

---

# Memorandum

---

**To:** Mayor & Members of Council  
**From:** Jon Bisher  
**Subject:** General Information  
**Date:** March 15, 2013

## CALENDAR

### MONDAY, MARCH 18, 2013

➤ **PUBLIC HEARING NOTICE** – CHIP program @ 6:45 pm

➤ **AGENDA** – *City Council Meeting* @ 7:00 pm

#### **C. APPROVAL OF MINUTES** – March 4, 2013

#### **E. REPORTS FROM COUNCIL COMMITTEES**

The following Majority Reports are attached:

1. *Electric Committee* (March 11, 2013)
2. *Water & Sewer Committee* (March 11, 2013)
3. *Municipal Properties/ED Committee* (March 11, 2013)
4. *Parks & Recreation Committee* (March 13, 2013)

#### **G. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS**

1. **RESOLUTION NO. 013-13** a Resolution Strongly Opposing the Passage of HB 5 by the Ohio General Assembly which Proposes Uniformity Measures for Municipal Income Tax in the Form of Unfunded Mandates and a Substantial Loss of Revenue; and Declaring an Emergency. *(Suspension Requested)*
2. **RESOLUTION NO. 014-13** a Resolution Authorizing the Expenditure of Funds in Excess of \$25,000.00 for the Purchase of One (1) New 2012 or Newer 18,000 pound Mini-Excavator, which was not included in the 2013 Master Bid Resolution No. 079-12.
3. **ORDINANCE NO. 015-13** an Ordinance Amending Chapter 955 of the Codified Code of the City of Napoleon to Adjust the Recreational Fees and to Establish Recreation Program Recreation Fees. – *this legislation will be completed Monday night.*

#### **H. SECOND READINGS OF ORDINANCES AND RESOLUTIONS**

#### **I. THIRD READINGS OF ORDINANCES AND RESOLUTIONS**

## **J. GOOD OF THE CITY**

1. *Results and Findings – **Oberhaus I/I Study** (Long Term Control Plan Review) -*  
Adam Hoff from Stantec will be at the meeting and do a presentation on the findings from the Oberhaus I/I study
2. *Approval of **March Billing Determinants***
3. *Annual Review of **Liquor Permit Renewals** for any Permit Renewal Objections*
  - As reported out under **Reports from Council Committees**, Items 4 – 6 are recommendations from the March 11<sup>th</sup> committee meetings.
4. *Recommendation to Approve **Proposed Changes to the Planning & Zoning Codes***
5. *Recommendation to Approve **Proposed Lot Split** for Possible Expansion of an Existing Napoleon Business*
6. *Recommendation to Approve Proposed **Spring** (April 29 – May 3, 2013) and **Fall** (September 30 – October 4, 2013) **Pickup Schedules***
  - Chad has prepared a Memo for each item listed below, a copy of the specifications are on file with the Finance Director/Clerk's office:
7. *Approval of Specifications for Purchase of a **Snow Plow Truck***
8. *Approval of Specifications for Purchase of a **Garbage Truck***
9. *Approval of Specifications for Purchase of a **Mini-Excavator***

## **INFORMATIONAL ITEMS**

NOMMA's Annual Steak Dinner will be held on Wednesday, March 27<sup>th</sup> at the American Legion Freedom Post #183 in Pemberville, Ohio. If you would like to attend, please let either me or Roxanne know.

## **RELATED ITEMS**

1. **TREE COMMISSION COMMITTEE**; Monday, March 18<sup>th</sup> @ 6:00 pm
2. **MEETING CANCELED: PARKS & REC COMMITTEE MEETING**
3. **OML LEGISLATIVE BULLETIN**/March 15, 2013

JAB:rd

Records Retention  
CM-11 - 2 Years

February 2013							March 2013							April 2013						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
						1						1	2		1	2	3	4	5	6
3	4	5	6	7	8	9	3	4	5	6	7	8	9	7	8	9	10	11	12	13
10	11	12	13	14	15	16	10	11	12	13	14	15	16	14	15	16	17	18	19	20
17	18	19	20	21	22	23	17	18	19	20	21	22	23	21	22	23	24	25	26	27
24	25	26	27	28			24	25	26	27	28	29	30	28	29	30				
							31													

 Calendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
24	25	26	27	28	1	2
					BISHER - Vacation	BISHER - Vacation
3	4	5	6	7	8	9
BISHER - Vacation	6:45 PM Public Hearing (CDBG/HOME/OHTF Programs) 7:00 PM City COUNCIL Meeting 8:00 PM Technology & Communication Committee AV - Dan					
10	11	12	13	14	15	16
APPA Conference - DC: Bisher.	6:30 PM Electric Committee BOPA Meeting 7:00 PM Water/Sewer Committee Meeting 7:30 PM Municipal Properties/ED Committee Meeting AV - Rox APPA Conference - DC: Bisher.	APPA Conference - DC: Bisher.	6:30 PM Joint Meeting of Parks & Rec Board and Parks & Rec Committee APPA Conference - DC: Bisher. AV - Rox			
17	18	19	20	21	22	23
	6:00 PM City TREE Commission Meeting 6:45 PM Public Hearing (CDBG & CHIP Grants) 7:00 PM City COUNCIL Meeting AV - Dan		AMP - Bisher	AMP - Bisher		
24	25	26	27	28	29	30
	7:30 PM Safety & Human Resources Committee Meeting AV - Shery			BISHER - Vacation	HOLIDAY - City Offices Closed BISHER - Vacation	BISHER - Vacation
31	1	2	3	4	5	6
BISHER - Vacation	7:00 PM City COUNCIL Meeting AV - Dan				BISHER - Off	

## Notice of Second Public Hearing

The City of Napoleon intends to apply to the Ohio Development Services Agency (ODSA), Office of Community Development (OCD) for funding under the Community Housing Improvement Program (CHIP), a federally funded program administered by the state. The city is eligible for \$400,000 of Fiscal Year 2013 CHIP funding provided the city meets the applicable program requirements. On March 4, 2013, the City of Napoleon conducted the first public hearing to inform citizens about programs available to the city as outlined in the State of Ohio Consolidated Plan. Funding for programs administered by OCD are provided by the Community Development Block Grant (CDBG) Program, HOME Investment Partnerships Program, and other funding sources as identified by the State.

Based on citizen input and local officials' assessment of city needs, the City of Napoleon is proposing to undertake the following CHIP activities for Fiscal Year 2013.

<u>Activity</u>	<u>Amount</u>	<u>Source of Funds</u>	<u>Target Area</u>
Private Owner Rehabilitation	164,000	HOME	City-wide
Private Owner Rehabilitation	82,000	HOME	Census Tract 9803, BG 2
Home Repair	73,000	CDBG	City-wide
Home Repair	18,000	CDBG	Census Tract 9803, BG 2
Emergency Monthly Hsg Payments	15,000	CDBG	City-wide
<u>Administration</u>	<u>48,000</u>	<u>CDBG</u>	
Total	400,000		

A second public hearing will be held **Monday, March 18, 2013 at 6:45 p.m.** in the City of Napoleon Council Chambers, 255 W. Riverview Avenue, Napoleon, Ohio. The public hearing is to give citizens the opportunity to review and comment on the above proposed activities.

Citizens are encouraged to attend this meeting on March 18, 2013, to express their views and comments on the City of Napoleon CHIP application. If a participant will need auxiliary aids (interpreter, brail or taped materials, listening device, other) due to a disability, please contact Maumee Valley Planning Organization prior to March 15, 2013 at 419-784-3882 in order to insure that your needs will be accommodated. The City of Napoleon Council Chambers is handicapped accessible.

Date of Publication: March 4, 2013

## CITY COUNCIL

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

### MEETING AGENDA

Monday, March 18, 2013 at 7:00 PM

- A. **Attendance** *(Noted by the Clerk)*
- B. **Prayer & Pledge of Allegiance**
- C. **Approval of Minutes:** March 4 *(In the absence of any objections or corrections, the minutes shall stand approved.)*
- D. **Citizen Communication**
- E. **Reports from Council Committees**
  - 1. **Technology & Communication Committee** met on Monday, March 4 and:
    - a. Discussed, then tabled *Review Possibility of MIS Assistant Position*, pending more information from staff
  - 2. **Electric Committee (Majority Report)** met on Monday, March 11 and:
    - a. Recommended approval of March electric billing determinants
    - b. Tabled *Beneficial Use and Purchase of Eastlake Power*
  - 3. **Water, Sewer, Refuse, Recycling & Litter Committee (Majority Report)** met on March 11 and:
    - a. Recommended approval of proposed Spring and Fall pickup schedules
  - 4. **Municipal Properties, Buildings, Land Use & Economic Development (Majority Report)** met on March 11 and recommended approval of:
    - a. Proposed changes to the Planning & Zoning Code
    - b. Proposed lot split for possible expansion of an existing Napoleon business
  - 5. **Parks & Recreation Committee (Majority Report)** met jointly with the Parks & Recreation Board and City Council on March 13. The Committee recommended and Council approved:
    - a. Making a moratorium on acceptance of annual golf memberships
    - b. Removing *Outsource Management Of Municipal Pool* from the Committee agenda and tabling this item on the Council agenda
    - c. Removing *City Employee Discounts* from Committee and Council agendas
    - d. Accepting the staff recommendation regarding not reducing Parks & Recreation staff by 1.5 FTE
    - e. Accepting the staff recommendation regarding not outsourcing cemetery mowing, burial & maintenance functions
- F. **Reports from Other Committees, Commissions and Boards** *(Informational Only-Not Read)*
  - 1. **Board of Public Affairs** met on Monday, March 11 with the following agenda items:
    - a. Review/Approval of electric billing determinants for March
    - b. Electric department report
    - c. Beneficial use and purchase of Eastlake power
    - d. Spring & fall pickup schedules and operations
  - 2. **Board of Zoning Appeals** did not meet on Tuesday, March 12 due to lack of agenda items.
  - 3. **Planning Commission** did not meet on March 12 due to lack of agenda items.
  - 4. **Parks & Recreation Board** met on March 13 with the following agenda items:
    - a. Review of the municipal operation of the golf course
    - b. Outsource management of the municipal swimming pool
    - c. City employee discounts
  - 5. **Infrastructure/Economic Development Fund Review Committee** met on Friday, March 15 with the following agenda items:
    - a. Discussion/Action: 631 N. Perry St. Corporation (owners of BrickN'Brew Pub): \$7,500 grant and \$30,000 loan request to open a new downtown eatery
    - b. Discussion/Action: MWA Enterprises, Ltd (PETRO): \$25,000 loan request for an expansion to build a truck repair facility – PETROLUBE
    - c. Discussion/Action: Review of CRA No. 7 – MWA Enterprises, Ltd (PETRO)
  - 6. **Tree Commission** met tonight with the following agenda items:
    - a. Tree Call Report
    - b. Spring Programs
    - c. Arbor Day Observation

**G. Introduction of New Ordinances and Resolutions**

1. **Resolution No. 013-13** A Resolution strongly opposing the passage of HB 5 by the Ohio General Assembly which proposes uniformity measures for municipal income tax in the form of unfunded mandates and a substantial loss of revenue; declaring an emergency (*Suspension requested*)
2. **Resolution No. 014-13** A Resolution authorizing the expenditure of funds in excess of \$25,000.00 for the purchase of one (1) new 2012 or newer 18,000 pound mini-excavator, which was not included in the 2013 Master Bid Resolution 079-12
3. **Ordinance No. 015-13** 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

**H. Second Readings of Ordinances and Resolutions**

There are no second readings of Ordinances and Resolutions.

**I. Third Readings of Ordinances and Resolutions**

There are 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:** Results & Findings - Oberhaus I/I Study (Long Term Control Plan Review)
2. **Discussion/Action:** Approval of March electric billing determinants as follows:  
Generation Charge: Residential @ \$.07757; Commercial @ \$.09706; Large Power @ \$.05188; Industrial @ \$.05188; Demand Charge Large Power @ \$12.30; Industrial @ \$13.61; JV Purchased Cost: JV2 @ \$.01989; JV5 @ \$.01989
3. **Discussion/Action:** Annual review of liquor permit renewals for any permit renewal objections
4. **Discussion/Action:** Recommendation to approve proposed changes to the Planning & Zoning Codes
5. **Discussion/Action:** Recommendation to approve proposed lot split for possible expansion of an existing Napoleon business
6. **Discussion/Action:** Recommendation to approve proposed Spring (4/29/13 – 5/3/13) and Fall (9/30/13 - 10/4/13) pickup schedules
7. **Discussion/Action:** Approval of specifications for purchase of a Snow Plow Truck
8. **Discussion/Action:** Approval of specifications for purchase of a Garbage Truck
9. **Discussion/Action:** Approval of specifications for purchase of a Mini-Excavator

**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**

**1. Technology & Communication Committee (1<sup>st</sup> Monday)**

*(Next Regular Meeting: Monday, April 1, 2013 @ 8:00 PM)*

- a. Review Possibility of MIS Assistant Position (Tabled)
- b. Upgrades to City Website

**2. Electric Committee (2<sup>nd</sup> Monday)**

*(Next Regular Meeting: Monday, April 8 @ 6:30 PM)*

- a. Review of Electric Billing Determinants
- b. Electric Department Report
- c. Beneficial Use and Purchase of Eastlake Power (Tabled)

**3. Water, Sewer, Refuse, Recycling & Litter Committee (2<sup>nd</sup> Monday)**

*(Next Regular Meeting: Monday, April 8 @ 7:00 PM)*

**4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2<sup>nd</sup> Monday)**

*(Next Regular Meeting: Monday, April 8 @ 7:30 PM)*

- a. Updated Info from Staff on Economic Development (as needed)

