

July 2014							August 2014							September 2014							
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27	28	29	30	31			24	25	26	27	28	29	30	28	29	30					
							31														

 Calendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
27	28	29	30	31	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
					Bisher - up North	Bisher - up North
24	25	26	27	28	29	30
Bisher - up North	6:30 PM SAFETY & HUMAN RESOURCES Committee Meeting Bisher - up North	Bisher - up North	6:30 PM Parks & Rec Board Mtg. Bisher - up North	Bisher - up North	8:30 AM Health Care Cost Committee Meeting Bisher - up North	Bisher - up North
31	1	2	3	4	5	6
Bisher - up North	HOLIDAY - Labor Day - City of Bisher - up North	6:15 PM TECHNOLOGY Committee 7:00 PM City COUNCIL Meeting Bisher - up North				

City of Napoleon, Ohio

Special Meeting

of

Safety & Human Resources Committee

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

Special Meeting Agenda

Monday, August 25, 2014 at 6:30 PM

- I. **Approval of Minutes** *(In the absence of any objections or corrections, the minutes shall stand approved.)*
- II. **Review of Highland Avenue Parking**
- III. **Any Other Matters Currently Assigned To Committee**
- IV. **Adjournment**

Gregory J. Heath, Clerk/Finance Director

City of Napoleon, Ohio
Special Meeting
of

Safety & Human Resources Committee
In Joint Session with
City Council

Special Meeting Minutes
Monday, June 23, 2014, at 6:30 PM

PRESENT	
Committee	Heather Wilson – Chair, Jeff Comadoll, Jeffrey Marihugh
City Council	John Helberg (President), Jason Maassel (President Pro Tem), Chris Ridley, Travis Sheaffer (arrived at 6:37 PM)
City Staff	Monica S. Irelan, City Manager Gregory J. Heath, Finance Director/Clerk of Council Jon Bisher, Special Projects Clerk Roxanne Dietrich, Administrative Assistant Morgan Druhot, Human Resources Director Scott Hoover, Water Treatment Plant Superintendent Lieutenant Ed Legg, Police Department Chad Lulfs, City Engineer Dan Wachtman, MIS Director
Recorder	Tammy Fein
Others	News Media; Rick Baden, Malinta; Max Fetterman, Liberty Center Mayor; Frank Godwin, Liberty Center; Robert Hastedt, Henry County Commissioner; Rex Huffman, Attorney representing Henry County Water/Sewer District; Glenn Miller, Henry County Commissioner; Jeff Nulton, Village of Florida; Nick Rettig, Henry County Water Sewer District; Tom VonDeylen, Henry County Commissioner
ABSENT	
Members	Ronald A. Behm, Mayor
Others	Trevor M. Hayberger, Law Director
Call To Order	President Helberg called the City Council meeting to order at 6:30 PM.
Water Treatment Plant Presentation By City Manager	<p>Irelan presented a Water Treatment Plant Presentation to Council, adding that all figures represented in the presentation are taken directly from the 2013 Preliminary Engineering Study; see attached.</p> <p>Irelan reported that the decision regarding the direction of the Water Plant is on an urgent basis, adding that the assessment process would take approximately six (6) months to complete.</p> <p>Irelan listed the four (4) available options and related estimated costs regarding the Water Plant:</p> <p>Option 1 – rehab the current Plant, adding the new processes with an estimated cost of \$11,804,700;</p> <p>Option 2 – build a new conventional Plant on the same site with an estimated cost of \$19,519,200;</p> <p>Option 3 – proceed with the new membrane Plant with an estimated cost of \$22,948,800;</p> <p>or</p> <p>Option 4 – buying water from other entities such as Defiance and Archbold with an estimated cost ranging from \$10,655,250 to \$21,310,500.</p>

**Water Treatment
Plant Presentation
By City Manager
(Continued)**

Marihugh asked what flow rate the Plant would operate with the new processes; Ireland replied it should be comparable to what the Plant is running currently; Hoover stated the Plant is a 4.5 million gallon (MG) plant, however the current restrictions do not allow the Plant to run that hard, adding that realistically the Plant runs between 3.5 and 4 million gallons, and rehabbing the Plant would bring the Plant back up to the 4.5 million gallon flow rate. Helberg stated that it was originally explained to Council that if the plant was rehabbed, it would not be long before the Environmental Protection Agency (EPA) changes would be required; Ireland stated that would be true if the Plant were to be rehabbed in the current state, however adding the new processes would meet the EPA requirements. Hoover stated that the current Plant still does not meet the Long Term 2 (LT2) rule that was mandated October 2013; Hoover is attempting to get an extension on this rule that would go through October 2016, but this extension has not been granted as of yet due to the failure of the Pilot Study; the EPA does not know which direction the City will follow regarding the Plant, so an extension cannot be approved until this is decided. Ireland stated that she spoke with the Engineers regarding the quality of water from a membrane plant versus a lime soda plant, and the Engineers stated the quality of water would be the same with either process, adding that all the same EPA requirements will be met from either process. Helberg asked if there were any upcoming regulations to consider; Hoover does not believe there is other than the current LT2 regulation that is already in place. Hoover stated that there are algae regulations that may appear in the future but there is no guarantee that any of the options will meet this regulation. Hoover added that any processed used, whether a membrane plant, a lime soda ash plant or a Granular Activated Carbon (GAC) plant, all include chlorine in the process, and once the chlorine is added, Total Trihalomethanes (TTHMs) will form.

Marihugh asked if Option 2, building a new conventional Plant on the same site, including pumping; Hoover believes it does include the electrical costs; Ireland does not believe that this includes the cost of raw water.

Ireland stated that a study completed by the American Water Works Association (AWWA) Research Foundation, Integration Of Membrane Filtration Into Water Treatment Systems, regarding Option 3, proceeding with the new membrane Plant, requires the use of many contractors since the equipment utilized for the process is so specialized, and many membrane plants were required to hire more employees due to the manpower required to operate the plant. Helberg asked if these costs were incorporated in the figure listed as a cost for Option 3; Ireland replied that it is not included in that figure.

