## Memorandum

**To:** Mayor & Members of Council **From:** Monica Irelan, City Manager

Subject: General Information

**Date:** April 3, 2015

#### CALENDAR

AGENDA: Housing Council - Monday, April 6 @6:30 pm

II. Annual Review/Inspection of CRA Premises

• The Project Status Reports are attached.

AGENDA: City Council - Monday, April 6 @7:00 pm

C. APPROVAL OF MINUTES from the March 16, 2015 meeting

#### G. Introduction of New Ordinances And Resolutions

- 1. **ORDINANCE No. 020-15** an Ordinance Supplementing the Annual Appropriation Measure (Supplement No. 1) for the Year 2015; and Declaring an Emergency.
- 2. ORDINANCE No. 021-15 an Ordinance Amending Chapter 955 of the Codified Code of the City of Napoleon to Add the Program "Outdoor Education" and Establish Rates Thereto; and declaring an Emergency.
  - ➤ the enclosed Memorandum from Tony describes the programs being offered.
- 3. **RESOLUTION No. 022-15** a Resolution Authorizing the City Manager to Execute all Documents necessary to Submit an Application to the Northwest Ohio Educational Service Center for Financial Assistance to Provide Extended Learning Opportunities involving the Environment; and Declaring an Emergency.
  - > please see Tony's Memorandum that is enclosed.
- 4. **RESOLUTION No. 023-15** a Resolution Authorizing the Expenditure of Funds over Twenty-five Thousand Dollars (\$25,000.00) for the Rebuild of Mechanical Screen #1 for the Wastewater Treatment Plant, which was included in the 2015 Master Bid Resolution; and Authorizing the City Manager to Enter into a Contract with Hydro-Dyne Engineering, Inc. for said Rebuild, and declaring an Emergency.
  - ➤ We have enclosed a Memorandum from Matt Bilow regarding this project.

#### H. SECOND READINGS OF ORDINANCES AND RESOLUTIONS -

1. **RESOLUTION No. 018-15**, a Resolution Authorizing the Expenditure of Funds over Twenty-five Thousand Dollars (\$25,000.00) for the Purchase of an Update to the SCADA Master Station, which was not included in the 2015 Master Bid Resolution; and Authorizing the City Manager to Enter into a Contract with Survalent Technology for said Update, and Declaring an Emergency.

- 2. **RESOLUTION No. 019-15**, a Resolution Authorizing Enrollment in the Ohio Rural Water Association 2016 Worker's Compensation Pool, and Authorizing the Expenditure of Funds and Directing the City Manager to Enter into a Professional Service Contract with CompManagement, LLC, a Worker's Compensation Administrator.
- I. THIRD READINGS OF ORDINANCES AND RESOLUTIONS None
- **J.** GOOD OF THE CITY (Discussion/Action)
  - 1. Approval of Tax Incentive Review Council Recommendations
  - 2. Award of Bid for Sanitary Sewer Cleaning Project: Advanced Rehabilitation Technology
    - a. Enclosed is a Memorandum from Chad Lulfs with his recommendation of award.
  - 3. Direct the Law Director to draft Legislation regarding the Amended Council Rules
  - 4. Annual Renewal of Liquor Permit Holders
    - a. A listing of all Liquor Permit Holders in the City is attached.
  - 5. Approval of City Facilities Usage Policy
    - a. A Memorandum from Tony Cotter is attached as well as a copy of the agreement and policy.

#### **INFORMATIONAL ITEMS**

- 1. **CANCELLATION** *Technology Committee*
- 2. OML Legislative Bulletin/March 27, 2015
- 3. TMACOG April Newsletter

MI:rd

Records Retention - CM-11 - 2 Years

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#### Calendar

<b>(1)</b> Calendar						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29	30	31	1	2	3	4
Greg Heath - Vacation	5th Monday/No Scheduled Mee	Greg Heath - Vacation	Greg Heath - Vacation	Greg Heath - Vacation	HOLIDAY - GOOD FRIDAY -	
	Greg Heath - Vacation					
5	6	7	8	9	10	11
<b>3</b>	6	1	0	9	10	- 11
	6:30 PM Housing Council Meeting					
	7:00 PM City COUNCIL					
	Meeting					
12	13	14	15	16	17	18
12			13	10	17	10
	6:30 PM ELECTRIC Committee	4:30 PM Board of Zoning Appeals Meeting				
	Board of Public Affairs (BOPA)	5:00 PM Planning Commission				
	Mtg.					
	7:00 PM WATER & SEWER					
	Committee Mtg.					
	7:30 PM Municipal Properties/ED Committee					
	Meeting					
19	20	21	22	23	24	25
13	6:00 PM City TREE		LL	20	27	23
	Commission Meeting					
	6:15 PM PARKS & REC					
	Committee Meeting					
	7:00 PM City COUNCIL					
	Meeting					
26	27	28	29	30	1	2
20		20	6:30 PM Parks & Rec Board	30	'	<u> </u>
	6:30 PM FINANCE & BUDGET Committee Meeting		Meeting Meeting			
	7:30 PM SAFETY & HUMAN					
	RESOURCES Committee					
	Meeting					
		i e	i e	1	i	

City of Napoleon, Ohio

## **Housing Council**

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

## **Meeting Agenda**

### Monday, April 6, 2015 at 6:30pm

- I. Approval of Minutes
- II. Annual Review/Inspection of CRA Premises
- III. Any other matters currently assigned to the Housing Council
- IV. Adjournment

Gregory J. Heath, Finance Director/Clerk of Council

#### City of Napoleon, Ohio

## HOUSING COUNCIL Meeting Minutes

#### Monday, April 7, 2014 at 6:30pm

PRESENT Members City Staff

Patrick McColley - Chair, John Helberg, Kevin Yarnell, Cheryl Hershberger

Dr. Jon A. Bisher, City Manager Trevor M. Hayberger, Law Director

Gregory J. Heath, Finance Director/Clerk of Council

Dan Wachtman, MIS Director Robert Weitzel, Police Chief

Tom Zimmerman, Housing Officer

Recorder Tammy Fein

Others Robert McColley, CIC Director

**Absent** Joel Miller, Christopher Ridley, Travis Sheaffer

Call To Order Chairman Patrick McColley called the meeting to order at 6:30pm.

Minutes of the May 6, 2013 meeting stand approved as presented with no

objections or corrections.

Annual Review/Inspection of CRA Premises Housing Officer Zimmerman distributed information regarding the current five (5) CRA agreements, including Section C reports for each CRA, and photos of the properties; see attached.

Zimmerman stated that each business is performing well, and suggested that a detailed listing of each business would not be necessary for the discussion. Zimmerman stated that the Tax Incentive Review Council (TIRC) usually votes to continue the CRA agreements, however the PetVet/TriVet CRA agreements are completed.

R. McColley explained that the normal term for the CRA agreements is ten (10) years, and the TIRC discussed the term dates for the PetVet/TriVet CRA; McColley stated that the CRA agreement for PetVet/TriVet began in 2002 taxable year 2003 with the first payment in 2004, and expired in 2012 with the last tax payment due in 2013; McColley added that, after conducting an audit with the Auditor's Office and further research, the TIRC discovered that the initial TIRC recommendation was correct and the letter attached to the distributed packet was inaccurate; the CRA agreement is to expire in 2012 with payment due in 2013; this was listed on the Auditor's property tax rolls for 2013 and have made the first half payment for 2013 as of this year.

R. McColley listed the businesses that the TIRC discussed and voted on CRA agreements:

PetVet/TriVet, LLC;

A&J, LLC;

MMD&H Holdings, LLC; Koester Corporation; and Napoleon 1, LLC.

R. McColley explained that the businesses had all applied for real estate tax

abatement in association with their investments; adding that A&J, Koester Corporation, and Napoleon 1 LLC, have all met the requirements outlined in the CRA agreements including job requirements and capital investment requirements, and the TIRC recommends continuing the CRA agreements. R. McColley stated that MMD&H Holdings have met substantially all of the requirements outlined in the CRA agreement except employment numbers, however MMD&H are close to the requirement and have made their payments in a timely manner and because they are acting in good faith, the TIRC recommends continuing the CRA agreement.

R. McColley requested that the Housing Council approve the recommendations of the TIRC in continuing the CRA agreements.

## Motion To Approve CRA Premises

Motion: Yarnell Second: Hershberger
To recommend approval of the TIRC recommendations regarding the CRA
agreements for PetVet/TriVet, A&J, MMD&H, Koester Corporation, and
Napoleon1, LLC

Passed

Yea- 4

Roll call vote on above motion:

Yea- Helberg, Yarnell, Hershberger, McColley

Nay- 0 Nay-

**Motion To Adjourn Housing Council**  Motion: Hershberger Second: Yarnell

To adjourn the Housing Council meeting at 6:37pm.

Passed Yea- 4

Nay- 0

Roll call vote on above motion:

Yea- Helberg, Yarnell, Hershberger, McColley

Nay-

**Date Approved** 

Patrick McColley, Chair

# COMMUNITY IMPROVEMENT CORPORATION OF HENRY COUNTY

2015 Tax Incentive Review Council Meeting Minutes
March 19, 2015

The Henry County Auditor's Designee, Amanda Griffith, Executive Director of Henry County CIC, called the Thursday, March 19, 2015, meeting of the Tax Incentive Review Council (TIRC) to order at 9:10 a.m., and the TIRC reviewed the following agreements:

#### Railtech Boutet:

Attendance: Jenell Buenger, John Overmeier, Tim Meister, Bill Morey, Amanda Griffith, Jennifer

Horen

Others: Kevin Garringer (Henry County Auditor)

Executive Director Amanda Griffith reviewed the Project Status Report (Section C form). Mrs. Griffith recently met with RailTech and they are rapidly growing and doing very well. According to the agreement they were to retain 28 and create 33 and they have retained 53 and created 33. John Overmeier moved to recommend continuing the agreement. Tim Meister seconded. Motioned carried.

#### A&J CRA:

Attendance: Jenell Buenger, Mayor Ron Behm, Jason Maassel, John Overmeier, Tim Meister, Bill Morey, Amanda Griffith, Jennifer Horen

Others: Kevin Garringer (Henry County Auditor)

Executive Director Amanda Griffith reviewed the project status report (Section C form). The ten-year term on this agreement has expired as of tax year 2014 and will be invoiced September 2015. Their numbers are down slightly due to economy but have consistently done in the past what the agreement required of them to do. Jason Maassel moved to recommend expiring this agreement as of December 31, 2014 with the understanding that the company will be invoiced for the last abatement payment in September 2015 for tax year 2014. John Overmeier seconded. Motion carried.

#### MMD&H Holdings (PETRO) CRA:

Attendance: Jenell Buenger, Mayor Ron Behm, Jason Maassel, John Overmeier, Tim Meister, Bill

Morey, Amanda Griffith, Jennifer Horen

Others: Kevin Garringer (Henry County Auditor)

Executive Director Amanda Griffith reviewed the Project Status Report (Section C form). Mrs. Griffith reported they changed their name to MWA Enterprises Ltd. which is the gas station portion. Mrs. Griffith stated they were supposed to create 35, they are at 30 now but they are still in transition with construction and increasing their employee numbers. Normally there is leeway due to the economy so being down 5 employees is not a huge number. Bill Morey moved to recommend continuing the agreement. Mr. Meister seconded. Motion carried.

#### **MWA Enterprises:**

Attendance: Jenell Buenger, Mayor Ron Behm, Jason Maassel, John Overmeier, Tim Meister, Bill Morey, Amanda Griffith, Jennifer Horen

Others: Kevin Garringer (Henry County Auditor)

Executive Director Amanda Griffith reviewed the Project Status Report (Section C form). Mrs. Griffith reported that there are zeros listed on their report because they are still in the construction phase but will finish in 2015 so there will be more to report on next year's TIRC review report. Bill Morey motioned to continue the agreement. Jason Maassel seconded. Motion carried.

#### **Koester Corporation:**

Attendance: Mike Bostelman, Mayor Ron Behm, Jason Maassel, Tim Meister, Bill Morey, Amanda Griffith. Jennifer Horen

Others: Kevin Garringer (Henry County Auditor), Tom Zimmerman (City of Napoleon)

Executive Director Amanda Griffith reviewed the Project Status Report (Section C form). Mrs. Griffith reported they continue to grow and continues conversation with Mr. Koester. Koester reported last year 58 employees and are up to 62 this year. New jobs created went from 8 last year to 12 this year. According to the agreement, they were to have retained 50 jobs and create 8. The company has exceeded their numbers per their agreement, they are a strong company and will continue to grow. Mike Bostelman moved to recommend continuing the agreement. Mr. Meister seconded. Motion carried.

#### Napoleon I, LLC (CRA):

Attendance: Mike Bostelman, Mayor Ron Behm, Jason Maassel, Tim Meister, Bill Morey, Amanda Griffith, Jennifer Horen

Others: Kevin Garringer (Henry County Auditor), Tom Zimmerman (City of Napoleon)

Executive Director Amanda Griffith reviewed the project status report (Section C form). Mrs. Griffith reported that they were to retain 21 and create 4 jobs, they reported they have 25 employees and created 6 new jobs; they have retained 21. Jobs created last year was 46 and this year was only 4. Last year it was due to full time and part time positions being reported instead of just full time. Jason Maassel recommended to continue the agreement. Bill Morey seconded. Motion carried.

#### Innovative Tool & Die:

Attendance: Mike Bostelman, Mayor Ron Behm, Jason Maassel, Tim Meister, Bill Morey, Amanda

Griffith, Jennifer Horen

Others: Kevin Garringer (Henry County Auditor), Tom Zimmerman (City of Napoleon)

Executive Director Amanda Griffith reviewed the project status report (Section C form). The ten-year term on this agreement has expired as of tax year 2014 and will be invoiced September 2015. Mike Bostelman moved to recommend expiring this agreement as of December 31, 2014 with the understanding that the company will be invoiced for the last abatement payment in September 2015 for tax year 2014. Bill Morey seconded. Motion carried.

#### Keller Packaging 123-04-01:

Attendance: Mike Bostelman, Rosalie Ashenfelter, Tim Meister, Bill Morey, Amanda Griffith, Jennifer

Horen

Others: Kevin Garringer (Henry County Auditor)

Executive Director Amanda Griffith reviewed the project status report (Section C form). The ten-year term on this agreement has expired. Per their agreement they were to create 20 jobs, which they did and they have had 77 full time employees; they just did an addition and are growing. Mike Bostelman moved to recommend expiring this agreement as of December 31, 2014 with the understanding that the company will be invoiced for the last abatement payment in September 2015 for tax year 2014. Rosalie Ashenfelter seconded. Motion carried.

#### Keller Packaging 123-06-01

Attendance: Mike Bostelman, Rosalie Ashenfelter, Tim Meister, Bill Morey, Amanda Griffith, Jennifer

Horen

Others: Kevin Garringer (Henry County Auditor)

Executive Director Amanda Griffith reviewed the project status report (Section C form). Mrs. Griffith reported they were to retain 0 jobs and create 20. They did create that number and their employee number is 77. Rosalie Ashenfelter moved to recommend continuing the agreement. Mike Bostelman seconded. Motion carried.

#### Keller Packaging 123-13-01:

Attendance: Mike Bostelman, Rosalie Ashenfelter, Tim Meister, Bill Morey, Amanda Griffith, Jennifer

Horen

Others: Kevin Garringer (Henry County Auditor)

Executive Director Amanda Griffith reviewed the project status report (Section C form). Mrs. Griffith reported that this is fairly new and will expire in 2024. They were to retain 60 and create 15 jobs. They retained 77 employees and created 20 jobs. Rosalie Ashenfelter moved to recommend continuing the agreement. Mr. Meister seconded. Motion carried.

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

Attendance: Mike Bostelman, Rosalie Ashenfelter, Tim Meister, Bill Morey, Amanda Griffith, Jennifer

Horen

Others: Kevin Garringer (Henry County Auditor)

Executive Director Amanda Griffith reviewed the project status report (Section C form). The ten-year term on this agreement has expired. This is now just Campbell Soup for the Real Property and Amcor is no longer involved due to the personal property no longer being abated. Campbell Soup has done everything per the agreement. Mike Bostelman moved to recommend expiring this agreement as of December 31, 2014 with the understanding that the company will be invoiced for the last abatement payment in September 2015 for tax year 2014. Bill Morey seconded. Mr. Meister abstained.

Motion carried.

Campbell Soup Supply Company 123-12-01

Attendance: Mike Bostelman, Rosalie Ashenfelter, Tim Meister, Bill Morey, Amanda Griffith, Jennifer

Horen

Others: Kevin Garringer (Henry County Auditor)

Executive Director Amanda Griffith reviewed the project status report (Section C form). Mrs. Griffith reported this agreement will not expire until December 31, 2022. They were to retain 1,007 jobs. According to the agreement they retained 1,402. They are still growing and following numbers. Rosalie Ashenfelter moved to recommend continuing the agreement. Mike Bostelman seconded. Mr. Meister abstained.

Motion carried.

Campbell Soup Supply Company 123-06-02:

Attendance: Mike Bostelman, Rosalie Ashenfelter, Tim Meister, Bill Morey, Amanda Griffith, Jennifer

Horen

Others: Kevin Garringer (Henry County Auditor)

Executive Director Amanda Griffith reviewed the project status report (Section C form). Mrs. Griffith reported they were to retain 0 and create 0 but they have exceeded and have 1,402 employees. Campbell's is a very stable company for Napoleon and will continue to grow. Bill Morey moved to recommend continuing the agreement. Rosaline Ashenfelter seconded. Mr. Meister abstained. Motion carried.

Adjournment:

Meeting adjourned at 9:50 a.m.