**5. Parks & Recreation Committee (3<sup>rd</sup> Monday)**

*(Next Regular Meeting: Monday, March 18 @ 8:00 PM.)*

**6. Finance & Budget Committee (4<sup>th</sup> Monday)**

*(Next Regular Meeting: Monday, April 22 @ 6:30 PM – March meeting is canceled.)*

- a. Mayor's Presentation on Spending Plan (Tabled)
- b. Review of Income Tax Credit

**7. Safety & Human Resources Committee (4<sup>th</sup> Monday)**

*(Next Meeting: Monday, March 25 @ 7:30 PM)*

2013 Regular Meetings with Townships scheduled for July 22, November 25

**8. Personnel Committee (As needed)**

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

**1. Board of Public Affairs (2<sup>nd</sup> Monday)**

*(Next Regular Meeting: Monday, April 8 @ 6:30 PM)*

- a. Review of Electric Billing Determinants
- b. Electric Department Report
- c. Beneficial Use and Purchase of Eastlake Power (Tabled)

**2. Board of Zoning Appeals (2<sup>nd</sup> Tuesday)**

*(Next Regular Meeting: Tuesday, April 9 @ 4:30 PM)*

- a. BZA 12-10 Item #1 (Tabled)

**3. Planning Commission (2<sup>nd</sup> Tuesday)**

*(Next Regular Meeting: Tuesday, April 9 @ 5:00 PM)*

**4. Tree Commission (3<sup>rd</sup> Monday)**

*(Next Regular Meeting: Monday, April 15 @ 6:00 PM)*

**5. Civil Service Commission (4<sup>th</sup> Tuesday)**

*(Next Regular Meeting: Tuesday, March 26 @ 4:30 PM)*

- a. Special Request from Individual on Current Eligible List

**6. Parks & Recreation Board (Last Wednesday)**

*(Next Regular Meeting: Wednesday, March 27 @ 6:30 PM)*

- a. Outsource Management Of Municipal Pool

**7. Privacy Committee (2nd Tuesday in May & November)**

*(Next Regular Meeting: Tuesday, May 14 @ 10:30 AM)*

**8. Records Commission (2<sup>nd</sup> Tuesday in June & December)**

*(Next Regular Meeting: Tuesday, June 11 @ 4:00 PM)*

**9. Housing Council (1<sup>st</sup> 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)**

**19. Dispatch Review Commission will meet with County Sheriff on Tuesday, March 26 at 10:30 am.**

City of Napoleon, Ohio  
**CITY COUNCIL**

**Meeting Minutes**

Monday, March 4, 2013 at 7:00 PM

<b>PRESENT</b>	
<b>Council</b>	John Helberg - President, Jeffrey Lankenau, Travis Sheaffer, James Hershberger, Patrick McColley, Christopher Ridley, Jason Maassel
<b>Mayor</b>	Ronald A. Behm
<b>City Manager</b>	Dr. Jon A. Bisher
<b>Law Director</b>	Trevor M. Hayberger
<b>Finance Director/Clerk</b>	Gregory J. Heath
<b>Recorder</b>	Barbara Nelson
<b>City Staff</b>	Robert Bennett, Fire Chief Matt Bilow, Wastewater Treatment Superintendent Dennis Clapp, Electric Superintendent Chad Lulfs, City Engineer/Public Works Director Jeff Rathge, Operations Superintendent Dan Wachtman, MIS Administrator Robert Weitzel, Police Chief
<b>Others</b>	News Media, NCTV, Lynn Wachtmann
<b>ABSENT</b>	
<b>Council</b>	None
<b>Prayer</b>	President Helberg called the meeting to order at 7:00 pm with the Lord's Prayer followed by the Pledge of Allegiance.
<b>Approval Of Minutes</b>	Minutes of the February 12 Special Council meeting and the February 18 Council meeting stand approved with no objections.
<b>Citizen Communication</b>	<p>Lynn Wachtmann introduced himself as a citizen of Napoleon. He read about the swimming pool and golf course issues. He ran a YMCA (Y) as a volunteer for 15 months, including the Ottawa &amp; Leipsic pools. There is no way to make money running a pool in this climate, but you can cut your losses. The Y runs the Ottawa &amp; Leipsic pools and it is a mutually beneficial relationship. There is a spirit of cooperation with the Aquatics Team. The City may want to explore this option.</p> <p>It concerns Wachtmann that Council decided to put a charge on youth sports. There are many low income people here. He recommends leasing the golf course to some avid golfers for \$1 or \$2 per year and letting them run it. Council could set aside money to help clean up the golf course if it floods, etc. McColley invited Wachtann to attend the joint Parks &amp; Recreation Board and Parks &amp; Recreation Committee meeting with Council on Wednesday, March 13. Wachtmann will be working then, but suggested the Y Director attend instead.</p> <p>McColley asked what aspects the Y runs. Wachtmann said the villages pay the Y a fixed price. It requires well-set rates. The Y runs specials, etc. to enhance the use of the pool. City restrictions in the contract would restrict the Y's ability to run the pool. The Y has open-ended contracts with the villages now. The villages still keep any major maintenance under their domain, but the Y pays for chemicals. Wachtmann gave Bisher the Y's contact information. McColley said this issue is already assigned to Committee. Bisher said we need to get moving if it is to be done for this year. Helberg said someone from the Y may be able to sit down and talk to Tony Cotter, Parks &amp; Recreation Director, prior to next week's meeting.</p>

## Committee Reports

3/13/2013

Yea- Helberg, McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger  
Nay-

**Passed**  
**Yea-7**  
**Nay-0**

Roll call vote to pass Ordinance No. 007-13 under suspension of the rule  
Yea- Helberg, McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger  
Nay-

President Helberg read by title Resolution No. 008-13 A Resolution authorizing the City Manager to issue a Request for Application for services relating to the administration and writing of grants for the FY 2013 Community Development Block Grant and the Community Development Program, and Declaring an Emergency.

Motion: Ridley                      Second: Lankenau  
To approve first read of Resolution No. 008-13

This legislation has to do with the public hearing held before this meeting by Maumee Valley Planning. We need to request an application to move forward. Bisher said this is done annually. Hayberger said it is an emergency because the applications are due on April 15.

Motion: Lankenau      Second: Ridley  
To suspend the rule requiring three readings

Roll call vote on above motion:  
Yea- Helberg, McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger  
Nay-

Roll call vote to pass Resolution No. 008-13 under suspension of the rule  
Yea- Helberg, McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger  
Nay-

President Helberg read by title Resolution No. 009-13 A Resolution authorizing the expenditure of funds over twenty-five thousand dollars (\$25,000.00) for the purpose of obtaining a non-contact disinfection system and authorizing the City Manager to enter into a contract with Enaqua for said purchase, and Declaring an Emergency.

Motion: Hershberger                      Second: Sheaffer  
To approve first read of Resolution No. 009-13

Bisher said when we built the EQ Basin, we didn't have the money to put UV lighting in both sides. Enaqua is changing hands and has stuff to sell as cheaply as we can ever get it. We put it in the budget and want to buy it at this time. We were \$30,000 shy in the budget. An EDC electronic controller will update the unit we have now with new user-friendly software.

3/13/2013

EDC, bulbs, freight, and electrical will be about \$255,000. Bisher said money was put in the budget to fix trash rake #2 if needed. We haven't had any problems with it so we will use \$30,000 out of the trash rake account to pay the difference. Bilow said shipping is \$4,500. The EDC is \$3,200 and 396 bulbs cost \$29,700. The original unit would be about \$600,000, but we get a great discount due to this company changing hands. Bisher said this gives us assurance against which helps with the EPA.

Helberg asked how we can be assured this is a fair price when we are not bidding. Lulfs said there were two technologies available when we did the EQ Basin. The other company's (Trojan) technology had moving parts and was more expensive. The Enaqua unit was originally \$600,000. This is a great deal at \$210,000 because Enaqua wants it off their books as they change hands. Hayberger said the resolution says we are not seeking competitive bidding because this is in the best interest of the City. We want to get it wrapped up while the offer is still there. They initially said it had to be done by the first of the year.

**Motion To Suspend  
The Rule**

Motion: Hershberger                      Second: Sheaffer  
To suspend the rule requiring three readings

**Passed**  
**Yea-7**  
**Nay-0**

Roll call vote on above motion:  
Yea- Helberg, McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger  
Nay-

Maassel asked about the new software. Bilow said there were problems with software last year and they had to reprogram it. The new software is more user-friendly. It is a night and day difference. Maassel asked who will service it. Bilow said Enaqua will have a parent company to service it. Ridley asked if the equipment will become obsolete soon. Lulfs said he looked at units that were 10 years old and running like new, but the Trojan ones had problems due to moving parts.

**Passed**  
**Yea-7**  
**Nay-0**

Roll call vote to pass Resolution No. 009-13 under suspension of the rule  
Yea- Helberg, McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger  
Nay-

**Introduction Of  
Resolution No. 010-13**

President Helberg read by title Resolution No. 010-13 A Resolution authorizing the City Manager to enter into a contract with Courtney and Associates for professional services regarding the Water Rate and Cost of Service Study Update, and Declaring an Emergency.

**Motion To Approve  
First Read**

Motion: Maassel                      Second: Ridley  
To approve first read of Resolution No. 010-13

**Discussion**

Bisher said we need this study to know about the cost for the water plant and rates. The key element is to determine if we are charging customers correctly. This will tell our partners what we will do here and if we don't have partners, we still need this for us. Helberg said we need to encourage more members and this may help with that. Mayor Behm requested that the study also provide information re: how applying additional dollars to capital can affect the rates (e.g. if we apply \$100,000 to capital, it will bring the rate down by X amount). Heath will request this information.

**Motion To Suspend  
The Rule**

Motion: Sheaffer                      Second: Lankenau  
To suspend the rule requiring three readings

**Passed**

Roll call vote on above motion:

Yea- Helberg, McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger  
Nay-

Roll call vote to pass Resolution No. 010-13 under suspension of the rule  
Yea- Helberg, McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger  
Nay-

President Helberg read by title Resolution No. 011-13 A Resolution authorizing contracts with the townships of Napoleon, Harrison, Freedom, and Henry County South Joint Ambulance District for fire service and/or emergency medical service commencing April 1, 2013; Declaring an Emergency.

Motion: Hershberger                      Second: McColley  
To approve first read of Resolution No. 011-13

Bisher said this recommendation came from Safety & Human Resources Committee. The contracts begin on April 1. The townships want contracts based on real costs from the previous year so several years ago, we moved contracts back from a previous start date of January 1 to have time to get the actual costs. Hayberger said this legislation authorizes the City to enter into contracts and the next legislation adjusts rates. Hershberger said Townships were pleased with the rates for the coming year

Motion: Hershberger                      Second: Lankenau  
To suspend the rule requiring three readings

Roll call vote on above motion:  
Yea- Helberg, McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger  
Nay-

Roll call vote to pass Resolution No. 011-13 under suspension of the rule  
Yea- Helberg, McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger  
Nay-

President Helberg read by title Ordinance No. 012-13 An Ordinance repealing Ordinance No. 013-12 and establishing new per person user fees for EMS Basic Life Support, Advanced Life Support Level 1 Service, and Advanced Life Support Level 2 service, mileage charge, mutual aid, medicaid, nursing home service and non-emergency transport service as it relates to coroner cases; all provided by the City of Napoleon Rescue.

Motion: Hershberger                      Second: Ridley  
To approve first read of Ordinance No. 012-13

Bisher said this was recommended by Safety & HR Committee. Heath said we need suspension because contracts start April 1. Ridley asked if this can be done earlier next year so it doesn't have to be suspended. People may want to come in and object to the rates, but it will already be passed. Sheaffer said we can't meet in January because end of year expenses aren't finalized. Bisher said we don't usually have those numbers until February. Helberg said we follow Medicare rates. Bisher said it is complex because we all have to have the same rates and everyone must agree to that. Townships have to pass their legislation to be done by April 1. Hayberger said Harrison Township meets tomorrow. Maassel said a lot of the legislation tonight has emergency and suspension. Some are annual things that we are pushing through. Bisher said they also went through committee. Ridley noted that this legislation does



## Income Tax Operations

don't do a subcontract level on online filing but thought it was a good idea. When you go into RITA you have to give them your database. CCA can parse services and profit on that. He will talk to CCA after April and come back with a recommendation. This should enhance our collections. We only pay if there is a debt collection.

## Motion To Accept Recommendation

Motion: Maassel                      Second: McColley  
To accept the recommendation to not outsource all of the income tax operations

**Passed  
Yea-7  
Nay-0**

Roll call vote on above motion:  
Yea- Helberg, McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger  
Nay-

## Acceptance Of Grant Donation

Chief Bennett asked Council to accept a grant donation from the Firefighters Charitable Foundation, Inc. We receive this money every 12-15 months.

## Motion To Accept

Motion: Lankenau  
To accept a grant donation from Firefighters Charitable Foundation, Inc. in the amount of \$300.00

**Passed**  
**Yea-7**  
**Nay-0**

Roll call vote on above motion:  
Yea- Helberg, McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger  
Nay-

**Good Of The City**  
**(Cont.)**  
**Heath**

Heath said we will have legislation at the next meeting opposing HB 5. He encouraged those present to contact legislators about this.

