# Memorandum

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

Subject: General Information

Pate: December 31, 2015



#### **CALENDAR**

Monday, January 4th

AGENDA: City Council @7:00 pm

#### F. ORGANIZATION OF COUNCIL BY THE CLERK OF COUNCIL

Enclosed is "General Guidelines and Procedures Outline" from Greg Heath.

#### G. APPROVAL OF MINUTES

1. December 21, 2015 City Council Meeting Minutes

#### K. Introduction of New Ordinances and Resolutions - None

#### L. SECOND READINGS OF ORDINANCES AND RESOLUTIONS

- 1. **Ordinance No. 072-15**, an Ordinance Providing for the Issuance and Sale of Notes in the Maximum Principal Amount of \$2,500,000.00 in Anticipation of the Issuance of Bonds, for the Purpose of Paying the Costs of Improving the Municipal Water System by Constructing a New Water Treatment Plant, Acquiring and Improving Related Interests in Real Property, Improving and Rehabilitating the Existing Water Treatment Plant and Related Storage Facilities and Rehabilitating the Elevated Storage Tanks, together with all Necessary and Related Appurtenances thereto.
- 2. **Ordinance No. 073-15,** an Ordinance Vacating a Portion of a Certain Alley and Roadway Located at 303 West Main Street in Henry Yeager's 2<sup>nd</sup> Addition; also Portions of Roadways within the Southwest Quarter of Fractional Section 13, Town 5 North, Range 6 East, all being in the City of Napoleon, Henry County, Ohio.

#### M. THIRD READINGS OF ORDINANCES AND RESOLUTIONS - None

#### **N.** Good of the City (Discussion/Action)

- 1. Assignment of Certain Permanent 2016 Agenda Items to Various Committees of Council
  - a. Greg Heath has prepared a Memo for this item
- 2. Appointment of Members to the Volunteer Firefighters' Dependents Fund Board
- 3. Award of Bid: 2016 Water Treatment and Wastewater Treatment Chemical Bids
  - a. The enclosed Memo from Scott Hoover shows the low bid and quotes received for each chemical.
- 4. Acceptance of Donation of \$175.00 to Napoleon Fire Department from Richard Johnson

#### P. APPROVE PAYMENT OF BILLS AND APPROVE FINANCIAL REPORTS

#### **INFORMATIONAL ITEMS**

- 1. **CANCELLATION** 
  - a. Technology Committee Meeting
- 2. AMP Weekly Newsletter/December 23, 2015
- 3. Press Release/Christmas Tree Pickup by the Napoleon Fire & Rescue Department
- 4. TMACOG General Assembly (if you would like to attend, please let Rox know by January  $20^{th}$  so we can get you registered)

MI:rd

Records Retention - CM-11 - 2 Years

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#### Calendar

Sunday 27	Monday 28	Tuesday 29	Wednesday 30	Thursday <b>31</b>	Friday  1  HOLIDAY - Happy New Year	Saturday <b>2</b>
	28	29	30	31		2
					HOLIDAY - Happy New Year	
3	l					
	4	5	6	7	8	9
7:00 Mee	00 PM City COUNCIL teting					8:00 AM Christmas Tree Pickup (by Napoleon Fire and Rescue)
10	11	12	13	14	15	16
6:30 Con Boa Mfg 7:00 Con 7:30 Prop	0 PM ELECTRIC mmittee ard of Public Affairs (BOPA)	4:30 PM Board of Zoning Appeals Meeting 5:00 PM Planning Commission Meeting	10	14	- 13	10
17	18	19	20	21	22	23
6:00 Mee 6:15 Con 7:00 Mee	00 PM Tree Commission teting 5 PM Parks & Recreation mmittee Meeting 00 PM City COUNCIL teting					
24	25	26	27	28	29	30
BUI 7:30 RES Mee	10 PM FINANCE & I/DGET Committee Meeting 10 PM SAFETY & HUMAN I/SOURCES Committee 10 peting		6:30 PM Parks & Rec Board Meeting			
31	1	2	3	4	5	6
6:15 Com 7:00	5 PM TECHNOLOGY mmittee Meeting 10 PM City COUNCIL seting		12/31/2015 at 9:43 AM			Page 1

# City of Napoleon, Ohio

# City Council

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

### Meeting Agenda Monday, January 4, 2016 at 7:00pm

- A. Call to Order by the Clerk of Council
- **B.** Attendance (noted by the Clerk)
- C. Prayer & Pledge of Allegiance
- D. Swearing in of Mayor Jason P. Maassel
- E. Swearing in of Council Members Jeff Comadoll, Jon Tassler and Dan Baer
- F. Organization of Council by the Clerk of Council
  - 1. Election of President of Council
  - 2. Election of President Pro Tem of Council
  - 3. Seating Order of Council
  - 4. Appointment of Standing Committees of Council
  - 5. Setting of meeting dates and times for regular meetings of Council
  - **6.** Setting of meeting dates and times for Standing Committees of Council
  - 7. Appointment of Clerk of Council
- G. Approval of Minutes: December 21 (in the absence of any objections or corrections, the minutes shall stand approved)
- H. Citizen Communication
- I. Reports from Council Committees
  - 1. Technology & Communication Committee did not meet tonight due to lack of agenda items.
  - 2. Finance & Budget Committee did not meet on Monday, December 28 due to lack of agenda items.
  - **3. Safety & Human Resources Committee** did not meet on Monday, December 28 due to lack of agenda items.
- J. Reports from Other Committees, Commissions and Boards (informational only not read)
  - 1. Parks & Recreation Board did not meet on Wednesday, December 23 due to lack of agenda items.
  - 2. Civil Service Commission did not meet on Tuesday, December 22 due to lack of agenda items.
- K. Introduction of New Ordinances and Resolutions

There are no First Readings of Ordinances and Resolutions.

- L. Second Readings of Ordinances and Resolutions
  - 1. Ordinance No. 072-15, an Ordinance providing for the issuance and sale of Notes in the maximum principal amount of \$2,500,000, in anticipation of the issuance of Bonds, for the purpose of paying the costs of improving the Municipal Water System by constructing a new Water Treatment Plant, acquiring and improving related interests in real property, improving and rehabilitating the existing Water Treatment Plant and related storage facilities, and rehabilitating the elevated storage tanks, together with all necessary and related appurtenances thereto
  - **2. Ordinance No. 073-15,** an Ordinance vacating a portion of a certain alley and roadway located at 303 West Main Street in Henry Yeager's 2<sup>nd</sup> Addition; also portions of roadways within the Southwest quarter of fractional Section 13, Town 5 North, Range 6 East, all being in the City of Napoleon, Henry County, Ohio

#### M. Third Readings of Ordinances and Resolutions

There are no Third Readings of Ordinances and Resolutions.

- N. Good of the City Any other business as may properly come before Council, including but not limited to:
  - 1. Discussion/Action: Assignment of certain permanent 2016 agenda items to various Committees of Council
  - 2. Discussion/Action: Appointment of members to the Volunteer Firefighters' Dependents Fund Board
  - 3. Discussion/Action: Award of Bid: 2016 Water/Wastewater Chemicals bids
  - **4. Discussion/Action:** Acceptance of donation to Napoleon Fire Department from Richard Johnson: \$175
- O. Executive Session: (as needed)

Approve Payment of Bills and Approve Financia payment of bills and financial reports shall stand approved)  Adjournment	al Reports (in the absence of any objections or corrections, the
	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, February 1 @ 6:15 pm)

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

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

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

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

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

**a.** Review of unlimited pickup procedures (Tabled)

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

(Next Regular Meeting: Monday, January 11 @ 7:30 pm)

- a. Review of current Engineering Rules (Tabled)
- **b.** Review of historical data regarding previous assessment percentages
- c. Updated Info from Staff on Economic Development (as needed)

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

(Next Regular Meeting: Monday, January 18 @ 6:15 pm)

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

(Next Regular Meeting: Monday, January 25 @ 6:30 pm)

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

(Next Meeting: Monday, January 25 @ 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 (2<sup>nd</sup> Monday)

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

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

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

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

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

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

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

(Next Regular Meeting: Monday, January 18 @ 6:00 pm)

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

(Next Regular Meeting: Tuesday, January 26 @ 4:30 pm)

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

(Next Regular Meeting: Wednesday, January 27 @ 6:30 pm)

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

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

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

(Next Regular Meeting: Tuesday, June 14 @ 4:00 pm)

- **9.** Housing Council (1<sup>st</sup> Monday of the month after the TIRC meeting)
- 10. Health Care Cost Committee (As needed)
- 11. Preservation Commission (As needed)
- 12. Infrastructure/Economic Development Fund Review Committee (As needed)
- 13. Tax Incentive Review Council (As needed)
- 14. Volunteer Firefighters' Dependents Fund Board (As needed)
- 15. Lodge Tax Advisory & Control Board (As needed)
- 16. Board of Building Appeals (As needed)
- **17. ADA Compliance Board** (As needed)
- 18. NCTV Advisory Board (As needed)

#### ORGANIZATION OF CITY COUNCIL (General Guideline and Procedures Outline):

#### Definitions:

**CHARTER** = Revised Charter of the City of Napoleon, Ordinance No. 61-00, Passed July 3, 2000 and Adopted by Voters on November 7, 2000, Effective July 1, 2001.

**RULES** = Rules and Regulations of City Council of the City of Napoleon, Ohio, Adopted and Amended by various Ordinances and Resolutions, last Amended by Ordinance No. 029-15, Passed June 15, 2015.

**AGENDA** = Actual City Council Agenda Item.

#### > Scheduled Organizational Meeting Date and Time – January 4, 2016 at 7:00pm.

#### **CHARTER - Section 2.03 Organization**

At the <u>first regular meeting in January</u> following the general municipal election, Council shall meet for the purpose of organization.

