Memorandum

To: Mayor & Members of Council

From: Jon Bisher

Subject: General Information

Pate: November 1, 2013

CALENDAR

CITY COUNCIL AGENDA

- C. PRESENTATION IN MEMORY OF JIM HERSHBERGER
- D. APPROVAL OF MINUTES

F. REPORTS FROM COUNCIL COMMITTEES

2. Finance & Budget Committee: The Majority Report from the October 28th meeting is enclosed.

H. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **RESOLUTION NO. 061-13** a Resolution Placing an Issue for Advisory Election on the Ballot at the May 6, 2014 General Election Seeking the Authorization of the Voters of the City of Napoleon to Cease Operating Its Police, Fire and EMS Dispatch as it Currently Operates and Outsources said Operations to the Henry County Sheriff.

I. SECOND READINGS OF ORDINANCES AND RESOLUTIONS

- 1. **ORDINANCE NO. 058-13** an Ordinance to Approve Current August 2013 Replacement Pages to the Napoleon Codified Ordinances
- 2. **ORDINANCE NO. 059-13** an Ordinance Amending Chapter 197 of the City of Napoleon's Personnel Code Regarding Vacation Computation upon Retire/Rehire
- 3. **RESOLUTION NO. 064-13** a Resolution to Approve the Execution of an Efficiency Smart Schedule with American Municipal Power, Inc.

J. THIRD READING OF ORDINANCES AND RESOLUTIONS

- 1) **Ordinance No. 053-13** an Ordinance Establishing a *General Reserve Balance Account*; and Declaring an Emergency.
- 2) **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.
- 3) **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.

K. GOOD OF THE CITY

- 1. DISCUSSION/ACTION Award Bid for Perry Street Parking Lot Project
 - a. The enclosed Memorandum from Chad shows the three (3) bids received and gives his recommendation of award.
- 2. DISCUSSION/ACTION *Notice of Stock Transfer for Liquor License*: Blackwood Construction Services, LLC
 - a. A copy of the *Notice to Legislative Authority* is enclosed.
- 3. DISCUSSION/ACTION Cooperative Agreement on Building of New Water Plant. (Refer to Committee)
- 4. DISCUSSION/ACTION Donation Acceptance of \$300 from Firefighters Charitable Foundation, Inc.
 - a. As noted on the attached letter, this is a grant from the Firefighters Charitable Foundation.
- 5. DISCUSSION/ACTION Approval of Plans, Specifications and Contract for 2013 *Miscellaneous Concrete Street Improvements*
 - a. Chad's Memorandum explains this project, a copy of the plans and specifications are on file with the Finance Director's office.

For Items 6 and 7, we have enclosed a Memorandum from Chad along with a copy of the Final Change Order for each respective project.

- 6. DISCUSSION/ACTION Change Order No. 1 (Final) for the *2013 Street Striping Project*, Zimmerman Paint Contractors, a Deduct of \$768.47.
- 7. DISCUSSION/ACTION Change Order No. 2 (Final) for the *West Main Street Parking Lot Improvements*, Gerken Asphalt Paving, an Increase of \$4,275.00

INFORMATIONAL ITEMS

- 1. Cancellation TECHNOLOGY COMMITTEE
- 2. Agendas
 - a. Special Joint Meetings of City Council and Finance & Budget Committee
 - i. Friday, November 8th starting at 8:00 am
 - ii. Saturday, November 9th starting at 8:00 am
- 3. AMP Update/November 1, 2013
- 4. **2013 Fall Cleanup** Summary
- 5. From Greg Heath:
 - a. Substitute HB5 spreadsheet highlighting the changes.
 - b. Ohio Municipal League Bulletin/November 1, 2013

JAB:rd Records Retention CM-11 - 2 Years

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Calendar

<u>(i)</u> Calendar			147		=	<u> </u>
Sunday 27	Monday 28	Tuesday	Wednesday	Thursday 31	Friday	Saturday
	6:00 PM Halloween Parade	29 3:00 PM Preservation	6:30 PM Parks & Rec Board	AMP Fall Conference	1	2
	6:30 PM Finance & Budget	Commission Mtg.	Mtg.	AMP Fall Conference		
	Committee Mtg.	AMP Fall Conference	AMP Fall Conference			
	AV - Shery. AMP Fall Conference					
	AMP Fall Conference					
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3	4	5	6	7	8	9
	6:00 PM -7:30 pm Trick-or-Treat				8:00 AM 2014 BUDGET Review Meeting	8:00 AM 2014 BUDGET Review Meeting
	7:00 PM City COUNCIL				ikeview wiceting	iceview intecting
	Meeting					
	AV - Dan					
10	11	12	13	14	15	16
	6:30 PM Electric Commitee	4:30 PM Board of Zoning				
	Board of Public Affairs (BOPA)	Appeals (BZA)				
	7:00 PM Water/Sewer Committee	5:00 PM Planning Commission Mtg.				
	7:30 PM Municipal					
	Properties/ED Committee					
	Meeting AV - Rox					
	AV ROX					
17	18	19	20	21	22	23
- 17	7:00 PM City COUNCIL	19	AMP - BISHER	AMP - BISHER	22	∠ა
	Meeting		AMI - DISHER	AWIF - DISHER		
	8:00 PM Parks & Rec					
	Committee Mtg.					
	AV - Dan					
24	25	26	27	28	29	30
	6:30 PM Finance & Budget		6:30 PM Parks & Rec Board	HOLIDAY - Thanksgiving	FLOATING HOLIDAY - City (
	Committee Mtg. 7:30 PM Safety & Human		Mtg.			
	7:30 PM Safety & Human Resources Committee Mtg.					
	AV - Sheryl					
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City of Napoleon, Ohio

CITY COUNCIL

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

MEETING AGENDA

Monday, November 4, 2013 at 7:00 PM

- **A. Attendance** (Noted by the Clerk)
- B. Prayer & Pledge of Allegiance
- C. Presentation in Memory of Jim Hershberger
- **D.** Approval of Minutes: October 21 (In the absence of any objections or corrections, the minutes shall stand approved.)
- E. Citizen Communication
- F. Reports from Council Committees
 - 1. Parks & Recreation Committee did not meet on Monday, October 21 due to lack of agenda items.
 - 2. Finance & Budget Committee (Majority Report) met on Monday, October 28, and:
 - a. Discussed debt funding limits
 - b. Discussed and tabled an increased bid requirement with consideration to raise to \$50,000
 - **c.** Motion To Accept Henry County CIC Budget Request To Present to Council With \$2,000 Additional Request
 - **d.** Reviewed estimated versus actual income tax revenue
 - 3. Safety & Human Resources Committee did not meet on October 28 due to lack of agenda items.
- G. Reports from Other Committees, Commissions and Boards (Informational Only-Not Read)
 - 1. Civil Service Commission did not meet on Tuesday, October 22 due to lack of agenda items.
 - **2. Preservation Commission** met on Tuesday, October 29 with the following agenda items:
 - a. NPC 13-10 609 N. Perry St. John Donovan Law Office
 - **b.** NPC 13-11 126-136 W. Washington St. Rod Derrow
 - 2. Parks & Recreation Board met on Wednesday, October 30 with the following agenda items:
 - a. Discussion and/or Action on Parks and Recreation Rates and Fees
 - **b.** Discussion on 2014 Budget Requests

H. Introduction of New Ordinances and Resolutions

1. **Resolution No. 061-13** a Resolution Placing an Issue for Advisory Election on the Ballot at the May 6, 2014 General Election Seeking the Authorization of the Voters of the City of Napoleon to Cease Operating Its Police, Fire and EMS Dispatch as it Currently Operates and Outsources said Operations to the Henry County Sheriff

I. Second Readings of Ordinances and Resolutions

- **1. Ordinance No.058-13** an Ordinance Approving Current August 2013 Replacement Pages to the Napoleon Codified Ordinances
- **2. Ordinance No. 059-13** an Ordinance Amending Chapter 197 of the City of Napoleon's Personnel Code Regarding Vacation Computation upon Retire/Rehire
- **3. Resolution No. 064-13** a Resolution to Approve the Execution of an Efficiency Smart Schedule with American Municipal Power, Inc.

J. Third Readings of Ordinances and Resolutions

- **1. Ordinance No. 053-13** an Ordinance Establishing a *General Reserve Balance Account*; and Declaring an Emergency
- **2. 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
- **3. 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
- **K.** Good of the City Any other business as may properly come before Council, including but not limited to:
 - 1. Discussion/Action: Award of Bid for Perry St. Parking Lot

- 2. Discussion/Action: Notice of Stock Transfer for Liquor License: Blackwood Construction Svcs., LLC
- **3. Discussion/Action**: Cooperative Agreement on Building of New Water Plant (*Refer to Committee*)
- **4. Discussion/Action:** Donation Acceptance of \$300 from Firefighters Charitable Foundation, Inc.
- **5. Discussion/Action:** Approval of Plans, Specifications and Contracts for Miscellaneous Street Projects
- **6. Discussion/Action:** Change Order No. 1 (Final) for the 2013 Street Striping Project, Zimmerman Paint Contractors, a deduct of \$768.47
- **7. Discussion/Action**: Change Order No. 2 (Final) for the W. Main St. Parking Lot Improvements, Gerken Aspahlt Paving
- L. Executive Session: (As needed)
- M. Approve Payment of Bills and Approve Financial Reports (In the absence of any objections or corrections, the payment of bills and financial reports shall stand approved.)

Gregory J. Heath, Finance Director/Clerk of Council

N.	Adjournment			

A. Items Referred or Pending in Committees of Council

1. Technology & Communication Committee (1st Monday)

(Next Regular Meeting: Monday, December 2 @ 8:00 PM) November meeting canceled due to lack of agenda items

2. Electric Committee (2nd Monday)

(Next Regular Meeting: Monday, November 11 @ 6:30 PM)

- a. Review of Electric Billing Determinants
- **b.** Electric Department Report

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

(Next Regular Meeting: Monday, November 11 @ 7:00 PM)

a. Water Rate Study

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

(Next Regular Meeting: Monday, November 11 @ 7:30 PM)

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

5. Parks & Recreation Committee (3rd Monday)

(Next Regular Meeting: Monday, November 18 @ 8:00 PM)

6. Finance & Budget Committee (4th Monday)

(Next Regular Meeting: Monday, November 25 @ 6:30 PM)

- a. Debt Funding Limits For Water & Sewer Projects (Tabled)
- b. Recommendation To Increase Bid Requirement with Consideration to Raise to \$50,000

Special Meeting with City Council: Friday, November 8 @ 8:00 AM, & Saturday, November 9 @ 8 AM

a. Review of 2014 Budget Proposals

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

(Next Regular Meeting with Townships: Monday, November 25 @ 7:30 PM)

- a. Review of EMS Transport Service Rates
- **b.** Speed Study on Riverview Avenue
- **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, November 11 @ 6:30 PM)

- a. Review of Electric Billing Determinants
- b. Electric Department Report

2. Board of Zoning Appeals (2nd Tuesday)

(Next Regular Meeting: Tuesday, November 12 @ 4:30 PM)

a. BZA 13-06 1004 W. Riverview Ave. Accessory Building Variance

3. Planning Commission (2nd Tuesday)

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

November meeting is canceled due to lack of agenda items.

4. Tree Commission (3rd Monday)

(Next Regular Meeting: Monday, January 20 @ 6:00 PM)

November and December Meetings are canceled due to lack of agenda items

5. Civil Service Commission (4th Tuesday)

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

6. Parks & Recreation Board (Last Wednesday)

(Next Regular Meeting: Wednesday, November 27 @ 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 of Napoleon, Ohio

CITY COUNCIL

Meeting Minutes

Monday, October 21, 2013 at 7:00 PM

PRESENT

John Helberg (President), Jeffrey Lankenau, Patrick McColley, Jason Maassel, Jon Council

Tassler

Ronald A. Behm

Mayor

City Manager

Finance Director/Clerk

Recorder **City Staff** Dr. Jon A. Bisher Gregory J. Heath

Tammy Fein (Barbara Nelson attending)

Robert Bennett, Fire Chief

Dennis Clapp, Electric Superintendent

Chad Lulfs, City Engineer

Dan Wachtman, MIS Administrator

Robert Weitzel, Police Chief

News Media, NCTV, Jeff Marihugh, Larry Schwable **Others**

ABSENT

Travis Sheaffer, Christopher Ridley Council

Trevor Hayberger (attended meeting via telephone) **Others**

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.

Helberg stated that the presentation in memory of Jim Hershberger would be

postponed upon request of the family.

Minutes of the October 7, 2013 Council meeting stand approved with no objections **Minutes Approved**

or corrections.

Citizen

Communication

Larry Schwable questioned the legality of President Helberg's interest in Gerken

contracts. President Helberg objected to said allegations.

Reports From Committees

The Technology & Communication Committee did not meet on October 7, 2013 due

to lack of agenda items.

Committee member McColley reported that the Electric Committee met on October 14, 2013 and recommended:

1. Approval of electric billing determinants

2. Approval of the Energy Efficiency Contract for 2014-2016

The Water, Sewer, Refuse, Recycling and Litter Committee did not meet on October

14, 2013 due to lack of agenda items.

The Municipal Properties, Buildings, Land Use and Economic Development

Committee did not meet on October 14, 2013 due to lack of agenda items.

