
Memorandum

TO: Mayor and City Council
City Manager, Finance Director, City Law Director
FROM: Roxanne
SUBJECT: General Information
DATE: April 28, 2017

CALENDAR

MONDAY, MAY 1st, 2017

6:45 pm – *Special City Council Meeting*

7:00 pm – *City Council Meeting*

C. ORGANIZATION OF COUNCIL – Election of Council President Pro-Tem

H. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 010-17**, an Ordinance Amending a Certain Section of the Personnel Code Chapter 197 of the Codified Ordinances of the City of Napoleon, Ohio.
2. **Ordinance No. 024-17**, an Ordinance Approving the Renewal of Agricultural District(s) located in the City of Napoleon, Ohio as applied for by Lanckenau Properties II, LTD.; and Declaring an Emergency. (*Suspension Requested*)
3. **Ordinance No. 025-17**, an Ordinance Approving the Renewal of Agricultural District(s) located in the City of Napoleon, Ohio as applied for by Kenneth W. Vorwerk, et al.; and Declaring an Emergency. (*Suspension Requested*)
4. **Ordinance No. 026-17**, an Ordinance Approving the Renewal of Agricultural District(s) located in the City of Napoleon, Ohio as applied for by Rocky, LLC.; and Declaring an Emergency. (*Suspension Requested*)
5. **Ordinance No. 027-17**, an Ordinance Approving the Renewal of Agricultural District(s) located in the City of Napoleon, Ohio as applied for by Kevin M. Homan, et ux.; and Declaring an Emergency. (*Suspension Requested*)
6. **Ordinance No. 028-17**, an Ordinance Approving the Renewal of Agricultural District(s) located in the City of Napoleon, Ohio as applied for by James F. Homan, et al.; and Declaring an Emergency. (*Suspension Requested*)
7. **Ordinance No. 029-17**, an Ordinance Approving the Renewal of Agricultural District(s) located in the City of Napoleon, Ohio as applied for Ed Hoeffel, et ux.; and Declaring an Emergency. (*Suspension Requested*)
8. **Ordinance No. 030-17**, an Ordinance amending Section 1145.01, Table of Permissible Uses, in Chapter 11 of the Planning and Zoning section of the City of Napoleon's Codified Ordinances; and Declaring an Emergency. (*Suspension Requested*)

I. SECOND READINGS OF ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 014-17**, an Ordinance Amending Ordinance No. 120-00 passed October 16, 2000; Removing the Department of Engineering as the Housing Officer for the City of Napoleon, Ohio; and Establishing and Authorizing the Department of Management to Perform the Duties of Housing Officer for the City of Napoleon, Ohio; and Declaring an Emergency. (*Suspension Requested*)

J. THIRD READINGS OF ORDINANCES AND RESOLUTIONS - None

K. GOOD OF THE CITY (Any other business as may properly come before Council, including but not limited to):

- Items 1 and 2 are recommendations from the Finance and Budget Committee.
- 1. *Discussion/Action:* Recommendation to Approve Changing the Credit Card Usage Policy to reflect the Addition of the Auditor of State Bulletin 2016-004.
- 2. *Discussion/Action:* Recommendation to Leave the Formal Bidding and Council Approval Threshold at the Current Levels.
- Enclosed is Chief O'Brien's memorandum on the purchase of the vehicles for the Fire Department along with a copy of the state contract specifications for each vehicle.
- 3. *Discussion/Action:* to Approve the Purchase of a 2017 Chevy Tahoe off the State Contract for the Fire Department.
- 4. *Discussion/Action:* to Approve the Purchase of a 2017 GMC Sierra 2500 off the State Contract for the Fire Department.
- 5. *Discussion/Action:* to Award the Contract for the Water Treatment Plant Rehabilitation Project to Peterson Construction Co.
- Chad's Memorandum with recommendation of award is attached.
- 6. *Discussion/Action:* Replacement of Existing Sidewalks at the Wastewater Treatment Plant.
- Pictures of the sidewalks to be replaced are attached.
- 7. *Discussion/Action:* Appointment of OMEA Representative.
- Patrick was the City's OMEA Representative.
- 8. *Discussion/Action:* Liquor License Change of LLC Membership Interests.
- A copy of the Application for Change and Notice to Legislative Authority are attached.

M. Approve Payments of Bills and Approve Financial Reports

MISCELLANEOUS INFORMATION

- a. Meeting Cancellation – Technology and Communications Committee
- b. Copy of Greg Heath's letter sent to Steve Kryder, Chairman of the Henry County Republican Party regarding the Council vacancy.
- c. OML April 26, 2017 Bulletin/House Sub-budget Bill Removes *Centralized Collection of Municipal Net Profit Tax Proposal*
- d. AMP Update/April 21, 2017
- e. The Spring Fire Hydrant Flushing Program will be starting May 1st, attached is a copy of the Press Release that was issued.

MAY 2017

| <i>Sun</i> | <i>Mon</i> | <i>Tues</i> | <i>Wed</i> | <i>Thurs</i> | <i>Fri</i> | <i>Sat</i> |
|------------|---|-------------------------|--------------------------|--------------|---|------------|
| | 1 | 2 | 3 | 4 | 5 | 6 |
| | 6:45 pm Public Hearing | | | | | |
| | 7:00 pm City Council | | | | | |
| | | | | | | |
| | | | | | | |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | 6:30 pm Electric Committee BOPA | 10:30 am Privacy Comm. | | | 10:00 am Healthcare Cost Committee Mtg. | |
| | 7:00 pm Water/Sewer Comm. | 4:30 pm Board of Zoning | | | | |
| | 7:30 pm Municipal Properties, Bldg, Land Use/ED Comm. | 5:00 pm Planning Comm. | | | | |
| | | | | | | |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| | 6:00 pm Ad-hoc Committee Organizational Health and Strategic Vision | | | | | |
| | 6:00 pm Tree Commission | | | | | |
| | 6:15 pm Parks & Rec Comm. | | | | | |
| | 7:00 pm City Council | | | | | |
| | | | | | | |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| | 6:30 pm Finance & Budget Committee | 4:30 pm Civil Service | | | | |
| | 7:30 pm Safety & Human Resources Committee | | | | | |
| | | | | | | |
| | | | | | | |
| 28 | 29 | 30 | 31 | | | |
| | Offices Closed for <i>Memorial Day Holiday</i> | | 6:30 pm Park & Rec Board | | | |
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City of Napoleon, Ohio

CITY COUNCIL

SPECIAL MEETING AGENDA

Monday, May 01, 2017 at 6:45 pm

LOCATION: Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio

A. Public Hearing

1. Application for Placement of Farmland in an Agricultural District by Edward A. Hoeffel.
2. Application for Placement of Farmland in an Agricultural District by James F. Homan.
3. Application for Placement of Farmland in an Agricultural District by Kevin M. Homan.
4. Application for Placement of Farmland in an Agricultural District by Kenneth W. Vorwerk.
5. Application for Placement of Farmland in an Agricultural District by Rocky, LLC.
6. Application for Placement of Farmland in an Agricultural District by Lankenau Properties II, Ltd.

B. Any Other Business as May Properly Come Before Council.

C. Adjournment.



Gregory J. Heath

Finance Director/Clerk of Council

CITY COUNCIL

Meeting Agenda

Monday, May 01, 2017 at 7:00 pm

LOCATION: Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio

A. Attendance *(Noted by the Clerk)*

B. Prayer and Pledge of Allegiance

C. Organization of Council – Election of Council President Pro-Tem

D. Approval of Minutes: *(in the absence of any objections or corrections, the minutes shall stand approved)*

1. April 17, 2017 (Regular Council Meeting)

E. Citizen Communication

F. Reports from Council Committees

1. **Finance and Budget Committee** met on April 24, 2017 and:
 - a. Recommend Council approve changing the credit card usage policy to reflect the addition of the Auditor of State Bulletin 2016-004.
 - b. Recommend Council to leave the formal bidding and Council approval threshold at current levels.
 - c. Reviewed Purchasing Local-no action taken.
2. **Safety and Human Resources Committee** met on April 24, 2017; and
 - a. Approved Changes to Personnel Code Section 197.18 (Vacation) as drafted by the Law Director.
3. **Technology Committee** did not meet.

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

1. **Civil Service Commission** did not meet on April 25, 2017 due to lack of agenda items
2. **Park and Rec Board** did not meet on April 26, 2017 due to lack of quorum.

H. Introduction of New Ordinances and Resolutions

1. **Ordinance No. 010-17**, an Ordinance Amending a Certain Section of the Personnel Code Chapter 197 of the Codified Ordinances of the City of Napoleon, Ohio.
2. **Ordinance No. 024-17**, an Ordinance Approving the Renewal of Agricultural District(s) located in the City of Napoleon, Ohio as applied for by Lankenau Properties II, LTD.; and Declaring an Emergency. *(Suspension Requested)*
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8. **Ordinance No. 030-17**, an Ordinance amending Section 1145.01, Table of Permissible Uses, in Chapter 11 of the Planning and Zoning section of the City of Napoleon's Codified Ordinances; and Declaring an Emergency. *(Suspension Requested)*

I. Second Readings of Ordinances and Resolutions

1. **Ordinance No. 014-17**, an Ordinance Amending Ordinance No. 120-00 passed October 16, 2000; Removing the Department of Engineering as the Housing Officer for the City of Napoleon, Ohio; and Establishing and Authorizing the Department of Management to Perform the Duties of Housing Officer for the City of Napoleon, Ohio; and Declaring an Emergency.

J. Third Readings of Ordinances and Resolutions - None

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

1. **Discussion/Action:** Recommendation to Approve Changing the Credit Card Usage Policy to reflect the Addition of the Auditor of State Bulletin 2016-004.
2. **Discussion/Action:** Recommendation to Leave the Formal Bidding and Council Approval Threshold at the Current Levels.
3. **Discussion/Action:** to Approve the Purchase of a 2017 Chevy Tahoe off the State Contract for the Fire Department.
4. **Discussion/Action:** to Approve the Purchase of a 2017 GMC Sierra 2500 off the State Contract for the Fire Department.
5. **Discussion/Action:** to Award the Contract for the Water Treatment Plant Rehabilitation Project to Peterson Construction Co.
6. **Discussion/Action:** Replacement of Existing Sidewalks at the Wastewater Treatment Plant.
7. **Discussion/Action:** Appointment of OMEA Representative.
8. **Discussion/Action:** Liquor License Change of LLC Membership Interests.

L. Executive Session *(as may be needed)*

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

N. Adjournment

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, June 5, 2017 @6:15 pm)

- a. Costs for an Email Exchanger (Tabled)

2. Electric Committee (2nd Monday)

(Next Regular Meeting: Monday, May 08, 2017 @6:30 pm)

- a. Review of Power Supply Cost Adjustment Factor for May, 2017
- b. Electric Department Report

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

(Next Regular Meeting: Monday, May 08, 2017 @7:00 pm)

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

(Next Regular Meeting: Monday, May 08, 2017 @7:30 pm)

- a. Discussion on Roundhouse Road (tabled)
- b. Discussion on Downtown Improvements (tabled)
- c. Discussion on Parking Spaces (Cake Walk Bakery-tabled)
- d. Updated Information from Staff on Economic Development (as needed)

5. Parks & Recreation Committee (3rd Monday)

(Next Regular Meeting: Monday, May 15, 2017 @6:15 pm)

6. Finance & Budget Committee (4th Monday)

(Next Regular Meeting: Monday, May 22, 2017 @6:30 pm)

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

(Next Meeting: Monday, May 22, 2017 @7:30 pm)

8. Personnel Committee (as needed)

9. Ad Hoc Committee on Organizational Health and Strategic Vision (Next Mtg: Mon., May 15, 2017 at 6:00 pm)

- a. Discussion on Mission and Strategic Vision.

10. Ad Hoc Committee on Council Rules (as needed)

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

1. Board of Public Affairs (2nd Monday)

(Next Regular Meeting: Monday, May 08, 2017 @6:30 pm)

- a. Review of Power Supply Cost Adjustment Factor for May, 2017
- b. Electric Department Report

2. Board of Zoning Appeals (2nd Tuesday)

(Next Regular Meeting: Tuesday, May 09, 2017 @4:30 pm)

3. Planning Commission (2nd Tuesday)

(Next Regular Meeting: Tuesday, May 09, 2017 @5:00 pm)

4. Tree Commission (3rd Monday)

(Next Regular Meeting: Monday, May 15, 2017 @6:00 pm)

5. Civil Service Commission (4th Tuesday)

(Next Regular Meeting: Tuesday, May 23, 2017 @4:30 pm)

6. Parks & Recreation Board (Last Wednesday)

(Next Regular Meeting: Wed., May 31, 2017 @6:30 pm)

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

(Next Regular Meeting: Tuesday, May 9, 2017 @10:30 am)

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

(Next Regular Meeting: Tuesday, June 13, 2017 @4:00 pm)

9. Housing Council (1st Monday of the month after the TIRC meeting)

10. Health Care Cost Committee (Friday, May 12, 2017 at 10:00 am)

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. Volunteer Peace Officers' Dependents Fund Board (as needed)

16. Lodge Tax Advisory & Control Board (as needed)

17. Board of Building Appeals (as needed)

18. ADA Compliance Board (as needed)

19. NCTV Advisory Board (as needed)

CITY COUNCIL

Meeting Minutes

MONDAY, APRIL 17, 2017 AT 7:00 PM

| | |
|---|--|
| PRESENT | |
| Council | Travis Sheaffer-Council President (arrived at 7:23 pm), Patrick McColley-Council President Pro-Tem, Jeff Comadoll, Rita Small, Dan Baer, Joe Bialorucki, Jeff Mires |
| Mayor | Jason P. Maassel |
| Finance Director/Clerk | Gregory J. Heath |
| City Manager | Joel L. Mazur |
| Law Director | Billy D. Harmon |
| Recorder | Roxanne Dietrich |
| City Staff | Dustin Tewskbury-MIS Dept. Chad E. Lulfs-Public Service Director Tony Cotter- Parks & Recreation Director Robert Weitzel-Police Chief Dennie Clapp-Electric Dist. Superintendent |
| Others | News Media, NCTV, Lori Siclair, Jerry Tonjes, Laura Sillis-Hibbard, Bradley Hibbard |
| ABSENT | |
| Prayer | Council President Pro-Tem McColley called the meeting to order at 7:00 pm with the Lord's Prayer followed by the Pledge of Allegiance. |
| Approval of Minutes | Minutes from the April 3, 2017 City Council meeting stand approved as read with no objections or corrections. |
| Citizen Communication | None. |
| Council Committee Reports | The Electric Committee met on April 10, 2017 and recommended to accept the BOPA recommendation to approve the April 2017 PSCAF, and also recommended to accept the BOPA recommendation to use the procedure outlined by the Finance Director for inactive electric accounts that may have a credit. Chairman McColley reported the Municipal Properties, Buildings, Land Use and Economic Committee met on April 10, 2017 and received an update on downtown improvements and recommended to add in a sidewalk assessment process on construction projects according to the assessment laws found in the ORC. The committee also met in a special meeting earlier this evening and approved changing the table of permissible uses in the Zoning Code specifically related to C4 zoning. The Water and Sewer Committee did not meet due to lack of agenda items. The Ad-hoc Committee on Organizational Health and Strategic Vision did not meet. The Parks and Rec Committee did not meet due to lack of agenda items. |
| Introduction of Ordinance No. 014-17 | Council President Pro-Tem McColley read by title, Ordinance No. 014-17, an Ordinance Amending Ordinance No. 120-00 passed October 16, 2000; Removing the Department of Engineering as the Housing Officer for the City of Napoleon, Ohio; and Establishing and Authorizing the Department of Management to Perform the Duties of Housing Officer for the City of Napoleon, Ohio; and Declaring an Emergency. |

Program (HEAP) on Electric Bills.

Council still wants to provide this program.

Motion to Approve HEAP Program

Motion: Bialorucki Second: McColley
to approve the Home Energy Assistance Program (HEAP) contract.

Passed
Yea-7
Nay-0

Roll call vote on the above motion:
Yea-Bialorucki, Small, McColley, Sheaffer, Comadoll, Baer, Mires
Nay-

Donation of a Used Flag Pole from Herron's Amish Furniture, North Scott Street

City Manager Mazur said Herron's Amish Furniture on North Scott Street would like to donate the flag pole to the City. Dennie Clapp, Electric Distribution Superintendent said they would have the flag pole installed in front of the Operations Building with Jeff Rathge's crews removing the pole, fixing the asphalt and installing the pole at the Operations Building.

Motion to Accept Donation of Used Flag Pole

Motion: Comadoll Second: Small
To accept the Donation of a Used Flag Pole from Herron's Furniture, North Scott Street.

Passed
Yea-7
Nay-0

Roll call vote on the above motion:
Yea-Bialorucki, Small, McColley, Sheaffer, Comadoll, Baer, Mires
Nay-

Council President Sheaffer said "Thank You to Herron's Furniture and welcome to Napoleon".

Replat of Mahnke Orchards – Plat No. 1 PC17-01

Mazur stated this is a replat of the property formerly known as Mahnke Orchards now known as Honey Blossom Orchard. This is just a replat of the property, the Hibbards are committed to opening their orchard.

Motion to Approve PC17-01

Motion: Comadoll Second: Small
to approve PC 17-01 Replat of Mahnke Orchards – Plat No. 1.

Passed
Yea-7
Nay-0

Roll call vote on the above motion:
Yea-Bialorucki, Small, McColley, Sheaffer, Comadoll, Baer, Mires
Nay-

Changing the Table of Permissible Uses in the Zoning Code

City Manager Mazur said we are proposing changing the Table of Permissible Uses of the Zoning Code to allow farm markets and stands, plant cultivation and specialized animal raising, on a conditional basis, in the agricultural section for C4 areas. The changes were approved by both the Planning Commission at their meeting on April 11th and the Municipal Properties, Building, Land Use and Economic Development Committee in a special meeting earlier tonight. Maassel reiterated this allows permission to come and ask for a conditional use, it will be on a case-by-case basis brought before the Planning Commission

Motion to Direct Law Director to Draft Legislation

Motion: McColley Second: Small
to direct the Law Director to Draft Legislation Changing the Table of Permissible Uses in the Zoning Code.

