Memorandum

To: Mayor & Members of Council

From: Jon Bisher/rd

Subject: General Information

Pate: November 15, 2013

CALENDAR

City Council Agenda

D. APPROVAL OF MINUTES from the November 4th meeting.

F. REPORTS FROM COUNCIL COMMITTEES

The Majority Report from the November 11th meetings are enclosed for:

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

H. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. Ordinance No. 067-13 an Ordinance Amending Section 931.07 Increasing Water Rates for the Years 2014, 2015 and 2016; Modifying the Rate Structure; and Declaring an Emergency.

I. SECOND READINGS OF 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.

J. THIRD READING 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.

K. GOOD OF THE CITY

- 1. DISCUSSION/ACTION Recommendation to Approve *November Billing Determinants*
- 2. DISCUSSION/ACTION Approval of Plans, Specifications and Contract for *Fire Department SCBA*.
 - a. A Memo from Chief Bennett requesting authorization to bid is enclosed. A copy of the specifications are on file with the Finance Director.

INFORMATIONAL ITEMS

1. Agendas

a. Special Joint Meeting of City Council and Finance & Budget Committee; Monday, November 18th at 7:30 pm

2. Meetings Cancelled

- a. Tree Commission
- b. Parks and Recreation Committee
- 3. AMP Update/November 15, 2013
- 4. Memo from Chief Weitzel regarding Synthetic Drugs
- 5. Ohio Municipal League Bulletin/November 15, 2013
- 6. From Greg Heath:
 - a. Standard & Poor's General Obligation Underlying Ratings of Ohio Local Governments as of 07/01/2013
 - b. Letter from State Senator Nina Turner regarding opposition to HB5

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Records Retention
CM-11 - 2 Years

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Calendar

<u>(J)</u> Calendar		-		T .		<u> </u>
Sunday 27	Monday 28	Tuesday	Wednesday 20	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
	6:00 PM Halloween Parade 6:30 PM Finance & Budget Committee Mtg. AV - Shery AMP Fall Conference	25:00 PM Preservation Commission Mtg. AMP Fall Conference	Mtg. AMP Fall Conference	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 7:00 PM City COUNCIL Meeting AV - Dan				8:00 AM 2014 BUDGET Review Meeting	8:00 AM 2014 BUDGET Review Meeting
10	11	12	13	14	15	16
	6:30 PM Electric Commitee Board of Public Affairs (BOPA) 7:00 PM Water/Sewer Committee AV - Rox	4:30 PM Board of Zoning Appeals (BZA)		Greg Heath - OFF	Greg Heath - OFF	
17	18	19	20	21	22	23
24	7:00 PM City COUNCIL Meeting 7:30 PM Finance & Budget/Special Council Meeting AV - Dar	26	AMP - BISHER	AMP - BISHER	29	30
24	i	20			FLOATING HOLIDAY - City (
	6:30 PM Finance & Budget Committee Mtg. 7:30 PM Safety & Human Resources Committee Mtg. AV - Shery		6:30 PM Parks & Rec Board Mtg.	HOLIDAY - Thanksgiving	PLOATING HOLIDAY - City (
@ 2012 Letus Development Com	•		11/15/0010 -+ 10:50 DM			

City of Napoleon, Ohio

CITY COUNCIL

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

MEETING AGENDA

Monday, November 18, 2013 at 7:00 PM

- **A. Attendance** (*Noted by the Clerk*)
- B. Prayer & Pledge of Allegiance
- C. Swearing In Of New Firefighter/Paramedic: Matthew Hendrix
- **D. Approval of Minutes:** November 4, 2013 (*In the absence of any objections or corrections, the minutes shall stand approved.)*
- E. Citizen Communication
- F. Reports from Council Committees
 - 1. Technology & Communication Committee did not meet on Monday, November 4 due to lack of agenda items
 - **2.** Electric Committee (Majority Report) met on Monday, November 11 and recommended:
 - a. Approval of November billing determinants
 - **3.** Water, Sewer, Refuse, Recycling & Litter Committee (Majority Report) met on Monday, November 11 And recommended:
 - **a.** To increase Water/Sewer rates by 3% annually for 3 years
 - **b.** To proceed forward with the Cooperative Agreement as presented
 - **4.** Municipal Properties, Buildings, Land Use & Economic Development Committee did not meet on November 11 due to lack of agenda items.
- G. Reports from Other Committees, Commissions and Boards (Informational Only-Not Read)
 - 1. Board of Public Affairs met on Monday, November 11 with the following agenda items:
 - a. Review of Electric Billing Determinants
 - **b.** Electric Department Report
 - **2. Board of Zoning Appeals** met on Tuesday, November 12 with the following agenda items:
 - a. BZA 13-06, 1004 W. Riverview Ave., Accessory Building Variance
 - **3.** Planning Commission did not meet on Tuesday, November 12 due to lack of agenda items.
 - **4. Privacy Committee** met on Tuesday, November 12 and:
 - a. Review of Policies/Procedures for Identity Theft Prevention
 - **b.** Report from Staff
 - 5. Tree Commission did not meet on Monday, November 18 due to lack of agenda items.
- H. Introduction of New Ordinances and Resolutions
 - 1. Ordinance No. 067-13 an Ordinance to Increase Water Rates
- I. Second Readings of 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
- J. Third 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.
- **K.** Good of the City Any other business as may properly come before Council, including but not limited to:
 - 1. **Discussion/Action:** Recommendation to approve November billing determinants as follows: Generation Charge: Residential @ \$.07512; Commercial @ \$.08794; Large Power @ \$.05040; Industrial @ \$.05040; Demand Charge Large Power @ \$10.54; Industrial @ \$11.31; JV Purchased Cost:

JV2 @ \$.04998; JV5 @ \$.04998

(October billing determinants were 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 @ \$.0300)

- 2. Discussion/Action: Approval of Plans, Specifications and Contracts for Fire Department SCUBA gear
- L. Executive Session Regarding Pending Litigation
- M. Approve Payment of Bills and Approve Financial Reports (In the absence of any objections or corrections, the payment of bills and financial reports shall stand approved.)

	N.	Adi	ournment
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Gregory J. Heath, Finance Director/Clerk of Council

A. Items Referred or Pending in Committees of Council

1. Technology & Communication Committee (1st Monday)

(Next Regular Meeting: Monday, December 2 @ 8:00 PM)

November meeting canceled due to lack of agenda items

2. Electric Committee (2nd Monday)

(Next Regular Meeting: Monday, December 9 @ 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, December 9 @ 7:00 PM)

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

(Next Regular Meeting: Monday, December 9 @ 7:30 PM)

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

5. Parks & Recreation Committee (3rd Monday)

(Next Regular Meeting: Monday, December 16 @ 8:00 PM)

6. Finance & Budget Committee (4th Monday)

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

a. Recommendation To Increase Bid Requirement with Consideration to Raise to \$50,000 (Tabled)

Special meeting with Council on Monday, November 18 @ 7:30 PM or immediately following Regular Council Meeting

a. Review of 2014 Budget Revenue and Debt

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, December 9 @ 6:30 PM)

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

2. Board of Zoning Appeals (2nd Tuesday)

(Next Regular Meeting: Tuesday, December 10 @ 4:30 PM)

3. Planning Commission (2nd Tuesday)

(Next Regular Meeting: Tuesday, December 10 @ 5:00 PM)

4. Tree Commission (3rd Monday)

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

December Meetings is 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, May13 @ 10:30 AM)

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

(Next Regular Meeting: Tuesday, December 10 @ 4:00 PM)

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

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

- 10. Health Care Cost Committee (As needed)
- 11. Preservation Commission (As needed)
- 12. Infrastructure/Economic Development Fund Review Committee (As needed)
- 13. Tax Incentive Review Council (As needed)
- 14. Volunteer Firefighters' Dependents Fund Board (As needed)
- 15. Lodge Tax Advisory & Control Board (As needed)
- **16.** Board of Building Appeals (As needed)
- **17. ADA Compliance Board** (As needed)
- **18.** NCTV Advisory Board (As needed)

CITY COUNCIL

Meeting Minutes

Monday, November 4, 2013 at 7:00 PM

PRESENT

Council John Helberg - President, Jeffrey Lankenau, Travis Sheaffer, Patrick McColley,

Christopher Ridley, Jason Maassel, Jon Tassler

Mayor

City Manager Law Director

Finance Director/Clerk

Recorder City Staff Gregory J. Heath Tammy Fein (Barbara Nelson attending)

Robert Bennett, Fire Chief Chad Lulfs, City Engineer

Ronald A. Behm

Dr. Jon A. Bisher

Trevor M. Hayberger

Dan Wachtman, MIS Administrator

Nick Evanoff, Patrolman

Others
ABSENT
Council
City Staff

News Media, Glenn Miller, members of the Hershberger family

Prayer

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

Hershberger Presentation Councilmen Maassel and Helberg with Mayor Behm honored Councilman James Hershberger with memorials regarding his service in the Fire Department and City Council, and a flag presentation to Mrs. Hershberger; the flag was flown in Hershberger's honor over the State Capitol.

Approval Of Minutes

Minutes of the October 21 Council meeting stand approved with no objections or corrections.

Citizen Communication None

Committee Reports

The Parks & Recreation Committee did not meet on Monday, October 21 due to lack of agenda items.

Chairman Ridley reported that the Finance & Budget Committee met on Monday, October 28 and:

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

The Safety and Human Resources Committee did not meet on Monday, October 28 due to lack of agenda items.

Introduction Of Resolution 061-13

President Helberg read by title 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 outsource said operations to the Henry County Sheriff

Motion To Approve First Read Motion: Maassel Second: Ridley

To approve first read of Resolution No. 061-13

Discussion

Helberg stated that there is an ad in the newspaper regarding a fulltime Dispatcher position; Bisher added this is due to a current Dispatcher being ill and may be retiring on disability soon making the current number of dispatchers four (4), the hiring of this Dispatcher will raise the number back to five (5). Helberg asked if the number of Dispatchers will be raised to six (6); Bisher replied that budget request reflects having six (6) Dispatchers as it is easier to not fill one of the positions than to try to find the money to fill that position if only five (5) were requested in the budget request.

Maassel asked if the wording ". . . as it currently operates . . ." was regarding the number of Dispatchers working; Hayberger replied that this only means that the City currently operates the dispatch, and is not related to the number of Dispatchers employed. Hayberger stateded that the wording of this Legislation is only to bring the issue to the ballot; Heath reminded Council that a yes vote to this ballot issue is a vote in favor of the City ceasing operations of the Dispatch.

