

AUGUST 2017

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
				4:00 pm Special Civil Service Commission		
6	7 6:15 pm Technology Committee	8 5:00 pm Planning Commission	9	10	11	12
	7:00 pm City Council					
13	14 6:30 pm Electric Committee & BOPA	15	16	17	18	19
20	21	22	23	24	25	26
	6:00 pm-Tree Comm.	4:30 pm – Civil Service				
	7:00 pm – City Council					
27	28 6:30 pm- Finance & Budget Comm.	29	30 6:30 pm - Parks & Rec Board	31		
	7:30 pm - Safety & Human Resources					

CITY COUNCIL

MEETING AGENDA

Monday, August 21, 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. August 7, 2017 City Council Meeting Minutes

D. Citizen Communication

E. Reports from Council Committees

1. **Electric Committee** met on August 14, 2017; and
 - a. Approved the BOPA recommendation to approve the August 2017 PSCAF.
 - b. Tabled Discussion on Transmission Operator for Northside Substation.
 - c. Tabled Electric Vehicle Rebate.
2. **Water and Sewer Committee** did not meet due to lack of agenda items
3. **Municipal Properties, Building, Land Use and Economic Development Committee** did not meet due to lack of agenda items.
4. **Parks and Recreation Committee** did not meet due to lack of agenda items.
5. **Ad-hoc Committee on Organizational Health and Strategic Vision** meeting was canceled.

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

1. **Planning Commission** met on August 8, 2017 and approved PC 17-03 Conditional Use Permit for 1400 Scott Street.
2. **Tree Commission** met tonight with the following agenda items:
 - a. Review Tree Call Reports
 - b. Finalize the Fall Plantings and Trimmings List.
 - c. Award the Fall Removals and Topsoil Contracts.

G. Introduction of New Ordinances and Resolutions

1. **Ordinance No. 038-17**, an Ordinance Repealing Section 711 of Part 7 of the City of Napoleon, Ohio Codified Ordinances, Specifically Amusement Devices and Arcades.
2. **Resolution No. 048-17**, a Resolution Extending a Previously Imposed Temporary Moratorium on Medical Marijuana Cultivation, Processing, and Retail Dispensary Facilities within the City of Napoleon, Ohio; and Declaring an Emergency. *(Suspension Requested)*
3. **Resolution No. 049-17**, a Resolution authorizing the City Manager to upgrade Police Department CAD software to include Civica License Fees for CAD and Mobile CAD, along with managed services for both; authorizing the expenditure of funds in excess of twenty five thousand dollars (\$25,000.00), and eliminating the necessity of competitive bidding; and declaring an Emergency. *(Suspension Requested)*
4. **Ordinance No. 050-17**, an Ordinance Authorizing the Finance Director to Make Appropriation Transfers from Respective Funds, Departments and Categories to other Funds, Departments and Categories Pursuant to Ohio Revised Code (ORC) Section 5705.40 for the Fiscal Year Ending December 31, 2017 as Listed in Exhibit "A"; and Declaring an Emergency. *(Suspension Requested)*

H. Second Readings of Ordinances and Resolutions - None

I. Third Readings of Ordinances and Resolutions - None

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

1. **Discussion/Action:** Recommendation to approve the PSCAF for August 2017 as: PSCAF –three (3) month averaged factor \$0.01047, JV2 \$0.022370, JV5 \$0.022370.
2. **Discussion/Action:** to reject all bids for the City Telephone System.
3. **Discussion/Action:** to Review Tax Exempt Financing Consideration in the U.S. Congress.
4. **Discussion/Action:** Approval of PC17-03 Conditional Use Permit for 1400 Scott Street.
5. **Discussion/Action:** to Direct the Law Director to Draft Legislation to Transfer Parcel Nos. 410095550360 and 410095550380 to the CIC.
6. **Discussion/Action:** Approval of City Manager to Enter into an Agreement with the CIC giving the CIC the Right of First Refusal for the Purchase of Parcel No. 280700780200, 10.1 Acres.
7. **Discussion/Action:** Review Fees for Services Provided by the Napoleon Fire and Rescue Department.
(Refer to Committee)

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

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

M. Adjournment



Gregory J. Heath
Finance Director/Clerk of Council

A. ITEMS REFERRED OR PENDING IN COMMITTEES OF COUNCIL

- 1. Technology & Communication Committee (1st Monday)**
(Next Regular Meeting: September 5, 2017 @6:15 pm)
- 2. Electric Committee (2nd Monday)**
(Next Regular Meeting: Tuesday, September 11, 2017 @6:30 pm)
 - a. Review of Power Supply Cost Adjustment Factor for September, 2017
 - b. Discussion on Transmission Operator for Northside Substation (Tabled)
 - c. Electric Vehicle Rebate (Tabled)
 - d. Electric Department Report
- 3. Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday)**
(Next Regular Meeting: Monday, September 11, 2017 @7:00 pm)
 - a. Update on Wastewater Treatment Plant (Tabled)
- 4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday)**
(Next Regular Meeting: Monday, September 11, 2017 @7:30 pm)
 - a. Discussion on Downtown Improvements (tabled)
 - b. Updated Information from Staff on Economic Development (as needed)
- 5. Parks & Recreation Committee (3rd Monday)**
(Next Meeting: Monday, September 18, 2017 @6:00 pm)
 - a. Request from County to Designate Vorwerk Park as a Primitive Camp Site Location. (Tabled)
- 6. Ad Hoc Committee on Organizational Health and Strategic Vision (3rd Monday)**
(Next Mtg: Mon., September 18, 2017 at 6:15 pm)
 - a. Discussion on Mission and Strategic Vision.
- 7. Finance & Budget Committee (4th Monday)**
(Next Regular Meeting: Monday, August 28, 2017 @6:30 pm)
- 8. Safety & Human Resources Committee (4th Monday)**
(Next Meeting: Monday, August 28, 2017 @7:30 pm)
- 9. Personnel Committee (as needed)**
- 10. Ad-hoc Committee on Council Rules**
(Next Meeting:)
 - a. Review of Council Rules

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

- 1. Board of Public Affairs (2nd Monday)**
(Next Regular Meeting: Monday, September 11, 2017 @6:30 pm)
 - a. Review of Power Supply Cost Adjustment Factor for September, 2017
 - b. Discussion on Transmission Operator for Northside Substation (Tabled)
 - c. Electric Vehicle Rebate (Tabled)
 - d. Electric Department Report
- 2. Board of Zoning Appeals (2nd Tuesday)**
(Next Regular Meeting: Tuesday, September 12, 2017 @4:30 pm)
- 3. Planning Commission (2nd Tuesday)**
(Next Regular Meeting: Tuesday, September 12, 2017 @5:00 pm)
- 4. Tree Commission (3rd Monday)**
(Next Regular Meeting: Monday, September 18, 2017 @6:00 pm)
- 5. Civil Service Commission (4th Tuesday)**
(Next Regular Meeting: Tuesday, August 22, 2017 @4:30 pm)
- 6. Parks & Recreation Board (Last Wednesday)**
(Next Regular Meeting: Wed., August 30, 2017 @6:30 pm)
- 7. Privacy Committee (2nd Tuesday in May & November)**
(Next Regular Meeting: Tuesday, November 14, 2017 @10:30 am)
- 8. Records Commission (2nd Tuesday in June & December)**
(Next Regular Meeting: Tuesday, December 12, 2017 @4:00 pm)
- 9. Housing Council (1st Monday of the month after the TIRC meeting)**
- 10. Health Care Cost Committee (as needed)**
- 11. Preservation Commission (as needed)**
- 12. Napoleon Infrastructure/Economic Development Fund Review Committee (NIEDF) (as needed)**
- 13. Tax Incentive Review Council (as needed)**
- 14. Volunteer Firefighters' Dependents Fund Board (as needed)**
- 15. Volunteer Peace Officers' Dependents Fund Board (as needed)**
- 16. Lodge Tax Advisory & Control Board (as needed)**
- 17. Board of Building Appeals (as needed)**
- 18. ADA Compliance Board (as needed)**
- 19. NCTV Advisory Board (as needed)**

CITY COUNCIL

MEETING MINUTES

MONDAY, AUGUST 07, 2017 AT 7:00 PM

PRESENT	
Council	Travis Sheaffer-Council President, Joe Bialorucki-Council President Pro-Tem, Jeff Comadoll, Rita Small, Dan Baer, Jeff Mires, Lori Siclair
Mayor	Jason P. Maassel
Finance Director/Clerk	Gregory J. Heath
City Manager	Joel Mazur
Law Director	Billy D. Harmon
Recorder	Roxanne Dietrich
City Staff	Clayton O'Brien, Fire Chief
	Lt. Dave Mack, Acting Police Chief
Others	Newsmedia, NCTV, Jerry Tonjes
ABSENT	
Prayer	Council President Sheaffer called the meeting to order at 7:00 pm with the Lord's Prayer followed by the Pledge of Allegiance.
Firefighter Sworn In	Firefighter Chad Born was sworn in by the Mayor.
Motion to Amend Minutes	Motion: Bialorucki Second: Siclair to amend the first page of the July 17, 2017 Council meeting minutes to say Mayor Maassel read a proclamation...
Passed	Roll call vote on the above motion:
Yea-7	Yea-Small, Bialorucki, Sheaffer, Comadoll, Baer, Siclair, Mires
Nay-0	Nay-
Citizen Communication	None.
Council Committee Reports	<p>Chairman Mires reported the Finance and Budget Committee met on July 24, 2017, and recommended approval of the second quarter budget adjustments.</p> <p>Chairman Baer reported the Safety and Human Resources Committee met on July 24, 2017 and recommended to repeal Codified Ordinance Chapter 711 – Part Seven Business Regulation Code – Amusement Devices and Arcades that will be discussed later.</p> <p>The Technology Committee met earlier tonight and Chairman Small reported the Committee approved the City Manager's recommendation to sole source with CMI for the emergency response system diverting the \$40,000 budget line item for the telephone system to the Police Department to upgrade the CAD system and not do the telephone system this year but to go ahead and do the email exchange server with Tangent.</p>

Council President Sheaffer read by title Ordinance No. 045-17, an Ordinance Supplementing the Annual Appropriation Measure (Supplement No. 2) for the Year 2017; and Declaring an Emergency.

Motion: Small Second: Mires
to approve First Read of Ordinance No. 045-17.

Heath said the second quarter budget adjustments were presented to the Finance and Budget Committee, all adjustments are listed with the Ordinance. Suspension is requested to be able to post the adjustments in a timely manner.

Motion: Comadoll Second: Mires
To suspend the rule requiring three readings for Ordinance 045-17.

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

Roll call vote to pass Ordinance No. 045-17 under suspension of the rule and with emergency.
Yea- Small, Bialorucki, Sheaffer, Comadoll, Baer, Siclair, Mires
Nay-

Council President Sheaffer read by title Resolution No. 046-17, a Resolution Authorizing the City Manager to Dedicate a Portion of City Owned Property as Right-of-Way for the Industrial Drive Street Improvements Project, P.I.D. Number 102253; and Declaring an Emergency.

