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# Memorandum

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**To:** Mayor & Members of Council  
**From:** Jon Bisher  
**Subject:** General Information  
**Date:** May 3, 2013

## CALENDAR

**AGENDA – Housing Council/Special City Council Meeting;** Monday, May 6<sup>th</sup> @ 6:30 pm

2. Annual Review/Inspection of CRA Premises – enclosed is a letter from Rob McColley with the TIRC's recommendation.

**AGENDA – City Council** May 6<sup>th</sup> @ 7:00 pm

## C. APPROVAL OF MINUTES

- April 15, 2013 Regular Council Meeting Minutes

## E. REPORTS FROM COUNCIL COMMITTEES

2. *Finance & Budget Committee* – the Majority Report from the April 22<sup>nd</sup> meeting is enclosed.

## G. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **RESOLUTION NO. 020-13** a Resolution Awarding the Scott Street Improvements Project; and Declaring an Emergency. (*Suspension Requested*)
  - a. Please see Chad's *Recommendation of Award* Memorandum.

## J. GOOD OF THE CITY

1. *Recommendation from Finance & Budget Committee to Waive Credit Card Conveyance Fees from all Parks & Recreation Programs, Beginning June 1, 2013*
2. *Recommendations from Dispatch Commission*
  - Minutes from the March 26<sup>th</sup> and April 23<sup>rd</sup> meetings are enclosed.
3. *Recommendations from Parks & Recreation Board re: Golf Course*
  - The Golf Course Advisory Committee's recommendations are in the attached Memo from Tony Cotter. At their April 24<sup>th</sup> meeting, the Parks & Rec Board approved these recommendations.
4. *Recommendations from the TIRC and the Housing Council*
5. *Recommendation from the Infrastructure/ED Fund Review Committee*

6. *MWA Enterprises CRA Approval*

- Enclosed is a letter from Rob McColley with an overview on this CRA and also a copy of the proposed CRA Agreement.

7. *Award of Bid for Scott Street Improvements Project*

8. *Approval of Plans/Specifications for the Ohio Street Sanitary Sewer Replacement Project*

- As noted on Chad's enclosed Memorandum, this replaces the sanitary sewer on Ohio St. from Glenwood Ave. to Indiana Ave. A copy of the plans and specs are on file with the Finance Director's office.

## **RELATED ITEMS**

1. **CANCELLATION** – *Technology and Communications Committee*

2. **AGENDA** – *Special Civil Service Commission Meeting; Saturday, May 11<sup>th</sup> @ 8:00 am*

3. AMP Update/April 26, 2013

4. OML Legislative Bulletin/May 3, 2013

5. Memos/Information Greg Heath has included:

- a. Additional Information on INCOME TAX – TAX CREDIT REDUCTION
- b. Corrected Information on BACK OF BILL INFORMATION
- c. Utility Bill Assistance – CARE Funding Program
- d. WORKERS' COMPENSATION Client Update from CompManagement
- e. Response letters to H.Res.112 and HB5.

JAB:rd

Records Retention  
CM-11 - 2 Years

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

 Calendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
28	29	30	1	2	3	4
BISHER - VACATION	5th Monday-No Scheduled Meeting Seasonal Cleanup	Seasonal Cleanup	Seasonal Cleanup	Seasonal Cleanup	Seasonal Cleanup	
5	6	7	8	9	10	11
	6:30 PM Housing Council/Special Council Meeting 7:00 PM City COUNCIL Meeting AV - Rox					8:00 AM Civil Service Testing
12	13	14	15	16	17	18
	6:30 PM Electric Committee BOPA Meeting 7:00 PM Water/Sewer Committee Meeting 7:30 PM Municipal Properties/ED Committee Meeting AV - Rox	3:00 PM - 5:00 PM OMEA Legislative Day 5:00 PM Planning Commission Mtg. 5:00 PM - 7:00 pm OMEA Mayors' Reception AMP - Bisher	AMP - Bisher	BISHER - Vacation	BISHER - Vacation	BISHER - Vacation
19	20	21	22	23	24	25
BISHER - Vacation	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL Meeting 8:00 PM Parks & Rec Committee Mtg. AV - Dan VACATION - Rox	VACATION - Rox AMP - Bisher		VACATION - Rox BISHER - VACATION	VACATION - Rox BISHER - VACATION	BISHER - VACATION
26	27	28	29	30	31	1
BISHER - VACATION	HOLIDAY - Memorial Day BISHER - VACATION	6:30 PM Finance & Budget Committee Mtg. 7:30 PM Safety & Human Resources Committee Mtg. AV - Shery BISHER - VACATION			7:00 PM Rally in the Alley	

City of Napoleon, Ohio

## **HOUSING COUNCIL**

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

### **Meeting Agenda**

Monday, May 6, 2013 at 6:30 PM

1. Approval of 5/7/12 Minutes
2. Annual Review/Inspection of CRA Premises
3. Any Other Items to Come Before the Housing Council

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Gregory J. Heath, Finance Director/Clerk of Council

*City of Napoleon, Ohio*  
**HOUSING COUNCIL**

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**Meeting Minutes**  
**Monday, May 7, 2012 at 6:30 PM**

**PRESENT**

**Members:**

Patrick McColley, Glenn Miller, Christopher Ridley, Kevin Yarnell, Cheryl Hershberger

**Recorder:**

Barbara Nelson

**City Staff:**

Dr. Jon A. Bisher, City Manager

Trevor M. Hayberger, Law Director

Gregory J. Heath, Finance Director/Clerk of Council

**ABSENT**

Travis Sheaffer, Joel Miller

**Call To Order**

Acting Chairman Glenn Miller called the meeting to order at 6:30 PM.  
Chairman McColley arrived at 6:31 PM.

**Motion To Approve  
Minutes**

Motion: Yarnell                      Second: Ridley  
To approve minutes of the October 17, 2011 meeting

**Passed**

**Yea-5**

**Nay-0**

Roll call vote on above motion:

Yea - McColley, Miller, Ridley, Yarnell, Hershberger

Nay -

**Annual  
Review/Inspection of  
CRA Premises**

Bisher said if there was a finding by the TIRC and the finding was challenged, the Housing Council would hear the case. The TIRC reviews all properties in the CRA and makes a recommendation to the Commissioners or Council. Commercial properties are done like an enterprise zone agreement and residential are a done deal tax incentive. Glenn Miller sits on the TIRC and can report. G. Miller said the TIRC recommended continuing the CRA agreements in all cases. Everyone met their agreement. The TIRC has the flexibility to look at the economy and special circumstances. Things went very smooth this year. Bisher said the Housing Officer must report to the Ohio Department of Development and the local auditor by the end of March each year. Tom Zimmerman is our Housing Officer and did that report.

**Motion To Approve  
CRA Premises**

Motion: Yarnell                      Second: Ridley  
Motion to approve CRA Premises as recommended by the Housing Officer

**Passed**

**Yea-5**

**Nay-0**

Roll call vote on above motion:

Yea - McColley, Miller, Ridley, Yarnell, Hershberger

Nay-

Heath said the Housing Council meeting was set for the first Monday in April; however, the TIRC didn't meet until the end of April this year. He suggested that the meeting be scheduled instead for the first regular Council meeting night after the TIRC meets. McColley said another 6:30 PM meeting is scheduled regularly on the third Monday of the month. He recommended that the Housing Council meeting be scheduled for the first Monday of the month after the TIRC meeting.

**Motion To Schedule  
Meetings On 1<sup>st</sup> Monday  
Of The Month After  
The TIRC Meets**

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

Motion: Ridley                      Second: Yarnell  
To schedule Housing Council meetings on the first Monday of the month after  
the TIRC meets

Roll call vote on above motion:  
Yea - McColley, Miller, Ridley, Yarnell, Hershberger  
Nay-

Heath said we will have to publish this meeting as a special Council meeting  
in the future since there is a quorum of Council at the meeting.

**Motion To Adjourn**

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

Motion: Yarnell                      Second: Ridley  
To adjourn the meeting at 6:45 PM

Roll call vote on above motion:  
Yea- McColley, Miller, Ridley, Yarnell, Hershberger  
Nay-

**Date Approved:**

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Patrick McColley, Chair



# THE COMMUNITY IMPROVEMENT CORPORATION OF HENRY COUNTY

104 E. Washington Street, Suite 301  
Napoleon, Ohio 43545

Phone: (419)592-4637  
Fax: (419) 599-9865

May 2, 2013

## VIA REGULAR EMAIL

Napoleon City Housing Council  
C/O Tom Zimmerman  
255 West Riverview Ave,  
Napoleon, Ohio 43545

### **Re: 2013 Tax Incentive Review Council**

Dear Council Members:

Thank you for your leadership of Napoleon, Ohio. Ohio Revised Code Section 5709.85 provides for establishment of a Tax Incentive Review Council ("TIRC") to review the compliance of each community reinvestment area agreement—at least annually. The TIRC then makes a recommendation to you to continue, modify, or cancel each agreement.

The TIRC met on April 29, 2013. As the County Auditor's designee, Robert McColley chaired the 2013 TIRC. After reviewing each agreement in-depth and at length, the TIRC has recommended that you **CONTINUE** the following community reinvestment area agreements in Napoleon:

Koester Land Acquisitions  
Pet Vet  
A&J (Best Western/TA)

Napoleon I, LLC  
Tri Vet

The TIRC has recommended that you **CONTINUE** the following community reinvestment area agreement in Napoleon contingent upon information be provided to explain the questionable employee and payroll numbers.

MMD&H Holdings (PETRO)

The TIRC found that most of the applicant businesses were in complete compliance with all terms of the applicable agreements. In response to the same, the TIRC took into consideration fluctuations in the business cycle unique to that owner's business when agreeing to recommend to you to continue each of those specific agreements. See R.C. §5709.85(C) (1).

Ohio Revised Code Section 5709.85(E) states as follows:

R.C. § 5709.85 (E) A legislative authority that receives from a tax incentive review council written recommendations under division (C)(1) or (D) of this section shall, within sixty days after receipt, hold a meeting and vote to accept, reject, or modify all or any portion of the recommendations.

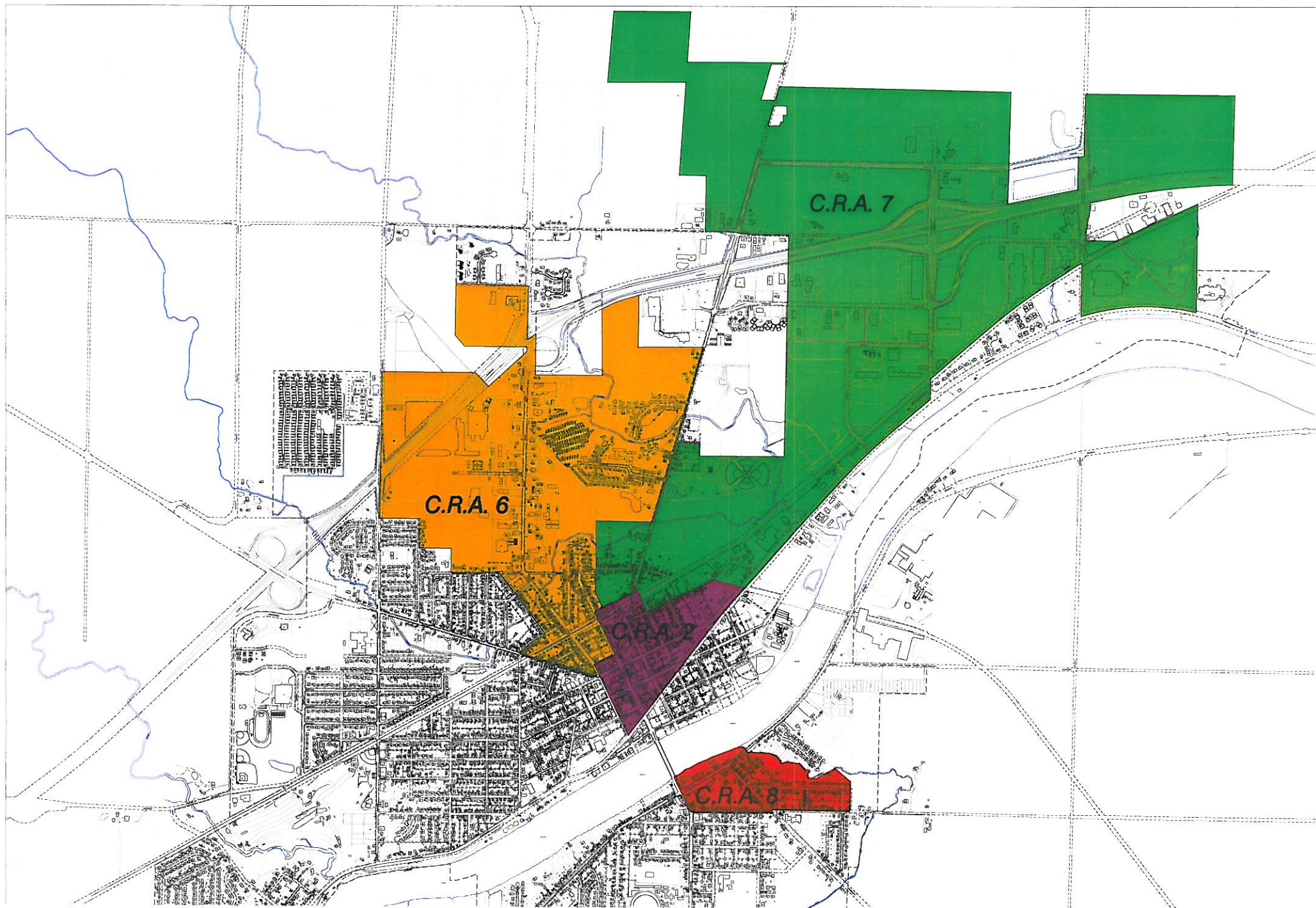
Consistent therewith, I hereby submit this written recommendation and respectfully request that you ACCEPT the recommendation of the TIRC to CONTINUE each of the aforementioned agreements upon meeting the contingency requirements as stated above.

Should you have any questions please contact the office at (419) 592-4637.  
Thank you.

Respectfully submitted,



Robert McColley, J.D.  
Executive Director





City of Napoleon, Ohio

## CITY COUNCIL

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

### MEETING AGENDA

Monday, May 6, 2013 at 7:00 PM

- A. **Attendance** *(Noted by the Clerk)*
- B. **Prayer & Pledge of Allegiance**
- C. **Approval of Minutes:** April 15 *(In the absence of any objections or corrections, the minutes shall stand approved.)*
- D. **Citizen Communication**
- E. **Reports from Council Committees**
  - 1. **Parks & Recreation Committee** did not meet on Monday, April 15 due to lack of agenda items.
  - 2. **Finance & Budget Committee** met on Monday, April 22 and:
    - a. Recommended that Council accept the Parks & Recreation Board recommendation to waive credit card conveyance fees for all Parks & Recreation programs, beginning June 1, 2013;
    - b. Took no action on *Review Of Income Tax Credit & Other Areas Of Savings*;
    - c. *Mayor's Presentation On Spending Plan* remained tabled.
  - 3. **Safety & Human Resources Committee** did not meet on April 22 due to lack of agenda items.
  - 4. **Dispatch Commission** met on Tuesday, April 23 and:
    - a. Reviewed recommendations from the Dispatch Work Study Group
- F. **Reports from Other Committees, Commissions and Boards** *(Informational Only-Not Read)*
  - 1. **Civil Service Commission** met on Tuesday, April 16 with the following agenda items:
    - a. Review of Applications for Police/Fire
    - b. Verify Applicants Eligible Credits
    - c. Pick a Test Document for Captains Test in June
    - d. Waive the Rules for Posting Dates for Captains Test
  - 2. **Parks & Recreation Board** met on Wednesday, April 24 with the following agenda items:
    - a. Discussion/Action on Recommendations from Golf Advisory Committee
  - 3. **Napoleon Infrastructure/Economic Development Fund Review Committee** met on Thursday, May 2 with the following agenda item:
    - a. 631 N. Perry St. Corporation (owners of Brick N' Brew Pub) Review the Loan & Grant from Economic Development Funds
  - 4. **Housing Council** met tonight with the following agenda item:
    - a. Annual Review/Inspection of CRA Premises
- G. **Introduction of New Ordinances and Resolutions**
  - 1. **Resolution No. 020-13** A Resolution awarding the Scott Street Improvement Project; and Declaring an Emergency *(Suspension requested)*
- 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:** Recommendation from Finance & Budget Committee to waive credit card conveyance fees for all Parks & Recreation programs, beginning June 1, 2013
  - 2. **Discussion/Action:** Recommendations from Dispatch Commission
  - 3. **Discussion/Action:** Recommendations from Parks & Recreation Board re: Golf Course
  - 4. **Discussion/Action:** Recommendations from the TIRC and the Housing Council
  - 5. **Discussion/Action:** Recommendation from the Infrastructure/ED Fund Review Committee
  - 6. **Discussion/Action:** MWA Enterprises CRA Approval
  - 7. **Discussion/Action:** Award of bid for Scott Street Improvements
  - 8. **Discussion/Action:** Approval of plans/specifications for the Ohio Street Sanitary Sewer Replacement Project

**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**

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

**CITY COUNCIL**

**Meeting Minutes**

Monday, April 15, 2013 at 7:00 PM

**PRESENT**

**Council**

**Mayor**

**City Manager**

**Law Director**

**Finance Director/Clerk**

**Recorder**

**City Staff**

John Helberg (President), Jeffrey Lankenau, Travis Sheaffer, James Hershberger, Patrick McColley, Christopher Ridley, Jason Maassel

Ronald A. Behm

Dr. Jon A. Bisher

Trevor M. Hayberger

Gregory J. Heath

Barbara Nelson

Robert Bennett, Fire Chief

Ashley Bowen, Police Dispatch

Dennis Clapp, Electric Superintendent

Genia Donley, Police Dispatch

Shannon Drain, Police Dispatch

Tammy Fein, Administrative Asst.

Chad Lulfs, City Engineer

Jeff Nicely, Police Patrolman

Jeff Rathge, Operations Superintendent

Sheryl Rathge, Executive Assistant

Dan Wachtman, MIS Administrator

Tonya Walker, Police Dispatch

Robert Weitzel, Police Chief

NCTV, News Media, Neil Giffey

**Others**

**ABSENT**

**Council**

None

**Call To Order**

President Helberg called the meeting to order at 7:00 p.m. with the Lord's Prayer followed by the Pledge of Allegiance.

**Minutes Approved**

Minutes of the April 1, 2013, Council meeting stand approved with no objections.

**Citizen**

**Communication**

Tonya Walker introduced herself as a Police Dispatcher for the city. She heard that Council is closing the police department's dispatch center. When she started her job, she only planned to stay three years, but is still here 13 years later. The people she works with are her other family. She has worked hard, is single and can't afford to lose her job. She would lose her house and all she worked for. She may have to move away since there are not many jobs to be found here. She lived here all her life. Council's decision will put six people out of work, but Council says they want to bring more jobs here. Walker asked Council not to take her job away.

Shannon Drain said she is a resident and has worked for the police department as a communications officer for 22 years saving the lives of citizens. She is dedicated to this City. She is appalled that Council will eliminate positions to save money. She is the sole provider for her family. She does not want to start over with eight years left until retirement.

Genia Donley said she is second seniority dispatcher at the police department. The police department needs to keep dispatch. There are 9,000-10,000 people living here. We protect them as the first line at the police department. We are their first contact.

## Reports From Committees

When someone calls or comes in, we are #1 to get information. A lot of times she and her five coworkers know people calling when the phone rings. They know who is diabetic. They console the patient or family until EMS gets there. Council should not close the police department building. Donley's husband's had a medical emergency while they were on vacation. They went to a police station there, but nobody answered when she pushed the button. It took two hours to find a hospital and her husband was extremely ill by then. Police departments should have someone there 24/7. Donley's work is her passion. She hopes Council will consider all of this before making a final decision. Nobody on Council or the Mayor knows the dispatchers except for Mr. Hershberger and Mr. Sheaffer who have come in to talk with the dispatchers and are advocates for them. She has not seen anyone else on Council or the Mayor at the police station. She saw McColley at the courthouse. Donley invited Council and the Mayor to come and see what dispatchers do. They do not just answer phones. There are many details to take care of. Donley asked Council to reconsider making a central dispatch.

Ashley Bolen said she is a communications officer for the police department. She is the face of someone at risk of losing their job. She lives in Napoleon. She is disturbed and hurt that meetings about a hobby (golf) are public, but meetings concerning people's livelihood are secret. They hear rumors about what will happen to their jobs and go day by day, not knowing what will happen in as little as a month. Bolen asked that Council keep them informed and not keep meetings secretive.

Hershberger thanked the dedicated people for their response here tonight. He totally supports them and does not want to discontinue dispatch services at the Police Department. Henry County has about 1/3 of the calls that the City does. Our City dispatchers are doing a greater job than county dispatchers. We need to keep the City dispatch. He talked with people at the police station and he will be very upset if Council does not keep dispatch as it is now.

Sheaffer said he has been vocal about this issue since the beginning. He has 1,200 hours riding in a police car in 19-1/2 years on Council. He knows what happens on both sides of the radio and at the dispatch center. He has an alternative plan to present to the Finance & Budget Committee's next meeting to generate \$225,000-\$250,000, which can be used instead of moving dispatch.

Helberg said none of the meetings have been private. They are all public. The work study group consists of Chief Weitzel, Chief Bennett and Jeff Rathge. Everyone is represented at those meetings. Nothing is done behind closed doors. Staff can contact these representatives to find out what happened at the meetings.

Chairman Maassel reported that the Technology & Communication Committee met on Monday, April 1 and:

- a. Recommended hiring a part-time IT person. There is money in the budget for this. Wachtman must be reactive instead of proactive now because there is so much to keep up with in IT. A part-time person will get us on the proactive side
- b. Made no recommendation on *Upgrades to City Website*. Maintaining the website will be the duty of the part-time person.

Chairman Sheaffer reported that the Electric Committee met on April 8 and

- a. Recommended approval of April electric billing determinants
- b. Untabled *Beneficial Use & Purchase Of Eastlake Power* and took no action at this time

## Hiring An IT Person

Helberg asked how to prepare for Wachtman's retirement if Council doesn't hire someone temporary to step in. Sheaffer said to handle it like the Law Director. Ask the person to leave good notes and say they will be available later. Sheaffer would like to see HR hired at a lower salary and absorb this position. Helberg said we must have IT in a good position. Sheaffer said he doesn't disagree, but would rather have the HR person first. Bisher said we talked about hiring out or hiring a part-time HR person. The presentation later tonight will answer that question.