Introduction Of Ordinance No. 058-13 President Helberg read by title Ordinance No. 058-13. An Ordinance to Approve Current August 2013 Replacement Pages to the Napoleon Codified Ordinances

Second: Maassel

Motion To Approve

Motion: McColley To approve first read of Ordinance No. 058-13 First Read

1 of 9 Council Meeting Minutes 11/1/2013 Discussion Hayberger reported the changes to City Legislation and changes to the Ohio Revised

Code are sent to the Walter Drane Company twice per year to be codified, adding there was no City Legislation to be changed, the changes were State level. Bisher added these changes were regarding issues such as texting and motorcycle riding; Hayberger stated there is no need to declare an Emergency with this Ordinance.

Roll call vote to approve first read of Ordinance No. 058-13 Passed Yea-5 Yea- Tassler, Helberg, McColley, Lankenau, Maassel

Nay- 0 Nay-

Introduction Of Ordinance No. 059-13 President Helberg read by title Ordinance No. 059-13 an Ordinance Amending Chapter 197 of the City of Napoleon's Personnel Code Regarding Vacation

Computation upon Retire/Rehire

Motion To Approve First Read

Motion: McColley Second: Tassler To approve first read of Ordinance No. 059-13

Discussion Hayberger reported changes to the City of Napoleon Personnel Code will be made to reflect the Ohio Revised Code; McColley added that these changes will reflect the ORC in its entirety with an additional section being deleted. Hayberger stated

removing this section will change the vacation time of a retire/rehire from previously

accrued vacation time to two (2) weeks.

Passed Roll call vote to approve first read of Ordinance No. 059-13 Yea-5 Yea- Tassler, Helberg, McColley, Lankenau, Maassel

Nav-0 Nay-

Introduction Of Resolution No. 060-13 President Helberg read by title Resolution No. 060-13 a Resolution by the Membership of the Ohio Municipal League as Expressed at the September 26, 2013 Annual Conference Opposing the Passage of House Bill 5 as Introduced and

Substitute Draft Proposed by Sponsors; and Declaring an Emergency.

Motion To Approve First Read

Motion: Lankenau Second: McColley To approve first read of Resolution No. 060-13

Discussion

Heath reported this is the third Resolution in opposition to House Bill 5 and includes support of the Ohio Municipal League, and brings forward Legislation to document the City of Napoleon's opposition to any substitute draft proposed by the Sponsors, with a suspension being requested to expedite this communication to the appropriate representatives.

Motion To Suspend The Rules

Motion: Lankenau Second: Tassler

To suspend the rules requiring three readings

Passed Roll call vote on above motion:

Yea-5 Yea- Tassler, Helberg, McColley, Lankenau, Maassel

Nav-0 Nay-

Passed Roll call vote to pass Resolution No. 060-13 under suspension of the rules

Yea- Tassler, Helberg, McColley, Lankenau, Maassel Yea-5

Nav-Nay- 0

Introduction Of President Helberg read by title Resolution No. 061-13 a Resolution Placing an Issue Resolution No. 061-13

for Advisory Election on the Ballot at the May 6, 2014 General Election Seeking the Authorization of the Voters of the City of Napoleon to Cease Operating Its Police, Fire and EMS Dispatch as it Currently Operates and Outsources said Operations to the Henry County Sheriff.

Motion To Approve

First Read

Motion: Second:

To approve first read of Resolution No. 061-13

Discussion

Hayberger stated that Councilmen McColley and Lankenau would be required to abstain from this vote, leaving no quorum; therefore no action was taken.

No Action Taken

No action taken.

Introduction Of Resolution No. 062-13

President Helberg read by title Resolution No. 062-13 a Resolution in Compliance with ORC 709.023C Relating to the Expedited Type II Petition for the Annexation of 55.062 Acres, more or less, Filed by the Napoleon Area City School District; and Declaring an Emergency.

Motion To Approve First Read Motion: McColley Second: Tassler

To approve first read of Resolution No. 062-13

Discussion

Hayberger reported that on March 13, 2013 the process was started relating to an Expedited Type II Annexation Petition, giving the City 20 days to reply from October 9, 2013, with the due date being October 29, 2013; a suspension is being requested to meet this time deadline. Hayberger stated this Ordinance will lay out the services to be provided including street, water and sewer; Bisher added that the services will be provided but not for free, and all engineering specifications will be required. Helberg asked if only access to the utility services would be provided, not the infrastructure itself; Bisher replied Helberg was correct and the City can and will accept connections to the water and sewer systems.

Motion To Suspend The Rules

Motion: Lankenau Second: Tassler

To suspend the rules requiring three readings

Passed

Roll call vote on above motion:

Yea- 5 Nay- 0 Yea- Tassler, Helberg, McColley, Lankenau, Maassel

Nay-

Passed Yea- 5

Nav-0

Roll call vote to pass Resolution No. 062-13 under suspension of the rules

Yea- Tassler, Helberg, McColley, Lankenau, Maassel

Nay-

Introduction Of Resolution No. 063-13 President Helberg read by title Resolution No. 063-13 a Resolution in Compliance with ORC 709.023(D) Consenting to the Annexation to the City of Napoleon Certain Territory Proposed to be Annexed to the City of Napoleon, Ohio Pursuant to a Petition Filed with the Henry County Board of Commissioners Filed by the Napoleon Area City School District; and Declaring an Emergency.

Motion To Approve First Read

Motion: McColley Second: Maassel

To approve first read of Resolution No. 063-13

Discussion

Bisher stated this is a general acceptance of the annexation, requesting a suspension to meet the time deadline of October 29, 2013.

Motion To Suspend Motion: Lankenau Second: Tassler

The Rules To suspend the rules requiring three readings

Passed Roll call vote on above motion:

Yea- 5 Yea- Tassler, Helberg, McColley, Lankenau, Maassel

Nay- 0 Nay-

Passed Roll call vote to pass Resolution No. 063-13 under suspension of the rules

Yea- 5 Yea- Tassler, Helberg, McColley, Lankenau, Maassel

Nay- 0 Nay-

Introduction Of Resolution No. 064-13 President Helberg read by title Resolution No. 064-13 a Resolution to Approve the Execution of an Efficiency Smart Schedule with American Municipal Power, Inc.

Motion To Approve

Motion: McColley Second: Maassel

First Read To approve first read of Resolution No. 064-13

Discussion Bisher reported this is an Electric Committee recommendation regarding American

Municipal Power representatives presenting a program that is currently used and will now cost approximately half; Bisher recommends Council approve this schedule.

Passed Roll call vote on above motion:

Yea- 5 Yea- Tassler, Helberg, McColley, Lankenau, Maassel

Nay- 0 Nay-

Introduction Of Resolution No. 065-13 President Helberg read by title Resolution No. 065-13 a Resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Auditor for the 2013 Tax

Duplicates Payable in Year 2014; and Declaring an Emergency.

Motion To Approve

First Read

Motion: McColley Second: Lankenau

To approve first read of Resolution No. 065-13

Discussion Heath reported that in June/July the tax budget was presented and certified at the

County Auditor and this Legislation will certify the final rates inside the 10 mill

limit; with a suspension being requested.

Motion To Suspend

The Rules

Motion: Lankenau Second: Maassel

To suspend the rules requiring three readings

Passed Roll call vote on above motion:

Yea- 5 Yea- Tassler, Helberg, McColley, Lankenau, Maassel

Nay- 0

Passed Roll call vote to pass Resolution No. 065-13 under suspension of the rules

Yea- 5 Yea- Tassler, Helberg, McColley, Lankenau, Maassel

Nay- 0 Nay-

Introduction Of Resolution No. 066-13 President Helberg read by title Resolution No. 066-13 a Resolution Authorizing and Directing the Finance Director/Clerk to Certify and File Annual Special Assessments of the City of Napoleon, Ohio, with the County Auditor of Henry County for

Placement and Collection on the 2013 Tax Duplicates Payable in the Year 2014; and

Declaring an Emergency.

Motion To Approve

Motion: McColley First Read

Second: Maassel

To approve first read of Resolution No. 066-13

Discussion

Heath reported this represents the assessments attached to debt regarding outstanding projects, listed on Exhibit A page 1, and nuisances, listed on Exhibit A page 2; Heath

is requesting suspension.

Motion To Suspend

The Rules

Motion: Lankenau Second: Maassel

To suspend the rules requiring three readings

Roll call vote on above motion: **Passed**

Yea- 5 Yea- Tassler, Helberg, McColley, Lankenau, Maassel

Nay- 0 Nay-

Passed Roll call vote to pass Resolution No. 066-13 under suspension of the rules

Yea-5 Yea- Tassler, Helberg, McColley, Lankenau, Maassel

Nay- 0 Nav-

Second Read Of Ordinance 053-13 President Helberg read by title Ordinance No. 053-13 an Ordinance Establishing a

General Reserve Balance Account; and Declaring an Emergency.

Motion To Approve

Second Read

Motion: McColley Second: Tassler

To approve second read of Ordinance No. 053-13

Discussion Heath stated there are no changes in this Ordinance from the first read.

Roll call vote to approve second read of Ordinance No. 053-13 **Passed**

Yea-5 Yea- Tassler, Helberg, McColley, Lankenau, Maassel

Nay-Nay- 0

Second Read Of Resolution No. 055-13 President Helberg read by title 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.

Motion To Approve Second Read

Second: Lankenau Motion: Maassel

To approve second read of Resolution No. 055-13

Discussion Heath stated this is the companion Legislation to Ordinance 053-13 and there are no

changes from the first read.

Passed Roll call vote to approve second read of Resolution No. 055-13

Yea-5 Yea-Tassler, Helberg, McColley, Lankenau, Maassel

Nay- 0 Nav-

Second Read Of Resolution No. 057-13 President Helberg read by title 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.

Motion To Approve

Motion: McColley Second: Maassel

To approve second read of Resolution No. 057-13 **Second Read**

Discussion Bisher stated there are no changes from the first read; Helberg added that this project

has continued since February with no contract, suggesting a suspension, however no

motion was made.

Passed Roll call vote to approve second read of Resolution No. 057-13

Yea- 5 Yea- Tassler, Helberg, McColley, Lankenau, Maassel

Nay- 0 Nay-

Third Read Of Ordinance No. 042-13 President Helberg read by title 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.

Motion To Pass On Third Read Motion: McColley Second: Maassel

To pass Ordinance No. 042-13 on third read

Discussion Hayberger stated there are no changes from the second read.

Passed
Yea- 5
New 0

Roll call vote to pass Ordinance No. 042-13 on third read
Yea- Tassler, Helberg, McColley, Lankenau, Maassel

Nay- 0 Nay-

Third Read Of Resolution No. 048-13 President Helberg read by title 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*.

Motion To Pass On Third Read Motion: McColley Second: Maassel

To pass Resolution No. 048-13 on third read

Discussion Heath stated there are no changes from the second read.

Passed
Yea- 5
Nay- 0

Roll call vote to pass Resolution No. 048-13 on third read
Yea- Tassler, Helberg, McColley, Lankenau, Maassel
Nay-

GOOD OF THE CITY

<u>Discussion/Action</u> Motion To Approve Billing Determinants

Motion: Maassel Second: McColley

To accept the recommendation for approval of October electric billing determinants

as follows:

Generation Charge: Residential @ \$.07788; Commercial @ \$.09472; Large Power @ \$.05370; Industrial @ \$.05370; Demand Charge Large Power @ \$11.37; Industrial @ \$12.31; JV Purchased Cost: JV2 @ \$.03003; JV5 @ \$.03003 (September billing determinants: 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)

Passed Roll call vote on above motion:

Yea- 5 Yea- Tassler, Helberg, McColley, Lankenau, Maassel

Nay- 0 Nay-

Special Meetings for Bisher stated the second weekend in November is the normal timeframe to prepare

2014 Budget for November 8th & 9th

budgets; the meetings will take place on Friday, November 8th, and as needed on Saturday, November 9th; Helberg agreed having no discrepancies on his calendar and will also make these Special Joint Council meetings.

No action was taken.

MMD&H Holdings, LLC Liquor License -Application for Change of LLC Membership Interests

Heath reported this application to be a name change application as required by law; Weitzel reported there to be no issues with this liquor license.

No action was taken; Heath will submit the application with no hearing requested.

Water Rate Study

Bisher stated that John Courtney is gathering information through the year 2016, including finding the cost per gallon. Marihugh asked if the rate study would be with the AWWA latticework; Bisher stated he would research this.

Helberg referred this to the Water, Sewer, Refuse, Recycling and Litter Committee.

Speed Study on Riverview Ave. (old 424)

Helberg asked if this study would involve the entire length of the City; Bisher explained the speed limit on Riverview Avenue varies from 50 MPH to 40 MPH, and now that the road will be turned back over to the City the posting will be 35 MPH unless Council changes it; Council has the right to increase or decrease the speed limit by 10 miles per hour without the speed study. Helberg asked if ODOT has already completed a speed study; Lulfs stated he would research this.

Helberg referred this to the Safety/Human Resources Committee's November meeting.

Chief Weitzel Request To Apply For Grant Funding

Chief Weitzel requested Council's permission to apply for grant funding; Weitzel stated he received this funding last year as well.

Motion To Allow The Police Chief To Apply For Grant Funding Motion: McColley Second: Lankenau

To authorize the Police Chief to seek grant funding through the Ohio Department of Justice from Justice Assistance Grant for purchase of mobile terminals for the main patrol vehicles.

