
Memorandum

To: Mayor & Members of Council
From: Jon Bisher/*rd*
Subject: General Information
Date: September 13, 2013

CALENDAR

CITY COUNCIL AGENDA

D. APPROVAL OF MINUTES

The September 3, 2013 Council Meeting Minutes are attached.

F. REPORTS FROM COUNCIL COMMITTEES

The Majority Reports are enclosed from committee meetings held on September 9th:

2. *Electric Committee*
3. *Water/Sewer Committee*

H. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. RESOLUTION NO. 048-13 a Resolution Authorizing the City of Napoleon, Ohio to Enter into an Agreement with the City of Cleveland, Ohio for Services Relating to the *Collection of Income Tax*
2. RESOLUTION NO. 049-13 a Resolution Authorizing the City Finance Director to Conduct an *Amnesty Program* to Encourage the Payment of Delinquent Income Tax Accounts
3. RESOLUTION NO. 050-13 a Resolution Authorizing City Manager to Enter into an *Agreement or Subsidy Stipulation* with the Public Utilities Commission of Ohio (“PUCO”) and Michigan Southern Railroad Company dba Napoleon, Defiance & Western Railway (“Railroad”) for *Certain Railroad Crossing Upgrades*; and Declaring an Emergency.
4. RESOLUTION NO. 051-13 a Resolution Authorizing the City Manager to *Terminate or Assign the City of Napoleon’s Water Purchase Agreement with the Village of Malinta*, Ohio; and Declaring an Emergency.

I. SECOND READINGS OF ORDINANCES AND RESOLUTIONS

- 1) ORDINANCE NO. 042-13 an Ordinance Amending Sections 1101.01 and 1145.01 of the *Planning and Zoning Code* of the City of Napoleon, Ohio to add certain Definitions and make Additions to the Table of Permissible Uses
 - this has been tabled until the October 7th Council Meeting
- 2) ORDINANCE NO. 045-13 an Ordinance Establishing a *Utility Billing “Rounding-Up” Program* for the City of Napoleon, Establishing a Program for all Monies Received as a Result of Voluntary Participation, and Directing that all Funds so Received be Utilized to Assist Utility Customers with the Payment of their Utility Bills.

- 3) RESOLUTION NO. 046-13 a Resolution Authorizing the City Manager and/or the City Finance Director to Enter into an Agreement with Northwestern Ohio Community Action Commission, Inc. for Professional Services Regarding the *Administration of the Caring Fund*.

L. GOOD OF THE CITY

1. Recommendation to Approve *September Billing Determinants*
2. Approval of Specifications for *Chemicals for the Water Treatment Plant and Wastewater Treatment Plant FY2014*
 - This is the annual bidding for chemicals needed at the WTP and WWTP and was approved by the Annual Purchase Resolution No. 079-12.
3. Recommendation to Approve a *Bridge Loan Request from John Donovan in the Amount of \$20,000 for 120 Days at 0% Interest*.
 - The minutes from the September 11th meeting of the NIEDF Committee are attached.
4. Regarding *Wording of Dispatch Initiative for Ballot*
5. Raising the *City's Minimum Requirement to Bid from \$25,000 to \$50,000 (Refer to Committee)*
6. *Unison Contract for Water Tower. (Direct Law Director to Bring Legislation)*

RELATED ITEMS

1. *Employee Picnic*; Monday, September 16th 11:15am – 1:15 pm
2. *Agenda* – Civil Service Commission; Monday September 16th at 12 Noon
3. *Agenda* – City Tree Commission; Monday, September 16th at 6:00 pm
4. *Cancellation* – Parks & Recreation Committee
5. *Agenda* – Civil Service Commission; Thursday, September 19th at 6:00 pm
6. *AMP Update*/September 13, 2013
7. Letter received from OhioEPA regarding *Long Term Control Plan (LTCP)*
8. From Greg Heath:
 - a. *Municipal Income Tax Substitute Bill* could Delay NOL Change
 - b. *OML Bulletin*/September 13, 2013

August 2013							September 2013							October 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	1	2	3	4	5	6	7	6	7	8	9	10	11	12
4	5	6	7	8	9	10	8	9	10	11	12	13	14	13	14	15	16	17	18	19
11	12	13	14	15	16	17	15	16	17	18	19	20	21	20	21	22	23	24	25	26
18	19	20	21	22	23	24	22	23	24	25	26	27	28	27	28	29	30	31		
25	26	27	28	29	30	31	29	30												

 Calendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 BISHER - VACATION Greg Heath - Vacation	2 HOLIDAY - LABOR DAY - OFF	3 7:00 PM City COUNCIL Meeting	4	5	6	7
8	9 6:30 PM Electric Committee Board of Public Affairs (BOPA) 7:00 PM Water/Sewer Committee AV - Rox	10	11 9:00 AM NIEDF Committee Meeting BISHER	12 BISHER - VACATION	13 BISHER - VACATION	14 BISHER - VACATION
15 BISHER - VACATION	16 11:30 AM City Employee Picnic @ Oberhaus Shelterhouse 6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL Meeting AV - Dar	17	18	19	20	21
22	23 6:30 PM Finance & Budget Committee Mtg. 7:30 PM Safety & Human Resources Committee Mtg. AV - Shery	24 AMP - @ Dover, Delaware (BI)	25 AMP - @ Dover, Delaware (BI)	26 AMP - @ Dover, Delaware (BI)	27	28
29	30 5th Monday-No Scheduled Meet	1	2	3	4	5

City of Napoleon, Ohio

CITY COUNCIL

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

MEETING AGENDA

Monday, September 16, 2013 at 7:00 PM

- A. **Attendance** *(Noted by the Clerk)*
- B. **Prayer & Pledge of Allegiance**
- C. **Swearing In of Fire Captain**
- D. **Approval of Minutes:** September 3 *(In the absence of any objections or corrections, the minutes shall stand approved.)*
- E. **Citizen Communication**
- F. **Reports from Council Committees**
 - 1. **Technology & Communication Committee** did not meet on Tuesday, Sept. 3 due to lack of agenda items.
 - 2. **Electric Committee** *(Majority Report)* met on Monday, Sept. 9 and recommended:
 - a. Approval of September billing determinants
 - 3. **Water, Sewer, Refuse, Recycling & Litter Committee** *(Majority Report)* met on Sept. 9 and recommended:
 - a. To request legislation to terminate the water contract with Malinta
 - b. To move forward with Unison site leasing contract for the water tower
 - 4. **Municipal Properties, Buildings, Land Use & Economic Development Committee** did not meet on Sept. 9 due to lack of agenda items.
- G. **Reports from Other Committees, Commissions and Boards** *(Informational Only-Not Read)*
 - 1. **Civil Service Commission** met on Monday, September 16 with the following agenda items:
 - a. Review of Applicant Qualifications for Police Lieutenant Exam: Greg Smith, Brad Strickland
 - 2. **Board of Public Affairs** met on Monday, Sept. 9 with the following agenda items:
 - a. Review of Electric Billing Determinants
 - b. Electric Department Report
 - 3. **Infrastructure/Economic Development Fund Review Committee** met on Wednesday, September 11 and:
 - a. Recommended approval of a bridge loan request (\$20,000) from Donovan Law Office c/o John Donovan, Attorney at Law
 - 4. **Health Care Cost Committee** met on Friday, September 13 with the following agenda item:
 - a. Review of Health Care Premium Cost Increases
 - 5. **Board of Zoning Appeals and Planning Commission** did not meet on Sept. 10 due to lack of agenda items.
 - 6. **Tree Commission** met tonight with the following agenda items:
 - a. Tree Call Report
 - b. Fall Tree Programs
- H. **Introduction of New Ordinances and Resolutions**
 - 1. **Resolution No. 048-13** A Resolution authorizing the City of Napoleon, Ohio, to enter into an agreement with the City of Cleveland, Ohio, for services relating to the collection of Income Tax
 - 2. Legislation authorizing a Tax Amnesty Program
 - 3. Legislation authorizing the City Manager to sign a contract with the P.U.C.O.
 - 4. Legislation authorizing assignment and/or termination of the Malinta Water Agreement to the Henry County Water/Sewer District
- I. **Second Readings of Ordinances and Resolutions**
 - 1. **Ordinance No. 042-13** An Ordinance amending Sections 1101.01 and 1145.01 of the Planning and Zoning Code of the City of Napoleon, Ohio to add certain definitions and make additions to the Table of Permissible Uses *(Tabled until October 7, 2013)*
 - 2. **Ordinance No. 045-13** An Ordinance establishing a utility billing "Rounding-Up" Program for the City of Napoleon, establishing a program for all monies received as a result of voluntary participation, and directing that all funds so received be utilities to assist utility customers with the payment of their utility bills
 - 3. **Resolution No. 046-13** A Resolution authorizing the City Manager and/or the City Finance Director to enter into an agreement with Northwestern Ohio Community Action Commission, Inc. for professional services regarding the administration of the Caring Fund

J. Third Readings of Ordinances and Resolutions

There are no third readings of Ordinances and Resolutions.

K. Good of the City *Any other business as may properly come before Council, including but not limited to:*

1. **Discussion/Action:** Recommendation to approve September billing determinants as follows:
Generation Charge: Residential @ \$.08226; Commercial @ \$.09825; Large Power @ \$.05605; Industrial @ \$.05605; Demand Charge Large Power @ \$10.78; Industrial @ \$11.46; JV Purchased Cost: JV2 @ \$.04060; JV5 @ \$.04060
2. **Discussion/Action:** Approve Plans/Specifications for Water and Wastewater Treatment Chemicals
3. **Discussion/Action:** Recommendation to Approve a Bridge Loan Request from John Donovan in the amount of \$20,000 for 120 days at 0% interest
4. **Discussion/Action:** Regarding Wording of Dispatch Initiative for Ballot
5. **Discussion/Action:** Raising the City's Minimum Requirement to Bid from \$25,000 to \$50,000 (*Refer to Committee*)
6. **Discussion/Action:** Unison Contract for Water Tower. (*Direct Law Director to bring legislation.*)

L. Executive Session: Collective Bargaining Negotiations

M. 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.*)

N. Adjournment

Gregory J. Heath, Finance Director/Clerk of Council

A. Items Referred or Pending in Committees of Council

1. Technology & Communication Committee (1st Monday)

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

2. Electric Committee (2nd Monday)

(Next Regular Meeting: Monday, October 14 @ 6:30 PM)

- a. Review of Electric Billing Determinants
- b. Electric Department Report
- c. New Energy Efficiency Contract for 2014-2016

3. Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday)

(Next Regular Meeting: Monday, October 14 @ 7:00 PM)

4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday)

(Next Regular Meeting: Monday, October 14 @ 7:30 PM)

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

5. Parks & Recreation Committee (3rd Monday)

(Next Regular Meeting: Monday, October 21 @ 8:00 PM.)

6. Finance & Budget Committee (4th Monday)

(Next Regular Meeting: Monday, September 23 @ 6:30 PM)

- a. Debt Funding Limits For Water & Sewer Projects

7. Safety & Human Resources Committee (4th Monday)

(Next Meeting: Monday, September 23 @ 7:30 PM)

Last 2013 Regular Meetings with Townships scheduled for November 25

8. Personnel Committee (As needed)

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

1. Board of Public Affairs (2nd Monday)

(Next Regular Meeting: Monday, October 14 @ 6:30 PM)

- a. Review of Electric Billing Determinants
- b. Electric Department Report
- c. New Energy Efficiency Contract for 2014-2016

2. Board of Zoning Appeals (2nd Tuesday)

(Next Regular Meeting: Tuesday, October 15 @ 4:30 PM)

3. Planning Commission (2nd Tuesday)

(Next Regular Meeting: Tuesday, October 15 @ 5:00 PM)

4. Tree Commission (3rd Monday)

(Next Regular Meeting: Monday, October 21 @ 6:00 PM)

5. Civil Service Commission (4th Tuesday)

(Next Regular Meeting: Tuesday, September 24 @ 4:30 PM)

Testing for Police Lt. on Thursday, September 19 at 6:00 PM

6. Parks & Recreation Board (Last Wednesday)

(Next Regular Meeting: Wednesday, September 25 @ 6:30 PM)

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

(Next Regular Meeting: Tuesday, November 12 @ 10:30 AM)

8. Records Commission (2nd Tuesday in June & December)

(Next Regular Meeting: Tuesday, December 9 @ 4:00 PM)

9. Housing Council (1st Monday of the month after the TIRC meeting)

(Next Regular Meeting: Monday, May 5, 2014 @ 6:30 PM)

10. Health Care Cost Committee (As needed)

11. Preservation Commission (As needed)

12. Infrastructure/Economic Development Fund Review Committee (As needed)

13. Tax Incentive Review Council (As needed)

14. Volunteer Firefighters' Dependents Fund Board (As needed)

15. Lodge Tax Advisory & Control Board (As needed)

16. Board of Building Appeals (As needed)

17. ADA Compliance Board (As needed)

18. NCTV Advisory Board (As needed)

Motion To Approve Bid Of \$47,556	Motion: McColley Second: Maassel To approve the revised amount of \$47,556 for the bid for W. Main St. Parking Lot Improvements
Passed Yea-6 Nay- Abstain-1	Roll call vote on above motion: Yea- Sheaffer, Lankenau, Ridley, Maassel, Tassler, McColley Nay- Abstain - Helberg
Appointment To FireFighters' Dependents Fund Board	Heath said information about the Volunteer Firefighters' Dependents Fund Board was included in the packet.
Motion To Appoint Jon Tassler	Motion: McColley Second: Maassel To appoint Jon Tassler to the FireFighters' Dependents Fund Board
Passed Yea-7 Nay-0	Roll call vote on above motion: Yea- Sheaffer, Lankenau, Ridley, Maassel, Tassler, Helberg, McColley Nay-
Tax Amnesty Program	Heath said the Tax Amnesty Program was discussed in Finance & Budget Committee. He would like Council to request legislation to set up a tax amnesty program from November 1 – 30, 2013, waiving any penalties, but assessing any interest due. This will mean non-filers who take advantage of the program will not have to go to court. The legislation would have an emergency clause and suspension in order to be in effect for November 1, 2013.
Motion To Request Legislation	Motion: Ridley Second: McColley To adopt a Tax Amnesty Program and direct the Law Director to draft legislation
Passed Yea-7 Nay-0	Roll call vote on above motion: Yea- Sheaffer, Lankenau, Ridley, Maassel, Tassler, Helberg, McColley Nay-
<i>New Energy Efficiency Contract for 2014-2016 Referred To Electric Committee & BOPA</i>	President Helberg referred <i>New Energy Efficiency Contract for 2014-2016</i> to the Electric Committee and BOPA. Bisher said AMP representatives will not be available this coming Monday, but they can be at the October meetings. Helberg referred the item for the October meetings of the Electric Committee and BOPA.
<i>Unison Site Leasing On Water Towers Referred To WSRRL</i>	President Helberg referred <i>Unison Site Leasing On Water Towers</i> to the Water, Sewer, Refuse, Recycling & Litter Committee
<i>Debt Funding Limits For Water & Sewer Projects Referred To Finance & Budget Committee</i>	President Helberg referred <i>Debt Funding Limits For Water & Sewer Projects</i> to the Finance & Budget Committee.
General Discussion Of Combined Dispatch Services & Other Options	Hayberger reported the Ohio Ethics Commission ruled Jeff Lankenau cannot vote on the county contract. Helberg said we also asked if the ruling would be the same if we turned dispatch over to the Sheriff. Hayberger said they ruled that any transfer of goods or services to the county is considered a public contract whether it is in writing or not. Helberg said this means that McColley and Lankenau cannot discuss or vote

