
Memorandum

To: Mayor & Members of Council
From: Jon Bisher/*rd*
Subject: General Information
Date: October 4, 2013

CALENDAR

CITY COUNCIL AGENDA

C. APPROVAL OF MINUTES

September 16, 2013 Regular Council Meeting Minutes
September 23, 2013 Special Council Meeting Minutes

E. REPORTS FROM COUNCIL COMMITTEES

2. *Finance & Budget Committee*

H. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. ORDINANCE NO. 053-13 an Ordinance Establishing a ***General Reserve Balance Account***; and Declaring an Emergency.
2. ORDINANCE NO. 054-13 an Ordinance Supplementing the Annual Appropriation Measure (Supplement No. 4) for the Year 2013; and Declaring an Emergency.
3. RESOLUTION NO. 055-13 a Resolution Authorizing the Finance Director to Transfer Certain Fund Balances from Respective Funds to Other Funds per Section 5705.14 ORC on an as Needed Basis in Fiscal Year 2013, listed in Exhibit "A" (Transfer No. 3); and Declaring an Emergency.
4. RESOLUTION NO. 056-13 a Resolution Authorizing the City Manager to Enter into a Contract ***with Unison Site Management LLC for the Cell Site Lease Conversion Program***; and Declaring an Emergency.
5. Resolution No. 057-13 a Resolution Authorizing the City Manager to Enter into a Contract with Jones and Henry Engineers Ltd for Professional Design Services for the Project known as ***The Water Treatment Plant Improvements Final Design***, which was not included in the 2013 Master Bid Resolution No. 079-12; and Authorizing the Expenditure of Funds in Excess of \$25,000 for said Project; and Declaring an Emergency.

H. 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

- 2) 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

I. THIRD READING OF ORDINANCES AND RESOLUTIONS

1. 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.
2. 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. GOOD OF THE CITY

- Items 1 and 2 were reported out from the Finance & Budget Committee Majority Report (E.2.)
1. DISCUSSION/ACTION - ***Recommendation to Increase the City Requirement to Bid from \$25,000 to \$30,000***
 2. DISCUSSION/ACTION - ***Recommendation to Request Legislation to Approve Third Quarter Budget Adjustments and to Authorize Transfer of Appropriations into the Reserve Fund.***
 3. DISCUSSION/ACTION - ***Recommendation on Trick-or-Treat Night to be Thursday, Oct. 31st from 6:00–7:30 pm***
 - Attached is Tony Cotter’s Memorandum with the Parks & Rec Board’s recommendation for Trick-or-Treat.
 4. DISCUSSION/ACTION - ***Application for Change of Corporate Stock Ownership for Liquor License, Ottawa Oil Co., Inc.***
 - A copy of the *Notice to Legislative Authority* is enclosed.
 5. DISCUSSION/ACTION - ***Approval of Plans, Specifications and Contract for Perry Street Parking Lot***
 6. DISCUSSION/ACTION - ***Regarding the Water Rate Study***
 - Chad’s Memorandum with recommendation of award for the Water Treatment Plant contract to Jones & Henry in the amount of \$1,908,900.00 is enclosed.
 7. DISCUSSION/ACTION - ***Regarding the Status of a New Water Plant***
 8. DISCUSSION/ACTION - ***2014 Budget Request from Henry County CIC.*** (Assign to Committee)

RELATED ITEMS

1. ***Cancellations***
 - a. Technology Committee
 - b. Board of Zoning Appeals
 - c. Planning Commission
2. Letter from OWDA regarding completion of Loan 4716 payments.
3. Included is a Memo from Tony Cotter with a review of the Friends of Napoleon Golf Course's ***Buckeye Bash***.
4. ***AMP Update***/September 27, 2013
5. ***AMP Update***/October 4, 2013
6. From Greg Heath:
 - a. **NOMMA** *Information Luncheon about Transportation Projects & Funding*
 - b. "Another Tax Reform Study Committee"

rd
Records Retention
CM-11 - 2 Years

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

 Calendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29	30	1	2	3	4	5
					BISHER - OFF/Afternoon	
6	7	8	9	10	11	12
	7:00 PM City COUNCIL Meeting AV BISHER - Out Until 13:00					
13	14	15	16	17	18	19
	6:30 PM Electric Committee Board of Public Affairs (BOPA) 7:00 PM Water/Sewer Committee 7:30 PM Municipal Properties/ED Committee Meeting AV					
20	21	22	23	24	25	26
	6:00 PM City Tree Commission Mtg. 7:00 PM City COUNCIL Meeting 8:00 PM Parks & Rec Committee Mtg. AV					
27	28	29	30	31	1	2
	6:00 PM Halloween Parade 6:30 PM Finance & Budget Committee Mtg. 7:30 PM Safety & Human Resources Committee Mtg. AV - Shery AMP Fall Conference	AMP Fall Conference	AMP Fall Conference	AMP Fall Conference		

City of Napoleon, Ohio

CITY COUNCIL

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

MEETING AGENDA

Monday, October 7, 2013 at 7:00 PM

- A. Attendance** *(Noted by the Clerk)*
- B. Prayer & Pledge of Allegiance**
- C. Approval of Minutes:** Sept. 16 & 23 *(In the absence of any objections or corrections, the minutes shall stand approved.)*
- D. Citizen Communication**
- E. Reports from Council Committees**
 - 1. **Parks & Recreation Committee** did not meet on Monday, Sept. 16 due to lack of agenda items.
 - 2. **Finance & Budget Committee** *(Majority Report)* met on Monday, Sept. 23 and:
 - a. Discussed and tabled *Debt Funding Limits for Water & Sewer Projects*
 - b. Recommended to increase the City's requirement to bid from \$25,000 to \$30,000
 - c. Recommended to request legislation to approve the 3rd quarter budget adjustments and to authorize transfer of appropriations into the Reserve Fund
 - 3. **Safety & Human Resources Committee** did not meet on Sept. 23 due to lack of agenda items.
- F. Reports from Other Committees, Commissions and Boards** *(Informational Only-Not Read)*
 - 1. **Civil Service Commission** met on Thursday, September 19 with the following agenda items:
 - a. Administer & Grade the Civil Service Test for the Position of Police Lieutenant
 - b. Certify the Eligible List for Police Lieutenant
 - 2. **Parks & Recreation Board** met on Wednesday, Sept. 25 with the following agenda items:
 - a. Review of Parks & Recreation Rates & Fees
 - b. Discussion on 2014 Capital Improvements
 - c. Discussion and/or Action on Trick or Treat Night Recommendation
- G. Introduction of New Ordinances and Resolutions**
 - 1. **Ordinance No. 053-13** An Ordinance creating 101 General Reserve Balance Fund
 - 2. **Ordinance No. 054-13** An Ordinance supplementing the annual appropriation measure (Supplement No. 3) for the year 2013; and Declaring an Emergency
 - 3. **Resolution No. 055-13** A Resolution authorizing the Finance Director to transfer certain fund balances from respective funds to other funds per Section 5705.14 ORC on an as needed basis in fiscal year 2013, listed in Exhibit "A" (Transfer No. 3); and Declaring an Emergency
 - 4. **Resolution No. 056-13** A Resolution authorizing the City Manager to do a Unisom contract (Water Tower Antennae)
 - 5. **Resolution No. 057-13** A Resolution authorizing a contract with Jones & Henry on Water Plant Design in the amount of \$1,908,000
- H. 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)*
 - 2. **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
- I. Third Readings of Ordinances and Resolutions**
 - 1. **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
 - 2. **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. Good of the City** *Any other business as may properly come before Council, including but not limited to:*
 - 1. **Discussion/Action:** Recommendation to increase the City requirement to bid from \$25,000 to \$30,000

2. **Discussion/Action:** Recommendation to request legislation to approve 3rd quarter budget adjustments and to authorize transfer of appropriations into the Reserve Fund
 3. **Discussion/Action:** Recommendation on Trick or Treat Night – Thursday, Oct. 31 from 6:00-7:30 pm
 4. **Discussion/Action:** Application for Change of Corporate Stock Ownership for Liquor License – Ottawa Oil Co., Inc.
 5. **Discussion/Action:** Approve plans, specifications and contracts to bid drainage and stone on parking lot on Perry Street
 6. **Discussion/Action:** Regarding the Water Rate Study
 7. **Discussion/Action:** Regarding the status of a new Water Plant
 8. **Discussion/Action:** 2014 Budget Request from Henry County CIC *(Assign to Committee)*
- K. Executive Session:** Collective Bargaining Negotiations and Compensation of Personnel
- L. Approve Payment of Bills and Approve Financial Reports** *(In the absence of any objections or corrections, the payment of bills and financial reports shall stand approved.)*
- M. Adjournment**

Gregory J. Heath, Finance Director/Clerk of Council

A. Items Referred or Pending in Committees of Council

1. Technology & Communication Committee (1st Monday)

(Next Regular Meeting: Monday, November 4 @ 8:00 PM)

October meeting is canceled due to lack of agenda items.

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, October 28 @ 6:30 PM)

a. Debt Funding Limits For Water & Sewer Projects (Tabled)

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

(Next Meeting: Monday, October 28 @ 7:30 PM)

Last 2013 Regular Meeting 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, November 12 @ 4:30 PM)

October meeting is canceled due to lack of agenda items.

3. Planning Commission (2nd Tuesday)

(Next Regular Meeting: Tuesday, November 12 @ 5:00 PM)

October meeting is canceled due to lack of agenda items.

4. Tree Commission (3rd Monday)

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

5. Civil Service Commission (4th Tuesday)

(Next Regular Meeting: Tuesday, October 29 @ 4:30 PM)

6. Parks & Recreation Board (Last Wednesday)

(Next Regular Meeting: Wednesday, October 30 @ 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)

CITY COUNCIL

Meeting Minutes

Monday, September 16, 2013 at 7:00 PM

PRESENT	
Council	John Helberg (President), Jeffrey Lankenau, Travis Sheaffer, Patrick McColley, Christopher Ridley, Jason Maassel, Jon Tassler
Mayor	Ronald A. Behm
City Manager	Dr. Jon A. Bisher
Law Director	Trevor M. Hayberger
Finance Director/Clerk	Gregory J. Heath
Recorder	Barbara Nelson
City Staff	Jason Baker, Fire Captain Robert Bennett, Fire Chief Matt Bilow, Wastewater Plant Superintendent Chad Lulfs, City Engineer Robert McColley, CIC Director Christine Peddicord, Asst. Finance Director Dan Wachtman, MIS Administrator Robert Weitzel, Police Chief News Media, NCTV, Others
Others	
ABSENT	
Council	None
Call To Order	President Helberg called the meeting to order at 7:00 p.m. with the Lord's Prayer followed by the Pledge of Allegiance.
Swearing In Of Fire Captain	Mayor Behm swore in Jason Baker, Fire Captain for the City of Napoleon. Baker is from Paulding County and lives in Defiance County. He has been a full-time Napoleon Fire Fighter/Paramedic for 5 years.
Minutes Approved	Minutes of the September 16 Council meeting stand approved with no objections.
Citizen Communication	None
Reports From Committees	<p>The Technology & Communication Committee did not meet on Tuesday, September 3 due to lack of agenda items.</p> <p>Acting Chairman McColley reported that the Electric Committee met on Monday, September 9 and recommended approval of September electric billing determinants</p> <p>Chairman Lankenau reported that the Water, Sewer, Refuse, Recycling and Litter Committee met on September 9 and recommended:</p> <ol style="list-style-type: none">1. To request legislation to terminate the water contract with Malinta2. To move forward with Unison site leasing contract for the water tower <p>The Municipal Properties, Buildings, Land Use and Economic Development Committee did not meet on September 9 due to lack of agenda items.</p>
Introduction Of Ordinance No. 048-13	President Helberg read by title Ordinance 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

**Motion To Approve
First Read**

Motion: McColley Second: Ridley
To approve first read of Ordinance No. 048-13

Discussion

Heath said this issue went to committee. The primary purpose of this agreement is to get access to the Federal database. Dennis Bernaciak is here from the Central Collections Agency. We need an agreement with them and they will do collections for us. We will transmit our database. They will compare and process any hits they get on it. The next piece of legislation tonight is the tax amnesty program. The final piece will be online filing. We are working on that now and will probably go with CMI. We have to figure this out budgetarily. It may be on the 3rd quarter budget adjustments.