#### **CHARTER - Section 2.07 Meetings**

(A) Regular Meetings. After the organizational meeting, Council shall meet at such times as may be provided by its rules and regulations or by ordinance or resolution; but, is shall hold regular meetings at least twice during each calendar month.

#### **RULE - 1.3 Regular Meetings**

The council of the city shall hold regular meetings at 7:00 p.m. on the first and third Monday of each calendar month at the municipal building. However, if the first or third Monday shall be an observed city holiday, the council shall meet on the following day.

NOTE: The Organizational Meeting is an Agenda item called "Organization of Council" on the Regular Meeting of City Council Scheduled at 7:00 pm on Monday, January 4, 2016.

# > Location of Meeting - Council Chambers, City Municipal Building, 255 West Riverview Avenue, Napoleon, Ohio

#### **RULE – 1.1 Place of Meetings**

All meetings of the council shall be held in the place designated as council chamber in the city municipal building, unless otherwise ordered by the council.

#### > Organizational Meeting Agenda

#### RULE – 1.10 Agenda for the Organizational Meeting

AGENDA - A. Call to Order by Clerk of Council

AGENDA – C. Prayer and Pledge of Allegiance

AGENDA - D1 Swearing in of Mayor Elect: Jason Maassel

AGENDA – D2 Swearing in of Council Members Elect: Dan Baer and Jon Tassler

#### > Election of President of Council and President Pro-Tem of Council

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

(A) President & President Pro-Tem. At the organizational meeting, but in no event later than January 15<sup>th</sup> next following the organizational meeting, Council shall elect one (1) of its members to serve as President of Council (hereinafter called "the Council President") and one of its members as President Pro-Tem of Council (hereinafter called "the Council President Pro-Tem"), each of whom shall, except in the case of death, resignation, recall,

removal or forfeiture of office, serve for a term of two (2) years or until his or her successor is elected and qualified. ...

#### RULE - 2.2 Votes Necessary For Election Of Officers And Employees

Except as herein provided, no candidate for president or president pro-tem of council shall be declared elected unless the person shall have received a majority vote of all current members of council, and no person shall be employed by this council except pursuant to a majority vote of all current members of council. No vacancy that council is authorized to fill shall be filled except pursuant to a majority vote of all current members of council. In the event of a tie vote of the current members of council when electing the president and/or president pro-tem as provided for in this Rule 2.2, the winner shall be decided by the flip of a coin, unless another method is approved by majority vote of all the current members of council.

#### **RULE - 2.3 Roll Call Votes**

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

#### RULE - 2.4 Protocol for Election of President and President Pro-Tem

In separate actions, the Clerk of Council shall request each member of Council for a name of a candidate for President of Council and a name of a candidate for President Pro-Tem of Council. This shall be asked by first in elected or appointed seniority order (Seniority Order defined as the number of total consecutive years served on City Council from the latest appointment or election date with no break in service), and then alphabetically by last name order for those with equal number of years.

When requested by the Clerk of Council for a nomination for President or President Pro-Tem of Council, each Council Member may: 1) state a name 2) may state their own name 3) may pass if name has already been previously stated and a motion made. Once a name is stated a motion will be requested for the stated name. If a motion (1st) is made, a second (2nd) will be requested. If a second (2nd) is received, then that name will be eligible to be voted on. The Clerk of Council shall proceed to the next member of Council until all members have had their opportunity to state a candidate for President or President Pro-Tem of Council. Members of Council may nominate themselves for President Pro-Tem of Council. Once a given name is stated, and motion and second received, that given name does not need to be repeated by the next person in line.

A vote shall then be taken on each name given, starting with the first eligible name. Each Council Member will be asked to vote Yes or No on each name presented. The person receiving a clear majority of Yes votes shall be appointed to the office President or President Pro-Tem of Council. In the case of a tie vote on three (3) or more names, than a new vote shall be taken until one of those persons receives a clear majority vote. In the case of a tie vote on two (2) names only, the winner shall be decided by the flip of a coin, unless another method is approved by majority vote of all the current members of Council. Members of Council may Vote for themselves for President Or President Pro-Tem of Council.

# AGENDA – E. Organization of Council AGENDA – E1. Election of President of Council

#### Procedure and Protocol for election of the **President of Council**

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

Current Seniority and Name Order -	<ul> <li>Sheaffer, Travis</li> </ul>	01-01-1994	22 Years
(By Consecutive Years Served)	Comadoll, Jeff	04-07-2014	1+ Years
	McColley, Patrick	07-20-2015	5 Months
	Small, Rita	12-21-2016	
	Baer, Dan	01-01-2016	
	Tassler, Jon	01-01-2016	

Once a name is stated by requested Council Person, a motion will be requested for the stated name. If a motion  $(1^{st})$  is made, a second  $(2^{nd})$  will be requested. If a second  $(2^{nd})$  is received, then that name will be eligible to be voted on. The Clerk of Council shall proceed to the next member of Council until all members have had their opportunity to state a candidate for President of Council.

NOTE: Members of Council <u>may</u> nominate themselves for President of Council. Once a given name is stated, and motion and second received, that given name does not need to be repeated by subsequent persons if they desire the same name.

A vote shall then be taken on each name given, starting with the first eligible name. Each Council Member will be asked to vote <u>Yes</u> or <u>No</u> on each name presented. The person receiving a majority Yes vote (4 or more) shall be appointed to the office President of Council. In the case of a tie vote on three (3) or more names, then a new vote shall be taken until one of those persons receives a clear majority vote. In the case of a tie vote on two (2) names only, the winner shall be decided by the flip of a coin, unless another method is approved by majority vote of all the current members of council.

SPECIAL NOTE: Members of Council <u>may</u> Vote for themselves for President of Council.

Council Person	Nomination for President of Council		<u>Motions</u>	<u>Vote</u>
Sheaffer, Travis		_ 1 <sup>st</sup>	2 <sup>nd</sup>	N
Comadoll, Jeff		_ 1 <sup>st</sup>	2 <sup>nd</sup>	YN
McColley, Pat		_ 1 <sup>st</sup>	2 <sup>nd</sup>	YN
Small, Rita		_ 1 <sup>st</sup>	2 <sup>nd</sup>	YN
Baer, Dan		_ 1 <sup>st</sup>	2 <sup>nd</sup>	YN
Tassler, Jon		_ 1 <sup>st</sup>	2 <sup>nd</sup>	Y N

#### AGENDA - E2. Election of President Pro-Tem of Council

# <u>Procedure and Protocol for election of the President Pro-Tem of Council</u> (Same Procedure as used for President of Council)

Council Person	Nomination for President Pro-Tem of Council	<b>Motions</b>	<u>Vote</u>	
Sheaffer, Travis	1 <sup>st</sup>	2 <sup>nd</sup>	N_	
Comadoll, Jeff	1 <sup>st</sup>	2 <sup>nd</sup>	N_	
McColley, Pat	1 <sup>st</sup>	2 <sup>nd</sup>	N_	
Small, Rita	1 <sup>st</sup>	2 <sup>nd</sup>	N_	
Baer, Dan	1 <sup>st</sup>	2 <sup>nd</sup>	N_	
Tassler, Jon	1 <sup>st</sup>	2 <sup>nd</sup>	Y N_	

#### > Clerk of Council shall surrender chair and gavel to newly elected President of Council

#### > Seating Order for Council

#### **RULE - 2.5 Seating Order for Council**

Seating Order shall be from President to President Pro-Tem to Seniority Order, as listed in the example below, unless modified by a majority vote of Council:

COUNCIL SEATING ORDER

Mavor

1st Senior

President

3rd Senior

President Pro-Tem 2nd Senior

5th Senior

4th Senior

A motion to approve to the Seating Order will be requested. If a motion (1st) is made, a second (2nd) will be requested. If a second (2nd) is received, then a vote will be taken to approve the Seating Order of Council. If a simple majority is received, then Seating Order of Council stands approved.

#### AGENDA - E3. Seating Order of Council

#### > Council President will request any changes to seating order as presented. A motion approving seating order should be made and a vote taken.

#### > Appointment of Standing Committees of Council by the President of Council

#### CHARTER - Section 2.04 (B) President of Council

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

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

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

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

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

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

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

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

Once Committee members are selected, the President of Council should declare appointments made. A motion to approve to the Appointment of Standing Committees will be requested. If a motion (1st) is made, a second (2nd) will be requested. If a second (2<sup>nd</sup>) is received, than a vote will be taken to approve the Appointment of Standing

Committees. If a simple majority is received, then the Appointment of Standing Committees stands approved. Failure to get approval by City Council would require the procedure to be followed again until a simple majority vote of Council is received.

#### AGENDA - E4. Appointment of Standing Committees of Council

<u>Procedure and Protocol for Appointment of Standing Committees by the President of Council</u> – The proposed Appointment of Standing Committees shall be provided by the President of Council. A motion to approve to the Appointment of Standing Committees will be requested. If a motion (1<sup>st</sup>) is made, a second (2<sup>nd</sup>) will be requested. If a second (2<sup>nd</sup>) is received, then a vote will be taken to approve the Appointment of Standing Committees. If a simple majority is received, four (4), then the Appointment of Standing Committees stands approved.

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

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

Reverse Seniority and Name Order	– Tassler, Jon	01-01-2016	
	Baer, Dan	01-01-2016	
	Small, Rita	12-12-2015	
	McColley, Pat	07-20-2015	5 Months
	Comadoll, Jeff	04-07-2014	1+ Years
	Sheaffer, Travis	01-01-1994	22 Years

Once Committee members are selected, a vote should be taken approving the Appointment of Standing Committees.

