

# SEPTEMBER 2017

SUN	MON	TUE	WED	THU	FRI	SAT
					1	2
3	4	5	6	7	8	9
	Labor Day Offices Closed	7:00 pm City Council				
10	11	12	13	14	15	16
	6:30 pm Electric Comm. & BOPA	5:00 pm Planning Comm.			9:00 am Healthcare Cost Committee	
	7:00 pm Water/Sewer Comm.					
	7:30 pm Muni. Prop. ED Committee					
17	18	19	20	21	22	23
	6:00 pm Tree Commission					
	6:00 pm Ad-hoc Comm. Council Rules					
	7:00 pm City Council					
24	25	26	27	28	29	30
	6:30 pm Finance and Budget Committee	4:30 pm Civil Service	6:30 pm Parks & Rec Board		9:00 am Healthcare Cost Committee	
	7:30 pm Safety and Human Resources					

*City of Napoleon, Ohio*

## **AD-HOC COMMITTEE ON COUNCIL RULES**

### **MEETING AGENDA**

**Monday, September 18, 2017 at 6:00 pm**

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

1. Approval of Minutes: July 11, 2017 *(In the absence of any objections or corrections, the Minutes shall stand approved).*
2. Review of Council Rules.
3. Any other matters currently assigned to the Committee.
4. Adjournment.

  
\_\_\_\_\_  
Gregory J. Heath  
Finance Director/Clerk of Council

## AD-HOC COMMITTEE ON COUNCIL RULES

Tuesday, July 11, 2017 at 6:30 pm

### MEETING MINUTES

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#### PRESENT

Committee  
City Staff

Travis Sheaffer-Chair; Joe Bialorucki; Jeff Mires  
Greg Heath-Finance Director  
Joel Mazur-City Manager  
Billy D. Harmon, City Law Director  
Roxanne Dietrich  
Newsmedia

Recorder  
Others

#### ABSENT

Member

#### Call to Order

Chairman Sheaffer called the meeting to order at 6:33 pm.

#### Minutes Approved

Minutes of the March 16, 2015 Council Rules Review Committee stand approved as read with no objections or corrections.

#### Review of Council Rules

Harmon said the first change deals with *filling a vacancy on Council*, the rules can be updated to spell out what is in the Charter. Charter Change No. 2 *Charter Review Commission*-nothing needs to be inserted there. Charter Change No. 3 *Removal by Council* – I have reviewed rules of other municipalities and those who have this in their rules have it listed as a separate section, looking at inserting a Rule 11 to make an additional rule, to separate it and to give it some weight, will mirror what is in the Charter. You may want to consider a provision about something possibly lesser than removal, such as a disciplinary action Council may want to see in certain situations, it would have to be drafted similar to the provisions we have in the Personnel Code.

Sheaffer stated under Council Rule 4.1 would like to see something basically giving the chair of the meeting the ability to have a member removed from the meeting if they are violating the rules covered under state law.

Heath said under Council Rule 4.3, the five minute limit has never been enforced. A timer is a possibility.

Bialorucki replied he would like that especially when running a meeting you don't have to be the person saying your time is up, when the timer goes off that is it, we should enforce that and have a timer.

Sheaffer said that would depend on the matter and if we are asking questions vs. someone up there just going on and on and on. I don't always look at the clock when they go up, then I'm the bad guy for cutting them off, timer is a good idea.

Heath asked if we would incur any liability by restricting certain people and not others. Harmon responded if we are fair and judicious in letting people finish their thought, do not imagine that is a violation, people can come in and voice their opinion within reason, now if someone comes in and demands things, they should be cut off at some point, it important that we address the time limits for speaking. Harmon suggested we should establish some parameters, if the Council President has to cut someone off he should advise the person we need to move forward with our agenda and cordially thank them for coming and let them know they are welcome to come back to the next meeting.

