MEMORANDUM

To:Mayor & Members of CouncilFrom:Jon Bisher/rd

Subject: General Information

Date: January 4, 2013

CALENDAR

MONDAY, JANUARY 7TH @ 6:50 PM – Volunteer Firefighters' Dependents Fund Board Meeting

MONDAY, JANUARY 7TH @ 7:00 PM – City Council Meeting

C. APPROVAL OF MINUTES: December 17, 2012

G. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

- 1. **RESOLUTION NO. 001-13** a Resolution Authorizing the City Manager to Execute the Housing Revolving Loan Fund Agreement between the State of Ohio, Development Services Agency and the City; and Declaring an Emergency.
- 2. **ORDINANCE NO. 002-13** an Ordinance Amending Chapter 955 of the Codified Code of the City of Napoleon to Adjust the Recreational Fees and to Establish the Recreation Program Participation Fees.

J. GOOD OF THE CITY

- 1. Award of Chemical Bids for Water and Wastewater Treatment Plants FY 2013
 - a. Enclosed is a Memorandum from Matt Bilow and Scott Hoover, with the bid results and their recommendation of award for each chemical.
- 2. Approval of Plans and Specifications for the Haley Avenue Interceptor I/I Reduction Project (L.T.C.P. Project No. 17B)
 - a. The plans and specifications are on file with the Finance Director's office.
- *3. Application for Liquor Permit for Blackwood Construction Services LLC* a. A copy of the application is attached.
- 4. Assignment of Agenda Items for 2013a. A list of Agenda Assignment Suggestions is enclosed.
- 5. Acceptance of Donation to Parks & Recreation Dept. from Janice & Marvin Rabe

INFORMATIONAL ITEMS

- 1. Notice of Regular and Organizational Meetings of Each Municipal Body
- 2. Listing of members of 2013 Council, Committees, Commissions and Boards
- 3. Municipal Income Tax "Fix" is a Flub

RELATED ITEMS

1. MEETINGS CANCELLED:

- a. Technology and Communication Committee
- b. Board of Zoning Appeals
- c. Planning Commission
- 2. AMP UPDATE/December 22, 2012 & January 4, 2013

rd Records Retention CM-11 - 2 Years

Monthly Calendar

January 1 - 31, 2013

December 2012				January 2013				February 2013													
S	М	Т	W	Т	F	S	S	М	Т	W	Т	F	S		S	М	Т	W	Т	F	S
						1			1	2	3	4	5							1	2
2	3	4	5	6	7	8	6	7	8	9	10	11	12		3	4	5	6	7	8	9
9	10	11	12	13	14	15	13	14	15	16	17	18	19		10	11	12	13	14	15	16
16	17	18	19	20	21	22	20	21	22	23	24	25	26		17	18	19	20	21	22	23
23	24	25	26	27	28	29	27	28	29	30	31				24	25	26	27	28		
30	31									••••											

🕗 Calendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
30	31	1	2	3	4	5
		HOLIDAY - New Year's Da BISHER - Vacation		BISHER - Vacation		7:00 AM Christmas Tree Pickup by the Napoleon Fire & Rescue Association
				10		10
6	7	8	9	10	11	12
	6:50 PM Volunteer FF Dependent's Bd Mtg. 7:00 PM City COUNCIL Meeting AV - Dan					
13	14	15	16	17	18	19
	6:30 PM Electric Committee		AMP - BISHER	AMP - BISHER		
20	BOPA Meeting 7:00 PM Water/Sewer Committee Meeting 7:30 PM Municipal Properties/ED Committee Meeting AV - Rox	22	23	24	25	26
20		22	23	24	25	20
	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL Meeting 8:00 PM Parks & Rec Committee Meeting AV - Dan					
27	28	29	30	31	1	2
	6:30 PM Finance & Budget Committee Meeting 7:30 PM Safety & Human Resources Committee Meeting AV - Shery		6:30 PM Parks & Rec Board Mtg.			

City of Napoleon, Ohio

VOLUNTEER FIREFIGHTERS' DEPENDENTS FUND BOARD

LOCATION: City Hall Offices, 255 West Riverview Avenue, Napoleon, Ohio 43545

MEETING AGENDA

Monday, January 7, 2013 at 6:50 PM

- I. Approval of Minutes: January 16, 2012 (In the absence of any objections or corrections, the minutes shall stand approved.)
- II. Appointment of the Fifth Member of the Board
- III. Members' Oath of Office
- IV. Election of Officers
- V. Any Other Items to Come Before the Board

Gregory J. Heath, Finance Director/Clerk of Council

City of Napoleon, Ohio VOLUNTEER FIREFIGHTERS' DEPENDENTS FUND BOARD MEETING MINUTES

	londay, January 16, 2012 at 7:30 PM
Present Board Members Recorder	Travis Sheaffer - Chair, Jim Hershberger, Tonya Walker Barbara Nelson
Absent Others	Glenn Miller, Gregory Heath Scott Palmer, Ellsworth Mitchell
Meeting Called To Order	Chairperson Sheaffer called the meeting to order at 7:50 PM.
Approval Of Minutes	Minutes of the January 17, 2011 meeting stand approved with no objections or corrections.
Appointing Fifth Member	Motion: Hershberger Second: Walker To appoint Ellsworth Mitchell as the fifth member of the Board.
Passed Yea-3 Nay-0	Roll call vote on above motion: Yea – 3 Nay - 0
Members' Oath Of Office	Nelson (Recorder) swore in members of the Board.
2011 Officers To Serve In 2012	Motion: Hershberger Second: Walker To maintain the same officers in 2012 as in 2011: Travis Sheaffer - Chair, and Tonya Walker - Secretary
Passed Yea-3 Nay-0	Roll call vote on above motion: Yea – Sheaffer, Hershberger, Walker Nay
Motion To Adjourn	Motion: WalkerSecond: HershbergerTo adjourn the meeting at 7:53PM.
Passed Yea- Nay-	Roll call vote on above motion: Yea- Sheaffer, Hershberger, Walker Nay-
Date Approved	Travis Sheaffer, Chair

City of Napoleon, Ohio CITY COUNCIL

LOCATION: City Hall Offices, 255 West Riverview Avenue, Napoleon, Ohio

MEETING AGENDA

Monday, January 7, 2013 at 7:00 PM

- A. Attendance (Noted by the Clerk)
- B. Prayer & Pledge of Allegiance
- C. Approval of Minutes: 12/17/12 (In the absence of any objections or corrections, the minutes shall stand approved.)
- **D.** Citizen Communication
- E. Reports from Council Committees
 - 1. Parks & Recreation Committee did not meet on Monday, December 17 due to lack of agenda items.
 - 2. Finance & Budget Committee did not meet on Monday, December 24 due to lack of agenda items.
 - 3. Safety & Human Resources Committee did not meet on December 24 due to lack of agenda items.

F. Reports from Other Committees, Commissions and Boards (Informational Only-Not Read)

- 1. Parks & Recreation Board met on Wednesday, December 19 with the following agenda items:
 - a. Discussion/Action on recreation program participant fees
 - b. Discussion/Action on letter of support for Napoleon Civic Center
 - c. Discussion/Action on Parks & Recreation Service Award
- 2. Civil Service Commission did not meet on Tuesday, December 25 due to lack of agenda items.
- 3. Volunteer Fire Fighters' Dependents Fund Board met tonight with the following agenda items:
 - a. Appointment of the fifth member of the Board
 - **b.** Members' oath of office
 - **c.** Election of officers

G. Introduction of New Ordinances and Resolutions

- 1. **Resolution No. 001-13** A Resolution authorizing the City Manager to execute the Housing Revolving Loan Fund Agreement between the State of Ohio, Development Services Agency and the City; and declaring an Emergency
- 2. Ordinance No. 002-13 An Ordinance amending chapter 955 of the Codified Code of the City of Napoleon to adjust the Recreational Fees and to establish the Recreation Program Participation Fees

H. Second Readings of Ordinances and Resolutions

- 1. There were no second readings of Ordinances and Resolutions
- I. Third Readings of Ordinances and Resolutions
 - 1. There were no third readings of Ordinances and Resolutions
- J. Good of the City (Any other business as may properly come before Council, including but not limited to:)
 - 1. Discussion/Action: Award of bids for water/wastewater treatment chemicals for 2013
 - 2. Discussion/Action: Approval of plans/specifications for Haley Ave. Interceptor I/I Reduction Project (LTCP Project No. 17B)
 - 3. Discussion/Action: Application for liquor permit for Blackwood Construction Services LLC
 - 4. Discussion/Action: Assignment of agenda items for 2013
 - 5. Discussion/Action: Acceptance of donation to Parks & Recreation Dept. from Janice & Marvin Rabe
- K. Executive Session (as needed)
- L. Approve Payment of Bills and Approve Financial Reports (In the absence of any objections or corrections, the payment of bills and financial reports shall stand approved.)
- M. Adjournment

Gregory J. Heath, Finance Director/Clerk of Council

A. Items Referred or Pending in Committees of Council

- Technology & Communication Committee (1st Monday) (Next Regular Meeting: Monday, January 7, 2013 @ 8:00 PM)
 a. Review Possibility of MIS Assistant Position (Tabled)
- 2. Electric Committee (2nd Monday)
 - (Next Regular Meeting: Monday, January 14 @ 6:30 PM)
 - a. Review of Electric Billing Determinants
 - **b.** Electric Department Report
 - c. Review of Net Metering Policy
 - **d.** Performance Audit for the Electric Department
- **3.** Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday) (*Next Regular Meeting: Monday, January 14 @ 7:00 PM*)
- 4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday) (*Next Regular Meeting: Monday, January 14 @ 7:30 PM*)
 a. Updated Info from Staff on Economic Development (as needed)
- Parks & Recreation Committee (3rd Monday) (Next Regular Meeting: Monday, January 21 @ 8:00 PM)
- 6. Finance & Budget Committee (4th Monday) (Next Regular Meeting: Monday, January 28 @ 6:30 PM)
- 7. Safety & Human Resources Committee (4th Monday) (Next Meeting: Monday, January 28 @ 7:30 PM)
- 8. Personnel Committee (As needed)

B. Items Referred or Pending In Other City Commissions and Boards

- Board of Public Affairs (2nd Monday) (Next Regular Meeting: Monday, January 14, 2013 @ 6:30 PM)
 a. Review of Electric Billing Determinants
 - **b.** Electric Department Report
 - c. Review of Net Metering Policy
- 2. Board of Zoning Appeals (2nd Tuesday) (Next Regular Meeting: Tuesday, January 8, 2013 @ 4:30 PM)
 a. BZA 12-10 Item #1 (Tabled)
- **3.** Planning Commission (2nd Tuesday) (Next Regular Meeting: Tuesday, January 8, 2013 @ 5:00 PM)
- **4.** Tree Commission (3rd Monday) (Next Regular Meeting: Monday, January 21, 2013 @ 6:00 PM)
- 5. Civil Service Commission (4th Tuesday) (Next Regular Meeting: Wednesday, January 22, 2013 @ 4:30 PM)
- 6. Parks & Recreation Board (Last Wednesday) (Special Meeting: Wednesday, January 30, 2012 @ 6:30 PM)
- 7. Privacy Committee (2nd Tuesday in May & November) (Next Regular Meeting: Tuesday, May 14, 2013 @ 10:30 AM)
- 8. Records Commission (2nd Tuesday in June & December) (Next Regular Meeting: Tuesday, June 11, 2013 @ 4:00 PM)
- **9.** Housing Council (1st Monday of the month after the TIRC meeting) (*Next Meeting: Monday, May 6, 2013? @ 6:30 PM*)
- **10. Health Care Cost Committee** (As needed)
- 11. Preservation Commission (As needed)
- 12. Infrastructure/Economic Development Fund Review Committee (As needed)
- 13. Tax Incentive Review Council (As needed)
- 14. Volunteer Firefighters' Dependents Fund Board (As needed)
- 15. Lodge Tax Advisory & Control Board (As needed)
- 16. Board of Building Appeals (As needed)
- 17. ADA Compliance Board (As needed)
- 18. NCTV Advisory Board (As needed)

City of Napoleon, Ohio **CITY COUNCIL**

Meeting Minutes Monday, December 17, 2012 at 7:00 PM

PRESENT	
Council	John Helberg (President), Jeffrey Lankenau, Travis Sheaffer, James Hershberger,
council	Patrick McColley, Christopher Ridley, Jason Maassel
Mayor	Ronald A. Behm
City Manager	Dr. Jon A. Bisher
Law Director	Trevor M. Hayberger
Finance Director/Clerk	Gregory J. Heath
Recorder	Barbara Nelson
City Staff	Robert Bennett, Fire Chief
U U	Dennis Clapp, Electric Superintendent
	Roxanne Dietrich, Executive Assistant
	Chad Lulfs, City Engineer
	Robert Weitzel, Police Chief
Others	News Media, NCTV
ABSENT	
Council	None
Call To Order	President Helberg called the meeting to order at 7:00 PM with the Lord's Prayer
	followed by the Pledge of Allegiance.
Minutes Approved	Minutes of the November 26 Special Council meeting and the December 3, 2012
	meeting stand approved with no objections.
Citizen	None
Communication	
Departs From	Chairman Massal reported that the Technology & Communication Committee met
Reports From Committees	Chairman Maassel reported that the Technology & Communication Committee met on December 3 and:
Committees	a. Recommended to stay with the current configuration and not combine with the
	court server due to technical issues
	b. Discussed and tabled <i>Review the Possibility of an Additional IT Position</i> pending
	results of the State Performance Audit. We may want to explore sharing a position
	with the county.
	Chairman Sheaffer reported that the Electric Committee met on December 10 and
	recommended approval of December electric billing determinants.
	The Water, Sewer, Refuse, Recycling and Litter Committee did not meet on
4	December 10 due to lack of agenda items.
	The Municipal Properties, Buildings, Land Use and Economic Development
	Committee did not meet on December 10 due to lack of agenda items.
Introduction Of	President Helberg read by title Ordinance No. 087-12 An Ordinance authorizing the
Ordinance No. 087-12	Finance Director to make appropriation transfers from respective funds, departments
	and categories to other funds, departments and categories pursuant to section
	5705.40 ORC for the fiscal year ending December 31st, 2012 as listed in Exhibit A
	(Final); and declaring an emergency
	1/2/2012