Bernaciak introduced himself, stating CCA's service is an alliance with the City of Cleveland and City of Napoleon to help Napoleon locate taxpayers who should be filing and may not be. The IRS is very protective of its information and allows sharing under very strict circumstances. They originally only shared information with municipalities with more than 250,000 residents. In 2005, Congress passed a law that allowed the IRS to share information with organizations that have an aggregate of more than 250,000 residents. CCA qualifies because the City of Cleveland had the 250,000 residents and any CCA member community meets that standard. The law says CCA can research information about a municipality's residents using the IRS database, but cannot share this information with anyone, including member communities. CCA will copy the City's taxpayer database and find unknown taxpayers by comparing the City's database against a list of people who filed Form 1040 using a City of Napoleon address. If the taxpayer is on Napoleon's list, CCA does nothing. If they are not on the City's list, CCA will examine their income to see if it is taxable by the City. If their only income source is pension, Social Security, interest or capital gains, CCA will not tax them. Others will be contacted by CCA by letter. The City will have the opportunity to review the content of that letter, but not who is receiving the letter. The City sets criteria/thresholds as to who receives this letter and decides the policies on assessing interest penalties.

If a resident brings the City a letter they received from CCA, the City cannot accept that information from the resident. The City can advise the resident to forward the sealed envelope to CCA. Once CCA receives the information, the wall is shattered and CCA can share it with the City. Residents will have questions about why they must send information to Cleveland. Some people will be angry. After the initial program, CCA can run other programs. They can do a comparison of tax returns filed with the City and compare it with residents' 1040 income.

CCA retains 5% of the money they collect for the City. There is an annual audit at the end of the year. CCA calculates the transaction base comparing the City vs entire agency to determine a percentage. They also determine the percentage for the number of dollars collected for the City vs the entire agency. The average of those two percentages determines the City's share of the cost. At the end of the year CCA looks at the amount the City owes. If there is a shortage, it is adjusted the following month. If there is an overage, it is used to reduce the amount the following month. The City never writes a check to CCA. The bill is deducted from what CCA collects.

McColley asked what mechanism is used if someone does not respond to the letter. Bernaciak said CCA sends a second letter, then a third letter using the person's Federal tax information to estimate income and tax due and what they owe the City

per calculation. If the City typically files criminal charges for non-payment of taxes, CCA files the charges on the City's behalf. McColley asked if the charges are made public at that time. Bernaciak said they are not because the IRS says this is confidential information. The City Law Department cannot do prosecution on this. The IRS has an independent law firm that handles it in the local court. The lawyer will discuss the case with the Municipal Court Judge and establish a taxpayer diversion program. When the taxpayer shows up for arraignment, CCA explains they can have the charges held in abeyance if they agree to enter the diversion program. The taxpayer must acknowledge the tax is due and supply the correct information regarding their income. A payment plan is established. If the taxpayer agrees, charges are annulled. There is no charge and no public record. Residents get every opportunity to resolve the issue with minimum pain. If they don't follow through, it goes to court.

Bernaciak said CCA looks at the most current year's tax return, but they can go back up to six years if the City wants that. Heath said implementation of this program will not occur this year. He requested first read. McColley asked about online filing. Heath said we originally hoped to have a Special Membership expanded to include CCA's online filing program, but there are too many technical issues involved. It appears the CMI program will give us an online filing capability. Bernaciak said using CCA's special program with the City's online filing saves time for the City because of their matching capability. CCA looks at information on the City return vs 1040 and notes discrepancies. This can eliminate the need for residents to mail in W-2s and supporting schedules and save work for the City Tax Department.

Passed
Yea-7
Nay-0

Roll call vote to approve first read of Ordinance No. 048-13
Yea- Lankenau, Ridley, Maassel, Tassler, Helberg, McColley, Sheaffer
Nay-

**Introduction Of
Resolution No. 049-13**

President Helberg read by title 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

**Motion To Approve
First Read**

Motion: McColley Second: Maassel
To approve first read of Resolution No. 049-13

Discussion

Heath said this tax amnesty program allows individuals the ability to file late returns from 11/1/13 thru 11/30/13 without having to pay penalties. They must pay interest.

**Motion To Suspend
The Rules**

Motion: Sheaffer Second: Ridley
To suspend the rules requiring three readings

Passed
Yea-7
Nay-0

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

Passed
Yea-7
Nay-0

Roll call vote to pass Resolution No. 049-13 under suspension of the rules
Yea- Lankenau, Ridley, Maassel, Tassler, Helberg, McColley, Sheaffer
Nay-

**Introduction Of
Resolution No. 050-13**

President Helberg read by title 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
Motion To Approve First Read	Motion: McColley Second: Ridley To approve first read of Resolution No. 050-13
Discussion	Lulfs said he met with the PUCO regarding railroads. Due to safety concerns, PUCO offered to supply funding to install gates & new signals at signalized railroad crossings in the City and the railroad agreed. Some sidewalks need to be relocated plus some curbs. We will not see any costs associated with this project, but must sign off on the contract. This involves crossings at Oakwood, Woodlawn & Haley. They want to start this fall but don't know if it is possible. Lulfs requested suspension. Scott Street is already in the project. They hope to complete the crossing on Scott St. in one weekend. Curb work will take more time. PUCO will cover gates and signals but not the crossings themselves.
Motion To Suspend The Rules	Motion: Lankenau Second: Ridley To suspend the rules requiring three readings
Passed Yea-7 Nay-0	Roll call vote on above motion: Yea- Lankenau, Ridley, Maassel, Tassler, Helberg, McColley, Sheaffer Nay-
Passed Yea-7 Nay-0	Roll call vote to pass Resolution No. 050-13 under suspension of the rules Yea- Lankenau, Ridley, Maassel, Tassler, Helberg, McColley, Sheaffer Nay-
Introduction Of Resolution No. 051-13	President Helberg read by title 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
Motion To Approve First Read	Motion: Lankenau Second: Ridley To approve first read of Resolution No. 051-13
Discussion	Bisher said this legislation came out of committee. McClure is having water issues. There have been issues getting water through Malinta to McClure. A waterline was installed from Grelton to McClure. One way to resolve this is for Malinta to join the Water Sewer District (WSD) or assign our contract to WSD and move water through Malinta. This has not been resolved politically. The Ohio EPA wants McClure on this water system by the end of the month. This legislation allows Bisher to assign the City's contract with Malinta to WSD or terminate it. Ridley asked how this impacts revenue. Lankenau said it is revenue neutral, but there will be more revenue with McClure added. Bisher said the line has been in the ground since May, but they haven't pumped water due to contractual arrangements.
Motion To Suspend The Rules	Motion: Ridley Second: Lankenau To suspend the rules requiring three readings
Passed Yea-7 Nay-0	Roll call vote on above motion: Yea- Lankenau, Ridley, Maassel, Tassler, Helberg, McColley, Sheaffer Nay-
Passed Yea-7 Nay-0	Roll call vote to pass Resolution No. 051-13 under suspension of the rules Yea- Lankenau, Ridley, Maassel, Tassler, Helberg, McColley, Sheaffer Nay-

**Ordinance No. 042-13
Is Tabled Until 10/7/13**

President Helberg said Ordinance No. 042-13 is tabled until October 7, 2013
Hayberger said the purpose of tabling is to allow people to come in and discuss concerns. No one is here to ask questions.

**Second Read Of
Ordinance No. 045-13**

President Helberg read by title 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

**Motion To Approve
Second Read**

Motion: Ridley Second: Lankenau
To approve second read of Ordinance No. 045-13

Discussion

Heath said there has been no change since the last reading.

Passed
Yea-7
Nay-0

Roll call vote to approve second read of Ordinance No. 045-13
Yea- Lankenau, Ridley, Maassel, Tassler, Helberg, McColley, Sheaffer
Nay-

**Second Read Of
Resolution No. 046-13**

President Helberg read by title 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

**Motion To Approve
Second Read**

Motion: McColley Second: Maassel
To approve second read of Resolution No. 046-13

Discussion

Heath said there has been no change since the last reading.

Passed
Yea-7
Nay-0

Roll call vote to approve second read of Resolution No. 046-13
Yea- Lankenau, Ridley, Maassel, Tassler, Helberg, McColley, Sheaffer
Nay-

No 3rd Readings

There were no third readings of Ordinances and Resolutions.

GOOD OF THE CITY

Discussion/Action

**Motion To Approve
Billing Determinants**

Motion: Maassel Second: McColley
To accept the recommendation for approval of September 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

Ridley requested that the Council agenda include the increase or decrease in amounts from the month before.

Passed
Yea-7
Nay-0

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

**Plans/Specifications
For W/W Chemicals**

Matt Bilow, Wastewater Treatment Plant Superintendent requested approval for plans and specifications to bid water/wastewater treatment chemicals for 2014.

Motion To Approve	Motion: McColley Second: Tassler To approve plans/specifications for 2014 Water & Wastewater Treatment Chemicals
Passed Yea-7 Nay-0	Roll call vote on above motion: Yea- Lankenau, Ridley, Maassel, Tassler, Helberg, McColley, Sheaffer Nay-
Bridge Loan Request From Donovan Law Office	Robert McColley said two properties at the corner of Main & Perry Streets are being demolished. Part of this project is stabilizing the side of John Donovan's building This is not part of Donovan's deal and he gets no benefit from it. The money for stabilization can come out of the Infrastructure Fund for a short-term loan. This is in the best interest of the City. There is \$74,000 in the fund now with \$34,000 promised to NWA. This leaves enough to pay for the \$20,000 bridge loan to John Donovan. Bisher said the project will pay Mr. Donovan, but Donovan doesn't want to front the money. He will get paid back as the project proceeds. Ridley noted that if the project is not done before the end of the year, we will lose the grant money. Bisher said we are getting it done.
Motion To Approve	Motion: Ridley Second: Lankenau To approve the committee recommendation for a Bridge Loan in the amount of \$20,000 to John Donovan for 120 days at 0% interest
Passed Yea-7 Nay-0	Roll call vote on above motion: Yea- Lankenau, Ridley, Maassel, Tassler, Helberg, McColley, Sheaffer Nay-
Wording of Dispatch Initiative for Ballot	Hayberger read a proposed ballot question for the dispatch initiative: <i>(A majority affirmative vote is necessary for passage.) Shall the City of Napoleon cease operating its Police, Fire and EMS dispatch as it currently operates and outsource said operations to the Henry County Sheriff? YES NO</i> Hayberger said this could be on the ballot on the first Tuesday in May 2014 and must be at the Board of Elections 90 days before that. Tassler asked if this is an advisory poll from residents. Hayberger said there is nothing he can write that will lock it in and force Council to do this. It would be an advisory opinion. Mayor Behm said Council voted to do this.
Motion To Draft Legislation	Motion: Ridley Second: Sheaffer To direct the Law Director to draft legislation necessary for the initiative
Passed Yea-5 Nay- Abstain - 2	Roll call vote on above motion: Yea- Ridley, Maassel, Tassler, Helberg, Sheaffer Nay- Abstain – Lankenau, McColley
Raising the City's Minimum Requirement to Bid from \$25,000 to \$50,000 Referred To Finance & Budget	President Helberg referred <i>Raising the City's Minimum Requirement to Bid from \$25,000 to \$50,000</i> to the Finance & Budget Committee
Unison Contract for Water Tower	Lankenau said we would assign the Verizon contract to Unison and they will service Verizon's payments. We get a lump sum upfront for that. Tassler said the current