Motion: Maassel  
To hire a part-time IT person

**Passed  
Yea-6  
Nay-1**

President Helberg read by title Resolution No. 018-13 An Ordinance Supplementing the Annual Appropriation Measure (Supplement No. 1) for the year 2013

Motion: Ridley                      Second: Maassel  
To approve first read of Resolution No. 018-13

<b>Discussion</b>	Heath said he already explained the budgetary adjustments to Council with two exceptions. One is the part-time IT person moving to personnel services. The other is the water plant pilot study. The City will hire a person to run this and save significant money. All other items are as presented previously. Heath requested suspension.
<b>Motion To Suspend The Rule</b>	Motion: Lankenau                      Second: Ridley To suspend the rule requiring three readings
<b>Passed</b> <b>Yea-6</b> <b>Nay-1</b>	Roll call vote on above motion: Yea- Ridley, Maassel, Hershberger, Helberg, McColley, Lankenau Nay- Sheaffer
<b>Passed</b> <b>Yea-6</b> <b>Nay-1</b>	Roll call vote to pass Resolution No. 018-13 under suspension of the rule Yea- Ridley, Maassel, Hershberger, Helberg, McColley, Lankenau Nay- Sheaffer
<b>Introduction Of Resolution No. 019-13</b>	President Helberg read by title Resolution No. 019-13 A Resolution Authorizing the City Manager to enter into an Agreement with the Ohio Department of Transportation for the purchase of Rock Salt, and Declaring an Emergency
<b>Motion To Approve First Read</b>	Motion: Sheaffer                      Second: Lankenau To approve first read of Resolution No. 019-13
<b>Discussion</b>	Jeff Rathge said we didn't budget anything this year for salt and didn't get on the state ODOT contract. We used what we had on hand. This year we are getting back into the contract with the State again. This runs from 6/1/2013 to 6/1/2014. Bisher said the question is how much snow we will get. We must have salt when we need it. Lulfs said the contract is due back by the end of the month which is why we are requesting suspension. We got ODOT's email on April 10.
<b>Motion To Suspend The Rule</b>	Motion: Lankenau                      Second: Sheaffer To suspend the rule requiring three readings
<b>Passed</b> <b>Yea-7</b> <b>Nay-0</b>	Roll call vote on above motion: Yea- Ridley, Maassel, Hershberger, Helberg, McColley, Sheaffer, Lankenau Nay-
<b>Passed</b> <b>Yea-7</b> <b>Nay-0</b>	Roll call vote to pass Resolution No. 019-13 under suspension of the rule Yea- Ridley, Maassel, Hershberger, Helberg, McColley, Sheaffer, Lankenau Nay-
<b>No 2<sup>nd</sup> Or 3<sup>rd</sup> Readings</b>	There were no second or third readings of Ordinances and Resolutions.
<b>GOOD OF THE CITY</b> <b><u>Discussion/Action</u></b>	
<b>Motion To Approve Billing Determinants</b>	Motion: Sheaffer                      Second: Maassel To accept the recommendation for approval of April electric billing determinants as follows: Generation Charge: Residential @ \$.06358; Commercial @ \$.07121; Large Power @ \$.04114; Industrial @ \$.04114; Demand Charge Large Power @ \$10.31; Industrial @ \$12.30; JV Purchased Cost: JV2 @ \$.02837; JV5 @ \$.02837
<b>Passed</b> <b>Yea-7</b>	Roll call vote on above motion: Yea- Ridley, Maassel, Hershberger, Helberg, McColley, Sheaffer, Lankenau

<b>Nay-0</b>	Nay-
<b>Bid For Snow Plow</b>	Lulfs said bids were opened on April 10 for a snow plow. One bid was received from Stoops Freightliner. The base bid was \$150,790. We are trading in a '92 plow for \$8,000. The net bid is \$142,790. We are within the \$145,000 budgeted amount. Lulfs recommended that the bid be awarded to Stoops Freightliner. Hayberger said he had not had time to review the bid documents and asked that the bid be approved subject to his approval. Helberg asked if \$8,000 is a fair amount for the trade-in. Lulfs said it is in pretty rough shape. Helberg asked if it is less than scrap value. Rathge said no.
<b>Motion To Award To Stoops Freightliner</b>	Motion: McColley                      Second: Lankenau To award the bid for a 2014 model year 108 SD Conventional Chassis & Plow to Stoops Freightliner in the amount of \$142,790 subject to the Law Director's final approval
<b>Passed</b>	Roll call vote on above motion:
<b>Yea-7</b>	Yea- Ridley, Maassel, Hershberger, Helberg, McColley, Sheaffer, Lankenau
<b>Nay-0</b>	Nay-
<b>Bid For Garbage Truck</b>	Lulfs said bids were opened on April 10 for a garbage truck. One bid was received from Stoops Freightliner for \$144,080. We are within the \$150,000 budgeted amount. Lulfs recommended that the bid be awarded to Stoops Freightliner in the amount of \$144,080.
<b>Motion To Award To Stoops Freightliner</b>	Motion: Lankenau                      Second: Maassel To award the bid for a 2014 model year MS106 Conventional Chassis to Stoops Freightliner in the amount of \$144,080 subject to the Law Director's final approval
<b>Passed</b>	Roll call vote on above motion:
<b>Yea-7</b>	Yea- Ridley, Maassel, Hershberger, Helberg, McColley, Sheaffer, Lankenau
<b>Nay-0</b>	Nay-
<b>Hiring Exec Asst. Vs. A FT Clerk Of Council</b>	Helberg said Heath asked him his opinion a month ago about whether Council would rather hire someone to serve as Clerk of Council or to hire another executive assistant position. Helberg believes things are working the way they are set up now. He would not like to hire a fourth staff level position and prefers to keep this position under Heath's supervision. Heath said he included a memo in the packet summarizing options. He has consistently brought this issue forward when there is a vacancy or when Council reorganizes. Nelson is budgeted through the end of the year. This will require an approximate 30 day budget adjustment since Nelson will retire in November. We will work internally to give opportunities for training to interested employees.
<b>Motion To Keep The Same Setup For Hiring An Exec.Asst.</b>	Motion: McColley                      Second: Ridley To keep the same set up for hiring an executive assistant
<b>Passed</b>	Roll call vote on above motion:
<b>Yea-7</b>	Yea- Ridley, Maassel, Hershberger, Helberg, McColley, Sheaffer, Lankenau
<b>Nay-0</b>	Nay-
<b>Human Resources Position</b>	Bisher said during the budget process Council expressed concern about hiring a full-time HR person. It was put in for a 10 month period. Council asked him to consider a

part-time person or contract out for this. He checked with the Commissioners and nearby cities about sharing someone, but they were not interested. Hayberger and Sheryl Rathge contacted companies about contract services and costs. Hayberger said his recommendation would be to hire a full-time person. Council hasn't really seen the benefit of what a full-time HR person can do: policy manuals, networking, FMLA, using the City's purchasing power to solicit discounts, etc. People are more responsive to someone they know and can see. Employees won't wait until it is too late if there is someone onsite they can talk to. An HR person will be more responsive than outsourcing, which is purely reactionary at \$125/hr for consultants plus travel costs for some. Some charge half of their hourly rate for travel costs from Cincinnati. One city used HR Direct, but wasn't happy with them. Plante Moran is another company that didn't give us their proposal yet. The county used to use them.

We paid a labor consultant an hourly rate (\$60 in 1995) for negotiations until the full-time HR person was hired. This averaged out to 156 hours per year. Bisher said this was incorporated into the job duties of the full-time person. We haven't used labor consultants since then unless there was a major arbitration issue.

Hayberger said outsourcing usually means that the Law Director handles everything and a consultant may be called after there is a violation. This is a good chance to bring the companies in to speak to Council. He is still pushing for a full-time hire. McColley asked what Defiance does. Sheryl Rathge said they have a full-time HR person. Bisher said it is good to hire an HR person to be here for things like sexual harassment issues. Someone might not report that to their supervisor because they don't feel comfortable about it but may go to HR. The HR person checks back with them several times to be sure that everything is okay. The person is happy that HR is checking back on the issue. Having someone here is important. Bisher prefers full-time too, but will stick with part-time if that's what Council wants.

McColley said we may want one person or company for negotiations and one for other things. Heath said he supports hiring a full-time or part-time HR person who can deal with insurance and liability. Personnel claims cost a lot of money and are not covered by liability up to a certain point. They can start at \$1,000,000 or more. This position is about risk management. We address risk management issues aggressively which is why our workers comp claims are low. We can get sued if we take applications wrong or say something wrong at interviews. Hayberger said mistakes like that can bankrupt you.

McColley asked if Bisher will look for a part-time person. Hayberger said Bisher can compare candidates. Sheaffer said it is not our job to decide; it is Bisher's decision. McColley said the first step is a part-time HR person. Helberg said we can look at part-time to get through the end of this year and hire a professional service company for negotiations. Mayor Behm said he spoke with the Mayor of Bryan and Celina. Both use outside companies for negotiations and on-call services. Napoleon didn't have a full-time HR person until recently. He likes an outside firm coming in to help with negotiations. Helberg asked if we would set up a direct line in a consultant only situation. Behm said one company was \$250/month and available for calls. He spoke with two individuals who were eager to meet with Council.

Sheaffer said he is more in favor of a full-time person, but would compromise with a part-time person. So much has changed in the last couple years with new regulations, etc. He likes the idea of getting through negotiations this year with a part-time person and someone for negotiations. McColley and Lankenau agreed.

<b>Motion To Hire A Part-Time Human Resources Person For 2013 &amp; A Consultant For Union Negotiations</b>	<p>Motion: Sheaffer                      Second: Lankenau</p> <p>To let Bisher proceed with hiring a part-time Human Resources person for this year and use consultants for union negotiations with the possibility of addressing full-time or part-time HR status next year at budget time</p>
<b>Passed</b>	Roll call vote on above motion:
<b>Yea-7</b>	Yea- Ridley, Maassel, Hershberger, Helberg, McColley, Sheaffer, Lankenau
<b>Nay-0</b>	Nay-
<b>Set Special Council Meeting for 6:30 PM On 5/6/13</b>	Helberg set a Special Council Meeting for 6:30 pm on May 6, 2013 in conjunction with the Housing Council meeting since four Council members are on the Housing Council.
<b><u>Good Of The City</u></b>	
<b>(Cont.)</b>	
<b>Bisher</b>	Bisher – no items
<b>Lankenau</b>	Lankenau – no items
<b>Sheaffer</b>	Sheaffer said it has been 10 years since Council looked at their rules. Should this be sent to Committee? Heath said Council can create an ad hoc committee. Hayberger suggested that Sheaffer talk to him and he will bring up any concerns to Council under discussion/action. As Law Director, he likes to keep the rules.
<b>McColley</b>	McColley noted that there are potholes at Park & Glenwood. Chief Weitzel said most of them were patched today.
<b>Mayor Behm</b>	Mayor Behm said he reported that someone told him other companies were offering cheaper electric rates than Napoleon. He asked for electric bills to verify this. Defiance's rate for March was .1133 and Perrysburg was .1167 while ours was .0851 (least expensive of the three). He asked why it says "tax level 1" on the bill. Heath said there are three levels depending on usage. The charges are listed on the back of the bill. Bisher explained the levels and differences between residential and large industrial rates.
<b>Helberg</b>	Helberg – no items
<b>Hershberger</b>	Hershberger said Neil Giffey talked to him about the possibility of eliminating parking on Perry St. from Clinton to W. Main during the Tomato Festival Parade to allow spectators to sit on the curb and watch the parade. Helberg said there are also safety issues with kids running out between cars. Neil Giffey, Parade Director for the Tomato Festival, said he made this request prior to this year. He wanted to bring it forward to see if there were concerns or a consensus. Ace Hardware and Rick's would be the only businesses open that day.
<b>Maassel</b>	Maassel asked when he would start the parking ban. Giffey said the City sets barricades out the Friday before, then Giffey has his crew block roads at different time settings. Helberg said it should be set up before spectators start lining up. Maassel said you wouldn't want to block parking too early in the day if the parade is late in the day. McColley said we could put up cardboard signs saying cars must be cleared out by a certain time. Bisher said it is not hard to put up signs, but people put cars there intentionally to watch the parade. Many are older and can't get around very

well. Chief Weitzel said there are the logistics of when to close the parking down and whether vehicles that park there must be towed. Giffey said people come with chairs and save spots the night before and that's fine. He is concerned with the safety of kids along the route. Having cars there means kids run through the cars to get candy, etc. The cars separate parents from control of their kids. Hayberger suggested that Giffey submit a plan and let the City staff it. We don't want to make plans before a plan is submitted.

Maassel complimented Vernon Nagel, Inc. on replacing the waterline on Strong, Welsted, etc. The water is fine.

Maassel asked when Scott St. will be rebid. Lulfs said we are advertising now. Bids open on May 1.

Maassel suggested that the last two slabs of concrete in the parking area by taxes be removed and a ramp be put closer to the front door. Someone in the handicap parking spot there almost tripped because of a little dip there. Hayberger said he is concerned about the lack of protection there. He would like to bring something back that would be safer for those coming in and for the people behind the desk.

## Ridley

Ridley thanked police dispatchers for coming out. He has been to meetings and made recommendations that weren't taken. He understands and appreciates how they feel. Ridley asked if there is a way to mark on Council's agenda whether there has been an increase or decrease in the billing determinants. Sheaffer said this is on the sheet from two Council meetings ago. Bisher said it is in the packet and on that sheet. Ridley said the agenda only lists current rates. Helberg suggested that charts showing changes in determinants be shown on the screen when billing determinants are read.

Ridley asked if detour signs could be posted to keep big vehicles from detouring down Park Street. Washington St. is wider. Heath said big trucks are not supposed to be on residential streets. Helberg said he hopes the City got a good credit when they decided to go to closure. Lulfs said there is no credit with full closure. City safety services thought this would allow for safer travel than traveling one lane during construction, plus the project will get done sooner as a result. The completion date is June 29 or 30. We hope it will be sooner, but that is not required in the contract. Bisher said we will look at detour routes. Helberg suggested that emergency service departments look at upcoming jobs and include closures in the bid before we go to bid. Lulfs said he can discuss this with staff. He didn't think police and fire would want the area closed. We have signs up saying "Road Closed Ahead." Semis know they aren't allowed on residential streets.

Ridley said his thoughts and prayers are with the folks in Boston.

## Heath

Heath said they were busy out front today in taxes. Bisher said it was unusually crowded. The line was 30 deep at 3:00 pm. Heath said we closed at normal hours because we had extended hours last week. The last person in line at 4:00 pm was serviced, but they didn't allow any more to join the line. Helberg said someone he knows complimented having evening hours income tax service.

Heath said he included a memo from Tony Cotter, Parks & Recreation Director, to Bisher regarding credit cards, recommending that Council not charge conveyance fees for any Parks & Recreation programs. He talked to PayPal and another provider and the cost will be \$2.50 - \$3.00 per transaction. Sheaffer said he pays 2.9% on Square. Heath said you pay that, but you are not passing a fee on to a person who is purchasing something. The high cost is because we have to follow Visa and MasterCard rules. McColley said absorbing the cost of 2% is a lot cheaper than \$3.00. Heath said this is up to Council. Helberg said this would mean the City only

	<p>passes on conveyance fees for utility, tax and cemeteries. Bisher said a utility bill may be \$100 while these charges are \$20-\$30 for kids to play sports. We project a cost of less than \$300.</p>
<b>Jeff Nicely</b>	<p>Jeff Nicely asked when the next meeting for the communication center will be held. Bisher said it was to be within 30 days of the last meeting, but hasn't been scheduled. Nicely asked if the fact finding meeting is public. Bisher said it is not, but the Commission meeting is public. Nicely said that is why people think it is secret. Helberg said the fact finding group includes contacts from City Police (Chief Weitzel), Fire (Chief Bennett) and Operations (Jeff Rathge) Departments. Nicely said employees feel everything is being kept secret because those people were told they cannot share what was discussed in the fact finding meeting. McColley said the work group will bring information back to the Commission at an open, public meeting. Helberg suggested that concerns be brought to work group representatives so they know what the issues are and can make a good decision. Sheaffer recommended bringing issues to Weitzel, Bennett, or Rathge.</p>
<b>Genia Donley</b>	<p>Donley said Council members are supposed to be available to the public. Why do Council members all have the same phone number listed on the City website? McColley said the Board of Elections has everyone's phone numbers. Anyone can have his cell phone number. Helberg said his phone number is listed. Ridley said individual email addresses are also listed on the City website.</p>
<b>Approval Of Bills</b>	<p>Ridley said all of the bills look okay. Helberg said bills and reports stand approved.</p> <p>Law Director Hayberger said Executive Session is required to discuss three items regarding imminent litigation and informational issues.</p>
<b>Motion To Go Into Executive Session</b>	<p>Motion: Lankenau                      Second: Maassel To go into Executive Session to discuss pending or imminent court action, and advice from attorney</p>
<b>Passed Yea-7 Nay-0</b>	<p>Roll call vote on above motion: Yea- Ridley, Maassel, Hershberger, Helberg, McColley, Sheaffer, Lankenau Nay-</p>
<b>Into Executive Session</b>	<p>Council went into Executive Session at 8:54 p.m.</p>
<b>Motion To Come Out Of Executive Session</b>	<p>Motion: Lankenau                      Second: Maassel To come out of Executive Session</p>
<b>Passed Yea-7 Nay-0</b>	<p>Roll call vote on above motion: Yea- Ridley, Maassel, Hershberger, Helberg, McColley, Sheaffer, Lankenau Nay-</p>
<b>Out Of Executive Session</b>	<p>Council came out of Executive Session at 9:11 p.m. President Helberg reported that the discussion was regarding pending or imminent court action, and advice from attorney. No action was taken.</p>
<b><i>Review Of Income Tax Credit And Other Cost Saving Measures Added To F&amp;B Agenda</i></b>	<p>Heath asked if Sheaffer wanted to add an item to the Finance &amp; Budget agenda. Sheaffer said it is already on the agenda as <i>Review of Income Tax Credit</i>. Heath said he may want another item to relate it to the police dispatch issue. President Helberg amended the Finance &amp; Budget Committee agenda item from <i>Review of Income Tax Credit</i> to <i>Review of Income Tax Credit and Other Cost Saving Measures</i>.</p>

**Motion To Adjourn**

Motion: Ridley  
To adjourn the meeting

Second: Lankenau

**Passed**

**Yea -7**

**Nay -0**

Roll call vote on above motion:

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

Nay-

**Adjournment**

Meeting adjourned at 9:12 p.m.

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John A. Helberg, Council President

**Approved:  
May 6, 2013**

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Ronald A. Behm, Mayor

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Gregory J. Heath, Finance Director/Clerk of Council

*City of Napoleon, Ohio*

## **Finance & Budget Committee**

### **Majority Report**

The Finance & Budget Committee met on Monday, April 22, 2013 and:

- a. Recommended that Council accept the Parks & Recreation Board recommendation to waive credit card conveyance fees for all Parks & Recreation programs, beginning June 1, 2013;
- b. Took no action on *Review Of Income Tax Credit & Other Areas Of Savings*;
- c. *Mayor's Presentation On Spending Plan* remained tabled.

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Chris Ridley, Chair

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John Helberg, Committee

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Jason Maassel, Committee

**RESOLUTION NO. 020-13**

**A RESOLUTION AWARDED THE SCOTT STREET  
IMPROVEMENTS (PID NO. 86846) PROJECT; AND DECLARING  
AN EMERGENCY**

**WHEREAS**, the City of Napoleon has determined to proceed with the Scott Street Improvements Project; and,

**WHEREAS**, the City has conducted all of the required preliminary functions such as advertising and requesting bid proposals for said project; and,

**WHEREAS**, this City did open the bids for said project on May 1<sup>st</sup>, 2013; and,

**WHEREAS**, this City has reviewed said bid proposals; Now Therefore,

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

Section 1. That, City of Napoleon, after conducting all formal action required, including properly advertising for and receiving bids, for the Scott Street Improvements Project the City does hereby find that the lowest and best bid was submitted by Miller Brothers Construction Inc.

Section 2. That, upon a determination of lowest and best bid, the City of Napoleon does hereby award the Scott Street Improvements Project (PID NO 86846) to Miller Brothers Construction Inc.

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

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

Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to receive essential Federal and State grants; 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. 020-13 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 020-13**

(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 020-13 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 020-13 or any item mentioned in this notice may be obtained from the City Finance Director upon the payment of a reasonable fee therefore.

### **Resolution 020-13**

## **A RESOLUTION AWARDING THE SCOTT STREET IMPROVEMENTS (PID NO. 86846) PROJECT; AND DECLARING AN EMERGENCY**

In this Legislation the City of Napoleon formally awards the Scott Street Improvement Project to Miller Brothers Construction Inc. This summary approved as to form and correctness by Trevor M. Hayberger, City Law Director.



# 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  
**Date:** May 6, 2013  
**Subject:** Scott Street Improvements (PID 86846)  
Recommendation of Award

On Wednesday, May 1, 2013, bids were opened and read aloud for the above referenced project. Two (2) bids were submitted and read as follows:

Miller Bros. Const., Inc.	Base Bid	\$2,995,049.38
	Recommended Alternates Net Bid	\$30,700.00
	Total Recommended Bid	\$3,025,749.38
Vernon Nagel, Inc.	Base Bid	\$3,052,777.25
	Recommended Alternates Net Bid	\$30,620.00
	Total Recommended Bid	\$3,083,397.25

The published Engineer's Estimate for this project is \$3,660,000.00. This project consists of widening of the roadway and replacement of all utilities, curbing, concrete walks, drive approaches, and traffic signals on Scott Street (S.R. 108) from the W. Clinton Street intersection through the Lagrange Street Intersection. A right-turn-only lane will also be constructed on east-bound Lagrange Street at Scott Street.

**Having reviewed the submitted bids, it is my recommendation that Council award Miller Bros. Const., Inc. the contract for the Scott Street Improvements Project (PID 86846) in the amount of \$3,025,749.38.** If you have any questions or require additional information, please contact me at your convenience.

CEL

# City of Napoleon Parks and Recreation Department

255 West Riverview Avenue Napoleon, Ohio 43545  
(419) 592-4010 (419) 592-8955 (fax)  
tcotter@napoleonohio.com

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## *Memorandum*

To: *Jon A. Bisher, City Manager*  
From: *Tony Cotter, Director of Parks and Recreation*  
Date: *April 04, 2013*  
Subject: *Parks and Recreation Board Recommendation – Re-Evaluate Policy on  
Accepting Credit Cards*

At its March meeting, the issue of accepting credit cards for recreation program fees was discussed. Recently, City Council adopted a policy to accept credit cards for the payment of fees and to add a conveyance fee to cover costs associated with the transaction. The convenience fee charged by our current credit card processing company was established at \$3.00. This fee is added to the rate charged to the participant. The processing company deposits the appropriate payment amount with the City and the conveyance fee is retained by the company.

Concerns were raised by the Parks and Recreation Board that the \$3.00 conveyance fee is unreasonable based on the amount charged to the participant. Currently, recreation program participation fees are \$20.00 for a resident and \$30.00 for a non-resident so the additional conveyance fee equates to a 15% and 10% surcharge respectively. Most board members believe that this additional fee is unnecessary since the number of credit card transactions is relatively small. This fee also discourages online registration.

Eliminating the conveyance fee would mean that the transaction fee charged for credit card usage would be paid by the City. Typical transaction fees on credit card payments average approximately 3% of the total amount collected. Since this is the first year that recreation program fees are being charged, an accurate measure of the frequency of credit card use compared to other methods of payment is unavailable. We do, however, process payments with credit cards at the Golf Course and our records in 2012 indicate that approximately thirty-five percent (35%) of our customers paid with either a debit or credit card. Using that percentage and applying it to the revenue we expect to collect from recreation program fees (projected at \$23,000), we could estimate the total amount of payments through credit cards would equal approximately \$8,000. In this case, the total cost of accepting credit cards associated with \$8,000 worth of transactions would be approximately \$240. Most board members believe that this relatively small amount should be paid by the City as a "cost of doing business".

The Board has recommended that following the Spring program registration period, City Council should re-evaluate their current policy regarding credit card acceptance and consider eliminating conveyance fees for recreation program payments. By eliminating the conveyance fee, a simple card swipe terminal could be used at the front counter. Currently, the receptionist must input customer information and account numbers into the processor's website to process payment. With a card swipe terminal, the need for staff input of personal information would be eliminated.