Passed

Yea-5

Nav- 0

Roll call vote on above motion:

Yea- Tassler, Helberg, McColley, Lankenau, Maassel

Nay-

Heath

Heath stated there is a memo in the Council packet regarding the Tax Amnesty Program that will begin on November 1, 2013 and he has already received responses.

Heath stated the Care Program is scheduled to begin December 1, 2013, restating that the Care Program is an opt-in rounding up program to assist with Utility bills for City residents.

Maassel

Maassel asked if there was a light delay on Scott St. by Family Video; Bisher stated this light is on a timer now since the loops were completely torn out.

Maassel stated a resident asked if the proper procedures were being followed for tearing down the two downtown buildings; Bisher replied yes, and the demolition is by a private individual; Lulfs added that the City specifications for the bid project would not apply since it is a private individual's project.

Maassel thanked Lulfs and Helberg for the progress on Route 424.

Tassler

Tassler asked if it was acceptable to work on the paving project in the rain as was done on Saturday; Lulfs replied it is a 302 base and the rain was not an issue; Lulfs added the project is meeting all performance specifications.

Helberg

Helberg requested Council's permission to talk with Hayberger regarding the earlier citizen communication; Council unanimously approved.

Behm

Behm stated that he heard W. Riverview Avenue would be down to one lane until Spring; Lulfs stated that ODOT does not intend to have it at one lane for that long, and it may be open before 2014, depending on the response from the Ohio Historic Preservation Office.

Behm stated he recently attended the Fire Safety Training (Feel The Heat) in Columbus, Ohio and encouraged Council members who have not experienced it to participate; Bisher thanked Behm for taking the time to attend.

Behm asked if there was a 25% increase in BORMA; Heath replied that due to inflation the original increase was 25.3%, figured by added two (2) months of history and usage if the Fund was fully funded in a year.

Behm stated he would like to talk to the Finance and Budget Committee regarding the actual versus estimated Income Tax receipts.

McColley None

Lankenau None

Bisher Bisher stated there is a misconception that the intersection of Scott Street and Lagrange Avenue would be open tomorrow, it will not, however the project is on

time and the intersection will be open as of October 30, 2013.

Motion To Go Into Executive Session

Motion: Maassel Second: Lankenau

To go into Executive Session to discuss Economic Development

Passed Roll call vote on above motion:
Yea- 5 Yea- Tassler, Helberg, McColle

Yea- Tassler, Helberg, McColley, Lankenau, Maassel

Nav- 0 Nay-

Motion To Go Into Executive Session Motion: Lankenau Second: McColley

To go into Executive Session to discuss Collective Bargaining

Passed Roll call vote on above motion:

Yea- 5 Yea- Tassler, Helberg, McColley, Lankenau, Maassel

Nay- 0 Nay

Into Executive Session | Council went into Executive Session at 7:57 p.m.

Motion To Come Out Motion: Lankenau Second: McColley

Of Executive Session To come out of Executive Session regarding Economic Development.

PassedRoll call vote on above motion:Yea- 5Yea- Tassler, Helberg, McColley, Lankenau, Maassel

Nay- 0 Nay

Motion To Come Out Of Executive Session

Motion: Lankenau Second: McColley

To come out of Executive Session regarding Collective Bargaining.

Passed Roll call vote on above motion:

Yea- 5 Yea- Tassler, Helberg, McColley, Lankenau, Maassel

Nay- 0 Nay-

Out Of Executive

Session

Council came out of Executive Session at 9:10 p.m. President Helberg reported that the discussion was regarding Economic Development and Collective Bargaining; no

action was taken on either discussion.

Approval Of Bills Bills and reports stand approved as presented with no objections.

Motion To Adjourn McColley Second: Lankenau

To adjourn the meeting.

Passed Roll call vote on above motion:

Yea- 5 Yea- Tassler, Helberg, McColley, Lankenau, Maassel

Nay- 0 Nay-

Adjournment Meeting adjourned at 9:11 p.m.

John A. Helberg, Council President

Approved:

Ronald A. Behm, Mayor

Gregory J. Heath, Finance Director/Clerk of Council

City of Napoleon, Ohio

Finance & Budget Committee

Majority Report

The Finance & Budget Committee met on Monday, October 28, 2013, and:

- a. Discussed debt funding limits
- **b**. Discussed and tabled an increased bid requirement with consideration to raise to \$50,000
- c. Motion To Accept Henry County CIC Budget Request To Present to Council With \$2,000 Additional Request
- d. Reviewed estimated versus actual income tax revenue

Chris Ridley, Chair
John Helberg, Committee
Jason Maassel, Committee
 Mayor Ronald Behm, Committee

RESOLUTION NO. 061-13

A RESOLUTION PLACING AN ISSUE FOR ADVISORY ELECTION ON THE BALLOT AT THE MAY 6TH, 2014 GENERAL ELECTION SEEKING THE AUTHORIZATION OF THE VOTERS OF THE CITY OF NAPOLEON TO CEASE OPERATING ITS POLICE, FIRE AND EMS DISPATCH AS IT CURRENTLY OPERATES AND OUTSOURCE SAID OPERATIONS TO THE HENRY COUNTY SHERIFF

WHEREAS, after a process that began over a year earlier involving City Staff, City Council, the State Auditor, and members of the community the decision to cease operating the City of Napoleon's Police, Fire, and EMS dispatch and outsource said operations to the Henry County Sheriff has reached an impasse; and

WHEREAS, this matter is additionally complicated by the fact that due to conflicts of interest two of the seven current members of City Council are prohibited from voting on this decision; and

WHEREAS, in order for City Council to be able to successfully complete negotiations for said services with the Henry County Sheriff, the Council needs to know that the community supports such action; and

WHEREAS, in order to give direction and stability to city staff the Council needs to know that the community supports or does not support such action;

WHEREAS, the City of Napoleon is a municipal corporation operating under a Charter form of government, which grants all powers, general, special, governmental or proprietary that may be now or hereafter lawfully possessed or exercised by municipal corporations under the constitution and general laws of the State of Ohio; and

WHEREAS, for the foregoing reasons, the Council for the City of Napoleon, Ohio seeks to place an issue on the ballot for the May 6th, 2014 General Election, whereby the voters of the City of Napoleon, Ohio may vote on the issue of whether to cease operating the City of Napoleon's Police, Fire, and EMS dispatch and outsource said operations to the Henry County Sheriff; and

WHEREAS, Section 3 of Article XVIII of the Ohio Constitution grants authority to Ohio municipalities to call such elections on such matters of local concern; **Now Therefore**.

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

Section 1. For the reasons set forth above, the Council for the City of Napoleon finds, determines, and declares that the question seeking authorization to cease operating the City of Napoleon's Police, Fire, and EMS dispatch and outsource said

operations to the Henry County Sheriff shall be submitted to the voters of the City of Napoleon for an advisory election at the general election to be held on May 6th, 2014, and said election shall be held at the regular places of voting in said City as established by the Board of Elections of Henry County, Ohio or otherwise, within the time, place, or manner provided by law and shall be conducted, canvassed and certified in the manner provided by law .

Section 2. That, the Board of Elections of Henry County, Ohio, place upon the ballot at the May 6th, 2014 General Election the following Advisory Election (or in substantially the same form):

Issue # Advisory Election for the City of Napoleon Dispatch Operation (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

- Section 3. The Clerk of Council for the City of Napoleon is hereby authorized and directed to forward a certified copy of this resolution to the Board of Elections of Henry County on or before February 5th, 2014.
- Section 4. That the Board of Elections for Henry County is hereby requested to cause notice of said election to be given as provided by law and otherwise to provide for such election is the manner provided by law.
- Section 5. There is hereby appropriated from the General Fund a sufficient sum of money to pay expenses related to the aforesaid election.
- Section 6. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.
- Section 7. If any section, subsection, paragraph, clause or provision or any part thereof of this ordinance shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this ordinance shall be unaffected by such adjudication and all the remaining provisions of this ordinance shall remain in full force

and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

Section 8. 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 9. That, this Resolution 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. 061-13 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. 058-13

AN ORDINANCE TO APPROVE CURRENT AUGUST 2013 REPLACEMENT PAGES TO THE NAPOLEON CODIFIED ORDINANCES

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council; Now Therefore.

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

Section 1. That, the ordinances of the City of Napoleon, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the August 2013 Replacement Pages to the Codified Ordinances are hereby approved and adopted; such having been certified as correct by the Clerk of Council and the Mayor.

Section 2. That, the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

Traffic Code

301.031.01	Beacon; Hybrid Beacon. (Added)
301.161	Highway Traffic Signal. (Amended)
301.17	Intersection. (Amended)
301.181	Median (Added)
301.26(b)	Private Road or Driveway. (Added)
301.361	Shared Use Path. (Added)
301.45	Traffic. (Amended)
301.46	Traffic Control Device. (Amended)
301.47	Traffic Control Signal. (Amended)
333.09	Texting While Driving Prohibited. (Added)
335.032	Electronic Wireless Communication Device Prohibited.
	(Added).
341.01	Commercial Vehicles Definitions. (Amended)
341.03	Prerequisites to Operation of Commercial Motor Vehicle
	(Amended)
351.04	Parking Near Curb; Handicapped Parking. (Amended)
373.02	Riding Upon Seats; Handle Bars; Helmets and Glasses.
	(Amended)

General Offenses Code

501.01 Definitions. (Amended) 501.11 Organizational Criminal Liability. (Amended)

Section 3. That, the complete text of the sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. Any summary publication of this ordinance shall include a complete listing of these sections. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

Section 4. 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 5. 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 6. That, upon passage, this Ordinance shall take effect at the earliest time permitted by law.

Passed:	
	John A. Helberg, Council President
Approved:	
Approved:	Ronald A. Behm, Mayor
VOTE ON PASSAGE Yea Nay Attest:	Abstain
Gregory J. Heath, Clerk/Finance Director	
I, Gregory J. Heath, Clerk/Finance Director of the foregoing Ordinance No. 058-13 was duly published in the circulation in said City, on the day of the compliance with rules established in Chapter 103 of the laws of the State of Ohio pertaining to Public Meeting	e Northwest Signal, a newspaper of general

ORDINANCE NO. 059-13

AN ORDINANCE AMENDING CHAPTER 197 OF THE CITY OF NAPOLEON'S PERSONNEL CODE REGARDING VACATION COMPUTATION UPON RETIRE/REHIRE

WHEREAS, the Council for the City of Napoleon desires to limit retire/rehire situations; and,

WHEREAS, City of Napoleon's Personnel Code currently allows a person who has retired from the City of Napoleon in accordance with any retirement plan offered by the state after August 1st, 2005, shall upon rehire to a full time position with the City of Napoleon, be granted the same service credit the retiree received just prior to his or her retirement; and,

WHEREAS, the Council for the City of Napoleon, knowing that it can grant benefits in excess of the minimums established by law, now desires to strictly adhere to the requirements of ORC 9.44(C); Now Therefore,

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

Section 1. That, Section 197.18 of the City of Napoleon's Personnel Code is hereby amended and enacted as follows:

"197.18 VACATIONS

(a) Entitlement Restrictions

Except as otherwise provided in Section 197.18(h), full-time regular employees are entitled to vacation with pay after one (1) year of continuous service in the most recent employment with the City and will be due only upon the completion of the first year of said employment, calculated from hire date. The amount of vacation leave to which an employee is entitled is based upon length of service and calculated and earned on a biweekly basis as follows:

Full-time regular employees (except Assistant Chief of the fire/rescue department positions)

Years of Service	Annual Hours	Bi-Weekly Accrual Hours
0 year but less than 6 years	80 hours	3.077 hours/each normal pay
6 years but less than 12	120 hours	4.616 hours/each normal pay
12 years or more	160 hours	6.154 hours/each normal pay

Full-time Assistant Chiefs of the fire/rescue department positions:

0 year through 1 48 hours 1.85 hours/each normal pay

2 years through 8	120 hours	4.62 hours/each normal pay
9 years through 15	192 hours	7.385 hours/each normal pay
16 years or more	240 hours	9.231 hours/each normal pay

(b) <u>Effect of Time Spent on Authorized Leave of Absence</u>

Time spent on any authorized leave of absence, whether paid or unpaid, shall be counted in determining length of service for purposes of vacation eligibility.

(c) <u>Scheduling of Vacations</u>

Vacations will be arranged to give consideration to the desire of the employee in accordance with a procedure established by the employee's department head which will not interfere with City operations.

(d) <u>Vacations to be Taken During Year After Earned</u>

Except for the first year of service, accrued vacation leave may be taken by an employee at any time after accrual and entitlement, subject to the minimum increments established, so long as properly scheduled in accordance with other provisions of this Code, policy manual or work rule. An employee shall not allow his/her total vacation time to exceed eighty (80) hours his/her maximum accrual entitlement for any employment year (considered for the purpose of this Section as being from the employee's anniversary date to the employee's next anniversary date) without prior approval from the appointing authority. This provision is applicable to accrued vacation as a result of sick leave conversion which is authorized in Section 197.16(e)(12) of this Code. When carryover is requested by a department director, such approval may be by the council president, with notification to the body of council, or merely by the body of council.

(e) Vacation Forfeiture

Employees shall forfeit their right to take or to be paid for any vacation leave to their credit which is in excess of any authorized balance; moreover, any vacation time accrued in the first year of service shall be forfeited if any employee fails to complete one (1) year of continuous service.