	contract with Verizon would bring in \$662,000 over a 40-year period. The contract with Unison pays \$248,000 over 40 years. Lankenau said the bigger fear is Verizon will go away. Bisher said Nextel did. Tassler said he doesn't want Council chambers full of Verizon customers if Verizon pulls their antenna. Bisher said Verizon is not pulling its antenna. We have a contract with them. McColley said Unison may provide more service in the area for other carriers.
Motion To Direct Law Director To Prepare Legislation	Motion: Sheaffer Second: Lankenau To direct the Law Director to prepare legislation for the Unison Contract for the Water Tower
Passed	Roll call vote on above motion:
Yea-7	Yea- Lankenau, Ridley, Maassel, Tassler, Helberg, McColley, Sheaffer
Nay-0	Nay-
<u>Good Of The City</u>	
(Cont.)	
Bisher	Bisher said the closing of the Lagrange/Scott St intersection has been moved back to September 30 for 30 days. Bisher thanked NCTV for showing up. Bisher thanked Council & the Mayor for coming to the employee picnic today. Dan Wachtman, Tony Cotter and Rob McColley did the work. Bisher thanked them, noting that Jim Hershberger would appreciate their efforts.
Hayberger	Hayberger – no items
Lankenau	Lankenau – no items
Sheaffer	Sheaffer asked why the bills show we paid for a meal for snow plowing. Bisher said this may be a class someone attended. He will check on this. Sheaffer completed all required FEMA training for emergency preparedness.
McColley	McColley said it was a good picnic today.
Mayor Behm	Mayor Behm said Jon Tassler can't serve on the Parks & Recreation Board anymore. He appointed Joe Bialaruki for the remainder of Tassler's term.
Motion To Appoint J. Bialaruki To Parks & Rec Board	Motion: Maassel Second: Lankenau To appoint Joe Bialaruki for the remainder of Jon Tassler's term on the Parks & Recreation Board, expiring 12/31/14.
Passed	Roll call vote on above motion:
Yea-7	Yea- Lankenau, Ridley, Maassel, Tassler, Helberg, McColley, Sheaffer
Nay-0	Nay-
Helberg	Helberg – no items
Tassler	Tassler said he had complaints about the line being moved on Briarheath moving 4' closer to them due to street striping. They are worried about their mailboxes coming off. Lulfs said this will not affect snowplowing. It was adjusted 2' due to parking being allowed on the other side of the road. We started doing that on other streets in town including N. Perry and W. Maumee. Tassler asked if there have been asbestos inspections on Yeager Street. Chief Bennett said this was done as part of a grant. Tassler canceled the Safety and Human Resources Committee scheduled for 9/23

	due to lack of agenda items.
Maassel	<p>Maassel asked if Scott Street will get blacktopped before the State November 15 deadline. Lulfs said the project is on schedule. He does not believe there is a deadline of 11/15. It depends on the temperature and if asphalt manufacturers are making asphalt at that time. We will try to get it done before Thanksgiving.</p> <p>Maassel requested that Jon Tassler get a permanent nameplate instead of temporary.</p> <p>Maassel requested that Jim Hershberger's family be invited to the Oct. 7 meeting.</p>
Ridley	<p>Ridley asked about the letter from the EPA that was included in the packet. Bisher said we asked to do additional testing during the next three years. The EPA is still considering this, but we must do additional testing on overflows. We asked for relief and got additional requirements. Bisher believes if we do the testing, we will be okay in the end. Lulfs said it is not his intention to accept that letter. He will tell the EPA that they cannot force us to do additional monitoring because it violates the orders they issued. We will do the studies. Lulfs will respond to the letter on Sept. 30.</p> <p>Ridley asked about a bill from Tom's Reconditioning. Bisher said there was nothing out of the ordinary. Lulfs said college students used his vehicle for the summer. He sent it to be cleaned up.</p>
Heath	<p>Heath said there is more Action on House Bill 5. He recommended that Council contact their legislators and let them know how we feel.</p> <p>Helberg asked Bennett for some background information for the three people who were sworn in at the last Council meeting. Helberg apologized for not asking for this information when they were sworn in. Bennett said Anthony Caligiuri worked for Northwood for 5-6 years. He had his certifications and did well on the test and interview process. Sarah Wagner worked at the Rossford Fire Dept. for 4 years. She has all of her certifications. She came very highly recommended. Morgan McCoy, the new Human Resources Director, is from Norwood, Ohio, has a 6-year-old daughter, and lives in Harrison Township. She worked with personnel at Alex Products before coming here.</p>
3rd Quarter Budget Adjustment Assigned To Finance & Budget	<p>Heath requested that <i>3rd Quarter Budget Adjustments</i> be assigned to Committee. Helberg assigned <i>3rd Quarter Budget Adjustments</i> to the Finance & Budget Committee.</p>
Motion To Go Into Executive Session For Collective Bargaining	<p>Motion: McColley Second: Lankenau</p> <p>To go into Executive Session to discuss collective bargaining negotiations</p>
Passed Yea-7 Nay-0	<p>Roll call vote on above motion:</p> <p>Yea- Lankenau, Ridley, Maassel, Tassler, Helberg, McColley, Sheaffer</p> <p>Nay-</p>
Into Executive Session For Compensation Of Personnel	<p>Motion: McColley Second: Maassel</p> <p>To go into Executive Session to discuss compensation of personnel for the City Manager, Law Director and Finance Director</p>
Passed Yea-7 Nay-0	<p>Roll call vote on above motion:</p> <p>Yea- Lankenau, Ridley, Maassel, Tassler, Helberg, McColley, Sheaffer</p> <p>Nay-</p>
	Council went into Executive Session at 8:15 p.m.

**Motion To Come Out
Of Executive Session**

Motion: Maassel Second: Lankenau
To come out of Executive Session for both topics of conversation

Passed
Yea-7
Nay-0

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

**Out Of Executive
Session**

Council came out of Executive Session at 9:28 p.m. President Helberg reported that the discussion was regarding collective bargaining negotiations and compensation of personnel. No action was taken on either item.

Approval Of Bills

Bills and reports stand approved as presented with no objections.

Motion To Adjourn

Motion: Sheaffer Second: Lankenau
To adjourn the meeting.

Passed
Yea -7
Nay -0

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

Adjournment

Meeting adjourned at 9:29 p.m.

Approved:
October 7, 2013

John A. Helberg, Council President

Ronald A. Behm, Mayor

Gregory J. Heath, Finance Director/Clerk of Council

City of Napoleon, Ohio
CITY COUNCIL

Special Meeting Minutes

Monday, September 23, 2013 at 6:15 PM

PRESENT

City Council

City Staff

Recorder

Others

ABSENT

Council

Call To Order

**Introduction Of
Resolution No. 052-13**

**Motion To Approve
First Read**

Discussion

John Helberg – President, Patrick McColley, Christopher Ridley, Jason Maassel,
Jon Tassler

Ronald Behm, Mayor
Dr. Jon Bisher, City Manager
Trevor Hayberger, Law Director
Gregory Heath, Finance Director/Clerk of Council
Chad Lulfs, City Engineer
Sheryl Rathge, Executive Assistant
Barbara Nelson
News Media

Jeffrey Lankenau, Travis Sheaffer

President Helberg called the meeting to order at 6:16 pm.

President Helberg read by title Resolution No. 052-13 A Resolution authorizing the City Manager to execute any and all documents to purchase property and authorizing the expenditure of funds in excess of \$25,000.00 for said purchase; and declaring an emergency

Motion: McColley Second: Maassel
To approve first read of Resolution No. 052-13

Bisher said Council agreed to incentivize two building owners by agreeing to purchase the property if they cleaned up the demolition. There are four costs for Mr. Jones in the contract. We started at \$60,000. It remains at \$60,000 now, but it can go as high as \$75,000. If there is more cost than \$75,000, Jones starts losing money.

There are two fixed costs: (1) development cost of \$5,000 and (2) \$25,000 to purchase Cain's property. The two variable costs are (1) stabilizing Donovan's building and (2) demolition and hauling debris offsite. This is how we are using the grant money; otherwise, that money goes back to the State. Jones initially brought us a deal to give us the building for \$1. We accept that, but it is structured this way to use the grant money.

Hayberger distributed Exhibit A (below) detailing costs per contract:

- 1. The City's down payment of \$25,000.00 to Jones for this contract shall be used by Jones to purchase Cain's property (also known as sections A 3 and 4 of this contract).*
- 2. Jones shall demolish and carry away the debris as outlined above, if successful and completed on time, Jones shall receive half of this cost from the Private Downtown Revitalization Grant, with the remaining balance up to \$25,000.00 to be paid for by Jones from the proceeds of this contract.*
- 3. Stabilization and improvements to the Donovan Building as outlined above, if successful and completed on time, Mr. Donovan shall receive half of this cost from the Private Downtown Revitalization Grant, with the remaining balance up to \$20,000.00 to*

be paid for by Jones from the proceeds of this contract.

4. If all contingencies are met and complete on time, Steve Lankenau shall receive \$5,000.00 for his professional services as development cost. Mr. Lankenau shall receive half of this cost from the Private Downtown Revitalization Grant, with the remaining balance of \$2,500.00 to be paid by the City.

Bisher said the structural stabilization cost for Donovan's building should not be more than \$10,000. We don't know what the cost will be to parge the outside of the building. Council approved a \$20,000 temporary bridge loan from the CIC so Donovan did not have to pay any money upfront.

We ran all of this through the local and Ohio Historical Society (OHS) and made it through most of those obstacles. There will be two 15-day waiting periods for full environment-als. We are trying to get to those quickly so we can start demolition. We struggled with adjusting the downtown area that the grant is for and have not gotten the extension yet to include these two buildings and parking lot as of today.

We can stabilize Donovan's building immediately, but have to wait the two back-to-back waiting periods before tearing down the other buildings. The City intends to put in drainage and fill the holes before the end of the year and get grant money for it. The numbers should be between \$60,000 and \$75,000. We have to spend \$60,000 in order to live up to our grant promise. Additional moneys will come out of budgeted money that was not spent this year. We may have to reallocate money for this.

Helberg asked if we already gave money to Jones to buy Cain's building, if this doesn't happen on the timeline, who owns that building? Hayberger said Jones owns it. If the deal doesn't happen, Jones owes us that \$25,000. We needed to get Cain out of the deal in order to move forward more smoothly. Bisher said Council was clear on moving forward with this. We can require that the buildings be taken down, but with downtown grant money the building owners walk away with a better feeling. The goal is to use the grant to get the buildings down. The whole thing gets convoluted, but we will try to reach the goal. 100 things could still go wrong.

McColley said if they don't take the buildings down, they owe us \$25,000. What if they are half-done? Do they submit receipts along the way? Hayberger said we have been very clear at every step that it is mandatory for the buildings to be down by December 2. Bisher said all of our filling and drainage must be done by the end of the year to get grant reimbursement. There will be a stoned lot that is not a finished parking lot. Bisher plans to put the parking lot in the budget for 2014. There are three restaurants in the immediate area and properties across the street that need parking. Hayberger said Weirauch talked with all the construction guys and it does not appear to be a problem. Engineers have been in all the buildings. Helberg said the penalty is that Jones has two buildings to take down on his own dime if it isn't done on time. Hayberger said there is already a huge incentive for everyone to get it done.

Helberg asked if he can vote on this. Bisher said it is just acquisition of property. Hayberger said Helberg is okay to vote. Ridley asked when we will hear back on the extension of the downtown area. Bisher said we hoped to hear today but that didn't happen. We pressed hard on this and may have made them mad. Hayberger said most of the rest of the block is already in the grant area. McColley asked if we need another special Council meeting in a few days. Bisher said once he has the authority to purchase, we should be okay. We are prepaying the \$25,000.

Motion To Suspend The Rules

Hayberger said they are supposed to close Thursday. Ridley said he is uncomfortable fronting \$25,000 without knowing what OHS will say. Hayberger said even if we front it, Jones is responsible to pay it back in our contract with him. If this doesn't go through, the money comes back to us. Bisher said Jones needs the money to fulfill his part of the contract.

Tassler seconded the motion to suspend the rules requiring three readings.

Ridley asked the city's risk if this falls through. Hayberger said right now it is \$25,000, but the contract says that money will come back if the deal falls through. Ridley said we are risking the process by which we get that back. Helberg said Jones has the bigger risk.

Motion: McColley Second: Tassler
To adjourn the meeting at 6:39 pm

Roll call vote on above motion.
Yea – Ridley, Maassel, Tassler, Helberg, McColley
Nay -

City of Napoleon, Ohio

Finance & Budget Committee

Majority Report

The Finance & Budget Committee met on Monday, September 23, 2013, and:

- a. Discussed and tabled *Debt Funding Limits For Water & Sewer Projects*
- b. Recommended to increase the City's requirement to bid from \$25,000 to \$30,000
- c. Recommended to request legislation to approve the 3rd quarter budget adjustments and to authorize transfer of appropriations into the Reserve Fund

Chris Ridley, Chair

John Helberg, Committee

Jason Maassel, Committee

Mayor Ronald Behm, Committee

ORDINANCE NO. 053-13

**AN ORDINANCE ESTABLISHING A GENERAL RESERVE
BALANCE ACCOUNT; AND DECLARING AN EMERGENCY**

WHEREAS, the City of Napoleon desires to establish General Reserve Balance Account; and,

WHEREAS, the City desires to establish the General Reserve Balance Account to stabilize the City's budgets against cyclical changes in revenues and expenditures; now therefore,

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

Section 1. That, the City of Napoleon, pursuant to ORC §5705.13(A)(1), which may be amended from time to time, does hereby establish the 101 General Reserve Balance Account.

