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# Memorandum

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TO: Mayor and City Council  
cc: City Manager, Finance Director, City Law Director  
FROM: Roxanne  
SUBJECT: General Information  
DATE: June 30, 2017

## CALENDAR

## COUNCIL AGENDA

### C. APPROVAL OF MINUTES

June 19, 2017 City Council Meeting

### G. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS - *None*

### H. SECOND READINGS OF 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***.

### I. THIRD READINGS OF ORDINANCES AND RESOLUTIONS

1. **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***.

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

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. Approval of Specs and Advertise for Bid the 2017 Street Lighting Improvements Project (Electric Department).
3. Reject all bids for Haley Avenue Sanitary Sewer Improvements project.
4. Acceptance of Haley Avenue Sanitary Sewer Improvements Plans and Specifications.
  - a) A Memorandum from Chad is enclosed for this project.
5. Reject all bids for the City Telephone System project.
6. Acceptance of City Telephone System Specs and Advertise for Bid.
7. Reject all bids for the GMC Sierra 2500 Crew Cab Pickup Truck (Electric Department).
8. Purchase of a GMC Sierra 2500 Crew Cab Pickup Truck for the Electric Department off the State Contract.
9. Approval of Change Order No. 1 – Final for the Hobson Street Waterline Improvements – Phase 2, an increase of \$84,899.60.
  - a) Chad's Memorandum regarding this Change Order is included in the packet.
10. Approval of Donation from American Legion Bert G. Taylor Post 300 to Parks and Recreation Department for Free Swim
11. Review of Current Pole Attachment License Agreement between City of Napoleon, Ohio and RTEC Communications, Inc. (*Refer to Committee*)

#### **L. APPROVE PAYMENT OF BILLS AND APPROVE FINANCIAL REPORTS**

#### **MISCELLANEOUS INFORMATION**

1. Meeting Canceled
  - Technology Committee
2. 2017 Fourth of July Celebration Schedule of Events
3. Press Release: Refuse and Recycling Pickup Schedule for Fourth of July Week
4. OML Legislative Bulletin/June 23, 2017
5. OML Legislative Bulletin/June 30, 2017
6. AMP Update/June 23, 2017

Records Retention - CM-11 - 2 Years

# July 2017

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4 Offices Closed 4 <sup>th</sup> of July	5 7:00 pm City Council	6	7	8
9	10 6:30 pm Electric Committee & BOPA 7:00 pm Water & Sewer Committee 7:30 pm Municipal Properties, Bldg., ED	11 4:30 pm - BZA 5:00 pm - Planning Commission 6:30 pm - Ad-hoc Committee on Council Rules Council Rules	12	13	14	15
16	17	18	19	20	21	22
Rox @ Ohio Municipal Clerk's Assoc. Conference [July 16-20]						
	6:00 pm Parks Rec Comm					
	6:00 pm Tree Comm.					
	6:15 pm Ad-Hoc Comm					
	Organizational Health					
	7:00 pm City Council					
23	24 6:30 pm Finance & Budget Committee 7:30 pm Safety & Human Resources Committee	25 4:30 pm Civil Service Commission	26 6:30 pm Parks & Rec Board	27	28	29
30	31					

*City of Napoleon, Ohio*  
**CITY COUNCIL**  
Special Meeting Agenda - *Amended*  
**Wednesday, July 05, 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 19, 2017 City Council Meeting Minutes

**D. Citizen Communication**

**E. Reports from Council Committees**

1. **Finance and Budget Committee** did not meet on June 26, 2017 due to lack of agenda items.
2. **Safety and Human Resources Committee** did not meet on June 26, 2017 due to lack of agenda items.
3. **Technology Committee** did not meet due to lack of agenda items.

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

1. **Civil Service Commission** did not meet on June 27, 2017 due to lack of agenda items,
2. **Parks and Recreation Board** did not meet on June 28, 2017 due to lack of agenda items.

**G. Introduction of New Ordinances and Resolutions - *None***

**H. Second Readings of 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.

**I. Third Readings of Ordinances and Resolutions**

1. **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.

**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)

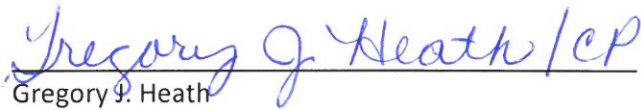


2. **Discussion/Action:** Approval of Specs and Advertise for Bid the 2017 Street Lighting Improvements Project (Electric Department).
3. **Discussion/Action:** Reject all bids for Haley Avenue Sanitary Sewer Improvements project.
4. **Discussion/Action:** Acceptance of Haley Avenue Sanitary Sewer Improvements Plans and Specifications.
5. **Discussion/Action:** Reject all bids for the City Telephone System project.
6. **Discussion/Action:** Acceptance of City Telephone System Specs and Advertise for Bid.
7. **Discussion/Action:** Reject all bids for the GMC Sierra 2500 Crew Cab Pickup Truck (Electric Department).
8. **Discussion/Action:** Purchase of a GMC Sierra 2500 Crew Cab Pickup Truck for the Electric Department off the State Contract.
9. **Discussion/Action:** Approval of Change Order No. 1 – Final for the Hobson Street Waterline Improvements – Phase 2, an increase of \$84,899.60.
10. **Discussion/Action:** Approval of Donation from American Legion Bert G. Taylor Post 300 to Parks and Recreation Department for Free Swim
11. **Discussion/Action:** Review of Current Pole Attachment License Agreement between City of Napoleon, Ohio and RTEC Communications, Inc. (*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 (1<sup>st</sup> Monday)**  
(Next Regular Meeting: August 7, 2017 @6:15 pm)
- 2. Electric Committee (2<sup>nd</sup> Monday)**  
(Next Regular Meeting: Monday, July 10, 2017 @6:30 pm)
  - a. Review of Power Supply Cost Adjustment Factor for July, 2017
  - b. Review of Current Pole Attachment License Agreement between City of Napoleon, Ohio and RTEC Communications
  - c. Electric Department Report
- 3. Water, Sewer, Refuse, Recycling & Litter Committee (2<sup>nd</sup> 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 (2<sup>nd</sup> 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 (3<sup>rd</sup> Monday)**  
(Next Meeting: Monday, July 17, 2017 @6:00 pm)
- 6. Ad Hoc Committee on Organizational Health and Strategic Vision (3<sup>rd</sup> Monday)**  
(Next Mtg: Mon., July 17, 2017 at 6:15 pm)
  - a. Discussion on Mission and Strategic Vision.
- 7. Finance & Budget Committee (4<sup>th</sup> Monday)**  
(Next Regular Meeting: Monday, July 24, 2017 @6:30 pm)
  - a. Second Quarter Budget Adjustments
- 8. Safety & Human Resources Committee (4<sup>th</sup> Monday)**  
(Next Meeting: Monday, July 24, 2017 @7:30 pm)
  - a. Repeal of Codified Ordinance Chapter 711, part Seven-Business Regulation Code; Amusement Devices and Arcades.
- 9. Personnel Committee (as needed)**
- 10. Ad-hoc Committee on Council Rules**  
(Next Meeting: Tuesday, July 11, 2017 @6:30 pm)
  - a. Review of Council Rules

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

- 1. Board of Public Affairs (2<sup>nd</sup> Monday)**  
(Next Regular Meeting: Monday, 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 (2<sup>nd</sup> Tuesday)**  
(Next Regular Meeting: Tuesday, July 11, 2017 @4:30 pm)
- 3. Planning Commission (2<sup>nd</sup> Tuesday)**  
(Next Regular Meeting: Tuesday, July 11, 2017 @5:00 pm)
- 4. Tree Commission (3<sup>rd</sup> Monday)**  
(Next Regular Meeting: Monday, July 17, 2017 @6:00 pm)
- 5. Civil Service Commission (4<sup>th</sup> Tuesday)**  
(Next Regular Meeting: Tuesday, July 25, 2017 @4:30 pm)
- 6. Parks & Recreation Board (Last Wednesday)**  
(Next Regular Meeting: Wed., July 26, 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 (2<sup>nd</sup> Tuesday in June & December)**  
(Next Regular Meeting: Tuesday, December 12, 2017 @4:00 pm)
- 9. Housing Council (1<sup>st</sup> Monday of the month after the TIRC meeting)**
- 10. Health Care Cost Committee (as needed)**
- 11. Preservation Commission (as needed)**
- 12. 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