I would ask that this recommendation be brought to City Council for their consideration. If you would like additional information, please let me know.

cc.: Greg Heath, Finance Director

City of Napoleon, Ohio  
**DISPATCH COMMISSION**

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**Meeting Minutes**

Tuesday, March 26, 2013, at 10:30 am

<b>PRESENT</b>	
<b>Commission Members</b>	John Helberg - Council President, Jon Bisher – City Manager, Bob Weitzel-Police Chief, Ron Behm - Mayor
<b>County Commissioners</b>	Robert E. Hastedt Glenn A. Miller Thomas H. VonDeylon
<b>County Sheriff</b>	Mike Bodenbender
<b>EMA Director</b>	Tracy Busch
<b>Recorder</b>	John Helberg
<b>Others</b>	Jeff Rathge, City Operations Supt.
<b>ABSENT</b>	
<b>Committee</b>	None
<b>Call To Order</b>	Chairman Helberg called the meeting to order at 10:35 a.m.
<b>Consideration of Options for City Dispatch</b>	<p>Discussion regarding shared dispatch services between the Henry County Sheriff and the City of Napoleon.</p> <p>Mayor Behm stated to the Commissioners that the Performance Audit done for the City of Napoleon suggested shared dispatch services between the County and the City. The Mayor stated that the City does not intend to just drop the dispatch on the County but would like to study the feasibility of the County performing the dispatch services. Mayor Behm asked if the Commissioners would consider the option of shared services between the Henry County Sheriff and Napoleon Police dispatching and with approval would like to begin discussions with the Sheriff.</p> <p>Bisher made a presentation as well. Stated the dispatch could be operated under two different models. One, a complete drop by the City to the County or two, consortium operated dispatch with some type of oversight group.</p> <p>Discussion led to the probability that a joint dispatch could be housed at the Sheriff's office.</p> <p>Commissioner Hastedt stated that it would be better to do this on our combined terms now rather than later on the State's terms when they force the combining of the centers.</p> <p>Bisher stated that the State is pushing for many types of combined services throughout Ohio.</p> <p>Commissioner Hastedt questioned the Sheriff if he felt a joint dispatch was feasible. The Sheriff responded in the affirmative.</p>

Commissioner VonDeylon asked what can we expect regarding the number of calls? The Police Chief stated the numbers are in his report. VonDeylon asked is the Sheriff interested? The Sheriff affirmed that he is.

The County currently has four dispatchers and one administrative clerk.

The Commissioners and the Napoleon Dispatch Commission agreed to form a working group to identify issues involved with creating a joint dispatch center. The members of the working group was agreed to be Henry County Sheriff Bodenbender, Henry County 9-1-1 Coordinator Dawn Travis, EMA Director Tracy Busch, Napoleon Fire Chief Robert Bennett, Napoleon Police Chief Robert Weitzel and Napoleon City Operations Superintendant Jeff Rathge. Sheriff Bodenbender was selected to organize meetings of the working group and stated that he felt the group could report back within 30 days.

The working group will identify administrative tasks, operational dispatch and emergency dispatch, possible costs, provide possible alternatives for solutions to the issues and develop a list of pros and cons for joining and for not joining the dispatch centers.

Currently, in addition to police and emergency dispatch, the Napoleon police dispatch handles calls for City operations such as water, sewer and electric as well as performs administrative duties. Some of these duties can still be handled by the City such as the administrative duties and the operation dispatch. These options will be discussed by the working group.

**Motion To Adjourn**

Motion: Weitzel                      Second: Behm  
To adjourn the meeting at 11:15 am

**Passed:**  
**Yea-4**  
**Nay-0**

Roll call vote on motion:  
Yea- Bisher, Behm Weitzel, Helberg  
Nay-

**Date** \_\_\_\_\_

\_\_\_\_\_  
John Helberg, Chair

City of Napoleon, Ohio  
**DISPATCH COMMISSION**

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**Meeting Minutes**

Tuesday, April 23, 2013, at 4:30 pm

<b>PRESENT</b>	
<b>Commission City Staff</b>	John Helberg, Dr. Jon Bisher, Police Chief Robert Weitzel Bob Bennett, Fire Chief Matt Bilow, Wastewater Treatment Superintendent David Bowen, Fire Lieutenant Genia Donley, Police Communications Trevor Hayberger, Law Director Scott Hoover, Water Treatment Superintendent Jeff Nicely, Police Patrolman Chris Peddicord, Asst. Finance Director Jeff Rathge, Operations Superintendent Sheryl Rathge, Executive Asst. Tonya Walker, Police Communications
<b>Recorder Others</b>	Barbara Nelson News Media, Jim Hershberger, Police & Fire Personnel
<b>ABSENT Committee</b>	(Mayor Ronald Behm was not physically present, but listened to the meeting over the phone.)
<b>Call To Order</b>	Chairman Helberg called the meeting to order at 4:30 p.m.
<b>Consideration Of Options For City Dispatch – Report From Work Group</b>	<p>Chairman Helberg said Chief Weitzel presented a report to the Dispatch Commission from his fact finding workgroup. This Commission thought the Sheriff's Deputy was going to present information to the County Commissioners today on what the cost from the Sheriff's office would be, but that didn't happen. We will go ahead with this report, so it can become public information.</p> <p>Weitzel noted that the first two pages of the document (attached) are the official notes as written by Tracy Busch, Henry County Emergency Management Agency (EMA), and approved by the work group. The last page lists non-recurring and recurring costs for the Napoleon Police Department (NPD) if dispatch is moved to Henry County Sheriff's Department (HCSD). The bottom half of the last page includes placeholders for various departments that would be affected by the dispatch move. We do not have costs attached for those items.</p> <p>Bisher said the fact finding commission consisted of Chief Weitzel, Chief Bennett and Jeff Rathge. All of them are here and each of them can publicly report issues that concern them. The dispatch center issue was not on the Commissioners meeting agenda today, but there is information to report on other areas. We may need to schedule another meeting when information is received from the county. The Dispatch Commission will report their findings to Council after reviewing all facts presented. Helberg said getting this information out now will help us be prepared.</p> <p>Weitzel said page 1 reported on the group's first meetings. After initial discussions, they made two statements.</p> <ol style="list-style-type: none"><li>1. The City would not dump dispatch communications on the Henry County Sheriff's Department (HCSD) and,</li><li>2. We were interested in a consolidated dispatch/shared governance of dispatch.</li></ol>

The fact finding group prepared a Pros & Cons list (page 1 of attachment). *Pros* are more about keeping things as they are. Weitzel read the list of 6 Pros. He explained that having both City and County dispatch allows both of them to handle overflow more efficiently. Having two separate locations means better surveillance of cameras and operations throughout the City and County. City pages and call downs is a big item of concern due to different callouts and call down lists for City departments. It is better for the City to handle those because we understand the services better. There would be more control of this at the City level with our own dispatch. NPD handles all City operations and calls after hours and manages the call down lists.

*Cons* represent City concerns about what consolidation might bring. Weitzel read the list of 6 Cons. There could be issues over who is actually in charge. Some service fees would not necessarily have to repeat at both locations for Norris and LEADS. That is State computer information that comes back to us: licenses, drivers, etc. There would be less delay time between a 911 cell phone call and locating it on a map. This should be addressed with the software vendor Emergitech. The City would need clerks to keep the office open. Warrants for Municipal Court would have to be transferred and handled in some fashion. Costs to maintain both centers would be consolidated so they should be less.

After having these initial discussions, we came to a joint agreed upon statement that said: "The working group finds that a joint control dispatch does not serve the best needs of the city or the county." The Sheriff was not interested in a shared governance dispatch center, if it was taken over, it would be his responsibility and control. The EMA Director stated that he would support any decision the Sheriff made. He is not interested in dispatch if consolidation takes place. Many places that do consolidation are covered by EMA. He would perform those duties only if requested/directed by the Henry County Commissioners and Sheriff. That ended the first meeting.

Weitzel said the group met on two other occasions to discuss issues that would have to be addressed if consolidation took place. Those issues are listed on page 2 of the document (numbered 1-18). Weitzel addressed each item:

**1.** There are a number of radio issues to be tackled. The Sheriff Office Command Center does not have an operations radio. That would have to be installed. It does not have Napoleon Fire Admin. That would have to be installed. There is no high-band statewide fire mutual aid radio there. A new transmitter and antenna system would have to be installed. Bisher asked if Weitzel is talking about Marcs radios. Weitzel said the high-band statewide mutual aid radios (1.c.) have nothing to do with Marcs.

Bisher asked the status of Marcs radios. Chief Weitzel said our Marcs system is working. Fire Chief Bennett said (1.c.) the high-band direct radio to radio system does not use infrastructure so it is disaster resilient. It is used statewide for resources when traveling from one location to another so an incident commander can get people on the scene and coordinated. This is in our entire fleet and in every Fire/EMS rig in the county. This is at the police dispatch center now so they can monitor that traffic and give directions to incoming apparatus. We did Phase 1 in reprogramming the Marcs system yesterday and did everything north of the river with the exception of the HCSD. We discovered yesterday that HCSD has never been placed on the Marcs system and has very limited Marcs capability. Bisher asked if this could be programmed. Bennett said there is a process required for that. Helberg suggested adding the Marcs radio issue in as Item 1.d. Bennett agreed, stating that the list was prepared before we discovered the problem yesterday. Weitzel said it should be added. He didn't want to add anything to these notes because they were prepared by the official scribe for the group.

2. Napoleon tornado sirens are not currently controlled at the Sheriff's office. The Fire Department and Police dispatch can set those off now. That would have to be programmed into the consoles at HCSD, EOC and Malinta.
3. There is a physical alarm panel we monitor at NPD. That cannot be moved and would have to be deleted and converted. Water and wastewater may have costs for monitoring the water towers/intake/plants/etc. They would probably have to be converted to a central alarm system where there would be a call down to the center. We physically watch those now. As soon as an alarm goes off, a panel light lights up and we react with a call down list.
4. We monitor governmental cameras for courts, operations, and substations. Those would have to transfer over.
5. We can unlock most of the doors in our government system from our dispatch center. We discussed transferring that ability to the county for those doors, except for fire and police due to security reasons. This works on a key card system. Bisher said the county changed their system a little while ago. Weitzel said they did and he doesn't have the details. We don't intend to change our system. It would be very costly. There would be a dual system in place that they could operate.
6. We solved this problem. We both have that capability.
7. Norris via internet at NPD connects with the issue of us retaining a single radio dispatch position at NPD. There is no backup redundancy if the HCSD fails. The answer is to leave one station in place at NPD. That causes some problems due to software/hardware updating. We have to tackle these problems. We don't have the cost for that yet. The question is how to get computer information offsite at NPD. This could be handled fairly easily with Norris. The rest of the equipment, computers, 911 connections, phones would have to be an Emergitech issue. We intended to keep radios if in fact this took place, so we would have a place for them to go. He doesn't know the logistics of setting up that site.
8. Sending information back and forth between PD & stations (warrants, messages from the State, Leads). This would have to be transmitted from HCSD to NPD and printed at NPD to be available to our officers. \
9. The Fire Chief's calls roll to NPD now after 6 rings. These calls would have to be transferred to the new center. NPD calls would be the same after hours. There will be discussion about whether we will have someone at NPD during the day, but with no one there at night, these calls would roll over to the main center.
10. NPD codes and signals are different from HCSD. We would have to convert to their codes and signals. It would be cumbersome but not impossible.
11. Automatic mutual aid response is a very big item. This is managed by NPD when there is a working fire. We were given an indication at the meeting that we would not get that service from the new center. Weitzel asked Chief Bennett to cover this. Bennett said currently, at the direction of the HC Fire Chiefs Association, when any department is called out for a structure fire the HCSD sends the closest neighboring department for help and support in the initial operation. This system works great for departments with 10-13 runs per year. We do 1,300 per year and about 180 of those are those kinds of fire calls. If we used the county system which he helped develop, we would burn out our neighboring departments. The three closest departments to use are Malinta with about 180 runs/year;

Ridgeville with 150/year; and Liberty with 200/year. This would double Malinta's total runs for the year. At 2 am, when the alarm goes off at Holiday Inn, two of those departments would be requested to respond: 1 to the scene and 1 to backfill the station. Representatives from most of the neighboring departments say they aren't willing to do that. It is more workload than they are willing to accept from us.

We set up the system differently for Napoleon. We only call for assistance after an event is confirmed to require assistance. We use the term "working fire." That brings other departments' resources to the scene and to the station. We designed this system with the input of the dispatchers. We have drilled it, practiced it, and used it for four years now. It works very well. In a larger situation we have preprogrammed a second or third alarm that calls multiple resources from multiple counties. We have the only ladder truck in the county, so Wauseon or Defiance comes in for the 2<sup>nd</sup> alarm. It is impossible for the Fire Chief or his assistant to memorize everyone's apparatus inventory. We preprogrammed all of the phone calls and steps needed into the system. Everything is live on the screen. The dispatchers have done a great job implementing this. The HCSD is not inclined to go with that same level of service. This will dump a huge load back on our incident commanders. This is a safety issue. The commander has all he can handle without having to keep inventory in his head, call in other departments, etc.

Bisher asked what happens now when this doesn't work right. Bennett said that means there is a hole in the battle plan. The incident commander would have to realize the situation wasn't accomplished, then would talk it over ex post facto and take it back to dispatchers, etc. He has no idea how this would be handled in the future. There is no grievance process in place to address how we would have input to get things fixed.

**12.** Weitzel said we assumed they would have to expand jobs at the new facility. There will have to be time frames to establish and post those jobs.

**13.** We confirmed that warrants would be transferred physically to HCSD. We currently have a 4-drawer lateral file with 450-500 active warrants from municipal court. The bottom drawer is for inactive warrants. The responsibility for maintaining that system from the municipal court, entering warrants, delivering warrants would have to be at HCSD. The warrants must be at a 24-hour facility when an adjoining county or state calls for information on a current warrant. We keep the majority of municipal courts. HCSD keeps certain ones that are theirs.

**14.** Keyholder and business lists would have to be transferred over. We would give HCSD access to a list of Knox boxes throughout the City that hold keys for the Fire Dept. to use when buildings catch on fire.

**15.** Calldown list for City depts. Weitzel introduced Jeff Rathge, who represented City operations departments (streets, sewer, water, electric, parks & recreation) on the workgroup. We have detailed operational plans right now. Rathge said at their second meeting he handed out the procedure that NPD uses to contact his people for water main breaks, snow, electric, and other after hour events. They said this will have to change and it will probably drop to one call. There is a lot of detail and documentation for each call now including who was called, phone numbers called, when they were called, etc. We typically have one person on standby for electric and one for operations (water, sewer, street, parks & recreation). If a water main breaks to the tower and the tank is lowering, NPD calls the on-call person and explains what and where the problem is. The on-call person will need extra help. NPD makes calls to get help. That way, the on-call person can start looking at valves and maps so we don't depressurize the system and upset Bowling Green and the State. NPD does emergency locates if we have to dig at night. They also call the water

plant and let them know we have a problem. Scott Hoover, Water Plant Superintendent, said the plant's alarms ring into NPD and let staff know well in advance that they're going to be called in. It will sound off if there is a low/high tower or low clear well. They ring in long before we notice the main break.

Rathge said in the future, the Sheriff agrees to make one call. Bisher said that means we are responsible to come up with other procedures and the costs involved. Rathge said there will be many other issues the City will have to deal with from an operational and service standpoint that don't pertain to the Sheriff or County.

**16.** Weitzel said NPD currently handles court bonds after hours. We send releases over to the jail after bond is posted if it's a prisoner being released. The judge is very concerned about transferring from the current system to a single dispatch system. Those issues would be taken up with the judge. Weitzel assumes bonds would be transferred over to the HCSD.

**17.** A single radio dispatch position would be kept at NPD as a rudimentary backup just in case there would be a failure at HCSD and the center went down. If the dispatch center goes down on either side now, the other center can handle fairly well any emergency that comes up. That is not necessarily the case with transfer of dispatch.

**18.** The Intoxalizer 8000 is the breath testing device for driving under the influence of alcohol. It is kept at NPD now. It is a State-owned device. Almost all the police officers are operators. All breath tests done in the county are done at NPD. We assume this machine would move to the command office. There would be a cost of training. No sheriff's officers are currently trained to operate this piece of equipment.

Weitzel said the work group did some general discussion on additional costs. This starts at the bottom of 2<sup>nd</sup> page. He added NPD costs. In the second meeting, they discussed converting NPD recording software to the HCSD system. After thinking about it, Weitzel didn't think this was in our best interest. It would be best to not worry about HCSD managing NPD software needs. They can continue to dispatch calls. Both dispatch stations share the CAD system in common. His dispatchers do an extra step by creating a call in NPD's reporting system. HCSD dispatchers create a call through that CAD into their reporting system. We will have to train our patrol officers to take the time and an additional step to create the call that our dispatchers would normally create. That way we won't have to worry about where we would house data, how we would retrieve data, and teaching a whole department a new system. We have confidence and time in the system we have.

The second point was since NPD would not be manned 24 hours a day, we have concerns about protecting the property from intrusion. An alarm system (\$3,000-\$5,000) would have to be put in to protect the integrity of evidence, equipment, etc. so no one could break in the building while police are out on patrol. This is a nonrecurring cost except for monitoring by the alarm company at about \$1,200/year. Training on new software might be about \$2,500. He estimated a cost of \$5,000-\$10,000 to compartmentalize the office, add doors and general carpentry work to isolate certain parts of the building from others. \$5,000 for a door locking system for the new doors (nonrecurring cost) and \$1,200 for additional cameras since people aren't there to watch the building (nonrecurring cost).

The admin cost for 1.5 full-time equivalent for admin is for 1 full-time admin staff and 1 or 2 part-time staff to keep the doors open five days/week during regular business hours. This cost would be about \$75,000/year. Helberg asked if it would be \$100,000 for two full-time people. Weitzel said he didn't figure any rollups on the ½ person. It would be closer to \$130,000 for two full-time people. One time costs total \$23,700 for NPD and recurring

costs would start at \$76,200, not including the cost to maintain the console. We don't know that cost.

NPD does a lot of things for other people that may not be realized until NPD stops doing them. There are other major points and we don't know those costs either, including:

Fire/Rescue - Automatic mutual aid response, State-wide fire radios

Water Treatment – Alarms & monitoring, call-in procedure

Hoover said there are three different series of alarms now. NPD monitors 11 different alarms at the water plant for power failures, pump problems, clear well, the pump to the reservoir, tower levels, etc. If something fails, it goes to an alarm. High service pumps maintain water flow through the whole town. If one of those fail, they go to alarm.

Waste Water – Alarms & monitoring, call in procedure

Matt Bilow, Wastewater Plant Superintendent, said they switched to SCADA a few years ago and have no alarms at NPD currently. If there is a problem, it alarms the SCADA system and the operator on-call gets that message and must respond.

Operations – Call in procedure

Weitzel said the many different operations call down lists have extensive procedures and are very important. Dispatchers have a very small tolerance for error in those situations. They try to be as accurate as possible. They also have call down lists for parks & recreation. Bisher said there could be a ball game scheduled and it is raining and the on-call guy has to clear the fields. This may not be life-threatening, but it is important. Weitzel said NPD dispatchers monitor radar for storms and storm season. They call the pool to get kids out before the storm hits. They have a process to notify people to get to cover if storms are coming.

Electric – Call in procedure

There could be a call or 100 calls on an outage. Bisher said people want to know why an outage occurred and how long it will last. From a management perspective, companies need to know whether to bring in second shift, send them home, etc. Admin folks here during the day make calls to industries and businesses. Once the fault clears, we call industries back. After hours, all of these calls are made by dispatch. We would have to come up with some kind of methodology to cover this. There would be the same problem on the water side if we depressurized the system and had to go to an immediate boil alert. We don't know the costs involved to get a system that can do this.

Bisher said we have at least one dispatcher on duty 24/7 now. That is what we would anticipate at HCSD. Weitzel said the Sheriff's intention was to have two people on duty around the clock. Bisher said we talked about issues individually, but they don't always happen that way. There can be a fire and the water plant has to be called in to get water into the distribution system. Rathge has to be called to monitor the distribution. A fire can suck the system dry if it is not monitored. In a disaster situation, we could lose power at the same time. We have worked through these task saturation issues. Bisher wonders if things will be done similarly if we purchase this service.

Weitzel said the group discussed the fact that they would be going from 4 positions countywide to 2 positions and may not have enough capacity for emergencies. Bisher said we see the saturation in the City. Now we add the villages of Deshler, Liberty Center, etc. There could be a bank robbery in Liberty Center, a power outage in Napoleon, and another occurrence elsewhere. Weitzel said he has great concerns on those matters.

Weitzel offered a three-page document along with any other testimony. These are the original notes agreed upon from the Committee with Weitzel's notes on page 3. He anticipated having two additional things from the County, but didn't receive them. One of those was a final word on the AMAR (#11). We also did not receive the number on a cost number for personnel and other ancillary costs the Sheriff might have. That is all the testimony Weitzel can give today.

Chief Bennett said there was a lengthy discussion about creating one center with three console positions in it. It was determined early on that neither building has the capacity to add a third console dispatch. If one console position was down, there would be no capacity at either facility to add a third console due to lack of square footage. Bisher said we have two positions for the City now. The Sheriff has 2 positions now. We have four positions to be able to counter past saturation. The new system will be limited to two positions only.

Helberg said he was hoping the work study group would come up with pros & cons if it stayed at NPD, and pros & cons if it went to HCSD. Weitzel said the group didn't understand that. He apologized. It started out that way, but some of the issues were mixed. We didn't have clear pros & cons for each point. It was group pros and cons.

Helberg asked if there are any other operational issues. Tanya Walker said the Chief covered most of their concerns, but she wonders what will happen in the office with filing, admin, warrants, radio issues, etc. As a citizen, she is also concerned about electric and water issues. NPD takes care of that very well now.

Fire Lt. David Bowen said this is a safety issue for his guys. There are two sets of ears listening to them now. If someone makes the call that they have a mayday, it falls on the ears of the fire department but it also falls on NPD dispatchers' ears. Now all of the county traffic will be added to that. His main goal is for his guys to get back on the truck and go home to their families. This is a big safety concern for fire and for police also. Helberg asked if this is a new item to be added to the list. Weitzel said they didn't list safety issues, but he would recommend that a line be added dealing directly with officers' safety. He didn't want to change the scribe's points. Chief Bennett suggested that the language be changed to field operators to cover all departments (water, sewer, electric, fire, police, etc.) who work in hazardous environments. Their ability to call back to the City is critical. Bisher said any one incident is not a problem. The problem is when they are already working something else. These things occur at 3 a.m. when no one else is there. These are personnel safety issues.

Hayberger asked Weitzel if there will be an oversaturation of radio traffic with just one dispatcher. Weitzel said he believes this is a serious issue. He doesn't think we can run the whole county with two positions. His schedule sometimes carries two dispatchers on Thursdays, Fridays & Saturdays after 7:00 pm, especially in summer. Countywide there are three dispatchers on duty now. He doesn't think two will properly cover current traffic, let alone serious emergency issues during those times. This is season driven (summer) and event driven (parades, fairs, etc.) We add extra people as needed. The sheriff does the same thing. There will be days this week where we will have three dispatchers working in the county. His concern is safety and task saturation.