Ridley asked Ireland to elaborate on the unacceptable Pilot Study; Ireland stated that the Pilot Study was rejected the first time that it was submitted and the City was under the impression that this was because more data was needed, however as of June 3 the EPA rejected the Pilot Study again recommending a second Pilot Study be submitted, meaning as of now, the current plan that was submitted is rejected by the EPA. Helberg asked what the EPA recommendations were for the second Pilot Study; Ireland stated the EPA is requiring far more concentration on pretesting of the raw water source, as well as concentrating on the pretreatment of iron and manganese. Hoover stated that the City has found significant amounts of iron and manganese through internal testing that was originally attributed to equipment failure and the use of ferric chloride in the Pilot Study; Hoover restated that the EPA rejected the Pilot Study, so if building a membrane plant is the option that is chosen, a new Pilot Study must be submitted. Helberg asked the timeframe for a new Pilot Study; Ireland stated a proper Pilot Study based on the AWWA report, the Study should be a year round report to test water temperature changes, run off seasons, and especially testing cold water which the original Pilot Study did not do. Hoover stated the original Pilot Study was for 2000 continuous hours, which included stale water during the times that water was not being brought in through the intake; Hoover suggested meeting with the EPA before another Pilot Study is completed to

**Water Treatment
Plant Presentation
By City Manager
(Continued)**

discover the specific parameters to be met.

Irelan stated that the estimated cost regarding Option 4, buying water from other entities such as Defiance and Archbold, is based solely on the feet of pipe that would be necessary to get from the City Water Treatment Plant to the other entities, with an estimated cost of \$125 per foot of pipe. Irelan added that any water purchased must still be treated when it arrives at the City Water Treatment Plant; Hoover added that a form of GAC would be used, and Defiance is currently under a TTHM advisory within their city limits; Irelan added that the TTHM count would be even higher when it arrived here. Irelan also added that the right of way on Route 24 is not owned by Defiance or the City, and it may be quite a lengthy process to negotiate access to the right of way from the State; Lulfs added that the State is opposed to allowing this access. Irelan stated that she questions whether an agreement can be reached to run the pipe through Wauseon to get to Archbold, which results in the range of cost presented with this option; adding that according to the Fulton County Water Report, Archbold would need a raw water source, recommending the City, before any water could be sold to the City since the current raw water sources are drying up. Irelan added that Archbold also had TTHM issues that would increase when the water arrived here.

Helberg asked Irelan what the estimated rate increases to the water customers would be for each Option; Irelan stated that the Courtney study completed in 2011 estimated a 40% rate increase on the water bill with a \$15 million principal over thirty (30) years at 5.5% interest; Helberg added that this figure did not consider the City joining a Consortium; adding that the rates will increase even higher for City customers due to the loss of the surcharge revenue. Irelan stated that the assumed cost of rehabbing the current Plant is \$11 million, not the \$15 million as figured in the study. Irelan did not request that Courtney do any further studies until direction by Council was given. Ridley asked if the City must do a new pilot study if rehabbing the current plant or building a new conventional plant is the option that is chosen; Hoover does not believe so, there may be some research involved if a new process is involved for treatment. Irelan stated that the current plant has already been used in the treatment of water, and the EPA is aware that the raw water will work in this process, and this must only be proven in a new process. Ridley asked how much the first Pilot Study cost; Irelan replied \$352,000. Ridley asked if a new Study would be for an extended length of time; Irelan stated that she would request the new study to include an extended timeframe as well as testing of cold water, even if this was not required by the EPA; adding that she is worried about the cold water in the new membrane system; as there are certain plants that shut down the membrane portion of the plant in the winter because the water is too cold, and the City's Plant would not be able to shut down. Helberg added if the Plant runs off the reservoir during the winter, there is not enough storage space to warm the water in the winter; Hoover added the City is under an obligation to pump one (1) million gallons per day to Wauseon.

Marihugh asked if a plant is built with the consortium, what would the City's estimated stranded costs equal on the MIEX System; Irelan believes that at the end of December 2014, the balance would be approximately \$2,725,000; Marihugh asked Heath how this cost would be handled; Heath replied that this issue has not yet been addressed with the consortium.

Wilson asked why the membrane plant option was originally chosen over the other options since the membrane plant seems to be so risky; Bisher replied that he does not believe the membrane plant option to be risky as there are other communities that run membrane plants, including Delta, Upper Sandusky, Bowling Green, and Paulding, even though lyme soda is the proven technology. Bisher stated that Brian O'Connell, Bowling Green Utility Director, stated that even though his employees do not like to run the membrane plant, however O'Connell does not believe that Bowling Green could meet

**Water Treatment
Plant Presentation
By City Manager
(Continued)**

the TTHM requirements without the membrane; Bisher added that the membrane plant is shut down in the winter at Bowling Green but not at Upper Sandusky or Paulding. Bisher stated the technology seemed like the best option versus conventional; Bisher does not believe that rehabbing the current plant is going to work due to the condition of the plant. Bisher stated that he agrees with the data that Irelan presented, even if there were different assumptions two years ago when this project was started; the critical decisions at the time involved working with the consortium, and not debting out the cost of the project. Bisher stated that having control over the cost of water is a major concern as well, adding that the cost of the water is important to the Economic Development of the area, having reasonably priced water could attract new business, even if it seems high to residents. Bisher stated that the issue of what to do with the MIEX equipment if that process is abandoned was never resolved; Hoover spoke with Burr Oak State Park, the first MIEX plant, and their MIEX equipment after being for sale for a number of years was eventually sold at the scrap metal price; Hoover added that the push on MIEX technology is fading; Bisher stated that the MIEX process also works much differently in the cold than in the summer; Hoover added that there will be some changes to the process that will result in significant decrease in cost over the next year; Bisher stated that realistically the MIEX equipment will not bring revenue, and there are operational cost savings to moving to a different process. Hoover has researched this with other plants, and membrane processes are not inexpensive and GAC must be recharged and regenerated; adding that all processes involve a cost. Hoover stated that Bowling Green budgets \$150,000 per year for membranes and believes that figure should be higher, and Delta has recently reported that they are having trouble with their membranes as well.