Heath received a call from the former Operations Superintendent who explained the history of the 1985 Mac tanker truck. This information was requested by the Township Trustees at their last meeting. The tanker truck that was sold originally had 2 packers on it. It was replaced with a tanker that became a sludge hauler. This had nothing to do with the fire department and the money did not come from the fire department. We received \$10,100 for this vehicle at auction. The 1979 Mac fire truck started out as a truck chassis and we added a water tank to it. This was in service until we bought a new one. The Capital 242 Fire Account was not in place in 1980. The vehicle was transferred to the street department. We historically don't charge other departments to acquire unneeded or unused equipment. We just transfer it over. It may have intrinsic value but the depreciated value is gone. Heath's recommendation is to not approve any credit for this. Helberg said he agrees that Townships should not receive a credit since they didn't pay for the truck in the first place. If they had, we would have to be careful.

Heath said whenever we sold assets in the past for fire, the proceeds went back into that fund. Bisher said the vehicle didn't go to another fire service because our guys got a grant for it and one part was that the old equipment couldn't be used in fire service. The Townships benefited from the substantial amount of money in that grant for the tanker truck used for those townships. We hook up to fire hydrants here. Helberg said the City contributes money into that capital improvement fund too, even though we aren't going to use the tanker. Bisher said we pay 85% of the fund. We might use the tanker if there was a large downtown fire that collapsed the main. Bennett confirmed that the City and Townships currently share costs in funding that fund. Bisher said they also share in grants.

## Ridley

Ridley noted that tax receipts are down about 9% from last year. Heath said the first three months usually true up with April. We are still within our estimated budget. He

	<p>doesn't know if it will equal last year's receipts. Hayberger said the Federal government didn't let people file as early as usual this year. People may have waited to do all their filing at once.</p>
<b>Maassel</b>	<p>Maassel asked if anything has been done about the mini-excavator. Bisher said they tried several out, but didn't buy anything.</p> <p>Maassel congratulated Seth Beard, who took second place at the State wrestling tournament and Jordan Lauf, who set a county record for the most points ever scored in Henry County basketball history.</p>
<b>Hershberger</b>	Hershberger – no items
<b>Helberg</b>	<p>Helberg said the CIC would like the City to transfer the approved \$20,000 to them. They will keep it in a fund and ask for less next year if it is not used. They are close to coming up with an agreement and final contract. Heath said we need an agreement to make that payment. Hayberger will check on this. Bisher said the County approved their donation.</p> <p>Helberg asked if conveyance fees for the golf course should be put on the Parks &amp; Recreation Board/Committee/Council agenda for next week's meeting. McColley said conveyance fees are last on his worry list. We can build them in if needed. Heath said we paid \$1,400 in conveyance fees for the course last year. Ridley said if we are passing on fees everywhere else, we should be doing it there. McColley said you can't charge a \$6 fee on a \$9 round of golf. We could do a different conveyance fee for golf. Heath said we are charging \$3 for a \$20 recreation fee. McColley said we can bring it up at the meeting. Mayor Behm said the golf course just lowered fees by \$2.</p> <p>Helberg asked if there is any news from the EPA. Lulfs said he sent an email this afternoon asking for information. He was told his request is now on the desk of the head of the Northwest District office.</p>
<b>Mayor Behm</b>	Mayor Behm said the City of Hudson and City of Stowe have nice websites. Anyone wanting to move there with a business can review a chart with a step by step process. He suggested that the Technology Committee look at these sites. Heath said this would have to be done at their April meeting because it was not advertised on the agenda for tonight's meeting. Helberg referred <i>Upgrades to City Website</i> to the April Technology & Communication meeting.
<b><i>Upgrades to City Website Assigned to April Technology Meeting</i></b>	
<b>Dispatch Commission Meeting With Sheriff On 3/26 At 10:30 AM</b>	<p>Behm set up a meeting with the Sheriff on Tuesday, March 26 at 10:30 am at the Commissioners' office for the Dispatch Commission to meet with the Commissioners and the Sheriff. We may want to go into executive session. The Dispatch Commission is Mayor Behm, Bisher, Helberg and Chief Weitzel. Bisher said his understanding was that the Commissioners were not participating. Behm said the Sheriff is talking to the Commissioners about it. Bisher said we will establish a location if the Commissioners do not participate.</p> <p>Behm said he received an email from a man who is the senior producer for a show called <i>Communities of Distinction</i>. It is an educational themed program uncovering our nation's best places to live, work and play. Behm scheduled a conference call for Friday. This is on the Fox Business website. Terry Bradshaw is involved. It is on the Ohio News Network. He'll find out more on Friday.</p>
<b>Sheaffer</b>	Sheaffer said he asked Heath to calculate numbers for a reduced tax credit for

**Review of Income Tax Credit referred to the Finance & Budget Committee**

residents that live in the City but work outside of town. We currently give a 100% income tax credit. If we gave 75% credit to residents who work out of town and charged them 25%, we would gain another \$110,000 per year (based on 2011 numbers). Bisher noted that people who live and work here would not be impacted. Helberg assigned *Review of Income Tax Credit* to the Finance & Budget Committee.

**Lankenau**

Lankenau – no items

**Hayberger**

Hayberger – no items

**Bisher  
Beneficial Use and Purchase of Eastlake Power Sent To BOPA & Electric**

Bisher requested that *Beneficial Use and Purchase of Eastlake Power* be referred to BOPA & Electric Committee; and *Spring & Fall Pickup Schedules and Operations* be referred to BOPA & Water, Sewer, Refuse, Recycling & Litter Committee. Bisher said we annually look at the Long Term Control Plan. Adam Hoff is coming to the Council meeting on March 18 and will also give an update on the Oberhaus I/I Study. Lulfs said he will invite everyone affected to come to the presentation.

**Spring & Fall Pickup Schedules and Operations Sent To BOPA & WSRRL**

Bisher said there was a water main break on the main line from the plant to the water tower today. We will probably have to do this project. Some residents were out of water for 3-1/2 hours. Helberg asked about progress on Strong Street. Rathge said tie-ins are done and we are in the cleanup phase now. Maassel said the water is good.

Bisher said he would like to appoint Joel Miller to another 5-year term on the Board of Health beginning April 1, 2013.

**Motion To Approve Bd. of Health Apptmt.**

Motion: McColley                      Second: Lankenau  
To approve the appointment of Joel Miller to the Board of Health as recommended

**Passed  
Yea –7  
Nay -0**

Roll call vote on above motion:  
Yea - Helberg, McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger  
Nay -

**Approval Of Bills**

Bills and reports stand approved as presented with no objections.

**Motion To Adjourn**

Motion: Lankenau                      Second: McColley  
To adjourn the meeting.

**Passed  
Yea –7  
Nay -0**

Roll call vote on above motion:  
Yea- Helberg, McColley, Sheaffer, Lankenau, Ridley, Maassel, Hershberger  
Nay-

**Adjournment**

Meeting adjourned at 9:05 PM.

**Approved:  
March 18, 2013**

---

John A. Helberg, Council President

---

Ronald A. Behm, Mayor

---

Gregory J. Heath, Finance Director/Clerk of Council

*City of Napoleon, Ohio*

## **Electric Committee**

### **Majority Report**

The Electric Committee met on Monday, March 11, 2013, and recommended:

1. To accept the BOPA recommendation to approve electric billing determinants for March 2013 as follows:  
Generation Charge: Residential @ \$.07757; Commercial @ \$.09706;  
Large Power @ \$.05188; Industrial @ \$.05188; Demand Charge Large  
Power @ \$12.30; Industrial @ \$13.61; JV Purchased Cost: JV2 @  
\$.01989; JV5 @ \$.01989
2. To table *Beneficial Use and Purchase of Eastlake Power*

---

Patrick McColley, Acting Chair

---

Jason Maassel, Committee

---

James Hershberger (Pro-tem)

*City of Napoleon*

**Water, Sewer, Refuse, Recycling & Litter Committee**

**Majority Report**

The Water, Sewer, Refuse, Recycling & Litter Committee met on Monday, March 11, 2013, and recommended the following actions:

1. To approve the proposed Spring (4/29/13 – 5/3/13) and Fall (9/30/13 - 10/4/13) pickup schedules

---

Jeffrey Lankenau, Chair

---

Patrick McColley, Committee

---

James Hershberger, Pro-tem

*City of Napoleon*

**Municipal Properties, Buildings, Land Use &  
Economic Development Committee**

**Majority Report**

The Municipal Properties, Buildings, Land Use & Economic Development Committee met on Monday, March 11, 2013, and recommended to:

1. Approve proposed changes to the Planning & Zoning Code
2. Approve proposed lot split for possible expansion of an existing Napoleon business

---

John Helberg, Chair

---

Jeffrey Lankenau, Committee

---

James Hershberger, Committee

## Parks & Recreation Committee

### Majority Report

The Parks & Recreation Committee met on Wednesday, March 13, 2013, in a special joint session with the Parks & Recreation Board and City Council, The Committee recommended and Council approved:

- a. Making a moratorium on acceptance of annual golf memberships
- b. Removing *Outsource Management Of Municipal Pool* from the Committee agenda and tabling this item on the Council agenda
- c. Removing *City Employee Discounts* from Committee and Council agendas
- d. Accepting the staff recommendation regarding not reducing Parks & Recreation staff by 1.5 FTE
- e. Accepting the staff recommendation regarding not outsourcing cemetery mowing, burial & maintenance functions

---

Patrick McColley, Chair

---

Jeffrey Lankenau, Committee

---

John Helberg, Pro-Tem

## RESOLUTION NO. 013-13

### **A RESOLUTION STRONGLY OPPOSING THE PASSAGE OF HB 5 BY THE OHIO GENERAL ASSEMBLY WHICH PROPOSES UNIFORMITY MEASURES FOR MUNICIPAL INCOME TAX IN THE FORM OF UNFUNDED MANDATES AND A SUBSTANTIAL LOSS OF REVENUE, AND DECLARING AN EMERGENCY**

**WHEREAS**, the Municipal Income Tax Uniformity Coalition, headed by the Ohio Society of CPA's, with business community membership including the Ohio Chamber of Commerce, with support from Representative Grossman, Representative Henne; and, Representative Barnes, met with members of the Ohio Municipal League and municipal income tax representatives; and,

**WHEREAS**, the purpose of these Interested Parties meetings was to achieve consensus on issues regarding municipal income tax uniformity for the inclusion in legislation; and,

**WHEREAS**, municipalities agree that revenue neutral uniformity on issues that will ease compliance burdens for businesses in and potentially locating in Ohio would be of great benefit to all of Ohio; and,

**WHEREAS**, the Coalition has drafted and introduced language that is detrimental to the financial stability of municipalities, will drastically reduce revenue for all municipalities in Ohio, and includes "unfunded mandates" which will cripple the ability for municipalities to provide basic services to residents and resident businesses alike; and,

**WHEREAS**, the recent reduction in the *Local Government Fund* shall result in an *overall loss by 2014 of \$218,170.00* in revenue for the City of Napoleon, Ohio; and,

**WHEREAS**, the elimination of the *Estate Tax* will result in a *loss of \$194,580.00 (3 year average)* in revenue for the City of Napoleon, Ohio; and,

**WHEREAS**, the accelerated phase-out of promised reimbursement for the loss of revenues due to the repeal of the *Tangible Personal Property Tax* has resulted in a *loss of \$73,230.00* in revenue for the City of Napoleon, Ohio; and,

**WHEREAS**, the proposals in *HB 5* will result in an additional *estimated loss of revenue of \$258,347.00* for the City of Napoleon, Ohio; and,

**WHEREAS**, HB 5 includes provisions that require State oversight of municipal income tax administration, administrative policies and procedures for municipal income tax collection, and administration that dramatically hamper the ability to administer the tax in an effective manner; and,

**WHEREAS**, the long term purpose of HB 5 is State oversight of municipal income tax operations, which could lead to a future push for forced State Centralized Collection of municipal income tax; and,

**WHEREAS**, municipalities have been responsive in the past to efforts to streamline the rules and regulations and create uniformity in the overwhelming majority of local tax codes creating a streamlined process for all taxpayers; and,

**WHEREAS**, only municipalities can ensure the prompt and proper auditing of local tax returns to ensure all applicable deductions and declarations are reported, thus also ensuring that all taxpayers pay their fair share without causing higher costs of

compliance for all, and must be able to do so without burdensome and costly restrictions included in HB 5 created with the only purpose of restricting municipalities from correcting/auditing returns or making assessments; and,

**WHEREAS**, provisions in this Bill hamper every municipality's ability to audit and correct municipal income tax returns, to equitably enforce the municipal income tax laws, creates increased cost of administration due to burdensome notification requirements, reduces revenue due to "unfunded mandates" and elimination of compliance processes, and has been crafted as a vehicle to control the administrative process of municipal income tax to the benefit of specific taxpayer interests; and,

**WHEREAS**, municipalities must fight to protect their single largest revenue source, which provides essential municipal services, promoting a positive quality of life that residents and businesses alike rely upon, and any forced reduction in this revenue will have a negative impact on residents and businesses, creating an environment detrimental to retaining and attracting business in Ohio; Now Therefore,

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

Section 1. This Council does hereby declare its strong opposition to any effort by the Ohio General Assembly to pass legislation that creates "unfunded mandates" and a loss of revenue for municipalities.

Section 2. This Council urges its state legislators to reject HB 5, and any amendment to pending bills and opposes the introduction of new legislation that proposes to reduce municipal income tax revenue to municipalities in Ohio.

Section 3. The Ohio General Assembly should request the drafting of legislation that would address the multitude of issues that were agreed upon as a result of the Interested Parties meetings, which will bring uniformity to areas including (but not limited to) due dates for estimated tax payments, due dates of withholding payments, due dates and procedures for extension request filings, due dates for annual Reconciliation of Returns, all of which will simplify the compliance process for businesses and individuals alike.