	I	
Motion To Approve First Read	Motion: Ridley Second: Sheaffer To approve first read of Ordinance No. 087-12	ſ
Discussion	Heath said this legislation represents transfers of department category to another category within supplementals. Council approved the 3 rd quarte weeks ago. This is the 4 th quarter adjustments m categories. Heath requested suspension.	the same fund instead of using all r budget adjustments a couple of
Motion To Suspend The Rule	Motion: Sheaffer Second: Lanken To suspend the rule requiring three readings	u
Passed Yea-7 Nay-0	Roll call vote on above motion: Yea- McColley, Sheaffer, Lankenau, Ridley, M Nay-	Iaassel, Hershberger, Helberg
Passed Yea-7 Nay-0	Roll call vote to pass Ordinance No. 087-12 un Yea- McColley, Sheaffer, Lankenau, Ridley, M Nay-	
Introduction Of Ordinance No. 088-12	President Helberg read by title Ordinance No. (the annual appropriation measure (Supplement	
Motion To Approve First Read	Motion: Hershberger Second: Sheaf To approve first read of Ordinance No. 088-12	fer
Discussion	Heath said this is representative of the unused a Scott Street was one of the big projects that did for proper budgeting percentages as part of the	n't get started. This legislation allows
Motion To Suspend The Rule	Motion: Lankenau Second: Shea To suspend the rule requiring three readings	affer
Passed Yea-7 Nay-0	Roll call vote on above motion: Yea- McColley, Sheaffer, Lankenau, Ridley, M Nay-	laassel, Hershberger, Helberg
Passed Yea-7 Nay-0	Roll call vote to pass Ordinance No. 088-12 un Yea- McColley, Sheaffer, Lankenau, Ridley, M Nay-	*
Introduction Of Resolution No. 089-12	President Helberg read by title Resolution No. Finance Director to transfer certain fund balance funds per section 5705.14 ORC on an as needed Exhibit "A" (Transfer 4); and declaring an eme	tes from respective funds to other d basis in fiscal year 2012, listed in
Motion To Approve First Read	Motion: Ridley Second: Maa To approve first read of Resolution No. 089-12	
Discussion	This legislation is similar to the transfer of func- meet the actual dollar amounts. It completes the ordinance that was just passed. There was some changed from 223 to 123 – Economic Develops	e transfers that are part of the e fund renumbering: Special Projects
Council Mooting Minutes	2 of 9	1/2/2012

Motion To Suspend	Motion: Sheaffer Second: Lankenau
The Rule	To suspend the rule requiring three readings
Passed	Roll call vote on above motion:
Yea-7	Yea- McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger, Helberg
Nay-0	Nay-
Passed	Roll call vote to pass Resolution No. 089-12 under suspension of the rule
Yea-7	Yea- McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger, Helberg
Nay-0	Nay-
Introduction Of Ordinance No. 090-12	President Helberg read by title Ordinance No. 090-12 An Amendment to Ordinance No. 078-12 which established a new position classification pay plan for employees of the City of Napoleon, to include the Public Works Director and to lower the bottom pay scale of Executive Assistant to Appointing Authority; and declaring an emergency
Motion To Approve	Motion: Ridley Second: McColley
First Read	To approve first read of Ordinance No. 090-12
Discussion	Hayberger said this legislation has been amended in order to pay the Public Works Director. There was separate legislation for this last year because it was a new position. As a result, the position was inadvertently omitted from this year's pay ordinance. A lower step was added to the Executive Assistant pay scale to fit any new hire. Bisher noted that these changes do not change the 2013 budget.
Motion To Suspend	Motion: Sheaffer Second: Lankenau
The Rule	To suspend the rule requiring three readings
Passed	Roll call vote on above motion:
Yea-7	Yea- McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger, Helberg
Nay-0	Nay-
Passed	Roll call vote to pass Ordinance No. 090-12 under suspension of the rule
Yea-7	Yea- McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger, Helberg
Nay-0	Nay-
Second Read Of Resolution No. 085-12	President Helberg read by title Resolution No. 085-12 A Resolution authorizing bond counsel to amend the purpose statement of the \$1,800,000.00 issuance of bonds for the City of Napoleon's water system to also include the design, engineering, and building of a new water treatment plant and declaring an emergency
Motion To Approve	Motion: Hershberger Second: Ridley
Second Read	To approve second read of Resolution No. 085-12
Discussion	Heath said there were no changes to this legislation since last reading. He met with bond counsel and will bring those recommendations soon with a new ordinance and description. Bisher said we will incorporate language for both the old and new water plants per Maassel's suggestion in case there are problems at the plant in the interim.
Motion To Suspend	Motion: Sheaffer Second: Hershberger
The Rule	To suspend the rule requiring three readings

Passed	Roll call vote on above motion:
Yea-7	Yea- McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger, Helberg
Nay-0	Nay-
Passed	Roll call vote to pass Resolution No. 085-12 under suspension of the rule
Yea-7	Yea- McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger, Helberg
Nay-0	Nay-
Third Read Of Resolution No. 079-12	President Helberg read by title Resolution No. 079-12 A Resolution authorizing the expenditure of funds and authorizing a department director to take bids on certain projects, services, equipment, materials, or supplies without the requirement for additional legislation to do so in the year 2013; and declaring an emergency
Motion To Pass	Motion: McColley Second: Sheaffer
On Third Read	To pass Resolution No. 079-12on third read
Discussion	No changes since last reading
Passed	Roll call vote to pass Resolution No. 079-12 on third read
Yea-7	Yea- McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger, Helberg
Nay-0	Nay-
Third Read Of Resolution No. 080-12	President Helberg read by title Resolution No. 080-12 A Resolution authorizing expenditure of funds in excess of \$25,000.00 in and for the Year 2013 as it relates to reoccurring costs associated with the operation of the City, for payment of expenses, and for purchases associated with vendors utilized by multiple departments within the City; elimination of necessity of competitive bidding in and for the year 2013 as it relates to certain transactions; declaring an emergency
Motion To Pass	Motion: McColley Second: Hershberger
On Third Read	To pass Resolution No. 080-12 on third read
Discussion	No changes since last reading.
Passed	Roll call vote to pass Resolution No. 080-12 on third read
Yea-6	Yea- McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger
Nay-0	Nay-
Abstain-1	Abstain-Helberg
Third Read Of Resolution No. 081-12	President Helberg read by title Resolution No. 081-12 A Resolution authorizing a contribution to the Community Improvement Corporation of Henry County, Ohio, in and for the year 2013; declaring an emergency
Motion To Pass	Motion: Hershberger Second: Maassel
On Third Read	To pass Resolution No. 081-12 on third read
Discussion	No changes since last reading. McColley asked if the county is paying their share. Bisher said he hasn't heard anything about this yet.
Passed	Roll call vote to pass Resolution No. 081-12 on third read
Yea-7	Yea- McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger, Helberg
Nay-0	Nay-
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GOOD OF THE CITY <u>Discussion/Action</u> Motion To Approve Billing Determinants	Motion: McColleySecond: MaasselTo accept the recommendation for approval of December electric billing determinants as follows:Generation Charge: Residential @ \$.08693; Commercial @ \$.10572; Large Power @ \$.06020; Industrial @ \$.06020; Demand Charge Large Power @ \$12.89; Industrial @ \$12.77; JV Purchased Cost: JV2 @ \$.02110; JV5 @ \$.02110
Passed	Roll call vote on above motion:
Yea-7	Yea- McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger, Helberg
Nay-0	Nay-
Award Bid For	Lulfs said we received eight bids for the Welsted Water Main Replacement Project.
Welsted Water Main	The engineer's estimate was \$300,000. Lulfs recommended awarding the bid to
Replacement	Vernon Nagel, the lowest bid at \$267,275.
Motion To Award Bid To Vernon Nagel	Motion: McColley Second: Lankenau To award the bid to Vernon Nagel, Inc. in the amount of \$267,275.00 to be effective January 1, 2013
Passed	Roll call vote on above motion:
Yea-6	Yea- McColley, Sheaffer, Lankenau, Ridley, Hershberger, Helberg
Nay-0	Nay-
Abstain - Maassel	Abstain - Maassel
Write-Off Of Uncollectable Accounts	Heath said the list of write-offs of uncollectable accounts go back to 2008. The more recent ones are either bankruptcies or individuals who passed away. These must be completely written off per law. Heath requested that Council authorize the write-offs for the purpose of reporting on a GAAP basis. We leave delinquent utility bills on our system and if someone who defaulted comes in to sign up for utilities, they are required to pay off their prior bill before receiving services.
Motion To Accept	Motion: Ridley Second: Sheaffer
Write-Offs	To accept the write-off of uncollectable accounts in utility billing and income tax
Passed	Roll call vote on above motion:
Yea-7	Yea- McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger, Helberg
Nay-0	Nay-
Acceptance Of \$1,000 Donation For Police Dept.	Heath said a donation was received from Century Link/CenturyTel, Inc. for the police department. He does not know if the donation is for a specific purpose.
Motion To Accept	Motion: Ridley Second: Lankenau
Donation From	To accept a \$1,000 donation from Century Link/CenturyTel, Inc. for the Police
CenturyTel, Inc.	Department
Passed	Roll call vote on above motion:
Yea-7	Yea- McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger, Helberg
Nay-0	Nay-
<u>Good Of The City-</u> <u>Continued</u>	

Heath	 Heath said we received a certificate of achievement for excellence in financial reporting on the CAFR for 2011. We have received this award every year since 1996. Helberg said this is the highest form of recognition in government accounting. It is a great accomplishment. Heath and his department deserve a pat on the back. Heath said Council is also responsible for this. Heath said the pay frequency form was sent out to Council members. Sheaffer said it is effective January 4, 2013. Hershberger said he does not care how often his pay is given, whatever is easier.
	Heath said Monday is Christmas Eve and there are two meetings scheduled.
Motion To Cancel Two Committee Meetings For 12/24/12	Motion: RidleySecond: MaasselThat the Finance & Budget Committee and Safety & Human Resources Committeewill not meet on Monday, December 24, 2012
Passed Yea-7 Nay-0	Roll call vote on above motion: Yea - McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger, Helberg Nay-
	Heath wished everyone a Merry Christmas & Happy New Year.
Ridley	Ridley questioned two large transfers in the financial reports. Heath said these were corrections to posting errors that came to our attention through the performance audit. We move balances remaining in income tax to the proper funds at the end of the year. We over allocated to the recreation fund. This corrected that error.
Maassel	Maassel wished everyone a Merry Christmas & Happy New Year.
Hershberger	Hershberger wished everyone a Merry Christmas & Happy New Year. He commended City workers who took care of a limb that was falling out of a tree at Emmanuel Lutheran Church after the police were called. Greg Kuhlman and David were there within 15 minutes. The limb could have gone through someone's windshield. Hershberger suggested that the Tree Commission replace two trees in front of the church. They are rotten and could fall on cars. Bisher will have someone check this.
Helberg	Helberg –no items
Mayor Behm	Mayor Behm read a proclamation of support (as directed by Council) for the efforts of the Napoleon Area Steering Committee to convert the John L. Johnson Auditorium into the Napoleon Civic Center.
	Mayor Behm recommended the following appointments for next year: Tom Druhot's term on BOPA is expiring. Dr. David Cordes will replace him.
Motion To Approve Apptmt. To BOPA	Motion: McColleySecond: SheafferTo approve the appointment of Dr. David Cordes to BOPA
Passed Yea-7 Nay-0	Roll call vote on above motion: Yea - McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger, Helberg Nay-
	Tom Mack will serve another term on the Board of Zoning Appeals (BZA).

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Motion To Approve Reapptmt. To BZA	Motion: McColleySecond: MaasselTo approve the reappointment of Tom Mack to BZA
Passed	Roll call vote on above motion:
Yea-7	Yea - McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger, Helberg
Nay-0	Nay-
	There are three seats open on the Tree Commission. David Volkman and Bill Rohrs agreed to serve another term. John Eddy is resigning. This leaves one opening. The Mayor talked to someone who is interested, but will not know until January whether they can serve depending on which shift they are assigned to work.
Motion To Approve	Motion: Maassel Second: McColley
Reapptmts To Tree	To approve the reappointment of David Volkman and Bill Rohrs to the Tree
Commission	Commission
Passed	Roll call vote on above motion:
Yea-7	Yea - McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger, Helberg
Nay-0	Nay-
	Dr. David Cordes is resigning from the Civil Service Commission. Mayor Behm is appointing Mike Flory to replace him.
Motion To Approve	Motion: Lankenau Second: McColley
Apptmt To Civil Svc.	To approve the appointment of Mike Flory to fill Dr. David Cordes' term on the
Commission	Civil Service Commission
Passed	Roll call vote on above motion:
Yea-7	Yea - McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger, Helberg
Nay-0	Nay-
	Mike Saneholtz agreed to serve another term on the Parks & Recreation Board.
Motion To Approve Reapptmt To P&R Board	Motion: McColley Second: Maassel To approve reappointment of Mike Saneholtz to the Parks & Recreation Board.
Passed	Roll call vote on above motion:
Yea-7	Yea - McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger, Helberg
Nay-0	Nay-
	Travis Sheaffer and Jim Hershberger agreed to serve another term on the Volunteer Firefighter Dependents Fund Board.
Motion To Approve	Motion: McColley Second: Ridley
Reapptmt To Vol. FF	To reappoint Travis Sheaffer and Jim Hershberger to the Volunteer Firefighter
Dep. Fund Board	Dependents Fund Board.
Passed	Roll call vote on above motion:
Yea-5	Yea - McColley, Lankenau, Ridley, Maassel, Helberg
Nay-0	Nay-
Abstain-2	Abstain- Sheaffer, Hershberger

	There are three terms expiring 1/1/2013 on the Henry County CIC Board: Mayor Behm (elected official), Kelly Burkhardt (citizen), Chris Ridley (elected official). Ridley is resigning his position. Mayor Behm is appointing John Helberg, who currently serves as a citizen representative, as the elected official. Kelly Burkhardt will be reappointed as a citizen representative and Greg Beck will be appointed the other citizen representative. The Mayor will also serve another term.
Motion To Approve Appointments & Reappointments To The CIC Board	Motion: MaasselSecond: McColleyTo approve the reappointment of Kelly Burkhardt and Mayor Behm; and to appointJohn Helberg as an elected official and Greg Beck as a citizen representative to theCIC Board.
Passed Yea-7 Nay-0	Roll call vote on above motion: Yea - McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger, Helberg Nay-
	Kevin Yarnell has agreed to serve another term on the ADA Compliance Board.
Motion To Approve Apptmt To ADA Compliance Board	Motion: McColley Second: Hershberger To approve the reappointment of Kevin Yarnell to the ADA Compliance Board
Passed Yea-7 Nay-0	Roll call vote on above motion: Yea - McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger, Helberg Nay-
McColley	McColley said he has had many calls about the motion detectors at Maumee & Riverview. People think they are red light cameras. He asked that something be put in the newspaper stating that they are motion detectors. Bisher said he received several calls too. We would have notices posted if we were using red light cameras.
Sheaffer	Sheaffer asked the <i>Review of Net Metering Policy</i> be referred to the Electric Committee and BOPA for clarification. President Helberg referred <i>Review of Net Metering Policy</i> to the January meeting of BOPA & Electric.
Lankenau	Lankenau – no items
Hayberger	Hayberger requested a short Executive Session for personnel.
Bisher	Bisher said he and Heath have been working on options for evaluating the electric department. Hometown Connections made a proposal. They are about the same price as John Courtney on this. Heath and Bisher will bring the information to Council after the first of the year. Helberg said he will meet Wednesday night at 7:00 PM with the performance audit group. He asked Bisher to give him a list of what items (no numbers) the other two companies are estimating so Council can compare apples to apples. It was agreed that Mayor Behm and Helberg will attend this meeting to avoid a quorum of Council or Committee.
	Bisher reported that the Solar Energy Industry Association will come here tomorrow to present an award to the City for being the largest small community for solar power in the United States. There will be a bus tour starting at 7:30 am at Isofoton, going to Alex Products, then Campbells solar field, the City's solar field, and back to Isofoton for a tour, award presentation and light lunch.

