
Memorandum

TO: Mayor and City Council
cc: City Manager, Finance Director, City Law Director
FROM: Roxanne
SUBJECT: General Information
DATE: June 16, 2017

CALENDAR

COUNCIL AGENDA

C. APPROVAL OF MINUTES

June 5, 2017 Special Meeting/Public Hearing Minutes
June 5, 2017 City Council Meeting

G. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **Resolution No. 037-17**, a Resolution Authorizing the City Manager to execute all documents necessary to Apply and Accept Ohio Public Works Commission State Capital Improvement Program (SCIP) and Local Transportation Improvement Program (LTIP) funds for projects deemed necessary by the City Engineer in the Year 2018.
2. **Ordinance No. 039-17**, an Ordinance Amending the Provision of the Income Tax Code of the City of Napoleon, Ohio to provide for a Temporary Increase of Three Tenths Percent (0.3%) to the Permanent 1.3% Income Tax; said 0.3% Temporary Income Tax Increase to Commence on January 1, 2018 and End on December 31, 2022; and Temporarily Repealing Ordinance No. 103-08, and Amending Section 193.02 of the Codified Ordinances, all subject to Approval by the Electors of the City of Napoleon, Ohio on the November 7, 2017 Ballot.
3. **Resolution No. 040-17**, a Resolution providing for an Election on the Question of the Provision of the Income Tax Code of the City of Napoleon, Ohio to provide for a Temporary Increase of Three Tenths Percent (0.3%) to the Permanent One and Three Tenths Percent (1.3%) Income Tax; said 0.3% Temporary Income Tax Increase to Commence on January 1, 2018 and End on December 31, 2022; and Temporarily Repealing Ordinance No. 103-08, and Amending Section 193.02 of the Codified Ordinances, all subject to Approval by the Electors of the City of Napoleon, Ohio on the November 7, 2017 Ballot; and ***Declaring an Emergency.***
4. **Resolution No. 041-17**, a Resolution Authorizing the City Manager to execute any and all documents necessary to Apply for, Accept, and Enter into an Ohio Environmental Protection Agency (OEPA) Division of Environmental and Financial Assistance (DEFA) Water Pollution Control Loan Fund (WPCLF) Agreement on behalf of the City of Napoleon, Ohio for Planning, Design, and/or Construction of Wastewater Pumping Facilities; and Designating a Dedicated Repayment Source for the Loan; and Declaring an Emergency. (***Suspension Requested***)
5. **Resolution No. 042-17**, a Resolution in Support of a Second River Bridge in and for the City of Napoleon, Ohio. (***Suspension Requested***)
6. **Resolution No. 043-17**, a Resolution Authorizing an Agreement between the City of Napoleon, Ohio and the County Commissioners of Wood County, Ohio for the purpose of Residential Code Inspection Services; and ***Declaring an Emergency.*** (***Suspension Requested***)

H. SECOND READINGS OF ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 034-17**, an Ordinance to Approve Current 2017 Replacement Pages to the City of Napoleon, Ohio Codified Ordinances. *(Suspension Requested)*
2. **Resolution No. 035-17**, a Resolution Adopting the 2018 Tax Budget for the City of Napoleon, Ohio, as Required in Sections 5705.28 and 5705.281 of the Ohio Revised Code (ORC) and Directing the Finance Director to File the Same with the County Auditor; and *Declaring an Emergency*.

I. THIRD READINGS OF ORDINANCES AND RESOLUTIONS - None

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

1. **Recommendation from the NIEDF Committee to Provide a \$5,000 Grant to Honey Blossom Orchard for Costs of a Sewer Tap Access.** *(Tabled)*
2. **Recommendation to approve the PSCAF for June 2017 as: PSCAF –three (3) month averaged factor \$0.00929, JV2 \$0.029512, JV5 \$0.029512.**
3. **Award of the 2017 Downtown Improvements Project**
 - attached is a Memorandum from Chad with the recommendation of award.
4. **Award of the Napoleon Safety Services Training Facility**
 - we did not receive any bids for this project.
5. **Award of the Napoleon Safety Services Training Facility – Site Plan**
 - the recommendation of award is in the attached Memorandum from Chad.
6. **City Council Meeting on Monday, July 3rd or Wednesday, July 5th, 2017 at 7:00 pm**
7. **Acceptance of \$600.00 Donation from United Way of Henry County for the Safety City Program.**
8. **Acceptance of \$336.00 Donation from Culligan Water to the Fire Department.**
9. **Repeal of Codified Ordinance Chapter 711, Part Seven-Business Regulation Code; Amusement Devices and Arcades.** *(Refer to Committee)*

L. Approve Payment of Bills and Approve Financial Reports

MISCELLANEOUS INFORMATION

1. Meetings Canceled
 - Parks and Recreation Committee
 - Ad-hoc Committee on Organizational Health and Strategic Vision
 - City Tree Commission
2. 2017 Fourth of July Celebration Schedule of Events
3. Updated 2017 Council, Committees, Commissions and Boards

JUNE 2017

<i>Sun</i>	<i>Mon</i>	<i>Tues</i>	<i>Wed</i>	<i>Thurs</i>	<i>Fri</i>	
May 28	May 29	May 30	May 31	1	2	3
	Offices Closed for	8:00 am - Healthcare	6:30 pm Park & Rec Board			
	Memorial Day Holiday	Cost Committee Mtg.				
4	5	6	7	8	9	10
	6:15 pm Technology Comm					
	6:55 pm Public Hearing					
	7:00 pm City Council					
11	12	13	14	15	16	17
	6:30 pm - Electric Comm.	4:00 pm Records Retention				
	6:30 pm - BOPA					
	7:00 pm Water/Sewer Comm					
	7:30 pm Municipal Properties Bldg., Land Use, ED Comm.					
18	19	20	21	22	23	24
	7:00 pm City Council					
25	26	27	28	29	30	
	6:30 pm Finance & Budget	4:30 pm Civil Service				
	7:30 pm Safety & Human Resources Comm.					

City of Napoleon, Ohio

CITY COUNCIL

Meeting Agenda

Monday, June 19, 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. Approval of Minutes: *(in the absence of any objections or corrections, the minutes shall stand approved)*

1. June 05, 2017 Special Meeting/Public Hearing Minutes and June 05, 2017 Regular City Council Meeting Minutes

D. Citizen Communication

E. Reports from Council Committees

1. **Electric Committee** met on June 12, 2017 and
 - a. Approved Power Supply Cost Adjustment Factor for June 2017
 - b. Approved Amendment to JV2 Lease Agreement.
2. **Water, Sewer, Refuse, Recycling and Litter Committee** met on June 12, 2017 and
 - a. heard updates on the WTP Project and also the Wastewater Treatment Plant.
3. **Municipal Properties, Building, Land Use and Economic Development Committee** met on June 12, 2017 and
 - a. Approved Entering into Agreement with Wood County for City Inspection Services.
 - b. Discussion on Roundhouse Road (Tabled)
 - c. Discussion on Downtown Improvements (Tabled)
4. **Parks and Rec Committee** did not meet due to lack of agenda items.
5. **Ad-hoc Committee on Organizational Health and Strategic Vision** did not meet.

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

1. **Records Commission** met on June 13, 2017 and approved the requested changes to the Human Resources and Income Tax Retention Schedules.
2. **Board of Zoning** did not meet on June 13, 2017 due to lack of agenda items.
3. **Planning Commission** did not meet on June 13, 2017 due to lack of agenda items.
4. **Tree Commission** did not meet tonight due to lack of agenda items.

G. Introduction of New Ordinances and Resolutions

1. **Resolution No. 037-17**, a Resolution authorizing the City Manager to execute all documents necessary to apply and accept Ohio Public Works Commission State Capital Improvement Program (SCIP) and Local Transportation Improvement Program (LTIP) funds for projects deemed necessary by the City Engineer in the year 2018.
2. **Ordinance No. 039-17**, an Ordinance amending the provision of the Income Tax Code of the City of Napoleon, Ohio to provide for a Temporary Increase of Three Tenths Percent (0.3%) to the Permanent 1.3% Income Tax; said 0.3% Temporary Income Tax Increase to Commence on January 1, 2018 and End on December 31, 2022; and Temporarily Repealing Ordinance No. 103-08, and Amending Section 193.02 of the Codified Ordinances, all subject to approval by the Electors of the City of Napoleon, Ohio on the November 7, 2017 Ballot.
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4. **Resolution No. 041-17**, a Resolution authorizing the City Manager to execute any and all documents necessary to apply for, accept, and enter into an Ohio Environmental Protection Agency (OEPA) Division of Environmental and Financial Assistance (DEFA) Water Pollution Control Loan Fund (WPCLF) Agreement on behalf of the City of Napoleon, Ohio for planning, design, and/or construction of wastewater pumping facilities; and designating a dedicated repayment source for the loan; and Declaring an Emergency. *(Suspension Requested)*
5. **Resolution No. 042-17**, a Resolution in support of a Second River Bridge in and for the City of Napoleon, Ohio. *(Suspension Requested)*
6. **Resolution No. 043-17**, a Resolution Authorizing an Agreement between the City of Napoleon, Ohio and the County Commissioners of Wood County, Ohio for the purpose of Residential Code Inspection Services; and Declaring an Emergency. *(Suspension Requested)*

H. Second Readings of Ordinances and Resolutions

1. **Ordinance No. 034-17**, an Ordinance to Approve Current 2017 Replacement Pages to the City of Napoleon, Ohio Codified Ordinances. *(Suspension Requested)*
2. **Resolution No. 035-17**, a Resolution Adopting the 2018 Tax Budget for the City of Napoleon, Ohio, as Required in Sections 5705.28 and 5705.281 of the Ohio Revised Code (ORC) and Directing the Finance Director to File the Same with the County Auditor; and Declaring an Emergency.

I. Third Readings of Ordinances and Resolutions

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

1. **Discussion/Action:** to Approve the Recommendation from the NIEDF Committee to Provide a \$5,000 Grant to Honey Blossom Orchard for Costs of a Sewer Tap Access. (Tabled)
2. **Discussion/Action:** Recommendation to approve the PSCAF for June 2017 as: PSCAF –three (3) month averaged factor \$0.00929, JV2 \$0.029512, JV5 \$0.029512.
3. **Discussion/Action:** Award of the 2017 Downtown Improvements Project.
4. **Discussion/Action:** Award of the Napoleon Safety Services Training Facility
5. **Discussion/Action:** Award of the Napoleon Safety Services Training Facility – Site Plan
6. **Discussion/Action:** City Council Meeting on Monday, July 3rd or Wednesday, July 5th, 2017 at 7:00 pm
7. **Discussion/Action:** Acceptance of \$600.00 Donation from United Way of Henry County for the Safety City Program.
8. **Discussion/Action:** Acceptance of \$336.00 Donation from Culligan Water to the Fire Department.
9. **Discussion/Action:** Repeal of Codified Ordinance Chapter 711, Part Seven-Business Regulation Code; Amusement Devices and Arcades. *(Refer to Committee)*

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

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

M. 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: July __, 2017 @6:15 pm)
- 2. Electric Committee (2nd Monday)**
(Next Regular Meeting: Monday, July 10, 2017 @6:30 pm)
 - a. Review of Power Supply Cost Adjustment Factor for July, 2017
 - b. Electric Department Report
- 3. Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday)**
(Next Regular Meeting: Monday, July 10, 2017 @7:00 pm)
 - a. Update on WTP Project (Tabled)
 - b. Update on Wastewater Treatment Plant (Tabled)
- 4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday)**
(Next Regular Meeting: Monday, July 10, 2017 @7:30 pm)
 - a. Discussion on Roundhouse Road (tabled)
 - b. Discussion on Downtown Improvements (tabled)
 - c. Discussion on Parking Spaces (tabled)
 - d. Updated Information from Staff on Economic Development (as needed)
- 5. Parks & Recreation Committee (3rd Monday)**
(Next Meeting: Monday, July 17, 2017 @6:00 pm)
- 10. Ad Hoc Committee on Organizational Health and Strategic Vision (3rd Monday)**
(Next Mtg: Mon., July 17, 2017 at 6:15 pm)
 - a. Discussion on Mission and Strategic Vision.
- 11. Finance & Budget Committee (4th Monday)**
(Next Regular Meeting: Monday, June 26, 2017 @6:30 pm)
- 12. Safety & Human Resources Committee (4th Monday)**
(Next Meeting: Monday, June 26, 2017 @7:30 pm)
 - a. Repeal of Codified Ordinance Chapter 711, part Seven-Business Regulation Code; Amusement Devices and Arcades.
- 13. Personnel Committee (as needed)**
- 14. 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, July 10, 2017 @6:30 pm)
 - a. Review of Power Supply Cost Adjustment Factor for July, 2017
 - b. Electric Department Report
- 2. Board of Zoning Appeals (2nd Tuesday)**
(Next Regular Meeting: Tuesday, July 11, 2017 @4:30 pm)
- 3. Planning Commission (2nd Tuesday)**
(Next Regular Meeting: Tuesday, July 11, 2017 @5:00 pm)
- 4. Tree Commission (3rd Monday)**
(Next Regular Meeting: Monday, July 17, 2017 @6:00 pm)
- 5. Civil Service Commission (4th Tuesday)**
(Next Regular Meeting: Tuesday, June 27, 2017 @4:30 pm)
- 6. Parks & Recreation Board (Last Wednesday)**
(Next Regular Meeting: Wed., June 28, 2017 @6:30 pm)
- 7. Privacy Committee (2nd Tuesday in May & November)**
(Next Regular Meeting: Tuesday, November 14, 2017 @10:30 am)
- 8. Records Commission (2nd Tuesday in June & December)**
(Next Regular Meeting: Tuesday, December 12, 2017 @4:00 pm)
- 9. Housing Council (1st Monday of the month after the TIRC meeting)**
- 10. Health Care Cost Committee (as needed)**
- 11. Preservation Commission (as needed)**
- 12. Napoleon Infrastructure/Economic Development Fund Review Committee (NIEDF) (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

SPECIAL MEETING MINUTES - PUBLIC HEARING

Monday, June 5, 2017 6:55 pm

PRESENT

Council Members

Mayor

City Manager

Law Director

Finance Director/Clerk

Recorder

Others

ABSENT

Council President Sheaffer, President Pro-Tem Joe Bialorucki, Jeff Comadoll, Dan Baer, Jeff Mires, Rita Small

Jason Maassel

Joel Mazur

Billy D. Harmon

Gregory Heath

Roxanne Dietrich

Newsmedia, Lori Sicclair, Jerry Tonjes

None

Call To Order

Councilman Sheaffer called the Special Council Meeting/Public Hearing to order at 6:55 pm.

2018 Tax Budget and the Inside Ten (10) Mill Levy Rates Allocated to the City

Heath said a public hearing is a requirement of the Ohio Revised Code regarding the tax budget. The purpose of the tax budget in our county is the determination of the inside 10 mill limitation, that is the unvoted portion of property tax that is allocated to the City. Our allocation is 2 mills to the General Fund, 0.6 mills to the Police fund and 0.3 mills to the Fire fund which equates to a total of \$407,455 total estimated taxes.