Motion: Bialorucki Second: Siclair
To approve first read of Resolution No. 046-17.

City Manager Mazur reported the city owned property at the corner of the Operations Building is part of this project, we are carving out the corner at the intersection of Independence and Industrial.

Motion: Small Second: Comadoll
To suspend the rule requiring three readings for Resolution No. 046-17.

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

Roll call vote to pass Resolution No. 046-17 under suspension of the rule and with emergency.
Yea-Small, Bialorucki, Sheaffer, Comadoll, Baer, Siclair, Mires
Nay-

Council President Sheaffer read by title Ordinance No. 047-17, an Ordinance Authorizing the City Manager to Consent to the Ohio Department of Transportation (ODOT) State

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

Passed
Yea-7
Nay-0

Motion: Comadoll Second: Small
Motion to Direct Law Director to draft legislation repealing Codified Ordinance Chapter
711 Part Seven Business Regulation Code Amusement Devices and Arcades.

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

Patrolman VonDeylen Swore In

Mayor Maassel swore in Patrolman Ryan VonDeylen.

Haley Avenue Sanitary Sewer Improvements Discussion

Mazur said Vernon Nagel, Inc. was the low bidder at \$543,166.00, which is under the Engineer's Estimate; therefore, we would recommend awarding the project to Vernon Nagel, Inc. For the rebid, we removed the portion along Park Street on Riverview near the Water Treatment Plant lagoons.

Motion to Award Haley Ave. Sanitary Sewer Project

Motion: Comadoll Second: Bialorucki
to Award the Haley Avenue Sanitary Sewer Project to Vernon Nagel, Inc. for \$543,166.00.

**Passed
Yea-7
Nay-0**

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

Street Lighting Project Discussion

Mazur reported it is our recommendation to award the 2017 Street Lighting Improvements contract to Power Line Supply Company for \$49,750. We received \$53,000 from the AMPGS Settlement and that money will be used for this project. Maassel asked if the settlement will end our involvement with this project. Mazur said no, the land is still there and another project could go on that land.

Motion to Award to Street Lighting Project to Power Line Supply

Motion: Comadoll Second: Baer
To approve awarding the 2017 Street Lighting Project to Power Line Supply Company in
the amount of \$49,750.

Passed
Yea-7
Nay-0

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

Fire Department BWC Grant – Discussion

Mazur said the grant application had to be in already and has been sent. Chief O'Brien shared that BWC developed this grant to help cut down on cancer the firefighters are getting on the job. The turnout gear extractor is a heavy duty washer for just turnout gear to remove the really bad stuff out of the firefighters' gear, the washer we have now was donated many years ago by the Filling Home, the fire hoods keep the carcinogenics away, it is a more expensive hood that we could not afford without the grant. The Grant is a 1-5 match because our payroll is greater than \$500,000, the money will come out of our Capital 242 Fund.

Motion to Approve Application for BWC Grant

Motion: Small Second: Comadoll
To approve the Fire Department Application for the BWC Grant in the Amount of \$14,781.00 for a Turnout Gear Extractor, Fire Hoods and Fire Gloves.

Passed
Yea-7
Nay-0

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

**Electric Vehicle
Rebate Referred to
Electric Committee**

Council President Sheaffer referred Electric Vehicle Rebate to the Electric Committee.

**Economic Incentives
Program**

No action was taken.

Around the Table

Heath

Nothing.

Mires

Just a reminder of Spangler's event on August 19th, six of us are working from 12 – 4pm.

Small

Nothing.

Bialorucki

Nothing.

Sheaffer

I emailed everyone about a joint meeting with Council and the Commissioners. Amanda is checking if we can get on the agenda for early next Tuesday, August 15th. I do not have a time or the okay from the commissioners. There are four or five items for the agenda. If you are at the Henry County Fair on Sunday, stop by the Lions Club ice cream booth, Jeff and I will be there.
I signed the nomination letter to AMP to be on the ballot to retain our AMP board seat, I will check with AMP on what date the vote will take place and how the votes are based, the AMP meeting is at the end of September.

Maassel

The downtown project starts on August 21st have we talked with the construction people and the downtown business owners.
Mazur said Chad is putting a schedule together, traffic will be maintained the best we can, there will be a detour down Scott Street for heavy truck traffic. We will work through Joel Miller.
Maassel continued we should give the businesses an idea when they will be most affected. Sheaffer responded at least let them know we will be starting on August 21st.

Maassel continued, I was at our parks this weekend and as always the parks look really good.

Comadoll

Nothing.

Baer

Has the courthouse been updated on the downtown project I was told they had no idea what was going on. Request Transmission Operator for Northside Substation be assigned to the Electric Committee.

Council President Sheaffer assigned Transmission Operator for Northside Substation to the Electric Committee.

Nothing.

I would request an Executive Session on Pending Litigation and one on Economic Development ORC 121.22G(8).

The land bank has been formed, we will be meeting tomorrow to discuss the grant application. If you know of any nuisance or abandoned properties that needs to be addressed let me know.

Maassel said the property has to be abandoned and unoccupied. This could be an economic development tool for the City and Henry County. The grant application is due very soon, this is a big step by the county commissioners and treasurer.

Motion: Small Second: Bialorucki
to go into Executive Session for Economic Development.

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

Motion: Bialorucki Second: Comadoll
To go into Executive Session on Pending Litigation.

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

Council went into Executive Session at 8:03 pm.

Motion: Bialorucki Second: Small
To come out of Executive Session for Economic Development.

Roll call vote on the above motion:
Yea-Small, Bialorucki, Sheaffer, Comadoll, Baer, Siclair, Mires
Nay-
Council President Sheaffer reported Economic Development was discussed in executive session and no action was taken.

Motion: Comadoll Second: Bialorucki
To come out of Executive Session on Pending Litigation.

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

Out of Exec. Session

Approval of Bills

Motion to Adjourn

Passed
Yea-7
Nay-0

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

Adjournment

The City Council meeting was adjourned at 8:35 pm.

Approved:

August 21, 2017

Travis Sheaffer, Council President

Jason P. Maassel, Mayor

Gregory J. Heath, Finance Director/Clerk of Council

ORDINANCE NO. 038-17

**AN ORDINANCE REPEALING SECTION 711 OF PART 7 OF THE CITY OF
NAPOLEON, OHIO CODIFIED ORDINANCES, SPECIFICALLY AMUSEMENT
DEVICES AND ARCADES**

WHEREAS, City Council recently reviewed the City's Codified Ordinances in an effort to keep up to date with current regulations; and,

WHEREAS, Ordinance No. 049-96, passed by City Council on May 6, 1996, Section 711.02 License was adopted, stating that "no person shall operate within the corporation limits of the City a game room or an amusement arcade without having first obtained a game room an amusement arcade license from the City, requiring that said license be issued by the City of Napoleon Finance Director;" and,

WHEREAS, the game room and amusement arcade licenses expire on December 31 annually and are to be renewed each year, if not denied or suspended, by filing proper application and payment with the City Finance Director; said licenses are not transferable; and,

WHEREAS, upon recommendation of the City of Napoleon, Ohio's Acting Chief of Police and Finance Director, this Council deems prudent to repeal the Chapter 711, Amusement Devices and Arcades, in its entirety; **Now Therefore,**

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

Section 1. That, this Ordinance does repeal Chapter 711 of Part 7 of the City of Napoleon, Ohio Codified Ordinances, Amusement Devices and Arcades, in its entirety.

Section 2. That, this Council considered the following criteria in making its decision to amend as set forth above:

a. Section 711.02(d) Denial or Revocation of License: Appeal sets forth reasons allowing the City Finance Director to deny, suspend or revoke any license issued, including: failure to pay necessary application fees, falsifying or furnishing incomplete application information, failure to meet Fire and Zoning Codes, having two (2) or more gambling offenses within five (5) years, failing to permit inspection of amusement machines or devices by City officials, having a felony conviction within ten (10) years, lacking the necessary qualifications for holding said license, having two (2) or more direct violations of any provisions of this chapter or any other local, state, or federal law pertaining to amusement devices and/or game rooms or amusement arcades within a five (5) year period, or having or maintaining a nuisance at the place where the mechanical or electrically operated amusement devices are located; and,

b. Section 711.02(e) sets forth the current process that, in the event of a denial, suspension or revocation of said license, the applicant or owner may within ten (10) days appeal the decision to the Finance and Budget Committee of Council by filing notice of appeal with the City Finance Director; and,

c. Section 711.03 sets forth the current license and registration fees, including: thirty dollars (\$30.00) annually for each mechanical or electrically operated

amusement device, thirty dollars (\$30.00) annually for a game room or amusement arcade at each place of business, multiple game rooms at one business location shall be assessed as one (1) business if owned by the same entity, and if any licensed machine or device is replaced or substituted during the registration period, a new application for such machine or device must be submitted with a six dollar (\$6.00) fee; and,

d. The Acting Chief of Police and the City Finance Director, both with historical background in the current licensing process, recommend to this Council that Section 711 of Part 7 of the City of Napoleon Codified Ordinances be repealed in its entirety due to the extensive man hours and expense required for proper regulation of said Section.

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

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

Section 5. That, this Ordinance shall be in full force and effect on January 1, 2018 at 12:00am; 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. 038-17 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

Chap. 711. Amusement Devices and Arcades.

711.01 DEFINITIONS.

For the purpose of this chapter:

(a) "Game room" or "amusement arcade" means a place of business within a building or any part of a building having five or more mechanical or electrically operated amusement devices which are used for the purpose of public entertainment.

(b) "Exhibitor" means any individual, corporation, or other entity owning and exhibiting or contracting or permitting any mechanical or electrically operated amusement device, as defined in subsection (e) hereof to be installed, used, and exhibited in his/her own place of business irrespective of the ownership of such device.

(c) "Gambling device" means a device as defined in Ohio R.C. 2915.01 or which contains an automatic pay-off device or instrument for the return of slugs, money, coins, checks, tokens, merchandise, or anything of value; or a device which contains an automatic device by the operation of which the player may win at uncertain intervals a free game, a free play, or any other additional amusement and where the device is capable of manually setting odds.

(d) "Gambling offense" means a conviction of any section contained in Ohio R.C. Chapter 2915 or any similar law of any other state, this Municipality, or other municipality or any similar federal law.

(e) "Mechanical" or "electrically operated amusement device" means a machine, device, or instrument which, upon the insertion of a coin, plate, disc, plug, key, token or slug, operates or may be operated for use as a game, contest of skill, or amusement of any description and shall include, but not be limited to, rides, pinball games or marble games, or coin operated mechanical or electrical musical instruments or devices or coin operated or payment of a fee operated billiard tables, pool tables or dart games; however, does not include vending machines and does not include gambling devices.