Section 4. The Ohio General Assembly should focus on restoring previous funding levels to the Ohio Business Gateway and focus on correcting its multitude of programming problems and customer service issues to make that tool less cumbersome, more useful and relevant to municipalities and businesses as a simple, generic, one-stop method of filing local business income tax returns in one location.

Section 5. Members of the Ohio House and Senate should engage in constructive dialogue with local officials to gain consensus on correction of the perceived issues of potential revenue-neutral commonality and uniformity in those few remaining differences in municipal income tax provisions.

Section 6. 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 7. 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 8. 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 so that the Legislature is aware of the City of Napoleon's stance when the Legislature discusses and/or takes action on this Bill; 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. 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 Resolution No. 013-13 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 the State of Ohio pertaining to Public Meetings.*

\_\_\_\_\_  
*Gregory J. Heath, Clerk/Finance Director*

**REVIEW OF POTENTIAL IMPACT – HB5 – NAPOLEON, OHIO**

	<b>Line #'s</b>	<b>Bill Suggests</b>	<b>Current Napoleon Treatment</b>	<b>Impact</b>	<b>Dollar Impact</b>	<b>Comments</b>
1	52-54	S-Corp distributive shares taxable to owners 193.02	Tax at the entity level	Possible Positive	Unknown	Possibility of increase revenue could be less if S Corp income is due to rental activity. NOL extended to individuals decreases net profit.
2	71-73	Lottery & gambling taxable where “earned” and losses allowed. 193.02 (9)	We tax residents and also at source either	Negative	-1,327.00	Could be higher or lower – depends on reported winnings
3	143-144	Minimum taxable age 18, except qualifying wages regardless of age.	No change	<u>Negative</u>	<u>Minimal</u>	<u>We currently tax those under the age of 18 that have taxable income.</u>
4	290-293	Residency definition changed to Ohio bright line test. 193.01 (U)		<u>Negative</u>		<u>Will effect non employee compensation</u>
5	208-261	5 Year NOL-phased in starting 2015 193.03	3 years	Negative	-263,722.00	
6	357-360	3 <sup>rd</sup> party sick pay not qualifying wages 193.02	No withholding required but still taxable	Negative	Unknown	

**REVIEW OF POTENTIAL IMPACT – HB5 – NAPOLEON, OHIO**

	<b>Line #'s</b>	<b>Bill Suggests</b>	<b>Current Napoleon Treatment</b>	<b>Impact</b>	<b>Dollar Impact</b>	<b>Comments</b>
7	392-395	Includes clergy pay as taxable qualifying wages; does not seem to allow Sch C deductions from that pay. 193.02	File off of the W2 only	Same		
8	508-577	20 day rule, no withholding until day 21 193.14 (7) A B	12 day rule file on 13 day	Negative	Unknown	Great! You are losing 8 more days and jobs could be completed and see no income
9	643-674	Alternative apportionment method with approval. 193.02	Currently allowed	Negative	Unknown	Wage exempt for 20 days will not be part of the apportionment formula
10	721-723	Realtors taxed where property is located	Point of sale	Negative	Unknown	We will be limited to Napoleon sales only
11	760-768	Separate accounting method allowed with conditions. 193.02	Currently allowed only as an alternative apportionment	Same		
12	865-894	Withholding thresholds changed to require semi-monthly if > \$11,999/yr or \$1,000/mo.; monthly if > \$2,399/yr or \$200/mo.; or quarterly payments if > \$0 193.17	Quarterly withholding	Negative to taxpayer. Monthly payments would increase cash flow.	Unknown	Negative impact on taxpayer and increased cost in collection for tax department.

**REVIEW OF POTENTIAL IMPACT – HB5 – NAPOLEON, OHIO**

	<b>Line #'s</b>	<b>Bill Suggests</b>	<b>Current Napoleon Treatment</b>	<b>Impact</b>	<b>Dollar Impact</b>	<b>Comments</b>
	1244-1249	Net profit returns and payments <u>may</u> be submitted via the OBG.	Currently an option			
13	1252-1255	Employers <u>may</u> file withholding returns and payments via the OBG.	Currently an option			
14	1456-1504	Estimates required > <b>\$200</b> with due dates of 4/15, 6/15, 9/15, and 1/15 193.19  <b>(Was \$250)</b>	Estimates required > \$300 with due dates of 4/15, 7/31, 10/31, and 1/31	Timing only	Minimal	Messing with the taxpayer going back to original due dates that were change in early 2000
15	996-1026	Current Ordinance must be repealed by <b>1/1/15</b> and replaced <b>(was 1/1/14)</b>		Administrative Burden	Unknown	
16	1106-1137	Extension automatic to federal extended date. 193.18 (i)	Extensions filed by due date	Negative	Minimal	Delay in delinquency and impact in cash flow
17	1146-1165	Businesses return exemptions (except individuals). File exempt if alloc % < 1% and tax due < \$50. 193.18 (i)	Returns required	Negative	Minimal	Unfair exemption more room for tax avoidance
18	1156-1157	Business return exemptions for individuals: File exempt if alloc % < 1%, tax due < \$50, and qualifying wages for city are < \$50,000 193.18 (i)	Returns required	Negative	Minimal	Need clarification Unfair exemption more room for tax avoidance

**REVIEW OF POTENTIAL IMPACT – HB5 – NAPOLEON, OHIO**

	<b>Line #'s</b>	<b>Bill Suggests</b>	<b>Current Napoleon Treatment</b>	<b>Impact</b>	<b>Dollar Impact</b>	<b>Comments</b>
19	1754-1794	Board of Review: 2 citizens & 1 non-finance employee. 193.12 (a-e)	Consists of 3 members of the Finance and Budget Committee of Council	Negative	Unknown	Knowledge of the tax laws
20	1803-1812	Taxpayer has 60 days to make an appeal (60 days after <u>received</u> ). 193.12 (a-e)	30 days (from Issuance) to make an appeal			Delay in process
21	1813-1816	Hearing scheduled within 45 days, but taxpayer may request additional time. 193.12 (a-e)	45 days no additional time			
22	1819-1821	If a hearing is continued, it may not be continued more than 120 days. 193.12 (a-e)	No continuance			
23	1841-1849	Board of Review rules, member names, address for appeals shall be posted on web & by state. 193.12 (a-e)	Not required			
24	1795-1802 and 1876-1882	An assessment or decision must include notice of appeal rights & method of appeal. 193.12 (a-e)				Result of every notice to include appeal info
25	1923-1947	Issuance of an assessment must include: basis of assessment & penalty, rights to appeal, steps to appeal, collection remedies available to Tax Administrator.				Result of every notice to include appeal info

**REVIEW OF POTENTIAL IMPACT – HB5 – NAPOLEON, OHIO**

	<b>Line #'s</b>	<b>Bill Suggests</b>	<b>Current Napoleon Treatment</b>	<b>Impact</b>	<b>Dollar Impact</b>	<b>Comments</b>
26	1823-1825	Board of Review can consider appeals of penalty and interest.	Imposition of P&I is not a basis for appeal	Negative	Unknown	Will result in more appeals when P&I have been correctly assessed per the Tax Ordinance
27	1948-1955	Assessments become final after 60 days if no petition for reassessment is received via personal delivery or certified mail.				60-day periods Lengthen collection process.
28	1964-1980	If final assessment is unpaid, Tax Administrator files entry with the clerk of court of common pleas of t/p county or Franklin County of t/p out of state. Clerk enters judgment.	We use our Napoleon Municipal courts, and file? Criminal complaints in the majority of cases	Substantially Negative	Unknown	We would not be able to use our own municipal courts. Instead, we would be left with civil statutory judgments. Less effective than our current system.

**REVIEW OF POTENTIAL IMPACT – HB5 – NAPOLEON, OHIO**

	<b>Line #'s</b>	<b>Bill Suggests</b>	<b>Current Napoleon Treatment</b>	<b>Impact</b>	<b>Dollar Impact</b>	<b>Comments</b>
29	2058-2065	Revenue Reporting to State	Audited by the State of Ohio	Negative	Unknown	We have expenditures with the Auditors Office and this information is included with their audit. It is also available in our CAFR which is filed with GFOA and OMAC annually.
30	2546-2547; 2535-2542	Withholding penalty cannot exceed 50%. 193.98/99	2% per month 24% annually	<u>Negative</u>	Unknown	<u>Limits delinquency for 2 years.</u>
31	2543-2545; 2535-2542	Penalty on unpaid income tax (other than withholding) cannot exceed 10%	2% per month	Negative	Unknown	
32	2548-2551	Individual failure to file penalty \$25	Same			
33	2552-2558	Other than individual failure to file penalty \$25 per month not to exceed \$150. 193.98/99	\$25 per delinquent return excluding first time delinquency	<u>Negative</u>	<u>Unknown</u>	<u>Limiting only 5 years collection of non filing.</u>
34	2532-2534	Interest cannot exceed the penalty	1% per month			
35	2568-2572	Tax Administrator may abate penalty or interest. 193.07 (e)	Finance Director/designee has that authority currently			

**REVIEW OF POTENTIAL IMPACT – HB5 – NAPOLEON, OHIO**

	<b>Line #'s</b>	<b>Bill Suggests</b>	<b>Current Napoleon Treatment</b>	<b>Impact</b>	<b>Dollar Impact</b>	<b>Comments</b>
36	2745-2760	City > 30,000 population must appoint a resolutions officer	N/A			
36	3124-3169	Pass-through entities required to withhold on distributive shares annually by 4/15, based on % apportioned to each city.	Tax at the entity level	Positive		Will be difficult to administer this section. Hard to allow credits on owner returns with the tax is also due 4/15.
38	2988-3051	Municipal Tax Policy Board	None			Reduces local control and gives more power to the State.
39	3052-3063	Municipal Tax Policy Board may adopt rules; shall apply to all municipalities in the state.	City issues its own rules, within confines of ORC.			Gives lots of power to MTPB.
40	3069-3077	MTPB shall create all forms required to be filed by taxpayers.	City has its own forms, but accepts generic forms.			
41	3106-3112	MTPB shall provide an instruction booklet for filing returns, forms & schedules, and re: method of assessment and rights & responsibilities of taxpayers.				Reduces local control.
42	612-614	Wages earned on days 1-20 to be excluded from our city allocation in Sch. Y	No exclusion of 12 day rule wages from apportionment.	Negative	Unknown	Reduces net profit apportioned to city.
43	703-720	Sales factor of Sch. Y no longer has	Throwback allowed	Minimal	Unknown	I don't see where

**REVIEW OF POTENTIAL IMPACT – HB5 – NAPOLEON, OHIO**

	<b>Line #'s</b>	<b>Bill Suggests</b>	<b>Current Napoleon Treatment</b>	<b>Impact</b>	<b>Dollar Impact</b>	<b>Comments</b>
		throwback rule. Sales are sitused based on place of receipt/use.	through 718, but difficult to audit apportionment			our major corp's are throwing back sales.
44	1166-1175	Postmark date used. 193.18 (a)	Same			
45	1281-1295	Active duty military can request extension of time to file and to pay up to 60 days after service. 193.14 (a)(1)	Military pay non taxable.			
46	1296-1307	Military with extension can pay via payplan with no P&I. If <\$2400 12 mos; if >\$2400 24 mos.	Military pay non taxable.			
47	1850-1868	Personal liability of payer for failure to remit withholding. 193.17 (f)	Same			
48	2058-2065	Tax Administrator to report annual income tax revenue to Municipal Tax Policy Board by 6/15.	None			
49	2080-2181	Assessments, decisions, and final determinations must be sent via certified mail or personal delivery.	We do proof of mailing	Negative	Unknown	Will increase mail cost substantially.
50	2200-2210	No 90 period to issue refunds without payment of interest if refund is an erroneous assessment.	Refunds issued in timely manners.			
51	2242-2260	Reduction of refund amount considered an assessment, notice must contain method of appeal language.	We send notice proof of mailing.	Negative		Cost to notify taxpayer via certified mail higher.