Bennett said they discussed phone line capabilities. There are currently 8 direct in lines to HCSD. There are also at least 7 totally separated divergent radio communication links to be answered. Many of those light up at the same time in case of weather emergencies, etc. 5 of those links are emergency services and 2 are not emergency services. 5 emergency radio paths will serve 13 agencies (10 fire departments, Southern Henry EMS, and 2 police stations) with 2 people.

Genia Donley, NPD Dispatcher, said she remembers two occurrences like this. One was when 905 N. Perry burned down. It was occupied and she was the only dispatcher. Dispatchers realize who we have to call for utilities, City Manager, Chiefs, etc. It all falls back on us. We have to have all of the correct information. It is hard to describe it if you never worked it. It is extremely stressful. The Chief and guys she works with are great. The second was a double homicide. The phone rings constantly in these situations. Every person in the neighborhood calls. We have to call post units, sheriff's department, anyone who is available. This occurred on third shift. She doesn't think Council knows what they have to do. She doesn't have a lot of time left at NPD, but she wants to start and end her career there. NPD has a great Chief, great officers and a great Council, but Council needs to know this is not cost-effective. She can't afford to lose what she and her husband have worked for. Please take them into consideration.

Bisher said the command control for the City now can be reconstructed, but it can't be solved tomorrow. Each issue will pass to the sheriff and we will lose control from a command standpoint. This group had to change their modus operandi in the middle. The basic question is, "Who is running this show?" A joint commission means we haven't lost complete control. If it is just the sheriff, we have lost control. This must be resolved first. The task of the fact finding group was to come up with this list. He appreciates those who served on the Commission.

**Motion: To  
Accept Document  
With Testimony**

Motion: Weitzel

Second: Bisher

That the three-page document is accepted into the record along with testimony

**Passed  
Yea-3  
Nay-0**

Roll call vote on above motion:  
Yea-Helberg, Bisher, Weitzel  
Nay-

Bisher said we got information from the fact finding commission into the record. There are other issues to be considered. There was talk about having another meeting on Monday, but we don't know if the County's information will be available. Weitzel did not receive anything electronically as of now. Helberg suggested holding off on scheduling the next meeting until information is received. Advance notice must be given if a meeting is scheduled.

Helberg said we wanted to have this meeting to get information out to people. Weitzel said distributing the information from the fact finding group may bring more information to the Commission. Helberg asked if it would be worthwhile to ask the Commission to have another meeting and make a list with pros & cons if dispatch stays at the City and another list of pros and cons if it goes to the County.

Chief Bennett said he did research early on of best practices nationwide. Cleveland State University did two extensive studies of joint operational dispatch centers. This information is available online. They did a study of combined services for Ashland, Wooster & Wayne County, and one on the City of Parma with another city or county. There are also several standards issued by APCO, the national trade association for all types of government radio and telecommunications ANSI adopted standards. There are standards from the National Fire Protection Association about how dispatch centers should be set up, staffed and run. These were not examined as part of the working group. They didn't have time to look at that. All of the studies speak highly of combined government style dispatch centers and their feasibility and workability. The State auditor in a newspaper article last week praised the City for examining the idea of a joint governments dispatch center. Bennett feels

strongly that if the City contracted this with HCSD or another agency, short of a strongly locked-in contract that would provide us with monetary redress for issues and grievances, we are losing huge capability and a huge control issue and that goes to safety. You will get union grievances, operational problems due to the lack of capacity of a small dispatch center.

Bennett said the City is a 300# gorilla and we will place that 300# gorilla on the back of a 100# monkey (HCSD). It doesn't make sense to do it that way. He would offer the concept of providing the County with an alternate dispatch center at our facility where we have more capacity and more capability and more tolerant systems in place. This would be adding a small load to a larger system instead of a large load to a smaller system. Contracting services out can help us make money. We have 6 dispatchers and would need 8. The sheriff could hire 4 or the City could hire 2. Why not put a proposal to the sheriff to take on their load? Sometimes looking outside of the box makes sense. Council can cut the budget or have the same net effect by offering services out to other agencies and bringing in more income. The Fire Department produces about 45% of our own income through contracts with other agencies for EMS and fire protection.

Bisher said we didn't do it that way initially because the City can dump this on the Sheriff and he must take it, but the Sheriff cannot dump it on the City. We can do it either way as a joint government issue. That doesn't address the issue of redundancy. Helberg said if you go through the lists, you can tell the pros & cons from the City side to keep it here, but not if it goes to the Sheriff's office. Bisher said this Commission has the authority to ask people to show up and testify, but we don't have the authority to ask the Sheriff to show up. Helberg asked if we should ask the Sheriff or Commission to have the work study group explore the possibility of the City taking over County dispatch.

Hayberger said you can ask the Sheriff. County Commissioner Glenn Miller stated at a recent Council meeting that the Sheriff is an elected official and all of this is on his lap. Helberg said he doesn't think the Sheriff is interested in this, but he wants to know if the Sheriff will study it. Hayberger said he made that call upfront and the answer was "no." The Sheriff is in the same boat as Chief Weitzel and Chief Bennett and he doesn't want to give up control. You can readdress it if you want. Helberg said we can leave that issue on the table for now.

Weitzel suggested getting this information out and giving people time to digest it and get information back to us. Bisher said the Judge has some questions to address. She is planning to come to Council in two weeks.

Genia Donley asked what the Performance Audit cost. Bisher said about \$80,000. Donley said that is more than she makes in a year. Since the City didn't get a grant to have the audit performed, they don't have to follow the recommendations. Helberg said we have a responsibility to investigate the options. We may come up with better recommendations. Bisher said there has been a lot of criticism of Council due to the cost of the audit. It is clearly within their purview to say we don't do this all the time, but we have a lot of new Council members and we want to take an overall look at things. It was Bisher's suggestion to just pay for it, do the analysis and take the action we want to take. Council did the right thing in asking for the audit and by paying for it so we can go on from there. We are down to two major issues: this issue and the golf course. We are not under any obligation or timetable. Donley said she read a lot about the State auditor and dispatch. Combining dispatch centers is their number one thing for every single audit. Bisher said studies show it's not a bad thing, but we need to know if that applies to us and what kind of dilemmas will happen here. It depends many times on the governance of this new, combined center.

Tonya Walker said Councilman Maassel came in and sat in the dispatch office for an hour or so. If anyone wants to see what we do to better understand what is on list, come and see so you know what is involved. Walker handled a power outage in Liberty Center the other night in the middle of the night. Helberg said he spent time at dispatch 4 years ago when the second dispatch was put in and spent even more time there 18 years ago. He may come there again to observe.

**Motion To  
Adjourn**

Motion: Bisher                      Second: Weitzel  
To adjourn the meeting at 6:05 PM

**Passed:**  
**Yea-3**  
**Nay-0**

Roll call vote on above motion:  
Yea-Helberg, Bisher, Weitzel  
Nay-

**Date** \_\_\_\_\_

\_\_\_\_\_  
John Helberg, Chair

DRAFT

## Comments

Members of the committee representing the City of Napoleon offered two (2) comments/suggestions.

1. City of Napoleon would not “dump” dispatch communications on the Sheriff Department
2. A consolidated dispatch / shared governance of Dispatch

### Pros

1. Command and Control of Services - Chiefs Understand City response in the City better than the County.
2. Same Mapping
3. 2 dispatches can handle overflow - **MORE EFFICIENT**
4. Recovery time is shorter if one dispatch goes down
5. Better surveillance of cameras installed.
6. City pages/call downs for all departments
  - More control at City Level
  - Handles City Operations calls after hours
  - Manage call down list

### Cons

1. There could be Issues over who is in Charge
2. Twice for fees for Norris/LEADS
3. Delay time for 911 cell phones calls – **THIS IS A 911 ISSUE AND SHOULD BE ADDRESSED WITH SOFTWARE VENDOR EMERGITECH**
4. City would need clerk for records request/etc
5. Warrants for Muni court transfer to joint.
6. Cost to maintain both centers – operational and employee.

Statement: The working group finds that a **joint control dispatch** does not serve the best need of the city or county.

***Sheriff is not interested in a shared governance dispatch center, if he takes over; it is his responsibility and control.*** EMA Director stated he would support any decision the Sheriff made and expressed that he was not interested in Dispatch if a consolidated dispatch / shared governance of dispatch is selected. He would do / perform those duties only if requested/directed by the Henry County Commissioners and Sheriff.

Comments – Single Dispatch – Singular Control of dispatch functions by Sheriff

Issues that need addressed to move City of Napoleon Dispatch to Henry County Sheriff Department

1. Radio Communications at NPD but not at HCSD (Covered by County)
  - a. 153.785 Napoleon Operations – install control station \$1,000
  - b. Napoleon Fire Admin – Install control station \$1,000
  - c. 154.280 Statewide Fire Mutual Aid – additional information needed from vendor.
2. Napoleon Tornado Sirens – Can be converted to be set off at HCSD, EOC, and Malinta. – County to cover cost to reprogram.
3. Central Alarm Panel at NPD – a conversion to a central alarms system that will call HCSD when an alarm occurs. HCSD is not to monitor, only dispatch when alarm is received. HCSD will provide one call to supervisor number and the WENS can be utilized to perform notification/calling. Actions/ Cost to be done by the City of Napoleon.
4. HCSD can monitor cameras installed in NPD jurisdiction. Coordination with City to set up monitoring can be accomplished over network installed. Only additional cost may be the installation of additional monitors. Should be less than \$1,000. – County will cover cost.
5. HCSD is not performing unlocking service. They will report what they see but unlocking of service doors, etc is to be performed by Departments. They will notify City department of request.
6. HCSD has a site license for PSAP. A read only Computer Aided Dispatch can be added at NPD. Infrastructure is in place. Will there be a cost involved for this? Under investigation atm.
7. Norris via internet at NPD.
8. Verify print driver at NPD and NFD from HCSD
9. Rollover of NPD AND NFD phone to HCSD.
10. Codes and signals will use BSSA
11. AMAR system for NFD. Dawn to review by 4/23
12. Time frame to establish/post jobs
13. Filing Cabinets for Warrants – Will need cabinets for warrants
14. Key holders list for businesses to be sent to HCSD. Access provided by terminal service connection and NPD. KNOX Boxes list provided by NFD.
15. Need call down lists for all City Departments to integrate into WENS and Dispatch.
16. Discussion on taking Court Bonds. In addition, the Judge is very concerned about transferring from current system to a single dispatch system. Sheriff and Napoleon Chief of Police need to work out details to include including duress.
17. A single radio dispatch position will be kept active at NPD. Second position will be removed/converted to a work space. Radios and equipment will be kept for ready service spares. Where will ready service spares be kept? County will discuss with vendor to keep active 911 terminal/position at NPD. County to cover cost.
18. Intoxalizer 8000 at NPD (OSP owns), needs to be moved to HCSD, training will be necessary for staff.

ADDITIONAL COST:

PD

~~14500 CMI CAD installed at SO~~ \* Sheriff wanted conversion to their RMS software. Did not wish to have ours installed to create calls in our system. We will get by on our own. No change in software necessary. Our officers will be trained to create and log our calls for use in the RMS. Would like to look into software connectivity to create calls in our system from countywide CAD. Would have preferred the dispatch created our calls in our software. Installation of that at the SO would have been 14500.00.

3000 to 5000 Alarm System for PD to Protect Evidence Integrity and building property.

1200 per year (100 / month) for monitoring by alarm company

2500 Training on software

5000 to 10000 Additional Doors (four or five) and carpentry work in hallways to isolate office areas.

5000 Keri Door Locks for new doors.

1200 Additional Cameras (monitored by Central Dispatch)

75000 for 1.5 FTE administration staff to keep office open, records, other office functions as necessary from 0730 to 1600, 5 days a week at PD.

This should cover the majority of PD costs.

One time costs 23700.00

Yearly costs 76200.00

#### Fire Rescue

- Automatic Mutual Aid Response

- State Wide Fire

#### Water Treatment

- Alarms and Monitoring

- Call In Procedure

#### Waste Water

- Alarms and Monitoring

- Call In Procedure

#### Operations

- Call In Procedure

#### Electric Department

- Call In Procedure

# City of Napoleon Parks and Recreation Department

255 West Riverview Avenue Napoleon, Ohio 43545  
(419) 592-4010 (419) 592-8955 (fax)  
tcotter@napoleonohio.com

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## *Memorandum*

To: *Jon A. Bisher, City Manager*  
*Trevor Hayberger, Law Director*  
From: *Tony Cotter, Director of Parks and Recreation*  
Date: *May 3, 2013*  
Subject: *Golf Course Advisory Committee Recommendation – New Member  
Incentive and Extension of the Season*

At their recent meeting, the Golf Course Advisory Committee (now called “The Friends of the Napoleon Municipal Golf Course”) recommended the following incentive related to memberships: **Any current member who brings in a person that purchases a new membership shall be eligible for the new membership rate.** This would amount to a \$50.00 discount for the current member. In addition, the group has recommended the golf course season be changed to March 15 – Nov. 15<sup>th</sup>. These recommendations were also presented to the Parks and Recreation Board on April 24<sup>th</sup> with the Board recommending the approval of those items.

Please place this on City Council’s agenda for their approval. If you would like additional information, please let me know.



# THE COMMUNITY IMPROVEMENT CORPORATION OF HENRY COUNTY

104 E. Washington Street, Suite 301  
Napoleon, Ohio 43545

Phone: (419)592-4637  
Fax: (419) 599-9865

May 2, 2013

Napoleon City Council  
255 West Riverview Avenue  
Napoleon, Ohio 43545

RE: *Community Reinvestment Area Agreement of MWA Enterprises, LTD.*

Members of Council,

At the May 6, 2013 Napoleon City Council Meeting you will be asked to review a Community Reinvestment Area Agreement being requested by MWA Enterprises, LTD ("MWA", a.k.a. Petro Truck Stop). MWA is in the introductory stages of planning an expansion to its existing facility to add a lube and maintenance center. This expansion will add about \$1,200,000.00 in assessed real estate value to its facility. It will also enable MWA to hire approximately 25 additional workers, which will add approximately \$670,000 to its payroll. As part of the agreement, MWA has agreed to a ten year abatement, during which it will make the following payments in lieu of taxes (PILOT):

**Years 1 through 10**

**Estimated Figures + or –**

**Payments in Lieu of Taxes as Percentage of Abated Amount**

**44%**

**Gross Annual Payments in Lieu of Taxes**

**\$11,462.13**

Payee Entity	Percentage of Gross Payment in Lieu of Taxes	Payment in Lieu of Taxes
Liberty Center Local School District	77.08 %	\$8,835.39
Napoleon Infrastructure Fund	18.75 %	\$2,149.15
Four County Career Center	4.17 %	\$477.59
<b>TOTALS</b>	<b>100.00 %</b>	<b>\$11,462.13</b>

Please note that the percentages PILOTs differ from that in the school districts' resolutions. However, the percentage of the taxes due on the overall improvement value and the projected amount payable remain the same. This is as a result of the CIC removing itself as a PILOT recipient. Instead, the CIC will charge a \$1,500.00 annual fee to MWA for administration, which is more consistent with industry practices. The City Council is permitted to approve this action, as the change has no net effect on the school districts. Should you have any questions, please let me know. Thanks.

Sincerely,

/s/ Robert McColley, J.D.  
Executive Director

City Contract No.

## 2013 COMMUNITY REINVESTMENT AREA AGREEMENT

between

CITY OF NAPOLEON, OHIO

and

MWA Enterprises, Ltd.

Dated

as of

March 31, 2013

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Appendix “A” – Application of the Enterprise for Exemptions

Appendix “B” – Improvements

Appendix “C” – The Real Property

This Community Reinvestment Area Agreement (the “Agreement”) is made and entered into by and between the City of Napoleon, Ohio, a municipal corporation located at 255 W. Riverview Avenue, Napoleon, Ohio 43545 (the “City”) and MWA Enterprises, LLC a limited liability company organized under the laws of Ohio, located at R-516 County Road 16, Napoleon, Ohio 43545 (the “Enterprise”), under the circumstances summarized under the following recitals (capitalized words and terms used in the recitals and not otherwise defined shall have the meanings assigned to such words and terms in Section 1 of this Agreement):

WHEREAS, the City by Resolution adopted on October 1, 2001 designated an area (CRA 7) as a Community Reinvestment Area pursuant to Ohio Revised Code Chapter 3735; and,

WHEREAS, the Director of Development determined that the area so designated by the City contained the characteristics set forth in Ohio Revised Code Section 3735.66; and,

WHEREAS, the Director of Development on November 20, 2001, certified the area as a community reinvestment area known as Zone No 7 (the “Area”); and,

WHEREAS, the City encourages the development of real property in the Area; and,

WHEREAS, the Enterprise desires to construct and install a Project at the Facility in the Area if incentives are available to support the economic viability of the Project; and,

WHEREAS, the City has the authority to exempt the Project from the real property taxes in accordance with Ohio Revised Code Chapter 3735; and,

WHEREAS, the Enterprise has submitted an application to the City through the City's agent for economic development, the Community Improvement Corporation of Henry County, Ohio (the “CIC”), for such tax exemptions, a copy of which is attached as Appendix “A” and is incorporated as part of this Agreement; and,

WHEREAS, the Enterprise has remitted to the City the required state application fee of \$750.00 made payable to the Ohio Department of Development to be forwarded to the Director of Development with a copy of this Agreement; and,

WHEREAS, the Housing Officer for Community Reinvestment Area No. 7 for the City has investigated the application of the Enterprise and has recommended the same to the City of Napoleon Council on the basis that the Enterprise is qualified by financial responsibility and business experience; further, that in granting the CRA Agreement, new construction or remodeling will be made in CRA # 7 which will serve to encourage economic stability, maintain real property values, and generate new employment opportunities; and,

WHEREAS, the determination of the tax incentive is calculated on the investment made in the construction of the retail commercial building and paving after all the existing structures have been completely cleared from the project site. The value of the improvements being determined by the Henry County Auditor; and,

WHEREAS, the Project is located in the Liberty Center Local School District and within Four County Career Center District; and,

WHEREAS, the Board of Education of the appropriate School District(s) required to be notified has been notified in accordance with Sections 3735.671 and 5709.83 of the Ohio Revised Code and has been given a copy of the Application with the stated percentages of the value of the real property to be exempted, an estimate of the true value of that property, and the number of years that property will be exempted; and,

WHEREAS, the School Board adopted a resolution (i) consenting to the Agreement; and, (ii) waiving the required notice period that the City may act on approval of the Agreement; and,

WHEREAS, pursuant to Section 3735.67(A) and in conformance with the format required under 3735.671(B) of the Ohio Revised Code, the parties hereto desire to set forth their Agreement with respect to matters hereinafter contained; and,

WHEREAS, the School Board has filed or will file a certified copy of its Resolution with the City; and,

NOW, THEREFORE, on the basis of the foregoing recitals and in consideration of the representations, agreements, and covenants of the City and the Enterprise contained in this Agreement, the City and the Enterprise agree as follows:

**Section 1. Definitions.** In addition to words and terms defined elsewhere in this Agreement:

“Application” means an Application for Real Property Tax Exemption and Remission (Form DTE 24) and any successor form to that form.

“Area” means Community Reinvestment Area Zone 069-53550-02 Napoleon #7 located in the City as certified by the Director of Development.

“City” means the City of Napoleon, Ohio

“County” means Henry County, Ohio.

“County Auditor” means the Auditor of Henry County, Ohio.

“Department of Development” means the Department of Development created pursuant to Ohio Revised Code Section 121.02.

“Director of Development” means the Director of the Department of Development.

“Enterprise” means the entity named in the application seeking the CRA Agreement, including its approved assigns and transferees.

“Facility” means the Enterprise’s facilities located on the Real Property.

“Four County” means the Four County Career Center, a Joint Vocational School District under Ohio law whose school district boundaries encompass the Facility.

“Housing Officer” means the person or entity designated as the Housing Officer by the City for the Area.

“Improvements” means the improvements to the real property resulting from the Project, as more fully described in Appendix “B”, incorporated into the Agreement by reference thereto.

"Lessee" [if applicable] means generally, the person, business, corporation, or other entity, that leases the facility from the Enterprise; however, in this Agreement means the "MWA Enterprises, LLC" a limited liability corporation.

“Project” means the development of the Facility through the construction, acquisition, and installation of the Improvements.

“Project Completion Date” means June 1, 2014, even though the actual completion date may be earlier.

“Real Property” means the real property described in Appendix “C”, incorporated into the Agreement by reference thereto.

“School Board” means the Board of Education of the School District.

“School District” means the Liberty Center Local School District.

“TIRC” means the Tax Incentive Review Council created pursuant to Ohio Revised Code Section 5709.85 and Napoleon City Council Resolution Numbers 106-00 and 119-00.

**Section 2. Interpretation.** Any reference in this Agreement to the City, or to other public bodies or entities, or their members, officers or employees, shall include those who succeed to their functions, duties or responsibilities by operation of law and those who at the time may legally act in their place.

Any reference to a section, chapter, division, paragraph or other provision of the Ohio Revised Code shall include that section, chapter, division, paragraph or other provision as from time to time amended, modified, supplemented, revised, or superceded.

Unless the context clearly otherwise indicates, words importing the singular number shall include the plural number, and vice versa; the terms “hereof”, “hereby”, “herein”, “hereto”, “hereunder” and similar terms refer to this Agreement; and the term “hereafter” means after, and the term “heretofore” means before, the date of this Agreement. Words of any gender include the correlative words of the other genders. Reference to a “Section” or an “Appendix” is a

reference to a Section of or an Appendix to this Agreement. All Appendix(s) is/are part of this Agreement.

The captions and headings in this Agreement are solely for convenience of reference and in no way define, limit or describe the scope or the intent of any Section.

**Section 3. The Project.** The Project will involve a total capital investment in real property of currently estimated at \$1,004,300.00, plus or minus 10%, in development of a retail commercial building, approximate size being 10,000 square feet, and appurtenances at the site located at 900 American Road, Napoleon, Ohio, and an estimated investment in tangible personal property of \$459,000.00, plus or minus 10%.

(a) A description of all the investments to be made at the facility including: value of new real property shall be as in Appendix(s) "A" and "B", incorporated into this Agreement by attachment hereto.

(b) The Project will commence by June 1, 2013 and all acquisition, construction, and installation of the Project will be completed by June 1, 2014.

(c) The total investment of this expansion project is greater than the 10% of market value of the facility assets already owned at the site prior to such expenditures.

**Section 4. Enterprise's Representations.** The Enterprise certifies that:

(a) The Project, shall create a minimum of 25 full time permanent jobs and 0 part time permanent jobs and 0 temporary jobs at the Facility (the Facility which is the topic of this Agreement) upon completion of the Project.

(b) The increase in the number of employees will result in approximately \$1,139,000.00 of payroll at the Facility in the calendar year following the completion of the Project.

(c) Owner [or lessee if applicable] currently has approximately 22 full-time permanent employees and 6 part-time permanent employees and no temporary employees within this State.

(d) It does not owe any delinquent real or tangible personal property taxes to any taxing authority or in the State of Ohio, and does not owe any delinquent taxes for which it is liable under Ohio Revised Code Chapters 5733, 5735, 5739, 5741, 5743, 5747 or 5753, or, if such delinquent taxes are owed, it currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against it. For purposes of this paragraph (d) "delinquent taxes" are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

**Section 5.     City Obligations.**

(a)     The City shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

(b)     If for any reason the City revokes the designation of the Area, the City shall continue to grant the entitlements under this Agreement for the number of years specified under this Agreement, unless the Enterprise materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation pursuant to this Agreement.