Irelan reminded Council that, even though there are issues with each option, her priority is to get the best quality water for the least expensive cost for the customers.

Ridley asked if a new conventional plant was built or if the current plant was rehabbed, would the MIEX process continue to be used; Hoover does not believe that MIEX will have a longterm life and recommends phasing it out and reusing the contactors and tanks for pretreatment purposes and sell off the other equipment. Helberg asked if the processes added in the rehab of the current plant will do away with the need for the MIEX process; Hoover stated the processes added would do away with the need for MIEX. Helberg asked if anyone researched the Paulding membrane plant since they operate over the winter; Hoover replied that Paulding is experiencing damage due to a wrong chemical being used, adding that he has spoken with Delta, Upper Sandusky, and Bowling Green; Upper Sandusky recently had to change out all of their membranes due to cracking in December, and Bowling Green only uses 15% membrane processed water, with the rest being lime soda ash processed water; Hoover added that Bowling Green recommended choosing a GAC process.

Wilson believes that the membrane plant seems too risky including the cold water issues; Sheaffer agrees. Bisher stated that he asked O'Connell what process he would choose, and O'Connell replied that if he 'had to build the plant over, he would build a membrane plant'. Marihugh asked if O'Connell had ever made water; Bisher replied that O'Connell is the Utilities Director, not an Operator. Hoover asked what will happen when the membranes don't work on a cold day or if the water cannot run through the plant because the membranes are plugged; adding that the other membrane plants have a backup system which is an advantage that the City will not have. Hoover stated that the water source changes dramatically every day, adding that he has doubts if the plant would work when the water is too cold. Bisher stated that the EPA requires a certain water quality through our system and does not want the City to pay millions of dollars for a plant that does not work; the EPA is concerned with the process as it is drawn up now. Hoover agrees with the EPA, adding that he believes that they are looking out for the benefit of the City.

**Water Treatment
Plant Presentation
By City Manager
(Continued)**

Frank Godwin, Village of Liberty Center, stated that the Pilot Study states that the Plant will not treat Maumee River water; and Godwin believes it will not be affordable to build this type of plant; Godwin agrees with Hoover and the Operators who have ran the Water Treatment Plant for the last twenty eight (28) years.

Helberg asked if the new conventional plant would be the best option over rehabbing the current plant based on the length of time the different plants would last; Ireland stated that according to the studies, the rehabbed plant would last as long as a new plant, as both options are designed to have a lifespan of forty (40) years, but the value of the asset of the rehabbed plant at the end of forty (40) years will not be as high as if the new plant were built.

Maassel suggested eliminating Option 4, buying water from other entities.

Wilson asked if there was a benefit to building a new conventional plant and using the current plant as a backup; Hoover stated that the rehab will completely restore the current plant to new condition, along with additional processes being added. Hoover added that according to the engineering firm that did the 2011 study, the current building is in adequate condition. Goodwin asked if TTHMs are down to zero (0); Hoover stated he was not certain since membranes were the focus of the studies. Maassel asked Hoover for his recommendation regarding these options; Hoover recommends rehabbing the current plant and putting in the new treatment processes and saving approximately \$10 million, adding that the rehab process will not be easy but will be cost effective. Hoover recommended some other changes to the current plant if rehabbing is the option chosen, including aeration in the clearwell and in the elevated towers. Sheaffer asked Hoover if he could make the current plant work during the rehabbing process; Hoover believes that he and the Operators can make the plant run during the rehab and Hoover has some ideas regarding building the rehab in stages. Hoover stated that there is technology that can assist the current plant. Ireland stated that she backs Hoover completely; Helberg stated he was just making sure this option was a feasible one. Sheaffer stated that he is inclined to go with Hoover's recommendation to rehab.

Wilson asked how the other Consortium members felt about this option; Godwin believes that Council should listen to the Operators since they produce the water and operate the plant on a daily basis. Godwin asked if the Consortium would remain the same if a different option was chosen; Helberg added that Godwin's recommendation of listening to the Operators is how the City originally ended up with the MIEX process, which the City is now trying to get rid of. Ireland stated that Hoover improves the MIEX process every day; Helberg agreed, adding that the testing done by Hoover has really improved the performance of the MIEX process.

Heath asked if rehabbing the facility includes the tower; Ireland stated that it does and she believes it also includes improvements to the VanHyning pump and station. Bisher asked if the plant will be a consortium plant or City plant. Godwin reminded Council that an agreement has already been signed in which the City agrees to be part of the Consortium and asked if that would remain the same if a different option is chosen other than the new membrane plant; Helberg stated there is an agreement stating all parties are working together, with a buyout clause for each party; Ireland stated it is a forty (40) year agreement with an early termination clause of three (3) years with written notice and a buyout of the party's total share must be received. Sheaffer stated he would like to stay in the consortium adding that this keeps the prices lower by sharing the cost; Marhugh stated he is opposed to 'giving away City assets'. Ireland stated that the agreement gives the asset of the Water Treatment Plant and the tower to the County, removing the assets from the City financial statements. Helberg believes the City should stay with the Consortium. Heath suggested addressing the issues of the ownership of the assets and the 25% upcharge in order to remain in the consortium; Sheaffer agreed, adding that the