## MEETING MINUTES

**MONDAY, JUNE 19, 2017 AT 7:00 PM**

<b>PRESENT</b>	
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
Acting City Manager	Chad E. Lulfs, P.E., P.S.
Law Director	Billy D. Harmon
Recorder	Roxanne Dietrich
City Staff	Clayton O'Brien-Fire Chief Bob Weitzel-Police Chief Dan Wachtman-MIS
Others	News Media, Jerry Tonjes
<b>ABSENT</b>	
<b>Prayer</b>	Council President Sheaffer called the meeting to order at 7:00 pm with the Lord's Prayer followed by the Pledge of Allegiance.
<b>Approval of Minutes</b>	Hearing no corrections or objections, the minutes from the June 5, 2017 Special Meeting/Public Hearing and the minutes of the June 5, 2017 City Council meeting stand approved as presented.
<b>Citizen Communication</b>	None
<b>Council Committee Reports</b>	Acting Chair Baer reported the <b>Electric Committee</b> approved the PCSAF for June and approved the amendment to the JV2 lease agreement. <b>Water, Sewer, Refuse, Recycling &amp; Litter Committee</b> Chairman Comadoll reported the City Manager gave a presentation on the WTP improvements and the Committee learned some discussion was going on with the satellite customers and we on did not get into the WWTP too much, just that we will be doing something in the near future. <b>Municipal Properties, Building, Land Use and Economic Development Committee</b> Chair Siclair reported they approved entering into an agreement with Wood County for inspection services, Roundhouse Road was tabled and Downtown Improvements were tabled also. <b>Parks and Rec Committee</b> did not meet due to lack of agenda items. <b>Ad-hoc Committee on Organizational Health and Strategic Vision</b> did not meet tonight.
<b>Introduction of Resolution No. 037-17 OPWC 2018 LTIP</b>	Council President Sheaffer read by title, <b>Resolution No. 037-17</b> , 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.
<b>Motion to Approve First Read of 037-17</b>	Motion: Comadoll Second: Bialorucki to approve First Read of Resolution No. 037-17.



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.

Motion: Comadoll                      Second: Siclair  
To approve first read of Resolution No. 041-17.

Lulfs said this legislation will allow us to apply for funding thru DEFA for the Williams Pump Station that services the northwest side of town. This pump station is in need of replacement to the point the EPA has put it on our Long Term Control Plan and has to be replaced. We are applying for \$100,000 for design of the pump station and if we are successful, that will allow us to apply for funding the construction phase next year. We are requesting suspension and emergency as the application is due July 1<sup>st</sup>.

Motion: Comadoll                      Second: Mires  
To suspend the rule requiring three readings for Resolution 041-17.

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

Roll call vote to pass Resolution No. 041-17 under suspension of the rule and emergency.  
Yea-Baer, Siclair, Mires, Small, Bialorucki, Sheaffer, Comadoll  
Nay-

Council President Sheaffer read by title **Resolution No. 042-17**, a Resolution in support of a Second River Bridge in and for the City of Napoleon, Ohio.

Motion: Baer Second: Comadoll  
To approve first read of Resolution No. 042-17.

Lulfs reported this Resolution was requested by Council to show support for the 2<sup>nd</sup> River Bridge project. Two utilities could be incorporated into this project, one is for a new waterline and we are also looking at attaching a backup force main, if Palmer Ditch would ever fail, that could be used in an emergency situation. They are pushing for this to be a 2018 project, 2019 is our preference as the City is scheduled to do Industrial Drive in 2018 and doing both projects at the same time could be a problem. Sheaffer said the CIC approached the City about doing a letter of support on the second river bridge and Council felt a Resolution would have more of an impact.

Motion: Comadoll                      Second: Siclair  
To suspend the rule requiring three readings for Resolution 042-17.

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

Roll call vote to pass Resolution No. 042-17 under suspension of the rule  
Yea-Baer, Siclair, Mires, Small, Bialorucki, Sheaffer, Comadoll  
Nay-

Council President Sheaffer read by title **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)

Motion: Comadoll                      Second: Bialorucki  
To approve first read of Resolution No. 043-17.

Lulfs said Wood County has been performing inspections for the City since the residential inspector left, this agreement is more permanent. There will not be any cost to the City, the cost will be the responsibility of those having inspections done, there is a clause the City can opt out of the agreement with a thirty day written notice.

Motion: Comadoll                      Second: Bialorucki  
To suspend the rule requiring three readings for Resolution 043-17.

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

Roll call vote to pass Resolution No. 043-17 under suspension of the rule and emergency.  
Yea-Baer, Siclair, Mires, Small, Bialorucki, Sheaffer, Comadoll  
Nay-

Council President Sheaffer read by title, **Resolution No. 044-17**, a Resolution Authorizing, Contingent upon the Presentation of a Proper Performance Bond, the Expenditure of Funds over Twenty-Five Thousand Dollars (\$25,000.00) for the purpose of Construction of a Training Facility for the City of Napoleon, Ohio Fire Department located within the City of Napoleon, Ohio, and Authorizing the Sole Sourcing of the Project to W.R. Meyers Co., Inc., and Authorizing the City Manager to enter into a Contract for said Construction; and Declaring an Emergency.

Motion: Comadoll                      Second: Bialorucki  
To approve first read of Resolution No. 044-17.

Harmon said this project has been bid twice with no successful bids being received, an extension for the grant funding has been requested. There is one interested party with specialized skills and training that can do this type of construction, we have a letter of support and are looking to sole source the project to WR Meyers.

Lulfs responded the Engineer's Estimate was \$175,000.00 that did not include several alternates, the quote from W.R. Meyers was \$173,969.00 and which did include all the alternates.

Harmon said this is contingent upon receiving the proper performance bond.

Sheaffer replied this is a 100% grant with a completion date of September 30, 2017.

<b>Motion to Suspend Rule for 043-17</b>	Motion: Comadoll To suspend the rule requiring three readings for Resolution 044-17.
<b>Passed</b>	Roll call vote on the above motion:
<b>Yea-7</b>	Yea-Baer, Siclair, Mires, Small, Bialorucki, Sheaffer, Comadoll
<b>Nay-0</b>	Nay-
<b>Passed</b>	Roll call vote to pass Resolution No. 044-17 under suspension of the rule and emergency.
<b>Yea-7</b>	Yea-Baer, Siclair, Mires, Small, Bialorucki, Sheaffer, Comadoll
<b>Nay-0</b>	Nay-
<b>Second Read Ordinance No. 034-17 2017 ORC Current Replacement Pages</b>	Council President Sheaffer read by title <b>Ordinance No. 034-17</b> , an Ordinance to Approve Current March 2017 Replacement Pages to the City of Napoleon, Ohio Codified Ordinances. (Suspension Requested)
<b>Motion to Approve Second Read of 034-17</b>	Motion: Bialorucki Second: Small to approve Second Read of Ordinance No. 034-17.
<b>Discussion for 034-17</b>	Heath said this is the update to the codifieds, suspension is requested so to operate under the codifieds.
<b>Motion to Suspend Rule for 034-17</b>	Motion: Comadoll Second: Bialorucki To suspend the rule requiring three readings for Resolution 034-17.
<b>Passed</b>	Roll call vote on the above motion:
<b>Yea-7</b>	Yea-Baer, Siclair, Mires, Small, Bialorucki, Sheaffer, Comadoll
<b>Nay-0</b>	Nay-
<b>Passed</b>	Roll call vote to pass Ordinance No. 034-17 Under Suspension of the Rule.
<b>Yea-7</b>	Yea- Baer, Siclair, Mires, Small, Bialorucki, Sheaffer, Comadoll
<b>Nay-0</b>	Nay-
<b>Second Read Ordinance No. 035-17 2018 Tax Budget</b>	Council President Sheaffer read by title, <b>Resolution No. 035-17</b> , 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.
<b>Motion to Approve Second Read of 035-17</b>	Motion: Comadoll Second: Bialorucki to approve Second Read of Ordinance No. 035-17.
<b>Discussion for 035-17</b>	No change since first read.
<b>Passed</b>	Roll call vote to pass Ordinance No. 035-17 on Second Read.
<b>Yea-7</b>	Yea- Baer, Siclair, Mires, Small, Bialorucki, Sheaffer, Comadoll
<b>Nay-0</b>	Nay-
<b>NIEDF Recommendation to Provide\$5,000 Grant to Honey Blossom</b>	Council President Sheaffer reported that City Manager Mazur has requested this item remain tabled.



