Memorandum

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

Subject: General Information **Date:** April 17, 2015

CALENDAR

AGENDA: City Council - Monday, April 20 @7:00 pm

- C. SWEARING IN OF FIRE CHIEF CLAYTON O'BRIEN
- **D.** APPROVAL OF MINUTES from the April 6, 2015 meeting

H. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

- * Ordinance No. 024-15 and Resolution No. 025-15 will be passed out at the meeting.
 - 1. **ORDINANCE No. 024-15** an Ordinance to Approve Current 2015 Replacement Pages to the Napoleon Codified Ordinances.
- 2. **RESOLUTION No. 025-15** a Resolution Authorizing the City Manager to Sell City Real Estate; and Declaring an Emergency.
 - a. Please see my enclosed Memorandum.

I. SECOND READINGS OF ORDINANCES AND RESOLUTIONS – None

J. THIRD 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.

K. GOOD OF THE CITY (Discussion/Action)

- 1. Recommendation to Approve April Power Supply Cost Adjustment Factor.
- 2. Approval of Liquor Permit Change of Stock Ownership for 631 N. Perry St. Corp., dba Brick 'n Brew Pub.
- 3. Acceptance of Donation from Henry-Wood Sportsman Alliance: \$500

- 4. Approval of PC 15-01, 234 East Front Street Replat of Lots
- 5. Water Plant Review on Options with Satellite Customers.

INFORMATIONAL ITEMS

- 1. **MEETING**
 - a. Tree Commission; Monday, April 20th @6:00 pm
- 2. CANCELLATION
 - a. Parks & Recreation Committee

MI:rd

Records Retention CM-11 - 2 Years

		Mar	ch 2	015		
S	М	Τ	W	Т	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				
						••••

April 2015						
S	М	Т	W	Т	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		
					••••	

		Ма	y 20)15		
S	М	Т	W	Т	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Calendar

Galchaai						
Sunday 29	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29	30	31	1	2	3	4
		 			 	
5	6	7	8	9	10	11
	6.20 DM Hausing Council					
	6:30 PM Housing Council Meeting					
	Meeting					
	7:00 PM City COUNCIL					
	Meeting					
			1	1		
			1	1		
			1	1		
			1	1		
			1	1		
			1	1		
			1	1		
			1	1		
1	I	1		ĺ		
			1	1		
				1		
40	10	4.4	45	10		10
12	13	14	15	16	17	18
	6:30 PM ELECTRIC	4:30 PM Board of Zoning Appeals Meeting		4:30 PM Civil Service Commission Mtg.	8:30 AM Healthcare Cost	
	Committee	Appeals Meeting		Commission Mtg.	Comm. Mtg.	
	Board of Public Affairs (BOPA)	5:00 PM Planning Commission				
	Mtg.	5:00 PM Fianning Commission				
	Mig.					
10	20	21	22	22	24	25
19	20	21	22	23	24	25
19	20 6:00 PM City TREE	21	22	23	24	25
19	20 6:00 PM City TREE Commission Meeting	21	22	23	24	25
19	6:00 PM City TREE Commission Meeting	21	22	23	24	25
19	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL	21	22	23	24	25
19	6:00 PM City TREE Commission Meeting	21	22	23	24	25
19	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL	21	22	23	24	25
19	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL	21	22	23	24	25
19	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL	21	22	23	24	25
19	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL	21	22	23	24	25
19	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL	21	22	23	24	25
19	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL	21	22	23	24	25
19	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL	21	22	23	24	25
19	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL	21	22	23	24	25
19	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL	21	22	23	24	25
19	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL	21	22	23	24	25
19	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL	21	22	23	24	25
19	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL	21	22	23	24	25
	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL Meeting					
19	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL Meeting	21	29	23	24	25
	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL Meeting 27 6:30 PM FINANCE &		29 6:30 PM Parks & Rec Board			
	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL Meeting 27 6:30 PM FINANCE & BUDGET Committee Meeting		29			
	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL Meeting 27 6:30 PM FINANCE & BUDGET Committee Meeting		29 6:30 PM Parks & Rec Board			
	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL Meeting 27 6:30 PM FINANCE & BUDGET Committee Meeting 7:30 PM SAFETY & HUMAN		29 6:30 PM Parks & Rec Board			
	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL Meeting 27 6:30 PM FINANCE & BUDGET Committee Meeting 7:30 PM SAFETY & HUMAN RESOURCES Committee		29 6:30 PM Parks & Rec Board			
	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL Meeting 27 6:30 PM FINANCE & BUDGET Committee Meeting 7:30 PM SAFETY & HUMAN		29 6:30 PM Parks & Rec Board			
	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL Meeting 27 6:30 PM FINANCE & BUDGET Committee Meeting 7:30 PM SAFETY & HUMAN RESOURCES Committee		29 6:30 PM Parks & Rec Board			
	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL Meeting 27 6:30 PM FINANCE & BUDGET Committee Meeting 7:30 PM SAFETY & HUMAN RESOURCES Committee		29 6:30 PM Parks & Rec Board			
	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL Meeting 27 6:30 PM FINANCE & BUDGET Committee Meeting 7:30 PM SAFETY & HUMAN RESOURCES Committee		29 6:30 PM Parks & Rec Board			
	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL Meeting 27 6:30 PM FINANCE & BUDGET Committee Meeting 7:30 PM SAFETY & HUMAN RESOURCES Committee		29 6:30 PM Parks & Rec Board			
	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL Meeting 27 6:30 PM FINANCE & BUDGET Committee Meeting 7:30 PM SAFETY & HUMAN RESOURCES Committee		29 6:30 PM Parks & Rec Board			
	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL Meeting 27 6:30 PM FINANCE & BUDGET Committee Meeting 7:30 PM SAFETY & HUMAN RESOURCES Committee		29 6:30 PM Parks & Rec Board			
	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL Meeting 27 6:30 PM FINANCE & BUDGET Committee Meeting 7:30 PM SAFETY & HUMAN RESOURCES Committee		29 6:30 PM Parks & Rec Board			
	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL Meeting 27 6:30 PM FINANCE & BUDGET Committee Meeting 7:30 PM SAFETY & HUMAN RESOURCES Committee		29 6:30 PM Parks & Rec Board			
	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL Meeting 27 6:30 PM FINANCE & BUDGET Committee Meeting 7:30 PM SAFETY & HUMAN RESOURCES Committee		29 6:30 PM Parks & Rec Board			
	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL Meeting 27 6:30 PM FINANCE & BUDGET Committee Meeting 7:30 PM SAFETY & HUMAN RESOURCES Committee		29 6:30 PM Parks & Rec Board			
	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL Meeting 27 6:30 PM FINANCE & BUDGET Committee Meeting 7:30 PM SAFETY & HUMAN RESOURCES Committee		29 6:30 PM Parks & Rec Board			

City of Napoleon, Ohio

City Council

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

Meeting Agenda

Monday, April 20, 2015 at 7:00 pm

- A. Attendance (Noted by the Clerk)
- B. Prayer & Pledge of Allegiance
- C. Swearing in of Fire Chief Clayton O'Brien
- **D. Approval of Minutes:** April 6 (In the absence of any objections or corrections, the minutes shall stand approved.)
- E. Citizen Communication
- F. Reports from Council Committees
 - 1. Parks & Recreation Committee did not meet tonight due to lack of agenda items.
 - **2. Electric Committee** (Majority Report) met on Monday, April 13 and recommended:
 - a. Approval of April Power Supply Cost Adjustment Factor
 - 3. Water, Sewer, Refuse, Recycling & Litter Committee did not meet on Monday, April 13 at the direction of the Committee Chair.
 - **4. Municipal Properties, Buildings, Land Use & Economic Development Committee** did not meet on Monday, April 13 at the direction of the Committee Chair.

Reports from Other Committees, Commissions and Boards (Informational Only-Not Read)

- 1. **Board of Public Affairs** met on April 13 with the following agenda items:
 - a. Review of Power Supply Cost Adjustment Factor
 - **b.** Electric Department Report
- **2. Board of Zoning Appeals** met on April 14 with the following agenda items:
 - a. BZA 15-01 952 Fifth Street Variance to the Table of Permissible Uses
- **3. Planning Commission** met on April 14 with the following agenda items:
 - **a.** PC 15-01 234 East Front Street Replat of Lots
- **4. Civil Service Commission** met on Thursday, April 16 with the following agenda items:
 - **a.** Approval of Testing for Police Officer/Firefighter Paramedic, including: testing type, date, time and location, type of exam, application blanks, age requirements, education requirements, method and subject of examinations, establishment and application of credits
- **5. Healthcare Cost Committee** met on Friday, April 17 with the following agenda items:
 - **a.** Review of Healthcare Premium Cost Increases
- **6. Tree Commission** met tonight with the following agenda items:
 - a. Spring Programs
 - **b.** Arbor Day Observation

H. Introduction of New Ordinances and Resolutions

- 1. Ordinance No. 024-15, an Ordinance to approve current March 2015 Replacement Pages to the Napoleon Codified Ordinances
- **1. Resolution No. 025-15,** a Resolution authorizing the City Manager to sell City real estate; and declaring an Emergency

I. Second Readings of Ordinances and Resolutions

There are no Second Readings of Ordinances and Resolutions.