Approval Of Bills	Bills and reports stand approved as presented with no objections.
Motion To Go Into	Motion: Ridley Second: McColley
Executive Session	To go into Executive Session to discuss personnel
Passed	Roll call vote on above motion:
Yea-7	Yea - McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger, Helberg
Nay-0	Nay-
Into Executive Session	Council went into Executive Session at 8:03 PM
Motion To Come Out	Motion: Lankenau Second: Sheaffer
Of Executive Session	To come out of Executive Session
Passed	Roll call vote on above motion:
Yea-7	Yea- McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger, Helberg
Nay-0	Nay-
Out Of Executive Session	Council came out of Executive Session at 8:59 PM. President Helberg reported that the discussion was regarding personnel and no action was taken.
Motion To Adjourn	Motion: Lankenau Second: Sheaffer To adjourn the meeting.
Passed	Roll call vote on above motion:
Yea –7	Yea- McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger, Helberg
Nay -0	Nay-
Adjournment	Meeting adjourned at 9:00 PM. John A. Helberg, Council President
Approved:	Ronald A. Behm, Mayor
January 7, 2013	Gregory J. Heath, Finance Director/Clerk of Council

RESOLUTION NO. 001-13

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE HOUSING REVOLVING LOAN FUND AGREEMENT BETWEEN THE STATE OF OHIO, DEVELOPMENT SERVICES AGENCY AND THE CITY; AND DECLARING AN EMERGENCY

WHEREAS, the Office of Community Development ("OCD") administers the federal Community Development Block Grant Program ("CDBG") and the Home Investment Partnerships (HOME) Program for the State of Ohio; and,

WHEREAS, the City has been determined an eligible recipient of CDBG and/or Home funds; and,

WHEREAS, the Grantor of the funds has recognized the positive impact on community development initiatives when the use of program income is locally determined; and,

WHEREAS, the Grantor has permitted the establishment of Housing Revolving Loan Funds within local political subdivisions to meet the primary goals of: 1) Improving the affordable housing stock; and, 2) Providing for affordable housing needs of low and moderate income persons of the Housing Revolving Loan Fund; Now Therefore,

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

Section 1. That, the Council of the City of Napoleon hereby approves the Agreement between the State of Ohio, Department of Development and the City of Napoleon known as the "Housing Revolving Loan Fund Administration Agreement" as currently on file with the office of the City Finance Director to cover the period of January 1, 2013 through December 31, 2015; moreover, the City Manager in and for the City is authorized to execute the same.

Section 2. That, the Council of the City of Napoleon hereby understands and agrees that participation in the program will require compliance with program guidelines and assurances.

Section 3. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including 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 Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the

earliest possible time to allow for timely execution of an agreement that will provide housing to low and moderate income families, housing necessary for the immediate preservation of the public peace, health or safety of our citizens; 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.

Passed:					
		John A. He	lberg, C	ouncil President	
Approved:					
		Ronald A.	Behm, N	layor	
VOTE ON PASSAGE:	Yea	Nay		_ Abstain	
ATTEST:					

Gregory J. Heath, Clerk/Finance Director

the State of Ohio pertaining to Public Meetings.

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 001-13 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of ______, ____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of

Gregory J. Heath, Clerk/Finance Director

ORDINANCE NO. 002-13

AN ORDINANCE AMENDING CHAPTER 955 OF THE CODIFIED CODE OF THE CITY OF NAPOLEON TO ADJUST THE RECREATIONAL FEES AND TO ESTABLISH RECREATION PROGRAM PARTICIPATION FEES

WHEREAS, the overall year 2013 proposed City budget has been reviewed by the City administration and said administration deems it imperative that park and recreational fees be adjusted and participation fees be established in an effort to avoid the cutting of programs and/or services; and,

WHEREAS, the matter has been presented to the Parks and Recreation Board where the Board, acting in its advisory capacity, did recommend an increase in current park and recreational fees and the establishment of participation fees; and,

WHEREAS, this Council has considered all recommendations, and given the total economic climate of the City, now deems appropriate that participation fees be established as well as an increase in current park and recreational fees as recommended by the Board; Now Therefore,

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

Section 1. That, Section 955.09 of the City of Napoleon's Codified Code is hereby amended and enacted as follows:

"955.09 GOLF PRIVILEGE FEES.

Golf privilege fees for the municipal golf course shall be as follows:

(a) Adult person annual golf privilege card fee:

Resident:	\$290.00	\$270.00
Nonresident:	\$350.00	\$330.00

Each immediate family member of a person holding a valid annual golf privilege card to the municipal golf course may be included thereon for an additional annual amount of 220.00 (for resident) and 220.00 (for non-resident). An annual family golf privilege card which includes one adult person, the adult person's spouse, and all children meeting the definition of the immediate family that are between the ages of 6 and 11 years old at time of purchase, shall be at the rate of 550.00.

(b) Student annual golf privilege card fee:

Resident:	\$160.00	\$140.00
Non-Resident:	\$200.00	\$180.00

(c) Senior citizen annual golf privilege card fee:

Resident:	\$240.00	\$220.00
Non-Resident:	\$270.00	\$250.00

A spouse of a senior citizen who purchased an annual golf privilege card from the municipal golf course, regardless of age, may be included on the annual golf privilege card for an additional **\$160.00** *\$140.00* (for resident) and **\$180.00** *\$160.00* (for non-resident).

(d) To utilize privileges under an annual golf privilege card, fees shall be paid in full before a person plays golf on the course for the season (unless greens fees are paid). Upon full payment of an annual golf privilege card, a person may play golf on the course for the remainder of the season, without paying an additional greens fee.

(e) All applications for an annual golf privilege card shall be presumed nonresident applications and considered as such until "resident" status is established by the person applying for an annual golf privilege card. Establishment of residency shall be in accordance with the policy established and adopted by the Parks and Recreation Board and approved by motion of Council. Any person purchasing an annual golf privilege card as a non-resident may, within twenty days from date of purchase, obtain a refund for the difference in cost between resident and non- resident should a change in status be established.

(f) Daily greens fees shall be as follows:

(1) <u>Generally</u>. <u>Weekdays:</u>

9 holes 18 holes	\$11.00 \$15.00	\$9.00 \$13.00
Saturday, Sun	day and nationa	ally recognized holidays:
9 holes 18 holes	\$13.00 \$17.00	\$11.00 \$15.00
(2) <u>Junior</u> <u>Weekd</u>	<u>Greens Fees</u> . l <u>ays</u> :	
9 holes 18 holes	\$5.00 \$10.00	
Weeke	nds and Nation	ally Recognized Holidays:
9 holes 18 holes	\$7.00 \$14.00	

PREPAID DISCOUNT CARD FOR GREENS FEES

9 HOLES, FOR TEN ROUNDS **\$85.00 \$75.00**

(g) Fee for motorized cart use shall be as follows:

(1) Motorized cart fee - The privilege of using a non-City motorized cart on the course is restricted to persons holding a valid annual golf privilege card. The cart shall be used only by the holder of such card or his or her immediate family, and guests accompanied by the holder or a member of the holder's immediate family. The annual privilege fee is \$210.00 with an additional \$20.00 being charged if the motorized cart is electrically powered.

(2)	Motorized cart rental	9 holes	\$6.00 per person with a maximum of two carts
(3)	Motorized cart rental	18 holes	per group. \$9.00 per person with a maximum of two carts per group.

(4) PREPAID DISCOUNT MOTORIZED CART RENTAL FOR 10 ROUNDS OF 9 HOLES

\$45.00 \$50.00 PER PERSON

- (h) Pull cart fee shall be as follows:
 - (1) Pull fee No charge for using one's own cart
 - (2) Pull cart rental \$ 1.50 (up to 18 holes)
- (i) Golf clubs rental \$ 2.00 (up to 18 holes)

(j) Greens privilege fee and cart use fee shall be for the golfing season from April 1 through October 31, both dates inclusive. The City has the right to close the course at anytime for special events, unplayable conditions, or for other cause deemed appropriate by the Parks and Recreation Department.

(k) The daily greens fee and daily cart rental fees during "off peak times" of the annual golf season for promotional reasons shall be reduced in an amount of thirty percent (30%) of the herein established rates. What constitutes and is declared "off peak times" is in the sole discretion of the Parks and Recreation Director.

(1) Discounts shall apply to senior citizens as follows: \$3.00 off regular greens fees and \$2.00 off per person motorized cart rentals, both during the times of 8:00 a.m. through 1:00 p.m. on days of weekdays only, excluding nationally recognized holidays.

(m) Nothing in this section shall be construed as to limit City Council's authority to adjust daily, weekly, monthly or annual rates."

Section 2. That, Section 955.10 of the City's Codified Code is hereby amended and enacted as follows:

" 955.10 SHELTER HOUSE/ COMMUNITY CENTER RATES.

(a) Shelter house rentals shall be as follows:

Rental Times	Ritter	Ritter	Wayne	Wayne
	(Weekday)	(Weekend)	(Weekday)	(Weekend)

9:00 a.m. - 12:00 p.m. **\$25.00 \$35.00 \$30.00 \$40.00 \$20.00\$30.00 \$25.00 \$35.00**

1:00 p.m 5:00 p.m.	25.00	<i>35.00</i> 30.00	40.00	20.00 30.00	25.00	35.00
9:00 a.m 5:00 p.m -	-30.00	40.00 35.00	<i>45.00</i>	25.00 35.00	30.00	40.00
6:00 p.m 11:00 p.m.	30.00	40.00 35.00	<i>45.00</i>	25.00 35.00	30.00	40.00
1:00 p.m 11:00 p.m.	35.00	45.00 40.00	50.00	30.00 40.00	35.00	45.00
9:00 a.m 11:00 p.m	40.00	50.00 45.00	<i>55.00</i>	35.00 45.00	40.00	50.00

Weekend rates will also apply on all City observed holidays; no proration of fees permitted.

Due at time of making reservation is a non-refundable \$5.00 application fee and a \$50.00 security deposit. The security deposit is refundable upon the facility being cleaned, not damaged and the timely return of all keys, except that in the event that a cancellation occurs less than 7 days prior to the reserved date; then the rental amount shall be forfeited to the City and deducted from the security deposit, not to exceed \$50.00. Any monies to be returned to the tenant will be paid within 30 days after the rental date.

(b) Rental of the Community Center at Oberhaus Park shall be as follows:

RENTAL TIMES	Weekday	Weekend
9:00 a.m 12:00 p.m.	\$40.00 <i>\$50.00</i>	\$50.00
1:00 p.m 5:00 p.m.	50.00 60.00	60.00 70.00
9:00 a.m 5:00 p.m.	70.00 80.00	80.00 90.00
6:00 p.m 11:00 p.m.	70.00 80.00	80.00 90.00
1:00 p.m 11:00 p.m.	80.00 90.00	90.00 <u>100.00</u>
9:00 a.m 11:00 p.m.	100.00 110.00	110.00 120.00

Weekend rates will also apply on all City observed holidays; no proration permitted.

Due at time of making reservation is a non-refundable \$5.00 application fee and a \$50.00 security deposit. *FULL AMOUNT OF RENTAL IS DUE WHEN PICKING UP THE KEY.* The security deposit is refundable upon the facility being cleaned, not damaged and the timely return of all keys, except that in the event that a cancellation occurs less than 7 days prior to the reserved date, then the rental amount shall be forfeited to the City and deducted from the security deposit, not to exceed \$50.00. Any monies to be returned to the tenant will be paid within 30 days after the rental date.

(c) Notwithstanding any other provision of these Codified Ordinances, the use of the Community Center at Oberhaus Park by the Napoleon based Rotary and Lions Club shall be pursuant to the terms and conditions established by separate agreement between the clubs and the City. Priority in reservation may be given to the clubs by the Parks and Recreation Director absent any provision in the agreement.

(d) Except as provided herein, reservations shall only be made in the calendar year the facility is intended to be reserved. During the month of December in the

preceding year, residents, as defined in this chapter, shall be permitted to reserve dates for the following year.

(e) Terms and conditions of any rental agreement shall be established by the City Manager and approved as to form and correctness by the Law Director."

Section 3. That, Section 955.16 of the City of Napoleon's Codified Code is hereby amended and enacted as follows:

"MUNICIPAL SWIMMING POOL

955.16 SWIMMING POOL ADMISSION.

(a) The annual swim admission card for the Municipal Swimming Pool shall be as follows:

(1)	Family annual swim admission card fee:		
	Resident:	\$100.00	
	Nonresident:	\$125.00	
(2)	Adult individual and	nual swim admission card fee:	
	Resident:	\$70.00	
	Non-resident:	\$80.00	
(3)	Child individual and	nual swim admission card:	
	Resident:	\$60.00	
	Non-resident:	\$70.00	
(4)	Senior citizen annua	al swim admission card fee:	
	Resident:	\$50.00	
	Non-resident:	\$60.00	

(b) The daily swim admission fee for the Municipal Swimming Pool shall be as follows:

- Daily admission fee for children: \$2.50 each.
- (2) Daily admission fee for adults: \$3.00 each.

(c) The Director of Parks, Recreation and Cemeteries is authorized to establish up to six special pool events per season on which a reduced daily recreation admission fee could be offered on a per person or per family basis.

(d) Annual swim admission cards are seasonal and are valid in the summer season of each year during hours as determined by the Parks and Recreation Department.

(e) Pool facility exclusive use rental under terms and conditions and times as established and AUTHORIZED by the Parks and Recreation Director (SUBJECT TO SPECIFIC APPROVAL AND TERMS AS SET BY THE PARKS AND RECREATION DIRECTOR, ADDITIONALLY, PARKS AND RECREATION DIRECTOR RESERVES THE RIGHT TO DENY RENTAL FOR ANY REASON):

(1) **\$150.00 each event** SATURDAY OR SUNDAY EVENING FROM 6-9 PM: \$150.00

(2) ALL DAY FRIDAY, SATURDAY, AND SUNDAY: \$500

(f) Nothing in this section shall be construed as to limit City Council's authority to adjust daily, weekly, monthly or annual rates.