<p>Motion To Remove Option #6</p> <p>Failed</p>	<p>Motion: Sheaffer Second: To remove Option #6: Turn over total Dispatch Services to Sheriff with NO Contract</p> <p>Motion failed for lack of a second.</p>
<p></p>	<p>Bisher said we can't do Option #7 because we don't have an option to move enterprise funds for water, sewer, etc. to dispatch services.</p>
<p>Motion To Remove Option #7</p> <p>Passed Yea – 5 Nay – 0 Abstain - 2</p>	<p>Motion: Sheaffer Second: Ridley To remove Option #7: Redirect City Budgets from other Departments to Dispatch Services</p> <p>Roll call vote on above motion: Yea - Sheaffer, Ridley, Maassel, Tassler, Helberg Nay – Abstain – Lankenau, McColley</p>
<p>Option #8 – No Action</p>	<p>#8 - No action taken.</p>
<p>Option #9 – No Action</p>	<p>#9 - No action taken.</p>
<p>Option #10 – No Action</p>	<p>#10 - No action taken.</p>
<p>Option #11 – No Action</p>	<p>#11 - No action taken.</p>
<p></p>	<p>Helberg said another option is Sheaffer's idea to let the voters decide whether to keep or get rid of dispatch, not tied with a levy. Ridley said this should be added since it is something we discussed.</p>
<p>Option #12 Added – Let Voters Decide</p>	<p>#12 - Let voters decide whether to keep or get rid of dispatch, not tied with a levy</p>
<p></p>	<p>Helberg asked if any other options should be on the list. He said we were elected to Council to make tough decisions, but we don't like to make some of them. He appreciates that everyone who discussed this issue has been professional. Anyone could have made a motion to take the others' stance off the list, but they have not done that. Two people can't vote on this issue. How can we get a majority when it's 3 to 2 either way if he's reading everyone properly? Hayberger said in sports that's why you play the game.</p>
<p></p>	<p>Maassel said we are deadlocked at 3/2. Helberg said we are professional and don't want to chop anyone's knees off. How do we move off dead center? Sheaffer said he doesn't think it is a money issue. It's a service issue. We looked at service issues in the past. We did a safety services levy and used that levy money to reinstate services that had been reduced. We should take this issue to the voters. The most essential government services are safety services. If we are talking about doing a drastic thing to those services, it's only fair that that the people decide. If we had a full body of Council that could vote, it might be different. Ridley said since 25% of Council can't vote or represent, we should take it to the people. Maassel agreed.</p>
<p></p>	<p>Helberg asked the earliest time to put this on the ballot for a regular election. Heath said he believes it is May. Sheaffer said we are not attaching a levy. If people want to keep dispatch, we will figure out how to fund it. We could reduce income tax credits if we can't balance the budget. So far, we have balanced the budget. We don't know what the State will do. The economy could pick up bringing in more cash.</p>

Maassel	<p>Maassel asked if Council members attend the Employee Picnic. Bisher said Council is invited. Helberg said the picnic is Monday, September 16.</p> <p>Maassel commended Chief Weitzel for his professionalism the night we lost Jim Hershberger. He thanked Chief Bennett for the nice sign at the Fire Department honoring Jim's years of services after his passing.</p> <p>Maassel welcomed Jon Tassler to Council.</p>
Tassler	<p>Tassler thanked Council for approving his appointment. He looks forward to the next 4 months.</p>
Helberg	<p>Helberg said he has received complaints about the railroad crossings through town. Bisher said we are working with a different company now. We had an agreement with the former company that we would do the work and they would not charge us with trespassing. This company has been good too. They did better on spraying weeds this year. We will work with them.</p> <p>Helberg asked for an update on Scott Street. Bisher said the Lagrange St. intersection is estimated to close on September 23 for 30 days. Sheaffer asked if there is an incentive for less than 30 days. Lulfs said there are issues if they don't. Helberg said the bridge south up to the 5 corners is at a stalemate. Lulfs said all utilities south of the bridge are in except for storm sewers from the railroad to the bridge. Helberg said there are troubled businesses in the area south of the railroad tracks. Why aren't we doing more there? Lulfs said the contract is for full closure for the entire length of the project. Helberg said this must change for the next projects. Businesses and residents are suffering. Lulfs said residents are allowed access to their driveways. Helberg said we are lucky there have been no emergencies in that stretch. He would like to encourage rapid progression in the future even if it costs more. Lulfs said we have done this before but it costs hundreds of thousands of dollars to finish early. Helberg said the State has a program where you rent a section and in the bid you set up how many days or months you will let them use it for nothing. After that, they pay you and it becomes a disincentive. We'll worry about this on the next project. Helberg asked about the progress on 424 East. Lulfs said this is not a City project, but he attends progress meetings. E. Riverview was going to be a full block by block take it apart and put it back together project. It was estimated that 10% of the blocks would have to be replaced. They are now estimating 50% to 60% must be replaced. They applied to the Ohio Historic Preservation Office to rip it up. They're looking at some sort of structure on foundation with blocks or decorative concrete blocks on the ends. The bridge was built in 1848. They believe it is one of the oldest bridges in the State. The completion date was January 1, 2014 and that hasn't been adjusted as far as he knows.</p> <p>Maassel asked about Riverview in the other direction. Lulfs said Ritter Park is progressing. They may not go as deep as they originally thought on those foundations unless they're told they have to go down further. It could hurt the golf course if they go deeper. The irrigation intake is there and they would be shutting it off. Lulfs is trying to insure that doesn't happen. So far, they've kept it up and running, but it's a struggle. There have been minor repairs farther down. He doesn't know about east of town.</p>
Mayor Behm	<p>Mayor Behm – no items</p>
McColley	<p>McColley asked if the lighted signs put up on Scott St. have helped. Chief Weitzel said trucks drove right past them. The drivers look at their GPS and ignore the signs. Bisher said we are trying to do what we can. This will all start over when the traffic</p>

City of Napoleon, Ohio

Electric Committee

MAJORITY REPORT

The Electric Committee met on Monday, September 9, 2013, and recommended approval of electric billing determinants, as follows:

Generation Charge: Residential @ \$.08226; Commercial @ \$.09825; Large Power @ \$.05605; Industrial @ \$.05605;
Demand Charge Large Power @ \$10.78; Industrial @ \$11.46;
JV Purchased Cost: JV2 @ \$.04060; JV5 @ \$.04060

Patrick McColley, Acting Chair

Jason Maassel, Committee

City of Napoleon

Water, Sewer, Refuse, Recycling & Litter Committee

Majority Report

The Water, Sewer, Refuse, Recycling & Litter Committee met on Monday, September 9, 2013, and recommended:

- a. To request legislation to terminate the water contract with Malinta;
- b. To move forward with a Unison site leasing contract for the water tower

Jeffrey Lankenau, Chair

Patrick McColley, Committee

RESOLUTION NO. 048-13

A RESOLUTION AUTHORIZING THE CITY OF NAPOLEON, OHIO TO ENTER INTO AN AGREEMENT WITH THE CITY OF CLEVELAND, OHIO FOR SERVICES RELATING TO THE COLLECTION OF INCOME TAX

WHEREAS, the Codified Ordinance of the City of Cleveland ("Cleveland"), authorize Cleveland to enter into an agreement with another municipal corporation to act as the agent of the other municipal corporation, provide a central collection facility for the collection of income tax, and do all things allowed by law to accomplish such purpose; and,

WHEREAS, this Council finds it to be in the best interest of the City of Napoleon to enter into an agreement with Cleveland to allow Cleveland to act as agent for administration of the income tax laws of the City of Napoleon and collection of income tax due and owing to the City of Napoleon; and,

WHEREAS, such administration and collection shall be restricted to delinquency issues referred to Cleveland by the City of Napoleon, including collection of outstanding balances and pursuit of non-filed tax returns and other delinquency programs as agreed to by Cleveland and the City of Napoleon; now therefore,

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

Section 1. That, the Napoleon City Finance Director is hereby authorized to enter into an agreement for the central collection of municipal income tax, as attached hereto, with Cleveland on behalf of the City of Napoleon, to allow Cleveland to act as agent for the purpose of administering income tax laws of the City of Napoleon and collecting income tax due and owing to the City of Napoleon or delinquency issues referred to Cleveland by the City of Napoleon.

Section 2. 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 3. 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 4. That, this Resolution shall take effect at the earliest time permitted by law.

Passed: _____

John A. Helberg, Council President

Approved: _____

Ronald A. Behm, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 048-13 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

RESOLUTION NO. 049-13

A RESOLUTION AUTHORIZING THE CITY FINANCE DIRECTOR TO CONDUCT AN AMNESTY PROGRAM TO ENCOURAGE THE PAYMENT OF DELINQUENT INCOME TAX ACCOUNTS

WHEREAS, the City of Napoleon believes that an Amnesty Program for delinquent income tax accounts would benefit the City; and,

WHEREAS, the Amnesty Program would begin on November 1st, 2013 and end on November 30th, 2013; and,

WHEREAS, the Amnesty Program allows taxpayers an opportunity to resolve their delinquent income tax accounts without penalty (however, any tax due plus interest would have not be waived); **Now Therefore**,

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

Section 1. That, the City Finance Director is authorized to conduct an Amnesty Program from November 1st, 2013 through November 30th, 2013, allowing for the waiver of penalties (however, any tax due plus interest would have not be waived).

Section 2. 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 3. 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 4. That, this Resolution 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. 049-13 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

RESOLUTION NO. 050-13

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT OR SUBSIDY STIPULATION WITH THE PUBLIC UTILITIES COMMISSION OF OHIO (“PUCO”) AND MICHIGAN SOUTHERN RAILROAD COMPANY DBA NAPOLEON, DEFIANCE, & WESTERN RAILWAY (“RAILROAD”) FOR CERTAIN RAILROAD CROSSING UPGRADES; AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon desires to promote the health and safety of the traveling public who travel through public highway-railroad grade crossings in the City of Napoleon; and,

WHEREAS, this Subsidy Stipulation will be at no cost to the City of Napoleon; and,

WHEREAS, the City is now desirous of entering into the agreement or Subsidy Stipulation with the PUCO and the Railroad; Now Therefore,

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

Section 1. That, the City Manager is authorized to enter into an agreement or Subsidy Stipulation with the PUCO and the Railroad for the upgrades to certain railroad crossings within the City of Napoleon, as per Case No. _____ - _____ -RR-STP.

Section 2. 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 3. 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 4. 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 because the project cannot start until this agreement is in effect, which would effect the public peace, health or safety accessible to our citizens; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____

John A. 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. 050-13 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

RESOLUTION NO. 051-13

A RESOLUTION AUTHORIZING THE CITY MANAGER TO TERMINATE OR ASSIGN THE CITY OF NAPOLEON'S WATER PURCHASE AGREEMENT WITH THE VILLAGE OF MALINTA, OHIO; AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon, in Resolution Numbers 045-90, authorized the City Manager to enter into a Water Purchase contract with the Village of Malinta; and,

WHEREAS, the City of Napoleon, now desires to either terminate said Water Purchase contract or assign said contract to the Henry County Regional Water and Sewer District; and,

WHEREAS, the City of Napoleon in terminating or assigning said contract will be able to have access to additional water customers, specifically the Village of McClure, Ohio; **Now Therefore**,

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

Section 1. That, the City of Napoleon authorizes the City Manager to execute any and all documents necessary to terminate the Water Purchase contract with the Village of Malinta or to assign the City's Water Purchase with the Village of Malinta contract to the Henry County Regional Water and Sewer District.

Section 2. 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 3. 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 4. 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 because this would settle issues that the District and the Village of McClure are having with the EPA also the addition of McClure would provide additional water users and income for the City, which would effect the public peace, health or safety accessible to our citizens; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law

Passed: _____

John A. 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. 051-13 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

ORDINANCE NO. 042-13

AN ORDINANCE AMENDING SECTIONS 1101.01 AND 1145.01 OF THE PLANNING AND ZONING CODE OF THE CITY OF NAPOLEON, OHIO TO ADD CERTAIN DEFINITIONS AND MAKE ADDITIONS TO THE TABLE OF PERMISSIBLE USES.

WHEREAS, the City Planning Commission having reviewed the proposed amendments and having passed said amendments under their Resolution PC-13-03, and;

WHEREAS, The City Council does approve of said amendments and the Planning Commission's Resolution PC-13-03, **NOW THEREFORE**;

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

Section 1. That, the following Sections of the Planning and Zoning Code for the City of Napoleon, shall be amended and enacted as follows:

Section 2. 1101.01 DEFINITIONS. For the purpose of this Planning and Zoning Code found in Part 11, Chapters 1101 through 1147, both chapters inclusive, the following definitions shall apply unless the context clearly indicates or requires a different meaning and except when expressly limited to a certain section or provision of this Planning and Zoning Code. When the word is found in the singular form, it may also be interpreted as being defined in the plural form and vice versa.

- (1) **ABUTTING.** Bordering, adjoining, or across the street or alley.
- (2) **ACCESSORY BUILDING.** A building subordinate or incidental to the principal structure or use located on the same lot on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use.
- (3) **ACCESSORY USE.** As defined in Section 1145.01(d).
- (4) **ADMINISTRATOR.** The Zoning Administrator in and for the City of Napoleon, Ohio.
- (5) **ADULT ENTERTAINMENT.** Vendors of adult sexually oriented merchandise, services, or entertainment, including but not limited to an adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, nude model studio, featured burlesque, adult live entertainment, or sexual encounter center.
- (6) **AGRICULTURAL.** The use of a tract of land for growing crops in the open or for dairying, pasturage, horticulture or viticulture.
- (7) **ALTER OR ALTERATION:** For the sole purpose of Chapter 1138, any material change in the external architectural features of any property, including demolition, removal or construction, but not including landscaping of property; otherwise means any material change.

- (8) AIRPORT. A use devoted to the take-off, landing, and storing of aircraft.
- (9) ALLEY. A permanent service way providing a secondary means of access to abutting lands.
- (10) ANTENNA. Equipment designed to transmit or receive electronic signals or radio waves.
- (11) ANIMAL HOSPITAL/VETERINARY CLINIC. A place that provides animal preventive and medical care, pet dental, pet surgery, and/or other vet services; may also provide a full range of general medical and surgical services as well as specialized treatments to animals, including, but not limited to: wellness, spay/neuter, advanced diagnostic services, internal medicine, oncology, ophthalmology, dermatology, cardiology, neurology, boarding, grooming, and vaccinations.
- (12) APARTMENT. A room or set of rooms fitted with housekeeping facilities and used or leased as a dwelling; also, a building containing several individual apartments.
- (13) APPLICANT. A person submitting an application for development, a permit, or other required approvals. "Applicant" includes the owner of the property subject to the application and any person designated by the owner to represent the owner.
- (14) ARCHITECTURAL FEATURE. Those elements that characterize an architectural style including, but not limited to windows, doors, porches, cornices, decorative trim, and exterior surface material.
- (15) ARTIFICIAL LAKE, POND, OR RESERVOIR. A man made or created lake, pond or reservoir as below defined:
- A. LAKE. A considerable inland body of standing water.
 - B. POND. An inland body of stagnant water without an outlet (except overflow drains) that is larger than a puddle and smaller than a lake.
 - C. RESERVOIR. An inland body of water that is kept and collected in quantity.
- (16) ASSISTED LIVING UNITS.
- A. DEPENDENT: A multiple-family housing form with central dining facilities provided as a basic service to each dwelling unit. Each dwelling unit may contain cooking facilities, but shall contain sanitary facilities.
 - B. INDEPENDENT: A multiple-family housing form with full facilities for self-sufficiency in each individual dwelling unit.
- (17) AUTO WASH. A structure, or portion thereof, containing commercial facilities for washing vehicles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices. Also, the term includes a hand operated wand type manual auto wash facility when the operation is equivalent in intensity to a mechanical auto wash.
- (18) AUTO REPAIR. Includes engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair, overall painting, undercoating or steam cleaning of automobiles.

(19) **BANKS.** An establishment for the custody, loan, exchange, or issue of money, for the extension of credit and for facilitating the transaction of funds.

(20) **BASE FLOOD.** The flood having a one percent (1%) chance of being equaled or exceeded in any given year. Also known as the one hundred (100) year flood.

(21) **BASEMENT.** A story partly or wholly underground where more than one-half of its height is above the average level of the adjoining ground. A basement shall be counted as a story for purpose of height measurement.

(22) **BED & BREAKFAST.** A transient lodging establishment, generally in a single-family dwelling that is the principal residence of the operator or detached guest house, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may, but not be required to, provide meals for compensation.

(23) **BLOCK.** A unit of property bounded by streets, or by streets or railroad right-of-way, waterways, or other barriers.

(24) **BLOCK FRONTAGE.** Property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and railroad right-of-way, waterway, or other definite barrier.