(f) Accrual

Vacation leave is accrued only while on active pay status, excluding overtime and in accordance with Section 197.18(a).

(g) Lump Sum Payment of Vacation

In the event an employee is denied the opportunity to schedule and take accrued vacation leave due to operational needs of the City, or in the event an employee fails to

schedule and take accrued vacation leave due to the operational needs of the City, the appointing authority may authorize a year-end lump sum payment to the employee in an amount not to exceed the monetary value of the employee's annual vacation accrual as provided in Section 197.18(a). In the case of a department director, lump sum payment may be approved by the council president, with notification to the body of council, or merely by the body of council.

(h) Prior Service Credit.

- Except as otherwise provided for in separate legislation, and except as otherwise specifically excluded by a collective bargaining agreement under Ohio R.C. 4117, to determine prior service for the purpose of computing the amount of vacation leave for an employee first employed on or after July 5, 1987 by the City of Napoleon, the employee shall have only his or her prior service with the City of Napoleon counted. Those employees (not elected officials) who were employed by the City of Napoleon prior to July 5, 1987 shall have all their public service with the State of Ohio or any of its political subdivisions credited pursuant to Ohio R.C. 9.44 (A). An employee who has retired in accordance with the provisions of any retirement plan offered by the State of Ohio and who is employed by the State of Ohio or any political subdivision of said State on or after June 24, 1987, shall not have his or her prior service with the State of Ohio or any political subdivision of said State counted for the purpose of computing vacation leave., except as otherwise herein provided. An employee who retired from the City of Napoleon in accordance with the provisions of any retirement plan offered by the State of Ohio and who retired from the City of Napoleon after August 1, 2005, shall upon rehire to a full-time regular position with the City of Napoleon, be granted the same service credit the retiree received just prior to his or her retirement and thereafter the service credit shall increase on an annual basis.
- B. Except as may be otherwise provided for by separate legislation, employees entitled to prior service credit for purpose of computing vacation leave shall have their anniversary date deferred to their most recent date of employment with the City of Napoleon for purposes of: (1) vacation use or, (2) any use or forfeiture policy regarding vacation.
- C. Elected officials are not entitled to prior service credit for purpose of calculating vacation benefit, if any. (Ord. 093-08. Passed 12-15-08.)
- **Section 2.** That, Sections 197.18 of the Codified Ordinances, as existed prior to the enactment of this Ordinance, is repealed.
- **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, 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 Attest:	Abstain
Gregory J. Heath, Clerk/Finance Director	
I, Gregory J. Heath, Clerk/Finance Director of that the foregoing Ordinance No. 059-13 was duly put newspaper of general circulation in said City, on the	blished in the Northwest Signal, a
; & I further certify the compliance with rule Codified Ordinances Of Napoleon Ohio and the laws Meetings.	es established in Chapter 103 of the
	Gregory I Heath Clerk/Finance Director

RESOLUTION NO. 064-13

TO APPROVE THE EXECUTION OF AN EFFICIENCY SMART SCHEDULE WITH AMERICAN MUNICIPAL POWER, INC.

WHEREAS, the City of Napoleon, Ohio ("Municipality") owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and taxpayers; and,

WHEREAS, American Municipal Power, Inc. ("AMP" and formerly known as AMP-Ohio) is an Ohio nonprofit corporation, organized to own and operate facilities, or to provide otherwise, for the generation, transmission or distribution of electric power and energy, or any combination thereof, and to furnish technical services on a cooperative, nonprofit basis, for the mutual benefit of AMP members ("Members"), such Members, including Municipality, being, as of the date hereof, political subdivisions that operate municipal electric utility systems in Ohio, Kentucky, Michigan, Pennsylvania, Virginia and West Virginia; and

WHEREAS, AMP and Municipality have entered into a Master Services Agreement, AMP Contract No. C-8-2013-9778, pursuant to which AMP provides certain services to Municipality as set forth in various schedules to the Master Services Agreement (the "Schedules"); and,

WHEREAS, AMP and the Vermont Energy Investment Corporation ("VEIC") entered into an agreement effective June 4, 2010 (the "Initial Agreement") for the implementation of an energy efficiency program for AMP known as Efficiency Smart ("ES", and originally known as Efficiency Smart Power Plant); and

WHEREAS, AMP and the Municipality entered into a Gorsuch Participating Subscribing Member Utility Schedule for Efficiency Smart Power Plant (the "Initial Schedule) for services to be provided in connection with the Initial Agreement; and

WHEREAS, the term of the Initial Agreement will expire December 31st, 2013 and AMP and VEIC have entered into a new ES agreement ("ES Agreement") for AMP to pay VEIC to continue to provide a comprehensive program of energy efficiency services ("ES Services") designed to lower the total need for higher cost electric generation facilities or purchased power and thereby reduce Municipality's customers' bills, to be offered to AMP Members; and

WHEREAS, the initial term of the Initial Schedule will expire December 31, 2013 and Municipality desires to continue to receive ES Services; and

WHEREAS, AMP had provided the Municipality with a copy of the ES Agreement; and WHEREAS, AMP and Municipality desire to enter into a Schedule ("ES Schedule"), under the MSA, which provides that AMP will obtain and sell to Municipality, and Municipality will agree to take and pay for, a share of the ES Services which AMP has contracted to acquire in the ES Agreement; and NOW, THEREFORE,

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

Section 1: That, the ES Schedule between Municipality and AMP, substantially in the form as on file with the Clerk/Finance Director of the City, including Appendices thereto, are approved, and the City Manager of the Municipality is hereby authorized to execute and deliver the ES Schedule, with such changes as the City Manager may approve as neither inconsistent

with this Resolution nor materially detrimental to the Municipality, his or her execution of the ES Schedule to be conclusive evidence of such approval.

- Section 2. That, the City Manager is hereby authorized to take any action necessary for Municipality to fulfill its obligations under the ES Schedule.
- Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in conformance with applicable open meetings laws and that all deliberations of this Council and of any committees that resulted in those formal actions were in compliance with all legal requirements including any applicable open meetings requirements.
- Section 4. If any section, subsection, paragraph, clause or provision or any part thereof of this Resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Resolution shall be unaffected by such adjudication and all the remaining provisions of this Resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.
 - Section 5. That this Resolution shall take effect at the earliest date allowed by law.

Passed:	
	John A. Helberg, Council President
Approved:	
	Ronald A. Behm, Mayor
VOTE ON PASSAGE Yea Nay Attest:	Abstain
Gregory J. Heath, Clerk/Finance Director	
I, Gregory J. Heath, Clerk/Finance Director foregoing Resolution No. 064-13 was duly published circulation in said City, on the day of the compliance with rules established in Chapter 103 the laws of the State of Ohio pertaining to Public Me	
	Gregory J. Heath, Clerk/Finance Director

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/F.	inance Dire	ctor	
	e No. 053-13	was duly pu	of the City of Napoleon, do hereby certify blished in the Northwest Signal, a
		-	es established in Chapter 103 of the
Codified Ordinances Of Nap Meetings.	oleon Ohio d	and the laws	of the State of Ohio pertaining to Public
			Gregory J. Heath, Clerk/Finance Director

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/Fi	nance Direc	etor		
I, Gregory J. Heath,	Clerk/Finan	ce Director	of the City of Napoleon, do hereby certify that th	e
			in the Northwest Signal, a newspaper of general	
	tablished in (Chapter 103		
			Gregory I Heath Clerk/Finance Director	

EXHIBIT-A ATTACHMENT TO RESOLUTION No. 055-13

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

Rev. 10/2/2013

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 that the foregoing Resolution No. 057-13 was duly pure newspaper of general circulation in said City, on the	blished in the Northwest Signal, a
; & I further certify the compliance with rul Codified Ordinances Of Napoleon Ohio and the laws Meetings.	es established in Chapter 103 of the
	Gregory J. Heath. Clerk/Finance Director



City of Napoleon, Ohio

Department of Public Works

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

Memorandum

To: Dr. Jon A. Bisher, City Manager

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

cc: Mayor & City Council

Greg Heath, City Finance Director

Date: November 4, 2013

Subject: Perry Street Parking Lot Project

Recommendation of Award

On October 30, 2013, bids were opened and read aloud for the above referenced project. Three (3) bids were submitted and read as follows:

Vernon Nagel, Inc. \$24,800.00 Hohenbrink Excavating, L.L.C. \$33,105.00 Gerken Asphalt Paving, Inc. \$38,437.50

The published Engineer's Estimate for this project is \$40,000.00. This project consists of placing and compacting O.D.O.T. Item 304 Crushed Aggregate Base in the area where two (2) buildings will be removed at the corner of N. Perry Street & W. Main Street.

Per Section 5.2 REVIEW OF LOW BID of the Instructions to Bidders in the Project Specifications:

- 5.2.1 "No Bidder shall be best if the Bidder's bid is more than...twenty-five percent (25%) below the median of all higher bids received for a Contract where the estimate is less than \$100,000, unless the following procedures are followed.
 - 5.2.1.1 The Architect/Engineer conduct an interview with the Bidder to determine what, if anything has been overlooked in the bid, and to analyze the process planned by the Bidder to complete the Work. The Architect/Engineer shall submit a written summary of the interview to the Authorized Representative.
 - 5.2.1.2 The Bidder submits to the City a certified financial statement and a list of recent public contracts which the Bidder has performed.
 - 5.2.1.3 The County reviews and approves the Bidder as the best pursuant to subparagraph IB 3.5.
 - 5.2.1.4 The City notifies the Bidder's Surety in writing that the Bidder with whom the City intends to enter a Contract submitted a bid determined to be substantially lower than the median of all higher bids."

The bid submitted by Vernon Nagel, Inc. is more than twenty-five percent (25%) below the median of all higher bids. I conducted an interview with Vernon Nagel, Inc. per Section 5.2.1.1. A written summary of that interview is attached as required.

Per Section 5.2.1.2, a certified financial statement and a list of recent public contracts was submitted by Vernon Nagel, Inc. With this information, Vernon Nagel, Inc. was reviewed per Section 3.5 of the Instructions to Bidders. Vernon Nagel, Inc. was determined to be financially stable and possesses the necessary experience to perform the work required for this project. Vernon Nagel, Inc.'s surety has notified in writing per Section 5.2.1.4 of the Information to Bidders.

Having reviewed the submitted bids, it is my recommendation that Council award Vernon Nagel, Inc. the contract for the Perry Street Parking Lot Project in the amount of \$24,800.00. If you have any questions or require additional information, please contact me at our convenience.

CEL

			POLEON OHIO ARY SHEET					
Project Name: PERRY ST. PARKING LOT		VENDOR						
	(A)	(B)	(C)	(D)	(E)			
DATE OPENED Weds., October 30, 2013 TIME: 11:00 AM OPENED BY:	Hohenbrink Excavating, LLC 1340 S. Agner St. Ottawa, OH 45875	Gerken Asp. Paving, Inc. 9072 Co. Rd. 424 Napoleon, OH 43545	Vernon Nagel Napoleon, OH 43545					
Gregory J. Heath ENGINEER'S ESTIMATE: \$40,000.								
BIDDER QUALIFICATION*	Х	Х	Х					
BID SECURITY*	Х	Х	Х					
NON COLLUSION AFFIDAVIT*	Х	х	Х					
PROPERTY TAX FORM	Х	Х	Х					
CORPORATE RESOLUTION	Х	Х	Х					
CERTIFICATION - ORC 3517.13	х	Х	х					
TOTAL OF LABOR & MATERIAL	\$33,105.00	\$38,437.50	\$24,800.00					

[•]Required at bid opening

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

8200721 06 04 2013 10 17 2013 EILING DATE D5 D6 35 088 A	TRFO TYPE FS F10766 RECEIPT NO.	631 N PERRY STREET CORP 631 N PERRY ST 1ST FLR & BSMT NAPOLEON OH 43545 FROM 10/21/2013
0738464 06 04 2013 10 17 2013 EILING DATE D5 D6 35 088 TAX DISTRICT	TYPE	BLACKWOOD CONSTRUCTION SERVICES LLC 631 N PERRY ST 1ST FLR & BSMT NAPOLEON OH 43545
MAILED 10/21/2013		SES MUST BE POSTMARKED NO LATER THAN. 11/21/2013
PLEASE COMPLETE AND RE WHETHER OR NOT THERE IS REFER TO THIS NUMBER IN	TURN THIS	አ ጥቦድሶ ይշሰበንጋገ
	(MUST M.	ARK ONE OF THE FOLLOWING)
WE REQUEST A HEARING C THE HEARING BE HELD		VISABILITY OF ISSUING THE PERMIT AND REQUEST THAT OUR COUNTY SEAT IN COLUMBUS.
WE DO NOT REQUEST A HEDID YOU MARK A BOX?		HIS 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

CORPORATION INQUIRY PCS15

TUBE C173 TIME 11.23.11 DATE 10/18/13

PERMIT NUMBER (CORPORATION) 8200721

631 N PERRY STREET CORP 631 N PERRY ST 1ST FLR & BSMT NAPOLEON OH 43545

F.T.I. NUMBER 46-2271635

STATUS (ACTIVE OR INACTIVE) ACTIVE

SHARES OUTSTANDING 100.00 ACTIVE DATE 10/17/13

INACTIVE DATE

EXCEPTION CODE TEXT

STOCK TRANSFER CODE TEXT AND DATE

10.00 10/17/13 ACTIVE VICE PRES 10.00 10/17/13 ACTIVE SECRETARY 80.00 10/17/13 ACTIVE PRESIDENT frank kozak RICHARD BAUER ALBERT BLACKWOOD



FIREFIGHTERS CHARITABLE FOUNDATION

A 501 (c) 3 CHARITABLE CORPORATION

ONE WEST STREET • FARMINGDALE, NY 11735 • 800.837.FIRE (3473) PHONE: 516.249.0332 EMAIL: ffcf@ffcf.org

PHONE: 516.249.0332 FAX: 516.249.0338

WEB: www.ffcf.org

October 21, 2013

Chief Robert Bennett Napoleon Fire Rescue 265 West Riverview Ave Napoleon, OH 43545

Dear Chief Bennett,

I am please to inform you that our Board of Directors has reviewed the details of your needs, as brought to our attention by our Program Director and has approved a grant be given to your organization in the amount.