Amanda Griffith

Executive Director of Henry County CIC and Henry County Auditor's TIRC Representative



Agreement #: 03-002 CRA #: 069-53550-02

#### **Amendments/Corrections to Agreement Information**

	Current Agreement Data	Changes/Corrections (blank if unchanged)
Name the business(es) party to the CRA     Agreement:	A&J, LLC	
2. Name the Local Governmental Jurisdiction(s) where the project	ct is located:	
County:	HENRY	
City, Municipality, or Township:	NAPOLEON #7	
Local School District:	LIBERTY CENTER SD	0
3. For the CRA Agreement:		
a. Execution Date:	11/21/2003	
b. Expiration Date:		1/1/2017
c. Amendment Date(s) (please list all):		
4. Baseline total full-time permanent employment of the enterprise:		
a. At the facility prior to executing the CRA Agreement:		
Payroll:		
b. In Ohio prior to executing the CRA Agreement:	15	
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	

CRA agreement:	or retain within the	
Retain:	0	15
Create:	0	10
7. Job creation period outlined in agreement (months):	36	
8. Estimated annual payroll attributed to the new and/or retained pursuant to question 6.:	ed employees	
Retained Payroll:	\$0.00	\$0.00
New Payroll:	\$130,000.00	
9. Enterprise's total project investment commitment and the eli exemption as specified in the CRA Agreement:	gible granted tax	
Real Property:	\$1,700,000.00	
Granted Exemption:	\$1,700,000.00	
10. Tax exemptions granted to the business under the EZ Agre	eement:	
Real Property Exemption:	100 %	0 %
Real Property Exemption Term (years):	10	
Actual Project Information as o	f December 31, 2014	
11. Total number of full-time permanent employees employed site for the following categories:	by the CRA project	
a. As of 12/31/2014	33	36
b. New jobs created attributed to the CRA Agreemer	nt: 18	21
c. Jobs retained attributed to the CRA Agreement:	15	15
12. Identify the total actual annual payroll as of 12/31/2014 attremployment (11b) resulting from the CRA Agreement:	ibuted to the new	
	\$403,404.00	\$455,482.00
13a. State the project investment level achieved from the signi Agreement through December 31, 2014 :	ng of the CRA	
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 2014 project investments:	with regard to	

Real Property Taxes Paid:	\$34,794.00	\$12,824.00
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 t CRA Agreement:	he project site over the term of the	
Real Property Taxes Paid:	\$213,265.00	\$226,089.00
Real Property Taxes Forgone:	\$0.00	\$0.00
Personal Property Taxes Paid:	\$30,116.00	\$30,116.00
Personal Property Taxes Forgone:	0.0000	\$0.00
13d. State the type and total estimated value of any local authorities under the CRA Agreement:	other incentives provided by the	
	\$0.00	\$0.00
14. Date of the most recent Tax Incentive Review Coproject:	ouncil (TIRC) review of this	
	4/29/2013	3/17/2015
a. TIRC recommendations from most recent con	npliance review:	
	CONTINUE	EXPIRE
b. Local Government action/status on TIRC reco	ommendation:	
	CONTINUE	EXPIRE

#### **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, 2014.

#### **Enterprise's Authorized Representative:**

Signature	
Amarjit S Grewal/Vice President	
Typed Name/Title:	

#### **Community Authorized Representative:**

(CRA Housing Officer or C.E.O. of local government)

Signature

Tom Zimmerman/Housing Officer

Typed Name/Title:

Confirmation #: 78677



5.

at another site:

Did the enterprise close or reduce employment

CRA Agreement/Project Status Report for 2013

Agreement#: 04-001 CRA#: 069-53550-02

	Pri	nt a Blank Report	
SPE	CIFIC CRA AGREEMENT PROJECT STATUS F	REPORT - 2013	
□Th	is project remains under construction AND has r	received no exemption	from taxation for this reporting year
curre	se leave the entries in blue blank if they are corrent nt CRA Agreement. If you do feel that any of the ged, enter the correct value.		•
		Information	Changes/Corrections
1.	Name the business(es) party to the CRA Agreement:	MMD & HOLIDINGS LLC	MWA Enterprises, Ltd.
2.	Name the Local Governmental Jurisdiction(s) where the project is located:		
	County:	HENRY	Select
	City, Municipality, or Township:	NAPOLEON #7	
	Local School District:	LIBERTY CENTER	Select
3.	For the CRA Agreement:		
	a. Execution Date:	11/15/2004	
	b. Expiration Date:	12/31/2017	
	c. Amendment Date(s) (please list all):		
4.	Baseline total full-time permanent employment of the enterprise:		
	<ul><li>a. At the facility prior to executing the CRA Agreement:</li></ul>		
	Payroll:		
	<ul><li>b. In Ohio prior to executing the CRA Agreement:</li></ul>	0	

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Agreement Report

	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
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 2013with 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
	Real Property Taxes Paid: Real Property Taxes Forgone: Personal Property Taxes Paid: Personal Property Taxes Forgone:	\$0.00 \$29,712.29 \$0.00 \$0.00	\$0.00 \$29,712.29 \$0.00 \$0.00
13d.	State the type and total estimated value of any provided by the local authorities under the CR.		\$0.00
14.	Date of the most recent Tax Incentive Review of this project:	Council (TIRC) review	
		4/25/2012	4/29/2013
14a.	TIRC recommendations from most recent com	pliance review: CONTINUE	EXPIRE 🗸
14b.	Local Government action/status on TIRC recommendation:		
		CONTINUE	CONTINUE

Page 3 of 4

Agreement Report

**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

Agreement Report Page 4 of 4

#### **Enterprise's Authorized Representative:**

First and Last Name:

Title:

Michael Adams \*
Owner/President \*

## **Community Authorized Representative Name:**

(CRA Housing Officer or C.E.O. of local government)

First and Last Name:

Title:

Tom Zimmerman
Housing Officer

Submit



Agreement #: 13-001 CRA #: 069-53550-02

#### **Amendments/Corrections to Agreement Information**

	Current Agreement Data	Changes/Corrections (blank if unchanged)
Name the business(es) party to the CRA Agreement:	MWA Enterprises, Ltd.	
Name the Local Governmental Jurisdiction(s) where the project	ct is located:	
County:	HENRY	
City, Municipality, or Township:	NAPOLEON	
Local School District:	LIBERTY CENTER LOCAL SD	0
3. For the CRA Agreement:		
a. Execution Date:	6/18/2013	
b. Expiration Date:	12/31/2025	
c. Amendment Date(s) (please list all):		
4. Baseline total full-time permanent employment of the enterprise:		
a. At the facility prior to executing the CRA Agreement:		
Payroll:		
b. In Ohio prior to executing the CRA Agreement:	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	

CRA agreement:	or retain within the	
Retain:	0	
Create:	25	
7. Job creation period outlined in agreement (months):	12	
8. Estimated annual payroll attributed to the new and/or retaine pursuant to question 6.:	d employees	
Retained Payroll:	\$0.00	\$0.00
New Payroll:	\$1,139,000.00	
Enterprise's total project investment commitment and the elique exemption as specified in the CRA Agreement:	gible granted tax	
Real Property:	\$1,004,300.00	
Granted Exemption:	\$1,004,300.00	
10. Tax exemptions granted to the business under the EZ Agre	ement:	
Real Property Exemption:	100 %	0 %
Real Property Exemption Term (years):	10	
Actual Project Information as of	December 31, 2014	
11. Total number of full-time permanent employees employed be site for the following categories:	by the CRA project	
a. As of 12/31/2014	0	0
b. New jobs created attributed to the CRA Agreemen	t: 0	0
c. Jobs retained attributed to the CRA Agreement:	0	0
12. Identify the total actual annual payroll as of 12/31/2014 attri	buted to the new	
	\$0.00	\$0.00
13a. State the project investment level achieved from the signir Agreement through December 31, 2014 :	ng of the CRA	
Real Property:	\$0.00	\$0.00
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 2014	with regard to	

- ·	- 5.1	<b>*</b>	<b>*</b>
Real Property		\$0.00	\$0.00
Real Property	-	\$0.00	\$0.00
Personal Prope	erty Taxes Paid:		\$0.00
Personal Prope	erty Taxes Forgone:		\$0.00
13c. Identify cumulative tax CRA Agreement:	es paid and foregone at the project s	ite over the term of the	
Real Property	Гахеs Paid:	\$0.00	\$0.00
Real Property	Гахеs Forgone:	\$0.00	\$0.00
Personal Prope	erty Taxes Paid:	\$0.00	\$0.00
Personal Prope	erty Taxes Forgone:		\$0.00
13d. State the type and total local authorities under the 0	al estimated value of any other incent CRA Agreement:	ives provided by the	
		\$0.00	\$0.00
14 Data of the most recent	Tax Incentive Review Council (TIRC	') ravious of this	
project:	Tax incentive Review Council (TIRC	) review or this	
		4/29/2013	3/17/2015
a. TIRC recommendation	ons from most recent compliance rev	iew:	
		NA	NA
b. Local Government a	ction/status on TIRC recommendation	n:	
		NA	NA NA
	CERTIFICATION INFOR	RMATION	
	the foregoing information, to the best of my kr	nowledge, is true, complete, and acc	curately describes
the status of the CRA project as of	f December 31, 2014.		
Enterprise's Authorized R	Representative:		
			_
	Signature		
	Jake Adams/CFO		
	Typed Name/Title:		_
Community Authorized R	epresentative:		
(CRA Housing Officer or C.E.O. of	•		
. •	- ,		
			_
	Page 3 of 4		

Signature

Tom Zimmerman/Housing Officer

Typed Name/Title:

Confirmation #: 55592



Agreement #: 11-001 CRA #: 069-53550-02

#### **Amendments/Corrections to Agreement Information**

	Current Agreement Data	Changes/Corrections (blank if unchanged)
Name the business(es) party to the CRA     Agreement:	Koester Land Acquisitions, LLC	
Name the Local Governmental Jurisdiction(s) where the proje	ect is located:	
County:	HENRY	
City, Municipality, or Township:	NAPOLEON	
Local School District:	NAPOLEON AREA CITY SD	0
3. For the CRA Agreement:		
a. Execution Date:	4/18/2011	
b. Expiration Date:	12/31/2023	
c. Amendment Date(s) (please list all):		
4. Baseline total full-time permanent employment of the enterprise:		
a. At the facility prior to executing the CRA Agreement:		
Payroll:		
b. In Ohio prior to executing the CRA Agreement:	56	
5. Did the enterprise close or reduce employment at another site	e:	
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	

c. Number of permanent full-time jobs committed to create a CRA agreement:	nd/or retain within the	
Retain:	56	
Create:	5	
7. Job creation period outlined in agreement (months):	36	
3. Estimated annual payroll attributed to the new and/or reta oursuant to question 6.:	ained employees	
Retained Payroll:	\$0.00	\$0.00
New Payroll:	\$235,000.00	
9. Enterprise's total project investment commitment and the exemption as specified in the CRA Agreement:	eligible granted tax	
Real Property:	\$1,500,000.00	
Granted Exemption:	\$1,500,000.00	
10. Tax exemptions granted to the business under the EZ A	greement:	
Real Property Exemption:	100 %	0 %
Real Property Exemption Term (years):	10	
Actual Project Information as	s of December 31, 2014	
11. Total number of full-time permanent employees employesite for the following categories:	ed by the CRA project	
a. As of 12/31/2014	58	62
b. New jobs created attributed to the CRA Agreen	nent: 8	12
c. Jobs retained attributed to the CRA Agreement	: 50	0
12. Identify the total actual annual payroll as of 12/31/2014 amployment (11b) resulting from the CRA Agreement:	attributed to the new	
	\$303,351.58	\$563,180.00
13a. State the project investment level achieved from the signal Agreement through December 31, 2014:	gning of the CRA	
Real Property:	\$1,757,423.18	\$0.00
Real Property Eligible for Exemption:	\$1,500,000.00	\$0.00
Personal Property:	\$0.00	\$0.00
13b. Identify the taxes paid and forgone in calendar year 20	14 with regard to	

Rea	al Property Taxes Paid:	\$0.00	\$31,857.58
Rea	al Property Taxes Forgone:	\$0.00	\$13,061.30
Per	rsonal Property Taxes Paid:	-	\$0.00
Per	rsonal Property Taxes Forgone:	-	\$0.00
13c. Identify cur CRA Agreemen	mulative taxes paid and foregone at the project site ovent:	er the term of the	
Rea	al Property Taxes Paid:	\$31,857.58	\$31,857.58
Rea	al Property Taxes Forgone:	\$13,061.30	\$13,061.30
Per	rsonal Property Taxes Paid:	\$0.00	\$0.00
Per	rsonal Property Taxes Forgone:	-	\$0.00
	ype and total estimated value of any other incentives particles under the CRA Agreement:	rovided by the	
		\$0.00	\$0.00
14. Date of the project:	most recent Tax Incentive Review Council (TIRC) revie	ew of this	
		4/29/2013	3/17/2015
a. TIRC rec	commendations from most recent compliance review:	-	
		CONTINUE	CONTINUE
b. Local Go	overnment action/status on TIRC recommendation:	-	
		CONTINUE	CONTINUE
		-	

#### **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, 2014.

#### **Enterprise's Authorized Representative:**

Signature
Jeanette Spiller/Corp. Secratary
Typed Name/Title:

#### **Community Authorized Representative:**

(CRA Housing Officer or C.E.O. of local government)

Signature

Tom Zimmerman/Housing Officer

Typed Name/Title:

Confirmation #: 14595



Agreement #: 10-001 CRA #: 069-53550-01

#### **Amendments/Corrections to Agreement Information**

	Current Agreement Data	Changes/Corrections (blank if unchanged)
Name the business(es) party to the CRA     Agreement:	Napoleon 1, LLC.	
2. Name the Local Governmental Jurisdiction(s) where the project	ct is located:	
County:	HENRY	
City, Municipality, or Township:	NAPOLEON	
Local School District:	NAPOLEON AREA CITY SD	0
3. For the CRA Agreement:		
a. Execution Date:	2/10/2010	
b. Expiration Date:	12/31/2022	
c. Amendment Date(s) (please list all):		
4. Baseline total full-time permanent employment of the enterprise:		
a. At the facility prior to executing the CRA Agreement:		
Payroll:		
b. In Ohio prior to executing the CRA Agreement:		
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	

CRA agreement:	or retain within the	
Retain:	21	
Create:	4	
7. Job creation period outlined in agreement (months):	11	
8. Estimated annual payroll attributed to the new and/or retained pursuant to question 6.:	d employees	
Retained Payroll:	\$600,000.00	\$600,000.00
New Payroll:	\$170,000.00	
Enterprise's total project investment commitment and the elig exemption as specified in the CRA Agreement:	ible granted tax	
Real Property:	\$4,347,300.00	
Granted Exemption:	\$4,347,300.00	
10. Tax exemptions granted to the business under the EZ Agree	ement:	
Real Property Exemption:	100 %	0 %
Real Property Exemption Term (years):	10	
Actual Project Information as of	December 31, 2014	
11. Total number of full-time permanent employees employed b site for the following categories:	y the CRA project	
a. As of 12/31/2014	25	25
b. New jobs created attributed to the CRA Agreement	:: 46	6
c. Jobs retained attributed to the CRA Agreement:	21	21
12. Identify the total actual annual payroll as of 12/31/2014 attribemployment (11b) resulting from the CRA Agreement:	outed to the new	
	\$180,000.00	\$280,000.00
13a. State the project investment level achieved from the signin Agreement through December 31, 2014 :	g of the CRA	
Real Property:	\$4,347,300.00	\$4,347,300.00
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 2014 v	vith regard to	

Real Property Taxes Paid:	\$13,061.00	\$14,317.43
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 of CRA Agreement:	ver the term of the	
Real Property Taxes Paid:	\$31,478.00	\$31,478.00
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 local authorities under the CRA Agreement:	provided by the	
	\$0.00	\$0.00
14. Date of the most recent Tax Incentive Review Council (TIRC) reviproject:	iew of this	
	4/29/2013	4/29/2013
a. TIRC recommendations from most recent compliance review:		
	CONTINUE	CONTINUE
b. Local Government action/status on TIRC recommendation:		
	CONTINUE	CONTINUE

#### **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, 2014.

#### **Enterprise's Authorized Representative:**

Signature	
Ray Cox/Managing Member	
Typed Name/Title:	

#### **Community Authorized Representative:**

(CRA Housing Officer or C.E.O. of local government)

Signature

Tom Zimmerman/Housing Officer

Typed Name/Title:

Confirmation #: 99425

#### City of Napoleon, Ohio

#### **City Council**

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

#### **Meeting Agenda**

Monday, April 6, 2015 at 7:00 pm

- **A.** Attendance (Noted by the Clerk)
- B. Prayer & Pledge of Allegiance
- **C. Approval of Minutes:** March 16 (In the absence of any objections or corrections, the minutes shall stand approved.)
- **D. Citizen Communication**
- E. Reports from Council Committees
  - 1. **Technology & Communication Committee** did not meet tonight due to lack of agenda items.
  - 2. Finance & Budget Committee (Majority Report) met on Monday, March 23 and recommended:
    - a. Approval of First Quarter Budget Adjustments
  - 3. Safety & Human Resources Committee did not meet on Monday, March 23 due to lack of agenda items.
  - **4. Personnel Committee** met on Monday, March 23 and discussed:
    - a. Compensation of Personnel with no action being taken
  - **5. Council Rules Review Committee** met on Monday, March 16 and recommended:
    - **a.** Approval of Council Rules as presented with adjustments
- F. Reports from Other Committees, Commissions and Boards (Informational Only-Not Read)
  - **1. Housing Council** met tonight with the following agenda items:
    - a. Annual Inspection/Review of CRA Premises
  - 2. Parks & Recreation Board met on Wednesday, March 25 with the following agenda items:
    - a. City Facilities Usage Policy (Tabled)
- G. Introduction of New Ordinances and Resolutions
  - **1. Ordinance No. 020-15,** an Ordinance supplementing the Annual Appropriation Measure (Supplement No. 1) for the year 2015; and declaring an Emergency
  - **2. Ordinance No. 021-15,** an Ordinance amending Chapter 955 of the Codified Code of the City of Napoleon to add the program "Outdoor Education" and establish rates thereto; and declaring an Emergency
  - **3. Resolution No. 022-15,** a Resolution authorizing the City Manager to execute all documents necessary to submit an application to the Northwest Ohio Educational Service Center for financial assistance to provide extended learning opportunities involving the environment; and declaring an Emergency
  - **4. Resolution No. 023-15,** a Resolution authorizing the expenditure of funds over twenty-five thousand dollars (\$25,000.00) for the rebuild of mechanical screen #1 for the Wastewater Treatment Plant, which was included in the 2015 Master Bid Resolution; and authorizing the City Manager to enter into a Contract with Hydro-Dyne Engineering, Inc. for said rebuild, and declaring an Emergency

#### H. Second Readings of Ordinances and Resolutions

- Resolution No. 018-15, a Resolution authorizing the expenditure of funds over twenty five thousand dollars (\$25,000.00) for the purchase of an update to the SCADA Master Station, which was not included in the 2015 Master Bid Resolution; and authorizing the City Manager to enter into a Contract with Survalent Technology for said update; and declaring an Emergency
- 2. **Resolution No. 019-15,** a Resolution authorizing enrollment in the Ohio Rural Water Association 2016 Worker's Compensation Pool; and authorizing the expenditure of funds and directing the City Manager to enter into a Professional Service Contract with CompManagement, LLC, a worker's compensation administrator
- I. Third Readings of Ordinances and Resolutions

There are no Third Readings of Ordinances and Resolutions.