Harmon—Council Rule 7.1 *Attendance of Department Heads*- do they know there is a section requiring attendance of all Department Heads at Council meetings. Sheaffer answered Bisher had the majority of his Department Heads here; right now Department Heads are only required if they have an item on the agenda there isn't anything formally in place just what is being practiced. Heath suggested you may want to reword that the Department Heads are only required to attend at the request of an Appointed Authority or Council.

Harmon-Council Rule 9.1 *Expenditure of Funds by Council Members*

Sheaffer said when we go to the APPA Rally in DC if expenditures are over \$200.00 Council has to approve, think the number needs adjusted.

Heath said do you even want a number. My recommendation would be to take that out and create a procedure where the Council President approves all expenditures but, the money has to be budgeted. Sheaffer said I was thinking of \$1,500.00.

Harmon-one last minor note to think about, a lot of Councils have in their rules attire requirements, to have the entire Council attired in business casual at a minimum would be a good thing to give the group a little more authority and professional look.

Sheaffer asked if Council Rule 10.3 could be moved to the new Council Rule 11.

Harmon-Council Rule 8.2.4 *Executive Session*. Our Council rules are broader than the Sunshine Laws. That could be an issue if someone asked for an executive session for a matter stated in the Council Rules that is not in the Sunshine Rules is a violation of the state law. I would like to clean up the Council Rules to accurately reflect what is allowed by state law. Heath said the Sunshine Rules set the standards why not remove and simply state shall follow the Sunshine Laws. Sheaffer said 8.2.4 could state need to follow Sunshine Laws and attach the current list to be included as Appendix "A", so when the state does an update you can just add the new Appendix "A" rather than go through the whole amendment process.

*Confidential Matters* needs to be cleaned up with basic instruction and what is meant. Bialorucki recommended the Law Director be in control of Executive Sessions as he knows the laws. Sheaffer suggested anyone requiring an executive session should notify the Law Director first so the



appointed authorities can be prepared and second it should be on the agenda. Heath informed the committee from his previous experience at Oregon there was a Committee as a Whole that met first to talk about items to go on the agenda and that same night the agenda was set and did not change, they strongly controlled the agenda. The first item on the agenda was any modifications and they voted to allow or not allow an item and once the meeting started that is all they did, there was not any going around the room, most meetings are run that way, not the way we do. Not suggesting we change anything but wanted to make you aware there are other ways to handle it. Technically all you need to post is the fact you are having a meeting on a certain date, you do not have to post an agenda. Sheaffer said to change the meeting would almost require a Charter change. If you do not have to post a final agenda, is it a possibility that Friday afternoon the final agenda can be approved and with the final agenda prepared on Monday, it would still be on the website and sent to the newsmedia. We would encourage anyone to send agenda items to myself, Joe or the Mayor. Heath suggested if Council has a specific item they want brought up, to have it put under Good of the City on the agenda. Sheaffer said going back to removal, the Charter Review Committee put words in like *malfeasance*, what if Council determines what is malfeasance and the person getting removed says that does not qualify as malfeasance files a suit. Malfeasance is vague in the Charter can the Council Rules be tweaked.

Sheaffer said he would like to have the rules changes in place by January 1<sup>st</sup>.

#### **Motion to Adjourn**

Motion: Bialorucki

Second: Mires

To adjourn the meeting.

**Passed**  
**Yea-3**  
**Nay-0**

Roll call vote on the above motion:

Yea-Bialorucki, Mires, Sheaffer

Nay-

The Ad-hoc Committee on Council Rules adjourned at 7:45 pm.