Passed
Yea-7
Nay-0

Roll call vote on the above motion:
Yea-Bialorucki, Small, McColley, Sheaffer, Comadoll, Baer, Mires
Nay-

Around the Table

Heath

Nothing.

| | |
|--|--|
| Bialorucki | Nothing. |
| Small | Nothing. |
| McColley | This is my last meeting, it was a pleasure working with all of you. Staff has done an absolutely great job it really makes our job easier. Council is working well together now and I think the best days for the City are still ahead of us. |
| Sheaffer | Today I received a letter of resignation from Pat effective April 22, 2017 due to his taking a new position at ODOT. I will certainly miss you being here it has been interesting, been fun and we will certainly miss your leadership and your being on this Council. |
| Maassel | Thank-You Pat for all your time. I said it on the radio this morning and will repeat again, I think you did a lot of studying above what lots of council people do we always appreciated that, you were always well prepared for every meeting. I also want to thank Greg for being here on your day off. |
| Comadoll | Will see you around Pat. |
| Baer | Thank you Mr. McColley for your time here and more importantly you have been very helpful to me in my first year and half here and I appreciate that very much. The Safety and Human Resources Committee will meet next week at 7:30 pm with the vacation issue that is still in our committee. |
| Mires | Thank-you to the Chief and to the troops for catching the Subway robbers. Thank you to Pat for all you have done on Council here and for making the City a better place to live, work and raise your family, Thank-you. |
| Harmon | Good Luck to Pat at ODOT and request an Executive Session for pending litigation. |
| Mazur | The vehicle that is under reconsideration from the last meeting we think it is best right now to put that out to bid since we have another truck we could potentially purchase. They are switching over to model year 2018's and will see if we can get the best deal for the City. Tomorrow is National Lineman Appreciation Day. In the AMP Update, the City of Napoleon received recognition from APPA for an award of excellence for a low number of outages, length of outages and overall reliability of our system. Patrick I know it has only been three months and one week but you have been a real pleasure to work with, I really appreciate everything you have done for me and helped me along. |
| Motion to go Into Executive Session for Pending Litigation | Motion: Small Second: Bialorucki to go into Executive Session for pending litigation. |
| Passed Yea-7 Nay-0 | Roll call vote on the above motion: Yea-Bialorucki, Small, McColley, Sheaffer, Comadoll, Baer, Mires Nay- |
| Into Executive Session | Went into Executive Session at 8:00 pm. |
| Motion to Come Out of Executive Session on Pending Litigation | Motion: Small Second: McColley To come out of executive session for pending litigation. |
| Passed Yea-7 Nay-0 | Roll call vote on the above motion: Yea-Bialorucki, Small, McColley, Sheaffer, Comadoll, Baer, Mires Nay- |

ORDINANCE NO. 010-17

AN ORDINANCE AMENDING A CERTAIN SECTION OF THE PERSONNEL CODE CHAPTER 197 OF THE CODIFIED ORDINANCES OF THE CITY OF NAPOLEON, OHIO; AND DECLARING AN EMERGENCY

WHEREAS, City Council acknowledges that from time to time it must review the various codes and policies of the City of Napoleon; and,

WHEREAS, City Council now desires to amend the Personnel Code of the City of Napoleon, Ohio; **Now Therefore**,

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

Section 1. That, the City of Napoleon, Ohio does hereby amend and enact Chapter 197 of the Codified Ordinances of the City of Napoleon, Ohio as follows:

“197.18 VACATIONS

(a) Entitlement

All full-time, regular employees earn annual vacation leave. Vacation leave may be utilized, except as otherwise specifically provided in a collective bargaining agreement under Ohio R.C. 4117, as it is accrued. Vacation entitlement will be calculated from hire date with the amount of vacation leave to which an employee is entitled to be based upon length of service and calculated and earned, except as otherwise provided in Section 197.19(h), on a biweekly basis as follows:

Full-time, regular employees:

| <u>Years of Service</u> | <u>Annual Hours</u> | <u>Bi-Weekly Accrual Hours</u> | <u>Yearly Balance Limit</u> |
|--------------------------|---------------------|--------------------------------|-----------------------------|
| Less than 6 years | 80 hours | 3.077 hours/each normal pay | 80 hours per year |
| 6 years but less than 12 | 120 hours | 4.616 hours/each normal pay | 120 hours per year |
| 12 years or more | 160 hours | 6.154 hours/each normal pay | 160 hours per year |

(b) Effect of Time Spent on Authorized Leave of Absence

Time spent on any authorized leave of absence, whether paid or unpaid, shall be counted in determining length of service for purposes of vacation eligibility.

(c) Scheduling of Vacations

Vacations will be arranged to give consideration to the desire of the employee in

accordance with a procedure established by the employee's department head which will not interfere with City operations.

(d) When Vacation May be Used

Accrued vacation leave may be taken by an employee at any time after accrual and entitlement, subject to the minimum increments established, so long as properly scheduled in accordance with other provisions of this Code, policy manual or work rule.

An employee shall not allow his/her total vacation time to exceed his/her maximum yearly accrual entitlement for any employment year without prior approval from the appointing authority. For the purpose of this section, the twelve month span of time between employee's anniversary date is an employment year.

This provision is applicable to accrued vacation as a result of sick leave conversion which is authorized in Section 197.16(e)(12) of this Code. When carryover is requested by a department director, such approval may be by the council president, with notification to the body of council, or merely by the body of council.

(e) Vacation Forfeiture

Employees shall forfeit their right to take or to be paid for any vacation leave to their credit which is in excess of any authorized balance; moreover, any vacation time accrued in the first year of service shall be forfeited if any employee fails to complete one (1) year of continuous service.

(f) Accrual

Vacation leave is accrued only while on active pay status, excluding overtime and in accordance with Section 197.18(a).

(g) Lump Sum Payment of Vacation

In the event an employee is denied the opportunity to schedule and take accrued vacation leave due to operational needs of the City, or in the event an employee fails to schedule and take accrued vacation leave due to the operational needs of the City, the appointing authority may authorize a year-end lump sum payment to the employee in an amount not to exceed the monetary value of the employee's annual vacation accrual as provided in Section 197.18(a). In the case of a department director, lump sum payment may be approved by the council president, with notification to the body of council, or merely by the body of council.

(h) Prior Service Credit.

A. Except as otherwise provided for in separate legislation, and except as otherwise specifically excluded by a collective bargaining agreement under Ohio R.C. 4117, to determine prior service for the purpose of computing the amount of vacation leave for an employee first employed on or after June 1, 2017 by the City of Napoleon, the employee shall have all the amount of prior Ohio public service for any governmental body in the State of Ohio credited to that employee in determining accrual rate.

Except as otherwise provided for in separate legislation, and except as otherwise specifically excluded by a collective bargaining agreement under Ohio R.C. 4117, to determine prior service for the purpose of computing the amount of vacation leave for an employee first employed on or after July 5, 1987, but prior to June 1, 2017, by the City of Napoleon, the employee shall have only his or her prior service with the City of Napoleon counted.

Those employees (not elected officials) who were employed by the City of Napoleon prior to July 5, 1987 shall have all their public service with the State of Ohio or any of its political subdivisions credited pursuant to Ohio R.C. 9.44 (A). An employee who has retired in accordance with the provisions of any retirement plan offered by the State of Ohio and who is employed by the State of Ohio or any political subdivision of said State on or after June 24, 1987, shall not have his or her prior service with the State of Ohio or any political subdivision of said State counted for the purpose of computing vacation leave. (Ord. 059-13. passed 11-18-13.)

B. If a newly hired employee has earned prior service credit from previous qualified employment, the employee may be credited for previously earned vacation time from said previous qualified employment, up to two (2) weeks of vacation time, (80 working hours), upon hire at an accrual rate equivalent to the applicable tier rate based on the number of years of prior service, subject to approval by the appointing authority. Additional credit for previously earned vacation time from previous qualified employment may be given upon affirmative vote of council.

C. Except as may be otherwise provided for by separate legislation, employees entitled to prior service credit for purpose of computing vacation leave shall have their anniversary date deferred to their most recent date of employment with the City of Napoleon for purposes of: (1) vacation use or, (2) any use or forfeiture policy regarding vacation.

D. Elected officials are not entitled to prior service credit for purpose of calculating vacation benefit, if any. (Ord. 093-08. Passed 12-15-08.)”

Section 2. That, it is found and determined that all formal action 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 3. That, unless otherwise stated, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 4. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that this Ordinance is required to be immediately effective in order to effectuate the changes prior to personnel issues that may arise due to the conflict in past practices versus the actual Code; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

Passed: _____
Travis B. Sheaffer, Council President

Approved: _____
Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 010-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

ORDINANCE NO. 024-17

AN ORDINANCE APPROVING THE RENEWAL OF AGRICULTURAL DISTRICT(S) LOCATED IN THE CITY OF NAPOLEON, OHIO AS APPLIED FOR BY LANKENAU PROPERTIES II, LTD.; AND DECLARING AN EMERGENCY

WHEREAS, with the passage of Ordinance 020-09, City Council authorized land owned by Lankenau Properties II, Ltd., to be placed into an agricultural district pursuant to Chapter 929 of the Ohio Revised Code; and,

WHEREAS, renewal applications have been made by Lankenau Properties II, Ltd., pursuant to R.C. Chapter 929, for the purpose of keeping the ten (10) or more acres of land used solely for agricultural purposes in an agricultural district; and,

WHEREAS, a Public Hearing was held on said issue, after notice, pursuant to R.C. 929.02(B), on May 1, 2017; and,

WHEREAS, after said hearing, Council is desirous to permit the proposed acres to remain in an agricultural district, the Council unable to find that the "ag district" would cause substantial adverse effects on; (1) municipal services within the municipal corporation; (2) the efficient use of and/or development of property within the municipal corporation; or, (3) the health, safety and welfare of the citizens; **Now Therefore**,

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

Section 1. That, the renewal application submitted to the City of Napoleon, Ohio for the placement of ten (10) or more acres of farmland into an agricultural district, identified in the renewal application as at the location of Appian Avenue, Napoleon, Henry County, Ohio, the tax district being Harrison Township to Napoleon City Area School District, Parcel Number 24-190076.0000, consisting of 13.22 acres of land more or less, is hereby approved without modification by this Council pursuant to R.C. Chapter 929 and this Ordinance as a renewal application.

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

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

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for farmland preservation, farmland essential to producing product that is essential to health of our citizens; moreover, this must timely take effect to

meet the intent of the law; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____
Travis B. Sheaffer, Council President

Approved: _____
Jason P. Maassel, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 024-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

APPLICATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT (ORC 929.02)

A. Owner's Name & Address / Parcel Information
Parcel Number Acres Description Of Land
24-190076.0000 13.2200 PT W 1/2 NW

FILE NUMBER 012029
Property Location
APPIAN

RECEIVED

APR 11 2017

Gregory J. Heath
Per: _____

Total Number of Acres: 13.2200

LANKENAU PROPERTIES II, LTD. OWNER

Gregory J. Heath, Finance Director/Clerk
City of Napoleon, Ohio

LANKENAU PROPERTIES II LTD

705 N PERRY STREET
NAPOLEON OH 43545

B. Does any land lie within a municipal corporation limit? Yes X No _____
If YES, copy must be submitted to Clerk of the municipal legislative body.

C. Is the land presently being taxed at its current agricultural use valuation under Section 5713.31 O.R.C. ? Yes X No _____ CAUV# 2617

1. If "NO" complete the following showing how land was used the past 3 years.
Acres: Last Year 2 Years Ago 3 Years Ago

| | Acres: | Last Year | 2 Years Ago | 3 Years Ago |
|---|--------|-----------|-------------|-------------|
| Cropland | | | | |
| Permanent Pasture for animal husbandry | | | | |
| Woodland=commercial timber, nursery stock | | | | |
| Land Retirement or Conservation Program pursuant to agreement with federal agency | | | | |
| Building areas devoted to AGR production | | | | |
| Roads, other areas not used AGR production | | | | |
| TOTAL ACRES | | | | |

D. Does the land for which the application is being made total 10 acres or more devoted exclusively to agricultural production or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with an agency of the federal government? YES _____ NO _____

If "NO", 1. Attach evidence of gross income for each of past 3 years, if the average yearly income from agricultural production was at least \$2500 or more.
OR 2. If owner anticipates land will produce annual gross income of \$2500 or more, evidence must be attached showing the anticipated gross income.

By signing this application I authorize the county auditor or his duly appointed agent to inspect the property described above to verify the accuracy of this application. I declare that this application (including accompanying exhibits) has been examined by me and to the best of my knowledge and belief is a true, accurate and correct application. I understand that land removed from this program before the 5-year enrollment period is subject to penalty, in accordance with Section 929.02(D) of the Ohio Revised Code.

Signature of Owner *S. J. Heath* Date 3.13.17

***** DO NOT COMPLETE FOR OFFICAL USE ONLY *****
*** ACTION OF COUNTY AUDITOR: *** CAUV Application No. _____
Application Approved _____ Rejected _____ *
Date Application Filed with County Auditor _____
Date Filed (if required) with Clerk of Municipal Corporation _____

County Auditor's Signature _____ Date _____
Date Decision Mailed to Applicant _____ Certified Mail No. _____
*** ACTION OF LEGISLATIVE BODY OF MUNICIPAL CORPORATION: ***
Application Approved _____ Approved with Modifications _____, * Rejected _____ *
Date Application Filed with Clerk _____
Date of Public Hearing _____ Date of Legislative Action _____

Clerks Signature _____ Date _____
Date Decision Mailed to Applicant _____ Certified Mail No. _____
*IF MODIFIED OR REJECTED, ATTACH SPECIFIC REASONS FOR MODIFICATION OR REJECTION

ORDINANCE NO. 025-17

AN ORDINANCE APPROVING THE RENEWAL OF AGRICULTURAL DISTRICT(S) LOCATED IN THE CITY OF NAPOLEON, OHIO AS APPLIED FOR BY KENNETH W. VORWERK, ET AL.; AND DECLARING AN EMERGENCY

WHEREAS, with the passage of Ordinance 081-02, City Council authorized land owned by Kenneth W. Vorwerk, et al., to be placed into an agricultural district pursuant to Chapter 929 of the Ohio Revised Code; and,

WHEREAS, renewal applications have been made by Kenneth W. Vorwerk, et al., pursuant to R.C. Chapter 929, for the purpose of keeping the ten (10) or more acres of land used solely for agricultural purposes in an agricultural district; and,

WHEREAS, a Public Hearing was held on said issue, after notice, pursuant to R.C. 929.02(B), on May 1, 2017; and,

WHEREAS, after said hearing, Council is desirous to permit the proposed acres to remain in an agricultural district, the Council unable to find that the "ag district" would cause substantial adverse effects on; (1) municipal services within the municipal corporation; (2) the efficient use of and/or development of property within the municipal corporation; or, (3) the health, safety and welfare of the citizens; **Now Therefore**,

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

Section 1. That, the renewal application submitted to the City of Napoleon, Ohio for the placement of ten (10) or more acres of farmland into an agricultural district, identified in the renewal application as at the location of County Road 12, Napoleon, Henry County, Ohio; the tax district being Liberty-Napoleon Corp., Liberty Center School District, Parcel Number 27-050014.0100, consisting of 48.91 acres of land more or less, is hereby approved without modification by this Council pursuant to R.C. Chapter 929 and this Ordinance as a renewal application.

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

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

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for farmland preservation, farmland essential to producing product that is essential to health of our citizens; moreover, this must timely take effect to

meet the intent of the law; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____
Travis B. Sheaffer, Council President

Approved: _____
Jason P. Maassel, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 025-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

A. Owner's Name & Address / Parcel Information
Parcel Number Acres Description Of Land
27-050014.0100 48.9100 PCL NW COR SW EX PCL

FILE NUMBER 012032
Property Location
COUNTY ROAD 12

RECEIVED

APR 06 2017

Per Gregory J. Heath
Gregory J. Heath, Finance Director/Clerk
City of Napoleon, Ohio

Total Number of Acres: 48.9100

VORWERK, KENNETH W., ETAL

R-938 COUNTY ROAD 11
NAPOLEON OH 43545

B. Does any land lie within a municipal corporation limit? Yes X No _____
If YES, copy must be submitted to Clerk of the municipal legislative body.

C. Is the land presently being taxed at its current agricultural use valuation under Section 5713.31 O.R.C. ? Yes X No _____ CAUV# 4944

1. If "NO" complete the following showing how land was used the past 3 years.
Acres: Last Year 2 Years Ago 3 Years Ago

| Acres: | Last Year | 2 Years Ago | 3 Years Ago |
|---|-----------|-------------|-------------|
| Cropland | | | |
| Permanent Pasture for animal husbandry | | | |
| Woodland=commercial timber,nursery stock | | | |
| Land Retirement or Conservation Program pursuant to agreement with federal agency | | | |
| Building areas devoted to AGR production | | | |
| Roads,other areas not used AGR production | | | |
| TOTAL ACRES | | | |

D. Does the land for which the application is being made total 10 acres or more devoted exclusively to agricultural production or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with an agency of the federal government? YES _____ NO _____

If "NO", 1. Attach evidence of gross income for each of past 3 years, if the average yearly income from agricultural production was at least \$2500 or more.
OR 2. If owner anticipates land will produce annual gross income of \$2500 or more, evidence must be attached showing the anticipated gross income.

By signing this application I authorize the county auditor or his duly appointed agent to inspect the property described above to verify the accuracy of this application. I declare that this application (including accompanying exhibits) has been examined by me and to the best of my knowledge and belief is a true, accurate and correct application. I understand that land removed from this program before the 5-year enrollment period is subject to penalty, in accordance with Section 929.02(D) of the Ohio Revised Code.

Signature of Owner Kenneth W. Vorwerk Date 3/10/2017

***** DO NOT COMPLETE FOR OFFICAL USE ONLY *****
*** ACTION OF COUNTY AUDITOR: *** CAUV Application No. _____
Application Approved _____ Rejected _____ *
Date Application Filed with County Auditor _____
Date Filed (if required) with Clerk of Municipal Corporation _____

County Auditor's Signature _____ Date _____
Date Decision Mailed to Applicant _____ Certified Mail No. _____
*** ACTION OF LEGISLATIVE BODY OF MUNICIPAL CORPORATION: ***
Application Approved _____ Approved with Modifications _____, * Rejected _____ *
Date Application Filed With Clerk _____
Date of Public Hearing _____ Date of Legislative Action _____

Clerks Signature _____ Date _____
Date Decision Mailed to Applicant _____ Certified Mail No. _____
*IF MODIFIED OR REJECTED, ATTACH SPECIFIC REASONS FOR MODIFICATION OR REJECTION

ORDINANCE NO. 026-17

AN ORDINANCE APPROVING THE RENEWAL OF AGRICULTURAL DISTRICT(S) LOCATED IN THE CITY OF NAPOLEON, OHIO AS APPLIED FOR BY ROCKY, LLC.; AND DECLARING AN EMERGENCY

WHEREAS, with the passage of Ordinance 037-12, City Council authorized land owned by Rocky, LLC., to be placed into an agricultural district pursuant to Chapter 929 of the Ohio Revised Code; and,

WHEREAS, renewal applications have been made by Rocky, LLC., pursuant to R.C. Chapter 929, for the purpose of keeping the 6.07 acres of land used solely for agricultural purposes in an agricultural district; and,

WHEREAS, a Public Hearing was held on said issue, after notice, pursuant to R.C. 929.02(B), on May 1, 2017; and,

WHEREAS, after said hearing, Council is desirous to permit the proposed acres to remain in an agricultural district, the Council unable to find that the "ag district" would cause substantial adverse effects on; (1) municipal services within the municipal corporation; (2) the efficient use of and/or development of property within the municipal corporation; or, (3) the health, safety and welfare of the citizens; **Now Therefore**,

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

Section 1. That, the renewal application submitted to the City of Napoleon, Ohio for the placement of 6.07 acres of farmland into an agricultural district, identified in the renewal application as at the location of American Road, Napoleon, Henry County, Ohio; the tax district being Napoleon Corp., Liberty Center School District, Parcel Number 27-069303.0020, consisting of 6.07 acres of land more or less, is hereby approved without modification by this Council pursuant to R.C. Chapter 929 and this Ordinance as a renewal application.

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

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

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for farmland preservation, farmland essential to producing product that is essential to health of our citizens; moreover, this must timely take effect to

meet the intent of the law; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____
Travis B. Sheaffer, Council President

Approved: _____
Jason P. Maassel, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 026-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

A. Owner's Name & Address / Parcel Information
Parcel Number 27-069303.0020
Acres 6.0700
Description Of Land PCL PT S 1/2 SE 1/4

FILE NUMBER 012051
Property Location AMERICAN ROAD

RECEIVED

APR 06 2017

Per Gregory J. Heath
Gregory J. Heath, Finance Director
City of Napoleon, Ohio

Total Number of Acres: 6.0700 ROCKY, LLC

ROCKY LLC

P O BOX 268
NAPOLEON OH 43545

- B. Does any land lie within a municipal corporation limit? Yes No
If YES, copy must be submitted to Clerk of the municipal legislative body.
- C. Is the land presently being taxed at its current agricultural use valuation under Section 5713.31 O.R.C. ? Yes No CAUV# 3921

1. If "NO" complete the following showing how land was used the past 3 years.

Acres: Last Year 2 Years Ago 3 Years Ago

| Acres: | Last Year | 2 Years Ago | 3 Years Ago |
|---|-----------|-------------|-------------|
| Cropland | | | |
| Permanent Pasture for animal husbandry | | | |
| Woodland-commercial timber, nursery stock | | | |
| Land Retirement or Conservation Program pursuant to agreement with federal agency | | | |
| Building areas devoted to AGR production | | | |
| Roads, other areas not used AGR production | | | |
| TOTAL ACRES | | | |

D. Does the land for which the application is being made total 10 acres or more devoted exclusively to agricultural production or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with an agency of the federal government? YES NO

If "NO", 1. Attach evidence of gross income for each of past 3 years, if the average yearly income from agricultural production was at least \$2500 or more.
OR 2. If owner anticipates land will produce annual gross income of \$2500 or more, evidence must be attached showing the anticipated gross income.