Motion To Close Public Hearing

Motion: Comadoll Second: Small
To close the public hearing at 6:58 pm.

Passed

Yea-6

Nay-0

Roll call vote on above motion:

Yea-Comadoll, Baer, Mires, Small, Bialorucki, Sheaffer

Nay-

Date Approved:

June 19, 2017

Travis Sheaffer, Council President

Jason Maassel, Mayor

Gregory J. Heath, Finance Director/Clerk of Council

CITY COUNCIL

MEETING MINUTES

MONDAY, JUNE 05, 2017 AT 7:00 PM

PRESENT

Council

Travis Sheaffer-Council President, Joe Bialorucki-Council President Pro-Tem, Jeff Comadoll, Rita Small, Dan Baer, Jeff Mires, Lori Siclair

Mayor

Jason P. Maassel

Finance Director/Clerk

Gregory J. Heath

City Manager

Joel Mazur

Law Director

Billy D. Harmon

Recorder

Roxanne Dietrich

City Staff

Clayton O'Brien-Fire Chief

Dave Pike, WWTP Superintendent

Bob Weitzel-Police Chief

Dan Wachtman-MIS

Others

News Media, Jerry Tonjes, Laura Hibbard, Dennis Layman

ABSENT

Prayer

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

Consideration of Republican Party Nomination to Vacant Council Seat

Heath announced the Republican Party Central Committee has recommended Lori Siclair to fill the open City Council position.

Motion to Appoint Lori Siclair to Fill the Vacant Council Seat

Motion: Bialorucki Second: Small
to appoint Lori Siclair to fill the vacant council set.

Passed

Roll call vote on the above motion:

Yea-6

Yea-Comadoll, Baer, Mires, Small, Bialorucki, Sheaffer

Nay-0

Nay-

Siclair Sworn In

Siclair was sworn in by Mayor Maassel.

Approval of Minutes

Hearing no corrections or objections, the Minutes from the May 15, 2017 City Council meeting stand approved as presented.

Presentation by the Mayor

Mayor Maassel presented a plaque from the Northwest Ohio Water Environmental Association to Dave Pike for hosting the quarterly meeting on May 17th at Oberhaus Park. The shelterhouse was just about filled to capacity and a nice lunch was served. Dave, you and your crew did a nice job, we appreciate all the hard work.

Citizen Communication
Agenda Item L.1.
Moved Up
(verbatim requested by
City Manager)

Agenda Item L.1. – approve recommendation from the NIEDF Committee to provide a \$5,000 Grant to Honey Blossom Orchard for Costs of a Sewer Tap Access.

Mazur explained the NIEDF Committee met on May 22nd and approved the recommendation to award a grant from the fund to Honey Blossom Orchard to help offset some of the costs for the sewer tap we have been in many discussion with Miss Hibbard regarding the opening of the business as you recall we expedited through the changes to the Table of Permissible Uses to accommodate the use of the property we did everything that we could to plan for the Conditional Use Permit to be filed the deadline was actually last week and as of right now as far as I know as far as I have got no information the permit application was not filed for a conditional use for the for that property so I don't know at this time what's going to happen after discussions with Miss Hibbard I think that the chime in at any time but you don't want to go down that road anymore even though we went through and changed the Table of Permissible Uses you want to go down a different route not really sure what that all entails but we have done everything we can to accommodate expeditiously including the waiving of some of the fees requirements these are just things that normal business practices cost of doing business with the permit applications and as of right we don't have a conditional use permit filed we are not right now we are not going to have a Plan Commission meeting to allow that so with that said and I have stated this in writing to Miss Hibbard that it is going to be my recommendation to table this item until we figure out what the business wants to do that's currently all I have I have an entire timeline of conversations and different permits and fees and everything that have been waived as part of this we have done everything we can on our part we even actually mailed out the letters to the residents notifying them of the Plan Commission meeting and since have sent letters back out to those residents to let them know the meeting is canceled. So, at this time I can't in good conscious recommend to Council to approve this without knowing what is going to happen with the business so my recommendation is going to be to table it but unless something else happens or it is the desire of Council to move forward with it probably a decision for this body.

President Sheaffer to Laura Hibbard "do you have anything you want to say? Come on up to the"

Hibbard - "Okay I received an email from Joel on Friday I have been trying to call his office and also Mark Spiess office for two days no response back. Mark did send me an email but I need to talk to someone to find out some other information in regards there are two different subjects here, one is the conditional use permit which on a property if you remember we split the property where these barns and this area was one property and this and this was another property. All the livestock the conditional use or farm market would apply to would be on this section right here we already have water and sewer here so we don't need any of that. The sewer that we need is on this property which is where we were putting the new barn for the seminar hall and that's what the grant was because by the time we're done we would have paid \$70,000 in assessment fees okay so I just assume if I'm paying \$70,000 in assessment fees I have access to direct access to that sewer which I don't so I said we would cause it is going to be a \$10,000 charge to move it across the road I said we would pay \$5,000 which would give access on our side of the road to us and any of the other residents on our side of the road to get sewer the grant would pay for the other \$5,000. So I am giving up my money for all the people on our side to have sewer so that would just bring it across the road it wouldn't be my tap fees it wouldn't be anything to my building. So back to the conditional use basically I feel like I was trying to be blackmailed through this email because Joel said that because I was not willing to go forward with the conditional use that he didn't feel like he was in good conscious that he would agree to the grant for this property over here okay I don't like to be bullied and that is what I felt like it

was like so and the reason I we didn't want to go forward with the special exemption for this is that a couple of items. One is when we brought the property we were told it was commercial with agricultural use so I looked up in your zoning and in your zoning your agricultural use says *the use of tract of land for growing crops in the open or for dairying, pasturage, horticulture or viticulture*. So that to me says it give me the ability right there to have livestock on my property the other thing they were trying to do with the special item and in the beginning Joel and I talked and he said we should probably do an agricultural zone because of all the agriculture around here but then when we went to meet with Tom Zimmerman to start writing stuff he said well I think you would be better if we went with a C4 and then put in a special provision and let's see if that works so that was our conversation *let's see if that works*. So back to if I already have agricultural use I can already have livestock and also in the State of Ohio basically says 'Ohio Law says that local zoning cannot prohibit you use of land for farm market in any industrial, residential, commercial or agricultural zoning district if fifty percent or more of the markets gross income from produce raised on farms owned or managed by the farm market operator' ok fifty percent or more is from us. So back to farm market in your guidelines your description for farm market it basically says *an occasional periodic market held in open area or structure where groups of individual sellers offer for sale the public fresh produce, seasonal fruits, fresh flowers, etc.* which we are open to all the other farmers bringing their produce there so this is why we stopped because basically we already have the ability from what we are told we have agricultural use on this property to have all the things that that special allowance did but what also happened meanwhile we realized we aren't going to fit into that mold because the reason is is because one of the things is we got on our water bill we got a bill and it was for storm sewers we don't have a storm sewer out there but yet we are told we had to pay storm sewer because everyone in the City had to pay storm sewer so okay but that is the thing we don't need that and I understand if everybody has to pay we have to pay it even though we don't have advantage of it and then the other thing is not only the storm sewer but we started getting told all of a sudden we got a call that said hey you gotta come out and measure you need to come in and get a permit for that fence we are like we are just laying out our property so we were told that we had to come in and get a permit for a fence in the State of Ohio a farmer is responsible and legally supposed to keep their livestock protected so they can't get out and hurt the citizens or anybody else or get on anybody else property but yet now I finding out that every fence I would put up I would have to pay a permit for so the thing that we started being concerned about is okay so we're all of a sudden going to be put into this commercial zone in the City and we are going to get permitted to death because every structure that we put up we're going to have to get a permit for and I understand building permits and stuff like that because there are codes you have to follow for that but the problem is that if we go to agricultural zoning there is a lot of things like putting fences where we need to put up fences to protect the public and there's places that we need to do to keep people from getting injured on the property because we are farm you know we want to keep them out of the you know equipment and things like that and it's going to make us go back to the City everytime and say can we please do this you know first of all we have pay for a permit because we are using their time and then second of all you know every time we do something little if we have to do at 3 am in the morning there is nobody I can call to say hey you know my cows are going to get out and I need to put a fence up here so that is why we are asking for agricultural zoning and I sent Joel and I sent Mark a whole list of cities in the United States that have agricultural urban agricultural zoning inside their cities so I know it can happen and it's like that's what we were asking for in the beginning we kinda got switched around when they said well let's see if this works and it's just not we're not going to fit into it and the thing is that by stopping the grant on the other portion of the property I have no reason

to stay here I want to stay in Napoleon because I want to be a part of Napoleon I work in Napoleon we want to live in Napoleon but you guys are like tying our hands so it's like if ours is truly a commercial use or commercial zoned with agricultural use I shouldn't get an email that says that we can't basically operate our business and we are out of compliance either".

Sheaffer - "on the fence permit, the county would have the same requirements, I checked with the county and they have the same requirements".

Hibbard - "on a fence, no they don't because in the State of Ohio legally they cannot charge a permit fee for it".

Sheaffer - "not according to the County".

Hibbard - "well maybe the County *does not* understand then the the legal because I mean I got this all from Ohio State University and their legal department and this was in 2015 written so unless it's changed in the last year that's not the case but you know I know this is for something different education and understanding and providing information is a part of the whole process and I know you guys haven't had agricultural zoning true agricultural zoning within the City before I understand that but I gotta get calls back and I gotta communicate with people and not just get these emails basically threatening me that oh we are going to take the grant away or we are not going to approve the grant because you guys aren't going forward with this special conditional use".

Sheaffer - "my understanding is that the agricultural zone to create that would require a major rewrite of the Zoning Code and you wouldn't be open this summer you know based on that".

Hibbard - "we aren't going to be open this summer because I'm suppose to be commercial with agricultural use, am I not?"

Sheaffer - "isn't that only if you did the conditional use".

Harmon - "I have to it sometime".

Hibbard - "well then that orchard has been out of compliance every since it has been out of the city because we've been growing crops there trees our crop agriculture"

Mazur - "I will have to talk to Mark about that too trees are a permanent growed fruit plant cultivation would like you are turning plants over year after year more seasonal so"

Sheaffer - "I was was switching back to an agricultural"

Hibbard "well your description in the zoning is not correct of what agriculture is"

Mazur - "I don't know what you have in your hand but I"

Hibbard - "Oh well I'll give it to you it's right off your website it's under descriptions"

Mazur - "Council, if I may respond to a couple of things. I didn't receive a call in the last two days so

Hibbard "well then your people are not giving it to you"

Mazur - "maybe gave it to Mark he did respond in writing so I can appreciate that we did offer to meet with you but we didn't get anything on our calendar so"

Hibbard "I said let me know when you want to meet in the email and I can give you the email to show you proof of that I said when do you want to meet we need to talk about agriculture"

Mazur - "we can set up a time to meet yea we can set up a time to meet. The fence permit I think Mark offered to waive the permit fee and roll it all into one permit if you wanted to lay it out that way that way you wouldn't be permitted to death and also in terms of out of compliance you don't have an occupancy permit as far as I know"

Hibbard "I called Wood County like Mark told me to and I told them what we were doing I told them the place had been foreclosed on and closed for four years obviously the previous people couldn't make it either"

Mazur - "do you know who you spoke with"

Hibbard - "I called and asked I said I am calling from Henry County evidently you guys do it

was the number Mark gave me I said evidently you guys do all of our permitting for commercial I was told to call there and this is the situation and I told them and she said you don't need anything because they had one before"

Mazur - "that is contrary to what I was told after I talked with one of the inspectors there so as far as I know the water hasn't been turned on yet so either and I know they wouldn't issue an occupancy permit without the water turned on that is one of the conditions and also you can use the old occupancy permit but you still have to have it switched over to your name so

Hibbard "so why do I have to the water turned on we have water we have a well"

Mazur - "I'm just going off what the inspector told me if there is a water source if you have a well

Hibbard - "he talked to me a few years ago and they told us as long as we had a well that was fine as long as we weren't selling the water and we are not selling anything with water in it. But my whole thing today is why I came is that about the per ah the grant you know I mean yea I think it's very nice and I feel very grateful that somebody would give us a grant to help us move it across the road but I don't understand why somebody didn't plan for this years ago when the two properties on the other side aren't even in the City so myself and the other property that are there right now that I'm sure you will future annex more but you know I'm willing to put in \$5,000 too and I'm making be felt like it's you know a special privilege that the City or the grant committee is willing to put that money in when the sewer should have been on that side of the road anyway if I'm being charged \$70,000 over the next twenty years"

Sheaffer - "the landowner at the time I would assume didn't want it"

Hibbard - "no they took it originally when you were annexed in because it is being paid for the last eleven years"

Sheaffer - "I mean the tap on the other side, I mean there has to be some reason"

Hibbard "oh they didn't annex in the other two people on the other side you are in the county there then it stops and goes to the City again"

Mazur - "you can still tap into that line you just have to bore under the road"

Hibbard - "and that's what the \$5,000 is for because it is going to be \$10,000 to bore we were going to pay half and the grant was going to pay half and the thing is we aren't going to have animals or farm market on the other property so and we already have water on the other property so I don't need the water I don't need the sewer because we have a septic system and because of the amount of feet we are from that septic system we don't have to put it on the barn that exists there now so this whole amount is to bore under to go under to the new property"

Sheaffer - "will the EPA allow septic system within the corp limits"

Hibbard - "they do if you are so many feet from it in fact I was told by whose the guy Chad Chad Lulfs"

Sheaffer - "oh, okay well he would know"

Hibbard - "he said because of the amount of feet you don't even have to have it in fact Mark even told me well you don't have to have us for the sewer anyways he said because you guys are going to be far enough where your building is you can just put in a septic system I said yea but I am going to wipe out my whole orchard if I do that and if I'm going to have people in there drinking water they need clean drinking water from the City and just so you know we are a part of an organization called Ohio Ecological Food and Farm Association they have a farm tour this year where there will be over a thousand people coming through these farms and Henry County is not represented Wood is Lucas is these people will be going to all these counties except ours because we have been so busy with this whole thing that we haven't even had time to market and we could have been a part of this tour and you know that is not only good for me but it's good for the City because those

people have to eat someplace they have to stay someplace they have to buy gas and we are missing out on a lot"

Mazur - "if I may add a couple of things Council President there are a lot of things I still feel that we have done everything that we can to come to this point it was just kinda of a I feel like it was a surprise to me that you didn't file the permit to after we went through all the motions to get where we are today we also talked about waiving the parking lot requirement due to the nature of it being an organic farm there would be a requirement to have a paved parking lot that is a considerable cost savings to them too for their startup by not having to pave a parking lot if it is just stone we are talking about adjusting well we did adjust our mosquito spraying route in that area too I mean there are a lot of other little things that we have been doing to get to this point so I'm sorry if you feel it is blackmail you know I don't understand it but I do feel like we have done everything that we've talked for months ago we have come to this point and then when it came to filing that conditional use permit didn't happen so my recommendation still stands"

Hibbard "I have to say that up to that point where it got ugly Mark and Joel were working along with us as long as we fit into their little criteria and I'm not I know they were trying to take the best fastest easiest route I understand that but when we realized that it wasn't going to work that's when we were like whoa wait a minute we need to discuss this and they said why don't we set up a meeting and I said fine when do you want to set up a meeting and I never and then Mark ended up calling me and having a conversation and basically I'm like so are we meeting about agriculture zoning and he's like No we need to talk about this and we only have so many you know I have to have this information in tomorrow and I'm like but we aren't going to do that cuz I'm not going to jump into this zoning and then ask for a different zoning so"

Maassel - "so if we tabled this for two weeks that would give you two weeks to talk with Joel about the instead of being the modified C4 that allows for agriculture to do it different would that work"

Hibbard - "yea if we can talk about agriculture zoning"

Maassel - "that's what we are talking about tabling it, we are not eliminating it we are not saying no we are just basically giving two additional weeks to allow everybody to have this conversation "

Hibbard - "that's fine because I'm way behind on building this summer because of all the other clutter that we have been dealing with so I don't have a problem with tabling it but I need somebody to talk to me about agricultural zoning because like I said I called Friday and Joel was out or that is what I was told nothing more and Mark and I talked for a brief amount of time but I was trying to find out what he was saying I didn't have the ability to do business and then I was trying to call Mark he was supposed to call me back today I didn't get a call back I called him twice when I couldn't get him I called and asked for Joel he was busy I told the person that I was talking to what it was in regards to she said I will get with Joel's secretary and I will get with Mark and see if somebody can call you back no call email

but you can't really converse in an email at all time and I don't even care if they record a conversation it's not that I don't want to be documented I just need to have a conversation with somebody instead of you need to come and get a permit or email"

Maassel - "then take two weeks and have the conversation and then we'll bring it back in two weeks and may end up with a recommendation or we'll see where things are"

Sheaffer "I would really like to look over some of that existing language"

Maassel - "it gives everybody time to do those things".