#### > Appointment of Personnel Committee by the President of Council (As Needed)

#### > Setting Regular Meetings Date and Time

#### **CHARTER – Section 2.07 Meetings**

(B) Regular Meetings. After the organizational meeting, Council shall meet at such times as may be provided by its rules and regulations or by ordinance or resolution; but, is shall hold regular meetings at least twice during each calendar month.

#### **RULE - 1.3 Regular Meetings**

The council of the city shall hold regular meetings at 7:00 p.m. on the first and third Monday of each calendar month at the municipal building. However, if the first or third Monday shall be an observed city holiday, the council shall meet on the following day.

NOTE: Current Council Rules state the Regular Meetings to be held at 7:00 p.m. on first and third Monday of each calendar month. These Dates and Times can be changed to whatever Dates and Times that pleases Council. However, changes to current Council Rules would require legislative action to modify the Rules. The Charter requires

Regular Meetings to be held at least twice (2 times) during each calendar month, it does not specify a specific meeting date and time. Once regular monthly Dates and Times are set for the Regular Meetings, for the record, a motion and vote should be taken by Council approving standard Dates and Times.

#### AGENDA - E5. Setting of Meeting Dates and Time for Regular Meetings of Council

#### > Setting Committee Meetings Date and Time

#### **RULE – 3.2 Committee Meetings**

... Council President, Clerk of Council and Chair Person of Standing Committee shall set their respective regular monthly Date and Time of their standing committee. Once the regular monthly dates and times are set for the committee meetings, a motion may be made and a vote taken by Council to approve and affirm the dates and times.

#### AGENDA - E6. Setting of Meeting Dates and Time for the Standing Committees of Council

#### > Appointment of Clerk of Council, if needed

#### **CHARTER – Section 2.10 Council Employees**

Council shall appoint a Clerk of Council and may appoint other similar type employees to directly serve the Council

#### **RULE - 2.4A City Clerk**

The council shall establish a procedure to select a name for Clerk of Council. Once a name is selected, if a motion (1<sup>st</sup>) is made, a second (2<sup>nd</sup>) will be requested. If a second (2<sup>nd</sup>) is received, then a vote will be taken to approve the Clerk of Council. If a simple majority is received, then the appointment of the Clerk of Council stands approved. Failure to get approval by City Council would require the City Council to submit a different name for appointment and vote.

#### AGENDA – E7. Appointment of Clerk of Council

*NOTE:* Current Clerk of Council is set in Legislation as a function of the Finance Director. Should City Council choose to leave this as is, then No Action is Necessary. However, Should City Council choose to Change the Clerk of Council, then Council will need to establish a procedure to select a name for Clerk of Council per Rule 2.4A.

#### > Organization of City Council Completed!

#### City of Napoleon, Ohio

### **City Council**

### **Meeting Minutes**

Monday, December 21, 2015 at 7:00pm

-	DODLING	
νv	THE PERMIT	

Council

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

Helberg, Patrick McColley, Christopher Ridley, Rita Small

Mayor City Manager **Law Director** 

Ronald A. Behm Monica S. Irelan Lisa L. Nagel

Finance Director/ Clerk

Of Council Recorder

Gregory J. Heath

Tammy Fein **City Staff** 

Robert Weitzel, Police Chief

Chad Lulfs, Director of Public Works

Clayton O'Brien, Fire Chief

Bobby Stites, Assistant MIS Administrator

News Media; NCTV; Dan Baer; Jon Tassler; Megan Flanagan

Others

**ABSENT** 

Council Others

Call To Order

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

followed by the Pledge of Allegiance.

**Consideration Of Democratic Party Nomination To Vacant Council Seat** 

Heath distributed a letter of nomination from the Central Committee of the Democratic Party nominating Rita Small to fill the vacant Council Seat, with a term expiring

December 31, 2017.

**Motion To Accept Rita Small As Nomination To** Vacant Council Seat

Comadoll Motion: Second: McColley To accept Rita Small as the nomination to fill the vacant Council Seat

Roll call vote on above motion: **Passed** Yea-6

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

Nay-

**Swearing In: Rita Small** 

Nay-0

Mayor Behm swore in Rita Small to City Council and administered the Oath of Office.

Minutes of the December 14 Council meeting stand approved as read with no **Approval Of Minutes** 

objections or corrections.

**Citizen Communication** None

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

> Chairman Sheaffer reported that the Electric Committee met on Monday, December 14 and recommended:

Council 12/21/15

1. Approval of Power Supply Cost Adjustment Factor

The Water, Sewer, Refuse, Recycling & Litter Committee did not meet on Monday, December 14 due to lack of agenda items.

Chairman Helberg reported that the Municipal Properties, Buildings, Land Use and Economic Development Committee met on Monday, December 14 and recommended:

- 1. Review of Pavement Rating Study
- 2. Untabling the review of Zoning changes regarding poultry within City limits
- 3. Keeping the current Zoning Ordinance as it is written
- 4. Tabling the review of the current Engineering Rules
- 5. Not assessing the Dodd Street project
- 6. Approving assessment for the Park Lane Project and requesting that Staff bring back historical data regarding previous assessment percentages

# **Introduction Of Ordinance** No. 068-15

President Sheaffer read by title Ordinance No. 068-15, an Ordinance establishing a new position classification pay plan for employees of the City of Napoleon for the year 2016; repealing Ordinance No. 083-14; and declaring an Emergency (Suspension Requested)

#### Motion To Approve First Read

Motion: Comadoll Second: Ridley To approve First Read of Ordinance No. 068-15

#### Discussion

Nagel stated this is the upcoming pay scale reflecting a 1.5% wage increase for nonbargaining employees, with two (2) new positions created in the Court system.

#### Motion To Suspend The Rules

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

The Rules Passed

Roll call vote on above motion:

Yea- Sheaffer, Helberg, McColley, Comadoll, Ridley, Maassel, Small

Nay-

Yea- 7 Nay- 0

Passed Yea- 7

Nay-0

Roll call vote to pass Ordinance No. 068-15 under Suspension of the Rules Yea- Sheaffer, Helberg, McColley, Comadoll, Ridley, Maassel, Small Nay-

# **Introduction Of Ordinance** No. 069-15

President Sheaffer read by title Ordinance No. 069-15, an Ordinance authorizing the Finance Director to make appropriation transfers from respective Funds, Departments and Categories to other Funds, Departments and Categories pursuant to ORC Section 5705.40 for the Fiscal Year ending December 31, 2015 as listed in Exhibit "A" (Final); and declaring an Emergency (Suspension Requested)

#### Motion To Approve First Read

Motion: Comadoll Second: Maassel To approve First Read of Ordinance No. 069-15

#### Discussion

Heath reported that this Ordinance, along with the next two (2) pieces of Legislation are the year end authorizations for moving appropriations and allowing for the transfer of funds and the final accounting adjustments.

#### Motion To Suspend The Rules

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

#### Passed Yea- 7

Roll call vote on above motion: Yea- Sheaffer, Helberg, McColley, Comadoll, Ridley, Maassel, Small

Council 12/21/15

Nav-Nay- 0 **Passed** Roll call vote to pass Ordinance No. 069-15 under Suspension of the Rules Yea-7 Yea- Sheaffer, Helberg, McColley, Comadoll, Ridley, Maassel, Small Nav-0 Nay-**Introduction Of Ordinance** President Sheaffer read by title Ordinance No. 070-15, an Ordinance supplementing No. 070-15 the Annual Appropriation Measure (Supplement No. 5) for the year 2015; and declaring an Emergency (Suspension Requested) Comadoll Second: Maassel Motion: **Motion To Approve** First Read To approve First Read of Ordinance No. 070-15 Heath reported that this Ordinance represents the final year end adjustments for Discussion purposes of reporting on the CAFR. Motion: Comadoll Second: Ridley **Motion To Suspend** To suspend the Rules requiring three Readings The Rules Roll call vote on above motion: **Passed** Yea- Sheaffer, Helberg, McColley, Comadoll, Ridley, Maassel, Small Yea-7 Nay-Nay-0 Roll call vote to pass Ordinance No. 070-15 under Suspension of the Rules **Passed** Yea- Sheaffer, Helberg, McColley, Comadoll, Ridley, Maassel, Small Yea-7 Nay-Nay- 0 President Sheaffer read by title Resolution No. 071-15, a Resolution authorizing the **Introduction Of Resolution** Finance Director to transfer certain Fund balances from respective Funds to other No. 071-15 Funds per Ohio Revised Code Section 5705.14 on an as needed basis in Fiscal Year 2015, listed in Exhibit "A" (Transfer 2); and declaring an Emergency (Suspension Requested) Motion: Comadoll Second: Maassel **Motion To Approve** To approve First Read of Resolution No. 071-15 First Read Heath reported that this Ordinance represents the transfer of funds including Income Discussion Tax funds. Motion: Ridlev Second: Comadoll **Motion To Suspend** To suspend the Rules requiring three Readings The Rules Roll call vote on above motion: **Passed** Yea- Sheaffer, Helberg, McColley, Comadoll, Ridley, Maassel, Small Yea-7 Nay-Nay- 0 Roll call vote to pass Resolution No. 071-15 under Suspension of the Rules **Passed** Yea- Sheaffer, Helberg, McColley, Comadoll, Ridley, Maassel, Small Yea-7 Nay-Nay- 0 President Sheaffer read by title Ordinance No. 072-15, an Ordinance providing for the **Introduction Of Ordinance** 

No. 072-15

issuance and sale of notes in the maximum principal amount of \$2,500,000, in

anticipation of the issuance of Bonds, for the purpose of paying the costs of improving the Municipal Water System by construction a new Water Treatment Plant, acquiring and improving related interests in real property, improving and rehabilitating the existing Water Treatment Plant and related storage facilities, and rehabilitating the elevated storage tanks, together with all necessary and related appurtenances thereto

Motion To Approve First Read Motion: Comadoll Second: Maassel

To approve First Read of Ordinance No. 072-15

**Discussion** 

Heath reported that this Resolution is the renewal of the Bonds with the sale taking place in March 2016; the construction Notes will be issued later in 2016 and rolled into this due date, approximately March 2017.