(f) "Owner" means any individual, partnership, corporation, or other entity having possession or title to any mechanical or electrically operated amusement device, or the proprietor of the business which operates a game room or an amusement arcade.

(g) "Person" means any individual, partnership, corporation, or other entity.

(h) "Applicant" means the individual or entity applying for the license; also, means for the purpose of qualification questions, the individual filling out the application on behalf of the entity as well as any partner, the partnership, organization, corporation or other entity and its officers.

(Ord. 076-08. Passed 10-6-08.)

711.02 LICENSE.

(a) Required.

(1) No owner or exhibitor shall install or permit the use in his/her place of business any mechanical or electrically operated amusement device without having first obtained an exhibitor's license. Such license may be obtained by the owner or the exhibitor and shall be required for each such amusement device so installed or used.

(2) No person shall operate within the corporation limits of the City a game room or an amusement arcade without having first obtained a game room or an amusement arcade license from the City.

(b) Issuance. The City Finance Director is authorized to issue licenses to owners and exhibitors of mechanical or electrical amusement devices upon compliance with the requirements set forth in this chapter. Further, said Director is authorized to issue licenses to owners of game rooms and amusement arcades.

(c) Term of License. All current and future City licenses issued pertaining to amusement devices and/or game rooms or amusement arcades shall expire on December 31 after passage of this chapter and each December 31 thereafter. Licenses issued, that are to be effective after January 1, shall be prorated. Licenses may be renewed each year (if not denied or suspended) by filing proper application with the City Finance Director and by making payment of the renewal fee as prescribed. The licenses required herein shall not be transferable. No fee will be reimbursed by the City if the subject of the license later terminates or is discontinued. Licenses may be renewed or obtained thirty days in advance of expiration.

(d) Denial or Revocation of License; Appeal. The City Finance Director may deny, suspend or revoke any license issued or requested to be issued pursuant to this chapter for any of the following reasons:

- (1) Failure to pay necessary application fees.
- (2) Falsifying or furnishing incomplete information on an application.
- (3) Failing to meet Fire or Zoning Codes.
- (4) Having two or more gambling offenses within the last five years.
- (5) Failing to permit inspection of amusement machines or devices by City officials.
- (6) Having a felony conviction within the last ten years.
- (7) Lacking the necessary qualifications for holding a license.
- (8) For having two or more direct violations of any provisions of this chapter or any other local, state or federal law pertaining to amusement devices and/or game rooms or amusement arcades within a five-year period.
- (9) Having or maintaining a nuisance at the place where the mechanical or electrically operated amusement device(s) are located.

(e) In the event that the Director denies, suspends, or revokes any license, the applicant or owner may within ten days appeal such denial, suspension, or revocation to the Finance and Budget Committee of Council by filing notice of appeal with the City Finance Director. The scope of the hearing shall be limited to affirming or disaffirming the denial, suspension or revocation of the license. The Committee may only disaffirm the actions of the Finance Director if they determine by a majority vote, that by a preponderance of the evidence presented, the Finance Director's denial, suspension or revocation was unreasonable, capricious or arbitrary. The hearing shall be informal in nature and the Committee's decision shall be considered a final order.

(f) Applications. Every owner or other person, corporation, lodge, or association desiring to obtain any exhibitor's or game room or amusement arcade license or licenses shall file an

application with the City Finance Director upon a form to be prescribed by the Director prior to the receiving of any such license or licenses, which application shall state among other things:

- (1) The name and address and date of birth of the applicant;
 - (2) The location where the mechanical or electrical amusement devices are to be displayed and/or operated and the business conducted therein;
 - (3) The number of mechanical or electrically operated amusement devices intended to be exhibited;
 - (4) A description of the mechanical or electrically operated amusement devices to be covered by the license, and their mechanical features as well as the name of the manufacturer and the serial number of the machine(s);
 - (5) The name of the owner or owners of the premises wherein the mechanical or electrically operated amusement devices are to be displayed and/or operated;
 - (6) The name of the owner or owners of the business conducted therein;
 - (7) The name of the owner of the mechanical or electrically operated amusement devices, if the person is different than the applicant;
 - (8) Whether or not the applicant or the owner of the mechanical or electrically operated amusement devices or game room or public arcade has been convicted of two or more direct violations of any provisions of this chapter or any other local, state, or federal law pertaining to amusement devices and/or game rooms or amusement arcades within a five-year period; or had a felony conviction within the last ten years; or had two or more gambling convictions within the last five years; and
 - (9) Such application shall have attached a written statement from the Zoning Administrator and Fire Chief that Zoning and Fire Code requirements have been met.
- (g) Per Game Room or Arcade. Each game room or amusement arcade shall be licensed and registered as such, and a license and registration therefore shall be required in addition to, and independent of, the license and registration required herein for individual mechanical or electrically operated amusement devices.
- (Ord. 009-06. Passed 2-20-06.)

711.03 LICENSE AND REGISTRATION FEES.

The moneys received by the Finance Director under the provisions of this chapter shall be credited to the General Fund of the City. The fees for licenses and registration are required to be paid at the time of the issuance thereof and shall be as follows:

- (a) Mechanical or electrically operated amusement device: thirty dollars (\$30.00) each per year.
- (b) Game room or amusement arcade: thirty dollars (\$30.00) per year for each place of business. Multiple game rooms at one business location shall be assessed as one business if owned by the same entity.
- (c) If any licensed machine or device is replaced or substituted during the registration period, a new application for such machine or device must be submitted with a six dollar (\$6.00) fee. The City Finance Director shall then issue a new license for such machine (if an acceptable replacement or substitute) for the balance of the registration period. (Ord. 009-06. Passed 2-20-06.)

711.04 TEMPORARY GAME ROOMS.

Any nonprofit corporation shall be permitted to operate a temporary game room for five days or less provided that such corporation complies with the provisions of this chapter, and at the same time pays a license fee of twelve dollars (\$12.00) per mechanical or electronically operated amusement device.

(Ord. 009-06. Passed 2-20-06.)

711.05 LICENSE ISSUANCE; INFORMATION ON LICENSE.

(a) A license shall be issued if:

(1) The applicant for a license has filed the proper application and has paid the proper fee as specified in this chapter and the City Finance Director is satisfied that all information requested is properly given and approved (and not a subject of denial);

(2) That after inspection by the Zoning and Building Administrator/designee it is determined that all wiring and connections meet the then present Electrical Code standards and that the establishment is in a properly zoned area; and

(3) After inspection by the Fire Chief it is determined that all Fire Codes have been met.

(b) Such license shall contain the name and address of the licensee; the number of mechanical or electronically operated amusement devices exhibited or game rooms or amusement arcades intended to be operated; the address at which it is desired to exhibit and operate the devices; the nature of the business conducted at such place; the make, name, model, and other identifying information with reference to the particular devices desired to be exhibited; the serial number of the license; and such other further information as the Director in the Director's discretion may require.

(Ord. 49-96. Passed 5-9-96.)

711.06 TAG OR DECAL DISPLAYED ON EACH MACHINE; ARCADE LICENSE DISPLAYED.

(a) One of the metal tags or plastic decals issued by the City Finance Director, as required by this chapter, shall be attached to each device on the front thereof, adjacent to the coin slot of such mechanical or electronically operated amusement device licensed, so that the machine licensed can be readily determined by municipal authorities at a glance; however, devices when registered with the City may be operated and shall not constitute a violation of this chapter when not labeled as required by this section.

(b) The game room or amusement arcade license shall be displayed in a prominent place in the business establishment. It shall be the duty of the owner to display the licenses during the period covered by the license.

(Ord. 38-97. Passed 6-2-97.)

711.07 UNLICENSED OR UNREGISTERED DEVICES, GAME ROOMS OR AMUSEMENT ARCADES.

(a) Except as provided in this Code for nonscheduled/unexpected changeout, no owner or exhibitor shall keep, maintain, permit, or allow any unlicensed and unregistered mechanical or

electronically operated amusement device to be in or upon any public place or place of business under the control, supervision, or direction of such person.

(b) No owner or exhibitor shall operate an unlicensed game room or amusement arcade.
(Ord. 38-97. Passed 6-2-97.)

711.08 HOURS OF OPERATION OF GAME ROOMS OR AMUSEMENT ARCADES.

No owner or exhibitor of a game room or an amusement arcade shall permit minors under the age of eighteen to be within a game room or an amusement arcade after 10:00 p.m. Sunday through Thursday, or after 11:30 p.m., on Friday and Saturday, unless accompanied by a parent or legal guardian.

(Ord. 38-97. Passed 6-2-97.)

711.09 MINORS.

(EDITOR'S NOTE: Former Section 711.09 was repealed by Ordinance 38-97, passed June 2, 1997.)

711.10 PERIODIC INSPECTION.

The owner of every game room or amusement arcade shall, at all times, permit access to the City Finance Director or his/her designee for the purpose of periodically inspecting both the establishment and the mechanical and/or electrically operated amusement devices.

(Ord. 49-96. Passed 5-9-96.)

711.11 INTOXICANTS PROHIBITED.

No owner shall permit the consumption of intoxicants or alcoholic beverages by any person on the premises of a game room or amusement arcade unless the owner holds a proper permit from the Ohio Department of Liquor Control.

(Ord. 49-96. Passed 5-9-96.)

711.12 SECURITY REQUIRED; NUISANCE.

The owner of any game room or amusement arcade shall maintain peace and quiet in and about the location of any game room or amusement arcade. Failure to do so shall constitute a nuisance and may be grounds for revocation of licenses.

(Ord. 38-97. Passed 6-2-97.)

711.13 GAMBLING PROHIBITED.

The owner of any game room or amusement arcade shall prominently display a sign indicating that gambling is prohibited. It shall further state on such sign that it shall be considered to be a gambling offense if a player agrees to pay for the game of another upon the loss of a game.

(Ord. 38-97. Passed 6-2-97.)

711.14 GAMBLING DEVICE CONFISCATION AND FORFEITURE.

Any gambling device transported, delivered, shipped, manufactured, reconditioned, repaired, sold, disposed of, received, possessed, or used in violation of the provisions of this chapter shall be seized and forfeited to the City.

(Ord. 49-96. Passed 5-9-96.)

711.15 UNSCHEDULED/UNEXPECTED CHANGEOUT OF DEVICES.

If an unscheduled/non-expected changeout of any machine or device is made during non-business hours of the City Finance Department, then the owner or exhibitor shall, on the next City of Napoleon, Ohio, business day, report and make necessary application for said substitution.

(Ord. 38-97. Passed 6-2-97.)

711.99 PENALTY.

(a) Whoever violates any provision of this chapter is guilty of a minor misdemeanor punishable by not more than a one hundred fifty dollar (\$150.00) fine for the first offense and a fourth degree misdemeanor, punishable by a fine of not more than two hundred fifty dollars (\$250.00) and a period of incarceration of not more than thirty days or both for subsequent violations.

