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# Memorandum

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**To:** Mayor & Members of Council  
**From:** Jon A. Bisher/*rd*  
**Subject:** General Information  
**Date:** April 4, 2014

## CALENDAR

**AGENDA - City Council Meeting**  
Monday, April 7<sup>th</sup> @ 7:00 pm

➤ Greg has included the protocol for items C. & D.

**C. CONSIDERATION OF APPOINTMENT OF NEW COUNCILPERSON TO VACANT COUNCIL SET**

**D. CONSIDERATION OF REORGANIZATION OF COUNCIL COMMITTEES, AS NEEDED.**

**E. APPROVAL OF MINUTES**

1. Meeting Minutes/March 17<sup>th</sup>
2. Meeting Minutes/March 24<sup>th</sup>

**I. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS**

1. **Ordinance No. 017-14** an Ordinance Amending Ordinance No. 001-14 to Establish Two New Positions, Assistant City Manager and Special Projects Clerk, and Amending the Pay Plan for the City Manager; and Declaring an Emergency. (*Suspension Requested*)
2. **Ordinance No. 018-14** an Ordinance Appointing Monica S. Ireland, City Manager of Napoleon, Ohio; and Declaring an Emergency (*Suspension Requested*)
3. **Ordinance No. 019-14** an Ordinance Supplementing the Annual Appropriation Measure (Supplement No. 1) for the Year 2014; and Declaring an Emergency (*Suspension Requested*)
4. **Resolution No. 020-14** 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 2014, listed in Exhibit "A" (Transfer 2); and Declaring an Emergency (*Suspension Requested*)

Items 5 & 6 are not ready for the packet.

5. Ordinance No. 021-14 an Ordinance Authorizing Changes to the Personnel Code; and Declaring an Emergency (*Suspension Requested*)
6. Ordinance No. 022-14 an Ordinance Authorizing Changes to the Employee Policy Manual; and Declaring an Emergency (*Suspension Requested*)
7. **Ordinance No. 023-14** an Ordinance Creating the Position of Special Projects Clerk; and Declaring an Emergency (*Suspension Requested*)

8. **Ordinance No. 024-14** an Ordinance Appointing Dr. Jon A. Bisher as the Special Projects Clerk for the City of Napoleon, Ohio; and Declaring an Emergency (*Suspension Requested*).
9. **Resolution No. 025-14** A Resolution Authorizing the Expenditure of Funds Over Twenty-Five Thousand Dollars (\$25,000.00) for the Purpose of Repairing the Ritter Park Boat Ramp; and Authorizing the City Manager to Enter into a Contract with RG Zachrich Construction, Inc. for said Repairs; and Declaring an Emergency. (*Suspension Requested*)

**J. SECOND READINGS OF ORDINANCES AND RESOLUTIONS**

1. **Ordinance No. 010-14** an Ordinance Amending Section 931.07 Increasing Water Rates for Bulk Sales for the Years 2014, 2015 and 2016, Establishing a Weekend Testing Fee, and Increasing Fees for Testing; and Declaring an Emergency. (*Suspension Requested*)
2. **Ordinance No. 012-14** an Ordinance Vacating a Certain Alley Located between the Residences of 512 and 514 West Clinton Street and 508 West Clinton Street Lots 22 and 23 in A.H. Tyler's Third Addition of the City of Napoleon, Henry County, Ohio.
3. **Ordinance No. 013-14** an Ordinance Vacating a Certain Alley located behind 619 South Perry Street Lots 41 and 42 in E.T. Barnes First Addition of the City of Napoleon, Henry County, Ohio.

**K. THIRD READINGS OF ORDINANCES AND RESOLUTIONS - None**

**L. GOOD OF THE CITY (*Discussion/Action*)**

1. **Approval of TIRC Report to City Council**
  - a. Attached is the TIRC's recommendation for the CRA's and also the TIRC March 20, 2014 meeting minutes.
2. **PC 14-04, the Re-Plat of Lot #5 of the MWT Subdivision at 2269 N. Scott St., Napoleon, Ohio (also known as Marco Drive)**
  - a. The documents from the Planning Commission March 11<sup>th</sup> meeting are attached.
3. **Approval of Plans and Specifications for Perry Street Parking Lot**
  - a. The enclosed Memorandum from Chad gives an overview of this project.
4. **Liquor License Application: Miami Valley Pizza Hut, Inc.**
  - a. Enclosed is the *Notice to Legislative Authority* from the Ohio Div. of Liquor Control.
5. **Liquor License Application: Petro 2, American Road LLC**
  - a. Enclosed is the *Notice to Legislative Authority* from the Ohio Div. of Liquor Control.
6. **Review of Annual Renewal of Liquor Permits in the City**
  - a. A listing of all liquor permit holders in the City of Napoleon is attached.
7. **Award of Bid Mini-Excavator**
  - a. Per the enclosed Memorandum from Chad, the recommendation is to award this bid to Buck & Knobby Equipment Company.

8. **Review of Electric Rates** (*Refer to Committee*)
9. **Review of Sewer Rates** (*Refer to Committee*)
10. **Sewer Lateral Costs and Responsibility**
11. **Approval of Job Description for Special Projects Clerk**
  - a. A copy of the job description is enclosed.

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#### **MEETINGS/CANCELLATIONS**

1. AGENDA – **Housing Council** – Monday, April 7<sup>th</sup> @6:30 pm
2. *Cancellation* – **Technology Committee**
3. AGENDA – **Planning Commission** - Tuesday, April 8<sup>th</sup> at 5:00 pm
4. *Cancellation* – **Board of Zoning Appeals**

#### **INFORMATIONAL ITEMS**

1. AMP Update/March 28, 2014
2. OML Legislative Bulletin/April 4, 2014

JAB:rd  
Records Retention  
CM-11 - 2 Years

March 2014							April 2014							May 2014						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
						1		1	2	3	4	5					1	2	3	
2	3	4	5	6	7	8	6	7	8	9	10	11	12	4	5	6	7	8	9	10
9	10	11	12	13	14	15	13	14	15	16	17	18	19	11	12	13	14	15	16	17
16	17	18	19	20	21	22	20	21	22	23	24	25	26	18	19	20	21	22	23	24
23	24	25	26	27	28	29	27	28	29	30				25	26	27	28	29	30	31
30	31																			

 Calendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
30	31	1	2	3	4	5
BISHER - AMP/Phoenix, AZ	5th Monday - No Scheduled Meeting	BISHER - Off PM				
6	7	8	9	10	11	12
	6:30 PM Housing Council Meeting 7:00 PM City COUNCIL Meeting	5:00 PM Planning Commission				
13	14	15	16	17	18	19
	6:30 PM ELECTRIC Committee Board of Public Affairs 7:00 PM WATER/SEWER Committee 7:30 PM Municipal Properties/ED Committee Meeting		AMP - Bisher	AMP - Bisher	HOLIDAY - GOOD FRIDAY/C	
20	21	22	23	24	25	26
	6:15 PM Parks & Rec Committee Mtg. 7:00 PM City COUNCIL Meeting					
27	28	29	30	1	2	3
	6:30 PM Finance & Budget Committee Meeting 7:30 PM Safety & Human Resources Committee Meeting		7:30 AM Bisher's Last Day as City Manager	BISHER - Vacation	BISHER - Vacation	BISHER - Vacation

City of Napoleon, Ohio

## CITY COUNCIL

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

### MEETING AGENDA

Monday, April 7, 2014 at 7:00 pm

- A. **Attendance** *(Noted by the Clerk)*
- B. **Prayer & Pledge of Allegiance**
- C. **Consideration of Appointment of new Councilperson to vacant Council Seat**
- D. **Consideration of Reorganization of Council Committees, as needed**
- E. **Approval of Minutes:** *(In the absence of any objections or corrections, the minutes shall stand approved.)*
  - 1. March 17 Regular Meeting
  - 2. March 24 Special Meeting
- F. **Citizen Communication**
- G. **Reports from Council Committees**
  - 1. **Personnel Committee** met on Saturday, March 22 and discussed:
    - a. Employment of Personnel
  - 2. **Finance & Budget Committee** *(Majority Report)* met on Monday, March 24 and discussed:
    - a. Presentation of First Quarter Budget Adjustments
  - 3. **Safety & Human Resources Committee** did not meet on Monday, March 25 due to lack of agenda items.
  - 4. **Technology & Communication Committee** did not meet on Monday, April 7 due to lack of agenda items.
- H. **Reports from Other Committees, Commissions and Boards** *(Informational Only-Not Read)*
  - 1. **Civil Service Commission** did not meet on Tuesday, March 25 due to lack of agenda items.
  - 2. **Parks & Recreation Board** did not meet on Wednesday, March 26 due to lack of agenda items.
  - 3. **Housing Council** met on Monday, April 7 and discussed:
    - a. Annual Review/Inspection of CRA Premises
- I. **Introduction of New Ordinances and Resolutions**
  - 1. **Legislation No. 017-14**, Legislation amending the Pay Ordinance in regard to the new positions; and declaring an Emergency *(Suspension Requested)*
  - 2. **Ordinance No. 018-14**, an Ordinance appointing Monica S. Irelan, City Manager of Napoleon, Ohio; and declaring an Emergency *(Suspension Requested)*
  - 3. **Ordinance No. 019-14**, an Ordinance supplementing the Annual Appropriation Measure (Supplement No. 1) for the year 2014; and declaring an Emergency *(Suspension Requested)*
  - 4. **Resolution No. 020-14**, 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 2014, listed in Exhibit "A" (Transfer 2); and declaring an Emergency *(Suspension Requested)*
  - 5. **Legislation No. 021-14**, Legislation authorizing changes to the Personnel Code; and declaring an Emergency *(Suspension Requested)*
  - 6. **Legislation No. 022-14**, Legislation authorizing changes to the Employee Manual; and declaring an Emergency *(Suspension Requested)*
  - 7. **Ordinance No. 023-14**, an Ordinance creating the position of Special Projects Clerk; and declaring an Emergency *(Suspension Requested)*
  - 8. **Ordinance No. 024-14**, an Ordinance appointing Dr. Jon A. Bisher as the Special Projects Clerk for the City of Napoleon, Ohio; and declaring an Emergency *(Suspension Requested)*
  - 9. **Legislation No. 025-14**, Legislation authorizing the expenditure of over \$25,000 and authorizing the Sole Source for the repair to the Ritter Park boat ramp; and declaring an Emergency *(Suspension Requested)*
- J. **Second Readings of Ordinances and Resolutions**
  - 1. **Ordinance No. 010-14**, an Ordinance amending Section 931.07 increasing water rates for bulk sales for the years 2014, 2015, and 2016, establishing a weekend testing fee, and increasing fees for testing; and declaring an Emergency
  - 2. **Ordinance No. 012-14**, an Ordinance vacating a certain alley located between the residences of 512 and 514 West Clinton Street and 508 West Clinton Street lots 22 and 23 in A.H. Tyler's Third Addition of the City of Napoleon, Henry County, Ohio
  - 3. **Ordinance No. 013-14**, an Ordinance vacating a certain alley located behind 619 South Perry Street lots 41 and 42 in E.T. Barns First Addition of the City of Napoleon, Henry County, Ohio

**K. Third Readings of Ordinances and Resolutions**

There are no third readings of Ordinances and Resolutions.

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

- 1. Discussion/Action:** Approval of TIRC Report to City Council
- 2. Discussion/Action:** PC 14-04, the Re-Plat of Lot # 5 of the MWT Subdivision at 2269 N. Scott St., Napoleon, Ohio (also known as Marco Drive)
- 3. Discussion/Action:** Approval of Plans, Specifications and Contracts for Perry Street Parking Lot
- 4. Discussion/Action:** Liquor License Application: Miami Valley Pizza Hut, Inc.
- 5. Discussion/Action:** Liquor License Application: Petro 2, American Road LLC
- 6. Discussion/Action:** Review of Annual Renewal of Liquor Permits in the City
- 7. Discussion/Action:** Award of Bid Mini-Excavator
- 8. Discussion/Action:** Review of Electric Rates (*Refer to Committee*)
- 9. Discussion/Action:** Review of Sewer Rates (*Refer to Committee*)
- 10. Discussion/Action:** Sewer Lateral Costs and Responsibility
- 11. Discussion/Action:** Approval of Job Description for Special Projects Clerk

**M. Executive Session:** Compensation of Personnel

**N. 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.*)

**O. Adjournment**

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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 (1<sup>st</sup> Monday)**

*(Next Regular Meeting: Monday, May 5 @ 6:15 pm)*

**2. Electric Committee (2<sup>nd</sup> Monday)**

*(Next Regular Meeting: Monday, April 14 @ 6:30 pm)*

a. Review of Electric Billing Determinants

b. Electric Department Report

**3. Water, Sewer, Refuse, Recycling & Litter Committee (2<sup>nd</sup> Monday)**

*(Next Regular Meeting: Monday, April 14 @ 7:00 pm)*

**4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2<sup>nd</sup> Monday)**

*(Next Regular Meeting: Monday, April 14 @ 7:30 pm)*

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

**5. Parks & Recreation Committee (3<sup>rd</sup> Monday)**

*(Next Regular Meeting: Monday, April 21 @ 6:15 pm)*

**6. Finance & Budget Committee (4<sup>th</sup> Monday)**

*(Next Regular Meeting: Monday, April 28 @ 6:30 pm)*

**7. Safety & Human Resources Committee (4<sup>th</sup> Monday)**

*(Next Meeting: Monday, April 28 @ 7:30 pm)*

2014 Regular Meetings with Townships scheduled for February and November

**8. Personnel Committee (As needed)**

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

**1. Board of Public Affairs (2<sup>nd</sup> Monday)**

*(Next Regular Meeting: Monday, April 14 @ 6:30 pm)*

a. Review of Electric Billing Determinants

b. Electric Department Report

**2. Board of Zoning Appeals (2<sup>nd</sup> Tuesday)**

*(Next Regular Meeting: Tuesday, April 8 @ 4:30 pm)*

**3. Planning Commission (2<sup>nd</sup> Tuesday)**

*(Next Regular Meeting: Tuesday, April 8 @ 5:00 pm)*

**4. Tree Commission (3<sup>rd</sup> Monday)**

*(Next Regular Meeting: Monday, April 21 @ 6:00 pm)*

**5. Civil Service Commission (4<sup>th</sup> Tuesday)**

*(Next Regular Meeting: Tuesday, April 22 @ 4:30 pm)*

**6. Parks & Recreation Board (Last Wednesday)**

*(Next Regular Meeting: Wednesday, April 30 @ 6:30 pm)*

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

*(Next Regular Meeting: Tuesday, May 13 @ 10:30 am)*

**8. Records Commission (2<sup>nd</sup> Tuesday in June & December)**

*(Next Regular Meeting: Tuesday, June 10 @ 4:00 pm)*

**9. Housing Council (1<sup>st</sup> Monday of the month after the TIRC meeting)**

**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)**

**VACANCY APPOINTMENT & COMMITTEE RE-ORGANIZATION (General Guideline and Procedures Outline):**

**> Appointment of Vacancy to Council**

**CHARTER – Section 2.08 Vacancies**

If a vacancy occurs on Council and within thirty (30) days thereafter, those Central Committee members living in the City, from the same political party as the vacated member at the time of his or her election or appointment to Council, may recommend to Council a person to fill the vacancy for the unexpired term. If a person is so recommended, he or she shall not become a Council member unless approved by Council. If no person is so recommended by such Central Committee members or if a person so recommended is not approved by Council, Council may select another replacement within fifteen (15) days. If Council fails to select another replacement within fifteen (15) days, the Mayor shall select a replacement. If the person to be replaced was an independent at the time of his or her election or appointment, the replacement shall be selected by Council; but, if Council fails to select a replacement within thirty (30) days after the vacancy occurs, the Mayor shall select a replacement. If a vacancy date cannot be determined with a reasonable degree of certainty, then the vacancy date shall be as concluded by approved motion of Council.

**CHARTER – Section 2.02 Qualifications**

- (A) Eligibility. No person shall be eligible to be a Council member unless he or she has been a resident and qualified elector of the City for at least one (1) continuous year immediately prior to his or her filing for office or his OR HER appointment. Council members shall continue to be residents and qualified electors of the City during their terms of office. Except as provided by this Charter, no Council member shall hold any other elected public office or employment with the City. For the purpose of this section, "employment with the City" shall mean, employed by the City of Napoleon and being compensated from this Municipal Corporation's Treasury; and, "elected public office" shall mean, "elected public office of this Municipality".
- (B) Judge of Qualifications. Council shall be the sole and final judge of the qualification of its members as well as the sole and final judge in determining if there has been a violation thereof. Any Council member who ceases to possess, or who violates, any of the qualifications set forth in this Section shall forfeit his or her office. The failure of any Council member to maintain these qualifications shall not render void or ineffective any ordinance, resolution or other action of Council taken during the time he or she was not so qualified.

**COUNCIL RULES – 2.2 Votes Necessary For Election Of Officers And Employees**

... No vacancy that council is authorized to fill shall be filled except pursuant to a majority vote of all current members of council. ...

**COUNCIL RULES – 2.3 Roll Call Votes**

Upon the roll call for the election of president and president pro-tem of council, or employee of council, or for filling any vacancy in the membership of council, each member shall respond by stating the name of the candidate of their choice eligible for such office or appointment. Once a response is given by a member, a motion may be made for nomination for appointment or position. If the motion receives a second (2<sup>nd</sup>), said person shall become eligible for such office or position. A vote in the open shall be taken among all current members of council for filling such office or position. Rule 2.2 shall control in determining who is elected.

**AGENDA – Consideration of Appointment of new Councilperson to Vacant Council Seat**

**Procedure & Protocol for Appointment of New Councilperson to Vacant Seat – w/Party Name**

The Clerk of Council shall read the **Name of the Person** recommended to fill the vacancy for the unexpired term by those Central Committee members living in the City, from the same political party as the vacated member at the time of his or her election or appointment to Council.

Name give is a Jeffrey W. Comadoll living at 317 Sheffield Ave., Napoleon, Ohio.

(Council Vacancy – Continued Next Page)

## CITY OF NAPOLEON, OHIO

(Council Vacancy – Continued)

The Council President shall request a motion for the stated name. If a motion (1<sup>st</sup>) is made, a second (2<sup>nd</sup>) will be requested. If a second (2<sup>nd</sup>) is received, then that name will be eligible to be voted on.

Nomination and Vote Order for 04/07/2014:

<u>Council Person</u>	<u>Motions</u>		<u>Vote</u>	
1-Wilson, Heather	1 <sup>st</sup>	2 <sup>nd</sup>	Y	N
2-Ridley, Chris	1 <sup>st</sup>	2 <sup>nd</sup>	Y	N
3-Maassel, Jason	1 <sup>st</sup>	2 <sup>nd</sup>	Y	N
4-Helberg, John	1 <sup>st</sup>	2 <sup>nd</sup>	Y	N
5-Sheaffer, Travis	1 <sup>st</sup>	2 <sup>nd</sup>	Y	N
6-Marihugh, Jeff	1 <sup>st</sup>	2 <sup>nd</sup>	Y	N

Should the Name receive a Simple Majority “Yes” Vote (4 Votes), then that person shall stand Appointed to Fill the Vacant Council Seat. The Mayor shall be requested to administer the Oath of Office to the newly Appointed Councilperson, and that person shall take his/her appropriate seat at Council.

If the Name **DOES NOT** receive a Simple Majority “Yes” Vote (4 Votes), then that Name will stand **Not Approved** by Council. City Council then has fifteen (15) days to select another replacement.

### Procedure & Protocol for Appointment of New Councilperson to Vacant Seat – No/Party Name

The Council President shall request each member of Council, including himself, for a name of a person to fill the **Vacant Council Position**. This shall be asked by first in elected or appointed seniority order (***number of total consecutive years served on City Council from the latest appointment or election date with no break in service***), and then alphabetically by last name order for those with equal number of years.

Once a name is stated by requested Council Person, a motion will be requested for the stated name. If a motion (1<sup>st</sup>) is made, a second (2<sup>nd</sup>) will be requested. If a second (2<sup>nd</sup>) is received, then that name will be eligible to be voted on. The Council President shall proceed to the next member of Council, including himself, until all members have had their opportunity to state a candidate for **Vacant Council Position**.

***SPECIAL NOTE:** The Name(s) given to be voted on must be a qualified elector of the City as Defined in City Charter, Section 2.02 Qualifications. Once a given name is stated and a motion and second received, that given name does not need to be repeated by the next person in line. They may choose to pass.*

A vote shall then be taken on each name given, starting with the first eligible name. Each Council Member will be asked to vote **Yes** or **No** on each name presented. The person receiving a simple majority “Yes” Vote (4 Votes) shall be appointed to the **Vacant Council Position**. In the case of a tie vote, then a new vote shall be taken until one of those persons receives a clear majority vote. If a tie vote cannot be over-ridden, then all such names shall be considered rejected.

(Council Vacancy – Continued Next Page)

## CITY OF NAPOLEON, OHIO

(Council Vacancy – Continued)

Seniority Order Council Person	Nomination NAME for Vacant Council Position	Motions		Vote	
1-Sheaffer, Travis	_____	1 <sup>st</sup> _____	2 <sup>nd</sup> _____	Y _____	N _____
2-Helberg, John	_____	1 <sup>st</sup> _____	2 <sup>nd</sup> _____	Y _____	N _____
3-Ridley, Chris	_____	1 <sup>st</sup> _____	2 <sup>nd</sup> _____	Y _____	N _____
4-Maassel, Jason	_____	1 <sup>st</sup> _____	2 <sup>nd</sup> _____	Y _____	N _____
5-Marihugh, Jeff	_____	1 <sup>st</sup> _____	2 <sup>nd</sup> _____	Y _____	N _____
6-Wilson, Heather	_____	1 <sup>st</sup> _____	2 <sup>nd</sup> _____	Y _____	N _____

Should a Name receive a Simple Majority “Yes” Vote (4 Votes), then that person shall stand Appointed to Fill the Vacant Council Seat. The Mayor shall be requested to administer the Oath of Office to the newly Appointed Councilperson, and that person shall take his/her appropriate seat at Council.

If the Name(s) **DOES NOT** receive a Simple Majority “Yes” Vote (4 Votes), then the Name(s) will stand Not Approved by Council. **If City Council fails to select another replacement within fifteen (15) days, the Mayor shall select a replacement.**

### **> Appointment of Standing Committees of Council**

#### **CHARTER – Section 2.04 President of Council**

(A) Appointment to Standing Committee. The Council President shall select and appoint the standing committees of Council, subject to approval by Council. (*Simple Majority*) ...

#### **CHARTER – Section 2.11 Standing Committees of Council**

The following standing committees of Council are established by this Charter: Finance and Budget; Safety and Human Resources; Electric; Water, Sewer, Refuse, Recycling and Litter; Parks and Recreation; Technology and Communication; and, Municipal Properties, Buildings, Land Use and Economic Development.

Each standing committee shall consist of three (3) Council members. Each Council member shall serve as chairperson of one (1) standing committee and shall serve on two (2) other standing committees. ...

#### **RULE – 3.1 Standing Committees of Council**

The following standing Committees of Council have been established by Charter:

- Rule 3.1.1 Finance And Budget
- Rule 3.1.2 Safety And Human Resources
- Rule 3.1.3 Electric
- Rule 3.1.4 Water, Sewer, Refuse, Recycling And Litter
- Rule 3.1.5 Parks And Recreation
- Rule 3.1.6 Technology And Communication
- Rule 3.1.7 Municipal Properties, Building, Land Use And Economic Development

The council president shall select and appoint the standing committees, subject to approval of council. If council fails to act by January 31st next following the organizational meeting of council, the selections and appointments of the council president shall become effective. Prior to selection or appointment to the standing committees, the council president may allow in an open council meeting for members of council to request committee appointments, first being for the chair thereof. Requests made shall be in accordance with elected or appointed seniority on council (number of total consecutive years served on city council from the latest appointment or election date with no break in service, and then alphabetically by last name order for those with equal number of years). After chair requests are completed, the members in accordance with seniority shall be given the opportunity to select a non-chair position of the standing committees; thereafter, junior members in reverse order shall be allowed to request remaining open seats on the standing committees.

(Council Committees – Continued Next Page)

(Council Committees – Continued)

## **AGENDA – Appointment of Standing Committees of Council**

### **Procedure and Protocol for Appointment of Standing Committees by the President of Council –**

The proposed Appointment of Standing Committees shall be provided by the President of Council.

A motion to approve to the Appointment of Standing Committees will be requested. If a motion (1<sup>st</sup>) is made, a second (2<sup>nd</sup>) will be requested. If a second (2<sup>nd</sup>) is received, then a vote will be taken to approve the Appointment of Standing Committees. If a simple majority is received, four (4), then the Appointment of Standing Committees stands approved.

However, prior to selection or appointment to the standing committees, the council president may allow in an open council meeting for members of council to request committee appointments, first being for the chair thereof. Requests made shall be in accordance with elected or appointed seniority on council (number of total consecutive years served on city council from the latest appointment or election date with no break in service, and then alphabetically by last name order for those with equal number of years). (*Same order as listed for President of Council above.*)

After chair requests are completed, the members in accordance with seniority shall be given the opportunity to select a non-chair position of the standing committees; thereafter, junior members in reverse order shall be allowed to request remaining open seats on the standing committees.

Reverse Seniority and Name Order – <i>Vacant Position</i>	04-07-2014	0 Years
Wilson, Heather	01-01-2014	0+ Years
Marihugh, Jeffrey	01-01-2014	0+ Years
Maassel, Jason	10-01-2012	1+ Years
Ridley, Chris	01-01-2012	2 Years
Helberg, John	06-19-2000	13+ Years
Sheaffer, Travis	01-01-1994	20 Years

Once Committee members are selected, the President of Council should declare appointments made.

*NOTE: Whatever the procedure is allowed by the President of Council, once completed City Council shall approve by motion and vote (simple majority), confirming those appointments.*

**CITY COUNCIL**

**Meeting Minutes**

Monday, March 17, 2014 at 7:00 pm

**PRESENT**

**Council**

**Mayor**

**City Manager**

**Law Director**

**Asst. Finance Director**

**Finance Director/Clerk**

**Recorder**

**City Staff**

**Others**

**ABSENT**

**Council**

**Others**

**Call To Order**

**Minutes Approved**

**Citizen**

**Communication**

**Reports From  
Committees**

John Helberg (President), Jason Maassel (President Pro-Tem), Jeffrey Marihugh, Christopher Ridley, Travis Sheaffer, Heather Wilson

Ronald A. Behm

Dr. Jon A. Bisher

Trevor M. Hayberger

Christine R. Peddicord (left at 7:56 pm)

Gregory J. Heath (arrived at 7:56 pm)

Tammy Fein

Scott Hoover, Water Treatment Plant Superintendent

Chad Lulfs, City Engineer

Jeff Rathge, Operations Superintendent

Dan Wachtman, MIS Administrator

Robert Weitzel, Police Chief

News Media; NCTV, Jake Adams, MWA Enterprises Manager; Jeff Comadoll; Vic Holcomb; Fred Lord, Patrick McColley; Rob McColley, CIC Director

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

Minutes of the March 3 Council meeting stand approved with the following correction:

Page four (4) listed under Discussion/Action: Review of Note Bids on new Water Plant; 'P & C Bank' should read 'PNC Bank'.

None

The Personnel Committee met on March 5, March 10, March 11, and March 12, and discussed:

1. Review of City Manager applications

Committee member Maassel reported that the Electric Committee met on Monday, March 10 and recommended:

1. Approval of a self-funded rate levelization for City customers, using Electric Revenue Fund Reserves in the amount of \$115,798.74, to offset higher supply costs caused by extreme weather conditions in January 2014
2. Approval of electric billing determinants

The Water, Sewer, Refuse, Recycling and Litter Committee did not meet on Monday, March 10 due to lack of agenda items.

The Municipal Properties, Buildings, Land Use and Economic Development Committee did not meet on Monday, March 10 due to lack of agenda items.

The Parks and Recreation Committee did not meet on Monday, March 17 due to lack

**Introduction Of  
Ordinance No. 010-14**

of agenda items.

President Helberg read by title Ordinance No. 010-14, An Ordinance amending Section 931.07 increasing water rates for bulk sales for the years 2014, 2015, and 2016, establishing a weekend testing fee, and increasing fees for testing; and declaring an Emergency

**Motion To Approve  
First Read**

Motion: Maassel Second: Sheaffer  
To approve first read of Ordinance No. 010-14

**Discussion**

Marihugh asked why this Ordinance was declared an Emergency and Suspension was requested; Hayberger replied that neither were required, merely requested. Bisher stated that this Ordinance refers to rate changes and although this Ordinance will not impact a large number of residents, it requires as much opportunity as possible for citizens to speak on it as has been done with rate legislation in the past.

Ridley noticed that the Ordinance stated, under the first Whereas, that the 'Water and Sewer Committee of Council in a regular Council meeting held on March 10, 2014 reviewed . . .'; adding as the Chair of the Water and Sewer Committee that they did not meet on March 10, 2014, and this was solely the Board of Public Affairs' recommendation.

Hayberger stated that previous legislation was passed on regular rates, this Ordinance is to add the bulk water rate increase of three percent (3%), and this Ordinance will increase testing rates and adding \$100 for weekend testing rates.

**Hayberger Will Bring  
An Amended Version  
of Ordinance No. 010-  
14 For The Second  
Read**

Hayberger will bring an amended version of the Ordinance, deleting the 'Water and Sewer Committee' line, for the Second Read.

Vic Holcomb asked Council to define bulk water sales and the customers involved; Bisher gave examples of customers buying bulk water as farmers who buy the water to fill a pond, and construction projects buying truckloads of water. Lulfs added that bulk water is purchased at the Water Plant not through the water distribution system. Holcomb asked if the price varied based on the amount purchased; Bisher replied no, this water purchase is not like the ascending/descending block rate that is used in the distribution system; adding that the block system requires hundreds of thousands of gallons used before the block is changed, and bulk water is purchased by the truckload. Holcomb asked if this would impact residents; Helberg replied only if they have a swimming pool to fill; Bisher added if the City did not sell the bulk water it would impact residents because rates would increase.

Holcomb asked if the Fund was presently sound; Bisher replied that each Enterprise Fund is run like separate businesses, and are not allowed to be in the red; adding the Fund is sound and the carryover is reviewed annually. Bisher stated that increasing expenses will deplete the Fund balance and this is why it is reviewed annually. Holcomb asked if Council was anticipating this Fund to change; Bisher replied yes, expenses increase yearly including modest personnel increases of approximately two percent (2%) each year, and chemical costs increase from one percent (1%) to three percent (3%) per year, so rates must be adjusted to cover these increases. Bisher added that combining with the County for a centralized Water Plant will help to

stabilize this Fund. Hoover added that the bulk water cost is \$7.71/1,000 gallons purchased. Hoover stated that when the rates were previously approved, the bulk water rate was missed, and this Ordinance will catch the bulk water rate up to the other rates.