Section 4. That, Section 955.19 of the Codified Ordinances of the City of Napoleon be established and set forth as follows:

"955.19 RECREATION PROGRAM PARTICIPATION FEES

(A) RATES (PER PARTICIPANT):				
ACTIVITY	(RATES)	RESIDENT	NONRESIDENT	
TEE BALL		<i>\$20</i>	\$30	
YOUTH LITTLE LEAG	UE	<i>\$20</i>	\$30	
JUNIOR LITTLE LEAG	UE	<i>\$20</i>	\$30	
HENRY CO. BANK LGI	E. SOFTBALL	<i>\$20</i>	\$30	
ROOKIE LEAGUE SOF	TBALL	<i>\$20</i>	\$30	
MINOR LEAGUE SOFT	TBALL	<i>\$20</i>	\$30	
MAJOR LEAGUE SOF	FBALL	<i>\$20</i>	\$30	
LITTLE CATS BASKET	BALL	<i>\$20</i>	\$30	
WILD KITTENS BASKI	ETBALL	<i>\$20</i>	\$30	
KIDDY CATS BASKET	BALL	<i>\$20</i>	\$30	
FLAG FOOTBALL		<i>\$20</i>	\$30	
INTRAMURAL BASKE	TBALL	<i>\$20</i>	\$30	
TENNIS LESSONS/LEA	GUE	<i>\$20</i>	\$30	
SOCCER		<i>\$20</i>	\$30	
SAFETY CITY		<i>\$10</i>	\$15	

(B) REDUCED RECREATION PROGRAM USER FEE POLICY: THE CITY OF NAPOLEON PARKS AND RECREATION DEPARTMENT, AS PART OF ITS CONTINUED GOAL OF OFFERING RECREATION PROGRAMMING TO ALL OF ITS RESIDENTS, HAS MADE AVAILABLE THE FOLLOWING REDUCED RECREATION PROGRAM POLICY FOR THOSE FAMILIES THAT NEED FINANCIAL ASSISTANCE:

ELIGIBILITY: REDUCED FEES OR "GRANTS" ARE ALLOWABLE FOR CITY OPERATED YOUTH RECREATION PROGRAMS ONLY.

> (1) GRANTS SHALL BE CONSIDERED BASED ON AN INDIVIDUAL(S) PARTICIPATION IN THE NAPOLEON AREA

SCHOOLS DISTRICT FREE AND REDUCED LUNCH PROGRAM.

(A) VERIFICATION OF ENROLLMENT IN THE PROGRAM WILL BE THROUGH THE ASSISTANCE OF THE NAPOLEON AREA SCHOOLS.

(B) AUTHORIZATION MUST BE GIVEN BY THE APPLICANT FOR THE NAPOLEON AREA SCHOOLS TO RELEASE FREE/REDUCED LUNCH PROGRAM INFORMATION TO THE CITY OF NAPOLEON. CONSIDERATION FOR GRANTS WILL NOT BE GIVEN IF AUTHORIZATION IS NOT RECEIVED.

(C) APPLICATION FOR GRANTS SHALL BE SUBMITTED AT THE CITY OF NAPOLEON OFFICES AT THE TIME OF PROGRAM REGISTRATION.

(D) ALL REQUESTS FOR GRANTS MUST BE SUBMITTED ON THE APPROPRIATE APPLICATION FORM

(E) EACH APPLICATION SHALL BE CONSIDERED INDIVIDUALLY. COMPLETION OF THE APPLICATION DOES NOT AUTOMATICALLY ENSURE APPROVAL OF FEE REDUCTION.

(F) APPLICANTS SHALL BE NOTIFIED OF THEIR STATUS PRIOR TO THE START OF THE PROGRAM

(2) IF APPLICATION IS APPROVED FAMILIES (PARENTS OR GUARDIANS) WHO HAVE BEEN APPROVED FOR THE GRANT SHALL BE REQUIRED TO PAY 25% OF THE CURRENT RECREATION PROGRAM RATE IF THEY ARE ENROLLED IN THE FREE LUNCH PROGRAM. FAMILIES SHALL BE REQUIRED TO PAY 50% OF THE CURRENT RECREATION PROGRAM RATE IF THEY ARE ENROLLED IN THE REDUCED LUNCH PROGRAM. THE APPROPRIATE FEE MUST BE PAID TO THE CITY PRIOR TO THE START OF THE PROGRAM.

(A) FAILURE TO PAY WILL DISQUALIFY THE APPLICANT FOR PARTICIPATION OF THE REDUCED PROGRAM FEE PROGRAM. PARTICIPATION IN THE RECREATION PROGRAM IS STILL ALLOWED AT THE REGULAR PROGRAM RATE. (B) ONLY TWO (2) REDUCED FEE GRANTS SHALL BE AWARDED PER PERSON, PER YEAR.

(C) IF A GRANT RECIPIENT CANCELS HIS/HER PARTICIPATION IN THE RECREATION PROGRAM WITHOUT A BONA FIDE REASON (INJURY, ILLNESS, ETC.) THE GRANT MAY NOT BE TRANSFERRED TO ANOTHER PROGRAM OR ACTIVITY IN THAT YEAR. THAT INDIVIDUAL WILL NOT BE PERMITTED TO ANY SUBSEQUENT APPLICATION REQUESTS DURING THAT YEAR. THIS SHALL BE DETERMINED SOLELY BY THE PARKS AND RECREATION DIRECTOR.

(3) RECREATION PROGRAM REGISTRATION FORM MUST STILL BE COMPLETED

(4) ONLINE REGISTRATION IS NOT AVAILABLE FOR THE REDUCED FEE PROGRAM

(5) ADDITIONAL COSTS NOT ASSOCIATED WITH THE CITY'S RECREATION PROGRAM PARTICIPATION FEE MAY STILL APPLY (SUPPLIES, EQUIPMENT, ETC.)

Section 5. That, Sections 955.09, 955.10 and 955.16 of the Codified Ordinances, as existed prior to the enactment of this Ordinance, are repealed.

Section 6. 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 7. 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, upon passage, this Ordinance shall take effect at the earliest time permitted by law.

Passed: _____

John A. Helberg, Council President

Approved: _____

Ronald A. Behm, Mayor

VOTE ON PASSAGE _____ Yea ____ Nay ____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. ______ was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, ____; & I further certify the compliance with rules established in Chapter 103 of the

_____; & 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.

Gregory J. Heath, Clerk/Finance Director

Memo

To:City Council & Jon Bisher, City ManagerFrom:Matt Bilow, Wastewater SuperintendentScott Hoover, Water SuperintendentDate:December 20, 2012Re:2013 Annual Chemical Bids

On December 19, 2012 bids were opened for the Chemicals that will be used at the Water and Wastewater Plants for the 2013 operational year. There were a total of 12 bids submitted. After reviewing the bids and specifications, we would like to recommend that the 2013 Chemical Bids be awarded to the following companies as the lowest and best:

<u>Chemical</u>	Bid	Current Cost	<u>Difference</u>
Lime	Huron Lime @ \$154.00/ton	\$149.00/ton	+\$5.00/ton
Alum	General Chemical @ \$1.06/gal.	\$1.08/gal.	-\$0.02/gal
KMnO4	Bonded Chemical @ \$2.985/lb.	\$3.00/lb.	-\$0.015/lb
Chlorine	Bonded Chemical @ \$0.50/lb.	\$0.544/lb.	-\$0.044/lb.
Phosphate	Bonded Chemical @ \$1.02/lb.	\$1.10/lb.	- \$0.08/lb.
Fluoride	Bonded Chemical @ \$0.484/lb.	\$0.487/lb.	-\$0.003/lb.
Carbon	Bonded Chemical @ \$0.98/lb.	\$0.824/lb.	+0.156/lb.
Soda Ash	Bonded Chemical @ \$360.00/ton	\$375.40/ton	-\$15.40/ton
Liquid CO2	Airgas @ \$109.00/ton	\$114.50/ton	-\$5.50/ton
Rock Salt	Cargill @ \$110.00/ton	\$123.00/ton	-\$13.00/ton

If you have any questions concerning the chemical bids, please feel free to contact either of us about this.

****NOTE:** These bids are within the 2013 Chemical Budget.

<u>Company</u>	Pebble Lime <u>Cost/Ton</u>	Liquid Chlorine <u>Cost/lb.</u>	Powderd Activated Carbon <u>Cost/lb.</u>	Sodium Tri- Polyphosphate <u>Cost/lb.</u>	Potassium Permanganate (KMnO4) <u>Cost/lb.</u>	Soda Ash <u>Cost/Ton</u>	Sodium Silicofluoride <u>Cost/lb.</u>	Aluminum Sulfate <u>Cost/gal.</u>	Liquid Carbon Dioxide <u>Cost/Ton</u>	Rock Salt <u>Cost/Ton</u>
Huron Lime	<u>\$154.00</u>									
Sal Chemical			\$1.510	\$1.22		\$392.09	\$0.486			
Cargill Salt										<u>\$110.00</u>
<u>Airgas</u>									<u>\$109.00</u>	
Continental Carbonic									\$128.00	
Shannon Chemical				\$1.07						
General Chemical								<u>\$1.06</u>		
Carmeuse	\$167.92									
Bonded Chemical		<u>\$0.50</u>	<u>\$0.98</u>	<u>\$1.02</u>	<u>\$2.985</u>	<u>\$360.00</u>	<u>\$0.484</u>			
PVS Nolwood				\$1.30			\$0.550	\$1.165		
EPCO Carbon Dioxide									\$200.00	
Mississippi Lime	\$210.33									
Rock Salt (State Bid)										\$123.00
Low Bid Current Cost Difference +/-	\$154.00 \$149.00 \$5.00	\$0.50 \$0.544 -\$0.044	\$0.98 \$0.824 \$0.156	\$1.02 \$1.10 -\$0.08	\$2.985 \$3.00 -\$0.015	\$360.00 \$375.40 -\$15.40	\$0.484 \$0.487 -\$0.003	\$1.06 \$1.08 -\$0.02	\$109.00 \$114.50 -\$5.50	\$110.00 \$123.00 -\$13.00
Total Estimated cost	\$64,218.00	\$5,475.000	\$18,468.100	\$3,358.86	\$14,363.82	\$9,000.00	\$2,431.132	\$127,200.00	\$5,722.50	\$46,750.00
Increase/Decrease for 2013	\$2,085.00	-\$481.80	\$2,939.82	-\$263.44	-\$72.18	-\$385.00	-\$15.07	-\$2,400.00	-\$288.75	-\$5,525.00
Total Est. Decrease for 2013	-\$4,406.42									
Total Est. Decrease for Water	-\$2,806.419		NOTE: Low	bid in <mark>Red</mark>						
Total Est. Decrease for Wastewater	-\$1,600.000									



City of Napoleon, Ohio

Department of Public Works

255 West Riverview Avenue, P.O. Box 151 Napoleon, OH 43545 Chad E. Lulfs, P.E., P.S., Director of Public Works Telephone: (419) 592-4010 Fax: (419) 599-8393 www.napoleonohio.com

Memorandum

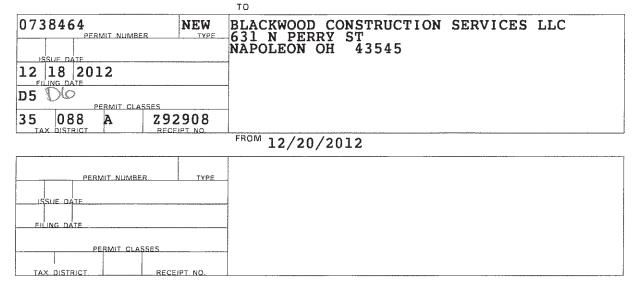
To: From:	Dr. Jon A. Bisher, City Manager Chad E. Lulfs, P.E., P.S., City Engineer
<i>cc</i> :	Mayor & City Council Greg Heath, City Finance Director
Date: Subject:	January 7, 2013 Haley Avenue Interceptor I/I Reduction Project (L.T.C.P. Project No. 17B)

The City of Napoleon's Department of Public Works requests approval of the plans and specifications for the Haley Avenue Interceptor I/I Reduction Project (L.T.C.P. Project No. 17B). This project consists of replacing the storm and sanitary sewers on Riverview Avenue from Haley Avenue to Glenwood Avenue. This project is partially funded through a grant from the Ohio Public Works Commission.

Engineer's Estimate of Construction: \$800,000.00. Budgeted amount for this project: \$800,000.00. O.P.W.C. Grant Amount: \$325,000.00

CEL

NOTICE TO LEGISLATIVE AUTHORITY





MAILED	12/20/2012	RESPONSES MUST E	E POSTMARKED N	O LATER	THAN. 0	1/22/2013	
		IMPORT/	NT NOTICE				
PLEASE	COMPLETE AND RETUR	N THIS FORM	TO THE DIVIS	SION OF	= LIQUOF	CONTROL	
	<u>IER OR NOT</u> THERE IS A TO THIS NUMBER IN ALI			A	NEW	0738464	
				ANSACTION			
	(<u>M</u>	UST MARK ON	OF THE FO	LLOWI	NG)		
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) NOT REQUEST A HEAR U MARK A BOX? IF		L BE CONSIE	DERED /	A LATE F	RESPONSE.	
PLEASE	PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:						
(Signatu	re)	(Title)-	Clerk of County (Commission	ıer	(Date)	
			Clerk of City Cou	incil			
			Township Fiscal O	Ifficer			
	255 W RIVERVIEW	О <mark>N</mark> СІТУ СОЦ АV 43545	INCIL				

FOR OFFICE USE ONLY TRANSFER NEW

54124

PERMIT #

OHIO DEPARTMENT OF COMMERCE - DIVISION OF LIQUOR CONTROL 6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005

Telephone: (614) 644-2431 - http://www.com.ohio.gov/liqr

LIMITED LIABILITY COMPANY DISCLOSURE FORM

(This form must accompany all applications of an LLC business entity)

SECTION A. (This form must accompany all applications of an LLC dusiness entry)		23	
Name of Limited Liability Company BLACK WOOD CUNSTRUCTION SERVICES, LL	DBA Name		9 COH
Permit Premises Address 631 N, PERRY	City State NAPOLEON, OHIO	Zip Code 5. 4355	TROL
Township, if in Unincorporated Area	Tax Identification No (TIN) 31-1678520		

Limited Liability Company ("LLC") - Chapter 1705 Ohio Revised Code. Indicate below the managing members. LLC Officers, and all persons with a 5% or greater membership or voting interest and attach a copy of the Articles of Organization filed with the Ohio Secretary of State.

Please be advised that any social security numbers provided to the Division of Liquor Control in this application may be released to the Ohio Department of Public Safety, the Obio Department of Taxation, the Obio Attorney General, or to any other state or local law enforcement agency if the agency requests the social security number to conduct an investigation, implement an enforcement action, or collect taxes.