Sheaffer - "can we have a motion to table until next meeting"

Motion: Small Second: Bialorucki
to table approve recommendation from the NIEDF Committee to provide a \$5,000 Grant to Honey Blossom Orchard for costs of a sewer tap access.

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

Chairman Mires reported the **Finance and Budget Committee** met on May 22, 2017 and recommended that a three tenths (0.3%) Temporary (5 Year) Income Tax Levy be placed on the November 7 Ballot for Road Projects within the City and secondly removed the agenda item "Review of Pay Changes to Certain Non-Bargaining Pay Positions".

The **Safety and Human Resources Committee** did not meet on May 22, 2017 due to lack of agenda items; and

Chairman Small reported the **Technology and Communications Committee** met earlier this evening and recommended Tangent as a third party administrator to host and manage the email exchange server using Office 365 Solutions and also heard an update on the new phone system.

Council President Sheaffer read by title Ordinance No. 034-17, an Ordinance to Approve Current March 2017 Replacement Pages to the City of Napoleon, Ohio Codified Ordinances.

Motion: Comadoll Second: Mires
to approve First Read of Ordinance No. 034-17.

Harmon said these are the Ordinances that have already been passed by Council and need to be included in the Codified Ordinances. The City has a contract with The Walter H. Drane Co. to prepare and publish these revisions.

Roll call vote to pass Ordinance No. 034-17 on First Read.
Yea- Comadoll, Baer, Siclair, Mires, Small, Bialorucki, Sheaffer
Nay-

Council President Sheaffer read by title Resolution No. 035-17, a Resolution Adopting the 2018 Tax Budget for the City of Napoleon, Ohio, as Required in Sections 5705.28 and 5705.281 of the Ohio Revised Code (ORC) and Directing the Finance Director to File the Same with the County Auditor; and Declaring an Emergency.

Motion: Mires Second: Comadoll
To approve first read of Resolution No. 035-17.

Heath said this legislation is a follow-up to the public hearing held earlier tonight. It is required to have the tax budget approved and adopted before July 15, 2017, the County Auditor has to receive it before July 20, 2017.

Roll call vote to approve Resolution No. 035-17 on First Read.
Yea- Comadoll, Baer, Siclair, Mires, Small, Bialorucki, Sheaffer
Nay-

Council President Sheaffer read by title Ordinance No. 036-17, an Ordinance Amending Section 1101.01 of the City of Napoleon, Ohio Codified Ordinances, Specifically Creating Definitions Related to Section 1145.01, Table of Permissible Uses, in Chapter 11 of the Planning & Zoning Section of said Codified Ordinances, and Declaring an Emergency.

Motion: Bialorucki Second: Comadoll
To approve first read of Ordinance No. 036-17.

Harmon stated while reviewing some of the recent changes Council has made to the Planning and Zoning Ordinances, it was discovered that some of the terms used either did not have a definition or the term did not have the proper definition. This Ordinance will rectify the terms. We would request suspension and emergency.

Motion: Comadoll Second: Mires
To suspend the rule requiring three readings for Resolution 036-17.

Roll call vote on the above motion:

Yea- Comadoll, Baer, Siclair, Mires, Small, Bialorucki, Sheaffer

Nav-

Roll call vote to pass Ordinance No. 036-17 under suspension of the rule and emergency.

Yea- Comadoll, Baer, Siclair, Mires, Small, Bialorucki, Sheaffer

Nay-

Council President Sheaffer read by title 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.

Motion: Small Second: Baer
to approve Third Read of Ordinance No. 010-17.

Mazur stated there is no further discussion.

Roll call vote to pass Ordinance No. 010-17 on third read with Emergency.

Yea- Comadoll, Baer, Siclair, Mires, Small, Bialorucki, Sheaffer

Nay-

Mazur said the NIEDF Committee did recommend approval of \$30,000 from this fund for this use; however, Custom Ag has decided to put in their own sewer tap as there is enough room for them to install a private line from the new expansion to connect into the line; therefore, there is no need for funding and we would recommend it be removed from the agenda.

Discussion

Motion: Comadoll Second: Bialorucki
to place a three-tenths (0.3%) Temporary (5 Year) Income Tax Levy on the November 7,
2017 Ballot for Road Projects within the City and to direct the Law Director to draft
legislation.

Mazur said the five year temporary 0.3% income tax levy will generate about \$800,000 the same amount as before and will go directly towards road capital improvements.

Baer voiced some concerns and suggested we need to have a more intense campaign, the levy needs to be explained to the citizens exactly what the monies will be used for, what streets we are looking at doing, those all need to be addressed. There needs to be some kind of a campaign and need to start in September or October.

Sheaffer responded it would help if we had a script of items, to reach out to our representatives, civic organizations and church groups.

Dennis Layman a new citizen to Napoleon agreed that the levy was not communicated very well, will the full 100% go to the roads, can a copy of the ordinance be put at polling places for people to review.

Sheaffer said if the levy does not pass this time the next logical step to fixing roads and most unpleasant one is to do assessments. He said the City has been fixing infrastructure mandated by the EPA , a lot of our road money was spent on these project, it has been a financial burden for the City.

**2017 or Newer GMC
Sierra Pickup Truck
Electric Dept.**

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

Motion: Baer Second: Mires
to approve the Specifications and go out to Bid for a New 2017 or Newer GMC Sierra 2500
Pickup 4WD for the Electric Department

Discussion

Mazur said these are the specs for the pickup truck discussed previously for the Electric Department.

Maassel asked if the truck is in the budget and what vehicle will it be replacing.

Clapp explained we rotate pickup trucks the truck being replaced will go to the Ops Mechanics.

Comadoll stated the garage guys need a service truck you cannot put tools and everything you need in a pickup truck.

New Phone System

Motion: Bialorucki Second: Small
to approve the Specifications and to go out to Bid for a New Pone System for the City.

Discussion

Mazur said this was discussed in the Technology Committee meeting earlier this evening, Staff feels it is prudent to go out to bid since the cost went from \$26,000 up to \$43,000 when the Police Department was included.

Passed
Yea-7
Nay-0

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

Motion to Approve Plans and Specs for Haley Avenue Sanitary Sewer Reconstruction Project (Issue II)	Motion: Comadoll to approve the Plans and Specifications for the Haley Avenue Sanitary Sewer Reconstruction Project (Issue II). Second: Bialorucki
Discussion	Mazur said the engineer's estimate for this project is \$550,000, the amount budgeted was \$630,000. We will receive fifty percent from the OPWC Grant up to the maximum amount of \$315,000.
Passed	Roll call vote on the above motion:
Yea-7	Yea- Comadoll, Baer, Siclair, Mires, Small, Bialorucki, Sheaffer
Nay-0	Nay-
Motion to Accept Donation to Fire Dept.	Motion: Comadoll to accept the \$50.00 Donation to the Napoleon Fire and Rescue Department from Mort and Dollie Smith in memory of Pauline Rosebrock. Second: Small
Passed	Roll call vote on the above motion:
Yea-7	Yea- Comadoll, Baer, Siclair, Mires, Small, Bialorucki, Sheaffer
Nay-0	Nay-
Agreement with Wood County for City Inspection Services Referred to Municipal Properties Committee	President Sheaffer referred <i>Agreement with Wood County for City Inspection Services</i> to the Municipal Properties, Building, Land Use and Economic Development Committee.
Amendment to JV2 Lease Agreement Referred to Electric Committee and BOPA	Council President Sheaffer referred <i>Amendment to JV2 Lease Agreement</i> to the Electric Committee and Board of Public Affairs.
Update on JV5 Diesel Generator Units Referred to Electric Committee and BOPA	Council President Sheaffer referred <i>Update on JV5 Diesel Generator Units</i> to the Electric Committee and Board of Public Affairs.
Update on WTP Plant Project Referred to Water/Sewer Comm. and BOPA	Council President Sheaffer referred <i>Update on Water Treatment Plant Project</i> to Water, Sewer, Refuse, Recycling & Litter Committee and the Board of Public Affairs
Update on WWTP Plant Referred to Water/Sewer Comm. and BOPA	Council President Sheaffer referred <i>Update on Wastewater Treatment Plant</i> to Water, Sewer, Refuse, Recycling & Litter Committee and the Board of Public Affairs
Around the Table	
Heath	Asked if Siclair will be on the committees McColley was.

Council President Sheaffer responded she will be Chairman of the Municipal Properties, Building, Land Use and Building Committee and on the Electric Committee, Finance and Budget Committee and the Audit Committee.

Sheaffer then recommended appointing Joe Bialorucki to the Ad-hoc Committee on Council Rules and also to the Personnel Committee.

**Motion to Appoint
Bialorucki to Ad-hoc
Committee on Council
Rules and Personnel
Committee**

Motion: Baer

Second: Small

To approve Council President Sheaffer's recommendation to appoint Joe Bialorucki to the Ad-hoc Committee on Council Rules and the Personnel Committee.

Passed
Yea-7
Nay-0

Roll call vote on the above motion:

Yea- Comadoll, Baer, Siclair, Mires, Small, Bialorucki, Sheaffer

Nay-

Heath - The auditors are in the process of wrapping up, do you want to have a formal exit conference with them or just have an invite.

Maassel responded to go with the invitation.

Sheaffer said first thing in morning or at the end of the day would work best.

Mires

Congratulation to Lori, Welcome and look forward to working with you.

Small

Welcome to Lori.

Białorucki

Congratulations and Welcome Lori.

Sheaffer

I will refer out to the Ad-hoc Committee on Council Rules *Review of the Council Rules* to get in compliance with the Charter updates that go into effect on January 1, 2018.

Welcome Lori, if you ever need anything, all of us are here to help.

Mayor Maassel

The Water Treatment Plant should be done in November of 2018 this will change the pH water being sent down to the WWTP. It is time to start saving for the next big piece of enterprise fund, the Wastewater Treatment Plant, it has been twenty years since the last renovation. Would suggest to the Water and Sewer Committee may be nice to start doing increases now to start saving money for the project, is there a way to put money in escrow for recondition/reconstruction of the WWTP, there is no way we are going to get another loan at 0% for 30 years.

Are there any public details for the spec building?

Mazur said the deed has been recorded.

Senator Portman was in town last week visiting the Campbell Soup Plant he is trying to work both sides of the aisle, he had an Open House and most of the questions were about health care.

Friday and Saturday NHS Sam Meece won the shot put on Friday and discus on Saturday, is there a way Council can recognize Sam for his achievements?

Comadoll suggested when Napoleon won the basketball championship signs were put up.

There was a ribbon cutting for Herrons Oak on Scott Street, Mr. Herron is very thankful for all the City help with everything that was done, you need to go take a look at the store, it is gorgeous on the inside

This Thursday, Kidz Fest will be at Glenwood Park, the park it will be full. Dennie, I know your guys go out and setup power poles, Thank-You. To both the Fire Chief and Police Chief who will be out there, Thank-You.

Welcome Lori.

Last Tuesday I attended a meeting for the Napoleon Civic Center Group, they are going to move forward to raise money and would like to have a letter of support from the City in the packet they are putting together.

Sheaffer responded that is a good idea.

At the last CIC meeting, the education requirement to pass Algebra 2 for the Class of 2018 to graduate was talked about. There is a push to get high schoolers ready for college, if you are an athlete, it is hard to go to a vocational school and to compete and contribute to your teams. The problem is the state is getting a lot of funding from the ACT and other testing organizations. I would request a letter be drafted to Senator Cliff Hite and Representative McColley why make take must student take the ACT and pass Algebra 2 if not they are going to college.

Comadoll

Congratulations to Lori.

I want to thank Kevin Schultheis for doing a good job getting the nuisance properties cleaned up, he is making the town look good.

Baer

Welcome Lori.

Thank You Dennie for spending an hour with me trying to educate me on electric.

Siclair

Thank You for bringing me on board and for all the support you have shown me so far, I appreciate that and look forward to learning and look forward to being a part of the positive things that are happening in the City.

Harmon

Welcome to Lori.

Mazur

Welcome Lori.

Peterson Construction Co. has mobilized to the site this week, next week you will see lot of action at the WTP.

Billy and I met with the Henry County Water/Sewer District to discuss plans and deadlines they have to meet, this will be brought up next Monday at the Water/Sewer Committee meeting.

The Healthcare Cost Committee approved use of funding for biometric screenings for employees, we hope to reduce the ever increasing healthcare, a 11%-15% increase is now projected 11-15% when the wellness plan is put together it could reduce the increase down to 6%-8% increase per year.

To follow up on Woodlawn Avenue there was a citizen who came in concerned with speed limit on Woodlawn Avenue, I will get a copy of Chad's memo response to you sometime. The City would be responsible for the bridge if the speed limit was lowered, this would be a financial burden if do take those steps.

Denise Dahl from the CIC asked for a letter or resolution of support for the second river. It was decided a resolution would have more impact than a letter.

Motion to Direct the Law Director to Draft Resolution in Support of the Second River Bridge

Motion: Bialorucki

Second: Comadoll

To direct the Law Director to draft a resolution in support of the second river bridge.