#### **Approval Date**

September 18, 2017

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Travis Sheaffer, Chairman

## CITY COUNCIL

### MEETING AGENDA

**Monday, September 18, 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. September 5, 2017 City Council Meeting Minutes

**D. Citizen Communication**

**E. Reports from Council Committees**

1. **Electric Committee** met on September 12, 2017; and
  - a. Approved the BOPA recommendation to approve the September 2017 PSCAF.
  - b. Heard an update on Transmission Operator for Northside Substation.
  - c. Electric Vehicle Rebate Remained Tabled.
  - d. Portfolio Realignment Opportunity was discussed.
  - e. Approved Electric Department Mutual Aid to Tallahassee.
2. **Water and Sewer Committee** met on September 12, 2017; and
  - a. Was updated on the Wastewater Treatment Plant Project
  - b. Discussed Recycling Contract.
  - c. Sewer Rate Review: Courtney and Associates will have a presentation at the October meeting.
3. **Municipal Properties, Building, Land Use and Economic Development Committee** met on September 12, 2017; and
  - a. Heard an update on the Downtown Improvements Project.
  - b. Recommended no action be taken on the Kenilworth Sidewalk.
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.
6. **Ad-hoc Committee on Council Rules** met earlier this evening and reviewed the Council Rules.

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

1. **Planning Commission** met on September 12, 2017; and
  - a. Approved PC 17-04.
2. **Healthcare Cost Committee** met on September 15, 2017; and
  - a. Reviewed healthcare costs.
3. **Tree Commission** met tonight with the following agenda items:
  - a. Reviewed Tree Call Reports.
  - b. Updated on Fall Contracts.
  - c. Awarded the Fall Planting and Trimming Contracts.
  - d. Began Spring Planting List.
  - e. Reviewed Next Year's Budget/Plans.

**G. Introduction of New Ordinances and Resolutions**

1. **Resolution No. 056-17**, a Resolution Appointing Mayor Jason Maassel and Councilman Dan Baer to Represent the City of Napoleon, Ohio as Members of the Board of Directors of the Community Improvement Corporation of Henry County, Ohio; and Declaring an Emergency.
2. **Ordinance No. 057-17**, an Ordinance amending Chapter 1501, Section 1501.01, "Adoption", of Part 15 of the Codified Code of the City of Napoleon, Ohio; and Declaring an Emergency.

3. **Ordinance No. 058-17**, an Ordinance Creating and Enacting Chapter 143, Section 143.06 of Part 1 of the Codified Ordinances of the City of Napoleon, Ohio, a City of Napoleon, Ohio Fire and Rescue Fee Schedule; and Declaring an Emergency.

#### H. Second Readings of Ordinances and Resolutions

1. **Resolution No. 051-17**, a Resolution Accepting the Amounts and Rates as determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Auditor for the 2017 Tax Duplicates Payable in Year 2018; and Declaring an Emergency. *(Suspension Requested)*
2. **Resolution No. 052-17**, a Resolution Authorizing and Directing the Finance Director/Clerk to Certify and File Annual Special Assessments of the City of Napoleon, Ohio, with the County Auditor of Henry County for Placement and Collection on the 2017 Tax Duplicates Payable in the Year 2018; and Declaring an Emergency. *(Suspension Requested)*
3. **Resolution No. 053-17**, a Resolution Authorizing the Transfer of Certain Properties to wit: Parcel No. 410095550360 and Parcel No. 410095550380, both Owned by the City of Napoleon, Ohio, to the Community Improvement Corporation (CIC) of Henry County, Ohio; and Declaring an Emergency.

#### I. Third Readings of 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.

#### 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 September 2017 as: PSCAF—three (3) month averaged factor \$0.01042, JV2 \$0.022959, JV5 \$0.022959.
2. **Discussion/Action:** to Approve the Plans and Specs for the 2017 Manhole Lining Project.
3. **Discussion/Action:** to Approve PC 17-04 Medical Marijuana Moratorium.
4. **Discussion/Action:** to set a Public Hearing for Monday, October 2, 2017 at 6:55 pm for the following Agricultural Districts: Michael W. Adams, Trustee 9.09 acres; Keith Fruchey 11.94 acres; and Paul D. Martin, etux. 12.08 acres.