Ridley stated that he had heard some citizen concerns regarding Council voting along the same lines as the voters' decision based on the ballot results; Sheaffer commented that Council is entrusted with multimillion dollar decisions for the City and can be trusted to vote how the residents indicate by the ballot results; Helberg added that Council has respectfully debated this issue, and cannot come to a majority vote and will follow the decision made by the voters.

Passed Yea- 5

Nay- 0

Abstain- 2

Roll call vote on above motion:

Yea- Helberg, Sheaffer, Ridley, Maassel, Tassler

Nay-

Abstain- McColley, Lankenau

Second Read Of Ordinance 058-13 President Helberg read by title Ordinance No. 058-13 an Ordinance approving current August 2013 replacement pages to the Napoleon Codified Ordinances

Motion To Approve Second Read Motion: McColley Second: Ridley To approve second read of Ordinance No. 058-13

Discussion

Hayberger stated these are the twice per year changes made at the State level; there are no changes to the Legislation since the First Read. Ridley stated he was absent at the First Read and asked if there were any notable definitions; Hayberger replied no.

Passed Yea- 7 Nay- 0 Roll call vote to approve second read of Ordinance No. 058-13

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

Nay-

Second Read Of Ordinance 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 Second Read Of

Motion: McColley Second: Maassel To approve second read of Ordinance No. 059-13

Ordinance 059-13

Discussion Bisher stated there are no changes to the Legislation since the First Read; Hayberger

added these changes to reflect the wording of the Ohio Revised Code (ORC).

Passed Roll call vote to approve second read of Ordinance No. 059-13

Yea- 7 Yea- Helberg, McColley, Sheaffer, Lankenau, Ridley, Maassel, Tassler

Nay- 0 Nay-

Second Read Of Resolution 064-13 President Helberg read by title Resolution No. 064-13 a Resolution to approve the execution of the Efficiency Smart schedule with American Municipal Power, Inc.

Motion To Approve Second Read Motion: McColley Second: Lankenau

To approve second read of Resolution No. 064-13

Discussion Bisher stated this was described by the representative from AMP; there have been no

changes to the Legislation since the First Read.

Passed Roll call vote to approve second read of Resolution No. 064-13

Yea- 7 Yea- Helberg, McColley, Sheaffer, Lankenau, Ridley, Maassel, Tassler

Nay- 0 Nay-

Third Read Of Ordinance No. 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 Pass On Third Read

Motion: Ridley Second: McColley

To pass Ordinance No. 053-13 on third read

Discussion Heath stated there are no changes to the Legislation since the Second Read.

Passed Roll call vote to pass Ordinance No. 053-13 on third read

Yea- 7 Yea- Helberg, McColley, Sheaffer, Lankenau, Ridley, Maassel, Tassler

Nay- 0

Third Read Of Resolution 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 Pass On Third Read Motion: Lankenau Second: Maassel

To pass Resolution No. 055-13 on third read

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

changes to the Legislation since the Second Read.

Passed Roll call vote to pass Resolution No. 055-13 on third read

Yea- 7 Yea- Helberg, McColley, Sheaffer, Lankenau, Ridley, Maassel, Tassler

Nay- 0 Nay-

Third Read Of Resolution 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 Pass On Third Read

Motion: McColley Second: Maassel

To pass Resolution No. 057-13 on third read

Discussion

Bisher stated there are no changes to this Legislation since the Second Read.

Passed Yea-7

Roll call vote to pass Resolution No. 057-13 on third read Yea- Helberg, McColley, Sheaffer, Lankenau, Ridley, Maassel, Tassler

Nay- 0 Nay-

GOOD OF THE CITY

Discussion/Action

Award For Perry St. **Parking Lot**

Lulfs stated the information regarding this bid was included in the Council packet; this project is filling in the holes left by the current demolition of buildings; there were three (3) bids, with the bid amount of \$24,800 by Vernon Nagel being the lowest, adding that this bid was lower than 25% of the median bid; Lulfs has completed the phone interview with both Vernon Nagel and the surety company, and Lulfs recommends accepting the bid of \$24,800 from Vernon Nagel. Maassel asked if the grant money has been spent or if it will be lost; Bisher stated that the reimbursement amount for this project is approximately between 50% and 100% and will research this more. Lulfs stated that asbestos was found present in the buildings to be demolished, meaning the EPA has a ten (10) day notification timeframe but the demolition will begin after the ten (10) days is over. Bisher added that the same company that is doing the demolition is doing the stabilization of the remaining wall. Lulfs stated the \$2,900 left in grant money will be encumbered in the cost of stone, as that cost is difficult to estimate. Bisher stated that the bids on parging the building are not going well, as it costs more to do parging in the winter than it costs in the spring; Bisher asked the State to allow the use of grant money to do this part of the project outside the grant terms that end December 31, 2013; Lulfs stated the project funds are available in the 2013 budget.

Motion To Accept Lulfs' **Recommendation To Award Perry St. Parking Lot Project** To Vernon Nagel

Motion: Ridley Second: McColley

To accept Lulfs' recommendation to award Perry St. Parking Lot Project to Vernon

Nagel

Passed

Roll call vote on above motion:

Yea-5

Yea- McColley, Sheaffer, Ridley, Maassel, Tassler

Nav- 0

Nav-

Abstain- 2

Abstain- Helberg, Lankenau

Notice Of Stock Transfer For Liquor **License: Blackwood Construction Svcs.**, LLC

Heath stated this license application is similar to the last request; merely a statement of ownership change, no action by Council is needed if no hearing is requested; Evanoff stated the Police Department has no issue with this liquor license application.

No action was taken by Council on the Notice of Stock Transfer.

Cooperative **Agreement On Building Of New Water** Hayberger stated he will be bringing a draft of the Cooperative Agreement contract to the Water Group next Wednesday.

Plant

Since Councilmen Lankenau and McColley must abstain from the upcoming vote regarding the Cooperative Agreement on building the new Water Plant, Councilmen Helberg, Ridley and Tassler stated they would be substituting at the Water, Sewer, Refuse, Recycling and Litter Committee meeting on Monday, November 11.

Helberg referred the Cooperative Agreement on building of a new Water Plant to the WSRRL Committee.

Donation Acceptance Of \$300 From Firefighters Charitable Foundation, Inc.

Chief Bennett stated this is an annual donation that the Fire Department has received for approximately five (5) years; the donation amount of \$300 is added to the General Fund.

Motion To Accept \$300 Donation

Second: McColley Motion: Ridley

To accept the \$300 donation from Firefighters Charitable Foundation, Inc.

Passed Yea-7 Nav- 0 Roll call vote on above motion:

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

Nay-

Approval Of Plans, **Specifications and Contracts for Miscellaneous Street Projects**

Lulfs stated this is an annual project, however this year it will be concrete street projects. Lulfs stated this project, if approved, would go to bid with a completion date of June 29, 2014 due to not being able to complete the projects on E. Washington St. and Bordeaux Avenue this year due to staffing issues. Ridley asked if the concrete replacement would be the same as blacktop patching; Lulfs stated that concrete squares would be repaired as needed, with some of the repairs required being in the Twin Oaks subdivision; the subdivision rules require concrete not blacktop. Lulfs added that the blacktop repair to Harmony Drive was not in the proposed budget request due to the cost of repairs that would be required underneath the road.

Motion To Approve Plans, Specifications, **And Contracts for Misc. Street Projects** Motion: Lankenau Second: Ridley

To approve the plans, specifications, and contracts for miscellaneous street projects

Passed

Roll call vote on above motion: Yea- 6 Yea- McColley, Sheaffer, Lankenau, Ridley, Maassel, Tassler

Nav- 0 Nay-

Abstain- 1 Abstain-Helberg

Change Order No. 1 (Final) For 2013 Street Striping Project, **Zimmerman Paint Contractors. Deduct Of** \$768.47

Lulfs stated this Change Order is required to close the contract.

Motion To Accept Change Order No. 1 Motion: Ridley Second: McColley

To accept Change Order No. 1 (Final) for 2013 Street Striping Project

Passed Roll call vote on above motion:

Yea- Helberg, McColley, Sheaffer, Lankenau, Ridley, Maassel, Tassler Yea-7

Nay- 0 Nay-

Change Order No. 2 (Final) for the W. Main St. Parking Lot Improvements, **Gerken Aspahlt Paving** Lulfs stated this Change Order is for the repaying of Main Street with \$4,275 to close the project. Maassel asked if the demolition will cause any damage to this project; Lulfs replied there is an additional inch and a half of asphalt so no damage will be caused by the demolition.

Motion To Accept Change Order No. 2 Motion: McColley Second: Ridley

To accept Change Order No. 2 (Final) for W. Main St. Parking Lot Improvements

Passed Yea- 6

Abstain-1

Yea- McColley, Sheaffer, Lankenau, Ridley, Maassel, Tassler

Nav- 0

Nav-

Abstain-Helberg

Roll call vote on above motion:

Heath

Heath stated the memo in the packet that was also given to the Finance and Budget Committee has the actual figures listed through October 2013, with a total of \$3,800,000, but for estimated budgeting purposes Heath is leaving the estimated total at \$3,500,000.

Heath requested a count of how many Council members would like hard copies of the budget book which is available online and Heath will create a CD format; six (6) Council members requested a hard copy.

McColley asked if the recent changes to House Bill 5 were in favor of local governments; Heath replied that he has put a copy of the changes in the Council packet, and the changes are not positive toward local municipalities. Heath strongly suggested once again that Council members contact the appropriate Representatives to show opposition to House Bill 5, and to involve the Police Department and Fire Department to force House Bill 5 to go to a referendum to battle the out of state lobby money that is funding the lobbying of House Bill 5.

Ridley

Ridley asked if the police cruiser that was recently in an accident was going to be replaced; Heath stated that the insurance company is reimbursing at full value but approximately \$2,000 will still be needed since the 2013 model is no longer available; there is a \$1,000 deductible and full replacement value was given on the contents of the vehicle.

Maassel

Maassel stated he read of an accident involving a refuse truck; Hayberger stated that this issue may better be discussed in Executive Session, as there may be potential litigation.

Maassel thanked Police Chief Weitzel, Acting City Manager Chad Lulfs, and Parks and Recreation Department Director Tony Cotter for making the early decision to move Trick-Or-Treat night due to bad weather.

Maassel stated he read that Defiance is fighting a synthetic drug issue from Indiana; McColley stated that the State Legislature is regulating this, and Evanoff stated that the Police Department is seeing this issue here as well. Bisher will speak with Chief Weitzel and Judge Rosebrook regarding any decisions they would like to see Council make regarding this.