**Passed
Yea-7
Nay-0**

Roll call vote on the above motion:

Yea- Comadoll, Baer, Siclair, Mires, Small, Bialorucki, Sheaffer

Nay-

Change of Meeting Times for Parks & Rec Committee and Ad-hoc Committee on Strategic Vision

Council President Sheaffer changed the regularly scheduled meeting time of the Parks and Recreation Committee to the third Monday at 6:00 pm and the Ad-hoc Committee on Organizational Health and Strategic Vision to the Third Monday at 6:15 pm.

Approval of Bills

The bills and reports stand approved as presented with no objections.

Motion to Adjourn

Motion: Comadoll

Second: Small

to adjourn.

**Passed
Yea-
Nay-0**

Roll call vote on the above motion:

Yea-Comadoll, Baer, Siclair, Mires, Small, Bialorucki, Sheaffer

Nay-

Adjournment

The City Council meeting was adjourned at 8:44 pm.

Approved:

June 19, 2017

Travis Sheaffer, Council President

Jason P. Maassel, Mayor

Gregory J. Heath, Finance Director/Clerk of Council

RESOLUTION NO. 037-17

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO
EXECUTE ALL DOCUMENTS NECESSARY TO APPLY AND
ACCEPT OHIO PUBLIC WORKS COMMISSION STATE
CAPITAL IMPROVEMENT PROGRAM (SCIP) AND LOCAL
TRANSPORTATION IMPROVEMENT PROGRAM (LTIP) FUNDS
FOR PROJECTS DEEMED NECESSARY BY THE CITY
ENGINEER IN THE YEAR 2018**

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

Section 1. That, the City Manager is directed to execute all documents necessary to apply for and accept Ohio Public Works Commission State Capital Improvement Program (SCIP) and Local Transportation Improvement Program (LTIP) funds for the year for projects deemed necessary by the City Engineer in the Year 2018, including but not limited to execution of Grant Agreement(s).

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

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

Section 4. That, this Resolution 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 Resolution No. 037-17 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. 039-17

AN ORDINANCE AMENDING THE PROVISION OF THE INCOME TAX CODE OF THE CITY OF NAPOLEON, OHIO TO PROVIDE FOR A TEMPORARY INCREASE OF THREE TENTHS PERCENT (0.3%) TO THE PERMANENT 1.3% INCOME TAX; SAID 0.3% TEMPORARY INCOME TAX INCREASE TO COMMENCE ON JANUARY 1, 2018 AND END ON DECEMBER 31, 2022; AND TEMPORARILY REPEALING ORDINANCE NO. 103-08, AND AMENDING SECTION 193.02 OF THE CODIFIED ORDINANCES, ALL SUBJECT TO APPROVAL BY THE ELECTORS OF THE CITY OF NAPOLEON, OHIO ON THE NOVEMBER 7, 2017 BALLOT

WHEREAS, after review by the Finance and Budget Committee of Council, as well as Council as a whole, it has been determined that a moderate, temporary increase in income tax (0.3% beginning on January 1, 2018 and ending on December 31, 2022) is required in order to provide adequate funds in future years for the purpose of design, engineering, and construction for capital maintenance of City streets and roads; **Now Therefore,**

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

Section 1. Subject to approval of the electors of the City of Napoleon, Ohio, as provided for in Section 718.01 of the Ohio Revised Code ("Municipal Income Taxes"), Section 193.02 of the Codified Ordinances of the Napoleon, Ohio, as currently written, shall be amended to provide a temporary three tenths percent (0.3%) increase in the tax levied on income from one and three tenths percent (1.3%) to one and six tenths percent (1.6%) beginning on January 1, 2018 and ending on December 31, 2022, unless otherwise amended or abolished in accordance with the law. After expiration of the three tenths percent (0.3%) temporary increase income tax period of January 1, 2018 through December 31, 2022, the former one and three tenths percent (1.3%) income tax will remain in full force and effect unless otherwise amended or abolished in accordance with the law.

Section 2. That, Ordinance No. 103-08 is temporarily repealed until December 31, 2022 or unless otherwise amended in accordance with the law.

Section 3. That, Ordinance No. 080-09 which levies a permanent two tenths percent (0.2%) income tax for purposes of the City's Recreation Fund remains in full force and effect and is not otherwise altered in any manner by the passage of this Ordinance No. 040-17.

Section 4. That, Section 193.02 of the codified code of Napoleon, Ohio, is amended and enacted as follows:

"193.02 IMPOSITION OF TAX.

(a) Effective July 1, 2009, and on and after said date, there is hereby levied a tax at the rate of one and three-tenths percent (1.3%) to provide funds for the purposes of: (1) General municipal operations, (2) Acquisition and maintenance of both personal and real property for the use or benefit of the City, (3) Extension, enlargement and improvement of municipal services and facilities, (4) Capital improvements in and of the

City, and (5) For the promotion of economic development in and for the City. In addition, and effective , 2018, and ending on , 2022, there is hereby levied a temporary tax at the rate of three tenths percent (0.3%) to provide funds for the purpose of design, engineering and construction for capital maintenance of City streets and roads. All aforementioned taxes noted in this paragraph (a) shall be levied upon all the following:

(1) All salaries, wages, and other compensation and net profits earned or received by resident individuals;

(2) All salaries, wages, and other compensation and net profits earned or received by non-resident individuals for, or derived from, or as a result of, work done, services rendered and business conducted in the City;

(3) All net profits attributable to the City earned by all resident and nonresident unincorporated businesses, professions and other activities for, or derived from, work done, rentals or services performed, and business or other activities conducted in the City;

(4) The entire portion of the distributive share of all net profits, not otherwise attributable to the City, earned by a resident, individual, resident owner of an unincorporated business entity, or resident partner for, or derived from, work done, rentals or services performed, and business or other activities conducted outside the City, and not otherwise lawfully levied against by another municipality;

(5) The entire portion of the distributive share of all net profits, not otherwise attributable to the City, earned by a non-resident individual, non-resident owner of an unincorporated business activity, or non-resident partner for, or derived from, work done, rentals or services performed, and business or other activities conducted in the City and not levied against the unincorporated business entity itself;

(6) All net profits attributable to the City earned by corporations for, or derived from, work done, rentals or services performed, and business or other activities conducted in the City;

(7) All net profits earned by fiduciaries of resident individuals for, or derived from, business conducted;

(8) All net profits attributable to the City earned by fiduciaries of non-resident individuals for, or derived from, business conducted in the City; and

(9) The gross proceeds earned or derived from gaming, wagering, lotteries, including but not limited to the Ohio State Lottery, or lotteries where the State of Ohio is a part thereof, or games or schemes of chance, by residents of the City; and/or, the gross proceeds earned or derived from gaming, wagering, lotteries, or games or schemes of chance, when any part of the activity is engaged into or conducted in the City, by nonresidents, are all subject to the City tax to the same extent includable on the recipient's federal tax return, whether or not the recipient is required to file a federal tax return and whether or not the recipient pays federal income tax on the gross proceeds, except that it shall not be taxed as a business income unless the person subject to this tax has a federal gamblers' permit effective during the tax year in which income from gaming, wagering, lotteries or schemes or games of chance is received.

(b) The portion of the net profits attributable to the City of a taxpayer doing work, rendering services or conducting business both within and outside the City shall be determined in the same proportion as the average ratio of the following:

(1) The average original cost of the real and tangible personal property owned or used by the taxpayer in the business in the City during the taxable period to the average original cost of all real and tangible personal property owned or used by the taxpayer in the business during the same period, wherever situated. As used in this paragraph, real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight (8);

(2) Salaries, wages and other compensation paid during the taxable period to persons employed in the business and salespeople for work done or services rendered in the City to compensation paid during the same period to persons employed in the business and salespeople, wherever their work is done or their services are rendered;

(3) Gross receipts of the business during the taxable period from sales made and services rendered in the City to gross receipts of the business during the same period from sales and services, wherever made or rendered.

If the foregoing allocation formula does not produce an equitable result, another basis may, under uniform regulations, be substituted so as to produce such result.

(c) As used in subsection (b) hereof, "sales made in the City" means:

(1) All sales of tangible personal property which is delivered within the City regardless of where title passes if shipped or delivered from stock of goods within the City;

(2) All sales of tangible personal property which is delivered within the City regardless of where title passes even though transported from a point outside the City if the taxpayer is regularly engaged through its own employees and salespeople in the solicitation or promotion of sales within the City and the sales result from such solicitation or promotion;

(3) All sales of tangible personal property which is shipped from a place within the City to purchasers outside the City regardless of where title passes if the taxpayer is not, through its own employees and salespeople regularly engaged in the solicitation or promotion of sales at the place where delivery is made."

Section 5. That, if the electors of the City of Napoleon, Ohio approve the aforesaid temporary increase in income tax (0.3%) as provided for in Section 1 of this Ordinance, then Section 193.02 of the Codified Code, as existed prior to the enactment of this Ordinance, shall be thereby amended to allow for the temporary increase in income tax (0.3%) effective , 2018, and ending , 2022; however, should the electors of the City of Napoleon Ohio, not approve said three tenths percent (0.3%) temporary increase in the rate of income tax, then Section 193.02 of the Codified Code shall not be amended and shall remain in full force and effect.

Section 6. That, the question of approval of the increase in the percentage of income tax shall be submitted to the electors of the City of Napoleon, Ohio at an election (special or primary) to be held November 7, 2017. The form of the ballot will be substantially as follows:

Proposed temporary three tenths percent (0.3%) increase in the City of Napoleon, Ohio, income tax from one and three tenths percent (1.3%) to one and sixth tenths percent (1.6%). The permanent one and three tenths percent (1.3%) income tax to continue to be used for the purposes of: (1) General municipal operations, (2) Acquisition and maintenance of both personal and real property for the use or benefit of the City, (3)

Extension, enlargement and improvement of municipal services and facilities, (4) Capital improvements in and of the City, and (5) For the promotion of economic development in and for the City. The temporary three tenths percent (0.3%) income tax to be used for the design, engineering and construction for capital maintenance of City streets and roads.

A MAJORITY VOTE NECESSARY FOR PASSAGE

Shall the Ordinance providing for a three tenths percent (0.3%) levy on income for the purpose of design, engineering, and construction for capital maintenance of City streets and roads to be passed?

_____ For the Income Tax

_____ Against the Income Tax

Section 7. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 8. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 9. That, upon passage, this Ordinance shall take effect at the earliest time permitted by law.

Passed: _____

Travis B. Sheaffer, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ 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. 039-17 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

RESOLUTION NO. 040-17

A RESOLUTION PROVIDING FOR AN ELECTION ON THE QUESTION OF THE PROVISION OF THE INCOME TAX CODE OF THE CITY OF NAPOLEON, OHIO TO PROVIDE FOR A TEMPORARY INCREASE OF THREE TENTHS PERCENT (0.3%) TO THE PERMANENT ONE AND THREE TENTHS PERCENT (1.3%) INCOME TAX; SAID 0.3% TEMPORARY INCOME TAX INCREASE TO COMMENCE ON JANUARY 1, 2018 AND END ON DECEMBER 31, 2022; AND TEMPORARILY REPEALING ORDINANCE NO. 103-08, AND AMENDING SECTION 193.02 OF THE CODIFIED ORDINANCES, ALL SUBJECT TO APPROVAL BY THE ELECTORS OF THE CITY OF NAPOLEON, OHIO ON THE NOVEMBER 7, 2017 BALLOT; AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO WITH TWO THIRDS (2/3) OR MORE OF ITS CURRENT MEMBERS CONCURRING THERETO:

Section 1. That, the question of the provision of the Income Tax Code of the City of Napoleon, Ohio (hereinafter called "the City") shall be submitted to a vote of the qualified electors of the City at a general election to be held on November 7, 2017 at the regular places of voting in the city. The Income Tax provision, to wit: to provide for a temporary increase of three tenths percent (0.3%) to the permanent one and three tenths percent (1.3%) Income Tax; said 0.3% temporary income tax increase to commence on January 1, 2018 and end on December 31, 2022; and temporarily repealing Ordinance No. 103-08, and amending Section 193.02 of the Codified Ordinances, shall read as set forth in the attached Exhibit A: "City of Napoleon, Ohio City Council's Recommendation of Proposed Income Tax Code Provisions Beginning in the Year 2018" submitted by City Council on or before August 9, 2017, a true and complete copy of which is on file in the office of the City Finance Director.

Section 2. That, the Board of Elections of Henry County, Ohio is directed to conduct such election at a general election to be held on November 7, 2017.

Section 3. That, the City Finance Director shall file a true and complete copy of this Resolution with the Board of Elections of Henry County, Ohio at least ninety (90) days before the date of said election.

Section 4. That, the City Finance Director is directed to publish the full text of the proposed Income Tax provisions once per week for not less than two (2) consecutive weeks in the Northwest Signal, with the first publication being at least fifteen (15) days prior to the election, in accordance with Section 9 of Article XVIII of the Ohio Constitution and Section 731.211 of the Ohio Revised Code.

Section 5. That, the City Finance Director is directed to make the necessary arrangements with the appropriate election authorities for giving notice, conducting the election and placing the question on the ballot, including the preparation of proper ballot language, to include all amendments as found in Section 1 of this Resolution.

Section 6. That, to pay the cost of any printing, mailing copies of the proposed provisions and of any publishing notice cost, there is appropriated from the

General Fund the sum of ten thousand dollars (\$10,000.00), or so much thereof as may be needed.

Section 7. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon, Ohio.

Section 8. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provision of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 9. That, That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to meet timeframe guidelines; 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. 040-17 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

**Proposed Amendment to the Provision of the Income Tax Code of the City of Napoleon, Ohio
Local Issue 1**

A majority affirmative vote is necessary for passage.

On , 2017, Napoleon City Council passed Ordinance No. 039-17 that approved amending the provision of the Income Tax Code of the City of Napoleon, Ohio to provide for a temporary increase of three tenths percent (0.3%) to the permanent one and three tenths percent (1.3%) Income Tax; said 0.3% temporary Income Tax increase to commence on January 1, 2018 and end on December 31, 2022; and temporarily repealing Ordinance No. 103-08, and amending Section 193.02 of the Codified Ordinances:

(A FULL TEXT OF ORDINANCE NO. 039-17 AND THE INCOME TAX CODE OF THE CITY OF
NAPOLEON, OHIO IS POSTED AT THE POLLING PLACE)

**Shall the Ordinance providing for a three tenths percent (0.3%) levy on income for
the purpose of design, engineering, and construction for capital maintenance of City
streets and roads be passed?**

FOR THE INCOME TAX

AGAINST THE INCOME TAX

RESOLUTION NO. 041-17

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO APPLY FOR, ACCEPT, AND ENTER INTO AN OHIO ENVIRONMENTAL PROTECTION AGENCY (OEPA) DIVISION OF ENVIRONMENTAL AND FINANCIAL ASSISTANCE (DEFA) WATER POLLUTION CONTROL LOAN FUND (WPCLF) AGREEMENT ON BEHALF OF THE CITY OF NAPOLEON, OHIO FOR PLANNING, DESIGN, AND/OR CONSTRUCTION OF WASTEWATER PUMPING FACILITIES; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN; AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon, Ohio seeks to replace its existing wastewater pumping facilities located near Glenwood Avenue; and,

WHEREAS, the City of Napoleon, Ohio intends to apply for Water Pollution Control Loan Fund (WPCLF) funds for the planning, design and/or construction of the wastewater pumping facilities; and,

WHEREAS, the City of Napoleon, Ohio is eligible to apply for said Water Pollution Control Loan Fund (WPCLF) funding; and,

WHEREAS, the Ohio Water Pollution Control Loan Fund (WPCLF) requires the government authority to pass legislation for application of a loan and the execution of an agreement as well as designating a dedicated repayment source; **Now Therefore**,

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

Section 1. That, the City Manager is hereby authorized and directed to execute any and all documents necessary to apply for, accept, and enter into an Ohio Environmental Protection Agency (OEPA) Division of Environmental and Financial Assistance (DEFA) Water Pollution Control Loan Fund (WPCLF) agreement for planning, design, and/or construction of water facilities, on behalf of the City of Napoleon, Ohio, and designate a dedicated repayment source for the loan.