- J. Third 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
- K. Good of the City Any other business as may properly come before Council, including but not limited to:
 - **1. Discussion/Action:** Recommendation to approve April Power Supply Cost Adjustment Factor as follows: PSCAF three (3) month averaged factor: \$0.00005

JV2: \$0.051869

JV5: \$0.051869

- 2. **Discussion/Action:** Approval of Liquor Permit Change of Stock Ownership for 631 N. Perry St. Corp., dba Brick N Brew Pub
- 3. Discussion/Action: Acceptance of Donation from Henry-Wood Sportsman Alliance: \$500
- **4. Discussion/Action:** Approval of PC 15-01, 234 East Front Street Replat of Lots
- 5. Discussion/Action: Water Plant Review on Options with the Satellite Customers
- L. Executive Sessions: (As needed)
- M. Approve Payment of Bills and Approve Financial Reports (In the absence of any objections or corrections, the payment of bills and financial reports shall stand approved.)
- N. Adjournment

	~	~	 ъ.	101 1 00	

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 (2nd Monday)

(Next Regular Meeting: Monday, May 11 @, 6:30 pm)

- a. Review of Power Supply Cost Adjustment Factor
- **b.** Electric Department Report

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

(Next Regular Meeting: Monday, May 11 @, 7:00 pm)

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

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

(Next Regular Meeting: Monday, May 11 @ 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, May 18 @, 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, May 11 @ 6:30 pm)

- a. Review of Power Supply Cost Adjustment Factor
- **b.** Electric Department Report

2. Board of Zoning Appeals (2nd Tuesday)

(Next Regular Meeting: Tuesday, May 12 @ 4:30 pm)

3. Planning Commission (2nd Tuesday)

(Next Regular Meeting: Tuesday, May 12 @ 5:00 pm)

4. Tree Commission (3rd Monday)

(Next Regular Meeting: Monday, May 18 @, 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, April 6, 2015 at 7:00pm

PRESENT

Council Travis Sheaffer – President, Jason Maassel – President Pro Tem, Jeff Comadoll,

John Helberg, Jeffrey Marihugh (arrived at 7:16pm), Christopher Ridley

Mayor

City Manager Monica S. Irelan
Law Director Trevor M. Hayberger

Law Director
Finance Director/

Clerk Of Council

Recorder

City Staff

Tammy Fein

Ronald A. Behm

Gregory J. Heath

Matt Bilow, Waste Water Treatment Plant Superintendent

News Media; Amanda Griffith, CIC Director; Mike DeWit

Dennis Clapp, Electric Department Superintendent

Tony Cotter, Parks & Recreation Director Chad Lulfs, Director of Public Works Dan Wachtman, MIS Administrator

Robert Weitzel, Police Chief

Others ABSENT

ABSENT Council

City Staff

Heather Wilson

Call To Order

President Sheaffer called the meeting to order at 7:00pm with the Lord's Prayer

followed by the Pledge of Allegiance.

Approval Of Minutes

Minutes of the March 16 Council meeting stand approved with no objections or

corrections.

Citizen Communication

None

Committee Reports

The Technology & Communication Committee did not meet on Monday, April 6 due to lack of agenda items.

Chairman Maassel reported that the Finance & Budget Committee met on Monday, March 23 and recommended:

1. Approval of the First Quarter Budget Adjustments

The Safety and Human Resources Committee did not meet on Monday, March 23 due to lack of agenda items.

Chairman Sheaffer reported that the Personnel Committee met on Monday, March 23 and discussed:

1. Compensation of Personnel with no action being taken

Chairman Sheaffer reported that the Council Rules Review Committee met on Monday, March 16 and recommended:

1. Approval of the Council Rules

Introduction Of Ordinance No. 020-15 President Sheaffer read by title Ordinance No. 020-15, an Ordinance supplementing the Annual Appropriation Measure (Supplement No. 1) for the year 2015; and declaring an Emergency

Motion To Approve

First Read

Motion: Maassel Second: Comadoll

To approve First Read of Ordinance No. 020-15

Discussion

Heath explained this Ordinance was to approve the First Quarter Budget Adjustments as recommended by the Finance and Budget Committee. Heath

stated the total of the First Quarter Budget Adjustments is \$15,500.

Motion To Suspend The Rules

Motion: Ridley Second: Comadoll

To suspend the Rules requiring three Readings

Passed Yea-5

Nay-0

Roll call vote on above motion:

Yea- Sheaffer, Helberg, Comadoll, Ridley, Maassel

Passed Yea-5 Nay-0

Roll call vote to pass Ordinance No. 020-15 under Suspension of the Rules

Yea- Sheaffer, Helberg, Comadoll, Ridley, Maassel

Introduction Of Ordinance No. 021-15 President Sheaffer read by title 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

Motion To Approve First Read

Motion: Ridley Second: Maassel

To approve First Read of Ordinance No. 021-15

Discussion

Irelan reported that the Parks and Recreation Board recommended the implementation of Outdoor Education Programming at their February meeting; 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, and the ages that these programs will be offered range from small children to adults. Irelan reported that the Board has also recommended that a five dollar (\$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. Cotter added that the Department would like to add programs that are non-sports related. The first five (5) week session will have no charge to research how the programs will be received; the fee will be attached in accordance with the time of approval, either after three (3) reads or under Suspension of the Rules. Cotter stated that Rachel Hefflinger was hired to teach these classes and will make a nice addition to the Rec programs.

Motion To Suspend The Rules

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

Passed Yea-5 Nay-0

Roll call vote on above motion:

Yea- Sheaffer, Helberg, Comadoll, Ridley, Maassel

Passed Yea-5 Nay-0

Roll call vote to pass Ordinance No. 021-15 under Suspension of the Rules

Yea- Sheaffer, Helberg, Comadoll, Ridley, Maassel

Nay-

Introduction Of Resolution No. 022-15 President Sheaffer ready by title Resolution No. 022-15, a Resolution authorizing the City Manager to execute all documents necessary to submit an

Council 4/6/15

page 2 of 10

application to the Northwest Ohio Educational Service Center for financial assistance to provide extended learning opportunities involving the environment; and declaring an Emergency

Motion To Approve First Read

Motion: Ridley Second: Comadoll

To approve First Read of Resolution No. 022-15

Discussion

Irelan reported that as part of the new Outdoor Education program, the Parks and Recreation Department would like to apply for a grant that will provide financial assistance for an after school component of the program; the Northwest Ohio Educational Service Center provides funding through their 21st 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. Irelan reported that a total of \$125.00 per participant is provided up to \$2,000.00.

Motion To Suspend The Rules

Motion: Ridley Second: Comadoll

To suspend the Rules requiring three Readings

Passed Yea- 5 Nay- 0 Roll call vote on above motion:

Yea- Sheaffer, Helberg, Comadoll, Ridley, Maassel

Nay-

Passed Yea- 5 Nay- 0 Roll call vote to pass Resolution No. 022-15 under Suspension of the Rules Yea-Sheaffer, Helberg, Comadoll, Ridley, Maassel

Nay-

Introduction Of Resolution No. 023-15

President Sheaffer read by title 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

Motion To Approve First Read

Motion: Ridley Second: Maassel To approve First Read of Resolution No. 023-15

Discussion

Bilow distributed a memo reporting that the City of Napoleon's Wastewater Treatment Plant requests that this project be Sole Sourced to Hydro-Dyne Engineering; the funds for this project were included and approved in the 2015 Budget. Irelan reported that 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. Bilow added that the screens are a very important part of the process and scheduling the repair will expedite the process.

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

Motion To Suspend The Rules

Motion: Ridley Second: Comadoll

To suspend the Rules requiring three Readings

Passed

Roll call vote on above motion:

Council 4/6/15

page 3 of 10

Yea- 5 Nay- 0 Yea- Sheaffer, Helberg, Comadoll, Ridley, Maassel Nay-

PassedRoll call vote to pass Resolution No. 023-15 under Suspension of the RulesYea- 5Yea- Sheaffer, Helberg, Comadoll, Ridley, MaasselNay- 0Nay-

Second Read Of Resolution No. 018-15 President Sheaffer ready 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 Second Read Motion: Maassel Second: Ridley To approve Second Read of Resolution No. 018-15

Discussion Irelan reported there were no changes to the Resolution since the First Read.

PassedRoll call vote to approve Second Read of Resolution No. 018-15Yea- 5Yea- Sheaffer, Helberg, Comadoll, Ridley, MaasselNay- 0Nay-

Second 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 Second Read Motion: Comadoll Second: Ridley To approve Second Read of Resolution No. 019-15

Discussion

Heath reported there were no changes to the Resolution since the First Read.

Passed Yea- 5 Nay- 0 Roll call vote to approve Second Read of Resolution No. 019-15 Yea- Sheaffer, Helberg, Comadoll, Ridley, Maassel Nav-

Third Read Of Ordinances And Resolutions There were no Third Reads of Ordinances and Resolutions.