By signing this application I authorize the county auditor or his duly appointed agent to inspect the property described above to verify the accuracy of this application. I declare that this application (including accompanying exhibits) has been examined by me and to the best of my knowledge and belief is a true, accurate and correct application. I understand that land removed from this program before the 5-year enrollment period is subject to penalty, in accordance with Section 929.02(D) of the Ohio Revised Code.

Signature of Owner [Signature] Date 4-3-17

***** DO NOT COMPLETE FOR OFFICAL USE ONLY *****
*** ACTION OF COUNTY AUDITOR: *** CAUV Application No. _____
Application Approved _____ Rejected _____ *
Date Application Filed with County Auditor _____
Date Filed (if required) with Clerk of Municipal Corporation _____

County Auditor's Signature _____ Date _____
Date Decision Mailed to Applicant _____ Certified Mail No. _____
*** ACTION OF LEGISLATIVE BODY OF MUNICIPAL CORPORATION: ***
Application Approved _____ Approved with Modifications _____, * Rejected _____ *
Date Application Filed with Clerk _____
Date of Public Hearing _____ Date of Legislative Action _____

Clerks Signature _____ Date _____
Date Decision Mailed to Applicant _____ Certified Mail No. _____
*IF MODIFIED OR REJECTED, ATTACH SPECIFIC REASONS FOR MODIFICATION OR REJECTION

ORDINANCE NO. 027-17

AN ORDINANCE APPROVING THE RENEWAL OF AGRICULTURAL DISTRICT(S) LOCATED IN THE CITY OF NAPOLEON, OHIO AS APPLIED FOR BY KEVIN M. HOMAN, ET UX.; AND DECLARING AN EMERGENCY

WHEREAS, with the passage of Ordinance 033-12, City Council authorized land owned by Kevin M. Homan, et ux., to be placed into an agricultural district pursuant to Chapter 929 of the Ohio Revised Code; and,

WHEREAS, renewal applications have been made by Kevin M. Homan, et ux. pursuant to R.C. Chapter 929, for the purpose of keeping the ten (10) or more acres of land used solely for agricultural purposes in an agricultural district; and,

WHEREAS, a Public Hearing was held on said issue, after notice, pursuant to R.C. 929.02(B), on May 1, 2017; and,

WHEREAS, after said hearing, Council is desirous to permit the proposed acres to remain in an agricultural district, the Council unable to find that the "ag district" would cause substantial adverse effects on; (1) municipal services within the municipal corporation; (2) the efficient use of and/or development of property within the municipal corporation; or, (3) the health, safety and welfare of the citizens; **Now Therefore**,

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

Section 1. That, the renewal application submitted to the City of Napoleon, Ohio for the placement of ten (10) or more acres of farmland into an agricultural district, identified in the renewal application as at the location of R-390 County Road 13A, Napoleon, Henry County, Ohio, the tax district being Napoleon Corp., Napoleon City Area School District, Parcel Numbers 41-020028.0100 and 41-030030.0000; and No. 27 Liberty-Napoleon Corp., Liberty Center School District, Parcel Number 27-060008.0000 consisting of 188.63 acres of land more or less, is hereby approved without modification by this Council pursuant to R.C. Chapter 929 and this Ordinance as a renewal application.

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

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

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the

earliest possible time to allow for farmland preservation, farmland essential to producing product that is essential to health of our citizens; moreover, this must timely take effect to meet the intent of the law; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____

Travis B. Sheaffer, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 027-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

| A. Owner's Name & Address / Parcel Information | Parcel Number | Acres | Description Of Land |
|--|---------------|---------------------------|---------------------|
| 27-060008.0000 | 38.0600 | PCL NW SW FR EX PCL | |
| 27-060008.0300 | .2500 | SW 1/4 | |
| 41-010028.0100 | 77.9000 | PCL NW PT SE FR AND SW PT | |
| 41-010030.0000 | 2.6700 | PCL NE PT SE FL E RD | |

FILE NUMBER 012049
Property Location
COUNTY ROAD 13A (REAR)
AMERICAN DRIVE
COUNTY ROAD 13A
R-390 COUNTY ROAD 13A

RECEIVED

APR 06 2017

Per Gregory Heath
Gregory J. Heath, Finance Director/Clerk
City of Napoleon, Ohio

Total Number of Acres: 118.8800

HOMAN, KEVIN, M., ETUX

12 026 COUTNY ROAD T
NAPOLEON OHIO 43545

B. Does any land lie within a municipal corporation limit? Yes No
If YES, copy must be submitted to Clerk of the municipal legislative body.

C. Is the land presently being taxed at its current agricultural use valuation under Section 5713.31 O.R.C. ? Yes No CAUV# 1854

1. If "NO" complete the following showing how land was used the past 3 years.

| Acres: | Last Year | 2 Years Ago | 3 Years Ago |
|---|---------------|---------------|---------------|
| Cropland | 118.88 | 118.88 | 118.88 |
| Permanent Pasture for animal husbandry | 0 | 0 | 0 |
| Woodland-commercial timber, nursery stock | 0 | 0 | 0 |
| Land Retirement or Conservation Program pursuant to agreement with federal agency | 0 | 0 | 0 |
| Building areas devoted to AGR production | 0 | 0 | 0 |
| Roads, other areas not used AGR production | 0 | 0 | 0 |
| TOTAL ACRES | 118.88 | 118.88 | 118.88 |

D. Does the land for which the application is being made total 10 acres or more devoted exclusively to agricultural production or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with an agency of the federal government? YES NO

If "NO", 1. Attach evidence of gross income for each of past 3 years, if the average yearly income from agricultural production was at least \$2500 or more.
OR 2. If owner anticipates land will produce annual gross income of \$2500 or more, evidence must be attached showing the anticipated gross income.

By signing this application I authorize the county auditor or his duly appointed agent to inspect the property described above to verify the accuracy of this application. I declare that this application (including accompanying exhibits) has been examined by me and to the best of my knowledge and belief is a true, accurate and correct application. I understand that land removed from this program before the 5-year enrollment period is subject to penalty, in accordance with Section 929.02(D) of the Ohio Revised Code.

Signature of Owner Ben Homan Date 3/10/17

***** DO NOT COMPLETE FOR OFFICAL USE ONLY *****
 *** ACTION OF COUNTY AUDITOR: *** CAUV Application No. _____
 Application Approved _____ Rejected _____ *
 Date Application Filed with County Auditor _____
 Date Filed (if required) with Clerk of Municipal Corporation _____

County Auditor's Signature _____ Date _____
 Date Decision Mailed to Applicant _____ Certified Mail No. _____
 *** ACTION OF LEGISLATIVE BODY OF MUNICIPAL CORPORATION: ***
 Application Approved _____ Approved with Modifications _____, * Rejected _____ *
 Date Application Filed with Clerk _____
 Date of Public Hearing _____ Date of Legislative Action _____

Clerks Signature _____ Date _____
 Date Decision Mailed to Applicant _____ Certified Mail No. _____
 *IF MODIFIED OR REJECTED, ATTACH SPECIFIC REASONS FOR MODIFICATION OR REJECTION

ORDINANCE NO. 028-17

AN ORDINANCE APPROVING THE RENEWAL OF AGRICULTURAL DISTRICT(S) LOCATED IN THE CITY OF NAPOLEON, OHIO AS APPLIED FOR BY JAMES F. HOMAN, ET AL.; AND DECLARING AN EMERGENCY

WHEREAS, with the passage of Ordinance 034-12, City Council authorized land owned by James F. Homan, et al., to be placed into an agricultural district pursuant to Chapter 929 of the Ohio Revised Code; and,

WHEREAS, renewal applications have been made by James F. Homan, et al., pursuant to R.C. Chapter 929, for the purpose of keeping the ten (10) or more acres of land used solely for agricultural purposes in an agricultural district; and,

WHEREAS, a Public Hearing was held on said issue, after notice, pursuant to R.C. 929.02(B), on May 1, 2017; and,

WHEREAS, after said hearing, Council is desirous to permit the proposed acres to remain in an agricultural district, the Council unable to find that the "ag district" would cause substantial adverse effects on; (1) municipal services within the municipal corporation; (2) the efficient use of and/or development of property within the municipal corporation; or, (3) the health, safety and welfare of the citizens; **Now Therefore**,

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

Section 1. That, the renewal application submitted to the City of Napoleon, Ohio for the placement of ten (10) or more acres of farmland into an agricultural district, identified in the renewal application as at the location of R-025 County Road 13A, Napoleon, Henry County, Ohio, the tax district being Napoleon Corp., Napoleon City Area School District, Parcel Number 41-010024.0000, consisting of 31.66 acres of land more or less, is hereby approved without modification by this Council pursuant to R.C. Chapter 929 and this Ordinance as a renewal application.

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

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

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for farmland preservation, farmland essential to producing product that is essential to health of our citizens; moreover, this must timely take effect to

meet the intent of the law; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____

Travis B. Sheaffer, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 028-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

A. Owner's Name & Address / Parcel Information
Parcel Number Acres Description Of Land
41-010024.0000 31.6600 PCL SE PT SE FL W RD

FILE NUMBER 012070
Property Location
R 025 COUNTY ROAD 13A

RECEIVED

APR 06 2017

Per Gregory J. Healy
Gregory J. Healy, Finance Director/Clerk
City of Napoleon, Ohio

Total Number of Acres: 31.6600

HOMAN, JAMES F., ETAL, TRUSTEES
1260 WEST RIVERVIEW
NAPOLEON, OH 43545

B. Does any land lie within a municipal corporation limit? Yes X No _____
If YES, copy must be submitted to Clerk of the municipal legislative body.

C. Is the land presently being taxed at its current agricultural use valuation under Section 5713.31 O.R.C. ? Yes X No _____ CAUV# 1853

1. If "NO" complete the following showing how land was used the past 3 years.
Acres: Last Year 2 Years Ago 3 Years Ago

| Acres: | Last Year | 2 Years Ago | 3 Years Ago |
|---|-----------|-------------|-------------|
| Cropland | | | |
| Permanent Pasture for animal husbandry | | | |
| Woodland=commercial timber,nursery stock | | | |
| Land Retirement or Conservation Program pursuant to agreement with federal agency | | | |
| Building areas devoted to AGR production | | | |
| Roads,other areas not used AGR production | | | |
| TOTAL ACRES | | | |

D. Does the land for which the application is being made total 10 acres or more devoted exclusively to agricultural production or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with an agency of the federal government? YES _____ NO _____

If "NO", 1. Attach evidence of gross income for each of past 3 years, if the average yearly income from agricultural production was at least \$2500 or more.
OR 2. If owner anticipates land will produce annual gross income of \$2500 or more, evidence must be attached showing the anticipated gross income.

By signing this application I authorize the county auditor or his duly appointed agent to inspect the property described above to verify the accuracy of this application. I declare that this application (including accompanying exhibits) has been examined by me and to the best of my knowledge and belief is a true, accurate and correct application. I understand that land removed from this program before the 5-year enrollment period is subject to penalty, in accordance with Section 929.02(D) of the Ohio Revised Code.

Signature of Owner James F. Homan Date 3/10/2017

***** DO NOT COMPLETE FOR OFFICAL USE ONLY *****
*** ACTION OF COUNTY AUDITOR: *** CAUV Application No. _____
Application Approved _____ Rejected _____ *
Date Application Filed with County Auditor _____
Date Filed (if required) with Clerk of Municipal Corporation _____

County Auditor's Signature _____ Date _____
Date Decision Mailed to Applicant _____ Certified Mail No. _____
*** ACTION OF LEGISLATIVE BODY OF MUNICIPAL CORPORATION: ***
Application Approved _____ Approved with Modifications _____, * Rejected _____ *
Date Application Filed with Clerk _____
Date of Public Hearing _____ Date of Legislative Action _____

Clerks Signature _____ Date _____
Date Decision Mailed to Applicant _____ Certified Mail No. _____
*IF MODIFIED OR REJECTED, ATTACH SPECIFIC REASONS FOR MODIFICATION OR REJECTION

ORDINANCE NO. 029-17

AN ORDINANCE APPROVING THE RENEWAL OF AGRICULTURAL DISTRICT(S) LOCATED IN THE CITY OF NAPOLEON, OHIO AS APPLIED FOR BY EDWARD A. HOEFFEL, ET UX.; AND DECLARING AN EMERGENCY

WHEREAS, with the passage of Ordinance 032-12, City Council authorized land owned by Edward A. Hoeffel, et ux., to be placed into an agricultural district pursuant to Chapter 929 of the Ohio Revised Code; and,

WHEREAS, renewal applications have been made by Edward A. Hoeffel, et ux., pursuant to R.C. Chapter 929, for the purpose of keeping the ten (10) or more acres of land used solely for agricultural purposes in an agricultural district; and,

WHEREAS, a Public Hearing was held on said issue, after notice, pursuant to R.C. 929.02(B), on May 1, 2017; and,

WHEREAS, after said hearing, Council is desirous to permit the proposed acres to remain in an agricultural district, the Council unable to find that the "ag district" would cause substantial adverse effects on; (1) municipal services within the municipal corporation; (2) the efficient use of and/or development of property within the municipal corporation; or, (3) the health, safety and welfare of the citizens; **Now Therefore**,

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

Section 1. That, the renewal application submitted to the City of Napoleon, Ohio for the placement of farmland into an agricultural district, identified in the renewal application as at the location of R-056 County Road 13A, Napoleon, Henry County, Ohio, the tax district being Napoleon Corp., Napoleon Township, Parcel Number 41-010024.0000, consisting of 7.92 acres of land more or less, is hereby approved without modification by this Council pursuant to R.C. Chapter 929 and this Ordinance as a renewal application.

Section 2. That, the renewal application submitted to the City of Napoleon, Ohio for the placement of ten (10) or more acres of farmland into an agricultural district, identified in the renewal application as at the location of Freedom Drive, Napoleon, Henry County, Ohio, the tax district being Napoleon Corp., Liberty Center School District, Parcel Number 27.060014.0000, consisting of 22.55 acres of land more or less, is hereby approved without modification by this Council pursuant to R.C. Chapter 929 and this Ordinance as a renewal application.

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

Section 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further,

if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 5. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for farmland preservation, farmland essential to producing product that is essential to health of our citizens; moreover, this must timely take effect to meet the intent of the law; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____

Travis B. Sheaffer, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 029-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

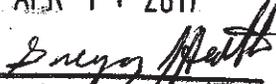
**APPLICATION FOR PLACEMENT OF
FARMLAND IN AN AGRICULTURAL DISTRICT
(O.R.C. Section 929.02)**

(See page 4 for General Information regarding this Application)

New Application 
Renewal Application 

RECEIVED

APR 11 2017

Per 
Gregory J. Heggin, Director/Clerk
City of Napoleon, Ohio

INSTRUCTIONS FOR COMPLETING APPLICATION

Print or type all entries.

- o List description of land as shown on the most recent tax statement or statements. Show total number of acres.
- o Describe location of property by roads, etc., and taxing district where located.
- o State whether any portion of land lies within a municipal corporation.

Note: See "Where to File" on page 4 to be sure that a copy of this Application is also filed with the Clerk of the municipal legislative body as well as the County Auditor.

- o A renewal application must be submitted after the first Monday in January and prior to the first Monday in March of the year in which the agricultural district terminates for the land to be continued in this program.
- o If the acreage totals 10 acres or more, do not complete Part D.
- o If the acreage totals less than 10 acres, complete either D (1) or (2).
- o Do not complete page 3. This space to be completed by the County Auditor and/or Clerk of the municipal legislative body.

A.

| | |
|--|---|
| Owner's Name: | EDWARD A. HOFFFEL, ETUX |
| Owner's Address: | 7 PARK LAVE DRIVE NAPOLEON, OHIO 43545 |
| Description of Land as Shown on Property Tax Statement: | |
| Agricultural Land - Seeded to Alfalfa in the fall of 2016. | |
| Location of Property: | |
| Street or Road- | ROSE-13A & FREEDOM DRIVE - CITY OF NAPOLEON, OHIO |
| County- | HENRY |

| TAX DISTRICT(S) | PARCEL NUMBER(S) | # of Acres |
|------------------------------|------------------|------------|
| | 27. 010014. 0000 | 22.55 |
| | 41. 010026. 0000 | 7.92 |
| | | |
| | | |
| | | |
| Total Number of Acres | | 30.47 |

B. Does any of the land lie within a municipal corporation limit or subject to pending annexation?

Yes No

If YES, REMEMBER a copy of this application must be submitted to the Clerk of the municipal legislative body.

C. Is the land presently being taxed at its current agricultural use valuation under Section 5713.31 of the Ohio Revised Code? Yes No

If NO, complete the following showing how the land was used the past three years:

| | ACRES | | |
|--|----------------|----------------|-----------------|
| | LAST YEAR | TWO YEARS AGO | THREE YEARS AGO |
| Cropland | Soybeans 13.92 | Soybeans 13.92 | Corn 13.92 |
| Permanent Pasture used for animal husbandry | 0. | | |
| Woodland devoted to commercial timber and nursery stock | 0. | | |
| Land Retirement or Conservation Program pursuant to an agreement with a federal agency | 0. | | |
| Building areas devoted to agricultural production | 0. | | |
| Roads, building areas, and all other areas not used for agricultural production | 1.0 | 1.0 | 1.0 |
| Total Acres | 12.92 | 12.92 | 12.92 |

D. Does the land for which the application is being made total 10 acres or more devoted exclusively to agricultural production or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with an agency of the federal government?

Yes No

If NO, complete the following:

1. Attach evidence of the gross income for each of the past 3 years, if the average yearly income from agricultural production was at least twenty-five hundred (\$2,500.00) dollars or more, or
2. If the owner anticipates that the land will produce an annual gross income of twenty-five hundred (\$2,500.00) dollars or more, evidence must be attached showing the anticipated gross income.

Authorization and Declaration

By signing this application I authorize the county auditor or his duly appointed agent to inspect the property described above to verify the accuracy of this application. I declare this application (including accompanying exhibits) has been examined by me and to the best of my knowledge and belief is a true, accurate and correct application. I understand that land removed from this program before the 5-year enrollment period is subject to penalty, in accordance with Section 929.02(D) of the Ohio Revised Code.

Edward A. Hoefel
Signature of Owner

Date: 9-11-2017

DO NOT COMPLETE FOR OFFICIAL USE ONLY

CAUV Application No. _____

Action of County Auditor

Application Approved Rejected _____*

Date Application Filed with County Auditor 4/11/17

Date Filed (if required) with Clerk of Municipal Corporation _____

County Auditor's Signature [Signature] Date 4-11-17

Date Decision Mailed to Applicant _____ Certified Mail No. _____

Action of Legislative Body of Municipal Corporation

Application Approved _____ Approved with Modifications _____* Rejected _____*

Date Application Filed with Clerk _____

Date of Public Hearing _____

Date of Legislative Action _____

Clerk's Signature _____ Date _____

Date Decision Mailed to Applicant _____ Certified Mail No. _____

* IF MODIFIED OR REJECTED, ATTACH SPECIFIC REASONS FOR MODIFICATION OR REJECTION

INFORMATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT

A. WHO MAY FILE?

Any owner of land used for agricultural production may file an application to have the land placed in an agricultural district.

B. WHERE TO FILE

The completed application must be filed with the auditor of the county where the land is located. The applicant will be notified of action taken by the county auditor within 30 days of the filing of the application if the land is not within a municipal corporation or an annexation petition has not been filed. If the land for which an application has been made lies within a municipal corporation limit or if an annexation petition that includes the land has been filed with the Board of County Commissioners under Section 709.02 of the Ohio Revised Code, a copy of the application must also be filed with the Clerk of the legislative body of the municipal corporation. The legislative body is required to conduct a public hearing on the application within 30 days after the application has been filed with the Clerk. Within 30 days of the hearing, the legislative body may approve the application, modify and approve the application as modified, or reject the application.