**Water Treatment
Plant Presentation
By City Manager
(Continued)**

agreement could be restructured. Sheaffer asked why the assets were originally to be turned over to the County; Bisher replied this was written this way to get the debt off the City's books, and the anticipated assessments for the project could only be completed by the County. Sheaffer asked if an assessment is still a viable option; Bisher replied that an assessment could only be an option if the County has ownership of the facility. Bisher stated there could be stranded costs if the City leaves the Consortium and the other members of the Consortium will purchase water from an entity other than the City after the current contracts are honored. Wilson believes that no Council member has yet suggested leaving the Consortium. Nick Rettig, Henry County Water Sewer, stated that the same issue was encountered with McClure; McClure wanted the Consortium to purchase the current system and the Consortium was willing to do that, however the cost of the system was added back to the water bills. Heath stated if the County assumes ownership of the facility, ownership would include the MIEX process. Heath asked the status and amounts of any United States Department of Agriculture (USDA) grants and if the USDA was willing to finance a rehab of the current facility; Rettig believes that the USDA is willing to finance any of the options although no specific figures have been set. Heath suggested that a new Water/Sewer district could be formed instead of a consortium which may give more balanced control on the Board, since the City remains 80% of the product as well as 80% of the cost, and having a vote equal to 80% should be a serious consideration. Helberg asked what the differences are between a Water/Sewer district and a consortium; Rex Hoffman, Attorney representing Henry County Water/Sewer District, believes forming a regional district water service district to control votes and services is a viable option and Ohio Revised Code Section 6119 allows for this; adding that the district could only be for water not sewer, and this would allow for assessment and gives flexibility to the City, and the citizens become the customers. Heath stated that Bond Council has never seen a consortium created in this manner, but they have seen a Water/Sewer district. Heath added that forming a regional Water/Sewer district under the Statute becomes its own political and legal entity solely for the purpose of water distribution and this entity would still be allowed to assess, and the makeup of the Board becomes independent of the City.

Helberg stated that the current agreement was to keep the consortium together working toward a solution and then working toward an operational agreement; Heath stated that the Water/Sewer district would take ownership from the County, Heath believes it was originally the County's intent to be mediator in combining all the entities in this project, however a formed district would become an entity unto its own and the County would not be involved; Sheaffer agrees with Heath's suggestion of forming a regional Water/Sewer district; Heath reminded Council that the Henry County Water/Sewer District would be a member of the newly formed regional Water/Sewer district. Ridley asked why this arrangement was not pursued in the first place; Bisher stated this option was previously discussed, at one time this was a County water district with a County board that must approve all changes including running water lines; the Commissioners were tired of approving these changes and the format was changed to a regional water district; Heath added they are only distribution. Hoffman stated part of the purpose of forming a regional Water/Sewer district is to save cost, adding that there are two (2) current regional Water/Sewer districts and adding a third would lose the benefit of having economies of scale; Hoffman added that the consortium can work, but the hurdle is getting the constituents to agree regarding billing. Helberg stated that if the City loses customers, the rates will increase; Hoffman stated that Henry County was the source chosen for water. Sheaffer stated his concern of turning this project over to the County is that past Commissioners have not remembered that the City is a vast majority of the population, and Sheaffer prefers to keep a measure of proportional control; Godwin stated there would be a voting member of every community on the Consortium regarding rates. Helberg restated the issue of concern is that the City would only have one (1) vote like all other members, although comprising 80% of the population and cost; Helberg asked if the agreement regarding consortium voting could be modified.

Wilson recapped the issues presented and tabled regarding the changes to the Personnel Code:

1. Cell phone and internet benefit as related to the Human Resources Director position; Wilson stated that this position is a Department Head position, meaning that Ireland has final decision regarding the reimbursement of these benefits for the Human Resources Director position, however Wilson requested that Ireland evaluate the necessity of any reimbursement for any position, as reimbursements are options, not mandates.
2. Special wording for permanent parttime benefits; Wilson stated that the Safety & HR Committee previously agreed unanimously to delete this wording as the Committee believed the wording targeted one (1) specific position and showed favoritism toward a parttime employee; Wilson was concerned about the precedent this wording would set for other parttime employees.

Helberg stated that the City tried to reduce cost for Obamacare through the parttime positions, such as staying under a certain number of hours; Helberg added that the more administrative based parttime positions may need the cell and internet reimbursement due to the scope of the job, adding that fulltime positions also have different benefits offered depending on the position, and the same could be done with the parttime positions. Wilson asked what different benefits were offered to fulltime positions; Ireland stated that not all fulltime positions have the same benefits, and gave the example that some fulltime positions, at the time of hiring, were given the benefit of taking their vacation time upfront even though this practice did not follow the manual at the time; Ireland added that this is why there would be a clause in the Personnel Code allowing Ireland to bring a Resolution before Council requesting benefits outside the Personnel Code as Ireland deems fit for individual newly hired positions. Heath cited the example of when he was hired; Heath had accrued vacation and sick time previously that Council provided for him to bring to the position; Sheaffer added that a computer was purchased for Bisher from the Community Improvement Corporation (CIC) when he was newly hired. Heath stated the cellphone and internet benefit are decisions of the Appointing Authority at their discretion.

Wilson stated that she is concerned with the inconsistency, adding that she has researched this issue and according to the reports that she read, the lack of consistency causes low morale; Wilson believes that allowing for different benefits for different employees is not being fair and equitable, adding that she believes that because an employee has a license does not mean they are a better employee; Wilson believes the City must be more diligent about being consistent. Sheaffer stated that Ireland has a hiring range in pay for any position; Wilson stated that pay ranges are different than benefits, and Wilson believes the pay range gives Ireland the flexibility that she is requesting in the hiring process. Wilson believes the inconsistency in benefits will cause employees to become disgruntled, adding that it will cost more to train the turnover due to disgruntled employees. Ireland stated there is a difference between being fair than treating everyone the same, adding that fairness should be based on experience and education, not the position.

Ridley asked for clarification regarding any atypical employment benefit offer being required to be approved by Council; Heath replied yes, and this change allows for contracts to be negotiated for different employees; adding that the previous Personnel Code precluded Council from having separated employee contracts; Heath believes that limiting or reducing benefits will tie the hands of Council regarding hiring future employees. Heath stated that the unionized bargaining agreements do not cover every issue, and the Personnel Code covers the items that are not covered in those agreements, adding that Heath believes this should be covered for future agreements; Ireland made the distinction that all employees in a unionized contract are considered to be all treated the

**Changes To The
Personnel Code
(Continued)**

same, unless it is stipulated otherwise, however nonunion employees are not all treated the same, and Irelan believes that the flexibility is necessary. Sheaffer reminded the Committee that each atypical benefit request will come before Council for decision on an individual basis; Sheaffer believes that it is important to give the City Manager the authority to hire better employees with the flexibility this will afford. Wilson stated the additional benefits will increase cost to the City; Irelan stated that it will allow the City to lower the salary base which is what vacation and sick time benefits are based on, and this may save the City money. Irelan stated that some employees would rather have time off instead of extra pay, and this will also save the City money. Helberg stated that the rollups must be saved; Sheaffer believes that these atypical benefits will not be the norm, and Council can control this issue as the final decision maker.