Passed Yea- 7 Nay- 0 Roll call vote to approve First Read of Ordinance No. 072-15 Yea- Sheaffer, Helberg, McColley, Comadoll, Ridley, Maassel, Small Nav-

**Introduction Of Ordinance No. 073-15** 

President Sheaffer read by title Ordinance No. 073-15, an Ordinance vacating a portion of a certain alley and roadway located at 303 West Main Street in Henry Yeager's 2<sup>nd</sup> Addition; also portions of roadways within the Southwest quarter of fractional Section 13, Town 5 North, range 6 East, all being in the City of Napoleon, Henry County, Ohio

Motion To Approve First Read

Motion: Ridley Second: Comadoll To approve First Read of Ordinance No. 073-15

Discussion

Irelan reported that this Ordinance was unanimously approved by the Planning Commission at the December 8 regular meeting, finding that the City School District owns all the properties that touch both sides of the requested vacations; the school, football field and parking lot are currently built over these properties; all City Departments have reviewed and verified that this City owned land is not used for any utilities and has no public purpose. Irelan reported that this property has school building built over numerous streets and alleys; the request is to vacate these City owned properties and revert them back to the owners; this will be replat to allow for the sale of the property; Lulfs added that the City has no plans to develop this property at any point.

Passed Yea- 7 Nay- 0 Roll call vote to approve First Read of Ordinance No. 073-15 Yea- Sheaffer, Helberg, McColley, Comadoll, Ridley, Maassel, Small Nay-

Second Read Of Ordinances And Resolutions There are no Second Readings of Ordinances and Resolutions.

Third Read Of Ordinance No. 060-15

President Sheaffer read by title Ordinance No. 060-15, an Ordinance amending Chapter 955 of the Codified Ordinances of the City of Napoleon, Ohio to establish a private boat dock storage fee at the Ritter Park boat ramp area parking lot

Motion To Pass On Third Read Motion: Maassel Second: Comadoll To pass Ordinance No. 060-15 on Third Read

Discussion

Nagel reported that there are no changes to the Ordinance since the Second Read. McColley stated that a resident had asked if a fee should be considered for leaving docks there that are not removed through the Summer; Irelan stated these are towed and the towing fee is paid by the dock owner. Helberg stated that a resident asked where else docks could be stored, and found that after researching this, there is a very limited area

that the docks could be stored within the City limits.

Passed Roll call vote to pass Ordinance No. 060-15 on Third Read

Yea- 7 Yea- Sheaffer, Helberg, McColley, Comadoll, Ridley, Maassel, Small

Nay-

Third Read Of Ordinance No. 062-15

President Sheaffer read by title Ordinance No. 062-15, an Ordinance establishing the Appropriation Measure (Budget) of the City of Napoleon, Ohio for the Fiscal Year ending December 31, 2016, listed in Exhibit "A"; and declaring an Emergency

Motion To Pass On Third Read Motion: Maassel Second: Ridley

To pass Ordinance No. 062-15 on Third Read

Discussion

Nav-0

Heath reported that there are no changes to the Ordinance since the Second Read. Sheaffer thanked Staff and Council for their diligent work in getting this passed.

Passed Yea- 7 Nay- 0 Roll call vote to pass Ordinance No. 062-15 on Third Read

Yea- Sheaffer, Helberg, McColley, Comadoll, Ridley, Maassel, Small

Nay-

Third Read Of Resolution No. 063-15

President Sheaffer read by title Resolution No. 063-15, a Resolution authorizing the Finance Director to transfer certain fund balances from respective Funds to other Funds per Section 5705.14 ORC on an as needed basis in Fiscal Year 2016, listed in Exhibit "A"; and declaring an Emergency

Motion To Pass On Third Read Motion: Comadoll Second: McColley

To pass Resolution No. 063-15 on Third Read

**Discussion** 

Heath reported that there are no changes to the Resolution since the Second Read; this is the companion Resolution to the above Ordinance.

is the companion Resolution to the above Ordinance.

Passed
Yea- 7

Roll call vote to pass Resolution No. 063-15 on Third Read
Yea- Sheaffer, Helberg, McColley, Comadoll, Ridley, Maassel, Small

Nay-

Yea- 7 Nay- 0

GOOD OF THE CITY

<u>Discussion/Action</u>
Motion To Approve Power

Supply Cost Adjustment

**Factor** 

Motion: Comadoll Second: McColley

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

December as follows:

PSCAF three (3) month averaged factor: -\$0.00758

JV2: \$0.037506 JV5: \$0.037506

Passed

Nay-0

Roll call vote on above motion:

Yea- 7 Yea- Sheaffer, Helberg, McColley, Comadoll, Ridley, Maassel, Small

Nay-

Annual Write-Offs Of Uncollectable Billing For Utility, EMS & Miscellaneous Billings Heath distributed a memo detailing the 2015 uncollectable accounts; see attached.

Heath stated that this is an annual process of write off amounts for reporting purposes, adding that the Utility billing is tracked internally as well, in case the customer tries to set up City Utility services again within a few years. Heath reported that the Utility Billing and the EMS services lists go back three (3) years. Heath added that the Utility

deposits could be researched and the current deposit amounts be readdressed through the Electric Committee and Board of Public Affairs, as it has been at least five (5) years since the deposits have been increased; adding that the deposits are returned to residential customers if there is a one (1) year history of good payment history. Heath reminded Council that the write-off amounts are higher than prior years due to the issues with Credit Adjustments, Inc., adding that the contract with Credit Adjustments, Inc. has since been terminated. Heath reported the total write off amounts by Department:

Total Income Tax write off - \$39.18;

Total Utility Billing write off - \$123,941.53;

Total Miscellaneous Billing write off - \$5,958.59; and,

Total EMS Billing write off - \$120,725.69.

Motion To Approve The Write Off Of 2015 Uncollectable Utility, EMS & Miscellaneous Billing Accounts Motion: McColley Second: Comadoll

To approve the write off of 2015 uncollectable Utility, EMS, and Miscellaneous Billing accounts

Passed Yea- 7

Nav-0

Keeping The Current Zoning Ordinance Regarding Poultry Within City Limits As Written Roll call vote on above motion:

Yea- Sheaffer, Helberg, McColley, Comadoll, Ridley, Maassel, Small Nay-

Irelan reported that this issue was discussed at the Municipal Properties, Buildings, Land Use & Economic Development Committee regular meeting on December 14 at which Irelan presented a presentation outlining the concerns of Council from previous discussions, including:

Noise concerns;

Responsibility of disposing of roosters, which would not be allowed;

Avian flu;

Feces odor and cleanup;

Chickens roaming onto neighbors' properties;

Only have one City employee to enforce the entire Zoning Code, adding that the City does not have a dedicated Animal Control Officer;

The Building Code allows for only one (1) detached structure; and,

The attraction of predators (skunk, fox, rats, snakes, etc.).

Helberg reported that at the Municipal Properties, Buildings, Land Use & Economic Development Committee meeting, Irelan listed municipalities that both do and do not allow poultry within corporation limits, adding that one (1) City debated this issued for approximately one (1) year and decided not to allow poultry.

Irelan presented additional concerns, other than what has already been presented, including:

Council has heard from only one (1) citizen who would like the Zoning Ordinance changed;

The City has a staff of one (1) for all Code enforcement;

The City has no dedicated Animal Control Officer;

Research shows that chicken manure is high in urea which becomes concentrated in the rain and gives off a strong odor and is also high in nitrogen which gives off ammonia gas;

The citizen indicated the reason for the Zoning Ordinance change request was due to the expense of buying eggs, however other items would be required to be purchased including feed, a coop and other supplies which would not recoup the costs; the citizen previously stated that the chickens lay eggs at a rate of one (1) egg per chicken per day for approximately one (1) year; Irelan added that other concerns may arise if residents decided to slaughter chickens as well as destroy the roosters, adding that fly control in the Spring, Summer and Fall could also become an issue.

Irelan stated that City Staff recommends no change to the current Ordinance based on the lack of Staff for oversight, the numerous previously stated concerns, the issues of noise, smell, rooster control and disposal, and the potential for attracting predators. Irelan added that there is the option of purchasing fresh, local eggs at local farmer's markets and local farms.

Sheaffer added that Napoleon Township does not allow for poultry as well. McColley asked if the other cities were contacted that allow poultry to inquire about the listed issues; Irelan stated that Zoning enforcement was the issue discussed, as well as communicating with Bowling Green regarding their decision to not allow poultry.

Megan Flanagan thanked Council for listening to her request, and considering it thoroughly. Ridley stated that Archbold allows chickens and roosters and he believes that they have more issues with dogs barking than noise from chickens and roosters, though he has not discussed this formally with anyone from Archbold.

No Action Taken

Approval To Not Assess The Dodd Street Project No action was taken by Council.

Irelan reported that this issue was discussed at the Municipal Properties, Buildings, Land Use & Economic Development Committee regular meeting on December 14; the Committee unanimously approved not assessing the Dodd Street Project but moving forward with the assessment discussion for Park Lane. Irelan reported that the Dodd Street Project must be completed by August 2017 though the City cannot apply for the Grant again until this project is completed, receiving approximately \$290,000 of a \$650,000 project. Irelan reported that the Committee recommended not to assess the Dodd Street Project. Ridley asked if there are certain grants that will prohibit assessment; Irelan stated there are some but the Grants tied to this project would not prohibit assessment.