C. WHEN TO FILE AND RENEWAL

The original application may be filed at any time for placement of land in an agricultural district for a five-year period. If at the end of five years, the owner decides to keep some or all of his or her land in a district, he or she shall submit a renewal application and must meet the same land requirements and use the same application process as the original application. The renewal application may be filed at any time after the first Monday in January and prior to the first Monday in March of the year during which an agricultural district terminates, for a period of time ending on the first Monday in April of the fifth year following the renewal application.

D. WHAT IS "LAND USED FOR AGRICULTURAL PRODUCTION?"

In accordance with Section 929.01(A) of the Revised Code, land is devoted to "agricultural production" when it is used for commercial aquaculture, apiculture, animal husbandry, poultry husbandry, the production for a commercial purpose of field crops, tobacco, fruits, vegetables, timber, nursery stock, ornamental shrubs, ornamental trees; flowers or sod; the growth of timber for a noncommercial purpose if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production, or growth; and includes the processing, drying, storage and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth.

"Agricultural production" includes conservation practices provided that the tracts, lots, or parcels of the land or portions thereof that are used for conservation practices comprise not more than twenty-five percent of tracts, lots, or parcels of land that are otherwise devoted exclusively to agricultural use and for which an application is filed.

"Conservation practices" are practices used to abate soil erosion as required in the management of the farming operation, and include, but are not limited to, the installation, construction, development, planting, or use of grass waterways, terraces, diversions, filter strips, field borders, windbreaks, riparian buffers, wetlands, ponds, and cover crops for that purpose.

E. WHAT DOES "TRACTS, LOTS, OR PARCELS OF LAND" MEAN?

Tracts, lots, or parcels mean distinct portions of pieces of land (not necessarily contiguous) where the title is held by one owner, as listed on the tax list and duplicate of the county, is in agricultural production and conforms with the requirements of either D1, D2, or D3 below.

F. ARE THERE ANY OTHER REQUIREMENTS?

1. The land for which the application is made must have been used exclusively for agricultural production or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with a federal agency for the three consecutive calendar years prior to the year in which application is made. Evidence must be shown on the application. If the land contains timber which is not being grown for commercial purposes the land on which the timber is growing must be contiguous to or part of a parcel under common ownership that is otherwise devoted exclusively to agricultural use.
2. If the total amount of land for which application is made is less than 10 acres, there is an additional requirement that the applicant submit evidence with his application that the activities conducted on the land have produced an average yearly gross income of at least twenty-five hundred dollars over the three years immediately preceding the year in which application is made or that the land will produce an anticipated annual gross income of that amount.
3. Evidence of annual gross income may be satisfied by attaching to the application form a short statement stating the number of animals by species and anticipated market value, number of acres of crops to be grown, their expected yield and price per bushel or similar specific information.

G. IS THERE A PENALTY FOR EARLY WITHDRAWAL?

Land removed from this program before the 5-year enrollment period is subject to penalty, per Section 929.02(D) of the Ohio Revised Code. See County Auditor's Office for details on how the amount of the withdrawal penalty is determined.

H. APPEAL OF APPLICATION

The applicant may appeal the denial of the application to the court of common pleas of the county in which the application was filed within thirty days of the receipt of the notice denying the application. When the land lies within a municipality the applicant may also appeal a decision to modify or reject an application to the court of common pleas of the county in which the application was filed within thirty days of the receipt of the notice of modification or rejection. In addition, the applicant may withdraw an application modified by a legislative body if he or she disapproves of the modifications.

ORDINANCE NO. 030-17

AN ORDINANCE AMENDING SECTION 1145.01, TABLE OF PERMISSIBLE USES, IN CHAPTER 11 OF THE PLANNING & ZONING SECTION OF THE CITY OF NAPOLEON'S CODIFIED ORDINANCES

WHEREAS, City Council reviewed the City's Planning and Zoning Code in an effort to keep up to date with the current trends of development; and,

WHEREAS, upon recommendation of the Municipal Properties, Buildings, Land Use & Economic Development Committee, this Council deems prudent to *amend the Planning and Zoning Code*, to wit: Section 1145.01 (Table of Permissible Uses); **Now Therefore**,

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

Section 1. That, in accordance with Section 1145.01 Table of Permissible Uses in the "Agricultural" table under the "Commercial" heading, the "C-4" column; changing the "Farm Markets & Stands", "Plant Cultivation", and "Specialized Animal Raising" rows to the letter "C," this change indicating that the use may be permissible with a conditional use permit in the indicated zone as may be issued by the Zoning Administrator upon approval by the Council after Planning Commission review; as listed in Exhibit A.

Section 2. That, the City of Napoleon Planning Commission considered the following criteria in making its decision:

- a. The present zoning classification of the general property of the area in question is currently zoned C-4 Planned Commercial; and,
- b. The existing use of the property within the general area in question; and,
- c. The suitability of the property in question to the uses permitted under the existing zoning classification; and,
- d. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification; and,
- e. Changed or changing conditions in the applicable area, or in the City, generally that make the proposed zoning or amendment thereto reasonably necessary to the promotion of the public health, safety, or general welfare.

Section 3. That, the City of Napoleon Planning Commission recommended approval of rezoning and the adoption of the proposed amendment and/or rezoning of the property to reflect a zoning for the area as described in Section 1 of Planning Commission Resolution No. 17-02 to a classification of C-4 (Planned Commercial), such adoption being in the public interest and not solely for the interest of the petitioner.

Section 4. That, it is recommended that the official zone map shall be amended to reflect the changes in zoning as recommended in Section 3 of the City of Napoleon Planning Commission Resolution No. 17-02.

Section 5. That, City of Napoleon Planning Commission Resolution No. 17-02 along with the minutes from the PC 17-02 meeting shall serve as a report from this Commission.

Section 6. That, it is found and determined that all formal actions of this Commission concerning and relating to the adoption of this Resolution were adopted in open meetings of this Commission, and that all deliberations of this Commission and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 7. That, upon passage, this Resolution 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 ____ Nay ____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 030-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

PC 17-02

Exhibit A

CHAPTER 1145 Table of Permissible Uses

1145.01 Table of Permissible Uses.

CROSS REFERENCES
Uses defined- see P. & Z. Ch. 1101

1145.01 TABLE OF PERMISSIBLE USES.

The Table of Permissible Uses should be read in close conjunction with the definitions of terms set forth in Definitions of Basic Terms and the other interpretive provisions set forth in this Planning and Zoning Code.

- (a) Use of the Designation "P" and "C" in Table of Permissible Uses. When used in connection with a particular use in the Table of Permissible Uses, the letter "P" means that the use is permissible in the indicated zone with a zoning permit issued by the Zoning Administrator. When the letter "P" is nonexistent in the Table, then it shall be deemed a non-permissible use unless a special use or conditional use permit is approved in accordance with this Zoning Code.
In the zone district. When used in connection with a particular use in the Table of Permissible Uses, the letter "C" means that the use may be permissible with a conditional use permit in the indicated zone as may be issued by the Zoning Administrator upon approval by the Council after Planning Commission review.
- (b) Jurisdiction Over Uses Otherwise Permissible with a Zoning Permit.
Notwithstanding any other provisions of this Planning and Zoning Code, whenever the Table of Permissible Uses (interpreted in light of subsection (a) hereof and the other provisions of this Planning and Zoning Code) provides that a use is permissible with a zoning permit, and/or a conditional use permit, as applicable, shall nevertheless be required if the Zoning Administrator finds that the proposed use would have an extraordinary impact on neighboring properties or the general public. In making this determination, the Zoning Administrator shall consider, among other factors, whether the use constitutes a change from one principal use classification to another, whether the use is proposed for a site that poses peculiar traffic or other hazards or difficulties, and whether the proposed use is substantially unique or is likely to have impacts that differ substantially from those presented by other uses that are permissible in the zoning district in question.
- (c) Permissible Uses and Specific Exclusions.
 - (1) The presumption established by this Planning and Zoning Code is that all legitimate uses of land, except those uses which, if allowed, would not serve to promote public health, safety, convenience, comfort, prosperity or general welfare, are permissible within at least one zoning district in the City's planning jurisdiction. Therefore, because the list of permissible uses set forth in (Table of Permissible Uses) cannot be all inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses, subject to the issuance of a conditional use permit.
 - (2) The "Table of Permissible Uses" shall not be interpreted to allow a use in one zoning district when the use in question is more closely related to

- another specified use that is permissible in other zoning districts.
- (3) Without limiting the generality of the foregoing provisions, the following uses (a) through (d) are specifically prohibited in all districts:
- A. Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of the City's Fire Prevention Code.
 - B. Stockyards, slaughterhouses, and rendering plants.
 - C. Use of a travel trailer as a temporary or permanent dwelling.
 - D. Use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted.
- (d) Accessory Uses.
- (1)) The Table of Permissible Uses classifies different principal uses according to their different impacts.
 - (2) Accessory use, or accessory: an "accessory use" is a use that is clearly incidental to, customarily found in connection with, and (except in case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related. When "accessory" is used in the text, it shall have the same meaning as "accessory use". An "accessory use" includes, but is not limited to, the following:
 - A. Swimming pools for use of occupants of a residence or their guests.
 - B. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
 - C. Home occupations when carried on by the owner-resident of the dwelling when no physical or visual affects are observed beyond the walls of the dwelling.
 - D. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
 - E. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
 - F. Accessory off-street parking regulations for the district in which the zoning lot is located.
 - G. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.
 - H. Satellite antenna or microwave receiving antenna, following all regulations set forth in Section 1127.20.
 - (4) The following activities shall not be regarded as accessory to a residential principal use and are prohibited in residential districts.
 - A. Storage outside of a substantially enclosed structure of any motor vehicle that is unlicensed and not operational.
 - B. Parking outside a substantially enclosed structure of more than four motor vehicles between the front building line of the principal building and the street on any lot used for purposes that fall within the permitted use in a residential district.
- (e) Permissible Uses Not Requiring Zoning Permits. Notwithstanding any other provisions of this Planning and Zoning Code, no zoning, or conditional-use permit is necessary for the following uses:
- (1) Streets.
 - (2) Electric power, telephone, telegraph, fiber optic cable, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way, except that a use of right-of-way permit may be required by the City.
 - (3) Neighborhood utility facilities located within a public right-of-way with the permission of the owner or controller (state or city) of the right-of-way.
- (f) Change in Use.

- (1) A substantial change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. This occurs whenever:
 - A. The change involves a change from one principal use category to another; or
 - B. If the original use is a Combination Use or Planned Development, the relative proportion of space devoted to the individual principal use that comprises the Combination Use or Planned Development Use changes to such an extent that the parking requirements for the overall use are altered; or
 - C. If the original use is a Combination Use or Planned Development Use, the mixture of types of individual principal uses that comprise the Combination Use or Planned Development Use changes; or
 - D. If the original use is a Planned Residential Development, the relative proportions of different types of dwelling units change; or
 - E. If there is only one business or enterprise conducted on the lot (regardless of whether that business or enterprise consists of one individual principal use or a Combination Use), that business or enterprise moves out and a different type of enterprise moves in (even though the new business or enterprise may be classified under the same principal use or Combination Use category as the previous type of business). For illustration purposes only, if there is only one building on a lot and a florist shop that is the sole tenant of the building moves out and is replaced by a clothing store, which constitutes a change in use even though both tenants fall within a permitted principal Use. However, if the florist shop were replaced by another florist shop, that would not constitute a change in use since the type of business or enterprise would not have changed. Moreover, if the florist shop moved out of a rented space in a shopping center and was replaced by a clothing store, that would not constitute a change in use since there is more than one business on the lot and the essential character of the activity conducted on that lot (shopping center, Combination Use) has not changed.
 - (2) A mere change in the status of property from unoccupied to occupied or vice versa does not constitute a change in use. Whether a change in use occurs shall be determined by comparing the two active uses of the property without regard to any intervening period during which the property may have been unoccupied, unless the property has remained unoccupied for more than 181 consecutive days or has been abandoned.
- (g) Combination Uses.
- (1) When a Combination Use comprises two or more principal uses that require different types of permits, then the permit authorizing the Combination Use shall be a conditional use permit along with a zoning permit.
 - (2) When a Combination Use consists of a single-family detached residential subdivision that is not architecturally integrated and two-family or multi-family uses, the total density permissible on the entire tract shall be determined by having the developer indicate on the plans the portion of the total lot that will be developed for each purpose and calculating the density for each portion as if it were a separate lot.
 - (3) When a Combination Use consists of a single-family detached, architecturally integrated subdivision two-family or multi-family uses, then the total density permissible on the entire tract shall be determined by dividing the area of the tract by the minimum square footage per dwelling unit specified therein.
- (h) More Specific Use Controls. Whenever a development could fall within more than one use classification in the Table of Permissible Uses, the use classification that most closely and most specifically describes the development controls.

| | RESIDENTIAL | | | | COMMERCIAL | | | | | INDUSTRIAL | |
|----------------------------|-------------|-----|-----|-----|------------|-----|-----|-----|-----|------------|-----|
| AGRICULTURAL: | R-1 | R-2 | R-3 | R-4 | C-1 | C-2 | C-3 | C-4 | C-5 | 1-1 | 1-2 |
| FARM MARKETS & STANDS | | | | | C | | | C | p | | |
| KENNELS | | | | | | | | p | | p | |
| PLANT CULTIVATION | | | | | | | | C | | p | |
| SPECIALIZED ANIMAL RAISING | | | | | | | | C | | p | |

| | RESIDENTIAL | | | | COMMERCIAL | | | | | INDUSTRIAL | |
|------------------------------|-------------|-----|-----|-----|------------|-----|-----|-----|-----|------------|-----|
| RESIDENTIAL: | R-1 | R-2 | R-3 | R-4 | C-1 | C-2 | C-3 | C-4 | C-5 | 1-1 | 1-2 |
| ONE FAMILY DWELLING | p | p | p | p | | | | | | | |
| TWO FAMILY DWELLING | p | p | p | p | | | | | | | |
| MULTIPLE FAMILY DWELLING | | | | p | | | | | | | |
| DAY CARE CENTERS | | | | C | | | C | p | | | |
| APARTMENTS ABOVE 1ST FLOOR | | | p | p | p | | | p | | | |
| BED & BREAKFAST | | | p | p | p | | | | | | |
| FUNCTIONAL EQUIVALENT FAMILY | C | C | C | C | | | | | | | |
| HOME OCCUPATION | p | | | C | C | | | | | | |
| REASONABLE ACCOMMODATION USE | C | C | C | C | | | | | | | |
| ASSISTED LIVING UNITS | | | | p | | | | | | | |
| MANUFACTURED HOMES | | | | | | | | | | p | |

| | RESIDENTIAL | | | | COMMERCIAL | | | | | INDUSTRIAL | |
|--|-------------|-----|-----|-----|------------|-----|-----|-----|-----|------------|-----|
| | R-1 | R-2 | R-3 | R-4 | C-1 | C-2 | C-3 | C-4 | C-5 | I-1 | I-2 |
| COMMERCIAL: | | | | | | | | | p | p | p |
| AGRICULTURE, CONSTRUCTION , SEMI- TRUCK SALES/SERVICE | | | | | | | | | p | p | p |
| ANIMAL HOSPITAL/VETERINARY CLINIC | | | | | | | p | p | | | |
| AUTOMOTIVE OIL & LUBE SERVICE FACILITIES | | | | | | | | p | p | c | |
| AUTOMOTIVE SALES OR LEASE FOR NEW & USED VEHICLES- OUTDOORS | | | | | | | | p | p | | c |
| AUTO REPAIR | | | | | | | | | p | c | |
| AUTO WASH | | | | | | | c | c | p | | |
| COMMERCIAL RECREATIONAL FACILITIES | | | | | | | | p | p | | |
| COMMERCIAL SCHOOL | | | | | | | p | p | p | | |
| BANKS | | | | | p | | p | p | p | | |
| COMMERCIAL SEMI- TRUCK SALES/SERVICE | | | | | | | | | c | p | p |

| COMMERCIAL: | RESIDENTIAL | | | | COMMERCIAL | | | | | INDUSTRIAL | |
|--|-------------|-----|-----|-----|------------|-----|-----|-----|-----|------------|-----|
| | R-1 | R-2 | R-3 | R-4 | C-1 | C-2 | C-3 | C-4 | C-5 | I-1 | J-2 |
| ENTERTAINMENT AND SPECTATOR SPORT FACILITIES | | | | | | | | p | p | C | C |
| GROCERY STORES | | | | | | | | p | p | | |
| MESSAGE/RELAXATION ESTABLISHMENT | | | | | | | | | C | p | |
| MOTEL & HOTEL | | | | | | | | p | p | C | |
| NEIGHBORHOOD BUSINESS LESS THAN 10,000 SQ. FT. | | | | | p | | p | p | p | | |
| PERSONAL SERVICES | | | | | p | | p | p | p | | |
| OFFICE | | | | | p | | p | p | p | | |
| PRINTING | | | | | p | | p | p | p | | |
| RECREATIONAL VEHICLE/EQUIPMENT OUTDOOR SALES | | | | | | | | C | p | C | p |
| RESTAURANT CARRY-OUT ONLY | | | | | p | | C | p | p | | |
| RESTAURANT DRIVE-IN | | | | | | | | p | p | C | |
| RESTAURANT FAST FOOD | | | | | p | | C | p | p | C | |

| | RESIDENTIAL | | | | COMMERCIAL | | | | | INDUSTRIAL | |
|--|-------------|-----|-----|-----|------------|-----|-----|-----|-----|------------|-----|
| | R-1 | R-2 | R-3 | R-4 | C-1 | C-2 | C-3 | C-4 | C-5 | I-1 | J-2 |
| COMMERCIAL: | | | | | P | | | P | P | | |
| RESTAURANT OUTDOOR CAFE | | | | | P | | | P | P | | |
| RESTAURANT FULL SERVICE | | | | | P | | | P | P | C | |
| RETAIL BUSINESS: LESS THAN 60,000 GSF | | | | | P | | P | P | P | | |
| RETAIL BUSINESS MORE THAN 60,000 GSF | | | | | | | | P | P | | |
| SALE & STORAGE OF BUILDING MATERIALS | | | | | | | | | | P | P |
| SELF-SERVICE STORAGE | | | | | | | | | P | P | P |
| SERVICE STATION | | | | | P | | | P | P | | |
| SEXUALLY ORIENTED BUSINESS | | | | | | C | | | | | |
| SHOPPING CENTER | | | | | C | | | P | P | | |
| HOSPITALITY FACILITIES | | | | | | | | P | P | | |
| ROOMING HOUSE | C | C | C | C | C | | | | | | |

| | RESIDENTIAL | | | | COMMERCIAL | | | | | INDUSTRIAL | |
|------------------------------|-------------|-----|-----|-----|------------|-----|-----|-----|-----|------------|-----|
| | R-1 | R-2 | R-3 | R-4 | C-1 | C-2 | C-3 | C-4 | C-5 | I-1 | I-2 |
| COMMERCIAL: | | | | | P | | | | | | |
| CEMETERY | | | C | C | | | C | | | | |
| REPAIR SERVICES, CONSUMER | | | | | P | | P | P | P | | |
| NURSERY/GREENHOUSE | | | | | | | | | P | C | C |

| | RESIDENTIAL | | | | COMMERCIAL | | | | | INDUSTRIAL | |
|---|-------------|-----|-----|-----|------------|-----|-----|-----|-----|------------|-----|
| INDUSTRIAL: | R-1 | R-2 | R-3 | R-4 | C-1 | C-2 | C-3 | C-4 | C-5 | I-1 | I-2 |
| ARTIFICIAL LAKE, POND, OR RESERVOIR | C | C | C | C | C | C | C | C | C | C | C |
| AUTO & METAL SALVAGE, JUNK YARDS | | | | | | | | | | p | C |
| BORROW PITS | C | C | C | C | C | C | C | C | C | C | C |
| FOOD PROCESSING | | | | | | | | | C | p | p |
| EXCAVATION, SAND, GRAVEL, CLAY, STONE & TOPSOIL FACILITIES | | | | | | | | | | C | C |
| LABORATORIES | | | | | | | | | | p | p |
| MANUFACTURING, SALE/STORAGE BUILDING MATERIALS | | | | | | | | | C | p | p |
| MANUFACTURING- GENERAL | | | | | | | | | | C | p |
| MANUFACTURING: LIGHT | | | | | | | | | | p | p |
| OIL & GAS WELLS | | | | | | | | | | C | p |
| OUTSIDE STORAGE | | | | | | | | | | | p |

| INDUSTRIAL: | RESIDENTIAL | | | | COMMERCIAL | | | | | INDUSTRIAL | |
|---------------------------------|-------------|-----|-----|-----|------------|-----|-----|-----|-----|------------|-----|
| | R-1 | R-2 | R-3 | R-4 | C-1 | C-2 | C-3 | C-4 | C-5 | 1-1 | 1-2 |
| PUBLISHING | | | | | | | | | | p | p |
| TRANSPORT & TRUCKING | | | | | | | | | | C | p |
| WAREHOUSING | | | | | | | | | | p | p |
| WHOLESALE BUSINESS | | | | | | | | | C | p | p |
| WIND GENERATOR (TURBINE) | C | C | C | C | | | | | | C | p |
| PLANNED APARTMENT DEVELOPMENT | | | C | C | | | | C | | | |
| PLANNED COMMERCIAL DEVELOPMENT | | | | | | | C | C | C | | |
| PLANNED CLUSTER DEVELOPMENT | | | C | C | | | | C | | | |
| PLANNED RESIDENTIAL DEVELOPMENT | | | C | C | | | | | | | |

| INSTITUTIONAL: | RESIDENTIAL | | | | COMMERCIAL | | | | | INDUSTRIAL | |
|---|-------------|----------|----------|------------|------------|-----|----------|----------|----------|------------|----------|
| | R-1 | R-2 | R-3 | R-4 | C-1 | C-2 | C-3 | C-4 | C-5 | 1-1 | 1-2 |
| Cemetery | C | C | C | C | C | | C | C | C | C | C |
| Child Day Care Centers | | | | C | P | | P | P | P | | |
| Clubs, Lodges, Fraternal and Civic Assembly | | | | C | P | | P | P | P | | |
| Convalescent and Nursing Homes | | | | C | P | | P | P | P | | |
| Essential Service | P | P | P | P | P | | P | P | P | P | P |
| Hospital | | | | | P | | P | P | P | | |
| Institutional Use | | | C | C | P | | P | P | P | P | |
| Mortuaries and Funeral Homes | | | C | C | P | | P | P | P | | |
| Public and Private Schools | | | C | C | P | | P | P | P | | |
| Public Service Facilities | P | P | P | P | P | | P | P | P | P | P |
| Wireless Telecommunication Facilities | | | | | | | | | | C | C |