Comadoll stated that after Bisher was hired as Special Projects Clerk with negotiated benefits, there was a parttime employee who asked Comadoll if these benefits would be for all parttime employees, to which Comadoll explained those benefits were negotiated for the individual, not all parttime employees. Irelan stated that Council gave the cellphone and internet benefits to their employee so Council could reach him as they deem necessary; Irelan added that she does not need to get in touch with the parttime employees who are not receiving these benefits, and that is why they are not receiving these benefits. Irelan stated the Human Resources Director permanent parttime position is a Department Head earning these benefits; Sheaffer suggested opening the benefit to all permanent parttime employees with a caveat attached for the education benefit; Irelan does not believe it is the responsibility of the City to pay for the education of all employees, and believes the education benefit should be used to promote employee training. Heath added that the Finance Department has one of the larger travel and training budget, and the issue is making up efficiency through training and education; Heath encourages his employees to take advantage of the employee education benefit, and currently has only one (1) employee using it. Heath suggested that education enhances the department; Sheaffer believes there is a difference between professional development and a full college degree being paid for; Heath was here when this original policy was passed, and the theory behind the policy is that education of the employees makes each Department and the City as a whole more efficient; Sheaffer is open to allowing this benefit for all permanent parttime positions. Wilson stated that the City should not be the steppingstone for employees and must figure out why this is the case; Heath believes this is due to pay and benefits; Wilson believes this is due to inconsistency, poor working conditions and the employees believing that they are not being treated well. Irelan stated she and Druhot are researching the issues causing employees to leave.

Ridley asked if education is covered in the union contract; Irelan stated that parttime firefighters are nonunion. Ridley asked if the Committee was requesting that different permanent parttime employees with different job descriptions all be treated the same; Wilson asked if the parttime firefighters were not union because they are parttime; Irelan stated that it is rare to have any parttime positions in a union though some positions were grandfathered into the American Federation of State, County, and Municipal Employees (AFSCME) union, however Irelan believes the reason they are not unionized was due to a management decision regarding negotiated items that do not pertain to the parttime positions. Irelan stated there are legal guidelines and has never worked for a City with unionized parttime employees until now; Irelan is asking for flexibility to provide different benefits to different positions. Wilson stated that there are two issues; flexibility and parttime positions; Helberg asked if both issues were covered in the written language of the Personnel Code; Wilson believes the specific language regarding permanent parttime employees was geared toward one (1) position which is why the Committee decided to have it struck out. Marihugh asked if the job description book has been updated recently; Irelan stated there have been approximately four (4) revisions; Marihugh asked if the job descriptions have the correct information; Irelan stated they

**Changes To The
Personnel Code
(Continued)**

have been revised and updated, and per Policy these have been sent to the unions to be checked.

Irelan stated that the first change listed to the Personnel Code was suggested by Hayberger, adding the original language was struck out, leaving the rule that any benefit agreement outside of the Personnel Code will come before Council for approval. Wilson believes this wording to be vague, adding that she is concerned that the former City Manager spoke out of turn and now Council is responsible for promises that should not have been made. Helberg stated this issue was addressed at the budget meeting and was not rewritten into Personnel Code until now; Council agreed that there had been extensive previous discussions regarding the Human Resources Director position; Heath stated that benefits were not discussed at that time. Irelan reminded Council that the changed clause would have forced the requested benefits, although approved through the Budget, to be brought before Council for final approval; Maassel and Sheaffer agreed with this change. Wilson asked if everyone without a standard contract will get the same benefits; Irelan stated no. Wilson believes that the benefits must have a specific layout; Irelan stated that the specific benefits are spelled out in the Employee Manual. Sheaffer summarized that newly hired nonunion employees coming in at different positions will start with the same benefits regarding sick and vacation time, unless negotiated and brought before Council for approval. Wilson asked if Council must approve negotiated benefits for parttime and fulltime newly hired employees; Irelan restated that any language outside of the Personnel Code must be brought before Council for approval whether it is for parttime or fulltime employees. Marihugh asked if there was a mandate regarding newly hired employee benefits; Heath stated this is statutory, and the Ohio Revised Code mandates sicktime only. Lulfs stated that he has a parttime Engineer that is used occasionally on major projects, who uses his computer at home to save cost; this Engineer is not offered the cellphone and internet benefits, but Lulfs can see how offering these benefits to this Engineer could potentially benefit the City.

**Safety & HR
Motion To
Approve The
Language
Change To The
Preamble Of The
Personnel Code**

Motion: Wilson Second: Comadoll
To approve the language change to the Preamble of the Personnel Code, Section 197.01(a)

Passed
Yea- 3
Nay- 0

Roll call vote on above motion:
Yea – Marihugh, Comadoll, Wilson
Nay –

Irelan reminded the Committee and Council that the fulltime hours are still defined at thirty (30) hours due to the Obamacare issue; Heath added that this language was defined due to hospitalization, however the Fair Labor Standards Act (FLSA) rule requires 37.5 hours to be fulltime. Irelan stated this change also redefines the title of ‘temporary employee’.

Irelan stated that the change to Section 197.11 was a change in language from Safety Committee to Safety Work Group, eliminating the public meeting requirements since this body will not make decisions.

Irelan stated the next change regarded Section 197.14, Subsection (d)(5); mirroring the AFSCME contract regarding the practice of ‘pyramiding time’, and changing the minimum callout paid time from two (2) hours to one (1) hour. Irelan stated the next change was in the same section, changing any wording regarding overtime from eight (8) hours per day, to forty (40) hours per week.

Irelan stated the next change was Policy 4.6; adding language requiring timesheets to be turned in by 10:00am on the following business day if a holiday falls on a Monday. Heath added this is due to the Automated Clearing House (ACH) standard processing change; previously this could be processed in one (1) day, however Federal law now requires a two (2) day processing period.