Holcomb asked what the surplus in the Water Fund was used for; Helberg replied it is used to keep the rates as low and level as possible; adding that the funds must stay in this Fund and cannot be used for other funds. Bisher explained that this is by law for all Enterprise Funds, however, the Waste Water Fund is used to fund continual findings and orders defined by the EPA, giving the example of the Equalization Basin that was required to be built which was an \$8 million project which had to be debt serviced; the debt service on that amount must be serviced out of the Waste Water Fund.

Helberg stated that if this Ordinance is not passed under Emergency and Suspension, the rates will not be effective for the beginning of the Summer, when the hauled water is at an increased amount; Bisher agreed. Helberg suggested leaving the Emergency Clause on the Ordinance but not passing under Suspension; Hayberger stated this has been done in the past; there were no objections from Council.

Marihugh asked Hayberger to make sure that hydrant meter sales were covered by this Ordinance also.

**Motion To Amend  
Ordinance No. 010-14**

Motion: Ridley Second: Maassel  
To amend Ordinance No. 010-14, deleting under the first Whereas, the 'Water and Sewer Committee of Council in a regular Council meeting held on March 10, 2014 reviewed . . .'

**Passed**  
**Yea- 6**  
**Nay- 0**

Roll call vote to amend of Ordinance No. 010-14  
Yea- Sheaffer, Marihugh, Wilson, Ridley, Maassel, Helberg  
Nay-

**Passed**  
**Yea- 6**  
**Nay- 0**

Roll call vote on approving First Read as amended:  
Yea- Sheaffer, Marihugh, Wilson, Ridley, Maassel, Helberg  
Nay-

**Introduction Of  
Ordinance No. 011-14**

President Helberg read by title Ordinance No. 011-14, an Ordinance of Napoleon City Council establishing a zoning classification for territory containing 55.062 acres of land more or less, in the City of Napoleon; and declaring an Emergency

**Motion To Approve  
First Read**

Motion: Ridley Second: Maassel  
To approve first read of Ordinance No. 011-14

**Discussion**

Behm reported a Resolution accepting this Annexation was approved on January 20, 2014 by Napoleon City Council. Section 1125.05 states: Until such zone district properly established, the zone district shall default to that designation assigned to the largest lot which is located in the City which the territory is attached. The largest lot is zoned C-4, this is the existing High School across Westmoreland Ave., so this new territory defaults to a C-4 Zone. A public school is permissible in a C-4 Zone and this zone would accommodate other commercial growth that may develop in that area. It is the recommendation of City Staff that the Official Zone Map is amended to show this annexed property in a C-4 Zone.

## Motion To Suspend The Rules

**Passed**  
**Yea- 6**  
**Nay- 0**

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

**Passed**  
**Yea- 6**  
**Nay- 0**

Roll call vote to pass Ordinance No. 011-14 under suspension of the rules  
Yea- Sheaffer, Marihugh, Wilson, Ridley, Maassel, Helberg  
Nay-

President Helberg read by title Ordinance No. 012-14, an Ordinance vacating a certain alley located between the residences of 512 and 514 West Clinton Street and 508 West Clinton Street lots 22 and 23 in A.H. Tyler's Third Addition of the City of Napoleon, Henry County, Ohio

Motion: Sheaffer Second: Maassel  
To approve first read of Ordinance No. 012-14

Behm reported Milton Hahn is requesting the city vacate a certain alley located between the residences of 512 & 514 W. Clinton and 508 W. Clinton, Lots 22 & 23 in A.H. Tyler's Third Addition of the City of Napoleon, adding that Hahn owns both properties that touch this alley, and all City Departments have reviewed and verified that this alley is not used for any utilities and has no public purpose.

Helberg asked how many reads this Ordinance would need; Bisher replied that normally if Council takes no action then the process is complete, but in this case the City is abandoning property so a simple motion is required. Hayberger added there is no Emergency Clause or Suspension requested; Bisher added that the owner is selling this property, and if a Suspension is required, it will be requested at the next reading.

## Passed

## Council Meeting Minutes

Yea- Sheaffer, Marihugh, Wilson, Ridley, Maassel, Helberg  
Nay-

President Helberg read by title Ordinance No. 013-14, an Ordinance vacating a certain alley located behind 619 South Perry Street lots 41 and 42 in E.T. Barns First Addition of the City of Napoleon, Henry County, Ohio

Motion: Ridley                                  Second: Maassel  
To approve first read of Ordinance No. 013-14

Behm reported Marge Bostelman is requesting the city vacate a certain alley located behind 619 S. Perry (Quilters Hideaway) Lots 41 & 42 in E.T. Barns First Addition of the City of Napoleon, adding that Marge and Ted Bostelman own both properties that touch this alley. The existing alley is 16.5 feet wide and does have overhead electric lines and poles in it. The property owner granted to the City of Napoleon an easement that offsets between the buildings so we can service the electric and have room to install a City sewer at a later date. With the easement in place, all City Departments have reviewed and verified that this alley has no public purpose.

Bisher stated there is currently a building in the utility easement, stating that the Planning Commission plan is to jog the utility easement away from the alley due to the building; this easement will be required for Findings and Orders to put in a sewer. Bisher added this will be a benefit to the City as well as to the owners. Marihugh asked if there was already a City owned sewer line in this alley; Lulfs replied yes and there is a utility easement for both the sanitary sewer and electric lines. Marihugh asked if 16 ½ feet would be enough for access; Lulfs replied yes.

Roll call vote to approve first read of Ordinance No. 013-14  
Yea- Sheaffer, Marihugh, Wilson, Ridley, Maassel, Helberg  
Nay-

Bisher brought forth discussion regarding PC 14-04, First Federal Re-plat, also known as Marco Drive.

Helberg referred the issue of First Federal Re-plat also known as Marco Drive to the April 7 regular Council meeting.

President Helberg read by title Resolution No. 014-14, a Resolution to approve and consent to the assignment of the Community Reinvestment Area Agreement from MMD&H Holdings, LLC to MWA Enterprises, LTD; and declaring an Emergency

Motion: Sheaffer                      Second: Ridley  
To approve first read of Resolution No. 014-14

Rob McColley, CIC Director, stated that this is a tax abatement agreement and is an incentive for businesses to reinvest in the City; the property discussed in this Agreement is the Petro Truck Stop. McColley stated MMD&H was the original developer and executed an agreement in late 2004 for a project that was to be

completed in 2005 and real estate taxes paid in 2006. McColley stated this agreement was a ten (10) year term plan and the last payment will be received in 2016; ownership of the property has transferred from MMD&H Holdings to MWA, and this Resolution is a consent to the assignment of the agreement. McColley added that this has always been paid in full and on time, and this Resolution is required merely for accounting purposes. Jake Adams, MWA Enterprises Manager, was present and available for questions; McColley recommends passing the Resolution. Adams added that one (1) of the original owners from MMD&H is still an owner under MWA; there are less owners now than there were before.

**Motion To Suspend  
The Rules  
Passed  
Yea- 6  
Nay- 0**

Motion: Sheaffer                      Second: Marihugh  
To suspend the rules requiring three readings  
Roll call vote on above motion:  
Yea- Sheaffer, Marihugh, Wilson, Ridley, Maassel, Helberg  
Nay-

**Passed  
Yea- 6  
Nay- 0**

Roll call vote to pass Resolution No. 014-14 under suspension of the rules  
Yea- Sheaffer, Marihugh, Wilson, Ridley, Maassel, Helberg  
Nay-

**Introduction Of  
Resolution 015-14**

President Helberg read by title Resolution No. 015-14, a Resolution authorizing Dr. Jon A. Bisher to represent the City of Napoleon, Ohio as a member of the Board of Trustees of American Municipal Power-Ohio Inc. and making the City Manager an alternate; repealing Resolution No. 044-04, and declaring an Emergency

**Motion To Approve  
First Read**

Motion: Ridley                      Second: Sheaffer  
To approve first read of Resolution No. 015-14

**Discussion**

Bisher stated that the City owns the seat on the AMP Board of Trustees, and sends a delegate by name; the City Manager was the primary delegate with the Electric Superintendent being the alternate, this Resolution will allow Bisher to be the primary delegate continuing after his retirement from the City Manager position, with the incoming City Manager being the alternate. Bisher added that this Resolution can be amended at any time.

**Motion To Suspend  
The Rules**

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

**Passed  
Yea- 6  
Nay- 0**

Roll call vote on above motion:  
Yea- Sheaffer, Marihugh, Wilson, Ridley, Maassel, Helberg  
Nay-

**Passed  
Yea- 6  
Nay- 0**

Roll call vote to pass Resolution No. 015-14 under suspension of the rules  
Yea- Sheaffer, Marihugh, Wilson, Ridley, Maassel, Helberg  
Nay-

**Introduction Of  
Resolution 016-14**

President Helberg read by title Resolution No. 016-14, a Resolution authorizing the City Manager to enter into a contract for the purchase of Sodium Chloride in cooperation with ODOT; and declaring an Emergency

**Motion To Approve  
First Read**

Motion: Ridley                      Second: Maassel  
To approve first read of Resolution No. 016-14

**Discussion**

Bisher stated that the City's bid for salt must be in by April 8; Lulfs was recently

notified about getting on the State bidding program; the bids are due April 8. Lulfs stated there is a Summer bid and a Winter bid and if the State receives no bids from this region for Summer bids, then there will be a two (2) week window in which the City can adjust the Winter bid. Lulfs stated this Resolution is to allow the City to enter this State program.

Rathge stated that the City is not out of salt, however they supply is very low.

**Motion To Suspend  
The Rules**

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

**Passed**  
**Yea- 6**  
**Nay- 0**

Roll call vote on above motion:  
Yea- Sheaffer, Marihugh, Wilson, Ridley, Maassel, Helberg  
Nay-

**Passed**  
**Yea- 6**  
**Nay- 0**

Roll call vote to pass Resolution No. 016-14 under suspension of the rules  
Yea- Sheaffer, Marihugh, Wilson, Ridley, Maassel, Helberg  
Nay-

**No 2<sup>nd</sup> Or 3<sup>rd</sup> Readings**

There were no second or third readings of Ordinances and Resolutions.

**GOOD OF THE CITY**

**Discussion/Action**

**Approval Of A Self-  
Funded Rate  
Levelization For City  
Customers, Using  
Electric Revenue  
Fund Reserves In The  
Amount Of  
\$115,798.74, To Offset  
Higher Supply Costs  
Caused By Extreme  
Weather Conditions In  
January 2014**

Bisher explained that the power markets had an upswing of up to 85%; AMP created a three (3), six (6) or longer if necessary month program to offset the increased costs; Bisher and Heath discussed this option and concluded that self-funding this rate levelization will eliminate the interest charge that would be paid to AMP if that program was used. Bisher stated that the City's increase was approximately ten percent (10%) higher than December 2012, and the natural gas plant at Fremont helped in leveling the increase to that rate.

Bisher stated that AMP bid into the market and the bid was accepted, but because of congestion on the transmission lines in January AMP was not allowed to run; however, since AMP bid into the market, AMP was paid as though AMP was running even though it was not. Bisher recommends self-funding this rate levelization and not paying the \$115,798.74 back to the Fund.

Helberg asked if this amount was already included in the March billing determinants; Bisher replied yes. Helberg stated that this amount will eventually get paid back through the natural course of business, and asked how long it would typically take to build the reserves back up by the stated amount; Bisher replied approximately three (3) to six (6) months.

Holcomb asked Bisher to define congestion; Bisher explained that it was the congestion in January that caused the rates to increase. Holcomb asked if this was due to an increase in usage; Bisher replied no, explaining that resources are bid into an unregulated market, and pay that rate, and the energy costs increased. Holcomb asked if the City could tell AMP that the increased amount of \$115,798.74 was due to factors beyond the control of the City; Bisher replied that this cost could be passed through to the customers but the residents already have an increased utility bill due to the colder weather, and to help the customers the City is trying not to add any additional cost on the customer; Helberg added that the City cannot tell AMP that this is not the City's responsibility due to the wording of the contracts.

**Motion To Accept  
BOPA  
Recommendation To  
Approve A Self-  
Funded Rate  
Levelization For City  
Customers, Using  
Electric Revenue  
Fund Reserves In The  
Amount Of  
\$115,798.74, To Offset  
Higher Supply Costs  
Caused By Extreme  
Weather Conditions In  
January 2014**

**Passed  
Yea- 6  
Nay- 0**

**Motion To Approve  
Billing Determinants**

**Passed  
Yea- 6  
Nay- 0**

**Approval Of  
Plans/Specifications  
For Northcrest Circle  
Improvements Project  
(CDBG Project)**

Motion: Maassel Second: Wilson  
To accept BOPA recommendation to approve a Self-Funded Rate Levelization for City customers, using Electric Revenue Fund Reserves in the amount of \$115,798.74, to offset higher supply costs caused by extreme weather conditions in January 2014

Roll call vote on above motion:  
Yea- Sheaffer, Marihugh, Wilson, Ridley, Maassel, Helberg  
Nay-

Motion: Maassel Second: Sheaffer  
To accept the recommendation for approval of March electric billing determinants as follows:  
Generation Charge: Residential @ \$0.08563; Commercial @ \$0.10566; Large Power @ \$0.05995; Industrial @ \$0.05995; Demand Charge Large Power @ \$12.57; Industrial @ \$13.63; JV Purchased Cost: JV2 @ \$0.05452; JV5 @ \$0.05452

Roll call vote on above motion:  
Yea- Sheaffer, Marihugh, Wilson, Ridley, Maassel, Helberg  
Nay-

Lulfs stated the plans and specifications have been completed to start the bidding process for the project, adding this is the CDBG Project for the year and will go before the County Commissioners tomorrow morning, handled through Maumee Valley Planning Commission; Lulfs added this project was budgeted at \$385,000, the project has an estimated cost of \$375,000, and the CDBG Grant is available in the amount of \$30,000.

Helberg stated that he did not see the opportunity for alternate bids in the specifications for full depth reclamation; Lulfs stated this is the same process used for the Scott Street Project, bid with traditional construction methods and reviewed for cost saving benefits.

Helberg stated he heard of a process that was full depth with full access to residential driveways except for the day of the process; Lulfs stated that this process was researched, and a similar method was used on Scott Street; Lulfs spoke to the firm that does this process and discussed bidding the project with traditional construction methods and if the successful contractor wants to present the alternate bid as a cost savings method to the City, Lulfs will review the bid at that time for a cost saving benefit. Lulfs stated handling the bidding in this way allows for all contractors to bid on a level basis; Lulfs added in the past that the alternate bid was entered as a Change Order to the original bid.

Helberg stated that he was told of a process to do the full depth reclamation with the only limit on resident access to the driveway is the day of the process. Lulfs stated a

similar, stabilized process was used on Scott Street and access to driveways was not full; Lulfs added that steps are being taken to allow access to residents as close to their driveways as possible during this project. Helberg believes this would be the best time to use the base bid process and allow this as an alternate bid, which would still allow for a level bidding field; Lulfs will research this.

Marihugh asked what standards the road was built to as the curbs are sinking; Lulfs stated that soil borings are not generally done on smaller residential streets because the typical section allows for changes in soil types; generally there is approximately four (4) inches of asphalt on approximately four (4) to six (6) inches of stone. Marihugh asked if this justifies full depth reclamation; Helberg replied this is the process they have been using in the City of Toledo, and claim to have reported a forty percent (40%) decrease in project cost using the alternative method. Lulfs stated there are utilities in the street, and there will be trenches dug that will not be allowable to be driven on.

Lulfs reminded Council that the possible forty percent (40%) savings would not be off Lulfs' estimate, but the savings may be off a portion of the road at cost; Lulfs stated if there was a savings, he would estimate it to be approximately \$15,000 - \$20,000. Helberg added that there is also a convenience factor of resident access as well.

Sheaffer stated the alternative process is worth researching; Marihugh added he would prefer it be researched before the bidding started, as he is not comfortable with Change Orders. Helberg added that even if the savings were used toward Engineering costs, it would be worth it to break even and still have the convenience factor.

Marihugh asked if the \$30,000 CDBG Grant would be lost due to missing timelines; Lulfs stated no, the deadline for the CDBG Grant is December 31, 2014. Lulfs stated the only issue may be that the County is bidding this project and awards the project; Lulfs will contact Maumee Valley Planning to see if the project can be pulled from the newspaper. Lulfs stated that even though he brings this before Council for approval, the project is approved by the County to go out to bid. Helberg asked if, instead of pulling the project, Lulfs could issue an addendum to the project; Lulfs will research this.

**Motion To Approve  
Plans/Specifications  
For Northcrest Circle  
Improvements  
Project With The  
Requirement That  
Lulfs Review  
Alternate Bids**

Motion: Sheaffer Second: Maassel  
To approve plans/specification for Northcrest Circle Improvements Project with the requirement that Lulfs review alternate bids

**Passed**  
**Yea- 6**  
**Nay- 0**

Roll call vote on above motion:  
Yea- Sheaffer, Marihugh, Wilson, Ridley, Maassel, Helberg  
Nay-

**Approval Of  
Professional Services  
Contract With Stantec  
Consulting For**

Lulfs stated this is the project that was approved to be sole sourced; Long Term Control Plan Projects 22, 23, and 25, and these projects will finish the I/I Studies outlined in the Long Term Control Plan; adding that these services were budgeted at \$425,000 but Lulfs negotiated the final cost down to \$399,500.



Helberg

## Maassel

## Ridley

**Wilson**

## Heath

## Helberg Referred Presentation Of First Quarter Budget Adjustments To Finance & Budget Committee

## Motion To Go Into Executive Session: Collective Bargaining

**Passed**  
**Yea- 6**  
**Nay- 0**

## Into Executive Session

## Motion To Come Out Of Executive Session: Collective Bargaining

## Passed

4/4/2014

Yea- Sheaffer, Marihugh, Wilson, Ridley, Maassel, Helberg  
Nay-

Council came out of Executive Session at 9:31 pm. President Helberg reported that the discussion was regarding collective bargaining; no action was taken.

Motion: Maassel                      Second: Ridley  
To go into Executive Session to discuss employment of personnel

Roll call vote on above motion:  
Yea- Sheaffer, Marihugh, Wilson, Ridley, Maassel, Helberg  
Nay-

Council went into Executive Session at 9:32 pm

Motion: Maassel                      Second: Ridley  
To come out of Executive Session discussing employment of personnel

Roll call vote on above motion:  
Yea- Sheaffer, Marihugh, Wilson, Ridley, Maassel, Helberg  
Nay-

Council came out of Executive Session at 10:13 pm. President Helberg reported that the discussion was regarding the employment of personnel; no action was taken.

Helberg requested a Special Council meeting on Monday, March 24 at 7:30 pm with the following agenda items:

1. Expect to Receive Democratic Party Nomination for vacant City Council Seat
2. Executive Session for Employment of Personnel

Bills and financial reports stand approved as presented with no objections.

[illegible]

Roll call vote on above motion:  
Yea- Sheaffer, Marihugh, Wilson, Ridley, Maassel, Helberg  
Nay-

Meeting adjourned at 10:17 pm.

John A. Helberg, Council President

Ronald A. Behm, Mayor

Gregory J. Heath, Finance Director/Clerk of Council

City of Napoleon, Ohio

**CITY COUNCIL**

**Special Meeting Minutes**

Monday, March 24, 2014 at 7:30 pm

**PRESENT**

**Council**

**Mayor**

**Acting City Manager**

**Law Director**

**Finance Director/Clerk**

**Recorder**

**City Staff**

**Others**

**ABSENT**

**Council**

**Others**

**Call To Order**

**Approval Of  
Plans/Specifications:  
Cleaning Lime Sludge  
Lagoon**

**Motion To Approve  
Plans/Specifications:  
Cleaning Lime Sludge  
Lagoon**

**Passed**

**Yea- 6**

**Nay- 0**

**Receipt Of Democratic  
Party Nomination For  
Vacant City Council  
Seat**

**No Action Was Taken**

**Helberg Referred  
Discussion On  
Democratic Nomination  
To April 7 Council**

John Helberg (President), Jason Maassel (President Pro-Tem), Jeffrey Marihugh, Christopher Ridley, Travis Sheaffer, Heather Wilson  
Ronald A. Behm  
Chad E. Lulfs  
Trevor M. Hayberger  
Gregory J. Heath  
Tammy Fein  
Robert Weitzel, Police Chief; Morgan McCoy, HR Director; Scott Hoover, Water Treatment Plant Superintendent  
News Media, Jeffrey Comadoll

President Helberg called the meeting to order at 7:30 pm.

Hayberger distributed a memo from Water Treatment Plant Superintendent Scott Hoover regarding bidding of the lime sludge lagoon cleaning; see attached. Hayberger stated this project is completed annually and is already listed in the Master Bid Ordinance and no further legislation is needed.

Hoover added that this project is now bid by the cubic foot and by the gallon, and the winning bidder will be billed for water used from the hydrant to complete the project; both of these additions are changes from the previous year due to the increase in cost.

Motion: Sheaffer Second: Wilson  
To approve the plans/specifications for cleaning of the lime sludge lagoon

Roll call vote on above motion:  
Yea- Marihugh, Wilson, Ridley, Maassel, Helberg, Sheaffer  
Nay-

Heath distributed a letter received from the Democratic Party Central Committee, nominating Jeffrey W. Comadoll for the vacant City Council seat; see attached.

Heath reminded Council that the Charter stated if Council does not accept this name, Council has fifteen (15) days to recommend a name to fill the vacancy.

No action was taken on the nomination.

Helberg referred discussion on the Democratic Party nomination to the April 7 Council regular meeting.

## Meeting

### **Motion To Go Into Executive Session**

Motion: Maassel Second: Ridley  
To go into Executive Session to discuss the employment of personnel; McCoy, Hayberger, and Heath were invited to attend the Executive Session.

**Passed**  
**Yea- 6**  
**Nay- 0**

Roll call vote on above motion:  
Yea- Marihugh, Wilson, Ridley, Maassel, Helberg, Sheaffer  
Nay-

### **Into Executive Session**

The Committee went into Executive Session at 7:36 pm.

### **Motion To Come Out Of Executive Session**

Motion: Sheaffer Second: Wilson  
To come out of Executive Session

**Passed**  
**Yea- 6**  
**Nay- 0**

Roll call vote on above motion:  
Yea- Marihugh, Wilson, Ridley, Maassel, Helberg, Sheaffer  
Nay-

### **Out of Executive Session**

The Committee came out of Executive Session at 9:40 pm. Helberg reported that the Executive Session was held to discuss the employment of personnel; no action was taken.

### **Mayor Behm's Report**

Mayor Behm read into record a written statement regarding the hiring of a City Manager; see attached.

Behm stated the Personnel Committee recommends that Council hire Monica Ireland as fulltime Assistant City Manager beginning April 14, 2014 through April 30, 2014, with the position then becoming City Manager on May 1, 2014.

### **Motion To Accept Behm's Report: Personnel Committee's Recommendation Of Hiring Monica Ireland As Assistant City Manager April 14, 2014 Through April 30, 2014, With The Position Becoming City Manager As Of May 1, 2014**

Motion: Marihugh Second: Sheaffer  
To accept Behm's statement regarding the Personnel Committee's recommendation of hiring Monica Ireland as Assistant City Manager beginning April 14, 2014 through April 30, 2014, with the position becoming City Manager as of May 1, 2014

**Passed**  
**Yea- 6**  
**Nay- 0**

Roll call vote on above motion:  
Yea- Marihugh, Wilson, Ridley, Maassel, Helberg, Sheaffer  
Nay-

### **Motion To Direct The Law Director To Draft Appropriate Legislation And Pay**

Motion: Maassel Second: Ridley  
To direct the Law Director to draft appropriate Legislation and Pay Ordinance regarding the appointment of the new City Manager

**Passed**  
**Yea- 6**  
**Nay- 0**

Roll call vote on above motion:  
Yea- Marihugh, Wilson, Ridley, Maassel, Helberg, Sheaffer  
Nay-

## Motion To Adjourn

[illegible]

**Passed**  
**Yea- 6**  
**Nay- 0**

Roll call vote on above motion:  
Yea- Marihugh, Wilson, Ridley, Maassel, Helberg, Sheaffer  
Nay-

## Adjournment

Meeting adjourned at 9:47 pm.

**Approved:**

John A. Helberg, Council President

Ronald A. Behm, Mayor

Gregory J. Heath, Finance Director/Clerk of Council

## **ORDINANCE NO. 017-14**

### **AN ORDINANCE AMENDING ORDINANCE 001-14 TO ESTABLISH TWO NEW POSITIONS, ASSISTANT CITY MANAGER AND SPECIAL PROJECTS CLERK, AND AMENDING THE PAY PLAN FOR THE CITY MANAGER; AND DECLARING AN EMERGENCY**

**WHEREAS**, Council desires to create two new positions those being, Assistant City Manager and Special Projects Clerk, and so desires to set their pay; and,

**WHEREAS**, Council desires to set the incoming City Manager's pay, as of May 1, 2014;

**WHEREAS**, to achieve the above stated goals Council now desires to amend Ordinance No. 001-14 to establish an amended Classification Pay Plan for its non-bargaining employees; Now Therefore,

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

Section 1. That, notwithstanding any Ordinance or Resolution to the contrary, the City of Napoleon, Ohio, (the "City") establishes a new Position Classification Pay Plan for its non-bargaining municipal employees.

Section 2. That, effective with the first pay period for the Year 2014, that commences on or about December 23, 2013, the pay scale (steps) for this City's non-bargaining hourly paid employees (full time) shall be leveled, unless modified, as provided in the table found in Exhibit "A", which is attached and incorporated herein, (expressed in base hourly amounts). Subject to the provisions of this City's Personnel Code, the Employment Policy Manual PM2001-1, and §3 of this Ordinance, the Department Director (Appointing Authority) may place any employee affected by this Ordinance at the level of compensation the Department Director deems appropriate as listed in said Exhibit "A".

Section 3. That, effective with the first pay period for the Year 2014, that commences on or about December 23, 2013, each non-bargaining employee (full time regular) (hourly) holding such a position, subject to Employment Policy Manual PM2001-1 Policy §8.10 (compensation reviews), is eligible on such employee's annual hiring anniversary date of uninterrupted full time service with this City, to be advanced one (1) step in the pay plan until the maximum step is reached. The non-bargaining employee's (full time regular) (hourly) step location prior to advancement in this "New Pay Plan" shall be determined by contrasting employee's base hourly rate said employee received prior to the enactment of this Ordinance with the table found in Exhibit A of this Ordinance for the respective year. For new hires the Appointing Authority may place an employee within the scale where the Appointing Authority deems appropriate considering merit and fitness. Nothing in this Section shall be construed to prohibit a decrease in pay. Step increases for transfer employees shall be in accordance with §197.09(e) of the Personnel Code. A mere reclassification of a current position, where job duties are substantially the same, does not constitute a transfer. Notwithstanding any other provision of this Pay Plan, the Zoning Administrator shall receive a bonus to be pro-rated over the calendar year of *Five Hundred (\$500.00) Dollars* for each certification

he or she holds, as follows: an Ohio Residential Building Official; Ohio Residential Plumbing Inspector; and, Ohio Electrical Safety Inspector. Notwithstanding any other provision of this Pay Plan, the Assistant Chief of the Fire/Rescue Department shall receive a bonus to be pro-rated over the calendar year of *Two Thousand (\$2,000.00) Dollars* for Ohio paramedic certification and services related thereto. Notwithstanding any other provision of this Pay Plan, the Staff Engineer of the City's Engineering Department shall receive an additional *One (\$1.00) Dollar* per hour over and above the established base hourly rate upon successful passage of examinations as administered by the National Council of Examiners for Engineering and Surveying (NCEES), except for the Professional Engineer license (in Ohio) which shall be an increase of *Two (\$2.00) Dollars* per hour over and above the established base hourly rate upon attainment thereof.

Section 4. That, effective with the first pay period for the Year 2014, that commences on or about December 23, 2013, the Pay Scale for non bargaining employee (salaried) (full time) positions of this City, not covered or otherwise exempt under the Fair Labor Standard Act (FLSA) as it relates to overtime, shall be leveled, unless modified, as provided in the table found in Exhibit "B", attached and incorporated herein, (expressed in base biweekly salary amounts). Subject to the provisions of this City's Personnel Code, the Employment Policy Manual PM2001-1, and §5 of this Ordinance, the Department Director (Appointing Authority) may place any employee affected by this Ordinance at the level the Department Director deems appropriate as listed in said Exhibit "B". ***THE POSITION OF ASSISTANT CITY MANAGER IS HEREBY CREATED AND THE PAY IS SET AS EXPRESSED IN EXHIBIT "B".***

Section 5. That, effective with the first pay period for the Year 2014, that commences on or about December 23, 2013, each non bargaining employee (salaried) (full time) position of this City as defined in §4 of this Ordinance, is eligible to have a minimum salary increase of 1.5% for Year 2014, subject to Employment Policy Manual PM2001-1 Policy §8.10 (compensation reviews), calculated from what the employee is making at the time just prior to the proposed increase period. In no event shall any increase place the employee above the top scale as established in §4 of this Ordinance. For new hires or current employees the Department Director (Appointing Authority) may place an employee, at anytime, within the scale where the Department Director deems appropriate considering merit and fitness. Nothing in this Section shall be construed to prohibit a decrease in pay. Notwithstanding the above, the Public Works Director, in addition to the bi-weekly salary and any longevity received by the City Engineer, there shall be the bi-weekly amount of three hundred eighty-four dollars and 62/100 (\$384.62).

Section 6. That, effective with the first pay period for the Year 2014, that commences on or about December 23, 2013, the pay scale for non bargaining employee (salaried) (full time) positions of this City, defined as non-exempt under the Fair Labor Standard Act (FLSA) as it relates to overtime, shall be leveled, unless modified, as provided in the table found in Exhibit "C", attached and incorporated herein, (expressed in base biweekly salary amounts). Subject to the provisions of this City's Personnel Code, the Employment Policy Manual PM2001-1 and §7 of this Ordinance, the Department Director (Appointing Authority) may place any employee affected by this Ordinance at the level the Department Director deems appropriate. Notwithstanding any ordinance, resolution, provision of this City's Personnel Code or policy to the contrary, any overtime as it relates to non-exempt salaried employees as found in this §6 shall be calculated on a 40 hour work week and not an 8 hour day. In the case of the Chief

Probation Officer, level placement shall be controlled by Section 14 of this Ordinance and subject to the provisions found in Section 14; moreover, flexible time shall be permitted at the discretion of the Municipal Court Judge as it relates to the Chief Probation Officer; finally, the Chief Probation Officer shall not accrue overtime without the express consent of the Municipal Court Judge.