ORDINANCE NO. 014-17

AN ORDINANCE AMENDING ORDINANCE NO. 120-00, PASSED OCTOBER 16, 2000; REMOVING THE DEPARTMENT OF ENGINEERING AS THE HOUSING OFFICER FOR THE CITY OF NAPOLEON, OHIO AND ESTABLISHING AND AUTHORIZING THE DEPARTMENT OF MANAGEMENT TO PERFORM THE DUTIES OF HOUSING OFFICER FOR THE CITY OF NAPOLEON, OHIO; AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon, Ohio has in past years established Community Reinvestment Areas (CRA(s)) in the City of Napoleon, Ohio and different positions were named as the “Housing Officer”; and,

WHEREAS, pursuant to ORC 3735.65, a “Housing Officer” means an officer or agency of a municipal corporation as designated by the legislative authority; such Housing Officer being able to be utilized for more than one (1) Community Reinvestment Area; and,

WHEREAS, Council does not wish, at this time, to disturb currently established Community Reinvestment Area(s), however does wish to amend the current Housing Officer authority;

WHEREAS, in the Ordinance No. 120-00 the Department of Engineering was authorized as the Housing Officer by and for the City of Napoleon, Ohio; and,

WHEREAS, due to personnel changes, the City Council desires to remove the Housing Officer authority from the Department of Engineering and authorize the Department of Management to perform those duties; **Now Therefore:**

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

Section 1. That, Ordinance No. 014-17 hereby amends Ordinance No. 120-00, and hereby establishes and authorizes the Department of Management as the “Housing Officer” for any Community Reinvestment Area established (or reestablished) after October 4, 2000, in and for the City of Napoleon, Ohio, being an “agency” of this Municipal Corporation. The Department Director or Department Head may designate subordinate(s) within the Department to perform the duties imposed upon a Housing Officer pursuant to Chapter 37 of the Ohio Revised Code; moreover, such Department Director or Department Head may cause a Contract to be implemented with the Henry County Community Improvement Corporation, or other agency, to assist in the administrative duties therefore, subject to approval of Council.

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

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

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for effective legal services to be rendered to the City, including those legal services related to public peace, health or safety; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. The reason for the Emergency Clause is the fact that this Ordinance is necessary to allow for the Department of Management to begin the Housing Officer duties in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: _____
Travis B. Sheaffer, Council President

Approved: _____
Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 014-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director



City of Napoleon, Ohio

Fire and Rescue Department

265 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

Telephone: (419) 592-0441 Fax: (419) 592-5195

www.napoleonohio.com

Memorandum

To: Joel Mazur, City Manager
From: Clayton O'Brien, Fire Chief
cc: City Council

Date: 4/12/2017
Subject: Purchase of vehicles of state bid

Napoleon Fire & Rescue is ready to move forward with the purchasing of two vehicles from the state bid contract. Both vehicles were approved in the 2017 budget and covered in the 2017 master bid ordinance.

The first vehicle is a 2017 Chevy Tahoe. This vehicle will serve as the command vehicle for the fire department. The current command vehicle will replace a 2000 pick-up truck and will serve as a chase vehicle. The budgeted amount for this project is \$55,000. The total cost for the is project is \$49,981.54. (\$5,015.46 under budget)

The second vehicle is a 2017 GMC Sierra 2500. This vehicle will serve as our truck for field/grass fires, pull trailers, plow snow and as a utility truck. This vehicle will replace a 1997 pick-up truck which currently serves as our field/grass fire truck. The budgeted amount for this project is \$45,000. The total cost for this project is \$39,223.41. (\$5,776.46). Please note the cost maybe higher due to the purchasing of a more aggressive tire than the stock tire.

I have included the specification sheets for both vehicles as well as the design of the vehicles.

The deadline to order the vehicles is May 10th 2017.

Thank you,

Clayton O'Brien
Fire Chief

PO#: 3817JF1004

three cord
www.threecord.com

Ph: 419-445-2673
Fax: 419-445-2672

203 East Lugbill Rd.
Archbold, Ohio 43502

CUSTOMER: Napoleon Fire Department

ARTIST: JB

DUE DATE:

COMMENTS: None

QTY: 1 set

SIDES: 3

SIZE: TBD

MATERIAL: Vinyl

OF COLORS: Digital Logo

031 Red w/laminate

010 White

Red Reflective

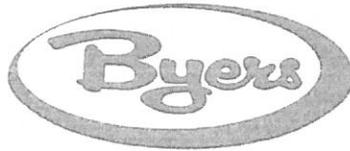
Neon Yellow Reflective



2017 Chevy Tahoe



Disclaimer: Clients are responsible for proofreading and approval of final artwork. Therefore, we are NOT liable for errors (caused by misspellings, numerical, grammatical or color errors, etc.) found after the final approval. Please take careful effort when approving your art. Please allow 7-10 business days for production, beginning after final art approval is given, unless otherwise arranged. We appreciate your business and want to maintain the highest quality possible for our customers.



www.byersauto.com

3/13/2017

City of Napoleon, Ohio
Att: Chief O'Brien

State of Ohio contract# RS900917

| | |
|---------------------------------|-------------|
| 2017 Chevrolet Tahoe | \$31,668.00 |
| 5W4 4wd Special Service package | 2,525.00 |
| 5HP 6 additional keys | 38.00 |
| PZX aluminum wheels | 580.00 |
| 6C7 additional dome lamp | 168.00 |
| Delete spotlight | (100.00) |
| Parr up fit | 14,213.21 |
| Total Due | \$49,092.21 |

Feel free to contact me with any questions.

Regards,

Tom Allen
Fleet Sales Manager
Byers Chevrolet/Byers Ford/Byers Chrysler, Dodge, Jeep, Ram
5887 N. Meadows Dr.
Grove City, Ohio 43123
Direct 614) 782-2738
Fax 614) 782-2720
Mobile 614) 353-8961

PO Box 16513 • Columbus, OH 43216-6513



SPECIFICATIONS (Cont'd)

AUTOMOBILE-POLICE SPECIAL-SPORT UTILITY VEHICLE-FULL SIZE-4 DOOR-V8-RWD (4x2)
Item Number 5

| Line No. | Standard Specification Items | Minimum Requirements |
|---------------------|--|--------------------------------------|
| Brand | | |
| 1. | Manufacturer Make | Chevrolet |
| 2. | Manufacturer Model | Tahoe |
| Powertrain | | |
| 3. | Engine Type (Liter/Cylinder) | 5.3L, V8 |
| 4. | Horsepower (Net HP) | 355 |
| 5. | Transmission | Automatic, 6 Speed |
| 6. | Drive Type | Rear 2-Wheel Drive |
| 7. | Alternator (amps) | 170 |
| 8. | Flexible Fuel Vehicle (FFV) | Required |
| 9. | Battery (CCA) | 720 |
| 10. | Cooling System | Heaviest Duty Available |
| 11. | EPA Estimated Mileage (City/Highway MPG) | 12/17 (E85) 16/23 (Gasoline) |
| Driveability | | |
| 12. | Steering | Electric Power-Assist |
| 13. | Power Antilock Brakes (ABS) Front & Rear | Required |
| Exterior | | |
| 14. | Number of Doors | 4 |
| 15. | Wheelbase (in.) | 116 |
| 16. | Body Side Molding (Installed) | Required FR & RR |
| 17. | Exterior Mirrors – Right & Left Mounted | Power Remote |
| 18. | Paint – Specify Standard Colors | Standard |
| 19. | Left Handed Spotlight, Pillar Mounted | Required |
| 20. | Tires – Pursuit/Speed Rated per Manufacturer Recommendations | All Season, Steel Belted, Black Wall |
| 21. | Spare Tire/Wheel | Full Size |
| 22. | Assist Steps | Required |
| Safety | | |
| 23. | Air Bag Restraint System (Driver & Passenger) | Required |
| 24. | Supplement Restraint System (Driver & Passenger) | Required |
| Seating | | |
| 25. | Seating Capacity | 6 |

SPECIFICATIONS (Cont'd)**AUTOMOBILE-POLICE SPECIAL-SPORT UTILITY VEHICLE-FULL SIZE-4 DOOR-V8-RWD (4x2)
Item Number 5**

| Line No. | Standard Specification Items | Minimum Requirements |
|---------------------|---|---|
| Seating | | |
| 26. | Seat Covering | Cloth FR, Vinyl RR |
| 27. | Floor Covering | Heavy Duty Rubber |
| 28. | Front Seat Type | Bucket Adjustable – No Center Console |
| 29. | Rear Seat Type | Split 60/40 Bench |
| Interior | | |
| 30. | Arm Rest on Front Doors | Required |
| 31. | Foam Front Seat Cushion | Required |
| 32. | Trunk/Cargo Light | Automatic |
| 33. | Interior Lighting | Overhead Dome & Map or Dome Driver Light |
| 34. | Interior Rear View Mirror | Day/Night |
| Dimensions | | |
| 35. | Fuel Capacity (Gal.) | 26 |
| 36. | Base Curb Weight (lbs.) | 5,284 |
| 37. | Headroom (Front/Rear) (in.) | 42/38 |
| 38. | Leg Room (Front/Rear) (in.) | 45/39 |
| 39. | Hip Room (Front/Rear) (in.) | 60/60 |
| 40. | Shoulder Room (Front/Rear) (in.) | 64/65 |
| 41. | Interior Cargo Area/ Cargo Area Seats Folded Down (cu. ft.) | 51.6/51.6 |
| Accessories: | | |
| 42. | Keyed Door Lock (Driver Side Minimum) | Power w/Remote Keyless Entry |
| 43. | Glass | High Strength, Factory Tint |
| 44. | Rear Window Defroster | Wired in Glass |
| 45. | Fresh Air Temperature Controlled Heater | With Windshield Defrosters |
| 46. | Intermittent Windshield Wipers | With Dual Speed |
| 47. | Air Conditioning | Required |
| 48. | Radio – Factory Installed | AM/FM |
| 49. | Radio Suppression System | Required |
| 50. | 12 Volt Power Outlet, in Front Compartment | Required |
| 51. | Fuel at Delivery | ½ Tank |
| 52. | Speedometer/ Standard Gage Package | Required |
| 53. | Hood Latch Release | Inside Passenger Compartment only, by Driver Side |
| 54. | Dual Horns, Factory Installed | Required |
| 55. | Electronic Door Locks/ Electronic Windows | Driver Control Lock Out (Required) |

SPECIFICATIONS (Cont'd)

**AUTOMOBILE-POLICE SPECIAL-SPORT UTILITY VEHICLE-FULL SIZE-4 DOOR-V8-RWD (4x2)
Item Number 5**

| Line No. | Standard Specification Items | Minimum Requirements |
|----------------------------------|--|-----------------------------|
| Accessories: | | |
| 56. | Rear Window Wiper/Washer | If applicable |
| 57. | Remote Control Rear Gate Release by Driver | Required, if available |
| 58. | Rear Door | Lift Gate |
| Warranty: | | |
| 59. | Rust Proofing | Min. Factory Warranty |
| 60. | Manufacturer Standard | Min. 3 yr./36,000 Mile |
| 61. | Powertrain | Min. 5 yr./60,000 Mile |
| Optional Equipment Items: | | |
| 62. | 45-Day Tags | |
| 63. | Additional Keys | |
| 64. | 4-Wheel Drive (4x4) | |
| 65. | Grill Lamps & Siren Speakers Wiring | |
| 66. | Horn & Siren Circuit Wiring | |
| 67. | Auxiliary Ground Studs | |
| 68. | Auxiliary Speaker Wiring | |
| 69. | Carpet | |
| 70. | No Spotlight | |
| 71. | No Daytime Running Lights | |
| 72. | No Body Side Moldings | |
| 73. | Locking Differential | |
| 74. | Special Paint: Red | |
| 75. | Inoperative Inside Rear Door Locks & Handles | |
| 76. | Inoperative Rear Window Switches | |
| 77. | XM Radio Delete | |
| 78. | Bucket Seats with Console | |
| 79. | High Polished Aluminum Wheels | |
| 80. | Max Trailering | |
| 81. | Pursuit Police Package | |
| 82. | 2 nd Row Vinyl Seats w/ Cloth Front | |
| 83. | Front Center Seat (20%Seat) Delete | |
| 84. | Red & White Front Auxiliary Dome Lighting | |

PRICE SCHEDULEITEM #5 – AUTOMOBILE – POLICE SPECIAL – SPORT UTILITY VEHICLE – FULL SIZE - 4 DOOR–V8-RWD (4x2)

| | | | |
|--|--|--------------------------|--------------------------|
| DELIVERY: 120 DAYS A.R.O. (SEE IV.A.) | INDICATE CITY/STATE OF MANUFACTURER: Arlington, Texas | | |
| CONTRACTOR: Byers Chevrolet | MFG: Chevrolet | MODEL: Tahoe | MODEL NUMBER: CC15706 |
| REAR END GEAR RATIO: 308 | | | |
| ITEM ID NO.: 28166 | | UNIT PRICE: \$ 31,668.00 | |

| ITEM ID NO. | DELIVERY CHARGE | UNIT COST |
|-------------|--|-----------|
| 28167 | Delivery charge per mile, per vehicle round trip map for delivery by the contractor: | \$ 0.40 |
| 28168 | Minimum Delivery Charge | \$ 50.00 |

| ITEM ID NO. | DEALER OPTION/ORDER CODE | OPTION | UNIT COST |
|--------------|--------------------------|--|-------------|
| 28169 | TT | 45-Day Tags | \$ 18.50 |
| 28170 | 5HP | Additional Keys | \$ 38.00 |
| 28171 | 4WD | 4-Wheel Drive (4x4) | \$ 2,525.00 |
| 28172 | 6J3 | Grill Lamps & Siren Speakers Wiring | \$ 90.00 |
| 28173 | 6J4 | Horn & Siren Circuit Wiring | \$ 39.00 |
| 28174 | UT7 | Auxiliary Ground Studs | \$ 58.00 |
| 28175 | B30 | Carpet | \$ 188.00 |
| Note on P.O. | NC | No Spotlight | (\$ 100.00) |
| Note on P.O. | NC | No Daytime Running Lights | \$ 48.00 |
| Note on P.O. | NC | No Body Side Moldings | (\$35.00) |
| Note on P.O. | INCLUDED G80 | Locking Differential | \$ 0.00 |
| 28176 | TGK | Special Paint: Red | \$ 620.00 |
| 28177 | 6N6 | Inoperative Inside Rear Door Locks & Handles | \$ 57.00 |
| 28178 | 6N5 | Inoperative Rear Window Switches | \$ 55.00 |
| NOTE ON P.O. | U2J | XM Radio Delete | \$ 0.00 |
| 28179 | A95 | Bucket Seats with Console | \$ 248.00 |
| 28180 | PZX | High Polished Aluminum Wheels | \$ 580.00 |

PRICE SCHEDULE (Cont'd)ITEM #5 – AUTOMOBILE – POLICE SPECIAL – SPORT UTILITY VEHICLE – FULL SIZE - 4 DOOR–V8-RWD (4x2) (Cont'd)

| ITEM ID NO. | DEALER OPTION/ORDER CODE | OPTION | UNIT COST |
|-----------------|-----------------------------|--|------------|
| 28181 | NHT | Max Trailering | \$ 560.00 |
| NOTE ON P.O. | 5T5 | 2 nd Row Vinyl Seats w/ Cloth Front | \$ 0.00 |
| NOTE ON P.O. | 9U3 | Front Center Seat (20%Seat) Delete | \$ 0.00 |
| 28182 | 6C7 | Red & White Front Auxiliary Dome Lighting | \$ 168.00 |
| 30160 | 9C1 | Pursuit Police Package | \$3,145.00 |
| 30161 | B86 | Painted Side Moldings | \$98.00 |

INSTRUCTIONS TO STATE AGENCIES REQUESTING UNSPECIFIED OPTIONS: State agencies that require additional equipment that is not listed in the option table above will need to provide the following to the current contract analyst listed on the contract website overview page, for approval;

1. Quote: Lists the unit price and the contents of the option(s). Manufacturer's invoice should be included.
2. Justification: Specific reasoning why the unlisted option is needed to perform job duties.

UNSPECIFIED OPTION PRICE: 3.00% above manufacturer invoice.

List standard paint colors: GBA Black, GAZ Summit White, GAN Silver Ice Met, GWT Champaign Silver Met, GXG Tungsten Met, GIM Blue Velvet, QMU Pepperdust Met, QIE Siren Red Met – Additional Cost

PO#: 3817JF1004

three cord
www.threecord.com

Ph: 419-445-2673
Fax: 419-445-2672

203 East Lugbill Rd.
Archbold, Ohio 43502

| | | |
|---|-------------------|------------------|
| CUSTOMER: Napoleon Fire Department | ARTIST: JB | DUE DATE: |
| COMMENTS: None | | |

QTY: 1 set
SIDES: 3
SIZE: TBD
MATERIAL: Vinyl
OF COLORS:
031 Red
010 White
070 Black
021 Yellow
Digital Stripe
Digital Logo w/laminate

**Lemon Yellow
& Red Reflective**



2017 GMC Sierra



Disclaimer: Clients are responsible for proofreading and approval of final artwork. Therefore, we are NOT liable for errors (caused by misspellings, numerical, grammatical or color errors, etc.) found after the final approval. Please take careful effort when approving your art. Please allow 7-10 business days for production, beginning after final art approval is given, unless otherwise arranged. We appreciate your business and want to maintain the highest quality possible for our customers.