Motion: Baer                      Second: Siclair  
To approve PSCAF for June 2017 as: PSCAF –three (3) month averaged factor \$0.00929, JV2 \$0.029512, JV5 \$0.029512.

Mayor Maassel asked if the three month rolling average for the ones done in error are still included.

Heath responded “no, they are done”.

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

Lulfs reported we received one bid for this project from Vernon Nagel at a cost of \$876,466.84.

Sheaffer said the City Manager asked that I emphasize the road portion came in under budget it was the utilities that are being replaced that cost a little more than anticipated, it is a safety issue for the downtown those lines need to be replaced.

Lulfs stated that the downtown waterlines are very old, undersized and not in good shape this project will rectify that.

Maassel asked if traffic will be maintained and to please communicate with the downtown businesses.

Lulfs said we will try to work it out with the contractor to maintain one lane of traffic.

Baer added to include the commissioners and courthouse staff in the communications.

Motion: Comadoll                      Second: Bialorucki  
to Award 2017 Downtown Improvements Project to Vernon Nagel, Inc. for \$876,466.84.

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

This item was covered under Resolution No. 044-17.

Lulfs said as part of the fire training facility project, there were two separate bids, one for the structure and another to prepare the site. One bid was received for the site plan that being from Vernon Nagel at \$32,900.00 and we recommend award to Vernon Nagel to enable the project to be done in conjunction with the facility.

Motion: Comadoll                      Second: Baer  
to Award the Napoleon Safety Services Training Facility – Site Plan to Vernon Nagel, Inc. for \$32,900.00.

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

Due to the 4<sup>th</sup> of July Holiday, Council President Sheaffer moved the first council meeting in July to Wednesday, July 5<sup>th</sup> at 7:00 pm.

<b>United Way Donation</b>	Heath said the United Way donated money designated for Safety City.
<b>To Accept Donation for Safety City Program</b>	Motion: Small Second: Bialorucki To accept \$600.00 Donation from United Way of Henry County for the Safety City Program.
<b>Passed</b>	Roll call vote on the above motion:
<b>Yea-7</b>	Yea-Baer, Siclair, Mires, Small, Bialorucki, Sheaffer, Comadoll
<b>Nay-0</b>	Nay-
<b>Culligan Water Donation to Fire Dept.</b>	Lulfs said Culligan Water will be donating five cases of water each month for the year to the Fire Department that is equal to a donation of \$336.00.
<b>Motion to Approve Culligan Water Donation</b>	Motion: Comadoll Second: Bialorucki To accept \$336.00 Donation from Culligan Water to the Napoleon Fire Department.
<b>Passed</b>	Roll call vote on the above motion:
<b>Yea-7</b>	Yea-Baer, Siclair, Mires, Small, Bialorucki, Sheaffer, Comadoll
<b>Nay-0</b>	Nay-
<b>Repeal of ORC Chapter 711, Part Seven Amusement Devices and Arcades to Safety &amp; Human Resources Comm.</b>	Council President Sheaffer referred <i>Repeal of Ohio Revised Code Chapter 711, Part Seven – Business Regulation Code; Amusement Devices and Arcades</i> to the Safety and Human Resources Committee.
<b>Around the Table</b>	
<b>Lulfs</b>	Encouraged everyone to come out and support this year's 4 <sup>th</sup> of July activities.
<b>Harmon</b>	Requested an Executive Session on pending litigation.
<b>Siclair</b>	Nothing.
<b>Baer</b>	Glad to see NCTV back tonight even if forced by a particular councilman's son.
<b>Comadoll</b>	Commend our safety services, both fire and police, they are doing a fantastic job and have been very busy.
<b>Maassel</b>	Happy belated Father's Day to everybody, hope you had a nice day. Welcome back Travis. As far as I know, Central School now belongs to the Civic Area Foundation. Our community just raised \$193,000 for Relay for Life that is on top of everything else people gave to the United Way. When we were growing up if you had cancer that was it, now depending on what kind, what stage when it is in, the fight continues, we are getting closer to goal of helping with the symptoms. Today, everyone should have received an Email about our dog rules and compliance. I am still working on letter for the school on how to promote workforce development. Should we send a letter to the Senate about taxation, if I am following this right, people do not have a choice, they have to send tax bills directly to the state with the equity going to

the state.  
 Heath said he is not sure what the final decision on businesses is. We have done multiple pieces of legislation on this same issue, our legislators do not care.  
 Sheaffer replied Senator Cliff Hite is in favor of and is co-sponsoring the bill.  
 Mayor a lot of flags have been put up downtown by the Legion, some of the brackets are not right, they will be putting new ones back up and hopefully they can be here on July 5<sup>th</sup>.  
 On July 17<sup>th</sup> I will have Sam Meece coming to be recognized for being a three-time OHSAA champ.  
 Ribfest is on June 30<sup>th</sup>, come out and support your local groups.  
 I was asked by a resident if a tenant feels they are not being serviced properly by the landlord, can the City do anything.  
 I would request an Executive Session on Economic Development.  
 I saw on the national news an officer was found not guilty, he went through the due process and people still, I do not understand. Chief, we appreciate all the stuff your people do.

**Sheaffer** The Thursday after the last Council Meeting, I had the pleasure of going to the Senior Center and calling Bingo, if you are ever asked to do it, do it, it is so much fun an absolute blast.  
 The City Manager and I signed a letter supporting the Napoleon Civic Group.  
 Thank-you to everyone for all the texts, calls and visits over the last week.

**Bialorucki** Glad to see you are okay and have you back.

**Small** Good to see you in one piece.

**Mires** If there isn't anything for the Finance and Budget Committee next week, I will cancel the meeting.

**Heath** I will be on vacation next week, I will be here on July 5<sup>th</sup>.  
 There was a letter in the council reports regarding the cost of the election.

**Motion to go Into Executive Session Pending Litigation** Motion: Small Second: Mires  
 to go into Executive Session for pending litigation.

**Passed** Roll call vote on the above motion:  
**Yea-7** Yea-Baer, Siclair, Mires, Small, Bialorucki, Sheaffer, Comadoll  
**Nay-0** Nay-

**Motion to go Into Executive Session EconomicDevelopment** Motion: Bialorucki Second: Comadoll  
 To go into Executive Session for Economic Development.

**Passed** Roll call vote on the above motion:  
**Yea-7** Yea-Baer, Siclair, Mires, Small, Bialorucki, Sheaffer, Comadoll  
**Nay-0** Nay-  
 Into Executive Session at 7:59 pm

**Motion to Come out of Executive Session** Motion: Small Second: Bialorucki  
 to come out of Executive Session on pending litigation.