#### 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

  
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Gregory J. Heath  
Finance Director/Clerk of Council

**A. ITEMS REFERRED OR PENDING IN COMMITTEES OF COUNCIL**

1. **Technology & Communication Committee (1<sup>st</sup> Monday)**  
(Next Regular Meeting: October 2, 2017 @6:15 pm)
2. **Electric Committee (2<sup>nd</sup> Monday)**  
(Next Regular Meeting: Monday, October 9, 2017 @6:30 pm)
  - a. Review of Power Supply Cost Adjustment Factor for October, 2017
  - b. Transmission Operator for Northside Substation
  - c. Electric Vehicle Rebate (Tabled)
  - d. Electric Department Report
  - e. Portfolio Realignment Opportunity
3. **Water, Sewer, Refuse, Recycling & Litter Committee (2<sup>nd</sup> Monday)**  
(Next Regular Meeting: Monday, October 9, 2017 @7:00 pm)
  - a. Update on Wastewater Treatment Plant
  - b. Recycling Contract
4. **Municipal Properties, Buildings, Land Use & Economic Development Committee (2<sup>nd</sup> Monday)**  
(Next Regular Meeting: Monday, October 9, 2017 @7:30 pm)
  - a. Downtown Improvements
  - b. Updated Information from Staff on Economic Development (as needed)
5. **Parks & Recreation Committee (3<sup>rd</sup> Monday)**  
(Next Regular Meeting: Monday, October 16, 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 (3<sup>rd</sup> Monday)**  
(Next Regular Meeting: Mon., October 16, 2017 at 6:15 pm)
  - a. Discussion on Mission and Strategic Vision.
7. **Finance & Budget Committee (4<sup>th</sup> Monday)**  
(Next Regular Meeting: Monday, September 25, 2017 @6:30 pm)
8. **Safety & Human Resources Committee (4<sup>th</sup> Monday)**  
(Next Regular Meeting: Monday, September 25, 2017 @7:30 pm)
9. **Personnel Committee (as needed)**
10. **Ad-hoc Committee on Council Rules**  
(Next Meeting: to be determined )

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

1. **Board of Public Affairs (2<sup>nd</sup> Monday)**  
(Next Regular Meeting: Monday, October 9, 2017 @6:30 pm)
  - a. Review of Power Supply Cost Adjustment Factor for October, 2017
  - b. Discussion on Transmission Operator for Northside Substation
  - c. Electric Vehicle Rebate (Tabled)
  - d. Electric Department Report
2. **Board of Zoning Appeals (2<sup>nd</sup> Tuesday)**  
(Next Regular Meeting: Tuesday, October 10, 2017 @4:30 pm)
3. **Planning Commission (2<sup>nd</sup> Tuesday)**  
(Next Regular Meeting: Tuesday, October 10, 2017 @5:00 pm)
4. **Tree Commission (3<sup>rd</sup> Monday)**  
(Next Regular Meeting: Monday, October 16, 2017 @6:00 pm)
5. **Civil Service Commission (4<sup>th</sup> Tuesday)**  
(Next Regular Meeting: Tuesday, September 26, 2017 @4:30 pm)
6. **Parks & Recreation Board (Last Wednesday)**  
(Next Regular Meeting: Wed., September 27, 2017 @6:30 pm)
7. **Privacy Committee (2nd Tuesday in May & November)**  
(Next Regular Meeting: Tuesday, November 14, 2017 @10:30 am)
8. **Records Commission (2<sup>nd</sup> Tuesday in June & December)**  
(Next Regular Meeting: Tuesday, December 12, 2017 @4:00 pm)
9. **Housing Council (1<sup>st</sup> Monday of the month after the TIRC meeting)**
10. **Health Care Cost Committee (as needed)**
11. **Preservation Commission (as needed)**
12. **Napoleon Infrastructure/Economic Development Fund Review Committee (NIEDF) (as needed)**
13. **Tax Incentive Review Council (as needed)**
14. **Volunteer Firefighters' Dependents Fund Board (as needed)**
15. **Volunteer Peace Officers' Dependents Fund Board (as needed)**
16. **Lodge Tax Advisory & Control Board (as needed)**
17. **Board of Building Appeals (as needed)**
18. **ADA Compliance Board (as needed)**
19. **NCTV Advisory Board (as needed)**