(25) **BOARDING HOUSE.** A residential use where meals are provided to its residents, consisting of at least one (1) dwelling unit together with more than two (2) rooms that are rented or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A boarding house is distinguished from a tourist home in that the former is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guests. A boarding house is distinguished from a rooming house in that meals are provided to its residents.

(26) **BORROW PIT.** An excavated area where material has been dug for use as a fill at another location.

(27) **BUILDING.** Any structure having a roof supported by columns or walls, and designed or intended for shelter, support, enclosure or protection of persons, animals or chattels, excluding small play houses for child play and small dog houses capable of sheltering no more than one (1) dog that is commonly found in residential areas.

(28) **BUILDING AREA.** The horizontal area of a building, including all projections from the building.

(29) **BUILDING MATERIALS.** Articles or things used for construction, excluding tools, machinery, and appurtenances.

(30) **BUILDING, DETACHED.** A building having no structural connection with the principal building on a premises.

(31) **BUILDING SETBACK LINES.** The lines nearest the front and across a lot establishing the minimum open space to be provided between the front line of buildings and structures, and the front lot line.

(32) **CEMETERY.** Any land, five acres or more, used for the burial of the dead and dedicated as a cemetery, including columbariums, crematories, mausoleums,

and mortuaries when operated in conjunction with and within the boundary of such cemetery.

(33) **CERTIFICATE OF APPROPRIATENESS:** A certificate issued by the Preservation Commission indicating that a proposed alteration, demolition, or in-fill new construction within the preservation district boundaries is in accordance with the provisions of Chapter 1138.

(34) **CERTIFICATE OF ZONING.** A certificate signed by the Administrator indicating that the use of the land, building or structure complies with the provisions of this Planning and Zoning Code.

(35) **CERTIFY.** Whenever this Planning and Zoning Code or the Administrator requires that some agency certify the zoning existence of some fact or circumstance to the City, the certification shall mean a writing from some agency in the form of letter or other document, as determined by the Administrator.

(36) **CHANGE.** For the sole purpose of Chapter 1138, any alteration, demolition, removal, or construction involving any property subject to the provisions of this Planning and Zoning Code, including signs, notwithstanding the Sign Code.

(37) **CHILD CARE INSTITUTION.** An institutional facility housing more than nine (9) orphaned, abandoned, dependent, abused, or neglected children.

(38) **CIRCULATION AREA.** That portion of the vehicle accommodation area used for access to the vehicle accommodation area. Essentially, driveways and other maneuvering area (other than parking aisles) comprise the circulation area.

(39) **CITY.** The City of Napoleon, Ohio.

(40) **CLUBS.** Buildings and facilities operated for a social, educational, or recreational purpose, but not for profit or to render a service which is customarily carried out as a business.

(41) **COLLOCATION.** The use of a wireless telecommunication facility by more than one wireless telecommunication provider.

(42) **COMMON OPEN SPACE.** An area within a development designed and intended for the use or enjoyment of all residents of the development or for the use and enjoyment of the public in general.

(43) **COMBINATION USE.** A use consisting of combination on one (1) lot of two (2) or more principal uses separately listed in the Table of Permissible Uses. Under some circumstance, when a second principal use may be regarded as accessory to the first, a combination use is not established (see accessory uses). In addition, when two (2) or more separately owned or separately operated enterprises occupy the same lot, and all such enterprises fall within the same principal use classification, this does not constitute a combination use.

(44) **COMMERCE:** The exchange of goods, productions, services, or property of any kind; or, the buying, selling, and exchanging of articles or services.

(45) **COMMERCIAL.** Relates to or is connected with trade and traffic or commerce in general; is or is designated to be occupied with business or commerce.

(46) **COMMERCIAL RECREATIONAL FACILITIES.** Any establishment of which the main purpose is to provide the general public with an amusing or entertaining

activity and where tickets are sold or fees are collected for the activity. Commercial recreation facilities include, but are not limited to, skating rinks, water slides, miniature golf courses, arcades, bowling alleys, and billiard halls, but not movie theaters.

(47) **COMMERCIAL SCHOOLS.** Schools operated for profit such as business schools, training schools for trade, real estate, training and similar schools, but not including elementary, intermediate or high schools for education of children.

(48) **COMMERCIAL SEMI-TRUCK SALES/SERVICE.** An establishment that for profit sells, services, or repairs commercial semi-truck vehicles or the like as a part of its business.

(49) **COMMISSION.** Unless the context clearly indicates otherwise, means the City Planning Commission.

(50) **COMMON WALL.** A wall that is common to two (2) buildings, such as in a shopping center setting having multiple businesses adjacent to each other.

(51) **COMPREHENSIVE PLAN.** See Master Plan.

(52) **CONDITIONAL USE PERMIT.** A permit that may be issued by the City for a use that is not otherwise permissive as a matter of right in the same sense that a "permitted use" is, for uses that have been determined by the City to have a significant impact, thus requiring a hearing which is administrative in nature. Also, for uses that have not been identified as a permitted use within the Planning and Zoning Code. The conditional use permit may contain conditions for, or restrictions on, the said use. Also considered to be a type of "use permit", may also be referred to as a special use.

(53) **CORNER LOT.** A lot at the junction of and abutting two (2) or more intersecting streets.

(54) **CONVENIENCE STORE.** A one-story retail store that contains less than 2,000 square feet of gross floor area, that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase a relatively few items (in contrast to a "supermarket"). It is designed to attract and depends upon a large volume of stop-and-go traffic.

(55) **COUNCIL.** The City Council of the City of Napoleon, Ohio.

(56) **CUL-DE-SAC.** A short street having one end open to traffic and being permanently terminated by a vehicle turnaround.

(57) **DAY CARE CENTER.** Any care arrangement that provides day care on a regular basis for more than four (4) hours per day for more than five (5) children or adults or a combination thereof.

(58) **DEMOLITION:** The razing or destruction, whether entirely or in part, of a building or structure, and for the purpose of Chapter 1138, includes demolition by neglect.

(59) **DETACHED BUILDING.** Also known as building, detached, a building having no structural connection with the principal building on a premises.

(60) **DEVELOPER.** A person who is responsible for any undertaking in the developing of real estate, or a person that improves and subdivides land.

(61) **DEVELOPMENT.** An act, process or result of developing real estate which is to be done pursuant to a zoning permit or conditional use permit.

(62) DISTRICT. A geographically defined area subject to certain minimum zoning standards as established in this Planning and Zoning Code.

(63) DRIVE-IN. Any place or premises used for the sale, dispensing, or serving of food, refreshments, beverages, or services to customers in vehicles, including those establishments where customers may serve themselves and may carry out or consume the above on or off the premises.

(64) DRIVEWAY. That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

(65) DWELLING. A building or portion thereof, designed or used as living quarters. When the context demands, dwelling includes single-family dwellings, two (2)-family dwellings, and multiple-family dwellings, but not including hotels, motels, bed and breakfast, rooming and boarding houses.

(66) DWELLING, SINGLE-FAMILY. A building containing only one (1) dwelling unit.

(67) DWELLING, TWO-FAMILY. A building containing only two (2) dwelling units.

(68) DWELLING UNIT. An enclosure containing sleeping, kitchen, and bathroom facilities designed for and held ready for use as a permanent dwelling by one (1) family.

(69) EASEMENT. A grant by a property owner for the use of a strip of land by a person for a specified purpose or multiple purposes.

(70) EFFECTIVE DATE OF THIS PLANNING AND ZONING CODE. Any reference to the effective date of the Planning and Zoning Code, or Zoning Code, means July 17, 1995; however, the reference shall also be deemed to include the effective date of any amendment thereto.

(71) EMERGENCY. An unforeseen combination of circumstances, or the resulting state that calls for immediate actions.

(72) ENGINEERING DEPARTMENT RULES AND REGULATIONS. City of Napoleon Engineering Rules and Regulations CNER98-1, and to the extent permitted by law, means the most current amendment thereto.

(73) ENTERTAINMENT AND SPECTATOR SPORT FACILITIES. A structure or facility for the presentation of performing arts, including indoor motion picture theaters, theaters for live performances and indoor and outdoor concert halls, athletic and other events to spectators. Entertainment and spectator complexes includes restaurants as an accessory use. Entertainment and spectator complexes does not include places for adult entertainment.

(74) ESSENTIAL SERVICES. THE ERECTION, CONSTRUCTION, ALTERATION OR MAINTENANCE BY PUBLIC UTILITIES OR MUNICIPAL OR OTHER GOVERNMENTAL AGENCIES OF UNDERGROUND OR OVERHEAD GAS, ELECTRICAL, STEAM, OR WATER TRANSMISSION OR DISTRIBUTION SYSTEMS; COLLECTION, COMMUNICATION, SUPPLY OR DISPOSAL SYSTEMS INCLUDING POLES, WIRES, MAINS, DRAINS, SEWERS, PIPES,

TRAFFIC SIGNALS, HYDRANTS AND OTHER SIMILAR EQUIPMENT AND ACCESSORIES IN CONNECTION THEREWITH, NOT INCLUDING BUILDINGS, WHICH ARE NECESSARY FOR THE FURNISHING OF ADEQUATE SERVICE BY SUCH PUBLIC UTILITIES OR MUNICIPAL OR OTHER GOVERNMENTAL AGENCIES FOR THE PUBLIC HEALTH, SAFETY, OR GENERAL WELFARE.

~~(74)~~ (75) EXCAVATION OF SAND, GRAVEL, CLAY, STONE & TOPSOIL FACILITY. Business duly engaged in the extraction, excavation, fill, or grading for any purpose of gravel, soil, sand, stone, rock, clay or topsoil.

~~(75)~~ (76) FAMILY. Persons related by blood or marriage living together as a single house keeping unit or up to six (6) unrelated persons living together as a single house keeping unit.

~~(76)~~ (77) FARM MARKETS & STANDS. An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and craft items, and food and beverages (but not to include second hand goods) dispensed from booths located on site.

~~(77)~~ (78) FILLING STATION. Buildings and premises where fuel may be supplied and dispensed.

~~(78)~~ (79) FLOODPLAIN. Any land area susceptible to be inundated by water from the base flood. As used in this Planning and Zoning Code, the term refers to that area designed as subject to flooding from the base flood (100 year flood) on the "flood boundary and floodway map" prepared by the U.S. Department of Housing and Urban Development, a copy of which is on file in the Zoning Department.

~~(79)~~ (80) FLOODWAY. The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1') foot. As used in this Planning and Zoning Code, the term refers to that area designated as a floodway on the "flood boundary and floodway map" prepared by the U.S. Department of Housing and Urban Development, a copy of which is on file in the Zoning Department.

~~(80)~~ (81) FLOOR AREA (GROSS). The total gross area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage. Floor area is synonymous with gross floor area.

~~(81)~~ (82) FOOD PROCESSING. The preparation, processing, or canning and packaging of food products.

~~(82)~~ (83) FRONTAGE. All the property on one (1) side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one (1) side between an intersecting street and the dead end of the street.

~~(83)~~ (84) FRONT LINE OF BUILDINGS. The line of the face of the building nearest the front lot line.

~~(84)~~ (85) FRONT LOT LINE. That boundary of a lot which abuts a public street, or where no public street exists, abuts a private road. On a "through lot" both street lines are deemed to be front lot lines.

~~(85)~~ (86) FRONT YARD. The area extending across the full width of the lot and lying between the front lot line and a line parallel thereto, and having a distance between them equal to the required front yard depth as prescribed for each zoning district. Front yards shall be measured by a line at right angles to the front lot line, or by the radial line in the case of a curved front lot line. On corner lots, the front yard shall be the yard which abuts on the narrowest street frontage on the lot.

~~(86)~~ (87) FUNCTIONAL EQUIVALENT FAMILY. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing non-transient domestic character and who are living and cooking as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

~~(87)~~ (88) GRADE. For buildings having walls adjoining one (1) street only. The elevation of the sidewalk at the center of the wall adjoining the street.

A. For buildings having walls adjoining more than one (1) street. The average of the elevation of the sidewalk at the center of all walls adjoining the streets.

B. For buildings having no wall adjoining the street -- the average level of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.

C. Street grade - the elevation of the pavement measured at the centerline intersection of two (2) streets.

~~(88)~~ (89) GROCERY STORES. Stores where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores.

~~(89)~~ (90) GROUND FLOOR AREA. The area of a building within its largest outside dimensions computed on a horizontal plane at the ground floor level, exclusive of open porches, breezeways, terraces, garages, and exterior stairways.

~~(90)~~ (91) GSF. Gross square feet.

~~(91)~~ (92) HEIGHT OF BUILDING. The vertical distance measured from the ground level to the highest point of the roof for a flat roof; to the deck line of a mansard roof; and to the mean height between eaves and ridges for gable, hip, and gambrel roofs.

~~(92)~~ (93) HIGH-VOLUME TRAFFIC GENERATION. Large amounts of traffic generated by an establishment as it relates to traffic flow in the immediate area.

~~(93)~~ (94) HISTORIC DESIGN REVIEW GUIDELINES: The building construction and building rehabilitation criteria derived from local historical and architectural information and reflecting the Secretary of the Interior's standards for rehabilitation to be used by the Preservation Commission in considering certificate of appropriateness applications.

~~(94)~~ **(95)** HISTORIC RESOURCE: A publicly or privately owned building of historic significance, eligible for listing or already listed on the National Register of Historic Places, thus deserving protection.

~~(95)~~ **(96)** HISTORIC SIGNIFICANCE: Attributes of a building or district that possess integrity of location, setting, design, materials, workmanship, and association with:

- A. Events that have made a significant contribution to the broad patterns of history, or
- B. Persons significant in the past,
- C. Architectural characteristics of a type, period, or method of construction, or
- D. Have yielded or may be likely to yield information in prehistory or history.

~~(96)~~ **(97)** HOME. Same as dwelling.

~~(97)~~ **(98)** HOME OCCUPATION. Occupations or activity regularly engaged in for personal monetary gain and meeting all of the following standards:

- A. The home occupations conducted within a dwelling that is the bona fide residence of the principal practitioner or in an accessory building thereto which is normally associated with residential use. The home occupation is carried on wholly indoors and should be imperceptible from off the premise;
- B. Having no signs or displays of any sort in connection with a home occupation;
- C. Having no commodities, merchandise or wares of any kind being sold or distributed on the premises;
- D. Having only those persons residing on the premises as employees of the home occupation;
- E. Having no exterior storage, dumping or burial on the premises of materials or refuse resulting from the operation of the home occupation;
- F. Having no equipment or process being used in the home occupation which creates noise, vibration, glare, fumes, odors, dust, or electrical interference that is excessive or otherwise inconsistent with typical residential uses; and,
- G. Having no additional parking demand or increase in traffic or congestion in the public right-of-way above that normally experienced in a residential neighborhood.

(99) HOSPITAL. FACILITIES PROVIDING MEDICAL OR SURGICAL CARE TO PATIENTS AND OFFERING INPATIENT (OVERNIGHT) CARE.

~~(98)~~ **(100)** HOSPITALITY FACILITIES. Lodging facilities with full service dining facilities that may include meeting rooms, conference facilities and other site and building amenities catering to lodging occupants.

~~(99)~~ **(101)** HOTEL. An establishment that furnishes lodging and sometimes meals, entertainment and various personal services for the public.

(102) INSTITUTIONAL USE. A USE THAT PROVIDES A PUBLIC SERVICE AND IS OPERATED BY A FEDERAL, STATE OR LOCAL GOVERNMENT, PUBLIC OR PRIVATE UTILITY, PUBLIC OR PRIVATE SCHOOL OR COLLEGE, TAX-EXEMPT ORGANIZATION, AND/OR A PLACE OF RELIGIOUS ASSEMBLY. EXAMPLES INCLUDE: PUBLIC AGENCY, PUBLIC SAFETY AND EMERGENCY SERVICES, ESSENTIAL AND UTILITY SERVICES, CULTURAL, SERVICE AND RELIGIOUS FACILITIES, PUBLIC/PRIVATE HEALTH FACILITIES OR OTHER SIMILAR USES.

~~(100)~~ ***(103)*** JUNK YARD. An establishment or place of business that is maintained or operated for the purpose of storing, keeping, buying, or selling junk. For the purposes of this Planning and Zoning Code, the term "junk yard" also includes scrap metal processing facilities and salvage yards.