Section 2. That, the City of Napoleon does hereby establish this account in the General Fund to be used for any proper public purpose and the amount of money in the reserve account shall not exceed the maximum amount of money allowed by law.

Section 3. 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 4. 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 5. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for timely deposit of funds into the account from the supplemental appropriations; 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 Ordinance No. 053-13 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. 054-13

**AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION
MEASURE (SUPPLEMENT NO. 4) FOR THE YEAR 2013; AND DECLARING
AN EMERGENCY**

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

Section 1. That, the annual appropriation measure passed in Ordinance No. 076-12, 018-13, 028-13, and 033-13 for the fiscal year ending December 31, 2013 shall be supplemented (Supplement No. 4) as provided in Exhibit "A", attached hereto and made a part hereof.

Section 2. 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 the City of Napoleon, Ohio.

Section 3. 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 4. That, this Ordinance 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 for purposes of complying with grant requirements which are related to public peace, health or safety of the City; 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 Ordinance No. 054-13 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

2013 APPROPRIATION BUDGET - SUPPLEMENTAL BUDGET

BUDGET SUMMARY BY FUND, DEPARTMENT AND CATEGORY

<u>ORDINANCE No. 054-13, Passed 10/07/2013</u>	==== 2013 3rd Qt. BUDGET ADJUSTMENTS ===			2013
Proposed Appropriation Budget Adjustments	PERSONAL			FUND
CATEGORY ->	SERVICES	OTHER	TOTAL	TOTAL
<u>100 GENERAL FUND</u>				
2100 Police/Safety Services	\$25,000	\$0	\$25,000	
9800 Reimbursements-Shared Expense	\$0	\$2,000	\$2,000	
9900 Transfer Accounts	\$0	\$45,400	\$45,400	
	-----	-----	-----	
Total - 100 General Fund	\$25,000	\$47,400	\$72,400	\$72,400
	=====	=====	=====	
<u>170 MUNICIPAL INCOME TAX FUND</u>				
1510 Finance/Income Tax Collection	\$0	\$42,400	\$42,400	\$42,400
	=====	=====	=====	
<u>300 GENERAL BOND RETIREMENT FUND</u>				
8100 General Obligation Debt Services	\$0	\$700	\$700	\$700
	=====	=====	=====	
<u>400 CAPITAL IMPROVEMENT FUND</u>				
2100 Police/Safety Services	\$0	\$750	\$750	\$750
	=====	=====	=====	
<u>438 SCOTT STREET IMPROVEMENT PROJECT FUND</u>				
5100 Service/Streets Maintenance and Properties	\$10,000	\$0	\$10,000	\$10,000
	=====	=====	=====	
<u>500 ELECTRIC UTILITY REVENUE FUND</u>				
6110 Electric/Operations, Distribution System	\$0	\$39,000	\$39,000	\$39,000
	=====	=====	=====	
<u>513 WATER OWDA BOND RETIREMENT FUND</u>				
8300 Revenue Funds Debt Services	\$0	\$140	\$140	\$140
	=====	=====	=====	
<u>519 WATER PLANT RENOVATION & IMPROVEMENT</u>				
6200 Water/Treatment Plant Operations	\$0	\$700,000	\$700,000	\$700,000
	=====	=====	=====	
	-----	-----	-----	-----
* GRAND TOTAL - ALL FUNDS	\$35,000	\$830,390	\$865,390	\$865,390
	=====	=====	=====	=====

2013 APPROPRIATION BUDGET - SUPPLEMENTAL BUDGET				
BUDGET SUMMARY BY FUND, DEPARTMENT AND CATEGORY				
REVISED 10/02/2013				
<u>ORDINANCE No. 054-13, Passed 10/07/2013</u>	=== 2013 3rd Qt. BUDGET ADJUSTMENTS ===			2013
Proposed Appropriation Budget Adjustments	PERSONAL			FUND
CATEGORY ->	SERVICES	OTHER	TOTAL	TOTAL
<u>100 GENERAL FUND</u>				
2100 Police/Safety Services	\$25,000	\$0	\$25,000	
- Additional for Dispatch Overtime to cover 24/7 Operations +\$14,000:				
Account - 100.2100.51311 Salary-Dispatch OT	\$14,000			
- Additional for Unemployment Compensation not bugeted +\$11,000:				
Account - 100.2100.51900 Unemployment Compensation	\$11,000			
9800 Reimbursements-Shared Expense	\$0	\$2,000	\$2,000	
- Additional for Inter-fund Reimbursements on Shared Labor Expenses +\$2,000:				
Account - 100.9800.59130 Reimburse-Shared Labor Expense		\$2,000		
9900 Transfer Accounts	\$0	\$45,400	\$45,400	
- Additional for Transfer to New 101 General Reserve Balance Fund, excess on Refund from WC +\$45,400:				
Account - 100.9800.59130 Reimburse-Shared Labor Expense		\$45,400		
Total - 100 General Fund	\$25,000	\$47,400	\$72,400	\$72,400
	=====	=====	=====	
<u>170 MUNICIPAL INCOME TAX FUND</u>				
1510 Finance/Income Tax Collection	\$0	\$42,400	\$42,400	\$42,400
	=====	=====	=====	
- Additional for Supplies of Forms for use in Tax Amnesty Program +\$1,000:				
Account - 170.1510.54100 Supplies-Office		\$1,000		
- Additional to Upgrade CMI Software for Online Filing Programs +\$11,400:				
Account - 170.1510.53210 Service Contract-Computer Software		\$11,400		
- Additional for Income Tax Refunds, running higher than the prior year +\$30,000:				
Account - 170.1510.59010 Refunds-Income Tax		\$30,000		
<u>300 GENERAL BOND RETIREMENT FUND</u>				
8100 General Obligation Debt Services	\$0	\$700	\$700	\$700
	=====	=====	=====	
- Additional for Payment to Ohio Water Sewer Rotary Commission for Deferred Assessments +\$700:				
Account - 310.8500.58450 Principal Payment-OWSRC		\$700		
<u>400 CAPITAL IMPROVEMENT FUND</u>				
2100 Police/Safety Services	\$0	\$750	\$750	\$750
	=====	=====	=====	
- Additional for Equipment from funds received through Donations +\$750:				
Account - 400.2100.57000 Machinery and Equipment		\$750		
<u>438 SCOTT STREET IMPROVEMENT PROJECT FUND</u>				
5100 Service/Streets Maintenance and Properties	\$10,000	\$0	\$10,000	\$10,000
	=====	=====	=====	
- Additional for Police Overtime to monitor Truck Traffice on SR108 down Scott Street, paid by project +\$10,000:				
Account - 438.5100.51131 Salary-Police Command OT	\$2,500			
Account - 438.5100.51301 Salary-Police Officers OT	\$7,500			

2013 APPROPRIATION BUDGET - SUPPLEMENTAL BUDGET				
BUDGET SUMMARY BY FUND, DEPARTMENT AND CATEGORY				
REVISED 10/02/2013				
<u>ORDINANCE No. 054-13, Passed 10/07/2013</u>	=== 2013 3rd Qt. BUDGET ADJUSTMENTS ===			2013
Proposed Appropriation Budget Adjustments	PERSONAL			FUND
CATEGORY ->	SERVICES	OTHER	TOTAL	TOTAL
500 ELECTRIC UTILITY REVENUE FUND				
6110 Electric/Operations, Distribution System	\$0	\$39,000	\$39,000	\$39,000
	=====	=====	=====	
- Additional for Electric Supplies for a large unbudgeted build +\$19,500:				
Account - 500.6110.54400 Supplies-Electrical		\$19,500		
- Additional for Transformers for a large unbudgeted replacement +\$19,500:				
Account - 500.6110.54410 Supplies-Transformers		\$19,500		
513 WATER OWDA BOND RETIREMENT FUND				
8300 Revenue Funds Debt Services	\$0	\$140	\$140	\$140
	=====	=====	=====	
- Additional for Payment to County Auditor on Collection Fees +\$140:				
Account - 513.8300.53410 County-Auditor Fees		\$140		
519 WATER PLANT RENOVATION & IMPROVEMENT PROJ				
6200 Water/Treatment Plant Operations	\$0	\$700,000	\$700,000	\$700,000
	=====	=====	=====	
- Additional Appropriation Afrom Unappropriated Balance to Profession Services, Engineering +\$700,000:				
Accounts - 519.6200.53310 Service Fees-Eng.&Design		\$700,000		
	-----	-----	-----	-----
* GRAND TOTAL - ALL FUNDS	\$35,000	\$830,390	\$865,390	\$865,390
	=====	=====	=====	=====

RESOLUTION NO. 055-13

**A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO
TRANSFER CERTAIN FUND BALANCES FROM RESPECTIVE FUNDS
TO OTHER FUNDS PER SECTION 5705.14 ORC ON AN AS NEEDED
BASIS IN FISCAL YEAR 2013, LISTED IN EXHIBIT "A" (TRANSFER
3); AND DECLARING AN EMERGENCY**

WHEREAS, the City is a charter municipality having those powers of self government as stated in Article I of its Charter, and,

WHEREAS, in order to provide Fund Balances for approved expenditures in certain funds on an as needed basis, it is necessary to transfer funds from respective funds to other funds; Now Therefore,

WHEREAS, Council previously authorized such a transfer in Resolution No. 077-12 and 034-13; however, another transfer is necessary; Now Therefore,

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

Section 1. That, pursuant to Section 5705.14 of the ORC and this Resolution, the Finance Director is hereby authorized and directed to transfer monies among the various funds on an as needed basis in Fiscal Year 2013 as listed in Exhibit "A" (Transfer 3), attached hereto and made a part of this Resolution.

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 the City 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, only that portion shall be held invalid and the remainder shall remain valid.

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 to assure the prompt and efficient conduct of the municipal operations related to public peace, health or safety of the City; 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. 055-13 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

2013 APPROPRIATION BUDGET - TRANSFER OF FUNDS			
	<i>RESOLUTION No. 055-13, Passed 10/07/2013</i>		
	BUDGET CHANGE - 2013 TRANSFER OF FUNDS - No. 3	= TRANSFER AMOUNTS =	
	<u>FUND NAME, FROM - TO, PURPOSE</u>	<u>FROM</u>	<u>TO</u>
FROM:	100 GENERAL FUND	\$45,400	
TO:	101 GENERAL RESERVE BALANCE FUND		\$45,400
Purpose:	Undesignated Reserves in 100 General Fund, move to 101 General Reserve Balance Fund		
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	TOTALS - FROM	<u>45,400</u>	
	TOTALS - TO		<u>45,400</u>

RESOLUTION NO. 056-13

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO
ENTER INTO A CONTRACT WITH UNISON SITE
MANAGEMENT LLC FOR THE CELL SITE LEASE
CONVERSION PROGRAM; AND DECLARING AN EMERGENCY**

WHEREAS, the City of Napoleon leases space on its water towers for telecommunications purposes; and,

WHEREAS, the City is now desirous of entering into a contract with Unison Site Management LLC for the conversion of the City's lease payments for a lump sum payment; 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 a contract with Unison Site Management LLC for the cell site lease conversion program.

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 to enter into the contract and to receive the highest conversion rate 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. 056-13 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

SUMMARY TO RESOLUTION 025-13

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

NOTICE

A copy of the complete text of Resolution 025-13 is on file in the office of the City Finance Director and may be viewed or obtained during business hours of 7:30 AM to 4:00 PM, Monday through Friday, at the office of the Finance Director, the location being 255 West Riverview Avenue, Napoleon, Ohio. A copy of all or part of Resolution 025-13 or any item mentioned in this notice may be obtained from the City Finance Director upon the payment of a reasonable fee therefore.