GOOD OF THE CITY

Discussion/Action

Approval Of TIRC Report

Irelan reported that information regarding the current five (5) CRA agreements, including Section C reports for each CRA, and photos of the properties was included in the distributed information.

Irelan reported that the Tax Incentive Review Council (TIRC) voted to continue the CRA agreements for MWA Enterprises, which had two (2) CRA agreements to be approved, with one (1) using the former name of MMD & Holdings; Koester Corporation; and Napoleon 1, LLC, however the TIRC did recommend expiring the CRA agreement for A&J, LLC as of December 31, 2014 with the understanding that the company will be invoiced the last

abatement payment in September 2015; A&J, LLC will be informed of this by letter with their taxes in the upcoming year.

Motion To Approve Housing Council Recommendation Regarding CRA Agreements Motion: Comadoll Second: Ridley

To approve the Housing Recommendation regarding the CRA agreements for MWA Enterprises, with one under the former name of MMD & Holdings; Koester Corporation; Napoleon 1, LLC; and A&J, LLC

Passed Yea- 5 Nay- 0

Roll call vote on above motion:

Yea- Sheaffer, Helberg, Comadoll, Ridley, Maassel

Nay-

Award of Bid Of Sanitary Sewer Cleaning Project: Advanced Rehabilitation Technology Irelan reported that on Wednesday, March 18, 2015, bids were opened and read aloud for the Sanitary Sewer Cleaning Project; five (5) bids were submitted and 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

Irelan reported that the published Engineer's Estimate for each year is \$90,000.00; the project consists of cleaning various sections of the sanitary sewer collection system. Irelan stated that after review of the bids, Lulfs recommends that Council award Advanced Rehabilitation Technology the contract for the Sanitary Sewer Cleaning Project for Year 1 in the amount of \$81,097.00, Optional Year 2 in the amount of \$79,296.00, and Optional Year 3 in the amount of \$83,470.00.

Motion To Award Bid Of Sanitary Sewer Cleaning Project To Advanced Rehabilitation Technology Motion: Comadoll Second: Ridley

To award bid of Sanitary Sewer Cleaning Project to Advanced Rehabilitation

Technology

Passed Yea- 5 Nay- 0 Roll call vote on above motion:

Yea- Sheaffer, Helberg, Comadoll, Ridley, Maassel

Nay-

Approval of Council Rules Hayberger distributed the proposed changes to the current Rules and Regulations of City Council for review:

Council 4/6/15

page 5 of 10

- 1. Suggesting the deletion of proposed Rule 10.3.3 stating "Council members shall maintain confidentiality of discussions, writings, or other forms of media or modes of communication that the Council member knows or should know said matter should be kept confidential, subject to any public record statues, sunshine laws, or any other duty to report." and;
- 2. Suggesting adding a line to the Committee rules stating that if the Committee Chair is absent, the Chair responsibilities revert to the Committee member present with the highest continuous seniority on that Committee, and members with the same amount of seniority will then be chosen alphabetically.

Motion To Direct Law Director To Draft Legislation Regarding The Amended Council Rules Motion: Maassel Second: Ridley
To direct the Law Director to draft Legislation regarding the amended Council
Rules

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

Annual Renewal Of Liquor Permit Holders

Heath distributed a listing of all liquor permits within the City; see attached.

Heath stated this review takes place once per year, with the liquor permits all expiring on June 1 annually. Heath added this annual review allows the legislative bodies the opportunity to object to any issued liquor permit. Heath reminded Council that there is a specific procedure to follow if any permits are to be objected, including having a Resolution prepared and passed and delivered to the Liquor Control Board no later than May 4, 2015.

Heath reported that he received no objections from Chiefs Weitzel or Druhot.

No Action Taken

No action was taken on the annual renewal of liquor permits in the City.

Approval Of City Facilities Usage Policy

Irelan reported that 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. Irelan reported that 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. Cotter stated that he recently met with Hayberger and amended the Policy that was previously brought before the Board with the following changes:

To change the wording from City Facility to Athletic Facility to specify ball diamonds, football fields, etc. and not including shelterhouses;

To delete the wording "Or Individuals" from the title;

To add Athletic Teams, Leagues, or Groups as the definition of User for the policy;

To require a certificate of insurance to name the City as additionally insured to be obtained by user and submitted to City before usage of the athletic facility;

To add that the "minimum amount of liability insurance coverage shall be \$500,000" as recommended by the Loss Control Specialist; and

To add that "the City reserves the right to waive this requirement at its discretion".

Cotter stated that this policy indemnifies and holds harmless the City for any potential liability. Cotter stated that the application form did not change and must be signed by groups requesting usage of City athletic facilities and submitted to the City before the usage. Maassel asked the cost of the policy; Cotter replied it cost approximately eight dollars (\$8) to ten dollar (\$10) per athlete.

Motion To Approve City Facilities Usage Policy As Presented Motion: Ridley Second: Comadoll To approve City Facilities Usage Policy as presented

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

Good Of The City (Cont.) Heath

Ridley

Maassel

Sheaffer

Behm

Motion To Approve Behm's Appointment Of Baer To The Civil Service Commission

Passed Yea- 5 Nay- 1 None

None

None

None

Behm appointed Dan Baer to the Civil Service Commission.

Motion: Maassel Second: Ridley

To approve Behm's appointment of Baer to the Civil Service Commission

Roll call vote on above motion:

Yea- Sheaffer, Helberg, Comadoll, Ridley, Maassel

Nay- Marihugh

Behm asked Irelan for the status of the discussions with the Satellite water customers; Irelan stated that the revised revenue and analysis reports were recently completed by Courtney & Associates and are currently being reviewed by Heath and Irelan.

Helberg

None

Marihugh

Marihugh believes that the property code rules must be better enforced. Marihugh asked if Canal Street is open at the 600 block and if so, he would like all vehicles cleared from this area.

Marihugh asked if the proprietors of the property at the corner of Commerce Drive and Interstate Drive are still licensed, and asked if this property is zoned Commercial, adding that this property should be cleaned up at the outside storage area.

Marihugh asked for the zoning of the property adjacent to the Yard Waste Facility in writing, and asked what the City has done in attempt to clean up that situation as well.

Marihugh clarified that he is requesting the current zoning, the rules as to what is allowed, and the plan for cleaning up the properties at the 600 block of Riverview Avenue; the corner of Commerce Drive and Interstate Drive; the 1200 block property that is abutting the Yard Waste Site, and Canal Street. Marihugh believes that there should be legal ramifications for not following the rules, and he believes that too much latitude has been given to these property owners.

Comadoll

Comadoll stated that he has noticed a lot of junk out already for Unlimited Pick Up which is still approximately three (3) weeks away, and this should be handled per Legislation.

Hayberger

None

Irelan

None

Motion To Go Into Executive Session: Compensation Of Personnel Motion: Marihugh Second: Maassel

To go into Executive Session to discuss compensation of personnel

Passed Yea- 6 Nay- 0 Roll call vote on above motion:

Yea- Sheaffer, Helberg, Marihugh, Comadoll, Ridley, Maassel Nav-

Motion To Go Into Executive Session: Economic Development Motion: Ridley Second: Maassel

To go into Executive Session to discuss economic development

Passed Yea- 6 Nay- 0 Roll call vote on above motion:

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

Nay-

Motion To Go Into Executive Session: Purchase Of Property Motion: Ridley Second: Maassel

To go into Executive Session to discuss the purchase of property

Passed Yea- 6 Nay- 0 Roll call vote on above motion:

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

Nay-

Council 4/6/15

page 8 of 10

Motion To Go Into Executive Session: Imminent Litigation Motion: Marihugh Second: Ridley

To go into Executive Session to discuss imminent litigation

Passed

Yea- 6 Nay- 0 Roll call vote on above motion:

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

Nay-

Into Executive Session

Council went into Executive Session at 7:36pm.

Motion To Come Out Of Executive Session: Compensation Of Personnel Motion: Maassel Second: Ridley

To come out of Executive Session discussing compensation of personnel

Passed

Yea- 6 Nay- 0 Roll call vote on above motion:

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

Nay-

Motion To Come Out Of Executive Session: Economic Development Motion: Maassel Second: Marihugh

To come out of Executive Session discussing economic development

Passed

Yea- 6 Nay- 0 Roll call vote on above motion:

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

Nay-

Motion To Come Out Of Executive Session: Purchase Of Property Motion: Maassel Second: Marihugh

To come out of Executive Session discussing purchase of property

Passed

Yea- 6 Nay- 0 Roll call vote on above motion:

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

Nay-

Motion To Come Out Of Executive Session: Imminent Litigation Motion: Maassel Second: Ridley

To come out of Executive Session discussing imminent litigation

Passed

Yea- 6 Nay- 0 Roll call vote on above motion:

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

Nay-

Out Of Executive Session

Council came out of Executive Session at 8:31pm. President Sheaffer reported that the discussion was regarding compensation of personnel, economic development, the purchase of property, and imminent litigation and no action

was taken.