SECTION B. List the top five (5) officers of the captioned business If an office is NOT held, please indicate by writing NONE. 🔊 EACH OFFICER LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY

NAME OF OFFICER	SOCIAL SECURITY NUMBER	DATE OF BIRTH
I) CEO ALBERT J, BLACKWOOD		04-01-1948
2) President		
3) Vice-President		
4) Secretary		
5) Treasurer		

SECTION C. List the managing members and all persons with a 5% or greater membership or voting interest in the LLC.

THE INDIVIDUALS LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191.

1) Name ALBERT J. BLACKWOOD	Social Security No. (if individual	- X Managing Member
Residence Address 25E74 W. RIVER	Tax Identification No (if applicable)	5% or greater voting interest
City and State PERRYSBURG, OHIO	Zip Code 43551	
Telephone No 419-467-E393	Date of Birth 04-01-1948	
2) Name	Social Security No. (if individual)	Managing Member
Residence Address	Tax Identification No (if applicable)	5% or greater voting interest
City and State	Zip Code	
Telephone No	Date of Birth	

(PLEASE SEE REVERSE SIDE SHOULD YOU NEED ADDITIONAL SPACE)

STATE OF OHIO,	COUNTY ss,		
I ALBERT BLAMWOOD	being first duly sworn, according to	law, deposes and says that he/she is (Title)_	MANAGINE MEMBE
of the BLANGWOW CONSTRUCTION SERVIC	$\underline{\mathcal{L}}$, a business duly authorized by law to d	o business in the State of Ohio, and that the s	tatements made in the
forgoing affidavn are true			
(Signature) / MMM	(Prim Name and Title)	MANALING MEMBER	
Sworn to and subscribed in my presence this	day of July	<u> </u>)//

MELISSA BELL Notary Public, State of Ohio

My Compassion Edites 12-04-2012

DLC 4032

(Notary Expiration)

AGENDA ASSIGNMENT SUGGESTIONS

- 1. Schedule Safety & Human Resources Committee meetings with Townships for March 25, July 22 and November 25, 2013.
- 2. Assign "Review of EMS Costs and Revenues" to the Safety & HR Committee meetings with Townships.
- 3. Assign "Review of Electric Billing Determinants" and "Electric Department Report" to the monthly meetings of the Electric Committee and BOPA.
- 4. Assign "Review Updated Information from Staff on Economic Development" to the Municipal Properties, Buildings, Land Use & Economic Development Committee on an "as needed" basis.

MPARD Donation 220.4400.44350 \$ 100.00 0K# 1349 Junice + marvin Rabe

JANICE I. RABE MARVIN K. RABE 1160 Chelsea Ave.		22
Napoleon, OH 43545	12-20-1	<u>Date</u>
Pay to the Acpoleo	n Parks & Recleation	5 /0000
One hundre	Land no/100	Dollars (1) Besturies Definition

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CITY OF NAPOLEON, OHIO Notice of Regular and Organizational Meetings of each Municipal Body – revised as of January 2013

- 1. **City Council** is scheduled to meet regularly at 7:00 PM on the First and Third Monday of each calendar month at the Municipal Building.
- 2. Technology & Communications Committee is scheduled to meet regularly at 8:00 PM on the First Monday of each calendar month.
- **3. Electric Committee** is scheduled to meet regularly at 6:30 PM on the Second Monday of each calendar month.
- 4. Water, Sewer, Refuse, Recycling & Litter Committee is scheduled to meet regularly at 7:00 PM on the Second Monday of each calendar month.
- 5. Municipal Properties, Buildings, Land Use & Economic Development Committee is scheduled to meet regularly at 7:30 PM on the Second Monday of each calendar month.
- 6. Parks and Recreation Committee is scheduled to meet regularly at 8:00 PM on the Third Monday of each calendar month.
- 7. Finance and Budget Committee is scheduled to meet regularly at 6:30 PM on the Fourth Monday of each calendar month.
- 8. Safety and Human Resource Committee is scheduled to meet regularly at 7:30 PM on the Fourth Monday of each calendar month.
- **9. Board of Public Affairs** is scheduled to meet regularly at 6:30 PM on the Second Monday of each calendar month.
- **10. Board of Zoning Appeals** is scheduled to meet regularly at 4:30 PM on the Second Tuesday of each calendar month.
- **11. Planning Commission** is scheduled to meet regularly at 5:00 PM on the Second Tuesday of each calendar month.
- **12. Tree Commission** is scheduled to meet at 6:00 PM on the Third Monday of each calendar month.
- **13. Civil Service Commission** is scheduled to meet regularly at 4:30 PM on the Fourth Tuesday of the calendar month.
- 14. Parks and Recreation Board is scheduled to meet regularly at 6:30 PM on the Last Wednesday of each calendar month.
- **15. Records Commission** is scheduled to meet regularly at 4:00 PM on the Second Tuesday of June and December.
- **16. Privacy Committee** is scheduled to meet regularly at 10:30 AM on the Second Tuesday of May and October.
- 17. Housing Council is scheduled to meet at 6:30 PM on the First Monday of April.
- 18. The Personnel Committee, Lodge Tax Advisory & Control Board, Preservation Commission, ADA Compliance Board, Board of Building Appeals, NCTV Advisory Board, Volunteer Fire Fighters' Dependents Fund Board, Tax Incentive Review Council, Housing Advisory Board, Audit Committee, Board of Review, Napoleon Infrastructure/Economic Development Fund Review Committee, and Health Care Cost Committee shall meet as needed.

NOTE: Unless otherwise specified in the posted meeting notice, all meetings shall take place at the Municipal Building located at 255 West Riverview Avenue, Napoleon, Ohio. Regularly scheduled meetings may be canceled due to lack of agenda items or prior known lack of quorum. Meetings falling on a City recognized holiday shall convene on the following day.

City of Napoleon, Ohio 2013 COUNCIL, COMMITTEES, COMMISSIONS & BOARDS Revised 1/3/2013

When a meeting date falls on a holiday, the meeting will be held the next day.

GROUP NAME M	EMBERS	MEETING DATES	TERM EXPIRATION
4 year term Ja Ja Ja P C	ohn A. Helberg, President effrey R. Lankenau, Pres. Pro-Tem Yravis B. Sheaffer ames W. Hershberger atrick M. McColley Christopher R. Ridley ason P. Maassel	1 st and 3 rd Mondays of each month at 7 PM	1/1/2016 1/1/2014 1/1/2014 1/1/2014 1/1/2016 1/1/2016 1/1/2014
MAYOR F	Conald A. Behm	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	1/1/2016
TECHNOLOGY & COMMUNICATION COMMITTEE	Jason Maassel - Chair Jim Hershberger Chris Ridley	1st Monday @ 8 PM	~~~~~~
ELECTRIC COMMITTEE	Travis Sheaffer - Chair Patrick McColley Jason Maassel	2nd Monday @ 6:30 PM	~~~~~
WATER, SEWER, REFUSE, RECYCLING & LITTER COMMITTEE	Jeff Lankenau - Chair Jim Hershberger Chris Ridley	2nd Monday @ 7 PM	~~~~~
MUNICIPAL PROPERTIES, BUILDINGS, LAND USE & ECONOMIC DEVELOPMEN COMMITTEE	John Helberg - Chair Jeff Lankenau NT Patrick McColley Ron Behm, Mayor	2nd Monday @ 7:30 PM	~~~~~
PARKS & RECREATION. COMMITTEE	Patrick McColley - Chair Jeff Lankenau Travis Sheaffer	3rd Monday @ 8 PM	~~~~~
FINANCE & BUDGET COMMITTEE	Chris Ridley - Chair John Helberg Jason Maassel Ron Behm, Mayor	4th Monday @ 6:30 PM	~~~~~~
SAFETY & HUMAN RESOURCES COMMITTEE	Jim Hershberger - Chair Travis Sheaffer John Helberg	4th Monday @ 7:30 PM	~~~~~~
PERSONNEL COMMITTEE	John Helberg Jeff Lankenau Ron Behm, Mayor	As needed	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

BOARD OF PUBLIC AFFAIRS (per Charter 5.04) 3 year term Appointed by Mayor	Keith Engler - Chair Dr. David Cordes Mike DeWit	2nd Monday @ 6:30 PM	1/1/2014 1/1/2016 1/1/2015
BOARD OF ZONING APPEALS (per Charter 5.03) 5 year term Appointed by Mayor At least one shall be a member of the Planning Commission	Bob McLimans - Chair David Dill Laurie Sans Tom Mack Steve Small	2nd Tuesday @ 4:30	1/1/2014 1/1/2016 1/1/2017 1/1/2018 1/1/2015
PLANNING COMMISSION (per Charter 5.02) 6 year term Mayor and four citizens Appointed by Mayor	Bob McLimans - Chair Kevin Yarnell Fredric Furney Tim Barry Ron Behm, Mayor	2nd Tuesday @ 5 PM	1/1/2018 1/1/2014 1/1/2015 1/1/2017 Term of Office
 TREE COMMISSION (per 169.02) 4 year term 5 members appointed by Mayor 1 Council member appointed by Pres. of Council (ex-officio voting member) 	David Volkman - Chair Vacant Bill Rohrs Ron Bahler Kirk Etzler Jason Maassel, Council Repu	3 rd Monday @ 6:00 PM	1/1/2017 1/1/2017 1/1/2017 1/1/2014 1/1/2016 Term of Office
CIVIL SERVICE COMMISSION (per Charter 5.01) 6 year term Appointed by Mayor, Not more than two of	David F. Meekison (D) – Ch Mike Flory (I) Ellsworth Mitchell (R) one party	nair 4th Tuesday@4:30 PM	1/1/2016 1/1/2018 1/1/2014
PARKS & RECREATION BOARD (per Charter 5.06) 3 year term Appointed by the Mayor	Matt Hardy - Chair Mike Saneholtz David Prigge Peg Funchion Chad Richardson Shawn Thompson Aaron Schnitkey	Last Wednesday of each month @ 6:30PM	1/1/2015 1/1/2016 1/1/2014 1/1/2015 1/1/2015 1/1/2015 1/1/2014
HOUSING COUNCIL (per Ord. 120-00) 3 year term Two appointed by Mayor Two appointed by Council One appointed by Planning Commission Two appointed by Housing Council	Patrick McColley – Chair Christopher Ridley Glenn Miller Travis Sheaffer Kevin Yarnell Cheryl Hershberger Joel Miller	1 [*] Council meeting day following the annual CIC Board meeting at 6:30 PM	8/1/2014 8/1/2014 8/1/2014 8/1/2014 9/13/2014 10/17/2014 10/17/2014
PRIVACY COMMITTEE (Per Ord. 083-08) 6 year term Experience in Customer Service, Accounting, Information Systems/Technolog	Christine Peddicord - Chair Gloria Mikolajczak Robert Weitzel gy, Human Resources, Senior Manas	October @ 10:30 AM	1/1/2016 1/1/2014 1/1/2018

RECORDS COMMISSION (per 173.0	1) Ron Behm, Mayor - Chair	2nd Tuesday of June &
AKA Records Retention Committee	Jon Bisher, City Manager	December @ 4 PM
Mayor - Chair	Trevor Hayberger, Law Directo	r
Finance Director, City Manager,	Greg Heath, Finance Director	
Law Director & 1 Citizen	George Schmidt, Citizen 5	year term

HEALTH CARE COST	Mike Foreman, Police – Chair	As needed
COMMITTEE	Jamie Mendez, Police	}
(per Ordinance No. 063-05)	Chad Lulfs, Non-Bargaining	<pre></pre>
Ş	Mary Thomas, Non-Bargaining	5
	Eric Rohrs, Fire	<pre>></pre>
2	Joel Frey, Fire	<pre></pre>
	Leonard Durham, AFSCME	<pre></pre>
	Roger Eis, AFSCME	
}	Greg Heath, Administration	}
Ş	Jon Bisher, Administration	<pre></pre>

Travis Sheaffer - Chair	As needed	1/1/2014
Jim Hershberger		1/1/2014
Scott Palmer		1/1/2014
Tonya Walker		1/1/2014
Ellsworth Mitchell		1/1/2014
	Jim Hershberger Scott Palmer Tonya Walker	Jim Hershberger Scott Palmer Tonya Walker

\langle	PRESERVATION COMMISSION	Kelly Wallace - Chair	As needed
<	(per 181.01)	Ed Peper	
<	5 year term - Appointed by Council	Marv Barlow	
2	Recommended by the Privacy Official	Glenn Miller	
	Priority given to persons who reside or own	Joel Miller	
<	Businesses in the Preservation District		
$\langle \rangle$	Goals: 1 business owner in Pres District, 1 hist	orian, 1 realtor, 1 certified engine	er, architect or landscape architect, 1 financial/broker

2	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
2	NAPOLEON INFRA-	Jon Bisher, City Manager	As needed
5			
-5	STRUCTURE/ECONOMIC	Greg Heath, Finance Director	
2	•	0	
- 2	DEVELOPMENT FUND	Glenn Miller, Acting CIC Director	
Ş	REVIEW COMMITTEE (per Resol	ution No. 030-11, included in contractua	d agreement)
₹.	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

TAX INCENTIVE REVIEW COUNCIL (per ORC 5709.85) Appointed by President of Council	Glenn Miller Travis Sheaffer	As needed	
CIC BOARD (City appointments)	Ron Behm, Elected Official	3 rd Tuesday at 4:30	1/1/2014
(per Ord. No. 017-11)	Chris Peper, Citizen	·	1/1/2015
3 year terms for citizens	Greg Beck, Citizen		1/1/2014
1 year term for elected officials	Kevin Yarnell, Citizen		1/1/2014
Appointed by the Mayor	Kelli Burkhardt, Citizen		1/1/2016
Ş	John Helberg, Elected Official		1/1/2014
	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	~~~~~
AUDIT COMMITTEE	Chris Ridley – Chair	As needed	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
(per Ord. No. 028-09)	John Helberg		Ś
Members of the Finance & Budget	Jason Maassel		le l

Ron Behm, Mayor

Committee of Council

<b>BOARD OF REVIEW</b> (per 193.12) (Income Tax Appeals) The 3 Members of the Finance & Budget Committee of Council	Chris Ridley John Helberg Jason Maassel	As needed	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
LODGE TAX ADVISORY & CONTROL BOARD (per 191.21) No term for Council & Mayor 2 year term for others Appointed by the Mayor Members: Mayor (optional), 2 Council Mem	Travis Sheaffer, Council Joel Miller, Chamber of Commerce Ron Behm, Mayor Vacancy (Parks & Recreation) Vacancy (Lodging Business) abers, 1 from Chamber of Commerce, 1 from Pa	As needed	m Lodging Busines
AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE BOARD (per 171.03) 3 year term 5 members appointed by Mayor	Richard Luzny Mike Shumaker Art Germann Kevin Yarnell Wayne Barber	As needed	1/1/2014 1/1/2014 1/1/2015 1/1/2016 1/1/2015
<b>BOARD OF BUILDING</b> <b>APPEALS</b> (per Charter 5.05) ³ year term Appointed by Mayor	Jeff Lankenau Randy Germann Greg Beck Alex Stites Philip Rausch	As needed	2/20/2015 2/20/2015 2/20/2015
NCTV ADVISORY BOARD (per City Contract No. 2009-20)	Michelle Hall John Stovcsik Travis Sheaffer Jamie Bostelman	As needed	~~~~~
HOUSING ADVISORY COMMIT (per Ordinance No. 063-05) 5 members - 4 year term Appointed by M Representing area agencies, organizations & I	Trudy Wachtman	As needed	~~~~~
<b>FAIR HOUSING BOARD</b> (per 515 3 members - 3 year term Appointed by Mayor Shall <u>not</u> be employed by the City, shall <u>not</u>	.04) Mary Jo Sands Donna Fowler Trudy Wachtman hold any elected public office, and shall <u>not</u> be a	As needed	lice
SAFETY COMMITTEE (per 197.11	l) Appointed by City Manager	As needed	~~~~~~
<b>CHARTER REVIEW COMMISSI</b> (per Charter Sect. 5.07) Five appointed by Council Two appointed b	<b>ON 7 members to be appointed in</b> by the Mayor Not more than two may be Counc		~~~~~
COUNTY/CITY GENERAL HEALTH DISTRICT	<b>Dr. Doug Lindsay</b> Appointed by the City Manager	Appointmen	it only
MAUMEE VALLEY PLANNING ORGANIZATION BOARD	<b>Ron Behm, Mayor</b> 1 Member from the City of Napoleon	Meets quarte	•

# Fw: Municipal Income Tax "Fix" is a Flub

From: "Gregory J Heath" <gheath@napoleonohio.com>

To: "Peg Miller" <pmiller@napoleonohio.com>, "Chris Peddicord" <cpeddicord@napoleonohio.com>, "Roxanne Dietrich" <rdietrich@napoleonohio.com>

Rox, for Council Packets.