Motion To Approve Not To Assess The Dodd Street Project

Passed Yea- 6 Nay- 0 Abstain- 1

Consideration Of
Assessment Of The Park
Lane Project, And
Requesting That Staff
Bring Back Historical Data
Regarding Previous
Project Assessment
Percentages

Motion: Comadoll Second: Maassel To approve not to assess the Dodd Street Project

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

Sheaffer reported that this was also discussed at the same Municipal Properties, Buildings, Land Use & Economic Development Committee meeting as the Dodd Street Project; the Committee unanimously approved to assess Park Lane even with the fifty percent (50%) OPWC grant funding, and requested that Staff bring back historical data regarding assessment percentages for previous projects for comparison. Irelan reported that she asked at that meeting if low to moderate income areas should be considered in assessing future projects and the Committee unanimously agreed that it should; Sheaffer added that this will not delay the project. McColley stated that he opposes paying for individual sewer lines while socializing this project cost. Ridley suggested considering the overall cost of being a resident of the City; adding that the sewer lateral policy allows for residents to be able to afford the necessary repairs to remain residents of the City.

Ridley suggested researching close communities and their policies; Irelan stated this information will be brought before Council, adding that there is a dedicated millage for projects in the communities that do not assess. Maassel asked how many years this project has been listed; Lulfs stated this must be completed by 2018, adding that he believes that the discussion began approximately eleven (11) years ago. Maassel stated he has no issue in discussing assessments in general, though not with this project. Behm believes that assessments must have a minimum level discussed with personal issues being set aside to find this percentage.

**Motion To Approve** Consideration of Assessments for Future **Infrastructure Projects And Having Staff Bring Back Historical Data Regarding Previous Project Assessment Percentages To** Committee

Comadoll Motion: Maassel Second:

To approve consideration of assessments for future infrastructure projects and having Staff bring back historical data regarding previous project assessment percentages to the Municipal Properties, Buildings, Land Use & Economic Development Committee

Passed Yea-7

Nay-0

Roll call vote on above motion:

Yea- Sheaffer, Helberg, McColley, Comadoll, Ridley, Maassel, Small

Heath asked if the calculation process for Park Lane should be continued; Sheaffer replied yes.

#### **Discussion Of Dump** Truck Repair

Irelan reported that on December 14 dump truck unit 48 suffered major damage while hauling stone; the scissor lift broke and punctured the truck bed, adding that the failure was due to the age of the equipment, not operator error. Irelan reported that the estimated cost for repair is \$21,000, assuming a ten percent (10%) contingency, adding that there could be some additional costs and a purchase order will written to cover any unforeseen expenses; although this expense is estimated to be below the required limitation, Irelan stated that she is bringing this before Council to keep them informed and will be requesting approval of this repair if it exceeds \$25,000.

#### No Action Taken

Change Order No. 2 (Final) **Appian & Maumee Avenues** Traffic Signal **Improvements: Greenwich** 

**Electric Inc.** (\$1,758)

**Motion To Approve** Change Order No. 2 (Final) Appian & Maumee **Avenues Traffic Signal Improvements:** Greenwich Electric Inc.

(\$1,758)

No action was taken by Council.

Irelan reported that this is the final Change Order for the project; the work has been completed and the final quantity adjustments result in a deduct of \$1,758. Irelan requested this Change Order be approved so the project can be closed.

Motion: McColley Second: Comadoll To approve Change Order No. 2 (Final) Appian & Maumee Avenues Traffic Signal Improvements, Greenwich Electric Inc. deduct of \$1,758

**Passed** Yea-7

Roll call vote on above motion:

Yea- Sheaffer, Helberg, McColley, Comadoll, Ridley, Maassel, Small

Nay- 0	Nay-
Good Of The City (Cont.) Sheaffer	Sheaffer received information regarding appointments to the Tax Incentive Review Board; Sheaffer will research this.  Sheaffer thanked Staff for the issues that are being handled and thanked Maassel for
	assisting with this; Sheaffer read the mediation session results from December 21 regarding the agreement reached between the School and the City; there will be a dedicated fire access lane and coordinating traffic flow, with another meeting in February to assess any traffic concerns.
Behm	Behm stated it has been a pleasure to work with all over the last four (4) years; thanking all for their work.
Helberg	Helberg stated that he has enjoyed working fifteen (15) years on Council and thanked all.
McColley	McColley thanked Helberg, Behm and Ridley for their service and welcomed Small to Council.
	McColley stated that there have been issues with vehicles parking in the path of sidewalks stating that it can be dangerous to block sidewalks, though he believes fines are a harsh alternative, adding that all City employees should follow the laws as well. Sheaffer added that the ignorance of the law does not allow for the breaking of the law, adding that he fully backs the Police Department and their discretion on handling the enforcement. Irelan reminded Council that they should come to her with such issues so she can handle them.
Small	None
Nagel	Nagel welcomed Small to Council, and thanked Behm, Helberg and Ridley for their service.
	Nagel stated that she is pleased with the resolution with the school.
Irelan	Irelan echoed Nagel's sentiments, adding that the Appointing Authorities are here to help.
Heath	Heath welcomed Small and thanked Behm, Helberg, and Ridley for their service.
Comadoll	Comadoll echoed Heath's sentiments.
Ridley	Ridley stated it has been an honor to serve the City and work with Council, adding that there is good leadership and he is optimistic regarding the future of the City.
Maassel	Maassel canceled the Finance & Budget Committee meeting scheduled for Monday, December 28 due to lack of agenda items.
	Maassel expressed appreciation for the Police Department.
	Maassel welcomed Small, and thanked Behm, Helberg and Ridley adding that they did make a difference.

Sheaffer

Sheaffer canceled the Technology & Communication Committee meeting scheduled for January 4 due to lack of agenda items.

**Motion To Go Into Executive Session: Imminent Litigation** 

Second: Maassel Motion: McColley

To go into Executive Session to discuss imminent litigation

Passed

Roll call vote on above motion:

Yea-7 Yea- Sheaffer, Helberg, McColley, Comadoll, Ridley, Maassel, Small Nay-0

Nay-

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

To go into Executive Session to discuss economic development

**Passed** Yea-7

Nay- 0

Roll call vote on above motion:

Yea- Sheaffer, Helberg, McColley, Comadoll, Ridley, Maassel, Small

Nay-

Into Executive Session

Council went into Executive Session at 8:19pm.

**Motion To Come Out Of Executive Session: Imminent Litigation** 

Motion: Maassel Second: **McColley** 

To come out of Executive Session discussion imminent litigation

**Passed** Yea-7

Nay- 0

Roll call vote on above motion:

Roll call vote on above motion:

Yea- Sheaffer, Helberg, McColley, Comadoll, Ridley, Maassel, Small

Nay-

**Motion To Come Out** Of Executive Session: **Economic Development** 

Maassel Motion: Second: Ridley

To come out of Executive Session discussion economic development

**Passed** 

Yea-7

Nay-0

Yea- Sheaffer, Helberg, McColley, Comadoll, Ridley, Maassel, Small

**Out Of Executive Session** 

Council came out of Executive Session at 9:20pm. President Sheaffer reported that the discussion was regarding imminent litigation and economic development; no action was

taken.

Nay-

**Approval Of Bills** 

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

Sheaffer read a Proclamation regarding Chris Ridley serving Council for four (4) years, and John Helberg serving Council for fifteen and a half years, both receiving a

Key to the City. Maassel presented a gift to Behm on behalf of City Council.

**Motion To Adjourn** 

Motion: Ridley Second: Helberg

To adjourn the meeting.

Passed

Roll call vote on above motion:

Yea-7 Nay-0 Yea- Sheaffer, Helberg, McColley, Comadoll, Ridley, Maassel, Small

Nay-

#### ORDINANCE NO. 072-15

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,500,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE MUNICIPAL WATER SYSTEM BY CONSTRUCTING A NEW WATER TREATMENT PLANT, ACQUIRING AND IMPROVING INTERESTS RELATED IN REAL PROPERTY. IMPROVING AND REHABILITATING THE EXISTING WATER TREATMENT PLANT AND RELATED STORAGE FACILITIES, AND REHABILITATING THE ELEVATED STORAGE TANKS, TOGETHER WITH ALL NECESSARY AND RELATED APPURTENANCES THERETO

**WHEREAS**, pursuant to Ordinance No. 072-14 passed on January 5, 2015, notes in anticipation of bonds in the aggregate amount of \$2,500,000, dated March 4, 2015 (the "Outstanding Notes"), were issued for the purpose stated in Section 1, to mature on March 3, 2016; and

WHEREAS, this Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds available to the City; and

WHEREAS, the Finance Director, as fiscal officer of this City, has certified to this Council that the estimated life or period of usefulness of the Improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is at least thirty (30) years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is March 7, 2033;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Napoleon, Henry County, Ohio, that:

Section 1. It is necessary to issue bonds of this City in the maximum principal amount of \$2,500,000 (the "Bonds") for the purpose of paying the costs of improving the municipal water system by constructing a new water treatment plant, acquiring and improving related interests in real property, improving and rehabilitating the existing water treatment plant and related storage facilities, and rehabilitating the elevated storage tanks, together with all necessary and related appurtenances thereto (the "Improvement").

Section 2. The Bonds shall be dated approximately March 1, 2017, shall bear interest at the now estimated rate of 5.50% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds, in any

fiscal year in which principal is payable, shall be substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2017.

Section 3. It is necessary to issue and this Council determines that notes in the maximum principal amount of \$2,500,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to retire, together with other funds available to the City, the Outstanding Notes and to pay any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum amount) shall be determined by the Finance Director in the certificate awarding the Notes in accordance with Section 6 of this Ordinance (the "Certificate of Award") as the amount which, along with other available funds of the City, is necessary to retire the Outstanding Notes and to pay any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance; provided that the Finance Director shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 6.00% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Finance Director in the Certificate of Award in accordance with Section 6 of this Ordinance.