~~(101)~~ ***(104)*** JURISDICTION. The corporate limits of the City of Napoleon, Ohio, and those other areas of jurisdiction authorized by law.

~~(102)~~ ***(105)*** KENNELS. Any lot or premises on which five (5) or more dogs, cats or other household pets, or combination thereof, are either permanently or temporarily boarded.

~~(103)~~ ***(106)*** LAND AREA. When gross, meaning the area contained within the boundaries of a parcel of land; when net, meaning the area contained within the boundaries of a parcel of land after deducting dedicated rights of way or private roads and access easements.

~~(104)~~ ***(107)*** LATTICE. A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation.

~~(105)~~ ***(108)*** LABORATORIES. A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for manufacture or sale of products, except as incidental to the main purpose of the laboratory.

~~(106)~~ ***(109)*** LIVESTOCK. Farm type animals or poultry kept or raised for use, pleasure or profit, such as chickens, turkeys, pigs, goats, sheep, horses, buffalo, cattle, and the like, kept or raised as one or many.

~~(107)~~ ***(110)*** LOADING AND UNLOADING AREA. That portion of the vehicle accommodation area used to satisfy the requirements of the parking sections of this Planning and Zoning Code.

~~(108)~~ ***(111)*** LOT. A portion of a subdivision or other parcel of land intended as a unit for transfer or ownership or for development. Lot includes the word parcel and when the context demands, the word plat. When the context demands, also means a portion of land.

~~(109)~~ ***(112)*** LOT AREA. The total area circumscribed by the boundaries of a lot, except that:

A. When the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line

cannot be determined, a line running parallel to and thirty (30') feet from the center of the traveled portion of the street; and,

B. In a residential district, when a private road that serves more than three (3) dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.

~~(110)~~ (113) LOT COVERAGE. The total ground area of a lot, usually expressed as a percentage of the lot area that is covered, occupied, or enclosed by principal and accessory buildings or structures.

~~(111)~~ (114) LOT OF RECORD. A lot which is part of a duly recorded plat of a subdivision; or, a parcel of land which has been conveyed by the identical description by deed or record recorded prior to; or, a parcel of land conveyed by a deed or record, if, on the date of the recording of said deed, such parcel met all the requirements of this Planning and Zoning Code or regulations then in effect.

~~(112)~~ (115) LOW-VOLUME TRAFFIC GENERATION. Small amounts of traffic generated by an establishment as it relates to traffic flow in the immediate area.

~~(113)~~ (116) MANUFACTURED HOME(S). A dwelling unit that:

A. Is not constructed in accordance with the standards set forth in the state or local building code applicable to site built homes; and,

B. Is composed of one (1) or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; and,

C. Exceeds forty (40') feet in length and eight (8') feet in width, or,

D. Regardless of the above is classified as a manufactured home, Class A, B or C.

~~(114)~~ (117) MANUFACTURED HOME, CLASS A. A manufactured home, also referred to as mobile home, Class A, constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

A. The home has a length not exceeding four (4) times its width; and,

B. The pitch of the home's roof has minimum vertical rise of one (1') foot for each five (5') feet of horizontal run, and the roof finished with a type of shingle that is commonly used in standard residential construction; and,

C. The exterior siding consists of wood, vinyl, hardboard, aluminum, (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the external siding commonly used in standard residential construction; and,

D. A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home; and,

E. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the foundation and before occupancy.

~~(115)~~ (118) MANUFACTURED HOME, CLASS B. A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a Class A manufactured home. Also referred to as a mobile home, Class B.

~~(116)~~ (119) MANUFACTURED HOME, CLASS C. Any manufactured home that does not meet the definitional criteria of Class A or Class B manufactured home. Also referred to as a mobile home, Class C.

~~(117)~~ (120) MANUFACTURED HOME PARK. A residential use in which more than one (1) manufactured home is located on a single lot. Also may mean a mobile home park.

~~(118)~~ (121) MANUFACTURING, GENERAL. Manufacturing, processing or assembling of materials in a manner that would create any of the commonly recognized nuisance conditions or characteristics described below in the manufacturing, light definition.

~~(119)~~ (122) MANUFACTURING, LIGHT. Production, processing, assembling, packaging, or treatment of food and non-food products; or manufacturing and/or assembly of electronic instruments and equipment and electrical devices. These facilities should involve limited outside storage of materials, not require federal air quality discharge permits, and be compatible with any contiguous or nearby residential uses because there are few or no offensive nuisance conditions that are detectable from the boundaries of the subject property, such as, but not limited to:

- A. Continuous, frequent or repetitive noises or vibrations;
- B. Noxious or toxic fumes, odors or emissions;
- C. Electrical disturbances; or,
- D. Night illumination into residential areas.
- E. Exceptions: Noise and vibrations from temporary construction;

noise from vehicles or trains entering or leaving the site; noise and vibrations occurring less than fifteen (15) minutes per day; and noise detectable only as part of a composite of sounds from various off-site sources.

~~(120)~~ (123) MARGINAL ACCESS STREETS. Streets that are parallel to and adjacent to an arterial street and that are designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial streets is not impeded by the direct driveway access from a large number of abutting properties.

~~(121)~~ (124) MASSAGE/ RELAXATION ESTABLISHMENT - An establishment that for profit uses touch through rubbing or kneading of parts of the body to aid circulation, relax the muscles, or provides sensual stimulation or therapy; or, an establishment that through other means such as fragrance, provides a means for relieving stress.

~~(122)~~ (125) MASTER PLAN. The plan of the City, or any of its parts, for the orderly development of the City, including all parts thereto, including the Thoroughfare Plan. Also, may include the Official Zone Map. To the extent permitted by law, means

the most current adopted Master Plan. Master Plan as used in this Planning and Zoning Code also means the City's Comprehensive Plan.

~~(123)~~ (126) MICROWAVE RECEIVING ANTENNA. A dish shaped device greater than thirty-nine (39") inches in diameter designed to receive signals transmitted from ground mounted transmitters.

~~(124)~~ (127) MINIMUM LOT AREA. That area of a lot in any zoning district, exclusive of the area of any street, road, or access easement on or across such lot.

~~(125)~~ (128) MONOPOLE. A support structure constructed of a single, self supporting hollow metal tube securely anchored to a foundation.

(129) MORTUARIES. AN ESTABLISHMENT PROVIDING SERVICES SUCH AS PREPARING THE HUMAN DEAD FOR BURIAL AND ARRANGING AND MANAGING FUNERALS AND MAY INCLUDE LIMITED CARETAKER FACILITIES. THIS CLASSIFICATION EXCLUDES CEMETERIES, CREMATORIUMS AND COLUMBARIUMS.

~~(126)~~ (130) MOTEL. An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot, and designed primarily for use by tourists and that furnishes customary hotel services.

~~(127)~~ (131) MULTI-FAMILY DWELLINGS. A multi-family residential use other than a multi-family conversion or multi-family townhouse.

~~(128)~~ (132) MULTI-FAMILY CONVERSION. A multi-family dwelling containing not more than four (4) dwelling units and which results from the conversion of a single building containing at least two thousand square feet of gross floor area that was originally designed, constructed, and occupied as a single-family dwelling.

~~(129)~~ (133) NEIGHBORHOOD BUSINESS LESS THAN 10,000 SQUARE FEET. Establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages and limited household supplies. Neighborhood stores does not include fuel pumps or the selling of fuel for motor vehicles. Typical uses include neighborhood markets and small retail outlets.

~~(130)~~ (134) NEIGHBORHOOD UTILITIES FACILITIES. Utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.

~~(131)~~ (135) NOISE. Any sound that annoys, endangers or injures the safety or health of humans or animals, annoys or disturbs a reasonable person of normal sensitivities, or endangers or injures personal or real property.

~~(132)~~ (136) NONCONFORMING LOT. A lot existing on or before the effective date of this Planning and Zoning Code (and not created for the purposes of evading the restrictions of this Planning and Zoning Code) that does not meet the minimum area requirement of the district in which the lot is located.

~~(133)~~ (137) NONCONFORMING PROJECT. Any structure, development or undertaking that is incomplete on the effective date of this Planning and Zoning Code and

would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

~~(134)~~ (138) **NONCONFORMING USE.** An existing use of land or building which fails to comply with the requirements set forth in this Planning and Zoning Code applicable to the district in which such use is located or, a situation that occurs when, on the effective date of this Planning and Zoning Code, an existing lot or structure or use of an existing lot or structure does not conform to one (1) or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming use may arise because a lot does not meet minimum square footage/acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such case matters as density and setback requirements) is not in conformity with this Planning and Zoning Code, or because land or buildings are used for purposes made unlawful by this Planning and Zoning Code. Nonconforming signs, unless specific to an overlay district, are not regarded as nonconforming uses for purposes of this Planning and Zoning Code, but are governed by provisions of Chapter 1335.

~~(135)~~ (139) **NURSERY/GREENHOUSE.** A space, building or structure, or combination thereof, for the storage of live trees, shrubs, flowers or plants offered for retail sale on the premises including products used for gardening or landscaping.

~~(136)~~ (140) **NURSING CARE INSTITUTION.** An institutional facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to more than nine (9) persons.

~~(137)~~ (141) **OFFICE.** A building or part thereof where a professional person conducts his or her professional business, or where it is the directing headquarters of a business or enterprise, having work such as clerical, bookkeeping, records, or consulting.

~~(138)~~ (142) **OIL AND GAS WELLS.** Any perforation through the earth's surface designated to find and release both petroleum oil and gas hydrocarbons.

~~(139)~~ (143) **OPEN SPACE.** The total horizontal area of a lot excluding the building area, but including parking areas and recreational areas.

~~(140)~~ (144) **ORIGINAL PLANNING AND ZONING CODE.** Means the Zoning Code in existence prior to July 17, 1995 or any amendment thereto that existed prior to July 17, 1995.

~~(141)~~ (145) **OUTSIDE STORAGE.** Any premises not indoors used for the temporary storage of household goods or personal items which is placed on a site for the use of the occupants of a dwelling or building for a limited period of time.

~~(142)~~ (146) **PARKING SPACE.** A portion of the vehicle accommodation area set aside for the parking of one (1) vehicle.

~~(143)~~ (147) **PERMITTED USE(S).** Permitted use(s) are those allowed as of right and as expressly permitted by this Planning and Zoning Code, provided the landowner meets all other local, state and federal requirements.

~~(144)~~ (148) **PERSON.** An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

~~(145)~~ (149) PERSONAL SERVICES. An establishment or place of business primarily engaged in the provisions of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty and nail salons, licensed massage establishment, barbershops, shoe repair shops, tailor shops, laundromats and dry cleaners.

~~(146)~~ (150) PERSONAL WIRELESS SERVICES. Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by federal law at 47 U.S.C. §332(c)(7).

~~(147)~~ (151) PLANT CULTIVATION. The cultivation of crops, fruit trees, nursery stock, truck garden products and similar plant materials outside of structures, such as greenhouses, but not including such plant cultivation as is conducted on residential properties for the primary benefit of the resident family.

~~(148)~~ (152) PLANNED APARTMENT DEVELOPMENT (PAD). A development constructed on a tract of land of a minimum acreage requirement and developed as a multi-apartment complex.

~~(149)~~ (153) PLANNED CLUSTER DEVELOPMENT (PCLD). A development constructed on a tract of land of a minimum acreage requirement and having a minimum number of dwelling units contained within and having a minimum number of principal buildings.

~~(150)~~ (154) PLANNED COMMERCIAL DEVELOPMENT (PCD). A development constructed on a tract of land of a minimum acreage requirement and having a minimum number of principal buildings and a maximum number of commercial establishments within a single building.

~~(151)~~ (155) PLANNED DEVELOPMENT (PD). A Planned Apartment Development, Planned Cluster Development, Planned Commercial Development, and Planned Residential Development.

~~(152)~~ (156) PLANNED RESIDENTIAL DEVELOPMENT (PRD). A development constructed on a tract of not less than five (5) acres of land under single ownership, planned and developed as an integral unit, and consisting of single-family detached dwellings combined with either two (2) family dwellings or multi-family dwellings, or both, all developed in accordance with Section 1143.06.

~~(153)~~ (157) PLANNING AND ZONING CODE. Part 11 of the Codified Ordinances commencing with Chapter 1101 and ending with Chapter 1147, both chapters inclusive; also means any newly enacted Planning And/or Zoning Ordinance not currently codified.

~~(154)~~ (158) PLANNING COMMISSION. The Planning Commission of the City of Napoleon, Ohio.

~~(155)~~ (159) PLANNING JURISDICTION. The area within the City's corporate limits as well as the area beyond the City's corporate limits within which the City is authorized to plan for and regulate development.

~~(156)~~ (160) PLAT. A map or chart of a tract or parcel of land.

~~(157)~~ (161) PRESERVATION COMMISSION. A Preservation Commission established pursuant to Chapter 181 of the Codified Ordinances having certain specified powers and duties.

~~(158)~~ (162) PRESERVATION DISTRICT. Clearly identified area(s) designated on the Official Zone Map that contain a significant concentration of historic resources.

~~(159)~~ (163) PRINCIPAL BUILDING. The primary building on a lot or a building that houses a principal use.

~~(160)~~ (164) PRINCIPAL USE. The main use of land or buildings as distinguished from a subordinate or accessory use.

~~(161)~~ (165) PRINTING. An establishment in which the principal business consists of duplicating and printing services using photography, blueprint, or offset printing equipment, including publishing, binding and engraving.

~~(162)~~ (166) PRIVATE ROAD. A private drive or thoroughfare other than a street or alley permanently reserved in order to provide a means of access to a zoning lot.

~~(163)~~ (167) PROPERTY LINES. The lines bounding a zoning lot.

(168) PUBLIC SERVICE FACILITY. ANY BUILDING HELD, USED, OR CONTROLLED EXCLUSIVELY FOR PUBLIC TRANSPORTATION SYSTEMS OR FACILITIES, WATER SYSTEMS OR FACILITIES, WASTEWATER SYSTEMS OR FACILITIES, STORM DRAINAGE SYSTEMS OR FACILITIES, FIRE, POLICE, AND EMERGENCY SYSTEMS OR FACILITIES, PARKS AND RECREATION, ELECTRIC UTILITIES, GAS UTILITIES, CABLE FACILITIES, OR OTHER PUBLIC UTILITIES.

(169) PUBLIC/PRIVATE UTILITY. A PERSON, FIRM, OR CORPORATION, MUNICIPAL DEPARTMENT, BOARD OR COMMISSION DULY AUTHORIZED TO FURNISH AND FURNISHING UNDER GOVERNMENTAL REGULATIONS TO THE PUBLIC: GAS, STEAM, ELECTRICITY, SEWAGE DISPOSAL, COMMUNICATION, TELEGRAPH, TRANSPORTATION OR WATER.

~~(164)~~ (170) PUBLISHING. A commercial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including, but not limited to, off-set printing, lithography, web offset, flexographic and screen process printing.

~~(165)~~ (171) PURELY RESIDENTIAL STRUCTURES. For the sole purpose of Chapter 1138, dwellings used exclusively for residential purposes.

~~(166)~~ (172) REAR LOT LINE. That boundary of a lot which is most distant from, and is most nearly parallel to, the front lot line.

~~(167)~~ (173) REAR YARD. The space area extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projection thereof, other than the projections of uncovered steps, unenclosed balconies, or unenclosed porches. On all lots, the rear yard shall be in the rear of the front yard.

~~(168)~~ (174) REASONABLE ACCOMMODATION USE. Provisions for providing housing opportunities suited to the needs of persons entitled to housing accommodations under law.

~~(169)~~ (175) RECREATIONAL VEHICLES/ EQUIPMENT OUTDOOR SALES. An establishment that sells or stores for sale, in the open, vehicles or equipment used or designed for recreation.

~~(170)~~ (176) RECYCLING CENTER. Any place in which personal property is or may be salvaged for reuse, resale, or reduction or similar disposition, and is owned, possessed, collected, accumulated, dismantled, or sorted, including, but not limited to, used or salvaged metals, paper, glass, plastic, rubber, and the associated processing equipment.