We recognize your need, and thanks to the generosity of individuals and corporations from all corners of this country our organization has been able to assist those in need since 1991. All we ask in return is simple: that you keep in touch with us and let us know how our grant was of assistance to you (so that we can share that news with our contributors), and that if your organization and others in your community find yourselves in a position that you remember the Firefighters Charitable Foundation, so that we may be in a position to help others in their time of need.

Also, if we need to update your contact information, please email joannffcf@optonline.net

Once again, we are very pleased that we were able to be assistance to you.

Sincerely,

Frank R. Tepedino

Frank R. Tepedino President Firefighters Charitable Foundation

FRT;jv Enc.



FIREFIGHTERS CHARITABLE FOUNDATION INC

ONE WEST STREET FARMINGDALE, NY 11735 516-249-0332





10/16/2013

PAY TO THE ORDER OF

OWST 1-800-433-8810

NAPOLEON FIRE-RESCUE

\$

**300.00

DOLLARS DESE

NAPOLEON FIRE-RESCUE ATTN: CHIEF ROBERT BENNETT 265 WEST RIVERVIEW AVE NAPOLEON, OH 43545-1748

GRANT DONATION

Luck Com



Department of Public Works

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

Memorandum

To: Dr. Jon A. Bisher, City Manager

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

cc: Mayor & City Council

Greg Heath, City Finance Director

Date: November 4, 2013

Subject: 2013 Miscellaneous Concrete Street Improvements

Approval of Plans & Specifications

The City of Napoleon's Department of Public Works requests approval of the plans and specifications for the 2013 Miscellaneous Concrete Street Improvements Project. This project consists of replacing portions of the concrete streets on E. Washington Street, Sedward Avenue, Chesterfield Drive, Bordeaux Drive, & Thershan Drive. Due to a lack of available personnel for inspection, we were unable to bid this project until now. The completion date for this project is scheduled for June 29, 2014. There is a resurfacing project in the preliminary budget submittal for another Miscellaneous Street Improvements project for 2014.

Engineer's Estimate of Construction: \$250,000.00. Budgeted amount for this project is \$275,000.00.

CEL



Department of Public Works

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

Memorandum

To: Dr. Jon A. Bisher, City Manager

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

cc: Mayor & City Council

Greg Heath, City Finance Director

Date: August 19, 2013

Subject: 2013 Street Striping Project

Change Order No. 1 - Final

The above referenced project has been completed and final quantities have been tabulated. Change Order No. 1 – Final is -\$768.47. The final project cost is \$62,124.35. I request that Council approve Change Order No. 1 – Final to allow us to close out this project.

CEL

CHANGE ORDER

No. 1 (FINAL)

PROJECT	DATE OF ISSUANCE
2013 Street Striping Project	October 23, 2013
OWNER City of Napoleon 255 W. Riverview Ave., P.O. Box 151 Napoleon, OH 43545	
CONTRACTOR Zimmerman Paint Contractors Co. 2710 Hayes Avenue Fremont, OH 43420	ENGINEER Chad E. Lulfs, P.E., P.S. City Engineer
CONTRACT FOR: Street Striping Program	
You are hereby directed to proceed promptly with the following DESCRIPTION: Contract Work Completed, I	change(s): Final Adjustments of Quantities
ATTACHMENTS - (List Documents Supporting Change) If a claim is made that the above change(s) have affected Contract Poorder based thereon will involve one of the following methods of determined to the contract Poorder based thereon will involve one of the following methods of determined to the contract Poorder based thereon will involve one of the following methods of determined to the contract Poorder based thereon will involve one of the following methods of determined to the contract Poorder based thereon will involve one of the following methods of determined to the contract Poorder based thereon will involve one of the following methods of determined to the contract Poorder based th	
Method of Determining Change In CONTRACT PRICE ☐ Time and Materials ☐ Unit Prices ☐ Cost Plus Fixed Fee ☐ Other	Method of Determining Change In CONTRACT TIME ☐ Contractor's Records ☐ Engineer's Records ☐ Other
Estimated Increase/Decrease in CONTRACT PRICE (\$768.47) If the Change involves an Increase, the estimated amount is not to be exceeded without further authorization.	Estimated Increase/Decrease in CONTRACT TIME days If the Change involves an Increase, the estimated time is not to be exceeded without further authorization.
Recommended CITY of NAPOLEON 69	Accepted ZIMMERMAN PAINT CONTRACTORS Co. Contractor

Original Contract Prior to this Change Order Increase / Decrease Resulting from this Change Order Current Contract Price, Including this Change Order

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

\$62,892.82 -\$768.47 \$62,124.35

FINAL CHANGE ORDER

NAME of PROJECT - 2013 Street Striping Project CONTRACTOR - Zimmerman Paint Contractors Co.

					UNIT	QTY TO	QTY	AMOUNT	AMOUNT
ITEM	REF		QTY	UNIT	PRICE	DATE	DIFF	DECREASE	INCREASE
			16.06	2.0	****	1.5.15	0.00		* · · • · · ·
642	1	Edge Line/Repaint, Type 1	16.06		\$355.00	16.42	0.36		\$127.80
642	3	Lane Line/Repaint, Type 1	0.81	MI	\$315.00	0.47	-0.34	-\$107.10	
642		Center Line/Repaint, Type 1	21.11	MI	\$630.00	21.58	0.47		\$296.10
642	7	Channelizing Line/Repaint, Type 1	5,803.00		\$0.30	4,708.00	-1,095.00	-\$328.50	
642	9	Stop Line/Repaint, Type 1 (24")	3,508.00		\$0.95	3,508.00	0.00	\$0.00	\$0.00
642	11	Crosswalk Line/Repaint, Type 1 (12")	12,485.00	LF	\$0.85	12,485.00	0.00	\$0.00	\$0.00
642	13	Transverse Line/Repaint, Type 1	2,159.00	LF	\$0.85	2,159.00	0.00	\$0.00	\$0.00
642	15	Island Marking/Repaint, Type 1	85.57	SF	\$1.00	86.00	0.43		\$0.43
642	17	Lane Arrow/Repaint, Type 1	140.00	EA	\$23.00	140.00	0.00	\$0.00	\$0.00
642	19	Combined Arrow/Repaint, Type 1	47.00	EA	\$25.00	47.00	0.00	\$0.00	\$0.00
642	21	Word on Pavement 96"/Repaint, Type 1	52.00	EA	\$32.00	0.00	-52.00	-\$1,664.00	
642	23	Type 1	33,062.00	LF	\$0.20	33,224.00	162.00		\$32.40
		Parking Stall Marking YELLOW/Repaint,							
642	23	Type 1	1,580.00	LF	\$0.20	1,580.00	0.00	\$0.00	\$0.00
		Railroad Symbol Marking with Stop							
642	25	Bar/Repaint, Type 1	22.00		\$75.00	22.00	0.00	\$0.00	\$0.00
642		Curb Marking, Type 1	6,223.00		\$0.40	5,364.00	-859.00	-\$343.60	
642	29	School Symbol Marking	30.00	EA	\$75.00	30.00	0.00	\$0.00	\$0.00
642	30	Preferential Lane Symbol/Repaint, Type 1	9.00	EA	\$55.00	9.00	0.00	\$0.00	\$0.00
		Preferential Lane Symbol/Repaint, Type 1							
		Handicapped Space Painted Blue w/White							
642	30	Symbol	57.00	EA	\$90.00	59.00	2.00		\$180.00
642	33	Loading Zone/Repaint, Type 1	24.00	LF	\$0.50	24.00	0.00	\$0.00	\$0.00
		White Hatch Marking 12" Center/Layout &	4.000.00						
642	34	Paint, Type 1 Yellow Hatch Marking 12" Center/Layout &	1,200.00	LF	\$0.75	1,200.00	0.00	\$0.00	\$0.00
642	34	Paint, Type 1	156.00	LF	\$0.75	180.00	24.00		\$18.00
_	ADDITIONAL WORK:						\$10.00		
642	1A	(Grinding)	0.00	LS	\$900.00	1.00	1.00		\$900.00
642		Dotted Line	0.00		\$1.00	120.00	120.00		\$120.00
								-\$2,443.20	\$1,674.73
				•		. <u>J</u> .	TOTAL	DIFFERENCE:	-\$768.47



Department of Public Works

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

Memorandum

To: Dr. Jon A. Bisher, City Manager

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

cc: Mayor & City Council

Greg Heath, City Finance Director

Date: November 4, 2013

Subject: W. Main St. Parking Lot Improvements

Change Order No. 1 – Final

The above referenced project has been completed and final quantities have been tabulated. Change Order No. 1 – Final is \$4,275.00. The final project cost is \$51,830.00. I request that Council approve Change Order No. 1 – Final to allow us to close out this project.

CEL

CHANGE ORDER

No. 2 (FINAL)

Original Contract Prior to this Change Orde	r \$47,556.00
Jon A. Bisher, City Manager	
Approved	
Chad E. Lulfs, P.E., P.S.; City Engineer	оу
	by:
CITY of NAPOLEON	GERKEN ASPHALT PAVING, INC. Contractor
Recommended	Accepted
If the Change involves an Increase, the estimated amount is not to be exceeded without further authorization.	If the Change involves an Increase, the estimated time is to be exceeded without further authorization.
Estimated Increase/Decrease in CONTRACT PRICE \$4,275.00 If the Change involves on Increase, the estimated amount	Estimated Increase/Decrease in CONTRACT TIME days If the Change involves on Increase the estimated time is
Other	
✓ Unit Prices Cost Plus Fixed Fee	Engineer's Records Other
Time and Materials	Contractor's Records
Method of Determining Change In: CONTRACT PRICE	Method of Determining Change In CONTRACT TIME
If a claim is made that the above change(s) have affected Order based thereon will involve one of the following me	·
ATTACHMENTS - (List Documents Supporting C	- '
	d, Final Adjustments of Quantities
You are hereby directed to proceed promptly with th	•
CONTRACT FOR: West Main Street Parking	I of Improvements
9072 County Road 424 Napoleon, Ohio 43545	City Engineer
Gerken Asphalt Paving, Inc.	Chad E. Lulfs, P.E., P.S.
CONTRACTOR	ENGINEER
255 W. Riverview Ave., P.O. Box 151 Napoleon, OH 43545	
City of Napoleon	
OWNER	
West Main Street Parking Lot Improvements	October 31, 2013
PROJECT	DATE OF ISSUANCE

\$4,275.00

\$51,831.00

Increase / Decrease Resulting from this Change Order

Current Contract Price, Including this Change Order

FINAL CHANGE ORDER

NAME of PROJECT - West Main Street Parking Lot Improvements CONTRACTOR - Gerken Asphalt Paving, Inc.

ITEM	DESCRIPTION	ESTIMATED QUANTITY	ACTUAL QUANTITY	QUANTITY DIFF.	UNIT	UNIT PRICE	AMOUNT DECREASE	AMOUNT INCREASE
1	Cold Planing (0" to 1½") Deep	2,800.00			SY	\$3.25		IIVOITE/TOE
2	Tack Coat @0.05 GAL/SY	140.00	150.00	10.00	GAL	\$1.90		\$19.00
3	1½" Asphalt Concrete Surface (ODOT 448 Type 1 Medium, PG64-22)	235.00	283.70	48.70	TON	\$90.00		\$4,383.00
4	Concrete Curb Removal	80.00	80.00	0.00	LF	\$15.00		
5	Concrete Walk Removal	25.00	25.00	0.00	SY	\$40.00		
6	Existing Curb Inlet Adjusted to Grade (Reuse Existing Casting)	1.00	1.00	0.00	EA	\$700.00		
7	Type 6 Concrete Curb (Modify)	80.00	79.00	-1.00	LF	\$43.00	-\$43.00	
8	4" Concrete Walk with 4" Stabilized Crushed Aggregate Base (ODOT 411)	25.00	23.80	-1.20	SY	\$70.00	-\$84.00	
9	Topsoil	5.00	5.00	0.00	CY	\$150.00		
10	Maintaining Traffic	1.00	1.00	0.00	LS	\$5,000.00		
11	Mobilization	1.00	1.00	0.00	LS	\$3,200.00		
						Subtotals:	-\$127.00	\$4,402.00
TOTAL DIFFERENCE:						\$4,275.00		

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: 10/28/2013

Re: Technology and Communication Committee Meeting Cancellation

The November 4, 2013, meeting of the Technology and Communication Committee has been <u>CANCELED</u> due to lack of agenda items.

