority/Local Public Agency or "LPA").

**WITNESSTH:**

**WHEREAS**, Chapter 5521 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the Director of Transportation; and

**WHEREAS**, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

**WHEREAS**, through the enactment of final legislation, the LPA has committed to pay an estimated amount of money as its share of the total estimated cost and expense of the highway project described below; and

**WHEREAS**, the fiscal officer of the LPA has filed with the LPA a certificate stating that sufficient moneys are available, as required by Chapter 5521 and Section 5705.41 of the Ohio Revised Code. A duplicate certificate is attached hereto; and

**WHEREAS**, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

**NOW, THEREFORE**, in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:

**SECTION I:**      **RECITALS**

The foregoing recitals are hereby incorporated as a material part of this contract.

**SECTION II:**      **PURPOSE**

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.

### **SECTION III: LEGAL REFERENCES**

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.

### **SECTION IV: SCOPE OF WORK**

The work to be performed under this contract shall consist of the following:

**The project consists of resurfacing improvements to Scott Street (S.R. 108) from S.L.M. 16.56 to S.L.M. 17.15 and S.L.M. 17.48 to S.L.M. 17.60 and S.R. 109 from S.L.M. 0.00 to S.L.M. 4.01 and S.L.M. 16.58 to S.L.M. 19.26 including asphalt concrete surfacing, partial depth pavement repair, pavement planing, drainage and waterwork upgrades, concrete walk and ramps, and pavement markings, lying within the City of Napoleon.**

### **SECTION V: FINANCIAL PARTICIPATION**

1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.
2. The STATE may allocate the money contributed by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.
3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the Director of Transportation.
4. The LPA agrees to pay to the STATE its share of the total estimated cost expense for the above highway project in the amount of **Seventy-Six Thousand Eighty-Six and - - - 00/100 Dollars, (\$76,086.00)**.
5. **The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.**
6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.

7. The LPA agrees that change orders and extra work contracts required fulfilling the construction contracts shall be processed as needed. The STATE shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

## **SECTION VI: RIGHT-OF-WAY AND UTILITIES**

1. The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.
2. The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual, including that:
  - A. Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removals and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the LPA or STATE.
  - B. The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.
  - C. The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials Specifications.

## **SECTION VII: ADDITIONAL PROJECT OBLIGATIONS**

1. The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOT's policies and procedures.
2. The LPA agrees:
  - A. To keep said highway open to traffic at all times;

- B. To maintain the PROJECT in accordance with the provisions of the statutes relating thereto;
- C. To make ample financial and other provisions for such maintenance of the PROJECT after its completion;
- D. To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;
- E. To place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
- F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

## **SECTION VIII: DISPUTES**

In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the Director of Transportation.

## **SECTION IX: NOTICE**

Notice under this contract shall be directed as follows:

**City of Napoleon  
255 West Riverview  
Napoleon, Ohio  
43545**

**Ohio Department of Transportation  
Office of Contract Sales & Estimating  
1980 West Broad Street, MS 4110  
Columbus, Ohio 43223**

## **SECTION X: FEDERAL REQUIREMENTS**

- 1. In carrying out this contract, LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. LPA will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin (ancestry), disability, genetic information, or age (40 years or older), sexual orientation, or military status (past, present, future). Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment or Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.

2. To the extent necessary under Ohio law, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. LPA will, in all solicitations or advertisements for employees placed by or on behalf of LPA, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin (ancestry), disability, genetic information, age (40 years or older), sexual orientation, or military status (past, present, future). If applicable, the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.
3. LPA agrees to fully comply with Title VI of the Civil Rights Act of 1964, 42 USC Sec. 2000. LPA shall not discriminate on the basis of race, color, or national origin in its programs or activities. The Director of Transportation may monitor the Contractor's compliance with Title VI.

## **SECTION XI: GENERAL PROVISIONS**

1. This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.
2. Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.
3. Any change to the provisions of this contract must be made in a written amendment executed by both parties.
4. This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATE is a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.
5. All financial obligations of the State of Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the LPA's legislative body.

6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.
7. LPA agrees that it is currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the Ohio Revised Code.

**SECTION XII: SIGNATURES**

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal behalf.

Any party hereto may deliver a copy of its counterpart signature page to this Agreement via fax or e-mail. Each party hereto shall be entitled to rely upon a facsimile signature on any other party delivered in such a manner as if such signature were an original.

**IN WITNESS THEREOF**, the parties hereto have caused this contract to be duly executed in duplicate.

**SEAL**  
(If Applicable)

**OHIO DEPARTMENT OF  
TRANSPORTATION**

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Director of Transportation

**LOCAL PUBLIC AGENCY**  
City of Napoleon

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City Manager

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Date

Approved:  
Dave Yost  
Attorney General of Ohio

By: \_\_\_\_\_  
Corinna Efkeman  
Unit Coordinator, Transportation  
Executive Agencies Section



# *City of Napoleon, Ohio*

## *Parks and Recreation Department*

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

*Napoleon, OH 43545*

*Telephone: (419) 592-4010 Fax: (419) 592-8955*

*www.napoleonohio.com*

## **Memorandum**

**To:** *J. Andrew Small, City Manager*  
**Cc:** *Kevin Garringer, Finance Director*  
*Marrisa Flogaus, Admin Asst.*  
**From:** *Tony Cotter, Director of Parks and Recreation*  
**Date:** *January 23, 2025*  
**Subject:** *Golf Course Corporate Membership Rate Adjustment - Board Recommendation*

During the 2025 budget process, the Parks and Recreation Board passed a unanimous motion to adjust the fees for Corporate Memberships at the Golf Course for the upcoming season. Below is the current rate along with the proposed new rate:

| Number of Employees | Annual Fee - current | Annual Fee - proposed |
|---------------------|----------------------|-----------------------|
| 25 and under        | \$1,000              | \$1,200               |
| 26 to 50            | \$2,000              | \$2,200               |
| 50 to 100           | \$3,000              | \$3,200               |
| 100 to 200          | \$4,500              | \$4,700               |
| Over 200 employees  | \$6,500              | \$6,700               |

I am requesting this recommendation be placed on the City Council meeting agenda for February 3<sup>rd</sup> for their review and approval.

Please let me know if you would like additional information.