~~(171)~~ (177) REPAIR SERVICES, CONSUMER. Provisions of repair services to individuals and households, but not to firms. Excludes vehicle sales and service uses. Typical uses include appliance repair shops, locksmiths, shoe and apparel repair and musical instrument repair.

~~(172)~~ (178) RESTAURANT CARRY-OUT ONLY. A restaurant at which patrons are served from a counter and the food or beverage is served in disposable containers or wrappers for consumption off the premises.

~~(173)~~ (179) RESTAURANT DRIVE-IN. A restaurant at which any patrons are served from a drive-by window or while within a motor vehicle or where food is consumed within the motor vehicle on the premises.

~~(174)~~ (180) RESTAURANT FAST FOOD. A restaurant at which patrons are served from a counter and the food or beverage is served in disposable containers or wrappers for consumption on or off the premises.

~~(175)~~ (181) RESTAURANT FULL SERVICE. An establishment maintained, operated, and/ or advertised or held out to the public as a place where food and beverages are served to the public on demand from a menu during stated business hours, served in and on reusable containers and dinnerware, to be consumed on the premises primarily inside the building at tables, booths, or counters, with chairs, benches or stools.

~~(176)~~ (182) RESTAURANT OUTDOOR CAFÉ. An outdoor service area as a part of a restaurant.

~~(177)~~ (183) RETAIL BUSINESS. Businesses involved in the sale, lease or rent of new or used products to the general public. This excludes animal services, business equipment sales and services, construction sales and services, food and beverage retail sales, gasoline and fuel sales and vehicle sales and service. Typical uses include department stores, drug stores, apparel stores and furniture stores.

~~(178)~~ (184) ROAD. All ways used to provide motor vehicle access to (i) two (2) or more lots; or, (ii) two (2) or more distinct areas or buildings in developments. As used in this Planning and Zoning Code, may mean depending on the contexts used, either private or public road.

~~(179)~~ (185) ROOMING HOUSE. A residential use, where meals are not provided to its residents, consisting of at least one (1) dwelling unit together with more than two (2) rooms that are rented or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A rooming

house is distinguished from a tourist home in that the former is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guests. A rooming house is distinguished from a boarding house in that meals are not provided to its residents.

~~(180)~~ **(186)** SALVAGE YARD. An establishment or place for the purpose of selling salvage motor vehicle parts and secondarily for the purpose of selling at retail salvage motor vehicles or manufacturing or selling a product of gradable scrap metal. For the purpose of this definition "salvage yard" also means junk yards and scrap metal processing facilities.

~~(181)~~ **(187)** SATELLITE ANTENNA. A dish-shaped device greater than thirty-nine (39") inches in diameter designed to receive signals transmitted from orbiting satellites. Also, an antenna of any size greater than thirty-nine (39") inches in diameter, shape or description designed for the purpose of receiving microwave transmissions from satellites.

~~(182)~~ **(188)** SCRAP METAL PROCESSING FACILITIES. Establishments or places having facilities processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for remelting purposes. For the purpose of this definition "scrap metal processing facilities" also means junk yards and salvage yards.

~~(183)~~ **(189)** SCREENING. Acceptable things or material that adequately protects against injury or danger, or when the context demands, acceptable things or material that adequately shields the view from others.

~~(184)~~ **(190)** SECRETARY OF THE INTERIOR'S STANDARDS. Ten standards first developed by the Department of the Interior to evaluate proposed treatments of historic properties and to ensure that work affecting a historic property would be consistent with the character of the building and the district in which it is located.

~~(185)~~ **(191)** SELF- SERVICE STORAGE. A facility designed and used for the temporary storage of household goods or personal items which is placed on a site for the use of the occupants of a dwelling or building for a limited period of time.

~~(186)~~ **(192)** SEMI-TRUCK VEHICLES. Are truck tractors designed to pull a freight trailer.

~~(187)~~ **(193)** SERVICE STATION. A building or premises used for the retail sale of fuel (stored only in underground tanks and to be dispensed from fixed equipment), lubricants, air, water and other commodities designed for motor vehicles, aircraft and boats. Such an operation includes space and facilities for selling, installing, or adjusting tires, batteries, parts and accessories within a completely enclosed building provided that such repair and installation are of minor auto repair nature and may include accessory convenience store merchandise primarily sold to patrons purchasing gasoline and/or services.

~~(188)~~ **(194)** SEXUALLY ORIENTED BUSINESS. A business establishment providing entertainment or products of a sexual nature.

~~(189)~~ **(195)** SHOPPING CENTER. A single piece of real estate containing more than three (3) commercial establishments and a total business space of more than

three thousand two hundred (3,200) square feet planned, constructed and managed as a total entity with customer and employee parking provided on site.

~~(190)~~ (196) SIDE LOT LINE. Any boundary of a lot which is not a front lot line or a rear lot line.

~~(191)~~ (197) SIDE YARD. The space area between the main buildings and the side line of the lot and extending from the required front yard building setback line to the required rear yard building setback line and being the minimum horizontal distance between a side lot line and the side of the main buildings, or any projections thereto.

~~(192)~~ (198) STORY. That portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be the story.

~~(193)~~ (199) STREET. A right-of-way, dedicated to and accepted for the public use or, declared as such by a governmental authority having ownership or control thereof, which affords the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, place, or other appropriate name. A street may also be identified according to type of use, as follows:

A. ARTERIAL STREETS. Those streets designated in the Thoroughfare Plan for large volumes of traffic movement. Certain arterial streets may be classified as business streets to serve congested business sections, and others as limited access highways to which entrances and exits are provided only at controlled intersections, with access denied to abutting properties.

B. FEEDER STREETS. Those streets designated in the Thoroughfare Plan as important streets to facilitate the collection of traffic from residential streets, to permit circulation within neighborhood areas and to provide convenient ways for traffic to reach arterial streets.

C. RESIDENTIAL STREETS. Those streets not designated in the Thoroughfare Plan as arterial or feeder streets. When they are designed for the primary purpose of providing access to abutting property on one (1) side only, they are identified as marginal access streets. Another type of residential street is a cul-de-sac.

D. LOCAL STREET. A street that has a sole function to provide access to abutting properties. It serves or is designed to serve at least ten (10) but not more than twenty-five (25) dwelling units and is expected to or does handle between seventy-five (75) and two hundred (200) trips per day.

~~(194)~~ (200) STRUCTURE. Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground.

~~(195)~~ (201) STRUCTURAL ALTERATION. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the exterior walls or the roof.

~~(196)~~ (202) SUBDIVIDER. Any person engaged in subdivision of land within the jurisdiction of the City.

~~(197)~~ (203) SUBDIVISION.

A. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll into two (2) or more parcels, sites, or lots, any one (1) of which is less than five (5) acres for the purpose, whether immediate or future; or,

B. The improvement of one (1) or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land, for the opening, widening, or extension of any street, except private streets or private roads serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.

~~(198)~~ (204) SUBDIVISION, MINOR. A subdivision that does not involve any of the following:

A. The creation of more than a total of three (3) lots; or,

B. The creation of any new public streets.

~~(199)~~ (205) TECHNICALLY SUITABLE. The location of a wireless telecommunication antenna(s) reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the antenna(s) has been licensed by the Federal Communications Commission (FCC) to operate without a significant loss of communication capability within developed areas of the City.

~~(200)~~ (206) TELECOMMUNICATION(S). The technology that enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or magnetic systems and includes the term "personal wireless services".

~~(201)~~ (207) TEMPORARY EMERGENCY CONSTRUCTION, OR REPAIR DWELLING. A dwelling (Which may be a manufactured home) that is:

A. Located on the same lot as a dwelling made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster; or,

B. Located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site.

~~(202)~~ (208) THROUGH LOT. A lot having a pair of opposite lot lines along two (2) more or less parallel public streets, and which is not a corner lot.

~~(203)~~ (209) THOROUGHFARE PLAN. A part of the master plan, which sets forth the location, alignment, dimensions, identification, and classification of existing and proposed public streets, highways, and other thoroughfares.

~~(204)~~ (210) TOURIST HOME. A building in which one (1) but not more than five (5) rooms are used to provide or offer overnight accommodations to transient guests for compensation.

~~(205)~~ (211) TOWER. Any structure typically higher than its diameter and high relative to its surroundings having a principal function to support an antenna, windmill or other fixed object.

~~(206)~~ (212) TRACT. A lot (see lot). The term tract is used interchangeably with the term lot, particularly in the context of subdivisions, where one (1) "tract" is subdivided into several "lots".

~~(207)~~ (213) TRANSPORT & TRUCKING. Any premises used by a motor freight company as a carrier of goods, which is the origin or destination point of goods being transported, for the purpose of storing, transferring, loading and unloading goods.

~~(208)~~ (214) TRAVEL TRAILER. A structure that:

A. Is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle); and,

B. Is designed for temporary use as sleeping quarters but that does not satisfy one (1) or more of the definitional criteria of a manufactured home.

~~(209)~~ (215) USE. The activity or function that actually takes place or is intended to take place on a lot.

~~(210)~~ (216) USE PERMIT. A permit that may be issued by the City which authorizes the recipient to make use of property in accordance with the requirements of this Planning and Zoning Code as well as any additional requirements imposed by the City, commonly referred to as a "conditional" use permit.

~~(211)~~ (217) UTILITY FACILITIES. Any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose by (the appropriate provision of state law) and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. Excepted from this definition are utility lines and supporting structures declared in this Planning and Zoning Code to be a permissible use.

~~(212)~~ (218) VARIANCE. A grant of permission by the applicable zoning administrator, board, or commission, or Council, that due to hardship or when in the best interest of the community, authorizes the recipient to do that which, according to the strict letter of this Planning and Zoning Code, the recipient could not otherwise legally do. A variance should not to be construed to mean a conditional use permit.

~~(213)~~ (219) VEHICLE(S). Means every device, in, upon, or by which any person or property may be transported or drawn upon a highway, except motorized wheelchairs, devices moved by power collected from overhead electric trolley wires or used exclusively upon stationary rails or tracks and devices other than bicycles moved by human power.

~~(214)~~ (220) VEHICLE ACCOMMODATION AREA. That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas.

~~(215)~~ (221) VIBRATION. Earthborne vibrations from any operation, activity, or land use.

~~(216)~~ (222) WAREHOUSING. Wholesale, storage and warehousing services within enclosed structures.

~~(217)~~ (223) WHOLESALE BUSINESS. A business that sells products meant for resale by the purchaser.

~~(218)~~ (224) WIND GENERATOR (TURBINE). A device which is placed outside of a structure that is used for the generation of electricity through the use of

propellers or turbine blades or, which means a wind operated device used to generate electricity or produce water acting on oblique vanes or sails that radiate from a horizontal shaft; also may include a windmill.

~~(219)~~ (225) WIRELESS TELECOMMUNICATION ANTENNA OR "ANTENNA" OR "ANTENNA ARRAY". As used in Section 1127.21, means the physical device or array of physical devices through which an electromagnetic, wireless telecommunication signal authorized by the FCC is transmitted or received. Antennas used by amateur radio operators are excluded from this definition as it relates to Section 1127.21 of this Planning and Zoning Code.

~~(220)~~ (226) WIRELESS TELECOMMUNICATION EQUIPMENT SHELTER OR "EQUIPMENT SHELTER". As used in Section 1127.21, means the structure or cabinet in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

~~(221)~~ (227) WIRELESS TELECOMMUNICATION FACILITY OR "FACILITY". As used in Section 1127.21, means a facility consisting of the equipment, towers, and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines for the provision of personal wireless services.

~~(222)~~ (228) WIRELESS TELECOMMUNICATION TOWER OR "TOWER". As used in Section 1127.21, means any structure, other than a building, that elevates the wireless telecommunication antenna and may include accessory transmission and receiving equipment.

~~(223)~~ (229) WHOLESALE SALES. On-premises sales of goods primarily to customers engaged in the business of reselling the goods, or an article involved in creating a finished product.

~~(224)~~ (230) YARD. An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portions of a structure from the ground upward.

~~(225)~~ (231) ZONING. To partition land by ordinance into sections which may be reserved for different uses.

~~(226)~~ (232) ZONING ADMINISTRATOR. Such officer as may be designated from time to time by the City Manager. Such officer who is the administrative officer of this Planning and Zoning Code and who shall, in furtherance of such authority carry out the duties described in the City's Administrative Code; also called "Administrator".

~~(227)~~ (233) ZONING LETTER. A letter indicating the Zoning Administrator's interpretation or decision regarding any section of this Planning and Zoning Code.

~~(228)~~ (234) ZONING LOT. A single tract of land located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built on as a unit under single ownership or control. Therefore, a "zoning lot" may or may not coincide with a lot of record.

~~(229)~~ (235) ZONE MAP. A map entitled "Napoleon, Ohio, Zone Map 2006", and to the extent permitted by law, any amendments thereto.

~~(230)~~ (236) ZONING CODE. The portion of the Codified Ordinances beginning with Chapter 1105 and ending with Chapter 1147, both chapters inclusive; also means any newly enacted Zoning Ordinance not currently codified. The Planning and Zoning Code of the City.

~~(231)~~ (237) ZONING ORDINANCE. A duly passed ordinance related to the zoning of the City.

~~(232)~~ (238) ZONING PERMIT. A permit issued by the Zoning Administrator that authorizes the recipient to make use of property in accordance with the requirements of this Planning and Zoning Code.

(Ord. 074-10. Passed 12-20-10.)

Section 3. That, Section 1145.01 of the Planning and Zoning Code for the City of Napoleon, shall be amended and enacted to remain essentially the same with the exception that the Table of Permissible Uses shall be amended to include the “Institutional” table, as outlined below:

Institutional	Residential				Commercial					Industrial	
	R1	R2	R3	R4	C1	C2	C3	C4	C5	I1	I2
Cemetery	C	C	C	C	C		C	C	C	C	C
Child Day Care Centers				C	P		P	P	P		
Clubs, Lodges, Fraternal and Civic Assembly				C	P		P	P	P		
Convalescent and Nursing Homes				C	P		P	P	P		
Essential Services	P	P	P	P	P		P	P	P	P	P
Hospital					P		P	P	P		
Institutional Use			C	C	P		P	P	P	P	
Mortuaries and Funeral Homes			C	C	P		P	P	P		
Public and Private Schools			C	C	P		P	P	P		
Public Service Facility	P	P	P	P	P		P	P	P	P	P

Wireless Telecommunication Facilities											C	C
---	--	--	--	--	--	--	--	--	--	--	---	---

Section 4. That, Sections 1101.01 and 1145.01 of the as existed prior to the enactment of this Ordinance shall be repealed.

Section 5. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 6. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

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

Passed: _____

John A. Helberg, Council President

Approved: _____

Ronald A. Behm, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 042-13 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

ORDINANCE NO. 045-13

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

WHEREAS, the City of Napoleon desires to establish a utility "caring Fund" to assist needy Napoleon utility customers with the payment of their Napoleon utility bills; and,

WHEREAS, the City desires to fund that program by establishing a utility billing "Rounding-Up" program so that monies will be available to assist Napoleon utility customers with the payment of those bills; now therefore,

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

Section 1. That, the City of Napoleon does hereby establish a utility "Caring Fund" to assist needy Napoleon utility customers with the payment of their Napoleon utility bills.

Section 2. That, the City of Napoleon does hereby establish a utility billing "Rounding-Up" program for its utility bills, which means that each bill of any City of Napoleon utility customer opting into the program will be "rounded-up" to the next whole dollar.

Section 3. That, all monies generated as a result of the City of Napoleon utility billing "Rounding-Up" program, and any other donations received for the same purpose, shall be deposited into a separate caring fund which shall be called the City of Napoleon "Caring Fund", and said funds shall be kept by the City of Napoleon, or contracted out to a third party for holding in trust and/or expensed, either as deemed by the City's Finance Director.

Section 4. That, all monies deposited into the City of Napoleon "Caring Fund" shall be utilized to assist needy Napoleon utility customers with the payment of their City of Napoleon utility bills.

Section 5. That, any City of Napoleon utility customer that does desire to participate in the City of Napoleon utility billing "Rounding-Up" program shall have the right to "opt in" the program. The City Finance Director shall establish regulations relating to the program.