City Council

in Joint Session with the

Finance & Budget Committee

LOCATION: City Offices, 255 W. Riverview Avenue, Napoleon, Ohio 43545

Special Meeting Agenda

Friday, November 8, 2013 at 8:00 AM

- I. Review of 2014 Budget Proposals
- II. Any Other Items That May Come Before Council

Finance & Budget Committee

in Joint Session with

City Council

LOCATION: City Offices, 255 W. Riverview Avenue, Napoleon, Ohio 43545

Special Meeting Agenda

Friday, November 8, 2013 at 8:00 AM

- I. Review Of 2014 Budget Proposals
- II. Any Other Matters Currently Assigned to the Committee

City Council

in Joint Session with the

Finance & Budget Committee

LOCATION: City Offices, 255 W. Riverview Avenue, Napoleon, Ohio 43545

Special Meeting Agenda

Saturday, November 9, 2013 at 8:00 AM

- I. Review Of 2014 Budget Proposals
- II. Any Other Items That May Come Before Council

Finance & Budget Committee

Meeting in Joint Session with

City Council

LOCATION: City Offices, 255 W. Riverview Avenue, Napoleon, Ohio 43545

Special Meeting Agenda

Saturday, November 9, 2013 at 8:00 AM

- I. Review Of 2014 Budget Proposals
- II. Any Other Matters Currently Assigned to the Committee

November 1, 2013



AMP President/CEO Marc Gerken (left) presents the AMP Seven Hats Award to Roy Johnson, village administrator for the Village of Carey and AMP Board member, during the 2013 AMP/OMEA Conference Awards Banquet.

Johnson receives 2013 Seven Hats Award

 $By\ Jolene\ Thompson-senior\ vice\ president\ member\ services\ \&\ external\ affairs/OMEA\ executive\ director$

Roy Johnson, village administrator for the Village of Carey and AMP Board member, received the prestigious AMP Seven Hats Award during the 2013 AMP/OMEA Conference Awards Banquet on Oct. 30.

Johnson was presented the award by AMP President and CEO Marc Gerken for his outstanding accomplishments in utility management and service to his community. Johnson has served Carey for more than 23 years, starting at the wastewater treatment plant and becoming village administrator in 1997. Nominated by his mayor, Johnson currently oversees more than 30 employees in electric, public works, wastewater, police, tax and administrative departments.

Initiated in 1966 to recognize utility managers who serve smaller communities, Seven Hats is given annually in communities of less than 2,500 meters. Award winners show skill in seven areas: planning and design, administration, public relations, field supervision, accounting, personnel or employee direction, and community leadership.

Please join us in congratulating Roy.

Severe weather takes down lines in Shelby

By Michelle Palmer – assistant vice president of technical services

Heavy rains and high wind gusts blew through much of the United States last night, with severe weather from the Gulf Coast to the Ohio Valley.

The City of Shelby put in a request for Mutual Aid at 4:50 a.m. Nov. 1. The storm took out several power lines and Shelby requested one two-man crew with a bucket.

Bowling Green answered the call to support Shelby and crews have been working to restore power.

AMP's Mutual Aid Program network stands ready to provide assistance to fellow municipal systems when local utility emergencies occur that are too widespread to be handled by one system alone.

Members who have not yet signed a Mutual Aid agreement are strongly encouraged to do so. Mutual Aid guidelines, standard operating procedures, and sector coordinator contact information are available on the Member Extranet section of <u>AMP's website</u>.

Please contact me with questions, or if you are a member that has not yet completed a Mutual Aid agreement at mpalmer@amppartners.org or 614.540.0924.

Prices fall due to weather

By Craig Kleinhenz – manager of power supply planning

Temperatures are expected to be warmer than normal in the first part of November. This news has driven down energy prices as it should lead to less natural gas demand than normal for this time of year.

November natural gas prices finished trading on Tuesday for the last time down \$0.13/MMBtu last week to close at \$3.50/MMBtu. December natural gas prices closed yesterday down \$0.19/MMBtu for last week to settle at \$3.58/MMBtu. Electric prices closed lower this week with 2014 on-peak electric prices at AD Hub finishing down \$0.49/MWh from last week, closing at \$39.60/MWh. This represents a two week decline of \$1.16/MWh.

www.amppartners.org

AMP/OMEA Conference provides attendees with opportunities to discover, learn and connect

By Marc Gerken - president/CEO

Nearly 500 participants took part in the 2013 AMP/ OMEA Conference held in Columbus this week, a record attendance for this annual event.

Technology, the future of public power, industry trends and developments were a few of the many topics covered this year during presentations, sessions and panel discussions. AMP would like to thank all our outstanding speakers this year, including APPA President/CEO Mark Crisson.

The 2014 AMP Wall of Fame inductee was Gene Post, manager of Electric and Communications for the City of Wadsworth. Post has also served AMP as Gold Sector Mutual Aid Coordinator for 15 years, and as chairman of the Mutual Aid Committee for 10 years.

In addition to the many sessions and events, AMP, OMEA, MESA, the OMEGA JVs and the AMP project participants held membership meetings throughout the four-day annual conference.

I would like to thank all those who participated in the 2013 AMP/OMEA Conference.

Members recognized with AMP awards during banquet

By Karen Ritchey – manager of communication programs

Member systems and officials were honored at the 2013 AMP/OMEA Conference through the AMP awards program. Board members who were recognized for outstanding

service are:

- AMP Board of Trustees Paul Beckhusen (Coldwater), Andy Boatright (Westerville), Chris Easton (Wadsworth), Ivan Henderson (Cleveland), John Humphries (Princeton), Roy Johnson (Carey), Ed Krieger (Piqua), Patrick McCuller (Delaware Municipal Electric Corporation), Tom Natarian (Ephrata), Brian O'Connell (Bowling Green), Tony Pochard (Hamilton) and Joe Waltz (Front Royal)
- OMEA Board of Directors Mayor Douglas Johnson (Bryan), Mayor Robert Vincenzo (St. Clairsville), Councilman Pat Hale (Tipp City) and Mayor Kathy Cocuzzi (Westerville)

Communities that were honored with AMP awards included:

Finance Awards

- Highest Credit Score Population 5,000 and over Danville
- Highest Credit Score Population under 5,000 Clinton
- Most Improved Credit Score Ephrata

Innovation Awards

- Hudson Public Power Automatic Vehicle Location Project
- Oberlin Municipal Light and Power System Energy Advocacy and Assessment Service
- City of Wadsworth Electric & Communications Smart Grid Phase 2: Home Area Network & Customer Engagement

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

Week endi	ing Nov. 1			
MON \$35.15	TUE \$35.70	WED \$34.23	THU \$33.07	FRI \$32.95
Week endi	ing Oct. 25			
MON	TUE	WED	THU	FRI
\$38.25	\$39.00	\$42.00	\$41.00	\$40.00
, ,		price as of N		
AEP/Dayto	on 2014 5x16	price as of (Oct. 25 — \$40	0.09

System Improvement Awards

- Bryan Municipal Utilities 34.5 kV Switch Project
- Cuyahoga Falls Electric System LED Streetlight Retrofits and 87L Protective Relay
- Dover Light & Power Coal Storage Facility and System Improvement project. And to the City of Dover for the Dover Chemical Isolation Project
- Village of Genoa Downtown Street Lighting Project
- Hudson Public Power AMR Metering Installation, LED Re-Lamping and Substation Security projects
- City of Napoleon Glenwood Feeder Project and Oil Containment
- Philippi Municipal Electric New Housing and Alderson Broaddus University, Anglin Run Project and the Benedum Upgrade
- Village of Pioneer Pole Replacement Project
- St. Clair Borough Electric Light Department Entire Electric Distribution Conversion/Upgrade and AMI Meters Installation
- City of Shelby Main Street LED Lamp Post Lighting
- Village of Versailles Cremer Road Electric Upgrades Project and LED Street Lighting Pilot Program
- City of Westerville New Underground 69 kV Cable Project

Public Power Promotion Awards

- Division 2 St. Clairsville Light & Power Light Up the Holidays program
- Division 3 Dover Light & Power Public Power Week Open House
- Division 4 Painesville Electric System 125th Anniversary Celebration "Party At the Plant"
- Honorable Mention Hudson Public Power Touch-A-Truck event, Cuyahoga Falls Electric System Public Power Promotion & Consumer Awareness program, and City of Wadsworth Electric & Communications CityLink Branding and Application

Environmental Stewardship Awards

- City of Cuyahoga Falls Electric System Public Involvement and Volunteerism Programming for Environmental Stewardship
- Hudson Public Power Green on the Green program
- Oberlin Municipal Light & Power System Super Rebate program
- St. Clairsville Light & Power Bad to Good then Green program

OMEA re-elects Board members, adds three honorary members

By Jolene Thompson

The Ohio Municipal Electric Association (OMEA) held its general membership meeting during the 2013 AMP/OMEA Conference on Oct. 30 and re-elected the communities of Bryan, St. Clairsville, Tipp City and Westerville to four-year terms on the OMEA Board of Directors.

Also elected to an ex-officio seat on the OMEA Board was St. Marys, who will be represented by Mayor Pat Mc-Gowan

The OMEA general membership selected three new honorary members: Steve Casebere, Keith Chamberlain and Mike Geib. Steve Casebere worked for Bryan Municipal Utilities for 25 years. He served as director of utilities for the past 16 years, retiring earlier this year. Keith Chamberlin was the city manager of Columbiana for more than 20 years and retired in 2012. Michael Geib has been employed with the Village of New Knoxville since 1992.



Richard Homrighausen



Douglas Johnson



Robert Vincenzo

At the Board reorganization meeting that followed the general membership meeting, Mayor Richard Homrighausen (Dover) was re-elected president. Both Mayor Vincenzo (St. Clairsville) and Mayor Douglas Johnson (Bryan) were re-elected to serve one-year terms on the three-member OMEA executive committee.

DEED webinar to review eReliability Tracker

The American Public Power Association (APPA) DEED webinar eReliability Tracker: Upgrades and User Tips will be offered from 2 to 3:30 p.m. Nov. 13.

During the webinar, Alex Hofmann, APPA's energy and environmental services manager, will review the new enhancements to the eReliability Tracker software and provide tips to help users effectively display and report utility outage data.

The program will be offered at no charge to all participants. Visit www.publicpower.org to register. For more information, please contact APPA's Web Department at info@publicpower.org.

Each year, AMP pays for its members to be a DEED member. If you need AMP's assistance in compiling your application for DEED, please contact Michelle Palmer at mpalmer@amppartners.org or 614.540.0924, or Alice Wolfe at 614.540.6389 or awolfe@amppartners.org.

AMP re-elects leadership

By Marc Gerken

The AMP general membership held its annual meeting at the 2013 AMP/OMEA Conference on Oct. 30.

There were expiring AMP Board of Trustees seats from the 12 AMP Service Groups this year. Each rate group met and elected their representative community to the Board. Members elected were Bowling Green, Carey, Cleveland, Coldwater, Danville, DEM-EC, Ephrata, Hamilton, New Martinsville, Piqua, Wadsworth and Westerville.

The two changes from last year are that Danville will be representing the Virginia Service Group and New Martinsville will be representing the Other Service Group.

Following the general membership meeting, the Board held its annual reorganization meeting and reelected Jon Bisher, Napoleon city manager, as chairman; Steve Dupee, Oberlin Municipal Light & Power System director, as vice chairman; Pam Lucas, Montpelier village manager, as secretary; and Tracy Reimbold, Newton



Ion Bisher



Steve Dupee



Pam Lucas



Tracy Reimbold

Falls finance director, as treasurer.

AFEC weekly update

By Craig Kleinhenz

As the temperature is starting to change, so has AFEC's production pattern. On Oct. 25 and 26, the plant generated at base minimum during the overnight hours and base maximum during the on-peak hours, with the exception of some mid-afternoon hours where the plant was ramped down. The plant was dispatched offline on Oct. 27 due to economics.

Oct. 28-31 saw the plant operate at base maximum during the on-peak hours, but offline during the overnight hours (except for Thursday night during which the plant remained online). This led to the plant having a 52 percent load factor for the week (based on 675 MW).

Duct burners only ran for a couple of morning hours last Oct. 25 and again on Oct. 28. For the week, AFEC was approximately \$2.69/MWh cheaper than on-peak market prices for base generation.

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Awards, commendations honor members' commitment to safety

By Michelle Palmer

AMP presented awards and commendations to 36 member communities during the 2013 AMP/OMEA Conference Safety Awards on Oct. 30.

Safety awards are given to communities that have no time lost because of reportable injuries or accidents.

In the **generation category**, awards were presented to: Bryan Municipal Utilities, Dover Light & Power, Oberlin Municipal Light & Power System and Orrville Utilities – Power Plant Operations.

In the **transmission/distribution category**; the winners were: Bryan Municipal Utilities, Danville Utilities Department, Dover Light & Power, Borough of Ephrata Electric Division, Genoa Municipal Utilities, Hudson Public Power, Kutztown Electric Department, Minster Electric Department, Montpelier Municipal Utility, New Martinsville Municipal Electric Utility, Newton Falls Electric Department, Oak Harbor Public Power, Oberlin Municipal Light & Power System, Orrville Utilities, Philippi Municipal Electric, Pioneer Light Department, St. Clairsville Light & Power, Shelby Division of Electric and Telecommunications, Village of Versailles Utilities, City of Wadsworth Electric & Communications, and Wapakoneta Electric Department.