# CITY COUNCIL

## MEETING MINUTES

TUESDAY, SEPTEMBER 05, 2017 AT 7:00 PM

<b>PRESENT</b> Council Mayor Finance Director/Clerk City Manager Law Director Recorder City Staff	Joe Bialorucki-Council President Pro-Tem, Jeff Comadoll, Rita Small, Dan Baer, Jeff Mires, Lori Sicclair Jason P. Maassel Gregory J. Heath Joel Mazur Billy D. Harmon Roxanne Dietrich Clayton O'Brien, Fire Chief Dave Mack, Chief of Police Chad Lulfs, Public Works Director Tony Cotter, Director of Parks and Recreation Newsmedia, NCTV, Jerry Tonjes, Boy Scouts Troup 467
Others <b>ABSENT</b> Councilmember	Travis Sheaffer
<b>Prayer</b>	Council President Pro-Tem Bialorucki called the meeting to order at 7:00 pm with the Lord's Prayer, the American Legion Color Guard presented the colors followed by the Pledge of Allegiance.
<b>Police Chief Sworn In</b>	Mayor Maassel swore in David Mack as the new Chief of Police.
<b>Motion to Recess</b>	Motion: Comadoll to recess for ten minutes. Second: Mires  Roll call vote on the above motion: Yea-Sicclair, Mires, Small, Bialorucki, Comadoll, Baer Nay-  Meeting was recessed at 7:10 pm.
<b>Motion to Reconvene</b>	Motion: Mires to reconvene the City Council meeting at 7:20 pm. Second: Small  Roll call vote on the above motion: Yea-Sicclair, Mires, Small, Bialorucki, Comadoll, Baer Nay-
<b>Minutes</b>	Hearing no objections or corrections, the minutes from the August 21, 2017 regular Council meeting and August 31, 2017 Special Council Meeting stand approved as read.
<b>Citizen Communication</b>	None.
<b>Council Committee Reports</b>	<b>Finance and Budget Committee</b> did not meet on August 28, 2017 due to lack of agenda items. Chairman Baer reported the <b>Safety and Human Resources Committee</b> met on August 28, 2017 recommended the implementation of fees already in place and directed the Law Director to develop legislation to incorporate Fire and Rescue Department prior and current fees, some that were already there and some new, fee structure into the Codified Ordinances Chapter 511 to be



**Motion to Approve  
First Read of 054-17**

Heath said we are required to have an annual audit done each year, this is controlled by the State Auditor's Office, they have accepted RFP bids and it is my recommendation to accept the bid of IPA of BHM CPA Group, Inc. at \$22,000 a year for a contract period of five years. When cities receive federal monies you could fall into a single audit category, with the Water Treatment Plant project and loan forgiveness, we may fall into that category, should a single audit be required that would not be covered under this contract. Suspension is being requested as the State is waiting for our approval.

Motion: Comadoll                      Second: Siclair  
To suspend the rule requiring three readings for Resolution No. 054-17.

Roll call vote to pass Resolution No. 054-17 under suspension of the rule and with emergency.  
Yea-Sicclair, Mires, Small, Bialorucki, Comadoll, Baer  
Nay-

Council President Pro-Tem Bialorucki read by title **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.

Mazur stated there is nothing new to report.

Motion: Comadoll                      Second: Mires  
To approve Second Read of Ordinance No. 038-17

Roll call vote to pass Ordinance No. 038-17 on Second Read.  
Yea-Siclair, Mires, Small, Bialorucki, Comadoll, Baer  
Nay-

There was not any legislation for Third Read.

Recommendation to Implement Fire and Rescue Department Fees Already in Place and to Direct the Law Director to Draft Legislation to Incorporate Fire and Rescue Department, Prior and Current, Fee Structure into Codified Ordinances Chapter 511 to be Effective January 1, 2018.