- J. Good of the City Any other business as may properly come before Council, including but not limited to:
  - 1. **Discussion/Action:** Approval of Tax Incentive Review Council Recommendations
  - 2. **Discussion/Action:** Award of Bid of Sanitary Sewer Cleaning Project: Advanced Rehabilitation Technology
  - **3. Discussion/Action:** Direct the Law Director to draft Legislation regarding the amended Council Rules
  - 4. **Discussion/Action:** Annual Renewal of Liquor Permit Holders
  - **5. Discussion/Action:** Approval of City Facilities Usage Policy
- **K.** Executive Sessions:
  - 1. Executive Session: Compensation of Personnel

2. Executive Session: Economic Development **3. Executive Session:** Purchase of Property

**4. Executive Session:** Imminent Litigation

L. Approve Payment of Bills and Approve Financial Reports (In the absence of any objections or corrections, the payment of bills and financial reports shall stand approved.)

MI. AUJUULIIIIICIII	M.	Adjourr	ıment
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 Gregory J. Heath, Finance Director/Clerk of Council

### A. Items Referred or Pending in Committees of Council

### 1. Technology & Communication Committee (1st Monday)

(Next Regular Meeting: Monday, May 4 @ 6:15 pm)

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

(Next Regular Meeting: Monday, April 13 @, 6:30 pm)

- a. Review of Power Supply Cost Adjustment Factor
- **b.** Electric Department Report
- c. Review of City Water and Sewer Rules

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

(Next Regular Meeting: Monday, April 13 @, 7:00 pm)

a. Review of City Water and Sewer Rules (Tabled)

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

(Next Regular Meeting: Monday, April 13 @, 7:30 pm)

- **a.** Assessment review (Tabled)
- **b.** Updated Info from Staff on Economic Development (as needed)

### 5. Parks & Recreation Committee (3rd Monday)

(Next Regular Meeting: Monday, April 20 @ 6:15 pm)

### 6. Finance & Budget Committee (4th Monday)

(Next Regular Meeting: Monday, April 27 @ 6:30 pm)

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

(Next Meeting: Monday, April 27 @ 7:30 pm)

2015 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 (2nd Monday)

(Next Regular Meeting: Monday, April 13 @ 6:30 pm)

- a. Review of Power Supply Cost Adjustment Factor
- **b.** Electric Department Report
- c. Review of City Water and Sewer Rules

### 2. Board of Zoning Appeals (2nd Tuesday)

(Next Regular Meeting: Tuesday, April 14 @ 4:30 pm)

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

(Next Regular Meeting: Tuesday, April 14 @ 5:00 pm)

4. Tree Commission (3rd Monday)

(Next Regular Meeting: Monday, April 20 @ 6:00 pm)

### 5. Civil Service Commission (4th Tuesday)

(Next Regular Meeting: Tuesday, April 28 @ 4:30 pm)

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

(Next Regular Meeting: Wednesday, April 29 @, 6:30 pm)

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

(Next Regular Meeting: Tuesday, May 12 @, 10:30 am)

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

(Next Regular Meeting: Tuesday, June 9 @ 4:00 pm)

- **9. Housing Council** (1st 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)

### **City Council**

### **Meeting Minutes**

Monday, March 16, 2015 at 7:00pm

DD	<b>ESENT</b>	
$\mathbf{r}$		

Council

 $Travis\ Sheaffer-President, Jason\ Maassel-President\ Pro\ Tem, Jeff\ Comadoll,$ 

John Helberg, Christopher Ridley, Heather Wilson

Mayor

City Manager
Law Director
Finance Director/

Clerk Of Council

Recorder City Staff Trevor M. Hayberger Gregory J. Heath

Ronald A. Behm

Monica S. Irelan

Tammy Fein

Dennis Clapp, Electric Department Superintendent

Tony Druhot, Acting Fire Chief Chad Lulfs, Director of Public Works Bobby Stites, Assistant MIS Administrator Todd Wachtman, Substation Specialist

Robert Weitzel, Police Chief

Others

News Media; NCTV; Andy Small; Mike DeWit; Vic Holcomb

ABSENT Council

Others

Jeffrey Marihugh

Call To Order

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

**Minutes Approved** 

Minutes of the March 2 Council meeting stand approved with no objections or corrections.

Citizen
Communication

None

Reports From Committees

The Parks & Recreation Committee did not meet tonight due to lack of agenda items.

Acting Chairperson Maassel reported that the Electric Committee met on Monday, March 9 and recommended:

- 1. Approval of March Power Supply Cost Adjustment Factor
- 2. Not Purchasing Insurance Coverage for Overhead Electric Line Coverage
- 3. Dropping the Additional Insured Requirement on Insurance for Residential Solar Power Units

Chairman Ridley reported that the Water, Sewer, Refuse, Recycling and Litter Committee met on Monday, March 9 and recommended:

1. Tabling the City Water and Sewer Rules discussion

The Municipal Properties, Buildings, Land Use and Economic Development Committee did not meet on Monday, March 9 due to a scheduling conflict.

Chairman Sheaffer reported that the Council Rules Review Committee met tonight

and recommended changes for the Law Director to bring before Council after the changes are finalized.

### Introduction Of Resolution No. 017-15

President Sheaffer read by title Resolution No. 017-15, 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: Comadoll Second: Ridley To approve First Read of Resolution No. 017-15

#### **Discussion**

Irelan requested this Resolution be passed under Suspension of the Rules; ODOT must receive the bid for the Contract by April 1, 2015, adding that the amount of salt requested must be presented in this bid for ODOT to reply with the cost of the salt. Helberg asked if this will commit the City to take the tonnage requested in the bid; Irelan replied yes. Lulfs stated that there is approximately one hundred ten (110) to one hundred twenty (120) ton left and is considering possibly ordering five hundred (500) to six hundred (600) ton more, since the cost is not known yet. Lulfs stated that this Resolution allows for going into the Winter contract as well.

### Motion To Suspend The Rules

Motion: Comadoll Second: Ridley To suspend the Rules requiring three Readings

Passed Yea- 6 Nay- 0 Roll call vote on above motion: Yea- Maassel, Sheaffer, Helberg, Comadoll, Wilson, Ridley Nay-

Passed Yea- 6 Nay- 0 Roll call vote to pass Resolution No. 017-15 under Suspension of the Rules Yea- Maassel, Sheaffer, Helberg, Comadoll, Wilson, Ridley Nay-

### Introduction Of Resolution No. 018-15

President Sheaffer read by title Resolution No. 018-15, a Resolution authorizing the expenditure of funds over twenty five thousand dollars (\$25,000.00) for the purchase of an update to the SCADA Master Station, which was not included in the 2015 Master Bid Resolution; and authorizing the City Manager to enter into a Contract with Survalent Technology for said update; and declaring an Emergency

### Motion To Approve First Read

Motion: Comadoll Second: Maassel To approve First Read of Resolution No. 018-15

### Discussion

Irelan stated this was a budgeted line item in the Electric Fund, and this has been discussed extensively with the Electric Department before it was brought to Council. Irelan reported that only two (2) companies handle this update, the City currently deals with one (1) of the companies; Irelan recommends choosing the other company for this update due to the support system and the higher quality hardware and software. Irelan added that the current system will not be supported after 2020. Sheaffer stated his concern regarding a Windows server being installed on the grid and the potential for it to be compromised; Irelan stated that security safety was discussed and deferred this question to Todd Wachtman, Substation Specialist. Wachtman stated that a third party consultant will help develop a security system and has completed tests to ensure the security system, adding that the system has a dedicated firewall for the master station. Clapp had distributed a memo in the Council packet regarding the recommendation from Wachtman to purchase a Supervisory Control And Data Acquisition (SCADA) Master Station from Survalent Technology for the City of Napoleon Electric Department, based on technical

merit, industry direction, and integration. Wachtman reported that the current SCADA system used by department personnel was purchased and placed in service in 1999 and is comprised of two (2) main components: a Master Station consisting of a dedicated server, and Station Remote Terminal Units (RTUs) that operate at each remote substation; adding that the Master Station is the component that has been targeted for an upgrade. Wachtman believes that on technical merit, the Master Station specified by Survalent Technology meets all criteria to function in a modern SCADA system; the fully developed package includes real-time interactive map displays, data reporting and exporting, and remote alarm notifications. Wachtman believes that on industry direction, Survalent Technology supports current trends in the SCADA industry including mobile platforms and server virtualization, and the City is leveraging these same technologies in other areas of its corporate infrastructure. Wachtman believes that on integration within the City, Survalent Technology has developed solutions for integrating Interactive Voice Response (IVR), Geographic Information System (GIS), and Advanced Metering Infrastructure (AMI) information, and Wachtman believes that the City is now entering these technology areas and could see further benefit from integrating these systems with the SCADA system. Watchman stated that based on this research into these and other critical areas, it is his recommendation to purchase a SCADA Master Station from Survalent Technology at a cost of \$74,300.

Passed Yea- 6 Nay- 0 Roll call vote to approve First Read of Resolution No. 018-15 Yea- Maassel, Sheaffer, Helberg, Comadoll, Wilson, Ridley Nav-

First Read Of Resolution No. 019-15 President Sheaffer read by title Resolution No. 019-15, a Resolution authorizing enrollment in the Ohio Rural Water Association 2016 Worker's Compensation Pool; and authorizing the expenditure of funds and directing the City Manager to enter into a Professional Service Contract with CompManagement, LLC, a worker's compensation administrator

Motion To Approve First Read Motion: Ridley Second: Wilson To approve First Read of Resolution No. 019-15

Discussion

Heath reported that this process normally occurs in August, but the Workers Compensation Board is changing the billing process to a prospective form of billing and transitioning the enrollment period to May 29, and in order to meet the three Reads and thirty (30) day rule, the Resolution is being brought before Council at this time. Heath added that no information has been received from any competitive groups yet. Heath reported that the City does receive savings due to programs that the City participates in, and this Resolution includes the contract for administration with CompManagement for approximately \$3,110.

Passed Yea- 6 Nay- 0 Roll call vote to approve First Read of Resolution No. 019-15 Yea- Maassel, Sheaffer, Helberg, Comadoll, Wilson, Ridley Nav-

Second Read Of Ordinances and Resolutions There are no Second Reads of Ordinances and Resolutions.

Third Read Of Resolution No. 013-15 President Sheaffer read by title Resolution No. 013-15, a Resolution approving an Employment Contract with Monica S. Irelan, City Manager, and authorizing Council President to execute any and all documents necessary to enter into said

**Employment Contract** 

Motion To Pass On Third Read Motion: Maassel Second: Ridley To pass Resolution No. 013-15 on Third Read

**Discussion** 

Mike DeWit stated that he is not in favor of this Employment Contract; he does not believe the value of the Contract will stand as it modifies the City Charter definition of the terms of termination of the City Manager. DeWit stated that the Charter reads that the City Manager 'serves at the pleasure of Council' and the City Manager is an at will employee, as are the rest of the employees of the City that are not members of unions. DeWit believes that the City, by State Law, is not required to list any reason to terminate employees that are listed as at will and are not union members. DeWit added that he believes that changing the employment status of the City Manager to a contracted employee from an at will employee opens up the City for future litigation. DeWit believes that the Just Cause Clause creates subjectivity regarding the reasons used for termination and the employee could sue at a later date which could lead to the City owing the employee back wages as well as damages. DeWit added that the City Charter can only be changed by the citizens and Council does not have the authority to do so. DeWit believes that this Contract will tie the hands of any future Councils and Mayor, and they will no longer be able to decrease the salary of any future City Manager salary; he believes the salary will only be able to be increased, not decreased.

Sheaffer demonstrated an Employment Contract agreement with previous City Manager Terry Dunn, amended in 1992 and 1993, which had DeWit's signature. DeWit stated that Dunn was terminated during one (1) meeting. Sheaffer stated that the at will clause has a list of definitions in the Personnel Code; DeWit believes that the City Manager is not required to fulfill the Personnel Code. Hayberger stated that this agreement is merely a three (3) year agreement for the current City Manager only, and does not affect the City Charter; adding that the City Manager can still be terminated at will by Council; this agreement only shows what happens when Irelan leaves. DeWit stated that he does not agree with Hayberger; he believes that this agreement does affect the City Charter and Hayberger is incorrect in believing that this only pertains to Irelan. Hayberger stated that there are seven (7) factors that a jury would use to decide the issue if necessary, adding that these items refer to the Personnel Code and define the rules that would be violated to uphold the factors.

Hayberger stated that this is not a service contract; this is merely a termination clause. DeWit read the entire understanding paragraph, Hayberger restated that this is only pertaining to the termination of the position, restating that the Personnel Code lists those factors related to the position. DeWit asked if the entire agreement will be published, adding that he does not believe that the Title is sufficient for publication; Heath reminded DeWit that the Ohio Revised Code (ORC) has changed, and states that only the Summary is required to be published to meet the requirement, adding that this agreement is a public record. DeWit restated that he does not believe that Summary or Title is a sufficient publishing of the Resolution.

Andy Small stated that he had the privilege to seat the Charter Review Commission twice, and the next Charter Review Commission will be seated in 2016. Small stated that the essence of what DeWit spoke to is true; the City Manager is an at will employee. Small stated that no contract was discussed for any of the Appointing Authority positions during the Charter Review Commission meetings that he attended, as it was understood by the Charter Review Commissions that these were

### Irelan Employment Contract Discussion (Continued)

at will employees. Small stated that he read the agreement and was concerned with whether this agreement was discussed during the budget discussions in November and if this agreement was approved, it will go into effect the first pay period of 2016; Irelan replied that there was no discussion regarding this agreement until January 2015. Small stated that Irelan was hired on March 24, 2014 and in less than nine (9) months a three (3) year contract has been constructed with guaranteed increases. Small reminded Sheaffer there has not been another employee contract since the Dunn contract due to the results of that agreement.

Small stated that the step increases as defined in the agreement are automatic with a good employee evaluation consisting of 'more exceeds standards and meets standards than below standards', meaning that the increases of approximately eight percent (8%) annually are automatic with a fifty one percent (51%) approval standard, and Small does not believe this to be fair. Small recognized that the agreement stated that the City Charter shall prevail over the contract however Small believes if Council feels strongly about this, this should be considered during the Charter Review Commission meeting, adding that he does not believe that Council should violate the essence of the City Charter that was written in good faith of the Citizens of the City.

Sheaffer stated that every employee in the state of Ohio is considered an at will employee unless the employee is a member of a union, and an employment agreement with a City Manager is not uncommon, as seventy eight percent (78%) of cities use them. Sheaffer restated that the City Law Director has confirmed that this agreement does not jeopardize the City Charter termination process. Sheaffer stated that when Irelan was hired, another City employee was responsible for AMP and APPA issues, which are now the responsibility of Irelan. Sheaffer reminded those in attendance that five (5) similarly sized AMP communities with similar responsibilities were used to average their 2013 City Manager salaries to come up with the figures used in the agreement. Small believes that when the former employee was kept on to handle the AMP and APPA issues, Council knew it would not be indefinitely. Small believes that if Council wants to give Irelan a raise, then they should do so without creating a contract. Small restated that he believes that no contracts should be written for any Appointing Authority position.

DeWit asked if the step increase includes the base pay amount, and if the figures listed are the final salary for all three (3) years; Sheaffer stated the yearly percentage of living adjustments are not guaranteed in those steps. DeWit believes Irelan is subject to the same increases as the other nonbargaining employees; Hayberger stated that this is not the case; Helberg added that this issue is open for future discussion.

Helberg reported that he was on the Personnel Committee when Irelan was hired, and he discussed his concerns with her regarding retention as well as succession, and the retention plan changed when the AMP and APPA responsibilities of the other City employee were given to Irelan; Helberg believes that the acquired AMP knowledge makes Irelan more marketable, adding that he believes this agreement to be a separation agreement not a contract, and Irelan is still subject to the scrutiny of Council and Helberg considers this agreement to be a commitment to the development of the City Manager. Helberg stated that he does not want this to be part of the City Charter; it is only a separation agreement. Small respectfully disagreed stating that this is a contract and he believes that it is not in the authority of Council to change the Charter; the residents must do that. Small added that Council could have either the residents or the Charter Review Commission

### Irelan Employment Contract Discussion (Continued)

research the information, and Small implored Council to wait until the Charter Review Commission meets to review this contract. Helberg reassured all in attendance that there is no intent to create an agreement for any of the other Appointing Authority positions; Small replied that the others could now ask for one if this agreement is approved. Helberg stated that the need for an agreement would be required to be justified to Council. DeWit believes that in the corporate world, if an employee requested an employment contract, the employee would have been fired, adding that he believes that this allows the employees to dictate the terms of employment. DeWit added that he believes that this contract only benefits the City Manager, not the City. Wilson respectfully disagreed, stating that she believes that this separation agreement protects the City from Irelan leaving before another person is hired and trained.

Vic Holcomb stated that DeWit and Small have raised important issues and the City Charter must be respected, adding that he believes that this contract is outside the parameters of the City Charter. Holcomb believes that the citizens are in the dark by not knowing that this is a separation agreement not a contract, and Council referring questions to the Law Director suggests that this is not defined as precisely as it should be. Holcomb stated that he sees no explanation as to the reasoning for the need for the contract and he sees no value in it. Holcomb believes there will be implications that Council is not considering. Holcomb believes this should be deferred until the meeting of the Charter Review Commission. Sheaffer restated that this agreement does not nullify the City Charter. Sheaffer added that simplicity of the City Charter language regarding the Employment Status is designed to retain the authority of Council;

City Charter Article IV, Section 4.04 Director Employment Status:

"The City Manager, City Finance Director, and City Law Director shall each serve at the pleasure of Council and may be suspended or removed by Council at any time; with or without cause, by a two-thirds (2/3) affirmative vote of the current members of Council."