Section 2. That, the dedicated source of repayment will be the Sanitary Sewer Revenue Fund.

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

Section 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to meet the grant deadline; 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 Resolution No. 041-17 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

RESOLUTION NO. 042-17

**A RESOLUTION IN SUPPORT OF A SECOND RIVER BRIDGE IN
AND FOR THE CITY OF NAPOLEON, OHIO**

WHEREAS, the City desires to encourage commercial and industrial development and create and preserve jobs and employment opportunities within the City; **Now Therefore**,

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

Section 1. That, this City Council formally supports the construction of a second river bridge in and for the City of Napoleon, Ohio connecting the City's two industrial areas, and allowing for traffic from the south industrial area to reach the new U.S. Route 24 and rail facilities.

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

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

Section 4. That, this Resolution 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 Resolution No. 042-17 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

RESOLUTION NO. 043-17

**A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN
THE CITY OF NAPOLEON, OHIO AND THE COUNTY
COMMISSIONERS OF WOOD COUNTY, OHIO FOR THE
PURPOSE OF RESIDENTIAL CODE INSPECTION SERVICES;
AND DECLARING AN EMERGENCY**

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

Section 1. That, Contract No. 2017-18, substantially in the form as currently on file in the office of the City Finance Director, is hereby approved for execution by the City Manager for residential code inspection services to be provided as set forth within said Agreement.

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

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

Section 4. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and for the further reason that the City must maintain revenue levels without threat of assault via legislation proposed by the Ohio General Assembly; therefore, this Resolution shall be in full force and effect immediately upon its adoption by Council.

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 Resolution No. 043-17 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

AGREEMENT BETWEEN THE COUNTY COMMISSIONERS OF WOOD COUNTY, OHIO AND THE CITY OF NAPOLEON, OHIO

Wood County Resolution No. _____ **Dated** _____

THIS AGREEMENT entered into this _____ day of _____, 20____, by and between the County Commissioners of Wood County, Ohio, acting for and on behalf of Wood County, Ohio, hereinafter referred to as "County", and the City of Napoleon, Ohio, whose offices are located at 255 w. Riverview Rd. Napoleon Ohio, herein after referred to as "Napoleon".

WITNESSETH:

WHEREAS, the City of Napoleon, Ohio desires to enforce the Residential Code of Ohio for 1, 2, and 3 Family Dwellings for the purpose of providing uniform standards and requirements for the erection, construction, repair, alteration, and maintenance of buildings and has adopted said code within its jurisdiction in Ordinance No. _____; and

WHEREAS, the City of Napoleon, Ohio seeks certification by the Ohio Board of Building Standards pursuant to Section 3781.10(E) of the Revised Code to enforce the Residential Code of Ohio with the condition that the Wood County Building Department exercise the enforcement authority, approve plans and specifications, and make inspections in accordance with the Residential Code of Ohio; and

WHEREAS, the said Board of Building Standards has certified the Wood County Building Department to exercise enforcement authority in accordance with the Residential Code of Ohio, effective 5/27/2007, which is willing to administer and enforce the Residential Codes within the limits of said City of Napoleon; and

WHEREAS, the City of Napoleon, has heretofore passed its Ordinance No. _____ on the _____ day of _____, 20____, authorizing the City through its Mayor and its Clerk, to enter into an agreement with Wood County Building Inspection Department for the enforcement of the Residential Code of Ohio within the limits of said City of Napoleon; and

WHEREAS, the Board of County Commissioners has on the _____ day of, _____ 20____, adopted its Resolution authorizing the County of Wood, Ohio to enter into said agreement with the City of Napoleon for the purposes aforesaid;

NOW, THEREFORE, IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:

1. The City of Napoleon hereby grants to the County of Wood, Ohio authority to do all things necessary to exercise enforcement authority, accept and approve plans and specifications and make inspections necessary within the City of Napoleon in accordance with the Residential Code of Ohio pursuant to Ohio Administrative Code 4101:8-1 through 4101: 8-44. The County of Wood, Ohio accepts the authority and responsibility to carry out the terms of this agreement.
2. The County of Wood, Ohio shall have full authority to do all things necessary to administer and enforce the Residential Code of Ohio and any amendments or additions thereto hereafter adopted within the limits of the City of Napoleon and in consideration therefore, the Wood County Building Inspection Department shall retain all permit and inspection fees authorized by the State of Ohio and Wood County Commissioners for such purposes.
3. **Term of the Agreement; Termination:** The Wood County Building Inspection Department shall perform enforcement duties under this Agreement beginning on _____ and shall thereafter continue in full force and effect until,
 - 1 Either party shall give thirty (30) days written notice to the other at the addresses given above and the Ohio Board of Building Standards of its intention to terminate the agreement, which may be for any reason.
 - 2 On the effective date of any repeal of conditional certification by the Ohio Board of Building Standards.

Independent Contractor Status: It is hereby agreed by and between the parties that the relationship between Wood County and its Building Inspection Department and *City of Napoleon* shall be that of an independent contractor and that no employer-employee, or agent-principal relationship is created by this contract. The *City of Napoleon* is interested in the results achieved and the conduct and control of the work will lie solely with the Contractor.

Wood County and its Building Inspection Department is not entitled to any of the benefits *City of Napoleon* provides its employees,

4. **Hold Harmless Clause:** *City of Napoleon* hereby agrees to hold the Wood County harmless from all claims or causes of action of every kind and nature arising from the acts of Wood County, the Wood County Building Inspection Department, its agents, or employees, or representatives in the administration and enforcement of the Ohio Residential Code within the limits of said *City of Napoleon*.
- 5 **Modification of the Agreement:** Any alteration or modification of the terms or conditions of this agreement must be in writing and signed by the parties.

- 6 **Severability:** If any section, subsection, sentence, clause, phrase, or portion of this agreement shall for any reason be held invalid, unenforceable, or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of and such holding shall not affect the validity of the remaining portions hereof.
- 7 **Entire Agreement:** This agreement, the schedules and all attachments designated on the face of the agreement as included shall constitute the entire agreement of the parties and shall supersede all prior negotiations and representations, whether written or oral.

IN WITNESS WHEREOF, we have hereunto set our hands to this Agreement this _____ day of _____, 20____.

WITNESSES:

CITY OF NAPOLEON OHIO

Print Name: _____

Mayor

Print Name: _____

Clerk/Fiscal Officer

WITNESSES:

WOOD COUNTY BOARD OF
COMMISSIONERS

Print Name: _____

County Commissioner

Print Name: _____

County Commissioner

Print Name: _____

County Commissioner

APPROVED AS TO FORM

APPROVED AS TO FORM

City of Napoleon Legal Council

Prosecutor - Wood County

AGREEMENT

Wood County Resolution No. _____

I. PURPOSE

WHEREAS, The City of Napoleon, Ohio, has a building inspection department certified by the Board of Building Standards as provided by O.R.C. §3781.10(E); and

WHEREAS, Wood County, Ohio, also has a building inspection department certified by the Board of Building Standards; and

WHEREAS, O.R.C. §3871.10(E)(1)(c) and (E)(2)(c) permits a certified building inspection department to contract for inspection services from another certified building inspection department; and

WHEREAS, The City of Napoleon and Wood County from time to time need additional inspection services and are willing to provide the same to their respective department.

THIS AGREEMENT, as authorized by O.R.C. §3781.10(E)(1)(c) and (E)(2)(c) and by the respective legislative authority of the City of Napoleon and the Board of Commissioners of Wood County, is entered into by the City of Napoleon, (Hereinafter "NAPOLEON") and the Wood County Building Inspection Department, (hereinafter "WOOD COUNTY").

NOW, THEREFORE, the parties each in consideration of the mutual promises of the other herein, agree to the following:

II. SCOPE OF SERVICES

A. Wood County shall provide supplemental plumbing, electrical, building inspection and plan examination services by their state certified Chief Building Official, Building Inspector and Plans Examiner on an "as needed" basis.

B. The Chief Building Official, Building Inspector, Plans Examiner, when performing services shall be deemed to be doing so within the scope of his/her regular employment and shall be compensated for such services by his/her employer in accordance with the then existing terms of employment.

III. COMPENSATION

A. The City of Napoleon shall be obligated to pay for the services of the Chief Building Official and Plans Examiner as described herein at the rate of ~~\$75.00~~ per hour for actual services rendered and shall be obligated to pay for the services of the Building Inspectors at the rate of ~~\$50.00~~ per hour for actual services rendered.

B. Payment for services rendered under Section III (A) above shall be made thirty (30) days after receipt and approval of written statement showing actual services provided to the respective party.

IV. TERMS AND CONDITIONS

This agreement may be terminated by either party upon a thirty (30) day written notice.

V. MUTUAL AGREEMENTS

- A. This agreement is non-exclusive and either party may at their sole option enter into other agreements for the services described herein.
- B. Each party may, through their respective administrative procedures, designate the manner in which inspection services of the other may be requested.
- C. Each party and their personnel provided pursuant to this agreement shall be independent contractors and not an employee of the other. No employee/employer or agent/principal relationship is created by this agreement.
- D. The parties agree that if there is a challenge to a local building code provision, each party will provide for the legal representation to defend their building code.

VI. MODIFICATIONS

Any alteration or modification of the terms or conditions of this agreement must be in writing and signed by the parties.

VII. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this agreement shall for any reason be held invalid, unenforceable, or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of and such holding shall not affect the validity of the remaining portions hereof.

VII. ENTIRE AGREEMENT

This agreement, the schedules and all attachments designated on the face of the agreement as included shall constitute the entire agreement of the parties and shall supersede all prior negotiations and representations, whether written or oral.

IN WITNESS WHEREOF, The City of Napoleon and the Wood County Commissioners have executed this agreement as set forth below, this _____ day of _____, 20_____.

WITNESS:

BOARD OF WOOD COUNTY COMMISSIONERS

Print Name: _____

Doris I Herringshaw, Commissioner

Print Name: _____

Craig LaHote, Commissioner

Print Name: _____

Dr. Theodore H Bowlus, Commissioner

WITNESS:

City of Napoleon, OHIO

Print Name: _____

Mayor

Print Name: _____

Clerk _____

Print Name: _____

Title: _____

APPROVED AS TO FORM ONLY:

APPROVED AS TO FORM ONLY:

Paul Dobson, Wood Co. Pros. Atty.

City of Napoleon Solicitor

ORDINANCE NO. 034-17

AN ORDINANCE TO APPROVE CURRENT MARCH 2017 REPLACEMENT PAGES TO THE CITY OF NAPOLEON, OHIO CODIFIED ORDINANCES

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council;

Now Therefore,

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

Section 1. That, the Ordinances of the City of Napoleon, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the March 2017 replacement pages to the Codified Ordinances are hereby approved and adopted; such having been certified as correct by the Clerk of Council and the Mayor.

Section 2. That, among others, the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

Traffic Code

301.04	Bicycle; Motorized Bicycle; Moped. (Amended)
301.19	Motorcycle. (Amended)
313.09	Driver's Duties Upon Approaching Ambiguous Traffic Signal. (Amended)
331.03	Overtaking, Passing to Left; Driver's Duties. (Amended)
331.21	Right of Way of Public Safety or Coroner's Vehicle. (Added)
331.211	Report of Vehicle Failing to Yield Right of Way to Public Safety Vehicle. (Added)
335.021	Ohio Driver's License Required for In State Residents. (Added)
335.111	Registration Within Thirty Days of Residency. (Added)
335.12	Stopping After Accident Upon Streets. (Amended)
335.13	Stopping After Accident Upon Property Other Than Street. (Amended)
373.02	Riding Upon Seats; Handlebars; Helmets and Glasses. (Amended)

General Offenses Code

None

Fire Prevention Code

1519.04	Fireworks Possession, Sale or Discharge Prohibited. (Amended)
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Section 3. That, the complete text of all current Codified changes are set forth in the current replacement pages to the City of Napoleon's Codified Ordinances, said pages which are attached to this Ordinance as Exhibit "A." Any summary publication of this Ordinance shall include a complete listing of these sections. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

Section 4. 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 5. 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 6. That, upon passage, this Ordinance shall take effect at the earliest time permitted by law.

Passed: _____

Travis B. Sheaffer, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ 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. 034-17 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

RESOLUTION NO. 035-17

A RESOLUTION ADOPTING THE 2018 TAX BUDGET FOR THE CITY OF NAPOLEON, OHIO, AS REQUIRED IN SECTIONS 5705.28 AND 5705.281 OF THE OHIO REVISED CODE (ORC) AND DIRECTING THE FINANCE DIRECTOR TO FILE THE SAME WITH THE COUNTY AUDITOR; AND DECLARING AN EMERGENCY

WHEREAS, at least two (2) copies of the Tax Budget have been on file with the Finance Director for public inspection not less than ten (10) days before its adoption; and,

WHEREAS, the Finance and Budget Committee of Council, by and through the Finance Director, has prepared a Tax Budget pursuant to Article II, Sec. 2.13 of the City of Napoleon, Ohio's Charter, and Sections 5705.28 and 5705.281 of the Ohio Revised Code (O.R.C.); and,

WHEREAS, a Public Hearing was held on June 5, 2017, concerning this 2018 Tax Budget.

WHEREAS, the 2018 Tax Budget must be adopted on or before July 15, 2017;
Now Therefore,

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

Section 1. That, the City Council of Napoleon, Ohio adopts the 2018 Tax Budget, as required by O.R.C. Sections 5705.28 and 5705.281, in the form presented to Council and currently on file in the Office of the Finance Director and marked as the 2018 Tax Budget.

Section 2. That, the Finance Director is hereby directed to file the 2018 Tax Budget with the County Auditor on or before July 20, 2017.