**Section 6.     Enterprise's Covenants and Agreements.** The Enterprise covenants and agrees that:

(a)     Regarding the Improvements, the Enterprise will make a minimum investment of \$1,004,300.00, plus or minus 10%.

(b)     The Enterprise shall use its best efforts to employ, or cause the employment of, residents of the County for any new job opportunities created at the Facility during the duration of this Agreement.

(c)     The Enterprise shall provide, or cause to be provided, to the TIRC any and all information requested by the TIRC that is reasonably necessary for the TIRC to evaluate the applicant's compliance with the Agreement, including returns filed pursuant to Section 5711.02 of the Ohio Revised Code if requested by the TIRC.

(d)     The Enterprise shall pay such real and tangible personal property taxes on property located in the County that are not exempt pursuant to this Agreement, other tax abatement agreements, or by law. The Enterprise shall file all tax reports and returns required by law.

(e)     The Enterprise shall file two copies of the Application with the County Auditor prior to the first year for which real property taxes on the Improvements would be taxable if the Improvements were not exempt from taxation pursuant to this Agreement. The Enterprise acknowledges that exemptions from real property taxes granted by this Agreement are not effective until an Application has been filed with the County Auditor and forwarded to the Ohio Department of Taxation.

(f)     The Enterprise will perform such other acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain the exemptions granted by this Agreement, including, without limitation, executing documents and providing certifications required in connection with those exemptions.

(g) The Enterprise has made no false statements to the City, the School District, or the State of Ohio in the process of obtaining the exemptions granted by this Agreement.

(h) The Enterprise shall remain a member in good standing of both the Napoleon Henry County Chamber of Commerce and The Community Improvement Corporation of Henry County, Ohio, for at least the first five years following the making of this Agreement at the sustaining level of \$1,000 per year.

**Section 7. Exemptions.**

(a) The City, with consent of the School District and upon notification to the Four County, hereby grants the Enterprise a 100% exemption, pursuant to Section 3735.67 of the Ohio Revised Code for eligible real property, from real property taxes for a period of 10 years for the Improvements. The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation. No exemption shall commence after June 1, 2014, nor shall extend beyond December 31, 2024. The maximum investment for the Improvements to qualify for the exemption granted in this paragraph is \$.

(b) The description of the specific real property to be exempted is as described in Appendix(s) "A", "B" and "C".

(c) The Enterprise shall pay such real and tangible personal property taxes as are not exempted under this Agreement and are charged against such property and shall file all tax reports and returns as required by law.

**Section 8. Annual Fee.** The Enterprise shall pay an annual fee equal to the greater of one percent of the dollar value of the incentives offered by this Agreement or \$1,500.00; provided, however, if the value of the incentives exceed \$250,000, the fee shall not exceed \$2,500.

The City or its agent shall calculate the amount of the fee and shall mail an invoice for the fee to the Enterprise on or before September 15 of each year within which any taxes are abated pursuant to this Agreement. The invoice shall be paid by the Enterprise to the City or its agent within the thirty (30) days immediately following the invoice date.

**Section 9. Compensation Payments.** The Enterprise agrees to compensate a portion of the tax revenue foregone by the County, the City and the School District and Four County and other political subdivisions or receivers thereof as a result of the exemptions as provided by this Agreement.

(a) The Enterprise shall annually pay to the City or its agent an amount equal to 100% of the dollar amount of the payments in lieu of taxes stated in this Agreement and outlined in the table below. The amounts due to the City Infrastructure Fund, the School District and Four County, separately and respectively, shall each be a percentage of the total amount received by the City or its agent annually under this Section, as agreed to by the City and the School District.

In order to secure the necessary financial subsidy from this payment in lieu of taxes, the following 10 year schedule for distribution is as follows:

<b>Years 1 through 10</b>	<b>Estimated Figures + or –</b>
<b>Payments in Lieu of Taxes as Percentage of Abated Amount</b>	<b>44%</b>
<b>Gross Annual Payments in Lieu of Taxes</b>	<b>\$11,462.13</b>

<b>Payee Entity</b>	<b>Percentage of Gross Payment in Lieu of Taxes</b>	<b>Payment in Lieu of Taxes</b>
Liberty Center Local School District	77.08 %	\$8,835.39
Napoleon Infrastructure Fund	18.75 %	\$2,149.15
Four County Career Center	4.17 %	\$477.59
<b>TOTALS</b>	<b>100.00 %</b>	<b>\$11,462.13</b>

(b) On or before September 15 following each year within which any taxes are abated pursuant to this Agreement, the City or its agent shall calculate the amount of incentives offered by this Agreement and the amount equal to 100% of the taxes foregone through this Agreement. Immediately thereafter, the City or its agent shall invoice the Enterprise for the amounts due and owing under the Enterprise's actual investment and abatement, as explained above.

(c) Within thirty (30) days immediately following each September 15 invoicing above, the Enterprise shall pay such invoiced amounts to the City or its agent for distribution to the affected political subdivisions and schools as applicable.

(d) The City and the School District may respectively expressly agree in writing to reallocate, in whole or in part, any portion of each one's respective allocation under this Section. Any written agreement entered into pursuant to this paragraph shall be communicated to the City and the Enterprise, and shall become effective upon notice being provided to the City and the Enterprise. Any agreement to reallocate shall adjust the City's distribution among affected entities, but this ability to reallocate and any act of reallocation shall never, by itself, increase the total amount due by the Enterprise under this Section 9.

(e) The payment of the compensation payments due to the City and/or the School District, are for the benefit, run in favor of, and are enforceable by the City and the School District respectively, as the exclusive intended third party beneficiaries to the provisions and terms of this Section.

**Section 10. Events of Default and Remedies.** The occurrence of any of the following shall be considered an Event of Default by the Enterprise under this Agreement.

(a) If the Enterprise materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement is fraudulent, the City may terminate or modify the exemptions from taxation granted under this Agreement, and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this Agreement; further, the City may, at its option, secure repayment of such taxes by a lien on the exempted property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on the real property.

(b) Exemptions from taxation granted under this Agreement shall be revoked if it is determined that the Enterprise, any successor enterprise, or any related member (as those terms are defined in Section 3735.671 of the Ohio Revised Code) has violated the prohibitions against entering into this Agreement under Division (E) of Section 3735.671 or Section 5709.62 or 5709.63 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections.

(c) If the Enterprise fails to pay such taxes or files such returns and reports as required by law concerning this exemption, exemptions from taxation granted under this Agreement shall be rescinded beginning with the year for which such taxes are charged or such reports are required to be filed and thereafter.

(d) If the Enterprise fails to provide information requested by the TIRC or to file copies of all Applications with the TIRC, then this Agreement may be terminated.

(e) If the Enterprise fails to create or cause to be created the number of new jobs at the Facility as stated in Section 4, or not created in the periods specified in that Section, or the amount of additional payroll resulting from those new employment opportunities is less than the amount stated in Section 4, then this Agreement may be terminated.

(f) The minimum investment for the Improvements is less than that stated in Section 6 after the Project completion date, then this Agreement may be terminated.

(g) In any three-year period during which this Agreement is in effect, the actual number of new jobs created at the Facility is not equal to or greater than 75% of the number of jobs stated in Section 4, then this Agreement may be terminated.

(h) The Enterprise made material false statements to the City in the process of obtaining the exemptions granted by this Agreement, then this Agreement may be terminated.

- (i) The Enterprise fails to pay the annual fee required by Section 8, or any of the compensation payments required by Section 9, then this Agreement may be terminated.

**Section 11. Notices and Payments.** All notices required by this Agreement shall be in writing and either mailed by first class U.S. mail, postage prepaid, addressed to the person or persons to be so notified or delivered by personal delivery to such person. Notice shall be deemed given on the earlier of the day the notice is mailed or personally delivered.

Payments must be received by the person entitled to payment on or before the date specified in this Agreement.

All notices and applicable payments shall be delivered to the following addresses; original payments from Enterprise to the City shall be mailed to the Henry County CIC:

- |                             |   |
|-----------------------------|---|
| (a) To the City:            | City of Napoleon, Ohio<br>c/o City Manager<br>255 West Riverview<br>Napoleon, Ohio 43545                      |
| With a Copy to:             | Henry County CIC<br>c/o Executive Director<br>104 East Washington Street<br>Suite 301<br>Napoleon, Ohio 43545 |
| (b) To the Enterprise:      | MWA Enterprises, Ltd.<br>c/o Mr. Mike Adams<br>R-516 County Road 16<br>Napoleon, Ohio 43545                   |
| (c) To the County Auditor:  | Auditor<br>County of Henry, Ohio<br>660 North Perry Street<br>P.O. Box 546<br>Napoleon, Ohio 43545            |
| (d) To the School District: | Liberty Center Local School District<br>c/o Treasurer<br>103 W. Young Street<br>Liberty Center, Ohio 43532    |
| (e) To Four County:         | Four County Career Center   |

c/o Superintendent  
22-900 State Route 34  
Archbold, Ohio 43502

To the TIRC:

Henry County CIC  
c/o Executive Director  
Suite 301  
104 East Washington Street  
Napoleon, Ohio 43545

**Section 12. Miscellaneous.**

(a) The Enterprise shall provide to the proper tax incentive review council any information reasonably required by the TIRC to evaluate the applicant's compliance with the Agreement, including returns filed pursuant to Section 5711.02 of the Ohio Revised Code if requested by the TIRC.

(b) If for any reason the Area designation expires, or the Director of Development revokes the certification of the Area, or the City revokes the designation of the Area, the exemptions granted by this Agreement shall continue as provided in this Agreement.

(c) No individual shall be denied employment at the Facility on the basis of race, religion, gender, disability, color, national origin, or ancestry.

(d) This Agreement is not transferable or assignable without the written consent of the City, and the Enterprise acknowledges that the City may not give that consent if the School District objects to any transfer or assignment; however, the exemptions provided in this Agreement may be applicable and assignable (upon notice to the City) to entities that are directly and immediately related to the Enterprise that may already have indirect ownership of the property subject to the exemption, without prior written approval from the City.

(e) This Agreement may be executed in any number of counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same instrument.

(f) This Agreement shall be deemed to be a contract made under the laws of the State of Ohio and for all purposes shall be governed by and in accordance with the laws of the State of Ohio.

(g) Any legal action regarding this Agreement shall be filed in the Court of Common Pleas of Henry County, Ohio, or, in case of Bankruptcy, the appropriate Bankruptcy Court.

(h) The Enterprise acknowledges that this Agreement must be approved by formal action of the City Council of Napoleon, Ohio as a condition for the Agreement to take effect. This Agreement takes effect upon such approval and upon execution by the parties.

(i) In the event that any part or provision of this Agreement is held invalid or void by a court of competent jurisdiction, only that part or provision shall be invalid or void and the parts or provisions not held invalid or void shall remain in full force.

(j) This Agreement shall be construed as mutually drafted by the Parties.

(k) Time is of the essence.

(l) The Enterprise expressly agrees to waive and forego its rights to appeal the Auditor's determination on the value of the investment stated in this Agreement.

(m) The preamble of this Agreement shall be incorporated into this Agreement as part thereof.

(n) Any obligation of the City to pay money under this Agreement is subject to appropriation of funds by the City.

IN WITNESS WHEREOF, the City and the Enterprise have caused this Agreement to be executed on their behalf by their respective duly authorized officer or representative, all as of and effective upon the date printed on the cover page of this Agreement.

**AGREED:**

**CITY OF NAPOLEON, OHIO**

By \_\_\_\_\_  
Dr. Jon A. Bisher, City Manager

**MWA ENTERPRISES, Ltd.**

By \_\_\_\_\_

**CONSENTED TO:**

**LIBERTY CENTER LOCAL SCHOOL DISTRICT**

By \_\_\_\_\_  
Superintendent

By \_\_\_\_\_  
Treasurer

**FOUR COUNTY CAREER CENTER**

By \_\_\_\_\_  
Superintendent

Approved as to form and correctness:

---

Trevor Hayberger, City Law Director

**Appendix “A”**

**APPLICATION  
CRA  
(POST-1994)**

## **Appendix “B”**

### **THE IMPROVEMENTS**

The Project will involve a total capital investment in real property of currently estimated at \$1,004,300.00, plus or minus 10%, in development of a retail commercial building, approximate size being 10,000 square feet, and appurtenances at the site located at 900 American Road, Napoleon, Ohio, and an estimated investment in tangible personal property of \$459,000.00, plus or minus 10%.

Particularly, the improvement will be the construction of a PETROLUBE truck repair facility, which will provide preventative maintenance and repairs for trucks and recreational vehicles.

## **Appendix "C"**

### **REAL PROPERTY DESCRIPTION**

A parcel of land being a part of the Southeast Quarter (1/4) of Section Six (6), Town Five (5) North, Range Seven (7) East, Liberty Township, City of Napoleon, Henry County, Ohio, and which is more particularly described as follows:

Commencing at the center of Section 6; thence South 0°54'43" West (assumed bearing for the purposes of this description) on the North-South Half (1/2) of Section line of said Section 6, five hundred thirty and thirteen hundredths (530.13) feet to a point; thence South 89°41'13" East, eighty and twenty-three hundredths (80.23) feet to a 5/8"x30" iron pin with ID cap set and the point of beginning; ---- thence south 89°41'13" East, seven hundred twenty-six and zero hundredths (726.00) feet to a 5/8"x30" iron pin with ID cap set; thence south 0°18'47" West, seven hundred eighty and zero hundredths (780.00) feet to a 5/8"x30" iron pin with ID set on the North right-of-way of Henry County Road R-3 (American Drive); thence North 89°41'13" West on said North right-of-way of County Road R-3 (American Drive), six hundred twenty-eight and sixty-five hundredths (628.65) feet to a 5/8"x30" iron pin with ID cap set; thence North 83°43'30" West on said road right-of-way, one hundred two and fifty-nine hundredths (102.59) feet to a 5/8"x30" iron pin with ID cap set on the East right-of-way of Industrial Drive; thence North 0°25'33" East on the said East right-of-way of Industrial Drive, three hundred ninety-five and thirty-nine hundredths (395.39) feet to an iron pin found; thence North 0°54'43" East and parallel with the North-South Half (1/2) Section line of said Section 6, three hundred seventy-three and ninety-eight hundredths (373.98) feet to the point of beginning.

CONTAINING 13.044 acres of land, more or less.

Tax Parcel #27-060016.0400

The Board of Education of the Liberty Center Local School District met on March 18, 2013, commencing at 7:00 p.m. at 103 West Young Street, Liberty Center, Ohio with the following members present:

Mr. Jeff Benson, Mr. Peter Leatherman, Mr. Douglas Desgrange,

Mrs. Ruth Upell, Mr. Jon Kundo

The Treasurer advised the Board that the notice requirements of Ohio Revised Code Section 121.22 were complied with for the meeting.

Mr. Jeff Benson moved the adoption of the following resolution:

A RESOLUTION APPROVING A COMMUNITY REINVESTMENT AREA (CRA) AGREEMENT BETWEEN THE CITY COUNCIL OF THE CITY OF NAPOLEON, OHIO AND MWA ENTERPRISES, LTD. (THE "ENTERPRISE") AND WAIVING THE 45 BUSINESS DAYS NOTICE REQUIREMENT AND 15 DAYS NOTICE REQUIREMENT FOUND IN OHIO REVISED CODE SECTIONS 3735.671 & 5709.83.

WHEREAS, the Board of City Council of the Napoleon, Ohio has previously created a community reinvestment area to encourage the development of real property investment within that zone; and

WHEREAS, part or all of that area is located in the Liberty Center Local School District; and

WHEREAS, the Enterprise has applied to the City Council for exemptions from real property taxes for the "Project", as defined in a proposed CRA Agreement (the "Agreement") between the City Council and the Enterprise; and

WHEREAS, the Project will be located within the Liberty Center Local School District; and

WHEREAS, the City Council has given notice to this Board, through its agent, the Community Improvement Corporation of Henry County (the "CIC"), of its intent to consider the Agreement; and

WHEREAS, that notice included a copy of the proposed Agreement, which includes the application to the City Council for the exemptions, a description of the real property on which the Project will take place, and a list of the improvements being made to the real property; and

WHEREAS, this Board has reviewed the City Council's notice, the proposed Agreement and all its appendices; and

WHEREAS, the proposed draft Agreement provides that the Enterprise will receive a tax abatement of one hundred percent (100%) annually for ten (10) years and will also compensate local political subdivisions annually, estimated as follows:

<b>Years 1 through 10</b>	<b>Estimated Figures + or –</b>
<b>Payments in Lieu of Taxes as Percentage of Abated Amount</b>	<b>50%</b>
<b>Gross Annual Payments in Lieu of Taxes</b>	<b>\$12,977.95</b>

<b>Payee Entity</b>	<b>Percentage of Gross Payment in Lieu of Taxes</b>	<b>Payment in Lieu of Taxes</b>
Liberty Center Local School District	68.08 %	\$8,835.39
Napoleon Infrastructure Fund	16.56 %	\$2,149.15
Four County Career Center	3.68 %	\$477.59
CIC of Henry County	11.68 %	\$1,515.82
<b>TOTALS</b>	<b>100.00 %</b>	<b>\$12,977.95</b>

WHEREAS, based on that review, this Board finds and determines that the Project and the compensation to be paid to the Liberty Center Local School District by the Enterprise pursuant to the Agreement will be beneficial to the Liberty Center Local School District; and

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE LIBERTY CENTER LOCAL SCHOOL DISTRICT THAT:

Section 1. Approval of Tax Exemptions and the CRA Agreement. This Board hereby approves City Council providing a 100% tax exemption for 10 years on the real property comprising the Project as provided in the draft, proposed Agreement, and this Board approves both the Agreement and the City Council entering into the Agreement substantially in the form provided to this Board with such changes therein that are approved by the City Council; provided, however, that the City Council may not change the calculation formula of the compensation to be paid to the Liberty Center Local School District pursuant to the Agreement now on file with this Board without the prior approval of this Board in the form of a resolution of this Board.

Section 2. Notice. This Board hereby waives any notice requirements of Ohio Revised Code Sections 3735.671 and 5709.83.

Section 3. Filing with City Council. The Treasurer is authorized and directed to promptly certify a copy of this Resolution to the City Council, through its agent, the CIC.

Section 4. Authorized to Sign. The Superintendent of the School District is authorized to execute the Agreement as to the School Board's Consent to the Agreement.

Section 5. Open Meetings. This Board hereby finds and determines that all formal actions of this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberation of this Board and of any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with law.

Section 6. Effective Date. This Resolution shall be in full force and effect from and immediately upon its adoption.

Mr. Jeff Benson made the motion.

Mr. Peter Leatherman seconded the motion.

Upon roll call on the adoption of the resolution, the vote was as follows:

Mr. Desgrange Yes

Mr. Leatherman Yes

Mrs. Upell Yes


Mr. Benson Yes

Mr. Kundo Yes

#### TREASURER'S CERTIFICATION

The above is a true and correct excerpt from the minutes of the regular meeting of the Board of Education of the Liberty Center Local School District held on March 18, 2013, showing the adoption of a resolution supporting the CRA Agreement proposed by the City Council of the City of Napoleon, Ohio and effectively waiving the 45 day and 15 day notice requirements of Ohio Revised Code Sections 3735.671 and 5709.83 for the proposed CRA Agreement.

Dated: March 18, 2013



Ms. Carla J. Rice, Treasurer  
Board of Education  
Liberty Center Local School District, Ohio

**WAIVER OF NOTICE PERIOD FOR OHIO  
COMMUNITY REINVESTMENT AREA AGREEMENT**

**Liberty Center Local School District**, Liberty Center, Ohio hereby acknowledges receipt of notice of application from MWA Enterprises, Ltd., Napoleon, Ohio for a property tax abatement through a Community Reinvestment Area Agreement under Section 5709.62 et seq. of the Ohio Revised Code.

Liberty Center Local School District also hereby waives its right of 45 day notice of this Community Reinvestment Area Agreement application for abatement in excess of 75% for a company within an Ohio incorporated area as described in Section 5709.83 et seq. of the Ohio Revised Code. The abatement being applied for by MWA Enterprises, Ltd. is 100% abatement of real property taxes for a period of ten years.

**Liberty Center Local School District**

BY: Kristi A. Thompson  
Kristi Thompson, Superintendent

BY: Carla Rice  
Carla Rice, Treasurer

DATE: 3/18/13

The Board of Education of the Four County Career Center met on April 18, 2013, commencing at 7:00 p.m. at 22-900 State Route 34, Archbold, Ohio with the following members present:

John McCalla

LeAnn Fritch

Larry Fruth

Cindra Keeler

Carol Kleck

Nona Liechty

Larry Long

Chris Oberlin

The Treasurer advised the Board that the notice requirements of Ohio Revised Code Section 121.22 were complied with for the meeting.

Mr. Long moved the adoption of the following resolution:

A RESOLUTION APPROVING A COMMUNITY REINVESTMENT AREA (CRA) AGREEMENT BETWEEN THE CITY COUNCIL OF THE CITY OF NAPOLEON, OHIO AND MWA ENTERPRISES, LTD. (THE "ENTERPRISE") AND WAIVING THE 45 BUSINESS DAYS NOTICE REQUIREMENT AND 15 DAYS NOTICE REQUIREMENT FOUND IN OHIO REVISED CODE SECTIONS 3735.671 & 5709.83.

WHEREAS, the Board of City Council of the Napoleon, Ohio has previously created a community reinvestment area to encourage the development of real property investment within that zone; and

WHEREAS, part or all of that that area is located in the Liberty Center Local School District, which is an area served by Four County Career Center; and

WHEREAS, the Enterprise has applied to the City Council for exemptions from real property taxes for the "Project", as defined in a proposed CRA Agreement (the "Agreement") between the City Council and the Enterprise; and

WHEREAS, the Project will be located within the Liberty Center Local School District, and is located in an area served by Four County Career Center; and

WHEREAS, the City Council has given notice to this Board, through its agent, the Community Improvement Corporation of Henry County (the "CIC"), of its intent to consider the Agreement; and

WHEREAS, that notice included a copy of the proposed Agreement, which includes the application to the City Council for the exemptions, a description of the real property on which the Project will take place, and a list of the improvements being made to the real property; and

WHEREAS, this Board has reviewed the City Council's notice, the proposed Agreement and all its appendices; and

WHEREAS, the proposed draft Agreement provides that the Enterprise will receive a tax abatement of one hundred percent (100%) annually for ten (10) years and will also compensate local political subdivisions annually, estimated as follows:

<b>Years 1 through 10</b>	<b>Estimated Figures + or -</b>
<b>Payments in Lieu of Taxes as Percentage of Abated Amount</b>	<b>50%</b>
<b>Gross Annual Payments in Lieu of Taxes</b>	<b>\$12,977.95</b>

<b>Payee Entity</b>	<b>Percentage of Gross Payment in Lieu of Taxes</b>	<b>Payment in Lieu of Taxes</b>
Liberty Center Local School District	68.08 %	\$8,835.39
Napoleon Infrastructure Fund	16.56 %	\$2,149.15
Four County Career Center	3.68 %	\$477.59
CIC of Henry County	11.68 %	\$1,515.82
<b>TOTALS</b>	<b>100.00 %</b>	<b>\$12,977.95</b>

WHEREAS, based on that review, this Board finds and determines that the Project and the compensation to be paid to the Four County Career Center by the Enterprise pursuant to the Agreement will be beneficial to the Liberty Center Local School District; and

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE FOUR COUNTY CAREER CENTER THAT:

Section 1. Approval of Tax Exemptions and the CRA Agreement. This Board hereby approves City Council providing a 100% tax exemption for 10 years on the real property comprising the Project as provided in the draft, proposed Agreement, and this Board approves both the Agreement and the City Council entering into the Agreement substantially in the form provided to this Board with such changes therein that are approved by the City Council; provided, however, that the City Council may not change the calculation formula of the compensation to be paid to the Four County Career Center pursuant to the Agreement now on file with this Board without the prior approval of this Board in the form of a resolution of this Board.