PRICE SCHEDULE

Minority Business Enterprise Award In Accordance with ORC CH. 125.081

*ITEM #25AT- PICKUP-8,500 LBS.,4WD-CREW CAB-SHORT BED

| | | | |
|---|-------|---|-----------------------|
| DELIVERY: 60 - 150 DAYS A.R.O. (SEE IV.A.) | | INDICATE CITY/STATE OF MANUFACTURER: Flint, Michigan | |
| CONTRACTOR: Bob Ross Buick, Inc. | | MFG: GMC | MODEL: Sierra 2500 |
| | | MODEL NUMBER: TK25743 | |
| ITEM ID NO.: | 30633 | ESTIMATED # OF UNITS: | 28 |
| | | UNIT PRICE: \$ 29,004.00 | |

| ITEM ID NO. | DELIVERY CHARGE | UNIT COST |
|-------------|--|-----------|
| 31124 | Delivery charge per mile, per vehicle round trip map mileage for delivery by the contractor: | \$ 0.50 |
| 31131 | Minimum Delivery Charge | \$ 100.00 |

| ITEM ID NO. | DEALER OPTION/ORDER CODE | OPTION | UNIT COST |
|-------------|--------------------------|---|-------------|
| 30634 | TEMP | 45-Day Tags | \$ 18.50 |
| 30635 | PARTS | Parts Manual (Electronic) | \$ 475.00 |
| 30636 | SERVICE | Service Manual (Electronic) | \$ 475.00 |
| 30637 | KEYS | Additional Set of Keys with FOB Enabling Electronic Keyless Entry | \$ 120.00 |
| 30638 | SBE | Seat Belt Extender (1 unit) | \$ 0.00 |
| 30639 | CLOTH | Cloth Seat Covering | \$ 0.00 |
| 30640 | LINER | Bed Liner: Plastic | \$ 160.00 |
| 30641 | TOW | Tow Hitch/7-Pin Receptacle/Brake Controller | \$ 529.00 |
| 30642 | TOW | 7-Pin Trailer Receptacle Wiring (See Supplement A, page 161) | \$ 0.00 |
| 30643 | A/T | All Terrain Tires | \$ 199.00 |
| 30644 | DPN | Trailer Tow Mirrors | \$ 312.00 |
| 30645 | BA | Backup Alarm | \$ 122.00 |
| 30646 | RB | Step Rails/Running Boards | \$ 470.00 |
| 30647 | UTB | 6-Door Utility Body | \$ 3,975.00 |
| 30648 | 8BED | 8 ft. Bed in Lieu of 6.5 ft. Bed | \$ 198.00 |
| 30649 | VYU | Manufacturer Snow Plow Prep Package (Includes HD Suspension, HD Alternator, HD Transmission Cooling, Skid Plates, Etc.) Does not include Snow Plow | \$ 384.00 |
| 30650 | 8SP | Snow Plow Package (order w/Snow Plow Prep Package) Blade Length: 8' | \$ 3,475.00 |

*Indicates results from the award of ITB No. RS901117.

PRICE SCHEDULE (Cont'd)

ITEM #25AT- PICKUP-8,500 LBS.,4WD-CREW CAB-SHORT BED

INSTRUCTIONS TO STATE AGENCIES REQUESTING UNSPECIFIED OPTIONS: State agencies that require additional equipment that is not listed in the option table above will need to provide the following to the current contract analyst listed on the contract website overview page, for approval;

1. Quote: Lists the unit price and the contents of the option(s). Manufacturer's invoice should be included.
2. Justification: Specific reasoning why the unlisted option is needed to perform job duties.

UNSPECIFIED OPTION PRICE: 3.00% above manufacturer invoice.

List standard paint colors: White, Black

SPECIFICATIONS (Cont'd)

Pickup – 8,500 lbs.-4WD-Crew Cab-Short Bed

Item Number 25AT

| Line No. | Standard Specification Items | Minimum Requirements | Y/N | EXCEPTIONS: |
|-------------------|--|-------------------------|-----|-------------|
| Powertrain | | | | |
| 1. | Engine Type (Liter/ Cylinder) | 5.7L, V8 | | |
| 2. | Horsepower (Net HP) | 360 | | |
| 3. | Transmission | Automatic | | |
| 4. | Locking Differential | Locking Differential | | |
| 5. | Alternator (amps) | Manufacturer Standard | | |
| 6. | Battery (CCA) | Manufacturer Standard | | |
| 7. | Cooling System | Heaviest Duty Available | | |
| 8. | Alternative Fuel (Type) | Specify | | |
| 9. | Drivetrain | 4WD | | |
| Exterior | | | | |
| 10. | Body Side Moldings | Manufacturer Standard | | |
| 11. | Rear Door Type | Locking Tailgate | | |
| 12. | Bed Length (ft.) | 6.5 | | |
| 13. | Rear Step Bumper | Manufacturer Standard | | |
| 14. | Full Size Doors | 4 | | |
| 15. | Tires | All Season | | |
| 16. | Spare Tires | Full | | |
| Safety | | | | |
| 17. | Restraint System (Driver & Passenger) | Required | | |
| 18. | Supplement Restraint System (Driver & Passenger) | Required | | |
| 19. | Power Antilock Brakes (Front and Rear) | Required | | |
| Seating | | | | |
| 20. | Seating Capacity | 6 | | |
| 21. | Front Seat Type | Split Bench | | |
| 22. | Seat Covering | Vinyl | | |
| 23. | Floor Covering | Vinyl | | |
| Dimensions | | | | |
| 24. | Wheelbase (in.) | 149 | | |
| 25. | Fuel Capacity (Gal.) | 31 | | |
| 26. | Headroom (Front/Rear) (in.) | 40/40 | | |
| 27. | Leg Room (Front/Rear) (in.) | 41/39 | | |
| 28. | Hip Room (Front/Rear) (in.) | 60/65 | | |

SPECIFICATIONS (Cont'd)

Pickup – 8,500 lbs.-4WD-Crew Cab-Short Bed

Item Number 25AT

| Line No. | Standard Specification Items | Minimum Requirements | Y/N | EXCEPTIONS: |
|---------------------------------|--|------------------------|-----|-------------|
| Dimensions | | | | |
| 29. | Shoulder Room (Front/Rear) (in.) | 65/65 | | |
| 30. | Cargo Volume (cu. ft.) | 60 | | |
| 31. | Payload (lbs.) | 2,300 | | |
| 32. | Gross Vehicle Weight Rating (GVWR)(lbs.) | 8,500 | | |
| Accessories | | | | |
| 33. | Air Conditioning | Required | | |
| 34. | Tilt Wheel & Cruise Control | Required | | |
| 35. | Power Windows & Door Locks | Required | | |
| 36. | Keyed Door Locks | Required | | |
| 37. | 2 Set of Keys with FOB Enabling Electronic Keyless Entry | Required | | |
| 38. | Intermittent Windshield Wipers | Required | | |
| 39. | Radio | Standard AM/FM | | |
| 40. | Exterior Rear View Mirror | Dual | | |
| 41. | Cargo Dome Light | Automatic | | |
| Warranty | | | | |
| 42. | Rust Proofing | Min. Factory Warranty | | |
| 43. | Manufacturer Standard | Min. 3 yr./36,000 Mile | | |
| Optional Equipment Items | | | | |
| 44. | 45-Day Tags | | | |
| 45. | Parts Manual(s) | | | |
| 46. | Service Manual(s) | | | |
| 47. | Additional Set of Keys with FOB Enabling Electronic Keyless Entry | | | |
| 48. | Seat Belt Extender | | | |
| 49. | Cloth Seat Covering | | | |
| 50. | Bed Liner: Plastic | | | |
| 51. | Tow Hitch/7-Pin Receptacle/Brake Controller | | | |
| 52. | 7-Pin Trailer Receptacle Wiring (See Supplement A, page 161) | | | |
| 53. | All Terrain Tires | | | |
| 54. | Trailer Tow Mirrors | | | |
| 55. | Backup Alarm | | | |
| 56. | Step Rails/Running Boards | | | |
| 57. | 6-Door Utility Body | | | |
| 58. | 8 ft. Bed in Lieu of 6.5 ft. Bed | | | |
| 59. | Manufacturer Snow Plow Prep Package (Includes HD Suspension, HD Alternator, HD Transmission Cooling, Skid Plates, Etc.) Does not include Snow Plow | | | |
| 60. | Snow Plow Package (order w/Snow Plow Prep Package) | | | |



8495 Estates Ct
 Plain City, Ohio 43064
 866-320-7277
 Fax: 614-873-7205
 www.parrpse.com

Quote

| Date | Quote # |
|-----------|---------|
| 2/14/2017 | 13625 |

| Name / Address |
|--|
| Napoleon FD Chief O'Brien 265 W. Riverview Ave Napoleon, OH 43545 |

| Project | Terms | Rep | FOB | Entered By |
|---------|--------|-----|----------------|------------|
| | Net 30 | DA | Plain City, Oh | DA |

| Item | Description | Qty | Cost | Total |
|--------------------|---|-----|----------|------------|
| | 2017 Light Package GMC Sierra 419-592-0441 Chief Clayton O'Brien ***PRICES AT OR BELOW OH STS #MMA-74689*** | | | |
| GB2SP3R | 54" Legacy We-Can DUO Super-LED lightbar w/ TD/ALY, All Red | 1 | 1,999.00 | 1,999.00 |
| MK91 | Lightbar Mnt Kit, | 1 | 0.00 | 0.00 |
| SA315P | Projector™ Compact 100W Composite Speaker, 122db | 1 | 189.00 | 189.00 |
| SAK49 | SA-315 speaker mount kit | 1 | 0.00 | 0.00 |
| 295SLSA6 | Siren Amplifier w/ 9 Switch Light Control, Programmable Tones, High Current Switching #295SLSA6 | 1 | 399.00 | 399.00 |
| IOND | ION Super-LED Lighthd, Red/White (front grille) | 2 | 95.00 | 190.00 |
| VTX609D | Vertex LED, Single Light w/ 9' Cable, Red/White (tail lights) | 2 | 78.00 | 156.00 |
| M4D | M4 Series Linear Super-LED Surface Mount, Red/White Split (mounted on toolbox) | 2 | 145.08 | 290.16 |
| 2100MEY | WEA184-52-01 Description: Lo-Side Box - Aluminum Matte Black Finish | 2 | 550.00 | 1,100.00 |
| 2100HAV | 1-Piece Front Hump Mounting Bracket part# C-B69 | 1 | 29.63 | 29.63 |
| C-AS-840-11 | 8" enclosed console for trucks - 11" deep | 1 | 142.79 | 142.79 |
| C-MC | Mic Clip Only | 2 | 11.55 | 23.10 |
| C-MCB | Mic Clip Bracket | 2 | 14.70 | 29.40 |
| 2101 | Open customized box for GMC Sierra | 1 | 600.00 | 600.00 |
| Antenna 2Way Ra... | Radio Antenna with Cable ***Specify Frequency*** | 1 | 75.00 | 75.00 |
| INSTALL | Installation of lightbar, siren system with speaker, 2 front grille lights, 4 rear lights, 2 tool boxes, open customized box, Graphics console with bracket mic clip and customer provided radio. | 1 | 1,625.00 | 1,625.00 |
| Install Supplies | Misc installation hardware, wire, connectors, breakers/fuses, supplies | 1 | 75.00 | 75.00 |
| Freight | Freight Charge | 1 | 75.00 | 75.00 |
| Total | | | | \$6,998.08 |



City of Napoleon, Ohio

Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

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

www.napoleonohio.com

Memorandum

To: Joel L. Mazur, City Manager
From: Chad E. Lulfs, P.E., P.S., Director of Public Works
cc: Mayor & City Council
Greg Heath, City Finance Director
Scott Hoover, WTP Superintendent
Date: April 27, 2017
Subject: WTP Improvements Project – Recommendation of Award

On Wednesday, March 1, 2017, bids were opened and read aloud for the above referenced project. Four bids were submitted and read as follows:

| <u>Company</u> | <u>Base Bid</u> | <u>Base Bid with Alternates</u> |
|------------------------------------|-----------------|---------------------------------|
| Peterson Construction Company | \$13,074,000.00 | \$13,287,000.00 |
| Mosser Construction, Inc. | \$14,550,000.00 | \$14,275,000.00 |
| Kokosing Construction Co., Inc. | \$15,371,000.00 | \$15,636,000.00 |
| Hanks Plumbing, Heating, & Cooling | \$16,375,000.00 | \$16,552,000.00 |

The Engineer's Estimate for this project is \$17,000,000.00. This project consists of rehabilitating the existing water treatment plant and Vocke Street water tower.

Having reviewed the submitted bids, it is my recommendation that Council award Peterson Construction Company the contract for the WTP Improvements Project in the amount of \$13,287,000.00. If you have any questions or require additional information, please contact me at your convenience.

CEL







Office Hours
8:00 a.m. - 5:00 p.m.
For Questions call
(614) 644-3156

Ohio Department of Commerce - Division of Liquor Control
6606 Tussing Road, Reynoldsburg, Ohio 43068-9005
<http://www.com.ohio.gov/liqr>

#100.00
LCK
2827



APPLICATION FOR CHANGE OF LLC MEMBERSHIP INTERESTS
PROCESSING FEE \$100.00

CAUTION: ALLOW 10 TO 12 WEEKS FOR PROCESSING

PERMIT HOLDER REQUESTS APPROVAL OF THE DIVISION OF LIQUOR CONTROL OF THE FOLLOWING:

| | | | |
|--|--------------------------------------|---|--|
| Permit Holder Name: River Docks Investments, LLC | | Permit Premises Address: 601 E. Riverview & Patio Napoleon OH 43545 | |
| Liquor Permit Number(s): 2223672 | Federal Tax ID Number: [REDACTED] | P018271 | |

Email Address: [Grid of empty boxes]

Attorney's Name, Address and Telephone Number (If represented):
Kurt O. Gearhiser, 520 E Rich Street, Columbus OH 43215 614-221-5151

Please be advised that any social security numbers provided to the Division of Liquor Control in this application may be released to the Ohio Department of Public Safety, the Ohio Department of Taxation, the Ohio Attorney General, or to any other state or local law enforcement agency if the agency requests the social security number to conduct an investigation, implement an enforcement action, or collect taxes.

PLEASE COMPLETE ALL AREAS OF SECTION A & B BELOW

Section A - PREVIOUS List of managing members and all persons with a 5% or greater membership or voting interest in the LLC

| NAME | SOCIAL SECURITY # OR FEDERAL TAX ID # | OFFICE HELD | INTEREST | BIRTHDATE |
|---------------------|---------------------------------------|-------------|---|------------|
| 1) Sergio I. Flores | [REDACTED] | Manager | <input type="checkbox"/> Managing Member <input checked="" type="checkbox"/> Voting interest <u>20</u> % <input checked="" type="checkbox"/> Membership interest <u>20</u> % | [REDACTED] |
| 2) Emmanuel R Rocha | [REDACTED] | owner | <input checked="" type="checkbox"/> Managing Member <input checked="" type="checkbox"/> Voting interest <u>80</u> % <input checked="" type="checkbox"/> Membership interest <u>80</u> % | [REDACTED] |
| 3) | | | <input type="checkbox"/> Managing Member <input type="checkbox"/> Voting interest _____ % <input type="checkbox"/> Membership interest _____ % | |
| 4) | | | <input type="checkbox"/> Managing Member <input type="checkbox"/> Voting interest _____ % <input type="checkbox"/> Membership interest _____ % | |

2017 APR 12 PM 12:00
 DIV. OF LIQUOR CONTROL
 FRONT DESK 13

Section B - REVISED List of managing members and all persons with a 5% or greater membership or voting interest in the LLC

| NAME | SOCIAL SECURITY # OR FEDERAL TAX ID # | OFFICE HELD | INTEREST | BIRTHDATE |
|---------------------|---------------------------------------|-------------|---|------------|
| 1) Emmanuel R Rocha | [REDACTED] | owner | <input checked="" type="checkbox"/> Managing Member <input checked="" type="checkbox"/> Voting interest <u>100</u> % <input checked="" type="checkbox"/> Membership interest <u>100</u> % | [REDACTED] |
| 2) | | | <input type="checkbox"/> Managing Member <input type="checkbox"/> Voting interest _____ % <input type="checkbox"/> Membership interest _____ % | |
| 3) | | | <input type="checkbox"/> Managing Member <input type="checkbox"/> Voting interest _____ % <input type="checkbox"/> Membership interest _____ % | |
| 4) | | | <input type="checkbox"/> Managing Member <input type="checkbox"/> Voting interest _____ % <input type="checkbox"/> Membership interest _____ % | |

**NOTICE TO LEGISLATIVE
AUTHORITY**

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

TO

| | | | | |
|----------------------------------|------------|------------------------------------|------------------------------------|--|
| 2223672 PERMIT NUMBER | | STCK TYPE | RIVER DOCKS INVESTMENTS LLC | |
| ISSUE DATE | | 601 E RIVERVIEW & PATIO | | |
| 05 09 2016 FILING DATE | | NAPOLEON OHIO 43545 | | |
| PERMIT CLASSES | | | | |
| D5 D6 | | | | |
| 35 TAX DISTRICT | 088 | A | F18271 RECEIPT NO. | |

FROM **04/14/2017**

| | | | | |
|----------------|--|------|-------------|--|
| PERMIT NUMBER | | TYPE | | |
| ISSUE DATE | | | | |
| FILING DATE | | | | |
| PERMIT CLASSES | | | | |
| TAX DISTRICT | | | RECEIPT NO. | |



MAILED **04/14/2017**

RESPONSES MUST BE POSTMARKED NO LATER THAN. **05/15/2017**

IMPORTANT NOTICE

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

REFER TO THIS NUMBER IN ALL INQUIRIES

A STCK 2223672

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING.

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

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

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF NAPOLEON CITY COUNCIL
PO BOX 151
NAPOLEON OHIO 43545



City of Napoleon, Ohio

255 West Riverview Avenue • P. O. Box 151
Napoleon, Ohio 43545-0151
Phone (419) 599-1235 Fax (419)-599-8393
www.napoleonohio.com

MEMORANDUM

TO: Technology and Communications Committee, City Council, Mayor, City Manager, City Law Director, City Finance Director, Department Supervisors, Newsmedia

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

DATE: April 28, 2017

RE: Technology and Communications Committee Meeting Cancellation

The Technology and Communications Committee meeting regularly scheduled for Monday, May 1, 2017 at 6:15 pm has been CANCELED at the direction of the chair.



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

April 24, 2017

Mailed: Regular Mail 04/24/2017

Mr. Steve Kryder, Chairman
Henry County Republican Party-Central Committee
4862 County Road P
McClure, Ohio 43545

RE: Vacancy on City Council of Napoleon, Ohio, as of April 22, 2017

Dear Mr. Kryder:

As Clerk of Council for the City of Napoleon, Ohio (City), I am informing you as the Chairman of the Henry County Republican Party that **Mr. Patrick M. McColley**, an elected City Council Person, has notified City Council of his **resignation effective April 23, 2017** (*Please See Attached Copy of his Resignation Letter*). This resignation creates a vacancy on City Council for the remainder of his unexpired term ending 12/31/2017. Our records indicate **Mr. Patrick M. McColley** was a registered Republican when he was appointed to City Council on July 20, 2015.

Pursuant to City Charter, **Section 2.08 Vacancies**, "**If a vacancy occurs on Council and within thirty (30) days thereafter, those Central Committee members living in the City, from the same political party as the vacated member at the time of his or her election or appointment to Council, may recommend to Council a person to fill the vacancy for the unexpired term.**" (*Please See Attached City Charter Section 2.08 Vacancies*) **Section 2.02 Qualifications** describes the Eligibility for a person to be a Council member. (*Please See Attached City Charter Section 2.02 Qualifications*)

If the Central Committee members living in the City choose to recommend a person to City Council to fill this vacancy, then please provide the **Name** of this person (Being a Qualified Elector of the City) by no later than Monday, May 22, 2017, or any time sooner is acceptable. If the Central Committee decides **Not To** provide a person's name, then please inform me of that decision as soon as possible. Please send all responses on this issue **in writing** to my attention as Clerk of Council. Thank you for your assistance in this matter.