(b) Any violation of the provisions of this chapter may be considered by the City Finance Director as a basis for the suspension or revocation of licenses issued pursuant to this chapter.

(c) Each day a violation continues to occur shall constitute a separate offense. Each mechanical or electrically operating device not licensed shall constitute a separate offense.

(Ord. 009-06. Passed 2-20-06.)

City of Napoleon, Ohio
LICENSE APPLICATION
GAME ROOMS, AMUSEMENT ARCADES AND AMUSEMENT DEVICES
 (Per Updated Codified Ordinances Chapter 711)

APPLICANT (Person License to be Issued to)

NAME (Last, First, Initial)	ADDRESS:
City, State, Zip	Date of Birth:
Phone Number:	Business Telephone Number:

BUSINESS ORGANIZATION (Location of Devices)

Business/Organization	Address:	
City, State, Zip	Business Federal I.D. Number:	Business Telephone Number:
Contact Person:	Type of Business Conducted:	

BUSINESS OWNERS (if Different than Applicant)

Owner Name	Address:	
City, State, Zip	Telephone Number:	
Owner Name	Address:	
City, State, Zip	Telephone Number:	

MACHINE(s) DEVICE(s) OWNER (if Different than Applicant)

Machine/Device Owner	Address:	
City, State, Zip	Phone Number:	Federal I.D. No.:

GAME ROOM - ☐ YES ☐ NO TOTAL NUMBER OF UNITS: _____

TYPE OF MACHINE/DEVICE	MECHANICAL FEATURES	NAME OF MACHINE/ DEVICE MANUFACTURER	SERIAL NUMBER OF MACHINE/DEVICE

ARE ANY OF THE MACHINES/DEVICES LISTED HEREIN CONSIDERED "GAMBLING DEVICES" IF YES, PLACE AN "*" NEXT TO DEVICES SO LISTED. ☐ YES ☐ NO

HAS APPLICANT, BUSINESS OWNER, MACHINE/DEVICE OWNER EVER BEEN CONVICTED OF ANY CRIME (FELONY VIOLATION OR A MISDEMEANOR) INCLUDING, A GAMBLING OFFENSE OR FOR THE SALE OR CONVICTION OF A DRUG OFFENSE IN THE LAST TEN (10) YEARS PRIOR TO THE DATE OF APPLICATION: ☐ YES ☐ NO

IF "YES" - PERSON	LOCATION:	CONVICTION FOR:
IF "YES" - PERSON	LOCATION:	CONVICTION FOR:

Under the penalty of law, I, _____, applicant for license, hereby state that I am a person of good moral character and that the facts contained in the above application are true and correct and the answers are complete to the best of my knowledge and belief.

Applicant Signature _____

Date _____

FEE (as required): \$ _____

REVIEW FOR APPROVAL

BUILDING & ZONING: All Code Requirements Met -

☐ YES ☐ NO

If "No", List Violation(s): _____

Signature _____

Date _____

FIRE DEPARTMENT: All Code Requirements Met -

☐ YES ☐ NO

If "No", List Violation(s): _____

Signature _____

Date _____

POLICE DEPARTMENT: Approved -

☐ YES ☐ NO

If "No", Reason: _____

Signature _____

Date _____

FINANCE DEPARTMENT: Approved -

☐ YES ☐ NO

If "No", Reason: _____

Signature _____

Date _____

LICENSE NUMBER ASSIGNED: _____

License Issued is Non-Transferable and shall Expire on December 31st of Each Year.

LICENSE MUST BE RENEWED EACH YEAR

Amusement Licenses
2017

	Business	Mailed	Second Notice	Address	letter date	Pd Date	Devices	Price	Game Rm	Amt Pd	Lic-#	To Zoning
1	Mike Adams for Petro and Cut Rate Tobacco	3/20/2017		R516 Rd 16, Napoleon, OH 43545 419-260-4170	3/20/2017							
	Petro American Road LLC, 900 American Rd, Napoleon											
	Cut Rate Tobacco LLC, 1205 N Scott St, Napoleon											
2	American Legion	3/20/2017		500 Glenwood Ave Napoleon	3/20/2017	3/29/2017	3	90.00		90.00	17-007	3/29/2017
3	The Eagles	3/20/2017		539 N. Perry St., Napoleon	3/20/2017	4/10/2017	4	120.00		120.00	17-006	4/10/2017
4	Grewal Brothers Corp.	3/20/2017		P O Box 268, Napoleon	3/20/2017							
5	Edwin James Spirits LLC	3/20/2017		619 N. Perry St., Napoleon	3/20/2017		6	180.00	30.00	210.00		
6	River City Recreation, Inc.	3/20/2017		380 Independence, Napoleon	3/20/2017	3/31/2017	14	420.00	30.00	450.00	17-005	3/31/2017
7	NEN MCP Holdings, LLC for Best and Travel Center	3/20/2017		325 Interlocken Pkwy B, Broomfield, CO 80021	3/20/2017							
	Best Western, 1290 Independence Dr, Napoleon			No more Best Western for NEN MCP Holdings								
	Fuel King, 1270 Independence Dr, Napoleon						2	60.00		60.00		
8	VFW Post 8218	3/20/2017		1008 N. Perry St. Napoleon	3/20/2017	3/27/2017	3	90.00		90.00	17-004	3/27/2017
9	NAMCO Entertainment, Inc. Attn: Licensing for Walmart	3/20/2017		712 N Central Ave, Suite B, Wood Dale, IL 60191	3/20/2017	4/4/2017	3	90.00		90.00		4/4/2017
	Curt Lindbert, NAMCO Entertainment											
	curt.lindbert@namcoentertainment.com											
	Walmart Stores, Inc.	3/20/2017		1815 Scott St, Napoleon	3/20/2017							
10	Mike Smith for Moose, Spenglers	3/20/2017	6/29/2017	2380 N Scott St/, Napoleon	3/20/2017							
	Moose 1381 Oakwood Ave, Napoleon, OH 43545					7/17/2017	2	60.00		60.00		7/19/2017
	Spenglers 713 N Perry St, Napoleon, OH 43545					7/17/2017	4	120.00		120.00		7/19/2017
11	Playfair Group, Brian Croul for Spin City	3/20/2017		7021 Bluffton Rd, Ft Wayne, IN 46809-2705	3/20/2017	4/4/2017	6	180.00	30.00	210.00		4/4/2017
	playfair2@msn.com 1-800-541-3743 ext 107											
12	Pioneer Vending, Bill Westerhaus			3726 Kessen Ave., Cincinnati, Oh 45211		6/6/2017	7	210.00	30.00	240.00		6/29/2017
	Elks 126 E Clinton St, Napoleon, OH 43545											

TOTAL

\$1,740

RESOLUTION NO. 048-17

A RESOLUTION EXTENDING A PREVIOUSLY IMPOSED TEMPORARY MORATORIUM ON MEDICAL MARIJUANA CULTIVATION, PROCESSING, AND RETAIL DISPENSARY FACILITIES WITHIN THE CITY OF NAPOLEON, OHIO; AND DECLARING AN EMERGENCY

WHEREAS, on June 8th, 2016 Governor John Kasich signed H.B. 523 into law making Ohio the 25th state to adopt a workable medical marijuana law; and

WHEREAS, H.B. 523 became effective September 8th, 2016 and the law's rules, policies, and procedures are yet to be fully implemented; and

WHEREAS, H.B. 523 created Ohio Revised Code Section 3796.29 which allows a municipal corporation to adopt a Resolution to prohibit, or limit the number of cultivators, processors, or retail dispensaries licensed under the new law; and

WHEREAS, the City of Napoleon currently has a moratorium in place to specifically address medical marijuana cultivators, processors, or retail dispensaries; and

WHEREAS, City Staff requires time to thoroughly vet all options available to the City to address in implementation of H.B. 523; and

WHEREAS, City Council is being asked to enact a six (6) month extension to the previously enacted temporary twelve (12) month moratorium on medical marijuana cultivation, processing, and retail dispensaries in order to more fully review the rules, policies, and procedures created by the Ohio Department of Commerce and the State Medical Board and to thoroughly vet the options presented under O.R.C. 3796.26 with the City of Napoleon Planning Commission and City Council; and

WHEREAS, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Rule 6.3 of the Rules and Regulations of City Council, City of Napoleon, Ohio, in order to continue to have the Moratorium in place while the City reviews it's options; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Napoleon, Ohio, and its citizens, and to provide for the efficient daily operation of all City Departments of the City of Napoleon, Ohio, City Council of the City of Napoleon, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this Resolution be declared an emergency measure which will take immediate effect in accordance with Rule 6.3 of the Rules and Regulations of City Council, City of Napoleon, Ohio, upon its adoption; and,

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

Section 1. That the City Council of the City of Napoleon, Ohio, hereby imposes an extension on it's Moratorium on medical marijuana cultivation, processing, and retail dispensary facilities within the City of Napoleon; said Moratorium to include the submission, consideration, or approval of all applications for special permits, use permits, building permits, any plans, or any other applications or permits which are or may be filed for permits from the Planning or Zoning Departments for the cultivating, processing, and retail dispensing of medical marijuana;

Section 2. That this Moratorium shall become effective on the date of this Resolution, following its passage by City Council, and signed by the President of City Council, and shall remain in effect for six (6) months following the date upon which it became effective and, thereafter, upon a majority vote of City Council, may be continued in effect, if City Council finds such continuance is required to allow sufficient time for the Planning Commission or other City departments, committees, or commissions to complete the research and recommendation of what action, if any, the City of Napoleon should take to safeguard the public health, safety and welfare through the provision of adequate planning, zoning, land-use, or other regulatory controls that are specifically applicable to medical marijuana cultivation, processign, or retail dispensary facilities or the Moratorium may be continued for additional time if City Council so chooses in order for City Council to make its decision whether or not to adopt a Resolution pursuant to ORC 3796.29;

Section 3. That this Moratorium suspends and tolls any time periods, prescribed by law, within which the Planning Commission, or any other official body, of the City of Napoleon is required to take action upon an application for a special permit, use permit, building permit or site plan approval, or the like, for facilities cultivating, processing, and retail dispensing of medical marijuana that is or may be pending before the Planning Commission, or any other official or official body of the City of Napoleon on the effective date of this Moratorium; and that no such application shall be deemed to be approved by the failure of the Planning Commission, or any other official or official body to approve or deny said application during the time when this Moratorium shall be in effect;

Section 4. That the Law Department and Planning Commission may begin research and return to City Council recommendations the City of Napoleon should take to preserve the public health, safety and welfare through the provision of adequate planning, zoning, land-use, or other regulatory controls that are specifically applicable to the cultivating, processing, and retail dispensing of medical marijuana facilities, this recommendation will be prepared and provided to the Planning Commission for review and subsequent recommendation to City Council;

Section 5. If any section, phrase, sentence, or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof;

Section 6. This City Council finds and determines 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; and,

Section 7. That, for all the reasons stated herein, 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; 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.