Section 7. That, effective with the first pay period for the Year 2014, that commences on or about December 23, 2013, each non bargaining employee (salaried) (full time) positions of this City, defined as non-exempt under the Fair Labor Standard Act (FLSA) as it relates to overtime and as found in §6 of this Ordinance, is eligible to have a minimum salary increase of 1.5% for Year 2014, subject to Employment Policy Manual PM2001-1 Policy §8.10 (compensation reviews), calculated from what the employee is making at the time just prior to the proposed increase period; however, in no event shall any increase place the employee above the top scale as established in §6 of this Ordinance. For new hires or current employees the Department Director (Appointing Authority) may place an employee, at anytime, within the scale where the Department Director deems appropriate considering merit and fitness. Nothing in this Section shall be construed to prohibit a decrease in pay.

Section 8. That, effective with the first pay period of the Year 2014, that commences on or about December 23, 2013, the pay scale (steps) for part time, permanent part time and temporary employees of this City shall be leveled, unless modified, as provided in the table found in Exhibit "D" (which is attached and incorporated herein), except when Federal or State minimum wage of a higher amount is required, then the higher amount of the Federal or State minimum wage shall apply. Subject to the provisions of this City's Personnel Code and Employment Policy Manual PM2001-1, the Department Director (Appointing Authority) may place any employee affected by this Ordinance at the level the Department Director deems appropriate within the scale. Employment Policy Manual PM2001-1 Policy §8.10 (compensation reviews), is applicable only to permanent part time employees.

Section 9. All paid part time, permanent part time, and temporary employees of this City shall, effective with the first pay period of the Year 2014, that commences on or about December 23, 2013, have a minimum hourly base pay increase of 1.5% for Year 2014 calculated from what the employee's base rate was just prior to this proposed increase. Only Permanent part time employees are subject to Employment Policy Manual PM2001-1 Policy §8.10 (compensation reviews), when applicable. Part time employees of the Fire/Rescue Department will remain on probationary/trainee status until removed by the City Manager upon recommendation of the Fire. For new hires or current employees of this City, the Appointing Authority may place an employee within the scale where the Appointing Authority deems appropriate considering merit and fitness. Nothing in this section shall be construed to prohibit a decrease in pay. The non full time status positions found in the table in Exhibit "D" of this Ordinance (i.e. temporary part time or permanent part time) may be modified by the Appointing Authority at anytime, except that Council shall approve any modification to a full time status. Additionally, the position of part time Management Information Systems (MIS) technician is hereby created as of June 1, 2013 and the pay is set as expressed in Exhibit "D". ***THE POSITION OF PART TIME SPECIAL PROJECTS CLERK IS HEREBY CREATED AND THE PAY IS SET AS EXPRESSED IN EXHIBIT "D".***

Section 10. That, compensation for employees' appointments made in order to fill temporarily vacant positions shall be at a rate established by the Department Director (Appointing Authority), except that it shall not exceed the top pay scale established in this Ordinance for the position being filled. Temporary positions being filled by temporary employees for whom no pay scale has been established shall be at a pay scale established by the Department Director (Appointing Authority) by comparing the temporary position created to the most similar position established within the same department that is utilizing the temporary employee. In the event no such similar position exists, then it shall be paid in an amount as determined appropriate by the Department Director so long as the amount paid may be accomplished without exceeding the department's annual budget.

Section 11. That, notwithstanding any section of this Ordinance to the contrary, compensation of the Clerk of the Napoleon Municipal Court shall be as found in §4 of this Ordinance unless otherwise set by the Municipal Court Judge pursuant to ORC §1901.31 (C).

Section 12. That, compensation for the Chief Deputy Clerk and all other Deputy Clerks of the Napoleon Municipal Court shall be as set by the Clerk of the Napoleon Municipal Court pursuant to ORC §1901.31 (H). Longevity for full time Deputy Clerks shall be as set by Ordinance or Resolution. A Chief Deputy Clerk shall be considered a Deputy Clerk for longevity purposes.

Section 13. That, the compensation for Municipal Court Bailiff and/or Deputy Bailiff shall be established by the Municipal Court pursuant to ORC 1901.32.

Section 14. That, the position of Chief Probation Officer as established in and for this City of Napoleon for the Napoleon Municipal Court shall be considered a full time regular employee having a salary –non-exempt status. The job description as included in this City's Position Classification Plan as prepared and/or revised by the Municipal Court Judge is continued to be approved by this Council. The Chief Probation Officer shall not be entitled to any longevity pay; moreover, the Municipal Court Judge may adjust the Chief Probation Officer's salary at any time so long as within the limits of the CCA Grant or as may be otherwise supplemented by the Municipal Court. Notwithstanding any other provision of this Ordinance, in no event shall the Chief Probation Officer's pay and benefits exceed the amount of the CCA Grant or as otherwise may be supplemented by the Municipal Court. Nothing shall be construed in this Ordinance as mandating that the position be filled or continued to be filled each year.

Section 15. That, effective with the first pay period for the Year 2014, that commences on or about December 23, 2013, the bi-weekly salary of the City Manager of this City shall be Four Thousand and Seventy Dollars and 99/100 (\$4,070.99) and continue ***TO APRIL 30TH, 2014, THEN STARTING MAY 1, 2014 THE BI-WEEKLY SALARY SHALL BE THREE THOUSAND AND SEVENTY SIX DOLLARS AND 9231/100 (\$3,076.9231) AND CONTINUE*** as such each year thereafter, so long as employed, unless modified by Council.

Section 16. That, effective with the first pay period for the Year 2014, that commences on or about December 23, 2013, the bi-weekly salary of the City Finance Director of this City shall be Three Thousand Four Hundred and Seventy Six dollars and 46/100 (\$3,476.46) and continue as such each year thereafter, so long as employed, unless modified by Council.

Section 17. That, effective with the first pay period for the Year 2014, that commences on or about December 23, 2013, the bi-weekly salary of the City Law Director of this City shall be Two Thousand Five Hundred and Forty Eight Dollars and 42/100 (\$2,548.42) and continue as such each year thereafter, so long as employed, unless modified by Council.

Section 18. That, all positions and/or classifications found in this Ordinance shall be deemed created, established, and existing in and for the City of Napoleon, Ohio. The status of part time employees may be further defined by the Department Director (Appointing Authority) as permanent part time, temporary, seasonal, or intermittent employees without affecting the compensation status as stated in this Ordinance. Nothing in this Ordinance shall be construed as mandating that each and every position and/or classification be filled by this City.

Section 19. That, those employees who are covered by collective bargaining agreements shall be paid in accordance with the respective collective bargaining agreement.

Section 20. That, all compensation paid under this Ordinance is subject to appropriation of funds by the Council.

Section 21. That, the Finance Director may adjust compensation for all affected employees to meet the intent of this Ordinance.

Section 22. That, all pay scales reflected in this Pay Plan shall be rounded, utilizing the five rule, to the nearest penny.

Section 23. That, no position mentioned in this Ordinance shall receive longevity benefit unless specified in this City's adopted longevity plan unless otherwise specifically provided for herein, or except as may be permitted by the City's longevity policy.

Section 24. That, Ordinance No. 084-13 is repealed in the entirety effective December 24, 2013.

Section 25. 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 26. 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 27. 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 payment of wages to employees, proper payment being essential to the harmony of the necessary workforce; therefore, provided the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: \_\_\_\_\_

\_\_\_\_\_  
John A. Helberg, Council President

Approved: \_\_\_\_\_

\_\_\_\_\_  
Ronald A. Behm, Mayor

VOTE ON PASSAGE \_\_\_\_\_ Yea \_\_\_\_\_ Nay \_\_\_\_\_ Abstain

Attest:

\_\_\_\_\_  
Gregory J. Heath, Clerk/Finance Director

*I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 017-14 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*

# EXHIBIT "A"

<u>Title</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Clerk-Typist II	\$11.31	\$12.58	\$13.50	\$14.48
Receptionist	12.79	14.18	15.21	16.34
Records Clerk/Recorder	14.06	15.58	16.75	19.22
Account Clerk I	11.31	12.32	12.94	13.69
Account Clerk II	14.06	15.58	16.75	18.08
Civil Engineering Technician	17.15	19.03	20.38	21.87
Senior Engineering Technician	20.36	22.65	24.25	26.01
Zoning Administrator	22.28	24.73	26.49	28.41
Distribution Services Supervisor	24.71	27.45	29.44	31.56
Electrical Construction/Maintenance Inspector	24.71	27.45	29.44	31.56
Chief Water Treatment Operator	20.36	22.65	24.25	26.01
Chief Wastewater Treatment Operator	20.36	22.65	24.25	27.41
Construction Inspector	22.28	24.73	26.49	29.11
Police Lieutenant	25.48	27.66	28.95	30.40
Accounts Payable Clerk	14.06	15.58	16.75	18.08
Administrative Assistant	15.60	17.38	18.67	20.10
Senior Account Clerk	15.60	17.38	18.67	22.06
Sr. Electric Engineering Tech	20.36	22.65	24.25	26.01
Service Building Secretary	11.31	12.32	12.94	13.69
Tax Administrator	15.97	17.75	19.03	22.58
Utility Billing Supervisor	15.97	17.75	19.03	20.38
Asst. Fire Chief	15.13	16.59	17.63	18.67
Staff Engineer	18.93	21.08	22.65	24.34

# EXHIBIT "B"

(BASED ON AN 80 HOUR PAY PERIOD)

<u>Title</u>	<u>BOTTOM</u>	<u>TOP</u>
Assistant to the City Engineer	\$1718.65	\$2427.05
City Engineer	2443.00	3830.81
Parks & Recreation Director/Cemetery	1645.87	2763.03
Water Superintendent	1903.32	2955.80
Wastewater Superintendent	1903.32	2955.80
Electrical Engineer	1960.10	2780.45
Electric Distribution Superintendent	2144.46	3043.95
Operations Superintendent	1885.18	2663.46
Fire Chief	2239.63	3188.03
Chief of Police	2239.63	3188.03
Golf Course & Grounds Supt.	1816.18	2358.08
Municipal Court Clerk (see Sec 11 of this Ord)	1719.31	1780.00
Assistant Finance Director	1723.15	2623.50
Management Information System Administrator	1779.32	2435.72
Human Resources Director	2028.66	2973.58
Public Works Director	3932.38	4071.20
<b><i>ASSISTANT CITY MANAGER</i></b>	<b><i>3000.00</i></b>	<b><i>3500.00</i></b>

# EXHIBIT "C"

<u>Title</u>	<u>BOTTOM</u>	<u>TOP</u>
Executive Assistant to Appointing Authority	\$1515.20	\$1764.07
Chief Probation Officer	1285.60	1311.20

# EXHIBIT "D"

<u>Title</u>	<u>Bottom</u>	<u>Top</u>
Front Desk Administrator (Part Time)	\$9.10	\$12.01
Golf Course Clubhouse Attendant (Seasonal)	7.95	13.13
Lifeguard (Seasonal)	7.95	13.13
Seasonal Laborer - Other	7.95	13.13
Parks Maintenance Worker (Seasonal)	7.95	13.13
Recreation Worker (Seasonal)	7.95	13.13
Probationary/Trainee Fire Fighter/EMT	8.00	11.91
All Fire/Rescue Department (Part Time)	11.60	15.55
Legal Clerk (Temporary)	13.09	20.31
Income Tax /Collection Clerk (Part Time)	9.10	15.51
Construction Engineer (Temporary) Engineer Dept	37.14	38.45
Construction Inspection (Temporary)	12.24	12.67
MIS Technician (Part Time)	14.00	20.00
Human Resource (Part Time)	25.00	38.00
<b><i>SPECIAL PROJECTS CLERK (PART TIME)</i></b>	<b><i>50.00</i></b>	<b><i>56.00</i></b>

\*All Fire/Rescue Dept. as defined in 143.01 of the Napoleon Codified Ordinances (Part Time)\*

**ORDINANCE NO. 018-14**

**AN ORDINANCE APPOINTING MONICA S. IRELAN, CITY  
MANAGER OF NAPOLEON, OHIO; AND, DECLARING AN  
EMERGENCY**

**WHEREAS**, the Personnel Committee has met and conducted interviews over the past several weeks;

**WHEREAS**, the Mayor has presented the written recommendation of the Personnel Committee that Monica S. Irelan be selected as the new City Manager, starting May 1, 2014; **Now Therefore:**

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

Section 1. That, this Council appoints Monica S. Irelan, to the full time regular employment position of City Manager for the City of Napoleon, Ohio, effective 12:00 am May 1, 2014.

Section 2. That, effective May 1, 2014, Ms. Irelan's bi-weekly salary shall be \$3,076.9231, (prorated as necessary according to City pay periods). Ms. Irelan shall thereafter be subject to continued annual performance reviews by the Personnel Committee or City Council; and, after each satisfactory review, said salary may be increased by an amount determined by Council.

Section 3. That, benefits for the City Manager shall accrue and be in accordance with Chapter 197 of the Codified Ordinances (Personnel Code) and the applicable provisions of the City's Employment Policy Manual for full time regular employees, both as may be amended from time to time.

Section 4. That, at 12:00 am on May 1, 2014 City of Napoleon Ordinance 016-98 is hereby repealed.

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

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

Section 7. That, 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 no time lapses between the retiring City Manager and the new City Manager which is related to 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 A. Behm, Mayor

VOTE ON PASSAGE \_\_\_\_ Yea \_\_\_\_ Nay \_\_\_\_ Abstain

Attest:

\_\_\_\_\_  
Gregory J. Heath, Clerk/Finance Director

*I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 018-14 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. 019-14**

**AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION  
MEASURE (SUPPLEMENT NO. 1) FOR THE YEAR 2014; AND DECLARING  
AND EMERGENCY**

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

Section 1. That, the annual appropriation measure passed in Ordinance No. 069-13 for the fiscal year ending December 31, 2014 shall be supplemented (Supplement No. 1) as provided in Exhibit "A", attached hereto and made a part hereof.

Section 2. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of the City of Napoleon, Ohio.

Section 3. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time because this Ordinance provides for appropriations for the current expenses of the City which are related to 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 A. Behm, Mayor

VOTE ON PASSAGE \_\_\_\_ Yea \_\_\_\_ Nay \_\_\_\_ Abstain

Attest:

\_\_\_\_\_  
Gregory J. Heath, Clerk/Finance Director

*I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 019-14 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*

## 2014 APPROPRIATION BUDGET - 1ST QT BUDGET ADJUSTMENTS

**BUDGET SUMMARY BY FUND, DEPARTMENT AND CATEGORY**

ORDINANCE No. -14, Passed / /2014 1ST QT Approved - 2014 Appropriation Budget		2014 1ST QUARTER BUDGET ADJMNTS.=====			2014 FUND TOTAL
		PERSONAL SERVICES	OTHER	TOTAL	
<b>SPECIAL NOTE:</b>					
Except as otherwise listed, all changes reflect Personal \$					
Actual NB +1.5%, Actual AFSCME +1.5%, Actual Fire +0.0					
<b>100 GENERAL FUND</b>					
1100 City Council/Legislative	42,440	0	\$42,440		
1300 City Manager/Administrative	52,080	0	\$52,080		
1370 City Manager/Human Resources	670	0	\$670		
1400 Law Director/Administrative	1,980	0	\$1,980		
1500 Finance/Administrative	4,680	0	\$4,680		
1520 Finance/Utility Billing	1,310	0	\$1,310		
1600 Information Systems/Administrative	1,330	0	\$1,330		
1700 Engineering/City Engineer	3,190	0	\$3,190		
1800 Municipal Court/Judicial	4,490	0	\$4,490		
2100 Police/Safety Services	21,090	0	\$21,090		
2200 Fire/Safety Services	4,420	0	\$4,420		
3100 Building Inspections/Zoning & Planning	1,310	0	\$1,310		
4700 Cemetery/Operations	1,010	0	\$1,010		
5130 Service/Buildings, Properties, Equipment	790	0	\$790		
9900 Transfer Accounts	0	60,000	\$60,000		
<b>Total - 100 General Fund</b>		<b>\$140,790</b>	<b>\$60,000</b>	<b>\$200,790</b>	<b>\$200,790</b>
<b>- 1100 City Council/Leg. - New Position - Employee of Council (Special Projects Clerk-PPT) +\$42,440:</b>					
Accounts - 100.1100.51100 Salary-Non Bargaining	35,830				
Accounts - 100.1100.51500 PERS	5,020				
Accounts - 100.1100.51600 Workers Compensation	1,070				
Accounts - 100.1100.51700 Medicare-City Share	520				
<b>- 1300 City Manager/Adm. - Retirement Payout - Not Included in Original Budget +\$46,780:</b>					
Accounts - 100.1300.51100 Salary-Non Bargaining	44,780				
Accounts - 100.1300.51600 Workers Compensation	1,350				
Accounts - 100.1300.51700 Medicare-City Share	650				
<b>- 9900 Transfer Accounts - Move Excess Fund Balance to 101 GF Reserve Bal. Fd. +\$60,000:</b>					
Accounts - 100.9900.59401 TR-TO 101 General Res.Bal.F		60,000			
<b>101 GENERAL FUND RESERVE BALANCE FUND</b>					
1900 General Government/Miscellaneous	\$0	-\$45,400	-\$45,400	-\$45,400	
<b>- 1900 Gen.Gov./Misc. - Un-appropriate Original 2014 Appropriation (Directed by Council) -\$45,400:</b>					
Accounts - 101.1900.56000 Miscellaneous Operating Cost		-\$45,400			
<b>170 MUNICIPAL INCOME TAX FUND</b>					
1510 Finance/Income Tax Collection	\$1,430	\$0	\$1,430	\$1,430	

**2014 APPROPRIATION BUDGET - 1ST QT BUDGET ADJUSTMENTS**

**BUDGET SUMMARY BY FUND, DEPARTMENT AND CATEGORY**

=== 2014 1ST QUARTER BUDGET ADJMNTS.===				2014
<u>ORDINANCE No. -14, Passed / /2014</u>	<u>PERSONAL</u>			<u>FUND</u>
1ST QT Approved - 2014 Appropriation Budget	<u>SERVICES</u>	<u>OTHER</u>	<u>TOTAL</u>	<u>TOTAL</u>
<b>SPECIAL NOTE:</b>				
Except as otherwise listed, all changes reflect Personal \$				
Actual NB +1.5%, Actual AFSCME +1.5%, Actual Fire +0.0				
<b><u>200 STREET CONSTRUCTION, MAINTENANCE &amp; REPAIR</u></b>				
5100 Service/Streets Maintenance and Properties	3,310	0	\$3,310	
5110 Service/Ice and Snow Removal	30,000	20,000	\$50,000	
	-----	-----	-----	
<b>Total - 200 Street (SCM&amp;R) Fund</b>	<b>\$33,310</b>	<b>\$20,000</b>	<b>\$53,310</b>	<b>\$53,310</b>
	=====	=====	=====	
<b>- 5110 Srv./Ice &amp; Snow Control - Additional Salaries, OT &amp; Prof.Services Contract for Snow Removal +\$50,000:</b>				
Accounts - 200.5100.51200 Salary-AFSCME	10,000			
Accounts - 200.5100.51201 Salary-AFSCME-OT	20,000			
Accounts - 200.5100.53300 Serv.Fees-Professional Srv.		20,000		
<b><u>220 RECREATION FUND</u></b>				
4100 Parks/Administrative	1,250	0	\$1,250	
4200 Recreation/Golf Operating	1,850	0	\$1,850	
4400 Recreation/Programs	2,070	0	\$2,070	
	-----	-----	-----	
<b>Total - 220 Recreation Fund</b>	<b>\$5,170</b>	<b>\$0</b>	<b>\$5,170</b>	<b>\$5,170</b>
	=====	=====	=====	
<b><u>231 ED DOWNTOWN REVITALIZATION GRANT FUND</u></b>				
3510 ED Downtown Revitalization	\$0	\$198,590	\$198,590	\$198,590
	=====	=====	=====	
<b>- 3510 ED Downtown Revltlzn. - Carryover of County &amp; Grant Funds not in Original Appropriation +\$198,590:</b>				
Accounts - 231.3510.53300 Serv.Fees-Professional Srv.		198,590		
<b><u>275 MUNICIPAL PROBATION SERVICE FUND</u></b>				
1800 Municipal Court/Judicial	\$630	\$0	\$630	\$630
	=====	=====	=====	
<b><u>277 PROBATION OFFICERS GRANT FUND</u></b>				
1800 Municipal Court/Judicial (Various Years)	\$0	\$0	\$0	\$0
	=====	=====	=====	
<b><u>400 CAPITAL IMPROVEMENT FUND</u></b>				
9900 Transfer Accounts	0	126,000	\$126,000	
	-----	-----	-----	
<b>Total - 400 Capital Improvement Fund</b>	<b>\$0</b>	<b>\$126,000</b>	<b>\$126,000</b>	<b>\$126,000</b>
	=====	=====	=====	
<b>- 9900 Transfer Accounts - Move Excess Fund Balance to 401 CIP Reserve Bal. Fd. +\$126,000:</b>				
Accounts - 400.9900.59630 TR-TO 401 CIP Res.Bal.Fd.		126,000		
<b><u>500 ELECTRIC UTILITY REVENUE FUND</u></b>				
6110 Electric/Operations, Distribution System	\$14,190	\$0	\$14,190	\$14,190
	=====	=====	=====	

**2014 APPROPRIATION BUDGET - 1ST QT BUDGET ADJUSTMENTS**

**BUDGET SUMMARY BY FUND, DEPARTMENT AND CATEGORY**

<b><u>ORDINANCE No. -14, Passed / /2014</u></b> <b>1ST QT Approved - 2014 Appropriation Budget</b>	<b>=== 2014 1ST QUARTER BUDGET ADJMNTS.===</b>			<b>2014</b>
	<b><u>PERSONAL</u></b> <b><u>SERVICES</u></b>	<b><u>OTHER</u></b>	<b><u>TOTAL</u></b>	<b><u>FUND</u></b> <b><u>TOTAL</u></b>
<b>SPECIAL NOTE:</b>				
Except as otherwise listed, all changes reflect Personal \$				
Actual NB +1.5%, Actual AFSCME +1.5%, Actual Fire +0.0				
<b><u>510 WATER REVENUE FUND</u></b>				
6200 Water/Treatment Plant Operations	4,520	0	\$4,520	
6210 Water/Distribution System	4,740	0	\$4,740	
	-----	-----	-----	
<b>Total - 510 Water Revenue Fund</b>	<b>\$9,260</b>	<b>\$0</b>	<b>\$9,260</b>	<b>\$9,260</b>
	=====	=====	=====	
<b><u>520 SEWER (WWT) UTILITY REVENUE FUND</u></b>				
6300 Sewer(WWT)/Treatment Plant Operations	4,780	0	\$4,780	
6310 Sewer(WWT)/Collection System	510	0	\$510	
6311 Sewer(WWT)/Cleaning, Imp. (SSO & CSO)	1,590	0	\$1,590	
	-----	-----	-----	
<b>Total - 520 Sewer (WWT) Uty. Revenue Fund</b>	<b>\$6,880</b>	<b>\$0</b>	<b>\$6,880</b>	<b>\$6,880</b>
	=====	=====	=====	
<b><u>560 SANITATION (REFUSE) REVENUE FUND</u></b>				
6400 Sanitation(Refuse)/Collection and Disposal	1,770	0	\$1,770	
6420 Sanitation(Refuse)/Recycling Programs	730	0	\$730	
	-----	-----	-----	
<b>Total - 560 Sanitation(Refuse) Revenue Fund</b>	<b>\$2,500</b>	<b>\$0</b>	<b>\$2,500</b>	<b>\$2,500</b>
	=====	=====	=====	
<b><u>600 CENTRAL GARAGE/FUEL ROTARY FUND</u></b>				
5200 Service/Central Garage	1,650	0	\$1,650	
	-----	-----	-----	
<b>Total - 600 Central Garage/Fuel Rotary Fund</b>	<b>\$1,650</b>	<b>\$0</b>	<b>\$1,650</b>	<b>\$1,650</b>
	=====	=====	=====	
<b>* GRAND TOTAL - ALL FUNDS</b>	<b>\$215,810</b>	<b>\$359,190</b>	<b>\$575,000</b>	<b>\$575,000</b>
	=====	=====	=====	=====

**EXHIBIT-A ATTACHMENT TO ORDINANCE No. 019-14****2014 APPROPRIATION BUDGET - 1ST QT BUDGET ADJUSTMENTS****BUDGET SUMMARY BY FUND, DEPARTMENT AND CATEGORY**

	=== 2014 1ST QUARTER BUDGET ADJMNTS.===			2014
<u>ORDINANCE No. 019-14, Passed 04/07/2014</u>	PERSONAL			FUND
1ST QT Approved - 2014 Appropriation Budget	SERVICES	OTHER	TOTAL	TOTAL
<b>100 GENERAL FUND</b>				
1100 City Council/Legislative	42,440	0	\$42,440	
1300 City Manager/Administrative	52,080	0	\$52,080	
1370 City Manager/Human Resources	670	0	\$670	
1400 Law Director/Administrative	1,980	0	\$1,980	
1500 Finance/Administrative	4,680	0	\$4,680	
1520 Finance/Utility Billing	1,310	0	\$1,310	
1600 Information Systems/Administrative	1,330	0	\$1,330	
1700 Engineering/City Engineer	3,190	0	\$3,190	
1800 Municipal Court/Judicial	4,490	0	\$4,490	
2100 Police/Safety Services	21,090	0	\$21,090	
2200 Fire/Safety Services	4,420	0	\$4,420	
3100 Building Inspections/Zoning & Planning	1,310	0	\$1,310	
4700 Cemetery/Operations	1,010	0	\$1,010	
5130 Service/Buildings, Properties, Equipment	790	0	\$790	
9900 Transfer Accounts	0	60,000	\$60,000	
	-----	-----	-----	
<b>Total - 100 General Fund</b>	<b>\$140,790</b>	<b>\$60,000</b>	<b>\$200,790</b>	<b>\$200,790</b>
	=====	=====	=====	
<b>101 GENERAL FUND RESERVE BALANCE FUND</b>				
1900 General Government/Miscellaneous	<b>\$0</b>	<b>-\$45,400</b>	<b>-\$45,400</b>	<b>-\$45,400</b>
	=====	=====	=====	
<b>170 MUNICIPAL INCOME TAX FUND</b>				
1510 Finance/Income Tax Collection	<b>\$1,430</b>	<b>\$0</b>	<b>\$1,430</b>	<b>\$1,430</b>
	=====	=====	=====	
<b>200 STREET CONSTRUCTION, MAINTENANCE &amp; REPAIR</b>				
5100 Service/Streets Maintenance and Properties	3,310	0	\$3,310	
5110 Service/Ice and Snow Removal	30,000	20,000	\$50,000	
	-----	-----	-----	
<b>Total - 200 Street (SCM&amp;R) Fund</b>	<b>\$33,310</b>	<b>\$20,000</b>	<b>\$53,310</b>	<b>\$53,310</b>
	=====	=====	=====	
<b>220 RECREATION FUND</b>				
4100 Parks/Administrative	1,250	0	\$1,250	
4200 Recreation/Golf Operating	1,850	0	\$1,850	
4400 Recreation/Programs	2,070	0	\$2,070	
	-----	-----	-----	
<b>Total - 220 Recreation Fund</b>	<b>\$5,170</b>	<b>\$0</b>	<b>\$5,170</b>	<b>\$5,170</b>
	=====	=====	=====	
<b>231 ED DOWNTOWN REVITALIZATION GRANT FUND</b>				
3510 ED Downtown Revitalization	<b>\$0</b>	<b>\$198,590</b>	<b>\$198,590</b>	<b>\$198,590</b>
	=====	=====	=====	
<b>275 MUNICIPAL PROBATION SERVICE FUND</b>				
1800 Municipal Court/Judicial	<b>\$630</b>	<b>\$0</b>	<b>\$630</b>	<b>\$630</b>
	=====	=====	=====	

**EXHIBIT-A ATTACHMENT TO ORDINANCE No. 019-14****2014 APPROPRIATION BUDGET - 1ST QT BUDGET ADJUSTMENTS****BUDGET SUMMARY BY FUND, DEPARTMENT AND CATEGORY**

<b><u>ORDINANCE No. 019-14, Passed 04/07/2014</u></b> <b>1ST QT Approved - 2014 Appropriation Budget</b>	<b>=== 2014 1ST QUARTER BUDGET ADJMNTS.===</b>			<b>2014</b>
	<b>PERSONAL SERVICES</b>	<b>OTHER</b>	<b>TOTAL</b>	<b>FUND TOTAL</b>
<b><u>277 PROBATION OFFICERS GRANT FUND</u></b>				
1800 Municipal Court/Judicial (Various Years)	\$0	\$0	\$0	\$0
	=====	=====	=====	
<b><u>400 CAPITAL IMPROVEMENT FUND</u></b>				
9900 Transfer Accounts	0	126,000	\$126,000	
	-----	-----	-----	
<b>Total - 400 Capital Improvement Fund</b>	<b>\$0</b>	<b>\$126,000</b>	<b>\$126,000</b>	<b>\$126,000</b>
	=====	=====	=====	
<b><u>500 ELECTRIC UTILITY REVENUE FUND</u></b>				
6110 Electric/Operations, Distribution System	\$14,190	\$0	\$14,190	\$14,190
	=====	=====	=====	
<b><u>510 WATER REVENUE FUND</u></b>				
6200 Water/Treatment Plant Operations	4,520	0	\$4,520	
6210 Water/Distribution System	4,740	0	\$4,740	
	-----	-----	-----	
<b>Total - 510 Water Revenue Fund</b>	<b>\$9,260</b>	<b>\$0</b>	<b>\$9,260</b>	<b>\$9,260</b>
	=====	=====	=====	
<b><u>520 SEWER (WWT) UTILITY REVENUE FUND</u></b>				
6300 Sewer(WWT)/Treatment Plant Operations	4,780	0	\$4,780	
6310 Sewer(WWT)/Collection System	510	0	\$510	
6311 Sewer(WWT)/Cleaning, Imp. (SSO & CSO)	1,590	0	\$1,590	
	-----	-----	-----	
<b>Total - 520 Sewer (WWT) Uty. Revenue Fund</b>	<b>\$6,880</b>	<b>\$0</b>	<b>\$6,880</b>	<b>\$6,880</b>
	=====	=====	=====	
<b><u>560 SANITATION (REFUSE) REVENUE FUND</u></b>				
6400 Sanitation(Refuse)/Collection and Disposal	1,770	0	\$1,770	
6420 Sanitation(Refuse)/Recycling Programs	730	0	\$730	
	-----	-----	-----	
<b>Total - 560 Sanitation(Refuse) Revenue Fund</b>	<b>\$2,500</b>	<b>\$0</b>	<b>\$2,500</b>	<b>\$2,500</b>
	=====	=====	=====	
<b><u>600 CENTRAL GARAGE/FUEL ROTARY FUND</u></b>				
5200 Service/Central Garage	1,650	0	\$1,650	
	-----	-----	-----	
<b>Total - 600 Central Garage/Fuel Rotary Fund</b>	<b>\$1,650</b>	<b>\$0</b>	<b>\$1,650</b>	<b>\$1,650</b>
	=====	=====	=====	
<b>* GRAND TOTAL - ALL FUNDS</b>	<b>\$215,810</b>	<b>\$359,190</b>	<b>\$575,000</b>	<b>\$575,000</b>
	=====	=====	=====	=====

**RESOLUTION NO. 020-14**

**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 2014, LISTED IN EXHIBIT "A" (TRANSFER  
2); AND DECLARING AN EMERGENCY**

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

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

**WHEREAS**, Council previously authorized such a transfer in Resolution No. 070-13; however, another transfer is necessary; Now Therefore,

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

Section 1. That, pursuant to Section 5705.14 of the ORC and this Resolution, the Finance Director is hereby authorized and directed to transfer monies among the various funds on an as needed basis in Fiscal Year 2014 as listed in Exhibit "A" (Transfer 2), attached hereto and made a part of this Resolution.