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

Section 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to meet the July 15 and July 20, 2017 deadlines as noted above; 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 Resolution No. 035-17 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								
		POWER SUPPLY COST ADJUSTMENT FACTOR (PSCAF) - COMPUTATION OF MONTHLY PSCAF											
		COMPUTATIONS WITH CORRECTED DATA FROM JULY, 2015, THROUGH MARCH, 2017											
AMP	PSCAF	AMP - kWh	Purchased Power				Rolling	Less: Fixed	PSCA		PSCA-Corrted.		
Billed	City	Delivered	Supply Costs		Rolling 3-Month Totals		3 Month	Base Power	Dollar		3 MONTH		
Usage	Billing	As Listed on	(* = Net of Known)		Current + Prior 2 Months		Average	Supply	Difference		AVG.FACTOR		
Month	Month	AMP Invoices	(+ OR - Other Cr's)		kWh	Cost	Cost	Cost	+ or (-)		+ Line Loss		
(a)	(b)	(c)	(d)		(e)	(f)	(g)	(h)	(i)		(j)		
		Actual Billed	Actual Billed w/Cr's		c + prior 2 Mo	d + prior 2 Mo	f / e	\$0.07194 Fixed	g + h		i X 1.075		
Jan '16	Mar '16	14,813,772	\$	1,060,489.73	41,508,827	\$ 2,863,552.86	\$ 0.06899	\$ (0.07194)	\$ (0.00295)	\$ (0.00317)			
Feb '16	Apr '16	13,333,740	\$	1,012,584.64	41,782,091	\$ 2,936,844.01	\$ 0.07029	\$ (0.07194)	\$ (0.00165)	\$ (0.00177)			
Mar '16	May '16	12,975,047	\$	1,017,837.14	41,122,559	\$ 3,090,911.51	\$ 0.07516	\$ (0.07194)	\$ 0.00322	\$ 0.00346			
Apr '16	June '16	12,132,975	\$	897,981.75	38,441,762	\$ 2,928,403.53	\$ 0.07618	\$ (0.07194)	\$ 0.00424	\$ 0.00456			
May '16	July '16	12,603,253	\$	976,900.73	37,711,275	\$ 2,892,719.62	\$ 0.07671	\$ (0.07194)	\$ 0.00477	\$ 0.00513			
June '16	Aug '16	13,839,770	\$	1,068,079.71	38,575,998	\$ 2,942,962.19	\$ 0.07629	\$ (0.07194)	\$ 0.00435	\$ 0.00468			
July '16	Sep '16	14,844,510	*\$	1,080,619.47	41,287,533	\$ 3,125,599.91	\$ 0.07570	\$ (0.07194)	\$ 0.00376	\$ 0.00404			
Aug '16	Oct '16	16,864,052	\$	1,210,058.88	45,548,332	\$ 3,358,758.06	\$ 0.07374	\$ (0.07194)	\$ 0.00180	\$ 0.00194			
Sep '16	Nov '16	13,547,772	\$	1,079,259.61	45,256,334	\$ 3,369,937.96	\$ 0.07446	\$ (0.07194)	\$ 0.00252	\$ 0.00271			
Oct '16	Dec '16	12,402,405	\$	955,761.68	42,814,229	\$ 3,245,080.17	\$ 0.07579	\$ (0.07194)	\$ 0.00385	\$ 0.00414			
Nov '16	Jan '17	12,220,092	\$	956,580.93	38,170,269	\$ 2,991,602.22	\$ 0.07838	\$ (0.07194)	\$ 0.00644	\$ 0.00692			
Dec '16	Feb '17	13,827,811	\$	1,089,497.78	38,450,308	\$ 3,001,840.39	\$ 0.07807	\$ (0.07194)	\$ 0.00613	\$ 0.00659			
Jan'17	Mar '17	13,656,702	*\$	1,025,645.91	39,704,605	\$ 3,071,724.62	\$ 0.07736	\$ (0.07194)	\$ 0.00542	\$ 0.00583			
Feb'17	Apr '17	11,866,614	*\$	912,320.61	39,351,127	\$ 3,027,464.30	\$ 0.07693	\$ (0.07194)	\$ 0.00499	\$ 0.00536			
Mar'17	May '17	12,936,492	\$	1,069,577.85	38,459,808	\$ 3,007,544.37	\$ 0.07820	\$ (0.07194)	\$ 0.00626	\$ 0.00673			
Apr'17	June '17	11,497,068	\$	943,085.70	36,300,174	\$ 2,924,984.16	\$ 0.08058	\$ (0.07194)	\$ 0.00864	\$ 0.00929			
* Other (-) Credits / (+) Debits Included in Purchased Power Costs, Not Listed on AMP Billings:													
PSCAF - Preparers Signature:							PSCAF - Reviewers Signature:						
Name -	Lori A. Rausch, Utility Billing Administrator						Name -	Gregory J. Heath, Finance Director					
						</							

BILLING SUMMARY AND CONS									
2017 - JUNE BILLING WITH MAY 2017 DATA BIL									
PREVIOUS MONTH'S POWER BILLS - PU									
DATA PERIOD									
AMP-Ohio Bill Month									
City-System Data Month									
City-Monthly Billing Cycle									
=====									
====WIND=====									
===SOLAR===									
===TRANSMISSION, SERVICE FEES & MISC. CONTRACTS===									
(	NYPA	JV-5	JV-6	AMP SOLAR	EFFNCY.SMART	TRANSMISSION	SERVICE FEES	MISCELLANEOUS	TOTAL -
PURCHASED POWER-RESOURCES -> (	HYDRO	HYDRO	WIND	PHASE 1	POWER PLANT	CHARGES	DISPATCH, A & B	CHARGES &	ALL
(	SCHED. @ NYIS	7x24 @ ATSI	SCHED. @ ATSI	SCHED. @ ATSI	2014 - 2017	Other Charges	Other Charges	LEVELIZATION	RESOURCES
Delivered kWh (On Peak) ->	599,351	2,223,360	58,514	113,482	0	0	0	0	13,755,906
Delivered kWh (Off Peak) ->									39,923
Delivered kWh (Replacement/Losses/Offset) ->		32,526							32,526
Delivered kWh/Sale (Credits) ->									-2,331,287
=====									
Net Total Delivered kWh as Billed ->	599,351	2,255,886	58,514	113,482	0	0	0	0	11,497,068
Percent % of Total Power Purchased->	5.2131%	19.6214%	0.5089%	0.9871%	0.0000%	0.0000%	0.0000%	0.0000%	100.0001%
Verification Total ->									100.0000%
COST OF PURCHASED POWER:									
DEMAND CHARGES (+Debits)									
Demand Charges	\$6,449.96	\$39,094.09	\$0.00			\$128,197.37			\$309,739.17
Debt Services (Principal & Interest)		\$55,367.84	\$1,545.40						\$358,659.92
DEMAND CHARGES (-Credits)									
Transmission Charges (Demand-Credits)		-\$12,383.43	-\$76.50						-\$44,640.68
Capacity Credit	-\$4,412.61	-\$14,514.20	-\$106.71						-\$135,200.31
=====									
Sub-Total Demand Charges	\$2,037.35	\$67,564.30	\$1,362.19	\$0.00	\$0.00	\$128,197.37	\$0.00	\$0.00	\$488,558.10
ENERGY CHARGES (+Debits):									
Energy Charges - (On Peak)	\$12,701.23	\$42,326.66		\$9,872.90		\$7,134.14			\$374,474.44
Energy Charges - (Replacement/Off Peak)									\$1,269.99
Net Congestion, Losses, FTR	\$851.27								\$18,145.88
Transmission Charges (Energy-Debits)									\$69,766.75
ESPP Charges					\$18,154.46				\$18,154.46
Bill Adjustments (General & Rate Levelization)								-\$40,000.00	-\$105,137.42
ENERGY CHARGES (-Credits or Adjustments):									
Energy Charges - On Peak (Sale or Rate Stabilization)									-\$70,154.41
Net Congestion, Losses, FTR									\$0.00
Bill Adjustments (General & Rate Levelization)	-\$792.02							\$0.00	-\$2,609.08
=====									
Sub-Total Energy Charges	\$12,760.48	\$42,326.66	\$0.00	\$9,872.90	\$18,154.46	\$7,134.14	\$0.00	-\$40,000.00	\$303,910.61
TRANSMISSION & SERVICE CHARGES, MISC.:									
RPM / PJM Charges Capacity - (+Debit)						\$143,388.03			\$143,388.03
RPM / PJM Charges Capacity - (-Credit)								-\$2,416.04	-\$2,416.04
Service Fees AMP-Dispatch Center - (+Debit/-Credit)							\$0.00		\$0.00
Service Fees AMP-Part A - (+Debit/-Credit)							\$2,969.55		\$2,969.55
Service Fees AMP-Part B - (+Debit/-Credit)							\$6,675.45		\$6,675.45
Other Charges & Bill Adjustments - (+Debit/-Credit)								\$0.00	\$0.00
Note: AMPGS Project settlement net out of project settlement \$6074.00 ->									
=====									
Sub-Total Service Fees & Other Charges	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$143,388.03	\$9,645.00	-\$2,416.04	\$150,616.99
=====									
TOTAL - ALL COSTS OF PURCHASED POWER	\$14,797.83	\$109,890.96	\$1,362.19	\$9,872.90	\$18,154.46	\$278,719.54	\$9,645.00	-\$42,416.04	\$943,085.70
Verification Total ->									\$943,085.70
Purchased Power Resources - Cost per kWh->	\$0.024690	\$0.048713	\$0.023280	\$0.087000	\$0.000000	\$0.000000	\$0.000000	\$0.000000	\$0.082028
(Northern Pool Power - On-Peak + Off-Peak - Energy Charge/kWH) = JV2 Electric Service Rate ->									\$0.029512
(Northern Pool Power - On-Peak + Off-Peak - Energy Charge/kWH) = JV5 Electric Service Rate ->									\$0.029512



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
Date: June 15, 2017
Subject: 2017 Downtown Improvements – Recommendation of Award

On Wednesday, June 14, 2017, bids were opened and read aloud for the above referenced project. One bid was submitted and read as follows:

Vernon Nagel, Inc.

\$876,466.84

The Engineer's Estimate for this project is \$800,000.00. This project consists of: replacing the existing cast iron waterline on N. Perry Street from W. Main Street through Clinton Street and on E. Washington Street from N. Perry Street to Monroe Street; replacing and widening the concrete walks on the westerly side of N. Perry Street from W. Main Street to Clinton Street; replacing the broken portions of concrete walk on the remainder of the project; rebuilding/resurfacing N. Perry Street from the Perry Street Bridge to Clinton Street and E. Washington Street from N. Perry Street to Monroe Street; installing decorative fencing on portions of the concrete walk in front of the dining establishments on the westerly side of N. Perry Street. The completion date for this project is November 18, 2017.

Having reviewed the submitted bid, it is my recommendation that Council award Vernon Nagel, Inc. the contract for the 2017 Downtown Improvements in the amount of \$876,466.84. If you have any questions or require additional information, please contact me at your convenience.

CEL



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

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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
Clayton O'Brien, City Fire Chief
Date: June 15, 2017
Subject: Safety Services Training Facility – Site Plan –
Recommendation of Award

On Wednesday, June 14, 2017, bids were opened and read aloud for the above referenced project. One bid was submitted and read as follows:

Vernon Nagel, Inc.

\$32,900.00

The Engineer's Estimate for this project is \$30,000.00. This project consists of prepping the site for the training facility. The completion date for this project is September 30, 2017.

Having reviewed the submitted bid, it is my recommendation that Council award Vernon Nagel, Inc. the contract for the Safety Services Training Facility – Site Plan in the amount of \$32,900.00. Please note the cost of this project is being reimbursed through a grant obtained by the City of Napoleon's Fire Department. If you have any questions or require additional information, please contact me at your convenience.

CEL

For
Safety City

11429

UNITED WAY OF HENRY COUNTY
611 N. PERRY ST.
NAPOLEON, OH 43545-1701

08-83

PNC Bank, N.A. 070

6-12/410
403
CHECK ARMOR
BY FIRST NATIONAL BANK

6/5/2017

PAY TO THE
ORDER OF City of Napoleon

\$ **600.00

Six Hundred and 00/100*****

DOLLARS 6

City of Napoleon

MEMO
safety city - rec dept.

Charles W. Mack

AUTHORIZED SIGNATURE



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:

Date: *6/7/2017*

Subject: *Culligan Water Donation*

Culligan Water has graciously committed to donating the fire department five (5) cases of water each month. The estimated total of this donation per year is \$336.00. I am asking for this donation to be accepted by City Council at their June 19th meeting.



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: Parks and Recreation Committee, City Council, Mayor, City Law Director, City Manager, Department Supervisors, Newsmedia

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

DATE: June 16, 2017

RE: Parks and Recreation Committee Meeting Cancellation

The regular Parks and Recreation Committee meeting scheduled for Monday, June 19, 2017 at 6:00 pm has been CANCELED due to lack of agenda items.



City of Napoleon, Ohio

255 West Riverview Avenue • P. O. Box 151
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MEMORANDUM

TO: City Council, Mayor, City Law Director, City Manager, Department Supervisors, Newsmedia

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

DATE: June 16, 2017

RE: Ad-hoc Committee on Organizational Health and Strategic Vision Meeting Cancellation

The Ad-hoc Committee on Organizational Health and Strategic Vision meeting scheduled for Monday, June 19, 2017 at 6:15 pm has been CANCELED at the direction of the Chair.



City of Napoleon, Ohio

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MEMORANDUM

TO: Tree Commission, City Council, Mayor, City Manager, City Law Director,
City Finance Director, Department Supervisors, Newsmedia
FROM: Gregory J. Heath, Finance Director/Clerk of Council *GJH*
DATE: June 16, 2017
RE: Tree Commission Meeting Cancellation

The Tree Commission meeting regularly scheduled for Monday, June 19, 2017 at 6:00 pm has been CANCELED due to lack of agenda items.



Napoleon Parks and Recreation

Fourth of July Celebration

2017

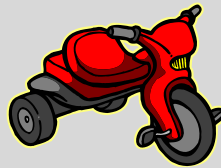
Sunday, July 2:

9:00 a.m. - 9:00 p.m.

Hole In One Contest - sponsored by the Napoleon American Legion. Any person scoring a hole-in-one will receive \$1,000 compliments of the American Legion. (Two or more winners shall split the prize). Gift certificates will be awarded daily to persons closest to the pin. Located near wooden shelterhouse at Glenwood Park.

6:00 - 7:30 p.m.

Big Wheel Race – Oakwood Park parking lot. Age groups for those 7 and under. Prizes for winners. Register at the site.



Monday, July 3:

12:00 p.m. - 9:00 p.m.

Hole In One Contest - sponsored by the Napoleon American Legion. Located near wooden shelterhouse at Glenwood Park.

10:00 am – 8:00 p.m.

3 on 3 Basketball Tournament – Glenwood Park

Age groups – 13- 15 (boys and girls) 10:00 a.m. start

Open Division 5:00 p.m. start

Teams shall consist of a maximum of four (4) players.

Double elimination format. \$20.00 entry fee per team.

Trophies and shirts awarded to winners. Registration deadline is Friday, July 1.



Tuesday, July 4:

8:00 a.m.

Red, White, and Blue Golf Scramble – Golf Course

This is a unique 4 person scramble where teams play from the red, white, and blue tees. Prizes will be awarded to winning teams as well as individual awards for closest to the pin, long drive, and longest putt. Entry fee will be \$100.00 per team (10 team minimum). Contact the clubhouse at 592-5526 to enter your team or for more information.