**REVIEW OF POTENTIAL IMPACT – HB5 – NAPOLEON, OHIO**

	<b>Line #'s</b>	<b>Bill Suggests</b>	<b>Current Napoleon Treatment</b>	<b>Impact</b>	<b>Dollar Impact</b>	<b>Comments</b>
52	2356-2375; 2590-2592	Tax Administrator has subpoena power. T/P who fails to comply will pay \$50-\$500 for each day it fails to comply, not to exceed \$1,000.	Subpoena power does not include monetary penalties		UNKNOWN	
53	2408-2409	Tax Administrator has authority to compromise tax claims	Ordinance does not allow us to compromise tax claims.			
54	2427-2428	Tax Administrator can “allow” the filing of tax returns and payments by electronic means.	Currently allow			
55	2434-2441	Rounding defined; if some entries rounded, all must be rounded.	Rounding is not required			
56	2580-2589; 3170-3180	Tax Administrator may seek reimbursement of collection costs including attorney fees, etc.	We do not include the cost of collection except court cost	Positive	Unknown	
57	3176-3180	City is liable to the taxpayer for costs of litigation when taxpayer is successful on appeal.				
58	2609-2653	Tax Administrator can accept payment plan	Payment plan only thru judgment.			
59	2654-2659	Tax Administrator’s office shall be open	Same			

**REVIEW OF POTENTIAL IMPACT – HB5 – NAPOLEON, OHIO**

	<b>Line #'s</b>	<b>Bill Suggests</b>	<b>Current Napoleon Treatment</b>	<b>Impact</b>	<b>Dollar Impact</b>	<b>Comments</b>
		during business hours every day except Sat, Sun, & holidays.				
60	2660-2672	Rules can be adopted if not in conflict with 718; rules only valid if published & posted on web.				
61	2673-2686	Tax Administrator can inspect books/records; penalty imposed if t/p does not comply not to exceed \$1,000.	Currently no monetary penalty			
62	2705-2712	At or before an “audit” Tax Administrator must provide written notice of roles of tax administrator & t/p, statement of t/p rights, and when audit is to commence.				Need cleaner definition of “audit”
63	2772-2864	Tax Administrator may issue “opinion”; binding to Tax Administrator	Opinions not binding.			
64	2853-2861	Municipal tax policy board may issue opinion on issues having relevance state-wide or generic; binding to all tax administrators in the state with respect to the taxpayer for whom the opinion was prepared.	None			
65	2865-2921	T/P aggrieved by action or omission can file suit in court of common pleas against Tax Administrator, employee, or City for damages. Frivolous action by t/p may cause penalty up to \$10,000 against t/p.	No Provision	Negative		City will have to provide insurance coverage and bonding requirements for staff in Taxation Department

**REVIEW OF POTENTIAL IMPACT – HB5 – NAPOLEON, OHIO**

	<b>Line #'s</b>	<b>Bill Suggests</b>	<b>Current Napoleon Treatment</b>	<b>Impact</b>	<b>Dollar Impact</b>	<b>Comments</b>
66	2933-2947	Taxpayer must file amended city return within 60 days after final determination of a federal adjustment. 193.18 (j)	Same			
67	No language.	No deduction for Form 2106 expenses allowed. 193.14 (b)	Allow 2106 expenses	Positive	\$6,702.00	Reduce refunds and audit requirements
68		Taxpayer to include distributive share of net profit of pass through entities (not loss-which stays at entity level.) 193.02	Same, except not S-Corps			Language needs to be clarified.
	<b>Grand Total</b>				<b>-\$258,347.00</b>	

**RESOLUTION NO. 014-13**

**A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS IN EXCESS OF \$25,000.00 FOR THE PURCHASE OF ONE (1) NEW 2012 OR NEWER 18,000 POUND MINI-EXCAVATOR, WHICH WAS NOT INCLUDED IN THE 2013 MASTER BID RESOLUTION 079-12**

**WHEREAS**, the City of Napoleon has determined that the costs of renting equipment necessary for certain work is cost prohibitive when compared to the cost of purchasing a mini-excavator;

**WHEREAS**, the City finds that the mini-excavator can assist in the performance of many tasks and the mini-excavator makes accomplishing these task easier and more safe for City employees; and,

**WHEREAS**, this Project was not included in the annual Master Bid List, Resolution 079-12, and that the cost of this project exceeds \$25,000.00; and,

**WHEREAS**, this Project will be competitively bid; Now Therefore,

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

Section 1. That, the expenditure of funds in excess of \$25,000.00 is hereby authorized as a proper public expenditure for the purchase on One (1) new 2012 or newer 18,000 pound mini-excavator.

Section 2. That, the funds necessary to meet the intent of this Resolution may be taken from the Water Fund's Depreciation Reserve Fund or from other funds as the City Manager deems appropriate.

Section 3. That this Project shall be competitively bid.

Section 4. 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 5. 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 6. That, this Resolution shall be in full force and effect at the earliest time permitted by law.

Passed: \_\_\_\_\_

John A. Helberg, Acting 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 Resolution No. 014-13 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 the State of Ohio pertaining to Public Meetings.*

\_\_\_\_\_  
*Gregory J. Heath, Clerk/Finance Director*

## **SUMMARY TO RESOLUTION 014-13**

(PURSUANT TO ARTICLE II, SECTION 2.15 OF THE CITY CHARTER, CHAPTER 121 OF THE CODE OF ORDINANCES AND COUNCIL RULE 6.2.4.1, AS WELL AS APPLICABLE PROVISIONS OF ORC CHAPTER 731)

### **NOTICE**

A copy of the complete text of Resolution 014-13 is on file in the office of the City Finance Director and may be viewed or obtained during business hours of 7:30 AM to 4:00 PM, Monday through Friday, at the office of the Finance Director, the location being 255 West Riverview Avenue, Napoleon, Ohio. A copy of all or part of Resolution 014-13 or any item mentioned in this notice may be obtained from the City Finance Director upon the payment of a reasonable fee therefore.

### **Resolution 014-13**

**A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS IN EXCESS OF \$25,000.00 FOR THE PURCHASE OF ONE (1) NEW 2012 OR NEWER 18,000 POUND MINI-EXCAVATOR, WHICH WAS NOT INCLUDED IN THE 2013 MASTER BID RESOLUTION 079-12**

The City of Napoleon desires to purchase a mini-excavator which must be competitively bid. This summary approved as to form and correctness by Trevor M. Hayberger, City Law Director.



## CITY OF NAPOLEON, OHIO

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

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

phone (419) 599-1235 fax (419)-599-8393

Web Page: [www.napoleonohio.com](http://www.napoleonohio.com)

E-mail: [gheath@napoleonohio.com](mailto:gheath@napoleonohio.com)

DATE: March 12, 2013

TO: Members of City Council  
Ronald A. Behm, Mayor  
Jon A. Bisher, City Manager  
Trevor M. Hayberger, City Law Director  
Robert Weitzel, Police Chief  
Robert Bennett, Fire Chief

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

SUBJECT: Annual Renewal of Liquor Permit Holders

Attached hereto, for your information and review, is a listing of ALL Liquor Permit Holders in the City of Napoleon. These Permits will expire on June 1, 2013, and the Legislative Authority has the Right to Object, through the process stated in the "Notice To Legislative Authorities" (See Copy Attached).

I am sending a copy of this the both the Police Chief and Fire Chief for their review. They are both requested to provide a report and/or recommendation to City Council on any Permit Holders that possibly may need objected to, based on their review.

If *No Objection* is filed, then the list stands approved as is. Timing is important, any Objections must be filed using the process stated (a formally adopted Resolution), with a postmark dated no later than May 2, 2013.

If you have any questions regarding this information, please let me know. Thank you.

Attachments



**CITY OF NAPOLEON, OHIO - LIQUOR PERMIT HOLDERS FOR RENEWAL AS OF 03-12-2013**

Permit Number	Permit Name	DBA	Class	Class Issue Status	Date Of Action	Street1	Street2	City	St.	Zip	Agency Number	Quota Exempt Class	Site Location Vote
926235582181	VFW POST8218 LUTHER RICHARD KOLBE		D4	ISSUED	2/23/1972	1008 N PERRY ST		NAP.	OH	43545	00635	NOT A QUOTA EXEMPT CLASS	NO
93510011416	WAL MART STORES EAST LP	DBA WAL MART SUPERCENTER #1416	C1	ISSUED	4/7/2004	1815 SCOTT ST		NAP.	OH	43545		NOT A QUOTA EXEMPT CLASS	NO
93510011416	WAL MART STORES EAST LP	DBA WAL MART SUPERCENTER #1416	C2	ISSUED	4/7/2004	1815 SCOTT ST		NAP.	OH	43545		NOT A QUOTA EXEMPT CLASS	NO
93510011416	WAL MART STORES EAST LP	DBA WAL MART SUPERCENTER #1416	D6	ISSUED	8/4/2005	1815 SCOTT ST		NAP.	OH	43545		NOT A QUOTA EXEMPT CLASS	YES
9470007	WEIDEMAN INC	DBA SPENGLERS	D2	ISSUED	4/7/2003	713 N PERRY ST 1ST FL & BSMT		NAP.	OH	43545	00635	NOT A QUOTA EXEMPT CLASS	NO
9470007	WEIDEMAN INC	DBA SPENGLERS	D2X	ISSUED	4/7/2003	713 N PERRY ST 1ST FL & BSMT		NAP.	OH	43545	00635	NOT A QUOTA EXEMPT CLASS	NO
9470007	WEIDEMAN INC	DBA SPENGLERS	D3	ISSUED	11/9/2009	713 N PERRY ST 1ST FL & BSMT		NAP.	OH	43545	00635	NOT A QUOTA EXEMPT CLASS	NO
9452348	YIM NGOR TSUI	DBA CHINA DRAGON	D5	ISSUED	4/21/2006	1415 N SCOTT		NAP.	OH	43545	00635	NOT A QUOTA EXEMPT CLASS	NO

Permit Class	Permit Fee	Description
--------------	------------	-------------

## TYPES OF PERMITS

### Manufacturer

A1	\$3,906	<a href="#">ORC 4303.02</a> Manufacturer of beer, ale, stout and other malt liquors.
A1A	\$3,906	<a href="#">ORC 4303.021</a> Beer, and any intoxicating liquor by the glass or container on A-1 or A-2 permit premises only until 2:30am.
A2	\$76	<a href="#">ORC 4303.03</a> Manufacturer of wine.
A3	\$2 to \$3,906	<a href="#">ORC 4303.04</a> Manufacture, import and sell alcohol and spirituous liquor
A3A	\$2 to \$400	<a href="#">ORC 4303.041</a> Manufacturer of less than 10,000 gallons of spirituous liquor and sale to a personal consumer.
A4	\$3,906	<a href="#">ORC 4303.05</a> Manufacture and sell certain prepared and bottled drinks, import for blended purposes
B2A	\$25	<a href="#">ORC 4303.07</a> Sale of wine to retail permit holder.
S	\$25	<a href="#">ORC 4303.232</a> Sale of wine to personal consumer via mail order.
W	\$1,563	<a href="#">ORC 4303.231</a> To operate a warehouse for the storage of beer or intoxicating liquor within the state and to sell such products from the warehouse to a B permit holder with Consent to Import on file or to other customers outside this state.

### Distributor

B1	\$3,125	<a href="#">ORC 4303.06</a> Distributor of beer, ale, stout, other malt liquor.
B2	\$500	<a href="#">ORC 4303.07</a> Distributor of bottled wine.
B3	\$124	<a href="#">ORC 4303.08</a> Distributor of sacramental wine.
B4	\$500	<a href="#">ORC 4303.09</a> Distributor of mixed beverages.
B5	\$1,563	<a href="#">ORC 4303.10</a> Distributor and importer and bottler of wine.

Permit Class	Permit Fee	Description
Retail Store Carryout		
C1	\$252	<a href="#">ORC 4303.11</a> Beer only in original sealed container for carry out only.
C2	\$376	<a href="#">ORC 4303.12</a> Wine and mixed beverages in sealed containers for carry out.
C2X	\$252	<a href="#">ORC 4303.121</a> Beer in original sealed containers for carry out.
D8	\$500	<a href="#">ORC 4303.184</a> Sale of tasting samples of beer, wine, and mixed beverages, but not spirituous liquor, at retail, for consumption on premises.
Restaurant / Night Club		
D1	\$376	<a href="#">ORC 4303.13</a> Beer only for on premises consumption or in sealed containers for carry out.
D2	\$564	<a href="#">ORC 4303.14</a> Wine and mixed beverages for on premises consumption or in sealed containers for carryout.
D2X	\$376	<a href="#">ORC 4303.141</a> Beer only for on premises consumption or in sealed containers.
D3	\$750	<a href="#">ORC 4303.15</a> Spirituous liquor for on premises consumption only until 1:00am.
D3X	\$300	<a href="#">ORC 4303.151</a> Wine only for on premises consumption only until 1:00am.
D3A	\$938	<a href="#">ORC 4303.16</a> Extend issued permit privileges until 2:30am.
D5	\$2,344	<a href="#">ORC 4303.18</a> Spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30am.
D5I	\$2,344	<a href="#">ORC 4303.181</a> (Same as D5). Restaurant meeting certain criteria.
D7	\$469	<a href="#">ORC 4303.183</a> (Same as D5). RESORT area only.

Permit Class	Permit Fee	Description
Club		
D4	\$469	<a href="#">ORC 4303.17</a> Beer and any intoxicating liquor to members only, for on premises consumption only until 1:00am.
D4A	\$750	<a href="#">ORC 4303.171</a> Airline club only - Beer and any intoxicating to members and guests until 2:00am.
D5C	\$1,563	<a href="#">ORC 4303.181</a> (Same as D5.)(This class can no longer be applied for.)
D5D	\$2,344	<a href="#">ORC 4303.181</a> (Same as D5) located at airport.
Hotel And Motel		
D5A	\$2,344	<a href="#">ORC 4303.181</a> (Same as D5) for hotel or motel with 50 or more rooms for transient guests.
Enclosed Shopping Mall		
D5B	\$2,344	<a href="#">ORC 4303.181</a> (Same as D5) for enclosed shopping mall.
River Boats		
D5E	\$1,219	<a href="#">ORC 4303.181</a> (Same as D5). Historical river boat owned by charitable organization only.
Marinas		
D5F	\$2,344	<a href="#">ORC 4303.181</a> (Same as D5). Marina restaurant only.
Museums		
D5G	\$1,875	<a href="#">ORC 4303.181</a> (Same as D5 – except sales till one am). National sports museum only.
D5H	\$1,875	<a href="#">ORC 4303.181</a> (Same as D5 – except sales till one am). Fine arts museum only.
Community Entertainment District/Revitalization		
D5J	\$2,344	<a href="#">ORC 4303.181</a> (Same as D5). Community entertainment district.
D5L	\$2,344	<a href="#">ORC 4303.181</a> (Same as D5 – except sales till one am). Revitalization District.