Section 2. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of the City of Napoleon, Ohio.

Section 3. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, only that portion shall be held invalid and the remainder shall remain valid.

Section 4. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to assure the prompt and efficient conduct of the municipal operations related to public peace, health or safety of the City; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: \_\_\_\_\_

\_\_\_\_\_  
John A. Helberg, Council President

Approved: \_\_\_\_\_

\_\_\_\_\_  
Ronald A. Behm, Mayor

VOTE ON PASSAGE \_\_\_\_\_ Yea \_\_\_\_\_ Nay \_\_\_\_\_ Abstain

Attest:

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Gregory J. Heath, Clerk/Finance Director

*I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 020-14 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.*

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*Gregory J. Heath, Clerk/Finance Director*

**EXHIBIT-A ATTACHMENT TO RESOLUTION No. 020-14**

<b>2014 APPROPRIATION BUDGET - TRANSFER OF FUNDS</b>			
	<b><i>RESOLUTION No. 020-14, Passed 04/07/2014</i></b>		
	<b>ORIGINAL BUDGET - 2014 TRANSFER OF FUNDS</b>	<b>= TRANSFER AMOUNTS =</b>	
	<b><u>FUND NAME, FROM - TO, PURPOSE</u></b>	<b><u>FROM</u></b>	<b><u>TO</u></b>
<b>FROM:</b>	100 GENERAL FUND	<b>\$60,000</b>	
<b>TO:</b>	101 GENERAL RESERVE BALANCE FUND		<b>\$60,000</b>
<b>Purpose:</b>	Transfers to a General Fund Reserve Balance Fund as directed by City Council.		
<b>FROM:</b>	400 CAPITAL IMPROVEMENT FUND	<b>\$126,000</b>	
<b>TO:</b>	401 CIP FUNDING RESERVE FUND		<b>\$126,000</b>
<b>Purpose:</b>	Funding Reserves for Current and Future Capital Purchases.		
		-----	-----
	<b>TOTALS - FROM</b>	<b>186,000</b>	
	<b>TOTALS - TO</b>		<b>186,000</b>
		=====	=====

## **ORDINANCE NO. 023-14**

### **AN ORDINANCE CREATING THE POSITION OF SPECIAL PROJECTS CLERK; AND, DECLARING AN EMERGENCY**

**WHEREAS**, from time to time the City of Napoleon does undertake special projects and desires to have a clerk for these projects that is an employee of Council, and;

**WHEREAS**, the Council for the City of Napoleon desires to create a new position entitled "Special Projects Clerk"; **Now Therefore:**

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

Section 1. That, this Council desires to create a new position, pursuant to Article II, Section 2.10 of the Charter of the City of Napoleon, entitled "Special Projects Clerk."

Section 2. That, the duties of the Special Projects Clerk will be defined in a job description which may be approved by simple vote of the City Council. Any changes to the job description would need to be made by simple vote or the passage of appropriate legislation, either of which must clearly define the changes and new effective date. Said job description shall be on file with the City of Napoleon Human Resource Department.

Section 3. That, the pay for the Special Projects Clerk shall be set in the City of Napoleon's Pay Plan.

Section 4. That, Council's intent of this legislation is to create a "Special Projects Clerk" and not a Clerk of Council; therefore, the Finance Director shall remain the Clerk of Council for the City of Napoleon, Ohio.

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

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

Section 7. That, 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 the position to be in place so that continued discussion and action can be made on behalf of the City for both the new Water Treatment Plant and for continued representation with AMP all of which are related to 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 A. Behm, Mayor

VOTE ON PASSAGE \_\_\_\_\_ Yea \_\_\_\_\_ Nay \_\_\_\_\_ Abstain

Attest:

\_\_\_\_\_  
Gregory J. Heath, Clerk/Finance Director

*I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 023-14 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. 024-14**

### **AN ORDINANCE APPOINTING DR. JON A. BISHER, AS THE SPECIAL PROJECTS CLERK FOR THE CITY OF NAPOLEON, OHIO; AND, DECLARING AN EMERGENCY**

**WHEREAS**, the Council for the City of Napoleon has created a new position entitled "Special Projects Clerk," and;

**WHEREAS**, the Council for the City of Napoleon desires to appoint Dr. Jon A. Bisher as the Special Projects Clerk; **Now Therefore**:

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

Section 1. That, this Council appoints Dr. Jon A. Bisher, to the part time employment position of Special Projects Clerk for the City of Napoleon, Ohio, effective 12:00 am May 1, 2014.

Section 2. That, effective May 1, 2014, Dr. Bisher's hourly rate will be approximately Fifty Dollars and Eighty Eight cents per hour (specifically \$50.8874 per hour). Dr. Bisher shall thereafter be subject to continued annual performance reviews by the Personnel Committee or City Council and, after each satisfactory review, said salary may be increased by an amount determined by Council.

Section 3. That, Dr. Bisher shall be allowed to carry over sick time that he currently has or is continuing to accrue, all of which said carry over hours shall not exceed 100 hours.

Section 4. That, Dr. Bisher shall be provided a cell phone for his use as Special Projects Clerk.

Section 5. That, Dr. Bisher shall be provided an internet allowance for the effective execution of his duties as Special Projects Clerk.

Section 6. That, Dr. Bisher shall receive the standard rate for mileage in performing his duties as Special Projects Clerk.

Section 7. That, Dr. Bisher shall be provided office space to perform his duties as Special Project Clerk.

Section 8. That, upon Dr. Bisher's appointment he shall work 64 hours per pay period for the first 4 pay periods, thereafter he shall work 32 hours per pay period.

Section 9. That, Dr. Bisher's retirement date will be April 30, 2014 and that his new employment date will be May 1, 2014.

Section 10. That, any other benefits for the Special Projects Clerk not inconsistent with the benefits laid out in this legislation shall accrue and be in accordance with Chapter 197 of the Codified Ordinances (Personnel Code) and the applicable provisions of the City's Employment Policy Manual for part time employees, both as may be amended from time to time.

Section 11. 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

## **RESOLUTION NO. 025-14**

### **A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FOR THE PURPOSE OF REPAIRING THE RITTER PARK BOAT RAMP AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH RG ZACHRICH CONSTRUCTION, INC. FOR SAID REPAIRS, AND DECLARING AN EMERGENCY**

**WHEREAS**, during this past winter one of the piles that anchor the boat docks at Ritter Park was destroyed; and,

**WHEREAS**, in order to timely install the boat docks for the 2014 Boating Season, said piles must be replaced; and

**WHEREAS**, RG Zachrich Construction, Inc. was the company that originally installed the piles and therefore is familiar with what may be required; and

**WHEREAS**, the City desires to have the Ritter Park Boat Ramp repaired prior to the 2014 Boating Season; and

**WHEREAS**, the Council believes it is in the best interest of the City of Napoleon to eliminate the necessity for competitive bidding; **Now Therefore**,

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

Section 1. That, the City of Napoleon authorizes the expenditure of funds in excess of \$25,000.00 from the 2014 Budget for the repair of the Ritter Park Boat Ramp. Also, Council finds it to be in the best interest of the City to eliminate the necessity for competitive bidding.

Section 2. That, the City Manager is authorized to enter into a contract with RG Zachrich Construction, Inc. to conduct the repairs.

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

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

Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time so that the repairs can be finished prior to the boating season beginning which affect the public peace, health or safety accessible to our citizens; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: \_\_\_\_\_

\_\_\_\_\_  
John A. Helberg, Council President

Approved: \_\_\_\_\_

\_\_\_\_\_  
Ronald A. Behm, Mayor

VOTE ON PASSAGE \_\_\_\_\_ Yea \_\_\_\_\_ Nay \_\_\_\_\_ Abstain

Attest:

\_\_\_\_\_  
Gregory J. Heath, Clerk/Finance Director

*I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 025-14 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. 010-14**

**AN ORDINANCE AMENDING SECTION 931.07 INCREASING  
WATER RATES FOR BULK SALES FOR THE YEARS 2014, 2015  
AND 2016, ESTABLISHING A WEEKEND TESTING FEE, AND  
INCREASING FEES FOR TESTING; AND DECLARING AN  
EMERGENCY**

**WHEREAS**, the Board of Public Affairs in a regular meeting held on March 10, 2014, 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) 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)(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:

- 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.

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

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

- (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~~ \$7.94 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~~ **\$8.18** per 1,000 gallons.

- (6) 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

- (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~~ **\$8.43** 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 (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

(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~~ **\$20.00**
- (2) Calibrate chlorine meters /Mtr ~~\$25.00~~ **\$30.00**
- (3) **TESTING FOR SPECIAL SAMPLES /SMP \$40.00**
- (4) **WEEKEND TESTING FOR ANY SAMPLE/SMP \$100.00**

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 of Napoleon, do hereby certify that the foregoing Ordinance No. 010-14 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 010-14 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. 012-14**

**AN ORDINANCE VACATING A CERTAIN ALLEY LOCATED  
BETWEEN THE RESIDENCES OF 512 AND 514 WEST CLINTON  
STREET AND 508 WEST CLINTON STREET LOTS 22 AND 23 IN  
A.H. TYLER'S THIRD ADDITION OF THE CITY OF  
NAPOLEON, HENRY COUNTY, OHIO**

**WHEREAS**, a petition was filed by a person owning a lot in the municipal corporation praying that an alley in the immediate vicinity of such lot be vacated, located in A.H. Tyler's Third Addition of the City of Napoleon, Ohio pursuant to Chapter 909 of the Codified Ordinances of the City of Napoleon, Ohio and Chapter 723 of the Ohio Revised Code; and,

**WHEREAS**, the Planning Commission had a Public Hearing (PC-14-01), after being duly published, and there was no opposition; and,

**WHEREAS**, the Planning Commission passed Resolution PC-14-01 recommending that said alley be vacated by the Napoleon City Council; Now Therefore,

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

Section 1. That, this Council finds that there has been compliance with all applicable provisions of Chpt. 723 of the Ohio Revised Code and Chpt. 909 of Codified Ordinances in regards to vacation of a certain alley as more particularly described in Section 2 of this Ordinance, including but not limited to the notice requirement.

Section 2. That, this Council finds that there exists a petition signed by an authorized person owning a lot in the municipal corporation praying that an alley in the immediate vicinity of such lot be vacated, more specifically, the alley located between 512 and 514 West Clinton Street and 508 West Clinton Street, Lots 22 and 23 in A.H. Tyler's Third Addition of the City of Napoleon, Henry County, Ohio, as shown on the plat currently on file in the office of the Zoning Administrator and as shown on Exhibit "A" which is attached and incorporated herein.

Section 3. That, this Council further finds there is good cause for such alley vacation as prayed for, that such vacation of the alley will not be detrimental to the general interests.

Section 4. That, the City Engineer is hereby instructed to present the vacation plat of said vacated alley to the Clerk of Council and the Clerk is instructed to endorse upon such plat, the action of this Council in vacating such alley and to cause this Ordinance and the said plat to be recorded in the office of the Recorder of Henry County, Ohio.

Section 5. That, the Clerk of Council is directed to notify the Auditor of Henry County, Ohio of the vacation, by sending a copy of this Ordinance.

Section 6. That, the directives as stated in Sections 4 and 5 of this Ordinance shall only be completed after payment of all costs to the City owed by the petitioner as established in Chapter 909 of the Codified Ordinances of the City of Napoleon, Ohio.

Section 7. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

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

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

Passed: \_\_\_\_\_

\_\_\_\_\_  
John A. Helberg, Council President

Approved: \_\_\_\_\_

\_\_\_\_\_  
Ronald A. Behm, Mayor

VOTE ON PASSAGE \_\_\_\_ Yea \_\_\_\_ Nay \_\_\_\_ Abstain

Attest:

\_\_\_\_\_  
Gregory J. Heath, Clerk/Finance Director

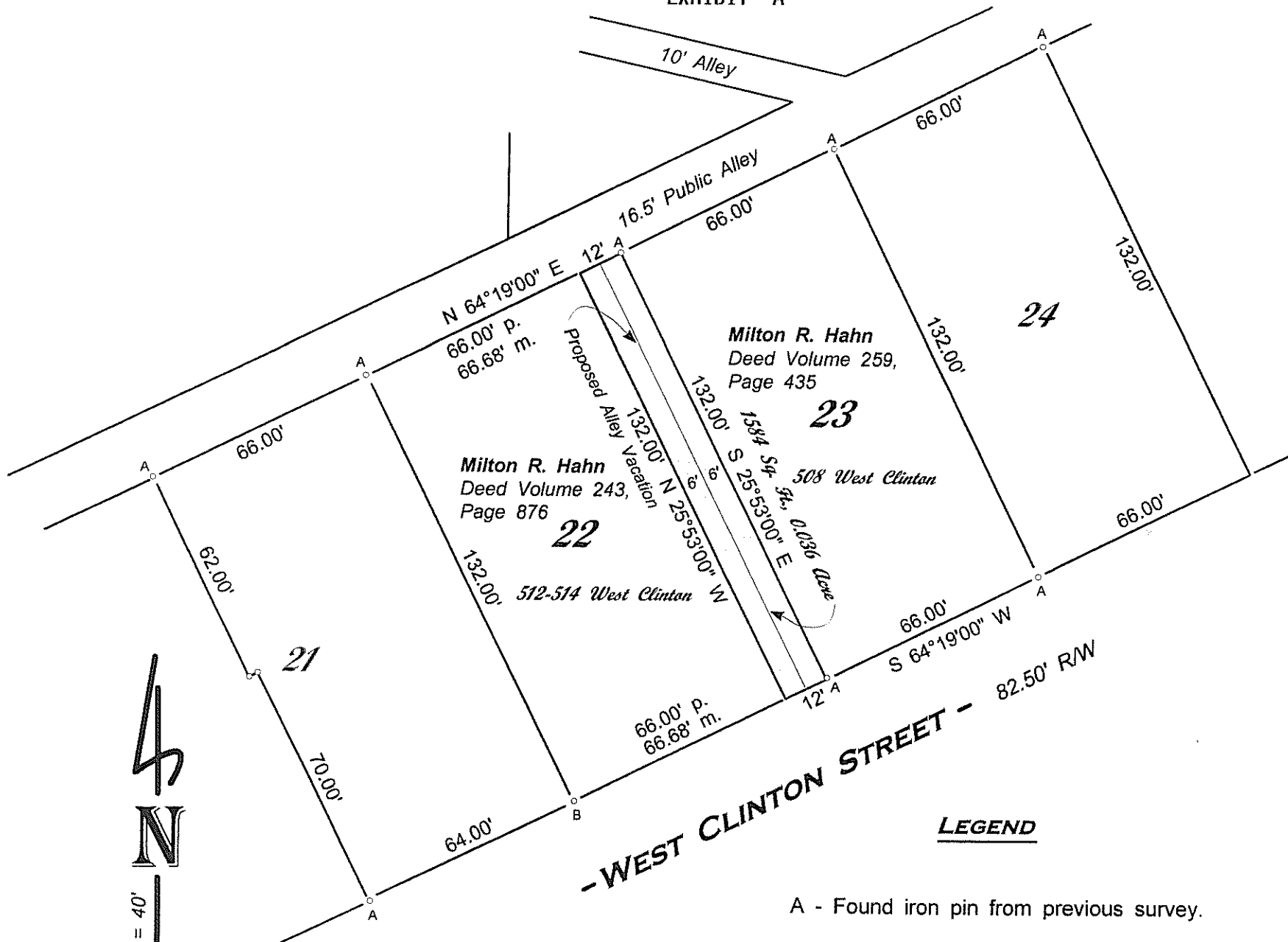
*I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 012-14 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_; & I further certify the compliance 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

west clinton alley vaca 012

**VACATION PLAT FOR THE ALLEY  
BETWEEN LOTS NUMBERED 22 AND 23 IN A. H. TYLER'S THIRD ADDITION  
TO THE CITY OF NAPOLEON, OHIO, HENRY COUNTY, OHIO**

EXHIBIT "A"



Scale 1" = 40'

**LEGEND**

A - Found iron pin from previous survey.

B - Set iron pin this survey.

**ORDINANCE NO. 013-14**

**AN ORDINANCE VACATING A CERTAIN ALLEY LOCATED  
BEHIND 619 SOUTH PERRY STREET LOTS 41 AND 42 IN E.T.  
BARNES FIRST ADDITION OF THE CITY OF NAPOLEON,  
HENRY COUNTY, OHIO**

**WHEREAS**, a petition was filed by a person owning a lot in the municipal corporation praying that an alley in the immediate vicinity of such lot be vacated, located in E.T. Barnes First Addition of the City of Napoleon, Ohio pursuant to Chapter 909 of the Codified Ordinances of the City of Napoleon, Ohio and Chapter 723 of the Ohio Revised Code; and,

**WHEREAS**, the Planning Commission had a Public Hearing (PC-14-02), after being duly published, and there was no opposition; and,

**WHEREAS**, the Planning Commission passed Resolution PC-14-02 recommending that said alley be vacated by the Napoleon City Council; Now Therefore,

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

Section 1. That, this Council finds that there has been compliance with all applicable provisions of Chpt. 723 of the Ohio Revised Code and Chpt. 909 of Codified Ordinances in regards to vacation of a certain alley as more particularly described in Section 2. of this Ordinance, including but not limited to the notice requirement.

Section 2. That, this Council finds that there exists a petition signed by an authorized person owning a lot in the municipal corporation praying that an alley in the immediate vicinity of such lot be vacated, more specifically, the alley located behind 619 South Perry Street (Quilters Hideaway) Lots 41 and 42 in E.T. Barnes First Addition of the City of Napoleon, Henry County, Ohio, as shown on the plat currently on file in the office of the Zoning Administrator and as shown on Exhibit "A" which is attached and incorporated herein.

Section 3. That, this Council further finds there is good cause for such alley vacation as prayed for, that such vacation of the alley will not be detrimental to the general interests and ought to be and is made subject to the City reserving an easement therein for the installation, maintaining, operating, renewing, constructing, reconstructing and removing of any existing utility facilities, and for the purpose to access said facilities, pursuant to Section 723.041 of the Ohio Revised Code.

Section 4. That, the City Engineer is hereby instructed to present the vacation plat of said vacated alley to the Clerk of Council and the Clerk is instructed to endorse upon such plat, the action of this Council in vacating such alley and to cause this Ordinance and the said plat to be recorded in the office of the Recorder of Henry County, Ohio.

Section 5. That, the Clerk of Council is directed to notify the Auditor of Henry County, Ohio of the vacation, by sending a copy of this Ordinance.

Section 6. That, the directives as stated in Sections 4 and 5 of this Ordinance shall only be completed after payment of all costs to the City owed by the petitioner as established in Chapter 909 of the Codified Ordinances of the City of Napoleon, Ohio.

Section 7. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

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

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

Passed: \_\_\_\_\_

\_\_\_\_\_  
John A. Helberg, Council President

Approved: \_\_\_\_\_

\_\_\_\_\_  
Ronald A. Behm, Mayor

VOTE ON PASSAGE \_\_\_\_ Yea \_\_\_\_ Nay \_\_\_\_ Abstain

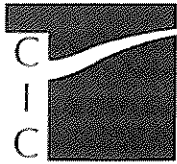
Attest:

\_\_\_\_\_  
Gregory J. Heath, Clerk/Finance Director

*I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 013-14 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_; & 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





# THE COMMUNITY IMPROVEMENT CORPORATION OF HENRY COUNTY

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

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

March 31, 2014

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

## **Re: 2014 Tax Incentive Review Council**

Dear Council Members:

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

The TIRC met on March 20, 2014. As the County Auditor's designee, Robert McColley chaired the 2014 TIRC. After reviewing each agreement in-depth and at length, the TIRC has recommended that you **CONTINUE** the following community reinvestment area agreements in Napoleon:

Koester Land Acquisitions- 11-001 (2012 agreement)

MMD & H Holdings (Petro)- 04-001 (2004 agreement)

A&J (Best Western/TA)- 03-002 (2003 agreement)

Napoleon I, LLC- 10-001 (2010 agreement)

The TIRC also reviewed community reinvestment area agreements for Pet Vet and Tri Vet. During this review, a question about when the agreements were set to expire came up. After discussion, the TIRC made a recommendation to expire both of these agreements as of December 31, 2012 with a request that the Community Improvement Corporation review the abatement payment history to determine when the ten (10) years expire. After review of the payment history for these agreements, it was determined that the company is to receive one more year of abatements which would end December 31, 2013. Therefore, as the County Auditor's designee, I would respectfully request that you overturn the TIRC's recommendation and recommend that the Pet Vet (02-003 2003) and Tri Vet (02-002 2003) community reinvestment area agreements EXPIRE as of December 31, 2013 with the understanding that both companies will be invoiced the last abatement payment in September 2014.



and visit us at  
[www.hencoed.com](http://www.hencoed.com)

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

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

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

Consistent therewith, I hereby submit this written recommendation and respectfully request that you ACCEPT the recommendations of the TIRC to CONTINUE each of the aforementioned agreements, except the Pet Vet and Tri-Vet Agreements, which we request you to EXPIRE as of December 31, 2013.

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

Respectfully submitted,



Robert McColley, J.D.  
Executive Director

Enclosure

cc: Greg Heath, Clerk of City of Napoleon Council  
Trevor M. Hayberger, Law Director for City of Napoleon, Ohio  
Kevin Garringer, Henry County Auditor  
Tom Zimmerman, City of Napoleon  
Ohio Department of Development  
Ohio Department of Taxation



**KOESTER LAND ACQUISITIONS LLC.**



## CRA Agreement/Project Status Report for 2013

Agreement#: 11-001

CRA#: 069-53550-02

[Print a Blank Report](#)

## SPECIFIC CRA AGREEMENT PROJECT STATUS REPORT - 2013

☐ This project remains under construction AND has received no exemption from taxation for this reporting year

Please leave the entries in blue blank if they are correct. This section contains parameters of the current CRA Agreement. If you do feel that any of these parameters are incorrect or have been changed, enter the correct value.

	Current Information	Changes/Corrections
1. Name the business(es) party to the CRA Agreement:	Koester Land Acquisitions, LLC	<input type="text"/>
2. Name the Local Governmental Jurisdiction(s) where the project is located:		
County:	HENRY	Select... <input type="button" value="v"/>
City, Municipality, or Township:	NAPOLEON	<input type="text"/>
Local School District:	NAPOLEON AREA CITY SD	Select... <input type="button" value="v"/>
3. For the CRA Agreement:		
a. Execution Date:	4/18/2011	<input type="text"/>
b. Expiration Date:	12/31/2023	<input type="text"/>
c. Amendment Date(s) (please list all):		<input type="text"/>
4. Baseline total full-time permanent employment of the enterprise:		
a. At the facility prior to executing the CRA Agreement:		<input type="text"/>
Payroll:		<input type="text"/>
b. In Ohio prior to executing the CRA Agreement:	56	<input type="text"/>
5. Did the enterprise close or reduce employment at another site:		

a. Within Ohio as a result of this agreement?

Community:

Jobs:

0

b. Outside of Ohio as a result of this agreement?

State:

Jobs:

0

6. Number of permanent full-time jobs committed to create and/or retain within the CRA agreement:

Retain:

56

Create:

5

7. Job creation period outlined in agreement (months):

36

8. Estimated annual payroll attributed to the new and/or retained employees pursuant to question 6.:

Retained Payroll:

\$0.00

New Payroll:

\$235,000.00

9. Enterprise's total project investment commitment and the eligible granted tax exemption as specified in the CRA Agreement:

Real Property:

\$1,500,000.00

Granted Exemption:

\$1,500,000.00

10. Tax exemptions granted to the business under the CRA Agreement:

Real Property Exemption:

100

Real Property Exemption Term (years):

10

### Actual Project Information as of December 31, 2013

Enter the following data as of the end of the year. Please enter data in all of these blanks, even if it has not changed. These questions are vital to the success of program evaluation. Please take time to answer these questions completely. If you have any questions feel free to contact ODOD at (614)466-2317.

**Note: Entries marked with an asterisk (\*) are required fields.**

### 2012 Information

### Current Info ( 2013)

11. Total number of full-time permanent employees employed by the enterprise at the project site for the following categories:

a. As of 12/31/2013:

56

58

\*

b. New jobs created attributed to the CRA Agreement:

6

8

\*

50

50

\*

c. Jobs retained attributed to the CRA Agreement:

12. Identify total actual annual payroll as of 12/31/2013 attributed to the new employment (11b) resulting from the CRA Agreement:

\$159,359.00	\$303,351.58	*
--------------	--------------	---

13a. State the project investment level achieved as of 12/31/2013

Real Property:	\$1,757,423.18	\$1,757,423.18	*
Real Property Eligible for Exemption:	\$1,500,000.00	\$1,500,000.00	*
Personal Property:	\$0.00	\$0.00	*

13b. Identify the taxes paid and forgone in calendar year 2013 with regard to project investments:

Real Property Taxes Paid:	\$0.00	\$0.00	*
Real Property Taxes Forgone:	\$0.00	\$0.00	*
Personal Property Taxes Paid:		\$0.00	*
Personal Property Taxes Forgone:		\$0.00	*

13c. Identify cumulative taxes paid and foregone at the project site over the term of the CRA Agreement:

Real Property Taxes Paid:	\$0.00	\$0.00	*
Real Property Taxes Forgone:	\$0.00	\$0.00	*
Personal Property Taxes Paid:	\$0.00	\$0.00	*
Personal Property Taxes Forgone:		\$0.00	*

13d. State the type and total estimated value of any other incentives provided by the local authorities under the CRA Agreement:

\$0.00	\$0.00	*
--------	--------	---

14. Date of the most recent Tax Incentive Review Council (TIRC) review of this project:

4/25/2012	4/29/2013	*
-----------	-----------	---

14a. TIRC recommendations from most recent compliance review:

CONTINUE	EXPIRE	▼	*
----------	--------	---	---

14b. Local Government action/status on TIRC recommendation:

CONTINUE	CONTINUE	▼	*
----------	----------	---	---

Click "Submit" button to submit entered data. If you need to revise the data before March 31, 2013, you may do so and click "Submit".

### CERTIFICATION INFORMATION

I hereby represent and certify that the foregoing information, to the best of my knowledge, is true, complete, and accurately describes the status of the CRA project as of December 31, 2013

**Enterprise's Authorized Representative:**

First and Last Name:

 \*

Title:

 \***Community Authorized Representative  
Name:**(CRA Housing Officer or C.E.O. of  
local government)

First and Last Name:

 \*

Title:

 \*



**MMD & HOLDINGS LLC.**



## CRA Agreement/Project Status Report for 2013

Agreement#: 04-001

CRA#: 069-53550-02

[Print a Blank Report](#)

## SPECIFIC CRA AGREEMENT PROJECT STATUS REPORT - 2013

☐ This project remains under construction AND has received no exemption from taxation for this reporting year

Please leave the entries in blue blank if they are correct. This section contains parameters of the current CRA Agreement. If you do feel that any of these parameters are incorrect or have been changed, enter the correct value.

	Current Information	Changes/Corrections
1. Name the business(es) party to the CRA Agreement:	MMD & HOLIDINGS LLC	MWA Enterprises, Ltd. <input type="button" value="^"/> <input type="button" value="v"/>
2. Name the Local Governmental Jurisdiction(s) where the project is located:		
County:	HENRY	Select... <input type="button" value="v"/>
City, Municipality, or Township:	NAPOLEON #7	<input type="text"/>
Local School District:	LIBERTY CENTER	Select... <input type="button" value="v"/>
3. For the CRA Agreement:		
a. Execution Date:	11/15/2004	<input type="text"/>
b. Expiration Date:	12/31/2017	<input type="text"/>
c. Amendment Date(s) (please list all):		<input type="text"/>
4. Baseline total full-time permanent employment of the enterprise:		
a. At the facility prior to executing the CRA Agreement:		<input type="text"/>
Payroll:		<input type="text"/>
b. In Ohio prior to executing the CRA Agreement:	0	<input type="text"/>
5. Did the enterprise close or reduce employment at another site:		

a. Within Ohio as a result of this agreement?

Community:

Jobs:

0

b. Outside of Ohio as a result of this agreement?

State:

Jobs:

0

6. Number of permanent full-time jobs committed to create and/or retain within the CRA agreement:

Retain:

Create:

35

7. Job creation period outlined in agreement (months):

36

8. Estimated annual payroll attributed to the new and/or retained employees pursuant to question 6.:

Retained Payroll:

New Payroll:

\$700,000.00

9. Enterprise's total project investment commitment and the eligible granted tax exemption as specified in the CRA Agreement:

Real Property:

Granted Exemption:

\$2,700,000.00

\$2,700,000.00

10. Tax exemptions granted to the business under the CRA Agreement:

Real Property Exemption:

Real Property Exemption Term (years):

100

10

### Actual Project Information as of December 31, 2013

Enter the following data as of the end of the year. Please enter data in all of these blanks, even if it has not changed. These questions are vital to the success of program evaluation. Please take time to answer these questions completely. If you have any questions feel free to contact ODOD at (614)466-2317.