Section 6. That, the City of Napoleon utility billing "Rounding-Up" program shall commence with the December, 2013, utility bills.

Section 7. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal

requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 8. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 9. That, upon passage, this Ordinance shall take effect at the earliest time permitted by law.

Passed: _____

John A. Helberg, Council President

Approved: _____

Ronald A. Behm, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 045-13 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

RESOLUTION NO. 046-13

**A RESOLUTION AUTHORIZING THE CITY MANAGER AND/
OR THE CITY FINANCE DIRECTOR TO ENTER INTO AN
AGREEMENT WITH NORTHWESTERN OHIO COMMUNITY
ACTION COMMISSION, INC. FOR PROFESSIONAL SERVICES
REGARDING THE ADMINISTRATION OF THE CARING FUND**

WHEREAS, the City of Napoleon desires to establish a Caring Fund to assist needy City of Napoleon utility customers with the payment of their City of Napoleon utility bills; and,

WHEREAS, this City of Napoleon has established a utility "Rounding-Up" program; and,

WHEREAS, the City is now desirous of entering into an agreement with Northwestern Ohio Community Action Commission, Inc. for their professional services to administer the Caring Fund, Now Therefore,

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

Section 1. That, the City Manager and/or the City Finance Director is authorized to enter into an agreement with Northwestern Ohio Community Action Commission, Inc. for their professional services to administer the Caring Fund.

Section 2. 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 3. 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 4. That, this Resolution 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. 046-13 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

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF NAPOLEON AND
NORTHWEST OHIO COMMUNITY ACTION COMMISSION, INC.
REGARDING ADMINISTRATION OF THE CARING FUND**

1. The City of Napoleon hereby contracts with Northwest Ohio Community Action (hereinafter referred to as "NOCAC") to certify low to moderate income residents who have a City utility shut-off (disconnect) notice and meet income guidelines to receive utility assistance through the City of Napoleon Caring Fund.

2. The NOCAC will use an intake process that is consistent with that used for our other emergency assistance programs. All applicants must show proof of identity, a Napoleon City utility customer and family income. In addition, they must supply utility shut-off (disconnect) notices, relevant bills, and information on payment history. Attached as Exhibit A, are the General Guidelines to be utilized for the application process.

3. After the application process is complete and the Napoleon City utility customer is approved for assistance from the Caring Fund, NOCAC will notify the City when use of the Caring Fund is utilized to cover a designated amount of the Napoleon City utility customer's utility bill.

4. NOCAC will keep appropriate records, similar to those used for other NOCAC emergency assistance programs.

5. NOCAC 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. City to forward monies monthly to NOCAC representing funds received from the "Rounding-Up" program or other donations.

7. NOCAC will maintain funds in a separate bank account, and will provide monthly reconciliation statements to the City.

8. This contract may be terminated by either party upon thirty (30) days written notice.

For Northwest Ohio Community Action Commission, Inc.:

Executive Director

Date:

For the City of Napoleon:

Dr. Jon A. Bisher
City Manager

Date:

Approved as to form and correctness:

Trevor M. Hayberger
City Law Director

EXHIBIT A
GENERAL GUIDELINES FOR USE OF CARING FUND MONIES
FOR THE CITY OF NAPOLEON

The Caring Fund is an extremely valuable resource for providing utility assistance for City of Napoleon utility customers. Northwest Ohio Community Action Commission, Inc. (hereinafter referred to as "NOCAC") certifies City of Napoleon utility customers who meet income guidelines and have a City utility shut-off(disconnect)notice to receive utility assistance through the City of Napoleon's Caring Fund.

- The City may refer clients to NOCAC.
- NOCAC uses an intake process that is consistent with that used for our other emergency assistance programs. All applicants must show proof of identity, City of Napoleon utility customers and verification of family income. In addition, they must provide utility shut-off (disconnect) notices and any relevant bills, or bill history as requested.
- 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, and other NOCAC programs, unless NOCAC personnel determine that there are extenuating circumstances that would justify an additional payment.
- If appropriate, clients are also referred to other organizations that might be able to provide utility assistance.
- Payment history and accounts receivable information as requested from the City will be provided to NOCAC prior to any disposition of funds.
- Funds are dispensed after a process of consultation between the NOCAC and the client. Final decisions are made prior to shut off dates by NOCAC. 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.

- NOCAC will maintain a monthly log for City of Napoleon utility requests showing what was requested and the disposition of each case.
- NOCAC will keep appropriate records similar to those used for other emergency assistance programs. NOCAC will keep a running tally of dollars expended from the Caring Fund so as to maintain an acceptable balance in the fund at all times.

Napoleon Infrastructure/Economic Development Fund Review Committee

Meeting Minutes

Wednesday, September 11, 2013 at 9:00 AM

PRESENT	
Members	Robert McColley - Chair, Dr. Jon A. Bisher, Gregory J. Heath
Recorder	Barbara Nelson
Others	News Media
ABSENT	
	None
Call To Order	Chairman McColley called the meeting to order at 9:06 am.
Approval Of Minutes	Minutes of the May 2, 2013, meeting stand approved as written.
Bridge Loan Request – Donovan Law Office	<p>Chairman McColley said the purpose of the meeting is to consider a bridge loan request of \$20,000 from John Donovan of Donovan Law Office. Bisher said this is one of many pieces in the project of taking down two buildings on the corner of Main & Perry Streets, owned by Mr. Jones and Mrs. Cain. This has been a long process. We tried to use grant money to fix up the buildings, but all attempts to renovate were unsuccessful. Architects said there was major structural failure in the common wall between the Jones & Cain properties. If we can't fix buildings up, the Downtown Revitalization Grant money can be used for removal of blight and the betterment of downtown by the removal of buildings. The grant people in Columbus agreed to move forward with demolition. The Local Downtown Revitalization group and the Ohio Historical Society gave their permission. There will be engineers inspecting both buildings today to give hard numbers for costs.</p> <p>A piece of this that has nothing to do with taking down the buildings is the third building going from south to north, which is John Donovan's building. It is in good shape, but he must stabilize his foundation as his neighbors are torn down. He will be left with the outside of his building exposed. Under Ohio Historical Society and Downtown Revitalization Grant guidelines the process to be cover that wall is called parge (like plaster). It is not very attractive, but appropriate for the era of the building.</p> <p>John Donovan wants to participate, but said this is not his project and asked why he should pay upfront. The project has been designed so his costs are covered either with grant money or by Jones. To make the process move forward, we proposed a \$20,000 bridge loan from the Infrastructure Fund for building stabilization and reconstruction of the outside of the building once the other two structures are down. We believe 120 days should be sufficient for payback of the money. Either grant money or money from Jones will allow Mr. Donovan to be compensated back for this work.</p> <p>The initial estimate for this project is approximately \$30,000: \$15,000 from grant money and \$15,000 from the Infrastructure Fund. We are requesting \$20,000 from the Infrastructure Fund in case more work is needed for the project. There will also be \$20,000 from grant funds as needed. The money will be paid back to the Infrastructure Fund in a very short term. We believe this is an appropriate use of the Fund because there will be substantial new infrastructure in the City. The intent of the City is that the City will purchase the empty property and move toward enhancing the Main St. parking lot.</p>

This step is an important link to make the whole thing move forward. The City has no way to make Donovan do anything, but he has been very cooperative. Bisher doesn't understand why Donovan is not participating in the initial funding until he is paid back. We have never used the fund for this short of a term. The grant money must be paid out by December 31, 2013.

Heath asked the current balance in the Infrastructure Fund. McColley said \$74,773.54. Heath asked if there are any prior unpaid obligations. McColley said the obligations previously approved are for BrickN'Brew Pub which was already disbursed, and a grant to MDW Enterprises for \$30,000 that has not been disbursed. If the MDW money was disbursed, there would still be \$44,773.54 in the fund.

Heath asked if grant money was not there and the City forced property owners to take their buildings down, how would property owners handle these issues? Bisher said he would guess if the buildings were taken down and Donovan's building was harmed in any way, there would be a lawsuit between building owners. That's why the City has gone to the trouble of securing Downtown Revitalization Grant moneys. Some projects are difficult to get done. It is better if we can help financially to make them happen. Stabilization of Donovan's building and restoration of the outside wall will be paid half by the grant and half by Jones. Cain gets paid for his building and is out of it. Donovan ends up with a building right next to a parking lot in a desirable area of downtown. The City has used grant funds wisely and is not turning them back to the State. We end up with an expanded downtown parking lot that will help businesses/building owners.

Heath asked if it is possible to meet the timeframe of December 31, 2013. Bisher said if the request is approved today and Council approves it, Donovan can start with building stabilization immediately. Half of the bridge loan money will come from the grant and half from the Infrastructure Fund.

**Motion To Grant A
Bridge Loan For
\$20,000 To John
Donovan For 120
Days At 0% Interest**

Motion: Heath Second: Bisher
To grant the bridge loan request of \$20,000 from the Infrastructure Fund to John Donovan or the Donovan Law Office as appropriate
Heath amended his motion and Bisher seconded to add: with a term of 120 days at 0% interest.

**Passed
Yea-2
Nay-0
Abstain-1**

Roll call vote on above amended motion:
Yea- Bisher, Heath
Nay-
Abstain- McColley

Any Other Matters

There were no other matters to come before the Committee at this time.

Motion To Adjourn

Motion: Bisher Second: Heath
To adjourn the meeting at 9:22 am

**Passed
Yea-3
Nay-0**

Roll call vote on above motion:
Yea – McColley, Bisher, Heath
Nay –

Date

Robert McColley, Chair



EMPLOYEE PICNIC

**Monday, September 16th
@ Oberhaus Shelterhouse
11:15 am – 1:15 pm**

City of Napoleon, Ohio

CIVIL SERVICE COMMISSION

LOCATION: Council Chambers, 255 W. Riverview Ave., Napoleon, OH 43545

Meeting Agenda

Monday, September 16, 2013 at 12:00 Noon

1. Approval of Minutes (In the absence of any objections or corrections, the minutes shall stand approved.)
2. Review of Applicant Qualifications for Police Lieutenant Exam:
Greg Smith
Brad Strickland
3. Any other Business to come before the Commission

Gregory J. Heath, Finance Director/Clerk of Council

City of Napoleon, Ohio

TREE COMMISSION

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

Meeting Agenda

Monday, September 16, 2013 at 6:00 PM

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

Gregory J. Heath, Finance Director/Clerk of Council

City of Napoleon, Ohio
TREE COMMISSION

Meeting Minutes

Monday, August 19, 2013 at 6:00 PM

PRESENT

Commission

David Volkman - Chair, Bill Rohrs, Ron Bahler, Kirk Etzler, Anella Huff, Jason Maassel

City Staff

Marty Crossland

Recorder

Barbara Nelson

ABSENT

Members

None

Call To Order

Chairman Volkman called the meeting to order at 6:05 pm.

Approval Of Minutes

Minutes from the May 20 meeting stand approved.

Tree Call Report

See attached report *Service Requests to be Completed*. Crossland said 13 trees were removed due to storm damage. The stumps are still there. Some headstones in the cemetery had to be replaced/fixed. Tony Cotter, Parks & Recreation Director, is submitting a claim to insurance. He will include the cost of trees for \$7,850. Maassel said the value of a good Tree Commission was proved on July 10. All power was restored by 9:30 pm after the storm hit. Tree trimming pays off. Crossland said no City owned trees did any damage to people or property. If insurance does not pay, it will cut our fall list by half.

Crossland said he received several calls about trees that died due to last year's drought and need to be replanted. Four trees on Washington are gone. Three died and one was sheared off by the storm. It was not under warranty. Two trees on High St. were planted last year, but didn't come out this year. They are under warranty. The tri-colored beech planted at Oberhaus Park died. It is under warranty until next spring. This type of tree costs two to three times more than normal trees. Volkman said we planted that as a special request for Arbor Day or another observance.

Etzler reported a maple tree with dead branches on the side of the Presbyterian Church. Crossland added it to the list for removal. Etzler said some trees by the baseball diamond at Riverdowns are struggling and may not make it. Crossland said some people on Riverview want to know when they are getting trees. It will not be until the grass is established there.

Volkman said he spoke with Jim Fitzenreiter. Jim said there are two islands at the entrance to Twin Oaks. He asked if this is City property and if the City would plant something there. Crossland said it is City property. Volkman said there is room for some small ornamental trees there. They would like a couple of trees that are small and easy to maintain. Crossland said they would have a say over what goes in. Maassel asked if there is a variety of small oak tree for Twin Oaks. Crossland said there is no small oak. The City will plant trees and water for 2 years and then it will be up to Twin Oaks. Volkman can ask them what type of tree they want and we will plant in the spring.

Fall Tree Programs

Crossland sent proposals for filling in holes with a cap of \$4,000. He has a list of 119 spots to fill, but expects about 70 will be covered for \$4,000. We will do more of them in the spring.

We can spend another \$2,500 in removals if the insurance doesn't pay for storm removals. That won't go very far, but we may get another 8-10 trees removed.

Plantings will cost about \$4,500 for 25-27 trees. Plantings will be in October and November.

Trimming will cost around \$15,000 depending on storm damage reimbursement. We want more trimming than anything else. He will get the trimming contract out in late September and they will start in October and November.

The Parks Department guy who fills the Gator bags will work until around mid-September. He will pull the bags before he's done. There has been no thievery or damage. None of the bags blew away. They cut time for City crews. We may want to buy more to expand what we're doing.

Crossland emailed Stephanie regarding the downtown pear trees. They are almost too large for the wells. Some people don't like the fruit and dirt. She can look and see what else we can plant there. Most flowering trees mean fruit and birds. Etzler asked about planting shrubs that can be trimmed. Crossland said there are Rose of Sharon on W. Main that are out of control.

Maassel asked who cleans up trees that fall on vacant houses. Crossland said it is the homeowner's responsibility on private property. If a City tree falls on private property, we clean it up.

Bahler said there are a lot of dead City trees on the canal walkpath from Ritter to Meyerholtz. Crossland said a lot of them are State trees. If they are not in the 424 right of way, we can't do anything except clear them off the path if they fall.

Huff asked about dead trees on the hillside. Crossland said we can remove them if they are within the right of way. That varies from 10' to 30'. We cleaned out a couple within 15' of the guardrail due to power lines and the potential to fall. Huff asked if anyone owns the area across the road and down the hill. Crossland said both State and City. Bill Meyer owns the lot he built up, but there is no private property until then. It is a scenic highway so we have to be careful what we remove. We can't plant tall trees or they will block someone's view of the river. The right of way goes up to the top of the hill on the hillside between houses on Wayne Park and 424. Half of the road is in town and the other half is outside of town.

Any Other Matters

Volkman said the next meeting is scheduled for September 16. Crossland said he will have the other lists ready to go and have better numbers by then.

Motion To Adjourn

Motion: Etzler Second: Bahler
To adjourn the meeting at 6:42 PM

Passed
Yea-6
Nay-0

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

Date:

September 16, 2013

David Volkman, Chair

Memorandum

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

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

Date: 9/9/2013

Re: Parks & Recreation Committee Meeting Cancellation

The regular Parks & Recreation Committee meeting scheduled for Monday, September 16 at 8:00 PM has been canceled due to lack of Agenda items.

City of Napoleon, Ohio

CIVIL SERVICE COMMISSION

LOCATION: Council Chambers, 255 W. Riverview Ave., Napoleon, OH 43545

Special Meeting Agenda

Thursday, September 19, 2013 at 6:00 PM

The Civil Service Commission will meet in a work session on Thursday, September 19, 2013, at 6:00 PM at 255 W. Riverview Ave., Napoleon, OH 43545.

1. Administer and Grade the Civil Service Test for the Position of Police Lieutenant
2. Certify the Eligible List for Police Lieutenant
3. Any other business to come before the Commission

Gregory J. Heath, Finance Director/Clerk of Council



UPdate

A weekly newsletter presented by AMP President/CEO Marc Gerken

September 13, 2013

'Sequestration' poses a real threat to certain AMP projects

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

For the past two weeks, AMP has been working to make the Obama Administration and Congress aware of the significant financial hit that certain AMP projects are taking – and are expected to continue to take – because of federal budget “sequestration.” You may recall that sequestration began in March, with the government making across-the-board cuts to most federal programs. The impact to AMP and members participating in the Prairie State, Combined Hydro, and Meldahl Hydro projects comes from the fact that portions of those projects were funded using Build America Bonds (BABs) and New Clean Renewable Energy Bonds (New CREBs), which are being subjected to sequestration cuts. Cuts to the bond credit payments owed to AMP as the issuer of those bonds act to increase the financing costs for these projects.