Travis B. Sheaffer, Council President

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. 048-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

RESOLUTION NO. 049-17

A RESOLUTION AUTHORIZING THE CITY MANAGER TO UPGRADE POLICE DEPARTMENT CAD SOFTWARE TO INCLUDE CIVICA LICENSE FEES FOR CAD AND MOBILE CAD, ALONG WITH MANAGED SERVICES FOR BOTH; AUTHORIZING THE EXPENDITURE OF FUNDS IN EXCESS OF TWENTY FIVE THOUSAND DOLLARS (\$25,000.00), AND ELIMINATING THE NECESSITY OF COMPETITIVE BIDDING; AND DECLARING AN EMERGENCY

WHEREAS, CMI is and has been the software provider to the City's Police Department as it relates to CAD functions and the record keeping system; and,

WHEREAS, CMI has offered the City an upgrade to the Police Department CAD software. **Now Therefore**,

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

Section 1. That, the City Manager is granted the authority to upgrade the CAD software under the terms and conditions as presented by CMI, such terms and conditions having been reviewed by this Council; the City Manager shall be the executing officer of said contract.

Section 2. That, the expenditure of funds in excess of \$25,000.00 is hereby approved as a necessary and proper expenditure for such software.

Section 3. That, pursuant to the rationale given in the Memorandum from Acting Police Chief David Mack, attached hereto as Exhibit "A," and after proper process used to determine that there is only one possible source of supply, the necessity of competitive bidding is hereby eliminated and this purchase will be Sole Sourced as requested in the Memorandum.

Section 4. That, further, the necessity of competitive bidding is hereby eliminated in the best interest of the City.

Section 5. 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 6. 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 7. 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 continue the current levels of public service, which affect the

public peace, health or safety accessible to our citizens; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to begin the delivery and installation process in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: _____

Travis B. Sheaffer, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 049-17 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

Napoleon Police Department

310 Glenwood Avenue, P.O. Box 151

Napoleon, OH 43545

Telephone: (419) 599-2810 Fax: (419) 599-7969

www.napoleonohio.com

Memorandum

To: Joel Mazur, City Manager, Members of City Council
From: David Mack, Lt. Acting Chief of Police
cc: File
Date: August 2, 2017
Subject: Authority CAD Software, Civica CMI

I would like to inform members of City Council and the City Manager of an unplanned emergency situation which is occurring, which threatens to interrupt the capabilities of the department. In light of recent events, this situation's priority has increased. I will attempt to detail and summarize this situation.

History: The police department purchased software from CMI in the area of 2000. This system was over time known as the legacy system. For at least the last 22 years, we were a secondary dispatch center to the county and operated the same CAD (Computer Aided Dispatch) Software. For several years the Sheriff's Office and the Police Department were on the same system. At some point, the Sheriff's Office made the decision to move to Interbadge/CAD Software while the city chose to upgrade to the newer "Authority" product line from Civica CMI. This occurred near the year of 2011. During this time, we both shared the same Dispatch Software but had different Records Management Software (RMS).

The police department stayed with Civica for many reasons which included cost and customer service. Civica CMI then chose to "give" us their CAD software for free as it was integrated with their RMS software. They maintained this software throughout our history with them. This was with the understanding that we were "live" dispatching through the Interbadge CAD software.

In 2017, after the budget year had begun, the Sheriff's Office moved to a new software provider for their CAD and their RMS systems. This was an unplanned event for the city. As the City has continued to work through possible solutions through the next several months, Chief Weitzel retired.

Explanation of Situation: On July 28, 2017, a Civica CMI representative requested a meeting with me. In this meeting, they gave me notice in the form of a Memorandum of Understanding, which we needed to upgrade to a paying customer for CAD. They are requesting a signed PO for Civica CMI's Authority Software no later than March 31, 2018, or shall allow removal of the software by Civica CMI personnel. The police department had a quote from the company already from prior conversations. During this conversation, Chief O'Brien and I talked about possible reductions in the quote. On 8/1/17 I received a verbal quote which was reduced. The total price for the software is approximate \$39,710.00 which I am currently awaiting a formal updated quote.

The new Authority RMS software is even more integrated with Authority CAD and one will not work without the other at this point. Due to programming, Authority RMS will be seized to operate properly or be able to be upgraded in the future without the Authority CAD update.

There was a quote at one point in the neighborhood of \$19,000.00 for the CAD software that the County went to. However, this was with the understanding that we were going to buy their software and then continue to use our CAD in limited function while the dispatchers double entered every call. Since this initial thought, we were informed that RMS and CAD from Civica have to be fully updated on both sides to remain in working order.

In researching the software provider that the county currently uses, I received a quote that is a minimum of \$135,879.00. There would be a risk factor of unplanned data conversation charges or other similar items, not to mention a significant amount of time to convert the existing files to the new system and the officers/dispatcher training in the software. This quote was just received via email and not with a detailed interview process to truly spec out the system. I did speak to a sales person who was familiar with Henry County Installations and what we would possibly need.

It is my opinion that we stay with Civica CMIL. What this will do is allow my dispatch to become fully operational in the CAD software. This upgrade will give officers and dispatchers significant enhancements. It will also include a site license for mobile CAD that will enhance the officer's abilities in the mobile arena. This software would then also serve to enhance the capabilities of the fire department operations because it will integrate with their dispatch software, "I Am Responding." The Common Pleas Prosecutor is also looking to update her software to a system called "Matrix." If this is done, CMI software is capable; however, the software provider the county is using is not currently to my understanding. Civica CMI is also in our Finance Department and our department has had a very positive long lasting relationship up to this point.

Solution: One option is to sign the MOU and plan on the upgrade after the 1st of the year but before the deadline. The 2nd Option is that I purchase this software immediately. I was able to go through my budget and find about \$40, 377.000 to pay for it; however, it is with the understanding that I would be essentially freezing all purchasing and we would have virtually \$0 dollars left in unplanned expenses. Items we would not purchase would include training and ammo for this year. We would rely on existing inventories.

Respectfully,

David Mack, Acting Chief of Police

ORDINANCE NO. 050-17

**AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO
MAKE APPROPRIATION TRANSFERS FROM RESPECTIVE FUNDS,
DEPARTMENTS AND CATEGORIES TO OTHER FUNDS,
DEPARTMENTS AND CATEGORIES PURSUANT TO O.R.C. SECTION
5705.40 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2017 AS
LISTED IN EXHIBIT "A"; AND DECLARING AN EMERGENCY**

WHEREAS, the City appropriates funds by fund, department, and category of personal services and other; and,

WHEREAS, transfer from one appropriation item to another is necessary to provide appropriations for current expenses of the City; Now Therefore,

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

Section 1. That, pursuant to Section 5705.40 of the Ohio Revised Code, and this Ordinance, the Finance Director is hereby authorized and directed to transfer from one appropriation item to another, in the Fiscal Year ending December 31, 2017, as listed in Exhibit "A," attached hereto and made a part hereof.

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

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

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to assure the prompt and efficient conduct of the municipal operations related to public peace, health or safety of the City; 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. 050-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____.

Gregory J. Heath, Clerk/Finance Director

FISCAL YEAR ENDING 2016- 2ND QUARTER BUDGET ADJUSTMENTS				
2017 APPROPRIATION BUDGET - TRANSFER OF APPROPRIATIONS (NO. 1)				
Appropriation Transfer No. 1 - Council Approved Budget Adjustment, Ord. No. 050 -17, Passed / /2017				
FROM/ TO	FUND DEPARTMENT/COST CENTER	= ACCOUNT CATEGORY =		APPROPRIATION CATEGORY'S NET CHANGE
		PERSONAL SERVICES	OTHER	
	400 CAPITAL IMPROVEMENT FUND			
FROM :	1600 Information Systems/Administrative		-41,000.00	** -41,000.00
TO :	2100 POLICE/SAFETY SERVICES		41,000.00	** 41,000.00
		-----	-----	** -----
Total Appropriation Transfers-100 General Fund		0.00	0.00	** 0.00
<i>- Move Funds FROM 1600 IS/Admin. TO 2100 Police/Sfty.Serv. For CMI CAD System Upgrade:</i>				
Acct.From:	400-1600-57000 Machinery and Equipment	-\$41,000		
Acct.To:	400-2100-57000 Machinery and Equipment	\$41,000		

City of Napoleon, Ohio


**POWER SUPPLY COST ADJUSTMENT FACTOR (PSCAF) - COMPUTATION OF MONTHLY PSCAF
COMPUTATIONS WITH CORRECTED DATA FROM JULY, 2015, THROUGH MARCH, 2017**

AMP Billed Usage Month	PSCAF City Billing Month	AMP - kWh Delivered As Listed on AMP Invoices	Purchased Power Supply Costs (* = Net of Known) (+ OR - Other Cr's)	Rolling 3-Month Totals		Rolling 3 Month Average Cost	Less: Fixed Base Power Supply Cost	PSCA Dollar Difference + or (-)	PSCA-Corrted. 3 MONTH AVG.FACTOR + Line Loss
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)
		Actual Billed	Actual Billed w/Cr's	c + prior 2 Mo	d + prior 2 Mo	f / e	\$0.07194 Fixed	g + h	i X 1.075
Jan '16	Mar '16	14,813,772	\$ 1,060,489.73	41,508,827	\$ 2,863,552.86	\$ 0.06899	\$ (0.07194)	\$ (0.00295)	\$ (0.00317)
Feb '16	Apr '16	13,333,740	\$ 1,012,584.64	41,782,091	\$ 2,936,844.01	\$ 0.07029	\$ (0.07194)	\$ (0.00165)	\$ (0.00177)
Mar '16	May '16	12,975,047	\$ 1,017,837.14	41,122,559	\$ 3,090,911.51	\$ 0.07516	\$ (0.07194)	\$ 0.00322	\$ 0.00346
Apr '16	June '16	12,132,975	\$ 897,981.75	38,441,762	\$ 2,928,403.53	\$ 0.07618	\$ (0.07194)	\$ 0.00424	\$ 0.00456
May '16	July '16	12,603,253	\$ 976,900.73	37,711,275	\$ 2,892,719.62	\$ 0.07671	\$ (0.07194)	\$ 0.00477	\$ 0.00513
June '16	Aug '16	13,839,770	\$ 1,068,079.71	38,575,998	\$ 2,942,962.19	\$ 0.07629	\$ (0.07194)	\$ 0.00435	\$ 0.00468
July '16	Sep '16	14,844,510	*\$ 1,080,619.47	41,287,533	\$ 3,125,599.91	\$ 0.07570	\$ (0.07194)	\$ 0.00376	\$ 0.00404
Aug '16	Oct '16	16,864,052	\$ 1,210,058.88	45,548,332	\$ 3,358,758.06	\$ 0.07374	\$ (0.07194)	\$ 0.00180	\$ 0.00194
Sep '16	Nov '16	13,547,772	\$ 1,079,259.61	45,256,334	\$ 3,369,937.96	\$ 0.07446	\$ (0.07194)	\$ 0.00252	\$ 0.00271
Oct '16	Dec '16	12,402,405	\$ 955,761.68	42,814,229	\$ 3,245,080.17	\$ 0.07579	\$ (0.07194)	\$ 0.00385	\$ 0.00414
Nov '16	Jan '17	12,220,092	\$ 956,580.93	38,170,269	\$ 2,991,602.22	\$ 0.07838	\$ (0.07194)	\$ 0.00644	\$ 0.00692
Dec '16	Feb '17	13,827,811	\$ 1,089,497.78	38,450,308	\$ 3,001,840.39	\$ 0.07807	\$ (0.07194)	\$ 0.00613	\$ 0.00659
Jan '17	Mar '17	13,656,702	*\$ 1,025,645.91	39,704,605	\$ 3,071,724.62	\$ 0.07736	\$ (0.07194)	\$ 0.00542	\$ 0.00583
Feb '17	Apr '17	11,866,614	*\$ 912,320.61	39,351,127	\$ 3,027,464.30	\$ 0.07693	\$ (0.07194)	\$ 0.00499	\$ 0.00536
Mar '17	May '17	12,936,492	\$ 1,069,577.85	38,459,808	\$ 3,007,544.37	\$ 0.07820	\$ (0.07194)	\$ 0.00626	\$ 0.00673
Apr '17	June '17	11,497,068	\$ 943,085.70	36,300,174	\$ 2,924,984.16	\$ 0.08058	\$ (0.07194)	\$ 0.00864	\$ 0.00929
May '17	July '17	12,213,395	\$ 1,006,024.23	36,646,955	\$ 3,018,687.78	\$ 0.08237	\$ (0.07194)	\$ 0.01043	\$ 0.01121
June '17	Aug '17	13,580,367	\$ 1,096,910.02	37,290,830	\$ 3,046,019.95	\$ 0.08168	\$ (0.07194)	\$ 0.00974	\$ 0.01047