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

### Motion to Come out of Executive Session

Motion: Bialorucki                      Second: Comadoll  
to come out of Executive Session on Economic Development.

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

Out of Executive Session at 8:22 pm.

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

Motion: Bialorucki  
to adjourn.

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

The City Council meeting was adjourned at 8:23 pm.

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:

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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.*

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*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)

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**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**

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**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*

## *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 30, 2017*  
**Subject:** *Haley Avenue Sanitary Sewer Improvements –  
Approval of Bid Documents and Specifications*

The City of Napoleon's Department of Public Works requests approval of the plans, bid documents, and specifications for the Haley Avenue Sanitary Sewer Improvements project.

Engineer's Estimate of Construction: \$630,000.00.

Budgeted amount for this project is \$630,000.00.

This project is our 2017 Issue II project. 50% of the project is funded through a grant from the Ohio Public Works Commission with a maximum grant amount of \$315,000.00.

*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

[www.napoleonohio.com](http://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 29, 2017  
**Subject:** Hobson Street Waterline Improvements (Phase 2) –  
Change Order No. 1 - Final

The City of Napoleon's Department of Public Works requests approval Change Order No. 1 – Final for the above referenced project in the amount of \$84,899.60. The change order covers the additional costs for disconnecting all services from a 4" cast iron waterline and reconnecting them to a 12" PVC waterline and for the investigation/replacement of an additional 63/38 lead water services. The contractor's bid was for \$239,779.00. However, we received a grant in the amount of \$300,000.00. In an effort to maximize the grant, we removed additional lead services. The funds needed to cover the remaining cost of the project will be taken from the water fund.

To cover these additional costs and to close out this project, I request that Council approve Change Order No. 1 – Final in the amount of \$84,899.60.

CEL

Donation - free swim on July 4th

BERT G. TAYLOR POST NO. 300  
AMERICAN LEGION  
500 GLENWOOD AVENUE  
NAPOLEON, OH 43545

40265

DATE 6-22-17

56-132/0412

PAY  
TO THE  
ORDER OF

City of Napoleon - Parks & Rec.

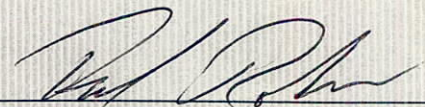
\$ 1000.00

One thousand & no/100

DOLLARS  SECURITY  
FEATURES  
INCLUDED

THE HENRY COUNTY BANK  
NAPOLEON, OH 43545

FOR 4<sup>th</sup> July - Pool



MP

⑈040265⑈ ⑆041201321⑆

673 073⑈





## City of Napoleon, Ohio

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

# MEMORANDUM

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

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

**DATE:** June 30, 2017

**RE:** Technology and Communications Committee Meeting Cancellation

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The Technology and Communications Committee meeting scheduled for Wednesday, July 5, 2017 at 6:15 pm has been CANCELED due to lack of agenda items.



# *Napoleon Parks and Recreation*

## *Fourth of July Celebration*

### *2017*

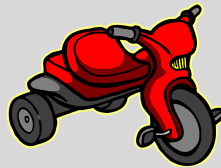
#### **Sunday, July 2:**

**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.**

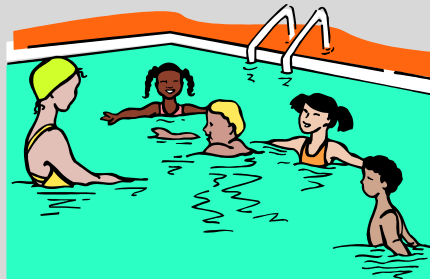
### **Hole-In-One Contest - Glenwood Park**

**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)



# City of NAPOLEON, Ohio

## Operations Department

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

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



Operations Superintendent  
Jeffrey H. Rathge

Water Distribution Foreman  
Brian Okuley

Streets/Sewer Foreman  
Roger Eis

Refuse Foreman  
Perry Hunter

Head Mechanic  
Tony Kuhlman

## Press Release

### 4<sup>TH</sup> OF JULY REFUSE & RECYCLING ROUTES

Napoleon, Ohio, -- Due to the upcoming Fourth of July holiday, the refuse and recycling pickup routes for the City of Napoleon will be as follows **for the week of July 3 – July 7, 2017 ONLY:**

- ◆ **Monday, July 3 – as usual**
- ◆ **Tuesday, July 4 – HOLIDAY – NO PICKUP**
- ◆ **Wednesday, July 5 – Tuesday's Route**
- ◆ **Thursday, July 6 – as usual; Wednesday's route will also be run on Thursday, (there is a possibility of later than usual pickup time for Thursday's route).**
- ◆ **Friday, July 7 – as usual**


Wednesday's and Thursday's routes will both be run on Thursday, July 6. The Operations Dept. is asking that for those affected, an extra effort be made to have their refuse and recycling at the curb by 7:00 a.m. on the 6th.

Please contact the Operations Department at 419/599-1891 if there are any questions regarding this matter.





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**June 23, 2017**

It has been a whirlwind week as Sub. HB 49 makes the last leg of its journey through the legislature. On Tuesday, the Senate unveiled its omnibus amendment to the budget, which we outlined in our special bulletin, found [HERE](#). After the Senate adopted the omnibus, the bill was sent to the Senate floor on Wednesday where it was passed, sent to the House where it was rejected and then assigned to a conference committee. The conference committee met Thursday to receive update budget revenue numbers and will now hunker down this weekend to hammer out what stays and what goes. We expect a report to be produced by the committee that will include the new changes agreed upon, where on that same day, both the House and Senate will accept the compromise language. The final action will be the Governor's signature on the 30<sup>th</sup> and then the bill becomes law.

All members still must vote on the final product so we urge our members to continue to contact legislators and the Governor to express your concerns about the budget that may have a negative impact on your community.

### **BUDGET CONFERENCE COMMITTEE HOLDS FIRST MEETING**

Before the Conference Committee held its first meeting on Thursday, the Ohio Municipal League sent a letter to the members of the Conference Committee: Reps. (House Finance Chair) Ryan Smith (R-Gallipolis), Reps. Scott Ryan (R-Newark) and Jack Cera (D-Bellaire) and Sens. (Sen. Finance Chair) Scott Oelslager (R-North Canton), Gayle Manning (R-North Ridgeville) and Mike Skindell (D-Lakewood). In the letter, which you can read [HERE](#) and which was also sent to the rest of the General Assembly, we outlined the issues going into conference committee that will impact municipalities.

Here are the issues in summary:

- The removal of the OBG "opt-in" language of municipal net profit business filings for businesses filing through the Ohio Business Gateway with a 1% administration fee charged to municipalities. This language is unconstitutional, will create two different sets of laws for the same class of taxpayer and will be a further erosion of local control and access to revenues. We ask that the House-passed language be restored.
- The removal of the elimination of the "throwback" rule for municipalities which creates a "nexus to nowhere" treatment barring the application of this local tax.

This language will significantly challenge municipal budgets across the state and will further restrict investments in infrastructure and capital improvements businesses depend upon. In the event of the "throwback" provision's elimination, we ask for a 5-year sunset to be included, allowing municipalities to prepare for the coming budget holes accordingly.