Irelan stated the next change was Policy 5.5; adding the language of ‘no artificial hair colors outside of the norm’; Irelan stated this change was a recommendation from the Human Resources law seminar attended by Druhot and Hayberger.

Irelan stated the next change was Policy 5.6; adding a zero-tolerance policy for drugs and alcohol, and adding information regarding the current random drug testing policy to the Manual.

Irelan stated the next change is Policy 5.7; adding the language of theft to the list of unacceptable activities.

Irelan stated the next change is Policy 5.10; adding standard language regarding a weapon policy, with the rules regarding a Conceal Carry permit defined. Helberg asked Irelan if she was aware that the City will take on some potential liability from the Policy; now that the right to carry a permitted weapon has been taken away, if harm occurs the City will be more liable for the individual’s safety; Lieutenant Legg stated that the Ohio Conceal and Carry permit does not allow a weapon in any government building; Ridley asked if a Conceal and Carry permit is different than an Open Carry permit; Irelan stated that neither permit allow weapons in government buildings. Irelan stated this policy is to keep employees from carrying weapons into the workplace. Lulfs asked if this included an employee vehicle; Irelan stated this does include employee vehicles. Legg reported that when transporting a firearm, State law requires the firearm to be secured and the ammunition be secured separately; adding that the exception to this law is the Conceal and Carry permit. Legg explained that an empty firearm must be secured and not readily fireable. Sheaffer stated that the Conceal and Carry permit language states that a weapon in a vehicle is secured if the door is locked. Wilson is concerned about future issues regarding weapons in the parking lot on city property; Irelan stated there is signage posted regarding this. Heath stated that word ‘company’ should be changed to ‘City facilities’.

**Safety & HR
Committee
Motion To Direct
The Law
Director To
Amend Policy
5.10 For Liability
Reasons**

Motion: Wilson Second: Comadoll
To direct the Law Director to amend Policy 5.10 for liability reasons

**Passed
Yea- 3
Nay- 0**

Roll call on above motion:
Yea – Marihugh, Comadoll, Wilson
Nay-

Irelan stated the next change is Policy 6.5; Druhot stated that it is recommended not to tell employees that all information regarding harassment complaints will be kept confidential as some information is required to be shared; Ridley asked if the word discretion could adequately replace confidentiality or should it be more defined; Irelan stated that ‘use of discretion shall be used by all parties’ will be added.

**Safety & HR
Motion To**

Motion: Wilson Second: Marihugh
To adjust the wording of discretion

**Adjust The
Wording Of
Discretion**

Passed
Yea- 3
Nay- 0

Roll call vote on above motion:
Yea- Marihugh, Comadoll, Wilson
Nay-

Irelan stated the next change is Policy 7.3; Wilson stated that the additional fee was explained at the last meeting by Chief Bennett to allow calls to be made if cell service is lost; Lulfs added there is a special code required to use this service.

Irelan stated the next change is Policy 7.6; eliminating permanent parttime employees from receiving the internet reimbursement benefit.

Irelan stated the next change is to Policies 7.12 and 7.13; Heath addressed the issue of insurance coverage on City employees using personal property; this is the language from the insurance company which they suggested adding to the policy.

Helberg asked if the Police Department vehicles should be provided with Bluetooth connections to avoid being on their cellphones while driving; Heath believes the Police should be provided with hands-free access if this is a safety issue. Heath believes the Police Department should be properly equipped to follow the law properly; Helberg believes the City Manager should have the discretion to buy the Bluetooth kits for the Police cruisers. Legg stated that the law that enables the Police Department to speed to enforce laws is the same law that allows the Police Department to use their phones to enforce laws. Ridley stated that reference to Ohio Revised Code (ORC) regarding technology should be added; Heath stated this is the insurance wordage recommended by the insurance company. Wilson stated that the Police Department may be exempt, but believes the Policy may not be clear enough regarding other employees; Heath stated this a liability issue and the City will be less secured from a legal liability standpoint, making the employee disciplinable for not following this Policy; Ridley added that this wordage regarding the ORC is already defined in this Employee Manual.

Irelan stated the next change is to Policies 7.17, 7.18, and 7.19; adding language regarding use of personal property for City use.

Irelan stated the next change is to Policy 8.10; deleting the language regarding three (3) marks of exceeding standards that would cancel one (1) mark of not satisfactory.

Irelan stated the next change is to Policy 10.16; adding language suggested from the Human Resource Law seminar.

Irelan stated the next change is to Policy 15.14; adding language defining the step by step process for requesting Family and Medical Leave Act (FMLA) leave.

Irelan stated the next change is to Policy 19.1; changing the grading scale from letter grade to a percentage scale; Wilson added this more closely matches some of the contract wording.

Irelan stated the next change is to Policies 21.1 and 21.2; changing the employee appreciation program from twice per year to once per year during the summer months. Sheaffer suggesting keeping the fifty percent (50%) discounted rental for fulltime employees in the manual; Irelan gave the history of this benefit being added in 1983/4 as there were no raises given and this benefit was given in lieu of raises to all fulltime and parttime employees, excluding volunteer firefighters, City Council and the Mayor. Irelan

added that the Parks & Recreation Board wants to delete the first half of this benefit and keep the second half but changing the wording from 'at no cost' to 'give the City Manager the discretion to determine the cost'; Maassel agrees with the Board. Ireland stated employees have generally not used the benefit in the last two (2) years, and this benefit was negotiated out of the AFSCME contract. Helberg stated that the union negotiated this benefit out of the contract for wage increases, and the nonunion employees are getting generally the same wage increases. Heath stated the issue is the parks fundability of the Recreation programs and this is a loss of revenue to those programs. Ireland stated that the fifty percent (50%) discounted rental fee is still in the Fire Department contract but this is not available for the Golf Course. Heath stated that utilization has evolved to a minimal level; Helberg stated he has received a lot of complaints from the public referring to the City employees receiving this benefit. Heath noted that the Safety & HR Committee does not have enough votes to make a motion to recommend out any changes, since Wilson and Marihugh would be required to abstain from the vote.