Section 4. The debt charges on the Notes shall be payable in lawful money of the United States of America or in Federal Reserve funds of the United States of America as determined by the Finance Director in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the office of a bank or trust company designated by the Finance Director in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose or at the office of the Finance Director if agreed to by the Finance Director and the original purchaser (the "Paying Agent").

The City Manager and the Finance Director may sign and deliver, in the name and on behalf of the City, the Note Registrar Agreement between the City and the Paying Agent, in substantially the form as is now on file with the Clerk of Council. The Note Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Finance Director on behalf of the City, all of which shall be conclusively evidenced by the signing of the Note Registrar Agreement or amendments thereto. The Finance Director shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement, except to the extent paid or reimbursed by the original purchaser in accordance with the Certificate of Award, from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

Section 5. The Notes shall be signed by the City Manager and Finance Director, in the name of the City and in their official capacities; *provided* that one of those signatures may be a facsimile. The Notes shall also be countersigned by the Mayor; *provided* that the signature of the Mayor may be a facsimile. The Notes shall be issued in minimum denominations of \$100,000 (and may be issued in denominations in such amounts in excess thereof as requested by

the original purchaser and approved by the Finance Director) and with numbers as requested by the original purchaser and approved by the Finance Director. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Finance Director will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Ohio Revised Code if it is determined by the Finance Director that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Finance Director and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (a) the ownership of beneficial interests in the Notes and the principal of and interest on the Notes may be transferred only through a book entry, and (b) a single physical Note certificate in fully registered form is issued by the City and payable only to a Depository or its nominee as registered owner, with the certificate deposited with and "immobilized" in the custody of the Depository or its designated agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

"Depository" means any securities depository that is a clearing agency registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934, operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of and interest on the Notes, and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (a) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (b) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (c) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (d) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Finance Director may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Finance Director does not or is unable to do so, the Finance Director, after making provision for notification of the

beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Finance Director is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

Section 6. The Notes shall be sold at not less than par plus accrued interest (if any) at private sale by the Finance Director in accordance with law and the provisions of this Ordinance. The Finance Director shall sign the Certificate of Award referred to in Section 3 fixing the interest rate or rates which the Notes shall bear and evidencing that sale to the original purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. The City Manager, the Finance Director, the City Law Director, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Finance Director is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Ohio Revised Code.

Section 7. The proceeds from the sale of the Notes received by the City (or withheld by the original purchaser on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. The Certificate of Award may authorize the original purchaser to withhold certain proceeds from the sale of the Notes to provide for the payment of certain financing costs on behalf of the City. Any portion of those proceeds received by the City (after payment of those financing costs) representing premium or accrued interest shall be paid into the Bond Retirement Fund.

Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other

items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

In each year to the extent net revenues from the municipal water utility are available for the payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of such net revenues so available and appropriated.

In each year to the extent receipts from the municipal income tax are available for the payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose, and to the extent not paid from net revenues of the municipal water utility, the amount of the tax shall be reduced by the amount of such receipts so available and appropriated in compliance with the following covenant. To the extent necessary, the debt charges on the Notes and the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and the laws of the State of Ohio and the Charter of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

Nothing in the two preceding paragraphs in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Notes and the Bonds.

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "Code") or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Finance Director or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Notes, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Notes, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes. The Finance Director or any other officer of the City having responsibility for issuance of the Notes is specifically authorized to designate the Notes as "qualified tax-exempt obligations" if such designation is applicable and desirable, and to make any related necessary representations and covenants.

Each covenant made in this Section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure the exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Notes.

Section 11. The Clerk of Council is directed to promptly deliver a certified copy of this Ordinance and the Certificate of Award to the County Auditor of Henry County, Ohio.

Section 12. The Finance Director is authorized to request a rating for the Notes from Moody's Investors Service, Inc. or Standard & Poor's Ratings Service, or both, as the Finance Director determines is in the best interest of the City. The expenditure of the amounts necessary to secure any such ratings as well as to pay the other financing costs (as defined in Section 133.01 of the Ohio Revised Code) in connection with the Notes is hereby authorized and approved and the amounts necessary to pay those costs are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 13. The legal services of the law firm of Squire Patton Boggs (US) LLP are hereby retained in connection with the authorization, issuance and sale of the Notes. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Notes and securities issued in renewal of the Notes and rendering at delivery related legal opinions. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any

county or municipal corporation or of this City, or the execution of public trusts. For those legal services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Finance Director is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 14. The services of Sudsina & Associates, LLC, as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Notes. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of pocket expenses it incurs in rendering those municipal advisory services. The Finance Director is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

Section 15. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 16. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and any of its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

Section 17. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 18. This Ordinance shall be in full force and effect on the earliest date permitted by law.

Passed:		
		Travis B. Sheaffer, Council Presiden
Approved:		
		Ronald A. Behm, Mayor
VOTE ON PASSAGE Yea	_ Nay	_ Abstain
Attest:		
Gregory J. Heath, Clerk of Council	,	
I, Gregory J. Heath, Clerk of Council of the Ordinance No. 072-15 was duly published in the said City on the day of January, 2016; and in Chapter 102 of the Criffold O. I.	Northwest Sign ad I further cert	tal, a newspaper of general circulation in
in Chapter 103 of the Codified Ordinances of pertaining to Public Meetings.	f Napoleon, O	hio and the laws of the State of Ohio
	Gregory	v J. Heath, Clerk of Council
CERTIFICAT	ION OF REC	<u>ORDS</u>
I, Gregory J. Heath, Clerk of Council, of the Ci document to be a <b>True and Correct</b> copy of Ordi	ity of Napoleon inance No. 072-	, Ohio, do hereby certify and attest this 15, passed January, 2016.
Gregory J. Heath, Clerk of Council		Date

#### **ORDINANCE NO. 073-15**

AN ORDINANCE VACATING A PORTION OF A CERTAIN ALLEY AND ROADWAY LOCATED AT 303 WEST MAIN STREET IN HENRY YEAGER'S 2<sup>ND</sup> ADDITION; ALSO PORTIONS OF ROADWAYS WITHIN THE SOUTHWEST QUARTER OF FRACTIONAL SECTION 13, TOWN 5 NORTH, RANGE 6 EAST, ALL BEING IN THE CITY OF NAPOLEON, HENRY COUNTY, OHIO

WHEREAS, an application for a public hearing was filed by The Napoleon Area City School District requesting the City vacate an alley and roadway located in the South and East parking lots of the Napoleon Middle School property at 303 West Main Street which is located in Henry Yeager's 2<sup>nd</sup> Addition, along with portions of the roadway within the Southwest Quarter of Fractional Section 13, Town 5 North, Range 6 East, all being in the City of Napoleon, Ohio, pursuant to Chapter 909 of the Codified Ordinances of the City of Napoleon, Ohio, and Chapter 723 of the Ohio Revised Code; and,

**WHEREAS**, the Planning Commission held a Public Hearing (PC-15-04) on December 8, 2015 at 5:00p.m., after being duly published, and there was no opposition; and,

**WHEREAS**, the Planning Commission passed Resolution No. PC-15-04 recommending that said property be vacated by Napoleon City Council; Now Therefore,

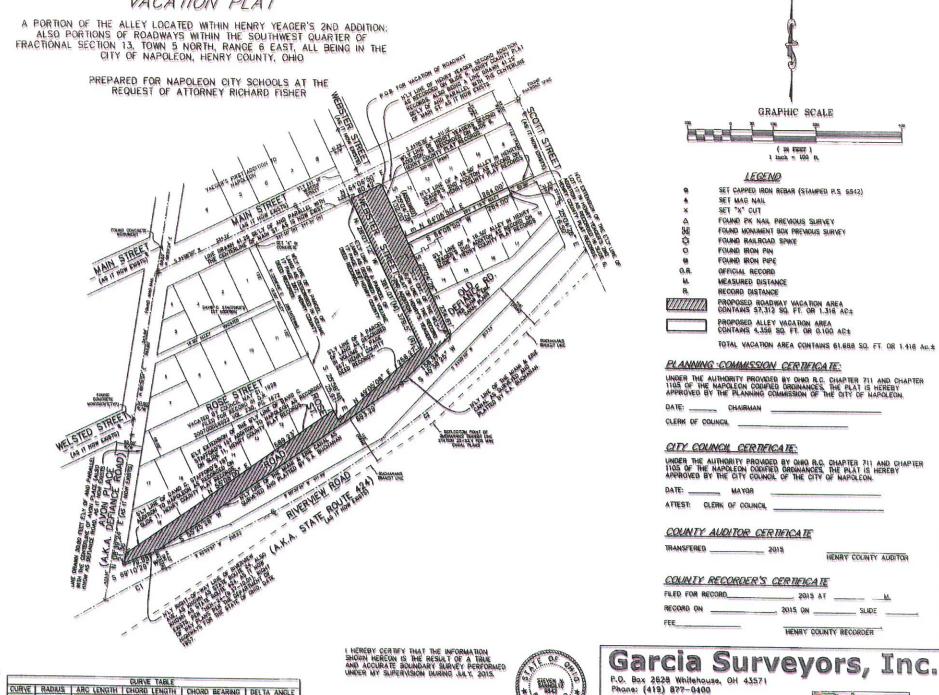
# BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

- Section 1. That, this Council finds there has been compliance with all applicable provisions of Chapter 909 of the Codified Ordinances of the City of Napoleon, Ohio, and Chapter 723 of the Ohio Revised Code, in regard to vacation of a certain alley and roadway as more particularly described in Section 2 of this Ordinance, including but not limited to the notice requirement.
- Section 2. That, this Council finds there exists a petition signed by an authorized person on behalf of The Napoleon Area City School District owning lots 10 thru 17 in Henry Yeager's 2<sup>nd</sup> Addition and also portions of the Southwest quarter of Fractional Section 13, Town 5 North, Range 6 East all being in the City of Napoleon, Henry County, Ohio, as shown on the plat currently on file in the office of the Zoning Administrator and as shown on Exhibit "A" which is attached and incorporated herein.
- Section 3. That, this Council further finds there is good cause for such alley and roadway vacation as prayed for, that such vacation of the alley and roadway will not be detrimental to the general interests of the public.
- Section 4. That, the City Engineer is hereby instructed to present the vacation plat of said vacated alley and roadway to the Clerk of Council and the Clerk is instructed to endorse upon such plat, the action of this Council in vacating such alley and roadway and to cause this Ordinance and the said plat to be recorded in the office of the Recorder of Henry County, Ohio.