Holcomb believes that if there is any debate regarding employment, this agreement should not be approved at this time. Helberg believes the Charter Review Commission would not resolve this until 2017 and the City could lose the City Manager in the meantime before the agreement is approved. Holcomb stated that the term agreement does not determine the definition of the document. Hayberger stated that at any point Council can vote to terminate the City Manager; DeWit added that there would be a monetary penalty to the City per this agreement. Holcomb believes that although Council may vote to fire Irelan, a Court may determine a different outcome. Holcomb suggested that Council not decide this issue tonight as it seems like a hurried decision; Helberg stated that there have been two previous Reads at Council meetings and he believes there were discussions at Committee meetings before the Ordinance reached Council. Wilson stated that she was hesitant about approving this agreement at first but the discussions have eased those concerns; Wilson added that the concerns stated are valid, and small adjustments should be made before Wilson is comfortable approving the agreement, adding that she is not comfortable approving the agreement tonight due to the potential misunderstanding. Wilson stated that she feels strongly about investing in the knowledge base of the City Manager and also addressing resident concerns.

Motion To Change Title From Employment Agreement To Retention Motion: Ridley Second: Helberg
To change the Title of the document from Employment Agreement to Retention
Plan/Separation Agreement

Plan/Separation Agreement

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

Yea-6 Yea- Maassel, Sheaffer, Helberg, Comadoll, Wilson, Ridley

Nay- 0 Nav-

> Wilson asked if the items discussed from the Personnel Code should be defined in the agreement; Helberg stated that this is currently defined in Section Two (2).

**Motion To Table Discussion To Allow** The Law Director To Make The **Discussed Changes** 

Motion: Wilson Second: Comadoll To table the discussion regarding the Retention Plan/Separation Agreement to

allow the Law Director to make the discussed changes

Roll call vote to table Resolution No. 013-15 on Third Read Failed

Yea- Comadoll, Wilson Yea-2

Nay- Massel, Sheaffer, Helberg, Ridley Nay-4

Roll call vote on Motion to pass Resolution No. 013-15 on Third Read **Passed** 

Yea- Maassel, Sheaffer, Helberg, Ridley Yea-4

Nay-2 Nay- Comadoll, Wilson

Third Read Of Resolution No. 014-15 President Sheaffer read by title Resolution No. 014-15, a Resolution authorizing contracts with the townships of Napoleon, Harrison, Freedom, and Henry County South Joint Ambulance District for fire service and/or emergency medical service

commencing April 1, 2015; and declaring an Emergency

**Motion To Pass On Third Read** 

Motion: Comadoll Second: Ridley

To pass Resolution No. 014-15 on Third Read

Discussion Irelan reported that there are no adjustments to the Henry County South Joint Ambulance District contract at this time, and Irelan recommends going forward

with the Resolution.

Roll call vote to pass Resolution No. 014-15 on Third Read **Passed** Yea-6 Yea- Maassel, Sheaffer, Helberg, Comadoll, Wilson, Ridley Nav-Nay-0

Third Read Of Ordinance No. 015-15 President Sheaffer read by title Ordinance No. 015-15, an Ordinance amending Section 939.02 of the Codified Ordinance of the City of Napoleon to update the interdepartmental service rate

**Motion To Pass** On Third Read

Maassel Motion: Comadoll Second:

To pass Ordinance No. 015-15 on Third Read

Heath reported there were no changes since the Second Reading. **Discussion** 

Roll call vote to pass Resolution No. 015-15 on Third Read **Passed** Yea- Maassel, Sheaffer, Helberg, Comadoll, Wilson, Ridley Yea-6 Nay-

Nay-0

**GOOD OF THE CITY** 

<u>Discussion/Action</u> Motion To Approve Power Supply Cost Adjustment Factor

Motion: Maassel Second: Comadoll

To accept the recommendation for approval of the Power Cost Adjustment Factor

for March as follows:

Three (3) month averaged factor: \$0.00271 JV2: \$0.044092 IV5: \$0.044092

Good Of The City

(Cont.) Heath

Heath asked to have the First Quarter Budget Adjustments referred to the Finance & Budget Committee.

Sheaffer Referred The First Quarter Budget Adjustments To The Finance & Budget Committee

Sheaffer referred the First Quarter Budget Adjustments to the Finance & Budget Committee.

Wilson

Wilson canceled the Safety & Human Resources Committee meeting scheduled for Monday, March 23 due to lack of agenda items.

**Ridley** 

None

Maassel

Maassel asked when the wood would be taken down on the Police Department garage door and when it would be repaired; Irelan stated contractors will show tomorrow to begin the repairs.

Maassel asked if there have been more water line breaks this year than in previous years; Irelan replied that Long Term Control Plan projects have been the priority; and since water mains are not part of Findings and Orders, it is difficult to receive grant money and the cost must be assessed or added to the rate. Irelan added that the frost line is lowering and replacement of the old lines is the issue. Lulfs stated there will be three (3) or four (4) phases over the next five (5) years for Park Street along with smaller side streets. Comadoll added that when he worked in the Water Department, he remembers having three (3) water main breaks per year on Park Street.

Sheaffer

Sheaffer noticed that the pedestrian sign on the Northeast corner of the intersection of Washington Street and Scott Street is temporarily repaired with duct tape on the plastic box due to damage; Lulfs will research this.

Sheaffer asked for Council approval to reappoint Patrick McColley and appoint Jon Tassler to the Housing Council.

Motion To Approve Sheaffer's Appointment Of McColley And Tassler To The Housing Council Motion: Ridley Second: Maassel To appoint McColley and Tassler to the Housing Council

Passed Yea- 6 Roll call vote on above motion:

Yea- Maassel, Sheaffer, Helberg, Comadoll, Wilson, Ridley

Council 3/16/15

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#### Nay- 0

Nav-

Sheaffer asked for Council approval for Mayor Behm to substitute for Sheaffer at the Tax Incentive Review Committee meeting on Thursday, March 19 due to a scheduling conflict.

Motion To Approve Behm Substituting For Sheaffer At The TIRC Meeting Motion: Maassel Second: Helberg
To approve Behm substituting for Sheaffer at the TIRC meeting on Thursday,
March 19

Passed Yea- 6 Nay- 0 Roll call vote on above motion: Yea- Maassel, Sheaffer, Helberg, Comadoll, Wilson, Ridley Nav-

**Behm** 

Behm reported that he recently attended a Henry County Water discussion and believes that the loss of the satellite customers will create an impact. Behm stated that he discussed his concerns with the City Manager, and she will have discussions with the satellite customers. Behm asked if the cost to the City could be researched; Liberty Center is claiming that they have incurred a rate increase of approximately one hundred thirty seven percent (137%) since 2005 and they are anticipating the rate increase in 2017 will be closer to two hundred percent (200%); Irelan will research this. Behm stated that the satellites believe they are paying for all increased costs relating to the Water Plant rehabilitation project; Irelan stated that the City did have an increase of seventy nine and one tenth percent (79.1%) due to a review in 2011 where it was discovered that the City was selling water to the satellite customers for less than the cost of producing that water, adding that the City residents received a sixteen percent (16%) rate increase and County residents received a thirty four percent (34%) rate increase. Behm suggested that Council share this information when discussing water with County residents. Behm believes that satellites have a desire to either find other sources of water or have ownership in the City plant. Behm questioned why the satellite customers were interested in building the new plant with a higher cost, but now are exploring other options when the costs will be reduced by rehabbing the existing plant. Behm stated that he is hoping that Council is open to creating a Review Board for the satellites to participate in the water plant; adding that he believes that part of the reason for any mistrust is due to a perceived lack of transparency.

Helberg

Helberg suggested that the City trucks continue to go to Paulding County for cold patch since the winter plowing should be complete; Irelan stated that Jeff Rathge, Operations Superintendent, is handling this, adding that the water mains are a priority right now.

Comadoll

None

Hayberger

None

Irelan

None

Motion To Go Into Executive Session

Motion: Ridley Second: Maassel

To go into Executive Session to discuss compensation of personnel

Passed Yea- 6 Roll call vote on above motion:

Yea- Maassel, Sheaffer, Helberg, Comadoll, Wilson, Ridley

Council 3/16/15

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Nay-Nay-Council went into Executive Session at 8:15pm. **Into Executive Session Motion To Come Out** Motion: Maassel Second: Comadoll **Of Executive Session** To come out of Executive Session. Roll call vote on above motion: **Passed** Yea- Maassel, Sheaffer, Helberg, Comadoll, Wilson, Ridley Yea-6 Nay-Nay- 0 Council came out of Executive Session at 8:52pm. President Sheaffer reported that **Out Of Executive** the discussion was regarding the compensation of personnel and no action was Session taken. **Approval Of Bills** Bills and financial reports stand approved as presented with no objections. Second: Wilson **Motion To Adjourn** Motion: Maassel To adjourn the meeting. Passed Roll call vote on above motion: Yea- Maassel, Sheaffer, Helberg, Comadoll, Wilson, Ridley Yea-6 Nay - 0 Nay-Adjournment Meeting adjourned at 8:52pm. Approved: Travis B. Sheaffer, Council President Ronald A. Behm, Mayor

Gregory J. Heath, Finance Director/Clerk of Council

#### **ORDINANCE NO. 020-15**

AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION MEASURE (SUPPLEMENT NO. 1) FOR THE YEAR 2015; 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. 075-14 for the fiscal year ending December 31, 2015 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:	Travis A. Sheaffer, Council President
Approved:	Ronald A. Behm, Mayor
VOTE ON PASSAGE Yea Nay Abstai	in
Gregory J. Heath, Clerk/Finance Director	
I, Gregory J. Heath, Clerk/Finance Director of the City of Ordinance No. 020-15 was duly published in the Northwest Signal on theday of,; & I_established in Chapter 103 of the Codified Ordinances Of Napole pertaining to Public Meetings.	al, a newspaper of general circulation in said City, further certify the compliance with rules
$\overline{Gr}$	regory J. Heath, Clerk/Finance Director

### **EXHIBIT-A ATTACHMENT TO ORDINANCE No. 020-15**

2015 APPROPRIATION BUDGET - 1ST QT BUDGET ADJUSTMENTS				
BUDGET SUMMARY BY FU	IND, DEPARTI	MENT AND	CATEGORY	
	=== 2015 1ST QU	JARTER BUDGET	ADJMNTS.===	2015
ONDINANCE NO. 020-10, 1 dased 04/00/2010			FUND	
1ST QT Approved - 2015 Appropriation Budget	SERVICES	OTHER	TOTAL	TOTAL
400 CAPITAL IMPROVEMENT FUND				
1100 City Council/Legislative		500	\$500	
			¢500	\$500
Total - 400 Capital Improvement Fund	\$0	\$500	\$500	\$500
521 SEWER (WWT) UTY.REP. & IMP. FUND				
6310 Sewer(WWT)/Collection System	0	15,000	\$15,000	
Total - 521 Sewer (WWT) Uty.Rep.& Imp. Fund	\$0	\$15,000	\$15,000	\$15,000
	=========	========	=========	415.500
* GRAND TOTAL - ALL FUNDS	\$0	\$15,500	\$15,500	\$15,500
	=========	=======	========	

### **ORDINANCE NO. 021-15**

AN ORDINANCE AMENDING CHAPTER 955 OF THE CODIFIED CODE OF THE CITY OF NAPOLEON TO ADD THE PROGRAM "OUTDOOR EDUCATION" AND ESTABLISH RATES THERETO; AND DECLARING AN EMERGENCY

**WHEREAS**, the Parks and Recreation Board met and recommended the implementation of Outdoor Education Programing; and,

**WHEREAS**, the City of Napoleon's Parks and Recreation Committee met and concurred with the Parks and Recreations determination to implement an Outdoor education Programing component to the parks and rec services; and,

**WHEREAS**, this Council has considered all recommendations, now deems appropriate to establish an Outdoor Education Programing and set fees for such activities; Now Therefore,

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

**Section 1.** That, Section 955.19 of the City of Napoleon's Codified Code is hereby amended and enacted as follows:

### "955.19 RECREATION PROGRAM PARTICIPATION FEES.

### (a) Rates (per participant):

	(Rates)	
Activity	Resident	Nonresident
Tee Ball	\$20	\$30
Youth Little League	\$20	\$30
Junior Little League	\$20	\$30
Henry Co. Bank Lge. Softball	\$20	\$30
Rookie League Softball	\$20	\$30
Minor League Softball	\$20	\$30
Major League Softball	\$20	\$30
Little Cats Basketball	\$20	\$30
Wild Kittens Basketball	\$20	\$30
Kiddy Cats Basketball	\$20	\$30
Flag Football	\$20	\$30
	(Rates)	
Activity	Resident	Nonresident
Intramural Basketball	\$20	\$30
Tennis Lessons/League	\$20	\$30
Soccer	\$20	\$30
Safety City	\$10	\$15
Outdoor Education Program		
(per activity)	<mark>\$5</mark>	<mark>\$5</mark>

.,,

- **Section 5.** That, Sections 955.19 of the Codified Ordinances, as existed prior to the enactment of this Ordinance, is repealed.
- **Section 6.** 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 7.** 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 8.** This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that this Ordinance is required to be immediately effective in order to timely process the fees for the summer sessions; wherefore, this Ordinance shall be in full force and effect immediately upon its passage..

Passed:	
	Travis B. Sheaffer, Council President
Approved:	
	Ronald A. Behm, Mayor
VOTE ON PASSAGE Yea Nay Attest:	Abstain
Gregory J. Heath, Clerk/Finance Director	
I, Gregory J. Heath, Clerk/Finance Director that the foregoing Ordinance No. 021-15 was duly punewspaper of general circulation in said City, on the	ublished in the Northwest Signal, a
; & I further certify the compliance with rule Codified Ordinances Of Napoleon Ohio and the laws Meetings.	les established in Chapter 103 of the
	Gregory J. Heath, Clerk/Finance Director

# City of Napoleon Parks and Recreation Department

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

### Memorandum

To: Monica Irelan, City Manager

From: Tony Cotter, Director of Parks and Recreation

Date: *March 31, 2015* 

Subject: Outdoor Education Program Fee Recommendation

At their February meeting, the Parks and Recreation Board recommended the implementation of Outdoor Education Programming. This new programming would consist of various educational activities that teach subjects related to nature and the ecosystem utilizing local parks and their natural areas. The ages that these programs will be offered range from small children to adults. Attached, is a brief description of the program offerings.

The Board has also recommended that a \$5.00 per person fee be charged to participate. This fee would cover the costs of class materials as well as the costs for the instructor.

I am requesting that this recommendation be placed on City Council's agenda for their approval. If you have any questions or would like additional information, please let me know.

cc.: Greg Heath, Finance Director
Trevor Hayberger, Law Director

### Napoleon Parks and Recreation – Outdoor Education Description of Programs

**Habitat Hike** - Many critters call the local ecosystems in our parks, home. You may be surprised, however, to learn some of the requirements these critters need to survive. Learn all about what makes up a habitat and how our parks can serve as the perfect place for so many different types of organisms.

**Tracking Down Adventure** – Are you ready to track down some adventure? Learn about local mammals and the prints they leave behind. Have fun learning about the mammals by feeling animal coats in this fun, hands on, sensory program.

**Protecting Pollinators** - Learn about how hard nature works to produce your food, specifically how important pollinators are and how they make the world turn. Discover some of the concerning threats facing our pollinators and some of the actions you can take to help.

**Batty about Bats** - Let's learn about one of nature's most misunderstood creatures. Bats are amazing and are so important for both food production and insect control. Explore all these benefits of bats and participate in fun batty activities. Learn about bat boxes and other conservation efforts you can take part in to help your new friends.

**Feathery Friends** - Take an adventure of discovery into the world of birds and learn about the amazing science behind flight. Find out what it takes for birds to make their long migration journeys each year and then step outside to learn to identify some of your local birds.

**Nature by Bike** – Bring your bike to Oakwood Park and use the trails to participate in a guided tour. Come explore the park in a new and exciting way. All levels of biking expertise welcome.

**Up with the Birds (Series)** - Join local naturalist in searching for one of nature's most colorful creatures and start your morning off with a beautiful nature walk. All those who arrive bright and early will receive coffee and doughnuts to help start your day off right.

**Twilight Nature Hike** - Come explore your local Napoleon Park as the sun goes down to learn about what comes out at night. Learn some neat tricks on identifying which animals may be living in your backyard by the tracks and signs they leave behind. The forest comes alive after dark, come and be a part of it.

**Pooches in the Park** - Bring your pooch to the park and go on a nature hike! Please make sure your dog is up to date on shots, properly vetted, and is well socialized with other dogs. Learn how to better enjoy your park with your favorite furry pal.

**Bug Bonanza** - Come explore the world of bugs and find out the important roles they play. Discover which bugs help us, which bugs can harm us, and which bugs are just plain ugly.

**Bike and Bird** - Bring your bike and helmet and a sense of adventure. Use the bike trails around Oakwood Park to search for bids and enjoy a nice, leisurely bike ride. Bring your family; this ride is for all ages. All levels of birding experience welcome.

**Water Works** - Discover the journey that a drop of rain takes! Explore the water cycle and all of the fantastic features of water and have fun doing it.

**Flower Power -** Explore what it means to be a flower and why they are important. Discover the pollinators in our area and how they help us by creating the food we eat.

**Here Comes the Bloom** - Meet with a naturalist at one of the Napoleon parks to discover what plant species are waking up and starting to bloom. Also enjoy beautiful wildlife and the thrill of being outside after the long winter months.

### **RESOLUTION NO. 022-15**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO SUBMIT AN APPLICATION TO THE NORTHWEST OHIO EDUCATIONAL SERVICE CENTER FOR FINANCIAL ASSISTANCE TO PROVIDE EXTENDED LEARNING OPPORTUNITIES INVOLVING THE ENVIRONMENT; AND DECLARING AN EMERGENCY

**WHEREAS**, the Northwest Ohio Educational Service Center provides financial assistance to local governments for the purpose of providing extended learning opportunities involving the environment; and,

**WHEREAS**, the City of Napoleon will implement an Outdoor Education Program as a component of its Park and Recreational activities; and

**WHEREAS**, the City of Napoleon desires to participate in the Northwest Ohio Education Service Center Program to receive financial assistance for the Outdoor Education Program; now therefore,

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

- Section 1. That, the City Manager is authorized to sign and submit an application to Northwest Ohio Educational Service Center for financial assistance for the Outdoor Education Program and other Parks and Recreational services .
- Section 2. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.
- Section 3. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.
- Section 4. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for the application to be timely filed for consideration, funds to be used, if received, for public improvements related to public peace, health 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:		

	Travis B. Sheaffer, Council President
Approved:	Donald A. Dahar Massar
	Ronald A. Behm, Mayor
VOTE ON PASSAGE Yea Na	ay Abstain
Attest:	
Gregory J. Heath, Clerk/Finance Director	
I, Gregory J. Heath, Clerk/Finance Direction that the foregoing Resolution No. 022-15 was do newspaper of general circulation in said City, o	
; & I further certify the compliance with Ordinances Of Napoleon Ohio and the laws of t	rules established in Chapter 103 of the Codified the State of Ohio pertaining to Public Meetings.
	Gregory J. Heath, Clerk/Finance Director

# City of Napoleon Parks and Recreation Department

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

### Memorandum

To: Monica Irelan, City Manager

From: Tony Cotter, Director of Parks and Recreation

Date: *March 31, 2015* 

Subject: NWOESC Grant Funding

As part of the new Outdoor Education program, the Parks and Recreation Department would like to apply for grant that will provide financial assistance for an after school component of the program. The Northwest Ohio Educational Service Center provides funding through their 21<sup>st</sup> Century Community Learning Center grants. This grant supports the creation of community learning centers and provides academic enrichment opportunities during non-school hours for children. A total of \$125.00 per participant is provided up to \$2,000.00.