* Other (-) Credits / (+) Debits Included in Purchased Power Costs, Not Listed on AMP Billings:

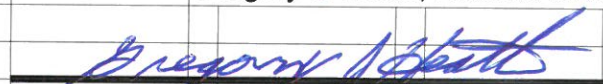
PSCAF - Preparers Signature:

Name - Lori A. Rausch, Utility Billing Administrator

 **7/18/2017**
Signature Date

PSCAF - Reviewers Signature:

Name - Gregory J. Heath, Finance Director

 **7/18/2017**
Signature Date

<u>BILLING SUMMARY AND CONS</u>									
<u>2017 - AUGUST BILLING WITH JULY 2017 DATA</u>									
<u>PREVIOUS MONTH'S POWER BILLS - PU</u>									
<u>DATA PERIOD</u>									
AMP-Ohio Bill Month									
City-System Data Month									
City-Monthly Billing Cycle									
	===== WIND ===== SOLAR ===== TRANSMISSION, SERVICE FEES & MISC. CONTRACTS =====								
(NYP	JV-5	JV-6	AMP SOLAR	EFFNCY.SMART	TRANSMISSION	SERVICE FEES	MISCELLANEOUS	TOTAL -
<u>PURCHASED POWER-RESOURCES -> (</u>	<u>HYDRO</u>	<u>HYDRO</u>	<u>WIND</u>	<u>PHASE 1</u>	<u>POWER PLANT</u>	<u>CHARGES</u>	<u>DISPATCH, A & B</u>	<u>CHARGES &</u>	<u>ALL</u>
(<u>SCHED. @ NYIS</u>	<u>7x24 @ ATSI</u>	<u>SCHED. @ ATSI</u>	<u>SCHED. @ ATSI</u>	<u>2014 - 2017</u>	<u>Other Charges</u>	<u>Other Charges</u>	<u>LEVELIZATION</u>	<u>RESOURCES</u>
Delivered kWh (On Peak) ->	594,703	2,223,360	32,201	166,121	0	0	0	0	14,852,077
Delivered kWh (Off Peak) ->									95,204
Delivered kWh (Replacement/Losses/Offset) ->		32,492							32,492
Delivered kWh/Sale (Credits) ->									-1,399,406
Net Total Delivered kWh as Billed ->	594,703	2,255,852	32,201	166,121	0	0	0	0	13,580,367
Percent % of Total Power Purchased->	4.3791%	16.6111%	0.2371%	1.2234%	0.0000%	0.0000%	0.0000%	0.0000%	100.0000%
								Verification Total ->	100.0000%
<u>COST OF PURCHASED POWER:</u>									
<u>DEMAND CHARGES (+Debits)</u>									
Demand Charges	\$5,993.17	\$39,094.09	\$1,545.40			\$137,372.49			\$320,002.90
Debt Services (Principal & Interest)		\$55,367.84							\$357,114.52
<u>DEMAND CHARGES (-Credits)</u>									
Transmission Charges (Demand-Credits)		-\$13,269.72	-\$76.50						-\$45,526.97
Capacity Credit	-\$4,361.06	-\$14,428.23	-\$119.33						-\$118,422.61
Sub-Total Demand Charges	\$1,632.11	\$66,763.98	\$1,349.57	\$0.00	\$0.00	\$137,372.49	\$0.00	\$0.00	\$513,167.84
<u>ENERGY CHARGES (+Debits):</u>									
Energy Charges - (On Peak)	\$8,311.87	\$42,326.66		\$14,452.52		\$7,793.77			\$400,840.74
Energy Charges - (Replacement/Off Peak)									\$2,016.44
Net Congestion, Losses, FTR	\$612.57								\$14,974.17
Transmission Charges (Energy-Debits)									\$32,401.44
ESPP Charges					\$18,154.46				\$18,154.46
Bill Adjustments (General & Rate Levelization)								-\$75,000.00	-\$24,709.73
<u>ENERGY CHARGES (-Credits or Adjustments):</u>									
Energy Charges - On Peak (Sale or Rate Stabilization)									-\$37,511.21
Net Congestion, Losses, FTR									\$0.00
Bill Adjustments (General & Rate Levelization)	\$229.04								-\$3,054.63
Sub-Total Energy Charges	\$9,153.48	\$42,326.66	\$0.00	\$14,452.52	\$18,154.46	\$7,793.77	\$0.00	-\$75,000.00	\$403,111.68
<u>TRANSMISSION & SERVICE CHARGES, MISC.:</u>									
RPM / PJM Charges Capacity - (+Debit)						\$170,298.93			\$170,298.93
RPM / PJM Charges Capacity - (-Credit)									\$0.00
Service Fees AMP-Dispatch Center - (+Debit/-Credit)							\$535.68		\$535.68
Service Fees AMP-Part A - (+Debit/-Credit)							\$2,969.55		\$2,969.55
Service Fees AMP-Part B - (+Debit/-Credit)							\$7,893.28		\$7,893.28
Other Charges & Bill Adjustments - (+Debit/-Credit)								-\$1,066.94	-\$1,066.94
Sub-Total Service Fees & Other Charges	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$170,298.93	\$11,398.51	-\$1,066.94	\$180,630.50
TOTAL - ALL COSTS OF PURCHASED POWER	\$10,785.59	\$109,090.64	\$1,349.57	\$14,452.52	\$18,154.46	\$315,465.19	\$11,398.51	-\$76,066.94	\$1,096,910.02
								Verification Total ->	\$1,096,910.02
Purchased Power Resources - Cost per kWh->	\$0.018136	\$0.048359	\$0.041911	\$0.087000	\$0.000000	\$0.000000	\$0.000000	\$0.000000	\$0.080772
									(Northern Pool Power - On-Peak + Off-Peak - Energy Charge/kWH) = JV2 Electric Service Rate -> \$0.022370
									(Northern Pool Power - On-Peak + Off-Peak - Energy Charge/kWH) = JV5 Electric Service Rate -> \$0.022370

CITY PLANNING COMMISSION OF NAPOLEON, OHIO

In the matter of:

HEARING NO. PC17-03

MTC Properties (David C. Manahan)

FINDINGS OF FACT RECOMMENDATIONS

Napoleon, Ohio 43545

An application for public hearing that has been filed by MTC Properties (David C. Manahan) 7635 Chestnut Ridge Lane, Maumee, Ohio 43537. The applicant is requesting the approval of a Conditional Use Permit to allow for a farm market stand located in the parking lot in front of 1400 Scott Street. The request is pursuant to Chapter 1141 of the Codified Ordinances of Napoleon Ohio. The property is in a C-4 Planned Commercial Zoning District. The hearing was held on August 8th, 2017.

Based on evidence presented at the hearing, it is the Finding of this Commission as follows: That the factors listed in 1141.02 (e) (1-8) listed below have been met if the conditions A thru H in the Motion expressed by this Commission are followed.

- 1 (✓) The proposed use is in fact a use subject to the issuance of a conditional use permit as established under the provisions of the City's planning and zoning Code, and that the use is not otherwise expressly prohibited by said planning and zoning Code;
- 2 (✓) The use will be harmonious with and in accordance with the general objectives, or with any specific objective of the City's master plan and the City's planning and zoning code;
- 3 (✓) The use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;
- 4 (✓) The use will not be hazardous or disturbing to existing or future neighboring uses;
- 5 (✓) The use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse, disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use will be able to provide adequately any such services;
- 6 (✓) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- 7 (✓) The use will not involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes or odors; and,
- 8 (✓) The use will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.



Robert McLimans,
Chairman of Planning Commission

NOTE: All must be marked Yes to Recommend Approval, unless a provision is determined and marked (NA) Not Applicable by the Commission

PLANNING COMMISSION REPORT

The Vote as to each member of the Planning Commission in the matter of PC17-03 regarding the recommendation of approval of the issuance of the Conditional use permit is as follows:

	Approval	Disapproval	Abstain
Robert McLimans, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fredric Furney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tim Barry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marv Barlow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jason Maassel, Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reasons for Disapproval: (If there is disapproval of any Commission Member)

Member
Reason Stated:

Member
Reason Stated:

Member
Reason Stated:

Member
Reason Stated:

Member
Reason Stated:

CITY PLANNING COMMISSION OF NAPOLEON, OHIO

In the matter of:

REGARDING: HEARING NO.
PC 17-03

MTC Properties (David C. Manahan)

MOTION

Napoleon, Ohio

() **To recommend that City Council issues a conditional use permit.**

Made by: Marvin Barlow

Second by: Tim Barry

Conditions:

1. This permit is issued to the owners of 1400 Scott St, Napoleon, Ohio, (known as MTC Properties) for a farm market stand to be operated by Dennis St. John (known as St. John Produce) and shall last for the duration of their agreement.
2. The dates of operation shall run from May 20th (to include set up time) through Oct. 31st. All indications of the farm market shall be gone within seven (7) calendar days of the end of operation.
3. The structure shall be temporary in nature and shall not exceed a 20'x30' area (or square foot equivalent).
4. The structure shall be secured for public safety when not in operation.
5. The farm market should not disrupt parking or the normal flow of traffic.