Approval Of Bills Bills a

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

Motion To Adjourn

Motion: Ridley To adjourn the meeting.

Second: Marihugh

Council 4/6/15

page 9 of 10

Passed Yea- 6 Nay- 0	Roll call vote on above motion: Yea- Sheaffer, Helberg, Marihugh, Comadoll, Ridley, Maassel Nay-
Adjournment	Meeting adjourned at 8:32pm.
Approved:	
	Travis B. Sheaffer, Council President
	Ronald A. Behm, Mayor
	Gregory J. Heath, Finance Director/Clerk of Council



City of Napoleon, Ohio

DEPARTMENT OF MANAGEMENT

255 West Riverview Avenue, P.O. Box 151 Napoleon, OH 43545 Telephone: (419) 592-4010 Fax: (419) 599-8393 www.napoleonohio.com

Memorandum

To: Honorable Mayor, Mr. President, and Councilmembers

From: Monica Irelan, City Manager

Date: 04/17/2015

RE: Resolution authorizing the City Manager to sell City real estate

The Napoleon School District will need to auction property within the next twelve to eighteen months. While preparing all legal documents needed, there were a few land issues that need to be addressed and resolved by the City of Napoleon. As a result of this memorandum, I would ask the City Council to direct the Law Director to bring back legislation to implement the suggestions below.

West School - The City owns property on the north side of the creek. Our property goes up to the Top of Bank. The School's property goes to the thread (center) of the creek. There is a gap between the 2 properties, commonly referred to as a "No Man's Land". The County is requiring that this issue be corrected before the land can be sold. The school has requested that we Quit Claim our interest in this land which will allow them to take ownership of it. We have no need for the land. The Oberhaus Interceptor is located on the property we own, as well as the adjacent property. None of the interceptor is located on the areas proposed to be Quit Claimed by us or any of the neighbors.

<u>Central School</u> - W. Riverview Avenue is located on what used to be Canal Lands. From what staff has uncovered, a portion of this land was split into right-of-way with the remainder of the property as a parcel. The remaining parcel was used by the school for many years. The State of Ohio will not allow this parcel to be sold to a private owner; it has to be owned by a public entity. The school's attorney asked if the City would be interested in this property. At first, the City did not feel we needed to take over more property. After our recent conversations with the Ohio E.P.A., I think it is in the best interest of the City to accept the parcel. It is split into 1 or 2 parcels and extends from Haley Avenue to Scott Street. A portion of our Haley Street Interceptor lies in this property. This property could be used in future Long Term Control Plan projects.

The school has also requested that Webster Street, south of W. Main Street, be vacated. Staff does not oppose this. It is a paper street with very little need to ever be constructed.

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.

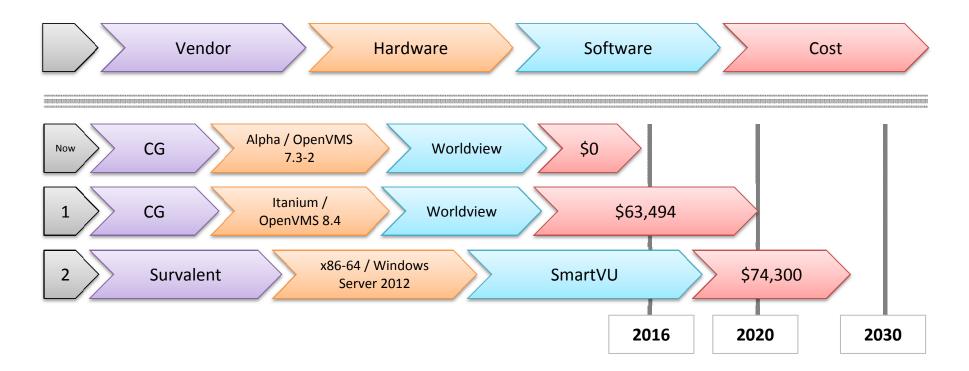
Hardware

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

This Agreement is entered into as of	, 20, between
COMPMANAGEMENT, LLC, A SEDGWICK CMS	COMPANY ("COMPMANAGEMENT"I)
an Ohio corporation with a mailing address of P.	O. Box 884, Dublin, Ohio 43017-0884

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

CompManagem	nent, LL27	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 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: *April 14, 2015*

Subject: Donation from Henry Wood Sportsman Alliance

The Henry Wood Sportsman Alliance has donated \$500 to the Parks and Recreation Department. This donation will offset the cost of stocking fish in the pond at Oakwood Park.

I am requesting that this donation be formerly accepted by City Council at their next meeting. If you have any questions or need additional information, please let me know.

cc.: Greg Heath, Finance Director

MPARD 220.4400.44350 500.00

HENRY-WOOD SPORTSMANS ALLIANCE PO BOX 55 GRAND RAPIDS OH 43522 1021 56-1501/412

Date april 11,2015

Pay to the Order of Dapoleon

\$ 500.00

Fire Handred and No 100 -

__ Dollars 🗓 Beauty Features

(#) Huntington

Memo-Ish Stocking grant

Lawa & Caron

PC 15-01

Re-plat of Part of Lots 25, 26 and 27 of the Original Plat in the City of Napoleon

MEMORANDUM

TO: Members of The City Planning Commission

FROM: Tom Zimmerman, Zoning Administrator

SUBJECT: Replat

MEETING DATE: April 14, 2015 @ 5:00PM

HEARING #: PC-15-01

BACKGROUND:

An application for public hearing has been filed by Four Walters, Ltd. The applicant is requesting a Replat of lots 25, 26 and 27 in the Original Plat in the City Napoleon. This subdivision will create lots 1 thru 4 located between 212 and 234 E. Front St. The request is pursuant to Chapter 1105 of the Codified Ordinances of Napoleon Ohio. The property is located in a C-1 General Commercial Zoning District.

RESEARCH AND FINDINGS

- 1. The side yard setback for a lot in a C-1 Zone for a one and two family residential dwelling is 7 feet. The existing dwellings on the proposed Lot 2 and Lot 3 are 8 feet apart and the proposed new property line is located in the middle 4 feet from each house. The property owner has requested this Board as per Section 1105.06 to grant a Variance of 3 feet to reduce the required side yard setback to 4 feet for Lot 2 and Lot 3.
- 2. The proposed subdivision of land meets all the requirements of Chapter eleven of City's Codified Ordinances pertaining to Subdivision regulations, building setbacks, parking requirements and lot size.
- 3. All lots have existing water and sewer services to each lot.
- 4. The City Engineer has reviewed and approved the proposed subdivision.

PLANNING COMMISSION REPORT

This form records the vote of each member of the Planning Commission and the reason for disapproval in the matter of:

PC-15-01

	<u>Approval</u>	<u>Disapproval</u>	<u>Absent</u>	
Robert McLimans, Chair Fredrick Furney, Marvin Barlow Ronald Behm, Mayor Tim Barry	X X X X		_X 	
Member Reason stated for disapproval:				
Member Reason stated for disapproval:				
Member Reason stated for disapproval:				
Member Reason stated for disapproval:				

PLANNING COMMISSION RESOLUTION NO. PC 15-01

A RESOLUTION RECOMMENDING THE APPROVAL OF A RE-PLAT OF LOTS NUMBERED 25, 26 AND 27 OF THE ORIGANIAL PLAT OF THE CITY OF NAPOLEON

WHEREAS, Four Walters, Ltd Owner, has made an application pursuant to Chapter 1105 of the Codified Ordinances of the City of Napoleon, Ohio, to approve a replat of Part of Lots Numbered 25, 26 and 27 of The Original Plat of the City of Napoleon, a minor subdivision in the City of Napoleon, Ohio; and,

WHEREAS, this Commission has held a hearing pursuant to Section 1105.09 of the Codified Ordinances of the City of Napoleon, Ohio and other applicable sections of law, to wit: Hearing No. PC-15-01 (held April 14, 2015); and,

WHEREAS, the Zoning Administrator has complied with the provisions of said Section 1105.09 (b)(1)-(6); and,

WHEREAS, no Performance Agreement is required; and,

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

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

- Section 1. That, it is the recommendation of this Planning Commission that a side yard setback variance of 3 feet to the East side of lot #3 and the West side of Lot #2 be approved. Allowing a Re-plat of Lots Numbered 25, 26 and 27 of The Original Plat of The City of Napoleon, creating Lots Numbered 1, 2, 3 and 4 located in the West half (1/2) of the Southeast quarter (1/4) of Section 13, Town Five (5) North, Range Six (6) East, Napoleon Township, in the City of Napoleon, Henry County, Ohio, be approved by the City Council of Napoleon, Ohio. As shown in Exhibit "A"
- Section 2. That, it is found and determined that all formal actions of this Planning Commission concerning and relating to the adoption of this Resolution were adopted in open meetings of this Planning Commission, and that all deliberations of this Planning Commission and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.
- Section 3. That, if any other prior Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.
- Section 4. That, this Resolution shall take effect at the earliest time permitted by law.