Section 2. Notice. This Board hereby waives any notice requirements of Ohio Revised Code Sections 3735.671 and 5709.83.

Section 3. Filing with City Council. The Treasurer is authorized and directed to promptly certify a copy of this Resolution to the City Council, through its agent, the CIC.

Section 4. Authorized to Sign. The Superintendent of the School District is authorized to execute the Agreement as to the School Board's Consent to the Agreement.

Section 5. Open Meetings. This Board hereby finds and determines that all formal actions of this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberation of this Board and of any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with law.

Section 6. Effective Date. This Resolution shall be in full force and effect from and immediately upon its adoption.

Mr. Long made the motion.

Mrs. Kleck seconded the motion.

Upon roll call on the adoption of the resolution, the vote was as follows:

Mr. Fruth, Yes

Mr. Long, Yes

Mrs. Keeler, Yes

Mrs. Oberlin, Yes

Mrs. Kleck, Yes

Dr. Fritch, Yes

Mrs. Liechty, Yes

Mr. McCalla, Yes

#### TREASURER'S CERTIFICATION

The above is a true and correct excerpt from the minutes of the regular meeting of the Board of Education of the Four County Career Center held on April 18, 2013, showing the adoption of a resolution supporting the CRA Agreement proposed by the City Council of the City of Napoleon, Ohio and effectively waiving the 45 day and 15 day notice requirements of Ohio Revised Code Sections 3735.671 and 5709.83 for the proposed CRA Agreement.

Dated: April 19, 2013



Ms. Jennifer Bonner, Treasurer  
Board of Education  
Four County Career Center, Archbold, Ohio



# 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  
**Date:** May 6, 2013  
**Subject:** Ohio Street Sanitary Sewer Replacement Project

The City of Napoleon's Department of Public Works requests approval of the plans and specifications for the Ohio Street Sanitary Sewer Replacement Project. This project consists of replacing the sanitary sewer on Ohio Street from Glenwood Avenue to Indiana Avenue.

Engineer's Estimate of Construction: \$100,000.00.

Budgeted amount for this project: \$100,000.00.

*CEL*

# Memorandum

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

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

**Date:** 5/2/2013

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

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The May 6, 2013, meeting of the Technology and Communication Committee has been CANCELED due to lack of agenda items.

City of Napoleon, Ohio

## **CIVIL SERVICE COMMISSION**

MEETING LOCATION: Fire Station, 265 W. Riverview, Napoleon, OH 43545

### **Special Meeting Agenda**

**Saturday, May 11, 2013 at 8:00 AM**

The Civil Service Commission will meet in a work session on Saturday, May 11, 2013, at 8:00 AM at the Fire Station, which is located at 265 West Riverview, Napoleon, Ohio. The agenda items are:

- 1) Administer and Grade the Written Test and Agility Test for the Positions of Police Officer/Patrolman Grade and Firefighter/Paramedic
- 2) Certify Lists for the Positions of Police Officer/Patrolman Grade and Firefighter/Paramedic
- 3) Any Other Matters to Come Before the Commission.

---

Gregory J. Heath, Finance Director/Clerk of Council



# Update

A weekly newsletter presented by AMP President/CEO Marc Gerken

April 26, 2013

## National Hydropower Association names Gerken as Board of Directors president

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

AMP President/CEO Marc Gerken has been named the new president of the National Hydropower Association (NHA) Board of Directors. He was installed as president during the association's annual conference held April 22-24 in Washington, D.C., and will lead the association's efforts during the coming year.

NHA is a nonprofit national association dedicated to promoting the growth of clean, affordable U.S. hydropower. It seeks to secure hydropower's place as a climate-friendly, renewable and reliable energy source that serves national environmental, energy, and economic policy objectives.

"I became involved in NHA because I appreciate the role that the association plays as the national voice for hydropower with lawmakers, regulators, and the media," Gerken said in his speech to conference attendees. "I wanted to help NHA in their efforts to enhance hydropower's potential."

AMP is active with NHA and is providing recognized leadership in the development of new hydroelectric resources. AMP currently operates 42 megawatts (MW) of hydropower with the Belleville Hydroelectric Plant, and has more than 300 MW of hydropower under construction on the Ohio River. A number of AMP member utilities also own hydroelectric facilities.

"This is an exciting time for the hydro industry, with projects under development, an increasing recognition of the valuable role hydro plays in the nation's energy industry, and realization of the tremendous potential still available with this important resource," Gerken said. "We also recognize the challenges that we must continue to deal with if hydropower is to realize its full potential. And while these challenges are present, we also must recognize that we've had success in addressing them and that effort needs to continue as we move forward."

Gerken is calling for common sense permitting, licensing and relicensing processes for all of the parties involved in hydro development. In his address to conference attendees, he cited the redundancy within and among various regulatory agency processes and the impacts on the ability to get projects started, to get projects financed, to complete projects in a reasonable timeframe, and to enhance efficiencies at existing projects.

"If hydropower is going to realize its potential, we must continue our efforts to reduce this inefficiency," he said.

Please join me in congratulating Marc on this well-deserved honor.

In addition to Marc taking the gavel at the NHA annual conference, Phil Meier represented AMP for a panel presentation on hydro development.



Marc Gerken

## Attendees learn about AMP Technical Services opportunities at conference

By Michelle Palmer – assistant vice president of technical services

The 2013 AMP Technical Services Conference was held earlier this week, April 23 and 24, at AMP Headquarters. There were 90 attendees from 19 member communities, 22 various vendors and consultants on April 23, and 53 attendees on April 24.

Dick Smith from Orrville kicked off the event April 23 with an explanation of why the City of Orrville is doing away with its 4.16kV system. Smith explained where Orrville started and how the city has been diligently upgrading the system over the past several years.

Brian Carlin from the City of Bryan provided a case study on how the city installed LED street lights. He shared the savings the city has seen, the approach taken in selecting the type of fixture, and the hurdles that had to be overcome.

Kyle Weygandt, AMP's director of member safety, discussed the top four dangers in the workplace – slips, trips and falls; caught between; struck-by; and electrocution. Weygandt spoke on the importance of talking to co-workers about their safety practices.

*continued on Page 2*



Brian Carlin from the City of Bryan presents a case study to conference attendees on the city's installation of LED street lights.

## Oberlin hosts Finance & Accounting Subcommittee Meeting

By Chris Deeter – senior director member credit compliance

AMP held a Finance & Accounting Meeting on April 25 in Oberlin. At the meeting, Dawn Lund, with Utility Financial Solutions, spoke on “Explaining Rate Increases to Your Council and the End User.” Following Dawn, Jim Moore, principal of Kensington Capital Advisors and AMP derivatives advisor, gave attendees a presentation on the recent actions of the Federal Reserve and how they might affect economic conditions both now and in the future. Rick Tilghman, with Samuel A. Ramirez & Co. and AMP’s financial advisor, then discussed interest rates and fixed income debt strategies and what Ramirez & Co. expects the future may hold for interest rates.

Following lunch, Steve Green, principal with Winkel, Green and Van Horn, discussed internal controls; and Kelly Hephner, finance director with the Village of Montpelier, Ohio, presented “Not on My Watch” – A Case for Internal Controls Review,” detailing the village’s experience with internal control challenges and recommending what the attendees might consider for future internal control strategies with their municipality.

AMP’s Assistant Vice President of Energy Policy and Sustainability Randy Corbin then provided attendees an overview of the Efficiency Smart program, followed by a question and answer session. Tom Sillasen, AMP director of energy accounting and reporting, then closed out the day speaking on the concepts behind AMP power invoices.

Our next Finance & Accounting Meeting will be held in Napoleon on May 23 at the Napoleon Shelter House on West Maumee Street. Please RSVP to Chad Turner at [cturner@amppartners.org](mailto:cturner@amppartners.org) or 614.540.6913, or myself at [cdeeter@amppartners.org](mailto:cdeeter@amppartners.org) or 614.540.0848 by May 17.

## AFEC weekly update

By Craig Kleinhenz – manager of power supply planning

AFEC has had a very consistent week of generation this week. With the exception of last weekend, the plant was at minimum levels during the overnight hours and max base levels during most on-peak hours. Monday even saw several hours of duct burning operation due to some higher prices (Monday on-peak prices were \$50.46/MWh).

For the week, AFEC averaged a 70 percent load factor (based on 675 MW), with Monday being the highest (79 percent) and Sunday being the lowest (60 percent). For the week AFEC was \$8.20 cheaper than on-peak market prices.

## Natural gas prices close lower

By Craig Kleinhenz

After the last couple weeks of gains, the natural gas market gave back some of last week’s increase. Coal is starting to become more competitive once again with natural gas due to the recent upswing in natural gas prices.

This, combined with the recent arrival of spring weather, has taken some pressure off natural gas prices. May natural gas prices closed down \$0.26/MMBtu from last week to end at \$4.17/MMBtu. Power prices followed the gas rate decrease. 2014 on-peak electric prices at AD Hub finished down \$0.17/MWh from last week, closing at \$43.45/MWh.

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

#### Week ending April 26

MON	TUE	WED	THU	FRI
\$45.35	\$42.14	\$45.51	\$45.90	\$41.77

#### Week ending April 19

MON	TUE	WED	THU	FRI
\$36.66	\$42.55	\$49.65	\$49.70	\$50.25

AEP/Dayton 2014 5x16 price as of April 26 — \$43.45

AEP/Dayton 2014 5x16 price as of April 19 — \$43.62

## Technical Services Conference

*continued from Page 1*

The day finished out with updates from Alice Wolfe, AMP’s assistant vice president of power supply planning and alternative generation, on the AMP Smart Grid Survey Results; a discussion from Weygandt on new developments in AMP’s Safety Training program; and an overview-update of the Efficiency Smart program by Randy Corbin, AMP’s assistant vice president for energy policy and sustainability.

The second day of the conference started off with an explanation by Larry Farthing from Enercom on the Energy Depot program. Energy Depot has a new and improved website, and easy-to-use marketing tools available to members who utilize this service. For more information or to sign up for this program, contact Wolfe at [awolfe@amppartners.org](mailto:awolfe@amppartners.org) or 614.540.6389.

Jennifer Flockerzie, AMP’s technical services program coordinator, gave an overview of the AMP Joint Purchasing program. New quotations on materials were recently received. Please contact Flockerzie for the material pricing that was collected at [jflockerzie@amppartners.org](mailto:jflockerzie@amppartners.org) or 614.540.0853.

AMP’s Energy Services Consultant Bob Rumbaugh finished out the day with “Preventive Maintenance Best Practices.” Rumbaugh explained what types of preventive maintenance could be performed on various pieces of equipment. He also shared infrared examples and the importance of keeping personal protective equipment tested and clean.

Thank you to all those who participated in this year’s Technical Services Conference.



A Vendor Expo was featured April 23 at the Technical Services Conference. Twenty-two vendors participated.

## AMP lineworker training classes are filling up

Both AMP's Basic 1 Lineworker training class for June 3-7 and the Intermediate Lineworker training class, June 17-21, are now full. There are still spots remaining for the Advanced Lineworker training class, Oct. 7-11. Please contact Jennifer Flockerzie at 614.540.0853 or [jflockerzie@ampppartners.org](mailto:jflockerzie@ampppartners.org) if you have interest in a class that is full. There is a possibility of other classes being scheduled depending on member interest.

## OMEA Legislative Day and Mayors' Reception

The annual OMEA Legislative Day and Mayors' Reception will take place May 14, with a legislative issues briefing from 3 to 5 p.m. and reception for lawmakers from 5 to 7 p.m. If you have any questions or did not receive registration information, please contact Michael Beirne at [mbeirne@ampppartners.org](mailto:mbeirne@ampppartners.org) or 614.540.0835.



## Update Classifieds

### Bryan seeks director of utilities

The City of Bryan is seeking a Director of Utilities responsible for directing and managing the utility departments, which includes electric transmission and distribution, water distribution, water treatment, power generation, and cable, broadband and fiber optics.

Position requires a bachelor's degree in business administration, public administration, electrical engineering, planning, communication, or mechanical engineering plus five years management experience. Send resume, cover letter, salary history and references to City Attorney's Office, 1399 E High St, Bryan, OH, 43506. Application deadline is Monday, May 6, 2013. For more information, please visit: [www.cityofbryan.net/Employment.asp](http://www.cityofbryan.net/Employment.asp). EOE

### Deputy income tax administrator needed in Monroeville

The Village of Monroeville is seeking qualified candidates for the part-time position of Deputy Income Tax Administrator. The successful candidate will be subject to a background check, and must be willing to work flexible hours based on filing dates.

The successful candidate must also be knowledgeable in federal, state and local income tax laws. Starting hourly wage is \$13.

Letters of interest should be submitted with a resume and three professional references to the Monroeville Income Tax Administrator, PO Box 156, Monroeville, OH 44847 by May 1. The Village of Monroeville is an EOE.

### AMP seeks qualified candidates for open positions

American Municipal Power, Inc., (AMP) is seeking candidates for the positions listed below. For complete job listings, please visit <https://performancemanager4.successfactors.com/career?company=amp> or contact AMP by email at [jpawlak@ampppartners.org](mailto:jpawlak@ampppartners.org).

- Safety/OSHA Compliance Coordinator – May 3 submission deadline

- Member Safety Manager – May 3 submission deadline
- Director of Reliability Standards Compliance – May 3 submission deadline

### City of Hamilton seeks hydroelectric plant superintendent

The City of Hamilton seeks qualified applicants for the classification of hydroelectric plant superintendent. Salary: \$75,941 to \$97,365/year. This is difficult managerial and administrative work directing and controlling the operation and maintenance of the City's Greenup Hydroelectric Plant on the Ohio River, near Franklin Furnace, Ohio.

Seeking applicants with extensive progressively responsible experience in operations and maintenance of an electric generating plant including planning and preparation of hydroelectric project maintenance and considerable supervisory experience or any equivalent combination of experience and training which provides the required knowledge, skills and abilities to perform the work. A valid driver license is required.

Submit one detailed resume and proof of driver's license by 5 p.m. May 7 to: Civil Service Dept., Hamilton Municipal Bldg., 345 High St.-1st Fl., Hamilton, OH 45011 in person or by fax: 513.785.7037 or email: [cspersonnel@ci.hamilton.oh.us](mailto:cspersonnel@ci.hamilton.oh.us). Use Word or PDF only. Specify interest in HYDRO PLANT SUPT. Visit our employment quick link at [www.hamilton-city.org](http://www.hamilton-city.org) for more details. The City of Hamilton is an EEO & AAE. Minorities and women are encouraged to apply.

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





# Update

A weekly newsletter presented by AMP President/CEO Marc Gerken

May 3, 2013

## Legislators cosponsor resolution celebrating tax-exempt financing

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

As you know, tax-exempt financing is under the federal budget and tax-reform microscope, and AMP and OMEA have been active in urging that this important public power financing tool is preserved in its present scope and state. Two members of the U.S. House of Representatives are leading an effort to get other legislators on the record in support of tax-exempt financing.

H.Res. 112, a bipartisan, non-binding resolution celebrating the success of tax-exempt financing, was introduced by Reps. Lee Terry (R-NE) and Richard Neal (D-MA) and currently has more than 40 cosponsors. Members from AMP footprint states who have signed on to the resolution include: Reps. Gerald Connolly (D-VA), Bob Latta (R-OH), David McKinley (R-WV), Steve Stivers (R-OH), and Ed Whitfield (R-KY). AMP continues to seek additional cosponsors from AMP-footprint states for this resolution.

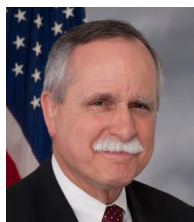
If you have any questions, please contact Julia Blankenship at 614.540.0840 or [jblankenship@amppartners.org](mailto:jblankenship@amppartners.org).



Gerry Connolly (D-VA)



Bob Latta (R-OH)



David McKinley (R-WV)



Steve Stivers (R-OH)



Ed Whitfield (R-KY)

## Prepare for summer storms by participating in AMP's Mutual Aid program

By Gene Post – Wadsworth manager of electric and communications/AMP Gold Sector coordinator and Mutual Aid chairman

With storm season approaching, it's important for those members who have not yet signed a mutual aid agreement to do so.

The agreement is set up to allow interstate mutual aid, eliminate the need for individual agreements between communities, and maintain existing policies and procedures (including rates to be charged).

AMP's Mutual Aid program is a network of municipal systems that stands ready to provide assistance to fellow municipal systems when local

see MUTUAL AID Page 2

## Fitch affirms 'A' rating for Meldahl revenue bonds

By Bob Trippe – senior vice president of finance/CFO

Fitch Ratings has affirmed the "A" rating on the American Municipal Power, Inc. Meldahl Hydroelectric Project revenue bonds.

Fitch says the rating outlook is stable, and listed one of the key rating drivers as "concentration with the largest participant," which is Hamilton. AMP owns, through a separate wholly owned limited liability company, the Meldahl Hydroelectric Project, which AMP is developing with the member community of Hamilton. Hamilton retains the rights for a 51 percent share.

"AMP has demonstrated its ability to oversee and manage its 129 members to ensure that each meets and maintains a variety of financial and operation requirements," the Fitch release states. "Project management to date, particularly during development, has also been strong."

Meldahl is expected to come online in 2014.

For more information, please contact me at 614.540.1111 or [btrippe@amppartners.org](mailto:btrippe@amppartners.org). Read more about Hamilton's renewable electric energy generation on page 3.

## OMEA Legislative Day and Mayors' Reception

The OMEA Legislative Day and Mayors' Reception is just over a week away.



The event will take place May 14, with a legislative issues briefing from 3 to 5 p.m. and reception for lawmakers from 5 to 7 p.m. Please contact Michael Beirne at [mbeirne@amppartners.org](mailto:mbeirne@amppartners.org) or 614.540.0835 with questions or for more information.

utility emergencies occur that are too widespread to be handled by one system alone. There is no cost to participate.

For those who have already signed an agreement, please contact your sector coordinator or AMP in the event you need assistance.

As a reminder, when calling for mutual aid, the community in distress should be prepared to provide:

- A contact number and name at the community/utility
- The type of problem that has occurred (storm, equipment failure, other)
- The number and size of crews that are needed
- Materials that are needed (voltages, sizes, etc.)

Additionally, requesting communities should be prepared to house and feed incoming crews and determine how and where vehicles can be fueled if restoration is expected to take longer than eight hours.

Mutual Aid guidelines, standard operating procedures, and sector coordinator contact information are available in the online Member Directory, found on the Member Extranet section of [AMP's website](#). If you have questions about the mutual aid program, please contact Robert Rumbaugh, Michelle Palmer or myself.

Mutual Aid sector coordinators are:

**Black Sector** – Mike Newman, Hamilton

**Blue Sector** – Gregg Orians, Carey

**Gold Sector** – Gene Post, Wadsworth

**Green Sector** – Kenny McKenzie, Westerville

**Purple Sector** – Jim Haeselar, Schuylkill Haven

**Red Sector** – Brian Carlin, Bryan



Piqua, Tipp City and Hudson crews work together through AMP's Mutual Aid program to restore power following heavy wind storms late last June. Piqua called for assistance because the emergency was too widespread to be handled alone.



## 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.

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

### Week ending May 3

MON	TUE	WED	THU	FRI
\$38.77	\$43.05	\$42.86	\$38.20	\$39.14

### Week ending April 26

MON	TUE	WED	THU	FRI
\$45.35	\$42.14	\$45.51	\$45.90	\$41.77

AEP/Dayton 2014 5x16 price as of May 3 — \$43.25

AEP/Dayton 2014 5x16 price as of April 26 — \$43.45

## Senate committee hears small hydro power legislation

By Jolene Thompson

House-passed legislation involving small hydro-power was recently heard by the Senate Energy and Natural Resources Committee.

The goal of the legislation (H.R. 267, the Hydro-power Regulatory Efficiency Act; and H.R. 678, the Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act) is to streamline the governmental processes for small hydro power development. According to a National Hydropower Association (NHA) job study, 23,000 to 60,000 megawatts of new hydropower capacity could be installed by 2025, creating 230,000 to 700,000 jobs. One of the key impediments to new hydropower development and upgrades at existing facilities is the regulatory approval process.

H.R. 267 calls on the Federal Energy Regulatory Commission to streamline licensing for small hydro power development, and H.R. 678 provides a statutory framework for the companion program of the Bureau of Reclamation.

APPA and NHA are among the organizations encouraging the Senate to support these bills. AMP and OMEA support the bills because they include first step provisions designed to improve regulatory processes.

## Marlowe joins AMP staff

By Pamala Sullivan – senior vice president of marketing and operations

Keila Marlowe has joined AMP as administrative assistant to the Marketing & Operations Department, and will be providing administrative support to the teams.

She has served as a temporary employee for several weeks, but started April 29 in a fulltime capacity.

Prior to AMP, Marlowe was an executive assistant in merchandise planning and analysis for six years, and worked with Victoria's Secret Direct for 16 years.

She has been a professional ballroom dance instructor since 1988 and competed professionally for four years.

Originally from Ashville, Ohio, Marlowe currently lives in Gahanna with her two daughters.

Please join me in welcoming Keila.





## Hamilton embraces renewable resources for generation

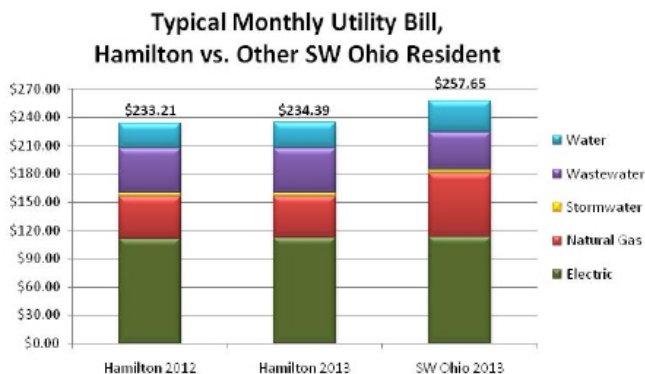
Thanks in large part to the city of Hamilton's investment in hydroelectric plants, 49 percent of Hamilton's electric energy last year was generated from renewable resources, according to a report the utility released on its 2012 electric generation. The report also states that these efforts reduced identified pollutants by more than 323,512 tons of carbon dioxide, 1,870 tons of sulfur dioxide, and 863 tons of nitrogen oxides, when compared to a traditional, coal-fired, electric generating plant.

AMP owns, through a separate wholly owned limited liability company, the Meldahl Hydroelectric Project, which AMP is developing with the member community of Hamilton. Hamilton retains the rights for a 51 percent share.

The Meldahl/Greenup project includes the run-of-the-river hydroelectric generating facility currently under construction at the Captain Anthony Meldahl Dam on the Ohio River and the existing generating facility at the Greenup Dam, also on the Ohio River.

The Meldahl project is expected to come online in 2014 and is projected to bring Hamilton's renewable electric generation to 70 percent. Forty-eight AMP members participate in the Meldahl/Greenup project.