On Sept. 3, AMP President/CEO Marc Gerken sent a letter to President Obama, noting that it was the White House’s Office of Management and Budget (OMB) that determined to make the bond credit payments owed to AMP, and other BABs and CREBs issuers subject to sequestration, in direct opposition to the intent of Congress. Gerken also requested a meeting with OMB and we reached out to the American Public Power Association to identify other potential allies.

The Administration effort was followed by letters to House and Senate members in AMP footprint states, challenging them to “fix” OMB’s error and reassert their legislative intent. In addition, earlier this week AMP sent a Grassroots Alert to AMP principal contacts, asking that participants in the impacted projects use a sample letter to weigh in with their U.S. House and U.S. Senate members and urge congressional action to “fix” the sequestration problem. We have already received copies of congressional letters from a number of members – thank you for your extremely prompt response. Your grassroots contacts are extremely influential with your Representatives and Senators.

Copies of the Grassroots Alert and sample letter are available on the [Member Extranet](#). Please copy me at jthompson@amppartners.org on letters sent to your congressional delegation. As ever, we thank you for your grassroots support.

Unseasonably hot weather leads to Demand Response events, high prices

By Cody Ward – power supply planning engineer

Unusually high temperatures this past week coupled with generation outages caused PJM to call Demand Response (DR) emergency events on Tuesday, Sept. 10, and Wednesday, Sept. 11. The Tuesday event in the ATSI zone, which ran from 3:50 to 9:30 p.m., affected resources on a two-hour lead

see DEMAND RESPONSE Page 2

AMP welcomes Iler, Kontras

By John Pawlak – manager of human resources

AMP welcomed two new staff members this week, Art Iler and Amy Kontras.

Iler is the director of reliability standards compliance and will be focusing his efforts on NERC compliance issues. He was previously assistant general counsel at Midcontinent Independent System Operator for seven years where he was responsible for FERC-regulated markets and reliability matters. He holds a bachelor’s degree from Indiana University and a J.D. from the University of Kentucky.



Art Iler

Kontras is an IT intern and will be assisting the IT team on the helpdesk with tickets and various other projects. She holds an associate degree in network administration from ITT Tech, where she is also pursuing a bachelor’s degree in cybersecurity. Prior to AMP, she worked at Advanced Auto Parts as assistant manager.



Amy Kontras

Please join me in welcoming Art and Amy.

AMP expands offerings with Wetland Delineation

By Randy Meyer – director of environmental affairs

As part of the dedication of AMP and its staff to provide valuable services to members, AMP is expanding its offerings to include Wetland Delineation.

Wetland Delineation establishes the location and size of a wetland for regulation purposes on the federal, state and local levels. It is also a part of jurisdictional determination, identifying which bodies of water within a project’s bound-

continued on Page 2

DEMAND RESPONSE continued from Page 1

time. AMP members enrolled in the program for this delivery year were required to run until 8 p.m. for compliance, with a voluntary run time until 9:30 p.m. Additionally, PJM also called a DR emergency event for the recently created AEP-Canton subzone on Tuesday from 2:45 to 9:30 p.m.

With hot weather persisting across the PJM footprint on Wednesday, PJM called for DR emergency events in 15 of its 20 transmission zones. For long lead time resources in the ATSI zone, the emergency event ran from 2 to 8 p.m. AEP long lead time resources were called to run from 1:30 to 7:30 p.m. In the Mid-Atlantic Region, which includes the PPL zone, both long and short lead time resources were called to run. The short lead time event ran from 2 to 5:30 p.m. AMP members in these zones that are enrolled in the program responded to the events.

PJM's emergency demand response program enables retail customers and behind-the-meter wholesale generators to participate in the capacity market by easing the strain on the grid at high stress times. Resources can curtail either by shutting off load or starting back-up generators. In return for the assistance, participants receive a capacity credit.

The combination of hot weather and generation outages did cause prices to rise on both Tuesday and Wednesday. Because of this, AMP dispatched units to take advantage of those high energy prices. On Tuesday, prices in the ATSI zone cleared above \$160/MWh in the Day Ahead market for three hours with Real Time prices climbing near \$1,800/MWh for four hours. This trend continued into Wednesday with four hours clearing above \$150/MWh in the Day Ahead market and Real Time prices hovering near \$1,800/MWh for six hours.

Temperatures are expected to drop at the end of this week and stay near 80 degrees for the foreseeable future. For more information about this week's emergency events or the demand response program in general, please contact me at 614.540.0938 or cward@amppartners.org.

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

Week ending Sept. 13

MON	TUE	WED	THU	FRI
\$43.86	\$77.99	\$82.45	\$34.84	\$29.11

Week ending Sept. 6

MON	TUE	WED	THU	FRI
\$29.47	\$32.02	\$32.71	\$31.65	\$32.75

AEP/Dayton 2014 5x16 price as of Sept. 13 — \$40.40

AEP/Dayton 2014 5x16 price as of Sept. 6 — \$40.32

Wetland Delineation offering

continued from Page 1

aries are regulated under the federal Clean Water Act or by state or local jurisdiction.

Cody Dill, AMP's environmental engineer, received a certificate of completion for the "38 Hour Army Corps of Engineers Wetland Delineation Training Program" in July.

With AMP supplying the Wetland Delineation service instead of having to hire an outside consultant, this is a money-saving measure for members with projects that could potentially have a wetland impact.

Dill has been with AMP since 2010, having previously worked with the Ohio Environmental Protection Agency, Division of Surface Water. He holds a bachelor's degree in biological engineering from Ohio State University.

Please contact me with questions or for more information on AMP's new Wetland Delineation program at 614.540.0920 or rmeyer@amppartners.org.

PUCO issues winter season reconnect program

By Michael Beirne – assistant vice president of government affairs & publications

For the 29th year in a row, the Public Utilities Commission of Ohio (PUCO) has ordered Ohio electric and natural gas utilities to reconnect or maintain service to customers who have been disconnected or are facing disconnection.

While this order doesn't apply to locally regulated municipal electric utilities and rural electric cooperatives, we thought it important to call this issue to your attention and we encourage you to implement or update local policies.

Under the PUCO program, customers who are disconnected or facing disconnection can have their service restored or maintained if they pay the amount owed or \$175, whichever is less, plus a service reconnection fee of no more than \$36. Participants may use the program once during the upcoming winter heating season between Oct. 14, 2013, and April 15, 2014.

There is no income eligibility requirement, but participants must sign up for a payment plan to cover any remaining past-due balance on their utility bill.

Other payment assistance programs with distinct eligibility requirements are available for municipal utilities. The Home Energy Assistance Program (HEAP) is available to all customers, including those of municipal utilities. The Percentage of Income Payment Plan (PIPP) Plus program is available to participating municipal electric utilities.

For more information about these programs, please contact me at mbeirne@amppartners.org or 614.540.0835.

Calendar

Sept. 23-27—AMP Lineworker Training Basic 2
AMP Headquarters, Columbus

Oct. 6-12—Public Power Week activities in member communities

Oct. 7-11—AMP Lineworker Training Advanced
AMP Headquarters, Columbus

Oct. 28-31—AMP/OMEA Conference
Hilton Columbus at Easton, Columbus

Dec. 5—AMP Finance & Accounting Subcommittee meeting
AMP Headquarters, Columbus



News or Ads?

Call Krista Selvage at 614.540.6407 or email to kbselvage@amppartners.org if you would like to pass along news or ads.



Finance & Accounting Subcommittee meets in Piqua

By Chad Turner – member credit compliance analyst

The City of Piqua hosted AMP's Finance & Accounting Subcommittee meeting at the Piqua Power System on Sept. 12.

Jeff Klein, principal of Kensington Capital Advisors and AMP's derivative advisor, started the day off with a presentation on the recent monetary policies of the Federal Reserve and how they might affect member communities. Klein was followed by Dawn Lund, vice president of Utility Financial Solutions, who spoke on how to explain rate changes to your council, as well as your customers. Jim Hoops, AMP's assistant vice president of finance, then discussed the effects of sequestration on AMP projects. Hoops was followed by AMP Financial Analyst Maggie Ndovi-Gibbs, who gave a presentation on interest rates and fixed-income debt strategies.

Following lunch was Randy Corbin, AMP's assistant vice president of energy policy and sustainability, who provided an overview of the Efficiency Smart program. Andy Blair, AMP's assistant vice president of billing, then discussed the concepts behind AMP power invoices. Michael Beirne, AMP's assistant vice president of government affairs and publications, finished out the day with a legislative update on information which may be affecting member communities.

The next Finance & Accounting Subcommittee meeting will be held Dec. 5 at AMP Headquarters. Please RSVP to me at cturner@amppartners.org or 614.540.6913, or Chris Deeter at cdeeter@amppartners.org or 614.540.0848 by Nov. 29, for meal and seat planning purposes.

AMP Member Spotlight shines on New Wilmington

By Krista Selvaie – manager of publications

The New Wilmington Borough is the latest community to be featured in AMP's Member Spotlight. This year marks the sesquicentennial of New Wilmington, and the borough celebrated its 150th birthday with a two-day festival, 150 FEST, earlier this month.

New Wilmington is a long-established scenic escape. With a population of less than 2,500, New Wilmington emanates small-town warmth. It is known for Amish countryside and nostalgic farms. Unique shops and restaurants add to the charm of the community.

Located in Pennsylvania's Lawrence County, New Wilmington is nestled between Pittsburgh, Cleveland and Erie with Pittsburgh about an hour south, and Cleveland and Erie both less than 100 miles away.

Read more about New Wilmington and other AMP member communities in the [Member Spotlight](#) section of AMP's website.



AFEC weekly update

By Ryan Thompson – power supply planning engineer

The weather continued to be mild from Sept. 6 through Sept. 8, resulting in AFEC being dispatched offline. AFEC returned to online status as temperatures climbed during the week, resulting in an over 70 percent load factor for Sept. 9 and 10.

Even though temperatures continued to rise through the week, AFEC was held back on duct firing Sept. 11 and 12 due to transmission constraints in the area.

For the week, AFEC averaged a 41 percent capacity factor (based on 675 MW). AFEC was approximately \$14.31/MWh cheaper than on-peak market prices for base generation.

Markets up for the week

By Ryan Thompson

Natural gas prices closed the week higher on unusually warm weather for this time of year. Columbus recorded its highest temperature for the year on Sept. 10 at 95 degrees.

October natural gas prices closed up \$0.07/MMBtu this week to end the week at \$3.64/MMBtu. Electric prices continued to move upward this week as well. 2014 on-peak electric prices at AD Hub rose another \$0.08/MWh from last week, closing at \$40.40/MWh, because injection into storage Sept. 12 was lower than expected.

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

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- **Using AMI Data to Improve Reliability and Offer New Customer Services** Oct. 2
- **Electric Rate Designs: Rate Structures to Promote Financial Stability or Energy Conservation** Oct. 22
- **Smart Grid Technologies—Implementing the Building Blocks of An Advanced Distribution Management System** Nov. 19

Copies of past webinars can be purchased through the APPA Product Store at www.PublicPower.org/store.

Co-hosted by





Village of Elmore seeks experienced electric linemen

The Village of Elmore is accepting applications for an experienced electric lineman/Village Serviceman position. Minimum qualifications include: graduation from the standard four-year high school, successful completion of an approved apprenticeship program of at least four years in duration and an Ohio CDL license. Village Servicemen are also expected to perform duties in areas such as water, wastewater, park maintenance and street repair. Servicemen operate equipment and plow snow.

The Village of Elmore owns and operates its own electric system. The electric system includes: substation, poles, transmission lines, transformers and secondary services. The successful applicant should have knowledge/background including all of these areas. This is a full or part time position.

Elmore is located in Ottawa County, Ohio, and has a population of 1,400. The Village of Elmore has a complete compensation/benefit package and is an Equal Opportunity Employer. A complete job description and job application can be obtained by contacting the Village office at 419.862.3454. Please submit a completed job application, resume, certifications, and three references to: Buck Stoiber, Village Superintendent, PO Box 1, 340 Clinton St., Elmore, OH 43416.

Hamilton issues call for assistant director, plant supervisor

The City of Hamilton, Ohio, is seeking an Assistant Director of Electric.

Hamilton (pop. 63,000), a growing community in the Cincinnati-Dayton metroplex seeks an Assistant Director of Electric. Salary range: \$85,946 to \$110,136/year, plus benefits. Hamilton is a full-service community which operates its own electric, gas, water and wastewater utilities.

This is responsible professional and administrative work involving the planning, organization, direction and supervision and coordination of the operations and activities of the City's Electric Department. Duties of this class include, but are not limited to, the following: acts in the place of the Director of Electric when so requested and authorized; assists with the development of departmental long-range plans; oversees the availability and reliability of electric service for City electric customers; analyzes Electric System design and operation, and determines necessary capital and operational improvements to maximize efficiency and reliability; performs related work as required.

Prefer college graduate with Bachelor's Degree in Business Administration, Engineering or Applied Science, preferably supplemented by a Master's Degree and extensive professional experience in public electric utility management, including supervisory experience. Valid Ohio Prof. Eng. (PE) registration or other equivalent certification from another state is desired. A background/credit check, drug screen and medical examination will be administered.

Submit detailed resume and proof of PE, if applicable,

by 5 p.m. on Sept. 24, 2013 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. Use Word or PDF only. Specify interest in "Assistant Director of Electric."

The City of Hamilton is an EEO & AAE. Minorities and women are encouraged to apply.

Schuylkill Haven in need of journeyman electric lineman

The Borough of Schuylkill Haven is accepting applications for a journeyman electric lineman position.

Minimum qualifications include: graduation from the standard four-year high school, successful completion of an approved apprenticeship program of at least four years in duration and Pennsylvania CDL license.

Schuylkill Haven Borough owns and operates its own electric system. The electric system includes: substation, poles, transmission lines, transformers and secondary services. The successful application should have knowledge/background including all of these appurtenances. This is a full time position.

Schuylkill Haven is located In Schuylkill County, PA and has a population of 5,500. Schuylkill Haven borough has an excellent compensation/benefit package and is an Equal Opportunity Employer. A complete job description and job application can be obtained by contacting the borough office at 570. 385.2841 or by logging on to the Borough's website www.schuylkillhaven.org.

Please submit a completed job application, resume, certifications and three references to: Scott J. Graver, Borough Administrator, Schuylkill Haven Borough Office, 12 W. Main St., Schuylkill Haven, and PA 17972.

City of Danville seeks electric compliance coordinator

City of Danville Utilities is accepting applications for Power & Light Electric Compliance Coordinator.

Education and experience equivalent to an associate's degree in electrical technology or engineering and considerable experience with an electrical utility. Possession of valid driver's license and ability to obtain Notary Public certification required. Starting salary range: \$39,333-\$47,199/ DOQ. Open until filled.

For a full job description or to apply online, visit www.danville-va.gov Equal Opportunity Employer.

American Municipal Power

1111 Schrock Road,

Columbus, Ohio 43229

614.540.1111 • FAX 614.540.1113

www.amppartners.org





John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: Napoleon WWTP
NPDES Permit 2PD000000/OH00208893
Henry County

August 30, 2013

Mayor and Council
City of Napoleon
255 West Riverview Avenue
Napoleon, Ohio 43545

Dear Mayor and Council:

Ohio EPA has received two letters dated January 31, 2013, and June 3, 2013, from the City of Napoleon requesting a three year hiatus from completion of specific projects detailed within the approved City of Napoleon Long Term Control Plan (LTCP). The LTCP was approved March 30, 2007, and the project deadlines were incorporated into the City's National Pollutant Discharge Elimination System (NPDES) permit. These projects are designed to address the Combined Sewer Overflows (CSOs) and two Sanitary Sewer Overflows (SSOs) within the City of Napoleon sewer collection system.