- The removal of a redirection of \$35 million from Municipal Supplemental Distribution Fund. State revenue sharing agreements with their municipal partners must be continued and dollars meant for Ohio cities and villages must remain with those entities and not to more state programs. Now more than ever, local governments and safety officers must be properly funded as they are on the front lines of the fight against opioid addiction throughout the state.
- The removal of a redirection of \$24 million in LGF dollars from municipalities to townships and small villages. We maintain that there are many well-off townships that do not need the funds our small and mid-sized cities do as they fight local opioid addiction and rebuild their local economies.
- The removal of language preempting of local water ordinances that would prevent certain municipalities from charging what they deem an appropriate fee for water and wastewater services to surrounding communities.
- The reinstitution of the Local Government Innovation Fund, as those monies are crucial to capital improvements that rebuild local economies.
- Increasing the threshold of petition signatures for village dissolutions from 30% to 35% of the local population.
- Creating civil liability for business entities, property owners, or employers who adopt or enforce a policy prohibiting concealed carry licensees from transporting or storing a firearm or ammunition in that person's privately-owned motor vehicle.
- New language: We have asked that the members of conference committee adopt language to require the EPA to develop and establish a total maximum daily load (TMDL) for state water as required under the Federal Pollution Control Act.

If you would like to read through the full comparison document of the changes made in both the House and the Senate, you can find that document [HERE](#).

It is imperative you contact not only the members of the legislature serving on the conference committee, but to contact your own legislators as well. After the conference committee issues their report on the budget, the full General Assembly will have to vote to pass it. Your Representatives and Senators must be educated on these issues and their importance, and they must be made to see this budget as opportunity for the state to forge a stronger partnership with its cities and villages, and be encouraged to have the foresight to provide greater support and resources to Ohio's municipalities as the economic engines.

We also want to highlight that we are grateful for the measures the General Assembly has made thus far in municipalities' best interest. We appreciate the House's removal of the capacity-based LGF distribution formula, as well as their removal of the Governor's proposed centralized collection of municipal net profit business filings from the bill. We appreciate the Senate's removal of the preemption of local lead laws, the unitization of municipal corporations with oil and gas reserves and the area waste treatment management planning language.

Conference Committee is expected to pass their report on to the General Assembly for a full vote on the budget either Tuesday or Wednesday of next week. Gov. Kasich will have until Friday, June 30<sup>th</sup> to sign the bill into law.

## **HOUSE PASSED BILLS OF MUNICIPAL INTEREST**

The Ohio House passed four bills of note to municipalities this week, while the Senate was working on the budget. First, is House Bill 69, introduced by Representative Bob Cupp (R-Lima). The bill would require reimbursement of certain township fire and emergency medical service levy revenue forgone because of the creation of a municipal tax increment financing district. The bill passed unanimously. The League had expressed some concern over the bill, particularly with regards to its effects on TIFFs. The bill passed 86-0 and will now move to the Senate for consideration.

Next, is House Bill 95, introduced by Representatives Jim Hughes (R-Columbus) and Bill Seitz (R-Cincinnati). The bill would establish an enhanced penalty for committing a moving violation while distracted if the distraction is the apparent cause of the violation and to reenact provisions of law that specified that certain electronic wireless communications device violations were allied offenses of similar import. The League did not take a position on this bill, but views it generally as a good move for law enforcement and traffic safety. The final vote was 71-10 on the floor. The bill now moves to the Senate for consideration.

Next is House Bill 125, introduced by Representatives Hearcel Craig (R-Columbus) and Bill Seitz (R-Cincinnati). The bill would specify the jurisdiction of municipal and county courts over municipal traffic ordinances and 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. The vote on the bill was 89-0. The bill now moves to the Senate for consideration.

Lastly, is a bill that may be of interest to our law enforcement personnel and municipal prosecutors. Senate Bill 7, introduced by Senators Kevin Bacon (R-Columbus) and Gayle Manning (R-North Ridgeville). The bill would provide that service of a protection order or consent agreement upon a person is not necessary for the person to be convicted of the offense of violating a protection order if the person had actual notice of the order or agreement and the person recklessly violated its terms. The League did not take a position on this bill. The House passed the bill 86-2. The Senate later concurred unanimously to the House's changes. The bill now goes to the Governor for his consideration.

## **MUNICIPAL BILLS RECEIVING HEARINGS THIS WEEK**

The Ohio House Government Accountability and Oversight Committee heard sponsor testimony on House Bill 237, which was introduced by Representative Dorothy Pelanda (R-Marysville), which would require a political subdivision with territory in more than one county that places an issue on the ballot to notify the board of elections of every county in which the political subdivision has territory, would require the Secretary of State to establish a database to facilitate communication between the boards of elections and the Secretary concerning local elections, and make an appropriation of about \$300,000 to pay for the requirements.

Next, the Committee heard testimony on HB 226, introduced by Reps. Seitz (R-Cincinnati) and Sweeney (R-Cleveland). The bill would establish a fireworks study group to review and make recommendations regarding the Fireworks Law; would extend to July 1, 2020, the moratorium on issuing fireworks manufacturer and wholesaler licenses; would eliminate, beginning January 1, 2021, the moratorium on

geographic transfer of fireworks manufacturer and wholesaler licenses; and, beginning July 1, 2020, would impose a fee on the retail sale of consumer grade fireworks in this state and to expand the ability of individuals to obtain 1.3G display fireworks and obtain and use 1.4G consumer fireworks. No testimony was offered on the bill.

The Senate Government Oversight and Reform Committee heard testimony on HB 103, introduced by Rep. Reineke (R-Tiffin), which would modify the composition and powers of the financial planning and supervision commission of a political subdivision that is in a state of fiscal emergency and to clarify the duties of that political subdivision.

Rep. Reineke testified that the bill addresses fiscal emergency situations. It reduces the number of local government appointees to the Financial Planning and Supervision Commission from five to three. The bill also: 1) makes permanent (rather than sunset) the provision to escalate a local government from Fiscal Watch to Fiscal Emergency, when they fail to implement their submitted financial recovery plan, 2) expands what can be included in the content of a financial recovery plan through the use of funds with self-imposed restrictions with failure to do so resulting in enforcement of the 85% expenditures rule, and 3) proposes to grant additional power to the Financial Planning and Supervision Commission. They will be able to approve or reject financial information submitted by the local government, and they will be able to compel the production of timely, accurate financial data to the Financial Supervisor. Failure to do so would result in enforcement of the 85% expenditures rule.

The House Finance Committee heard sponsor testimony on HB 168, introduced by Rep. Stein (R-Norwalk), which would modify the duties of the Division of Real Estate in the Department of Commerce regarding cemetery registration, specify cemetery owners must reasonably maintain cemeteries, and make an appropriation. Rep. Stein testified that the bill creates a cemetery grant program and codifies recommendations of the 2014 Ohio Cemetery Law Task Force. It also changes cemetery registration language to reflect current practices, allows cemetery trust funds to issue bonds and insurance, and allows the trusts to invest consistent with the Ohio Prudent Investor Act.

The House Financial Institutions, Housing and Urban Development Committee opened the floor for testimony on HB 251, introduced by Rep. Greenspan, which would increase from five to ten years the maturity period of other political subdivision's bonds and obligations eligible for investment of a subdivision's interim moneys. No testimony was offered.

The House State and Local Government Committee heard testimony, amended, and voted out SB37, which was introduced by Sen. Hite (R-Findlay) and would require the Ohio Peace Officer Training Commission to develop and conduct a Chief of Police training course for newly appointed village, city, and township chiefs of police. The amendment was offered by Rep. Hambley (R-Brunswick) and would expand the bill's requirements to most law enforcement agencies, including university police departments, but not to county sheriff's offices, the Ohio State Highway Patrol (OSHP) or the Bureau of Criminal Identification and Investigation (BCI). No testimony was offered. The bill was voted out unanimously.

## **WORKERS COMPENSATION BUDGET PASSES SENATE**

This week, both the Senate Insurance and Financial Institutions Committee and the Ohio Senate passed the latest version of the workers' compensation budget, HB 27, introduced by Rep. Brinkman (R-Mt. Lookout). For the most part, the Senate kept the House version intact.