Mayor Ronald Behm, Acting Chairman	









City of Napoleon, Ohio

Tree Commission

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

Meeting Agenda

Monday, April 20, 2015 at 6:00pm

- I. Approval of Minutes (In the absence of any objections or corrections, the minutes shall stand approved.)
- II. Tree Call Report
- III. Spring Programs
- IV. Arbor Day Observation
- V. Any other matters to come before the Commission
- VI. Adjournment

Gregory J. Heath, Finance Director/Clerk of Council

TREE COMMISSION

Meeting Minutes

Monday, February 16, 2015 at 6:00 pm

PRESENT

Commission **City Staff** Recorder

ABSENT

Members Call To Order

Election of Tree

Commission Chairperson

Motion To Appoint Volkman Chairperson

Passed Yea-5 Nay-0

Approval Of Minutes

Tree Call Report

Bill Rohrs, David Volkman, Anella Huff, Jeffrey Marihugh, Kirk Etzler

Marty Crossland Tammy Fein

Recorder Tammy Fein called the meeting to order at 6:00pm.

Fein asked each member in order of seniority for a recommendation of a name for Chair.

Volkman passed Rohrs nominated Volkman Etzler nominated Volkman Huff nominated Volkman Marihugh passed

Motion: Rohrs Second: Etzler

To appoint Volkman as Chair for the Tree Commission

Roll Call vote on above motion:

Yea- Volkman, Huff, Rohrs, Etzler, Marihugh

Nay-

Minutes from October 20, 2014 stand approved as presented with the following corrections on page three (3); "River Park' should read "Ritter Park', also a limb randomly 'fall' should read 'fell'.

Crossland reported there were less tree calls due to the weather;

The resident at 721 South Perry Street called to complain about bird droppings from the neighbor's crab apple trees on the North side of Pontious Place; she's worried this will stain her car and siding. Crossland stated that there are approximately five (5) crabapple trees, and one (1) is less than five (5) years old, the rest are larger. Crossland suggested not removing the trees as it is a good habitat for birds and the owners' deceased husband planted the trees. Etzler agreed that this is a natural habitat for birds and does not believe the trees should be removed. Rohrs believes that removing these trees may lead to more removals for other residents; and

The resident at 1448 Hudson Street, Jim Mathias, requested the planting of two (2) more trees; Crossland agreed, adding that the resident had a tree removed due to a waterline project on his property along Oakwood Avenue.

2014 Fall Programs

Crossland stated the 2014 Fall programs were complete, the total cost for removals was \$8,295, the total cost for plantings was \$6,015 and the trimming and topsoil contracts both had 'Not To Exceed' clauses with a total for trimming of \$18,000 and topsoil had a total of \$2,500. Crossland shared a map that demonstrated the amount of trimming that was completed by area and by

year; adding that the area between Haley Avenue and Glenwood Avenue received the most trimming this year, adding that this area was one of the densest parts of town for trimming requirements. Crossland stated that he would like to get to the approximately seven (7) year cycle for trimming as previously discussed by the Commission. Volkman commended the trimming crews for the work that was accomplished; Crossland agreed, adding that the trimmers used a three (3) man crew and on some days used a second crew so smaller trees could be trimmed up from the ground, and the larger trees could be trimmed from a bucket truck. Marihugh commended the crew on the traffic control and signage.

Crossland reported that there was only one (1) resident complaint, but the resident was appeased when the crew explained they were only trimming the tree, not removing it, and the resident would not be charged. Crossland stated that he would like to see the trimming projects start up in the Fall where they left off, and if more than \$18,000 was available for the project, then it would be used. Crossland stated that he would like to keep the single contracts at a lower cost than the prevailing wage requirement to keep the costs of the project down. Crossland reported that there were approximately three hundred (300) trees that were trimmed. Marihugh reminded the Commission that the companies that do the removals are not trained to arborist standards; Crossland stated this narrows the competition, however there are two (2) companies interested, and this allows for competitive bidding, adding that the current price is approximately two hundred dollars through two hundred fifty dollars (\$200 - \$250) per hour.

Spring Tree Programs

Crossland distributed a list regarding the Spring Tree Program; see attached.

Crossland reported that approximately ninety percent (90%) of the items on this list have previously been discussed by the Commission last Fall, and a small portion of the list was added by Crossland as they were noticed. Crossland stated that the Norway Maple located at 817 Maple Street should be removed, though it is not a danger. Crossland added that these removals will take care of the die-offs from previous years. Marihugh asked if the Maple tree at 220 East Barnes Avenue was to be removed; Crossland will research this. Crossland stated that if the Commission approved the list, Crossland will make the bid proposals and have the contractor determined for the next meeting; there were no objections from the Commission.

Crossland distributed a Spring Planting List; see attached.

Crossland changed the species of trees to be planted at Forest Hill to be a Tulip Tree to maintain uniformity. Crossland also added the two (2) trees for Mathias that were discussed earlier to this list. Crossland asked the Commission to approve the planting list so he may open the bidding and award the bid to a nursery in order to get the projects started; there were no objections from the Commission.

Crossland distributed a Removal List; see attached.

Crossland reported that a Rose of Sharon bush on West Main Street will be removed as it got too big for the space that it is planted; there are two smaller (2) Norway Maples to be removed and replaced in the islands.

Crossland distributed the List of Holes; see attached.

Crossland reported that this is last year's removal list of forty (40) holes, and

there will be a \$2,500 'not to exceed' clause in this contract, the terms of the contract include filling in the hole, seeding the area and strawing the area. North Branch Nursery and Northwest Landscaping have both completed this project for the City in the past, Crossland will incorporate Neville Tree & Landscaping Service into this list as well; Neville responded to the planting request last Fall but were outbid by North Branch. Crossland added that A Cut Above The Rest Tree Service was added to the removals vendor list due to other companies that requested not to be contacted for the projects. Crossland reported that Scott Street plantings have been tabled until next year.

Volkman suggested that Crossland open the bidding for all the projects discussed in order to get the projects started in a timely matter; the Commission unanimously agreed. Crossland added that the topsoil, seeding and planting are all scheduled to be completed on the Saturday after Arbor Day to give the grass time to grow during May. Etzler stated that the contracts for Spring planting could be awarded before the next meeting if Crossland could email the information to the Commissioner members.

Marihugh asked what caliper tree would be planted this year; Crossland stated there is a one and a half ($1^{-1/2}$) inch minimum; however the measuring area may be changed from the base to approximately six (6) inches off the ground; Crossland assumes this is above the graft point; this has been passed by the Ohio Division of Forestry and the Ohio Nursery and Landscapers Association.

Crossland spoke with Kurtz Hardware regarding purchasing two (2) dozen watering bags; the cost is reduced due to the Commission purchasing more than ten (10) bags, with the discounted cost being \$18.75 per bag. Crossland asked for approval by the Commission of this purchase to replenish the damaged bags and adding more bags to maintain an inventory of approximately two hundred (200) bags; the Commission unanimously approved. Marihugh asked if fertilized was used in the bags, Volkman stated that no fertilizer is used on new trees to avoid root burning.

Arbor Day Observation

Crossland reported that the Arbor Day planting area options are listed on the planting list; Crossland would like to collaborate with the school again. Crossland would like the Commission to decide the area so he can outline this in the bid packet to the contractors. The Commission unanimously decided that the Arbor Day Observation should take place at East Riverdowns Park replacing a plum tree; Etzler believes that last year the students had no issues getting to and from East Riverdowns Park; Crossland believes this is closer to the middle school. Volkman asked Etzler if he could contact the schools as he did last year; Etzler agreed, though he may not attend the observation due to potential scheduling issues. Crossland may ask to have the plaque moved for the replaced tree depending on the condition of the plaque. Crossland stated that Arbor Day is April 24, and the observation taking place either in the morning or afternoon will depend on the school schedule for testing.

Tree Commission Webpage Crossland reported that the current Tree Commission link on the City of Napoleon webpage has little information available; Crossland suggested adding the most current lists to the site. Crossland distributed suggested wording for the Tree Commission link; see attached. Crossland suggested having a Tree Work Request Form added to the main page so he can receive emails from residents regarding tree issues and plantings. Volkman stated that the State of Ohio Forestry Division has articles that could be added as a link to the Tree Commission site as well. Crossland reported that other cities keep lists of trees that are planted and the location of the plantings on their websites, also

explaining reasons why that species is planted in that location. Crossland would like to show the species planted in the City to demonstrate what is overpopulated and why replacement trees may be a different species. Etzler suggested tying in the link to the map showing the tree plantings; Crossland stated that the tree planting information will be part of the Citywide GIS mapping software when it is running.

Etzler asked who would be maintaining the website; Crossland replied that the GIS system maintenance is currently hired out, and the City website maintenance is handled in house. Crossland asked the Commission to review the distributed information for any suggestions.

Any Other Matters To Come Before The Commission None

Motion To Adjourn

Motion: Etzler Second: Rohrs To adjourn the meeting at 6:56pm.