Sincerely,

Gregory J. Heath
Finance Director/Clerk of Council

Attachments

Cc: Members of City Council
Mayor, City Manager
City Law Director

CITY OF NAPOLEON, OHIO - CHARTER
ARTICLE II – COUNCIL – Sections 2.08 and 2.02

Section 2.08 Vacancies

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

Section 2.02 Qualifications

(A) **Eligibility.** No person shall be eligible to be a Council member unless he or she has been a resident and qualified elector of the City for at least one (1) continuous year immediately prior to his or her filing for office or his OR HER appointment. Council members shall continue to be residents and qualified electors of the City during their terms of office. Except as provided by this Charter, no Council member shall hold any other elected public office or employment with the City. For the purpose of this section, "employment with the City" shall mean, employed by the City of Napoleon and being compensated from this Municipal Corporation's Treasury; and, "elected public office" shall mean, "elected public office of this Municipality".

(B) **Judge of Qualifications.** Council shall be the sole and final judge of the qualification of its members as well as the sole and final judge in determining if there has been a violation thereof. Any Council member who ceases to possess, or who violates, any of the qualifications set forth in this Section shall forfeit his or her office. The failure of any Council member to maintain these qualifications shall not render void or ineffective any ordinance, resolution or other action of Council taken during the time he or she was not so qualified.

Patrick McColley

525 Cambridge Street
Napoleon, Ohio 43545

Phone: (419) 591-6225
patrick.mccolley@live.com

April 17, 2017

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

RE: *Resignation from City Council*

Dear President Sheaffer, Mayor Maassel and Napoleon Council Members,

After careful thought and deliberation, I have decided to accept a position as District Deputy Director for the Ohio Department of Transportation. This position requires me to resign from City Council. I hereby tender my resignation from City Council, effective April 22, 2017. During my time as a councilman, I truly enjoyed being able to work with my fellow council members, city staff, and most importantly the citizens of Napoleon. While the entire council did not always agree on every issue, I always took great pride in the fact that we all served the citizens of Napoleon to the best of our ability and strived to make Napoleon a better place to live, work and play. The City is in a better position now than it has ever been since I have moved back to Napoleon. This is a direct reflection of the current make up of our elected leaders and the staff we have in key positions. I am more optimistic about Napoleon's future than ever. Please keep thinking positive and implement ideas that set Napoleon apart from other area communities. It has been a pleasure working with each and every one of you.

Sincerely,



Patrick M. McColley

CC: Gregory Heath, Clerk of Council / Finance Director

[Join Our Mailing List](#)

 Send to a Colleague



April 26, 2017

HOUSE SUB BUDGET BILL REMOVES CENTRALIZED COLLECTION OF MUNICIPAL NET PROFIT TAX PROPOSAL

The League would like to alert our members that yesterday the House Finance Committee approved new language for a Substitute Budget Bill that removed the Governor's proposed centralized collection language and focuses instead on properly funding the OBG for a rebuild that will adequately service the needs of the tax filers that choose to use the central portal while preserving local control of municipal revenue.

The League would like to thank Rep. Gary Scherer (R-Circleville) who has been working with the League to address our members concerns and ultimately offered the amendment language adopted by the Finance Committee. A copy of the budget language can be found [HERE](#).

The language will:

- Appropriate \$24 million to rebuilding the OBG
- Remove the municipal net profit business filings from the Ohio Revised Code section 57 and reinstates it back into ORC 718.
- Preserves the optional use of the OBG for business filers.
- Removes the 1% service fee to municipalities.
- Allows the Tax Commissioner to charge a user fee of up to one percent (1%) of the tax due on the return or one thousand dollars, whichever is less, to business filers that utilize the rebuilt portal.
- Taxes collected through the Gateway are guaranteed to be distributed to municipalities at least bi-monthly.
- Filings will continue to flow to municipalities through the Gateway preserving auditing and compliance authorities of municipalities.
- The rebuilt Gateway is to be ready by Jan. 1, 2019.

Regarding the language to repeal the throwback rule, an omnibus amendment to the Budget will be adopted by the House Finance Committee next week and then the final proposal will be sent to the full House for a vote and then sent to the Senate.

The league has participated in interested parties meetings with legislators regarding consequences, intentional and unintentional, to the repeal proposal and we believe that language may be added to the omnibus amendment next week altering the "as introduced" version of this proposal.

The Senate will have a few short weeks to incorporate their changes before the Budget is passed. Please keep in touch with your legislators and ask for their support in preserving local control of municipal revenues and to not support budget changes that will further reduce local revenues.

Thank you for all your involvement in letting your members at the Statehouse know how important local control is to creating safe, prosperous communities. In Friday's regular bulletin, we will highlight other issues included in the House budget proposal that will impact Ohio cities and villages.

Meeting/ Training

| | | |
|--|---------------------|---|
| OAPSD Annual Conference Hilliard Police Dept. | May 5th | <u>Membership & Conference Information</u> |
| Mayors Association of Ohio Annual Conference | June 14 - 16 | Embassy Suites Dublin |
| OMCA Annual Conference | July 16 - 20 | <u>Registration Form</u> |

[Ohio Municipal League](#)

Legislative Inquires:

[Kent Scarrett, Executive Director](#)

[Edward Albright, Deputy Director](#)

[Josh Brown, Director of Communications](#)



Update

A weekly newsletter presented by AMP President/CEO Marc Gerken

April 21, 2017



AMP inducts Bentine to Wall of Fame

By Marc Gerken, PE – CEO

John Bentine was honored at the 2017 AMP Wall of Fame ceremony on April 19, following the AMP Board of Trustees meeting.

John served as general counsel for AMP and the OMEA since 1981. He joined AMP in 2012 as senior vice president/general counsel and also served as a longtime ex-officio member of the AMP Board of Trustees. He retired in February 2017, but continues to serve the organization on a consultancy basis.

John was with the Columbus law firm of Chester, Willcox and Saxbe from 1991 to 2012, serving as managing partner and chairing the firm's management committee from 1997 to 2008. The firm merged with Taft Stettinius and Hollister in January 2012.

John is widely respected in the legal field and considered one of the foremost municipal and utility attorneys in Ohio. Prior to entering private practice in 1981, he served on the technical staff of the Public Utilities Commission of Ohio (PUCO), as assistant attorney general and counsel to the PUCO, and as assistant city attorney and senior assistant city attorney for the City of Columbus. He holds a bachelor's degree in business administration from Marshall University and a Juris Doctor from the Ohio State University.

During his 35 years as AMP and OMEA general counsel, Bentine was involved in virtually everything this organization has accomplished. His passion for public service, commitment to public power, care for our

see WALL OF FAME Page 2

MISO announces capacity auction results

By Mike Migliore – vice president of power supply planning & marketing

Each April, MISO runs an auction for the upcoming planning year to contract with generators and curtailable loads to be on call to perform when MISO's load is in danger of exceeding the amount of generation production. The June 2017 to May 2018 auction surprised everyone by clearing at an historical low price of \$0.0456/kW-mo or \$1.50/MW-day. This compares with last year's MISO capacity rate for 2016-2017 of \$2.19/kW-mo. For perspective, a 100 MW generator would only receive \$54,750 of capacity revenue for the 12-month June 2017 through May 2018 period.

The PJM auction for 2017-2018, which ran in May of 2014 sold at \$3.65/kW-mo. In PJM, a 100 MW generator will earn \$4,380,000 of capacity revenue for June 2017 through May 2018.

MISO attributed the drop in prices to a reduction in their load forecast and increase in new generation. Additionally, new transmission projects have eliminated many transmission constraints and allowed capacity to flow freely throughout the MISO footprint.

Energy markets update

By Jerry Willman – assistant vice president of energy marketing

The May 2017 natural gas contract decreased \$0.026/MMBtu to settle at \$3.159/MMBtu. The EIA reported an injection of 54 Bcf for the week ending April 14, which was 4 Bcf above analyst expectations. Natural gas in storage now stands 15 percent above the five-year average.

On-peak power prices for 2018 at AD Hub closed yesterday at \$36.43/MWh, which was \$0.20/MWh higher for the week.

WALL OF FAME continued from Page 1

members and staff, depth of knowledge, sage advice and friendship have benefitted all of us at AMP, the OMEA and our members in countless ways. John's impressive legacy has left an indelible mark.

AMP established the Wall of Fame in 2010 as a tribute to the individuals who have made significant contributions to the organization, and through their dedication, have supported public power. Wall of Fame inductees are the embodiment of the values and principles that are the hallmarks of public power. Their commitment, passion and business acumen deserve special recognition. John was the sole inductee this year and a number of previous inductees were present to recognize his accomplishments.

AFEC update

By Jerry Willman

The Fremont plant was available for 2x1 operation for the week but was cycled offline by PJM on Saturday and Sunday due to economics. The plant was also cycled offline by PJM overnight Tuesday and Wednesday.

Duct firing operated for 14 hours this week. The plant generated at a 41 percent capacity factor (based on 675 MW rating).



Solar dedication ceremony to be held April 27

By Karen Ritchey – director of member events & programs

As a reminder, a dedication ceremony for AMP's Solar Phase II project will take place April 27 at the Bowling Green Solar Facility. The event is by invitation only.

The 20-megawatt (MW) Bowling Green facility, the first installation of AMP's Solar Phase II initiative, achieved commercial operation in January 2017. It is the largest solar installation in the state of Ohio.

The Solar Phase II Dedication Ceremony will take place outdoors at the solar site in a tent. Due to limited parking, carpooling is recommended. Attendees are encouraged to dress appropriately, bring an umbrella and wear comfortable shoes. For additional information or to RSVP, please contact Jodi Allalen at 614.540.0916.

On Peak (16 hour) prices into AEP/Dayton Hub

Week ending April 21

| MON | TUE | WED | THU | FRI |
|---------|---------|---------|---------|---------|
| \$32.75 | \$30.40 | \$34.61 | \$35.26 | \$30.83 |

Week ending April 14

| MON | TUE | WED | THU | FRI |
|---------|---------|---------|---------|---------|
| \$37.64 | \$34.26 | \$33.27 | \$30.20 | \$27.08 |

AEP/Dayton 2018 5x16 price as of April 20 — \$36.43

AEP/Dayton 2018 5x16 price as of April 13 — \$36.23

AMP starts wait list for 2017 lineworker courses

By Jennifer Flockerzie – technical services program coordinator

Basic 1, Basic 2 and Intermediate Lineworker classes are now full and wait lists have been started. An additional Basic 1 Lineworker course has been added to the training schedule and will take place Aug. 7-11.

Three spots remain open for the Advanced Lineworker class, to be held Oct. 2-6. Members are encouraged to let us know of their interest in the lineworker training courses as additional classes may be added if there is sufficient member interest.

Course descriptions are available in AMP's training catalog, located on the [Member Extranet](#). For more information or to register for a course, please contact me at jflockerzie@amppartners.org or 614.540.0853.

Tech Services Conference to take place next week

The AMP Technical Services Conference will take place next week, April 25-26. The event will be held at the Quest Conference Center, located at 8405 Pulsar Place, Columbus, Ohio 43240, and will feature speakers and vendors addressing a variety of utility topics and showcasing the latest products. Please contact Jennifer Flockerzie with questions at 614.540.0853 or jflockerzie@amppartners.org.

Calendar

April 25-26—Technical Services Conference
Quest Conference Center, Columbus

May 5-10—APPA Engineering & Operations Conference/Rodeo
San Antonio, TX

May 22-26—Lineworker Basic 2
AMP Headquarters, Columbus

June 12-16—Lineworker Intermediate
AMP Headquarters, Columbus



Trends in sustainability: customer-led energy storage

By Erin Miller – director of energy policy & sustainability

Prompted by increased storms and related reliability concerns, residents and businesses are turning to energy storage systems to accompany renewable energy deployment.

AMP staff recently participated in a call hosted by National Renewable Energy Laboratory's (NREL) Distributed Generation Interconnection Collaboration (DGIC) on energy storage permitting, interconnect and analysis. On the call were Tria Case, director of sustainability and energy conservation for the City University of New York, and Beth Chacon, XCEL Energy Colorado's director of grid storage and emerging technology.

For the City University of New York, Hurricane Sandy was the impetus that sparked the interest to have solar + storage solutions. To date, there are 100 megawatts (MW) of installed storage in New York City. An online [map](#) is keeping track of these systems.

City University of New York, in partnership with National Renewable Energy NREL and Meister Consultants Group have created a [Roadmap to Resilient Solar in New York](#), March 2017, and are working with municipalities to develop models for permitting and siting energy storage systems. They are mainly working with the fire department and department of buildings to address fire protection, cascading requirements, ventilation requirements, signage requirements and battery disposal. Their goal is to reduce soft costs, set standards and create best practices that can be applied throughout the nation.

Xcel Energy, an investor-owned utility headquartered in Minnesota, is working on guidance for interconnection of battery storage systems as part of their tariff filed in January 2017 with Colorado Public Utilities Commission. They have seen an increase in customer use of energy storage systems.

The Federal Energy Regulatory Commission (FERC) is also noticing. In November 2016, FERC issued a notice of proposed rulemaking to address integration of electric storage into the market, aiming to remove market barriers for electric storage resources and distributed energy resources (DER) aggregators.

As battery storage technology becomes more affordable, it will likely be used more widely. Establishing policies within fire and building codes, as well as revising interconnection agreements and perhaps adding additional metering requirements will be necessary. AMP staff will work to keep abreast of activities and inform membership as this trend progresses.



News or Ads?

Call Kerin Scott at 614.540.6406 or email to kscott@amppartners.org if you would like to pass along news or ads.

Social Media Bank distributed to members this week

By Kerin Scott – manager of publications

AMP distributed a social media "bank" to key contacts in member communities earlier this week. As with the last bank, the sample social media posts consist of dates to highlight, safety tips and efficiency tips.

AMP will continue to distribute these social media banks to members on a quarterly basis, each with relevant content that can be used to connect and engage with utility customers. Please contact Krista Barber-Selva, director of media relations and communications, at 614.540.6407 or kbarber@amppartners.org with any feedback or to request a copy of the document. We are interested in whether this service is useful to our members and encourage you to let us know what you think.



Training course covers 2017 NESC updates

More than 20 representatives from AMP staff and 10 member communities attended the 2017 National Electrical Safety Code (NESC) training course, held April 18 at AMP headquarters. Led by David Marne, author of McGraw-Hill's NESC 2017 Handbook, the class covered the major changes to, as well as provided an overview of, the 2017 edition of the publication.

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Members encouraged to take advantage of SEPA membership

By Erin Miller

AMP renewed its Smart Electric Power Alliance (SEPA) membership in March 2017. This membership extends to all of AMP's member communities. SEPA is a nonprofit organization dedicated to working with electric power stakeholders through issues affecting the growth and utilization of smart energy.

The organization serves as a platform for education, research, standards and collaboration to help utilities, customers and other players deploy and integrate solar, storage, demand response and other distributed energy resources.

Benefits of membership include access to educational activities, working groups, peer-to-peer opportunities and advisory services.

To start receiving SEPA member benefits, AMP members are encouraged to visit the SEPA [website](#) and select "Login" at the top of the page. Those with existing accounts should log in. Those without accounts can register as a new user.

SEPA will host a webinar at 2 p.m. on July 13. The webinar, Microgrids: The Benefits of Including Energy Storage, will feature industry experts that address how microgrids and energy storage can augment the transmission and distribution system for enhanced customer reli-



**Smart Electric
Power Alliance**

ability. The Federal Energy Regulatory Commission (FERC) Reliability Primer and the FERC Notice of Proposed Rulemaking (NOPR) to Integrate Electricity Storage into Orga-

nized Markets will be featured in this discussion. SEPA also has working groups that meet virtually on a monthly or quarterly basis to discuss specific technologies and how they relate to the evolving electric sector. Current working groups include:

- Demand response and smart grid
- Microgrids
- Solar asset management, operations and maintenance

Upcoming working groups will cover:

- Community solar
- Electric vehicles
- Storage

Access to SEPA resources is offered as a benefit of AMP membership and members are encouraged to take advantage of the subscription. Those interested in getting involved in an existing or upcoming working group should contact SEPA's Jenny Senff at jsenff@sepapower.org or 202.753.8782.

Efficiency Smart provides real customers real savings

By Steven Nyeste – communications project manager, Efficiency Smart

Efficiency Smart's residential services offer renters and homeowners in participating communities many options to reduce their electricity use and make their homes more comfortable. These services proved to be helpful when Bowling Green resident Rhonda Melchi was making improvements in her home in 2016.

Melchi first heard about Efficiency Smart as she was in the process of replacing her 18-year-old furnace and air conditioning unit.

"The furnace was aging and the air conditioning was not cooling the home up to par, so it was time for a replacement," she said.

Melchi was reviewing her options when her vendor told her about Efficiency Smart, and the rebates she was eligible for as a Bowling Green Municipal Utilities customer. After reviewing the rebates, she decided to purchase an energy efficient model equipped with an electronically commuted motor (ECM), which was eligible for a \$100 rebate from Efficiency Smart.

"The rebate influenced my decision because I was able to purchase a more efficient unit for almost the same price as a lower model," she said.

After her initial experience, Melchi used Efficiency

Smart's residential rebates again in 2017 when purchasing a new high-efficiency washer and dryer. She received a \$50 rebate for each appliance.

"The entire process – from submitting the rebate request to receiving the check in the mail – was very simple," she said.

As a result of her upgrades, Melchi is expected to save \$160 annually on her electric bill and save more than \$2,800 over the lifetime of her new appliances. Her energy efficiency improvements have also provided additional benefits in her home.

"The temperature is more consistent in our home, our water usage has gone down with the new washer, and our clothes are dried much faster with the new dryer," Melchi said.

She plans to review Efficiency Smart's website to see what products are considered energy efficient before she makes the next improvement in her home.

"Efficiency Smart has made me more conscious about looking for energy-efficient models before purchasing new appliances and products for my home," Melchi said. "It's a really user-friendly program and it puts money back into my pocket."

AMP seeks applicants for multiple positions

American Municipal Power, Inc. (AMP) is seeking applicants for the following positions. For additional information or complete job descriptions, please visit the "careers" section of the AMP [website](#).

Manager of Marketing/Member Relations – This position is responsible for fostering member relationships and implementing AMP's strategic growth plan. This includes assisting the director of marketing/member relations in the administration and marketing of AMP services, programs and projects to members, performing regular visits to member communities and educating members about power supply portfolios, energy markets and AMP programs and services. Qualifications include a bachelor's degree in business or an engineering-related field; three or more years of experience in the electric utility industry; and excellent interpersonal and communication skills. Travel required.

Power Dispatcher – This position is responsible for making hourly purchasing and selling decisions for the use of available generating resources to optimally meet member load requirements; monitoring member loads; and implementing and scheduling power supply arrangements. Candidates must have a minimum of an associate degree in business or related field (bachelor's degree preferred), or related work experience. Candidate must be willing to work rotating shifts; learn power supply operations, economic dispatch of generation resources and transmission use; and become PJM Generation Operation certified within one year of employment.

St. Clairsville begins search for assistant superintendent

The City of St. Clairsville has an immediate opening for an assistant superintendent in its electric department. The assistant superintendent is responsible for assisting the electric superintendent in the day to day operation and management of the electric department in a municipal government setting.

The position also is responsible for conducting maintenance on and installation of high voltage and secondary electric lines. The position also may serve as assistant superintendent for other public service departments. Qualifications include completion of high school (or equivalent) and a minimum of five years of experience working with high voltage electrical, or any equivalent combination of education, experience and training that provides the required knowledge, skills and abilities. Field experience and/or project management experience would be considered a plus. Applicants who live within a 60 minute drive of the city preferred.