Resolution 025-13

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH DEFIANCE HOLDINGS LLC (METALINK) FOR THE LEASING OF SPACE ON THE CITY OF NAPOLEON'S WATER TOWER; AND DECLARING AN EMERGENCY

In this legislation the City of Napoleon authorizes the City Manager to enter an agreement to lease space on the City of Napoleon's water towers to Defiance Holdings LLC (MetaLink). This Summary was approved as to form and correctness by Trevor M. Hayberger, Law Director.

RESOLUTION NO. 057-13

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JONES AND HENRY ENGINEERS LTD FOR PROFESSIONAL DESIGN SERVICES FOR THE PROJECT KNOWN AS THE WATER TREATMENT PLANT IMPROVEMENTS FINAL DESIGN, WHICH WAS NOT INCLUDED IN THE 2013 MASTER BID RESOLUTION 079-12; AND AUTHORIZING THE EXPENDITURE OF FUNDS IN EXCESS OF \$25,000.00 FOR SAID PROJECT; AND DECLARING AN EMERGENCY

WHEREAS, the City desires to move forward with the design of a water treatment plant; and,

WHEREAS, the City sought statements of qualifications from engineering firms for the final design of a water treatment plant; and

WHEREAS, the City ranked the responding firms and determined that Jones and Henry Engineers Ltd. as the most qualified firm; and

WHEREAS, the City now desires to enter into a contract with Jones and Henry Engineers Ltd. for professional design services for the Water Treatment Plant Improvements Final Design Project; and

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

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

Section 1. That, the expenditure of funds in excess of \$25,000.00 for professional design services for the Water Treatment Plant Improvements Final Design Project is hereby authorized as a necessary public expenditure.

Section 2. That, having found Jones and Henry Engineers Ltd to be the most qualified firm, the City Manager is hereby authorized to enter into a contract with Jones and Henry Engineers Ltd. for professional design services for the Water Treatment Plant Improvements Final Design Project.

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

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

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

earliest possible time to comply with EPA mandates; 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. 057-13 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:

	Residential				Commercial					Industrial	
Institutional	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

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

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.

City of Napoleon Parks and Recreation Department

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

Memorandum

To: *Jon A. Bisher, City Manager*
From: *Tony Cotter, Director of Parks and Recreation*
Date: *Thursday, September 26, 2013*
Subject: *Trick or Treat Night Recommendation*

At its September meeting, the Parks and Recreation Board has recommended that Trick or Treat night in Napoleon be held on Thursday, October 31st from 6:00 – 7:30 p.m. Please place this on the next regularly scheduled City Council meeting for their approval.

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

66036540030		STCK		OTTAWA OIL CO INC	
PERMIT NUMBER		TYPE		330 S PERRY ST	
ISSUE DATE				NAPOLEON OHIO 43545	
05 17 2013					
FILING DATE					
C1					
PERMIT CLASSES					
35	088	A	F10628		
TAX DISTRICT			RECEIPT NO.		

FROM 09/30/2013

PERMIT NUMBER		TYPE	
ISSUE DATE			
FILING DATE			
PERMIT CLASSES			
TAX DISTRICT			RECEIPT NO.



MAILED 09/30/2013

RESPONSES MUST BE POSTMARKED NO LATER THAN. 10/31/2013

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

A STCK 6603654-0030

[TRANSACTION & NUMBER]

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF NAPOLEON CITY COUNCIL
255 W RIVERVIEW AV
NAPOLEON OHIO 43545

For Questions call
(614) 644-3162
Office Hours -
8:00 a.m. - 5:00 p.m.

Ohio Department of Commerce - Division of Liquor Control
6606 Tussing Road, Reynoldsburg, Ohio 43068-9005
<http://www.com.ohio.gov/liqr>

**APPLICATION FOR CHANGE OF CORPORATE STOCK OWNERSHIP
PROCESSING FEE \$100.00**

CAUTION: ALLOW 10 TO 12 WEEKS FOR PROCESSING

PERMIT HOLDER REQUESTS APPROVAL OF THE DIVISION OF LIQUOR CONTROL OF THE FOLLOWING TRANSFER(S) OF STOCK

Permit Holder Name

Ottawa Oil Co., Inc.

Liquor Permit Number(s)

Permit Premises Address

F010623

Attorney's Name, Address and Telephone Number (If represented)

Is Stock Traded on a National Exchange? ☐ YES ☒ NO

If YES, give Name of Exchange and Symbol

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

SECTION A: PREVIOUS 5% OR MORE STOCKHOLDERS	DATE OF BIRTH	Social Security Number/FTI#	Number of Shares Issued For Stock Transfer Only (NOT Percentages)
1) Robert Kruse	1/12/32		240
2) Dale Kruse	7/5/61		240
3) Rick Stechschulte	2/16/58		80
4) Tom Stechschulte	10/31/48		80
5) Kay Burkholder	12/12/54		80

SECTION B: REVISED 5% OR MORE STOCKHOLDERS	DATE OF BIRTH	Social Security Number/FTI#	Number of Shares Issued For Stock Transfer Only (NOT Percentages)
1) Dale Kruse	7/5/61		264
2) Janel Kruse	8/22/59		144
3) Rick Stechschulte	2/16/58		80
4) Tom Stechschulte	10/31/48		80
5) Kay Burkholder	12/12/54		80

ok to key in SE, Send Pd, cc, rept.	TOTAL NUMBER OF SHARES ISSUED
	960

LIST THE TOP FOUR OFFICERS OF THE CAPTIONED CORPORATION. IF AN OFFICE IS NOT HELD, PLEASE INDICATE BY WRITING "NONE"	Social Security Number	Date Of Birth
1) CEO/President Kevin Ellerbrock		6/6/56
2) Vice-President Rick Stechschulte		2/16/58
3) Secretary Dale Kruse	5	7/5/61
4) Treasurer none		

no viol, pend. rev, 17 permits issued.



City of Napoleon, Ohio

Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

Chad E. Lulfs, P.E., P.S., City Engineer

Telephone: (419) 592-4010 Fax: (419) 599-8393

www.napoleonohio.com

Memorandum

To: Dr. Jon A. Bisher, City Manager
From: Chad E. Lulfs, P.E., P.S., Director of Public Works
cc: Mayor & City Council
Gregory J. Heath, City Finance Director
Date: October 7, 2013
Subject: Water Treatment Plant Improvements
Consultant Selection

Quality based selection was utilized to select a consulting firm for the above referenced project. The firms that submitted Qualification Statements were ranked as follows:

1. Jones & Henry Engineers, Ltd.
2. Poggemeyer Design Group
3. GRW Engineers, Inc.
4. Applied Technologies, Inc.

Negotiations were entered into with Jones & Henry Engineers, Ltd. and a contract price was agreed upon. The negotiated price for the above referenced project is \$1,908,900.00.

Having reviewed the submitted Qualification Statements and after extensive negotiations, it is my recommendation that Council award the contract for the Water Treatment Plant Improvements to Jones & Henry Engineers, Ltd. in the amount of \$1,908,900.00. If you have any questions or require additional information, please contact me at your convenience.

CEL

Memorandum

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

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

Date: 9/24/2013

Re: Technology and Communication Committee Meeting Cancellation

The October 7, 2013, meeting of the Technology and Communication Committee has been CANCELED due to lack of agenda items.

Memorandum

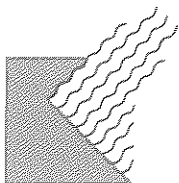
To: Board of Zoning Appeals, Council, Mayor, City Manager, City Law
Director, City Finance Director, Department Supervisors, Media
From: Gregory J. Heath, Finance Director/Clerk of Council
Date: 9/30/2013
Re: Board of Zoning Appeals Meeting Cancellation

The Board of Zoning Appeals meeting regularly scheduled for Tuesday,
October 8 at 4:30 PM has been CANCELED due to lack of agenda items.

Memorandum

To: Planning Commission, Council, Mayor, City Manager, City Law Director, City Finance Director, Department Supervisors, Media
From: Gregory J. Heath, Finance Director/Clerk of Council
Date: 9/30/2013
Re: Planning Commission Meeting Cancellation

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



OHIO WATER
DEVELOPMENT AUTHORITY

480 S. HIGH ST.
COLUMBUS, OH 43215-5603
PHONE: 614/466-5822
FAX: 614/644-9964
877-OWDA-123 (TOLL-FREE)
[HTTP://WWW.OWDA.ORG](http://www.owda.org)

JOHN R. KASICH
GOVERNOR

JAMES P. JOYCE
CHAIRMAN

STEVEN J. GROSSMAN
EXECUTIVE DIRECTOR

September 25, 2013

Finance Director/Clerk
Napoleon
255 W. Riverview Ave.
P.O. Box 151
Napoleon, OH 43545-0151

To the City of Napoleon:

Congratulations on completing your Loan 4716 payments with the Ohio Water Development Authority! We are pleased to have participated with you in the planning of your South Side I/I Reduction Study. We hope you have seen a significant improvement in the quality of life for your citizens corresponding to your improved community services.

We appreciate your fiscal responsibility as evidenced by your loan repayment. By doing this, you help maintain the financial integrity and strong credit rating for the Ohio Water Development Authority's loan programs. Most importantly, repayment of your loan enables the Ohio Water Development Authority to continue providing financial assistance to other communities in Ohio through our loan programs. We hope you will work with the Ohio Water Development Authority again if you have future water or wastewater project needs.

Sincerely yours,

The Ohio Water Development Authority Staff

Shi Smith-James

John H.

D.R. Bunn
Small

John

Bryan McConk

W. Hays

Lee

S. Sepp

Tom
McCleave

Tom

Chris Buckner

City of Napoleon Parks and Recreation Department

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

Memorandum

To: *Jon A. Bisher, City Manager*
From: *Tony Cotter, Director of Parks and Recreation*
Date: *Friday, October 04, 2013*
Subject: *Review of the Buckeye Bash*

The Friends of the Napoleon Golf Course held their "Buckeye Bash" on Saturday, September 28th at the Golf Course in an effort to promote the facility and to generate additional revenue. The following are highlights of the event:

- The theme for the event was a day of golf, food, games, door prizes and raffles, and watching the Ohio State - Wisconsin game in the evening.
- A Ryder Cup format golf event was held consisting of two teams playing nine holes then a blind draw to complete a foursome. A total of 26 teams participated. The entry fee was \$25 per person that included golf and picnic style dinner following golf. Prizes were awarded for various winners. Cash prizes awarded to 1st and 2nd place winners along with other skills contests were donated back to the "Friends". Prizes were donated by local businesses or the Friends.
- Two large screen TVs, compliments of the Friends, were set up outside the clubhouse for the game.
- An outside food and beverage stand was setup to sell brats, pizza, and other snacks along with beer, pop, etc. Both golfers and the public attended to watch the game. A good crowd was on hand. (see image attached)
- The Friends obtained an Outdoor Entertainment permit from the City and secured the necessary liability insurance certificate as per City requirements. The area was properly fenced and people entering were asked to present their ID. Those 21 and over were given a wristband. Security was present.
- There were approximately 20 volunteers on hand to assist with the event.
- The event raised just over \$2,200.00 in revenue for the golf course

The Buckeye Bash was a tremendous success and received many compliments. Those participating suggested having more than one of these events next season. Members of the Friends deserving special thanks include Steve Mossing, Greg Merrill, Ken Hawley, and Duane Ressler. Clubhouse manager Diane Ressler and the rest of my staff did an outstanding job in assisting the Friends.





Update

A weekly newsletter presented by AMP President/CEO Marc Gerken

September 27, 2013

House members urge FERC review of electricity markets

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

On Sept. 23, 13 Republican members of the Energy and Commerce Committee of the U.S. House of Representatives went on record requesting a “holistic” review of electricity markets and their impacts on customers by the Federal Energy Regulatory Commission.

Members from AMP footprint states that signed the letter include Rep. Ed Whitfield (R-KY), chairman of the Energy and Power Subcommittee; Rep. Bob Latta (R-OH); Rep. David McKinley (R-WV); and Rep. Morgan Griffith (R-VA).