One hotly-contended issue was a provision from the House that would forbid illegal aliens from receiving workers' compensation benefits. Rep. Seitz (R-Cincinnati) argued on the House floor that the provision merely puts Ohio law in conformity with federal law. Committee Chairman Sen. Hottinger (R-Newark) said the provision needed more vetting and recommended that it be handled as a bill. He expressed concern about unintended consequences of employers hiring undocumented aliens to avoid workers' compensation premiums and enforcement issues.

The Senate stripped out controversial language prohibiting state agencies from taking "quasi-legislative or quasi-judicial" actions with a retrospective impact. They also did not include a provision that shortens the statute of limitations for claims from two years to one. Other changes include: allowing funding authority for the bureau's newly announced health and wellness programs, removing the current statutory requirement for professional employer organizations (PEO) to include "supplemental combining schedules" in their financial statements, and one technical amendment.

We anticipate a final vote on this bill by the end of the month. The League is a supporter of the bill in its current form. We would like to thank members who helped us with multiple provisions in this budget.

### **MUNICIPAL BILLS INTRODUCED THIS WEEK**

HB278 LAW ENFORCEMENT VEHICULAR ASSAULT - To include negligently causing serious physical harm to a law enforcement officer while operating a motor vehicle or other specified mode of transportation as a violation of the offense of vehicular assault.

Introduced by Reps. Patton, Kelly

HB281 BROADBAND EXPANSION PROGRAM - To establish the residential broadband expansion program within the Development Services Agency to award matching grants for last mile broadband expansion in municipal corporations and townships and to make an appropriation.

Introduced by Rep. Carfagna

### **COMMITTEE SCHEDULE FOR THE WEEK OF JUNE 25, 2017**

**Wednesday, June 28, 2017**

#### **SENATE GOVERNMENT OVERSIGHT AND REFORM**

Wed., Jun. 28, 2017, 9:45 AM, Senate Finance Hearing Room

Sen. Coley: 614-466-8072

**HB103\*\*** FISCAL EMERGENCY PROVISIONS (REINEKE W) To modify the composition and powers of the financial planning and supervision commission of a political subdivision that is in a state of fiscal emergency and to clarify the duties of that political subdivision.

**Second Hearing, All Testimony, AMENDMENTS/POSSIBLE VOTE**

**Report(s):** My Tracked Bills, OML Legislative Report

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

### **Meeting/ Training**

<b>Municipal Income Tax Seminar</b>	<b>July 12 - 14</b>	<a href="#"><u>Registration Information</u></a>
<b>OMCA Annual Conference</b>	<b>July 16 - 20</b>	<a href="#"><u>Registration Form</u></a>

[Ohio Municipal League](#)


Legislative Inquires:

[Kent Scarrett, Executive Director](#)

[Edward Albright, Deputy Director](#)

[Josh Brown, Director of Communications](#)

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**June 30, 2017**

## **GENERAL ASSEMBLY SENDS BUDGET TO GOVERNOR FOR SIGNATURE, VETOS**

Yesterday afternoon, the Legislature favorably voted on Sub. HB 49, the state operating budget bill, sending it to Gov. Kasich for his signature. The Governor has until Friday, June 30<sup>th</sup> at midnight to sign the bill. He also has the Constitutional authority to line-item veto certain provisions within the bill.

There is a lot contained within the massive legislation that affects municipalities. In this bulletin, we've done our best to identify every part of the bill that will have an impact on our cities and villages.

To see the changes in the bill as it moved from the Governor, to the House and the Senate, all the way to Conference Committee, please reference this comparison document, found [HERE](#).

Here are the 6 main items OML focused on over the course of the budget process:

- The Tax Commissioner's administration of the municipal net profit business filings for businesses who "opt-in" to file through the Ohio Business Gateway (OBG) with a .5% administration fee charged to municipalities. This legislative proposal received almost no vetting in the Ohio Senate to explore intended and unintended consequences and will create two separate laws for the same class of taxpayer. The poorly-crafted language will further erode local control of municipal authorities by removing all auditing and enforcement capabilities of local tax administrators and does a disservice to all municipal taxpayers in Ohio by removing these crucial safeguards. Furthermore, the constitutionally-challenged proposal continues to interfere with the ability of municipalities to generate and manage revenues locally by creating cash flow disruptions, uncertainties and greater dependencies upon future state distributions of municipal revenues. The League supports the language crafted by the Ohio House of Representatives to address the challenges of roughly 13% of municipal business filers through the investment of a rebuilt OBG system that preserves local control and provides greater certainty in municipal revenue collections.

**TAXCD38.-** R.C 718.01, 113.061, 709.023, 715.691, 715.70, 715.71, 715.72, 718.02, 718.04, 718.05, 718.91, 718.27, 718.41, 5701.11, 5703.052, 5703.053, 5703.19, 5703.21, 5703.50, 5703.57, 5703.70, 5703.90; Section 803.100, Repealed 718.06



- The elimination of the municipal income tax "throwback" provision. The financial implications on municipal budgets with the elimination of this local revenue statewide will be significant, and in many instances, will further preclude the ability of cities and villages to invest in opportunities for greater job creation. There are no state revenues associated with the repeal of this municipal tax provision and we ask that the language be removed from Sub. HB49 and given an opportunity to be studied in future legislation. **(DESCRIPTION AND CODE SECTIONS ARE INCORPORATED INTO TAXCD38)**
- The preemption of local water ordinances that would prevent certain municipalities from charging what they deem an appropriate fee for water and wastewater services to surrounding communities by deeming them "predatory municipal annexations" and withholding 20% of their LGF revenues. We believe this provision significantly challenges the Home Rule authorities of the Ohio Constitution and should be removed from the budget. **EPACD28.-** R.C. 5747.504, 5747.51, 5747.53, SECTION 803.210
- The redirection of \$35 million from the Local Government Fund (LGF) to fund statewide opioid interdiction programs. This revenue would come directly from the municipal LGF distribution formula and would further interfere with the ability of our front-line responders to save lives in order to get those afflicted to treatment. We believe our local governments and municipal safety officers must be properly funded if our state stands a chance of winning this battle. The elimination of financial resources to our first responders is a misguided state policy that we ask be reconsidered. **RDFCD9.-** R.C.301.132, 5747.503, and Sections 291.20, 307.110,307.193,333.63, 337.220, 337.231, 383.10, and 757.20
- The redirection of \$24 million in municipal LGF dollars to all Ohio townships and very small villages. As cities and villages continue to struggle with local economic conditions, we recognize that there are very successful townships in our state that are not in need of municipal revenue to continue their financial solvency while cities and villages of every size and location continue to struggle. We ask that revenue dedicated to municipalities remain with municipalities. **RDFCD1.-** R.C. 131.44, 131.51, 5747.50, 5747.502, 5747.503, and Section 757.20
- The decrease of the threshold of petition signatures for village dissolutions from 40% to 30% of the local population. **LOCCD17.-** R.C. 703.20, 703.21

To view a breakdown of the changes to direct municipal LGF under current law for the remainder of 2017, please visit this link:

<http://www.tax.ohio.gov/Government/LocalGovernmentDistributionsLGF-PLF.aspx#3148156-forecasted-revenue>



Under HB 49, there will be a re-direct of \$12 million annually from the direct municipal LGF to the Small Villages and Township Fund. Additionally, it would re-direct remainder to the Targeting Addiction Assistance Fund and further breaks that down to several other funds to fight the opioid crises. Later this summer, a breakdown of the direct municipal LGF will be made available; however, unless one of the above-mentioned provisions is vetoed by the Governor, there will be no direct municipal LGF revenues at all.

Yesterday, OML sent a veto request letter to Governor Kasich, asking that he take into consideration the issues raised above and veto these provisions. You can view a copy of that veto request letter [HERE](#).

There are far more issues in the budget that will have an impact on municipalities. We've detailed them for you in a separate list, found [HERE](#).

One final list for you to reference can be found [HERE](#). These are items that OML and our members opposed over the course of the budget and were consequently removed by legislators before the final vote.