I am recommending that we enter into an agreement with NWOESC for financial assistance and ask that it be placed on City Council's agenda for their review and approval. The agreement is attached. If you have any questions or would like additional information, please let me know.

cc.: Greg Heath, Finance Director
Trevor Hayberger, Law Director

### Service Agreement

#### Between

### **Northwest Ohio Educational Service Center**

### And City of Napoleon

255 W. Riverview

Napoleon, OH 43545

This is an agreement between City of Napoleon and Northwest Ohio Educational Service Center (NwOESC). City of Napoleon will be referred to as "First Party" throughout this agreement. The First Party agrees to provide the following services during the period indicated below.

### 21st Century-Napoleon MS/HS

Extended learning opportunities involving the environmental services will be provided by the First Party to all students in the 21st Century Program at Napoleon Schools.

Personnel of the First Party will provide 16 student sessions. All resources, material, and travel expenses of the First Party's personnel for these sessions will be included in the contract amount.

Services to be scheduled as mutually agreed upon as part or NwOESC's 21st Century Program. Any sessions missed will be rescheduled. Any sessions not rescheduled will result in a reduction of the total payment under this contract pro-rated to the number of sessions provided.

**Beginning Date:** 3/1/15 **Ending Date:** 6/19/15

**Amount for** \$2,000.00 Maximum based on 16 student sessions at \$125 each.

Service:

**Invoice Date:** Invoices to be submitted at the end of each month for actual services provided during that month.

This agreement may be terminated prior to the ending date by either party upon thirty (30) days written notice of intent to terminate. In the event of early termination the invoice for services shall be prorated based on the amount of service provided.

The First Party will maintain professional or commercial (whichever is applicable) liability insurance coverage for the assigned service agreed to in this agreement while rendering services to NwOESC. Such liability insurance coverage shall have limits of no less than One Million Dollars (\$1,000,000) per occurrence and One Million Dollars (\$1,000,000) in aggregate. The First Party shall obtain from its insurance carrier and provide NwOESC proof of the required coverage at all times with a current certificate of insurance.

To the extent permissible by law, the First Party assumes full responsibility and agrees to indemnify and hold harmless NwOESC from any and all liabilities, damages, causes of action, injuries and costs, including attorney fees, arising out of, or due to, the acts or omissions of the First Party, its representatives, agents, employees, and contracted servants.

This agreement constitutes the entire agreement between the parties with respect to the services designated herein. There are no provisions, terms, conditions, or obligations other than those contained herein, and this agreement shall supersede all previous communications, representations, or agreements, whether verbal or written, between the parties or their representatives. Any subsequent agreement between the parties is a separate and distinct agreement and not a renewal hereof.

City of Napoleon	Northwest Ohio Educational Service Cen	ter
Board President or Chief Executive Officer	Board President	
Treasurer/Chief Financial Officer Date:	Treasurer/Chief Financial Officer Date:	6086

#### **RESOLUTION NO. 023-15**

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FOR THE REBUILD OF MECHANICAL SCREEN #1 FOR THE WASTEWATER TREATMENT PLANT, WHICH WAS INCLUDED IN THE 2015 MASTER BID RESOLUTION; AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH HYDRO-DYNE ENGINEERING INC. FOR SAID REBUILD, AND DECLARING AN EMERGENCY

**WHEREAS**, the City of Napoleon's current Mechanical Screen #1 at the Wastewater Treatment Plant is in dire need of a rebuild; and,

**WHEREAS**, the Mechanical Screen #1 is particularly outdated and there are very few companies that are capable of conducting said rebuild; and,

**WHEREAS,** a review of Hydro-Dyne Engineering Inc. uncovered that they are a manufacturer of said screens and they hold the designs, trademarks, and patents to protect this equipment, additionally the City has had experience with this Hydro-Dyne as they were the company that repaired Mechanical Screen #2 in 2011; 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 for the rebuild of Mechanical Screen #1 for the Wastewater Treatment Plant. 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 Hydro-Dyne Engineering Inc. to conduct the rebuild.
- 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 rebuild can be timely made 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; oth the earliest time permitted by law.	nerwise, it shall be in full force and effect at
Passed:	Travis B. Sheaffer, Council President
Approved:	Ronald A. Behm, Mayor
VOTE ON PASSAGE Yea Na	ıy Abstain
Attest:	
Gregory J. Heath, Clerk/Finance Director	_
that the foregoing Resolution No. 023-15 was dunewspaper of general circulation in said City, or	n the day of, rules established in Chapter 103 of the Codified
	Gregory J. Heath, Clerk/Finance Director



# City of Napoleon, Ohio

### Wastewater Treatment

735 E. Washington St., P.O. Box 151
Napoleon, OH 43545
Matthew E. Bilow, Wastewater Superintendant
Telephone: (419) 592-3936 Fax: (419) 599-8393
www.napoleonohio.com

## Memorandum

To: Monica Irelan, City Manager

From: Matt Bilow, Wastewater Superintendent

cc: Mayor & City Council

Gregory J. Heath, City Finance Director

**Date:** March 31, 2015

Subject: Mechanical Screen #1 Rebuild

The City of Napoleon's Wastewater Treatment Plant requests that the above project be Sole Sourced to Hydro-Dyne Engineering. The funds for this project were included and approved in the 2015 Budget.

The Mechanical Screens have been in service since 1997. In March of 2011, Mechanical Screen #2 failed and could not be repaired on-site. Hydro-Dyne Engineering did the unscheduled rebuild of the Screen with excellent results.

Mechanical Screen #1 is at the end of its service life and experiencing mechanical issues that cannot be repaired by plant staff. The screens are a very important part of our process and scheduling the repair will expedite the process.

I am requesting that Council approve the Sole Sourcing of this project to rebuild Mechanical Screen #1 at a cost of \$62,500.00.

#### **RESOLUTION NO. 018-15**

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FOR THE PURCHASE OF AN UPDATE TO THE SCADA MASTER STATION, WHICH WAS NOT INCLUDED IN THE 2015 MASTER BID RESOLUTION; AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SURVALENT TECHNOLOGY FOR SAID UPDATE, AND DECLARING AN EMERGENCY

**WHEREAS**, the City of Napoleon's current Supervisory Control and Data Acquisition (SCADA) Master Station is in dire need of upgrading; and,

**WHEREAS**, the SCADA Master Station is very specialized and there are very few providers of such a system; and,

**WHEREAS,** a review of the limited providers revealed that Survalent Technology could provide a station that could integrate with the City of Napoleon's other systems and functions; 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 for the update of the SCADA Master Station. 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 Survalent Technology to conduct the update.
- 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 update can be timely made 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:	
	Travis B. Sheaffer, Council President
Approved:	Ronald A. Behm, Mayor
	Ronald A. Benni, Mayor
VOTE ON PASSAGE Yea Nay	Abstain
Attest:	
Gregory J. Heath, Clerk/Finance Director	-
that the foregoing Resolution No. 018-15 was duly newspaper of general circulation in said City, on t	the day of, ules established in Chapter 103 of the Codified
Orainances Of Napoleon Onto and the laws of the	e State of Onto pertaining to Fublic Meetings.
	Gregory J. Heath, Clerk/Finance Director



## City of NAPOLEON, Ohio

255 West Riverview Avenue • P.O. Box 151
Napoleon, Ohio 43545-0151
Phone: (419) 592-4010 • Fax: (419) 599-8393
Web Page: www.napoleonohio.com

February 23, 2015

Superintendent Dennis P. Clapp

Supervisors
Mike Dietrich

Substations Todd R. Wachtman Nikk K. Hogrefe Mr. Dennis Clapp Electric Department Superintendent

I would like to make a recommendation to purchase a Supervisory Control And Data Acquisition (SCADA) Master Station from Survalent Technology for the City of Napoleon Electric Department. My recommendation is based on technical merit, industry direction, and integration.

The current SCADA system used by department personnel was purchased and placed in service in 1999. The SCADA system is comprised of two main components: a Master Station consisting of a dedicated server; and Station RTUs that operate at each remote substation. The Master Station is the component that has been targeted for an upgrade.

On technical merit, the Master Station specified by Survalent Technology meets all criteria to function in a modern SCADA system. Their fully developed package includes real-time interactive map displays, data reporting and exporting, and remote alarm notifications.

On industry direction, Survalent Technology supports current trends in the SCADA industry including mobile platforms and server virtualization. Napoleon is leveraging these same technologies in other areas of its corporate infrastructure.

On integration within Napoleon, Survalent Technology has developed solutions for integrating IVR, GIS, and AMI information. Napoleon is now entering these technology areas and could see further benefit from integrating these systems with the SCADA system.

Based on my research into these and other critical areas, it is my recommendation to purchase a SCADA Master Station from Survalent Technology at a cost of \$74,300.

Todd Wachtman

Substation Specialist

Toold Walkman

### **Current SCADA System**

### **Upgrades Needed**

### What it is

SCADA (Supervisory Control and Data Acquisition).
Comprised of 1 Master
Station and 4 RTUs (Remote Terminal Unit).

### What it does

24/7 monitoring and control of Napoleon's 3 distribution and 1 transmission substations.

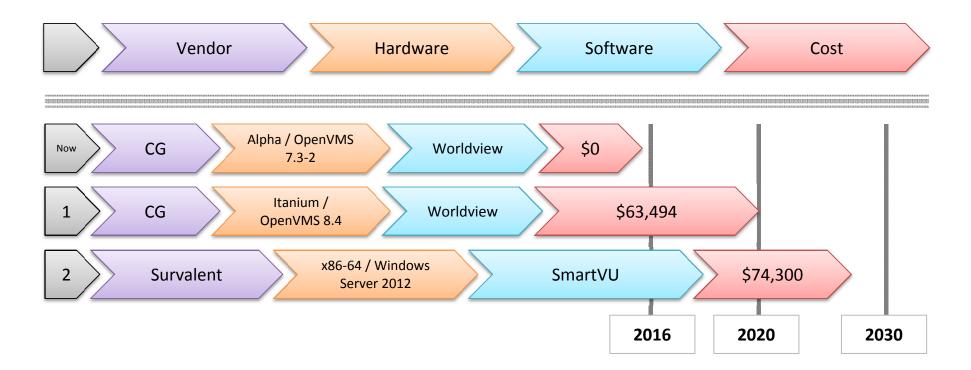
### Hardware

Master Station hardware installed circa 1999. Life expectency 11.41 years. This will be 16th year in continuous operation.

### **Operating System**

OS roadmap reaches Mature Product Support without Sustaining Engineering (MPS w/o SE) in 2016.

### All the Options



### **RESOLUTION NO. 019-15**

A RESOLUTION AUTHORIZING ENROLLMENT IN THE OHIO RURAL WATER ASSOCIATION 2016 WORKER'S COMPENSATION POOL, AND AUTHORIZING THE EXPENDITURE OF FUNDS AND DIRECTING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICE CONTRACT WITH COMPMANAGEMENT, LLC, A WORKER'S COMPENSATION ADMINISTRATOR

**WHEREAS**, the City in 2015 belonged to the Ohio Rural Water Association Worker's Compensation Pool; and,

**WHEREAS**, the City in 2015 desires to remain for the remainder of the year 2015 and for the entire year of 2016 in the Ohio Rural Water Association Pool; and,

**WHEREAS**, the State of Ohio allows for "pooling" with other entities to obtain savings in worker's compensation; and,

**WHEREAS**, the City desires to contract for Worker's Compensation Administration of its claims, **NOW THEREFORE**;

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

- Section 1. That, the City's Finance Director is authorized and directed to enroll the City in the 2016 Ohio Rural Water Association Worker's Compensation Pool and continue in the Pool for the remainder of the year 2015.
- Section 2. That, the City finds it necessary and therefore authorizes the expenditure of funds in an amount of three thousand, one hundred ten dollars (\$3,110.00) for a professional service contract with CompManagement, LLC., a Sedwick Company, Cleveland, Ohio, referred to as a Worker's Compensation Administration Service. If additional amounts are required to cover the remainder of the year 2015, the same is hereby authorized.
- Section 3. That, the City Manager is authorized and directed to enter into a Contract for professional services for Worker's Compensation Administration services with CompManagement LLC substantially in the form as found in City Contract No. "to be assigned", subject to amendments as she deems necessary or, in the alternative, utilize the automatic renewal provision as found in the Contract.
- Section 4. 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 5. 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 6. That, this Resolution take effect at the earliest possible time permitted by law.

Passed:	
	Travis B. Sheaffer, 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 Directo foregoing Resolution No. 019-15 was duly published circulation in said City, on the day of	
	Gregory J. Heath, Clerk/Finance Director

Workers Comp Pool - 01919 Page 2 – Resolution No. 019-15

#### **GROUP RATING AGREEMENT**

and City Of Napoleon ("Client"), Policy No. 33505502

with a mailing address and fax number of POB 151, Napoleon, Ohio 43545 (419) 599-8393.

Client has insured its employees for workers' compensation coverage as required by federal or state laws and regulations.

Client is a member in good standing of **Ohio Rural Water Association** (the Sponsoring Organization) and the Sponsoring Organization requires the services of an administrator to establish, operate and process claims filed on behalf of its members' workers' compensation group rating program for the policy period commencing January 1, 2016 and ending December 31, 2016 (the Program).

CompManagement administers and processes claims on behalf of employers subject to workers' compensation laws and regulations of the State of Ohio, the Ohio Industrial Commission, and the Ohio Bureau of Workers' Compensation (OBWC). In order to comply with the requirements of the Program, Client desires to have CompManagement administer and process the claims submitted against Client, and CompManagement desires to provide such services.

#### STATEMENT OF AGREEMENT

Now, therefore, it is agreed as follows:

#### 1. AUTHORIZED REPRESENTATIVE

- 1.1 Client acknowledges that the Sponsoring Organization has designated CompManagement as the Third Party Administrator (TPA) to establish, coordinate and administer the Program, including, but not limited to, receiving, processing and examining claims filed against Client. Client reserves the right to engage the services of an attorney for such claims-related matters in which such representation would be appropriate.
- 1.2 Client hereby grants to CompManagement on its behalf the necessary authority to execute action on any documents which may be required in order to carry out the obligations of this Agreement. CompManagement shall use reasonable efforts (as defined by CompManagement) to consult with Client regarding matters which require a Client decision. In the event CompManagement is unable to reach Client, Client agrees CompManagement may take any actions in such circumstances.
- 2. INDEPENDENT CONTRACTOR. In performing services pursuant to this Agreement, CompManagement shall be acting as an Independent Contractor of Client, and not as an employee or agent of Client.
- 3. SERVICES. In administering and processing claims submitted under the Program, CompManagement shall provide the following Standard Services:
  - 3.1 review status of claims and rate histories to determine eligibility for participation in current and future group plans (entry requirements are determined by the Sponsoring Organization);
  - 3.2 record all relevant claim information received from Client and forward all correspondence to the appropriate agency for processing;
  - 3.3 confer with Client as to disputed cases, and contact the claimant, medical provider(s), and/or the involved state agencies as appropriate;
  - 3.4 review all lost time claims to determine if all awards and reserves are made within the rules and regulations of the OBWC, requesting corrections in those cases where overpayments or incorrect reserves have been established, to the extent that such errors, when corrected, will result in favorable rate changes and/or refunds;
  - 3.5 review all lost time claims to determine if "handicap refund," "second injury fund," or other cost relief is due Client;
  - 3.6 review all claims to determine if rehabilitation intervention is appropriate (costs relating to such intervention must be preapproved by Client and shall be Client's responsibility);
  - 3.7 upon authorization of Client, arrange for an independent medical exam of claimant(s), the costs of such exam being the responsibility of Client;
  - 3.8 maintain, within its offices, such records as are necessary to verify Client has assigned rate(s), including but not limited to, data processing files and actuarial records, which shall be the property of CompManagement;
  - 3.9 confer with Client regarding any changes to or actions necessary for a given claim, including arranging for representation at agency hearings as required;
  - 3.10 report to Client, through personal contact or special bulletins, any changes in procedures produced by legislative or administrative revisions; and

- 3.11 other services listed on Exhibit A, if any is attached to this Agreement.
- REPORTS. Upon reasonable request of Client, CompManagement shall provide Client with special reports pertaining to certain claims.
- 5. Loss Prevention Services. CompManagement shall assist Client in developing a consistent program to insure the quality control aspects of medical treatment for injured employees, and to insure full disclosure of medical facts for the determination of compensability. CompManagement shall also consult with the Sponsoring Organization regarding Accident Prevention, Safety Practices, Specific Code Requirements, and other matters relating to workers' compensation in order to reduce the number of work-related injuries and diseases.
- 6. OBLIGATIONS OF CLIENT. During the term of this Agreement, Client shall comply with all of the terms and conditions set forth in this Agreement, and all policies, protocols, acceptance criteria, accident prevention programs, claims management programs, and rules and regulations of the Program, including without limitation the following:
  - 6.1 Client shall comply with all statutes and regulations of the State of Ohio, whether currently in force or enacted in the future, that apply to the Program, including but not limited to the OBWC group rating rules (Ohio Admin. Code 4123-17-61 through 4123-17-68). Client accepts sole responsibility for understanding and complying with these rules.
  - 6.2 Client shall distribute claims forms to employees and medical suppliers as necessary.
  - 6.3 Client shall submit to CompManagement all claims applications, supporting documentation, and follow-up correspondence it receives pertaining to a claim filed against it.
  - 6.4 Client shall implement accident and safety programs established by the Sponsoring Organization or CompManagement or under the Program for the purpose of reducing injuries and to comply with the OBWC group rating requirements.
- 7. PROGRAM PARTICIPATION. Client acknowledges that the Sponsoring Organization or CompManagement may from time to time promulgate new rules and regulations as are reasonably justified. Client represents, warrants and covenants that it is in compliance with the following OBWC participation requirements or that, as of the date indicated below, it shall be in compliance with such requirements:
  - 7.1 Client is and must remain a member in good standing with the Sponsoring Organization during the policy period.
  - 7.2 Client has not applied to more than one group plan for the policy period.
  - 7.3 Client is current (not more than forty-five (45) days past due) on any and all disputed premiums, assessments, penalties, or any other monies otherwise due to any fund administered by the OBWC, including retrospective rating as of the group rating application deadline.
  - 7.4 If Client is participating in a partial payment agreement for premiums or assessments, as of the group rating application deadline, they must be current on payments due to the Attorney General's office.
  - 7.5 Client does not have cumulative lapses in workers' compensation coverage in excess of fifty-nine (59) days within the eighteen (18) month period before the group rating application deadline. However, the same cumulative lapse period will not be used to disqualify an employer for more than one (1) year.
  - 7.6 Client is in active status for workers' compensation premium purposes as of the group rating application deadline and must remain in active status through the beginning date of this Agreement.
  - 7.7 Client submits a fully completed original AC-26 Employer Statement for Group Rating Plan executed by a corporate officer, partner, or owner. CompManagement additionally requires execution and receipt of this signed Agreement. Lack of either item or further information which may be requested by CompManagement shall constitute just cause for refusal by CompManagement, with or without notification to the employer, to further process the employer for the group rating program.