**Note: Entries marked with an asterisk (\*) are required fields.**

### 2012 Information

### Current Info ( 2013)

11. Total number of full-time permanent employees employed by the enterprise at the project site for the following categories:

a. As of 12/31/2013:

b. New jobs created attributed to the CRA Agreement:

46

46

0

26

25

26

\*

\*

\*

c. Jobs retained attributed to the CRA Agreement:

12. Identify total actual annual payroll as of 12/31/2013 attributed to the new employment (11b) resulting from the CRA Agreement:

\$421,726.00	\$425,000.00	*
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13a. State the project investment level achieved as of 12/31/2013

Real Property:	\$0.00	\$0.00	*
Real Property Eligible for Exemption:	\$2,902,100.00	\$2,950,000.00	*
Personal Property:	\$0.00	\$0.00	*

13b. Identify the taxes paid and forgone in calendar year 2013 with regard to project investments:

Real Property Taxes Paid:	\$0.00	\$0.00	*
Real Property Taxes Forgone:	\$13,472.65	\$13,472.65	*
Personal Property Taxes Paid:	\$4,051.90	\$4,051.90	*
Personal Property Taxes Forgone:	\$0.00	\$0.00	*

13c. Identify cumulative taxes paid and foregone at the project site over the term of the CRA Agreement:

Real Property Taxes Paid:	\$0.00	\$0.00	*
Real Property Taxes Forgone:	\$29,712.29	\$29,712.29	*
Personal Property Taxes Paid:	\$0.00	\$0.00	*
Personal Property Taxes Forgone:	\$0.00	\$0.00	*

13d. State the type and total estimated value of any other incentives provided by the local authorities under the CRA Agreement:

\$0.00	\$0.00	*
--------	--------	---

14. Date of the most recent Tax Incentive Review Council (TIRC) review of this project:

4/25/2012	4/29/2013	*
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14a. TIRC recommendations from most recent compliance review:

CONTINUE	EXPIRE	▼	*
----------	--------	---	---

14b. Local Government action/status on TIRC recommendation:

CONTINUE	CONTINUE	▼	*
----------	----------	---	---

Click "Submit" button to submit entered data. If you need to revise the data before March 31, 2013, you may do so and click "Submit".

### CERTIFICATION INFORMATION

I hereby represent and certify that the foregoing information, to the best of my knowledge, is true, complete, and accurately describes the status of the CRA project as of December 31, 2013

**Enterprise's Authorized Representative:**

First and Last Name:

 \*

Title:

 \***Community Authorized Representative  
Name:**(CRA Housing Officer or C.E.O. of  
local government)

First and Last Name:

 \*

Title:

 \*



**A&J LLC.**

## CRA Agreement/Project Status Report for 2013

Agreement#: 03-002

CRA#: 069-53550-02

[Print a Blank Report](#)

## SPECIFIC CRA AGREEMENT PROJECT STATUS REPORT - 2013

☐ This project remains under construction AND has received no exemption from taxation for this reporting year

Please leave the entries in blue blank if they are correct. This section contains parameters of the current CRA Agreement. If you do feel that any of these parameters are incorrect or have been changed, enter the correct value.

	Current Information	Changes/Corrections
1. Name the business(es) party to the CRA Agreement:	A&J, LLC	<input type="text"/>
2. Name the Local Governmental Jurisdiction(s) where the project is located:		
County:	HENRY	<input type="text" value="Select..."/>
City, Municipality, or Township:	NAPOLEON #7	<input type="text"/>
Local School District:	LIBERTY CENTER SD	<input type="text" value="Select..."/>
3. For the CRA Agreement:		
a. Execution Date:	11/21/2003	<input type="text"/>
b. Expiration Date:		<input type="text" value="1/1/2017"/>
c. Amendment Date(s) (please list all):		<input type="text"/>
4. Baseline total full-time permanent employment of the enterprise:		
a. At the facility prior to executing the CRA Agreement:		<input type="text"/>
Payroll:		<input type="text"/>
b. In Ohio prior to executing the CRA Agreement:	15	<input type="text"/>
5. Did the enterprise close or reduce employment at another site:		

a. Within Ohio as a result of this agreement?

Community:

Jobs:

0

b. Outside of Ohio as a result of this agreement?

State:

Jobs:

0

6. Number of permanent full-time jobs committed to create and/or retain within the CRA agreement:

Retain:

0

Create:

0

15

10

7. Job creation period outlined in agreement (months):

36

8. Estimated annual payroll attributed to the new and/or retained employees pursuant to question 6.:

Retained Payroll:

\$0.00

\$243,905.00

New Payroll:

\$130,000.00

9. Enterprise's total project investment commitment and the eligible granted tax exemption as specified in the CRA Agreement:

Real Property:

\$1,700,000.00

Granted Exemption:

\$1,700,000.00

10. Tax exemptions granted to the business under the CRA Agreement:

Real Property Exemption:

100

Real Property Exemption Term (years):

10

### Actual Project Information as of December 31, 2013

Enter the following data as of the end of the year. Please enter data in all of these blanks, even if it has not changed. These questions are vital to the success of program evaluation. Please take time to answer these questions completely. If you have any questions feel free to contact ODOD at (614)466-2317.

**Note: Entries marked with an asterisk (\*) are required fields.**

### 2012 Information

### Current Info ( 2013)

11. Total number of full-time permanent employees employed by the enterprise at the project site for the following categories:

a. As of 12/31/2013:

32

33

\*

b. New jobs created attributed to the CRA Agreement:

17

18

\*

15

15

\*

c. Jobs retained attributed to the CRA Agreement:

12. Identify total actual annual payroll as of 12/31/2013 attributed to the new employment (11b) resulting from the CRA Agreement:

\$378,152.00	\$403,404.00	*
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13a. State the project investment level achieved as of 12/31/2013

Real Property:	\$2,645,493.00	\$2,645,493.00	*
Real Property Eligible for Exemption:	\$1,700,000.00	\$1,700,000.00	*
Personal Property:	\$0.00	\$0.00	*

13b. Identify the taxes paid and forgone in calendar year 2013 with regard to project investments:

Real Property Taxes Paid:	\$33,851.00	\$34,794.00	*
Real Property Taxes Forgone:	\$0.00	\$0.00	*
Personal Property Taxes Paid:	\$9,022.00	\$0.00	*
Personal Property Taxes Forgone:	\$0.00	\$0.00	*

13c. Identify cumulative taxes paid and foregone at the project site over the term of the CRA Agreement:

Real Property Taxes Paid:	\$178,471.00	\$213,265.00	*
Real Property Taxes Forgone:	\$0.00	\$0.00	*
Personal Property Taxes Paid:	\$30,116.00	\$30,116.00	*
Personal Property Taxes Forgone:	\$0.00	\$0.00	*

13d. State the type and total estimated value of any other incentives provided by the local authorities under the CRA Agreement:

\$0.00	\$0.00	*
--------	--------	---

14. Date of the most recent Tax Incentive Review Council (TIRC) review of this project:

4/25/2012	4/29/2013	*
-----------	-----------	---

14a. TIRC recommendations from most recent compliance review:

CONTINUE	EXPIRE	▼	*
----------	--------	---	---

14b. Local Government action/status on TIRC recommendation:

CONTINUE	CONTINUE	▼	*
----------	----------	---	---

Click "Submit" button to submit entered data. If you need to revise the data before March 31, 2013, you may do so and click "Submit".

### CERTIFICATION INFORMATION

I hereby represent and certify that the foregoing information, to the best of my knowledge, is true, complete, and accurately describes the status of the CRA project as of December 31, 2013

**Enterprise's Authorized Representative:**

First and Last Name:

Amarjit S Grewal \*

Title:

Vice President \*

**Community Authorized Representative  
Name:**(CRA Housing Officer or C.E.O. of  
local government)

First and Last Name:

Tom Zimmerman \*

Title:

Housing Officer \*



**NAPOLEON 1 LLC.**



## CRA Agreement/Project Status Report for 2013

Agreement#: 10-001

CRA#: 069-53550-01

[Print a Blank Report](#)

## SPECIFIC CRA AGREEMENT PROJECT STATUS REPORT - 2013

☐ This project remains under construction AND has received no exemption from taxation for this reporting year

Please leave the entries in blue blank if they are correct. This section contains parameters of the current CRA Agreement. If you do feel that any of these parameters are incorrect or have been changed, enter the correct value.

	Current Information	Changes/Corrections
1. Name the business(es) party to the CRA Agreement:	Napoleon 1, LLC.	<input type="text"/>
2. Name the Local Governmental Jurisdiction(s) where the project is located:		
County:	HENRY	<input type="text" value="Select..."/>
City, Municipality, or Township:	NAPOLEON	<input type="text"/>
Local School District:	NAPOLEON AREA CITY SD	<input type="text" value="Select..."/>
3. For the CRA Agreement:		
a. Execution Date:	2/10/2010	<input type="text"/>
b. Expiration Date:	12/31/2022	<input type="text"/>
c. Amendment Date(s) (please list all):		<input type="text"/>
4. Baseline total full-time permanent employment of the enterprise:		
a. At the facility prior to executing the CRA Agreement:		<input type="text"/>
Payroll:		<input type="text"/>
b. In Ohio prior to executing the CRA Agreement:		<input type="text"/>
5. Did the enterprise close or reduce employment at another site:		

a. Within Ohio as a result of this agreement?

Community:

Jobs:

0

b. Outside of Ohio as a result of this agreement?

State:

Jobs:

0

6. Number of permanent full-time jobs committed to create and/or retain within the CRA agreement:

Retain:

21

Create:

4

7. Job creation period outlined in agreement (months):

11

8. Estimated annual payroll attributed to the new and/or retained employees pursuant to question 6.:

Retained Payroll:

\$600,000.00

New Payroll:

\$170,000.00

9. Enterprise's total project investment commitment and the eligible granted tax exemption as specified in the CRA Agreement:

Real Property:

\$4,347,300.00

Granted Exemption:

\$4,347,300.00

10. Tax exemptions granted to the business under the CRA Agreement:

Real Property Exemption:

100

Real Property Exemption Term (years):

10

### Actual Project Information as of December 31, 2013

Enter the following data as of the end of the year. Please enter data in all of these blanks, even if it has not changed. These questions are vital to the success of program evaluation. Please take time to answer these questions completely. If you have any questions feel free to contact ODOD at (614)466-2317.

**Note: Entries marked with an asterisk (\*) are required fields.**

### 2012 Information

### Current Info ( 2013)

11. Total number of full-time permanent employees employed by the enterprise at the project site for the following categories:

a. As of 12/31/2013:

25

25

\*

b. New jobs created attributed to the CRA Agreement:

46

46

\*

21

21

\*

c. Jobs retained attributed to the CRA  
Agreement:

12. Identify total actual annual payroll as of **\$180,000.00**  \*

12/31/2013 attributed to the new employment  
(11b) resulting from the CRA Agreement:

13a. State the project investment level achieved as of 12/31/2013

Real Property: **\$4,347,300.00**  \*

Real Property Eligible for Exemption: **\$0.00**  \*

Personal Property: **\$0.00**  \*

13b. Identify the taxes paid and forgone in calendar year 2013 with regard to project investments:

Real Property Taxes Paid: **\$13,061.00**  \*

Real Property Taxes Forgone: **\$0.00**  \*

Personal Property Taxes Paid:  \*

Personal Property Taxes Forgone:  \*

13c. Identify cumulative taxes paid and foregone at the project site over the term of the CRA  
Agreement:

Real Property Taxes Paid: **\$17,161.00**  \*

Real Property Taxes Forgone: **\$0.00**  \*

Personal Property Taxes Paid: **\$0.00**  \*

Personal Property Taxes Forgone:  \*

13d. State the type and total estimated value of any other incentives  
provided by the local authorities under the CRA Agreement:

**\$0.00**  \*

14. Date of the most recent Tax Incentive Review Council (TIRC) review  
of this project:

**4/25/2012**  \*

14a. TIRC recommendations from most recent compliance review:

**CONTINUE**   \*

14b. Local Government action/status on TIRC  
recommendation:

**CONTINUE**   \*

**Click "Submit" button to submit entered data.** If you need to revise the data before March 31,  
2013, you may do so and click "Submit".

### CERTIFICATION INFORMATION

I hereby represent and certify that the foregoing information, to the best of my  
knowledge, is true, complete, and accurately describes the status of the CRA project  
as of December 31, 2013

**Enterprise's Authorized Representative:**

First and Last Name:

Ray Cox \*

Title:

Managing Member \*

**Community Authorized Representative  
Name:**(CRA Housing Officer or C.E.O. of  
local government)

First and Last Name:

Tom Zimmerman \*

Title:

Housing Officer \*



**TRI-VET and PET-VET**



## CRA Agreement/Project Status Report for 2013

Agreement#: 02-002

CRA#: 069-53550-02

[Print a Blank Report](#)

## SPECIFIC CRA AGREEMENT PROJECT STATUS REPORT - 2013

☐ This project remains under construction AND has received no exemption from taxation for this reporting year

Please leave the entries in blue blank if they are correct. This section contains parameters of the current CRA Agreement. If you do feel that any of these parameters are incorrect or have been changed, enter the correct value.

	Current Information	Changes/Corrections
1. Name the business(es) party to the CRA Agreement:	TRI VET LLC	<input type="text"/>
2. Name the Local Governmental Jurisdiction(s) where the project is located:		
County:	HENRY	<input type="text" value="Select..."/>
City, Municipality, or Township:	NAPOLEON	<input type="text"/>
Local School District:	LIBERTY CENTER	<input type="text" value="Select..."/>
3. For the CRA Agreement:		
a. Execution Date:	12/12/2002	<input type="text"/>
b. Expiration Date:	12/31/2015	<input type="text"/>
c. Amendment Date(s) (please list all):		<input type="text"/>
4. Baseline total full-time permanent employment of the enterprise:		
a. At the facility prior to executing the CRA Agreement:		<input type="text"/>
Payroll:		<input type="text"/>
b. In Ohio prior to executing the CRA Agreement:	0	<input type="text" value="0"/>
5. Did the enterprise close or reduce employment at another site:		

a. Within Ohio as a result of this agreement?

Community:

Jobs:

0


b. Outside of Ohio as a result of this agreement?

State:

Jobs:

0


6. Number of permanent full-time jobs committed to create and/or retain within the CRA agreement:

Retain:

0

Create:

3


7. Job creation period outlined in agreement (months):

24

8. Estimated annual payroll attributed to the new and/or retained employees pursuant to question 6.:

Retained Payroll:

\$0.00

New Payroll:

\$72,500.00


9. Enterprise's total project investment commitment and the eligible granted tax exemption as specified in the CRA Agreement:

Real Property:

\$510,000.00

Granted Exemption:

\$510,000.00


10. Tax exemptions granted to the business under the CRA Agreement:

Real Property Exemption:

100

Real Property Exemption Term (years):

10


### Actual Project Information as of December 31, 2013

Enter the following data as of the end of the year. Please enter data in all of these blanks, even if it has not changed. These questions are vital to the success of program evaluation. Please take time to answer these questions completely. If you have any questions feel free to contact ODOD at (614)466-2317.

**Note: Entries marked with an asterisk (\*) are required fields.**

### 2012 Information

### Current Info ( 2013)

11. Total number of full-time permanent employees employed by the enterprise at the project site for the following categories:

a. As of 12/31/2013:

14

b. New jobs created attributed to the CRA Agreement:

3

0

 \*  
 \*

 \*

c. Jobs retained attributed to the CRA Agreement:

12. Identify total actual annual payroll as of 12/31/2013 attributed to the new employment (11b) resulting from the CRA Agreement:

\$140,000.00	\$145,000.00	*
--------------	--------------	---

13a. State the project investment level achieved as of 12/31/2013

Real Property:	\$586,000.00	\$586,000.00	*
Real Property Eligible for Exemption:	\$0.00	\$0.00	*
Personal Property:	\$0.00	\$0.00	*

13b. Identify the taxes paid and forgone in calendar year 2013 with regard to project investments:

Real Property Taxes Paid:	\$5,154.00	\$9,900.00	*
Real Property Taxes Forgone:	\$4,816.00	\$0.00	*
Personal Property Taxes Paid:	\$0.00	\$0.00	*
Personal Property Taxes Forgone:	\$0.00	\$0.00	*

13c. Identify cumulative taxes paid and foregone at the project site over the term of the CRA Agreement:

Real Property Taxes Paid:	\$15,403.00	\$25,303.00	*
Real Property Taxes Forgone:	\$20,395.00	\$20,395.00	*
Personal Property Taxes Paid:	\$0.00	\$0.00	*
Personal Property Taxes Forgone:	\$0.00	\$0.00	*

13d. State the type and total estimated value of any other incentives provided by the local authorities under the CRA Agreement:

\$0.00	\$0.00	*
--------	--------	---

14. Date of the most recent Tax Incentive Review Council (TIRC) review of this project:

4/25/2012	4/29/2013	*
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14a. TIRC recommendations from most recent compliance review:

CONTINUE	EXPIRE	▼	*
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14b. Local Government action/status on TIRC recommendation:

CONTINUE	CONTINUE	▼	*
----------	----------	---	---

Click "Submit" button to submit entered data. If you need to revise the data before March 31, 2013, you may do so and click "Submit".

### CERTIFICATION INFORMATION

I hereby represent and certify that the foregoing information, to the best of my knowledge, is true, complete, and accurately describes the status of the CRA project as of December 31, 2013

**Enterprise's Authorized Representative:**

First and Last Name:

Douglas Burgei \*

Title:

President/Owner \*

**Community Authorized Representative  
Name:**(CRA Housing Officer or C.E.O. of  
local government)

First and Last Name:

Tom Zimmerman \*

Title:

Housing Officer \*



## CRA Agreement/Project Status Report for 2013

Agreement#: 02-003

CRA#: 069-53550-02

[Print a Blank Report](#)

SPECIFIC CRA AGREEMENT PROJECT STATUS REPORT - 2013
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☐ This project remains under construction AND has received no exemption from taxation for this reporting year

Please leave the entries in blue blank if they are correct. This section contains parameters of the current CRA Agreement. If you do feel that any of these parameters are incorrect or have been changed, enter the correct value.

	Current Information	Changes/Corrections
1. Name the business(es) party to the CRA Agreement:	PET VET LLC	<input type="text"/>
2. Name the Local Governmental Jurisdiction(s) where the project is located:		
County:	HENRY	Select... <input type="button" value="v"/>
City, Municipality, or Township:	NAPOLEON	<input type="text"/>
Local School District:	LIBERTY CENTER	Select... <input type="button" value="v"/>
3. For the CRA Agreement:		
a. Execution Date:	12/12/2002	<input type="text"/>
b. Expiration Date:	12/31/2015	<input type="text"/>
c. Amendment Date(s) (please list all):		<input type="text"/>
4. Baseline total full-time permanent employment of the enterprise:		
a. At the facility prior to executing the CRA Agreement:		<input type="text"/>
Payroll:		<input type="text"/>
b. In Ohio prior to executing the CRA Agreement:	0	<input type="text"/>
5. Did the enterprise close or reduce employment at another site:		

a. Within Ohio as a result of this agreement?

Community:

Jobs:

0

b. Outside of Ohio as a result of this agreement?

State:

Jobs:

0

6. Number of permanent full-time jobs committed to create and/or retain within the CRA agreement:

Retain:

0

Create:

7

7. Job creation period outlined in agreement (months):

24

8. Estimated annual payroll attributed to the new and/or retained employees pursuant to question 6.:

Retained Payroll:

\$0.00

New Payroll:

\$128,000.00

\$228,958.00

9. Enterprise's total project investment commitment and the eligible granted tax exemption as specified in the CRA Agreement:

Real Property:

\$450,000.00

Granted Exemption:

\$450,000.00

10. Tax exemptions granted to the business under the CRA Agreement:

Real Property Exemption:

100

Real Property Exemption Term (years):

10

### Actual Project Information as of December 31, 2013

Enter the following data as of the end of the year. Please enter data in all of these blanks, even if it has not changed. These questions are vital to the success of program evaluation. Please take time to answer these questions completely. If you have any questions feel free to contact ODOD at (614)466-2317.

**Note: Entries marked with an asterisk (\*) are required fields.**

### 2012 Information

### Current Info ( 2013)

11. Total number of full-time permanent employees employed by the enterprise at the project site for the following categories:

a. As of 12/31/2013:

8

8

\*

b. New jobs created attributed to the CRA

8

8

\*

Agreement:

0

0

\*

c. Jobs retained attributed to the CRA Agreement:

12. Identify total actual annual payroll as of 12/31/2013 attributed to the new employment (11b) resulting from the CRA Agreement:

\$223,710.00	\$288,958.00	*
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13a. State the project investment level achieved as of 12/31/2013

Real Property:	\$960,000.00	\$960,000.00	*
Real Property Eligible for Exemption:	\$900,000.00	\$960,000.00	*
Personal Property:	\$450,000.00	\$450,000.00	*

13b. Identify the taxes paid and forgone in calendar year 2013 with regard to project investments:

Real Property Taxes Paid:	\$5,862.00	\$5,902.00	*
Real Property Taxes Forgone:	\$4,020.00	\$4,020.00	*
Personal Property Taxes Paid:	\$0.00	\$0.00	*
Personal Property Taxes Forgone:	\$0.00	\$0.00	*

13c. Identify cumulative taxes paid and foregone at the project site over the term of the CRA Agreement:

Real Property Taxes Paid:	\$20,888.00	\$26,790.00	*
Real Property Taxes Forgone:	\$24,074.00	\$28,094.00	*
Personal Property Taxes Paid:	\$0.00	\$0.00	*
Personal Property Taxes Forgone:	\$0.00	\$0.00	*

13d. State the type and total estimated value of any other incentives provided by the local authorities under the CRA Agreement:

\$0.00	\$0.00	*
--------	--------	---

14. Date of the most recent Tax Incentive Review Council (TIRC) review of this project:

4/25/2012	4/29/2013	*
-----------	-----------	---

14a. TIRC recommendations from most recent compliance review:

CONTINUE	EXPIRE	▼	*
----------	--------	---	---

14b. Local Government action/status on TIRC recommendation:

CONTINUE	CONTINUE	▼	*
----------	----------	---	---

Click "Submit" button to submit entered data. If you need to revise the data before March 31, 2013, you may do so and click "Submit".

### CERTIFICATION INFORMATION

I hereby represent and certify that the foregoing information, to the best of my knowledge, is true, complete, and accurately describes the status of the CRA project as of December 31, 2013

**Enterprise's Authorized Representative:**

First and Last Name:

Douglas Burgei \*

Title:

Partner/Owner \*

**Community Authorized Representative  
Name:**(CRA Housing Officer or C.E.O. of  
local government)

First and Last Name:

Tom Zimmerman \*

Title:

Housing Officer \*

# **COMMUNITY IMPROVEMENT CORPORATION OF HENRY COUNTY**

## **2014 Tax Incentive Review Council Meeting Minutes March 20, 2014**

The Henry County Auditor's Designee, Robert McColley, Executive Director of Henry County CIC, called the Thursday, March 20, 2014, meeting of the Tax Incentive Review Council (TIRC) to order at 9:07 a.m., and the TIRC reviewed the following agreements:

<b>TJ AUTOMATION</b>
<b>ALEX PRODUCTS</b>
<b>RAILTECH BOUTET</b>
<b>PET VET</b>
<b>TRI VET</b>
<b>A&amp;J</b>
<b>MMD HOLDINGS (CRA)</b>
<b>KOESTER CORPORATION</b>
<b>NAPOLEON I, LLC</b>
<b>HOLGATE METAL FAB</b>
<b>INNOVATIVE TOOL</b>
<b>ROBOTIC TOOL</b>
<b>KELLER PACKAGING '04</b>
<b>KELLER PACKAGING '06</b>
<b>CAMPBELL/AMCOR '04</b>
<b>CAMPBELL 2012</b>
<b>CAMPBELL 2006</b>

### TJ Automation:

Attendance: Tim Meister, Christine Ziegler, Cal Spiess, Dexter Benecke, Kevin Garringer, Robert McColley and Amanda Griffith

Others: John Helberg

Executive Director McColley reviewed the Project Status Report (Section C form). The ten-year term on this agreement has expired. Cal Spiess moved to recommend expiring this agreement as of December 31, 2013 with the understanding that the company will be invoiced for the last abatement payment in September 2014 for tax year 2013. Dexter Benecke seconded. Motion carried.

### Alex Products:

Attendance: Tim Meister, Christine Ziegler, Cal Spiess, Dexter Benecke, Kevin Garringer, Robert McColley and Amanda Griffith

Others: John Helberg and Tom Zimmerman

Executive Director McColley reviewed the project status report (Section C form). The ten-year term on this agreement has expired. Cal Spiess moved to recommend expiring this agreement as of December 31, 2013 with the understanding that the company will be invoiced for the last abatement payment in September 2014 for tax year 2013. Christine Ziegler seconded. Dexter Benecke abstained. Motion carried.

Railtech Boutet:

Attendance: Tim Meister, Carla Rice, Cal Spiess, Dexter Benecke, John Overmier, Kevin Garringer, Robert McColley and Amanda Griffith

Others: John Helberg, Rosalie Ashenfelter and Tom Zimmerman

Executive Director Robert McColley reviewed the Project Status Report (Section C form). Mr. McColley reported that the payroll/investment requirements are less than what is required in the agreement however the company is still within its investment period and the agreement was recently executed. Dexter Benecke moved to recommend continuing the agreement. Cal Spiess seconded. Motion carried.

Pet Vet CRA:

Attendance: Tim Meister, Carla Rice, Travis Sheaffer, John Helberg, Tom Zimmerman, Kevin Garringer, Cal Spiess, Dexter Benecke, John Overmier, Robert McColley and Amanda Griffith

Others: Rosalie Ashenfelter

Executive Director McColley reviewed the project status report (Section C form) and the agreement terms. Discussion ensued as to when the agreement is set to expire. Cal Spiess moved to recommend expiring the agreement as of December 31, 2013 with the understanding that the company will be invoiced for the last abatement payment in September 2014 for tax year 2013. Carla Rice seconded. Motion carried.

Tri Vet CRA:

Attendance: Tim Meister, Carla Rice, Travis Sheaffer, John Helberg, Tom Zimmerman, Kevin Garringer, Cal Spiess, Dexter Benecke, John Overmier, Robert McColley and Amanda Griffith

Others: Rosalie Ashenfelter and Mike Bostelman

Executive Director McColley reviewed the project status report (Section C form) and the agreement terms. Discussion ensued as to when the agreement is set to expire. Cal Spiess moved to recommend expiring the agreement as of December 31, 2013 with the understanding that the company will be invoiced for the last abatement payment in September 2014 for tax year 2013. Dexter Benecke seconded. Motion carried.

Further discussion ensued regarding Pet Vet and Tri Vet agreements and the expiration dates of those agreements. Cal Spiess moved to revoke the previous motions to expire the Pet Vet and Tri Vet agreements after consideration of the discussion. Carla Rice seconded. Motion carried.

Pet Vet CRA: Cal Spiess moved to recommend expiring the agreement as of December 31, 2012. Carla Rice seconded. Motion carried.

Tri Vet CRA: Cal Spiess moved to recommend expiring the agreement as of December 31, 2012. Dexter Benecke seconded. Motion carried. (CIC is to review when the payments started for the abatements).

A&J CRA:

Attendance: Tim Meister, Carla Rice, Tom Zimmerman, Kevin Garringer, Travis Sheaffer, John Helberg, Cal Spiess, Dexter Benecke, John Overmier, Robert McColley and Amanda Griffith

Others: Rosalie Ashenfelter and Mike Bostelman

Executive Director McColley reviewed the project status report (Section C form). Mr. McColley reported that they have met the requirements as outlined in the agreement. Cal Spiess moved to recommend continuing the agreement. Dexter Benecke seconded. Motion carried.

MMD&H Holdings (PETRO) CRA:

Attendance: Tim Meister, Carla Rice, Tom Zimmerman, Kevin Garringer, Travis Sheaffer, John Helberg, Cal Spiess, Dexter Benecke, John Overmier, Robert McColley and Amanda Griffith  
Others: Rosalie Ashenfelter and Mike Bostelman

Executive Director Robert McColley reviewed the Project Status Report (Section C form). Mr. McColley reported that the payroll/capital investment achieved are less than what is required in the agreement however the company is still within its investment period. Mr. McColley also reported that Napoleon City Council has approved an assignment to change the name to MWA Enterprises. Cal Spiess moved to recommend continuing the agreement. Travis Sheaffer seconded. Motion carried.

Koester Land Acquisitions CRA:

Attendance: Tim Meister, Mike Bostelman, Tom Zimmerman, Kevin Garringer, Travis Sheaffer, John Helberg, Cal Spiess, Dexter Benecke, Robert McColley and Amanda Griffith  
Others: Rosalie Ashenfelter

Executive Director Robert McColley reviewed the Project Status Report (Section C form). Mr. McColley reported that the payroll/investment requirements are less than what is required in the agreement however the company is still within its investment period and the agreement was recently executed. Mr. McColley also reported that the company has purchased a building in downtown Napoleon and plans to move the engineering department to that building. Cal Spiess moved to recommend continuing the agreement. Mike Bostelman seconded. Motion carried.

Napoleon I, LLC (CRA):

Attendance: Tim Meister, Mike Bostelman, Travis Sheaffer, John Helberg, Cal Spiess, Dexter Benecke, Tom Zimmerman, Kevin Garringer, Robert McColley and Amanda Griffith  
Others: Rosalie Ashenfelter

Executive Director McColley reviewed the project status report (Section C form). Mr. McColley reported that the retention numbers on the form may include employee turnover instead of actual positions created. After further discussion, Mr. McColley reported that the business is paying the abatement payments on time. Dexter Benecke moved to recommend continuing the agreement. Cal Spiess seconded. Motion carried.

Holgate Metal Fab:

Attendance: Tim Meister, Mike Bostelman, Travis Sheaffer, John Helberg, Cal Spiess, Dexter Benecke, Kevin Garringer, Robert McColley  
Others: Rosalie Ashenfelter

Executive Director McColley reviewed the project status report (Section C form). Mr. McColley reported that the payroll requirements are less than what is required in the agreement however the economy was a major factor in the company reducing its workforce. Dexter Benecke moved to recommend continuing the agreement. Cal Spiess seconded. Motion carried.

Innovative Tool & Die:

Attendance: Tim Meister, Mike Bostelman, Travis Sheaffer, John Helberg, Kevin Garringer, Cal Spiess, Dexter Benecke, Robert McColley and Amanda Griffith  
Others: Rosalie Ashenfelter

Executive Director McColley reviewed the project status report (Section C form). Mr. McColley reported that the payroll requirements are less than what is required in the agreement however the company is a supporter of economic development and the economy was a major factor in the company reducing its workforce. Dexter Benecke moved to recommend continuing the agreement. Cal Spiess seconded. Motion carried.