Finally, on a somewhat positive note, we would like to share with you an email we received on Wednesday from Sen. Dolan (R-Chagrin Falls), which you can read [HERE](#). Despite the treatment of municipalities in the budget, we have allies in the Statehouse who appreciate the contribution of our municipal leaders and who are listening to our concerns. Already, we are scheduling meetings with other legislators to continue the conversation on these topics. We are far from giving up, and we hope you take this letter as an encouragement to continue reaching out to members - they are listening, and we cannot back down.

The budget process will be officially over once Governor Kasich signs the bill into law; however, there is a possibility for the Legislature to reconvene one final time on July 6<sup>th</sup> for a veto override, where a 2/3rds majority vote can override a veto from the Executive branch. We have not heard any word on whether or not such a session will actually happen, but it remains a possibility. We will alert our members if a session on July 6<sup>th</sup> is scheduled to take place.

We want to thank our members for their hard work throughout the budget process on contacting their legislators and the office of the Governor not only to oppose anti-municipal proposals, but also to express their desire to stop the breakdown of trust between the state and its municipalities. Many of you scheduled meetings, analyzed proposed language and came to the Statehouse to offer testimony. We appreciate your voices and your expertise, and we encourage you to continue to forge relationships with your legislators as the year progresses. Those relationships are important, and it is imperative the General Assembly and the Administration continue to hear from you.

### **WORKER'S COMPENSATION BUDGET PASSES BOTH CHAMBERS**

On Wednesday, legislative session saw the passage of HB 27, the Worker's Compensation Budget, from the both the House and the Senate. The House concurred on the Senate's changes to the bill, which included reducing the statute of repose for firefighter cancer presumption from 20 years to 15 years, and creating both a \$2.5 million statewide safety awareness educational campaign and a \$6 million health and wellness program. Senate-added provisions also will ensure injured workers eligible for Temporary Total Disability receive their compensation in a timely manner, while another was added to end the backlog of over 20,000 application for permanent partial disability.

Over the bill's lifetime, OML worked with several other interested parties on several crucial issues, and was able to come to agreements approved by both parties. We are grateful for their cooperation and look forward to a watching a fully-funded, empowered BWC better the lives of Ohio's citizens.

### **INTRODUCED BILLS OF MUNICIPAL INTEREST**

HB 292 - STATE OF RESIDENCE TEST (Rep. Scherer) To modify the test for determining an individual's sate of residence of income tax purposes.

HB 291 - EMPLOYEE DISHONESTY INSURANCE (Rep. Wiggam) To authorize counties, townships, and municipal corporations to purchase an employee dishonesty and faithful performance of duty insurance policy, instead of a bond, for protection from loss to the fraudulent or dishonest actions of, and the failure to perform a duty prescribed by law by, an officer, official, employee, or appointee for which a bond is required by law.

HB - LEAD SAFETY AND UNIFORMITY (Rep. Merrin) To enact the Lead Safety and Uniformity Act to provide that the state, acting through the Department of Healthy, has the sole and exclusive authority to compel, prohibit, license, or regulate lead abatement activities in Ohio.

HB 298 - PUBLIC EMPLOYEE SICK DAYS (Rep. Merrin) To make changes with respect to the number of sick days provided to public employees,

### **NO COMMITTEES HAVE BEEN SCHEDULED WITH BILLS OF MUNICIPAL INTEREST**

#### **Meeting/ Training**

<b>Municipal Income Tax Seminar</b>	<b>July 12 - 14</b>	<a href="#"><u>Registration Information</u></a>
<b>OMCA Annual Conference</b>	<b>July 16 - 20</b>	<a href="#"><u>Registration Form</u></a>

[Ohio Municipal League](#)

Legislative Inquires:

[Kent Scarrett, Executive Director](#)

[Edward Albright, Deputy Director](#)

[Josh Brown, Director of Communications](#)



Pictured with APPA Chair and Independence, Mo., Power & Light Deputy Director Andrew Boatright (right), and APPA Chair Elect and Fort Defiance, Az., Navajo Tribal Utility Authority General Manager Wally Haase (left). Top left: Paul Beckhusen; Top right: Ivan Henderson; Bottom left: Johnnie Burns; and Bottom right: Kevin Maynard.

## AMP/OMEA members recognized at 2017 APPA National Conference

*By Jolene Thompson - executive vice president & OMEA executive director*

The American Public Power Association (APPA) held its 2017 annual conference June 16-21 in Orlando, Florida. A number of AMP and OMEA member community officials attended and had the opportunity to hear from nationally recognized speakers on topics and trends impacting the electric industry, as well as from fellow public power officials from around the country regarding their best practices and lessons learned on a wide variety of topics.



A number of AMP members received well-deserved accolades for their accomplishments. Johnnie Burns, electric and water superintendent for the Village of Yellow Springs, received the Larry Hobart Seven Hats Award, which recognizes managers of small utilities serving fewer than 2,500 meters for the multiple hats they must wear to serve their community. Burns was AMP's 2016 Seven Hats Award recipient.

Paul Beckhusen, Coldwater Board of Public Utilities director, and Ivan Henderson, Cleveland Public Power commissioner, were recipients of the Mark Crisson Leadership and Managerial Excellence Award, which recognizes managers at a utility, joint action agency, or state or regional association who steer their organizations to new levels of excellence, lead by example, and inspire staff to do better.

Coldwater Board of Public Utilities was one of three communities that won the E.F. Scattergood System Achievement Award, which honors APPA member systems with outstanding accomplishments.

Hamilton Department of Electric received one of four Community Service Awards handed out to utilities for their good neighbor activities that demonstrate commitment to the local community.

The Village of Minster was one of four recipients of the Energy Innovator Award presented by APPA's research program, Demonstration of Energy and Efficiency Developments (DEED), in recognition of innovative utility projects.

APPA's awards program is extremely competitive and AMP extends our congratulations to all of these deserving recipients!

## **Thompson appointed to APPA Executive Committee**

*By Michael Beime - vice president of external affairs*

Jolene Thompson, AMP executive vice president and OMEA executive director, was named to the six-member APPA Board Executive Committee for a one-year term. This is her second consecutive year on the executive committee. She was appointed to the executive committee by incoming chair Walter Haase, general manager of the Navajo Tribal Utility Authority, during the APPA national conference this week. Thompson serves on the APPA Board representing Region 2.



Jolene Thompson

## **AMP Board member named APPA committee chair**

*By Michael Beime*

Nick Berger, Piqua Power System assistant director and AMP Board member, was appointed chair of the Transmission and Distribution Committee by the APPA Board of Directors during the APPA national conference this week. The committee serves under the engineering and operations (E&O) section and helps plan E&O meetings and events. Additionally, as chair, he will serve as a member of the RP3 review panel.



Nick Berger

## **AEMA v. FERC**

*By Lisa McAlister - senior vice president and general counsel for regulatory affairs*

On June 20, 2017, the DC Circuit Court of Appeals upheld the Federal Energy Regulatory Commission's ("FERC") approval of PJM Interconnection, LLC's ("PJM") "Capacity Performance" proposal that modified the definition of capacity resources in PJM. Following the polar vortex of 2013-14, PJM modified its capacity market with the hopes of ensuring resource availability at all times irrespective of weather or other conditions. Capacity Performance made changes to the capacity construct that included a "no excuses" approach and hefty penalties for generation resources that do not perform when called upon, among other things. FERC approved these changes in 2015, over AMP's and other parties' protests.