#### 8. CLIENT DISCLOSURE; PROHIBITED PRACTICES

- 8.1 Client acknowledges that, as part of the enrollment process, it has made representations to CompManagement regarding its past and present status as a Professional Employer Organization or Employment Leasing Operation. Further, Client has made representations to CompManagement as to any past merger, acquisition, reorganization, consolidation or any other business activity that involves the potential combination by the OBWC of Client with other workers' compensation risk accounts. Client understands that this information has been sought to permit CompManagement to evaluate the potential impact that successorship and resulting risk combination by the OBWC could have upon the Program. Client agrees that its application and acceptance into the Program are based upon its represented operating structure and resulting OBWC claim history at the time of application and enrollment.
- 8.2 Client does not currently operate, and does not intend to change its operations to perform, as either a Professional Employer Organization or Employment Leasing Operation, and has not, prior to this Agreement, leased its employment force from a leasing company. Client further recognizes that any false representation or failure to disclose material information regarding employee leasing will result in an obligation to reimburse the Program and/or Participating Members for the negative financial impact of any successorship imposed by the OBWC on Client. Furthermore, in such case, CompManagement shall seek to have Client removed from the Program and the Group. Client agrees that, during the term of this Agreement, it will not change from the current business structure to operating as a Professional Employer Organization or Employment Leasing Operation as defined by the OBWC.
- 8.3 Client agrees that, during the term of this Agreement, it will not be involved in a merger, acquisition, reorganization, consolidation, or any other activity that will result in the OBWC finding that that Client is a succeeding employer, with negative financial impact on the Program. Client agrees to give written notice to CompManagement ninety (90) days in advance of any such action so that a determination may be made as to the effect on the Program.

- 8.4 Client agrees that it will be liable for and pay to a fund held by CompManagement, or its designee, an amount equal to any additional premiums imposed by the OBWC on the Program and/or Participating Members, for any Program year, due to a successorship imposed by the OBWC on Client. This fund will be distributed on an equitable basis to Participating Members that paid additional premiums to the OBWC for the policy period. Client further agrees to assume its own liabilities arising from its action, including all losses, costs and expenses.
- 9. GROUP RATE. Client understands that the group rate must be estimated in advance of the policy period and is based upon the most recent policy period, and the actual group rate will vary depending upon multiple factors. Client is solely responsible for any assessments of premiums owed to the OBWC. In no event shall CompManagement or the Sponsoring Organization be held liable for premiums or additional monies owed by Client due to rate changes calculated by the OBWC.
- 10. GROUP PARTICIPATION. Client understands that participation requirements of the Program are solely determined by the Sponsoring Organization, with consultations from its consultants including but not limited to CompManagement. While it is the intention of the Program to accept and retain as many applicants as possible, acceptance is contingent upon a final review by CompManagement and compliance by Client and other Participating Members with the group rating rules and regulations of the OBWC and the requirements of the Program and this Agreement. The Sponsoring Organization, at its discretion, may rescind the program invitation and declare this Agreement null and void by giving Client notice before the filing of the program application with the OBWC. Client acknowledges that it shall have no right to continued participation in any successor group formed for any period after the initial term of this Agreement. Such continued participation shall be determined on a case-by-case basis by CompManagement in its sole discretion in consultation with the Sponsoring Organization.
- 11. ALLOCATION OF SAVINGS. Under circumstances deemed appropriate by the Sponsoring Organization, the plan administrator reserves the right to convert this Agreement to a pooled savings distribution method to equalize savings to plan participants. Under this method, Client agrees that the Sponsoring Organization, at its own discretion, may establish a savings pool, which would equitably redistribute plan savings among members.
- 12. TERM. The initial term of this Agreement shall be from January 1, 2016 through December 31, 2016 with the exception Section 8, which shall survive termination of this Agreement. The Agreement shall renew itself at the end of the contractual period for successive one (1) year periods to furnish services that are the subject of the contract as applied to successive policy terms, subject to Client's ability to meet the renewal criteria established by the program and the OBWC, including the payment of dues, service fees and pooling adjustments (if applicable), unless Client provides at least 30 days written notice to CompManagement, prior to each expiration date, of its intent not to renew.
- 13. TERMINATION. Client may not terminate this Agreement or withdraw from the Program without the prior written consent of CompManagement and the Sponsoring Organization, either of which, Client acknowledges, may deny such consent for any reason it deems appropriate. In the event that it is determined by a court, a governmental agency, or CompManagement that the Program fails to meet the requirements for group rating plans or that Client fails to meet the requirements (whether under Ohio law or the standards of CompManagement or the Sponsoring Organization) for participation in the Program, this Agreement shall be automatically terminated, and CompManagement and the Sponsoring Organization shall have no liability to Client for any losses or damages arising from or relating to such failure; provided that CompManagement shall refund a portion of the annual fee pro-rated on the number of months remaining in the term of this Agreement. Client acknowledges that in the event of termination, neither the Sponsoring Organization, nor CompManagement, nor their members, directors, agents, agencies, assigns, affiliates, and/or subsidiaries shall have any liability out of terms and services as provided in this Agreement.
- 14. PAYMENT FOR SERVICES. Client shall pay to CompManagement for Standard Services, Reporting Services, Loss Prevention Services and CompManagement's other obligations under this Agreement, an annual fee which has been jointly approved and adopted by the Sponsoring Organization and CompManagement. CompManagement will provide to Client, not less than thirty (30) days before the expiration date of any contractual period, written notice of the service fees for the next succeeding term. All fees are payable within thirty (30) days of invoice date.
- 15. Non-STANDARD SERVICES. Non-standard services shall include any service not described above. Client may request non-standard services, and CompManagement shall promptly advise whether or not CompManagement is able and desires to provide such service and the fee required for such services.
- 16. CONFIDENTIALITY/NON-SOLICITATION. It is understood and agreed that all statistical, financial and personnel data relating to Client and any of its employees provided to CompManagement by Client, or any employee thereof, pursuant to this Agreement is confidential, and CompManagement and its employees shall keep such information in the strictest confidence except to the extent necessary to perform the services to be rendered hereunder.

The parties agree that they will not employ any person employed by the other during the term of this Agreement and for a period of one (1) year following its termination, without the prior consent of the other party, except in instances in which this provision is otherwise overridden by Ohio law.

- 17. WAIVER. The failure of any party to this Agreement to object to, or take affirmative action with respect to, any conduct of the other which is in violation of the terms of this Agreement shall not be construed as a waiver of the violation or any future breach or subsequent wrongful conduct.
- 18. PENALTIES. All penalties or fines assessed by any federal, state or local regulator shall be paid by the party responsible for the assessment of the penalty or fine.
- 19. NOTICES. All notices and communications under this Agreement shall be personally delivered, sent by U.S. certified mail, postage prepaid, return receipt requested, or by fax with confirmation of receipt, to the other party at the address or fax number

- set forth at the beginning of this Agreement, or to such other addresses as either party may instruct by notice, and shall be deemed received when so delivered.
- 20. PRACTICE OF LAW. The practice of law is governed by the Supreme Court of the State of Ohio. Third party administrators such as CompManagement are prohibited from providing services that would constitute the unauthorized practice of law. All services provided under this Agreement shall not be in violation of the rules and regulations promulgated to govern the unauthorized practice of law. Pursuant to current and future rules and regulations, CompManagement shall not provide any services that are construed to constitute the unauthorized practice of law.
- 21. APPLICABLE LAW; BINDING EFFECT; ASSIGNMENT. This Agreement shall be governed by the laws of the State of Ohio, and shall be binding upon and inure to the benefit of the parties and their respective successors and assigns and may not be changed orally but only in writing signed by the parties. Client may not assign this Agreement without the prior written consent of CompManagement.
- 22. MISCELLANEOUS. Client acknowledges and agrees that no representations or warranties were made by CompManagement to induce Client to enter into this Agreement, except for those representations and warranties contained in this Agreement. If any provision of this Agreement shall be held invalid, illegal or unenforceable, the validity, legality or enforceability of the other provisions hereof shall not be affected thereby, and there shall be deemed substituted for the provision at issue a valid, legal and enforceable provision as similar as possible to the provision at issue. This Agreement may be executed in one or more counterparts, each of which when so executed shall be deemed an original, but all of which together shall constitute one and the same instrument. The Sponsoring Organization and the other Participating Members shall be deemed to be third party beneficiaries of this Agreement, and as such, the Sponsoring Organization and the other Participating Members shall have all rights and benefits accruing to them as set forth in this Agreement. Except as set forth in the preceding sentence, nothing contained in this Agreement shall be construed as creating any rights or benefits in or to any other party.
- 23. On January 1, 2016, this Agreement will terminate and replace the Agreement between the parties which commenced January 1, 2015 and ended December 31, 2015.
- 24. Entire Agreement. This Agreement, including the Attached Exhibit(s) if any, constitutes the entire understanding between the parties concerning its subject matter. All prior negotiations and agreements of the parties with respect to any of the duties and obligations set forth in this Agreement are merged into this Agreement. There are not other agreements or understandings between the parties, express or implied, written or oral, that are not reduced to writing herein.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

#### **SIGNATURES**

CompManagement, LLC		Employer: City Of Napoleon
By: Yeph	anie & Milloud	By:
Printed:	Stephanie B. McCloud	Printed:
Title:	Sr. Vice President	Title:

Policy No. 33505502



# 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:** Monica Irelan, City Manager

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

cc: Mayor & City Council

Gregory J. Heath, City Finance Director

Jeff Rathge, Operations Superintendent

**Date:** April 6, 2015

**Subject:** Sanitary Sewer Cleaning

Recommendation of Award

On Wednesday, March 18, 2015, bids were opened and read aloud for the above referenced project. Five (5) bids were submitted; four (4) bids were read as follows:

Advanced Rehabilitation Technology	Year 1	\$81,097.00
	Year 2	\$79,296.00
	Year 3	\$83,470.00
United Resource, L.L.C.	Year 1	\$92,975.00
	Year 2	\$71,816.10
	Year 3	\$83,037.30
AAA Flexible Pipe	Year 1	\$94,573.00
_	Year 2	\$92,867.50
	Year 3	\$100,701.70
Pipeline Management Co.	Year 1	\$102,491.50
	Year 2	\$82,640.50
	Year 3	\$92,031.50

The published Engineer's Estimate for each year is \$90,000.00. This project consists of cleaning various sections of the sanitary sewer collection system. Having reviewed the submitted bids, it is my recommendation that Council award Advanced Rehabilitation Technology the contract for the Sanitary Sewer Cleaning Project for Year 1 in the amount of \$81,097.0, Optional Year 2 in the amount of \$79,296.00, and Optional Year 3 in the amount of \$83,470.00. If you have any questions or require additional information, please contact me at your convenience.

CEL



# 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 E-mail: gheath@napoleonohio.com

DATE:

March 26, 2014

TO:

Members of City Council Ronald A. Behm, Mayor Monica Irelan, City Manager

Trevor M. Hayberger, City Law Director

Robert Weitzel, Police Chief Tony Druhot, Acting Fire Chief

FROM:

Gregory J. Heath, Finance Director/Clerk of Council

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, 2015, 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 4, 2015.

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

Attachments



John R. Kasich, Governor Andre Porter, Director

# NOTICE TO LEGISLATIVE AUTHORITIES Re: Permit Renewal Objections

35-088

MARCH 13, 2015

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**, **2015**. 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 4, 2015.

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 <a href="https://www.com.obio.gov/liqr">www.com.obio.gov/liqr</a> 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 <a href="https://www.com.ohio.gov/liqr">www.com.ohio.gov/liqr</a>, 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

Licensing Renewal Section 6606 Tussing Road PO Box 4005 Reynoldsburg, OH 43068-9005 U.S.A. 614 | 644 3162 Fax 614 | 644 6968 TTY/TDD 800 | 750 0750 www.com.oblo.gov/liqr



# Department of Commerce

Division of Liquor Control

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

6606 Tussing Road Reynoldsburg, OH 43068-9005

www.com.ehio.gov

# Objections (to new permit, or transfer of ownership and/or location of an existing permit):

Who can file an objection?

- Local legislative authority (city council if within a municipal corporation, or township trustees and county commissioners);
- Public institutions (schools, churches, libraries, public playgrounds and township parks) within a 500-foot radius of the proposed permit premises.

Once notified by the Division, the local legislative authority and/or public institutions have 30 days to submit their objection and request a hearing. Only the local legislative authority may request an extension beyond 30 days.

### Permit Renewal Objections:

Only the local legislative authority can object to annual permit renewals by taking the following actions:

- Adopt a resolution stating the reason for objecting and forward a copy to the Division no later than 30 days before the expiration date of the permit;
- Provide a statement to accompany the resolution from the chief legal officer stating that they have reviewed the resolution and that, in their opinion, it is based on substantial legal grounds.

Requests for hearing should be mailed to:

Ohio Department of Commerce Division of Liquor Control Licensing Office 6606 Tussing Rd. P.O. Box 4005 Reynoldsburg, Ohio 43068-9005

#### Concerned Citizens:

Citizens cannot file objections directly, but can make their concerns known to their local legislative authority and ask that they object and request a hearing. See the following for community options for dealing with a problematic liquor permit establishment: http://com.ohio.gov/liqr/docs/liqr\_ProblemPremises.pdf

#### Hearing Procedure:

- Hearings are held at the Division's offices in Reynoldsburg, the county seat of the permit holder/applicant, or via video conference where available.
- The objector must appear for the objection to be considered. The hearing is public and citizens may attend but cannot present evidence or provide testimony unless designated to do so by the objector or permit holder/applicant.
- An attorney from the Division conducts the hearing, but does not make a decision. A report is submitted to the Division's superintendent who decides whether to overrule or sustain the objection.
- The permit holder/applicant or legislative authority can appeal the decision to the Ohio Liquor Control Commission (http://www.lcc.ohio.gov/). Public institutions have no legal right to appeal the Division's decision.

#### Evidence:

The Division's decision are guided by statutes, rules and legal cases. Evidence must be pertinent to the advisability of granting or renewing the permit. Speculative testimony not supported by sufficient evidence has been ruled by Ohio courts to be insufficient reason not to allow a business to operate. The burden of proof is on the objecting party, and the evidence presented must be reliable, probative and substantial:

- Reliable Evidence that is dependable and can be confidently trusted;
- Probative Relevant evidence that tends to prove the issue in question;
- Substantial Evidence with some weight, importance and value.

### Statutory Bases to Sustain Objection:

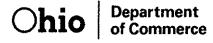
The grounds for which the Division can deny a permit or reject a permit renewal are provided in Ohio Revised Code Section 4303.292: http://codes.ohio.gov/orc/4303.292

#### Examples:

- Conviction for a crime relating to their ability to operate a liquor establishment of the applicant, any partner, member, officer, director, manager or shareholder owning five percent or more of the capital stock;
- An applicant's unfavorable enforcement record and/or operation in disregard for laws, regulations or local ordinances;
- The location of the establishment substantially and adversely interfering with the public decency, sobriety, peace, or good order of the neighborhood, or the normal, orderly conduct of a public institution;
- Saturation in the neighborhood such that the permit applied for would be detrimental to and substantially
  interfere with the morals, safety or welfare of the public.

See the Division's webstie at **www.com.ohio.gov/liqr** for more information on presenting a successful objection case. Please contact the Division's Legal Section at (614) 644-2489 with any questions regarding the objection process.