Maassel congratulated Cotter for operating the Parks and Recreation Department in the black.

Helberg

Helberg has heard from residents that they are happy with the opening of the intersection of Scott St. and LaGrange St. however, he has heard complaints regarding the turn lane being too sharp into the oncoming lane.

Helberg requested the monthly review of projects; Lulfs stated that W. Riverview Ave. will have a liner put in under traffic, and will be finished by the end of the year, and E. Riverview Ave. will be open to traffic by Thanksgiving and there is still sanitary, gas, and sewer work to be finished. Lulfs reported that Scott St. is on schedule and there is flatwork left to be done, and some rework will be done at the railroad crossings due to the company's mistake, but the company is doing this work at no cost to the City; this will be finished with help from the Police Department in directing traffic, with a December 4, 2013 completion date.

Behm

Behm reappointed himself and Helberg to the CIC Board for another one (1) year term.

Motion To Approve Behm's Reappointments To The CIC Board Motion: McColley Second: Lankenau

To approve Behm's reappointment of himself and Helberg to the CIC Board

Passed

Roll call vote on above motion:

Yea- 7 Nay- 0 Yea- Helberg, McColley, Sheaffer, Lankenau, Ridley, Maassel, Tassler

Nay-

Behm stated that due to resident request, he will be submitting a statement and the State of the City Address to Dan Wachtman to put on the City website.

McColley

McColley had a resident ask him if it would save money to only do unlimited pickup once per year; Sheaffer thought this was paid for specifically in the refuse rate on the utility bill; Bisher stated that this issue has been researched in many different ways but there is no substantial cost savings. Behm asked if a drop off site could be used so the residents could haul their own refuse, Sheaffer suggested staffing the current yard waste site more often. Bisher stated the issue is policing; Lulfs stated that he and Operations Superintendent Jeff Rathge have been looking into options in revamping this system.

Sheaffer

Sheaffer noticed the barrels are off Route 24 at the construction site; Lulfs agreed that the guardrail work seemed to be completed on one side as well.

Sheaffer urged Council to vote in the election tomorrow.

Lankenau

None

Hayberger

None

Bisher

Bisher reminded Council that the annual budget meetings will be Friday, November 8 from 8:00 AM until 4:00 PM and Saturday, November 9 from 8:00 AM until noon; Sheaffer stated he will not be attending the Saturday meeting.

Approval Of Bills

Bills and reports stand approved as presented with no objections.

Motion To Adjourn

Motion: Lankenau To adjourn the meeting.

Second: Maassel

Passed
Yea - 7
Nay - 0

Adjournment

Meeting adjourned at 8:20 PM.

Approved:

John A. Helberg, Council President

Ronald A. Behm, Mayor

Gregory J. Heath, Finance Director/Clerk of Council

City of Napoleon, Ohio

Electric Committee

MAJORITY REPORT

The Electric Committee met on Monday, November 11, 2013, and recommended approval of:

A. November bi	lling determinants	
Generation Ch	narge: Residential @ \$	5.07512; Commercial @
	•	Industrial @ \$.05040;
•	·).54; Industrial @ \$11.31; JV
•	st: JV2 @\$.04998; JV	
		Travis Sheaffer, Chair
		Patrick McColley, Committee

Jason Maassel, Committee

City of Napoleon

Water, Sewer, Refuse, Recycling & Litter Committee

Majority Report

The Water, Sewer, Refuse, Recycling & Litter Committee met on Monday, November 11, 2013, and recommended:

- a. To increase Water/Sewer rates by 3% annually for 3 years;
- b. To proceed forward with the Cooperative Agreement as presented

Christopher Ridley, Chair
Patrick McColley, Committee
 John Helberg Pro Tem

ORDINANCE NO. 067-13

AN ORDINANCE AMENDING SECTION 931.07 INCREASING WATER RATES FOR THE YEARS 2014, 2015 AND 2016; MODIFYING THE RATE STRUCTURE; AND DECLARING AN EMERGENCY

WHEREAS, the Board of Public Affairs and the Water and Sewer Committee of Council in a regular council meeting held on November 11, 2013, reviewed the existing water rates and determined a rate increase over a three year period for 2014, 2015 and 2016 is necessary in order to keep the water utility fund sound; Now Therefore,

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

Section 1. That, Section 931.07 of the Codified Ordinances of the City of Napoleon, Ohio, shall be amended and enacted as follows:

"931.07 WATER RATES.

The water rates charged by the City shall be as follows except as may otherwise be permitted by rule:

- (a) A City approved water meter shall be utilized for determining use of water.
- (b) The following rates are established and shall be charged to all classes of water users, until otherwise changed.
- (1) For the remaining billing cycles or the year 2011, to be reflected through the last billing in January of the year 2012, except for direct sales as established in subsection (b)(1)C. hereof, the net rate per month per service shall be the sum of the commodity charge plus the capacity charge set forth in subsection (b)(2) hereof. The commodity charge shall be computed as follows:

(2) In addition, there shall be a capacity charge (base charge) per service as follows:

Capacity of Service (Meter size in inches)	Capacity Charge (Inside corporation)	Capacity Charge (Outside corporation)*
A. 1.00 and less	\$11.07	\$16.60
B. 1.25	39.72	59.58
C. 1.50	62.93	94.41

D. 2.00	128.01	192.02
E. 3.00 and up	353.14	529.68

(3) Effective with the first billing cycle in the year 2012, to be reflected in the first billing in February of the year 2012, except for direct sales as established in subsection (b)(3)C hereof, the net rate per month per service shall be the sum of the commodity charge plus the capacity charge set forth in subsection (b)(4) hereof. The commodity charge shall be computed as follows:

A. Units of water used inside the corporation:
Units: 1 up to 10 = \$4.44 each unit, then
Units: 11 up to 250 = \$4.28 each unit, then
Units: Over 250 = \$2.90 each unit.

Note: One Unit of Water is defined as 100 cubic feet.

B. Units of water used outside the corporation:*

Units: 1 up to 10 = \$6.66 each unit, then

Units: 11 up to 250 = \$6.42 each unit, then

Units: Over 250 = \$4.35 each unit.

Note: One Unit of Water is defined as 100 cubic feet.

C. Direct sales at the plant: \$7.71 per 1,000 gallons.

(4) In addition, there shall be a capacity charge (base charge) per service as follows:

Capacity of Service (Meter size in inches)	Capacity Charge (Inside corporation)	Capacity Charge (Outside corporation)*
A. 1.00 and less	\$11.07	\$16.60
B. 1.25	39.72	59.58
C. 1.50	62.93	94.41
D. 2.00	128.01	192.02
E. 3.00 and up	353.14	529.68
F. 4.00	500.00	750.00
G. 6.00	800.00	1,200.00
H. 8.00	1,200.00	1,800.00
i. 10.00 AND UP	1,500.00	2,250.00

⁽⁵⁾⁽¹⁾ Effective with the first billing cycle in the year 2013, to be reflected in the first billing in February of the year 2013, except for direct sales as established in subsection (b)(5)(1)C hereof, the net rate per month per service shall be the sum of the commodity charge plus the capacity charge set forth in subsection (b)(6)(2) hereof. The commodity charge shall be computed as follows:

A. Units of water used inside the corporation:

Units: 1 up to 10 = \$4.75 each unit, then Units: 11 up to 250 = \$4.50 each unit, then Units: Over 250 = \$3.30 each unit.

Note: One Unit of Water is defined as 100 cubic feet.

B. Units of water used outside the corporation:*

Units: 1 up to 10 = \$7.13 each unit, then

Units: 11 up to 250 = \$6.75 each unit, then

Units: Over 250 = \$4.95 each unit

Units: Over 250 = \$4.95 each unit.

- Note: One Unit of Water is defined as 100 cubic feet. C. Direct sales at the plant: \$7.71 per 1,000 gallons.
- (6) (2) In addition, there shall be a capacity charge (base charge) per service as follows:

Capacity of Service (Meter size in inches)	Capacity Charge (Inside corporation)	Capacity Charge (Outside corporation)*
A. 1.00 and less	\$11.07	\$16.60
B. 1.25	39.72	59.58
C. 1.50	62.93	94.41
D. 2.00	128.01	192.02
E. 3.00 and up	353.14	529.68
F. 4.00	600.00	900.00
G. 6.00	1,000.00	1,500.00
H. 8.00	1,500.00	2,250.00
i. 10.00 AND UP	2,000.00	3,000.00

- (3) EFFECTIVE WITH THE FIRST BILLING CYCLE IN THE YEAR 2014, TO BE REFLECTED IN THE FIRST BILLING IN FEBRUARY OF THE YEAR 2014, EXCEPT FOR DIRECT SALES AS ESTABLISHED IN SUBSECTION (b)(3)C HEREOF, THE NET RATE PER MONTH PER SERVICE SHALL BE THE SUM OF THE COMMODITY CHARGE PLUS THE CAPACITY CHARGE SET FORTH IN SUBSECTION (b)(4) HEREOF. THE COMMODITY CHARGE SHALL BE COMPUTED AS FOLLOWS:
 - A. UNITS OF WATER USED INSIDE THE CORPORATION:
 UNITS: 1 UP TO 10 = \$4.90 EACH UNIT, THEN
 UNITS: 11 UP TO 250 = \$4.65 EACH UNIT, THEN
 UNITS: OVER 250 = \$3.45 EACH UNIT.

NOTE: ONE UNIT OF WATER IS DEFINED AS 100 CUBIC FEET.

B. UNITS OF WATER USED OUTSIDE THE CORPORATION:*

UNITS: 1 UP TO 10 = \$7.35 EACH UNIT, THEN

UNITS: 11 UP TO 250 = \$6.98 EACH UNIT, THEN

UNITS: OVER 250 = \$5.18 EACH UNIT.

NOTE: ONE UNIT OF WATER IS DEFINED AS 100 CUBIC FEET.