Robotic Tools:

Attendance: Tim Meister, Mike Bostelman, Cal Spiess, Dexter Benecke, Kevin Garringer, Robert McColley and Amanda Griffith  
Others: Rosalie Ashenfelter

Executive Director McColley reported that the company did not turn in a project status report (Section C form) and has also moved out of the County. Cal Spiess moved to recommend terminating the agreement with the understanding that the company will be invoiced for the last abatement payment in September 2014 for tax year 2013. Mike Bostelman seconded. Motion carried.

Keller Packaging 123-04-01:

Attendance: Tim Meister, Mike Bostelman, Cal Spiess, Dexter Benecke, Kevin Garringer, Rosalie Ashenfelter, Robert McColley and Amanda Griffith  
Others: None.

Executive Director McColley reviewed the project status report (Section C form) and that the company is growing. Cal Spiess moved to recommend continuing the agreement. Dexter Benecke seconded. Motion carried.

Keller Packaging 123-06-01

Attendance: Tim Meister, Mike Bostelman, Cal Spiess, Dexter Benecke, Rosalie Ashenfelter, Kevin Garringer, Robert McColley and Amanda Griffith  
Others: None.

Executive Director McColley reviewed the project status report (Section C form). Mr. McColley also reported that the retained employee numbers when the agreement was first signed was the previous company's numbers and may need updated to report the current company's employment numbers. Rosalie Ashenfelter moved to recommend continuing the agreement. Cal Spiess seconded. Motion carried.

Campbell Soup Supply Company/Amcor 123-04-02:

Attendance: Tim Meister, Mike Bostelman, Cal Spiess, Dexter Benecke, Rosalie Ashenfelter, Kevin Garringer, Robert McColley and Amanda Griffith  
Others: None.

Executive Director McColley reviewed the project status report (Section C form). Mr. McColley reported that they have met the requirements as outlined in the agreement. Mike Bostelman moved to recommend continuing the agreement. Cal Spiess seconded. Motion carried.

Campbell Soup Supply Company 123-12-01

Attendance: Tim Meister, Mike Bostelman, Cal Spiess, Dexter Benecke, Rosalie Ashenfelter, Kevin Garringer, Robert McColley and Amanda Griffith  
Others: None.

Executive Director McColley reviewed the project status report (Section C form). Mr. McColley reported that initially the company agreed to invest a sizeable real property investment; however, after further review it was determined that the investment was determined to be personal property and not real property according to the laws set forth by the State of Ohio. Therefore, the real property investment level and real estate taxes were reduced significantly. Nevertheless, it was discussed that Campbell Soup continues to invest millions of dollars into Henry County and is the largest employer by far. Dexter Benecke moved to recommend continuing the agreement. Cal Spiess seconded. Motion carried.

Campbell Soup Supply Company 123-06-02:

Attendance: Tim Meister, Mike Bostelman, Cal Spiess, Dexter Benecke, Rosalie Ashenfelter, Kevin Garringer, Robert McColley and Amanda Griffith  
Others: None.

Executive Director McColley reviewed the project status report (Section C form). Mr. McColley reported that they have met the requirements as outlined in the agreement. Cal Spiess moved to recommend continuing the agreement. Mike Bostelman seconded. Motion carried.

Adjournment:

Cal Spiess moved to adjourn the meeting. Rosalie Ashenfelter seconded. Motion carried. Meeting adjourned at 10: 31 a.m.



Robert McColley, J.D.  
Executive Director of Henry County CIC and  
Henry County Auditor's TIRC Representative

## **PC 14-04**

### **Re-Plat of Lot 5 of the MWT Subdivision**

**TO:** The members of The City Planning Commission

**FROM:** Tom Zimmerman, Zoning Administrator

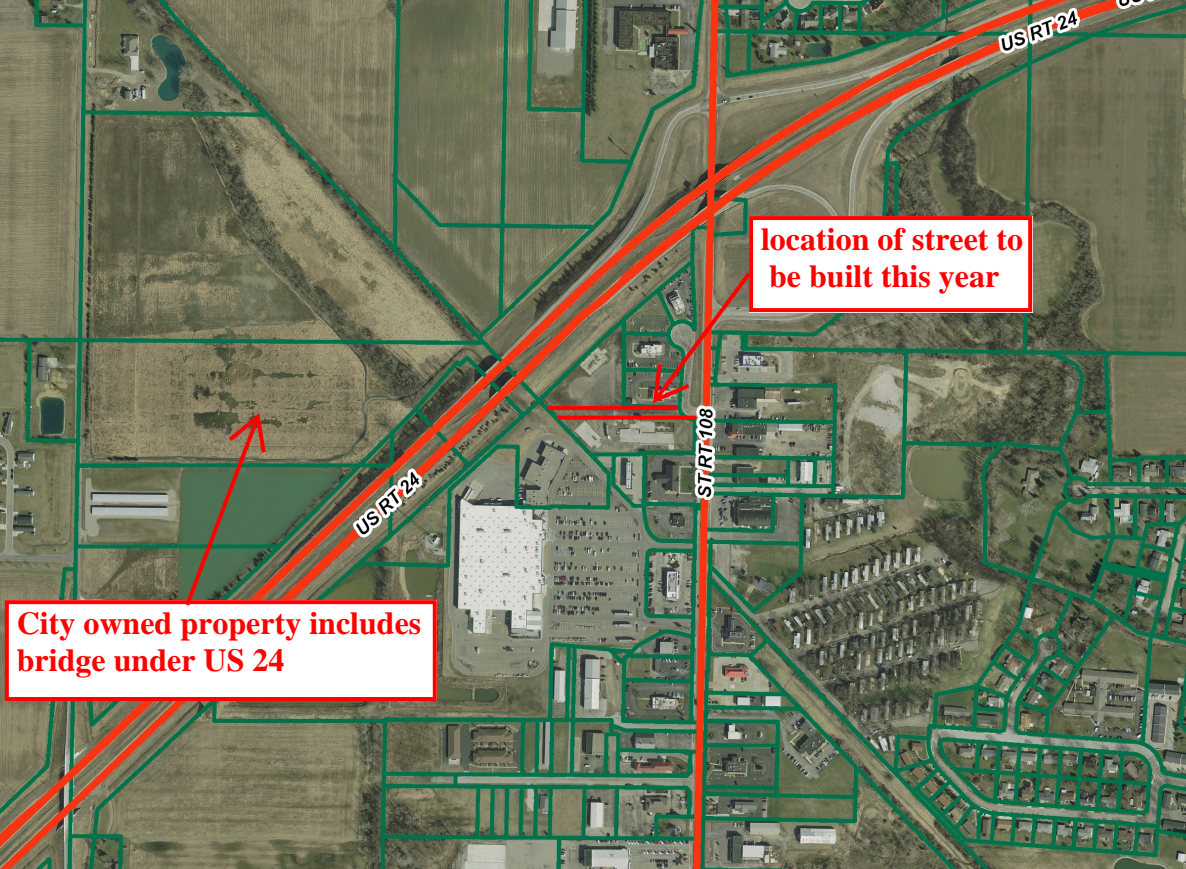
**SUBJECT:** Re-Plat

**MEETING DATE:** March 11, 2014 @ 5:00 p.m.

**BACKGROUND:** An application for public hearing has been filed by First Federal Bank of the Midwest. The applicant is requesting a Re-Plat of Lot # 5 of the MWT Subdivision at 2269 N. Scott St., Napoleon, OH. The request is pursuant to Chapter 1105 of the Codified Ordinances of Napoleon Ohio. The property is located in a C-4 Planned Commercial Zoning District.

#### **RESEARCH & FINDINGS:**

1. The proposed subdivision of land meets all the requirements of Chapter eleven of City's Codified Ordinances pertaining to Subdivision regulations, lot size and building setbacks and parking requirements
2. The re-plat of lot #5 includes 4 buildable commercial lots and a proposed street right a way that is being dedicated to the City with this Plat.
3. The City Engineering Dept is designing and will build this year the new street. There is an ingress egress easement recorded that will provide access through the right a way to lots B, C and D until the street is built.
4. The City Engineer has reviewed and approved the proposed subdivision.



US RT 24

ST RT 108

location of street to be built this year

City owned property includes bridge under US 24

# THE RE-PLAT OF LOT #5 OF THE MWT SUBDIVISION

A PARTITION OF LOT #5 OF THE MWT SUBDIVISION  
BEING PART OF THE EAST HALF OF SECTION 11,  
TOWN-5-NORTH, RANGE-6-EAST, NAPOLEON TWP.,  
CITY OF NAPOLEON, HENRY CO., STATE OF OHIO

3.839 Ac. TOTAL

DEED REFERENCE:  
Vol. 243, Pg. 1998

EASEMENT REFERENCE:  
Vol. 274, Pg. 643-645

PLAT REFERENCE:  
FINAL PLAT OF RECORD FOR  
MWT SUBDIVISION, RECORDED  
@ SLIDE #244 IN THE HENRY  
COUNTY RECORDER'S OFFICE.

Current Zoning:  
C-4: PLANNED COMMERCIAL

CURVE "A" DATA:  
88°48'42" Delta  
S 51°22'27" E, Chord Brg.  
76.97' Chord Dist.  
55.00' Radius  
85.25' Arc Dist.

0 60 120 180 240  
Horizontal Scale - Feet  
Scale 1"=60'

## LEGEND

A ■ = Mon. box found @ E. 1/4 cor., Sec. 11  
B ■ = Concrete monument found  
C ● = Iron pin found  
D • = Point re-established  
E ● = 5/8"x30" iron pin with ID cap  
to be set @ all parcel corners

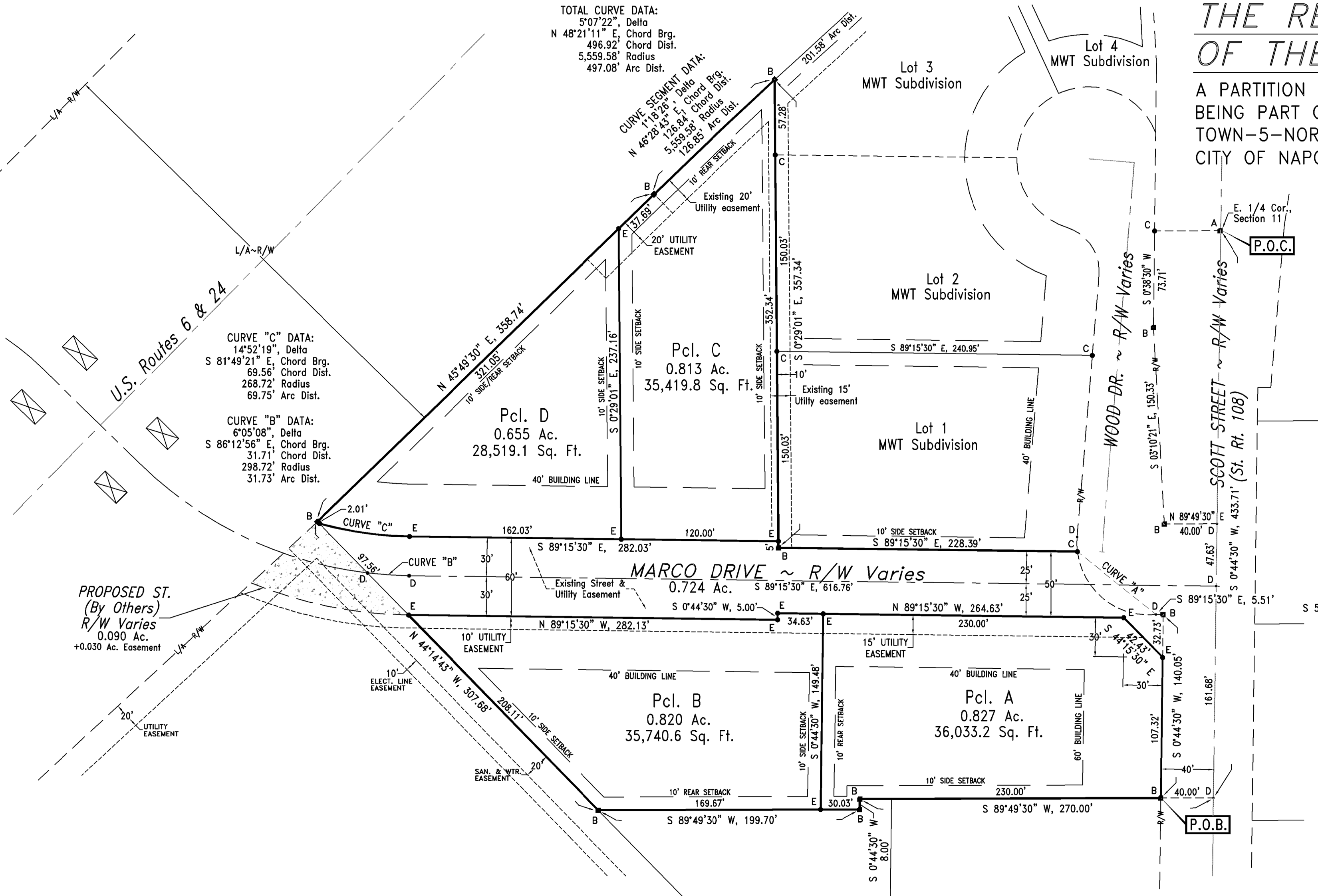
TOTAL CURVE DATA:  
5°07'22" Delta  
N 48°21'11" E, Chord Brg.  
496.92' Chord Dist.  
5,559.58' Radius  
497.08' Arc Dist.

CURVE SEGMENT DATA:  
1°18'26" Delta  
N 46°28'43" E, Chord Brg.  
126.84' Chord Dist.  
5,559.58' Radius  
126.85' Arc Dist.

CURVE "C" DATA:  
14°52'19" Delta  
S 81°49'21" E, Chord Brg.  
69.56' Chord Dist.  
268.72' Radius  
69.75' Arc Dist.

CURVE "B" DATA:  
6°05'08" Delta  
S 86°12'56" E, Chord Brg.  
31.71' Chord Dist.  
298.72' Radius  
31.73' Arc Dist.

PROPOSED ST.  
(By Others)  
R/W Varies  
0.090 Ac.  
+0.030 Ac. Easement



## CITY ENGINEER'S CERTIFICATE

Under authority provided Chapter 711 of the Ohio Revised Code,  
I hereby approve this plat.

Dated \_\_\_\_\_ City Engineer, Napoleon, Ohio

## COUNTY AUDITOR'S CERTIFICATE

I, the Henry County Auditor, do hereby certify that there are no  
unpaid taxes on the real estate described herein and certify the  
same for transfer.

Transferred \_\_\_\_\_, 2014. \_\_\_\_\_  
Henry County Auditor

## COUNTY RECORDER'S CERTIFICATE

Filed for record \_\_\_\_\_, 2014 at \_\_\_\_\_, M.

Recorded on \_\_\_\_\_, 2014 in Plat Cabinet \_\_\_\_\_, Slide \_\_\_\_\_

Fee \$ \_\_\_\_\_  
Henry County Recorder

## PLANNING COMMISSION CERTIFICATE

Under authority provided by Chapter 711 of the Ohio Revised Code  
and Chapter 1105 of the City of Napoleon Code of Ordinances,  
this plat is hereby approved by the Planning Commission of the  
City of Napoleon, Ohio.

Dated \_\_\_\_\_ Chairman

Clerk of Council

## CITY COUNCIL CERTIFICATE

Under authority provided by Chapter 711 of the Ohio Revised Code  
and Chapter 1105 of the City of Napoleon Code of Ordinances,  
this plat is hereby approved by the City Council of the  
City of Napoleon, Ohio

Dated \_\_\_\_\_ Mayor

Clerk of Council

## OWNERS APPROVAL

The undersigned, First Federal Bank of the Midwest, \_\_\_\_\_  
owner of the real estate described herein by deed recorded in  
Vol. \_\_\_\_\_ Pg. \_\_\_\_\_, Official Record, Henry County Recorder's Office,  
does hereby assent to the adoption of this subdivision replat and  
dedicate, to the public, the street and easements as shown hereon.

WITNESS OUR HAND AND SEAL THIS \_\_\_\_\_ day of \_\_\_\_\_, 2014

President \_\_\_\_\_ Witness \_\_\_\_\_

Secretary \_\_\_\_\_ Witness \_\_\_\_\_

STATE OF OHIO, HENRY COUNTY, SS:  
Before me the undersigned Notary Public in and for the county and  
state personally appeared First federal Bank of the Midwest, \_\_\_\_\_  
by \_\_\_\_\_ its President, and \_\_\_\_\_ its Secretary,  
owner of the real estate described herein, who did acknowledge the  
execution of the foregoing instrument as their voluntary act and deed,  
for the purposes herein expressed.

Witness my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 2014

Notary Public

## SURVEYOR'S CERTIFICATE

I hereby certify that this plat represents a survey made by me,  
that the specified monumentation shown hereon actually exists  
or will be placed within one (1) year of final plat acceptance,  
and that its location is correctly shown.

Dated \_\_\_\_\_ Paul J. Westhoven, P.S. #5602  
Survey Number: 3366d-H-CN-01-15-14

## NOTES:

The bearings shown hereon are taken from a previous  
survey plat, are intended to indicate angular measurement  
only, and are not referenced to true or magnetic north.

**PLANNING COMMISSION RESOLUTION NO. PC 14-04**

**A RESOLUTION RECOMMENDING THE APPROVAL OF A  
PLAT – NOW KNOWN AS "THE RE-PLAT OF LOT #5 OF THE  
MWT SUBDIVISION" TO THE CITY OF NAPOLEON, OHIO**

**WHEREAS**, First Federal Bank, Owner, have made application pursuant to Chapter 1105 of the Codified Ordinances of the City of Napoleon, Ohio, to approve a Re-plat of Lot #5 of the MWT Subdivision, a subdivision in the City of Napoleon, Ohio; and,

**WHEREAS**, this Commission has held a hearing pursuant to Section 1105.09 of the Codified Ordinances of the City of Napoleon, Ohio and other applicable sections of law, to wit: Hearing No. PC-14-04 (held March 11, 2014); and,

**WHEREAS**, no Performance Agreement is required; and,

**WHEREAS**, based upon the submittals, testimony, and/or other evidence received by the Commission it has been determined to recommend approval of said minor subdivision and approve the proposed plat; **Therefore**,

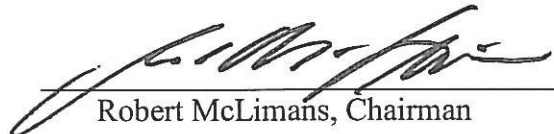
**BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY  
OF NAPOLEON, OHIO:**

Section 1. That, it is the recommendation of this Planning Commission that the plat known as The Re-plat of Lot #5 of the MWT Subdivision, a subdivision, a partition of Lot #5 of the MWT Subdivision, being part of the East half of Section 11, Town 5 North, Range 6 East, Napoleon Twp., City of Napoleon, Henry Co., State of Ohio, be approved by the City Council of Napoleon, Ohio. Exhibit "A"

Section 2. That, it is found and determined that all formal actions of this Planning Commission concerning and relating to the adoption of this Resolution were adopted in open meetings of this Planning Commission, and that all deliberations of this Planning Commission and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 3. That, if any other prior Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

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

  
Robert McLimans, Chairman

VOTE ON PASSAGE 3 Yea \_\_\_\_\_ Nay \_\_\_\_\_ Abstain \_\_\_\_\_



# City of Napoleon, Ohio

## Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

Chad E. Lulfs, P.E., P.S., Director of Public Works

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

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

## Memorandum

**To:** Dr. Jon A. Bisher, City Manager  
**From:** Chad E. Lulfs, P.E., P.S., City Engineer  
**cc:** Mayor & City Council  
Greg Heath, City Finance Director  
**Date:** April 7, 2014  
**Subject:** Perry Street Parking Lot  
Approval of Plans & Specifications

The City of Napoleon's Department of Public Works requests approval of the plans and specifications for the Perry Street Parking Lot Project. This project consists of constructing a concrete parking lot at the corner of N. Perry Street and W. Main Street. This is the final step in the project that involved the demolition of the buildings at this location.

Engineer's Estimate of Construction: \$95,000.00.

Budgeted amount for this project is \$95,000.00.

*CEL*

NOTICE TO LEGISLATIVE  
AUTHORITY

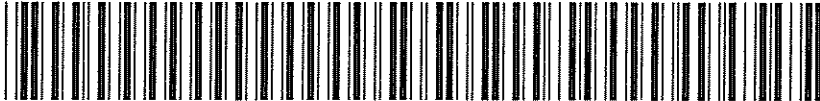
OHIO DIVISION OF LIQUOR CONTROL  
6606 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX(614)644-3166

TO

58998990005			TRFO	MIAMI VALLEY PIZZA LLC
PERMIT NUMBER			TYPE	2240 N SCOTT ST
06	01	2013	NAPOLEON OHIO 43545	
ISSUE DATE				
03	12	2014		
FILING DATE				
D1	D2			
PERMIT CLASSES				
35	088	A	F11668	
TAX DISTRICT		RECEIPT NO.		

FROM 03/14/2014

58997730005				MIAMI VALLEY PIZZA HUT INC
PERMIT NUMBER			TYPE	DBA PIZZA HUT OF NAPOLEON
06	01	2013	2240 N SCOTT ST	
ISSUE DATE			NAPOLEON OHIO 43545	
03	12	2014		
FILING DATE				
D1	D2			
PERMIT CLASSES				
35	088			
TAX DISTRICT		RECEIPT NO.		



MAILED 03/14/2014

RESPONSES MUST BE POSTMARKED NO LATER THAN. 04/14/2014

**IMPORTANT NOTICE**

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

REFER TO THIS NUMBER IN ALL INQUIRIES A TRFO 5899899-0005

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING. ☐

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

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

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

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

LLC / PARTNERSHIP CROSS REFERENCE  
DISPLAY

PGECC

58998990005 PERMIT NBR  
MIAMI VALLEY PIZZA LLC  
2240 N SCOTT ST  
NAPOLEON OHIO 43545

\*\*\*\*\*

ANDREW SCOTT RITCHIE	03/12/2014 ACTIVE	CEO	
ANTHONY E SZAMBECKI	03/12/2014 ACTIVE	PRESIDENT	
DANIEL W WRIGHT	03/12/2014 ACTIVE	VICE PRES.	
SCOTT C ARBUTHNOT	03/12/2014 ACTIVE	TREASURER	
NORTH COAST PIZZA INC	03/12/2014 ACTIVE		5% MEMSHIP

PA2-KEY = END SESSION,      CLEAR-KEY = END OPTION,      ENTER-KEY = TO CONTINUE

NOTICE TO LEGISLATIVE  
AUTHORITY

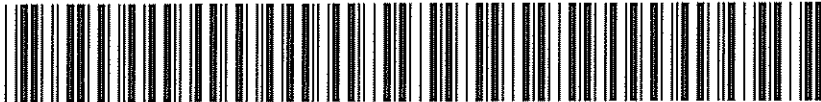
OHIO DIVISION OF LIQUOR CONTROL  
6606 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX(614)644-3166

TO

0166166		TRFO	AMERICAN ROAD LLC DBA PETRO:2 EXCLUDES QUIZNOS 900 AMERICAN RD NAPOLEON OH 43545
PERMIT NUMBER		TYPE	
06	01	2013	
ISSUE DATE			
03	27	2014	
FILING DATE			
C1 C2		PERMIT CLASSES	
35	088	A	F11745
TAX DISTRICT		RECEIPT NO.	

FROM 03/31/2014

6071806			MMD & H HOLDINGS LLC 900 AMERICAN RD EXCLD QUIZNOS NAPOLEON OHIO 43545
PERMIT NUMBER		TYPE	
06	01	2013	
ISSUE DATE			
03	27	2014	
FILING DATE			
C1 C2		PERMIT CLASSES	
35	088		
TAX DISTRICT		RECEIPT NO.	



MAILED 03/31/2014

RESPONSES MUST BE POSTMARKED NO LATER THAN. 05/01/2014

**IMPORTANT NOTICE**

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

REFER TO THIS NUMBER IN ALL INQUIRIES **A TRFO 0166166**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING. ☐

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

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

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

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

LLC / PARTNERSHIP CROSS REFERENCE  
DISPLAY

PGECCG

0166166 PERMIT NBR  
AMERICAN ROAD LLC  
DBA PETRO:2  
EXCLUDES QUIZNOS  
900 AMERICAN RD  
NAPOLEON OH 43545

\*\*\*\*\*

MICHAEL ADAMS

03/27/2014 ACTIVE

PRESIDENT

MNMB5%V5%M

PA2-KEY = END SESSION, CLEAR-KEY = END OPTION, ENTER-KEY = TO CONTINUE



**Department  
of Commerce**

Division of Liquor Control

John R. Kasich, Governor  
Andre T. Porter, Director

February 28, 2014

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

Re: **TRFO D5 D6 PERMIT #2223672**  
RIVER DOCKS INVESTMENTS LLC  
601 E RIVERVIEW  
NAPOLEON OHIO 43545


Dear Legislative Authority:

You are hereby notified for informational purposes only, that in compliance with the mandatory provisions of Section 4303.26, Ohio Revised Code, a notice of the filing and pendency of the captioned application was sent by certified mail to your local legislative authority on **01/29/2014**.

This is to inform you that the correct **applicant name is River Docks Investments LLC**. This is a change from the original notice sent to the local legislative authority.

The Division of Liquor Control has determined that the corrected information does not involve any geographical or business change. The only action required is the changing of your official records to correspond with the corrected name or address.

If you should have any questions concerning this matter, please feel free to contact this office at the below address or phone number.

TS:aeg 

Rev. 6-06

DLC 4013



## CITY OF NAPOLEON, OHIO

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

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

phone (419) 599-1235 fax (419)-599-8393

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

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

DATE: March 27, 2013

TO: Members of City Council  
Ronald A. Behm, Mayor  
Jon A. Bisher, City Manager  
Trevor M. Hayberger, City Law Director  
Robert Weitzel, Police Chief  
Robert Bennett, Fire Chief

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

SUBJECT: Annual Renewal of Liquor Permit Holders

Attached hereto, for your information and review, is a listing of ALL Liquor Permit Holders in the City of Napoleon. These Permits will expire on June 1, 2014, and the Legislative Authority has the Right to Object, through the process stated in the "Notice To Legislative Authorities" (See Copy Attached).

I am sending a copy to both the Police Chief and Fire Chief for their review. They are both requested to provide a report and/or recommendation to City Council on any Permit Holders that possibly may need objected to, based on their review.

If *No Objection* is filed, then the list stands approved as is. Timing is important, any Objections must be filed using the process stated (a formally adopted Resolution), with a postmark dated no later than May 2, 2014.

If you have any questions regarding this information, please let me know. Thank you.

Attachments



**Department  
of Commerce**

Division of Liquor Control

John R. Kasich, Governor  
Andre Porter, Director

**NOTICE TO LEGISLATIVE AUTHORITIES  
Re: Permit Renewal Objections**

35-088

MARCH 10, 2014

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

Dear Clerk of Legislative Authority:

We are writing to notify you that all permits to sell alcoholic beverages in your political subdivision will expire on **June 1, 2014**. In order to maintain permit privileges, every permit holder must file a renewal application.

Ohio Revised Code Section 4303.271(B) provides the legislative authority with the right to object to the renewal of a permit and to request a hearing. The hearing may be held in the county seat of the county in which the permit premises is located if that request is made in writing. This will be your only opportunity to object to the renewal of a liquor permit premises which might be a problem in your community.

In order to register a valid objection with this Division and obtain a hearing, the legislative authority must pass a resolution which specifies the problems at the liquor permit premises and the legal grounds for objections as set forth in Ohio Revised Code Section 4303.292(A). It is suggested that a separate resolution be passed for each permit premises. The Chief Legal Officer of your political subdivision must also submit a statement with the resolution that, in the Chief Legal Officer's opinion, the objection is based upon substantial legal grounds within the meaning and intent of Ohio Revised Code Section 4303.292(A). The resolution and Chief Legal Officer's statement must be addressed to the Division of Liquor Control, Attn: Legal Section, 6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005 and postmarked no later than May 2, 2014.

For your convenience, you may access our brochure entitled "How to Object to the Issuance or Renewal of a Liquor Permit" from our website at [www.com.ohio.gov/liqr](http://www.com.ohio.gov/liqr) which explains the process in more detail.

You may wish to contact the law enforcement agency for your jurisdiction to determine if it has any information which will aid in your decision whether or not to object and request a hearing. If you wish to obtain a list of permit holders in your jurisdiction, you may now access this list from our website at [www.com.ohio.gov/liqr](http://www.com.ohio.gov/liqr), and under "Liquor Control" click on "Look it up" and under that mega menu please select "Search Permit Holders" "Permit Applicant / Holder Information (types and status)". You will then enter the search criteria for your county / city / township to bring up the issued permits in your jurisdiction. If you do not have access to the internet, this list can be provided by this Division upon written request.

If you have any questions, please contact the Legal Section at (614)644-2489.

Very truly yours,

Bruce D. Stevenson, Superintendent

## Manufacturer

Permit Class	Permit Fee	Description
A1	\$3,906 (per plant)	<u>ORC 4303.02</u> Manufacturer of Beer – producing more than 31 million gallons per year, wherever produced, and sell beer products to wholesale permit holders.
A1A	\$3,906	<u>ORC 4303.021</u> Beer, and any intoxicating liquor by the glass or container on A-1 or A-2 permit premises only until 2:30am.
A1c	\$1,000 (per plant)	<u>ORC 4303.022</u> Manufacturer of Beer - producing up to 31 million gallons per year wherever produced, for sale on premises at retail for on premises consumption, and sell beer products to retail and wholesale permit holders.
A2	\$76	<u>ORC 4303.03</u> Manufacturer of wine.
A3	\$2 to \$3,906	<u>ORC 4303.04</u> Manufacture, import and sell alcohol and spirituous liquor
A3A	\$2 to \$400	<u>ORC 4303.041</u> Manufacturer of less than 10,000 gallons of spirituous liquor and sale to a personal consumer.
A4	\$3,906	<u>ORC 4303.05</u> Manufacture and sell certain prepared and bottled drinks, import for blended purposes
B2A	\$25	<u>ORC 4303.07</u> Sale of wine to retail permit holder.
S	\$25	<u>ORC 4303.232</u> Sale of wine to personal consumer via mail order.
W	\$1,563	<u>ORC 4303.231</u> To operate a warehouse for the storage of beer or intoxicating liquor within the state and to sell such products from the warehouse to a B permit holder with Consent to Import on file or to other customers outside this state.