A **safety commendation for generation** was awarded to Orrville Utilities – Power Plant Maintenance.

Safety commendations in transmission/distribution were given to: City of Columbus Division of Power, Cuyahoga Falls Electric System and Village of Lodi Utilities.

Mutual Aid Commendations were given to:

- Piqua Power System for providing assistance to the City of Philippi during the snow storm that was a result of Hurricane Sandy;
- Cleveland Public Power, Hamilton Department of Electric, City of Hubbard Light Department, Hudson Public Power, City of Wadsworth Electric & Communications and Westerville Electric Division for providing assistance to FirstEnergy in the Cleveland Electric Illuminating territory during its electrical emergencies from Hurricane Sandy;
- Bowling Green Municipal Utilities, Bryan Municipal Utilities, Village of Bradner Board of Public Affairs, Deshler Municipal Utilities and Pemberville Municipal Electric for providing assistance to the City of Wapakoneta during its electrical emergencies resulting from a summer storm;
- Village of Bradner Board of Public Affairs, Bryan Municipal Utilities, Deshler Municipal Utilities, Montpelier Municipal Utility, Napoleon Light & Power, Oak Harbor Public Power, Pemberville Municipal Electric, Piqua Power System, Wapakoneta Electric Department and Village of Woodville Utilities Department for providing assistance to the City of Bowling Green during a wind storm in July;
- Brewster Municipal Electric for providing assistance to Beach City Electric, Water & Sewer Utilities during electrical emergencies in July;
- Piqua Power System for providing assistance to Pioneer Rural Electric Cooperative and Dayton Power & Light during electrical emergencies in July.



Kyle Weygandt (left), AMP's director of member safety, presents Dover Light & Power Plant Superintendent and AMP Board member Dave Filippi with a safety award during the 2013 AMP/OMEA Conference Safety Awards.

AMP Hard Hat Safety Award winners will be announced in their community and presented with an award at a later date. Member utilities with 2013 Hard Hat Award winners are: City of Columbus Division of Power, Cuyahoga Falls Electric System, City of Dover – Transmission and Distribution, Dover Light & Power – Generation, Borough of Ephrata Electric Division, Hudson Public Power, Montpelier Municipal Utility, Orrville Utilities, Painesville Municipal Electric – Transmission and Distribution, Painesville Municipal Electric – Generation, Philippi Municipal Electric, St. Clairsville Light and Power, Shelby Division of Electric and Telecommunications, Village of Versailles Utilities, City of Wadsworth Electric & Communications, Village of Wellington Utilities, City of Westerville Electric Division.

Congratulations to all award winners and thank you for your dedication and service.

Presentation to cover how to make the most of SEPA membership

The Solar Electric Power Association (SEPA) will hold an interactive presentation via webinar Nov. 14 on the benefits available as utility members of SEPA. AMP pays for an enterprise membership in SEPA and so all AMP members have access to SEPA tools and resources.

Following the webinar, participants will have the opportunity to post questions during a question and answer session.

SEPA's Member Relations Manager Ruth Hupart will be the speaker of the presentation, which is free to AMP members.

Visit http://www.solarelectricpower.org/experience-events/how-to-get-the-most-out-of-your-sepa-membership-for-utilities.aspx to register.

www.amppartners.org

Update Classifieds

Ephrata accepts applications for first class electric lineman

The Borough of Ephrata is seeking a 1st Class Electric Lineman. Ephrata is a small community in Lancaster County, PA. Ephrata is located within 1-2 hours from three major cities: Philadelphia, Baltimore and New York. The borough has approximately 6,600 meters in a service area of 3.4 square miles.

Working as part of a team, linemen use technical, analytical and electrical knowledge to deliver reliable electric service to customers. 1st Class Electric Lineman will be responsible to perform inspections, maintenance, operations and construction work on the substations, transmission, distribution and street lighting systems. Work on circuits up to 13.2 kV with hot sticks and/or with rubber protective equipment in aerial buckets and in required safety apparel.

Applicants must possess: minimum Class B motor vehicle license; minimum of four years work experiences for a public or private utility or completion of a recognized apprenticeship program, demonstrate thorough working knowledge of transformer connections, phasing, testing line inspections, emergency sectionalizing, meter and service installation; must be able to climb utility poles and perform work up to 60 feet above the ground; and must reside within 30 minutes of Ephrata to respond to call-outs.

The borough offers an attractive wage, comprehensive benefit package and a workplace with an emphasis on quality and teamwork.

Complete an application at the borough or send a resume to: Human Resources Department, Borough of Ephrata, 124 S. State St., Ephrata, PA 17522 or skramer@ephrataboro.org. Visit Ephrata's website at www.ephratboro.org. Application deadline: Nov. 30. EOE M/F/D/V

Danville looks for electric compliance coordinator candidates

The City of Danville Utilities-Power & Light is seeking an Electric Compliance Coordinator.

Electric Compliance Coordinator performs difficult technical work in the accumulation, manipulation and analysis of electrical system data; Assurance of PCB and Federal Energy Regulatory (FERC) compliance Commission; Serves as FERC Reliability Coordinator; Prepares and maintains FERC compliance records and reports; Coordinates and assists in the acquisition of electric system data; Designs and estimates major projects; Prepares engineering drawings; Performs analysis of system load, voltage and protection; Thorough knowledge of principles of electrical engineering, construction, maintenance and operation of electric systems; Thorough knowledge of federal reliability standards, regulations and compliance requirements; Ability to gather and manipulate data; Ability to effectively communicate in both speaking and writing; Education and experience equivalent to an Associate's degree in electrical technology or engineering and considerable experience with an electrical utility; Possession of valid driver's license and ability to obtain Notary Public certification required. Starting salary range: \$39,333-\$47,199/ DOQ.

Apply online at: www.danville-va.gov Equal Opportunity Employer

Cuyahoga Falls seeks account clerk for billing department

The City of Cuyahoga Falls has given notice that the Cuyahoga Falls Civil Service Commission will administer a written examination for the following position: Account Clerk II – Utility Billing Department (Open – Competitive Exam) at 6 p.m. Dec. 4 in the Cuyahoga Falls High School Cafeteria, 2300 Fourth Street, Cuyahoga Falls, OH 44221 (Registration will begin at 5:00 p.m.). A valid driver's license or state issued ID must be presented on the evening of the examination.

Under the direction of the Utility Billing Manager, the Account Clerk II performs routine clerical, cashiering, bookkeeping, administrative and data processing work in the complete billing process related to utilities and other public services.

Applicant must be a high school graduate or have a GED equivalent, and must have knowledge of computers and electronic data processing, modern office practices and procedures. Applicant must have the ability to perform mathematical computations accurately and quickly, communicate effectively verbally and in writing, establish successful working relationships, work under pressure and/or frequent interruptions, work with angry or difficult customers, accept responsibility for team building and customer satisfaction.

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.

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 Nov. 21.

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



City of NAPOLEON, Ohio

Operations Department

1775 Industrial Dr., P.O. Box 151, Napoleon, OH 43545

Phone: 419/599-1891 Fax: 419/592-4379



Memorandum

To: Chad E. Lulfs, P.E., P.S. Director of Public Works From: Jeffrey H. Rathge, Operations Superintendent

Date: October 29, 2013 Subject: 2013 Fall Clean Up Summary

Please find below the cost breakdown of the 2013 Fall Seasonal Clean Up.

LABOR

City	288 regular time man-hours	\$8,156.43
City	11.25 Overtime hours	\$454.66
Trustees	120 regular time man-hours	\$ N/C
TOTAL:		\$8,611.09

(The wages reflect actual wages per hour per man, plus 38.5% for benefits & longevity)

TRUCK RENTAL (Premier Truck Sales)

3 Garbage Truck Rentals for 1 week	<u>\$7,050.00</u>
TOTAL:	\$7,050.00

CITY EQUIPMENT

service truck	20 hours	\$15.00/hour	\$300.00
small dump	40 hours	\$25.00/hour	\$1,000.00
refuse truck – 3 ea.	119 hours	\$50.00/hour	\$5,950.00
TOTAL:			\$7,250.00

(Prices reflect cost without operator)

LANDFILL

TOTAL:	19 refuse loads	146.98 tons	\$ 6,117.39
October 4	3 refuse loads	27.39 tons @ 35.64	<u>\$976.18</u>
October 3	3 refuse loads	20.54 tons @ 43.86	\$900.88
October 2	5 refuse loads	35.71 tons @ 42.50	\$1,517.67
October 1	4 refuse loads	28.72 tons @ 42.34	\$1,216.00
September 30	5 refuse loads	34.62 tons @ 43.52	\$1,506.66

ZACHS RECYCLING – (scrap metal)

October 1	6 loads	2.08 net tons @ 201.50	\$419.12
October 2	5 loads	1.89 net tons @ 201.50	\$380.83
October 3	5 loads	1.93 net tons @ 201.50	\$388.90
October 4	1 load	.29 net tons @ 201.50	\$58.43
TOTAL:	22 loads	8.31 net tons @ 201.50	\$1,674.47
3 Refrigera	<u>-\$31.50</u>		
TOTAL M	\$1,642.97		

<u>HENRY CO. LANDFILL- tires</u>
31 Passenger tires @ 1,180 lbs. @ 0.04/lb./ea. = \$47.20

CUMULATIVE TOTALS

Labor:	\$8,611.09
Truck Rental:	\$7,050.00
City Equipment:	\$7,250.00
Landfill:	\$6,117.39
Tire Disposal:	\$47.20
SUBTOTAL:	\$23,569.68
Metal Reimbursement:	\$1,642.97
GRAND TOTAL:	\$21,926.71

\$35,827.24 **Total from Fall 2012 was:**

Fw: URGENT REVIEW - SUB HB 5

From: "Gregory J Heath" <gheath@napoleonohio.com> 10/30/13 10:27 AM

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

Attachments: HB 5 Sub bill.pdf (760.4 kB); Sub HB 5 worksheet 10 29 13.pdf (205.7 kB);

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

From: "Michelle Jordan" <datataxgroup@gmail.com>
To: "undisclosed-recipients:"@napoleonohio.com

Date: 10/30/2013 09:04 AM

Subject: URGENT REVIEW - SUB HB 5

Dear DATA members:

Attached you will find a spreadsheet that highlights many of the changes in the new Substitute HB 5, introduced last week during a press conference, and a copy of the bill. This new version of HB 5 includes many items of concern for all municipalities.

Cities that currently have an NOL, including those that already have a 5 year NOL are reporting that this new bill will cost them additional revenue. It is important for all cities and villages to review this bill (starting with the outline) to determine the additional revenue loss that will occur.

Opponent testimony is scheduled for this afternoon, with an additional opportunity to testify next week. It is important for your voice to be heard on this issue. Time is of the essence.

Please share this outline and bill with your administration. ALL REGIONAL TAX GROUPS, please distribute ASAP.

Thank you for your timely attention to this important matter.

Michelle

--

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

276 - 280	Offsets of Pass thru entity losses against net profit income of the resident	Revenue loss
311	Exemption of "pension payments and benefits" would allow a deduction for SERP	Revenue loss
	Exempts the income of nonresident employees who work in your community if the	
	employer has less than \$500,000 in wages (and is not withheld), and for first 20 days	
409 - 413	not withheld for principal place of work.	Revenue loss. (20 day rule)
	If employer chooses to withhold for place of work for first 20 days, wages are not	
418 - 421	exempt.	Revenue loss (if employer does not opt to withhold)
	Wages are not exempt if the employer chooses to withhold for principal place of	Revenue loss (no way to identify who received refund
422 - 435	work, and the employee receives a refund for not working or living in muni corp	unless cities notify each other)
	"Compensation that is not qualifying wages paid to a nonresident individual" This	
	section is an attempt to exempt possibly Director's Fees, nonemployee	
	compensation, self employment. Language is not clear. IRC defines "compensation"	Revenue loss (no way to identify what type of income is
436 - 442	as \$ paid for services rendered as an employee.	attempted to being exempted by this section.)
	NOL - 5 year, with 50% phase in taxable years 2017, 2018, 2019, 2020, 2021. Full	
	offset for individuals would occur in 2016, and limits NOL carryforward for each of	Revenue loss for any municipality with zero or less than 5
	the five years to 50% for individuals and businesses for taxable years 2017, 2018,	year NOL. Revenue loss for JEDD and JEDZ with zero or
500 - 548	2019, 2020, 2021.	less than 5 year NOL.
625	Removed language stating that "person" does not include a grantor trust.	
	"net operating loss" definition includes unutilized losses from basis limitations, at-	
	risk limitations, or passive activity loss limitations, resulting in possible double	
766 - 769	deduction due to timing, or duplication of losses taken.	Revenue loss
	Added "written finding of tax administrator" as something that would require	
	certified mail; "written finding" is not defined, and could be an assessment or	
	correction notice, resulting in a tremendous increase in postage due to mandatory	
819 - 836	certified mailings.	Increased administrative cost / burden
	20 day rule - removes the requirement for employer to withhold retro back to day	
054 054	one when 20 days is exceeded. Only requires withholding on days subsequent to	
954 - 961	first 20.	Revenue loss. (20 day rule)

	Allows ampleyer to ent to pay tay hady to day one (not required) to place where	
	Allows employer to opt to pay tax back to day one (not required) to place where work was performed, election is made on annual tax return. States that tax	
	withheld and paid for first 20 days to principal place of work is refundable to	Revenue loss. (No requirement to withhold for first 20
962 - 972	employee. This is not accurate, as employee may live in ppw municipality.	days worked in municipality.)
979	\$500,000 rule (should be based on "taxable year", not preceding "calendar year"	
20 day rule NOTI	Any reference to the employee being taxed at the location where work is performed, or requiring the employer to report qualifying wages not withheld upon due to the 20 day rule have been removed from this version of the bill. We are no longer able to require the payment of tax on qualifying wages earned in the municipal corporation (by the employee) if there was not withholding done based on principal place of work (and/or the employee requested a refund), or if employer opted to not withhold back to day one. If the employee receives a refund because they did not work or live in the principal place of work, there is no mechanism by which the municipal corporation where work is performed will know that a refund	Revenue loss
to day raic NOT		Nevertue 1033
	Language was changed from Muni Coalition draft where individual would have to demonstrate that tax administrator unreasonably concluded that factors	
	determined domicile, instead allowing taxpayer to show, based on factors described,	
	that preponderance of factors demonstrate their position. Problematic language	
1001 - 1007	change, unsure of intent by drafters.	
Domicile NOTE	Removed the definition of "spouse" from Muni draft	
Domicile NOTE	Removed sentence that would have appeared in line 1055 - "A taxpayer's intention to change a domicile will not effect such change unless the taxpayer ceases to reside in the domicile."	