C. DIRECT SALES AT THE PLANT: \$7.71 PER 1,000 GALLONS.

(4) IN ADDITION, THERE SHALL BE A CAPACITY CHARGE (BASE CHARGE)
PER SERVICE AS FOLLOWS:

CAPACITY OF SERVICE (METER SIZE IN INCHES)	CAPACITY CHARGE (INSIDE CORPORATION)	CAPACITY CHARGE (OUTSIDE CORPORATION)*
A. 1.00 AND LESS	\$11.07	\$16.60
B. 1.25	39.72	59.58
C. 1.50	62.93	94.41
D. 2.00	128.01	192.02
E. 3.00 AND UP	353.14	529.68
F. 4.00	600.00	900.00
G. 6.00	1,000.00	1,500.00
H. 8.00	1,500.00	2,250.00
I. 10.00 AND UP	2,000.00	3,000.00

- (5) EFFECTIVE WITH THE FIRST BILLING CYCLE IN THE YEAR 2015, TO BE REFLECTED IN THE FIRST BILLING IN FEBRUARY OF THE YEAR 2015, EXCEPT FOR DIRECT SALES AS ESTABLISHED IN SUBSECTION (b)(5)C HEREOF, THE NET RATE PER MONTH PER SERVICE SHALL BE THE SUM OF THE COMMODITY CHARGE PLUS THE CAPACITY CHARGE SET FORTH IN SUBSECTION (b)(6) HEREOF. THE COMMODITY CHARGE SHALL BE COMPUTED AS FOLLOWS:
 - A. UNITS OF WATER USED INSIDE THE CORPORATION:
 UNITS: 1 UP TO 10 = \$5.05 EACH UNIT, THEN
 UNITS: 11 UP TO 250 = \$4.80 EACH UNIT, THEN
 UNITS: OVER 250 = \$3.60 EACH UNIT.

NOTE: ONE UNIT OF WATER IS DEFINED AS 100 CUBIC FEET.

B. UNITS OF WATER USED OUTSIDE THE CORPORATION:*
UNITS: 1 UP TO 10 = \$7.58 EACH UNIT, THEN
UNITS: 11 UP TO 250 = \$7.20 EACH UNIT, THEN
UNITS: OVER 250 = \$5.40 EACH UNIT.

NOTE: ONE UNIT OF WATER IS DEFINED AS 100 CUBIC FEET.

- C. DIRECT SALES AT THE PLANT: \$7.71 PER 1,000 GALLONS.
- (6) IN ADDITION, THERE SHALL BE A CAPACITY CHARGE (BASE CHARGE) PER SERVICE AS FOLLOWS:

CAPACITY OF SERVICE	CAPACITY CHARGE	CAPACITY CHARGE	
(METER SIZE IN	(INSIDE CORPORATION)	(OUTSIDE CORPORATION)*	

INCHES)			
A. 1.00 AND LESS	\$11.07	\$16.60	
B. 1.25	39.72	59.58	
C. 1.50	62.93	94.41	
D. 2.00	128.01	192.02	
E. 3.00 AND UP	353.14	529.68	
F. 4.00	600.00	900.00	
G. 6.00	1,000.00	1,500.00	
Н. 8.00	1,500.00	2,250.00	
I. 10.00 AND UP	2,000.00	3,000.00	

- (7) EFFECTIVE WITH THE FIRST BILLING CYCLE IN THE YEAR 2016, TO BE REFLECTED IN THE FIRST BILLING IN FEBRUARY OF THE YEAR 2016, EXCEPT FOR DIRECT SALES AS ESTABLISHED IN SUBSECTION (b)(7)C HEREOF, THE NET RATE PER MONTH PER SERVICE SHALL BE THE SUM OF THE COMMODITY CHARGE PLUS THE CAPACITY CHARGE SET FORTH IN SUBSECTION (b)(8) HEREOF. THE COMMODITY CHARGE SHALL BE COMPUTED AS FOLLOWS:
 - A. UNITS OF WATER USED INSIDE THE CORPORATION:
 UNITS: 1 UP TO 10 = \$5.20 EACH UNIT, THEN
 UNITS: 11 UP TO 250 = \$4.95 EACH UNIT, THEN
 UNITS: OVER 250 = \$3.75 EACH UNIT.

NOTE: ONE UNIT OF WATER IS DEFINED AS 100 CUBIC FEET.

B. UNITS OF WATER USED OUTSIDE THE CORPORATION:*
UNITS: 1 UP TO 10 = \$7.80 EACH UNIT, THEN
UNITS: 11 UP TO 250 = \$7.43 EACH UNIT, THEN
UNITS: OVER 250 = \$5.63 EACH UNIT.

NOTE: ONE UNIT OF WATER IS DEFINED AS 100 CUBIC FEET.

C. DIRECT SALES AT THE PLANT: \$7.71 PER 1,000 GALLONS.

(8) IN ADDITION, THERE SHALL BE A CAPACITY CHARGE (BASE CHARGE) PER SERVICE AS FOLLOWS:

CAPACITY OF SERVICE (METER SIZE IN INCHES)		CAPACITY CHARGE (OUTSIDE CORPORATION)*
A. 1.00 AND LESS	\$11.07	\$16.60
B. 1.25	39.72	59.58
C. 1.50	62.93	94.41

D. 2.00	128.01	192.02	
E. 3.00 AND UP	353.14	529.68	
F. 4.00	600.00	900.00	
G. 6.00	1,000.00	1,500.00	
H. 8.00	1,500.00	2,250.00	
I. 10.00 AND UP	2,000.00	3,000.00	

- (c) The capacity of service shall be determined by the City and, normally, shall be equal to the size of the consumer's water meter.
- *Except for bulk sales direct from the Water Plant, both capacity and commodity water charges outside the City are charged at approximately fifty percent (50%) higher than in the City, unless otherwise modified by rule or terms of a contract. Nothing in this section shall be construed to prohibit the City from increasing or decreasing the percentage stated in a contract where not otherwise prohibited by law.
- (d) No deduction in capacity charge (from the beginning of time) is applicable as it relates to governmental buildings, schools, and charitable institutions.
- (e) Water testing fees shall be as follows:
 - (1) Testing bacteria mmo/mugg /Smp \$12.00 (2) Calibrate chlorine meters /Mtr \$25.00"
- Section 2. That, Section 931.07 of the Codified Ordinances of Napoleon, Ohio, 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, 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 proper funding for water operations, a service necessary for public peace, health or safety; 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 R. 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 foregoing Ordinance No. 067-13 was duly published in general circulation in said City, on the 0676-13 day of further certify the compliance with rules established in Napoleon Ohio and the laws of the State of Ohio perta	n the Northwest Signal, a newspaper of [
	Gregory J. Heath. Clerk/Finance Director

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



City of Aapoleon

FIRE DEPARTMENT

265 West Riverview Avenue Napoleon, Ghio 43545 (419) 592-0441

Robert J .Bennett, CFO Chief of Department

Tony A. Bruhot Asst. Fire Chief



November 14, 2013

Napoleon City Council and Mayor 255 West Riverview Ave Napoleon, Ohio 43545

Dear Sirs,

The Fire Department applied to the Federal Emergency Management Agency for a grant, the purpose of which was to replace our aging Self Contained Breathing Apparatus (SCBA). The grant was approved with a 5% City match.

We have prepared bid documents and are requesting approval of the bid documents and authorization to bid the SCBA replacements.

Estimated cost is \$222,000 of which \$210,900 is federal monies.

Respectfully submitted,

Robert J. Bennett, EFO Chief of Department

CC: City Manager Law Director Finance Director City of Napoleon, Ohio

City Council

in Joint Session with the

Finance & Budget Committee

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

Special Meeting Agenda

Monday, November 18, 2013 7:30 PM or Immediately Following the regular City Council Meeting

I. 2014 Budget Review All Items(Emphasis on Revenues, Debt and Reserve Funding)

Gregory J. Heath, Finance Director/Clerk

City of Napoleon, Ohio

Finance & Budget Committee

in Joint Session with

City Council

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

Special Meeting Agenda

Monday, November 18, 2013 at 7:30 PM or immediately following the regular City Council Meeting

I. 2014 Budget Review All Items(Emphasis on Revenues, Debt and Reserve Funding)

Gregory J. Heath, Finance Director/Clerk



310 Glenwood Ave Box 151 Napoleon Ohio 43545 419-599-2810 Fax 419-599-7969 www.napoleonohio.com

Napoleon City Police Department

11/05/2013

City Council City of Napoleon 255 W Riverview Ave. Napoleon, Ohio 43545

Chief Robert L Weitzel Napoleon City Police PO Box 151 Napoleon, Ohio 43545

RE: Report on Drugs

Council,

During Council session Monday night, November 4th, discussion turned to synthetic drugs such as "so called" bath salts and K2 or Spice. There are many street names for these substances. Generally, they are chemical compounds that have been created to skirt federal drug laws by not being listed as a drug of abuse in the schedules. You may be more familiar with the term "Designer" drugs.

The drugs you talked about had an increase in popularity around 2008 and 2009 and became more available. Many times they were sold openly in independent stores and over the internet. Drug laws have been and are being changed to attempt to keep up with these designer drugs. During the interim, law enforcement personnel can use the section of state law dealing with *abuse of harmful intoxicants while laws are updated.

As technology and availability make new versions of the drugs not yet scheduled illegal, law makers continue to adjust the laws to encompass them.

As a department, we have seen these designer drugs. We have passed information among ourselves to be able to identify the effects and well as the appearance of the new drugs. We also purchase test kits to field test substances that are identifiable at this time. If necessary, we can send substances to the state laboratory for identification. With the current changes in federal and state law, I see no reason to attempt to keep up with laws at a local level. We have sufficient laws to deal with abuse when we find it. When there is a gap, there seems to be a timely response at the state and federal level to categorize new variants. We are seeing more abuse of prescription drugs, heroin, methamphetamine, and cocaine, along with marijuana.

These new variants and designer drugs are not news. If you know some drug history, you find that LSD was discovered in the late 1930s but not until the 1960s popularity did California and then the federal government make it illegal.

*2925.31 Abusing harmful intoxicants.

- (A) Except for lawful research, clinical, medical, dental, or veterinary purposes, no person, with purpose to induce intoxication or similar physiological effects, shall obtain, possess, or use a harmful intoxicant.
- (B) Whoever violates this section is guilty of abusing harmful intoxicants, a misdemeanor of the first degree. If the offender previously has been convicted of a drug abuse offense, abusing harmful intoxicants is a felony of the fifth degree.
- (C) In addition to any other sanction imposed upon an offender for a violation of this section, the court shall suspend for not less than six months or more than five years the offender's driver's or commercial driver's license or permit. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with section 2925.38 of the Revised Code.

Effective Date: 01-01-2004

November 15, 2013



Dave Shepler and Rod Hixon from Dover and John Balduff from Milan receive hands-on instruction from Bob Rumbaugh, manager of technical training, during AMP's Advanced Transformer Workshop on Nov. 13. The class will be offered again in the spring.