The emergence of regional transmission organizations (RTOs) and independent system operators (ISOs) since FERC’s adoption of Order 2000 has significantly altered the way that electricity is priced and provided to ultimate customers. The bipartisan letter to FERC Chairman Jon Wellinghoff is particularly gratifying because AMP/OMEA, the Transmission Access Policy Study Group (TAPS), the American Public Power Association (APPA) and others in public power have been pressing Congress for oversight of FERC and a thorough review of electricity markets. The members requested that FERC conduct a “careful, holistic examination of the performance of organized markets to determine how best to ... promote efficiency in wholesale electricity markets and to ensure that electricity consumers pay the lowest price possible for reliable service.”

Issues specifically identified for review include:

- The functioning, effectiveness, and flexibility of energy and capacity markets to ensure resource adequacy and facilitate cost-effective retention and development of needed generation;
- The impact of capacity markets on fuel diversity and grid reliability;
- The equitable treatment of all generation resources and business models;
- RTO/ISO governance and stakeholder processes;

see FERC Page 2



Morgan Griffith
(R-VA)



Bob Latta
(R-OH)



David McKinley
(R-WV)



Ed Whitfield
(R-KY)

Results from PJM 2015/2016 1st Incremental Capacity Auction posted

By Alice Wolfe – assistant vice president of power supply planning & alternative generation

On Sept. 20, PJM posted the results of the 1st Incremental Auction for the 2015/2016 (June 1, 2015 through May 31, 2016) capacity delivery year. Capacity in the ATSI region of PJM cleared at \$5.12/kW-month while the MAAC region, minus PSEG, cleared at \$3.37/kW-month.

The PSEG zone cleared at \$3.74/kW-month, and the rest of the RTO cleared at a price of \$1.31/kW-month. There was no difference in clearing price for different types of demand response (DR). For comparison, the Base Residual and 1st incremental capacity auctions are listed below.

Area	Base Residual Auction	1st Incremental Auction
ATSI LDA	\$9.27/kW-mo.	\$5.12 /kW-mo.
MAAC, minus PSEG	\$4.56/kW-mo.	\$3.37/kW-mo.
PSEG	\$4.56/kW-mo.	\$3.74/kW-mo.
Rest of RTO	\$4.09/kW-mo.	\$1.31/kW-mo.

AMP members who had offers in this auction will receive a letter detailing their results. Should you have any questions, please contact me at awolfe@amppartners.org or 614.540.6389.

Class postponed

AMP’s originally scheduled course for Oct. 17, APPA Advanced Topics in Underground Distribution, is being postponed due to scheduling conflicts. Look for an announcement in a future edition of *Update* for the new date.

FERC continued from Page 1

- Natural gas and electric coordination, interdependency, and the capability of markets to facilitate the development of needed natural gas infrastructure;
- Transmission operations and planning;
- The integration of demand-side management services and technologies;
- Impacts on state and local resource planning;
- The impact of existing and proposed environmental regulations on resource adequacy and grid reliability; and
- Customer benefits and protection.

AMP and OMEA commend these members for taking action on behalf of customers. If you would like additional information, please let me know (614.540.1111 or jthompson@amppartners.org).

APPA president/CEO to speak at AMP/OMEA Conference

By Jolene Thompson

AMP and OMEA are pleased to welcome Mark Crisson, the American Public Power Association's president and CEO, as the speaker for the Morning General Session I at the 2013 AMP/OMEA Conference.

The public power industry is currently facing many challenges, but there are also ample opportunities. Crisson, who has been associated with public power for 35 years, will cover these issues as well as the importance of joint action during the session, held from 9:30 to 10 a.m. on Oct. 29.

As a reminder, conference registration information is available on the home page of the [AMP website](#). This year's event will take place Oct. 28-31 at the Hilton Columbus at Easton, 3900 Chagrin Dr., Columbus OH. Hotel reservations can also be made online at the AMP website via the "[Hotel Reservations](#)" link, or by calling the Hilton at 614.414.5000 and using the group code "AMP." Please make reservations early as rooms in this block are limited and are only being held until Oct. 6.

For more information regarding conference registration, please contact Karen Ritchey at kritchey@amppartners.org 614.540.0933.

AFEC weekly update

By Craig Kleinhenz – manager of power supply planning

AFEC continued its fall maintenance outage this week. Mild weather has continued to keep power prices low, which has made this week a great time to have the plant offline. Even if the plant was operating it would most likely not have run much this week due to the lower prices.

AFEC was approximately \$3.13/MWh cheaper than on-peak market prices for base generation. The fall outage is expected to continue through next week.



Mark Crisson

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

Week ending Sept. 27

MON	TUE	WED	THU	FRI
\$31.33	\$31.77	\$33.34	\$34.79	\$36.73

Week ending Sept. 20

MON	TUE	WED	THU	FRI
\$30.94	\$30.40	\$34.15	\$36.27	\$35.80

AEP/Dayton 2014 5x16 price as of Sept. 27 — \$40.10

AEP/Dayton 2014 5x16 price as of Sept. 20 — \$40.75

Trends in Sustainability: Energy efficiency plays major role

By Julia Blankenship – director of energy policy and sustainability

An analysis by *Megawatt Daily* reporter Jeffrey Ryser in July noted that the President's 2020 CO₂ targets are already "within reach," thanks in large part to efforts already undertaken by the electric power sector.

When President Obama announced his Climate Action Plan in June, he reaffirmed the Administration's commitment to reduce CO₂ levels by 17 percent from 2005 levels by 2020, returning emission levels to approximately their levels in 1990, for a target level of approximately 5.039 billion metric tons (mt) of CO₂. According to the U.S. Energy Information Administration (EIA), the electric power sector has already reduced emissions of CO₂ by 15.5 percent below 2005 levels, mostly since 2009 with the onset of the economic downturn. Undoubtedly, coal plant shutdowns and conversions have added to the reductions, as well as increased generation using natural gas and renewables.

Energy efficiency also has played a major role, and other sectors also have made significant contributions to the overall national reduction. But the analysis noted that "[w]hat has come about without legislation [emphasis added] is a 709 million mt reduction from the 2005 levels in roughly four years [sic] time." More data is available from EIA, as reported in the July 3, 2013, edition of *Megawatt Daily* (page 1).

Energy prices fall into fall

By Craig Kleinhenz

The market saw a much larger injection of natural gas into storage this week than expected. This helped to offset concerns that injections over the last couple of weeks were slightly smaller than expected. This news combined with mild temperatures to send both natural gas and power markets lower this week.

October natural gas prices finished trading on Sept. 26 down \$0.22/MMBtu this week to close for a final time at \$3.50/MMBtu. November natural gas prices are currently trading at \$3.57/MMBtu. Electric prices closed lower this week with 2014 on-peak electric prices at AD Hub finishing down \$0.65/MWh from last week, closing at \$40.10/MWh.

Conference sessions tackle legislative, regulatory issues

By Jolene Thompson

Legislative and regulatory issues affecting public power on the national level will be the focus of two AMP/ OMEA Conference sessions this year.

Sue Kelly, American Public Power Association vice president of policy analysis and general counsel, will update attendees on Federal Energy Regulatory Commission (FERC) issues and how they affect AMP's members during a session entitled Update on FERC Issues Affecting Public Power from 2 to 3 p.m. on Oct. 29.

Marty Kanner, with Kanner & Associates, will join me for a discussion on federal legislative and regulatory issues and their impacts during the Federal Legislative & Regulatory Issues Update from 9 to 10 a.m. on Oct. 30.

Both of these sessions have been approved by the Ohio Supreme Court for Continuing Legal Education (CLE) credit.



Sue Kelly



Marty Kanner

Apprentices expand knowledge during Basic 2 training

By Bob Rumbaugh – manager of technical training

Ten employees from eight member communities in four states participated in AMP's Basic 2 Lineworker Training course Sept. 23-27.

The second class in AMP's Lineworker series, this week-long course builds on the skills learned in Basic 1 through book work and hands-on training. Classroom topics included transformer connections and theory, and safe work practices. Field work consisted of crossarm change, transformer change conductor installation and sagging, pole top and bucket rescue.

Pictured below are the participants of AMP's Basic 2 Lineworker Training (from left): Joe McComas, Williamstown; Travis Walls, Wapakoneta; Bob Rumbaugh, lead instructor; Cody McLafferty, Williamstown; Gary Shultz, instructor; Michael Messinger II, Watsonstown; Kenny Davis, St. Marys; Brian Ball, Philippi; Bruce Follweiler, instructor; Keith Shipley, Cuyahoga Falls; Kerry Eckert, Kutztown; Brian Sextro, Minster; and Steve Dixon, Cuyahoga Falls.



Ohio governor issues Public Power Week proclamation

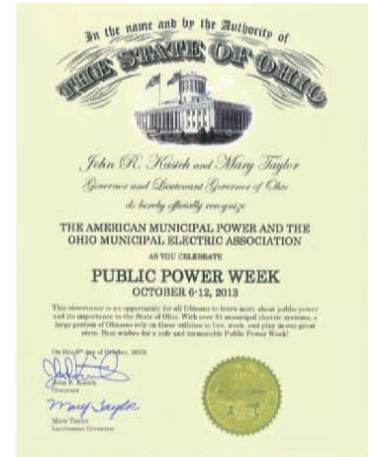
By Jodi Allalen – government affairs coordinator

Ohio Gov. John Kasich recognized annual Public Power Week in Ohio by issuing a proclamation naming 2013 Public Power Week Oct. 6-12.

This year marks the 27th anniversary of the country-wide program, which celebrates the importance of public power.

Activities throughout AMP's membership will be held to educate and increase awareness about public power.

Learn more about the benefits of public power at www.ampppartners.org.



Webinar focuses on how to use AMI data to improve reliability

The APPA Academy and Hometown Connections will hold the webinar "Using AMI Data to Improve Reliability and Offer New Customer Services" from 2 to 3:30 p.m. Oct. 2.

Many AMP members are pursuing Advanced Metering Infrastructure (AMI) for not only faster and more accurate meter reads, but also the reliability benefits of this system modernization.

The webinar will cover how public power utilities are using AMI systems to unlock the data collected by electricity, gas and water meters to improve system reliability, enhance operational efficiency, extend customer service, conserve energy and reduce environmental impacts.

Slated webinar speakers are Pat Corrigan, vice president of Public Utilities, Elster Solutions; Karen St. Clair, assistant IT manager for Columbia Power & Water Systems, Columbia, Tenn.; and Mark Reed, generation superintendent with Idaho Falls Power, City of Idaho Falls, Idaho.

For more information or to register, please visit <http://publicpower.org/events/webinar.cfm?itemnumber=38761>. Learn more about Hometown Connections at <http://www.hometownconnections.com/>.

Hometown Connections®

DELIVERING VALUE TO PUBLIC POWER

ENGINEERING & OPERATIONS

Bringing the Benefits of New Technologies to Public Power

The integrated products and services offered through Hometown Connections in support of utility Engineering & Operations include AMI, OMS, SCADA/distribution automation systems, GIS systems, distributed generation, solar power, engineering analysis software, operations management software and cyber security.

BUSINESS & FINANCE

The Right Systems, Strategies and People for Today's Marketplace

Hometown Connections joins with public power's leading consultants and software providers to deliver cost of service studies/rate design, CIS/bidding, financials, workforce solutions, energy risk management, and a Cloud-based solution for managing all energy efficiency programs on a single platform.

CUSTOMER CONNECTIONS

Empowering the Community with New Information and Tools

The companies partnered with Hometown Connections enable a public power utility to collect and deploy data to respond quickly to outages or inquiries, keep customers backed up and peak shaving generation, help customers reduce costs with LED outdoor lighting, let customer research drive utility program design, and empower customers to participate in a variety of energy efficiency programs.

SYSTEM IMPROVEMENT

Applying Public Power's Best Practices to Each Utility

Based on experience addressing utility operations with more than 800 public power utilities, the staff of Hometown Connections and its partners provide support, consulting, facilitation, and information needed to maintain a high level of service quality and system performance. Consultants partnered with Hometown Connections offer APPA members such essential support services as customer & employee research, guidance for utility financial policies, and temporary workforce solutions.

Efficiency Smart contest highlights recycling program

A Cleveland Public Power customer has been named the winner of Efficiency Smart's "Ohio's Oldest Fridge" contest.

Adolph Thomay's 1934 General Electric refrigerator took the title out of the more than 40 Ohio municipal electric systems that participate in the Efficiency Smart program.



Adolph Thomay, a Cleveland Public Power customer, and his 1934 refrigerator won the title of "Ohio's Oldest Fridge" out of the 47 Ohio municipal electric systems that participate in Efficiency Smart.