	T	
	In Muni Coalition bill, taxpayer had to have "prior approval of" tax administrator to	
	use alternative apportionment formula, sub HB 5 now only requires that the	
	taxpayer "notify" the tax administratort before filing the return. Same language	
	change has occurred for timely filed amended returns. While line 1141 says "if	
	approved", there is no method for approval or disapproval of an alternative	
	apportionment method outlined in this section. Language is now conflicting on how	
	/ when approval process would occur, and appears that the taxpayer need only	
	"notify" the administrator prior to the filing of the alternative apportiohment	
1135 - 1143	method.	Administrative burden, potential revenue loss
	Removes requirement for employer to remit information with Reconciliation	
1470 - 1478	regarding commissions and other compensation received by individuals.	Administrative burden
	Removes requirement for taxpayer who is an individual to remit 1099-MISC unless	
	RECEIVED by the taxpayer. Muni Coalition version would have required 1099-MISC	
1775 - 1776	as issued by taxpayer as well. Also removed requirement to report Fed Form 4797.	Administrative burden, potential revenue loss
	Excluded Fed Form 4797 from reporting; added Form 2106 to taxpayers who are not	
	individuals to report (makes no sense); removes Form 1099-MISC from reporting by	
1783 - 1806	businesses.	Administrative burden, potential revenue loss
	Annual withholding reconciliation- changed "all" to "any"; Removed requirement	
	for reporting of informational returns for each person who receives payments on	
1821		Administrative burden, potential revenue loss
	Raises the minimum amount to be remitted with a tax return from \$5 (in Muni draft)	
	to \$10. Elsewhere in document, increases minimum refund amount to \$10. (State	
	is at \$1). Refund increase may not offset loss of revenue from balance due	
1843, 1893, etc	minimum increase.	

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2023 - 2029	Changes requirement for State Tax Commissioner to provide documentation from deregulated electric and telephone returns (collected by the State) from 30 days to 60 days. Problematic since refunds by the municipal corporation must be made within 90 days. We would consider leaving it at 60 days and adding language that upon our request to the State Tax Commissioner, the statute of limitations for issuing a refund is "tolled" until the requested information is received by the municipal tax administrator from the State Tax Commissioner.	Administrative burden
2096 - 2150	(AT&T provision). New definition of "affiliated group of corporations" (see language) excludes incumbent local exchange carriers primarily engaged in business of proving local exchange telephone services in Ohio (etc). Also excludes this same group from definition of "consolidated federal taxable income". ILAC - Incumbent local exchange carriers - excludes them from both definitions.	Possible revenue loss.
2132 - 2150	Provides an opt-in / opt-out every five years for municipal tax purposes from filing a consolidated municipal income tax return (even when consolidated federal income tax return is filed for that particular taxable year). While it allows for tax administrator to approve opt-out request for good cause, denials will result in lenghty litigation process. Opt-out allows for different municipal treatment as opposed to federal treatment, and possibility of income shifting to avoid municipal tax.	Possible revenue loss.
2185 - 2211	Muni coalition language required that an affiliated group would deduct from the group's consolidated federal tax return the profits from a pass through entity that is included in the conslidated federal taxable income of the affiliated group, and add back any loss incurred by the pass through entity that is included in the consolidated federal taxable income of the affiliated group. Sub HB 5 allows for the OPTION to either exclude the net profit or loss, or include net profit or loss.	Possible revenue loss.
NOTE Consolidated Return	Line 2230 - adds "for any taxable year beginning before January 1, 2020" as part of the opt-in / opt-out provisions. This would need to be removed as well as the opt-in / opt-out provision.	

Language is unnecessary. Persons with disabilities would have an agent or someone with power of attorney acting on their behalf, and such language is not required. Requires that a tax administrator who loses an appeal by a taxpayer must pay interest on any amount of overpayment. Certified mailing process for written determinations and written findings. This process is intended to discourage tax administrator from sending notices on assessments / correction notices / etc. NOTE: When a taxpayer requests a "written determination", they are anticipating a response, and this service process is unnecessary. This is clearly intended for all of the notices sent as assessments, audits, corrections, etc. which would now all be captured under the undefined wording "written finding" (as noted earlier in this document.) Requires that a refund be filed "within three years after the tax was due or paid, whichever is later." This changes current statute of limitations, since the trigger in this new wording is the "tax due or paid", not the filing of the tax return or the due date of the tax return. This language is problematic and must be changed back to current statute. Muni Coalition draft stated penalty would be federal short term rate rounded to nearest whole percent plus fifteen percent. Sub HB 5 changed to just show fifteen percent as penalty rate. New language, states that taxpayer intending to file amended consolidated municipal income tax return shall notify the tax administrator before filing the amended return. Under current law, unless they are now filing an amended return as a consolidated return for the first time (original return was not a consolidated return. No special permission is needed to file an amended return. This appears to be a way to again bypass the authority process of the tax administrator, and file an "amended" administrative burden, potential revenue loss			
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	3365 - 3368		Administrative burden, potential revenue loss

	burden
Totally unacceptable language. This is an attempt to cherry pick scenarios that will not show any true NOL loss results. For example, Cleveland already has a five year NOL, so there would be no impact. There are no cities that come to mind who have more business taxpayers (total entities) than residential taxpayers, leaving no municipalites to draw data from (from this portion of the "representative sample"). Any "representative sample" should come from cities with no current NOL, or less than five year NOL, and should be a sampling based on region, size of community, and those who can readily draw this information together from existing information. As many municipalities that can participate should be permitted to participate. (AND, of course, the 5 year NOL language should not be included in this bill if a Study Committee is required to determine the impacts. This clearly indicates a predetermined result without benefit of the research.	

Fw: Ohio Municipal League Legislative Bulletin

From: "Gregory J Heath" <gheath@napoleonohio.com> 11/01/13 11:50 AM

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

For Council Packets.

----Original Message----

From: "Ohio Municipal League" <ajoos@omlohio.org>

To: gheath@napoleonohio.com Date: 11/01/2013 11:45 AM

Subject: Ohio Municipal League Legislative Bulletin

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Legislative Bulletin

Ohio Municipal League

November 1, 2013

SUB.HB5 PROPONENTS AND OPPONENTS TESTIFY BEFORE HOUSE WAYS AND MEANS COMMITTEE

This week, subHB5 was back before the House Ways and Means Committee receiving Proponent testimony on Tuesday and hearing from Opponent's concerns Wednesday. In committee, there were very few questions asked of the four witnesses who appeared before Chairman Beck and his fellow committee members in support of the overhauled language the committee is considering. The proponents who testified was Michael Hartley with the Columbus Chamber of Commerce, Dan Navin, Ohio Chamber of Commerce, Chris Ferruso, NFIB and Thomas Zaino, Managing Member for Zaino, Hall & Farrin lobbying firm and lead spokesperson for the Municipal Income Tax Reform Coalition. The witnesses were relatively brief, with all "united in seeking swift passage of the bill". The coalition representatives described the new bill as the most important bill for Ohio businesses and that the bill is a product of "compromise". The only compromise reflected in the bill is the revenues municipalities of every size will compromise in reduced tax collection efforts and the compromises taxpayers will be faced with through reduced services or higher taxes.

The substitute language we are now dealing with changes numerous treatments that had previously not been addressed or that have been resurrected from a list of items the municipal coalition understood as being resolved through "compromise" with the proponents of the bill. The most onerous issue to be thrown back into the bill is language exempting Supplemental Executive Retirement Plans or "SERPs" from municipal taxation. The treatment that had been agreed to with the reform coalition over the summer while negotiating all the issues contained in HB5 was that the bill would be silent on the SERP treatment with the parties agreeing to let the outcome of a court case currently being litigated on the subject to be the determining treatment municipalities would follow going forward. Because of the last minute maneuvering and changes to language that was allowed to occur before the House Ways and Means committee was presented with the substitute language last week, the SERPs treatment municipalities have vehemently

opposed turning this nonqualified deferred compensation source of income for select taxpayers into the list of items exempt from municipal taxation, is back in the bill. This change in language effecting the SERP treatment also has the potential of being manipulated to include other sources of income (i.e.: bonuses) to also be considered exempt from municipal tax. This is only one example of what the Municipal Income Tax Reform Coalition champions as part of this "compromise" bill the House committee is now considering for passage. It's clear why the proponents are demanding the bill pass immediately.

On Wednesday before a packed committee hearing room, opponents of sub.HB5 were given their first opportunity to share with committee members what is included in the new language and how it will affect their particular municipality and all Ohio cities and villages. Testimony was delivered by Dayton City Manager Tim Reardon, Troy City Manager Patrick Titterington and City Auditor John Stickel, Oakwood Mayor William Duncan, Athens Tax Administrator Tina Timberland, Bowling Green Tax Administrator Robert Wright and Kent Scarrett with the league. Copies of each individual's testimony can be found HERE. The league would like to thank the municipal officials who spent their afternoon and part of their evening in the committee hearing to either give testimony or who were present in the audience to hear the information provided and witness legislator's responses to the testimony which highlighted the negative consequences of the substitute bill. After the testimonials were received, the general consensus seemed to be that the committee needs additional time to study what intended and unintended consequences will result from the yet to be fully vetted alternative language.

Chairman Beck announced there may be hearings held on sub.HB5 next week but the committee notice has not been released. Once the hearing dates and times are set, we will be sure to alert our members. Because we are concerned that next week may be the last opportunity for opponents of the bill to share their communities concerns on this critical piece of legislation, we urge any municipal official interested in helping to educate committee members how the new treatments will affect their communities' financial bottom line to put their thoughts and figures to paper and provide testimony while there is still time to help craft workable solutions to the concerns business organizations have expressed in the municipal tax system.

HB 203 EXPANDED TO INCLUDE CHALLENGES TO MUNICIPAL ORDINANCES

On Tuesday, the House Policy & Legislative Oversight Committee held a second hearing on HB 203, legislation introduced by Rep. Terry Johnson (R-McDermott) that would make various changes to Ohio's gun laws. During the proponent hearing Tuesday, the committee adopted a substitute version of the bill that made numerous changes including one that creates new challenges to municipal firearm ordinances. A comparison document produced by the Ohio Legislative Service Commission detailing the changes made in the substitute language explains the new language as:

- (1.) Specifying that when a local government voluntarily repeals a firearm ordinance, rule, or regulation in response to an action or proceeding challenging the ordinance, rule or regulation's validity, the court must enter judgment in the favor of the entity that brought the action, and must award the entity a civil forfeiture of \$100 for each day the challenged ordinance, rule, or regulation remained in effect after the action was commenced and
- (2.) modifies the requirement in current law that the court award costs and reasonable attorney's fees to an entity that prevails in a challenge to a firearms ordinance that is in conflict with the state firearm rights statute, to specify instead that costs and fees be awarded to the prevailing entity who challenged a firearms ordinance that was in conflict with any Ohio law.

The House Policy & Legislative Oversight committee hearing schedule for next week currently does not include HB 203 as being up for a third hearing or opponent testimony next week but we will be sure to notify our members when the bill is back on the committee agenda.

LEGISLATION ALTERING JEDD/JEDZ PROCEDURES RECEIVES PROPONENT HEARING

HB289, legislation introduced by Rep. Kirk Schuring (R-Canton) that would require political subdivisions to obtain written approval from owners and lessees of real property located within a proposed or existing joint

economic development zone (JEDZ) or joint economic development district (JEDD) before approving, amending, or renewing JEDZ or JEDD contracts received a second hearing this week in the House State and Local Government Committee. The committee heard from four witnesses that had objections to current agreements that have been established and who support the changes that would curtail these examples of regional cooperation among local governments offering greater economic development opportunities for the state.

The committee will not be meeting next week so there will not be a third hearing next week. We understand the sponsor of the bill is working on alternative language that we look forward to which may address concerns municipalities have with the current draft. We will be sure to notify our members when the committee has HB 289 back on the hearing schedule

Ohio Municipal League

Legislative Inquires: Edward Albright, Director of Legislative Affairs
Kent Scarrett, Director of Communications
Josh Brown, Legislative Advocate

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