Let AMP train your lineworkers, staff

By Michelle Palmer - assistant vice president of technical services

AMP member municipal electric systems seeking high-quality training designed to help improve employee performance, enhance safety and ultimately lead to greater system reliability and customer satisfaction can be confident that AMP's training courses are the resource they need.

AMP is planning the following upcoming APPA classes at AMP head-quarters:

- APPA Advanced Topics in Underground Distribution Dec. 10
 Underground distribution continues to be the installation method of
 choice in many applications on public power systems. This one-day
 course focuses on topics of current and emerging interest in underground distribution. Participants will cover the advantages of underground distribution, including greater operating reliability, lower operating and maintenance costs, better public safety, and reduced visibility
 and greater public acceptance. Cost \$250.
- APPA Maintenance of High-Voltage Electrical Distribution Jan.
 27, 2014 This one-day class is designed for electric utility engineers, designers, technicians, construction/operations and field personnel who are responsible for distribution systems. It will cover principles

New Efficiency Smart video highlights benefits to communities

By Steven Nyeste – communications & public affairs specialist, Efficiency Smart

Efficiency Smart recently released a new video highlighting the benefits of energy efficiency and participation in Efficiency



Smart for communities.

Featuring animation, the video introduces viewers to "the Watts" family, residents of "\$mart Town, USA," a community that utilizes the various program offerings available through Efficiency Smart.

Two versions of the video are available for viewing: a four minute version with only animation, as well as a longer version also featuring testimonials and interviews on how residents, businesses and communities work together with Efficiency Smart.

The two versions of the video can be found here: http://www.efficiencysmart.org/news-events/publications-videos. Feel free to share the video link in your community.

2013 AMP/OMEA Conference presentations available online

Several presentations from the 2013 AMP/ OMEA Conference are now available on the Member Extranet section of the AMP website.

see TRAINING Page 2

and elements of corrective, preventative and predictive maintenance programs, maintenance practices, specific activities related to the inspection, testing and maintenance of distribution lines and equipment, regulatory aspects of distribution maintenance, coverage of National Electrical Safety Code maintenance requirements, risk management, cost accounting, and evaluation of maintenance programs. Cost \$250.

APPA Overhead Distribution Systems - Jan. 28-30, 2014 Planning, design, construction, installation, operation and maintenance principles that drive today's overhead distribution practices will be the focus of this three-day class. The course is conducted at a practical level and is appropriate for degreed engineers and engineering technicians, as well as non-degreed high school graduates with a general knowledge of the electric utility system. Cost \$800.

Please contact Jennifer Flockerzie at 614.540.0853 or iflockerzie@amppartners.org for more information or to register.

Joint venture officers elected at 2013 AMP/OMEA Conference

All six joint ventures held their annual elections for board of participant officers at the recent 2013 AMP/ OMEA Conference in Columbus.

Participants in Ohio Municipal Energy Generating Agency Joint Venture 1 (OMEGA JV1) re-elected Mike Dougherty (Cuyahoga Falls) as chair, Harold Kasten-Krause (Lodi) as vice chair, Steve Dupee (Oberlin) as secretary and Chris Easton (Wadsworth) as treasurer.

OMEGA JV2 participants elected Tony Pochard (Hamilton) as chair, while re-electing Mike Dougherty as vice chair, Pam Lucas (Montpelier) as secretary and Chris Easton as treasurer.

For OMEGA JV4, participants elected Pam Lucas (Montpelier) as chair, Brian Carlin (Bryan) as vice chair, Kevin Brooks (Edgerton) as secretary, and Al Fiser (Pioneer) as treasurer.

OMEGA JV5 participants re-elected Mayor Don Robart (Cuyahoga Falls) as chair, Brian O'Connell (Bowling Green) as vice chair, Steve Dupee as secretary and Chris Easton as treasurer.

Re-elected officers for **OMEGA JV6** are Brian O'Connell as chair, Pam Lucas as vice chair, Steve Dupee as secretary and Chris Easton as treasurer.

Officers elected by participants in the Municipal Energy Services Agency are Pam Lucas as chair, Brian Carlin as vice chair, Steve Dupee as secretary and Chris Easton as

Project committees did not elect new officers during the 2013 AMP/OMEA Conference.

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

Week end	ling Nov. 15			
MON \$34.54	TUE \$40.84	WED \$36.05	THU \$36.33	FRI \$33.42
Week end	ling Nov. 8			
MON	TUE	WED	THU	FRI
\$42.31	\$34.25	\$31.80	\$33.80	\$35.56
AFP/Davi	on 2014 5x16	price as of N	Nov 15 — \$39	9 31

AEP/Dayton 2014 5x16 price as of Nov. 8 — \$39.45

October Operations Statistics								
	JV6 Wind Output	Belleville Output	Avg. A/D Hub On-Peak Rate					
October 2013	19%	59%	\$37.72/MWh					
October 2012	33%	41%	\$37.40/MWh					
	Fremont Energy Center Output	Blue Creek Wind Output	Napoleon Solar Output					
October 2013	28%	29%	16%					
October 2012	64%	39%	14%					
*Fremont capa	city factor based on 675	MW rating						

*Solar capacity factor based on 3.54 MW rating

Webinar covers how utilities can maximize technology investments

The American Public Power Association (APPA) and Hometown Connections will present the webinar Maximizing Technology Investments - The Building Blocks of an Advanced Distribution Management System from 2 to 3:30 p.m. Nov. 19.

The program will focus on how utilities can get more out of their technology investments, including SCADA, Substation Automation, Outage Management System and Smart Meters.

Webinar presenters Bruce Lovelin, chief engineer and system engineering manager for Central Lincoln People's Utility District in Newport, Ore., and Young Ngo, vice president of Survalent Technology in Keller, Texas, will share their thoughts from both a utility and vendor perspective on ADMS technology trends, implementation requirements, practical lesson learned and expected benefits.

Visit https://publicpower.org/Events/webinar. cfm?ItemNumber=39183 to register.



News or Ads?

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

AMP recognizes 2013 Hard Hat Safety Award recipients

Communities with Hard Hat Safety Award winners were recognized at the 2013 AMP/OMEA Conference in Columbus, but individuals were not announced. They are, and will continue to be, recognized at meetings in their home communities later this year and presented with their awards at that time.

The Hard Hat Safety Awards recognize municipal electric system employees who contribute to safety within their community during the past year, show adherence to on-the-job safety procedures, and promote electrical safety within their department and community.

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.



Brian Ball (left) of Philippi receives an AMP Hard Hat Safety Award from Member Safety Manager Scott Mckenzie.

Clairsville Light and Power, Shelby Division of Electric and Telecommunications, Village of Versailles Utilities, City of Wadsworth Electric & Communications, Village of Wellington Utilities and City of Westerville Electric Division.



Scott Mckenzie (left), AMP's member safety manager, presents a 2013 Hard Hat Safety Award to Rod Troxell of Cuyahoga Falls.



Ray Kovalchick (left) of Hudson receives an AMP Hard Hat Safety Award from Member Safety Manager Scott Mckenzie.

AFEC weekly update

By Craig Kleinhenz – manager of power supply planning

AFEC continues to take advantage of the market energy prices by being online during the week and offline over the weekend. The plant was online Nov. 8, generating at base maximum during the morning and evening on peak hours. The plant was then offline Nov. 9 through Nov. 11, and then back online early Nov. 12 and continued the pattern of maximum production during the morning and afternoon for the rest of the week.

Duct burners were used 37 hours this week during Tuesday evening as well as Wednesday and Thursday evening. Due to being offline over the weekend, the plant ended the week with a 42 percent load factor (based on 675 MW). For the week, AFEC was approximately \$6.53/MWh cheaper than on-peak market prices for base generation.

Energy markets split

By Craig Kleinhenz

It was another mixed week for the energy markets. Natural gas prices closed higher this week as persisting cold weather continued to keep short-term demand higher. Longer-term electric prices closed slightly lower this week as natural gas production data continues to remain strong.

December natural gas prices closed yesterday up \$0.08/MMBtu for last week to settle at \$3.60/MMBtu. Electric prices closed lower this week with 2014 on-peak electric prices at AD Hub finishing down \$0.14/MWh from last week, closing at \$39.31/MWh. This represents a three-week decline of \$1.45/MWh.

Update Classifieds

City of Columbus seeks engineering associate III

The City of Columbus is seeking qualified applicants for the classification of Engineering Associate III, Dept. of Public Utilities, Division of Power.

This position is responsible for performing advanced paraprofessional electrical engineering work associated with additions, removals, and changes to the Division of Power's Electrical Distribution System. Additionally, this position prepares plans, working drawings, and cost estimates for customer development work including but not limited to new service lines, poles, transformers, meters and other equipment. The position will also consult with private contractors, engineers and property owners concerning construction projects, construction-related problems or the feasibility of providing new electric service.

To qualify you must have completed the twelfth-school grade and have five years of experience performing paraprofessional engineering work. Substitution(s): College education in engineering or a related curriculum may be substituted for up to four years of the experience on a year-for-year basis. A certificate of high school equivalence (GED) will be accepted in lieu of the twelfth grade requirement. Possession of a valid motor vehicle operator's license is required. Starting salary \$21.99 - \$33.00 per hour.

Interested applicants should apply by visiting the Columbus Civil Service Commission website at https://csc.columbus.gov and clicking on "current job openings" to follow the instructions for application submission as this posting period will close Nov. 22, 2013.

Resumes must be received by Nov. 22. Contact: Andy Cherryhomes, Department of Public Utilities, 910 Dublin Road, Room 4150 Columbus, Ohio 43215 or by fax to 614.645.0500, or by email to DPURecruitment@columbus.gov. If you have any questions, please email or call 614.645.3751. EOE

Village of Oak Harbor accepts superintendent of public power applications

The Village of Oak Harbor is accepting applications for the position of Superintendent of Public Power.

This is a fulltime position working under the general supervision of the village administrator, pay rate DOQ \$21.00 - \$35.00 hourly, plus benefits. Minimum qualifications: graduation from high school education or GED equivalent; seven years of experience relating to the construction, repair and maintenance of electric supply and distribution systems including operations of related equipment; five years of Journeyman Lineman experience, and a valid State of Ohio Class A CDL.