9:00 a.m. - 6:00 p.m.

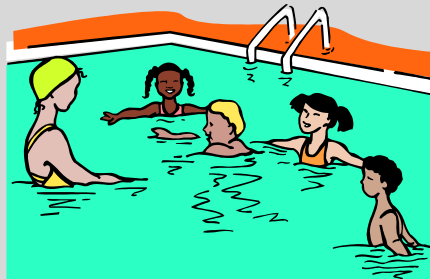
Hole-In-One Contest - Glenwood Park

9:00 a.m. - 1:00 p.m.

Basketball Hotshot Contest - Glenwood Park Basketball Court. Boys and Girls age groups are 9-12, 13-15, and 16-18. Registration at 9:00 a.m. with competition to begin at 9:30 a.m. Trophies to winners in each age group

10:00 a.m. - 6:00 p.m.

Free Open Swim at the Napoleon Municipal Pool



BE SURE TO VISIT OUR FOOD VENDORS



11:00 a.m.

Girls Softball All-Star Game - All Stars from the Girls Softball program to compete – Glenwood Park

12:00 p.m.

Chicken Barbecue - located inside at the American Legion. Chicken dinners and bratwurst sandwiches. Eat in or carry-outs available. Outside beverage stand also open at 11:00 a.m.

1:00 p.m.

Junior Little League All-Star Game – Glenwood Park.

2:00 - 3:00 p.m.

Kids Games at the Municipal Pool - prizes and candy donated by the American Legion.

5:00 p.m.

Sr. Little League Baseball All-Star Game – Glenwood Park



7:00 – 8:00 p.m.

Live Music – featuring Dave Grahn Live. Acoustic guitar performance playing hits of the 60s, 70s, & 80s. Glenwood Park

8:00 p.m.

Napoleon Community Band - Glenwood Park
Local instrumental band playing all of the traditional Independence Day music leading up to the fireworks display.

10:00 p.m.

Fireworks Display - Glenwood Park
(There will be no parking on Bales Road from Briarheath Dr. to Chelsea Ave. and on Briarheath Dr. from Kenilworth to Bales Road)



2017 COUNCIL, COMMITTEES, COMMISSIONS AND BOARDS

	<i>Name of Members</i>	<i>Date Started</i>	<i>Date Term Expires</i>
City Council & Mayor			
Meets 1st and 3rd Monday at 7:00 pm	Travis B. Sheaffer, President	01.01.1994	12.31.2017
	Joseph D. Bialorucki, President Pro-Tem	01.18.2016	12.31.2017
	Jeffrey W. Comadoll	04.07.2014	12.31.2019
	Rita Small	12.21.2015	12.31.2017
	Daniel L. Baer	01.01.2016	12.31.2019
	Jeff Mires	06.20.2016	12.31.2019
	Lori Sicclair	06.05.2017	12.31.2017
	Mayor Jason P. Maassel	01.01.2016	12.31.2019
Technology and Communications Committee			
Meets 1st Monday at 6:15 pm	Rita Small, Chair		
	Dan Baer		
	Travis Sheaffer		
Electric Committee			
Meets 2nd Monday at 6:30 pm	Travis Sheaffer, Chair		
	Lori Sicclair		
	Dan Baer		
Water, Sewer, Refuse, Recycling and Litter Committee			
Meets 2nd Monday at 7:00 pm	Jeff Comadoll, Chair		
	Travis Sheaffer		
	Rita Small		
Municipal Properties, Buildings, Land Use and Economic Development Committee			
Meets 2nd Monday at 7:30 pm	Lori Sicclair, Chair		
	Joe Bialorucki		
	Jeff Mires		
	Jason Maassel		
Parks and Recreation Committee			
Meets 3rd Monday at 6:00 pm	Joe Bialorucki, Chair		
	Jeff Comadoll		
	Jeff Mires		
Finance and Budget Committee			
Meets 4th Monday at 6:30 pm	Jeff Mires, Chair		
	Lori Sicclair		
	Joe Bialorucki		
	Jason Maassel		
Safety and Human Resources Committee			
Meets 4th Monday at 7:30 pm	Dan Baer, Chair		
	Jeff Comadoll		
	Rita Small		
Personnel Committee			
Meets As Needed	Travis Sheaffer, Chair		
	Joe Bialorucki		
	Jason Maassel		
Ad-Hoc Committee on Organizational Health and Strategic Vision			
Meets 3rd Monday at 6:15 pm	Travis Sheaffer, Chair		
	Dan Baer		
	Joe Bialorucki		
	Jason Maassel		
Ad-Hoc Committee on Council Rules <i>(created 12/5/2016)</i>			
Meets As Needed	Travis Sheaffer		
	Joe Bialorucki		
	Jeff Mires		

2017 COUNCIL, COMMITTEES, COMMISSIONS AND BOARDS

		DATE APPOINTED	TERM EXPIRES
Board of Public Affairs (BOPA)			
Per Charter 5.04, Ordinance No. 311, Passed 04-07-1958 - 3 Members – 3 Year Term – Appointed by the Mayor – Approved by City Council			
<i>Meets on the 2nd Monday at 6:30 pm</i>	Mike DeWit, Chair	01/03/2012	12/31/2019
	Dr. David Cordes	01/07/2013	12/31/2018
	Nick Frysinger	02/01/2016	12/31/2017
Board of Zoning Appeals			
Per Charter 5.03, Ordinance No. 701 Passed 10-18-1965 - 5 Members – Alternating 5 Year Terms - Appointed by the Mayor, Approved by Council at least one shall be a member of the Planning Commission			
<i>Meets on the 2nd Tuesday at 4:30 pm</i>	Laurie Sans	03/06/2006	12/31/2016
	Tom Mack	11/18/1991	12/31/2017
	Bob McLimans, Chair	01/03/2000	12/31/2018
	Steve Small	01/04/2010	12/31/2019
	David Dill	12/18/2000	12/31/2020
Planning Commission			
Per Charter 5.02 Ordinance No. 85 Passed 06-01-1953 - 5 Members –Mayor and 4 Citizens appointed by the Mayor - Alternating 6 Year Terms			
<i>Meets on the 2nd Tuesday at 5:00 pm</i>	Bob McLimans, Chair	01/03/2000	12/31/2017
	Tim Barry	09/02/2008	12/31/2016
	Marvin Barlow	12/16/2013	12/31/2019
	Fredric Furney	03/06/2006	12/31/2022
	Jason Maassel, Mayor	Term of Office	12/31/2019
Tree Commission			
Per Charter 169.02 Ordinance No. 41-95 Passed 05-01-1995 – 5 Members – 4 Year Term – Appointed by the Mayor			
<i>Meets on the 3rd Monday at 6:00 pm</i>	David Volkman, Chair	01/01/1994	12/31/2020
	Ed Clausing	04/18/2016	12/31/2020
	Jim Fitzenreiter	06/07/1999	12/31/2019
	Larr Etzler	02/20/2017	12/31/2020
	Bill Rohrs	06/05/2006	12/31/2020
	Jeff Mires – Council Representative (2/20/2017)	Term of Office	12/31/2019
	Marty Crossland	City Representative	
Civil Service Commission			
Per Charter 5.01 ORC 143.40 – 3 Members – 6 Year Term – not more than 2 of one Party – Appointed by the Mayor			
<i>Meets on the 4th Tuesday at 4:30 pm</i>	Bill Finnegan (D) – Chair	08/03/2015	12/31/2021
	Megan Lytle-Steele (D)	02/01/2016	12/31/2017
	Eric Rohrs (R)	12/05/2016	12/31/2019
Parks and Recreation Board			
Per Charter 5.06 – Ordinance No. 879 Passed 03-03-1969 – 7 Members – 3 Year Term – Appointed by Mayor, Approved by Council			
<i>Meets on the Last Wednesday of the Month at 6:30 pm</i>	Matt Hardy, Chair	01/17/2005	12/31/2017
	Chad Richardson	01/05/2015	12/31/2017
	Peg Funchion	01/03/2000	12/31/2017
	Aaron Schnitkey	10/01/2012	12/31/2017
	Mike Saneholtz	01/01/1995	12/31/2019
	Ryan Miller	02/29/2016	12/31/2019
	Jon Knepley	08/17/2015	12/31/2019
	Joe Bialorucki	Council Representative	
Americans with Disabilities Act Compliance Board (ADA)			
Per Charter 171.03 – Ordinance No. 60-93 – 5 Members – 3 Year Term – Appointed by Mayor			
<i>Meets As Needed</i>	Richard Luzny	06/21/1993	12/31/2016
	Art Germann	06/21/1993	12/31/2017
	Wayne Barber	01/03/2012	12/31/2017
	Kevin Yarnell	06/21/1993	12/31/2018

2017 COUNCIL, COMMITTEES, COMMISSIONS AND BOARDS

		DATE APPOINTED	TERM EXPIRES
Audit Committee			
Per Ordinance No. 028-09 – Members of the Finance and Budget Committee of Council			
<i>Meets as Needed</i>	Jeff Mires, Chair	<i>Members of the Finance and Budget Committee of Council</i>	
	Lori Siclair		
	Joe Bialorucki		
	Jason Maassel		
Board of Building Appeals			
Per Charter 5.05 – Ordinance No. 1116 – 5 Members – 3 Year Term – Appointed by Mayor			
<i>Meets as Needed</i>	Randy Germann (Structural Engineer)	02/20/2012	12/31/2017
	Alex Stites	03/05/2012	12/31/2017
	Phillip Rausch	03/19/2012	12/31/2017
	Greg Beck (Organized Labor, Building and Construction)	02/20/2012	12/31/2017
	Jeff Lankenau (Attorney)	02/20/2012	12/31/2019
Charter Review Commission			
Per Charter 5.07 – 7 Members: 5 Appointed by Council – 2 Members Appointed by the Mayor (but not more than 2 may be Councilmembers)			
<i>Meets at Least Every 8 Years Meetings were in 2008, 2016</i>	Jason Maassel, Mayor	02/01/2016	
	Travis Sheaffer, Council	01/04/2016	
	_____, Council	01/04/2016	
	Mike DeWit	01/04/2016	
	Ted Rohrs	01/04/2016	
	Ron Behm	01/04/2016	
	Terry Holman	02/01/2016	
CIC Board			
(Per Ordinance No. 017-11, 1 year term for Officials-Appointed by the Mayor, 3 year term for Citizens-Appointed by the CIC Board)			
<i>Meets: 3rd Tuesday at 4:30 pm</i>	Jason Maassel, Elected Official	08/04/2014	12/31/2017
	Dan Baer, Elected Official	02/15/2016	12/31/2017
	Greg Beck, Citizen		
	Kevin Yarnell, Citizen		
	Chris Peper, Citizen		
	Kelli Burkhardt, Citizen	5/12/2012	
County/City General Health District			
5 year term; Appointed by the City Manager			
<i>Meets: As Needed</i>	Dr. Doug Lindsay	10/13/2011	03/01/2019
	Joel Miller	Feb 2014	12/31/2018
Fair Housing Board			
Per Charter 515.04, 3 year term, Appointed by the Mayor (shall not be employed by the City, an elected public official or candidate for public office)			
<i>Meets: As Needed</i>	Mary Jo Sands	04/16/2012	
	Donna Fowler	04/16/2012	
	Trudy Wachtman	05/07/2012	
Healthcare Cost Committee			
Per Ordinance No. 125-00 2-AFSCME, 2-FD, 2-PD selected by unions; 2 Non-Bargaining Appointed by the Mayor; 2 Admin selected by the City Manager			
<i>Meets: As Needed</i>	Mike Foreman, PD – Chair		
	Rocky Rubio, PD		
	Dave Bowen, FD		
	Brady Schaffner, FD		
	Jeremy Okuley, AFSCME		
	Roger Eis, AFSCME		
	Dave Mack, Non-Bargaining	1/17/2016	
	Chad Lulfs, Non-Bargaining		
	Greg Heath, Admin		
	Joel Mazur, Admin		

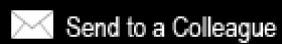
2017 COUNCIL, COMMITTEES, COMMISSIONS AND BOARDS

		DATE APPOINTED	TERM EXPIRES
Henry County Metropolitan Housing Authority			
5 Year Term, Appointed by the Mayor			
<i>Meets: as Needed</i>	Cheryl Hershberger		10/01/2017
	Anthony Greiser		09/22/2018
Housing Advisory (representing area agencies, organizations and businesses)			
Per Ordinance No. 063-05, 4 year term, appointed by the Mayor			
<i>Meets: as Needed</i>	Mary Jo Sands	04/16/2012	12/31/2016
	Trudy Wachtman		
Housing Council			
per Ordinance No. 120-00 - 3 year term (2 appointed by Mayor; 2 appointed by Council, 2 appointed by Housing Council, 1 appointed by Planning Comm)			
<i>Meets: 1st Council meeting following TIRC meeting at 6:30 pm</i>	, Chair (Mayor's Appointment)	04/04/2016	12/31/2018
	Joe Bialorucki (Mayor's Appointment)	04/04/2016	12/31/2018
	Lori Sicclair, (Council Appointment)	04/03/2017	12/31/2018
	Ted Rohrs, (Council Appointment)	04/04/2016	12/31/2018
	Kevin Yarnell, (Housing Council Appointment)	04/04/2016	12/31/2018
	Jerry Tonjes, (Housing Council Appointment)	04/03/2017	12/31/2018
	Cheryl Hershberger, (Planning Commission Appt.)	04/12/2016	12/31/2018
Local Board of Tax Review			
Ordinance No. 053-15 – 2 year term (2 members appointed by Legislative Authority; 1 member [city employee] appt. by City Manager.			
	Jonathon Floering	01/18/2016	12/31/2017
	Sheri Heckerman	01/28/2016	12/31/2017
Lodge Tax Advisory and Control Board			
(per Charter 191.21, 2 year term–Appointed by the Mayor – no term for Council or Mayor. Mayor Optional, 2 Council, 1 Chamber, 1 Parks & Rec, 1 Lodging Business)			
<i>Meets: as Needed</i>	Travis Sheaffer, Council Representative		Term of Office
	Joel Miller, Chamber		
	Jason Maassel, Mayor		Term of Office
	_____ (Parks & Rec)		
	_____ (Lodging)		
Maumee Valley Planning Organization Board			
One Member from the City, Appointed by the Mayor			
<i>Meets: Quarterly</i>	Mayor Jason Maassel		
Napoleon Infrastructure/Economic Development Fund Review Committee			
Per Resolution No. 030-11, also covered in Contractual Agreement with CIC			
<i>Meets: as Needed</i>	Joel Mazur, City Manager		
	Greg Heath, Finance Director		
	Denise Dahl, CIC Director		
NCTV Advisory Board			
Per City Contract No. 2009-20			
<i>Meets: as Needed</i>	Michelle Hall	02/20/2012	
	John Stovcsik	02/20/2012	
	Travis Sheaffer	02/20/2012	
	Jamie Bostelman	03/05/2012	