1-800-750-0750 (TTY/TDD) www.com.ohio.gov/liqr



Permit Number	Permit Name	DBA	Class	Issue Status	Date Of Action	Street1	Agcy.#	Quota Exempt Class	Site Lc.Vote
								!	Jule 2017 Die
166166	AMERICAN ROAD LLC	DBA PETRO 2 EXCLUDES QUIZNOS	D6	DRY PENDING	N/A	900 AMERICAN RD		NOT A QUOTA EXEMPT CLASS	NO
50093602314	LANE DRUG CO	DBA RITE AID DISCOUNT PHARMACY #2313	Ð6	DRY PENDING	N/A	1111 N SCOTT ST	1	NOT A QUOTA EXEMPT CLASS	NO
50420110065	LASSUS BROS OIL INC	DBA LASSUS HANDY DANDY #565	D6	DRY PENDING	N/A	& WALK IN COOLER, 1201 N SCOTT	<u> </u>	NOT A QUOTA EXEMPT CLASS	NO
5.28498E+11	LOOM LODGE0788 NAPOLEON	<u> </u>	D6	DRY PENDING	N/A	1381 OAKWOOD AV 1ST FL	635	NOT A QUOTA EXEMPT CLASS	NO
84189940680	SPEEDWAY LLC	DBA SPEEDWAY 1505	D6	DRY PENDING	N/A	904 SCOTT ST	<u> </u>	NOT A QUOTA EXEMPT CLASS	NO
8200721	631 N PERRY STREET CORP	DBA BRICK N BREW PUB	D5	ISSUED	3/4/2014	631 N PERRY ST 1ST FLR & BSMT		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	635	NOT A QUOTA EXEMPT CLASS	NO
903950300	AL POSTO300 BERT G TAYLOR		D1	ISSUED		500 GLENWOOD AV SOUTHSIDE	ļ	NOT A QUOTA EXEMPT CLASS	NO
9039503005	AL POST0300 BERT G TAYLOR	<u> </u>	D4	ISSUED		500 GLENWOOD AV NORTHSIDE	635	NOT A QUOTA EXEMPT CLASS	NO
166166	AMERICAN ROAD LLC	DBA PETRO 2 EXCLUDES QUIZNOS	C1	ISSUED	11/21/2014	900 AMERICAN RD	<u> </u>	TRANSFER EXEMPT	NO
166166	AMERICAN ROAD LLC	DBA PETRO 2 EXCLUDES QUIZNOS	C2	ISSUED	11/21/2014	900 AMERICAN RD		TRANSFER EXEMPT	NO
8984010929	BPOE LODGE0929 NAPOLEON	<u> </u>	D4	ISSUED		126 E CLINTON ST 1ST FL & BSMT	635	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	<u> </u>	TRANSFER EXEMPT	NO
14285990095	CHIEF SUPER MARKET INC	DBA CHIEF SUPER MARKET 15	D2	ISSUED	3/7/2014	1247 SCOTT ST STE 300		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	<u> </u>	NOT A QUOTA EXEMPT CLASS	YES
1514162	CITY OF NAPOLEON	DBA NAPOLEON MUNICIPAL GOLF COURSE	D1	ISSUED	7/2/2012	521 GLENWOOD AVE	4	MUNICIPAL GOLF COURSE OR STATE	E NO
39033290005	CLARK I HOGAN	DBA HAWKS	C2	ISSUED	8/12/1982	402 E WASHINGTON ST	<u> </u>	NOT A QUOTA EXEMPT CLASS	NO
39033290005	CLARK I HOGAN	DBA HAWKS	D1	ISSUED	10/1/1982	402 E WASHINGTON ST	. i	NOT A QUOTA EXEMPT CLASS	NO
22348150205	DOLGEN MIDWEST LLC	DBA DOLLAR GENERAL STORE 3222	C1	ISSUED	8/4/2011	1400 N SCOTT ST	<u>.</u>	NOT A QUOTA EXEMPT CLASS	NO
2670820	FEEL GOOD ENTERPRISES LLC	DBA TANOS PIZZA	C1	ISSUED	10/4/2004	1320 WOODLAWN AV	. i	NOT A QUOTA EXEMPT CLASS	NO
27711260006	FLATROCK BREWING COMPANY	DBA FLATROCK BREWING CO 1ST FL & BSMT ONLY	A1C	ISSUED	11/28/2014	621 N PERRY ST	ļ	NOT A QUOTA EXEMPT CLASS	NO
3373937	GREWAL BROTHERS CORP	DBA TA NAPOLEON TRAVEL CENTER	C1	ISSUED	2/1/2000	1270 INDEPENDENCE DR, PO BOX 268	<u>.L</u>	NOT A QUOTA EXEMPT CLASS	NO
3373937	GREWAL BROTHERS CORP	DBA TA NAPOLEON TRAVEL CENTER	C2	ISSUED	2/1/2000	1270 INDEPENDENCE DR, PO BOX 268	į	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	1	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	<u> </u>	NOT A QUOTA EXEMPT CLASS	NO
50420110065	LASSUS BROS OIL INC	DBA LASSUS HANDY DANDY #565	C1	ISSUED	11/18/2003	& WALK IN COOLER, 1201 N SCOTT	.1	NOT A QUOTA EXEMPT CLASS	NO
50420110065	LASSUS BROS OIL INC	DBA LASSUS HANDY DANDY #565	C2	ISSUED	11/18/2003	& WALK IN COOLER, 1201 N SCOTT		NOT A QUOTA EXEMPT CLASS	NO
5112795	LEISURE TIME WINERY LLC		AZ	ISSUED	11/6/2013	EXCL RESIDENCE PKG LOT, 16-982 CR M2	1	NOT A QUOTA EXEMPT CLASS	NO
5.28498E+11	LOOM LODGE0788 NAPOLEON		D4	ISSUED	4/11/1968	1381 OAKWOOD AV 1ST FL	635	NOT A QUOTA EXEMPT CLASS	NO
54054195641	MACS CONVENIENCE STORES LLC	DBA CIRCLE K 5641	C1	ISSUED	10/4/2007	777 SCOTT STREET	1	NOT A QUOTA EXEMPT CLASS	NO
54054195641	MACS CONVENIENCE STORES LLC	DBA CIRCLE K 5641	C2	ISSUED	10/4/2007	777 SCOTT STREET	1	NOT A QUOTA EXEMPT CLASS	NO
58998990005	MIAMI VALLEY PIZZA LLC		D1	ISSUED	5/5/2014	2240 N SCOTT ST		NOT A QUOTA EXEMPT CLASS	NO
58998990005	MIAMI VALLEY PIZZA LLC	44.00.144.00.000.00	D2	ISSUED	5/5/2014	2240 N SCOTT ST	1	NOT A QUOTA EXEMPT CLASS	NO
6268765	MYERS BLM LLC	DBA MIAMI ERIE MARKET 1ST FL	C1	ISSUED	10/18/2012	106 E HIGH ST		NOT A QUOTA EXEMPT CLASS	NO
6303598	NAPOLEON EAGLES LTD	DBA NAPOLEON EAGLES & PATIO	D1	ISSUED	2/21/2001	S39 N PERRY ST	635	NOT A QUOTA EXEMPT CLASS	NO
6303598	NAPOLEON EAGLES LTD	DBA NAPOLEON EAGLES & PATIO	D2	ISSUED	2/21/2001	539 N PERRY ST	635	NOT A QUOTA EXEMPT CLASS	NO
6303598	NAPOLEON EAGLES LTD	DBA NAPOLEON EAGLES & PATIO	D3	ISSUED	2/21/2001	539 N PERRY ST	635	NOT A QUOTA EXEMPT CLASS	NO
6303598	NAPOLEON EAGLES LTD	DBA NAPOLEON EAGLES & PATIO	D3A	ISSUED	2/21/2001	3539 N PERRY ST	635	NOT A QUOTA EXEMPT CLASS	NO
6303598	NAPOLEON EAGLES LTD	DBA NAPOLEON EAGLES & PATIO	D6	ISSUED	8/10/2010	539 N PERRY ST	635	NOT A QUOTA EXEMPT CLASS	NO
66036540030	OTTAWA OIL CO INC		Ci	ISSUED	7/15/1994	330 S PERRY ST		NOT A QUOTA EXEMPT CLASS	NO
69282280120	PILOT TRAVEL CENTERS LLC	D8A PILOT TRAVEL CENTER 303	D5	ISSUED	11/1/2007	905 AMERICAN RD	635	NOT A QUOTA EXEMPT CLASS	NO
7359485	RICKER INC		Ð5	ISSUED	2/4/2000	619 N PERRY ST 1ST Ft. & BSMT	635	NOT A QUOTA EXEMPT CLASS	NO
7359485	RICKER INC		Đ6	ISSUED	2/4/2000	619 N PERRY ST 1ST FL & BSMT	635	NOT A QUOTA EXEMPT CLASS	NO
7405275	RIVER CITY RECREATION INC		Đ1	ISSUED	3/5/1980	380 INDEPENDENCE DR	635	NOT A QUOTA EXEMPT CLASS	NO
7405275	RIVER CITY RECREATION INC		D2	ISSUED	3/5/1980	380 INDEPENDENCE DR	635	NOT A QUOTA EXEMPT CLASS	NO
7405275	RIVER CITY RECREATION INC		D3	ISSUED	3/5/1980	380 INDEPENDENCE DR	635	NOT A QUOTA EXEMPT CLASS	NO
7405275	RIVER CITY RECREATION INC		D3A	ISSUED	3/5/1980	380 INDEPENDENCE DR	635	NOT A QUOTA EXEMPT CLASS	NO
7405275	RIVER CITY RECREATION INC		D6	ISSUED	8/6/1982	380 INDEPENDENCE DR	635	NOT A QUOTA EXEMPT CLASS	NO
2223672	RIVER DOCKS INVESTMENTS LLC	1	DS	ISSUED	5/23/2014	601 E RIVERVIEW & PATIO	635	NOT A QUOTA EXEMPT CLASS	NO
2223672	RIVER DOCKS INVESTMENTS LLC	1	D6	ISSUED	5/23/2014	601 E RIVERVIEW & PATIO	635	NOT A QUOTA EXEMPT CLASS	NO
5780805	SCOTT MCMURTRIE	DBA HERMS	Cı	ISSUED	9/1/2010	734 S PERRY ST S/SIDE		NOT A QUOTA EXEMPT CLASS	NO
5780805	SCOTT MCMURTRIE	DBA HERMS	C2	ISSUED	9/1/2010	734 S PERRY ST S/SIDE	1	NOT A QUOTA EXEMPT CLASS	NO
84189940680	SPEEDWAY LLC	DBA SPEEDWAY 1505	C1	ISSUED	3/7/2011	904 SCOTT ST		NOT A QUOTA EXEMPT CLASS	NO
84189940680	SPEEDWAY LLC	DBA SPEEDWAY 1505	C2	ISSUED	3/7/2011	904 SCOTT ST		NOT A QUOTA EXEMPT CLASS	NO
9.26236E+11	VFW POST8218 LUTHER RICHARD KOLBE		D4	ISSUED	2/23/1972	1008 N PERRY ST	635	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	1	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		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		NOT A QUOTA EXEMPT CLASS	YES
9470007	WEIDEMAN INC	DBA SPENGLERS	D2	ISSUED	4/7/2003	713 N PERRY ST 1ST FL & BSMT	635	NOT A QUOTA EXEMPT CLASS	NO

LIQUOR PERMIT I	HOLDERS AS OF 03/26/2015			-	:	•			
Permit Number	Permit Name	DBA	<u>Class</u>	Issue Status	Date Of Action	Street1	Agcy.#	Quota Exempt Class	Site Lc.Vote
9470007	WEIDEMAN INC	DBA SPENGLERS	D2X	ISSUED	4/7/2003	713 N PERRY ST 1ST FL & BSMT	635	NOT A QUOTA EXEMPT CLASS	NO
		DBA SPENGLERS	D3	ISSUED	<del></del>	713 N PERRY ST 1ST FL & BSMT	635	NOT A QUOTA EXEMPT CLASS	NO
9452348	YIM NGOR TSUI	DBA CHINA DRAGON	D5	ISSUED	4/21/2006	1415 N SCOTT	635	NOT A QUOTA EXEMPT CLASS	NO

# City of Napoleon Parks and Recreation Department

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

## Memorandum

To: Monica Irelan, City Manager

From: Tony Cotter, Director of Parks and Recreation

Date: *March 31, 2015* 

Subject: City Athletic Facility Use Policy and Agreement for Non-City Groups

At their March meeting, the Parks and Recreation Board recommended the implementation of an athletic field use policy and agreement for groups not sponsored by or affiliated with the City. Groups that this policy would apply to include the Napoleon Aquatic Club, Lady Cats softball, the Napoleon Baseball Association, etc.

The Public Entities Pool (PEP), the City's insurance group, conducted an audit of City facilities and policies and strongly recommended that a policy be implemented that requires groups, clubs, or leagues not sponsored by and/or affiliated with the City of Napoleon to sign a waiver and obtain liability of insurance. Groups would complete an application and submit it to the City and also provide a certificate of insurance showing liability insurance coverage and listing the City as additionally insured. The policy and agreement form is attached.

I am recommending that City Council approve this new policy and agreement and ask that it be placed on their agenda for review. If you have any questions or would like additional information, please let me know.

cc.: Greg Heath, Finance Director
Trevor Hayberger, Law Director

City of Napoleon Parks and Recreation Department 255 W. Riverview Ave. Napoleon, Ohio 43545



# **Agreement For Use of City Facilities**

Date(s) of Activ	ity:						
Facility Request	ted:						
Activity Time:							
Purpose of Activ	vity						
Name of Organi	ization:						
Individual(s) Re	sponsible:						
Address:							
Phone:							
Email:							
Admission Bein	g Charged?	Yes	No	Amo	ount \$		
judgments and exposaid facility. This as organization as a w <u>Due to the absolute</u> you are required to insured.  I am authorized to see the second s	enses for loss, dama ssumption of liability hole and to the various liability assumed by furnish a Certificate sign this on behalf of	ge or injury to any per y and agreement to in ous individuals within y you and your organ e of Insurance for you f my group or organiz	oyees, of and from all liability arson or persons as well as produced the group, jointly and seven ization pursuant to the about organization that indicate artion and I have informed in the right to void this A	oroperty arising shall extend be rally.  ve Waiver and I sthe City of Name or ganization	or growing out of use of oth to my group or ndemnity Agreement, poleon as additionally of its content.		
FOR OFFICE USE	E ONLY:						
Rental Fee (if applicable):		Certificate of Insurance Policy #					
Approval:							
	Parks and Re	creation Director			Date		
	City Manage	<u> </u>			Date		

# <u>City of Napoleon – Parks and Recreation Department</u> <u>Athletic Facility Use Policy for Non-City Affiliated Groups</u>

- Athletic teams, leagues, or groups (hereinafter known as User) not controlled by or affiliated with the City of Napoleon may reserve a City owned facility, if available, at the discretion of the City.
- An application and waiver form shall be completed by the User and approved by the City prior to use of said facility
- Fees, if applicable, shall be paid prior to use of the facility
- A certificate of insurance showing appropriate liability insurance coverage shall be obtained by the User and submitted to the City prior to facility usage. The City of Napoleon shall be listed as additionally insured. The minimum amount of liability insurance coverage shall be \$500,000.
   The City reserves the right to waive this requirement at its discretion.
- If more than one date is requested, the User shall provide the Parks and Recreation Director or his designee a copy of the schedule a minimum of two (2) weeks prior to the first date of the scheduled event so that the City can adequately prepare for facility use.
- Any changes to the schedule must be approved by the City. The User must give notice a
  minimum of 48 hours in advance to allow City staff to accommodate the request. Requests
  given with less than 48 hours notice may be denied due to insufficient time for staff to arrange
  work schedules.
- If the use of buildings (concession stands, press box, etc.) is requested, the User shall insure that all buildings are kept clean and orderly at all times and securely locked following each event. Failure to do so may result in the forfeiture of the right to use the facility.
- If the use of concession facilities is requested and is different from the normal concession stand operators, it must be approved by the City prior to use.
- Weather conditions may affect the use of outdoor athletic fields. During weather events, the
  City shall make reasonable efforts to make athletic fields safe and playable; however, the City
  reserves the right to postpone activities at its discretion.
- The City reserves the right to cancel the User's reservation provided reasonable advance notice is given or immediately if it is determined that the use of the facility violates the terms of the agreement, the use is unlawful or does not serve in the best interest of the Parks and Recreation Department and the City of Napoleon.

# 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:** 4/1/2015

**Re:** Technology and Communication Committee Meeting Cancellation

The Technology and Communication Committee meeting regularly scheduled for Monday, April 6, 2015 at 6:15pm has been CANCELED due to lack of agenda items.

## Fw: Fwd: Ohio Municipal League Legislative Bulletin

From: "Gregory J Heath" < gheath@napoleonohio.com>
To: "Roxanne Dietrich" < rdietrich@napoleonohio.com>

03/28/15 08:04 PM

----Original Message-----

From: "Michelle Jordan" <datataxgroup@gmail.com>

To: "undisclosed-recipients:" Date: 03/27/2015 04:12 PM

Subject: Fwd: Ohio Municipal League Legislative Bulletin

Dear DATA members:

Please share this important OML Bulletin with your administration.

Have a wonderful weekend!

Michelle

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

From: Ohio Municipal League < kscarrett@omlohio.orq >

Date: Fri, Mar 27, 2015 at 12:57 PM

Subject: Ohio Municipal League Legislative Bulletin

To: datataxgroup@gmail.com

Having trouble viewing this email? Click here



# March 27, 2015

# OHIO HOUSE PASSES REFRESHMENT AREA BILL WITH HIGHER POPULATION THRESHOLD

The Ohio House and Senate continued the hearing process for both chamber's legislative proposals to allow certain cities and townships to create districts where individuals will be exempt from open container restrictions, allowing communities that meet a population threshold to create outdoor refreshment areas. Sub. HB 47, the House version of the "refreshment area" legislation introduced by Reps. Blessing (R-Cincinnati) and Driehaus (D-Cincinnati) received a fifth hearing on Tuesday, where the committee amended the bill by, among other things, increasing the arbitrary population threshold for a municipality or township to participate in the new opportunity from the original population level of 25,000 bumping it up to 35,000. This new level is the same requirement contained in SB 95, the Ohio Senate's proposal to establish refreshment areas.

Despite requests made that the bill be amended to allow all Ohio municipalities, regardless of population, to have access to this new civic opportunity for businesses and individuals in their communities to come together, the bill was approved by the House Government Accountability and Oversight Committee and sent to the House floor. On Thursday, sub.HB47 was presented to the members of the Ohio House where the bill was approved 81-11. The bill now moves on to the Ohio Senate where it will join the refreshment area debate in that Chamber.

On Tuesday, the Senate State & Local Government Committee held a third hearing on SB 95, for all interested parties. Senate committee members were presented with testimony both in person and written from municipal officials around the state who support the bill but believe the population restriction is not necessary and should be omitted from the proposal. OML Executive Director Sue Cave also provided testimony to committee members which can be found <a href="HERE">HERE</a>. We want to thank those municipal officials who have expressed their opinions regarding this legislative proposal and for sharing their time to make the legislation better.

The Ohio General Assembly will be leaving Columbus to recess for Spring Break beginning March 30th, returning to the Statehouse the week of April 13th. When the legislature returns from their recess we anticipate hearings to resume in the Senate and that quick work will be made on getting the legislation through the process, in time for Major League baseball season. We continue to encourage officials from communities that are below the two projected cut off limit to contact their member of the Ohio Senate and share with them the benefits such a new opportunity would have for your municipality to further provide economic development and stimulate greater interest in local functions.