Technical Data: All-time system peak – 6,205 kW, 2012 energy sold – 25,488,748kWh, Total Number of Meters 1,847. Applications and position descriptions are available

at the Village Administrator's office located at 146 N. Church St., Oak Harbor, Ohio 43449. The application is available on the Village's website at www.oakharbor.oh.us (Government Tab). For a full position description, questions or position details may be directed to the Village Administrator Rob Pauley at 419.898.5561, rpauley@oakharbor.oh.us, weekdays 8 a.m. to 4:30 p.m. Deadline to apply is Nov. 29, 2013. The Village of Oak Harbor is an Equal Opportunity Employer.

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 ephrataboro.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.

Schuylkill Haven in need of journeyman electric lineman

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

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

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

Schuylkill Haven is located In Schuylkill County, PA and has a population of 5,500. Schuylkill Haven borough has an excellent compensation/benefit package and is an Equal Opportunity Employer. A complete job description and job application can be obtained by contacting the borough office at 570.385.2841 or by logging on to the Borough's website www.schuylkillhaven.org.

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

Calendar

Dec. 5—AMP finance & accounting subcommittee meeting AMP Headquarters, Columbus

Dec. 10—APPA Advanced Topics in **Underground Distribution** AMP Headquarters, Columbus

Jan. 27—APPA Maintenance of High-Voltage **Electrical Distribution** AMP Headquarters, Columbus

Jan. 28-30—APPA Overhead Distribution **Systems** AMP Headquarters, Columbus

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



web site	, www.standardandpoors.com	or Ratin	gs Direct for	r any Rating	g Change:	s since th
				,		
	Obligor	Rating	Outlook			
1	Akron	AA-	STABLE			
2	Anthony Wayne Local Sch Dist	A+	STABLE			
3	Archbold Vill	AA-	STABLE			
4	Ashtabula	BBB+	NEGATIVE			
5	Ashtabula Cnty	A+	STABLE			
6	Barberton City Sch Dist	A+	STABLE			
7	Beavercreek City School District	AA	STABLE			
8	Bedford	AA	STABLE			
9	Bellevue City Sch Dist	A+	STABLE			
10	Bloom-Carroll Local Sch Dist	AA-	STABLE			
11	Boardman Local School District (Mahor	A+	STABLE			
12	Bowling Green	A+	STABLE			
13	Bridgeport Exempted Vill Sch Dist	A	STABLE			
14	Brunswick City School District	A-	NEGATIVE			
15	Buckeye Vy Local Sch Dist	AA-	STABLE			
16	Canton	A+	STABLE			
17	Canton City School District	A-	STABLE			
	Cedar Cliff Local Sch Dist	AA-	STABLE			
19	Central Ohio Solid Waste Auth	AAA	STABLE			
20	Champaign Cnty	A+	STABLE			
	Chardon	AA-	STABLE			
22	Chillicothe City Sch Dist	A+	NEGATIVE			
	Cincinnati	AA+	NEGATIVE			
	Cincinnati City Sch Dist	AA-	STABLE			
	City of New Albany	AAA	STABLE			
	Cleveland Hgts	AA	STABLE			
	Cleveland Mun Sch Dist	A-	STABLE			
	Clinton-Massie Local Sch Dist Brd of Ed		STABLE			
	Columbiana Exempted Village School [STABLE			
	Columbus	AAA	STABLE			
	Columbus City School District	AA	STABLE			
	Crawford County	A+	STABLE			
	Crestline Exempted Vill Sch Dist	A+	STABLE			
	Cuyahoga Cnty	AA+	STABLE			
	Dayton	AA-	STABLE			
	Dayton City Sch Dist	A	STABLE			
	Dayton Metro Library	AA	STABLE			
	Defiance	A+	NEGATIVE			
	Delaware City Sch Dist	AA-	STABLE			
	Delaware Cnty	AAA	STABLE			
	Dublin City Sch Dist	AAA	STABLE			

ır web site	, www.standardandpoors.co	om or Ratir	gs Direct for a	any Rating C	hanges since t	his
	Obligor	Rating	Outlook			
42	East Knox Local School District	Α	NEGATIVE			
43	Edgewood City Sch Dist	A+	STABLE			
44	EHOVE Jt Voc Sch Dist	AA	STABLE			
45	Elgin Local Sch Dist	Α	STABLE			
46	Elida Local School District	A+	NEGATIVE			
47	Fairfield Un Local Sch Dist	AA-	STABLE			
48	Field Local Sch Dist	BBB+	STABLE			
49	Findlay	AA	STABLE			
50	Finneytown Local Sch Dist	AA	STABLE			
51	Franklin Cnty	AAA	STABLE			
+	Franklin-Monroe Sch Dist	A+	STABLE			
53	Gahanna	AA	STABLE			1
54	Goshen Twp (Clermont Cnty)	А	STABLE			
55	Grandview Heights	AA	STABLE			
	Grandview Hgts City Sch Dist	AA	STABLE			
	Green City	AA+	STABLE			
	Green Local Sch Dist	A	STABLE			1
59	Greenfield Township	AA-	STABLE			1
	Hamilton City School District	A-	STABLE			
	Hamilton Local Sch Dist	AA-	STABLE			
62	Hancock County	AA-	STABLE			
	Hardin-Houston Local Sch Dist	AA-	STABLE			1
64	Heath	A+	STABLE			
65	Hilliard	AA	STABLE			1
66	Hilliard City Sch Dist	AA	STABLE			
	Hubbard Exempted Vill Sch Dist	A+	STABLE			
-	Huber Hgts City Sch Dist	A+	STABLE			+
	Hudson	AAA	STABLE			
	Huron City Sch Dist	AA-	STABLE			
+	Independence Local Sch Dist	AA-	STABLE			
	Indian Hill Vill	AAA	STABLE			
	Indian Lake Local Schs	A+	STABLE			1
+	Indian Vy Local Sch Dist	A+	STABLE			1
+	Jackson County	A+	STABLE			+
	Jackson Local Sch Dist	AA-	STABLE			+
_	Jackson-Milton Local Sch Dist	AA-	STABLE			1
_	Jefferson Area Local Sch Dist	A+	STABLE			1
	Jefferson Local Sch Dist	AA-	STABLE			
	Kent City School District	AA	STABLE			
	Kettering City School District	AA-	STABLE			+
+	Kings Local Sch Dist Brd of Ed	AA	STABLE			+-

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	Obligor	Rating	Outlook				
83	Lake Local School District (Stark Cnty)	AA-	STABLE				
84	Lakewood City School District	AA-	STABLE				
85	Lakewood Local Sch Dist	AA-	STABLE				
86	Lancaster City School District	AA-	STABLE				
87	Lebanon City School District	A+	STABLE				
88	Liberty Twp (Delaware Cnty)	AA	STABLE				
89	Licking Vy Local Sch Dist	AA	STABLE				
	Little Miami Local School District	BBB+	STABLE				
91	Logan Cnty	A+	STABLE				
92	Loveland City Sch Dist	AA-	STABLE				
	Lucas Cnty	AA-	STABLE				
	Madison Local School District	A+	STABLE		1		
95	Mahoning Cnty Career & Tech Ctr	AA	STABLE				
96	Mahoning County	A+	STABLE				
97	Mariemont City Sch Dist	AA	STABLE				
98	Marion	Α-	NEGATIVE				
99	Marysville Exempted Vill Sch Dist	Α	STABLE				
	Massillon City Sch Dist	A+	STABLE				
101	Maumee City Sch Dist	AA-	STABLE				
	Medina Cnty	AA	STABLE				
103	Medina Cnty Dist Lib	AA-	STABLE				
104	Mid-East Career & Tech Ctrs	AA	STABLE				
105	Milton-Union Ex Vill Sch Dist	AA-	STABLE				
106	Minerva Local Sch Dist	Α	STABLE				
107	Mogadore Local Sch Dist	AA-	STABLE				
	Monroeville Local School District	A+	STABLE				
109	Montgomery Cnty	AA	STABLE				
110	Munroe Falls	AA+	STABLE				
111	Napoleon	AA-	STABLE				
112	Napoleon Area City Sch Dist	A+	STABLE				
113	New Albany Plain Local Sch Dist	AA+	STABLE				
	New Carlisle	BBB+	STABLE				
115	New Philadelphia City Sch Dist	AA-	STABLE				
116	Newark City Sch Dist	A+	STABLE				
	Nordonia Hills City Sch Dist	AA-	STABLE				
	North Canton	Α	STABLE				
	Northwest Local Sch Dist (Stark, Summ	Α	STABLE				
	Norwayne Local School District fka Nor		STABLE				
	Oakwood Vill (Cuyahoga Cnty)	Α	STABLE				+
	Obetz Vill	A+	STABLE		1		
	Ohio	AA+	STABLE				_

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	Obligor	Rating	Outlook				
124	Olentangy Local Sch Dist	AA+	STABLE				
125	Olmsted Falls City Sch Dist	A+	STABLE				
126	Ontario Local Sch Dist	AA-	STABLE				
127	Orange City Sch Dist	AAA	STABLE				
128	Oregon	AA	STABLE				
129	Osnaburg Local School District	A+	NEGATIVE				
130	Painesville City Local School District	Α	STABLE				
131	Parma	A+	NEGATIVE				
132	Perry Local Sch Dist	A+	STABLE				
133	Perrysburg City	AA-	STABLE				
134	Pickerington Local Sch Dist	AA-	STABLE				
135	Piqua City Sch Dist	A+	STABLE				
136	Plain Local Sch Dist (Stark Cnty)	AA-	STABLE				
137	Port Clinton City Sch Dist	AA+	STABLE				
138	Portage County	AA	STABLE				
139	Powell	AA+	STABLE				
140	Princeton City Sch Dist	AA	STABLE				
141	Putnam Cnty	A+	STABLE				
142	Pymatuning Vy Local Sch Dist	Α	STABLE				
143	Reminderville Vill	BBB+	NEGATIVE				
144	Reynoldsburg City Sch Dist	AA-	STABLE				
145	Richmond Hgts	Α	STABLE				
146	Rittman Ex Vill Sch Dist	A+	STABLE				
147	Rossford	AA-	STABLE				
148	Russia Local Sch Dist	AA-	STABLE				
149	Sandy Vy Local Sch Dist	A+	STABLE				
150	Seneca East Local Sch Dist	Α	STABLE				
151	Shaker Hgts	AA+	STABLE				
152	Shaker Hgts City Sch Dist	AA+	STABLE				
153	Sheffield-Sheffield Lake City Schools	AA-	STABLE				
154	Shelby	A	STABLE				
155	Shelby City School District	A+	STABLE				
156	Sidney	AA	STABLE				
157	Sidney City Sch Dist	A+	STABLE				
158	Solon	AAA	STABLE				
159	South Point Local Sch Dist	A+	STABLE				
160	South Range Local School District	A+	STABLE				
161	Southeast Local Sch Dist	A+	STABLE				
162	Southern Local School District	A+	STABLE				
163	Southwest Licking Local Sch Dist	Α	STABLE				
	South-Western City Sch Dist	AA-	STABLE			+	+-