-----Original Message-----From: "Jim Hoops" <jhoops@amppartners.org> To: gheath@napoleonohio.com Date: 01/04/2013 08:42 AM Subject: Municipal Income Tax "Fix" is a Flub

January 2nd, 2013

A major effort to overhaul Ohio's municipal income tax should reduce tax avoidance, guarantee a broad tax base, and ensure that those most able to pay are in fact doing so. When this issue is taken up in the next General Assembly, legislators should address those objectives.

<u>Download report</u> <u>Download summary</u> <u>Press release</u> Download Appendix A

#### Legislators should cut tax avoidance, not invite it

A major rewrite of the state law governing Ohio municipal income tax is being discussed in Columbus. A proposal to overhaul the tax - House Bill 601 - was introduced late last year, and the General Assembly will see a revised

	Key findings
•	Proposed change in state law could cost cities significant money.
•	The proposal ignores or even invites tax avoidance; preserves special carve- outs; and gives boutique arrangements to the
	wealthiest. Legislators should instead close current loopholes, prevent new tax breaks, and ensure that
	municipalities are not clobbered by a new round of tax cuts.

version after it convenes this month. A significant effort to overhaul

Ohio's municipal income tax should crack down on tax avoidance, guarantee a broad tax base, and ensure that those most able to pay are in fact doing so. In some instances, however, House Bill 601 allows tax avoidance to



01/04/13 08:48 AM

1/75]/4UNIGOV WebMail - Roxanne Dietrich <rdietrich@napoleonohio.com>

continue, or even creates new avenues to avoid the tax. When this issue is taken up in the next General Assembly, this should be corrected.

Both recent and long-term changes in Ohio's tax system have treated business favorably. Over the last generation, the business share of state and local taxes has declined substantially.[1] The biggest overhaul of the state tax system in recent decades, House Bill 66 in 2005, eliminated two major business taxes, the tangible personal property tax and the corporate franchise tax (for most companies), while creating a new tax that generates far less revenue than the two it replaced. The bill's 21 percent reduction in the personal income tax reduced taxes by that amount on business owners who pay taxes on their businesses under that tax.

The municipal income tax raises more than \$4 billion a year for Ohio cities and villages, [2] constituting the largest single source of municipal revenue. [3] Increasing the uniformity of municipal income taxes across the state is a laudable objective. Unfortunately, the legislation proposed so far leaves loopholes in the current law untouched. Rather than attempt a comprehensive examination of House Bill 601, this brief examines some of the ways that the proposal could restrain tax avoidance instead of ignoring or even inviting it.

One good example is the lack of restrictions on what are known as passive investment companies, or PICs. More than two decades ago, when George Voinovich was governor, the General Assembly restricted the practice of using these entities to avoid paying the corporate income tax. As described in a 2003 memorandum to then Tax Commissioner Thomas Zaino by Frederick Church, then an official with the Ohio Department of Taxation, these provisions restricted companies from arranging transactions structured as payments of interest or as payments for the use of intangible property to affiliated PICs in another state. Policymakers recognized that allowing them to be arranged that way permitted the companies to avoid Ohio tax (see appendix for a copy of the memo). An Ohio company might pay an affiliated passive investment company in Delaware or another state without a corporate income tax for the right to use a trademark, for instance, giving itself a deduction from Ohio tax. Yet the income of the Delaware corporation would not be taxed.[4]

The state never cracked down on such tax avoidance for the municipal income tax. Church described how this works in his 2003 memo:

"To avoid Ohio's municipal income tax, a corporation or a flow-through entity could simply pay some of its operating income as intangible property expense to another entity that could be in Ohio, or that could even be in the same city. The key here is that Ohio municipalities cannot tax intangible property income, so that the act of taking operating income and "turning it into" intangible property income makes it disappear from the Ohio municipal income tax base. The company paying the expense gets a deduction, while the company receiving the payment earns income that the municipalities cannot tax."[5]

Church estimated then that municipalities could see a revenue gain of \$27.9 million in Fiscal Year 2004 if such tax avoidance were restricted. This amount would be higher now.[6] An effort to eliminate this loophole in 2003 failed. As a result, even now, it is costing Ohio municipalities tens of millions of dollars annually, for no good reason. Inexplicably, House Bill 601 is silent on this.

Similarly, the bill says nothing about the use of related entities to avoid taxation, which the State of Ohio similarly restricted earlier. Related entities generally are entities that are at least 50 percent owned by the same owner. Suppose a group of Ohio car dealerships are all owned by the same individual, who says he lives in Florida. The dealerships contract with a partnership in Florida, owned by the same person, to provide accounting services. If the partnership charges a lot for those services, it can effectively transfer the profits from the Ohio companies to itself. Thus, the Ohio dealerships might even show losses. Meanwhile, Florida doesn't tax this income. The loophole allows a company based in an Ohio city to reduce its municipal income tax. It should be eliminated.

While aiming for uniformity, the bill also preserves special carve-outs for stock-option income and deferred compensation paid to residents of Cincinnati and Findlay. This allows wealthy executives of Procter & Gamble and Marathon Petroleum to pay less municipal income tax on their pay. This policy originated on the grounds that it allowed these cities to remain "competitive." What happened to the need for uniformity in this case? A bill seeking to make Ohio's municipal income tax more uniform should not allow special carve-outs for Ohioans who are among those most able to pay the tax.

At the same time, the bill preserves the right of Indian Hill and a handful of other municipalities to continue taxing unearned or intangible income, something that others in Ohio are not and will not be permitted to do. Unearned income includes income from dividends, interest, sales of stocks and bonds, and other sources. Indian Hill, in suburban Cincinnati, is one of Ohio's most affluent communities. According to testimony last June before House Ways & Means Committee by village officials, unearned income accounts for half of Indian Hill's tax base, while its budgeted income-tax revenue accounts for about 59 percent of operating revenues this year.[7] Residents there obviously are in a position to live wherever they choose, including townships with no local income tax-and they choose to live in a village that taxes unearned income, albeit at a relatively low rate. According to the most recent Ohio Department of Taxation annual report, the vast majority of the 181 Ohio school districts lewying income taxes cover unearned income.[8] The General Assembly should consider allowing all Ohio municipalities to tax this source of income.

#### The warehouse loophole

The bill also would create a new loophole by prohibiting cities from taxing the profit a company makes when it ships a product or service outside the city where it is located to another place where it does not regularly solicit sales.[9] House Bill 601 eliminates this existing provision, known as a "throwback" provision because it "throws back" the income to the home municipality. If throwback is repealed, it means that tax will not be paid on those sales to *any* municipality.

This change in the law has been defended on the grounds that current law "has impeded Ohio's ability to attract Internet-based companies."[10] But is this in fact a serious problem? In general, taxes are not a top factor in economic development.[11] And taken together, state and local taxes in Ohio are in line with national averages.[12] Moreover, not only Internet-based companies would benefit from the creation of this loophole. Any business that ships products to places where it does not have sales agents would benefit. The consequences of this for city income-tax revenues are clear: Long-standing taxpayers will get a big tax break, hurting city revenues. The city of Columbus found that a single company in that city would reduce its municipal tax liability by \$385,000 if the rule were eliminated.[13] If Ohio wants to support Internet-based companies, we should invest in education so they will have the workers they need, not create a new, untargeted tax break that will benefit any number of companies that happen to operate warehouses.

#### Snowplows before snowbirds

The bill would also allow municipalities to tax individuals only if they are Ohio residents for the purposes of the state income tax. That may seem logical, but if this is to be the rule, then the definition of who is covered by the state income tax should be overhauled and broadened.

For this purpose, Ohio defines a resident more narrowly than most states. Ohio uses what the state calls "contact periods" for measuring how much time individuals spend in the state. A contact period is defined as an overnight stay, so someone coming to Ohio on a Monday and leaving Tuesday has one such period (not two). Under a law approved in 2006, an individual who has less than 183 contact periods in a year is not considered an Ohio resident. This is a more generous policy than is used by most other states, which typically use a requirement of 183 days, not contact periods. In addition, other states may examine aspects of people's lives such as where their bank accounts are, where they are registered to vote, and where they have drivers' licenses, and use these to determine that they are indeed state residents even if they spend less than the requisite number of days in the state. Ohio, by contrast, is very unusual among states in saying that if people do not have more than 182 contact periods in the state, have a residence outside the state, and attest that they were not domiciled in Ohio, they are nonresidents, regardless of any other factors.

This definition of residency must be tightened before we consider adopting it for cities and villages, too.[14] Under the 2006 law, many high-income individuals who previously had to pay Ohio income tax and who would have to pay income tax in most other states are able to avoid state income tax. It is helpful to "snowbirds" who spend part of the year in Florida but still spend much of the year in Ohio. This should not be simply applied at the local level. Snowplows should come before snowbirds as a priority for the General Assembly.

One of the three guiding principles used in drafting the bill, according to sponsors Rep. Cheryl Grossman and Rep. Michael Henne, was to "Achieve substantial revenue neutrality."[15] That is not how the Legislative Service

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Commission reads the bill, however. While the LSC says that the effects on individual municipalities will vary, it said in its fiscal note that, "LSC economists believe that, on balance, the bill will probably decrease statewide revenues to municipalities. Due to a lack of detailed statewide data on municipal income tax revenue in Ohio, revenue losses to municipalities are undetermined; however, they may be significant, potentially totaling millions of dollars annually."[16] This takes into account the provisions of the bill that may produce more revenue.

The Ohio Municipal League (OML) has expressed grave concerns about the revenue effects of the bill. Municipalities and agencies that collect taxes for them, such as the Regional Income Tax Agency, have not been able to pinpoint the full effect of all the proposed changes. However, while noting they are not able to assign a dollar figure to many revenue-reducing items, cities from Franklin in Southwest Ohio to Bedford in Northeast Ohio each have estimated annual losses of hundreds of thousands of dollars.[17] Central Collection Agency estimated that Cleveland would lose \$1.5 million annually, excluding more than a dozen provisions - most of them negative for the city - that CCA could not immediately quantify.[18]

The consequent reduction in municipal spending and local public services would affect both residents and businesses. The OML noted in a white paper earlier this year, "Employers expect and depend on strong but basic services provided by municipalities such as adequate police, fire and EMS forces, safe and dependable transportation infrastructure and communities that can attract a workforce able to meet the demands of a global economy, to mention just a few. The inability of municipalities to adequately pay for these requirements for the pillars of a successful community will cause local businesses and the overall economy of the State to suffer."[19]

Discussions about the municipal income tax are continuing. But before such a major overhaul of the tax is approved, we must be certain that it will not negatively affect cities and villages. They have already been hammered by cuts in the Local Government Fund (LGF) and tax reimbursements, with effects from the repeal of the estate tax still looming.[20] Altogether, local governments are receiving more than \$1 billion less from the state in the current two-year budget than they did in the previous biennium from reductions in the LGF and reimbursements for property taxes that had been eliminated and the state had previously promised to pay. The estate tax, which was repealed effective Jan. 1, had provided more than \$200 million a year to localities.[21] The General Assembly should ensure that municipalities aren't clobbered again. It should close current loopholes that allow tax avoidance and prevent the creation of new ones.

#### Appendix A

<u>Download the PDF</u> of the 2003 memo from Frederick Church of the Ohio Department of Taxation to Tax Commissioner Thomas Zaino regarding potential revenue gains from anti-PIC provisions.

[3] Email from Kent Scarrett, Ohio Municipal League, Dec. 18, 2012.

^[1] See Zach Schiller, *Business Tax Revamp: A Deficit in the Making*, Policy Matters Ohio, January 2009, pp. 10-11, available at <u>http://www.policymattersohio.org/business-tax-revamp-a-deficit-in-the-making</u>.

^[2] According to the Ohio Department of Taxation, the tax generated \$4.05 billion in Calendar Year 2010. See Tax Data Series, Individual Income, Municipal Income Taxes, Tax Rates and Amounts collected, by Municipality, Calendar Year 2010, available at <a href="http://lusa.gov/VSIkQX">http://lusa.gov/VSIkQX</a>.

^[4] Since the state cracked down on this avoidance of the corporate income tax, that tax has been phased out in favor of another business tax. However, a similar state law limiting this tax dodge with respect to state income tax does apply to limited liability companies, S corporations and other businesses known as "passthrough entities" whose income is taxed when it passes through to its owners. (See Ohio Revised Code, Section 5733.40(A)). The law requires that such payments made to out-of-state owners must be added back to income, so out-of-state owners pay Ohio state income tax on a larger amount.

^[5] Frederick Church, ODT, draft memorandum to Thomas Zaino, Tax Commissioner, "Municipal Income Tax - Potential Revenue Gains from anti-PIC provisions," April 4, 2003, p.1

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[6] The taxation department has not updated the numbers since the 2003 analysis, however.