A complete position description is available on the city's [website](#). Interested candidates should send a letter of interest with salary requirements and a resume to DOPS, City of St. Clairsville, PO Box 537, St. Clairsville, OH 43950, by May 5.

Village of Oak Harbor in need of superintendent

The Village of Oak Harbor is accepting applications for the position of superintendent of public power. The position is a full-time position that performs a variety of supervisory, administrative, skilled, technical and maintenance oversight in the planning, construction, operation, repair and replacement of the village's electrical system and facilities. The superintendent exercises close supervision over assigned workers and works under the general supervision of the village administrator.

Minimum requirements include a high school diploma or GED, seven years of experience relating to the construction, repair and maintenance of electric supply and distribution systems including the operation of related maintenance equipment or five years of journey line experience. Special requirements include possession of a class "A" CDL not under suspension and able to maintain insurability with the Village of Oak Harbor insurance carrier, a Journeyman Line Worker Certificate and must be bondable.

Applications and full job description are available at www.oakharbor.oh.us or may be obtained from the village offices. Applications will be accepted until 4 p.m. on May 19. Applications should be returned to Administrator Randall Genzman, 146 N. Church St., PO Box 232, Oak Harbor, Ohio 43449-0232, or emailed to randyg@oakharbor.oh.us. Wage is dependent on experience and Ordinance 06-2013. EOE.

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Columbus, Ohio 43229
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www.amppartners.org



City of NAPOLEON, Ohio

Operations Department

1775 Industrial Dr., P.O. Box 151, Napoleon, OH 43545

Phone: 419/599-1891 Fax: 419/592-4379



PRESS RELEASE

SPRING FIRE HYDRANT FLUSHING PROGRAM

The City of Napoleon will be conducting its **SPRING FIRE HYDRANT FLUSHING PROGRAM** on the following dates:

✎ **The weeks of May 1st through May 19th, 2017**

- ✎ Flushing in the Downtown area, along with the areas of North Scott Street, Becklee Drive and Bonaparte Drive will be conducted on May 19, 2017 between the hours of 12:00 a.m. and 8:00 a.m.

The City Crews will start flushing hydrants on the north side of the river near the Water Treatment Plant and work their way to the outer edges of the system.

The flushing of the system is a very important function of the overall maintenance of the water distribution system for the following reasons:

- ✎ To insure that the hydrants are in proper working order in case they are needed for fire fighting.
- ✎ To verify the flow and location of the hydrants for fire fighting.
- ✎ To pull fresh water to low flow and dead end sections of the water mains.

The Water Distribution Department would like to advise that the water sometimes becomes rusty or off-color when we flush hydrants and encourages residents to check the water before doing any laundry, cooking, or showering. In case this does occur, the water lines may be cleared by running the washing machine on the full cold water cycle with no clothes in the washer. Also, check all other fixtures and let the water run until it is clear again.

Except for the Downtown area schedule listed above, the crews will be starting at 7:30 a.m. and continue flushing until approximately 3:00 p.m. on weekdays during this period.

If there is any other questions or concerns on this matter please contact the Operations Department at 599-1891 between the hours of 7:00 a.m. and 3:30 p.m. The City of Napoleon apologizes for any inconvenience during this period.

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 Send to a Colleague



April 28, 2017

This was a busy week at the General Assembly, as the House Finance Committee Chairman Ryan Smith (R-Bidwell) unveiled and the Committee subsequently approved a substitute version of the two year state operating budget. Cities and villages were left with mixed results from this new budget plan, as discussed in detail below. The House Finance Committee cancelled hearings for Friday on the budget while the Chairman announced that he plans to offer a final omnibus amendment and then hold the Committee's final vote on this budget on Monday. We expect the House budget plan to go to the House floor, probably Wednesday. The Chambers are both working hard to determine how to lower the budget, as the Governor has announced a significant shortfall in revenue, estimated to be \$800 million over the biennium.

We continue to discuss the issues that affect municipalities with members. We feel like we have made significant progress since the beginning of this process and are thankful to the Assembly's members who have listened intently to the concerns of our local communities. We need members to continue to voice their concerns with their Representatives and Senators.

HOUSE RELEASES SUBSTITUTE BUDGET PACKAGE. MORE WORK TO BE DONE

On Tuesday, the Ohio House Finance Committee voted to approve the first round of major changes that are planned to the Governor's proposed budget. In this substitute bill, the House plan reduces all spending by \$1 billion in FY18 and \$1.5 billion in FY 19. The substitute bill includes 1.5 percent cuts across most state agencies, plus "targeted reductions" to multiple spending items.

The League would like to thank House members that eliminated the centralization of municipal net profits taxes from the budget at the urging of the League and our members. We discuss the municipal income tax proposals in more detail below.

Below is a brief rundown of areas addressed in the sub bill that we feel our members should be specifically aware of.

Recommendations included from the hearings by the House Ways and Means committee:

- Removed the Governor's proposed tax reform plan, including proposed changes to the following taxes: income, sales, severance, commercial activity, tobacco and vapor, and alcohol.
 - Eliminates the bottom two individual income tax brackets. New lowest bracket begins at \$10,000 at \$74.25 plus 1.980% of the amount above \$10,000. The current low-income tax credit, which eliminates liability for an individual with less than \$10,000, is repealed.

Other issues reviewed by Chairman Tim Schaffer and the House Ways and Means committee including issues impactful to municipalities:

Municipal Tax:

- Strikes the centralized collection proposal. Instead allows a business to file a single annual or estimated return through the Ohio Business Gateway which a business may report and pay the total tax due to all the municipalities in which the business earned net profits, allows the commissioner to collect a fee of 1% of the tax due or \$1000 whichever is less. Requires the Commissioner to distribute municipal income taxes semi-monthly.
- Changes the penalty for a late municipal income tax to "not to exceed 50%" of the unpaid amount rather than 50%.
- Charges TAX to study the feasibility of accepting municipal tax returns through the existing federal/state modernized e-file system.
- Retains "Throwback" rule repeal

Local Government Fund (LGF):

- Discards proposed changes to the distribution of the Local Government Fund.

Miscellaneous Municipal/Local Government:

- Continues the ability for a county or municipality to enter into an enterprise zone agreement after October 15, 2017.
- Authorizes a county or municipal government to extend a pre-1994 CRA without triggering the laws enacted in 1994.
- Clarifies that public officials are allowed to accept registration fees, travel expenses, and meals during a meeting or convention of a national, state, and regional organizations that a government body pays dues to. This amendment corrects a misinterpretation of the ethics law by the Ohio Ethics Commission in an informal advisory opinion.
- Eliminates the Constitutional Modernization Commission on July 1, 2017.
- Earmarks \$150,000 in FY'18 in the 800-635, Small Government Fire Departments, for equipment related to a fire training center that received capital appropriation in S.B. 310 from the 131st GA.
- Compels Hamilton County to distribute the proceeds of its hotel and lodging tax above \$6 M per year to the township or municipality of origin on a proportional basis.
- Directs the Governor to create Clean Water Central Ohio to oversee waste treatment planning in Franklin and parts of surrounding counties.
- Elevates the threshold for competitive bidding for port authorities to \$250,000.
- Sanctions a probate court to do the following in regards to a park district created by an order of the court: 1) issue an order preventing interference with the court's order creating the district, 2) enforcing the court's order creating the district, 3) issuing an

order compelling compliance with the laws, 4) investigating matters involving the park district, 5) Impose duties and restrictions on a person or party who interferes with the park district's purposes 6) tax the cost of proceedings as court costs.

- Exempts property conveyed to a development corporation that is unoccupied and once owned by the federal government from local property taxes.
- Mandates a political subdivision pay owners fees when the subdivision appeals a property tax assessment case and loses.
- Adds two new factors to be considered in calculating the current agricultural use value (CAUV) "typical cropping and land use patterns" and "typical production costs" and deletes one existing factor "market value". States that the equity yield rate used to calculate the capitalization rate equals the 25-year average of the "total rate of return on farm equity" published by the US Department of Agriculture and the holding period for the purposes of calculating the components of capitalization is 25 years.
- Authorizes a county with a population between 375,000 and 400,000 that levies a 3% lodging tax to increase the rate up to an additional 3%.
- Permits counties participating in a Regional Transportation Improvement Project (RTIP) to create a financing mechanism similar to TIF district and makes an \$250,000 appropriation for the RTIP involving Carroll, Columbiana and Stark counties.

Health & Human Services: Opioid crisis and anti-addiction efforts: For programs that implement drug treatment, mental health services, workforce assistance, prevention and recovery efforts, the substitute bill includes an additional \$170 million. Specifically:

- Increases 336-432, Continuum of Care Services by \$27 M. Earmarks \$12 M for county ADAMHS boards, \$9 M for ADAMHS boards to establish an acute substance abuse use disorder stabilization center in each of the six state psychiatric hospital regions, and \$6 M for the ADAMHS boards to establish a mental health crisis center in the same regions.
- Finances \$20 M for treatment facilities through a capital appropriation.
- Increases 600-533, Child, Family and Community Protection Services by \$15 M per year.
- Earmarks \$10 M per year from 600-410, TANF MOE, to provide support for kinship caregivers.
- Revises the fees for county recorder charges. Removes the \$50 M cap of the fees deposited into the Low- and Moderate-Income Housing Trust Fund. Eliminates the Housing Trust Reserve Fund. Provides that of the amount into the Trust Fund, \$6 M shall be provided to the Department of Mental Health and Addiction Services (MHA) to advance housing opportunities for individuals exiting residential opiate treatment.
- Appropriates \$5 M per year for drug prevention.
- Directs \$3 M per year to 336-422, Criminal Justice Services, and creates medication-assisted treatment in drug court programs in 18 additional counties.
- Creates the County Hub Program to Combat Opioid Addiction and appropriates \$2.2 M in FY'18 for this purpose.
- Increases 336-510, Residential State Supplement by \$1 M per year.
- Introduces a pilot program in Franklin, Cuyahoga and Warren counties to provide mental health and recovery supports to offenders in the criminal justice system in mental health courts. Appropriates \$700,000 per year.
- Earmarks \$150,000 per year from 600-523, Family and Children Services for crisis care nurseries and increases the line by the same amount.

- Establishes a pilot program in Cuyahoga County to convert unused Nursing Facility (NF) beds for drug treatment.
 - Creates an opioid addiction treatment website

State Government & Agency review:

- **Lowers the threshold for signatures required to dissolve a village from 40% of electors to 30%.**
- Adds cyber-training to the list of permissible activities the AOS can provide to local governments.
- Require the Deputy Auditor of State (AOS) to be a certified public accountant.
- Removes the sunset that permits the AOS to escalate fiscal watch to fiscal emergency.
- Extends the number of days the AOS has to handle an investigation of malfeasance of fiscal officers from 10 to 30.

Primary & Secondary Education : K-12 education saw an increase of \$80 million. Specifically, the Sub budget bill:

- Increases the per pupil amount to \$6020 per year from \$6000.
- Removes the transportation supplement from the transitional aid calculations.
- Increases the gain cap to 5.5% from 5.0%.
- Raises the capacity aid multiplier to 4.0 from 3.5.
- Provides a high performing ESC will receive \$25 per student. Other ESCs will receive \$23 per student.
- Adjusts the valuation index in certain districts with high public utility personal property from a "three-year average valuation" to the districts 2016 total taxable valuation if the 2016 value is less.
- Removes the internship requirement for teachers.

The full comparison document of the House Finance Committee's changes can be viewed at <http://www.lsc.ohio.gov/fiscal/comparedoc132/h1/comparedoc-hb49-h1.pdf>

MUNI TAX ISSUES CONTINUE TO DOMINATE HOUSE AND SENATE FINANCE COMMITTEE DISCUSSIONS

Talks about municipal income tax changes in the Governor's proposed budget continued this week in the Finance Committees in both the House and the Senate.

On Tuesday, the House unveiled its Sub Bill, containing the changes the House has made thus far to the Governor's initial budget proposal. The Sub Bill, which was approved by the House Finance Committee that day, contained 3 items of note for municipal income tax. The first, and the most important, was the removal of the centralized collection of municipal income net profit business filings through the Ohio Business Gateway. The Amendment language, introduced by Rep. Gary Scherer (R-Circleville), took the administration and collection of the municipal income net profit tax from section 57 of the ORC and placed it back in section 718, so it remains a municipal tax. It allows businesses to choose to file through the OBG instead of

mandating it. It appropriates \$24 million to rebuild OBG to interface with tax preparer software and to accept and process attachments, and mandates these changes be made ready by Jan. 1, 2019. It provides bi-monthly distribution of the collected revenues to the municipalities, and mandates that all filing documents be sent to the municipality for the purposes of reviewing, auditing, and compliance enforcement.

The Ohio Municipal League wants to thank Rep. Scherer and his staff for the work they did to ensure municipalities maintain control of their local revenues and thereby ensure they're empowered not only to provide businesses with local, personal tax assistance, but also to create safe, prosperous communities with a steady, locally-controlled revenue stream. We are also grateful the business community will soon have access to an OBG that can interface with their software and accept attachments, giving businesses the option to file through a portal that will actually meet their needs.

Additionally, Rep. Scherer introduced amendment language into the Sub Bill that changes the language regarding late penalties for remitting employee withholdings from "50%" to "up to 50%".

Rep. Mike Duffey (R-Worthington) introduced amendment language that removed the Governor's proposed method for distributing the Local Government Fund based on a determination of taxing capacity for each political subdivision. That language created winners and losers among municipalities and punished several economically-developed communities for not imposing increased local taxes. We are grateful Rep. Duffy recognized the damage this distribution method would have caused and we thank him and his staff for working to remove that language from the Budget.

Unfortunately, despite interested party meetings with legislators in the House, the elimination of the "throwback" provision has stayed in the adopted Sub Bill. We will continue to meet with interested parties and legislators in the Senate to educate them on the disastrous effect the elimination of the "throwback" would have on both our communities and our businesses, and we encourage our members to contact their Senators to relay the damage eliminating "throwback" would do in their communities' budgets.

Later that same day, the Senate Finance Committee heard from Tax Commissioner Joe Testa, whose testimony did not reflect the changes made in the Sub Bill adopted earlier that morning. He reiterated the supposed burden the municipal collection of the net profit income tax has on the business community and the "antiquated" nature of the "throwback" provision. He also sighted the much-questioned "\$800 million in compliance costs" figure from the Governor's office. OML repeatedly asked the Governor's office to provide sources and a breakdown in figures to explain where they found this impossibly astronomical number. We never got a response. Unfortunately, the Commissioner's citations only further muddied the waters. He claimed the estimate was based on "taxpayer filings for state and local sales tax and municipal income tax for electric light and phone companies, as well as the results of a 2014 survey conducted by the National Society of Accountants and information from the Ohio Society of CPAs." OML still has yet to see the actual numbers that can somehow prove compliance costs could outstrip the net profits revenues themselves by a full \$200 million.

Members of the committee, however, were undoubtedly skeptical of the Commissioner's claims.

Sen. Eklund (R-Munson) began by saying he was surprised the Commissioner's justification for centralized collection was "businesses whining" about net profits filing compliance, because he has never heard anything from the businesses in his district on

the issue and that when he brings the issue up, "they look at me like I'm from Jupiter." He also said the Secretary of State's office has reported record high net profits for the past 4 years and wanted to know if Testa had any data beyond his "anecdotal story" that businesses weren't filing. Testa conceded that his evidence is anecdotal, but that the "common thread" of various businesses associations "weighing in" created the proposal.

Sen. Manning (R-North Ridgeville) before moving to another aspect of the budget to ask a question, took the time to reiterate the point made by Sen Eklund that she has spoken to businesses in her district as well and they tell her their number one issue is employees, not tax.

Sen. Dolan (R-Chagrin Falls) took issue with the alleged projected savings of centralized collection as he said cities in his district charge significantly less for collection than what the administration is proposing. He then spoke to his concern about the cost of centralized to cities beyond the proposed 1% administration fee, and contested Testa's assertion that ODT administration would mean increased compliance and therefore more revenue for municipalities, as "cities are not in the habit of leaving dollars around."

Both Sen. Tavares (D-Columbus) and Sen. Skyes (D-Akron) wanted to know why there couldn't simply be a centralized collection software municipalities could use so that the State could be left out of the collection and administration.

Finally, Sen. Lehner (R-Kettering) spoke to how the LGF had an apportionment that was the cities' tax that was taken by the state "bit by bit". She wanted to know how the State takeover of net profit filings was any different. Testa replied he could not speak to the LGF.

General testimony on the Budget bill was heard in the House Finance Committee throughout the week. The only other testimony on municipal income tax issues was from the Ohio Society of CPAs and the Ohio Manufacturer's Association, both as "interested party."

Early next week, the House will adopt and pass an Omnibus Amendment to the Budget bill before it sent over to the Senate. OML will keep our members apprised of proceedings related to municipalities as the Senate makes their changes to the bill.

HOUSE COMMITTEE HEARS BUILDING INSPECTION BILL

A few weeks ago we reported on the introduction of House Bill 128, introduced by Representative Kristina Roegner (R-Hudson) which would permit a general contractor or owner of specified buildings to enter into a contract with a third-party private inspector or a certified building department for building inspection and to make other changes relating to building inspections. The bill, in its current form, would allow constructions companies to subvert their local building departments, even after inspections have been conducted, by allowing them to choose to use third party inspections of their own choice.

Representative Roegner gave sponsor testimony on this bill on Tuesday of this week to the House Economic Development, Commerce and Labor Committee. She argued that constructions companies cannot currently choose their own building officials, and that they should be allowed to do so because "in the instances where there are backlogs or personality conflicts, this lack of choice can lead to unnecessary and expensive delays."

The League, in conjunction with the Ohio Building Officials Association, have urged Representative Roegner to consider an alternative path in lieu of allowing construction companies to undermine local building code enforcement departments. Amendments are currently being considered, but we are not aware of any amendments that would address our primary concern-that the local building departments must retain full control of building inspections.

We believe opponent testimony will be allowed in the coming weeks. Meanwhile, please forward this bill to your building departments and contact OML Director of Communications Josh Brown at jbrown@omlohio.org or call (614) 221-4349 if you have concerns or comments about the bill.

You can view a copy of the bill [HERE](#).

HOUSE COMMITTEE HEARS ENVIRONMENTAL BILLS OF MUNICIPAL INTEREST

On Tuesday, the House Energy and Natural Resources Committee heard testimony on Senate Bill 2 and House Bill 29. Senate Bill 2 would revise certain laws relating to environmental protection. Sponsor testimony was given by Senator Cliff Hite (R-Findlay) and Ohio EPA Director Craig Butler. Butler discussed the details of the bill, saying that the bill would help protect Lake Erie by allowing the OEPA to promulgate rules regarding the beneficial reuse of dredged materials from federal navigation channels and the definition of "waste" in the dredged materials context. Also, the bill will provide clarity about the agency's authority to deal with abandoned landfills.

House Bill 29 received sponsor testimony as well. It was introduced by Representatives David Leland (D-Columbus) and Kristen Boggs (D-Columbus) and would eliminate law authorizing the maintenance of buffers around municipal water reservoirs by contiguous property owners. The members said the bill "would restore the municipalities' ability to maintain these natural buffer zones, thereby ensuring that our water supplies will be protected . . . Fortunately, a lawsuit filed by some of the affected cities -- Columbus, Westerville, Akron, Barberton and Lima -- has temporarily blocked the law from taking effect. But since we created the problem, we need to take this action to protect the health and safety of our constituents."

PIPE MATERIAL BILL RECEIVES HEARING

The House State and Local Government Committee heard testimony from multiple proponents on House Bill 121, which was introduced by Representative Jay Edwards (R-Nelsonville) and would require a public authority to consider all piping materials that meet the engineering specifications for a state-funded water or waste water project. Most of the proponents were professionals in the pvc piping industry. Some represented organizations in that industry.

Committee members questioned witnesses repeatedly about the meaning of the words "shall consider." Opponents, including the League, believe that this bill could undermine professional discretion of city engineers and impose undue liability on municipalities. Further, the bill would undermine the authority of local governments to develop their