Vote:	Yes	No	Abstain
Robert McLimans, Chair	<u>✓</u>	<u> </u>	<u> </u>
Fredric Furney	<u>✓</u>	<u> </u>	<u> </u>
Tim Barry	<u>✓</u>	<u> </u>	<u> </u>
Marv Barlow	<u>✓</u>	<u> </u>	<u> </u>
Jason Maassel, Mayor	<u>✓</u>	<u> </u>	<u> </u>

PC 17-03
Conditional Use Permit
For A Farm Market And Stand
Located At 1400 Scott St.

MEMORANDUM

TO: Members of The City Planning Commission
FROM: Mark B. Spiess, Sr. Eng. Tech. / Zoning Admin.
SUBJECT: Conditional Use Permit For A Farm Market And Stand
MEETING DATE: August 8, 2017 @ 5:00 PM
HEARING #: PC-17-03

BACKGROUND:

An application for public hearing has been filed by MTC Properties, 7635 Chestnut Ridge Lane, Maumee, Ohio (David C. Manahan). The applicant is requesting the approval of a Conditional Use Permit to have a Farm Market and Stand. The request is pursuant to Chapter 1141 of the Codified Ordinances of Napoleon Ohio. The property is in a C-4 Planned Commercial Zoning District.

RESEARCH AND FINDING

1. A Conditional Use permit is required for a Farm Market and Stand to be located in a C-4 Planned Commercial Zoning District, as per Ord. 030-17.
2. **Definition:** Farm Market & Stands - An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and craft items, and food and beverages (but not to include second hand goods) dispensed from booths located on site.
3. Scope Of Services: (See Attached)

RECOMMENDED CONDITIONS :

In accordance with section 1141.02 (f)

1. This permit is issued to the owners of 1400 Scott St, Napoleon, Ohio, (known as MTC Properties) for a farm market stand to be operated by Dennis St. John (known as St. John Produce) and shall last for the duration of their agreement.

2. The dates of operation shall run from May 20th (to include set up time) through Oct. 31st. All indications of the farm market shall be gone within seven (7) calendar days of the end of operation.
3. The structure shall be temporary in nature and shall not exceed a 20'x30' area (or square foot equivalent).
4. The structure shall be secured for public safety when not in operation.
5. The farm market should not disrupt parking or the normal flow of traffic.



St. John Produce

Dennis St. John - Owner

21397 County Road B-50
Bryan, Ohio 43506

Cell: 419-553-0252

Home: 419-428-2305

Our family started in the produce business in the early 1990's. We put up our first tent in Bryan in 1993 and have been on that location from then until the present time. Later we started selling produce from tents in Archbold, then Defiance. In 2017, when the Leader's family decided to no longer sell strawberries, they invited us to put up a tent in Napoleon.

We start our season with strawberries in early June. Also, we typically have Tennessee tomatoes and South Carolina peaches along with our own summer squash and cucumbers by mid June.

We grow 30 acres of produce ourselves, including sweet corn, tomatoes, cantaloupe, watermelon, squash, cabbage, cucumbers, eggplant and peppers.

We bring in fruit and vegetables in season such as green beans, onions, red beets, strawberries, sweet cherries, blueberries, plums, nectarines, peaches and apples from other growers.

We also sell locally produced honey, maple syrup from Michigan and popcorn from an Amish grower in Indiana.

Our goal is to provide to local consumers high quality, fresh produce and vegetables in season. Our season runs from June through October. We are open typically Monday through Saturday as long as we have a supply of produce.

1141.02 CONDITIONAL USE PERMIT PROCEDURES.

(a) Purpose. It is the purpose of this section to maintain uniformity in zoning districts but provide for certain uses in an area which is economically feasible and still compatible with neighboring properties within the corporation limits, thus there are established conditional use permits.

(b) Existing Conditional, Special or Contingent Uses. Where a use is classified as a conditional use under this Planning and Zoning Code, and existed as a permitted, conditional, special or contingent use on or before the effective date of this Planning and Zoning Code, it shall be considered a lawful conditional use subject to the following:

(1) A conditional use, special use or contingent use authorized prior to the adoption of this Planning and Zoning Code may continue to exist under its current terms and status, subject to the provisions of this Planning and Zoning Code.

(2) Existing conditional, special or contingent uses may be expanded or extended only after applying for and obtaining an amended conditional use permit.

(c) Application for a Conditional Use Permit. An application for a conditional use permit shall be filed with the Zoning Administrator on a form utilized by the Planning Commission. Such application shall be filed by those persons identified in Section [1141.01\(c\)\(1\)](#). The application shall be accompanied by plans and written data that will provide adequate evidence that the proposed use will conform to the standards of the appropriate sections of this Planning and Zoning Code.

(d) Hearing on Application for Conditional Use Permit. On receipt of an application for a conditional use permit, the Planning Commission shall hold a public hearing on such application at such time and place as shall be established by the Chairman of the Planning Commission and after proper notice. In addition to any other notice requirement under this chapter, the notice requirement as found in Section [1121.03](#) shall apply as though you were rezoning or redistricting ten parcels or less. The failure of delivery of such notice shall not invalidate any conditional use permit.

(e) Findings of Fact and Recommendations of the Planning Commission. The Planning Commission Chairman shall cause to be made written findings of fact and shall submit the same together with the Planning Commission's recommendations to the Council after the close of the hearing regarding issuance of a conditional use. Any member of the Planning Commission dissenting from the majority opinion may make his or her own dissention known in writing, to be furnished to Council as part of the record. No conditional use shall be recommended by the Planning Commission unless the Planning Commission finds that the criteria found in subsection (e), paragraphs 1 through 8, as deemed applicable by the Planning Commission, are satisfied.

(1) The proposed use is in fact a use subject to the issuance of a conditional use permit as established under the provisions of this Planning and Zoning Code, and that the use is not otherwise expressly prohibited by this Planning and Zoning Code;

(2) The use will be harmonious with and in accordance with the general objectives, or with any specific objective of the City's Master Plan and this Planning and Zoning Code;

(3) The use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

(4) The use will not be hazardous or disturbing to existing or future neighboring uses;

(5) The use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use will be able to provide adequately any such services;

(6) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

(7) The use will not involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes or odors; and,

(8) The use will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

(f) Conditions. The Planning Commission may recommend such conditions or restrictions on the construction, location, use, and operation of a conditional use as shall be deemed necessary to adequately address the general objectives of the Master Plan and this Planning and Zoning Code after considering those things, as applicable, as listed in subsection (e).

(g) Action by the Council. The Council shall not act on a proposed conditional use permit until it has received a written report and findings of fact and recommendation from the Planning Commission on the conditional use permit.

(h) Effect of Denial of a Conditional Use Permit. No application for a conditional use permit which has been denied by the Council shall be resubmitted to the Planning Commission for a period of one year from the date of such denial, except on the grounds of new evidence or proof of changing conditions which the Zoning Administrator finds valid. No permit shall be issued without following the procedure established in this Planning and Zoning Code.

(Ord. 074-10. Passed 12-20-10.)









City of Napoleon, Ohio

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

www.napoleonohio.com

Memorandum

To: City Council, Mayor, City Law Director, City Manager, Department Supervisors, Newsmedia
From: Gregory J. Heath, Finance Director/Clerk of Council *G.J.H.*
Date: August 17, 2017
Subject: Ad-hoc Committee on Organizational Health and Strategic Vision Meeting – Cancellation

The regularly scheduled meeting of the Ad-hoc Committee on Organizational Health and Strategic Vision for Monday, August 21st at 6:15 pm has been CANCELED at the direction of the Chair.



City of Napoleon, Ohio

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Memorandum

To: City Council, Mayor, City Law Director, City Manager, Department Supervisors, Newsmedia
From: Gregory J. Heath, Finance Director/Clerk of Council *GH*
cc:
Date: August 17, 2017
Subject: Parks & Recreation Committee – Cancellation

The regularly scheduled meeting of the Parks and Recreation Committee for Monday, August 21, 2017 at 6:00 pm has been CANCELED due to lack of agenda items.

City of Napoleon, Ohio

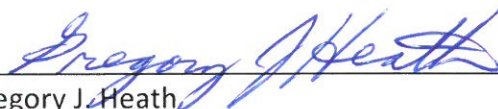
TREE COMMISSION

MEETING AGENDA

Monday, August 21, 2017 at 6:00 pm

LOCATION: City Building, 255 West Riverview Avenue, Napoleon, Ohio

1. Approval of Minutes from July 17, 2017 *(In the absence of any objections or corrections, the Minutes shall stand approved.)*
2. Review Tree Call Reports.
3. Finalize Fall Plantings List.
4. Finalize Fall Trimming List.
5. Award Fall Removals Contract.
6. Award Fall Topsoil Contract.
7. Any other matters to come before the Commission
8. Adjournment



Gregory J. Heath
Finance Director/Clerk of Council

City of Napoleon, Ohio

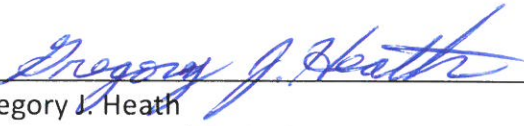
CIVIL SERVICE COMMISSION

Meeting Agenda

Tuesday, August 22, 2017 at 4:30 pm

Location: Council Chambers, 255 West Riverview Avenue, Napoleon, OH

1. Approval of the Regular Meeting Minutes from July 11, 2017 and Special Meeting Minutes of August 3, 2017 *(in the absence of any objections or corrections, the minutes shall stand approved.*
2. Discussion on Testing Options for Firefighter/Paramedic and Patrolman.
3. Any other matters to come before the Commission.
4. Adjournment.



Gregory J. Heath
Finance Director/Clerk of Council

AMP Update for August 11, 2017

From: "American Municipal Power, Inc." <webmaster@amppartners.org>
To: rdietrich@napoleonohio.com

08/11/17 05:02 PM

Having trouble viewing this email? [Click here to view web page version](#)



Congress returns home for summer - time to talk tax-exempt financing

By Jolene Thompson - executive vice president of member services and external affairs

Congressional lawmakers are returning home for summer recess until September - when tax reform will be a priority issue in Washington through the end of the year. This is a great time to reach out to your member of Congress and urge him or her to resist any effort that directly or indirectly threatens tax-exempt financing, or places further constraints on the Build America Bonds (BABs) program that was caught under the sequester.



As you know, the use of tax-exempt financing is critical to the continued development of municipal infrastructure, including electric facilities. Restrictions on the ability to issue tax-exempt bonds or limiting the tax benefits for holders would seriously injure local governments' ability to afford essential services and construct infrastructure needed for public safety and economic growth. Previous discussion of eliminating or altering the tax-exemption for municipal bonds was premised on the assumption that the cost of the exemption to the federal government outweighs the benefits provided.