Mazur explained it has been discovered that some of the fees being charged by the Fire and Rescue Department are not in the City's Codified Ordinances and need to be in order for us to do the billing; to be consistent we would request all fees be codified. During the Safety and Human Resources Committee meeting it was presented to add inspection fees, a fee for any entity that may want to utilize the new fire and a fee for responding to vehicle accidents. Since that meeting, there have been some new developments, it has been questioned if we should be charging for vehicle accidents and after further review, it is my recommendation to remove the vehicle accident fees from the fee schedule.

Baer asked to clarify that does not rescind the new charges for inspection fees or use of the new training facility.  
Mazur responded those will remain on the fee structure.  
Harmon questioned why want to be codified under Chapter 511 that is titled False Alarms.  
Mazur replied that was the only section in the codified ordinances, it does not have to be Chapter 511 if you want to draft a new ordinance that is fine, our concern is that the fee structure is incorporated into the Codified Ordinances. Harmon said he was looking at Ordinance 143 the administration a section dealing with the Fire Department. Chief O'Brien stated the inspection fees code can go separately with fire prevention in the back. False alarms was the only one codified is how we came up with Chapter 511. Harmon said he will write the legislation and bring it back to Council for review.

**Motion to Direct Law Director to Draft Legislation Implementing Fire and Rescue Dept. Fees**

Motion: Baer Second: Comadoll  
to direct the Law Director to draft legislation to incorporate the Fire and Rescue Fees, bringing the legislation back for review and discussion where the fees should be appropriately placed.

**Passed**  
**Yea-6**  
**Nay-0**

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

**Motion to Update Codified Ordinance Chapter 1505.01**

Motion: Baer Second: Small  
To direct the Law Director to draft legislation to Update Codified Ordinance Chapter 1501.01 to read *the Latest Edition of the Ohio Fire Code (OFC)*.

**Passed**  
**Yea-6**  
**Nay-0**

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

**Ohio Street Water Main Replacement Project and Assoc. Improvements**

Approval of Plans and Specifications for the Ohio Street Water Main Replacement and Associated Improvements Project.

**Discussion**

Mazur said in the past this project has been delayed; however, we feel the project needs to get started this year, due to construction season time limits the completion date has been set for May 26, 2018. Lulfs stated he does not foresee any contractor starting the project and letting it sit for a couple of months, by bidding the project now the contractor can get the work on their schedule for the first of the year, this may help to get a better bid price. There is an alternate bid to connect the new waterline on Ohio to the new one put under the bridge on Stevenson.

**Motion to Approve Ohio Street Water Main Replacement Project Plans and Specs**

Motion: Comadoll Second: Mires  
To approve the Ohio Street Water Main Replacement Project plans and specifications.

**Passed**  
**Yea-6**  
**Nay-0**

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



**Council Representative  
for 2018 CIC Board**

Maassel noted that currently Dan and himself serve on the CIC Board and suggested they continue to serve on the CIC Board. As the CIC focuses on workplace development Dan will be useful with his counselor prospective and I feel this is a responsibility of the Mayor. I would also recommend re-appointment of Kelly Burkhardt for three more years.

**Motion to Direct Law  
Director to Draft  
Legislation for City  
Representatives on the  
CIC Board FY2018**

Motion: Siclair Second: Comadoll  
To direct the Law Director to draft Legislation naming Jason Maassel and Dan Baer to serve on the CIC Board FY2018 and re-appoint Kelly Burkhardt for another three year term.

**Passed**  
**Yea-6**  
**Nay-0**

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

**Donation to Fire Dept.**

**Discussion**

Chief O'Brien informed Council the EMS had made multiple responses and during the funeral the family set a box out for donations.

**Motion to Accept  
Donations to Fire and  
Rescue Dept.**

Motion : Comadoll Second: Small  
to accept donation in the Amount of \$1,023.00 from Memorials for Delbert Prigge to the Napoleon Fire and Rescue Department.