Customers of Efficiency Smart's [participating municipal electric systems](http://www.amp.org/participating-municipal-electric-systems) can save money by recycling older, inefficient appliances. To find out more about the initiative, please call 855.695.5296 or visit www.energysmart.org.

APPA Academy Webinar Series



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

- **Creating a Safety Culture** Oct. 1
- **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



Update Classifieds

City of Columbus to hold electronic system technician exam

The City of Columbus Department of Public Utilities is seeking qualified candidates for an Electronic System Technician. An Open-Competitive examination is currently open for filing Sept. 30 through Oct. 10.

This position is responsible for installing, maintaining, and repairing a wide variety of electronic equipment with voltages from 5 VDC to 480 VAC; and for telephone, processing control, or instrumentation and chemical feed systems. To qualify you must have two years of experience troubleshooting, installing, and repairing electronic equipment. Substitution(s): two years of formal classroom training in electronics or a closely related field may be substituted for the two years of experience on a year-for-year basis.

Possession of a valid motor vehicle operator's license is required. Salary range of \$67,598.96 - \$85,514.

Interested applicants for this Open-Competitive examination should apply by visiting the Columbus Civil Service Commission website at <https://csc.columbus.gov> and click on "current job openings" to follow the instructions for application submission as this posting will close Oct. 10. EOE

Brewster is searching for village administrator candidates

The Village of Brewster is seeking qualified applicants for the position of Village Administrator. Brewster is a statutory village with a population of 2,300 and a budget of \$6.6

million including electric utility. The Village Administrator is responsible for the day-to-day operations of the village, including street, water, wastewater, electric distribution and fire departments. The administrator works directly for the Mayor, and works closely with the Village Council.

Candidates must be self-starters, have strong organizational, interpersonal, oral and written communication skills. The Mayor and Council are looking for a candidate with experience in utility management (with an emphasis on electric utilities), economic development programs and practices and community planning skills.

Candidate must have a Bachelor's Degree or equivalent degree and five years of experience in local government and or utility administration/management. Interested candidates should submit a cover letter, resume and five professional references by Oct. 11, 2013 to EDDS Local Government Services, 915 Catlin Court, Kent, OH 44240. The Village of Brewster is an Equal Opportunity Employer.

City of Cuyahoga Falls seeks operations supervisor

The City of Cuyahoga Falls has given notice that the Cuyahoga Falls Civil Service Commission will administer a written examination for the following position: Operations Supervisor – Street Department (Open – Competitive Exam) at 6 p.m. Oct. 17 in the Cuyahoga Falls High School Library, 2300 Fourth Street, Cuyahoga Falls, OH

see CLASSIFIEDS Page 5

CLASSIFIEDS continued from Page 4

44221 (Registration will begin at 5:30 p.m.). A valid driver's license or state issued ID must be presented on the evening of the examination.

The Operations Supervisor supervises, plans, coordinates and schedules crew assignments in the Street Department. Assists the Assistant Street and Sanitation Superintendent, and in his/her absence assumes his/her responsibilities.

Applicant must be a high school graduate or have a GED equivalent education, and have considerable experience in the field of street maintenance, repair and construction or any equivalent combination of education and experience that provides the required knowledge, skills and abilities.

For a full description, visit <http://cfo.cityofcf.com/web/departments/human-resources/job-postings>.

Visit www.cityofcf.com to print applications. Applications are also available at the City Building, 2310 Second Street, Cuyahoga Falls, OH 44221 from 8 a.m. to 5 p.m. weekdays.

In order to be eligible to register and take the exam: 1) Completed application, 2) \$25 fee, 3) a copy of DD-214 if applicable, must be submitted to Civil Service Office either in person or by mail, postmarked no later than Oct. 7.

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.

Columbus issues call for electrical engineering applicants

The City of Columbus is seeking qualified applicants for the classification of Electrical Engineering Associate II. An Open-Competitive examination is currently open for filing

until Sept. 27, 2013. One vacancy for this classification is currently located within the Department of Public Utilities, Division of Power. This position will be responsible for performing paraprofessional electrical engineering work associated with the Division of Power's Electrical Distribution Systems, Street Lighting, Joint Electric Pole Use/Attachment projects and plan review. This position will also oversee street lighting projects including planning, bid preparation, design and construction.

Responsibilities will also include reviewing plans and designs prepared by city staff and consulting engineers for conformance to planning, contract specifications, federal, state and city regulations and codes and sound engineering principles. To qualify you must have completed the twelfth school grade and have three years of experience performing paraprofessional electrical engineering work. Substitution(s): College education in electrical engineering or a related curriculum may be substituted for the experience on a year-for-year basis. A certificate of high school equivalence (GED) will be accepted in lieu of the twelfth school grade requirement. Possession of a valid motor vehicle operator's license is required. Pay Range 28, \$22.08 - \$26.16 per hour.

Interested applicants for this Open-Competitive Examination should apply by visiting the Columbus Civil Service Commission website at <https://csc.columbus.gov> and clicking on "current job openings" to follow the instructions for application submission as this posting period will close Sept. 27, 2013. EOE

Calendar

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

American Municipal Power
1111 Schrock Road,
Columbus, Ohio 43229
614.540.1111 • FAX 614.540.1113
www.ampppartners.org





Update

A weekly newsletter presented by AMP President/CEO Marc Gerken

October 4, 2013

Service group elections for AMP Board; proxy voting clarified

By John Bentine – senior vice president/general counsel

Twelve service group seats on the AMP Board of Trustees will be up for election this month at the organization's general membership meeting on Oct. 30 during the 2013 AMP/OMEA Annual Conference in Columbus. The service group seats, for three-year terms, are held now by: Central (Ohio) – Westerville, OH; Delaware – Delaware Municipal Electric Corporation; Michigan – Coldwater, MI; North Central (Ohio) – Carey, OH; Northeast (Ohio) – Wadsworth, OH; Northwest (Ohio) – Bowling Green, OH; Northern (Ohio) – Cleveland, OH; Other – Princeton, KY; Pennsylvania – Ephrata, PA; Southwest (Ohio) – Hamilton, OH; Virginia – Front Royal, VA; and West (Ohio) – Piqua, OH.

Service group meetings will be held from 2:30 to 3:15 p.m. Oct. 30 during conference.

Trustees, whether at-large or service group representatives, are elected by member community – not by individual. The elected municipality then appoints a representative to fill its board seat.

Voting member representatives attending the conference should be designated by checking the "Voting Delegate" box on the conference registration form. Questions are sometimes raised regarding the designation and notification of proxies, other than as noted on the member's registration form. In order for a proxy to vote at general membership meeting, special meeting, project meeting or service group caucus, each member in good standing may designate in writing one representative and may also designate one (or more) alternates.

Each member, through its representative, shall be entitled to vote on any matter coming before the members at a general membership meeting, special meeting, project meeting or service group caucus. Note: While proxy voting is permitted; a representative may only vote as a representative of one member community; that is, no person may hold multiple proxies for the same meeting.

Designation and notification of a proxy must be provided prior to the general membership meeting, special meeting, project meeting or service group caucus via correspondence by the use of electronic means, facsimile, courier or U.S. mail from an authorized official (e.g., mayor/city manager/board chair or general manager) designating a person to carry the proxy for all voting purposes. Emails will suffice if email address is from member; otherwise correspondence must be on member letterhead or their respective legal advisor's letterhead.

Proxy correspondence should be addressed to Barbara Johnson at bjohnson@amppartners.org or if sending by courier or U.S. mail: Barbara Johnson, American Municipal Power, Inc., 1111 Schrock Road, Suite 100, Columbus, OH 43229. Barbara can also provide draft proxy notifications if requested. Should you have any questions, please contact me at 614.540.6401 or jbentine@amppartners.org, or Deputy General Counsel Rachel Gerrick at 614.540.6379 or rgerrick@amppartners.org.

Conference session covers ins and outs of smart grid

By Alice Wolfe – assistant vice president of power supply planning & alternative generation

A conference session focused on smart grid will be offered during the 2013 AMP/OMEA Conference from 2 to 3 p.m. Oct. 29. In the session, Smart Grid Services for AMP Members, attendees will get a brief overview of the different components of smart grid, how they interact, and what the costs and benefits of these are. Attendees will also learn why a shared smart grid service could be more cost effective and easier to manage. Municipalities interested in upgrading their meter reading systems and considering smart grid technologies will want to attend.

During the presentation, I'll discuss research AMP has performed over the last year. This includes interviews with joint action agencies and municipalities, and the SDS survey conducted last December. Robert Maurer of Leidos, formerly SAIC, will then discuss his team's work developing a business plan for AMP. Leidos is using AMP member data to explore both the costs and benefits of smart grid. Systems included in this evaluation include automated metering infrastructure meter data management system, outage management system, web portals, and customer information system, aka billing.

Class postponed

AMP's originally scheduled course for Oct. 17, APPA Advanced Topics in Underground Distribution, is being postponed due to scheduling conflicts. Look for an announcement in a future edition of *Update* for the new date.

Four join AMP staff this week

By John Pawlak – manager of human resources

AMP welcomed four new staff members this week, Timothy Hooks, Marcy Steckman, Kathy Tomczyk and Derrick Turner.

- Hooks came on board as IT director. He previously served as director at Taft Stettinius & Hollister, director at Chester Willcox & Saxbe, and network administrator at Kegler Brown Hill & Ritter. He holds a bachelor's degree in computer science from Franklin University.



Timothy Hooks

- Steckman is AMP's new vice president of finance and accounting. She previously held finance and accounting positions with American Electric Power and Ohio Power Company for 10 years, Huntington National Bank for 14 years, and Nationwide Insurance Company for six years.



Marcy Steckman

Steckman holds a bachelor's degree in accounting from the University of Akron and is a Certified Public Accountant. She is a member of the National Association of Professional Women, the Ohio Society of CPAs, and is also a member of the New Albany Founders Day planning committee.



Kathy Tomczyk

- Tomczyk joined AMP as an energy accounting analyst and will be working on member energy invoices. Prior to AMP, she worked as a financial analyst for the City of North Las Vegas, Nevada. She was previously an accountant with Consumers Energy in Michigan for 15 years, working with subsidiary accounting, leasing and tax depreciation.



Derrick Turner

She holds a bachelor's degree from Spring Arbor University in Michigan, and is a Certified Management Accountant.

- As manager of hydroelectric project accounting, Turner will be responsible for AMP hydro projects and AFEC. Prior to AMP, Turner was director of financial planning and analysis for AirNet Systems, Inc.

He holds a bachelor's degree from Ohio Dominican University and a master's of business administration from Keller Graduate School of Management. Turner also served four years in the U.S. Marine Corps., participating in Operation Desert Storm and Operation Restore Hope.

Please join me in welcoming Timothy, Marcy, Kathy and Derrick to the AMP team.

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

Week ending Oct. 4

MON	TUE	WED	THU	FRI
\$39.70	\$41.52	\$39.70	\$40.30	\$45.65

Week ending Sept. 27

MON	TUE	WED	THU	FRI
\$31.33	\$31.77	\$33.34	\$34.79	\$36.73

AEP/Dayton 2014 5x16 price as of Oct. 4 — \$39.90

AEP/Dayton 2014 5x16 price as of Sept. 27 — \$40.10

Sustainability Subcommittee to meet during conference

By Julia Blankenship – director of energy policy & sustainability

AMP's Sustainability Subcommittee will meet in person from 11 a.m. to noon Oct. 30 during the 2013 AMP/OMEA Conference, which is being held this year at the Hilton Columbus at Easton.

The Sustainability Subcommittee provides AMP members with an opportunity to learn more about and share sustainable practices that can complement and enhance their communities. When defining sustainability as a business practice, AMP includes not only environmental aspects of an action, but also the economic and societal aspects. Participation in the Sustainability Subcommittee is open to any interested AMP member, who can participate throughout the year through quarterly webinars, in addition to one face-to-face meeting held during the annual conference.

The agenda for this meeting will include a presentation from a professor at Oberlin College who is developing an "environmental dashboard" feedback system as a way to promote conservation. We also will share the revised Sustainability Principles recently adopted by the AMP Board of Trustees and roll out a new service that AMP will be providing to members to assist them with developing their own sustainability reporting process. As usual, we will also feature a "members' roundtable" for sharing and discussing other projects and topics of interest.