According to the letter dated January 31, 2013, during this hiatus the City of Napoleon proposes to *"evaluate its collection system and concentrate its efforts on areas that will provide the most return, or in this case removal of Inflow and Infiltration (I/I). Upon completion of the temperature/level monitoring and I/I studies, the City of Napoleon's SWMM model will be updated and a report will be prepared presenting a revised Combined Sewer Overflow (CSO) LTCP, which will re-prioritize the remaining projects by focusing the City of Napoleon's efforts on areas that are contributing to I/I issues."*

On April 18 and July 29, 2013, Ohio EPA representatives Ms. Dana Martin-Hayden and Ms. Caitlin Ruza met with City of Napoleon representatives Mr. Chad Lulfs, City Engineer, Mr. Matt Bilow, Wastewater Treatment Plant (WWTP) Superintendent, and Mr. Adam Hoff of Stantec to discuss the proposed three year hiatus, reorganization of the schedule of compliance for the upcoming NPDES permit renewal, and the objectives of the collection system monitoring and I/I studies. I was also present for the April 18, 2013, meeting.

It is Ohio EPA's goal to work collaboratively with the City of Napoleon in determining critical monitoring points to identify previously undetected I&I and/or river intrusion sources. Ohio EPA appreciates the time and effort the City of Napoleon representatives have made to provide information on the collection system and WWTP operations. This information is vital in identifying points in the collection system where defensible data can be collected moving forward towards system model re-calibration, I/I removal projects and LTCP revision.

During the April 18, 2013, meeting, Ohio EPA was presented information to illustrate that historically the City of Napoleon has been receiving river intrusion at interceptor sewer pump stations. Since our meeting, Ohio EPA has conducted a records review and concurs that historically river intrusion has increased flows at the WWTP, created an SSO in Palmer Ditch Interceptor and decreased the hydraulic storage capacity of the collection system. The specific City of Napoleon records that most prevalently demonstrate these issues are listed below:

- 2011 SWMM Update Flow Monitoring Report, March 30, 2012 – Figure B-21 and B-22
- Sanitary Sewer Overflow 5-Day Follow Up Report – 12/5/11 – Palmer Ditch Manhole #S-33 (Event start – 11/29/2011-12/3/2011)
- Data analysis of WWTP flow from station 2PD0000001 during high river stage events on the Maumee River versus rain fall events during low river stage. (e.g. November 28, 2011-December 8, 2011)

As proposed by the City of Napoleon in the June 3, 2013, letter, river intrusion monitoring must, at a minimum, include temperature and water level monitors at critical points in the collection system and in the receiving streams. The City proposed several monitoring locations for the installation of level sensors and temperature probes. Review of records submitted to the Ohio EPA and field investigation of the physical geometry of the proposed monitoring locations indicates that the proposed locations will not be effective in isolating specific points or sources of I/I or river intrusion. For example, monitoring probes should not be placed in pump stations for the purpose of determining river intrusion information due to the effect of mixing on temperature and the effect of variable pumping rates. In this instance, the temperature data will not show specific locations of I/I sources which is the objective of the proposed studies during the three year construction hiatus.

Based upon Ohio EPA's experience with other municipalities exhibiting similar conditions, we have discussed with the city representatives the criteria and expectations associated with the placement and use of the monitoring probes. In order to best identify sources of I/I and river intrusion and to effectively characterize the impacts of CSOs, the following should be considered:

- All probes will, at a minimum, monitor temperature and water levels.
- A fixed probe should be placed in an interceptor sewer manhole at the lowest elevation possible yet upstream from the surcharge associated with a pump station. (approximately 400 feet upstream of pump stations)
- Several monitoring probes should be available to be moved around in the collection system as needed to identify the source of I&I and river intrusion. (e.g. severe drops in temperature near a probe pinpoint the river intrusion in the sewer line).
- Probes should be placed at the bottom of a manhole's downstream pipe invert.
- Monitoring probes should not be placed in pump stations for the purpose of determining river intrusion information, due to the effect of mixing on temperature and the effect of variable pumping rates. Note that pump station data may enhance the analysis of monitoring probe data.
- A monitoring probe must be installed on every interceptor sewer within a flood plain. (Palmer Ditch, South Side, Van Hyning Creek and the Oberhaus Creek)
- A monitoring probe must be installed on each waterway. (Palmer Ditch, Van Hyning Creek, Oberhaus Creek) Note: the USGS Maumee River Station data, including temperature, may be used if available.

- A control monitoring probe must be installed in a manhole that is well above the flood plain elevation in the City's collection system.
- CSO monitors will record the starting and ending time, and the most accurate flow estimate for each CSO discharge.

During the July 29, 2013, meeting and inspection of the CSOs, several questions were raised regarding CSO #3 at Central School. It appears that a duck bill, which is usually installed to prevent river intrusion, has been installed well above the flood plain and upstream of the CSO outfall. The hydraulics associated with this duck bill in the overflow pipe may limit monitoring options available at this location.

The proposed monitoring plan presented in the June 3, 2013, letter is unacceptable in its current form for approval of the requested three year hiatus from LTCP project construction. Ohio EPA has discussed with city representatives (during field inspections, meetings and in this letter) the expectations of a monitoring plan that would be acceptable in the interim three year hiatus. We look forward to reviewing a revised monitoring plan from the City that includes the discussed criteria. Once alternative monitoring locations that match the criteria above are determined, please contact our office to arrange a meeting. We hope to have this process completed by the end of September so that the City can install the monitors in 2014.

The City of Napoleon's NPDES permit expired on July 31, 2013, and is scheduled to be renewed this fiscal year. Any revisions to the City's LTCP project schedule will be documented in the renewal NPDES permit. Future dates for submitting a revised LTCP and other milestones will also be negotiated in the NPDES permit renewal process. The permit renewal will be led by our Central Office staff. The City should follow the current permit until such time that the renewal permit becomes effective.

Please contact Ms. Dana Martin-Hayden with any questions and to finalize an inspection meeting date at (419) 373-3067 or by email at dana.martin-hayden@epa.ohio.gov.

Sincerely,



Elizabeth A. Wick, P.E.
Environmental Engineer/Section Manager
Division of Surface Water

DMH/jlm

pc: Adam Hoff, Stantec
Matt Bilow, City of Napoleon
Chad Lulfs, City of Napoleon
ec: Paul Novak, DSW C
Caitlin Ruza, DSW, CO
Elizabeth Wick, DSW NWDO
Dana Martin-Hayden, DSW, NWDO
Alex Smaili, DSW NWDO
Tracking

Fw: Fwd: FW: Gongwer News Service story on municipal income tax

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

09/09/13 06:10 PM

To: "Roxanne Dietrich" <rdietrich@napoleonohio.com>

For Council Packets!

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

From: "Michelle Jordan" <datataxgroup@gmail.com>

To: undisclosed-recipients:

Date: 09/09/2013 04:16 PM

Subject: Fwd: FW: Gongwer News Service story on municipal income tax

Dear DATA members:

Please see the article below from Gongwer, and share with your administration.

Thank you!

Michelle

FYI from Gongwer News Service re: municipal income tax

Municipal Income Tax Substitute Bill Could Delay NOL Change, Create Study Committee

The sponsors of a bill to overhaul the municipal income tax are contemplating changes to the bill that they said should "appease" the cities that have opposed several proposals in the legislation.

After seven hearings in the spring - which were part of 2.5 years-worth of interested party meetings - the legislation ([HB 5](#)) sponsored by [Rep. Cheryl Grossman](#) (R-Grove City) and [Rep. Michael Henne](#) (R-Clayton) is expected to see its first changes through a substitute bill when the House returns to work this fall.

More than half a dozen changes are currently being considered for the legislation that aims to bring uniformity to how local villages and cities apply their income taxes. Chief among the possible amendments is a delay until 2016 to the net operating loss carry forward - a major sticking point between the coalition of business groups backing the bill and municipalities.

"The NOL has been a challenge, and so I think this is about as fair as we can get with the NOL is to just delay implementation until we see numbers," Rep. Henne said in an interview. "That is the major obstacle. I know many cities can live with most of the other parts.

"In the meanwhile what we can do is we're authorizing the commission to do a study on all this, find out what the true effects (are). We're getting so many different numbers that it's hard to comprehend that some of these numbers are accurate."

Municipalities currently have a variety of NOL policies for as few as zero years.

"We're putting in a commission to study the effects of the five-year NOL as well as any other aspects of the bill, positive and negative, and find out if we need to make adjustments," Mr. Henne said, adding the panel would report

to the General Assembly in the spring of 2015.

Sue Cave, executive director of the Ohio Municipal League, said her group has been out of the loop on changes discussed behind the scenes. While supportive of uniformity, the OML has been opposed to the bill because of its issues with a variety of the changes.

Speaking to the possible delay of the NOL and the creation of a study committee, she said, "They're going to find out the same thing that they've found out all along, that there are almost 200 cities and villages that have zero NOLs and if you raise it above that point, you're going to lose big dollars."

"I don't know how a study committee's going to find anything differently because it's a pretty easy mathematical concept," she said. "It would delay a loss, and I would guess that what they're probably thinking is that maybe economic times would be a little better down the line and that we might be better able to absorb the loss and the answer to that is: we're not."

The Municipal League's preference would be to allow four different NOL periods and to require cities and villages to choose one and "stick with it," Ms. Cave said.

Mr. Henne said the sponsors are also favoring language to eliminate from the bill a new Municipal Tax Policy Board, which would have created rules, prescribed forms and other documents and taken other action related to administration and enforcement of municipal income taxes.

Ms. Cave said the board should be removed from the bill. "That's a major intrusion of the state into local governments."

Another place where OML identified major losses for cities and villages was in the proposed elimination of the throwback provision applied to sales generated from distribution centers and warehouse centers. Mr. Henne said that could be changed so that the throwback would be permitted.

The throwback applies to the sales portion of a business' net profits and to where the sales occur and where the product's ultimate destination is. Current law allows local governments to take both locations into consideration for taxation.

Ms. Cave said a decision to allow the throwback was previously agreed to by interested parties.

"The throwback is a big issue because as Ohio becomes more of a distribution center state, the throwback becomes very, very important," she said. "So we need to keep it like it is in current law as opposed to making the major change that they originally proposed.

"If you have a distribution center here, for instance, that all they do is ship things to other places ... they make money because they do that, so that should be taken into account in determining their three-factor formula and (the sponsors) would not have let that happen" by eliminating the throwback, she said.

Ms. Cave said elimination of the throwback would be a major financial loss to any municipality that has warehouses or whose major business is shipping things elsewhere yet has a presence in a city or village and uses the services there.

Substitute bill language is currently being drafted by the Legislative Service Commission. Rep. Grossman said she expects the House will take up new work on the bill when the legislature returns, which [Speaker Bill Batchelder](#) has indicated will not be until October. Ms. Grossman said she was hopeful the bill would move out of the chamber by the end of the calendar year.

"The whole intent of this bill is uniformity," she said. "We have the worst system in the nation as far as how the municipal income tax is collected right now. Until we're able to achieve uniformity, based on conversations I've had with CEOs and different representatives, it has hurt economic development in Ohio in a major way.

"I think with all the hearings that have been held, it's pretty obvious that this is a problem across the state."

The Ohio Chamber of Commerce, National Federation of Independent Businesses and Ohio Society of CPAs had marked the bill as a "key vote" when it comes to the House floor, Ms. Grossman said.

"It's a huge message from those organizations of this is very, very important us, and unlike other bills that might be somewhat important, this is a No. 1 priority," she said.

Rep. Grossman said the parties have been working hard to make the bill as revenue neutral as it can be, but municipalities have said they expect to see losses compared to the revenue they are currently collecting.

"It's difficult when it's been this way for so long; change is always a challenge for everyone, that's why we spent two and a half years getting input," she said.

Lawmakers have also insisted that some cities could see revenue bumps from the changes.

"I think that there's probably a lot of individuals out there that currently aren't paying tax because a) they don't realize they're responsible to do that, or b) they're avoiding that because it's extremely difficult to be able to police," Ms. Grossman said.

Ms. Cave said a previous draft of changes had included some tax increases for certain kinds of income, but the OML does not want that sort of change in the bill.

"That was not our intent to provide any kind of tax increases. We were trying to do uniformity with as little cost as possible to the municipalities," she said.

Rep. Henne said the process has involved much compromise already. "We wrote the bill, we made concessions, we made more concessions."

"I listen to the cities more than the Municipal League. I've been kind of frustrated with some of the leadership there," he said. "Anytime you're trying to get 600 cities to do something the same as everybody, you're not going to.

"They also look at this a little bit of an attack on their home rule, and it's been very hard to really come up with a lot of compromise on the other side. We have listened, we've made changes and we're hoping to get some support."

Ms. Cave said OML thinks a lot of the issues that the bill started out with are still there despite possible amendments. The group also has a "laundry list" of items that are less about uniformity than tax reform.

For instance, the bill sponsors are proposing a "very convoluted, complicated process" for taxpayer appeals that is cumbersome for taxpayers and the local tax office.

Among other outstanding issue with the bill are how cities and villages tax pass-through entities, and occasional entrants. The definition of residency has yet to be resolved to the OML's liking, Ms. Cave said.

On the whole, OML would still be opposed to the bill even if the mentioned changes are adopted into it.

"We still are interested in a proposal that does uniformity," Ms. Cave said. "We really would like to see that happen. That has been our goal from the beginning...we just don't want it to cost our municipalities any more money than they have already lost over the last few years."

Fw: Ohio Municipal League Legislative Bulletin

From: "Gregory J Heath" <gheath@napoleonohio.com>
To: "Roxanne Dietrich" <rdietrich@napoleonohio.com>

09/13/13 11:52 AM

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

From: "Ohio Municipal League" <kscarrett@omloho.org>
To: gheath@napoleonohio.com
Date: 09/13/2013 11:15 AM
Subject: Ohio Municipal League Legislative Bulletin

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Ohio Municipal League

September 13, 2013

TAX REFORM STUDY COMMITTEE TO MEET NEXT WEEK WITH NO HB5 TESTIMONY REQUESTED

Yesterday, Representative Gary Scherer who chairs the Ohio House Tax Reform Study Committee announced that there has been some clarification regarding testimony the committee will be receiving at the upcoming September 17 committee hearing. Chairman Scherer has asked that there be no testimony offered by witnesses on HB5, the municipal income tax reform bill. The Chairman shared with league staff that municipal income tax matters can be discussed on a "macro" level but prefers that testimony on HB5 be reserved for the House Ways and Means Committee, which is expected to take up the issue again in October, when the committee reconvenes. Below is a Press Release distributed by the Chairman's office regarding the September 17 tax study committee hearing.

September 12, 2013: State Representative Gary Scherer (R-Circleville) has announced that next week's House Tax Reform Legislative Study Committee will cover all tax issues except House Bill 5. The hearing will be held Tuesday, September 17th at the Ohio Statehouse, Room 313, at 1 p.m.

"We have had great success hearing from our constituents from around the state on a variety of tax issues during the meetings of the Tax Reform Study Committee." Scherer said. "We want to keep that momentum going, and give the residents of Central Ohio

that same opportunity."

Testimony related to the provisions in House Bill 5 will not be accepted because that legislation is currently being handled through the House Ways & Means Committee.

Anyone wishing to offer testimony should submit a written version of the testimony to Alex Goodman at (614)644-7928 or Alex.Goodman@ohiohouse.gov by September 16th at noon. Due to the limited time available for testimony, Chairman Scherer asks that it is limited to five minutes per presentation to allow adequate time for questions and conversation.

As the Chairman's office announced, the hearing will take place at 1pm at the Ohio Statehouse, in hearing room # 313 which is commonly referred to as the House Finance Hearing Room. We encourage municipal officials to attend the final committee hearing on the 17th who are interested in sharing with the members of the study committee any insight into what the municipal income tax means to their community and the critical need to preserve the integrity of this vital funding source.

OML ANNUAL CONFERENCE REMINDER

A quick reminder that the OML Annual Conference is fast approaching. Everything you need to know about the conference is located on our website [HERE](#).

[Ohio Municipal League](#)

Legislative Inquires: [Edward Albright, Director of Legislative Affairs](#)
[Kent Scarrett, Director of Communications](#)
[Josh Brown, Legislative Advocate](#)

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