**Council Motion
To Approve
Changes To
Policy 21.2 As
Presented**

Motion: Maassel Second: Ridley
To approve changes to Policy 21.2 as presented

**Failed
Yea- 3
Nay- 2
Abstain- 2**

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

**Policy 21.2 Defaults
Back To The
Original Language**

Heath noted that Policy 21.2 will default back to the original language due to the Failure of the Motion.

**Safety & HR
Committee Motion
To Recommend
Council Approve
The Employee
Manual With
Changes As
Presented**

Motion: Wilson Second: Comadoll
To recommend Council approve the Employee Manual with changes as presented

**Passed
Yea- 3
Nay- 0**

Roll call vote on above motion:
Yea- Marihugh, Comadoll, Wilson
Nay-

**Council Motion To
Direct The Law
Director To Draft
Legislation
Regarding The
Changes To The
Employee Manual
As Presented**

Motion: Ridley Second: Maassel
To direct the Law Director to draft Legislation regarding changes to the Employee Manual as presented

**Passed
Yea- 7
Nay- 0**

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

Heath believes the changes to the Personnel Code and the Employee Manual should follow the three (3) reads thirty (30) days requirement to give employees time to read the changes and vocalize their opinions if they choose to do so; Sheaffer agreed.

Approval Of Minutes

Minutes of the May 27 Safety & HR Committee meeting stand approved with no objections or corrections.

Safety & HR Motion To Adjourn

Motion: Comadoll Second: Marihugh
To adjourn the meeting at 10:14 PM

Passed
Yea- 3
Nay- 0

Roll call vote on above motion:
Yea- Marihugh, Comadoll, Wilson

Council Motion To Adjourn

Motion: Ridley Second: Maassel
To adjourn the meeting at 10:14 PM

Passed
Yea- 7
Nay- 0

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

Heather Wilson, Chairperson



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

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Memorandum

To: Monica Irelan, City Manager
From: Chad E. Lulfs, P.E., P.S., Director of Public Works
cc:
Date: August 22, 2014
Subject: Highland Avenue Parking

As requested we have reviewed the on-street parking on Highland Avenue. There does not appear to be, nor has there ever been, an Engineering justification for the parking to be on one side or the other. The side to allow parking was arbitrarily selected many years ago.

As previously discussed at City Council, the situation in this area has changed since the establishment of regulated on-street parking. The United States Postal Service has mandated that mailboxes be erected on the same side as the allowed parking. This has caused interruptions in the mail service due to parked vehicles blocking the drive-up access for the postal carrier vehicles.

After objectively considering the situation, it is my recommendation to change the permitted on-street parking to the opposite side of the street. Trying to regulate the parking on this street by not allowing parking during certain periods of the day would require a police presence to enforce this regulation; this may not always be possible. Changing the side of the street on which parking is allowed could cause residents in other areas of town to request that the on-street parking be changed on their streets. If this occurs, we will consider each one on a case-by-case basis.

CEL

Memorandum

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

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

Date: 8/19/2014

Re: Finance & Budget Committee Meeting Cancellation

The Finance & Budget Committee meeting, regularly scheduled for Tuesday, August 25, 2014 at 6:30 PM has been CANCELED due to lack of agenda items.

Memorandum

To: Civil Service Commission, Council, Mayor, City Manager, City Law Director,
City Finance Director, Department Supervisors, Media

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

Date: 8/19/2014

Re: Civil Service Commission Meeting Cancellation

The regular Civil Service Commission meeting, scheduled for Tuesday, August 26 at 4:30 PM, has been CANCELED due to lack of agenda items.

City of Napoleon, Ohio

PARKS & RECREATION BOARD

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

Regular Meeting Agenda

Wednesday, August 27, 2014 at 6:30 PM

1. Call to Order
2. Approval of Minutes: May 28, 2014
3. Financial Reports for the Golf Course and Swimming Pool Operations
4. Discussion on Proposed 2015 Capital Improvements
5. Update on Upcoming Recreation Programs
6. Miscellaneous
7. Any other Items to Come Before the Board

Gregory J. Heath, Finance Director/Clerk of Council

use of the Park, then to Council to approve. Richardson asked if there were already charcoal grills at parks; Cotter replied there are. Cotter restated his concerns regarding turning the fire pit on and off and the means of supervision. McColley stated that the grant deadline is usually May 1, but it was pushed back and it does take some time to receive the grant, but approval to apply for the grant must be made soon. Funchion asked if the whole amount of the grant must be spent; McColley stated it is a 75% reimbursement, and ODOT rates will be used for equipment, and the work will be donated by Rotary members. Cotter stated this must be shown as a line item in the budget to show matching funds or donations. McColley stated that the grant will not be awarded until September, so the project would probably take place next year.

Motion To Recommend applying for Grant

Motion: Bialorucki Second: Richardson
To recommend applying for the NatureWorks Grant

Cotter stated that he would prefer that project approved first, and recommends the motion be changed to project concept to be approved first.

Motion To Recommend Project Proposal To Planning Commission

Motion: Bialorucki Second: Richardson
To recommend that the Fire Pit Proposal be recommended to the Planning Commission

Passed
Yea- 5
Nay- 0

Roll call vote on above motion:
Yea- Schnitkey, Bialorucki, Funchion, Saneholtz, Richardson
Nay-

Discussion/Action: Fourth Of July Celebration Activities

Cotter distributed a memo regarding the Fourth of July celebration activities; see attached.

Cotter reported that the agenda for the Fourth of July activities is almost complete; noting that some items were moved earlier into weekend, adding that the activities were cut down to three (3) days and the concert in park was taken out to cut cost. Cotter stated that Melrose Pyrotechnics was contracted for the fireworks display with the same budget amount as last year of \$20,000 for the fireworks. Saneholtz asked if there was an alternate date for fireworks the fireworks scheduled in case of rain; Cotter replied that the alternate date is Saturday, July 5.