**Passed**  
**Yea-6**  
**Nay-0**

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

**Annual Review of City's  
Investment Policy and  
Investment Portfolio  
Referred to Finance and  
Budget Committee**

Council President Pro-Tem Bialorucki referred Annual Review of City's Investment Policy and Investment Portfolio to the Finance and Budget Committee.

**Sewer Rate Review with  
Courtney and Associates  
Referred to Water and  
Sewer Committee**

Council President Pro-Tem Bialorucki referred Sewer Rate Review with Courtney and Associates to the Water, Sewer, Refuse, Recycling and Litter Committee.

**Around the Table**

**Heath**

Nothing.

**Mires**

Congratulations to Chief Mack, he will be great for the City, we are honored to have him.

**Small**

Nothing.

**Bialorucki**

Congratulations to Chief Mack. Curious to see who we have in the back.  
Rachel Moll said Boy Scout Troop 467, we came to see Chief Mack and as part of their merit badge the scouts need to come to a City Council meeting to see how it is run.

**Maassel**

I'm excited for Chief Mack. Long time WNDH personality Bob McLimans will be retiring as of Friday. He has been here 44 years, he started Labor Day weekend in 1973. Bob has done a lot for the community, helped with Kidz Kingdom, help start Kidz Fest and serves on boards and commissions, he will be missed. Fall Fest is this weekend at Henry County Fairgrounds, that is a great place to be seen if you are running for office.

Glad to see another auxiliary member move up the ranks.  
Last weekend I was hit up again about the sidewalks on Kenilworth.  
Mazur asked where the specific area is that is the safety issue.  
Comadoll said it is where the kids walk to school there is a crosswalk there when cross Kenilworth.  
Mazur said if it is a safety issue, it is the responsibility of property owner to install. In years past the City Engineer has put together a list of properties being recommended to have sidewalks put in.  
Lulfs stated there is a section in the Codified Ordinances to enforce sidewalks; I do not have the authority to enforce it. Mazur stated they would like more information and requests the item be sent to committee.

Council President Pro-Tem referred *Kenilworth Sidewalks* to the Municipal Properties, Building, Land Use and Economic Development Committee.

Nothing.

Congratulations to Chief Mack.

Congrats to Chief Mack and I would request an Executive Session on Economic Development.

Regarding the Haley Avenue project, originally bids came in 10% above the engineer's estimate, we scaled the project down when we rebid it and the contract was awarded at \$543,166.00. We would like to add the line items taken out of the original bid as an alternate to the contract, the cost being about \$138,000.00. We still have \$43,000 eligible for grant monies, the city's contribution would be \$94,000. The Mayor asked what the engineer's estimate was and Lulfs responded \$630,000.00, 50% is grant monies and the other 50% is the City's responsibility, any costs over \$630,000 the City has to pay for in full. You are leavings \$43,000 in grant monies on the table but for \$140,000 worth of work the City is paying \$100,000, my concern is being able to get the work done before it snows, we can just wait and add it to Park Street next year. The Mayor asked if the Park Street project is grant funded, Lulfs said Park Street will be a very large job and they will be applying for grant funding. Mazur stated his biggest concern is spending \$94,000 on a low priority project when that money can be put towards something that we really need. I recommend we forego for now and do not take this item to committee.

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

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

Council went into Executive Session at 8:17 pm.

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

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

Council President-Tem Bialorucki reported Economic Development was discussed in Executive Session and no action was taken.

Council came out of Executive Session at 8:25 pm.

## Approval of Bills

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

### Motion to Adjourn

Motion: Small  
to adjourn.

**Passed**

Roll call vote on the above motion:

**Yea-6**

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

**Nay-0**

Nay-

## Adjournment

The City Council meeting was adjourned at 8:26 pm.