	r's General Obligation Underlyin ite, www.standardandpoors.com				
				, <u> </u>	
	Obligor	Rating	Outlook		
1	65 Springboro Community City School Dis	A	STABLE		
1	66 Springfield Local Sch Dist	Α	STABLE		
1	67 Steubenville	A-	STABLE		
1	68 Streetsboro	AA-	STABLE		
1	69 Summit Cnty	AA	STABLE		
1	70 Swanton Local Sch Dist	AA-	STABLE		
1	71 Switzerland of Ohio Local Sch Dist	Α	STABLE		
1	72 Sycamore Comnty Sch Dist	AAA	STABLE		
1	73 Sylvania Area Jt Recre Dist	AA	STABLE		
1	74 Sylvania City	AA+	STABLE		
	75 Sylvania City Sch Dist	A+	STABLE		
	76 Sylvania Twp	AA+	STABLE		
	77 Talawanda City Sch Dist	AA-	STABLE		
1	78 Tallmadge City Sch Dist	AA-	STABLE		
1	79 Toledo	A-	STABLE		
1	80 Toledo City School District	A+	STABLE		
	81 Upper Arlington	AAA	STABLE		
	82 Upper Arlington City Sch Dist	AAA	STABLE		
	83 Urbana	A-	STABLE		
1	84 Vandalia-Butler City Sch Dist	A+	STABLE		
1	85 Vantage Career Ctr	AA	STABLE		
1	86 Vinton Cnty Local Sch Dist	A+	STABLE		
1	87 Wadsworth	AA	STABLE		
1	88 Wadsworth City Sch Dist	AA-	STABLE		
	89 Waite Hill Vill	AAA	STABLE		
1	90 Warren Cnty	AA+	STABLE		
	91 Wauseon	A+	STABLE		_
	92 Wauseon Exempted Village School Dis		STABLE		
	93 Wayne Cnty	AA-	STABLE		
	94 Weathersfield Local Sch Dist	A+	STABLE		
	95 West Branch Local School District	A+	STABLE		
	96 West Carrollton Sch Dist	AA-	STABLE		
	97 West Clermont Local School District	A+	STABLE		
	98 Westerville	AAA	STABLE		
	99 Westerville City Sch Dist	AA-	STABLE		
	00 Westlake	AAA	STABLE		
	01 Westlake City School District	AA+	STABLE		
	02 Williams Cnty	A+	STABLE		
	03 Willoughby	AA	STABLE		
	04 Willoughby-Eastlake City Sch Dist	AA-	STABLE		_
	05 Wooster	AA-	STABLE		

heck our web site, www.standardandpoors.com or Ratings Direct for any Rating Changes since this date									
	Obligor	Rating	Outlook						
206	Worthington	AA	STABLE						
207	Worthington City Sch Dist	AA	STABLE						
208	Wynford Local School District	A-	STABLE						
209	Wyoming	AAA	STABLE						
210	Xenia Comnty City Sch Dist	A+	STABLE						
211	Zanesville City Sch Dist	A+	STABLE						



Senator Nina Turner

Minority Whip 25th District

Ohio Senate

Statehouse 1 Capitol Square Columbus, Ohio 43215 Phone 614-466-4583 Fax 614-644-6164 Turner@ohiosenate.gov

November 5, 2013

Gregory J. Heath Finance Director/Clerk of Council City of Napoleon 255 W. Riverview Ave. Napoleon, OH 43545

Dear Mr. Heath:

Thank you for sharing Resolution No. 060-13 regarding the City of Napoleon's opposition to House Bill 5 and the effort to standardize Ohio's municipal tax systems. I share many of your concerns with this legislation, and welcome your thoughts on this important issue.

As you know all too well, Ohio's local governments have been pummeled by the short-sighted budgeting decisions of many at the Statehouse who are content to pass the tough decisions on to you and your colleagues. Portions of HB 5 would only exacerbate these issues, and ultimately place further strain on local taxpayers. Greater uniformity among Ohio's various taxing entities can be a positive step for our state's people and economy, but such changes must be carefully reviewed to ensure that our communities are not burdened with further fiscal stress.

As House Bill 5 has not yet come before the Senate, I have not had the opportunity to thoroughly examine this proposal. Nonetheless, I will keep a close eye on this issue as it moves through the legislative process. I look forward to working with you and your colleagues to build a stronger, more vibrant, and more prosperous Ohio.

All the best,

Nina Turner
State Senator

25th District

ce: Mayor Ronald A. Behm, City of Napoleon

Council President John A. Helberg, City of Napoleon



Legislative Bulletin

Ohio Municipal League Legislative Bulletin

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Committee Schedule

November 15, 2013

SUB HB5 MOVES ON TO THE OHIO SENATE

After nearly three hours of debate on the floor of the Ohio House of Representatives, sub.HB5 was passed by a vote of 56-41. A list of how each Representative voted can be found HERE. Four Republican members, Reps. R. Adams (R-Troy), Blessing III (R-Colerain Twp.), Butler (R-Oakwood), and McGregor (R-Springfield) joined 37 Democrat members in opposing the overreaching legislation that was accurately dubbed the "Police and Fire Reduction Act" by some members of the Ohio House during the debate that occurred before the bill passed, because of the significant loss of revenue to city and village budgets that will result if the current version of the bill is enacted. The municipal league and the coalition of municipal officials who have spent countless hours working with members of the legislature to craft legislative solutions to uniformity concerns of Ohio's business and tax preparing groups, want to thank the members of the Ohio House who stood with Ohio municipalities from this gratuitous attack on local budgets Wednesday, and voted against this deeply flawed bill.

During the course of the House debate on sub.HB5, three amendments which were supported by the OML, were offered to the bill addressing treatments the league and municipal coalition has identified as the most onerous and revenue impactful to municipal revenues. Unfortunately, through a parliamentary maneuver on the House floor, the riders that would have provided the bill greater revenue neutrality for local budgets were all "tabled" by a majority vote. This legislative technique removed these suggestions for altering the bill from consideration and prevented the members of the Ohio House from casting a vote for the right change. The first amendment was offered by Rep. Tom Letson (D-Warren) which would have replaced the 5 year NOL carry forward mandate with the municipal coalition recommendation that a 0,1,3, or 5 year tier system for determining a municipalities NOL treatment be imposed to protect revenues while insuring greater predictability and simplicity for tax preparers and businesses. Rising to support the amendment, Rep. Ross McGregor (R-Springfield) shared with the members of the House that as a small business owner, he values the services the city of Springfield provides and urged his colleagues to support the amendment to relieve municipalities of the tremendous revenue hit a 5 year NOL mandate would produce and to not interfere with the ability of municipalities to deliver essential services. No vote was allowed. The second amendment was offered by Rep. Mike Foley (D-Cleveland) which would have removed the occasional entrant threshold increase of 20 days and restored the current 12 day uniform threshold while preserving that a day be defined through the "preponderance" standard. No vote was allowed. The third amendment that was offered was from Rep. Mike Curtin (D-Columbus) that would have removed the new and largely unvetted language changing the system for municipalities to allow "offsets" and returning to the status quo until more review can be given to the language that made its way into the bill at the eleventh hour. Rep. Curtin shared with other members of the Ohio House how devastating to municipal budgets this new scheme of offsetting all like and unlike, apportioned and unapportioned sources of revenue will be to municipal budgets and that nobody truly understands the intended and unintended consequences because the language

was never part of the exercise to vet all the language in the bill that took place over the summer. Rep. Curtin shared with his

fellow legislators that the financial projections are alarming and indicate that the changes may result in certain highly compensated taxpayers who reside in municipalities to no longer be subject to any municipal tax obligation. No vote was allowed.

Although members were prevented from casting votes on amendments to improve a bill that almost every member of the Ohio House will admit is deeply flawed, there was plenty of debate on the floor about the state of Ohio municipalities. Some members expressed the opinion that there was too much "hyperbole" taking place during remarks made by those members concerned with the effects the bill will have on municipal budgets and their ability to deliver basic services to businesses and residents of cities and villages. Other members talked about how subHB5 doesn't go far enough in making "reforms" to the current municipal tax system, that municipalities have only themselves to blame for the loss of jobs and population in the state and that the municipal income tax is a "jobs killer". More members challenged the authenticity of the impact estimates being produced by municipalities and that gross exaggerations are taking place on what the actual revenue losses will be; there's a study committee to address any revenue loss and in those 5 months the study committee will have to review municipal data, there is complete certainty that the NOL Impact Review committee will have the political fortitude to reverse the implementation of the new 5 year NOL set to begin in 2017 if it is determined municipalities are telling the truth and revenue will hemorrhage from municipal budgets. Then there were presentations by members regarding the challenges cities and villages face across our state to meet the growing needs of their businesses and citizens through a dependable source of revenue that is found in the local income tax. There were discussions about the previous cuts to the LGF, Estate Tax, TPP and dealer's intangible taxes that have been imposed by the state and the resulting increase in the local tax bases and rates necessary to offset these severe revenue reductions. More members talked about the effects the reductions in municipal revenues will have to future economic development for the entire state if municipality's financial conditions continue to deteriorate, and with that their ability to be attractive hosts to present and future business developments and how this desire to be an attractive business location will be severely compromised. We want to thank all of those members who spoke- up for cities and villages and said NO! to more needless cuts to the places where the vast majority of Ohioans live and work every day.

The bill now moves on to the Ohio Senate where they will be tasked with the duty of deconstructing the legislative mess that they will be receiving in sub.HB5 and try to determine the losers and winners in the bill that keeps getting championed as a product of compromise and collaboration. Senators and Governor Kasich need to hear from Ohio municipal officials about the effects the bill passed by the Ohio House yesterday will have on their ability to provide adequate services for Ohio employers and their workforce. There is a real threat that the bill may pick-up momentum in the Ohio Senate as they have been expecting the House to send them a bill that is a result of compromise and not a bill that increases the pain to their local partners.