If you have not already registered for the AMP/OMEA Conference, please do so at www.amppartners.org; you do not need to register separately for the Sustainability Subcommittee meeting on Oct. 30. If you have any questions, please let me know at jblankenship@amppartners.org or 614.540.0840.

AFEC weekly update

By Craig Kleinhenz – manager of power supply planning

AFEC continued its fall maintenance outage this week, resulting in the plant being offline. The fall outage is expected to start to wrap up towards the end of next week.

Conference features Risk Management and Hedging 101 session

By Pamala Sullivan – senior vice president of marketing & operations

What is energy market risk and how does it impact utilities? From 4 to 5 p.m. on Oct. 29 at the AMP/OMEA Annual Conference, Robert Trinnear with The Energy Authority (TEA) will explain the interplay between energy markets and utilities, using practical hedging examples to illustrate strategies for achieving reduced risk exposure.



Robert Trinnear

Attendees will leave with a fundamental understanding of what hedging is, why it is necessary for utilities, and various types of hedging products, such as futures, call options and put options.

Energy prices continue to fall

By Craig Kleinhenz

Energy markets closed lower again this week as the amount of natural gas that was injected into storage was once again larger than expected. Very mild temperatures are expected to continue through October, helping to ease any fears of an early start to winter.

November natural gas prices finished trading on Thursday down \$0.07/MMBtu this week to close at \$3.50/MMBtu. Electric prices closed lower this week with 2014 on-peak electric prices at AD Hub finishing down \$0.20/MWh from last week, closing at \$39.90/MWh.

Hometown Connections forms alliance with PowerSecure

To help public power systems provide stand-by power generation

Hometown Connections®
DELIVERING VALUE TO PUBLIC POWER

for use during outages and costly periods of peak demand, and to deliver energy and maintenance savings from outdoor LED lighting to their commercial and industrial customers, Hometown Connections will market distributed generation, solar power and lighting solutions from PowerSecure International, Inc. (NYSE: POWR).

Hometown Connections is the utility services subsidiary of the American Public Power Association (APPA). APPA member organizations will receive a discount on all PowerSecure services and solutions. PowerSecure partners with municipal electric systems to offer customers true turn-key, engineered-to-order backup power systems (stationary or mobile) that integrate a peak-shaving energy efficiency capability and provide critical power protection to many vital industries, hospitals and military facilities.

PowerSecure also designs and installs solar energy systems that use photovoltaic panels to generate power without moving parts or fuel, and has energy efficient LED parking lot, street and area lighting solutions for utilities, municipalities and local businesses.

Alternate hotel information

By Karen Ritchey – manager of communication programs

The room block for the 2013 AMP/OMEA Conference hotel, the Hilton Columbus at Easton, only has rooms available on Monday night, Oct. 28. In order to receive the reduced room at of \$185, please make your reservations by Sunday, Oct. 6.

Below are a few alternate hotels located in the Easton area that provide shuttle service to and from the Hilton.

- Courtyard by Marriott Easton
3900 Morse Crossing
Columbus OH 43219
614.416.8000
- Hampton Inn & Suites Columbus Easton
4150 Stelzer Road
Columbus, OH 43230
614.473.9911
- Holiday Inn Express & Suites Columbus Easton (\$139/night)
4899 Sunbury Road
Columbus, OH 43230
614.476.1100

If you have any questions, please contact me at 614.540.0933 or kritchey@amppartners.org.

AMP boosts safety with national 'Flagger Training Program'

By Michelle Palmer – assistant vice president of technical services

AMP's safety team attended the National Safety Council "Flagger Training Program" on Sept. 23 and 24. The program certifies that staff attendees are approved to provide flagger training to our member communities.



This new training will add flexibility to our safety staff and allow for flagger training to be easily provided to AMP's membership.

At AMP, we recognize that to fulfill our vision of being public power's leader in wholesale energy supply, world class safety is an essential part of who we are and what we do.

For more information on AMP's safety programs, please contact Jennifer Flockerzie, AMP's technical services program coordinator, at jflockerzie@amppartners.org or 614.540.0853.

Attendees of the National Safety Council "Flagger Training Program" pictured are (from left): Sandi Sherwood, AMP senior safety/OSHA compliance coordinator; Kyle Weygandt, AMP director of member safety; Scott McKenzie, AMP member safety manager; Steve Mutchler, AMP OSHA/safety compliance coordinator; Nick Coia, safety manager, Portage County; and Roy Dolezal, director of safety-Western Division, J.W. Didado Electric, Inc.

Update Classifieds

City of Columbus to hold electronic system technician exam

The City of Columbus Department of Public Utilities is seeking qualified candidates for an Electronic System Technician. An Open-Competitive examination is currently open for filing through Oct. 10.

This position is responsible for installing, maintaining, and repairing a wide variety of electronic equipment with voltages from 5 VDC to 480 VAC; and for telephone, processing control, or instrumentation and chemical feed systems. To qualify you must have two years of experience troubleshooting, installing, and repairing electronic equipment. Substitution(s): two years of formal classroom training in electronics or a closely related field may be substituted for the two years of experience on a year-for-year basis.

Possession of a valid motor vehicle operator's license is required. Salary range of \$67,598.96 - \$85,514.

Interested applicants for this Open-Competitive examination should apply by visiting the Columbus Civil Service Commission website at <https://csc.columbus.gov> and click on "current job openings" to follow the instructions for application submission as this posting will close Oct. 10. EOE

Brewster is searching for village administrator candidates

The Village of Brewster is seeking qualified applicants for the position of Village Administrator. Brewster is a statutory village with a population of 2,300 and a budget of \$6.6 million including electric utility. The Village Administrator is responsible for the day-to-day operations of the village, including street, water, wastewater, electric distribution and fire departments. The administrator works directly for the Mayor, and works closely with the Village Council.

Candidates must be self-starters, have strong organizational, interpersonal, oral and written communication skills. The Mayor and Council are looking for a candidate with experience in utility management (with an emphasis on electric utilities), economic development programs and practices and community planning skills.

Candidate must have a Bachelor's Degree or equivalent degree and five years of experience in local government and or utility administration/management. Interested candidates should submit a cover letter, resume and five professional references by Oct. 11 to EDDS Local Government Services, 915 Catlin Court, Kent, OH 44240. The Village of Brewster is an Equal Opportunity Employer.

City of Cuyahoga Falls seeks operations supervisor

The City of Cuyahoga Falls has given notice that the Cuyahoga Falls Civil Service Commission will administer a written examination for the following position: Opera-

tions Supervisor – Street Department (Open – Competitive Exam) at 6 p.m. Oct. 17 in the Cuyahoga Falls High School Library, 2300 Fourth St., Cuyahoga Falls, OH 44221 (Registration will begin at 5:30 p.m.). A valid driver's license or state issued ID must be presented on the evening of the examination.

The Operations Supervisor supervises, plans, coordinates and schedules crew assignments in the Street Department. Assists the Assistant Street and Sanitation Superintendent, and in his/her absence assumes his/her responsibilities.

Applicant must be a high school graduate or have a GED equivalent education, and have considerable experience in the field of street maintenance, repair and construction or any equivalent combination of education and experience that provides the required knowledge, skills and abilities.

For a full description, visit <http://cfo.cityofcf.com/web/departments/human-resources/job-postings>.

Visit www.cityofcf.com to print applications. Applications are also available at the City Building, 2310 Second St., Cuyahoga Falls, OH 44221 from 8 a.m. to 5 p.m. weekdays.

In order to be eligible to register and take the exam: 1) Completed application, 2) \$25 fee, 3) a copy of DD-214 if applicable, must be submitted to Civil Service Office either in person or by mail, postmarked no later than Oct. 7.

Schuylkill Haven in need of journeyman electric lineman

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

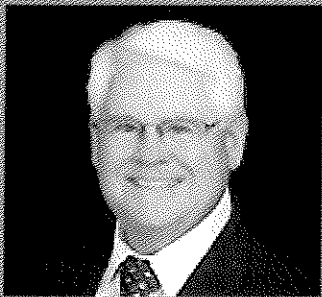
Minimum qualifications include: graduation from the standard four-year high school, successful completion of an approved apprenticeship program of at least four years in duration and Pennsylvania CDL license.

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.

Welcome:



Mayor Bob Armstrong
City of Defiance

Speakers:



Richard Hodges
Executive Director
Ohio Turnpike and
Infrastructure Commission



Greg Murphy
Chief of Staff
Ohio Dept. of Transportation

The Northwest Ohio Mayor and Manager's Association (NOMMA)

*Invites you to join us for an informational luncheon
about transportation projects & funding.*

OCTOBER 16, 2013

Defiance College - Serrick Campus Center
Hubbard Banquet Room
701 North Clinton
Defiance, Ohio 43512

Program

- 9:30am Registration
9:50am Welcome - Mayor Bob Armstrong -
City of Defiance
10:00am Richard Hodges - Executive Director, Ohio
Turnpike & Infrastructure Commission
10:30am Greg Murphy - Chief of Staff, Ohio
Department of Transportation
11:00am Question & Answer
11:45 Lunch



Attendee (s) Information

Number of Attendees: _____ ☐ \$20 Member ☐ \$30-Non-Member Total Enclosed: _____

Name(s): _____

Municipality/Organization: _____

Email Address: _____

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

E-mail: deb@nomma.us | Phone: Deb Hellman at 419-355-8138

RSVP: by Wednesday, October 9, 2013

Fw: Fwd: Another Tax Reform Study Committee

From: "Gregory J Heath" <gheath@napoleonohio.com>
To: "Roxanne Dietrich" <rdietrich@napoleonohio.com>
Attachments: CPAtest9-25.pdf (281.7 kB);

10/01/13 08:18 AM

For Council Packets

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

From: "Michelle Jordan" <datataxgroup@gmail.com>
To: undisclosed-recipients:
Date: 09/30/2013 04:06 PM
Subject: Fwd: Another Tax Reform Study Committee

Dear DATA members:

Please see the e-mail below from Kent Scarrett, and the attached testimony provided by the OSCPA at this new SENATE Tax Reform Study Committee.

Notice the reference to centralized collection included in testimony (even though it is not currently in HB 5).

Please share this important e-mail and attachment with your administration.

Thank you!!

Michelle

----- Forwarded message -----

From: **kent scarrett** <kscarrett@gmail.com>
Date: Wed, Sep 25, 2013 at 10:02 PM
Subject: Another Tax Reform Study Committee

Good Evening

I want to let everyone know that we found out today at noon (during our weekly meeting with Chairman Beck, Rep. Letson via the telephone's speaker, T. Zaino and a limited cast of players) that the Senate has decided to convene their own Tax Reform Study Committee with the first hearing held at 1p today.

The Senate version of the study committee is being chaired by Senator Peterson with Republican members consisting of Sens. Schaffer (S. Ways and Means Chair), Coley, Widener, Oelslager and the democrat Senators present were Travares and Cafaro with two members missing.

As I understand, the witnesses who testified today were invited to present testimony on their organization's view of what tax reform priorities the state should focus on and challenges there members are experiencing. The witnesses were from the Ohio Chamber, OSCPA's, NFIB, OU Economics Professor Vedder and Rep. Scherer who chaired the House study committee. The testimony presented was similar to what was presented at the House study meetings by the various groups including municipal income tax issues as a priority the state should address. The witnesses included the same amount of detail about how the MIT is the worst taxation practice in the nation, how it is killing Ohio businesses, there is no uniformity, each muni does whatever it wants whenever and however it wants, ect., ect. Attached is the OSCPA testimony. It's worth a read especially the part about central collection.

Chairman Peterson made the same request of the audience as Rep. Scherer that there be no "in the weeds"

testimony on HB5 and of course there were references during the Chamber's Q&A by Sen. Travares regarding one form, the MTPB and it's removal from 5; OSCPA testimony talked about 5 and NFIB said that it is in the works and is badly needed.

There has not been a schedule released for upcoming hearings. I will let you know when more information is available on future dates and going forward,

Kent

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Michelle Jordan
DATA
Dayton Area Tax Administrators

Tax Manager, Dayton Branch Office
Central Collection Agency
371 W Second St, Suite 110
Dayton OH 45402
937.227.1359 Office
216.857.7382 Cell
www.ccatax.ci.cleveland.oh.us