Permit Class	Permit Fee	Description
Sunday Sales		
D6	\$400-c \$500-d	<a href="#">ORC 4303.182</a> Sale of intoxicating liquor on Sunday between the hours 10:00am or 11:00am and midnight.
Other		
D5K	\$1,875	<a href="#">ORC 4303.181</a> (Same as D5 – except sales till one am). Certain non profit organizations that own and operate a botanical garden.
D5M	\$2,344	<a href="#">ORC 4303.181</a> (Same as D5). Restaurant affiliated with center for the preservation of wild animals.
D5N	\$20,000.00	<a href="#">ORC 4303.181(N)</a> (Same as D5). Casino Operator or Casino Management Company.
D5O	\$2344.00	<a href="#">ORC 4303.181(O)</a> (Same as D5). Restaurant located in a casino.
E	\$500	<a href="#">ORC 4303.19</a> Railroad car or airline to sell beer or any intoxicating liquor at retail in glass or from container for consumption in such car or aircraft.
G	\$100	<a href="#">ORC 4303.21</a> Retail drug store (alcohol for medicinal, industrial, mechanical, chemical, or scientific purposes).
H	\$300	<a href="#">ORC 4303.22</a> PUCO motor carrier to transport beer, intoxicating liquor and alcohol, also to railroad.
I	\$200	<a href="#">ORC 4303.23</a> Wholesale druggist (purchase - import alcohol for sale at wholesale and retail).
Temporary Permits		
F	\$40	<a href="#">ORC 4303.20</a> Valid for beer only until 1:00am. (Temporary - 5 days).
F1	\$250	<a href="#">ORC 4303.201</a> Temporary "Special Function" permit (3 days) (allows B.Y.O.B. by a nonprofit organization at Municipal Convention Center).
F2	\$150	<a href="#">ORC 4303.202</a> Temporary permit (48 hours) beer and any intoxicating liquor by glass or container on premises only until 1:00am.
F3	\$300	<a href="#">ORC 4303.203</a> Alcohol Beverage Industry Education.
F4	\$60	<a href="#">ORC 4303.204</a> Certain non profit organizations for an event that includes the introduction, showcasing or promotion of wines produced in Ohio; to furnish at no charge 2 oz. samples and sale for on premises consumption and carry out of wine from

Permit Class	Permit Fee	Description
		participating A2 permit holders. The fee is \$60 (per day).
F5	\$180	<a href="#">ORC 4303.205</a> Beer and Intoxicating liquor issued to a Riverboat at a festival sponsored by a nonprofit organization (6 days - one per calendar year).
F6	\$50	<a href="#">ORC 4303.206</a> Sale of wine by a 501(c)(3) nonprofit organization (72 consecutive hours - 6 per year).
F7	\$450	<a href="#">ORC 4303.207</a> Beer, wine, mixed beverages, and spirituous liquor issued to a nonprofit organization at a "qualified golf event", meeting certain criteria until 1AM. (8 days - two(2) per calendar year).
F8	\$1700	<a href="#">ORC 4303.208</a> Temporary permit to a not-for-profit organization for sales on publicly owned property located in Hamilton County only.
F9	\$1700	Temporary Permit to a nonprofit corporation that operates park on property leased from a municipal or non-profit corporation that provides or manages entertainment programming having an agreement meeting certain – in Franklin County only.

CITY OF NAPOLEON, OHIO - LIQUOR PERMIT QUOTAS AS OF 03/15/2013

35 HENRY	088 NAPOLEON			POPULATION	8,647
CLASS	RATIO	PERMIT QUOTA	PERMITS ISSUED	PERMITS AVAILABLE	APPLICATIONS ON FILE
C1	1,000	9	9	0	0
C2	1,000	9	9	0	0
D1	2,000	5	5	0	1
D2	2,000	5	4	1	0
D3	2,000	5	3	2	0
D3A	0	0	5	0	0
D4	2,000	5	4	1	0
D5	2,000	5	4	1	1

## RE: Question on Quota's for the City of Napoleon, Ohio

From: "liqr, web" <web.liqr@com.state.oh.us>

03/14/2013 03:27 PM

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

Attachments: 4303.181-9-12.pdf (771.4 kB); TREX-1-8-13.pdf (109.5 kB);

---

Thank you for contacting the Division of Liquor Control with your question.

Pursuant to Ohio Revised Code 4303.29(B)(1), the population of a taxing district determines the number of permits allowed in a taxing district (quota system).

The quota for Napoleon is full for C-1 (carryout of beer) and C-2 (carryout of wine and mixed beverages). They are allowed 9, 9 are issued, with no applicants on the waiting list.

D-1 (on/off premises beer) - allowed 5, 5 are issued, with 1 applicant on the waiting list.

D-2 (on/off premises wine and mixed beverages) - allowed 5, 4 are issued, 1 opening, no applicants on the waiting list.

D-3 (on/off premises spirituous liquor) - allowed 5, 3 are issued, 2 openings, no applicants on the waiting list.

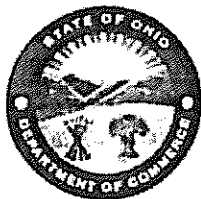
D-4 (private club, members only, on premises) - allowed 5, 4 are issued, 1 opening, no applicants on the waiting list.

D-5 (on/off premises everything) - allowed 5, 4 are issued, 1 openings, with 1 applicant on waiting list (in process).

Ohio Revised Code Section 4303.181 provides for quota-exempt permits to be issued to qualified businesses when the quota is full. Each permit has different statutory requirements for issuance. Attached is a copy of Ohio Revised Code Section 4303.181 for your review.

Another option would be a Economic Development Transfer (TREX). See attached information on a TREX transfer.

Hope this information is helpful.



Sandy Wilson  
Program Administrator  
Ohio Department of Commerce  
Division of Liquor Control  
6606 Tussing Road, Reynoldsburg, Ohio 43068-9005  
(614) 644-2472-Direct Dial, (614) 995-4047-Fax  
[www.com.ohio.gov](http://www.com.ohio.gov)

*This message and any response to it may constitute a public record and thus may be publicly available to anyo*

**From:** Gregory J Heath [mailto:[gheath@napoleonohio.com](mailto:gheath@napoleonohio.com)]

**Sent:** Thursday, March 14, 2013 2:33 PM

**To:** liqr, web



# 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](http://www.napoleonohio.com)

## Memorandum

**To:** Dr. Jon A. Bisher, City Manager  
**From:** Chad E. Lulfs, P.E., P.S., City Engineer  
**cc:** Mayor & City Council  
Greg Heath, City Finance Director  
Jeff Rathge, Operations Superintendent  
**Date:** March 18, 2013  
**Subject:** Approval of Specifications  
Large Dump Truck/Snow Plow

The City of Napoleon's Department of Public Works requests approval of the specifications for the advertisement for bids for a new Dump Truck/Snow Plow. The purchase of a new Dump Truck/Snow Plow, as well as outfitting the truck, was included in the 2013 Budget, as well as the master bid ordinance passed by City Council earlier this year. An existing Dump Truck/Snow Plow will be traded in as part of this project, therefore keeping the City's fleet the same size. The approved budget amount for this purchase is \$145,000.00.

*CEL*



# 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](http://www.napoleonohio.com)

## Memorandum

**To:** Dr. Jon A. Bisher, City Manager  
**From:** Chad E. Lulfs, P.E., P.S., City Engineer  
**cc:** Mayor & City Council  
Greg Heath, City Finance Director  
Jeff Rathge, Operations Superintendent  
**Date:** March 18, 2013  
**Subject:** Approval of Specifications  
Refuse/Recycling Truck with Packer Unit

The City of Napoleon's Department of Public Works requests approval of the specifications for the advertisement for bids for a new Refuse/Recycling Truck with Packer Unit. The purchase of a new Refuse/Recycling Truck, as well as outfitting the truck, was included in the 2013 Budget, as well as the master bid ordinance passed by City Council earlier this year. The approved budget amount for this purchase is \$150,000.00.

*CEL*



# 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](http://www.napoleonohio.com)

## Memorandum

**To:** Dr. Jon A. Bisher, City Manager  
**From:** Chad E. Lulfs, P.E., P.S., City Engineer  
**cc:** Mayor & City Council  
Greg Heath, City Finance Director  
Jeff Rathge, Operations Superintendent  
**Date:** March 18, 2013  
**Subject:** Approval of Specifications  
Mini-Excavator

The City of Napoleon's Department of Public Works requests approval of the specifications for the advertisement for bids for a new Mini-Excavator. The purchase of a new Mini-Excavator was included in the 2013 Budget, pending review and approval by Council. An existing Backhoe will be traded in as part of this project, therefore keeping the City's fleet the same size. The approved budget amount for this purchase is \$90,000.00.

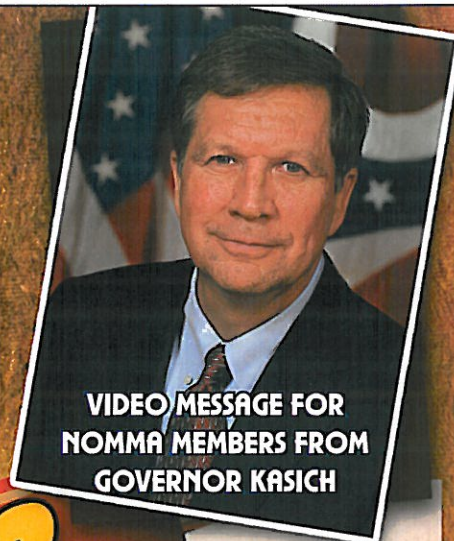
*CEL*

**N.O.M.M.A.**  
**NORTHWEST OHIO**  
**Mayors & Managers**  
**ASSOCIATION**

**CORDIALLY INVITES YOU  
TO JOIN US FOR OUR  
ANNUAL STEAK DINNER ON**

**WEDNESDAY**

**MARCH 27, 2013**



**WHERE:** **AMERICAN LEGION FREEDOM POST #183**  
**(RIVERVIEW BANQUET CENTRE)**  
**405 EAST FRONT STREET**  
**PEMBERVILLE, OHIO 43450**

**WHEN:** **5:30PM - SOCIAL HOUR**  
**6:30PM - STEAK DINNER**

Dinner Music Performed by:  
*Fingerstyle*  
*Guitarist*  
**DAVID T. LESTER**  
[www.davidtleser.com](http://www.davidtleser.com)



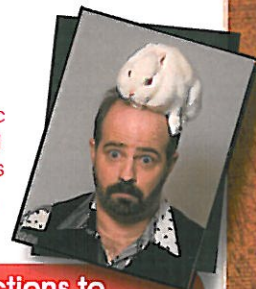
**ENTERTAINMENT:**

**7:30PM**  
**PRESENTATION**  
**WILL BEGIN**



**GREG CARSON**  
**MAGICAL ENTERTAINER**

Greg Carson, a full-time professional entertainer, has been amazing people most of his life. At age 7, the gift of a magic kit captured his interest and eventually launched his busy and fulfilling career. Now, with over 40 years of experience, he has successfully performed for restaurants, resorts, private parties, sales meetings, award banquets, grand openings, new product introductions, trade shows and even taught lessons.



**For more information about Greg, or directions to  
Pemberville, please visit our website: [www.NOMMA.us](http://www.NOMMA.us)**

Attendee (s) Information

Number of Attendees: \_\_\_\_\_ ☐ \$40 Member ☐ \$50-Non-Member Total Enclosed: \_\_\_\_\_

Name(s): \_\_\_\_\_  
\_\_\_\_\_

Municipality/Organization: \_\_\_\_\_

Email Address: \_\_\_\_\_

Please make checks payable to NOMMA 108 S. Front Street, Fremont, OH 43420

E-mail: [deb@nomma.us](mailto:deb@nomma.us) | Phone: Deb Hellman at 419-355-8138

**RSVP: by Monday, March 20, 2013**

*City of Napoleon, Ohio*

## **TREE COMMISSION**

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

### **Meeting Agenda**

Monday, March 18, 2013 at 6:00 PM

- I. **Approval of Minutes** (In the absence of any objections or corrections, the minutes shall stand approved.)
- II. **Tree Call Report**
- III. **Spring Programs**
- IV. **Arbor Day Observation**
- V. **Any Other Matters to Come before the Commission**

---

Gregory J. Heath, Finance Director/Clerk of Council

City of Napoleon, Ohio  
**TREE COMMISSION**

---

**Meeting Minutes**  
**Monday, February 18, 2013 at 6:00 PM**

<b>PRESENT</b>	
<b>Commission</b>	David Volkman - Chair, Bill Rohrs, Ron Bahler, Kirk Etzler, Jason Maassel
<b>City Staff</b>	Marty Crossland
<b>Recorder</b>	Tracy Crist
<b>ABSENT</b>	
<b>Members</b>	None
<b>Approval Of Minutes</b>	Minutes from October 15, 2012, stand approved as printed.
<b>Tree Call Report</b>	<p>Crossland stated he received a call from the residents at 915 Welsted St. They want the tree that was partially removed as part of the waterline project to be completely removed. He said it will be added to the tree removal and spring program.</p> <p>Crossland also stated that the City Manager received a call from 414 W Clinton St. They want a replacement for the Ash tree that was removed. This will be a smaller tree and will be added to the spring program.</p>
<b>Spring Programs</b>	<p>Crossland stated there were a couple of changes to the list that was handed out at the last meeting. 858 Hobson, on the Fillmore St side, remove tree but not replace; not enough lawn.</p> <p>Spring program bids will be opened March 11, 2013 and would like to have contract end by Arbor Day. Crossland said he will have numbers for the March meeting.</p> <p>Crossland is waiting to hear back from North Branch Nursery for cost of replacement of Arborvitae at Oberhaus Park. Is thinking around \$75 per each. Tom Ashbaugh and the Parks Dept. are going to remove the dead trees.</p> <p>Crossland asked where and when Arbor Day will be held this year. It was decided that Kirk would check with the middle school principle to see if kids can come on Friday, April 26<sup>th</sup> to do small plantings at Bloomfield House and Ritter Park. Larger planting at Oberhaus could be done by Scouts on Saturday, April 27<sup>th</sup>.</p>
<b>2013 Project Removals</b>	Crossland stated removed 3 to 4 trees on the Welsted Street job, with possibly 2 being replaced. There will be 20 to 25 trees removed as part of the W. Riverview job. This will be done at the contractor's discretion this spring. There will be 1 tree removed on Lynne Ave; this tree will not be replaced.
<b>Any Other Matters</b>	<p>Volkman asked if Bill was able to go to the tree training workshop? Bill said he was not, did not get all the information in time to attend.</p> <p>Kirk noted that there are a couple silver maples on Webster St by Emmanuel Lutheran Church whose branches are starting to die and need trimming.</p> <p>Crossland noted that he has started getting the new software set up and will be able to generate varied reports once completed. He also stated that the purchase order has been made to buy the gator bags from Kurtz Ace Hardware at \$18.99 per each. The Parks Dept. will manage the watering.</p>

**Motion To Adjourn**

**Passed**  
**Yea- 5**  
**Nay- 0**

Motion: Maassel                      Second: Etzler  
To adjourn the meeting at 6:28 PM

Roll call vote on above motion:  
Yea- Volkman, Rohrs, Bahler, Etzler, Maassel  
Nay-

---

David Volkman, Chair

DRAFT

# Memorandum

**To:** Parks & Recreation Committee, Council, Mayor, City Manager,  
City Law Director, City Finance Director, Department Supervisors,  
Media

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

**Date:** 3/14/2013

**Re:** Parks & Recreation Committee Meeting Cancellation

---

The regular Parks & Recreation Committee meeting scheduled for Monday, March 18 at 8:00 PM has been canceled due to lack of agenda items.