The following are just a few of the "low lights" included in sub.HB5 for Ohio cities and villages:

- 5 year NOL carry forward mandate for all Ohio municipalities beginning in 2017 with a five year phase-in. Approximately 170 cities and villages have no current NOL carry forward policy, with approximately 60 municipalities that offer less than five years, resulting in a significant loss of revenue for 42% of the 592 municipalities with an income tax. The proposed NOL study committee will serve no true purpose as the legislation will already be imposing the 5 year carry forward a year and a half after they are to finish their report. With the combination of offsets and the NOL, even municipalities who currently have a five year NOL will experience significant revenue loss due to the mandated combination of both.
- Occasional Entrant Rule has been changed to increase the current 12 day rule to a 20 day rule. The bill does NOT require employers to withhold for municipal tax obligations of employees back to day one when their employee exceeds the new 20 day threshold. The employer is required to withhold at principal place of work location of the employer and can opt to withhold for the place where work was performed. If the employer is located in a township or other non-taxing jurisdiction, the employee working in a municipal corporation could pay nothing for the first 20 days or subsequent days while receiving the full benefit of municipal services. The changes to the substitute language also specifically exempt Board of Directors fees, providing a "carve-out" for these highly compensated taxpayers. An

employee with tax withheld for the first 20 days due to principal place of work location who neither works nor lives in that municipal corporation will be able to obtain a refund of the tax withheld and paid to the principal place of work. The employee will still have a W-2 showing the tax withheld, and can use this credit on their city of residence return, even though the tax was refunded back to the employee.

- Offsets determining a taxpayer's financial gains and losses are radically altered in the sub bill by the treatment that would "netting" of all like and unlike/apportioned and unapportioned sources of income to apply or offset against each other, regardless if a nexus is present or not. The new language, which has not received the proper level of vetting to determine intended and unintended consequences to municipal budgets, is still being reviewed but we can determine that municipalities that currently do not allow the offsetting of gains and losses will be required to do so and individuals will be able to take losses more than once. An example of this new treatment allowing losses to be taken more than once would be if a Columbus resident with a "gain" from a pass through entity in a township and a loss from a Reynoldsburg partnership will be able to take the Reynoldsburg partnership loss (already reported and carried forward in Reynoldsburg) against the gain reported in Columbus.
- SERP and Non Qualified Deferred Compensation issues are addressed in sub.HB5 to the dissatisfaction of Ohio municipalities. Previous language in HB5 would have exempted SERPs from municipal taxation but language was offered in committee to correct this treatment and only to show "pensions" as being taxable. But, language was also amended in committee that would now exempt from qualifying wages "any amount that is exempt income", which may open up SERP's to the favored tax exempt treatment that, thus far, has not been granted by the courts or previous legislatures.
- Amended Consolidated Returns and Alternative Apportionment method language has been changed to no longer require that Tax Administrators give approval for these two alternate reporting systems to be used but rather merely directs the taxpayer who elects to make this change to their municipal financial disclosure filing to notify the municipality of their intent to use the different method. There is no recourse for Tax Administrators to deny the new taxpayer elected treatment.
- Certified Mail requirements in the bill that are new and have been drafted in an intentionally ambiguous manner
 creating a burdensome treatment to the assessment procedures currently used by municipalities. This change, although
 still being reviewed by municipal attorneys, may increase the requirement of municipal tax offices to notify taxpayers
 through certified mail. This increase in certified mail would be a tremendous administrative and financial burden to
 Ohio cities and villages.

These are only a few of the areas of concern for municipalities in the newly House approved sub.HB5 and areas that the Senate will need to focus on intensely if any relief will be realized by Ohio municipalities.

The Senate Ways and Means Committee, where the bill has been assigned, has released their committee schedule for next week and sub.HB5 is not listed as being scheduled for a first hearing. If there is any change to the schedule before the committee meets on Tuesday, we will be sure to immediately alert our members.

ANTI-ANNEXATION BILL RECEIVES PROPONENT HEARING, JEDD/JEDZ BILL SECOND PROPONENT HEARING NEXT WEEK

On Tuesday, the House State and Local Government Committee held a second hearing on HB 277, legislation introduced by Rep. Peter Stautberg that would expand the list of required interested parties approval before expedited Type-II Annexation procedures could move forward. The committee received testimony from three township trustee officials who testified to the difficulties their communities have experienced in negotiating annexation agreements with other political subdivisions and private property owners. The bill is not scheduled for a third hearing next week in the House committee that usually is reserved for opponent testimony, but when the bill is back on the House State and Local Government Committee schedule, we will be sure to notify our members concerned about the intended and unintended consequences of the bill.

There is another bill in the same committee that we are following closely and is up for a third hearing next week. HB 289, legislation introduced several weeks ago by Rep. Kirk Schuring (R-Canton) would make various changes to the current

procedures governing the operation of Joint Economic Development Districts and Joint Economic Development Zones (JEDD/JEDZ). The bill is scheduled for a third hearing next Wednesday, November 20 th at 10am in Hearing Room # 017. The committee schedule lists testimony to be received on the bill by proponents only, which would be the second straight hearing for proponent testimony and the Chairman's committee announcement indicates amendments may be offered and a substitute bill may be presented. The league has been involved in meetings with the sponsor and other interested parties to try and find common ground on issues in the bill that we have concerns with. We appreciate the progress that is being made to make the legislation the best vehicle to address inadequacies in the current JEDD/JEDZ system.

As you can tell, it will be a very busy week at the Statehouse for legislation concerning the interests of cities and villages. Please check our website Monday for any additions that might be made to the committee schedule that may occur over the weekend. Have an enjoyable and safe weekend

Past Bulletins:

2013

2012

2011

<u>2010</u>

		PAYROLL NO	VEMBER 15, 201	3		
	Current Pay	Current Pay	Current Pay	<u>YTD</u>	YTD	<u>YTD</u>
<u>Department</u>	Regular	<u>Overtime</u>	Gross Pay	Regular	<u>Overtime</u>	Gross Pay
City Council/Legislative	\$1,983.82	\$0.00	\$1,983.82	\$27,076.44	\$0.00	\$27,076.44
Mayor/Executive	\$519.77	\$0.00	\$519.77	\$11,954.65	\$0.00	\$11,954.65
City Manager/Administration	\$5,844.97	\$85.98	\$5,930.95	\$150,242.17	\$756.59	\$150,998.76
Human Resource	\$1,402.50	\$0.00	\$1,402.50	\$12,717.79	\$447.08	\$13,164.87
Law Director/Administration	\$4,344.91	\$137.56	\$4,482.47	\$97,032.67	\$1,186.48	\$98,219.15
Finance/Administration	\$11,664.06	\$425.38	\$12,089.44	\$245,159.61	\$1,564.49	\$246,724.10
Finance/Income Tax Department	\$2,786.66	\$60.31	\$2,846.97	\$100,047.25	\$1,842.49	\$101,889.74
Finance/Utility Billing Collection	\$2,825.91	\$125.90	\$2,951.81	\$79,540.95	\$984.55	\$80,525.50
Management Information System	\$3,113.72	\$0.00	\$3,113.72	\$61,227.55	\$0.00	\$61,227.55
Engineering/City Engineer	\$7,001.06	\$2,064.41	\$9,065.47	\$176,070.43	\$20,249.10	\$196,319.53
Municipal Court/Judicial	\$13,513.74	\$0.00	\$13,513.74	\$307,860.59	\$0.00	\$307,860.59
Police Safety Services	\$41,782.69	\$1,944.48	\$43,727.17	\$981,564.69	\$44,063.15	\$1,025,627.84
Fire/Safety Services	\$21,179.41	\$880.36	\$22,059.77	\$512,666.15	\$23,983.28	\$536,649.43
Building & Zoning	\$2,978.25	\$0.00	\$2,978.25	\$71,214.74	\$0.00	\$71,214.74
Parks/Administration	\$2,860.35	\$0.00	\$2,860.35	\$67,650.02	\$0.00	\$67,650.02
Recreation/Golf Operating	\$3,911.26	\$0.00	\$3,911.26	\$103,191.16	\$0.00	\$103,191.16
Recreation/Pool Operating	\$289.75	\$0.00	\$289.75	\$33,083.38	\$0.00	\$33,083.38
Recreation/ Programs	\$4,574.07	\$76.24	\$4,650.31	\$135,511.63	\$10,236.75	\$145,748.38
Cemetery/Grounds	\$2,215.54	\$0.00	\$2,215.54	\$52,119.38	\$4,230.55	\$56,349.93
Streets Maintenance	\$7,100.72	\$0.00	\$7,100.72	\$160,287.35	\$3,630.13	\$163,917.48
Ice & Snow Removal	\$48.46	\$0.00	\$48.46	\$5,123.93	\$6,209.10	\$11,333.03
Service Storm	\$0.00	\$0.00	\$0.00	\$4,592.29	\$70.48	\$4,662.77
Service/Buildings, Properties	\$2,055.36	\$212.64	\$2,268.00	\$40,975.47	\$670.07	\$41,645.54
Service/Central Garage	\$4,085.58	\$85.18	\$4,170.76	\$89,581.04	\$4,300.24	\$93,881.28
Electric/Distribution	\$30,774.05	\$969.00	\$31,743.05	\$709,593.24	\$42,702.22	\$752,295.46
Water Treatment Plant	\$9,631.73	\$77.83	\$9,709.56	\$215,294.32	\$3,608.53	\$218,071.98
Pilot Project	\$0.00	\$0.00	\$0.00	\$14,325.00	\$0.00	\$14,325.00
Water Distribution System	\$10,061.61	\$285.71	\$10,347.32	\$232,901.62	\$12,643.29	\$245,544.91
Sewer WWT Plant Operations	\$10,705.54	\$347.88	\$11,053.42	\$245,671.81	\$4,915.22	\$250,587.03
Sewer (WWT) Collection System	\$1,084.95	\$0.00	\$1,084.95	\$24,913.72	\$0.00	\$24,913.72
Sewer Cleaning & Improvement	\$3,370.39	\$65.80	\$3,436.19	\$73,111.21	\$4,354.91	\$77,466.12
Sanitation Collection & Disposal	\$3,627.75	\$42.19	\$3,669.94	\$73,367.26	\$2,546.56	\$75,913.82
Sanitation Special Refuse Service	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Sanitation Recycling Programs	\$1,616.65	\$60.62	\$1,677.27	\$37,182.95	\$3,349.45	\$40,532.40
TOTAL GROSS PAY	\$218,955.23	\$7,947.47	\$226,902.70	\$5,152,852.46	\$198,544.71	\$5,350,566.30
TOTAL GROSS PAY 11-16-12	\$223,651.28	\$11,453.51	\$235,104.79	\$5,212,280.15	\$129,809.02	\$5,342,089.17