Passed Yea- 5 Nay- 0 Roll call vote on above motion: Yea- Volkman, Huff, Rohrs, Etzler, Marihugh Nav-

Approval Date:

Dave Volkman, Chair

Memorandum

To: Parks & Recreation Committee, Council, Mayor, City Manager,

City Law Director, City Finance Director, Department Supervisors,

Media

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

Date: 4/14/2015

Re: Parks & Recreation Committee Meeting Cancellation

The regular Parks & Recreation Committee meeting scheduled for Monday, April 20 at 6:15pm has been CANCELED due to lack of agenda items.



Legislative Bulletin

Ohio Municipal League Legislative Bulletin

OML HOME • Affiliates • Classifieds • Publications • About OML

Join the OML Legislative Bulletin E-Mail List

Committee Schedule

April 17, 2015

HOUSE CHANGES MAJOR COMPONENTS OF ADMINISTRATION'S BUDGET PROPOSAL

Not all members of the Ohio House of Representatives took time off during the last two weeks as part of the legislature's Spring break recess. Upon returning to the Statehouse this week, majority leaders of the Ohio House unveiled an alternative state budget proposal, addressing differences they have in state policy challenges, from what was presented earlier by the administration.

As is the case with most state budget proposals, tax policy is generally the main focus of the two year spending plan. The biennial budget presented by the administration in early February to the legislature included a number of tax proposals that were met with significant skepticism from lawmakers. To that end, the plan released this week by Ohio House Speaker Rosenberger and Finance Committee leaders deleted language that would have increased Ohio sales, commercial activity (CAT), tobacco, oil & gas severance taxes previously proposed to offset the \$1.2 billion in proposed tax cuts included in HB 64. Instead, the House is considering creating the "2020 Tax Policy Study Commission" to study the continued shifting of tax policy away from income based taxes and more reliance on revenue generated through consumption based taxes.

The House plan will provide the originally proposed 6.3% personal income tax rate reduction across the board lowering the top tax rate to below 5% and provides over \$1.2 billion in taxpayer savings over the next two years. The House plan also makes permanent a 75% small business tax cut for the first \$250,000 of income. It remains to be seen if the anticipated deposit of \$375 million to the state rainy-day fund for fiscal emergencies, bringing it to \$1.85 billion, will occur but a surplus is projected. The proposed cuts and tax savings measures will be financed largely through projected growth in state tax revenue.

Although calculations are not available yet, one of the greatest concerns the league has with the changes in state tax policy is how those changes will affect the amount of revenue the state collects for the General Revenue Fund which in turn affects revenue available to fund the Local Government Fund. As state GRF revenues decrease so does the LGF distribution levels which equals fewer resources for cities and villages to access and to provide the level of services residents and businesses deserve and expect without the continued need for higher local taxes.

Included in the substitute budget language offered Tuesday is language making additional changes to the municipal income tax. Those changes include:

• Requires civil actions by taxpayers related to municipal income taxes be brought against the municipal corporation imposing the tax rather than the municipal corporation's tax administrator. Am. 718.37 (This

issue was originally introduced as HB 84 by Rep. Sprague (R-Findlay))

- Allows municipalities that use OAGI as the base of their income tax to change their base to mirror state income tax changes and to request an Ohio 1040 form as well as a federal 1040.
- Makes consistent with federal, state and current municipal law the due date for entities with a fiscal year end other than a calendar year end.
- Requires tax administrators to accept taxpayer request for a six month extension in filing deadline regardless of prior request for federal extension.
- Reinstates 718.07 requiring municipalities to publish a summary of the taxpayer's rights and responsibilities online.

In addition to issues related to the municipal income tax being included in a two year state operating budget bill, House majority leaders also added language which would further change state law regarding the use of red light cameras by municipalities. As our members will remember, late last year the Ohio legislature passed SB 342 (effective March 23, 2015)requiring among other things that communities can only operate and enforce red light cameras if a police officer is stationed at the camera location and issues the citation at the time of the violation.

The language added to HB 64 would require Ohio cities and villages that operate and receive revenue from red light cameras to report annually revenue amounts collected by the violations to the state Auditor so that those communities LGF distribution amounts can be reduced equal to the revenue generated. The budget language goes on to stipulate that municipalities that fail to comply with the reporting requirements will forfeit all Local Government Fund distribution revenue. It is our understanding that this proposal is still "under review" and we are very hopeful that better policies are pursued.

It is important to note that all of the language being considered to be included in HB 64, the 2015-2016 state operating budget is all very fluid and more hearings and additional amendments by House Finance Committee members will continue to alter what will be the final package agreed upon by a majority of House members and then sent to the Ohio Senate for their alterations.

Although next week the Ohio House will continue the hearing process for the alternative version of HB 64 unveiled Tuesday, the Senate has announced their budget hearing schedule through the end of May. Senate majority leaders have announced that hearings will begin next week in the Senate Finance Committee with the tax reform issues to be discussed April 22.

REFRESHMENT AREA BILLS RECEIVE ACTION IN OHIO SENATE

Work continued this week on legislation that would allow municipalities with a population over 35,000 to create districts where individuals will be exempt from open container restrictions.

On Tuesday, the Senate State and Local Government Committee held a first hearing on HB 47, Reps. Blessing and Driehaus' bill that cleared the Ohio House before the legislature's Spring Break recess permitting the new refreshment areas to be established. Following the House sponsor's presentation of their legislation, the committee held a fifth hearing for SB 95, Sens. Seitz and Jones' legislation that also would permit the new easing of Ohio's open container law in specific circumstances. After what was described as lengthy discussions with stakeholders and House members, Sen. Seitz introduced a substitute bill making changes to the proposal. A copy of the Legislative Service Commission comparative synopsis for SB 95, can be found HERE.

One of the most significant changes the league is interested in relates to the language in the bill that would establish a population cut off at 35,000 for communities to be eligible to participate in the program, which the

league had opposed. The new version of the bill adopted by the committee would require jurisdictions under 35,000 in population to wait two years from the effective date of the act to establish a single refreshment zone as long as the designated zone is no greater than 150 contiguous acres and has at least four permit holders. The language replaces previous language that would have formed a legislative committee to study allowing cities and villages under 35,000 in population to participate.

The substitute language also addresses the use of commercial quadricycles, reduces from three to two the number of outdoor refreshment areas a city or township with a population over 50,000 may establish while governmental units with a population between 35,000 and 50,000 may qualify for one zone. Sub. SB 95 also conforms the two bills to the 35,000 population level.

The full Senate is expected to take up sub. SB 95 in the near future. We anticipate the Senate State and Local Government Committee will continue to hold hearings for HB 47, potentially amending the bill to include the recent changes made to sub. SB 95. It is not clear which bill will be the first to complete legislative process but both Senate and House versions contain an emergency clause to accommodate this summer's Major League Baseball All Star game in Cincinnati and the Republican National Convention in Cleveland next year.

We want to extend another word of appreciation to those municipal officials from across the state who helped us communicate to legislators the desire that all communities be given an equal opportunity to offer a new social and economic platform to generate interest in a civic or social event.

SERB SEEKS INPUT ON ADMINISTRATIVE ROLE REVIEW

Dear Stakeholder:

The State Employment Relations Board (SERB) has begun the process of reviewing its administrative rules as required by Ohio Revised Code ("O.R.C.") § 119.032. SERB is contemplating the possible amendment of certain administrative rules and is seeking input from our stakeholders pursuant to O.R.C. § 4117.02(K)(8)(c). Please note that the rules under consideration for *possible* amendment are listed in the addendum to this letter. The drafts of the actual proposed amendments to these rules will not be available until May 6, 2015. (See Item No. 2 below) Stakeholders can provide input as follows:

1. COMMENTS/SUGGESTIONS: Send comments and/or suggestions concerning

the rules selected for possible amendment to SERB's General Counsel, Donald M. Collins at: donald.collins@serb.state.oh.us. Please note that in lieu of or in addition to submitting comments or suggestions via email, stakeholders may attend the informal rule review meeting discussed below.

2. INFORMAL RULE REVIEW MEETING: On May 6, 2015, at 1:30 p.m., SERB

will hold an informal meeting for representatives of public employers and employees who may have an interest in the proposed rule amendments. The informal meeting will take place at SERB's offices in Columbus, Ohio. If you planto attend this meeting, please notify SERB's Administrative Assistant, ErinConn at: erin.conn@serb.state.oh.us.

All comments and suggestions regarding SERB's proposed rule amendments must be received no later than May 15, 2015. Please be advised that SERB will email notices of proposed amended rules and provide copies of same upon request, in accordance with O.R.C. § 4117.02(K)(8)(a) and (b). SERB will also hold a formal public hearing for any proposed rules to be filed with the General Assembly pursuant to O.R.C § 119.03.

Information regarding our rule review process will be posted on SERB's website

(www.serb.state.oh.us).