## Distributor

Permit Class	Permit Fee	Description
B1	\$3,125	<u>ORC 4303.06</u> Distributor of beer, ale, stout, other malt liquor.
B2	\$500	<u>ORC 4303.07</u> Distributor of bottled wine.
B3	\$124	<u>ORC 4303.08</u> Distributor of sacramental wine.
B4	\$500	<u>ORC 4303.09</u> Distributor of mixed beverages.
B5	\$1,563	<u>ORC 4303.10</u> Distributor and importer and bottler of wine.

## Retail Store Carryout

Permit Class	Permit Fee	Description
C1	\$252	<u>ORC 4303.11</u> Beer only in original sealed container for carry out only.
C2	\$376	<u>ORC 4303.12</u> Wine and mixed beverages in sealed containers for carry out.
C2X	\$252	<u>ORC 4303.121</u> Beer in original sealed containers for carry out. <u>ORC 4303.184</u> Sale of tasting samples of beer, wine, and mixed beverages, but not spirituous liquor, at retail, for consumption on premises.
D8	\$500	

## Restaurant / Night Club

Permit Class	Permit Fee	Description
D1	\$376	<u>ORC 4303.13</u> Beer only for on premises consumption or in original sealed containers for carry out only until 1:00am.
D2	\$564	<u>ORC 4303.14</u> Wine and mixed beverages for on premises consumption or in original sealed containers for carryout only until 1:00am.
D2X	\$376	<u>ORC 4303.141</u> (Grandfathered Permit) Beer only for on premises consumption or in original sealed containers for carryout only until 1:00am.
D3	\$750	<u>ORC 4303.15</u> Spirituous liquor for on premises consumption only until 1:00am.
D3X	\$300	<u>ORC 4303.151</u> (Grandfathered Permit) Wine only for on premises consumption or in original sealed containers for carryout only until 1:00am.
D3A	\$938	<u>ORC 4303.16</u> Extend issued permit privileges until 2:30am.
D5	\$2,344	<u>ORC 4303.18</u> Spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30am.
D5I	\$2,344	<u>ORC 4303.181</u> (Same as D5). Restaurant meeting certain criteria.
D7	\$469	<u>ORC 4303.183</u> (Same as D5). RESORT area only.

## >Club

Permit Class	Permit Fee	Description
D4	\$469	<u>ORC 4303.17</u> Beer and any intoxicating liquor to members only, for on premises consumption only until 1:00am.
D4A	\$750	<u>ORC 4303.171</u> Airline club only - Beer and any intoxicating to members and guests until 2:00am.
D5C	\$1,563	<u>ORC 4303.181</u> (Same as D5.)(This class can no longer be applied for.)
D5D	\$2,344	<u>ORC 4303.181</u> (Same as D5) located at airport.

## Hotel And Motel

Permit Class	Permit Fee	Description
D5A	\$2,344	<u>ORC 4303.181</u> (Same as D5) for hotel or motel with 50 or more rooms for transient guests.

## Enclosed Shopping Mall

Permit Class	Permit Fee	Description
D5B	\$2,344	<u>ORC 4303.181</u> (Same as D5) for enclosed shopping mall.

## River Boats

Permit Class	Permit Fee	Description
D5E	\$1,219	<u>ORC 4303.181</u> (Same as D5). Historical river boat owned by charitable organization only.

## Marinas

Permit Class	Permit Fee	Description
D5F	\$2,344	<u>ORC 4303.181</u> (Same as D5). Marina restaurant only.

## Museums

Permit Class	Permit Fee	Description
D5G	\$1,875	<u>ORC 4303.181</u> (Same as D5). National sports museum only.
D5H	\$1,875	<u>ORC 4303.181</u> (Same as D5 – except sales till one am). Fine arts museum only.

## Community Entertainment District/Revitalization

Permit Class	Permit Fee	Description
D5J	\$2,344	<u>ORC 4303.181</u> (Same as D5). Community Entertainment District.
D5L	\$2,344	<u>ORC 4303.181</u> (Same as D5). Revitalization District.

## Sunday Sales

Permit Class	Permit Fee	Description
D6	\$400-c \$500-d	<u>ORC 4303.182</u> Sale of intoxicating liquor on Sunday between the hours 10:00am or 11:00am and midnight.

## Other

Permit Class	Permit Fee	Description
D5K	\$1,875	<u>ORC 4303.181</u> (Same as D5 – except sales till one am). Certain non profit organizations that own and operate a botanical garden.
D5M	\$2,344	<u>ORC 4303.181</u> (Same as D5). Restaurant affiliated with center for the preservation of wild animals.
D5N	\$20,000.00	<u>ORC 4303.181(N)</u> (Same as D5). Casino Operator or Casino Management Company.
D5O	\$2344.00	<u>ORC 4303.181(O)</u> (Same as D5). Restaurant located in a casino.
E	\$500	<u>ORC 4303.19</u> Railroad car or airline to sell beer or any intoxicating liquor at retail in glass or from container for consumption in such car or aircraft.
G	\$100	<u>ORC 4303.21</u> Retail drug store (alcohol for medicinal, industrial, mechanical, chemical, or scientific purposes).
H	\$300	<u>ORC 4303.22</u> Carrier by rail or for hire motor carrier who also holds a license issued by the public utilities commission to transport beer, intoxicating liquor, and alcohol, or any of these, in this state or delivery or use in this state.
I	\$200	<u>ORC 4303.23</u> Wholesale druggist (purchase - import alcohol for sale at wholesale and retail).

## Temporary Permits

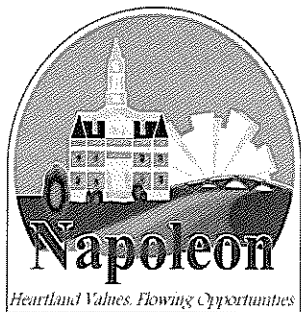
Permit Class	Permit Fee	Description
F	\$40	<u>ORC 4303.20</u> Valid for beer only until 1:00am. (Temporary - 5 days).
F1	\$250	<u>ORC 4303.201</u> Temporary "Special Function" permit (3 days) (allows B.Y.O.B. by a nonprofit organization at Municipal Convention Center).
F2	\$150 \$160 (jointly)	<u>ORC 4303.202</u> Temporary permit (four consecutive days) beer and any intoxicating liquor by glass or container on premises only until 1:00am. (1 every 30 days in same name)
F3	\$300	<u>ORC 4303.203</u> Alcohol Beverage Industry Education.
F4	\$60	<u>ORC 4303.204</u> Certain non profit organizations for an event that includes the introduction, showcasing or promotion of wines produced in Ohio; to furnish at no charge 2 oz. samples and sale for on premises consumption and carry out of wine from participating A2 permit holders. The fee is \$60 (per day).
F5	\$180	<u>ORC 4303.205</u> Beer and Intoxicating liquor issued to a Riverboat at a festival sponsored by a nonprofit organization (6 days - one per calendar year).
F6	\$50	<u>ORC 4303.206</u> Sale of wine by a 501(c)(3) nonprofit organization (72 consecutive hours - 6 per year).
F7	\$450	<u>ORC 4303.207</u> Beer, wine, mixed beverages, and spirituous liquor issued to a nonprofit organization at a "qualified golf event", meeting certain criteria until 1AM. (8 days - two(2) per calendar year).
F8	\$1700	<u>ORC 4303.208</u> Temporary permit to a not-for-profit organization for sales on publicly owned property located in Hamilton County only.
F9	\$1700	<u>ORC 4303.209</u> Temporary Permit to a nonprofit corporation that operates park on property leased from a municipal or non-profit corporation that provides or manages entertainment programming having an agreement meeting certain – in Franklin County only.

**2014 LIQUOR PERMIT HOLDERS IN HENRY COUNTY, THE CITY OF NAPOLEON, OHIO, AS OF 04-01-2014**

Permit Number	Permit Name	DBA	Class	Status	Date Of Action	Street1	City	St	Zip	Agency #	Quota Exempt Class	Site-Vote
8200721	631 N PERRY STREET CORP	DBA BRICK N BREW PUB	D5	ISSUED	3/4/2014	631 N PERRY ST 1ST FLR & BSMT	NAPOLEON	OH	43545	00635	NOT A QUOTA EXEMPT CLASS	NO
8200721	631 N PERRY STREET CORP	DBA BRICK N BREW PUB	D6	ISSUED	3/4/2014	631 N PERRY ST 1ST FLR & BSMT	NAPOLEON	OH	43545	00635	NOT A QUOTA EXEMPT CLASS	NO
00903950300	AL POST0300 BERT G TAYLOR		D1	ISSUED		500 GLENWOOD AV SOUTHSIDE	NAPOLEON	OH	43545		NOT A QUOTA EXEMPT CLASS	NO
009039503005	AL POST0300 BERT G TAYLOR		D4	ISSUED		500 GLENWOOD AV NORTHSIDE	NAPOLEON	OH	43545	00635	NOT A QUOTA EXEMPT CLASS	NO
018025313131	AMVETS POST1313		D5	ISSUED	2/3/1995	2250 N SCOTT ST & PATIO	NAPOLEON	OH	43545	00635	NOT A QUOTA EXEMPT CLASS	NO
018025313131	AMVETS POST1313		D6	ISSUED	7/8/2010	2250 N SCOTT ST & PATIO	NAPOLEON	OH	43545	00635	NOT A QUOTA EXEMPT CLASS	NO
03455840005	AZUL TEQUILA LLC		D5	ISSUED	2/24/2009	601 E RIVERVIEW	NAPOLEON	OH	43545	00635	NOT A QUOTA EXEMPT CLASS	NO
03455840005	AZUL TEQUILA LLC		D6	ISSUED	2/24/2009	601 E RIVERVIEW	NAPOLEON	OH	43545	00635	NOT A QUOTA EXEMPT CLASS	NO
08984010929	BPOE LODGE0929 NAPOLEON		D4	ISSUED		126 E CLINTON ST 1ST FL & BSMT	NAPOLEON	OH	43545	00635	NOT A QUOTA EXEMPT CLASS	NO
14285990095	CHIEF SUPER MARKET INC	DBA CHIEF SUPER MARKET 15	D1	ISSUED	3/7/2014	1247 SCOTT ST STE 300	NAPOLEON	OH	43545		TRANSFER EXEMPT	NO
14285990095	CHIEF SUPER MARKET INC	DBA CHIEF SUPER MARKET 15	D2	ISSUED	3/7/2014	1247 SCOTT ST STE 300	NAPOLEON	OH	43545		NOT A QUOTA EXEMPT CLASS	NO
14285990095	CHIEF SUPER MARKET INC	DBA CHIEF SUPER MARKET 15	D6	ISSUED	3/7/2014	1247 SCOTT ST STE 300	NAPOLEON	OH	43545		NOT A QUOTA EXEMPT CLASS	YES
1514162	CITY OF NAPOLEON	DBA NAPOLEON MUNICIPAL GOLF COURSE	D1	ISSUED	7/2/2012	521 GLENWOOD AVE	NAPOLEON	OH	43545		MUNICIPAL GOLF COURSE	NO
39033290005	CLARK J HOGAN	DBA HAWKS	C2	ISSUED	8/12/1982	402 E WASHINGTON ST	NAPOLEON	OH	43545		NOT A QUOTA EXEMPT CLASS	NO
39033290005	CLARK J HOGAN	DBA HAWKS	D1	ISSUED	10/1/1982	402 E WASHINGTON ST	NAPOLEON	OH	43545		NOT A QUOTA EXEMPT CLASS	NO
22348150205	DOLGEN MIDWEST LLC	DBA DOLLAR GENERAL STORE 3222	C1	ISSUED	8/4/2011	1400 N SCOTT ST	NAPOLEON	OH	43545		NOT A QUOTA EXEMPT CLASS	NO
2670820	FEEL GOOD ENTERPRISES LLC	DBA TANOS PIZZA	C1	ISSUED	10/4/2004	1320 WOODLAWN AV	NAPOLEON	OH	43545		NOT A QUOTA EXEMPT CLASS	NO
3373937	GREWAL BROTHERS CORP	DBA TA NAPOLEON TRAVEL CENTER	C1	ISSUED	2/1/2000	1270 INDEPENDENCE DR, PO 268	NAPOLEON	OH	43545		NOT A QUOTA EXEMPT CLASS	NO
3373937	GREWAL BROTHERS CORP	DBA TA NAPOLEON TRAVEL CENTER	C2	ISSUED	2/1/2000	1270 INDEPENDENCE DR, PO 268	NAPOLEON	OH	43545		NOT A QUOTA EXEMPT CLASS	NO
50093602314	LANE DRUG CO	DBA RITE AID DISCOUNT PHARMACY #2313	C2	ISSUED	11/17/2010	1111 N SCOTT ST	NAPOLEON	OH	43545		NOT A QUOTA EXEMPT CLASS	NO
50093602314	LANE DRUG CO	DBA RITE AID DISCOUNT PHARMACY #2313	C2X	ISSUED	11/17/2010	1111 N SCOTT ST	NAPOLEON	OH	43545		NOT A QUOTA EXEMPT CLASS	NO
50420110065	LASSUS BROS OIL INC	DBA LASSUS HANDY DANDY #565	C1	ISSUED	11/18/2003	1201 N SCOTT	NAPOLEON	OH	43545		NOT A QUOTA EXEMPT CLASS	NO
50420110065	LASSUS BROS OIL INC	DBA LASSUS HANDY DANDY #565	C2	ISSUED	11/18/2003	1201 N SCOTT	NAPOLEON	OH	43545		NOT A QUOTA EXEMPT CLASS	NO
528497507881	LOOM LODGE0788 NAPOLEON		D4	ISSUED	4/11/1968	1381 OAKWOOD AV 1ST FL	NAPOLEON	OH	43545	00635	NOT A QUOTA EXEMPT CLASS	NO
54054195641	MACS CONVENIENCE STORES LLC	DBA CIRCLE K 5641	C1	ISSUED	10/4/2007	777 SCOTT STREET	NAPOLEON	OH	43545		NOT A QUOTA EXEMPT CLASS	NO
54054195641	MACS CONVENIENCE STORES LLC	DBA CIRCLE K 5641	C2	ISSUED	10/4/2007	777 SCOTT STREET	NAPOLEON	OH	43545		NOT A QUOTA EXEMPT CLASS	NO
58997730005	MIAMI VALLEY PIZZA HUT INC	DBA PIZZA HUT OF NAPOLEON	D1	ISSUED	6/26/1981	2240 N SCOTT ST	NAPOLEON	OH	43545		NOT A QUOTA EXEMPT CLASS	NO
58997730005	MIAMI VALLEY PIZZA HUT INC	DBA PIZZA HUT OF NAPOLEON	D2	ISSUED	6/26/1981	2240 N SCOTT ST	NAPOLEON	OH	43545		NOT A QUOTA EXEMPT CLASS	NO
6071806	MMD & H HOLDINGS LLC		C1	ISSUED	5/18/2005	900 AMERICAN RD EXCLD QUIZNOS	NAPOLEON	OH	43545		TRANSFER EXEMPT	NO
6071806	MMD & H HOLDINGS LLC		C2	ISSUED	5/18/2005	900 AMERICAN RD EXCLD QUIZNOS	NAPOLEON	OH	43545		TRANSFER EXEMPT	NO
6303598	NAPOLEON EAGLES LTD	DBA NAPOLEON EAGLES	D1	ISSUED	2/21/2001	539 N PERRY ST	NAPOLEON	OH	43545	00635	NOT A QUOTA EXEMPT CLASS	NO
6303598	NAPOLEON EAGLES LTD	DBA NAPOLEON EAGLES	D2	ISSUED	2/21/2001	539 N PERRY ST	NAPOLEON	OH	43545	00635	NOT A QUOTA EXEMPT CLASS	NO
6303598	NAPOLEON EAGLES LTD	DBA NAPOLEON EAGLES	D3	ISSUED	2/21/2001	539 N PERRY ST	NAPOLEON	OH	43545	00635	NOT A QUOTA EXEMPT CLASS	NO
6303598	NAPOLEON EAGLES LTD	DBA NAPOLEON EAGLES	D3A	ISSUED	2/21/2001	539 N PERRY ST	NAPOLEON	OH	43545	00635	NOT A QUOTA EXEMPT CLASS	NO
6303598	NAPOLEON EAGLES LTD	DBA NAPOLEON EAGLES	D6	ISSUED	8/10/2010	539 N PERRY ST	NAPOLEON	OH	43545	00635	NOT A QUOTA EXEMPT CLASS	NO
66036540030	OTTAWA OIL CO INC		C1	ISSUED	7/15/1994	330 S PERRY ST	NAPOLEON	OH	43545		NOT A QUOTA EXEMPT CLASS	NO
69282280120	PILOT TRAVEL CENTERS LLC	DBA PILOT TRAVEL CENTER 303	D5	ISSUED	11/1/2007	905 AMERICAN RD	NAPOLEON	OH	43545	00635	NOT A QUOTA EXEMPT CLASS	NO
7359485	RICKER INC		D5	ISSUED	2/4/2000	619 N PERRY ST 1ST FL & BSMT	NAPOLEON	OH	43545	00635	NOT A QUOTA EXEMPT CLASS	NO
7359485	RICKER INC		D6	ISSUED	2/4/2000	619 N PERRY ST 1ST FL & BSMT	NAPOLEON	OH	43545	00635	NOT A QUOTA EXEMPT CLASS	NO
7405275	RIVER CITY RECREATION INC		D1	ISSUED	3/5/1980	380 INDEPENDENCE DR	NAPOLEON	OH	43545	00635	NOT A QUOTA EXEMPT CLASS	NO
7405275	RIVER CITY RECREATION INC		D2	ISSUED	3/5/1980	380 INDEPENDENCE DR	NAPOLEON	OH	43545	00635	NOT A QUOTA EXEMPT CLASS	NO
7405275	RIVER CITY RECREATION INC		D3	ISSUED	3/5/1980	380 INDEPENDENCE DR	NAPOLEON	OH	43545	00635	NOT A QUOTA EXEMPT CLASS	NO
7405275	RIVER CITY RECREATION INC		D3A	ISSUED	3/5/1980	380 INDEPENDENCE DR	NAPOLEON	OH	43545	00635	NOT A QUOTA EXEMPT CLASS	NO
7405275	RIVER CITY RECREATION INC		D6	ISSUED	8/6/1982	380 INDEPENDENCE DR	NAPOLEON	OH	43545	00635	NOT A QUOTA EXEMPT CLASS	NO

**2014 LIQUOR PERMIT HOLDERS IN HENRY COUNTY, THE CITY OF NAPOLEON, OHIO, AS OF 04-01-2014**

5780805	SCOTT MCMURTRIE	DBA HERMS	C1	ISSUED	9/1/2010	734 S PERRY ST S/SIDE	NAPOLEON	OH	43545		NOT A QUOTA EXEMPT CLASS	NO
5780805	SCOTT MCMURTRIE	DBA HERMS	C2	ISSUED	9/1/2010	734 S PERRY ST S/SIDE	NAPOLEON	OH	43545		NOT A QUOTA EXEMPT CLASS	NO
84189940680	SPEEDWAY LLC	DBA SPEEDWAY 1505	C1	ISSUED	3/7/2011	904 SCOTT ST	NAPOLEON	OH	43545		NOT A QUOTA EXEMPT CLASS	NO
84189940680	SPEEDWAY LLC	DBA SPEEDWAY 1505	C2	ISSUED	3/7/2011	904 SCOTT ST	NAPOLEON	OH	43545		NOT A QUOTA EXEMPT CLASS	NO
926235582181	VFW POST8218 LUTHER RICHARD KOLBE		D4	ISSUED	2/23/1972	1008 N PERRY ST	NAPOLEON	OH	43545	00635	NOT A QUOTA EXEMPT CLASS	NO
93510011416	WAL MART STORES EAST LP	DBA WAL MART SUPERCENTER #1416	C1	ISSUED	4/7/2004	1815 SCOTT ST	NAPOLEON	OH	43545		NOT A QUOTA EXEMPT CLASS	NO
93510011416	WAL MART STORES EAST LP	DBA WAL MART SUPERCENTER #1416	C2	ISSUED	4/7/2004	1815 SCOTT ST	NAPOLEON	OH	43545		NOT A QUOTA EXEMPT CLASS	NO
93510011416	WAL MART STORES EAST LP	DBA WAL MART SUPERCENTER #1416	D6	ISSUED	8/4/2005	1815 SCOTT ST	NAPOLEON	OH	43545		NOT A QUOTA EXEMPT CLASS	YES
9470007	WEIDEMAN INC	DBA SPENGLERS	D2	ISSUED	4/7/2003	713 N PERRY ST 1ST FL & BSMT	NAPOLEON	OH	43545	00635	NOT A QUOTA EXEMPT CLASS	NO
9470007	WEIDEMAN INC	DBA SPENGLERS	D2X	ISSUED	4/7/2003	713 N PERRY ST 1ST FL & BSMT	NAPOLEON	OH	43545	00635	NOT A QUOTA EXEMPT CLASS	NO
9470007	WEIDEMAN INC	DBA SPENGLERS	D3	ISSUED	11/9/2009	713 N PERRY ST 1ST FL & BSMT	NAPOLEON	OH	43545	00635	NOT A QUOTA EXEMPT CLASS	NO
9452348	YIM NGOR TSUI	DBA CHINA DRAGON	D5	ISSUED	4/21/2006	1415 N SCOTT	NAPOLEON	OH	43545	00635	NOT A QUOTA EXEMPT CLASS	NO



# *City of Napoleon, Ohio*

## *Department of Public Works*

*255 West Riverview Avenue, P.O. Box 151*

*Napoleon, OH 43545*

*Chad E. Lulfs, P.E., P.S., Director of Public Works*

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

*www.napoleonohio.com*

## *Memorandum*

**To:** *Dr. Jon A. Bisher, City Manager*  
**From:** *Chad E. Lulfs, P.E., P.S., City Engineer*  
**cc:** *Mayor & City Council*  
*Greg Heath, City Finance Director*  
*Jeff Rathge, Operations Superintendent*  
**Date:** *April 7, 2014*  
**Subject:** *Mini-Excavator*  
*Recommendation of Award*

On Wednesday, April 2, 2014, bids were opened and read aloud for the above referenced project. One (1) bid was submitted and read as follows:

Buck & Knobby Equipment Company

Base Bid:	\$86,650.00
Trade-In Allowance for Backhoe:	<u>\$24,000.00</u>
Net Bid Amount:	\$62,650.00

The 2014 Budget amount for this item is \$80,000.00 (after trade-in of backhoe). **Having reviewed the submitted bid, it is my recommendation that Council award Buck & Knobby Equipment Company the contract for 18,000 lb. Mini-Excavator in the Net Amount of \$62,650.00.** If you have any questions or require additional information, please contact me at your convenience.

*CEL*

City of Napoleon, Ohio

## **HOUSING COUNCIL**

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

### **Meeting Agenda**

Monday, April 7, 2014 at 6:30 PM

1. Approval of May 6, 2013 Minutes
2. Annual Review/Inspection of CRA Premises
3. Any Other Items to Come Before the Housing Council

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Gregory J. Heath, Finance Director/Clerk of Council

*City of Napoleon, Ohio*  
**HOUSING COUNCIL**  
**Meeting Minutes**  
Monday, May 6, 2013 at 6:30 PM

**PRESENT**

**Members**

**City Council**

**City Staff**

Patrick McColley, Travis Sheaffer (arrived at 6:35 pm), John Helberg, Christopher Ridley, Joel Miller, Kevin Yarnell, Cheryl Hershberger  
John Helberg, Travis Sheaffer, James Hershberger, Jeff Lankenau, Patrick McColley, Christopher Ridley, Jason Maassel

Dr. Jon A. Bisher, City Manager  
Roxanne Dietrich, Exec. Assistant  
Trevor M. Hayberger, Law Director  
Gregory J. Heath, Finance Director/Clerk of Council  
Robert McColley, CIC Director  
Robert Weitzel, Police Chief

**Recorder**

**ABSENT**

Barbara Nelson  
None

**Call To Order**

Chairman Patrick McColley called the meeting to order at 6:30 pm .

**Minutes**

Minutes of the May 7, 2012, minutes stand approved as presented.

**Annual**

**Review/Inspection of  
CRA Premises**

Robert McColley said the CIC met on April 29. The City had 8 agreements to review. The TIRC recommended continuing the agreements for the following CRAs:

PetVet  
TriVet  
A&J

Koester Land Acquisitions (met requirements except payroll and investment requirements, but they are still within their 3 years investment window)  
Napoleon I, LLC (RiteAid)  
Innovative Tool & Die

The job numbers for MMD & H Holdings were confusing. Numbers for Holgate Metal Fab were also unclear. The TIRC made motions to recommend continuing those CRAs upon satisfactory explanation of the numbers in question.

The agreement with Carson Industries (Oldcastle Precast) expired. The TIRC made a motion to expire that agreement.

R. McColley recommended that the Housing Council approve the recommendations of the TIRC, not including those of MMD&H and Holgate Metal Fab.

Heath said the definition of CRAs is important because it impacts houses in the areas where CRAs are located.

**Motion To Approve 6  
CRA Premises**

Motion: Yarnell      Second: Ridley  
To recommend approval of the CRA agreements for Pet Vet, TriVet, A&J,

Koester Land Acquisitions, Napoleon 1 LLC, and Innovative Tool & Die

**Passed**  
**Yea-7**  
**Nay-0**

Roll call vote on above motion:  
Yea-Ridley, Helberg, Sheaffer, Yarnell, C. Hershberger, Miller, P McColley  
Nay-

**Motion To Expire The  
Carson Industries CRA**

Motion: Helberg            Second: Ridley  
To expire the Carson Industries CRA

**Passed**  
**Yea-7**  
**Nay-0**

Roll call vote on above motion:  
Yea-Ridley, Helberg, Sheaffer, Yarnell, C. Hershberger, Miller, P McColley  
Nay-

R. McColley said due to expiration of their CRA agreement, Carson Industries will pay real estate taxes in 2014 that they approved this year.

**Motion To Allow R.  
McColley To Gather  
Info & Report To  
Council On 2 CRAs**

Motion: Ridley            Second: Yarnell  
To allow Rob McColley to gather data from MMD&H Holdings for their CRA and Holgate Metal Fab numbers and allow R. McColley to make a recommendation directly to City Council when he has that information

Roll call vote on above motion:  
Yea - Ridley, Helberg, Sheaffer, Yarnell, C. Hershberger, Miller, P McColley  
Nay-

**Motion To Adjourn  
Housing Council**

Motion: Yarnell            Second: C. Hershberger  
To adjourn the Housing Council meeting at 6:45

**Passed**  
**Yea-7**  
**Nay-0**

Roll call vote on above motion:  
Yea- Ridley, Helberg, Sheaffer, Yarnell, C. Hershberger, Miller, P McColley  
Nay-

**Date Approved:**

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Patrick McColley, Chair

# Memorandum

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

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

**Date:** 4/1/2014

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

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The Technology and Communication Committee meeting regularly scheduled for Monday, April 7, 2014 at 6:15 PM has been CANCELED due to lack of agenda items.

City of Napoleon, Ohio

## **PLANNING COMMISSION**

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

### **Meeting Agenda**

Tuesday, April 8, 2014 at 5:00 PM

- I. Call to Order
- II. Roll Call
- III. Approval of Minutes (In the absence of any corrections or objections, the minutes shall stand approved.)
- IV. Business
  - A. PC 14-05 Proposed Dog Park

An application for a public hearing has been filed by The City of Napoleon Parks and Recreation Department. The applicant is requesting approval of a dog park that is proposed to be built by the Girl Scouts of Western Ohio located on the South side of Front St. in East Riverdowns Park. The proposed location is in an R-4 Zone that allows for a Dog Park within an existing City park.
- V. Closing Remarks
- VI. Adjourn

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Gregory J. Heath, Finance Director/Clerk of Council

Tuesday, February 11, 2014 at 5:00 PM  
PC 14-01 Alley Vacation 512, 514 & 508 W. Clinton St.

<b>PRESENT</b>	Robert McLimans - Chair,Tim Barry, Mayor Ron Behm Tom Zimmerman, Building Official Tammy Fein
<b>Members</b>	
<b>City Staff</b>	
<b>Recorder</b>	
<b>Others</b>	
<b>ABSENT</b>	Marv Barlow, Fredric Furney
<b>PC 14-01 Background</b>	McLimans read the background on PC 14-01: An application for a public hearing has been filed by Milton Hahn. The applicant is requesting the city vacate a certain alley located between the residences of 512 & 514 W. Clinton and 508 W. Clinton, Lots 22 & 23 in A.H. Tyler’s Third Addition of the City of Napoleon. This request is pursuant to City Code Chapter 909.
<b>PC 14-01 Research And Findings</b>	Zimmerman read the research and findings for PC 14-01: <ol style="list-style-type: none"><li>1. Milton Hahn owns both properties that touch this alley. All City Departments have reviewed and verified that this alley is not used for any utilities and has no public purpose.</li></ol>
<b>Evidence</b>	Zimmerman submitted photos as evidence.
<b>Testimony</b>	Zimmerman stated that Hahn uses the alley as a driveway; the alley will be split in half down the center, with eight (8) feet being added to each abutting property.
<b>Motion To Approve PC 14-01</b>	Motion:   McLimans   Second: Barry To approve PC 14-01
<b>Passed</b>	Roll call vote on above motion:
<b>Yea- 3</b>	Yea- McLimans, Barry, Behm
<b>Nay- 0</b>	Nay-
<b>Meeting Continued</b>	Meeting continued with consideration of PC 14-02.
<b>Date</b>	Robert McLimans, Chairperson

Tuesday, March 11, 2014 at 5:00 PM  
PC 14-02 Alley Vacation 619 S. Perry St.

<b>PRESENT</b>	Robert McLimans - Chair, Tim Barry, Mayor Ron Behm
<b>Members</b>	Tom Zimmerman, Building Official
<b>City Staff</b>	Tammy Fein
<b>Recorder</b>	Marv Barlow, Fredric Furney
<b>ABSENT</b>	
<b>PC 14-02 Background</b>	McLimans read the background on PC 14-02: An application for a public hearing has been filed by Marge Bostelman. The applicant is requesting the city vacate a certain alley located behind 619 S. Perry (Quilters Hideaway) Lots 41 & 42 in E.T. Barns First Addition of the City of Napoleon. This request is pursuant to City Code Chapter 909.
<b>PC 14-02 Research and Findings</b>	Zimmerman read the research and findings for PC 14-02: 1. Marge and Ted Bostelman own both properties that touch this alley. The existing alley is 16.5 feet wide and does have overhead electric lines and poles in it. The property owner granted to the City of Napoleon an easement that offsets between the buildings so we can service the electric and have room to install a City sewer at a later date. With the easement in place, all City Departments have reviewed and verified that this alley has no public purpose.
<b>Evidence</b>	Zimmerman submitted photos as evidence.
<b>Testimony</b>	Zimmerman stated the alley is grass with no public purpose; an easement for the power pole and four (4) feet around the outbuilding has been granted.
<b>Motion To Approve PC 14-02</b>	Motion: Barry    Second: Behm To approve PC 14-02
<b>Passed</b>	Roll call vote on above motion:
<b>Yea- 3</b>	Yea- McLimans, Barry, Behm
<b>Nay- 0</b>	Nay-
<b>Meeting Continued</b>	Meeting continued with consideration of PC 14-03.
<b>Date</b>	Robert McLimans, Chairperson



Motion approved by unanimous voice vote.