Hamilton provided the chart below. For more information, please visit [www.hamilton-city.org](http://www.hamilton-city.org).



## Bowling Green Municipal Utilities receives APPA Golden Tree Award

Bowling Green Municipal Utilities has been named a recipient of a Golden Tree Award from the American Public Power Association (APPA). The first utility in three years to achieve the award, Bowling Green is the 78th public power utility to earn the honor.

Established in 1991, the award recognizes member utilities participating in APPA's Tree Power program that have planted one tree per customer. With approximately 14,653 customers, Bowling Green has planted more than 17,300 trees since 1992.

Since 2004, 11,480 trees have been planted around the utility's service territory and private property within city limits, according to a recent APPA article. This includes local schools, homes, businesses, and the campus and golf course of Bowling Green State University.

For more information on the program, please visit [www.publicpower.org/special/index.cfm?ItemNumber=9368](http://www.publicpower.org/special/index.cfm?ItemNumber=9368) or email to [TreePower@PublicPower.org](mailto:TreePower@PublicPower.org)

## AFEC weekly update

By Craig Kleinhenz – manager of power supply planning

The nice weather that has overtaken the region has resulted in lower market prices and less generation from AFEC.

During the last week, the plant has been mostly running at base max during the on-peak hours and base min during the off-peak hours. The exception to this was last Sunday when the plant was dispatched offline for the whole day due to economic reasons. Duct burners were only used for a couple of hours on Monday when on-peak prices were close to \$50/MWh.

For the week, AFEC averaged a 57 percent load factor (based on 675 MW), with last Friday being the highest (71 percent) and Sunday being the lowest (0 percent). AFEC was \$4.13 cheaper than on-peak market prices over the last seven days.

## Nice weather equals lower energy prices

By Craig Kleinhenz

After the large gains earlier in April, due to the persistent cold weather, the energy markets have closed lower two weeks in a row going into May.

Natural gas production numbers have rebounded slightly resulting in a larger injection of natural gas into storage this week. This has helped lower both natural gas and power prices. May natural gas prices finished trading earlier this week down \$0.02/MMBtu from last week to end at \$4.15/MMBtu.

Currently June natural gas prices are trading at \$4.02/MMBtu. 2014 on-peak electric prices at AD Hub finished down \$0.20/MWh from last week, closing at \$43.25/MWh.

## Calendar

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

**May 23—AMP finance & accounting subcommittee meeting**  
Napoleon Shelter House, Napoleon

**June 3-7—AMP Basic 1 Lineworker training**  
AMP Headquarters, Columbus

**June 6—AMP finance & accounting subcommittee meeting**  
Salem Civic Center, Virginia

**June 14-19—APPA National Conference and Public Power Expo**  
Nashville, Tennessee

**June 17-21—AMP Intermediate Lineworker training**  
AMP Headquarters, Columbus

**July 25—AMP finance & accounting subcommittee meeting**  
AMP Headquarters, Columbus

**Aug. 29—AMP finance & accounting subcommittee meeting**  
Holiday Inn-Johnstown, Pennsylvania

**Sept. 12—AMP finance & accounting subcommittee meeting**  
Fort Piqua Plaza Banquet Center, Piqua



## Update Classifieds

### Safety/OSHA compliance coordinator needed at AMP

American Municipal Power, Inc., (AMP) is seeking a Safety/OSHA Compliance Coordinator. Essential functions include: develop, maintain PERRP, OSHA compliance records and written programs for AMP member communities; prepare required state and federal safety/PERRP/OSHA reports; conduct accident investigations; and identify workplace hazards.

Candidates should have a four-year degree in a safety related field is preferred. A minimum of three years' experience with safety programs is required. Electric industry experience with a working knowledge of Safety/PERRP/OSHA rules/regulations and electric utility industry NESC and NFPA 70E experience is required. A journeyman lineworker or equivalent is preferred. CSP or LSP, and OSHA 500/501 OSHA Outreach Instructor desired. Must be a certified CPR, First Aid, Forklift Operator and Flagger instructor, or obtain certification within six months. Must possess a valid driver's license and be willing to travel.

For a complete job listing, visit [www.amppartners.org](http://www.amppartners.org) or contact AMP by email at [jpawlak@amppartners.org](mailto:jpawlak@amppartners.org). Position will remain open until filled.

### AMP seeks candidates for member safety manager position

AMP is seeking a Member Safety Manager to plan, coordinate and evaluate member-related safety training and meetings with an emphasis on the lineworker trade. Member safety manager will assist in organizing meetings and seminars, and develop records and programs for AMP members. Duties also will include preparation of required state and federal Safety/PERRP/OSHA reports, conducting accident investigations and identifying workplace hazards.

Four-year degree in a safety related-field is preferred; a minimum of five years' experience with safety programs and previous supervisory experience is required. Qualifications include electric industry experience with a working knowledge of Safety/PERRP/OSHA rules/regulations and electric utility industry. NESC and NFPA 70E experience. CSP or LSP is desired. OSHA 500/501 OSHA Outreach Instructor desired. Must be a certified CPR, First Aid, Forklift Operator and Flagger instructor, or obtain certification within six months. Must possess a valid driver's license and be willing to travel.

For a complete job listing, visit [www.amppartners.org](http://www.amppartners.org) or contact AMP by email at [jpawlak@amppartners.org](mailto:jpawlak@amppartners.org). Position will remain open until filled.

### Bryan seeks director of utilities

The City of Bryan is seeking a Director of Utilities responsible for directing and managing the utility departments, which includes electric transmission and distribution, water distribution, water treatment, power generation, and cable, broadband and fiber optics.

Position requires a bachelor's degree in business administration, public administration, electrical engineering, planning, communication, or mechanical engineering plus

five years management experience. Send resume, cover letter, salary history and references to City Attorney's Office, 1399 E High St, Bryan, OH, 43506. Application deadline is May 6.

For more information please visit: [www.cityofbryan.net/Employment.asp](http://www.cityofbryan.net/Employment.asp) EOE

### Hydroelectric plant superintendent needed in Hamilton

The City of Hamilton seeks qualified applicants for the classification of hydroelectric plant superintendent. Salary: \$75,941 to \$97,365/year. This is difficult managerial and administrative work directing and controlling the operation and maintenance of the City's Greenup Hydroelectric Plant on the Ohio River, near Franklin Furnace, Ohio.

Seeking applicants with extensive progressively responsible experience in operations and maintenance of an electric generating plant including planning and preparation of hydroelectric project maintenance and considerable supervisory experience or any equivalent combination of experience and training which provides the required knowledge, skills and abilities to perform the work. A valid driver license is required.

Submit one detailed resume and proof of driver's license by 5 p.m. May 7 to: Civil Service Dept., Hamilton Municipal Bldg., 345 High St-1st Fl., Hamilton, OH 45011 in person or by fax: 513.785.7037 or email: [cspersonnel@ci.hamilton.oh.us](mailto:cspersonnel@ci.hamilton.oh.us). Use Word or PDF only. Specify interest in HYDRO PLANT SUPT. Visit our employment quick link at [www.hamilton-city.org](http://www.hamilton-city.org) for more details. The City of Hamilton is an EEO & AAE. Minorities and women are encouraged to apply.

### APPA Academy Webinar Series



An internet connection and a computer are all you need to educate your entire staff for just \$89. Register today at [www.APPAAcademy.org](http://www.APPAAcademy.org). Non-APPA members enter coupon code **AMP** to receive the member rate.

- **RP3: Workforce Development Checklist (complimentary)** May 3
- **RP3: System Improvement Checklist (complimentary)** May 10
- **Utility Governance Webinar Series—Overview of Utility Financial Operations for Board and Council Members** May 14
- **Rural Utilities Service (RUS) Financing Update** May 16
- **Safety in Confined Spaces** June 4
- **Utility Governance Webinar Series—Rate Making for Utility Boards and City Councils** June 11

Copies of past webinars can be purchased through the APPA Product Store at [www.PublicPower.org/store](http://www.PublicPower.org/store)

Co-hosted by





# 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: May 2, 2013

TO: Members of City Council  
Dr. Jon A. Bisher, City Manger  
Trevor Hayberger, Law Director

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

SUBJECT: Income Tax – Tax Credit Reduction – Additional Information

During a recent City Council or Council Committee Meeting, a discussion on potential Income Tax Credit Reduction was made during a review on funding options for Police Dispatch. A question was asked by a member of Council on how many Tax Payers this would impact?

Based on Income Tax Records from 2010 and 2011 the following table reflects the potential number of Tax Payers a Reduced Credit would have impacted for those years:

<u>Year</u>	<u>Total Filers</u>	<u>Filers &gt;1.5%</u>	<u>Filers &lt;1.5%</u>	<u>Total Impacted</u>	<u>% Filers Impacted</u>
2011	7,086	1,647	184	1,831	25.8%
2010	7,127	1,648	215	1,863	26.1%

Impacted Tax Payers are those who would have to pay more based on the Reduced Credit at whatever level a Reduced Credit would be approved for; please see Attached Copy of Various Tax Credit Reductions levels table previously provided.

Please let me know if you have any questions regarding this information.

Thank you.

ATTACHMENT

**Potential Additional Tax Generated at Various Tax Credit Reduction Levels**

	<u>2011</u>	<u>2010</u>
<b>Tax Credits:</b>		
<b>Tax Rate Higher than 1.5%</b>		
<b>Qualifying Wages:</b>	\$34,476,510.53	\$31,632,721.29
<b>Reduction of Credit:</b>		
100%	413,718.13	379,592.66
95%	393,032.22	360,613.02
90%	372,346.31	341,633.39
85%	351,660.41	322,653.76
80%	330,974.50	303,674.12
75%	310,288.59	284,694.49
70%	289,602.69	265,714.86
65%	268,916.78	246,735.23
60%	248,230.88	227,755.59
55%	227,544.97	208,775.96
50%	206,859.06	189,796.33
45%	186,173.16	170,816.69
40%	165,487.25	151,837.06
35%	144,801.34	132,857.43
30%	124,115.44	113,877.80
25%	103,429.53	94,898.16
20%	82,743.63	75,918.53
15%	62,057.72	56,938.90
10%	41,371.81	37,959.27
5%	20,685.91	18,979.63
0%	0.00	0.00
<b>Tax Rate Lower than 1.5% (.5% &amp; 1%)</b>		
<b>Qualifying Wages:</b>	\$2,508,307.56	\$3,546,787.20
<b>Reduction of Credit:</b>		
100%	30,099.69	42,561.45
95%	28,594.71	40,433.37
90%	27,089.72	38,305.30
85%	25,584.74	36,177.23
80%	24,079.75	34,049.16
75%	22,574.77	31,921.08
70%	21,069.78	29,793.01
65%	19,564.80	27,664.94
60%	18,059.81	25,536.87
55%	16,554.83	23,408.80
50%	15,049.85	21,280.72
45%	13,544.86	19,152.65
40%	12,039.88	17,024.58
35%	10,534.89	14,896.51
30%	9,029.91	12,768.43
25%	7,524.92	10,640.36
20%	6,019.94	8,512.29
15%	4,514.95	6,384.22
10%	3,009.97	4,256.14
5%	1,504.98	2,128.07
0%	0.00	0.00
<b>Additional Tax Generated:</b>		
<b>Reduction of Credit:</b>		
100%	\$443,817.82	\$422,154.10
95%	\$421,626.93	\$401,046.40
90%	\$399,436.04	\$379,938.69
85%	\$377,245.14	\$358,830.99
80%	\$355,054.25	\$337,723.28
75%	\$332,863.36	\$316,615.58
70%	\$310,672.47	\$295,507.87
65%	\$288,481.58	\$274,400.17
60%	\$266,290.69	\$253,292.46
55%	\$244,099.80	\$232,184.76
50%	\$221,908.91	\$211,077.05
45%	\$199,718.02	\$189,969.35
40%	\$177,527.13	\$168,861.64
35%	\$155,336.24	\$147,753.94
30%	\$133,145.35	\$126,646.23
25%	\$110,954.45	\$105,538.53
20%	\$88,763.56	\$84,430.82
15%	\$66,572.67	\$63,323.12
10%	\$44,381.78	\$42,215.41
5%	\$22,190.89	\$21,107.71
0%	\$0.00	\$0.00



## CITY OF NAPOLEON, OHIO

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

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

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

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

DATE: May 3, 2013

TO: Members of City Council  
Ronald A. Behm, Mayor  
Dr. Jon A. Bisher, City Manger  
Trevor Hayberger, Law Director

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

SUBJECT: Back of Bill Information – Correction on Information Given

During a recent City Council Meeting a question was asked regarding what did the Billing Codes on the front of the bill mean. My response was this information was on the *Back of the Bill*. No one had a copy of the back of the bill so we could not verify if that was correct or not.

However, upon investigation I discovered I was only partially correct and I am now correcting the information given. Prior to the City *outsourcing* the printing and mailing of Utility Bills, the *Back of the Bill* did have the definition of the Billing Codes printed on it. (See Attached Copy A – Prior Back of Bill Print)

After *outsourcing* the printing and mailing of Utility Bills, we changed the Back of the Bill to more reflect common questions received regarding bill payment options, office hours, social service organizations and other information. We did leave a summary of **Typical Bill Codes**, however they are not detailed definitions of what each code represents. (See Attached Copy B – Current Back of Bill Print)

I have directed Staff to check the City's Web-Site to verify if these definitions are listed so they may be viewed if requested. We will update the City's Web-Site to include these definitions as necessary.

Please let me know if you have any questions regarding this updated information.

Thank you.

### ATTACHMENTS

Cc: Lori Rausch, Utility Billing Supervisor

**PLEASE CONTACT OUR OFFICE IF YOU HAVE ANY QUESTIONS CONCERNING YOUR BILL.**

(A)

**WATER & SEWER CHARGES** - Water and Sewer bills include a fixed amount based on meter size (Capacity Charge) plus (+) a calculated amount based on monthly water usage (Commodity Charge). Services are billed in units with one (1) unit = 100 cubic feet (1 cubic foot = 7.48 gallons of water), covering periods between read dates.

**OVERFLOW ABATEMENT CHARGE** - Previously called the Capital Sewer Charge. Is a fee charge based on a Equivalent Residential Unit (ERU) of Impervious Surface. One (1) ERU is equal to 3009 Square Feet of Impervious Surface. This fee is "earmarked" to pay, in addition to defrayment of the general maintenance, replacement, and operation cost related to the sewer system, the cost of a program designed to eliminate storm water and sanitary and combined sewer overflows in the City.

**REFUSE AND RECYCLING CHARGES** - Refuse and Recycling Charges are a fixed fee charge to both residential and commercial customers. Residential rates include curbside refuse and unlimited recycling pickup, limited leaf collection, mosquito control, storm debris pickup, yard waste drop-off site operation, and pickup of public garbage containers. Commercial rates exclude curbside refuse and recycling pickup. Residential rates allow for one (1) bag of refuse per week. Bag tags are sold for bags exceeding the one bag of refuse placed out for collection. Tags are available at the City Administration Building, local grocers, carryout and hardware stores.

**ELECTRIC SERVICE CHARGES ARE BROKEN DOWN INTO THE FOLLOWING COST AREAS:**

**CUSTOMER CHARGE** - A fixed charge to each customer regardless of usage. This charge is intended to recover reasonable costs for portion of lines, service drops, meters, meter readings, billing, and customer information.

**DISTRIBUTION CHARGE** - A fixed charge based on Kilowatt Hour (kWh) usage (1 kilowatt = 1000 watts). This charge is designed to recover costs associated with the operation of the transmission and distribution systems, with the exception of those recovered in the Customer Charge. The distribution system includes the network of apparatuses used for delivery of electricity from the source to the customer.

**GENERATION CHARGE** - A variable charge based on monthly cost of power applied to kWh usage. This charge is intended to recover the commodity-related (and some demand) costs of purchasing or producing power.

**DEMAND CHARGE** - A variable charge based on monthly cost of demand applied to demand use. This recovers the demand-related costs associated with purchased power. Such costs include labor, equipment such as boilers, generators, turbines, and transformers designed to deliver the electric energy at the rate demanded by customers.

**SECURITY/OUTDOOR LIGHTS** - A fixed charge based on type of light and cost of pole where applicable.

**KWH TAX** - S. B. 287 Ohio Electric Choice legislation resulted in a redistribution of taxes. As of May 1, 2001, Section 5727 of the Ohio Revised Code imposes a kWh tax on all electric distribution companies including municipalities. This tax is based on the following rates per kilowatt hour of electricity distributed in a thirty-day period: for the first 2000 kWh - \$.00465, for the next 2,001 to 15,000 kWh - \$.00419, and for 15,001 kWh and above - \$.00363. These taxes are being passed on to the consumer at the rates listed. Under State law, the amount you are being billed included kilowatt-hour taxes that have been in effect since May 1, 2001, and are currently at the amount shown on the front of this invoice.

**BUSINESS HOURS - OFFICE**: Monday through Friday, 8:00 AM - 5:00 PM

**DRIVE-UP WINDOW HOURS**: Monday through Friday, 8:30 AM - 4:00 PM

**PHONE**: Office - (419) 599-1235, **FAX** - (419) 599-8393, **After Hour Emergencies call Police** - (419) 599-2810

**Email**: [utilities@napoleonohio.com](mailto:utilities@napoleonohio.com)

**AFTER HOURS DEPOSITORY (Night Deposit) AVAILABLE NEXT TO DRIVE-UP WINDOW**

Some Local Banks Accept City Utility Payments As a Customer Service, please check with your Bank.

The City offers Payment of Utility Bills through **Direct Deduction (Debit)** otherwise known as ACH of checking or savings account. Please contact City Utility Billing Office for more information on this payment method.

Make Checks Payable to: **CITY OF NAPOLEON**

Please use Enclosed Envelope, or Mail your Payment to: **City of Napoleon, Ohio**

**Utility Billing Department**

**255 W. Riverview Avenue**

**PO Box 151**

**Napoleon, Ohio 43545-0151**

PRINT  
BACK OF BILL

## Payment Methods

(B)

<b>Mail Checks and Payment Stub to:</b> City of Napoleon, Ohio Utility Billing Department 255 W. Riverview Avenue PO Box 151 Napoleon, Ohio 43545-0151	<b>Pay in Person</b> 255 W. Riverview Ave. Napoleon, Ohio <b>Lobby/Office hours:</b> Monday – Friday 7:30 a.m. to 4:00 p.m. <b>Drive up hours:</b> Monday – Friday 7:30 a.m. to 3:45 p.m. <b>Night Deposit</b> Available next to Drive up Window	<b>Direct Deduction (ACH)</b> Debit of checking or savings account. Please contact City Utility Billing Office for more information on this payment method or you can download the form at: <a href="http://www.napoleonohio.com/finance.html">www.napoleonohio.com/finance.html</a>	<b>Credit Card Payments</b> Official Payments online at <a href="http://www.napoleonohio.com/finance">www.napoleonohio.com/finance</a> click on <i>City of Napoleon Utilities Information Page</i> then click on <i>Click Here for Online Utility Payment</i> or you may call 1-800-272-9829 and the Jurisdiction Code is 4574. Convenience fees apply and are the customer's responsibility
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### Utility Billing Office Phone, Email Contacts and Hours of Operations

Phone: 419-599-1235 Fax: 419-599-8393 Email: [utilities@napoleonohio.com](mailto:utilities@napoleonohio.com)  
 Monday – Friday 7:30 a.m. – 4:00 p.m.

After hours Emergencies please call the Police Department at 419-599-2810

### Other Telephone Numbers

City of Napoleon Department of Operations 419-599-1891 City Building Administration 419-592-4010  
 Ohio Utilities Protection Service (OUPS) 1-800-362-2764

### Utility Assistance Organizations

The City of Napoleon is providing the following assistance numbers for utility customers in need of financial assistance. The City of Napoleon makes no guarantee of assistance availability at any of these organizations.

Northwest Ohio Community Action	419-599-2481	FISH	419-592-2217
Salvation Army	419-599-2769	St. Vincent's DePaul	419-592-0438

### Utility Billing FAQs

**Q. How can I terminate my service?**

**A.** You need to come into our office at least 24 hours in advance and sign off on your contract and schedule a final reading for your meter. You are responsible for all usage up to the final reading. Deposit balance, if any, is credited against your final bill.

**Q. Where can I pick up a recycling bin?**

**A.** At the City of Napoleon Operations Building at 1775 Industrial Drive.

**Q. When are the bills due?**

**A.** The bills are normally due on the 16th of the month, unless it is a Saturday, Sunday, Holiday or special circumstance, then the due date is the following business day, or as listed on the bill.

### Typical Billing Codes

CCF = 100 Cubic Feet of Water, 1 CCF = 1 unit = 748 gallons. Sewer billing is based on water usage.

ERU = Equivalent Residential Unit, 1 ERU= 3009 sq. ft. of Impervious Surface.

kWh = Kilowatt Hour (1 kilowatt = 1000 watts)

KW = Kilowatt of Demand

Please visit our website at [www.napoleonohio.com](http://www.napoleonohio.com) for additional billing information and explanations.




#### Understanding Your Bill

- ❖ A 10% penalty will be added to the net amount if not paid in full by the due date.
- ❖ Failure to receive your bill does not excuse penalty or payment.
- ❖ Unpaid bills may result in Utility services being shut off.
- ❖ Reconnect/Disconnect fees shall apply per trip.

#### GENERAL INFORMATION FOR WATER

**HIGH USAGE?**

- Check ALL toilets and faucets
- Leaky toilets and faucets are the biggest cause of wasted water resulting in large water bills.
- Leaky hot water faucets result in water and heat loss.

LEAK THRU FOLLOWING DIA. AT 60 PSI		GALLONS LOST PER MONTH
	1/4"	339,833
	1/8"	98,667
	1/16"	24,667
	1/32"	8,167

CURRENT BACK OF BILL PRINT



# 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: April 26, 2013

TO: Members of City Council  
Members of BOPA  
Dr. Jon A. Bisher, City Manger  
Trevor Hayberger, Law Director

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

SUBJECT: Utility Bill Assistance – CARE Funding Program

With the economic issues that have existed the past few years, requests for Financial Assistance to help pay for Utility Bills have steadily increased. When individuals make requests for Financial Assistance to the City our staff refers them to following Social Service Agencies:

<u>Agency</u>	<u>Funding</u>
- NW Ohio Community Action	Federal, State and Local Funding
- FISH	United Way Funding
- Salvation Army	Donations
- St. Vincent DePaul Church	Donations

Due to the increased demand for assistance, these agency resources become strained at certain times. To help in funding these programs I am aware that other Cities have established funding mechanisms for providing funds to assist their Social Service Agencies to meet the need of those requesting assistance.

Please “*SEE ATTACHED*” information from the City of Oberlin, Ohio, on a program they established in 2005. The basis of the program is to “Round Up” Utility Bills to the nearest even dollar and then pay these funds into a Caring Fund. Distributions of the funds are independent of the City and are run by a Social Service Agency through a contract with the City.

Example: Utility Bill \$100.01 – Rounded to \$101.00, so \$0.99 is paid into the CARE Fund.  
Utility Bill \$100.99 – Rounded to \$101.00, so \$0.01 is paid into the CARE Fund.

This program is VOLUNTARY (Not Mandatory) to the Customer, and would require signup by those interested in participating in the program.

I am requesting this be assigned to the Electric Committee of Council and the BOPA for review.

Thank you.