Sincerely,

W. Craig Zimpher

Chair

News from the National League of Cities

April 13, 2015

Report: Cities Need States to Provide More Authority to Collect Revenue

WASHINGTON - The National League of Cities (NLC) today released its <u>2015 Cities and State Fiscal</u> Structures report, which found that no state has expanded the fiscal authority of its cities since the start of the recession. The report provides a comparative assessment of local fiscal systems in each of the 50 states, including taxing authority, revenue reliance and capacity, state aid, and tax and expenditure limits. The Cities and State Fiscal Structures report was produced in partnership with NLC's state league members and was last issued in 2008.

City finances have been slow to recover from the recession in part because of continued constraints from states on cities' ability to raise revenues. The options available to local governments are determined by their states. State actions can hinder cities' fiscal autonomy by providing limited access to tax sources, placing caps on tax revenue and cutting aid, for example. However, the report also notes that state fiscal systems have the potential to create an environment that will allow municipalities to fund their share of resident needs and to thrive economically.

"The Cities and State Fiscal Structures report supports the fact that cities and towns need more fiscal autonomy to balance their budgets, create economic growth and meet their communities' needs," said Clarence E. Anthony, CEO and president of the National League of Cities.

The report examines state-local fiscal structures and uses data from the Census of Governments, as well as detailed information from the state municipal leagues. Cities and State Fiscal Structures is the first report in a research collaborative between NLC and the state municipal leagues. Additional information and research from NLC's Center for City Solutions and Applied Research can be <u>found here</u>.

The National League of Cities (NLC) is dedicated to helping city leaders build better communities. NLC is a resource and advocate for 19,000 cities, towns and villages, representing more than 218 million Americans.

2015 State Historic Preservation Office Awards

Do you know of a great rehabilitation project? A special person or group who should be recognized for a significant preservation effort? An effective program, event or campaign that increased awareness of historic preservation?

Each year, the Ohio History Connection's State Historic Preservation Office recognizes achievements in historic preservation by presenting awards in two categories: Public Education and Awareness, and Preservation Merit. People, organizations, businesses and public agencies are eligible for the awards.

Anyone may submit a nomination for the awards. Nominations must be postmarked by June 1. A selection committee comprising members of the governor-appointed Ohio Historic Site Preservation Advisory Board

and State Historic Preservation Office staff will choose recipients in each category. Awards will be presented at the State Historic Preservation Office Awards luncheon in the fall.

For a nomination form call 614.298.2000 or write to: State Historic Preservation Office Awards, Ohio History Connection, 800 E. 17th Ave., Columbus, OH 43211-2474.

FY2015 TIGER NOFA ANNOUNCEMENT

The U.S. Department of Transportation has notified us that the Notice of Funding Availability (NOFA) for the next round of the Transportation Investment Generating Economic Recovery (TIGER FY2015) Grant Program is now available. \$500 million is available for grants in this round of TIGER.

The NOFA can be found on the US Dept. of Transportation website: www.dot.gov/TIGER as well as information on upcoming planned, informational webinars about applying for a TIGER grant this year.

Please note the following:

- Pre-applications *are* required for this round of TIGER.
- Deadline for Pre-applications: May 4, 2015, by 11:59 p.m. EDT.
- Date for Grants.gov to Begin Receiving Applications: May 5, 2015.
- Deadline for Final Applications: June 5, 2015, by 11:59 p.m. EDT

BILL INTRODUCTIONS AND COMMITTEE SCHEDULE

Below is a list of new bills introduced over the last several weeks as well as the upcoming committee schedule. If there are any additions to the committee schedule, we will post them to our website at www.omlohio.org.

Have a great weekend~

New House Bills:

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.

HB 137

ORGAN DONATION (Grossman, C., Phillips, D.) To require the health curriculum of each school district to include instruction on the positive effects of organ and tissue donation. Am. 3313.60.

HB 138

SCHOOL TESTS (Zeltwanger, P., Koehler, K.) To revise the requirements regarding the administration of the state achievement assessments, to require the Department of Education to request a waiver from federal testing requirements, and to declare an emergency. En. 3301.0727.

HB 139

ROAD NAMING (Hall, D.) To designate a portion of state route 39 in Ashland county as the "Fireman First Class Irving Eugene Peters Memorial Highway." En. 5534.15.

HB 140

ROAD NAMING (Sheehy, M.) To designate a portion of state route 4 beginning in Crawford County and ending in Erie County as the "Rep. Frederick H. Deering Memorial Highway." En. 5534.50.

HB 141

HISTORY CONNECTION (Hambley, S., Boyce, K.) To change the name of the Ohio Historical Society to the Ohio History Connection. Am. To amend sections 5.224, 101.54, 103.03, 105.41, 107.40, 111.08, 123.28, 127.16, 135.451, 145.01, 149.091, 149.11, 149.30, 149.301, 149.302, 149.303, 149.304, 149.305, 149.306, 149.307, 149.308, 149.31, 149.321, 149.38, 149.381, 149.52, 149.53, 149.54, 149.56, 317.08, 1347.01, 1347.12, 1506.31, 1506.32, 1506.33, 1506.34, 1506.35, 1506.36, 1520.02, 1520.03, 1541.01, 3301.10, 3311.0510, 4301.40, 4303.181, 4303.182, 4503.95, 5122.31, 5122.46, 5122.47, 5123.31, 5123.89, 5511.05, 5533.01, and 5747.113.

HB 142

ENDOMETRIOSIS AWARENESS (Hagan, C.) To designate the month of March as "Endometriosis Awareness Month." En. 5.256.

HB 143

HISTORICAL STRUCTURE (Gonzales, A.) To designate the barn as the official historical architectural structure of the state. En. 5.074.

HB 144

METH LAB REMEDIATION (Anielski, M., Sykes, E.) To provide for the remediation of real property on which an illegal methamphetamine manufacturing laboratory has been discovered. Am. 3745.13 and 4745.01 and to enact sections 3744.01, 3744.02, 3744.03, 3744.04, 3744.06, 3744.09, 3744.12, 3744.13, 3744.15, 3744.16, 3744.17, 3744.18, 3744.20, and 5302.31.

HB 145

STEM PILOT PROGRAM (McColley, R., Howse, S.) To establish the STEM Public-Private Partnership Pilot Program to provide high school students the opportunity to receive education in a targeted industry while simultaneously earning high school and college credit and to make an appropriation.

HB 146

CURSIVE INSTRUCTION (Grossman, C., Brenner, A.) To require instruction in cursive handwriting. Am. 3313.60.

HB 147

CONCEALED FIREARMS (Hood, R.) To allow a person who has a concealed handgun license to carry concealed all firearms other than dangerous ordnance or firearms that state or federal law prohibits the person from possessing and to provide that a person 21 years of age or older and not legally prohibited from possessing or receiving a firearm by federal law does not need a concealed handgun license in order to carry or have concealed on the person's person or ready at hand a firearm and is subject to the same laws regarding carrying a concealed firearm as a person who has a concealed handgun license. Am. 109.69, 109.731, 1547.69, 2923.11, 2923.12, 2923.121, 2923.122, 2923.123, 2923.124, 2923.125, 2923.126, 2923.128, 2923.129, 2923.1213, 2923.16, and 4749.10 and to enact section 2923.111

HB 148

SCHOOL CONSOLIDATIONS (Patterson, J., LaTourette, S.) To require the Ohio School Facilities Commission to provide classroom facilities assistance to a school district resulting from the consolidation of two or more school districts or from the voluntary transfer of the entire territory of a school district if specified conditions are satisfied. Am. 3318.75

HB 149

ATTORNEY'S FEES (Dever, J., Patterson, J.) 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

HB 150

HOTEL INTERMEDIARIES (Grossman, C., Scherer, G.) To require hotel intermediaries to collect and remit applicable sales and use tax on the full amount paid for hotel lodging, to require hotel intermediaries to supply customers with itemized invoices, to specify that a hotel intermediary is presumed to have "substantial nexus" with Ohio if the intermediary arranges lodging at Ohio hotels, and to specify that hotels are not liable for the failure of a hotel intermediary to properly collect or remit applicable taxes. Am. 351.021, 353.06, 5739.01, 5739.09, 5739.12, 5739.13, 5741.01, 5741.12, and 5741.13 and to enact section 5739.081.