#### TRANSPORTATION BUDGET BILL CLEARS FINAL LEGISLATIVE HURDLE

Ohio's \$7.06 billion two-year, transportation budget bill cleared the final legislative hurdles this week with members of the Ohio House and Senate convening and then quickly concluding the Conference Committee called for HB53, to resolve remaining differences between the two legislative chambers as it relates to transportation and public safety policy matters.

The Conference Committee report approved by the Ohio Senate on Wednesday and then by the Ohio House members on Thursday removed some issues contested by the leaders of the House and Senate while preserving others. In addition to other changes made in HB 53, the final bill preserved language removing provisions that would have imposed a prohibition on local hiring quotas for public construction projects and deleted language that would have increased the speed limit of rural highways to 75 mph. Final analysis and comparison documents can be found at <a href="https://www.lsc.ohio.gov">www.lsc.ohio.gov</a>.

We appreciate the inclusion by the Ohio Senate a provision requiring the director of ODOT to identify at least \$10 million to add to the \$120 million Bridge Partnership Program that helps local governments upgrade these critical infrastructure resources. The bill has been sent to Governor Kasich for his review and signature.

#### HEARINGS CONTINUE FOR LEGISLATION INCLUDING PTSD TO BWC COVERAGE

The Ohio Senate Finance Committee held a third hearing on SB5, legislation introduced by Sen. Tom Patton (R-Strongsville) making the mental affliction of post-traumatic disorder (PTSD) an eligible condition covered through workers' compensation benefits for peace officers and other first responders, regardless of the presence of a physical injury, provided the underlying event occurred while on duty. The committee heard from all parties including testimony from the Ohio BWC Administrator and CEO to clarify remarks made at previous hearings and to reiterate the concerns that the state insurance system has for components of the proposal.

# LEGISLATION AIMS TO REMOVE MUNICIPAL TAX ADMINISTRATOR LIABILITY "REFORM" LANGUAGE

The Ohio House Ways and Means Committee received sponsor testimony on HB 84, legislation introduced by Rep. Sprague (R-Findlay) and Sweeney (D-Cleveland) that would only allow civil action to be taken against a municipal corporation, instead of individual tax administrators, when a taxpayer is disgruntled with the administration of the municipal income tax and pursues legal action to address perceived grievances. The bill is in response to language included in sub. HB5, the municipal income tax reform bill enacted by the previous General Assembly. We will be sure to keep our members updated on the status of this bill or any other municipal tax related issues that may be generated and how the legislature choices to address those issues.

#### LOCAL GOVERNMENT GRANT SEMINAR EVENT ANNOUNCED

Congressman Steve Stivers (R-Westerville) announced he will be holding a grant writing seminar for Ohio Local Governments Friday, April 3 from 9:30a.m.-12:00 p.m. at the Fairfield County Agriculture Center, 831 College Ave., Lancaster, Ohio. Rep. Stivers will host representatives from the Ohio Rural Community Assistance Program (RCAP), U.S. Department of Agriculture, and Ohio Development Services Agency (DSA) to discuss financial assistance programs for public water and sewer services, community facilities, utility and energy programs, Community Development Block Grants (CDBG), the Local Government Innovation Fund and other financial resource opportunities for Ohio cities and villages.

Please RSVP your attendance to <a href="mailto:Adam.Rapien@Mail.House.Gov">Adam.Rapien@Mail.House.Gov</a> or by calling <a href="mailto:(614)771-4968">(614)771-4968</a>.

#### **LEGISLATURE RECESSES NEXT TWO WEEKS**

As mentioned previously, members of the Ohio legislature will be returning to their districts for the next two weeks to take a two week Spring Break recess, so there will be no committee hearings or voting sessions. The House and Senate will be back at the Statehouse the week of April 13 to resume work. Because of the upcoming break in legislative action, the League will not put out a bulletin during the recess unless there is legislative activity to report.

Below is a list of legislation that has recently been introduced.

Have a great weekend.~

#### **New Ohio House Bills:**

#### **HB 122**

PUCO MEMBERSHIP (Leland, D.) To require that each major political party be represented on the Public Utilities Commission, to specify that not more than three commissioners may belong to or be affiliated with the same major political party, and to require that Public Utilities Commission Nominating Council lists of nominees include individuals who, if selected, ensure that each major political party is represented on the Commission. Am. 4901.02 and 4901.021.

#### **HB 123**

CRIMINAL CASES (Johnson, T., Cupp, R.) To change the time for notification of an alibi defense in a criminal case, to allow the court in a felony case to impose community control sanctions without a presentence investigation report upon agreement of the defendant and the prosecutor, and to request the Supreme Court to modify Criminal Rule 32.2 to allow the court in a felony case to impose community control sanctions without a presentence investigation report upon agreement of the defendant and the prosecutor. Am. 2945.58 and 2951.03.

#### **HB 124**

STD PRESCRIPTIONS (Johnson, T., Huffman, S.) Regarding the authority to prescribe without examination a drug for a sexual partner of a patient diagnosed with chlamydia, gonorrhea, or trichomoniasis. Am. 4723.489, 4729.282, 4730.432, and 4731.93.

#### **HB 125**

VETERANS FEE WAIVER (Brenner, A., Retherford, W.) To establish the Veterans Fee Waiver Program. Am. 111.16, 111.17, 1703.31, 1729.12, 1746.06, 1782.63, 2305.10, and 4743.04 and to enact sections 5903.21, 5903.22, 5903.23, 5903.24, and 5903.25.

#### **HB 126**

NUISANCE LAW (Kunze, S., Leland, D.) To expand nuisance law to include any real property on which an offense of violence has occurred or is occurring Am. 3767.01.

#### **HB 127**

PHARMACY BENEFIT MANAGERS (Brown, T., Cera, J.) To regulate pharmacy benefit managers. En. 3901.431, and 3901.432.

#### **HB 128**

TAX CREDITS (Sears, B., Amstutz, R.) To authorize an income tax credit for donations to the permanent endowment fund of an eligible community foundation and to require the Director of Budget and Management to reimburse the Local Government Fund and the Public Library Fund for revenue lost because of the credit. Am. 131.51 and 5747.98 and to enact section 5747.78

#### **HB 129**

SMILE PROGRAM (Barnes, J.) To establish the Hope for a Smile Program. Am. 5747.01 and to enact section 3701.139

#### **HB 130**

DATA OHIO BOARD (Hagan, C., Duffey, M.) To create the DataOhio Board, to specify requirements for posting public records online, to require the Auditor of State to adopt rules regarding a uniform accounting system for public offices, to establish an online catalog of public data at <a href="data.Ohio.gov">data.Ohio.gov</a>, to establish the Local Government Information Exchange Grant Program, and to make an appropriation. Am. 149.43 and to enact sections 117.432, 149.60, 149.62, and 149.65

#### **HB 131**

ANIMAL DISEASES (Pelanda, D.) To include diseases of concern within the scope of the Animal Diseases Law, and to make changes to the laws governing weights and measures, livestock dealers, and auctioneers, the membership of the Farmland Preservation Advisory Board, and the pesticide licensing renewal process. Am. 901.23, 921.12, 941.01, 941.03, 941.04, 941.06, 941.07, 941.09, 941.10, 941.11, 941.14, 943.02, 943.14, 1327.46, 1327.48, 1327.50, 1327.501, 1327.61, 1327.99, and 4707.02 and to enact section 1327.502

#### **HB 132**

CONTRACEPTION COVERAGE (Lepore-Hagan, M., Bishoff, H.) Regarding coverage for prescription contraceptive drugs and devices, the provision of certain hospital and pregnancy prevention services for victims of sexual assault, and comprehensive sexual health and sexually transmitted infection education in schools. Am. 121.22, 2907.29, 3313.60, 3313.6011, 3314.03, 3326.11, 3328.24, 4729.16, 4729.18, and 4729.35 and to enact sections 1751.68, 3701.049, 3727.61, 3727.611, 3727.612, 3923.84, 4729.44, and 4729.45

#### **HB 133**

TAX CREDITS (Schaffer, T., Ashford, M.) To authorize an income tax credit for individuals that earn a nonprofit management degree or certain professional designations and to allow a sales tax exemption for out-of-state nonprofit corporations that relocate jobs to Ohio. Am. 5739.02 and 5747.98 and to enact sections 5739.40 and 5747.78

#### **HB 134**

BLIGHTED PROPERTY FORECLOSURES (Grossman, C., Curtin, M.) To establish summary actions to foreclose mortgages on vacant and abandoned residential properties, to expedite the foreclosure and transfer of unoccupied, blighted parcels, to make other changes relative to residential foreclosure actions, and to terminate certain provisions of this act on December 31, 2019, by repealing sections 3767.51, 3767.52, 3767.53, 3767.54, 3767.55, and 3767.56 of the Revised Code on that date. Am. 323.47, 1901.18, 1901.185, 2303.26, 2329.01, 2329.02, 2329.20, 2329.21, 2329.23, 2329.26, 2329.30, 2329.31, 2329.33, 2329.52, and 2909.07 and to enact sections 2308.01 to 2308.04, 2329.211, 2329.311, and 3767.51 to 3767.56.

#### **HB 135**

ABORTION (Hall, D., LaTourette, S.) To prohibit a person from performing, inducing, or attempting to perform or induce an abortion on a pregnant woman who is seeking the abortion because of a test result indicating Down Syndrome in an unborn child or a prenatal diagnosis of Down Syndrome in an unborn child. En. 2919.20 and 2919.201.

#### **HB 136**

STEM PILOT (Young, R., Rogers, J.) To fund the Lake County Educational Service Center pilot project to support STEM initiatives for middle school students and to make an appropriation.

#### **New Ohio Senate Bills:**

#### **SB 127**

ABORTION (Lehner, P., Hottinger, J.) To prohibit the performance of an abortion on a pregnant woman when the probable post-fertilization age of the unborn child is twenty weeks or greater. Am. 2305.11 and 4731.22 and to enact sections 2307.54, 2919.20, 2919.201, 2919.202, 2919.203, 2919.204, and 2919.205.

#### **SB 128**

DAY DESIGNATION (Cafaro, C., Schiavoni, J.) To designate the thirtieth day of May as "Bartter Syndrome Awareness Day." En. 5.255.

#### **SB 129**

PRIOR AUTHORIZATIONS (Gardner, R., Cafaro, C.) To amend the law related to the prior authorization requirements of insurers. Am. 1739.05 and to enact sections 1751.72, 3901.90, 3923.041, 5160.33, and 5160.34.

#### SB 130

MONTH DESIGNATION (Gentile, L.) To designate October as "Disability History and Awareness Month." En. 5.2298.

#### **SB 131**

ROAD NAMING (Jones, S.) To designate a portion of State Route 123 within Warren County as the "Neil Armstrong Memorial Way." En. 5534.70.

#### SB 132

HEALTH BENEFIT EXCHANGE (Skindell, M., Tavares, C.) To establish the Ohio Health Benefit Exchange Program consisting of an exchange for individual coverage and a Small Business Health Options Program. Am. 124.14, 3905.01, 3905.473, and 3924.01, to enact sections 3965.01 to 3965.14, and to repeal sections 3905.471, 905.472, and 3905.474.

#### SB 133

AWARENESS MONTH (Beagle, B.) To designate June as "Scleroderma Awareness Month." En. .2298

#### **SB 134**

ATTORNEY FEES (Seitz, B.) To make permissive actual damages and attorney's fees, to limit certain civil penalties, to allow respondents to recover attorney's fees in certain instances, and to

exempt certain landlords from the housing provisions of the Ohio Civil Rights law. Am. 4112.02, 4112.05, 4112.08, and 4112.14 and to enact section 4112.024

#### **SB 135**

PRESCRIPTION DRUGS (Cafaro, C., Jones, S.) To limit the out-of-pocket cost to an individual covered by a health plan for drugs used to treat rare diseases. Am. 1739.05 and to enact sections 1751.691 and 3923.851

#### **SB 136**

SCHOOL SECLUSION (Tavares, C.) To prohibit the use of seclusion on students in public schools. Am. 3319.46

## **Up Coming Events**

OMCA Spring 1-Day Seminar April 8th Registration
OAPSD Annual Conference May 8th Registration
Mayor's Court Re-certification Registration

Please Click <u>Here</u> to see our entire 2015 Meeting & Conference Schedule

# DUE TO THE LEGISLATURE BEING ON EASTER BREAK NO COMMITTEES ARE SCHEDULED FOR NEXT WEEK

#### Ohio Municipal League

Legislative Inquires: <u>Edward Albright, Director of Legislative Affairs Kent Scarrett, Director of Communications</u>
Josh Brown, Legislative Advocate

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Ohio Municipal League | 175 S. Third Street, Suite 510 | Columbus | OH | 43215

## **Your April Big Picture newsletter**

From: TMACOG <public.info@tmacog.org>

To: rdietrich@napoleonohio.com

04/01/15 08:01 AM

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## **FEATURE**

### **Stand Up for Transportation**



Local groups concerned with transportation infrastructure and funding are working together to show state and federal elected officials that there is an urgent need for legislative solutions to regional transportation problems....read more

# **TRANSPORTATION**

Train Day Toledo: "Embracing Rail's Future"



National Train Day pulls into the Toledo Amtrak station, Saturday, May 2 for a full day of information about trains and train travel. There will be activity from opening ceremonies at 9 a.m. to the final whistle at 4 p.m. Informational displays and experts will show what the future holds for rail in Toledo and the country....read more

### Upcoming Events

# Water, Sewer and Floodplains: Ottawa County Workshop

Wednesday, April 8, 9:30 a.m.-12:30 p.m., Port Clinton Contact: Kurt Erichsen 419.241,9155 ext, 126

# Ohio Sunshine Law Certification Training

Training from the Ohio Attorney General's Office

Friday, April 17, 9 a.m. - 12:15 p.m., Owens Community College Contact: Jennifer Allen 419.241.9155 ext. 107.

#### **Bike Month**

The month of May, various locations
Contact: Lance
Dasher, 419.241.9155
ext. 115

#### National Train Day Toledo

Friday and Saturday, May 1 & 2 Amtrak station and Grand Lobby of the Dr. Martin Luther King, Jr., Plaza

### May is Bike Month!



When the weather warms up and people get outside in May, TMACOG takes a month-long focus on bicycles and active transportation. A bicycle can be effective transportation in our region. Most people work within nine miles of their home which is a comfortable 45-minute ride for most people — even people who don't ride often. Combine your bike with a TARTA bus and you can really get around....read more

#### Contact: Diane Reamer Evans 419.241.9155 ext. 117

# 2015 Conference on Freight

Monday - Wednesday, September 14-16 Cincinnati Hilton Netherland Plaza Contact: Christine Connell 419.241.9155 ext. 119

### **Public Meetings, Public Comment Period - TIP**



The public is invited to review and comment on the 2016-2019 Transportation Improvement Plan (the TIP) for northwest Ohio. **The public comment period is March 30 through April 10.** 

To see the plan you may attend a public meeting, view the draft at TMACOG offices, or see this <u>link</u> (large PDF) on the TMACOG website. Comments can be submitted at the meetings, sent to TMACOG by mail (PO Box 9508, Toledo, OH 43697-9508), by phone (419.241.9155 ext. 115), or by e-mail to TMACOG Transportation Planner <u>Lance Dasher</u>.

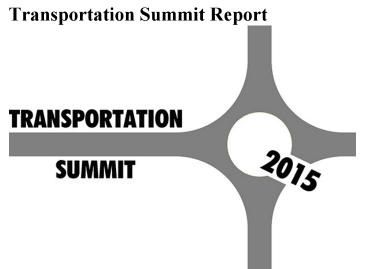
The TIP is the short range transportation plan for the northwest Ohio region. It provides project funding and scheduling information for federally obligated projects at the Ohio Department of Transportation (ODOT), TMACOG, and TARTA. The four-year TIP is updated and published every two years.

#### Public meeting

- April 2, 2015, 3-6 p.m., at ODOT District Two offices in Bowling Green, 317 E. Poe Rd., Bowling Green, OH 43402, or
- April 8, 2015, 3-6 p.m., at TMACOG offices, 300 Martin LutherKing, Jr. Drive, Toledo, OH 43604

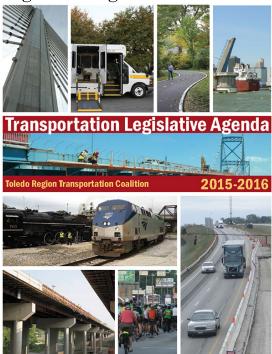
People requiring special accommodations for language or mobility

disabilities may request assistance: 419.241.9155 ext. 107 or allen@tmacog.org.



Attendees at the 2015 Transportation Summit held March 20 heard important regional transportation news. The crowd of 195 elected officials, planners, and engineers got details on regional construction plans, gained insight into public transit issues, and learned the fine points of roundabout design and construction...read more

### Legislative Agenda



The 2015-2016 Transportation Legislative Agenda was released at the March 20 Transportation Summit. The agenda is the work of the Toledo Region Transportation Coalition –17 diverse partners, all stakeholders in the transportation infrastructure of northwest Ohio. The legislative agenda has been produced since 2001. It is a guide

for state and federal lawmakers who are making decisions concerning the region, demonstrating the thoughtful consensus of local stakeholders.

In the current document, the pressing issue of sustainable funding is addressed and solutions proposed. Other critical issues included are the rising need for public transit, recommendations for public-private partnerships, and more emphasis on complete streets approaches. See the complete agenda <a href="here">here</a>. Printed copies are available upon request. Contact Transportation Public Administration Specialist <a href="Christine Connell">Christine Connell</a> at 419.241.9155 ext. 119.

## **ENVIRONMENT**

#### **Water Resources for Smaller Communities**



Villages and townships with water supply and treatment problems are invited to bring their troubles to SCEIG – an unusual consortium of government agencies and planning groups. SCEIG – Small Communities Environmental Infrastructure Group - is a federation of state and federal agencies, local governments, service organizations, and educational institutions. They help smaller communities form partnerships and facilitate funding, construction, training, and maintenance of local services...read more

# Wolf Creek Watershed Septic System Education



TMACOG and a group of local partners have begun work on a new project to improve water quality in the Wolf Creek watershed near Lake Erie by providing education about the operation of home sewage treatment systems and other on-site systems... read more

#### **Junction Avenue - Urban Waters**



On Saturday, April 18, residents of the Junction Avenue Neighborhood in central Toledo are hosting an Earth Day Event that will include trash and tire pick up event and other activities. The event is part of the community's on-going revitalization planning and environmental justice efforts...read more

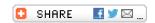
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