Motion To Approve Fourth Of July Activities

Motion: Saneholtz Second: Schnitkey
To approve the Fourth of July activities

Passed
Yea- 5
Nay- 0

Roll call vote on above motion:
Yea- Schnitkey, Bialorucki, Funchion, Saneholtz, Richardson
Nay-

Irelan Questions

Cotter introduced City Manager Irelan to Parks and Recreation Board, stating that the Safety and HR Committee meeting had some issues that Irelan would like feedback on. Irelan stated that the issues were regarding the Employee Policy Manual and the discounted admission policy for fulltime employees. Irelan stated that Council had originally recommended striking this benefit from Policy, however there was discussion asking if the benefit outweighs the cost of the discount, and Irelan would like Board's recommendation. Irelan stated that the

benefits in questions are the half price discount of memberships to the golf course and the pool to fulltime employees, along with the benefit of parttime employees of the golf course being allowed to golf at the course at no cost. Saneholtz stated he has been on the Parks and Recreation Board for over twenty (20) years, adding that stipends used to be given to athletic clubs but had been deleted out of the budget in an effort to prioritize the money. Saneholtz believes that employees are paid enough to pay their fair share, and believes this benefit should be stricken from the policy. Funchion added that kids pay to play in City Recreation programs, and adults should have to pay as well. Funchion stated that the Board originally had no opinion on free golf for parttime golf course workers, adding that she agrees with Saneholtz. Irelan re-asked the Board if the discount to City staff should be stricken, but leave in that the parttime golf course employees should golf for free; Funchion replied yes. Cotter stated that he had decided that hours worked was a factor as to who received the free golf benefit. Irelan added that parttime golf course workers are paid less hourly due to the free golf benefit, and keeping that benefit is not counterproductive. Saneholtz reminded the Board that the Mayor stated that the golf course was not supervised well enough to make money, and Saneholtz believes that eliminating this benefit decrease the current pressure on the golf course. Funchion asked the number of parttime golf course employees who use the benefit; Cotter replied that eight (8) employees have the opportunity to use the benefit, however most of the parttime employees do not play golf each day. Cotter stated that he wants golfers to be employed at the golf course due to their understanding of the operation and maintenance involved with a golf course along with the game. Cotter supports this benefit and does not believe this is affecting the bottom line enough to take the benefit away. Cotter stated there was a misconception that all city employees received this benefit, however this is not true, and even without this benefit, some of these workers would probably not buy memberships. Irelan stated that these decisions are at Irelan's sole discretion, and not all employees get the same benefits, as benefits are based on education, training experience, and hours work. Irelan stated that the discretion will be left with Cotter, as Irelan trusts the Department Heads that are managing their respective departments. Irelan restated the current Policy, stating all fulltime regular employees are allowed to purchase half price memberships to golf course and pool, and parttime workers at certain facilities are allowed to use those facilities for free golf and swimming, adding that this Policy is the guidelines for nonunionized employees and not negotiable; these benefits have been stricken from the AFSCME contract, and the Police Department contract is still pending. Irelan stated that Council's current stance is to remove these benefits from the Policy, and this discussion is from the Safety and Human Resources Committee of Council.

**Motion To
Recommend To
Remove Discount
Portion Of Fulltime
Policy**

Motion: Saneholtz Second:
Motion to recommend to remove the discount portion for fulltime employees from the Policy

Richardson stated that he understands Cotter's point in wanting golfers to be employed at that golf course; Saneholtz believes the employees have the resources to pay, as they are all collecting pensions and can afford the cost. Richardson added that all of the parttime golf course employees are retired except one (1).

Bialorucki asked if there could be a discounted price instead of no cost; Saneholtz restated that residents are required to pay for kids to be in Recreation programs and

**Motion Died Due To
Lack Of Second**

do not get them at no cost.
Motion died to lack of Second.

Bialorucki believes that parttime golf course employees should be allowed to golf at a discounted cost; Schnitkey agrees, but believes there should be no discount if the City employee does not work at the golf course. Schnitkey asked of this would could the golf course to lose employees; Cotter does not believe it would; Saneholtz added that the golf course has a great staff, and he does not believe that the golf course would lose employees. Bialorucki suggested limiting the free golf course use to one (1) time per week; Irelan stated that if the Board is thinking about allowing this benefit in any form, then it must be kept in Manual and can be managed at a later date, but the policy must remain in the Manual to allow Irelan the power of flexibility to offer the agreed upon benefit; Irelan reminded the Board that the discretion is up to the City Manager to allow parttime employees to use the golf course at no cost, and Irelan suggested the Board recommend to change the 'at no cost' wording, but part of the benefit must remain in the Manual.

**Remove 'At No Cost'
Wording And Keep
Policy In The Manual**

Motion: Schnitkey Second: Bialorucki
To remove the 'at no cost' wording and keep the Policy in the Manual

Passed
Yea- 4
Nay- 1

Roll call vote on above motion:
Yea- Schnitkey, Bialorucki, Funchion, Richardson
Nay- Saneholtz

**Miscellaneous
Schnitkey**

None

Richardson

None

Bialorucki

None

Saneholtz

Saneholtz stated that some members of the Friends of Golf were concerned regarding the money raised from fundraisers, asking if there was a clear way to put the money into certain fund regarding golf course, not into the swimming pool and other parks areas. Cotter stated that the group is afraid the funds are being lost in General Fund, however these funds are a revenue item singled out in the system to track gross revenue of fundraisers and goes directly into the 4200 Golf Account on the revenue line, adding that money goes to no other account. Cotter gave the option that the Friends of Golf could start own their account as a private, nonprofit group and negotiate costs and donate money back to the golf course at their discretion; Saneholtz stated there are costs associated to becoming nonprofit group and the Friends Of Golf do not want to do that. Funchion suggested leaving the account the way it is; Saneholtz agreed, stating he was researching this for the group.

Cotter

Cotter reported that the swimming pool is filled and has passed inspection, there will be a group of schoolkids today and tomorrow and the pool will be opening for season on Saturday. Cotter added that the condition of the pool is not good due to the hard winter; adding money was put in budget for repairs and most of the budgeted line item was used to patch the cement. Cotter stated that the pool is getting to a point where there will be major problems with the concrete starting to