Ohio Municipal League  
Our Cities and Villages ★ Bringing Ohio to Life

# Legislative Bulletin

## Ohio Municipal League Legislative Bulletin

**OML HOME • Affiliates • Classifieds • Legislative News • Publications • About OML**

**[Join the OML Legislative Bulletin E-Mail List](#)**

**[Committee Schedule](#)**

**March 15, 2013**

### **LEGISLATORS SEEK MUNICIPAL INPUT ON UNIFORMITY**

Although there has not been any legislative committee activity that has taken place with HB 5, the municipal income tax uniformity bill since sponsor testimony was delivered to the House Ways and Means committee last month, there remains a high level of activity surrounding the issue. We would like to bring to our member's attention a 21 point document that is the product of the members of the OML income tax committee and other statewide municipal groups who have been working to define the areas that should be addressed to produce greater uniformity in the administration of the municipal tax system. The document can be found here <http://library.constantcontact.com/download/get/file/1102402771401-250/Proposed+Language+Changes+to+HB+5.pdf> and is also available on our website.

We encourage our members to share with the Sponsors of HB 5, Representative Grossman [cheryl.grossman@ohiohouse.gov](mailto:cheryl.grossman@ohiohouse.gov) and [Henne michael.henne@ohiohouse.gov](mailto:Henne michael.henne@ohiohouse.gov) your suggestions for ways to achieve greater uniformity in the local income tax and to be sure to share with your own member of the Ohio House and Senate your concerns and suggestions regarding this important piece of legislation.

### **HB 51 (COMBINED TURNPIKE BILL AND ODOT BUDGET BILL HEADS TOWARD CONFERENCE COMMITTEE**

With the Senate passage of HB51 (McGregor-Patmon), the transportation budget that contains the plan to sell bonds against the Ohio Turnpike for infrastructure projects, the House quickly rejected the Senate amendments and a conference committee was named to work out the differences Wednesday.

The conference committee members will be Reps. Ron Amstutz (R-Wooster), Ross McGregor (R-Springfield) and Alicia Reece (D-Cincinnati), and Sens. Gayle Manning (R-North Ridgeville), Tom Patton (R-Strongsville), and Capri Cafaro (D-Hubbard). The goal of the conference committee will be to have the HB51 passed by both the House and Senate for both houses go break from March 25 – April 5.

Some of the areas the conference committee will address are:

1. Increasing the speed limit on rural interstates from 65 mph to 70 mph.
2. Increasing the weight limit on trucks from 80,000 lbs to 90,000 lbs.
3. Guaranteeing that at least 90% of the bond revenues would go to projects north of U.S. Route 30.
4. Require the Director of the Department of Transportation to establish a turnpike mitigation program for assisting political subdivisions address concerns resulting from proximity to the Ohio Turnpike including noise mitigation, bridge

embankments & repair, drainage, grade separations, and other related conditions.

5. Clarify the intent of the language in the bill regarding the payments made to communities losing racetracks to ensure that each municipal corporation or township will receive the full amount intended upon original enactment of the settlement fund.
6. Require the Registrar to adopt rules to allow a trailer or semi-trailer to be registered for any number of years including a permanent registration and establish limits on fees for this purpose. (Current law limits the duration of registration to 5 years.)
7. Require stop signs be erected at railroad highway grade crossings when upgrades are made or when new crossings are constructed.
8. Changes to the scrap metal dealers and bulk merchandise container dealers.
9. Personal income tax credit for increased E-Z Pass toll.
10. Installing Stop signs at Railroad crossings.
11. Freeze tolls for E-ZPass users for trips of 30 miles or less on the turnpike.

These are just a few items the Conferees will be dealing with, a complete list of these and all the information pertinent to HB 51 can be found [here](#).

## **HEARINGS ON HB59, THE BIENNIAL BUDGET BILL CONTINUE**

The House of Representatives again this week had a myriad of committee hearings on HB59. All the subcommittees were in full swing hearing from interested parties about their support or concerns about the 4,000 plus page document. Questions from this week centered on broadening of the sales tax, Medicaid expansion, oil and gas severance tax. A full slate of hearings is scheduled to take place next week also. After that, the General Assembly is scheduled to take a two week Spring Break. It may be during this time that proposed amendments to HB59 will be submitted and soon afterward the bill will be heard by the full House Of Representatives and then sent to the Senate for their opportunity to hear the bill. All documents pertaining to HB59 can be found [here](#).

## **HOUSE PASSES SWEEPSTAKES BILL**

The House passed a bill dealing with "Internet cafes," or "sweepstakes parlors," which have been popping up across the state by the hundreds.

Sponsored by Rep. Matt Huffman (R-Lima), the measure, HB7, cleared the House on a 66-29 vote. The bill would effectively outlaw most if not all of the current parlors by setting strict parameters for sweepstakes, imposing registration requirements and allowing the Bureau of Criminal Identification and Investigation to pursue criminal gambling activity.

The bill will now go to the Senate where its fate will be decided. According to Senate President Keith Faber the Republican Senate caucus hasn't yet been polled on whether they support a full ban.

## **OPERS HAVING WEBINARS FOR EMPLOYERS**

Recent statutory changes affect prior, current, and future individuals hired as independent contractors, or other classifications for which no retirement contributions were or will be made to OPERS. Effective Jan. 7, 2013, OPERS public employers are required to provide notifications within pre-determined time frames to individuals who have not had, or will not have OPERS retirement contributions withheld from their earnings

This seminar overviews the employer's obligation under the new statutory requirements. Those attending will also learn about the membership determination process, including how to complete required forms, the guidelines used for determination and the appeal process.

Registration is free, but required. To access dates, times and registration visit the [opers.org](http://opers.org) website.

## **LEGISLATIVE COMMITTEE SCHEDULE FOR THE WEEK OF MARCH 17, 2013**

**Tuesday, March 19, 2013**

### **HOUSE TRANSPORTATION, PUBLIC SAFETY AND HOMELAND SECURITY**

Rep. Damschroder: 614-466-1374

*Tue., Mar. 19, 2013, 1:30 PM, Hearing Room 122*

- HB69**      **TRAFFIC LAW PHOTO-MONITORING DEVICES (MAAG R, MALLORY D)** To prohibit the use of traffic law photo-monitoring devices by municipal corporations, counties, townships, and the State Highway Patrol to detect traffic signal light and speed limit violations.

**First Hearing, Sponsor Testimony**

### **HOUSE FINANCE AND APPROPRIATIONS**

Rep. Amstutz: 614-466-1474

*Tue., Mar. 19, 2013, 2:00 PM, Hearing Room 313*

- HB59**      **BIENNIAL BUDGET (AMSTUTZ R)** To make operating appropriations for the biennium beginning July 1, 2013, and ending June 30, 2015; to provide authorization and conditions for the operation of state programs.

**Fifth Hearing, All Testimony**

### **HOUSE POLICY AND LEGISLATIVE OVERSIGHT**

Rep. Dovilla: 614-466-4895

*Tue., Mar. 19, 2013, 2:00 PM, Hearing Room 115*

- SB47**      **ELECTION LAW REVISION (SEITZ B)** To revise the Election Law.

**Second Hearing, All Testimony, AMENDMENTS/POSSIBLE VOTE**

### **SENATE WORKFORCE AND ECONOMIC DEVELOPMENT**

Sen. Beagle: 614-466-6247

*Tue., Mar. 19, 2013, 4:00 PM, North Hearing Room*

- SB1**      **OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING LOAN FUND (BEAGLE B, BALDERSON T)** To create the OhioMeansJobs Workforce Development Revolving Loan Fund, to create the OhioMeansJobs Workforce Development Revolving Loan Program, to allocate a portion of casino license fees to finance the loan program, and to make an appropriation.

**Third Hearing, All Testimony**

**Wednesday, March 20, 2013**

### **HOUSE FINANCE AND APPROPRIATIONS**

Rep. Amstutz: 614-466-1474

*Wed., Mar. 20, 2013, 9:00 AM, Hearing Room 313*

- HB59**      **BIENNIAL BUDGET (AMSTUTZ R)** To make operating appropriations for the biennium beginning July 1, 2013, and ending June 30, 2015; to provide authorization and conditions for the operation of state programs.

**Sixth Hearing, All Testimony**

### **SENATE AGRICULTURE**

Sen. Hite: 614-466-8150

*Wed., Mar. 20, 2013, 2:30 PM, Senate Finance Hearing Room*

**SB48** LIQUOR PERMITS (BALDERSON T) To allow a specified C or D liquor permit that has been transferred to an economic development project to be subsequently transferred to a location that does not qualify as an economic development project.  
**Second Hearing, All Testimony, POSSIBLE VOTE**

**Thursday, March 21, 2013**

**HOUSE FINANCE AND APPROPRIATIONS**

Rep. Amstutz: 614-466-1474

*Thu., Mar. 21, 2013, 9:00 AM, Hearing Room 313*

**HB59** BIENNIAL BUDGET (AMSTUTZ R) To make operating appropriations for the biennium beginning July 1, 2013, and ending June 30, 2015; to provide authorization and conditions for the operation of state programs.

**Seventh Hearing, All Testimony**



# Update

A weekly newsletter presented by AMP President/CEO Marc Gerken

March 15, 2013



Members of the AMP/OMEA delegation stand up for public power at the 2013 APPA Legislative Rally held in Washington, D.C., March 12-13.

## 2013 APPA L&R Rally a success

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

The 2013 APPA L&R Rally was held this week in Washington, with more than 50 attendees from 25 AMP/OMEA member communities in Ohio, Pennsylvania, Kentucky and Delaware participating in the annual event.

Following an issues briefing March 12, our delegation participated in the APPA Legislative & Resolutions Committee, where seven policy resolutions were adopted addressing a variety of industry-related issues. These included a resolution supporting municipal bonds and AMP/OMEA co-sponsored a resolution calling for FERC to adopt equitable measures for allocating the cost of new transmission projects. Other resolutions included:

- Maintaining self-supply in the capacity markets
- Effective mutual aid network
- Protecting existing hydropower and improving the mandatory conditioning authority process

To view the approved resolutions in their entirety, please visit <http://www.publicpower.org/legislative/index.cfm?ItemNumber=37193>

Visits with members of Congress took place March 12 and 13. Several congressmen on the schedule couldn't attend because House Republicans were meeting with the president during our visit.

see RALLY Page 2

## PJM posts results for 2013-14, 3rd Incremental Auction

By Timothy Walton – transmission affairs specialist

PJM posted the cleared auction results for the 2013-14, 3rd Incremental Capacity Auction on March 8. The PJM RTO footprint clearing price was \$4.05/MW-day (\$0.12/kW-month) and the MAAC Locational Deliverability Area (LDA) clearing price was \$30.00/MW-day (\$0.91/kW-month).

The AMP member zones that are located in the MAAC LDA are (PPL, Penelec and Met-Ed). In comparison, the 2013-14 Base Residual Auction cleared at \$27.73/MW-day (\$0.84/kW-month) for the RTO and \$226.15/MW-day (\$6.88/kW-month) for MAAC.

The 2013-14, 1st Incremental auction clearing price for both the RTO and MAAC LDA was \$20.00/MW-day (\$0.61/kW-month). The 2013-14, 2nd Incremental auction clearing price for the RTO and MAAC LDA respectively was \$7.01/MW-day (\$0.21/kW-month) and \$10.00/MW-day (\$0.30/kW-month). Due to the low clearing prices all of AMP's DR capacity buy back bids cleared in the 2013-14, 3rd Incremental Auction.

If any Demand Response participants have questions, please call me at 614.540.6418 or send me an email at [twalton@amppartners.org](mailto:twalton@amppartners.org).



### News or Ads?

Call Krista Selvage at 614.540.6407 or email to [kbselvage@amppartners.org](mailto:kbselvage@amppartners.org) if you would like to pass along news or ads.



### Like us on Facebook

For weekly facts and updates, "like" American Municipal Power's Facebook page.