2017 COUNCIL, COMMITTEES, COMMISSIONS AND BOARDS

		DATE APPOINTED	TERM EXPIRES
Preservation Commission			
Per ORC 181.01, Ordinance No. 031-09: Five Members each appointed by the Mayor, one for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years.			
<i>Meets: as Needed</i>	Mary Wesche, Chair	08/05/2013	12/31/2020
	Joel Miller	09/08/2009	12/31/2020
	Ed Peper	09/08/2009	12/31/2020
	Marv Barlow	09/08/2009	12/31/2020
	Glenn Miller	10/17/2011	12/31/2020
Privacy Committee (notify Greg and Lori)			
Per Ordinance No. 083-08, 6 year term, Experience in Customer Service, Accounting, Info. Sys/Tech, HR, Sr. Management or Law Enforcement			
<i>Meets: 2nd Tuesday of May and November at 10:30 am</i>	Christine Peddicord		12/31/2022
	Robert Weitzel	11/07/2011	12/31/2017
	Tony Cotter	03/06/2017	12/31/2019
Records Commission			
Per Charter 173.01, 5 year term, Mayor-Chair, Finance Director, City Manager, Law Director, 1 Citizen			
<i>Meets: 2nd Tuesday of June and December at 4:00 pm</i>	Jason Maassel, Mayor		
	Gregory J. Heath, City Finance Director		
	Joel L. Mazur, City Manager		
	Billy D. Harmon, Law Director		
	Doug Herman, Citizen		12/31/2020
Tax Incentive Review Council (TIRC)			
(Per ORC 5709.85, Appointed by Council President)			
		01/23/2017	
	Jeff Mires	01/23/2017	
Volunteer Firefighters Dependents Fund Board			
Per ORC 146.03 – 1 Year Term - 2 Appointed by Council, 2 by Fire Department and 1 by the Board			
<i>Meets: As Needed</i>	Jeff Comadoll, Appointed by Council	12/05/2016	12/31/2017
	Joe Bialorucki, Appointed by Council	12/05/2016	12/31/2017
	Peter Celani	Appt. by Vol. Fire Dept.	12/31/2017
	Ashley Bowen	Appt. by Vol. Fire Dept.	12/31/2017
	Ellsworth Mitchell	Appointed by Board 1-23-2017	12/31/2017
Volunteer Peace Officers' Dependents Fund Board			
Per Ordinance No. 010-16 – 1 Year Term – 2 Appointed by Council, 2 by Fire Department and 1 by the Board			
	Jeff Comadoll	01/03/2017 Council	12/31/2017
	Joe Bialorucki	01/03/2017 Council	12/31/2017
	Vic Engel	Appt. by Police Aux	12/31/2017
	Pete Mendez	Appt. by Police Aux	12/31/2017
	Ellsworth Mitchell	Appointed by Board 1-23-2017	12/31/2017

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June 16, 2017

As the Senate gets closer to finalizing their list of budget priorities for the next two year state operating budget, the League continues to meet with legislators about concerns and alternative language to relieve Ohio's cities and villages on the challenges that remain present in the Senate's substitute plan. Most of the legislative activity at the Statehouse this week focused on budget issues.

LEAGUE TESTIFIES BEFORE SENATE FINANCE COMMITTEE ON BUDGET ISSUES

This week, the Senate Finance Committee continued to unpack the Senate substitute version of HB49 unveiled Monday with hearings and testimony throughout the week from interested parties.

On Wednesday, OML Executive Director Kent Scarrett testified before the Senate Finance Committee on the amendments impacting municipalities that the Senate has adopted and other changes included in the most recent draft of the budget proposal. You can view the recorded testimony <http://ohiochannel.org/video/ohio-senate-finance-committee-6-14-2017-part-2> via the link provided. The League's testimony begins at 8:08 in the recording and concludes at 26:03. The nearly 20 minutes of testimony includes questions from members of the Committee about issues addressed in the presentation and other matters related to state government and Ohio's municipalities. Following Scarrett's testimony, Chris Ferruso, Director of Legislative Affairs for the National Federation of Independent Businesses-Ohio (NFIB) presented his testimony and shared his members concerns related to the municipal income tax and the organization's support for the Senate language.

Scarrett outlined for the committee the detrimental consequences of the Ohio Department of Taxation's alternative proposal to administer net profit business filings for businesses who opt-in to file through the Ohio Business Gateway. In addition to the increased administrative and financial burden that municipalities would have to shoulder should this proposal become law, Scarrett explained that the Tax Commissioner administering any part of the municipal income tax would be a violation of Ohio's Constitution, per the ruling in *Gesler v. Worthington Income Tax Bd. Of Appeals* (available [HERE](#)). In regards to the elimination of the "throwback" provision, Scarrett listed the impact numbers for multiple municipalities for loss of revenue - some of which total in the millions of dollars.

While he thanked the committee for amendments that removed the preemption of local lead laws and the unitization of municipal corporations with oil and gas reserves, Scarrett asked that the committee remove provisions that would redirect \$24 million in LGF dollars from municipalities to townships and small villages, and over \$35 million to statewide opioid intervention programs.

Sen. Coley (R-Liberty Township) asked why, if the option to file through the OBG was discretionary for businesses, municipalities were concerned about a loss of revenue. Scarrett explained that for the majority of self-collection municipalities, the total cost of revenues for collection net profit business filings totaled around .02%. ODT's 1% administration fee means a substantial increased cost - without relieving municipalities of any administrative burden or cost. "We don't understand why ODT is needed to collect and then redistribute own revenues back to us," he said while explaining that currently, OBG is a portal where revenues are sent directly to the collecting municipality.

Sen. Lehner (R-Kettering) asked for clarification regarding which parts of the Local Government Fund (LGF) this budget is diverting to efforts fighting the opioid epidemic, asking if it was an "antiquated fund." Scarrett explained that the nearly \$60 million in revenues, called the Municipal Supplemental Distribution Fund, was created in the 70s as a means to counterbalance any revenue loss the 600-odd municipalities leveraging an income tax would experience once the State created their own income tax. However, he explained that those revenues are a part of the annual LFG distribution and are not being "cobwebbed."

Finally, Sen. Tavares (D-Columbus) asked if there were ways apart from revenue that State could be a better partner to municipalities. Scarrett explained that one of the "most infuriating" problems municipalities face is preemptions from the State. "It's an extreme challenge to the Constitution and a challenge to the partnership municipalities have with the state," he said, saying increased preemptions in recent years have continued to erode the trust municipalities have with the State.

On Thursday, Keary McCarthy from the Ohio Mayors Alliance provided testimony that can be found [HERE](#) and the City of Cincinnati's Marilyn Crumpton also shared concerns with Committee members. Her testimony can be found [HERE](#). The League thanks all of our members who have contacted their state delegation to impress upon them the fixes that need to be made in the budget to protect our communities.

The Senate Finance Committee will reveal an omnibus amendment to Sub. HB 49 next week before passing the bill out of both the committee and the full chamber. We are asking our members to call their legislators immediately to express their opposition to any state takeover of municipal revenues and the continued erosion of local control. OML continues to meet with legislators before conference committee convenes to educate legislators on what's best for Ohio's municipalities.

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WORKERS COMPENSATION BUDGET RECEIVES HEARING

On Tuesday the Ohio Senate Insurance and Financial Institutions Committee heard testimony on the workers compensation budget, HB 27, which was introduced by Rep. Brinkman (R-Mt. Lookout). The Committee heard testimony on a specific provision that would forbid illegal aliens from receiving workers compensation coverage and on

another provision that would decrease the statute of limitations on claims from two years to one year.

Opponents to the one-year statute of limitations argued that many workers try to "soldier through" injuries and therefore need more than a year to make their claim. Additionally, some employers encourage workers not to make their claims by making false promises to them. Proponents argued that over 98% of claims are made in the first year and this is an indication that two years is not necessary.

Committee Chairman Jay Hottinger (R-Newark) announced that amendments would be due Friday with a sub bill ready next week. We will keep our members aware of future action of this bill.

INTERIM MONEYS BILL RECEIVES HEARING

HB 251, introduced by Rep. Greenspan (R-Westlake), would increase from the maturity period of other political subdivision's bonds and obligations eligible for investment of a subdivision's interim moneys from five to ten years.

Greenspan, in his sponsor testimony, said, "Under this proposal, a political subdivision may purchase the debt of another subdivision for a longer period of time, which presents two distinct advantages for both the purchaser and seller. Those political subdivisions purchasing the debt may have an opportunity to earn more investment income than on their traditional or current investments. The political subdivisions selling their debt may pay less interest expense, resulting in savings to taxpayers. As previously indicated, both the seller and purchaser under the proposed extended investment protocol, stand to mutually benefit if they so choose."

As HB 251 progresses, we will be sure to report on future activity.

OHIO AG AND CITIES FILE SUIT AGAINST PHARMA COMPANIES

Last week, the Ohio Attorney General filed a lawsuit against multiple pharmaceutical companies, alleging that they are liable for violating RICO statutes and nuisance statutes in the State of Ohio, among other accusations.

Ohio cities, including Dayton and Lorain, have filed similar suits. The suits allege that these companies have been misleading doctors into overprescribing opioids by downplaying the dangers of the drugs. Ohio is unfortunately leading the nation in opiate deaths, and the upcoming budget has earmarked millions of dollars towards fighting this epidemic.

As updates become available, we will be sure to alert our members.

MAYORS CONFERENCE SUCCESS

This week, the Mayor's Association of Ohio held their annual conference at the Embassy Suites in Dublin. Attendees had the opportunity to hear from featured speaker Ohio Chief Justice Maureen O'Connor, visit the exhibition hall and collaborate with mayors from municipalities of all sizes from around the state. Sessions covered topics like Ohio's updated rules on medical marijuana, open meetings and public records, and ordinance drafting after AT&T's preemption in last General Assembly's SB 331.

OML Executive Director Kent Scarrett gave a legislative update on budget proceedings, JobsOhio gave a presentation covering Ohio Economic Development Strategy, and Greater Ohio Policy Center's Dr. Alison Goebel spoke on the revitalization of Ohio's small and medium-sized legacy cities. Mayors also participated in two separate roundtable discussions for cities and villages to discuss current issues like panhandling, prayers during meetings, and fireworks.

OML wants to thank all who took the time to attend the conference this week and to our wonderful presenters who helped educate Ohio's municipal leaders on issues impactful to their communities.

We appreciate the participation of all of our mayors and municipal officials from across the state, not only during sessions and discussions, but also in your willingness to call your Legislators regarding legislation that impacts your cities and villages. As Dir. Scarrett said during his presentation, OML's largest and most effective lobbying effort is spread all across Ohio in local offices.

Thank you for a great conference, and we hope to see you next year!

BILLS INTRODUCED OF MUNICIPAL CONCERN

SB162 WITHHOLDING FUNDS-SANCTUARY CITIES - To withhold local government fund payments to municipal corporations that have enacted an ordinance, policy, directive, rule, or resolution that hinders or prevents municipal employees from cooperating with state or federal immigration services or from complying with executive orders pertaining to immigration.

Introduced Jordan, K

HB267 LOCAL LIABILITY-VEHICLE NEGLIGENCE - To eliminate certain defenses to political subdivision liability for an employee's negligent operation of a motor vehicle and to reduce damages recoverable against a political subdivision in such actions by the contributory fault of the plaintiff or other parties.

Introduced Ingram, C

HB268 WORKERS COMPENSATION-SELF-INSURERS - To make changes to the Workers' Compensation Law with respect to self-insuring employers.

Introduced Henne, M

HB269 WORKERS COMPENSATION OVERHAUL - To rename the entities who carry out workers' compensation functions in this state, to require the Administrator of Worker Safety and Rehabilitation to develop incentives for employers to participate in safety consultations and loss prevention programs, to require an employee who is receiving temporary total disability compensation to comply with a return to work plan, and to make changes with respect to compensation for permanent total disability and death benefits.

Introduced Henne, M

COMMITTEE SCHEDULE FOR THE WEEK OF JUNE 18, 2017

Tuesday, June 20, 2017

HOUSE FINANCE

Tue., Jun. 20, 2017, 9:00 AM, Hearing Room 313
Rep. Smith: 614-466-1366

HB168** CEMETERY MAINTENANCE AND REGISTRATION (STEIN D) To modify duties of the Division of Real Estate in the Department of Commerce regarding cemetery registration, to specify cemetery owners must reasonably maintain cemeteries, to establish the Cemetery Grant Program, and to make an appropriation.

First Hearing, Sponsor Testimony

SENATE INSURANCE AND FINANCIAL INSTITUTIONS

Tue., Jun. 20, 2017, 9:30 AM, Senate Finance Hearing Room
Sen. Hottinger: 614-466-5838

HB27** WORKERS' COMPENSATION BUDGET (BRINKMAN T) To make changes to the Workers' Compensation Law, to make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of the Bureau's programs.

Third Hearing, Interested Party, AMENDMENTS/POSSIBLE VOTE

HOUSE CRIMINAL JUSTICE

Tue., Jun. 20, 2017, 1:30 PM, Hearing Room 114
Rep. Manning: 614-644-5076

HB48** WAR RELIC PROTECTION (SCHAFER T) To prohibit a war relic that is located on public property or on the property of a cemetery association from being sold or otherwise disposed of, or destroyed, relocated, removed, altered, or otherwise disturbed, except under certain circumstances.

First Hearing, Sponsor Testimony, AMENDMENTS

HB125** TRAFFIC ORDINANCE JURISDICTIONS (CRAIG H, SEITZ B) To specify the jurisdiction of municipal and county courts over municipal traffic ordinances and to establish requirements governing fines, fees, or other charges for traffic violations and infractions imposed by a municipal corporation that does not have the authority to establish a mayor's court.

Fourth Hearing, All Testimony, POSSIBLE VOTE

HOUSE PUBLIC UTILITIES

Tue., Jun. 20, 2017, 3:00 PM, Hearing Room 116
Rep. Seitz: 614-466-8258

HB133** DISASTER RELIEF ACT (RYAN S) To create the Disaster Relief Act to exempt out-of-state disaster businesses and qualifying out-of-state employees from certain taxes and laws with respect to disaster work on critical infrastructure performed in this state during a declared disaster.

Third Hearing, No Testimony, AMENDMENTS/SUBSTITUTE BILL/POSSIBLE VOTE

Thursday, June 22, 2017

SENATE PUBLIC UTILITIES

Thu., Jun. 22, 2017, 9:00 AM, Senate Finance Hearing Room
Sen. Beagle: 614-466-6247

SB157** PUBLIC UTILITY RESELLING REGULATION (BACON K) To regulate the reselling of public utility service.

Second Hearing, Proponent/Interested Party Testimony

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**PLEASE CHECK OUR WEBSITE MONDAY FOR ANY UPDATES TO THE
COMMITTEE SCHEDULE**

Meeting/ Training

Mayors Association of Ohio Annual Conference	June 14 - 16	<u>Registration Information</u>
Municipal Income Tax Seminar	July 12 - 14	<u>Registration Information</u>
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](#)