[7] Mayor Mark Tullis, Council Member Mark Kuenning, City Manager Michael Burns, Village of Indian Hill, Testimony Re: Municipal Income Tax Reform, the Ohio House of Representatives, Ways & Means Committee, June 13, 2012

[8] Ohio Department of Taxation, 2011 Annual Report, p. 72, available at http://1.usa.gov/Uz10sC.

[9] See Ohio Revised Code, Section 718.02(B)(3) for the existing provision

[10] Reps. Cheryl Grossman and Michael Henne, Memorandum to All House Members, "H.B. 601 - Municipal Income Tax Uniformity," November 1, 2012, p. 4

[11] See Peter Fisher, with Greg LeRoy and Phil Mattera, "Selling Snake Oil to the States: the American Legislative Exchange Council's Flawed Prescriptions for Prosperity," A joint publication of Good Jobs First and the lowa Policy Project, November 2012, Chapter 3.

[12] Altogether, state and local taxes per capita in Ohio amounted to \$3,762 in Fiscal Year 2010, less than the national average of \$4,105. Such taxes amounted to 10.8 percent of personal income, compared to the national average of 10.7 percent. Federation of Tax Administrators, State and Local Tax Burdens, available at <a href="http://bit.ly/YFwzzT">http://bit.ly/YFwzzT</a>.

[13] Conversation with Melinda Frank, Income Tax Division Administrator, City of Columbus, Dec. 14, 2012

[14] The Legislative Service Commission notes that, "Current state law does not address qualifications for municipal income tax residency. Residency is determined under municipal ordinances, many of which employ common law determinations of domicile depending on various indications of where a person intends to stay (e.g., maintaining a home, voting records, motor vehicle registration)." See Botomogno, Jean J., Legislative Service Commission, Fiscal Note & Local Impact Statement, H.B. 601 of the 129th G.A., As Introduced, Nov. 27, 2012, available at <a href="http://bit.ly/12SUKzF">http://bit.ly/12SUKzF</a>. The Regional Income Tax Agency says that it is difficult to quantify overall, but that 12 domicile cases over the last year and a half generated revenue of \$425,000 for 8 of its member municipalities. This would be lost revenue for the local governments. Regional Income Tax Agency, HB 601 analysis.

[15] Reps. Cheryl Grossman and Michael Henne, Memorandum to All House Members, "H.B. 601 - Municipal Income Tax Uniformity," November 1, 2012, p. 1.

[16] Botomogno, Jean J., Legislative Service Commission, Fiscal Note & Local Impact Statement, H.B. 601 of the 129th G.A., As Introduced, Nov. 27, 2012, available at http://www.lsc.state.oh.us/fiscal/fiscalnotes/129ga/hb0601in.pdf

[17] See HB 601 Analysis, City of Franklin and City of Bedford Ohio, Loss Analysis of HB 601, As of 12/13/2012

[18] Lynch, Nassim M., Tax Administrator, CCA Memorandum to CCA Members, HB 601 Impact Analysis, Nov. 14, 2012

[19] "Municipal Income Tax Uniformity Achieved Through a Balanced Approach," attached to testimony before the House Ways & Means Committee of Kent Scarrett, director of communications, Ohio Municipal League, May 23, 2012

[20] See Wendy Patton and Tim Krueger, *Intensifying Impact*, Policy Matters Ohio, November, 2012, available at <a href="http://www.policymattersohio.org/county-budgets-nov2012">http://www.policymattersohio.org/county-budgets-nov2012</a>, and Wendy Patton, *A Thousand Blows: State Budget Slashes Funding for a Wide Swath of Local Government Services*, Policy Matters Ohio, September 2011, available at <a href="http://bit.ly/RlzX23">http://bit.ly/RlzX23</a>.

[21] Ohio Department of Taxation, 2011 Brief Summary of Ohio's Taxes, p. 33, available at http://1.usa.gov/TBD5r7.

*Filed under*: <u>2013</u>, <u>Author</u>, <u>Browse Research</u>, <u>Home Tab 2</u>, <u>Research & Policy</u>, <u>Revenue & Budget</u>, <u>Sub-Topics</u>, <u>Tax Policy</u>, mail.napoleonohio.com:32000/webmail/

# Memorandum

To: Technology and Communication Committee, Council, Mayor, City Manager, City Law Director, City Finance Director, Department Supervisors, Media

From: Gregory J. Heath, Finance Director/Clerk of Council

**Date:** 12/20/2012

**Re:** Technology and Communication Committee Meeting Cancellation

The January 7, 2013, meeting of the Technology and Communication Committee has been <u>CANCELED</u> due to lack of non-tabled agenda items.

# Memorandum

To: Board of Zoning Appeals, Council, Mayor, City Manager, City Law Director, City Finance Director, Department Supervisors, Media
From: Gregory J. Heath, Finance Director/Clerk of Council
Date: 1/2/2013
Re: Board of Zoning Appeals Meeting Cancellation

The Board of Zoning Appeals meeting regularly scheduled for Tuesday,

January 8 at 4:30 PM has been <u>CANCELED</u> due to lack of agenda items.

# Memorandum

To: Planning Commission, Council, Mayor, City Manager, City Law Director, City Finance Director, Department Supervisors, Media
From: Gregory J. Heath, Finance Director/Clerk of Council
Date: 1/2/2013
Re: Planning Commission Meeting Cancellation

The Planning Commission meeting regularly scheduled for Tuesday, January 8 at 5:00 PM has been <u>CANCELED</u> due to lack of agenda items.



December 21, 2012

## Attention members with combustion turbines: USEPA names tasks for compliance

By Randy Meyer – director of environmental affairs

Does your combustion turbine have a diesel-fired starter engine? U.S. Environmental Protection Agency refers to these as "black start engines" in the Reciprocating Internal Combustion Engines (RICE) National Emissions Standards for Hazardous Air Pollutants (NESHAP) rule, which we expect to see as final on Jan. 14.

Even though these engines are small and run very little each year, they do have management practice requirements designed to minimize emission of toxic air pollutants. To comply, you must perform and carefully document the following tasks each calendar year:

• Change oil and filter every 500 hours of operation or annually, whichever comes first

• Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first

• Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary

In lieu of the periodic oil change described above, you may utilize a specified oil analysis program to extend the oil change interval. Refer to 40 CFR 63.6625(i) for oil analysis program requirements. Also note, black start engines must be equipped with an engine hour meter.

If you have questions regarding RICE NESHAP compliance obligations, please contact me at rmeyer@amppartners.org or 614.540.0920.

## Tax-exempt financing in peril

*By Jolene Thompson – senior vice president of member services and external affairs & OMEA executive director* 

As we have previously reported, tax-exempt financing is smack in the crosshairs as part of the fiscal cliff negotiations in DC.

During the past week, President Obama proposed the enactment of a 28 percent cap on the tax value of deductions and exclusions, including the exclusion for municipal bond interest. According to one description, the cap would take effect on Jan. 1, 2014, serving both as a failsafe if Congress fails to enact tax reform legislation in 2013 and as an incentive to affected interest groups (who will work to enact tax reform so as to mitigate the damage done by the pending 28 percent cap).

In an earlier proposal, the President had suggested the cap as a possible revenue source during the tax reform debate in 2013. As APPA reported this week, given that both House Speaker Boehner and the President are in the context of the "fiscal cliff" talks proposing limits on deductions and exclusions, the threat to the tax treatment of municipal bonds is both real and imminent. The best way to prevent such a limit is to make it clear to

### SEIA names Napoleon an 'American Solar Champion'

By Pamala Sullivan – senior vice president of marketing and operations

Napoleon, home of the cutting-edge Napoleon Solar Facility, was honored earlier this week by the Solar Energy Industries Association (SEIA) as an American Solar Champion.

Developed and owned by AMP, the 3.54 MW facility has more than 17,000 panels – supplied by Isofoton.

SEIA also recognized Napoleon Mayor Ronald Behm as an American Solar Champion.

The *Toledo Blade* reported earlier this week that Washington-based SEIA officially declared Napoleon as "America's Number One Solar Small Town" on Tuesday.

SEIA Vice President for External Affairs Tom Kimbis said in a release, "We look forward to Ohio continuing its leadership in solar innovation, manufacturing, and deployment in 2013 and beyond."

SEIA lauded Napoleon for being a hub for solar energy and job creation across the Buckeye State.

"Solar is clean, abundant, and affordable," Kimbis said in the release. "We are closing out a record year for the U.S. solar industry."

The Napoleon Solar Facility continues AMP's role as a regional leader in developing and deploying renewable generation.



policymakers in Washington the harmful effect such a change would have:

• An increase in the cost of issuing municipal bonds (the cost of which will be paid by all residents); and

• An immediate \$200 billion decline in market value for municipal bonds (half of which are owned by those earning less than \$250,000).

AMP is a member of the Municipal Bonds for America campaign, which sent the letter below to the President and congressional leaders. If you haven't already communicated with your federal lawmakers, please do so ASAP. If you have communicated and it's been more than a few weeks since that communication took place, please reach out again – a call or email would be great. Congress has indicated they will be back between Christmas and year end to continue to work toward a fiscal cliff solution.

Dear Mr. Speaker and Majority and Minority Leaders,

The Municipal Bonds for America (MBFA) coalition is devoted to preserving the tax exempt status of interest on municipal bonds. The Coalition is led by state and local government officials who rely upon affordable borrowing through municipal bonds, and unites those officials with municipal market professionals who act as a network to support the efficient and time – tested flow of capital to local communities for public works. We are writing to warn of the negative consequence of limiting the value of the tax exemption on municipal bonds and to urge you to ensure it does not become part of any deal to address the fiscal cliff.

Any proposal to limit the value of the municipal tax exemption, such as the 28% cap originally proposed in the President's FY 2012 budget, will immediately and fundamentally alter the function of what has been a healthy and efficient tax exempt municipal bond market. The threat of such a cap has, in recent days, been a factor in causing municipal bonds to become more expensive from the perspective of state and local government issuers, with yields rising sharply. The Municipal AAA ten-year benchmark yield has risen from 1.48% on December 7 to 1.82% on December 18, for an increase of 34 basis points. Markets are reacting in part to a the perception that Congress will tax a portion of interest on new and currently held municipal bonds, and that such a tax may become larger in the future. Should the cap become a reality, the result will be a significant increase in borrowing costs for state and local governments - an increase far exceeding 34 basis points, and which may even exceed the amount of revenue raised by the tax itself. Further, smaller issuers – communities who use tax exempt bonds to finance schools and maintain roads and public buildings - would be disproportionately affected as the tax exemption is more critical to their ability to access capital markets than for large issuers.

State and local governments are currently at a very fragile crossroads. Measures that increase local borrowing costs will continue to cause the financial markets to react negatively, and possibly in a manner last seen in bonds markets during the late 2008 fiscal crisis. The result will be to shift a significant cost burden to local governments and the taxpayers they serve. It is imperative that Congress protect the ability of state and local governments to access costeffective capital through the use of time-tested tax-exempt municipal bonds. The MBFA membership stands ready to help you analyze the merits of proposals that will affect tax-exempt bonds in the wake of the fiscal crisis. Feel free to contact John Murphy at 202.367.1257 or jmurphy@nalhfa.org with questions, and we appreciate your consideration.

#### On Peak (16 hour) prices into AEP/Dayton Hub

Week end	ling Dec. 21			
MON \$31.75	TUE \$32.50	WED \$32.75	THU \$32.25	FRI \$34.50
Week end	ling Dec. 14			
MON \$34.75	TUE \$36.75	WED \$37.00	THU \$36.50	FRI \$32.00
AED/Dovt	on 2013 5v16	price as of I	Dec 21 \$30	72

AEP/Dayton 2013 5x16 price as of Dec. 21 — \$39.72 AEP/Dayton 2013 5x16 price as of Dec. 14 — \$39.95

# AMP welcomes Ndovi-Gibbs to finance department

By Jim Hoops – assistant vice president of finance

Maggie Ndovi-Gibbs joined the AMP staff Dec. 17 as a financial analyst.

She will be working in the AMP Finance Department on feasibility studies and bond anticipation notes.



Prior to AMP, Ndovi-Gibbs was a remittance processor for National City Bank, and spent 10 years with JP Morgan Chase as an investor accounting analyst, compliance senior analyst and finance operations analyst.

She holds a bachelor's degree in finance and a master's degree in business administrationfinance, both from Franklin University.

She lives in Worthington with her husband, Patrick, and children, Zack and Mia. In her spare time, she volunteers at YWCA, providing assistance to its emergency homeless shelter.

Please join us in welcoming Maggie.

#### Energy markets slightly down

By Ryan Thompson – power supply planning engineer

Due to the continued warmer than normal weather for December natural gas consumption has remained relatively flat.

Temperatures in the lower 48 states were 4.4 degrees warmer than the 30-year normal temperature and 4.7 degrees warmer than the same period last year.

Natural gas prices closed slightly down \$0.10/MMBtu from last week to end at \$3.25/MMBtu. 2013 on-peak electric prices at AD Hub finished down \$0.23/MWh from last week, closing at \$39.72/MWh.

## No Update next week

Because AMP offices will be closed next Monday and Tuesday, there will be no *Update* newsletter next week. Publication will resume with the Jan. 4, 2013, edition.

#### Crusse, Kelley and Meier receive vice president promotions

By Marc Gerken – president/CEO

I'm pleased to announce that Branndon Kelley, Pete Crusse and Phil Meier have all been promoted.

Branndon, who was formerly chief information officer, is now vice president of IT/CIO. His responsibilities include all IT and IS functions of a growing organization, and additionally services in the Corporate Risk Management Committee. Branndon joined AMP in 2010 and also currently serves as the vice-chair of the IT committee for APPA, and he chaired the 2012 Tech-Tomorrow CIO Conference.







Pete Crusse

Phil Meier

Pete has been named vice president of hydroelectric construction, moving from his previous position as assistant vice president for hydroelectric construction. He joined AMP in 2011, bringing with him more than 32 years of experience in the construction industry. Pete and his team have demonstrated tremendous oversight and Pete's management of the \$2.7 billion hydro development has exceeded expectations to date. He has also developed a great relationship with the Corps of Engineers.

Formerly assistant vice president for hydroelectric development, Phil is now vice president of hydroelectric development and operations. Phil has been with AMP since 1989 with the majority of his duties centered around hydro development. Phil will be taking direct oversight of all hydro operations, which will include the hiring, training and commissioning of the Cannelton, Willow Island and Smithland projects.

Please join me in congratulating Branndon, Pete and Phil.

# New Piqua facility built with NERC security in mind

By Krista Selvage - manager of publications

A ribbon cutting ceremony was held Dec. 3 for Piqua's new power system service center. State Rep. Richard Adams, Sen. Bill Beagle and Piqua City Commissioners were among those in attendance.

The innovative facility boasts enhanced security that was designed to meet emerging NERC standards.

The new building features a state-of-the-art control room with significant resources to manage storm-related outages; and well-thought-out inventory storage.

A back-up generator was also installed to ensure reliable and uninterrupted electric supply to the building, which also serves as the city's Emergency Operations Center (EOC).