AMP, along with APPA, NRECA, the Public Power Association of New Jersey, the New Jersey Board of Public Utilities, the Advanced Energy Management Alliance, the Natural Resources Defense Council, Sierra Club and the Union of Concerned Scientists, appealed FERC's approval of Capacity Performance to the

DC Circuit. The group argued that FERC did not sufficiently consider the costs and benefits of capacity performance, that FERC's approval of PJM's changes to its capacity and energy markets was procedurally deficient, Capacity Performance impermissibly shifted market power resulting in unjust and unreasonable rates, and capacity performance rules are unduly discriminatory against seasonal resources.

Ultimately, the three-judge panel unanimously rejected all of these arguments. The DC Circuit court held that it was required to give deference to FERC's determination and that FERC's review of the PJM filings was not arbitrary and capricious. The court rested on its determination that FERC adequately looked into the costs and benefits of RPM with an eye toward reliability needs. This result was reached absent any acknowledgment of then-FERC Chairman Bay's strong dissent and serious reservations on the cost of Capacity Performance to ratepayers. The DC Circuit also claimed that FERC was owed deference regarding its interpretation of the Federal Power Act and how PJM filed its changes to capacity and energy markets and that its interpretation was reasonable.

AMP, along with other parties, also argued that Capacity Performance unduly discriminates against seasonal resources and intermittent resources that do not meet the "year-round" performance obligations. The court rejected these arguments because it found that PJM permitted resources located within the same geographical areas to aggregate to form a single qualifying resource. As a practical matter, the Capacity Performance rules may severely restrict renewable resources' ability to participate in the capacity auctions if they are unable to find another corresponding resource within their area with which to partner.

Despite the disappointing DC Circuit decision, AMP continues to actively work to oppose detrimental changes and propose beneficial changes to the current capacity construct through PJM's stakeholder processes and its engagement at FERC. For questions regarding this matter, please contact me at [lmcalister@amppartners.org](mailto:lmcalister@amppartners.org) or 614.540.6400.

## Energy markets update

*By Jerry Willman - assistant vice president of energy marketing*

The July 2017 NYMEX natural gas contract increased \$0.001/MMBtu to close at \$2.894 yesterday. The EIA reported an injection of 61 Bcf for the week ending June 16th. Analyst expectations were calling for an injection of 55 Bcf. Due to the heat and higher demand at the beginning of last week, this injection was expected to come in under last year's 63 Bcf injection and well below the 82 Bcf 5-year average build.

On-peak power prices for 2018 at AD Hub closed yesterday at \$35.54/MWh which was \$.42/MWh lower for the week.

On Peak (16 hour) prices into AEP/Dayton hub				
Week ending June 23				
MON	TUE	WED	THU	FRI
\$32.97	\$30.28	\$29.72	\$35.05	\$30.75
Week ending June 16				
MON	TUE	WED	THU	FRI
\$41.72	\$43.39	\$35.91	\$33.58	\$34.78
AEP/Dayton 2018 5x16 price as of June 22 — \$35.54				
AEP/Dayton 2018 5x16 price as of June 15 — \$35.96				

## AFEC weekly update

*By Jerry Willman*

Fremont plant remained on-line for the week and operated at its economic minimum during the off peak hours and ramped up to full output during the on peak hours. PJM limited the plant output on Monday for a

few hours due to a local transmission constraint. Duct firing operated for 37 hours this week. The plant generated at a 66% capacity factor (based on 675 MW rating).

## Ohio's state budget sent to conference committee

*By Charles Willoughby - director of government affairs*

The Ohio Senate approved their version of the \$130 billion state biennial budget this week. The changes were quickly rejected by the House, which led to the creation of a joint conference committee to iron out differences between the House and Senate versions before final votes on June 27. The General Assembly must deliver a final balanced budget bill to Gov. Kasich before June 30.

The Senate's proposal addresses a \$1 billion state revenue shortfall through funding cuts to state and local governments and schools, among other spending changes.

Concerning provisions remain in the Senate's budget bill, including the predatory municipal corporation language that prompted a legislative alert to AMP/OMEA members earlier this week. All AMP/OMEA members are encouraged to continue contacting their House and Senate members requesting this language be removed from the budget bill in the conference committee.

In contrast, AMP/OMEA has successfully resolved or preserved beneficial policy changes in the budget bill including language that will qualify the small hydro projects owned by the cities of Bryan, Columbus and Hamilton as a renewable energy resource, eligible to generate renewable energy credits. Additionally, AMP/OMEA drafted revisions to a proposed change in the village dissolution process were adopted by the Senate, as were changes to a proposed kWh tax exemption for a chlor-alkali manufacturer, to allow local discretion of whether the exemption is applied in a municipal electric system.

A special thanks to all members who have contacted their lawmakers about the predatory municipal corporation language that restricts LGF funds and sets a dangerous precedent for municipal utilities. Please remain active and make every effort to contact your state lawmakers before June 27th asking them to remove this language.

If you have any questions about the items mentioned above or want more information about the pending biennial state budget, please contact me at [cwilloughby@amppartners.org](mailto:cwilloughby@amppartners.org) or 614.540.1036, or Michael Beime at [mbeime@amppartners.org](mailto:mbeime@amppartners.org) or 614.540.0835.

## AMP Seven Hats award winner from Monroeville passes away

Joe Gravenhorst, who had worked for 30 years with the Village of Monroeville, passed away on June 16.

Gravenhorst, 79, joined Monroeville's electric department in 1965 and served as superintendent for 19 years before retiring in 1996. He was a U.S. Navy veteran of the Vietnam War and was active in his community as a member of the Monroeville Village Council, Knights of Columbus, American Legion Post 547 and the Huron County Joint Fire District.

In 1993, Gravenhorst was presented with the AMP Seven Hats award, which honors utility managers in communities of less than 2,500 meters, whose responsibilities extend beyond the scope of a manager in a larger system. He was also named an OMEA Honorary Member.

AMP and OMEA offer our sincere condolences to Joe's family and the Monroeville community.

## Grid modernization trends

*By Erin Miller, director of energy policy and sustainability*

Staff attended the "Maximizing the Benefits of Grid Modernization" forum in Columbus on June 13. Guest speaker, Rolf Nordstrom of the Great Plains Institute, a non-profit organization and leader of the Minnesota [e21 initiative](#), whose goal is to develop a 21st century electric system, explained that changes to the grid are similar to the evolution of the telecom and computer industries. The grid is moving to a digital and automated operational system, away from analog and manual, and to distributed power generation, away from centralized power plants.

Mr. Nordstrom expressed the view that a modernized grid needs to be:



- Reliable and provide affordable electric service;
- Flexible and responsive to more connected devices and distributed energy resources (DER); and
- Cleaner.

The forces driving this change are:

- **Aging infrastructure and new technologies**  
Many coal and other baseload plants, will reach end of life in the next 20 years.
- **Consumer preferences**  
People prefer choices/options. Millennials have a "there's an app for that" mentality and prefer digital controls with ease of use.
- **Policy change**  
Many states have laws to reduce emissions, encourage DER, reduce system costs and/or require renewable energy generation. Some states are taking up broad grid modernization reforms, while most are making incremental changes.

PUCO Chairman Asim Haque, was the event's keynote speaker. He explained the PUCO's PowerForward effort will result in a policy guidance document (expected by Q2 2018) that is meant to shape investor-owned utilities' grid modernization plans, as required as part of the Electric Security Plans (ESP) filings. In addition, the PUCO will be evaluating and changing utilities' cost recovery mechanisms to reflect changes of the future grid.

## Field preparations begin for 2017 AMP Lineworkers Rodeo



Volunteers from Westerville, Orrville, Piqua, Cleveland and Tipp City began rodeo event construction this week in preparation for the fourth annual AMP Lineworkers Rodeo, to be held Aug. 25-26 at AMP headquarters.

The next construction dates are set for July 6 and Aug. 3. If you are available to assist, contact Bob Rumbaugh at 614.204.8500 or [rumbaugh@amppartners.org](mailto:rumbaugh@amppartners.org).

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## Classifieds

### Opportunities available at AMP

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