**Date**

Robert McLimans, Chairperson

DRAFT

City of Napoleon, Ohio  
**PLANNING COMMISSION**  
**Meeting Minutes**  
Tuesday, March 11, 2014 at 5:00 PM  
PC 14-04 Re-Plat 2269 N. Scott St.

<b>PRESENT</b>	
<b>Members</b>	Robert McLimans - Chair, Tim Barry, Mayor Ronald Behm
<b>City Staff</b>	Tom Zimmerman, Building Inspector
<b>Recorder</b>	Tammy Fein
<b>Others</b>	Steve Lankenau
<b>ABSENT</b>	Marv Barlow, Fredric Furney
<b>Call To Order</b>	Chairman McLimans called the meeting to order at 5:00 PM, noting that a quorum was present.
<b>Approval Of Minutes</b>	Meeting minutes from February 12, 2013, stand approved as read.
<b>PC 14-04 Background</b>	<p>McLimans read the background on PC 14-04: An application for public hearing has been filed by First Federal Bank of the Midwest. The applicant is requesting a Re-Plat of Lot # 5 of the MWT Subdivision at 2269 N. Scott St., Napoleon, OH. The request is pursuant to Chapter 1105 of the Codified Ordinances of Napoleon Ohio. The property is located in a C-4 Planned Commercial Zoning District.</p>
<b>PC 14-04 Research And Findings</b>	<p>Zimmerman read the research and findings for PC 14-04:</p> <ol style="list-style-type: none"><li>1. The proposed subdivision of land meets all the requirements of Chapter eleven of the City's Codified Ordinances pertaining to Subdivision regulations, lot size, building setback and parking requirements.</li><li>2. The re-plat of lot #5 includes four (4) buildable commercial lots and a proposed street right of way that is being dedicated to the City with this plat.</li><li>3. The City Engineering Department is designing and will build this year the new street. There is an ingress egress easement recorded that will provide access through the right of way to lots B, C, and D until the street is built.</li><li>4. The City Engineer has reviewed and approved the proposed subdivision.</li></ol>
<b>Evidence</b>	Zimmerman submitted photos as evidence.
<b>Swearing In</b>	McLimans swore in Steve Lankenau and asked him to address the Board.
<b>Testimony</b>	<p>Lankenau had no additional information for the Commission.</p> <p>Zimmerman stated that this item was approved as a preliminary plat at the February 12, 2013 meeting, which allowed the design process to begin; this approval is of the final plat of the property.</p> <p>Zimmerman stated the utilities are going in due to the new Water Plant, and the four (4) buildable commercial lots are for sale, adding that the street will be on</p>

**Motion To Approve PC 14-04**

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

**Meeting Continued**

**Date**

public property.

Motion: Behm  
To approve PC 14-04

Second: Barry

Roll call vote on above motion:  
Yea- McLimans, Barry, Behm  
Nay-

Meeting continued with consideration of PC 14-01.

Robert McLimans, Chairperson

# Memorandum

**To:** Board of Zoning Appeals, Council, Mayor, City Manager, City Law  
Director, City Finance Director, Department Supervisors, Media  
**From:** Gregory J. Heath, Finance Director/Clerk of Council  
**Date:** 4/1/2014  
**Re:** Board of Zoning Appeals Meeting Cancellation

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



# UPdate

*A weekly newsletter presented by AMP President/CEO Marc Gerken*

March 28, 2014



*Courtesy of the City of Hamilton*

*The Meldahl hydroelectric facility hosted a tour on March 24 to showcase the construction progress at the site.*

## Officials tour Meldahl facility's progress

*By Jolene Thompson – senior vice president/OMEA executive director*

Representatives from the City of Hamilton, local elected and business officials, and AMP staff members toured the Meldahl Hydroelectric facility on March 24. The plant, a run-of-the-river project, is located on the Captain Anthony Meldahl Locks and Dam near Maysville, Kentucky.

The work that remains at the 105-megawatt facility includes some turbine generator work (about 70 percent complete); and overall powerhouse and appurtenances (about 80 percent complete).

AMP owns the Meldahl project through a separate wholly owned limited liability company. AMP is developing the project with the member community of Hamilton which originally procured the development license from the Federal Energy Regulatory Commission (FERC). Hamilton retains the rights for a 51 percent share of the energy output from the facility, with AMP taking the remaining output for the 48 other AMP members participating in the project.



*AMP's Senior Vice President of Generation Operations Mike Perry (right) covers construction details with Hamilton Mayor Pat Moeller.*

## Moody's affirms A1 rating for AMP Fremont Energy Center

*By Bob Trippe – senior vice president/CFO*

On March 26, Moody's Investors Service (Moody's) affirmed the A1 rating with a stable outlook on the \$546,585,000 American Municipal Power, Inc. (AMP) Fremont Energy Center (AFEC) Project Revenue Bonds. The bonds were issued to finance the acquisition and complete the construction of the two-unit 675-megawatt natural gas fired combined cycle facility in Fremont, Ohio. The facility was placed in service in January 2012.

The Moody's report pointed out that the major factors driving the A1 rating are: the A2 average weighted credit quality of 87 municipal participants that have unconditional take-or-pay contracts; fully funded maximum annual debt service reserve; and AMP's strong liquidity. The Moody's report also stated that a credit strength for AFEC was AMP's sound strategic planning and management of power supply for its members.

In addition, Moody's noted that AFEC has had a strong performance record in its first two years of operation. Moody's went on to say that the rating also takes into consideration the significant new leverage resulting from the acquisition.

Besides the take-or-pay contracts mentioned above, among the credit strengths shown in the Moody's report were:

- AMP has an A1 issuer rating with Moody's, update report dated Feb. 28, 2014
- Certainty in cost recovery due to sound AMP power supply contracts with its members
- Strong contract enforcement provisions including AMP's credit monitoring system that provides an early warning of fiscal stress, for which the rating received a positive 0.5 notch increase in Moody's scorecard

If you would like a copy of the report, please contact Chris Deeter at 614.540.0848 or [cdeeter@amppartners.org](mailto:cdeeter@amppartners.org).

## Proposed rule determines Clean Water Act protection

By Julia Blankenship – director of energy policy & sustainability

A new rule that would redefine “waters of the United States” has been jointly proposed by the U.S. Environmental Protection Agency (USEPA) and Army Corps of Engineers. This rule, which is drawing a mixed reaction from legislators, would determine which bodies of water are protected under the Clean Water Act.

The proposed rule would define “waters of the U.S.” to mean: “traditional navigable waters; interstate waters, including interstate wetlands; the territorial seas; impoundments of traditional navigable waters, interstate waters, including interstate wetlands, the territorial seas, and tributaries, as defined, of such waters; tributaries, as defined, of traditional navigable waters, interstate or the territorial seas; and adjacent waters, including adjacent wetlands.”

According to the USEPA’s website, the rule is designed to clarify and reduce confusion regarding applicability of the Clean Water Act. USEPA states that the proposed rule **does not**:

- Protect any new types of waters
- Broaden coverage of Clean Water Act
- Regulate groundwater
- Expand jurisdiction over ditches

USEPA has announced a 90-day comment period, which will commence once the proposed rule is published in the *Federal Register*. AMP is reviewing the proposed rule and will file comments if needed. The proposed rule and additional information are available on USEPA’s website, <http://www2.epa.gov/uswaters>.

We will keep you informed on this issue as information becomes available. Feel free to contact me with questions at 614.540.0840 or [jblankenship@amppartners.org](mailto:jblankenship@amppartners.org).

## Safety is key at 2014 AMP Technical Services Conference

By Michelle Palmer – assistant vice president of technical services

Participants from 21 member communities attended AMP’s 2014 Technical Services Conference, held March 25-26 at AMP headquarters in Columbus.

Conference sessions covered cyber/physical security, safety, arc flash, fall restraint devices, Smart Grid and a case study on Westerville’s 69kV underground project. There were also 15 exhibiting vendors who participated in the Vendor Expo on Tuesday.

Thank you to all those who participated in this year’s event.



Michael Pope presents a case study of Westerville’s 69kV underground project during AMP’s Technical Services Conference on March 25.

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

#### Week ending March 28

MON	TUE	WED	THU	FRI
\$73.25	\$68.08	\$77.05	\$48.75	\$41.57

#### Week ending March 21

MON	TUE	WED	THU	FRI
\$69.25	\$55.00	\$43.75	\$37.75	\$40.25

AEP/Dayton 2015 5x16 price as of March 28 — \$41.92

AEP/Dayton 2015 5x16 price as of March 21 — \$41.54

## 2017/2018 Base Residual RPM Auction approaches

By Brandon Poddany – power supply planning engineer

PJM is conducting the Base Residual Auction (BRA) for the 2017/2018 delivery year from May 12-16. PJM has set the parameters of this auction very close to the 2016/2017 year. For the 2016/2017 delivery year, the BRA price for the RTO is \$1.81/kW-mo, for the FirstEnergy zone, \$2.75/kW-mo and for Eastern PJM, \$3.62/kW-mo.

A significant change in this auction is a restriction on the maximum amount of the limited demand response that will be purchased. In the 2016/2017 BRA, PJM purchased a total 9,850 MW of the limited product. In this upcoming BRA, PJM forecasts a purchase of only 2,530 MW of the limited product. This new restriction is expected to reduce the clearing price of the limited product in comparison to other planning years and other demand response products.

The limited demand response product is the program that AMP members have traditionally participated in, and is the only product that diesel units with Emergency Standby/Permit by Rule may register for. The Extended Summer and Annual products have different compliance commitments.

In preparation for this auction, members who wish to participate in Demand Response must submit a signed SILR form to AMP by April 4, 2014. SILRs were sent via email last week. This form allows AMP to pre-register a member’s resources for the auction. A resource cannot participate in the RPM auction in May if it is not pre-registered.

Please email completed SILRs as a PDF document to [bpoddany@amppartners.org](mailto:bpoddany@amppartners.org) or fax to 614.540.1080 by April 4. If there are any questions, please contact me at the email listed or 614.540.0847.

### Call for technical data

As a reminder, AMP is seeking community technical data for the AMP Member Directory and annual reports. Thank you to those members who have already responded. The data is also used for processing AMP Service Fee A and OMEA annual dues. Principal contacts should have already received a technical data form. If your community did not receive a form or if there are any questions, please contact Director of Publications Greg Grant at [ggrant@amppartners.org](mailto:ggrant@amppartners.org) or 614.540.1067.

## Barge delivers distributor, stator to Willow Island facility

A barge from the Voith Hydro manufacturing facility in Hannibal, Ohio, offloads the distributor and stator for both units at the Willow Island hydroelectric facility on March 20. This is the last barge delivery for the project.



## Long winter impacts markets

By Craig Kleinhenz – manager of power supply planning

The prolonged winter is continuing to have a large effect on natural gas storage levels. The amount of natural gas in storage is now less than half the amount that was seen this time last year. This represents a 14-year low in natural gas storage levels, with another withdraw of gas from storage expected next week (this is the time of year we are normally switching to injecting gas into storage).

This concern about natural gas storage levels has pushed natural gas and energy prices higher for the week. April natural gas prices ended the week up \$0.21/MMBtu from last week to finish trading yesterday at \$4.58/MMBtu. May natural gas prices closed yesterday at \$4.48/MMBtu. 2015 on-peak electric prices rose \$0.38/MWh for the week with AD Hub closing at \$41.92/MWh.

## AFEC weekly update

By Craig Kleinhenz

AFEC continued on its streak of having strong production this week. Most days saw the plant at base maximum levels during the morning and evening peak hours. For March 26 and 27, the plant was at base maximum during most of the overnight hours as well.

The plant was dispatched offline March 22 and 23 due to lower market prices. The plant ended the week with a 51 percent load factor (based on 675 MW) and was \$21.86/MWh cheaper than on-peak power prices.

## APPA holds RP3 webinars, offers application guide

The American Public Power Association (APPA) will offer webinars to help public power utilities with Reliable Public Power Provider (RP3) applications. The RP3 program encourages utilities to demonstrate proficiency in reliability, safety, workforce development and system improvement. Upcoming webinars are:

- Reliability – April 17
- Safety – April 25
- Workforce Development – May 2
- System Improvement – May 4

The application period for 2014 will run May 1 through Sept. 30. For those interested in applying for APPA's RP3 designation, the association has created an *RP3 Application Guide*, available on the [APPA website](http://publicpower.org/Programs/Landing.cfm?ItemNumber=31003&navItemNumber=37536). This guide is meant to increase transparency in the RP3 panel's grading expectations and help utilities better understand the application grading process. AMP's Technical Services group is also here to help, and can provide assistance in the calculation of reliability indices, disaster planning, physical security reviews, long-range planning, application review, and application assembly.

For more information, please visit <http://publicpower.org/Programs/Landing.cfm?ItemNumber=31003&navItemNumber=37536>. Contact Jennifer Flockerzie, AMP technical services program coordinator, at 614.540.0853 or [jflockerzie@amppartners.org](mailto:jflockerzie@amppartners.org) for AMP assistance.

## APPA Academy Webinar Series



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

- Customer Service Series: Management of Successful Customer Service Operations **Apr. 8**
- Investing in Intellectual Capital: How to Capture, Mentor and Retain Critical Knowledge and Skillsets **Apr. 10**
- Electric Utility 101 Series: Distribution **Apr. 16**
- Cybersecurity Awareness Training: Part III **Apr. 17**
- DEED: New Program Options to Engage High School Students on Energy Usage **Apr. 23**
- Accounting and Finance Series: Determining Revenue Requirements for Your Utility **Apr. 24**
- Utility Governance Webinar Series: Industry Issues and Challenges Facing Public Power Governing Bodies **Apr. 30**

Co-hosted by





## Update Classifieds

### Lineworkers needed in Beach City

The Village of Beach City has openings for an experienced Lineworker-Utility Worker and an Apprentice Lineworker in its electric utility.

Successful candidates will meet the following qualifications: high school diploma or GED, two year Trade School, Journeyman Certification, Commercial Driver's License (CDL) with a Class B Endorsement or must be obtained within six months of hire. Employee will be on call 24/7 approximately every other week to respond to outages or problems. Village Lineman-Utility Workers are also expected to perform duties in area such as water, wastewater, tree trimmings, streets and park maintenance. This is an inherently hazardous and physically demanding job.

Candidate must be willing to work in all kinds of weather conditions. Position pay scales: \$19.00 per hour to \$23.00 per hour for a journeyman lineworker and a five year apprenticeship program starting at \$14.95 for the apprentice, both depending on qualifications. Beach City offers a comprehensive benefit package. Applications available at Village of Beach City, 105 E. Main St., Beach City, Ohio 44608 or via email to: [utilities@beachcity.org](mailto:utilities@beachcity.org). Applications will be accepted until 4:30 p.m. April 30, 2014. Beach City is an equal opportunity employer.

### Borough of Ephrata seeks electric system superintendent

The Borough of Ephrata is a small community (Pop. 13,000) located in northern 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 and is seeking candidates for the position of fulltime Electric System Superintendent.

The electric system superintendent is responsible for directing and managing skilled individuals involved with the operation and maintenance of a public power electrical distribution system. The electric system superintendent will direct the day to day activities, preventative maintenance, and multi-year capital projects of the borough's electrical distribution systems in order to provide operations that are safe, cost effective, and reliable. The electric system superintendent will be expected to interact with the customers of the system on a regular basis to ensure safety and sound practices are employed throughout the electrical distribution system.

To be considered for this position, candidates must have at least 10 years of experience in the electric utility industry, a minimum of five years supervisory experience and a proven track record of achieving results. A thorough working knowledge of line work, electric distribution, substations, and high voltage systems (up to 69kv) is essential. A bachelor's degree in electrical engineering or engineering

technology, or related field, from an accredited college or university is preferred, however, relevant practical experience in lieu of a bachelor's degree will be considered. Other requirements include:

- Class B motor vehicle license or ability to obtain within six months
- Must be able to work weekends and holidays
- Ability to respond to a call out within a timely manner (approximately 30 minutes)
- Above average leadership and communications skills
- Computer skills; Excel and Word preferred

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 Dept, Borough of Ephrata, 124 S. State St., Ephrata, PA 17522 or [skramer@ephrataboro.org](mailto:skramer@ephrataboro.org). Visit the website at [www.ephrataboro.org](http://www.ephrataboro.org). Application deadline is April 30, 2014. EOE M/F/D/V

### Village administrator candidates needed in Village of Bradner

The Village of Bradner is seeking qualified candidates for the position of village administrator. The village administrator is responsible for the day-to-day operations of the village, including operating and capital budgeting, zoning, street maintenance, water and wastewater utility operations, electrical distribution and project management. The village administrator will work closely with the mayor and council.

Candidates must have a bachelor's degree or equivalent and five years of management experience with demonstrated skills in utility operations, leadership, grant writing, economic development programs and community planning skills. Excellent communication skills, computer, problem solving, organizational and multi-tasking skills are also required. Work experience as an electrical lineman and/or holding a lineman's license or certification is a plus.

Interested candidates should submit a cover letter, resume, salary history and at least three professional references on or before May 1, 2014 to the Village of Bradner: Attn: Mayor Virgil Shull, Jr., PO Box 599, Bradner, Ohio 43406. The Village of Bradner is an Equal Opportunity Employer.

### AMP seeks candidates for two open engineering positions

American Municipal Power, Inc. (AMP) is seeking candidates for two positions: Senior Engineer-Mechanical and Chief Electrical Engineer.

The senior engineer-mechanical position is responsible for safe mechanical operations and maintenance

see CLASSIFIEDS Page 5

of all generation assets as well as project engineering and generation development. A four-year degree in mechanical engineering is preferred (or related engineering discipline). Professional Engineering Registration is a plus. At least 10 years of experience in engineering, or engineering related type work is preferred. Five years electrical generation experience is required and Municipal Electric system experience is a plus.

The chief electrical engineer position is responsible for instituting safe electrical operations and maintenance of all generation assets as well as project engineering and generation development. Successful candidates will have a bachelor of science degree in electrical engineering. Five years electrical generation experience is required with at least 15 years of experience in engineering or engineering-related work. Professional Engineering Registration and municipal electric system experience are a plus.

For complete job descriptions or to apply, please visit [www.ampppartners.org](http://www.ampppartners.org) under "careers" or email to [ttucker@ampppartners.org](mailto:ttucker@ampppartners.org). Deadline to apply for both positions is April 25, 2014.

## City of Wadsworth seeks director of public service

The City of Wadsworth is seeking candidates for the Director of Public Service position. As a condition of continued employment, the selected candidate will be required to become a City of Wadsworth resident within six months from the date of appointment.

Reporting directly to the mayor, this unclassified position plans, organizes, integrates, fiscally controls, directs, administers, reviews and evaluates the activities, operations and programs of the service departments of the City. The position serves as an appointing authority and is responsible for ensuring the development and execution of the city's strategic plan and annual budget and to ensure that city government operations and functions effectively serve the needs of the residents and other stakeholders.

The preferred candidate will possess at least eight years of progressively responsible managerial and administrative experience in public services with at least four years of upper management-level experience, including directing multiple functions and programs (e.g., finance, budget management, employee and labor relations, community relations and customer service). The preferred candidate will also possess a Master's Degree in business, public administration, public relations or a related field from an accredited college.

The selected candidate upon appointment will need to possess and maintain a valid State of Ohio Motor Vehicle Operator's License and have an acceptable driving record.

The salary range for the position is \$83,954 to \$125,931 with excellent benefits.

Interested candidates should submit a resume no later than April 11, 2014 to Jim Kovacs, Human Resources Manager at [jkovacs@wadsworthcity.org](mailto:jkovacs@wadsworthcity.org). Questions regarding this opportunity may be directed to Kovacs at 330.335.2750.

## Bradner accepts applications for electrical lineworker

The Village of Bradner is accepting applications for a qualified fulltime electrical lineworker position. Candidates must possess a high school diploma, seven years general electrical utilities experience, workable knowledge of transmission, distribution lines and substations, and the ability to respond to necessary field work on a daily and emergency basis. Water and waste water experience is preferred but not necessary.

A valid driver's license is required. Class A CDL with air brake endorsement is required or must be obtained within six months of hire. This position will report to the Utility Superintendent.

Salary commensurate with experience plus an excellent benefits package. Applications and position descriptions are available at the Village offices, located at 130 N. Main St., Bradner, OH 43406 or by contacting the Fiscal Officer at 419.288.2890. The Village of Bradner is an Equal Opportunity Employer.

## Schuylkill Haven in need of journeyman electric lineworker

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

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](http://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, PA 17972.

## Calendar

**April 4-5—APPA Lineworkers Rodeo**  
*Oklahoma City, Oklahoma*

**April 6-9—APPA Annual Engineering and Operations Technical Conference**  
*Oklahoma City, Oklahoma*

**April 24—AMP Finance & Accounting Subcommittee Meeting**  
*Hamilton, Ohio*

**April 29—Advanced Transformer Workshop**  
*AMP Headquarters, Columbus*

**May 15—AMP Finance & Accounting Subcommittee Meeting**  
*Montpelier, Ohio*

**May 21—AMP Regional Safety Meeting**  
*Piqua, Ohio*

**June 2-6—Lineworker Training Basic 1**  
*AMP Headquarters, Columbus*

**June 5—AMP Finance & Accounting Subcommittee Meeting**  
*Salem, Virginia*



# Legislative Bulletin

## Ohio Municipal League Legislative Bulletin

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**April 4 , 2014**

### SENATE ADVANCES NEW REMOVAL PROCESS FOR LOCAL OFFICIALS BILL

The Ohio Senate advanced legislation by a vote of the 32-0 which the league has been following closely since the beginning of the 130 th General Assembly. On Wednesday, the upper chamber sent SB 6, Sen. Tim Schaffer's (R-Lancaster) bill dealing with the removal and enhanced educational requirements for county, township, municipal, and public schools fiscal officers. Specifically, the legislation approved this week will affect municipalities by:

- Establishing procedures for removing county auditors, county treasurers, township fiscal officers, and fiscal officers of non chartered municipal corporations for purposely, knowingly, or recklessly failing to perform a duty expressly imposed by law with respect to the office or purposely, knowingly, or recklessly committing any act expressly prohibited by law with respect to the office (R.C. 319.26, 321.37, 507.13, and 733.78).
- Declares that if a municipal corporation's charter establishes a procedure for removal of officers that conflicts with the bill's removal procedure, the procedure in the charter prevails (R.C. 733.78(F)).
- Unless otherwise provided by law, prohibits any individual removed from office under the bill's procedures from holding another public office for four years, and specifies that such an individual is not entitled to hold another public office until repayment or restitution required by the court is satisfied (R.C. 319.26(D), 321.37(D), 507.13(D), 733.78(E), and 2921.44(G)).
- Except as otherwise provided by law, bars a public servant who is a fiscal officer, including a school fiscal officer, and who is convicted of or pleads guilty to dereliction of duty from holding any public office, employment, or position of trust in Ohio for four years, and specifies that such a public servant is not entitled to hold another public office until repayment or restitution by the court is satisfied (R.C. 2921.44).
- Establishes initial education programs, taken before assuming office or during the first year of a term, and continuing education requirements, taken after assuming office, for township fiscal officers, city auditors, city treasurers, village fiscal officers, village clerk-treasurers, and similar fiscal officers designated by the charter of a chartered municipal corporation (R.C. 507.12 and 733.81).

We expect the Ohio House to take up SB 6 in short order. We will keep our members informed of any action taken by the House.

## OHIO HOUSE ADVANCES BLIGHTED PROPERTY BILL

Another bill was advanced with bipartisan support this week in the Ohio General Assembly. HB 223 introduced by Rep. Cheryl Grossman (R-Grove City) and Mike Curtain (D-Columbus) was passed by an 87-0 vote and sent to the Ohio Senate to begin the committee process there.

The legislation addresses an issue that has been vexing to local governments across the state when trying to address property that has been abandoned and vacant for long periods of time, creating many difficult issues locally. The bipartisan bill creates a five-year pilot program relating to unoccupied, blighted parcels of property that terminates on December 31, 2019, for Cuyahoga, Franklin and Lucas counties. The pilot project is based on recommendations from the Cleveland Federal Reserve and is targeted directly for properties located in Columbus, Cleveland and Toledo.

Often referred to as "zombie properties", the goal of the bill is to expedite the procedure for clearing the way for these blighted properties to be eligible for a sheriff's sale so that new ownership can be established and remediation or removal can take place. A copy of the bill's analysis can be found [HERE](#) providing greater detail of what is included in the proposal. The bill received several amendments on the House floor clarifying that the court will use certain criteria in the Ohio Revised Code to determine if a property is truly vacant and abandoned and altering penalties for a person who knowingly damages a property once it goes into foreclosure.

HB 223 offers a fresh approach through the new pilot project for these three cities to address nuisance properties that have kept property values critically low and neighborhoods caught in a cycle difficult to escape by allowing the free market system to work, without government financing. We encourage the Ohio Senate to take the measure up quickly to offer another tool for communities to recover wasted and dangerous space.

### **RALLY AND TESTIMONY PRESENTED TO HOUSE FINANCE COMMITTEE ASKING FOR LGF RESTORATION**

On Wednesday, local government officials rallied at the Statehouse before the House Finance and Appropriations Committee held a fifth hearing on HB 483, the Mid Biennial Review (MBR) bill dealing with the operation and appropriations for state run programs. The officials from across the state came to Columbus to share with the media how their communities have experienced negative fiscal issues as a result of the Local Government Fund (LGF) being cut by half, lost revenue as a result of the elimination of Ohio's Estate Tax and other changes in state policy previously enacted by the Ohio legislature.

The assembled officials then presented testimony before the House Finance and Appropriations committee, sharing with members present the conditions their municipalities are facing due to the struggling economic recovery and the demands placed upon services as a result of the unusually severe winter weather and how the state/local revenue sharing system that began in 1935 should be replenished so that service delivery can remain secure and the demand for tax increases on the local level can be relieved.

### **"JEDZ" BILL UP FOR THIRD HEARING IN SENATE FINANCE COMMITTEE**

The Senate Finance Committee will be holding a third hearing next week on sub.HB 289, legislation introduced by Rep. Kirk Schuring (R-Canton) that would modify Ohio's Joint Economic Development Zone (JEDZ) law. The Senate Finance committee will meet Tuesday, April 8th, 2:30 pm in the Senate Finance Hearing Room to receive all testimony of the proposal.

As we have reported, the current version of the bill will prohibit the renewal of a JEDZ contracts after December 31, 2014 and terminates, on January 1, 2015, the authority of municipal corporations, or of municipal corporations and townships, to create new or to substantially amend existing joint economic development zones (JEDZs), in addition to other changes. The bill's analysis can be found [HERE](#).

The league and other interested parties continue to discuss alternative proposals being considered by the bill sponsor. We will keep our members informed of any changes to the language that may affect the future of these economic development opportunities for local governments.

## **SENATE SENDS & GOVERNOR SIGNS CAPITAL BILL WHILE MBR BILLS CONTINUE TO RECEIVE HEARINGS IN OHIO HOUSE**

As expected, the Ohio Senate made short work of HB 497, the \$2.4 billion capital appropriations measure for the 2015-2016 fiscal biennium. Although not passed unanimously, the bill did pass with a 30-1 vote and was signed into law by Governor Kasich Tuesday.

The bill, which was largely kept as passed by the Ohio House, appropriates: \$675 million for local school construction projects, \$574.3 million for maintenance and renovations at state-owned facilities, \$454.5 million for Ohio's public colleges and universities, \$369 million for local infrastructure projects, \$100 million for the Clean Ohio program and \$160 million for "community projects." It is the first time in six years that local projects are included in the capital measure. A complete list of the projects funded through the enacted Capital bill can be found [HERE](#).

On the MBR front, the House continues to deliberate on the group of bills introduced that all generally fall under the Mid Biennial Review (MBR) package. On Wednesday, the House Ways and Means committee amended and then passed out HB 492, the piece of the MBR proposal dealing with state tax issues. The committee adopted an omnibus amendment that committee Vice-Chairman Rep. Gary Scherer (R-Chillicothe) explained as leaving in place only the "mundane issues" in order to be able to move the proposal expeditiously. Rep. Scherer explained the omnibus amendment will remove the proposed motor fuel excise tax payments and reports from the last day of the month to the 23rd of the month and maintains the current due date of the last day of the month; authorizes vendors and others required to hold a sales tax license whose business and home address is the same to apply to the tax commissioner to keep the address confidential; ensures that a Petroleum Activities Tax (PAT) taxpayer may claim on its first PAT filing on November 10, 2014 the Job Retention and Job Creation Tax Credits; requires the tax commissioner, each month, to prepare a list of suppliers holding a license to distribute, import, or cause the importation of motor fuel for consumption. The list will contain the names and addresses of all suppliers and each supplier's state tax account number the PAT. The list will be open to public inspection and may be posted on the Department of Taxation's website; clarifies the administration of tobacco tax stamps are moved from the treasurer of state to the duties of the tax commissioner but not an agent of the commissioner; removes language regarding exporters and transporters surety bonds and maintains current law for reporting and licensure requirements and surety bonds for exporters and transporters.

## **OPERS' LATEST INSTALLMENT OF *OPERS*Source, YOUR SOURCE FOR OPERS INFORMATION .**

Recently, officials from the Ohio Public Employee Retirement System (OPERS) sent out to all of their pension payment plan stakeholder representatives the latest installment of *OPERS*Source, your Source for OPERS information. The publication can be found [HERE](#). This regular publication is a resource to help answer questions regarding OPERS and public pensions.

This issue focuses on the new online retirement tool offered by OPERS as part of our “Learn, Plan, Act” initiative and also discusses a recent report from the National Institute on Retirement Security (NIRS) comparing states regarding preparedness for challenges facing future retirees.

We want to share this information with our members who may not have received the publication. Municipal officials with questions regarding the information can contact Carol Nolan Drake, Chief External Affairs Officer, Ohio PERS at [cdrake@opers.org](mailto:cdrake@opers.org).

Below is the committee schedule for next week. If there are any additions or changes to bills affecting local governments, we will be sure to alert our members.

Have a great weekend~

[Preliminary Committee Schedule](#)

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