While we understand the desire to reform and simplify the federal tax code, we are concerned about a broad stroke that could lead to negative changes in the ability of local governments to effectively issue tax-exempt bonds to fund critical infrastructure needs. A sample letter you can use and tailor to your congressional lawmaker is available on the AMP [Member Extranet](#).

Thank you in advance for your efforts to help protect this essential funding tool for state and local governments. If you have any questions, please contact me at 614.540.1111 or jthompson@amppartners.org, or Michael Beirne at 614.540.0835 or mbeirne@amppartners.org.

July 2017: Temperatures and prices lower than last year

By Mike Migliore - vice president of power supply & marketing

Although July 2017 temperatures averaged above normal for the month, plentiful generation and lack of any long heat waves kept prices below 2016 and below the month ahead of market. The highest hourly price at A/D Hub was \$109/MWh on July 20. There was only two hours above \$100/MWh during the entire month. Congestion throughout PJM remained low. The system saw the second straight month where MISO prices were higher than both A/D and PJM West Hubs.

AVERAGE DAILY RATE COMPARISONS			
	July 2017 \$/MWh	June 2017 \$/MWh	July 2016 \$/MWh
A/D Hub 7x24 Price	\$29.83	\$26.88	\$31.40
PJM West 7x24 Price	\$28.88	\$26.17	\$32.38
A/D to AMP-ATSI Congestion/Losses	\$0.37	\$0.22	\$0.41
A/D to Blue Ridge Congestion/Losses	\$0.54	\$0.18	\$0.25
A/D to PJM West Congestion/Losses	-\$0.96	-\$0.71	\$0.98
PJM West to PP&L Congestion/Losses	-\$1.47	-\$1.35	-\$1.92
IND Hub to A/D Hub Congestion/Losses	-\$0.11	-\$2.02	\$0.12

FERC quorum restored; Trump designates Chatterjee as chairman

By Jolene Thompson - executive vice president of member services and external affairs

Neil Chatterjee and Robert Powelson, both Republicans, were sworn in as members of the Federal Energy Regulatory Commission (FERC) this week, officially restoring the FERC quorum. The new commissioners join Democrat Commissioner Cheryl LaFleur, who has said she intends to serve out her current term until it expires in 2019. President Donald Trump's pick to serve as the long-term agency chair, Republican energy lawyer Kevin McIntyre, and Democratic Senate aide Richard Glick are scheduled for a confirmation hearing on Sept. 7, before the Senate Energy and Natural Resources Committee.



Neil Chatterjee

The White House also announced that President Trump has designated Chatterjee, a former energy policy adviser to Senate Minority Leader Mitch McConnell, as chairman of the commission until McIntyre is confirmed. Chatterjee has also worked as a legislative assistant to former Rep. Deborah Pryce (R-OH) and as a lobbyist for the National Rural Electric Cooperative Association. Powelson previously served as a commissioner on the Pennsylvania Public Utilities Commission.



Robert Powelson

FERC Chairman Chatterjee said that with the swearing-in of Powelson, the commission would resume monthly open meetings starting on Sept. 20 in the Commission Meeting Room at FERC's Washington, D.C., headquarters.

Photos courtesy of FERC

Energy markets update

By Jerry Willman - assistant vice president of energy marketing

The September 2017 NYMEX natural gas contract increased \$0.102/MMBtu to settle at \$2.985 yesterday. The EIA reported an injection of 28 Bcf for the week ending Aug. 4. Analyst expectations were calling for

an injection of 36 Bcf. Gas in storage now stands at 3,038 Bcf. This is 2 percent over the 5 year average of 2,977 Bcf.

On-peak power prices for 2018 at AD Hub closed yesterday at \$35.75/MWh which was \$1.05/MWh higher for the week.

On Peak (16 hour) prices into AEP/Dayton hub				
Week ending Aug. 11				
MON	TUE	WED	THU	FRI
\$27.86	\$28.49	\$30.09	\$31.75	\$29.59
Week ending Aug. 4				
MON	TUE	WED	THU	FRI
\$38.45	\$39.13	\$36.08	\$33.19	\$28.97
AEP/Dayton 2018 5x16 price as of Aug. 10 — \$35.75				
AEP/Dayton 2018 5x16 price as of Aug. 3 — \$34.70				

AFEC weekly update

By Jerry Willman

Fremont plant operated in 2x1 configuration for the week. Due to economics, the plant was off-line last weekend. The plant was cycled down during the off-peak hours on Mon., Tues. and Wed., but operated during the on-peak hours and then remained on-line all day Thurs. Duct firing operated for 33 hours this week. The plant generated at a 40% capacity factor (based on 675 MW rating).

AMP hosts second Basic I course

By Bob Rumbaugh - manager of technical training

Due to increased interest from members, this week AMP hosted its second Basic I lineworkers class of the year. Lineworkers from six member communities in three states participated in the weeklong program which incorporates classroom and hands-on training covering pole top and bucket rescue, climbing skills, hanging crossarms and transformers as well as balance and reaching exercises. Participants were also instructed on basic electrical theory, first aid, safety, transformer basics and other introductory skills.

Class participants pictured below are (from top left): Andrew Parimuha, New Wilmington; Jordon Lainhart, Williamstown; Andrew Ball, Celina; Tyler Pickard, Genoa; row two (from top right) -Zack Miller and Kevin Johnson, Cuyahoga Falls; Brian Shannon, Celina; and Trevor Lawson, Edgerton. Instructors Bob Rumbaugh and Cody Crose are not pictured.



JULY OPERATIONS DATA		
	July 2017	July 2016
Fremont Capacity Factor	51%	73%
Prairie State Capacity Factor	90%	92%
Meldahl Capacity Factor	80%	58%
Cannelton Capacity Factor	91%	N/A
Greenup Capacity Factor	64%	55%
Willow Island Capacity Factor	79%	38%
Belleville Capacity Factor	97%	59%
Blue Creek Wind Capacity Factor	14%	14%
JV6 Wind Capacity Factor	5%	8%
Napoleon Solar Capacity Factor	21%	17%
Bowling Green Solar Capacity Factor	35%	N/A
Avg. A/D Hub On-Peak Rate	\$37/MWh	\$42/MWh
* Fremont capacity factor based on 675 MW rating. * PS capacity factor based on 1,582 MW rating. * Meldahl capacity factor based on 105 MW rating. * Cannelton capacity factor based on 87.6 MW rating. * Greenup capacity factor based on 70 MW rating. * Willow Island capacity factor based on 44.2 MW rating. * Belleville capacity factor based on 42 MW rating. * Solar capacity factor based on 3.54 MW rating.		

Volunteers needed for AMP Lineworkers Rodeo

The event field is almost ready for the 2017 AMP Lineworkers Rodeo on Aug. 25-26, but volunteers are still needed, especially judges. The main qualification for being a volunteer judge is at least five years of linework experience. You do not need previous experience judging lineworker rodeo events -

AMP will provide training for judges prior to the event. Volunteers will receive a complimentary rodeo shirt, ticket for lunch during the competition and a ticket to the awards dinner banquet.

For those interested, please contact Jennifer Flockerzie at 614.540.0853 or jflockerzie@amppartners.org.



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An internet connection and a computer are all you need to educate your entire staff for just \$99. Register today at www.PublicPower.org/Academy and click on webinars. Non-members enter coupon code **AMP** to receive the member rate.

- Public Power Forward Webinar Series
The Future of Rate Design **Aug. 15**
- Public Power Forward Webinar Series
Community Solar Success Stories **Sept. 7**
- Public Power Forward Webinar Series
Charging Ahead with Electric Vehicles **Sept. 26**



Classifieds

DEMEC member seeks director of electric department

The City of Dover, Delaware, is currently recruiting for the position of Electric Department Director. The essential function of the position within the organization is to oversee and direct the City's Electric Department. The Electric Department is comprised of Electric Transmission & Distribution, Electric Engineering Operations and Administration, and oversees Power Generation/Procurement Contracts. The position assumes management responsibility of the Electric Utility functions, plans and directs the operation and maintenance of electrical transmission and distribution service and oversees the operation of the electrical sub-stations. The position is responsible for supervising staff, (approximately forty (40) employees) establishing long range plans, developing policy and procedures, managing department activities and events, preparing budgets, and evaluating, documenting, and reporting on events and activities to senior management and elected or appointed officials. This position is a member of the leadership team of the city and reports directly to the City Manager.

Primary duties include, however not limited to, the following: develops goals, objectives, policy and procedures for departmental activities and programs in consultation with regulatory agencies, and plans for future expansion to meet growth needs; advises and consults with elected and appointed officials, commissions, federal or state regulatory agencies (FERC/NERC), department heads, staff agencies, developers, civic or private groups, individuals, and others, on problems, strategies, policies, and procedures related to electric department services; represents the City on regional and local boards or committees and at meetings concerning utility matters; makes presentations to elected or appointed officials, department heads and staff, and other public or private agencies or groups on significant utility issues or programs; supervises staff including establishing staffing standards, organizing, electing or recommending selection, training, assigning and evaluating work, counseling, disciplining, and terminating or recommending terminations; oversees administrative matters such as developing and defending departmental budgets, administering expenditures, conducting special studies, preparing departmental CIP, managing correspondence and records, reviewing contracts and bills, preparing routine and special reports, administering training, providing for staff technical or professional growth, and other administrative duties.

Candidate will possess a Master's degree in public administration, engineering, or a closely-related field and Bachelor's Degree in Business Management or Electrical Engineering. The position requires a minimum of eight (8) years of related experience with a history of progressive management and leadership experience. The successful candidate will be proficient in project management and LEAN concepts and processes. A valid driver's license is required.

A successful criminal background investigation will be required. The City of Dover offers an excellent total compensation package which includes health insurance, and 401a/457 deferred compensation plans. To apply, submit a City of Dover employment application, cover letter and resume to: City of Dover, Attn: Human Resources Dept., P.O. Box 475, Dover, DE 19903. An application can be obtained from the Human Resources Department at City Hall or at the website www.cityofdover.com. The City of Dover is an Equal Opportunity Employer.

Weekly Salary Range: \$1,926 to \$2,235 (depending on qualifications)
Closing Date: August 18, 2017

Borough of New Wilmington has regulators for sale

The Borough of New Wilmington has the following used regulators available for sale. For additional information, please contact Borough Council Administrator Sharonn Edmiston at 724.946.8167 or Dean Ligo at 724.333.3867.

(3) GE Step Up voltage regulators - VR1 voltage rating 2500/4330 Y 167 KVA 668 load amp

(1) McGraw-Edison voltage regulator - VR1 voltage rating 2500/4330 Y 167 KVA 668 load amp



Opportunities available at AMP

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

[System Administrator \(Infrastructure\) or Senior System Administrator \(Infrastructure\)](#)

[Manager of Cyber Security](#)

[Power Supply Planning Engineer I](#)

American Municipal Power, Inc.

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