- Section 5. That, the Clerk of Council is directed to notify the Auditor of Henry County, Ohio of the vacation, by sending a copy of this Ordinance.
- Section 6. That, the directives as stated in Sections 4 & 5 shall only be completed after payment of all costs to the City owed by the petitioner as established in Chapter 909 of the Codified Ordinances of the City of Napoleon, Ohio, including, but not limited to a non-refundable petition processing fee of \$25.00, plus publication costs, to be paid at the time the petition is filed. If actual publication costs cannot be determined, then an estimated cost as determined by the City shall be paid by the petitioner.
- Section 7. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.
- Section 8. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.
- Section 9. That, upon passage, this Ordinance shall take effect at the earliest time permitted by law.

Passed:	
	Travis B. Sheaffer, Council President
Approved:	
	Jason P. Maassel, Mayor
VOTE ON PASSAGE Yea N	ay Abstain
Attest:	
Gregory J. Heath, Clerk/Finance Director	
that the foregoing Ordinance No. 073-15 was di newspaper of general circulation in said City, o	n the day of
; & I further certify the compliance wi Codified Ordinances Of Napoleon Ohio and the Meetings.	th rules established in Chapter 103 of the laws of the State of Ohio pertaining to Public
	Gregory J. Heath, Clerk/Finance Director

#### VACATION PLAT



Steven N. Saneholtz Professional Surveyor No. 6842



Fax: (419) 877-1140

Mobile: (419) 350-8818 E-Mall: ssanhaltz@garclasurveyors.com 154-02089F800A1





# CITY OF NAPOLEON, OHIO

255 West Riverview Avenue • PO 151 • Napoleon, Ohio 43545-0151 Gregory J. Heath, Director of Finance/Clerk of Council

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

Web Page: www.napoleonohio.com E-mail: gheath@napoleonohio.com

DATE: January 4, 2016

TO: Members of City Council

Jason P. Maassel, Mayor

Monica S. Irelan, City Manager Lisa L. Nagel, City Law Director

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

SUBJECT: Annual Permanent Council Committee(s) Agenda Item(s)

To meet <u>City Council Rules</u> regarding the Assignment and Reporting out of Council Committee Review Items, listed below are the proposed Annual Permanent Council Committee(s) Agenda Items "(D/A) Item K 1":

- **1. Discussion/Action:** Assignment of certain Annual Permanent Council Committee(s) Agenda Item(s) for 2016.
  - 1. Assign the 'Meeting Dates with the Townships and the Henry Co. South Ambulance District' with the Safety & Human Resources Committee. (Previously set as the 4th Monday of February, and the 4th Monday of November)
  - 2. Assign 'Review of EMS Revenues and Costs with the Townships and the Henry Co. South Ambulance District' to the Safety & Human Resources Committee. (Previously set as the 4th Monday of February, and the 4th Monday of November)
  - 3. Assign 'Review of Power Supply Cost Adjustment Factor (PSCAF)' and 'Electric Department Report' to the monthly meeting of the Electric Committee and the Board of Public Affairs.
  - 4. Assign 'Review Updated Information from Staff on Economic Development' to the Municipal Properties, Buildings, Land Use & Economic Development Committee.

Council 01/04/16 page 1 of 1

# Memo

To: City Council & Monica Irelan, City Manager From: Scott Hoover, Water Plant Superintendent

David Pike, Wastewater Superintendent

Date: December 17,2015

Re: 2016 Annual Chemical Bids

On December 16, 2015 bids were opened for the chemicals that will be used at the Water and Wastewater Plants for the 2016 operational year (we only received bids for Lime, Alum, and Salt, all of the other chemicals were by quotes). There were a total of 6 bids submitted. After reviewing the bids, we would like to recommend that the 2016 chemical bids be awarded to the following companies as the lowest and best:

Chemical	<u>Bid</u>	Current Cost	<u>Difference</u>
Lime	Greer Industries @ \$145.85	\$165.87/ton	-\$20.02/ton
Alum	Chemtrade Chemical @0.895	\$0.9126/ gal.	-\$0.0176
KMnO4	Bonded Chemical @ \$3.01/lb.	\$3.01/lb.	\$0.00
Chlorine	Bonded Chemical @ \$0.485/lb.	\$0.485/lb.	-\$0.00
Phosphate	Bonded Chemical @ \$0.95/lb.	\$0.95/lb.	-\$0.00/lb.
Fluoride	Bonded Chemical @ \$0.481/lb.	\$0.481/lb.	+\$0.00/lb.
Carbon	Bonded Chemical @ \$0.82/lb.	\$0.82/lb.	+\$0.00/lb.
Soda Ash	Bonded Chemical @ \$375.25/ton	\$375.25/ton	-\$0.00/ton
Liquid CO2	WSI Gas @ \$120.00 Ton	\$170.00 Ton	-\$50.00/ Ton
Salt	Robinson Salt @ \$122.00 Ton	\$122.00/ton	\$0.00/ ton

If you have any questions concerning the chemical bids, please feel free to contact either of us.

CITY OF NAPOLEON UTILITY DEPARTMENT

Batch 33420 Sequence 9

Date 28 DEC 2015 Time 10:02AM

Account MGMIS Name RICHARD JOHNSON Document DONATION-FIRE

Pay Type CK Refer 1818

Amt Paid Amt Tend 175.00 175.00 Change 0.00 100.0000.47000 175.00 Mamis Donation-Jire

100.2200.44350 = \$175.00 CR# 1018

		Vaccing 1
	56-734/412	1018
RICHARD E. JOHNSON	DATE 12-17-2015	
PAYTO THE Napoleon Rescue One Aundred Seventy live and	\$ 173	- 50
One Aundred Seventy five and	No/los DOLLAI	RS I Security Features Included. Details on Back.
F FARMERS & MERCHANTS	VOID AFTER 60 DAYS	
MEMO	RYLD Elopusa	₩P

# Memorandum

**To:** Technology and Communication Committee, Council, Mayor, City Manager, City

Law Director, City Finance Director, Department Supervisors, Media

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

**Date:** 12/30/2015

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

The Technology and Communication Committee meeting regularly scheduled for Monday, January 4, 2016 at 6:15pm has been CANCELED due to lack of agenda items.

December 23, 2015



## AMP employees give to those in need

By Krista Selvage - manager of publications

Staff members at AMP headquarters made a positive impact in the Columbus area community this holiday season by donating to the Mid-Ohio Foodbank and Community Shelter Board. Employees collected nearly 350 pounds of donations through a charitable giving drive (Nov. 23 through Dec. 18) – exceeding last year's donation weight by over 100 pounds.

For more information on these two organizations, please visit <u>csb.org</u> and <u>midohiofoodbank.org</u>. Thank you to all those who are giving back to their community throughout the year. Your kindness and generosity are making a difference.

# **APPA** sponsorships available for 2015 **AMP** Lineworkers Rodeo participants

By Michelle Palmer, PE – assistant vice president of technical services

The AMP Board of Trustees recently authorized the sponsorship of lineworker teams and apprentices to participate in the 2016 Ameri-



can Public Power Association (APPA) Lineworkers Rodeo.

Those requesting sponsorship must have competed at the 2015 AMP Lineworkers Rodeo in order to be eligible. For those who did compete in the AMP Rodeo, they must submit a paragraph requesting sponsorship from the utility manager/director, city manager or mayor explaining why their attendance is beneficial to their utility, and detailing the

### Energy markets update

By Jerry Willman – director of energy marketing

NYMEX natural gas for January declined \$.023 cents on Tuesday to settle at \$1.888. Last week's reported 34 Bcf withdrawal was the third smallest draw in history for the month of December and the official season-to-date draw of 85 Bcf (Oct. 30 to Dec. 11) is the lowest on record. With nearly 40 percent of the winter heating season complete, the outlook for the balance of the season will be highly dependent on weather going forward.

Bloomberg shows a median estimated draw of 27 Bcf for tomorrow's storage survey for the week ending Dec. 18 with a range of estimates between a 13 and 40 Bcf. For comparison, this week last year was 50 Bcf and the five-year average was 119 Bcf draw. The EIA will release its storage report on Dec. 24, after this article is published.

### AFEC weekly update

By Jerry Willman

Continued cheap natural gas prices and an efficient plant heat rate continue to keep Fremont dispatched in a 2x1 configuration for the week through Wednesday. Duct firing was dispatched for seven hours. For the short holiday week, the plant generated at a 79 percent capacity factor (based on 675 MW rating).



see RODEO Page 2

number of individuals or teams for which sponsorship is being requested.

The APPA Lineworkers Rodeo will be held April 1-2 in Minneapolis. AMP's sponsorship will cover registration fees and up to three nights of accommodation for participants based upon the available funds. AMP is providing full sponsorship to those who won first place in the overall categories in the 2015 AMP Lineworkers Rodeo: Michael Roark, Westerville, apprentice; William Houser, Cuyahoga Falls, journeyman; and the Westerville Electric Division, team.