*RALLY continued from Page 1*

We met with Sens. Sherrod Brown (D-OH) and Rob Portman (R-OH); Speaker John Boehner (R-OH); Reps. Bob Gibbs (R-OH), Joyce Beatty (D-OH), Bob Latta (R-OH), Bill Johnson (R-OH), David Joyce (R-OH), Jim Jordan (R-OH), Brad Wenstrup (R-OH), Marcy Kaptur (D-OH), Steve Stivers (R-OH), Mike Turner (R-OH), John Carney (D-DE); and staff to Reps. Marcia Fudge (D-OH), Tim Ryan (D-OH), Pat Tiberi (R-OH), Joe Pitts (R-PA), Jim Renacci (R-OH), and Sens. Tom Carper (D-DE), Bob Casey (D-PA), Pat Toomey (R-PA) and Christopher Coons (D-DE).

Key topics discussed included tax-exempt financing and other fiscal matters, energy and environmental policy, transmission and wholesale electric market concerns, hydro development issues and cybersecurity issues.

Copies of the position papers are posted on the legislative page in the Member Extranet section of the [AMP website](#).

We would like to thank all the members who participated. Please contact me at [jthompson@amppartners.org](mailto:jthompson@amppartners.org) or 614.540.1111 with questions or if you would like copies of the materials we provided to lawmakers.

## Lawmakers show support for tax-exempt municipal bonds

*By Jolene Thompson*

A bipartisan resolution was introduced in the U.S. House of Representatives this week, which recognizes the important role municipal bonds play in America's public infrastructure. Reps. Lee Terry (R-NE) and Richard Neal (D-MA) introduced House Joint Resolution 112 to support tax-exempt municipal bonds. The resolution commemorates the 100-year anniversary of the federal tax exemption for municipal bonds and recognizes the importance of municipal bonds to economic growth and wellbeing.

We urge you to contact your U.S. House members in supporting this vital legislation. A model grassroots letter to use is available on the Municipal Bonds for America (MBFA) coalition website, [www.munibondsforamerica.org](http://www.munibondsforamerica.org). More information is also available on [APPA's website](#).

We appreciate your participation in rallying support for this important matter.

## Natural gas prices up due to prolonged cold weather

*By Craig Kleinhenz – manager of power supply planning*

The cold temperatures continue to persist over much of the United States even as we approach the middle of March (average high temperatures for this time of year are around 50 degrees).

The cold weather caused a much larger than expected withdrawal of natural gas from storage this week. This sent April natural gas prices \$0.33/MMBtu higher this week, finishing the week at \$3.81/MMBtu.

2014 electric prices did not seem too concerned with short-term natural gas prices this week. AD hub 2014 on-peak electric prices finished the week \$0.11/MWh lower than last week to close at \$42.72/MWh.

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

### Week ending March 15

MON	TUE	WED	THU	FRI
\$31.50	\$36.65	\$37.88	\$44.37	\$37.71

### Week ending March 8

MON	TUE	WED	THU	FRI
\$36.12	\$37.52	\$40.76	\$35.79	\$33.36

AEP/Dayton 2014 5x16 price as of March 15 — \$42.72

AEP/Dayton 2014 5x16 price as of March 8 — \$42.83

## AMP voices endorsement for Hydropower Improvement Act

*By Marc Gerken – president/CEO*

The Hydropower Improvement Act was re-introduced this week by Senate Energy and Natural Resources Committee Ranking Member Lisa Murkowski (R-AK).

AMP and OMEA will be alerting our offices of our support on this bipartisan action to improve the regulatory process for hydropower projects.

This important legislation promotes the development of small hydropower and conduit projects, and aims to shorten regulatory timeframes of certain other low-impact hydropower projects.

According to a National Hydropower Association job study, 23,000 to 60,000 MW of new capacity could be installed by 2025, creating 230,000 to 700,000 jobs.

Originally introduced in 2011, the legislation won bipartisan committee support, but was not considered by the full Senate.

The act is a companion piece to the Hydropower Regulatory Efficiency Act of 2012, which passed unanimously in the U.S. House of Representatives in February.

## Reminder: Member community technical data deadline is March 25

*By Greg Grant – director of publications*

We want to thank all of you who have provided your 2012 member community technical data to help us update the AMP Member Directory. We would also like to remind those of you who are in the process of responding that we would appreciate getting that information by March 25.

Because the electronic member directory has allowed us to keep member community information updated throughout the year, we are requesting only technical information. In addition to the member directory update, the information you provide will appear in the 2012 AMP Annual Report (AMP Member Electric Systems at a Glance), as well as be used for processing AMP service fees and OMEA annual dues.

You can return your technical data to: (mail) Betty Wehrman, AMP, 1111 Schrock Road, Suite 100, Columbus, Ohio 43229; (fax) 614.540.1081; or (email) [bwehrman@amppartners.org](mailto:bwehrman@amppartners.org).

If you have any questions or would like another technical data form, please contact me at 614.540.1067 or [ggrant@amppartners.org](mailto:ggrant@amppartners.org).

## New Martinsville hosts first West Virginia Finance & Accounting Subcommittee meeting

By Chad Turner – member credit compliance analyst

AMP's first West Virginia Finance & Accounting Subcommittee Meeting was held March 14 at New Martinsville City Hall.

Maggie Ndovi-Gibbs, AMP financial analyst, kicked off the day and provided information on the AMP "On Behalf of" Financing program. Following Maggie, I reviewed the AMP Credit Scoring Program, including a question and answer session. Andy Blair, AMP senior director quality systems-billing, then provided the background information which goes into making AMP Power Supply invoices.

Following lunch, Chris Deeter, senior director member credit compliance, presented AMP Financing 101 – using the Prairie State Energy Campus financing as an example. His presentation provided attendees with the process AMP undertakes when financing major capital projects. Harry Phillips, AMP director of marketing, closed out the day, discussing and fielding questions on the Eastlake Project.

Following the subcommittee meeting, New Martinsville's Hydro Plant Manager Chuck Stora led AMP staff and attendees on a tour of the New Martinsville Hydroelectric Plant at the Hannibal Locks and Dam. Chuck also arranged for a tour of the Voith Hydro Construction Facility in Hannibal, Ohio, where portions of the generating equipment for some of the AMP hydro projects are being constructed.

The next Finance & Accounting Subcommittee Meeting will be held on April 25, hosted by the City of Oberlin.

For more information, please contact me at 614.540.6913 or [cturner@amppartners.org](mailto:cturner@amppartners.org); or Chris Deeter at 614.540.0848 or [cdeeter@amppartners.org](mailto:cdeeter@amppartners.org).



Attendees of the West Virginia Finance & Accounting Subcommittee meeting saw work being completed on the Meldahl unit 1 distributor during a tour of the Voith Hydro Construction Facility in Hannibal, Ohio, held in conjunction with the meeting.

## AMP generation technicians work to repair, replace engine

By Tim McNay – director generation operations

During the annual borescope inspection in February on the OMEGA JV2 Bowling Green GE LM 5000 Gas Turbine, it was discovered that a bumper strip was coming out. The strip is made of a soft silicon material and measures about 3/8-inch wide by 1 3/8-inches long and less than 1/16-inch thick.

This doesn't present a danger to the engine, but when the bumper strip comes out, it allows movement of the stage 4 vane, which could result in damage over time.

The engine also suffered a foreign object damage incident which has impacted both the low-pressure compressor (LPC) and high pressure compressor (HPC) blades. These impacts measure approximately 0.194 inch from the edge of vane to the highest point of the dent. The LPC and HPC blade damage criteria are very strict with very little damage allowed.

The engine also has sustained damage to the inlet guide vanes (IGV) trailing edge. These impacts measure approximately 0.184 inch from the edge of vane to the highest point of the dent. These blades will need to be replaced.

AMP generation technicians, along with Air New Zealand (ANZ) – the GE-authorized LM 5000 repair center – are working to remove the gas turbine from the package, move the GT into the water treatment building, remove the LPC, assess blade and vane damage, replace stage 4 vane bumpers and repair and reinstall vanes.

After the LPC is reinstalled, AMP will remove the top case of HPC and assess blade and vane damage by replacing or blending the blades.

These issues are to be expected with older equipment. Even with every precaution, compressor rebuilds are a normal part of gas turbine operation. We anticipate the site will be back online soon.



An OMEGA JV2 gas turbine engine is lifted out for repairs

## Calendar

March 23—APPA Lineworkers Rodeo  
Kissimmee, Florida

March 24-27—57th Annual Engineering and Operations Technical Conference  
Kissimmee, Florida

April 23-24—8th Annual AMP Technical Services Conference  
Columbus

April 25—AMP finance & accounting subcommittee meeting  
Oberlin Fire Department, Oberlin

May 14—OMEA Legislative Day and Mayors' Reception  
Vern Riffe Center, Columbus

## AFEC weekly update

By Ryan Thompson – power supply planning engineer

AFEC's streak of uninterrupted production was finally broken when the plant was dispatched offline Sunday through Monday due to economic reasons.

Load factors for AFEC for the week ended the week at 54 percent (based on 675 MW). As the weather turned colder throughout the rest of the week the plant operated mostly at maximum baseload levels. AFEC was \$4.17/MWh cheaper than Day Ahead 7x16 prices for the week (which is a \$2.16/MWh decrease from last week).

## Update Classifieds

### St. Marys seeks director of public service and safety

The City of St. Marys, a city of 8,332 residents in west central Ohio with an annual budget of 45 million, invites qualified applicants to apply for the position of director of public service and safety. Successful applicant will be appointed by and serve at the pleasure of the mayor and will plan, direct, and manage administrative, public safety, public works, and public utility services; prepare and monitor city's budget and expenditures; develop and enforce policies and procedures; and administer five labor agreements.

Must possess a bachelor's degree in public administration, business administration, or engineering (civil or electrical) or other related program with master's degree or professional engineer preferred, plus five years of experience with public financing and supervision or an equivalent combination of training and/or experience. Must become a city resident within six months. Salary commensurate with experience.

Interested applicants can request an employment application be sent to them by contacting Patrick Hire at Clemans, Nelson and Associates, Inc. at 419.227.4945. A properly completed application and resume with references must be submitted to the above address no later than March 30 to be considered. EOE. For more information on the city of St. Marys, visit us at [www.cityofstmarys.net](http://www.cityofstmarys.net).

### Borough manager applicants wanted in Ellwood City

Borough of Ellwood City, PA (population 7,966). 41 full-time employees. Combined General/Electric/Sewer budget of \$13.4 million. Minimum of BS or BA in administration. 2-plus years of increasingly responsible experience for a community of similar size and complexity. Candidate should possess a strong background in municipal and financial management with effective leadership and communication skills.

Knowledge of PA Borough Code. Reports to a seven member council elected at large. Salary is DOQ with benefits. Submit cover letter, detailed resume, and three professional references by April 20 to Borough of Ellwood City, c/o Domenic A. Viccari, 525 Lawrence Avenue, Ellwood City, PA 16117.

### Danville looks to fill position for division director of water and gas distribution

City of Danville: Division Director of Water & Gas Distribution. The Utilities Department is seeking an experienced professional to direct the operation of the division and to ensure compliance with local, state, and federal regulations. Plans and coordinates gas marketing activities and gas rate structure. Oversees preparation and implementation of annual and five year budget. Monitors major construction projects and ensures operation and maintenance requirements are met. Prepares and presents letters, ordinances,

resolutions, and reports on regulatory, legal and technical matters in formal settings.

Candidate must possess a comprehensive knowledge of water and gas distribution systems and a comprehensive knowledge of local, state, and federal regulations and standards. Must have the ability to prepare annual budgets for capital improvement, operations, maintenance and major system improvement projects. Must be able to effectively communicate in both speaking and writing. Bachelor's degree in civil engineering or related field required with a minimum of three years experience in a progressively responsible supervisory position.

Position will remain open until filled. Salary range: \$70,858-\$110,957/DOQ. Visit our website to apply online: [www.danville.va.us](http://www.danville.va.us) Equal Opportunity Employer.

### Engineering technician needed in City of Bowling Green

Engineering technician: City of Bowling Green, Ohio – Engineering Division (Grade 6: \$19.31/hour - \$24.66/hour). This hourly, non-exempt position is responsible for effectively compiling, analyzing and comprehending civil engineering information to create, usable construction drawings. Assist contractors, City personnel and the public in utility locations and other various inquiries related to day-to-day operation of the City.

Under direction of the City Engineer, draw/design new or replacement projects using AutoCAD Civil 3D various other City departments/divisions. Must have a minimum of a two year college certificate in Engineering Technology or similar related field; with minimum of three years of relevant AutoCAD Civil 3D experience; and must have a valid Ohio Driver's License. The selected candidate must successfully complete an AutoCAD Civil 3D aptitude exercise. A copy of the job description will be provided to applicants.

Interested persons must complete the application that is available on-line at <http://www.bgohio.org/departments/personnel-department/employment-opportunities> or available in the City's Personnel Department. Resumes may be included, but will not substitute for a completed application.

Completed applications must be submitted to the Personnel Department, City of Bowling Green, 304 N. Church St, Bowling Green, Ohio 43402. Telephone: 419.354.6200; email: [BGPersonnel@bgohio.org](mailto:BGPersonnel@bgohio.org) Office hours: 8 a.m. – 4:30 p.m. weekdays. Deadline for application submission is 4:30 p.m. March 22. AA/EEO

**American Municipal Power**  
1111 Schrock Road,  
Columbus, Ohio 43229  
614.540.1111 • FAX 614.540.1113  
[www.ampppartners.org](http://www.ampppartners.org)

## REMINDER:

The City will file and pay the filing fee to the Ohio Ethics Commission if you return your signed and completed Financial Disclosure Statement to Barb Nelson by Monday, April 1. (We do not keep a copy of the completed form on file.)