ATTACHMENT

# City of *Oberlin*

69 South Main Street, Oberlin, Ohio 44074

December 5, 2005

City of Oberlin Utility Customer:

We are excited to announce the Caring Fund Rounding Up Program that you will see on your January utility bill. Your bill will include a "CARE" amount. This represents the amount that your bill was rounded up to the next whole dollar, a maximum amount of .99 cents to a minimum of .01 cent per month. This amount will then be deposited into the Caring Fund.

The Caring Fund was established many years ago with the sole purpose of assisting Oberlin utility customers who are experiencing financial hardship such as loss of income, illness, or death of a family member. Oberlin Community Services determines eligibility for these funds.

If you would like to contribute more than the rounded amount (.01-.99 cents) each month, simply complete and sign the section below for a fixed amount to be added to your bill each month

If you choose to "Opt out" of the Caring Fund Rounding Up Program, you can remit the second stub below to the City of Oberlin Finance office, 69 South Main St., Oberlin, 44074 or call 440-775-7214 or 440-775-7211.

City of Oberlin

---

I would like to have \$\_\_\_\_\_ added to my utility bill each month to benefit the Caring Fund.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Account #

---

I wish to opt out of the rounding program that will be used to help utility customers in need as described above.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Account #

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date

---

*"Ohio's Best College Town"*

—OHIO Magazine



## **Oberlin Community Services**

285 S. Professor St.  
Oberlin, OH 44074  
(440) 774-6579

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### **General Guidelines for Use of Caring Fund Monies by Oberlin Community Services Personnel.**

Utility assistance constitutes the largest expenditure category for Oberlin Community Services. The Caring Fund is an extremely valuable resource for providing utility assistance for Oberlin residents. OCS certifies residents who meet income guidelines and have a City utility shut-off notice to receive utility assistance through the City of Oberlin's Caring Fund.

- OCS uses an intake process that is consistent with that used for our other emergency assistance programs. All applicants must show proof of identity, Oberlin City residence and verification of family income. In addition, they must provide utility shut-off notices and any relevant bills.
- As with other funds and resources, all Caring Fund assistance decisions are made on a case-by-case basis. Consideration is given to the amount requested, the amount of the total bill, size of the family, other resources used and sustainability of the current household situation.
- Clients are generally limited to one assistance per year from the Caring Fund, unless OCS personnel determine that there are extenuating circumstances that would justify an additional payment.
- Clients are referred to Lorain County Community Action Agency first, when that organization has funds available. If appropriate, clients are also referred to other organizations that might be able to provide utility assistance.
- Payment history and accounts receivable information is always requested from the city and reviewed by the caseworkers prior to any disposition of funds.
- Funds are dispensed after a process of consultation between the caseworker(s) and client. Final decisions are made prior to shut off dates by the members of the client services team. Clients are encouraged to do a co-pay on their utilities and casework is done with the client to try to avoid repeat instances of need for assistance.
- Caseworkers maintain a monthly log for City of Oberlin utility requests showing what was requested and the disposition of each case.
- OCS keeps appropriate records, similar to those used for other emergency assistance programs. Caseworkers keep a running tally of dollars expended from the Caring Fund so as to maintain an acceptable balance in the fund at all times.

Memorandum of Understanding  
between the City of Oberlin and Oberlin Community Services  
regarding administration of the Caring Fund

1. The City of Oberlin hereby contracts with Oberlin Community Services (OCS) to certify low- to moderate-income residents who have a City utility shut-off notice and meet income guidelines to receive utility assistance through the City of Oberlin's Caring Fund.
2. OCS will use an intake process that is consistent with that used for our other emergency assistance programs. All applicants must show proof of identity, Oberlin City residence, and family income. In addition, they must supply utility shut-off notices, relevant bills, and information on payment history. Attached are the General Guidelines to be utilized for the application process.
3. After the application process is complete and the resident is approved for assistance from the Caring Fund, OCS will notify the City to use the Caring Fund to cover a designated amount of the resident's City utility bill.
4. OCS will keep appropriate records, similar to those used for other OCS emergency assistance programs.
5. OCS shall carry public liability insurance in an amount and form as approved by the City, and agrees to hold harmless and indemnify the City from any and all losses, claims, damages, and judgments that may arise out of this contract or any of the activities contemplated herein.
6. This contract may be terminated by either party upon seven (7) days notice.

For Oberlin Community Services:

Ann L. Fuller      9-1-06  
Ann L. Fuller      Date  
Executive Director

For the City of Oberlin:

Robert DiSpirito      9/18/06  
Robert DiSpirito      Date  
City Manager

Approved as to Form:

Eric R. Severs      9-13-06  
Eric R. Severs      Date  
Oberlin Law Director

**ORDINANCE NO. 05-63 AC CMS**

**AN ORDINANCE ESTABLISHING A UTILITY BILLING "ROUNDING-UP" PROGRAM FOR THE CITY OF OBERLIN, FORMALLY ESTABLISHING A FUND FOR ALL MONIES RECEIVED AS A RESULT OF THE PROGRAM, AND DIRECTING THAT ALL FUNDS SO RECEIVED BE UTILIZED TO ASSIST OBERLIN UTILITY CUSTOMERS WITH THE PAYMENT OF THEIR UTILITY BILLS**

**WHEREAS, the City of Oberlin has previously established a utility "Caring Fund" to assist needy Oberlin utility customers with the payment of their Oberlin utility bills; and**

**WHEREAS, the City desires to expand that program by establishing a utility billing "Rounding-Up" program so that additional monies will be available to assist Oberlin utility customers with the payment of those bills.**

**NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:**

**SECTION 1. That the City of Oberlin does hereby establish a utility billing "Rounding-Up" Program for its utility bills, which means that each bill of any City of Oberlin utility customer will be "rounded-up" to the next whole dollar.**

**SECTION 2. That all monies generated as a result of the City of Oberlin utility billing "Rounding-Up" Program, and any other donations received for the same purpose, shall be deposited into a separate fund which shall be called the City of Oberlin "Caring Fund", and said fund is hereby so established.**

**SECTION 3. That all monies deposited into the City of Oberlin Caring Fund shall be utilized to assist needy Oberlin utility customers with the payment of their City of Oberlin utility bills.**

**SECTION 4. That any City of Oberlin utility customer that does not desire to participate in the City of Oberlin utility billing "Rounding-Up" Program shall have the right to "opt out" of the program. The City Finance Director shall establish regulations relating to the program.**

**SECTION 5. That the City of Oberlin utility billing "Rounding-Up" Program shall commence with the January, 2006, utility bills.**

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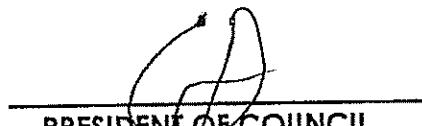
SECTION 6. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were held in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 7. That this ordinance shall take effect at the earliest date allowed by law.

PASSED: 1st Reading - September 6, 2005  
2nd Reading - September 19, 2005  
3rd Reading - October 3, 2005 (Effective in 30 days)

ATTEST:

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

POSTED: October 3, 2005

EFFECTIVE DATE: October 3, 2005

**Fw: Governor Kasich/BWC Announce Good News for Ohio Employers**

From: "Gregory J Heath" &lt;gheath@napoleonohio.com&gt;

05/03/13 08:27 AM

To: "Roxanne Dietrich" &lt;rdietrich@napoleonohio.com&gt;

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For Council Packets.

---

-----Original Message-----

From: "CompManagement Partner Companies" &lt;customer.update@sedgwickcms.com&gt;

To: gheath@napoleonohio.com

Date: 05/02/2013 02:01 PM

Subject: Governor Kasich/BWC Announce Good News for Ohio Employers

[To view this email as a web page, go here.](#)

# CompManagement

Partner Companies

**May 2, 2013****Workers' Compensation Client Update**

Today Governor Kasich and Ohio Bureau of Workers' Compensation (BWC) Administrator Buehrer announced actions to be taken related to the surplus within the Ohio state fund which exceeds the ratio that is approved by the BWC Board of Directors.

Currently, BWC's \$8.3 billion in combined net assets exceeds the target funding ratio of assets to liabilities established by the Board in 2008. The guidelines that are set between 1.15 and 1.35 mean that for every dollar in liabilities, BWC must have between \$1.15 and \$1.35 in assets. The ratio currently stands at 1.49 which is a strong indicator of the financial strength and security of the fund and proposed actions to be taken will move BWC to within their established guidelines.

The proposal which will be made to the Board of Directors at their next meeting scheduled for May 29-30, 2013 will include the following three items:

1. A request to the Board to authorize a one-time dividend of \$1 billion for private employers and public taxing districts.

To be eligible for the dividend, private employers must be in an active, reinstated or debtor in possession status as of April 1, 2013; public taxing districts must be in an active or reinstated status as of March 31, 2013. Each employer's dividend will reflect 56% of what they were billed during the last policy period (July 1, 2011 to June 30, 2012 for private employers; January 1, 2011 to December 31, 2011 for public taxing districts).

Employers that have an outstanding balance with BWC will have their dividend payment reduced by the amount of the outstanding balance. If an employer's outstanding balance exceeds the dividend amount, the employer's account will be offset by the amount of the dividend.

If approved by the Board in May, dividend checks could be mailed as early as June.

2. A request to the state Legislature to change the annual premium collection model by authorizing the BWC to move to a prospective payment system. Currently employers pay in arrears. For example, for payroll reported January 1 - June 30, 2013 for private employers, premium payment is due in August, 2013 and for public employers reporting payroll for January 1 - December 31, 2012, premium is due May 15, 2013.

Subsequently by making this change to a prospective payment system, the BWC will request that the Board authorize an additional \$900 million to mitigate transition costs for employers in Ohio. Under a prospective payment system, employers would be expected to make payment in advance of the upcoming payroll period versus after the fact as outlined in the above example. The change in payment systems would also result in a rate reduction of 2% for private employers and 4% for public employers.

BWC hopes to gain legislative approval in 2013 but does not expect to implement a prospective billing process until mid-2014 at the earliest.

3. A request of the Board to expand BWC's successful Safety Grant Program from \$5 million today to \$15 million to support expanded statewide efforts to promote workplace safety, workplace wellness and encourage further investment in protecting Ohio's workers. In addition to accepting new applications, BWC will make modifications to the program that will allow prior recipients to apply for additional grants and BWC will now match every dollar spent by an employer with three dollars, up to \$40,000.

CompManagement's Risk Services division is available to assist our clients in evaluating and implementing safety programs for their organizations. To speak to one of our Risk Services colleagues, contact us at (888) 264-2635.

As CompManagement receives more information regarding this encouraging news that may significantly contribute to your bottom line, we will continue to communicate with you and be available to assist with any questions you may have as details are provided.

In the meantime, should you have any questions on the details as known to date, please contact your CompManagement account representative directly or our Customer Support Unit at (800) 825-6755, option 3.

This email was sent to: [gheath@napoleonohio.com](mailto:gheath@napoleonohio.com)

This email was sent by: CompManagement, Inc  
6377 Emerald Parkway Dublin, Ohio 43016



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

# Legislative Bulletin

## Ohio Municipal League Legislative Bulletin

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**May 3, 2013**

### **HB 5 TO RECEIVE TWO HEARINGS AGAIN NEXT WEEK IN HOUSE WAYS AND MEANS COMMITTEE**

House Ways and Means Committee Chairman Peter Beck announced yesterday that his committee will be holding a sixth and seventh hearing on HB 5, the municipal income tax bill, next Tuesday May 7th at 1pm and Wednesday, May 8th at 3pm. The hearings will be held in Statehouse hearing room #116, not #313, like earlier this week. Both hearings are scheduled for ALL TESTIMONY, which will include proponent, opponent and interested party witnesses before the committee.

If any municipal officials were unable to attend the committee hearings this week, next week will be two more important opportunities to join us at the Statehouse to impress upon members of the Ohio General Assembly the importance of creating greater uniformity in the municipal tax system on a responsible level; reaching solutions that achieve greater simplicity and ease of compliance for taxpayers without threatening local control or the lifeblood of Ohio municipalities. We urge you to attend!

### **HB 5 RECEIVES TWO OPPONENT HEARINGS BEFORE COMMITTEE**

On Tuesday and Wednesday, the House Ways and Means Committee held two days of opponent testimony on HB 5. After 19 witnesses appeared before the committee and over 9 hours of testimony was heard, municipal officials from across the state repeated one central theme: Ohio cities and villages stand ready to advance the areas of HB 5 that would simplify and streamline areas of the current municipal income tax system that are in need of greater uniformity. Local leaders shared with committee members their unwillingness, however, under the guise of uniformity, needlessly foregoing already reduced levels of revenue in an attempt to make business friendly municipalities, even more “business friendly”. In addition to the many areas of the current version of the bill that would result in significant revenue loss for cities big and small, the visiting officials implored legislators to not strip their ability to locally manage the operations of their locally supported municipal income tax by handing over to the state the administrative powers to regulate and the unified opposition expressed to the unnecessary and poorly thought-out Municipal Tax Policy Board.

We want to thank our statewide municipal officials who were able to remove themselves from their daily obligations to their communities and families and spend the day and into the evening with committee members, sharing success stories of business development and tax policies that work for Ohio’s future. In addition to those that presented testimony, the committee hearing room was filled with other municipal officials from all over who came to lend their personal presence and moral support. We want to thank you all.

Among those testifying were Eric Hanson, city manager of Mason; Lakewood Mayor Michal Sommers; Jack Jensen, executive director of Dayton First Suburbs Consortium; Thomas Moeller, city manager of Madeira; Melinda Frank, city of Columbus income tax administrator; Lynette Ozanich, chief tax clerk of the city of Brunswick; Bratenahl Mayor John Licastro, who also serves as President of the Northeast Ohio Mayors and City Managers Association; and Bay Village Mayor Deborah Sutherland; Michael Lucking, City Manager of Trotwood; Steve Cleaves, Finance Director, City of Lima; David Collinworth, City Manager of Westerville; Robert Wright, Tax Commissioner of the City of Bowling Green; Tim Riordan, City Manager of Dayton; Patrick Titterington, Director of Public Safety and Service, of the City of Troy; William Duncan, CPA & Oakwood Mayor; Jack Cameron, Administrator, Village of Evendale; Martha Cross Funk, City of Sharonville Tax Commissioner and OML Executive Director Sue Cave. The final witness Tuesday, Randy Shank, CPA, and Councilmember from Harrison, Ohio did a superb job of rebutting testimony from the week before about the benefits of the tax system in Kentucky compared to Ohio's municipal tax system and providing committee members with common sense solutions to the basic issues confronting the current local tax structure. Unfortunately, we were unable to get Mr. Shank's first name but we appreciate his sitting on the less than comfortable committee chairs for the five hours it took before he was asked to present his testimony. Zach Shiller, of Policy Matters Ohio also testified as an opponent.

We want to thank all of the community representatives who presented their testimony and were able to calculate figures to share with legislators, providing their best estimates in real dollars what the changes being proposed would mean to their budgets. As witnesses testified to, some of the figures are easier to glean from budget spreadsheets than others and are easier to quantify than others treatments, municipalities continue to diligently work towards producing the most accurate estimates of dollars lost and how those would equate to reductions in personnel, salaries and equipment that would otherwise be purchased if not for the continued assault on local budgets.

## **BIPARTISAN BILL TO CREATE GREATER EFFICIENCIES TO BOARD OF TAX APPEALS HEARD**

In an attempt to streamline and modernize the Board of Tax Appeals (BTA) process and resolve the ever increasing backlog of cases to be heard, Reps. Jerry McClain (R-Upper Sandusky) and Tom Letson (D-Warren) introduced HB 138. The bipartisan sponsored bill would make needed improvements to the BTA system by establishing a small claims division within the BTA and allow the board to resolve appeals that remain unheard, essentially preventing the entire process from operating. Municipalities are negatively affected statewide by the growing number of unresolved cases that, without action by the BTA, cost communities precious revenue and taxpayers valuable resources to expedite unresolved treatments. The current direction of the legislation will harmonize and reform areas of the BTA, creating greater efficiencies that have needed legislative attention for some time. We applaud the effort and attention the legislators have shown to this important statewide problem. The bill is not on the House Ways and Means Committee schedule next week, but we will keep our members updated on the progress of the bill.

## **LEAGUE TESTIFIES BEFORE SENATE FINANCE SUBCOMMITTEE, RESTORING OF LGF FUNDS REQUESTED**

On Thursday, OML Executive Director Sue Cave presented interested party testimony to the Senate Finance General Government subcommittee, who is hearing portions of HB 59, the state operating biennial budget bill. The testimony can be found [HERE](#). Subcommittee members present heard from OML how cities and villages across the state are having difficulty meeting financial obligations to fund basic services due to the previous state operating budget that included cuts to municipalities through the Local Government Fund being slashed in half, equal to a reduction of over \$600 million in revenues, the elimination of Ohio's Estate Tax and the \$250 million in revenues that Ohio municipalities received through their 80% split with the state and the other areas that have caused unnecessary financial hardships to cities and villages.

Although there is a modest increase by 8% in the LGF included in the current version of the bill passed by the Ohio House, more state dollars should be directed to the depleted fund as the state seeks to bolster their rainy day fund to \$1.9 billion in surplus while communities struggle in some areas of Ohio, to maintain even street lighting.

The senate will continue their deliberations on the contents of the budget bill until sometime around the beginning June

5/3/13

OML Legislative Bulletin

when they will return the language changes they propose to the Ohio House, before the June 30th deadline.

Below is a list of committee hearing schedules for next week. As was mentioned before, if you are interested in sharing with policy makers the importance of the municipal income tax to your community and the critical need to be able to support area economic development through flexibility and local service, consider joining us in the House Ways and Means committee next week.

**Past Bulletins:**

ROBERT E. LATTA  
5TH DISTRICT, OHIO

ASSISTANT MAJORITY WHIP

CO-CHAIRMAN  
CONGRESSIONAL SPORTSMEN'S CAUCUS

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VICE CHAIRMAN

SUBCOMMITTEE ON  
ENERGY AND POWER

SUBCOMMITTEE ON  
ENVIRONMENT AND THE ECONOMY

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-3505**

April 19, 2013

WASHINGTON OFFICE:  
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(202) 225-6405

DISTRICT OFFICES:  
1045 NORTH MAIN STREET  
SUITE 6  
BOWLING GREEN, OH 43402  
(419) 354-8700

101 CLINTON STREET  
SUITE 1200  
DEFIANCE, OH 43512  
(419) 782-1896

318 DORNEY PLAZA  
ROOM 302  
FINDLAY, OH 45840  
(419) 422-7791

Mr. Gregory J. Heath  
Clerk of Council/Finance Director  
City of Napoleon, Ohio  
255 West Riverview Avenue  
PO Box 151  
Napoleon, OH 43545-1748

Dear Mr. Heath,

Thank you for contacting me with your opposition to efforts to reduce or eliminate the ability of local governments to issue tax-exempt bonds to finance infrastructure. In order to make sound voting decisions, I need to hear from the constituents in the Fifth Congressional District. I appreciate you taking the time to contact me with your thoughts on this issue, as I know how important it is to you.

The federal government has a significant stake in the state and local government debt market. Tax-exempt bonds have been used to build municipal infrastructure since the income tax code was promulgated in 1913 and has continued to do so for 100 years. In 2010, President Obama assigned a commission to examine tax-exempt bonds. It concluded that ending these tax-exemptions would be a way to help cut the deficit. If the commission's recommendations were accepted, taxpayers would have to directly shoulder a much larger financial burden in order for their localities to build vital infrastructure. Since state and local governments are responsible for building and maintaining 75% of our country's infrastructure, the cost of eliminating tax-exempt bonds would be tremendous and wrong.

I understand your concerns regarding the importance of tax-exempt bonds in helping state and local governments construct critical projects. That is why I am a cosponsor of H.Res. 112, a resolution celebrating the history of municipal bonds, the 100-year precedent of the Federal tax exemption for municipal bond interest, and the important contribution municipal bonds have made to economic growth and wellbeing in each state and municipality in our great Nation. Please be assured that should any legislation concerning the reduction or elimination of local tax-exempt bonds comes to the House Floor for a vote, I will keep the thoughts and views you have expressed to me in mind.

It is my great honor to serve as your Member of Congress and it is my number one priority to represent you and the best interests of the Fifth Congressional District. Please do

For federal-related issues, you may reach my Washington, D.C. office by phone at (202) 225-6405, or my District office at (800) 541-6446 for constituent services. I encourage you to visit my website at <http://latta.house.gov> where you can sign up for my e-newsletter and text message updates. The website also provides links to my YouTube, Facebook, Twitter, and Flickr pages, as well as my blog, all of which will help bring my work in Washington, D.C. home to you.

Sincerely,

A handwritten signature in black ink, reading "Robert E. Latta". The signature is fluid and cursive, with the first name "Robert" being more legible than the last name "Latta".

Robert E. Latta  
Member of Congress

REL/jmi



**Representative Cheryl L. Grossman  
Majority Whip**

April 19, 2013

Clerk of Council Gregory J. Heath  
City Council of Napoleon  
255 West Riverview Avenue, PO 151  
Napoleon, OH 43545-0151

Dear Clerk of Council Gregory J. Heath,

Thank you for contacting my office regarding the Municipal Income Tax Uniformity legislation (formerly HB 601, now HB 5). I appreciate hearing your concerns on the anticipated impacts of this legislation. I want to assure you that I am working diligently to limit the loss of revenue for Napoleon. As a former mayor of Grove City for 12 years, I am sympathetic to the needs of cities.

Within House Bill 5, the five year net operating loss requirement is phased in for new NOL's and can only be claimed by taxpayers on a five year phased in schedule. Pass-through entities will trap such losses, meaning that a loss in one entity cannot be used to offset the income of another pass-through entity. Additionally, pass-through entities will be required to make estimated payments on behalf of owners.

On the issue of increased cost from certified mailings, only assessments prompting the sixty-day appeal period to the local board of tax review will be required to be sent through certified mail. All other correspondence regarding tax return reviews will be sent by regular mail. Similarly to decrease cost, the Problem Resolution Officer, as outlined in HB 5, will not be a full-time position. Rather, any employee including the tax administrator may fulfill this role.

Regarding the Twenty Day Rule, tax will be paid to the principal place of work of the employee.

Estimated payment safe harbor had been listed at \$250 de minimis exception previously, but has been lowered to \$200 per year, or \$50 every quarter. The due date for the fourth quarter was changed from January 15<sup>th</sup> of the following year to December 15<sup>th</sup> of the tax year.

**Committees:**

Finance and Appropriations  
-Finance Subcommittee: Transportation  
State & Local Government  
Manufacturing & Workforce Development

**[www.house.state.oh.us](http://www.house.state.oh.us)  
77 S. High Street, Columbus, Ohio 43215-6111**

**Contact Information:**

Office: 614-466-9690  
Toll-Free: 1-800-282-0253  
FAX: 614-719-6962  
Email: [rep23@ohiohouse.gov](mailto:rep23@ohiohouse.gov)

Eliminated provisions within this bill include: Control of Business Hours and the change to the sales factor relating to the situsing of services, which will remain where the services are performed. House Bill 5, however, retains the elimination of the sales factor throwback rule, in order to keep Ohio competitive.

If you have any more concerns regarding House Bill 5, please do not hesitate to contact my office at 614-466-9690.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl L. Grossman". The signature is fluid and cursive, with the first name "Cheryl" being more prominent than the last name "Grossman".

Cheryl L. Grossman  
State Representative  
Ohio House of Representatives

CLG/crp