The building was constructed with energy efficiency in mind. The indoor heating and lighting systems were both designed to reduce electric consumption, and efficient LED lighting illuminate the grounds and entrance roads to the building.

The new facility incorporates the history of Piqua's retired coal-fired power plant, from railings and decorative limestone elements relocated from the old building, to one of the original



1933steamturbines whichgreetsvisitorsto the facility.

Established in 1933, the Piqua Power System serves nearly 10,600 meters.

## AMP staff shows holiday spirit by giving back to community

By Krista Selvage

For the 2012 holidays, AMP participated in the Columbus Cancer Clinic's Adopt-A-Family program and held a food drive to benefit the Mid-Ohio Foodbank.



The Cancer Clinic, provided through Lifecare Alliance, offers the Adopt-A-Family program for its patients and families in need. The organizers were impressed that AMP was able to get every item on the family's wish list. In addition, we were able to provide many food items and donations to the Foodbank.

During this time of abundance, it's important to remember those who are struggling. Best wishes for a joyous holiday season with your family and friends.

#### **AFEC weekly update**

By Ryan Thompson

AFEC did not clear in the Day-Ahead market for Saturday, Dec. 15 and Sunday, Dec. 16, but was requested to run by PJM for reliability reasons on Saturday.

AFEC returned to normal operation Monday morning and remained online through the rest of the week. Including Sunday's 0 percent load factor, AFEC averaged a load factor of 60 percent for the week.

Duct burners were only dispatched a few hours each day across the evening peak for the week. From last Friday through yesterday, on-peak 7x16 prices were \$5.81/MWh higher than AFEC dispatch costs.

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### Westerville scores No. 5 spot on Forbes 'America's Friendliest Towns' list

By Krista Selvage

In a recent article by *Forbes*, Westerville tops the list of "America's Friendliest Towns."

In conjunction with several outside sources, *Forbes* cites its criteria research for friendliness as: percentage of owner-occupied homes, crime rate, charitable giving, and the percentage of college graduates. <u>Nextdoor.com</u> then conducted qualitative surveys among its membership in the towns that rated the highest to help finalize the ranking of the top 15.

Westerville was named fifth on the list. Here's what *Forbes* had to say about Westerville:

"The local leadership of this Columbus suburb carved out roughly 40 parks and erected facilities like the Westerville Community Center, which touts a track, gymnasium, pool, and climbing wall. Every fourth Friday of the month local businesses do sidewalk sales. Otterbein University plays a role in social activities among residents and community initiatives like Westerville Are Resource Ministry collect food to help families and people out of work. Crime is nearly nonexistent thanks in part to community engagement that includes neighborhood block watch and participation in National Night Out."

Read the full list and article here.

# **Update Classifieds**

### Bowling Green Parks and Recreation seeks fitness specialist

Hourly full-time position responsible for the operations and programming of the Bowling Green Training and Community Center fitness area and multi-purpose room under direction of the Parks and Recreation Director or his/her designee. Hours of work are subject to modification, and will vary from week to week depending upon the workload.

Assists with creating rules, policies, schedules, planning, goal-setting, and marketing plans; assists with supervision of personnel; staffs fitness facilities; maintains training and necessary certifications; enforces rules; maintains supplies; develops, instructs, oversees and evaluates fitness and wellness-related programs; assists with educational/recreational activities; prepares reports; maintains files; orders, monitors and inspects equipment and facilities; trains others; and performs other assigned duties. Four-year college degree; certifications to be acquired and maintained include CPR/ First Aid, ACE, AFAA or ACSM certification; must be able to maintain a valid Ohio Driver's License; 1 to 2 years relevant experience; or any combination of education, training and work experience which provides the required skill sets to perform the essential functions of the job. Excellent fringe benefits.

A copy of the job description will be provided to applicants. Interested persons must complete the application that is available online <u>here</u>. It is also available in the City's Personnel Department. Résumés may be included, but will not substitute for a completed application. Pay Band 1 Minimum: \$12.48 per hour.

Applications must be completed and returned to the Personnel Department, City of Bowling Green, 304 N Church St, Bowling Green, Ohio 43402. Telephone: 419.354.6200; e-mail: BGPersonnel@bgohio.org Office hours: 8 a.m. to 4:30 p.m. week days(offices will be closed from 1 p.m. on Dec. 24 until 8 a.m. Dec. 26.) Deadline for making application is 4:30 p.m. Dec. 28. AA/EEO

## **Recreation administrative assistant needed in Bowling Green**

This fulltime, non-bargaining hourly position is responsible for planning, promoting, publicizing and implementing assistance and support to the director and department staff. Inputs and maintains registration and reservation records and performs other customer service duties; provides responsible administrative assistance and support; prepares and generates reports, rosters, and daily receipts; assists the general public; formats and types documents and correspondence; interacts with other city staff and the general public in order to respond to inquiries, receive and document complaints and service requests, and resolve problems; may deal with sensitive and confidential matters; composes correspondence to expedite the processing and completion of work; contacts managers and coaches, serves as sports liaison; proficient in Rec-Trac or other registration software and website management; experience in quality customer service; marketing and public relations; and performs other related duties as assigned. Two-year associate degree or equivalent; three to five years progressive experience including senior level administration and clerical support; a valid Ohio driver's license and ability to drive. Excellent fringe benefits. A copy of the job description will be provided to applicants. Interested persons must complete the application that is available online here.

It is also available in the city's personnel department. Resumes may be included, but will not substitute for a completed application. Applications must be completed and returned to the Personnel Department, City of Bowling Green, 304 N Church St, Bowling Green, Ohio 43402. Telephone: 419.354.6200; e-mail: BGPersonnel@bgohio. org Office hours: 8 a.m. to 4:30 p.m.week days(offices will be closed from 1 p.m. on Dec. 24 until 8 a.m. Dec. 26.) Deadline for making application is 4:30 p.m. Dec. 28. AA/EEO

### Cuyahoga Falls offers exam for Lineman Class B position

Lineman Class B Electric Department City of Cuyahoga Falls: The Civil Service Commission will hold an opencompetitive written exam at 6:30 p.m. Jan. 8. Entry level pay: \$24.8946 per hour. At least one year's experience as a lineman required. Valid OH Commercial Driver's License (CDL). Non-smoking environment.

Visit www.cityofcf.com for complete exam posting and Civil Service application or call 330.971.8150 for application packet. Job summary: under the guidelines of the training program, assists in the operation, construction and maintenance of transmission and distribution lines.

Applications must be postmarked by Dec. 28. Exam fee is \$25 cash or money order due with application (no personal checks). EEO/ADA



January 4, 2013

# AMP extends \$750 million revolving credit loan facility agreement

By Bob Trippe – senior vice president and CFO

In January 2012, AMP entered into a five-year agreement for a bank revolving credit loan facility for \$750 million, with an accordion feature expandable to \$1 billion. Taking advantage of low interest rates and a soft bank lending market, AMP has extended this facility by one year. The effect is to have a new five-year bank agreement expiring in January 2018. Terms and borrowing conditions are unchanged. On Friday, Dec. 14, the AMP Board of Trustees approved the amendment to the original agreement for that extension.

The banking syndicate commitment letters will be sent by the syndicate participants to JPMorgan Chase Bank National Association (N.A.), the Administrative Agent and lead bank in the syndicate, sometime next week with closing for the amended agreement to be in the second week of January 2013. Other members of the syndicate include KeyBank N.A., Syndicate Agent; U.S. Bank N.A., Syndicate Agent; Wells Fargo Bank N.A.; Bank of Montreal; Bank of America, N.A.; Sun Trust Bank; Huntington National Bank, Royal Bank of Canada and Barclays Bank.

This credit facility is utilized as a source of low-cost interim financing for capital projects in which AMP members may participate and provides liquidity that is utilized when meeting collateral posting requirements for power supply contracts, and is also utilized for general working capital needs. AMP also has the ability to utilize a portion of the credit facility in its commercial paper program to back the issuance of commercial paper when rates for commercial paper become attractive for interim capital borrowing needs. The new agreement also provides for the establishment of a new bank facility for the Eastlake Project in 2013, in the event that project moves forward.

If you have any questions, please do not hesitate to contact Chris Deeter at cdeeter@amppartners.org or 614.540.0848; or Jim Hoops, jhoops@amppartners.org, 614.540.0860.

# Call for 2013 scholarship nominations

By Karen Ritchey – manager of communication programs

AMP Scholarship nominations are due by Jan. 18. Member communities are encouraged to participate in the AMP Scholarships program by nominating a student for the Richard H. Gorsuch Scholarship and/or the Lyle B. Wright Scholarship.

AMP member municipal electric officials are responsible for selecting their own nominees, and may nominate one student for the Wright Scholarship and one student for the Gorsuch Scholarship. Up to four Wright and four Gorsuch scholarships will be awarded. Winners will be determined by the AMP Board of Trustees and announced in May.

In December, scholarship information was mailed to the principal contact in member communities and guidance counselors at area high schools. Information is also available on the Member Extranet. Since the program began in 1988, AMP has provided \$224,000 in scholarships to graduating high school seniors. If you have any questions, please contact me at 614.540.0933 or kritchey@amppartners.org.

#### **Dobbins joins AMP staff** as help desk specialist By Iared Price – IT director

Charles Dobbins joined the AMP staff Dec. 26 as a help desk specialist.

Prior to AMP, Dobbins was director of IT programs at National College and a systems engineer for Anheuser-Busch, Inc.



He holds a bachelor's degree from Ohio State University and a master's degree from Ohio Dominican University.

He lives in Westerville with his wife, Carmen, and children, Charles III, Chris and Candice.

In his spare time, he is a little league and high school football coach, student mentor and tutor, and Tech Corps volunteer.

Please join us in welcoming Charles.

#### 2013 calendars available

By Greg Grant – director of publications

AMP has a limited number of 2013 calendars available for communities that would like additional copies. The 2013 AMP calendar is an 11-inch x 14-inch flip-over wall calendar featuring a variety of photos ranging from AMP hydro construction projects to member utility activities. It also notes key AMP and APPA events, as well as federal holidays.

For additional calendars, please contact me at either ggrant@amppartners.org or 614.540.1067.

#### **DEMEC** member honored for service to customers

Lewes Board of Public Works, a member of the Delaware Municipal Electric Corporation (DEM-EC), recently received an APPA Century Award from the American Public Power Association (APPA).

The award is given to public power utilities that have served their consumers and communities continuously for 100 years. Lewes is one of 12 utilities honored by APPA with a 2012 Century Award. For more information, please visit http:// lewesbpw.delaware.gov/

#### **DEED** issues call for spring grant, scholarship nominations

By Alice Wolfe – manager of alternative generation and smart grid

Applications are now open for the spring 2013 cycle of Demonstration of Energy and Efficiency Developments (DEED) scholarships and grants.



Utility members of APPA's DEED grant program may apply for innovative project funding up to \$125,000. DEED policy recently changed - now members can apply for as much as \$125,000 in funding on a single project.

Utilities can use \$4,000 in DEED funds to hire an intern from a local university to work at their utility.

The deadline for applications for both scholarships and grants is Feb. 15. The grant application is web-based and is designed to be simple so that even small utilities with minimal staff resources can easily apply for project funding

AMP covers all DEED dues for members who also belong to APPA, and AMP staff is available to help members in their applications process. Please contact me at 614.540.6389 or awolfe@amppartners.org with any questions.

The DEED board of directors meets in the spring and fall every year to award funding. Since its inception in 1980, DEED has awarded more than \$10 million through utility grants and scholarships.

Past AMP member recipients include:

- Princeton Electric Plant Board, which surveyed customers to better understand perceptions of customer service and smart grid
- Cleveland Public Power, for conducting a feasibility • study regarding a municipal solid waste to energy facility
- Piqua Power System, which received scholarship funds to • develop a diagnostic program for a solar irrigation device
- The City of Westerville, which has received several awards, including one to develop best practices to diagnose failing overhead distribution equipment
- The City of St. Clairsville, for replacing incandescent traffic bulbs with LED ones

Email to DEED@PublicPower.org for access to the applications and questions. For more details on the application process, please visit the DEED funding section of the APPA website.

#### AFEC weekly update

By Craig Kleinhenz – manager of power supply planning

Coming out of the holidays, AFEC had a very robust production this week. It started out operating at a 67 percent load factor from last weekend and into Monday. The plant was then dispatched offline on Tuesday, Jan. 1, due to low loads during the holiday.

The plant came up the following day and finished the week with a 77 percent load factor. The week saw a lot of production occurring at base max levels this week. The plant was dispatched to minimum loads only 13 percent of the hours and duct burners were used only 16 percent of the hours.

On-peak hourly market prices have been lower over the holidays with AFEC \$3.76/MWh less than on-peak prices.

#### On Peak (16 hour) prices into AEP/Dayton Hub

Week en	ding Jan. 4			
MON	TUE	WED	THU	
\$35.50	\$38.50	\$40.00	\$36.00	9
X47 1				
Week en	ding Dec. 28			
MON	TUE	WED	THU	
\$31.25	\$26.25	\$31.25	\$35.00	\$
		• • • •	4 440	

AEP/Dayton 2014 5x16 price as of Jan. 4 — \$40.07 AEP/Dayton 2013 5x16 price as of Dec. 28 - \$39.98

#### **Energy markets start year lower** By Craig Kleinhenz

Even as cold weather has been freezing out much of the Midwest, prompt month natural gas prices have come through the holiday season relatively flat. This does not mean there was not some action as prices climbed through the first part of the break and then decreased the second part.

February natural gas prices closed down \$0.15/MMBtu from last week to end at \$3.20/MMBtu. This decrease is not as large when looking over the entire holiday as natural gas prices have only dropped \$0.05/MMBtu since Dec. 21.

Power prices have seen a decent down tick over the holidays as 2014 on-peak electric prices at AD Hub finished down \$1.25/MWh from Dec. 21, closing at \$40.07/MWh.

### Winter edition of 'Public Power **Connections' coming soon**

By Krista Selvage – manager of publications

The second edition of Public Power Connections will be released later this month.

This winter edition will include articles on the value of electricity, Hydro: How Does It Work?, winter power outage preparation, and What Is: Sustainability?

Public Power Connections, a quarterly publication first published in October 2012,



is designed to help AMP member customers and electric systems better understand the electric industry and the benefits of public power. It also includes efficiency and safety tips.

For easy distribution to customers or to print, each issue of Public Power Connections will be available in PDF format and provided to all AMP members for their use locally. We will also make the articles and information in the publication available for easy incorporation into existing consumer publications developed by AMP members.

The publication will be emailed to AMP principal contacts and others who request it. If you'd like to be added to the list of recipients, please contact me at 614.540.6407 or kbselvage@amppartners.org. Member comments and suggestions for content are welcomed.

For current and past editions, visit the Member Extranet and choose "Public Power Connections" on the righthand side.

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