HB 151

STALKING (Anielski, M.) To expand the offenses of menacing by stalking and telecommunications harassment, to prohibit a person from knowingly causing another person to believe that the offender will cause physical harm or mental distress to a family or household member of the other person, to increase the penalty for assault when the victim is a volunteer firefighter, and to correct a cross reference in the theft statute to special purchase articles. Am. 2903.13, 2903.211, 2913.02, and 2917.21

HB 152

CONCEALED WEAPONS (Hood, R., Brinkman, T.) To allow a person who has a concealed handgun license to carry concealed all firearms other than dangerous ordnance or firearms that state or federal law prohibits the person from possessing and to provide that a person 21 years of age or older and not legally prohibited from possessing or receiving a firearm by federal law does not need a concealed handgun license in order to carry or have concealed on the person's person or ready at hand a firearm and is subject to the same laws regarding carrying a concealed firearm as a person who has a concealed handgun license. Am. 109.69, 109.731, 1547.69, 2923.11, 2923.12, 2923.121, 2923.122, 2923.123, 2923.124, 2923.125, 2923.126, 2923.128, 2923.129, 2923.1213, 2923.16, and 4749.10 and to enact section 2923.111

HB 153

PRESIDENTIAL PRIMARY DATE (Dovilla, M.) To change the date on which presidential primary elections are held. Am. 3501.01, 3513.01, and 3513.12

HB 154

BICYCLE OPERATIONS (Henne, M., Sheehy, M.) To provide that when a motor vehicle passes a bicycle the safe passing distance to the left is three feet, and to alter the protocol for proceeding into an intersection that has malfunctioning traffic lights. Am. 4511.132 and 4511.27

HB 155

SAVINGS ACCOUNTS (Dever, J., Conditt, M.) To require the Treasurer of State to create a program offering federally tax-advantaged savings accounts used to pay for a person's qualified disability expenses and to

disregard the value of and income from that account in determining whether that person is eligible for state or local means-tested public assistance. Am. 2329.66 and to enact sections 113.50, 113.51, 113.52, 113.53, 113.54, 113.55, and 113.56

HB 156

COMMUNITY SCHOOLS (Roegner, K., Patterson, J.) To make changes to the law regarding governance, operation, and management of community schools, and to make an appropriation. Am. 3302.03, 3314.011, 3314.015, 3314.016, 3314.02, 3314.023, 3314.024, 3314.029, 3314.03, 3314.074, 3314.08, 3314.23, 3314.27, 3314.351, and 3321.19, to enact sections 3313.413, 3314.019, 3314.031, 3314.032, 3314.034, 3314.035, 3314.037, 3314.038, 3314.251, 3314.271, 3314.46, and 3318.53, and to repeal sections 3314.021, 3314.026, and 3314.027

HB 157

HEALTH INSURANCE (Butler, J., Johnson, T.) To revise the laws governing health insurance coverage, medical malpractice claims, the Medicaid program, health care provider discipline, and required and permitted health care provider disclosures; and to create the Nonstandard Multiple Employer Welfare Arrangement Program and to terminate that program after five years. Am. 1751.67, 2117.06, 2125.01, 2125.02, 2305.11, 2305.113, 2305.15, 2305.23, 2305.231, 2305.234, 2305.25, 2307.24, 2307.26, 2315.21, 2315.32, 2317.02, 2323.41, 2323.42, 2323.421, 2323.43, 2323.45, 2323.55, 2711.21, 2711.22, 2711.23, 2711.24, 2743.02, 2743.43, 2919.171, 3923.63, 3923.64, 3929.302, 3929.62, 3929.67, 3931.01, 3937.25, 3937.28, 3937.29, 3955.05, 4715.30, 4723.28, 4723.341, 4725.19, 4729.16, 4730.25, 4730.32, 4731.22, 4731.224, 4731.281, 4734.31, 4734.32, 4755.47, 4765.11, 5164.01, 5164.07, 5165.15, 5165.23, 5166.01, 5167.01, 5167.03, 5167.10, and 5167.30 and to enact sections 195.01, 195.02, 195.03, 195.04, 195.05, 195.06, 1739.30, 1739.31, 1739.32, 1739.33, 3727.61, 3937.24, 3965.01, 3965.02, 3965.03, 3965.04, 3965.05, 3965.06, 3965.07, 3965.10, 3965.11, 3965.12, 3965.15, 3965.16, 3965.17, 3965.18, 3965.19, 3965.20, 3965.21, 3965.22, 3965.23, 3965.24, 3965.25, 3965.30, 3965.31, 3965.32, 3965.33, 3965.34, 3965.35, 3965.36, 3965.37, 3965.40, 3965.41, 3965.42, 3965.43, 3965.44, 3965.45, 3965.46, 3965.47, 3965.50, 3965.51, 3965.52, 3965.54, 3965.59, 3965.60, 3965.70, 3965.71, 3965.75, 3965.76, 3965.77, 3965.78, 3965.80, 3967.01, 3967.02, 3967.03, 3967.05, 3967.06, 3967.07, 3967.10, 3967.11, 3967.12, 3967.13, 3967.14, 3967.15, 3967.20, 3967.23, 3967.24, 3967.27, 3967.32, 3967.40, 3967.42, 3967.99, 4731.74, 4743.08, 4743.09, 4746.01, 4746.02, 4746.03, 4746.04, 4746.05, 4746.06, 5162.63, 5164.78, 5164.83, 5165.24, 5165.98, 5166.50, 5166.52, 5166.521, 5166.522, 5166.523, 5166.524, 5166.525, 5166.526, 5166.527, 5166.528, 5166.529, 5166.5210, 5166.53, 5167.04, 5167.16, 5167.32, and 5167.33, and to repeal section 4731.143

New Senate Bills:

SB 137

UNIVERSAL HEALTH CARE (Skindell, M., Tavares, C.) To establish and operate the Ohio Health Care Plan to provide universal health care coverage to all Ohio residents. Am. 109.02 and to enact sections 3920.01 to 3920.15, 3920.21 to 3920.28, 3920.31, 3920.32, and 3920.33.

SB 138

DRIVING PENALTIES (Hughes, J., Cafaro, C.) To increase the penalties related to operating a motor vehicle on the wrong side of an interstate freeway. Am. 4506.16 and 4511.35 and to enact section 4510.19.

SB 139

DEATH PENALTY (Seitz, B., Williams, S.) To require the clerk of a common pleas court to retain a copy of

the original trial file when a death penalty is imposed, to specify that there is no page limit on petitions for postconviction relief in death penalty cases or in appeals of denials of such relief, to provide for depositions and subpoenas during discovery in postconviction relief proceedings, and to require e judge hearing a postconviction relief proceeding to state specifically in the findings of fact and conclusions of law why each claim was either denied or granted. Am. 2929.03, 2953.21, and 2953.23.

SB 140

CASINO CREDITS (Coley, B.) To require the Ohio Casino Control Commission and the State Lottery Commission to adopt rules to limit the amount of promotional gaming credits at casinos and video lottery terminal facilities and to permit the credits only under circumstances specified in the rules. Am. 3770.21, 3772.01, 3772.03, and 3772.23

SB 141

PHARMACIST AGREEMENTS (Burke, D., Manning, G.) To revise the laws governing pharmacist consult agreements and the laws governing the circumstances under which a pharmacist may dispense or sell a drug without a prescription. Am. 4729.01, 4729.281, and 4729.39

SB 142

FIREARMS (Jordan, K.) To prohibit any agency and its employees and agents from seizing or authorizing the seizure of any firearm from any person lawfully in possession or control of the firearm except when a law enforcement officer reasonably believes the immediate seizure of the firearm is necessary for the safety of the officer or another person or to preserve the firearm as evidence, to prohibit the establishment of a firearm registry, and to prohibit law enforcement officers from enforcing a firearms registration requirement or firearm ban. En. 5502.23 and 5502.231

SB 143

FELONY TRIALS (Eklund, J.) To provide a prosecutor an additional fourteen days to commence a trial after a person charged with a felony has been discharged because the person has not been brought to trial within the required amount of time. Am. 2945.71 and 2945.73

SB 144

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

SB 145

MENACING OFFENSES (Eklund, J.) To expand the offenses of menacing by stalking and telecommunications harassment, to prohibit a person from knowingly causing another person to believe that the offender will cause physical harm or mental distress to a family or household member of the other person, to increase the penalty for assault when the victim is a volunteer firefighter, and to correct a cross reference in the theft statute to special purchase articles. Am. 2903.13, 2903.211, 2913.02, and 2917.21

SB 146

DISTRACTED DRIVING (Hughes, J., Seitz, B.) To establish an enhanced penalty for committing a moving violation while distracted. Am. 4511.03, 4511.051, 4511.12, 4511.121, 4511.132, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.441, 4511.451, 4511.46, 4511.47, 4511.54, 4511.55, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, and 4511.73 and to enact

section 4511.991

SB 147

SAVINGS ACCOUNTS (Eklund, J., Jones, S.) To require the Treasurer of State to create a program offering federally tax-advantaged savings accounts used to pay for a person's qualified disability expenses and to disregard the value of and income from that account in determining whether that person is eligible for state or local means-tested public assistance. Am. 2329.66 and to enact sections 113.50, 113.51, 113.52, 113.53, 113.54, 113.55, and 113.56

SB 148

COMMUNITY SCHOOLS (Lehner, P., Sawyer, T.) To make changes to the law regarding governance, operation, and management of community schools, and to make an appropriation. Am. 3302.03, 3314.011, 3314.015, 3314.016, 3314.02, 3314.023, 3314.024, 3314.029, 3314.03, 3314.074, 3314.08, 3314.23, 3314.27, 3314.351, and 3321.19, to enact sections 3313.413, 3314.019, 3314.031, 3314.032, 3314.034, 3314.035, 3314.037, 3314.038, 3314.251, 3314.271, 3314.46, and 3318.53, and to repeal sections 3314.021, 3314.026, and 3314.027

Committee Schedule

Past Bulletins:

2015

2014

2013

2012

2011