AMP's 2016 Lineworkers Rodeo has been scheduled for Aug. 26-27 at AMP Headquarters in Columbus. Competition at this year's event will be open to regional teams from AMP member systems.

Please contact me by Feb. 1 regarding sponsorship at 614.540.0924 or mpalmer@amppartners.org.

### **AMP Substations 101 training** course to be held Jan. 12-13

By Jennifer Flockerzie – technical services program coordinator

Substations are the backbone of the electric distribution system and AMP will offer a two-day Substations 101 course to cover the operation, equipment, switching, inspections, fencing and security, clearances and safety in substation operations. The class will be held Jan. 12-13 at AMP headquarters.

Substations 101 is designed for the entry level substation technician, apprentice and journeyman lineworkers, and anyone directly involved in any type of substation operations.

For more information or to register for the course, please contact me at 614.540.0853 or iflockerzie@amppartners.org.

## Hamilton receives recognition for economic development

By Bob DeWitt - director of energy efficiency & business development

The City of Hamilton was recently lauded for its economic development efforts by the International Economic Development Council (IEDC).

Hamilton received four awards: one silver and two bronze awards, and the Gold Excellence in Economic Development award for the Initiative Update in the General Purpose Print Brochure category for communities with a population between 25,000 to 200,000. The 2015 Initiative Update is available here.

IEDC's Excellence in Economic Development Awards honor organizations and individuals for their efforts in creating positive change in urban, suburban and rural communities.

The Hamilton Mill and Jeffrey Thurman, president and CEO of Community First Solutions, also accepted IEDC awards for their economic development efforts in Hamilton.

AMP offers assistance to augment local economic development efforts through the Business (Economic) Development Program. Please contact me for more information on these services at 614.540.0849 or bdewitt@amppartners.org.

On Peak (16 hour) prices into AEP/Dayton Hub					
Week end	ling Dec. 23				
MON <b>\$27.39</b>	TUE <b>\$25.40</b>	WED <b>\$24.75</b>	THU N/A	FRI <b>N/A</b>	
Week ending Dec. 18					
MON <b>\$26.90</b>	TUE <b>\$26.62</b>	WED <b>\$28.02</b>	THU \$30.20	FRI <b>\$29.05</b>	

## **Hydro Research Foundation** announces 2016 Research **Awards Program for students**

The Hydro Research Foundation is accepting applications for its Research Awards Program, which is designed to stimulate new student research and academic interest in conventional or pumped storage hydropower. The awards are made possible by a grant from the Energy Efficiency and Renewable Energy Program of the U.S. Department of Energy. Applications are due March 14, 2016, for appointments beginning June 2016 for one-year funding.

The foundation anticipates making one-year awards to between four to 10 students in 2016. Students will be selected based on research vision, innovation, academic performance, potential for leadership and overall strength of their research proposal. Each award typically includes the following:

- A living stipend of up to \$18,000.
- A tuition, fees and university-provided health insurance allowance of up to \$10,000.
- Travel costs to attend the Annual Hydro Research Roundtable each year the student is in the program.
- The student's academic adviser for the research will be awarded \$2,000 annually into a university discretionary account, for aiding in, and supervising the research. The adviser may also have the opportunity to attend HydroVision International.
- Each student may have the opportunity to participate in an internship with an industry partner. These internships may result in employment for the researcher.
- The foundation will assist the student in finding employment in the hydropower community.

Additional information regarding the program is available here.

#### AMP mails 2016 calendars

The 2016 AMP calendars were mailed last week. The wall calendar features a variety of photos that include AMP member utility activities and generation projects. It also notes key AMP, OMEA and APPA events, as well as federal holidays. If you did not receive or would like additional copies, please contact Krista Selvage at kbselvage@amppartners.org.

# **Classifieds**

### **Bowling Green seeks arborist**

The City of Bowling Green is seeking an Arborist (Minimum to Midpoint of Pay Band 5: \$54,460 - \$68,064)

Salaried, exempt position is responsible for planning, organizing, and directing all activities related to the acquisition, planting, maintaining, removing of trees on city properties and rights of way, and removal of certain private property trees, which are a menace to public property or welfare. Provides support to the city's Tree Commission and management of the city's urban trees; assists other departments in related activities. Works primarily at the community level, provides technical guidance and supervises urban forestry activities.

Bachelor's degree in urban forestry, arboriculture, forest management horticulture, agriculture or other related field required and three years of administrative experience in forestry, tree care and maintenance. Must possess a valid Ohio Driver's License; must be able to drive, and must obtain ISA (International Society of Arboriculture) certification within six months of hire. Applicants must complete an application packet that is available in the Personnel Department of the City of Bowling Green, 304 N. Church St., Bowling Green, OH 43402-2399. (Resumes alone are unacceptable.) Copies of the complete job description will be provided to applicants. Click here for more information/access the online application. Personnel Dept. Phone: 419.354.6200; Fax: 419.352.1262; Email: BGPersonnel@bgohio.org. Deadline for making application is 4:30 p.m. Jan. 15, 2016. AA/EEO

# St. Clairsville has two openings at superintendent level

The City of St. Clairsville (population 5,100) has openings for two departmental superintendent level positions requiring an Ohio Class III water license, or an Ohio Class II wastewater license. Each position has a salary range that starts at \$62,000 or higher (depending on qualifications), plus full benefits. The city shall also entertain applicants possessing both licenses, and that pay range starts at \$75,000. For immediate consideration, submit a resume, cover letter and a list of three professional references to dops@stclairsville.com. For additional information, visit www.stclairsville.com.

# Princeton seeks general manager candidates

The Electric Plant Board of the City of Princeton, Kentucky (PEPB) is seeking qualified applicants for its General Manager position. PEPB provides electric service to 4,000 customers via a transmission and distribution system consisting of over 13 miles of 161kv transmission line, over 130 miles of overhead and underground distribution lines,

and two substations. The qualifications for this position are any combination of education and/or experience that provides the knowledge, skills and abilities necessary to perform the job as determined by PEPB. Qualified candidates must possess exemplary interpersonal and communication skills. The candidate must be a proven leader and demonstrate the ability and willingness to participate in community-wide endeavors and projects.

The General Manager reports to the Board of Directors and is responsible for the daily operations of the utility and its business affairs pursuant to the budgets, policies and programs approved by the Board. The General Manager directs a professional staff of employees with substantial experience in all aspects of the public power industry.

PEPB will be accepting resumes until March 1, 2016. Candidates desiring to be considered for the General Manager position must submit a cover letter, resume, salary history, and a minimum of four professional references to: Princeton Lumber Company, Attention: Rumsey B. Taylor III, RE: Princeton Electric Plant Board General Manager, Post Office Box 590, Princeton, KY 42445. For the complete listing of this classified, visit the AMP website.

### Calendar

Jan 12-13—Substations 101 AMP Headquarters, Columbus

Feb. 9-11—APPA Constructing, Operating & Maintaining Underground Distribution Systems AMP Headquarters, Columbus

March 7-9—APPA Legislative Rally Grand Hyatt Washington, Washington, D.C.

March 10—AMP Finance & Accounting Meeting New Martinsville, West Virginia

March 15-17—AMP Metering Course *Piqua, Ohio* 

April 2-6—APPA Rodeo and E&O Conference *Minneapolis, Minnesota* 

April 7—AMP Finance & Accounting Meeting Philadelphia, Pennsylvania

April 26-27—AMP Technical Services Conference AMP Headquarters, Columbus

May 5—AMP Finance & Accounting Meeting Hillsdale, Michigan

May 18-19—AMP Underground Distribution Workshop

AMP Headquarters, Columbus

June 2—AMP Finance & Accounting Meeting Salem, Virginia

June 13-17—Basic 1 Lineworker Training AMP Headquarters, Columbus



#### FOR IMMEDIATE RELEASE

Contact: Chief O'Brien Napoleon Fire Department- 419-592-0441

# Christmas Tree Pickup REAL TREES ONLY January 9<sup>th</sup> beginning at 8:00 am

Napoleon Fire & Rescue will be conducting its annual Christmas tree pickup on January 9<sup>th</sup> beginning at 8:00 am. This pick up is only for real trees and no ornaments or decorations. Please have your Christmas trees to the road by 7:30am. If your tree is not to the road by this time we cannot ensure your tree will be picked up. If we happen to miss your tree please contact the fire station.

All questions should be directed to the fire department.



# You are invited to attend the 2016 General Assembly of members of the Toledo Metropolitan Area Council of Governments

TMACOG General Assembly Monday, January 25, 8 a.m. – 1:15 p.m. Holiday Inn French Quarter, Perrysburg

The General Assembly is the annual meeting of TMACOG members. Your participation helps to shape TMACOG planning activities. Newly elected officials are particularly invited and will be recognized at the luncheon. Non-members and quests are also welcome.

- Business meeting and election of officers
   Important business includes a member vote to change the bylaws to formally establish a new Water Quality Council.
- Caucus sessions and election of members to the Board of Trustees
  These peer meetings facilitate regional partnerships and establish the
  cooperation that promotes the TMACOG region.
- Luncheon and keynote presentation
   TMACOG is pleased to welcome a representative of the 180th Fighter Wing
   of the Ohio Air National Guard to talk about the Air Force's new public-public,
   public-private or P4 initiative.

Register by Wednesday, January 20 at <a href="https://www.tmacog.org">www.tmacog.org</a>. Registration is \$30 for TMACOG members and members' guests, \$20 for students, and \$60 for non-members. No refunds will be made for cancellations after January 20. Contact <a href="Jennifer Allen">Jennifer Allen</a> at 419.241.9155, ext. 107 with any questions or to request special accommodations.

Thank you to Poggemeyer Design Group for their sponsorship of the 2016 General Assembly.