**Approved:**

September 18, 2017

Joe Bialorucki, Council President Pro-Tem

Jason P. Maassel, Mayor

Gregory J. Heath, Finance Director/Clerk of Council

## **RESOLUTION NO. 056-17**

### **A RESOLUTION APPOINTING MAYOR JASON MAASSEL AND COUNCILMAN DAN BAER TO REPRESENT THE CITY OF NAPOLEON, OHIO AS MEMBERS OF THE BOARD OF DIRECTORS OF THE COMMUNITY IMPROVEMENT CORPORATION OF HENRY COUNTY, OHIO; AND DECLARING AN EMERGENCY**

**WHEREAS**, the Community Improvement Corporation of Henry County, Ohio was deemed an Agent of the City of Napoleon, Ohio for industrial, commercial, distribution, and research development by the approval and passage of Ordinance No. 106-05; and

**WHEREAS**, the Community Improvement Corporation of Henry County, Ohio (CIC) exists for a public purpose, namely as an Agent of the City of Napoleon, Ohio to create and preserve jobs and employment opportunities in the City and improve the economic welfare of the residents of the City and of the State; and further encourages and causes the maintenance, location, relocation, expansion, modernization, and equipment of sites, buildings, structures, and appurtenant facilities for industrial, commercial, distribution, and research activities within the City and thereby preserves, maintains, or creates additional opportunities for employment within the City; and

**WHEREAS**, the affairs of the CIC are managed by a Board of Directors ("Board"), with six (6) voting members, two (2) of which are designated for elected officials, and four (4) of which are designated for City residents; and

**WHEREAS**, the City is required to formally designate two (2) elected officials to represent the City on the Board and to exercise the duties of CIC; **Now Therefore**,

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

**Section 1:** That effective immediately, Jason Maassel and Dan Baer, as incident of their capacity as Mayor of, and a Councilmember of the Municipality respectively, hereby are designated the representatives of the Municipality on the Board of the CIC to act on behalf of the Municipality and discharge duties as a voting member of said Board.

**Section 2:** That the representatives so designated are authorized and empowered, acting for, in the name of and on behalf of the Municipality, and as the Municipality's agent, to exercise all the functions, powers, rights and privileges, and to fulfill the obligations, that the Municipality may have as a voting member of the Board, including, without limitation, to attend and take part in meetings of the Board and of committees of the Board, to vote on and otherwise act with respect to all matters that may properly come before the Board or any committee of the Board, and to do or cause to be done all acts, and to take all steps as may in each case be, in the opinion of such representative, necessary or desirable in order to represent the Municipality and exercise its functions, powers, rights and privileges, and to fulfill its obligations, as a Director and to carry out the full intent and purposes of this Resolution and the purposes and powers of the CIC.

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

**Section 5:** 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 6:** 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 designate new representatives to the CIC Board which affects the public peace, health, and 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.

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. 056-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.*

\_\_\_\_\_  
Gregory J. Heath, Clerk/Finance Director

## ORDINANCE NO. 057-17

### **AN ORDINANCE AMENDING CHAPTER 1501, SECTION 1501.01, “ADOPTION”, OF PART 15 OF THE CODIFIED CODE OF THE CITY OF NAPOLEON, OHIO; AND DECLARING AN EMERGENCY**

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

**WHEREAS**, the Safety and Human Resources Committee met on August 28, 2017 and reviewed the current language pertaining to Section 1501.01 of Chapter 1501 of the City of Napoleon Codified Ordinances and determined that due to the Ohio Fire Code (OFC) being periodically amended and adopted by the Ohio Division of State Fire Marshal, the City of Napoleon Codified Ordinance language should be amended from “*There is hereby adopted by the Municipality, the 2007 Ohio Fire Code . . .*” to read “*There is hereby adopted by the Municipality, the most the most recent edition of the Ohio Fire Code (OFC) as adopted by the Ohio Division of State Fire Marshal, Department of Commerce, effective January 1, 2017, and as published in Division 1301:7 of the Ohio Administrative Code (OAC).. .*”. The effective date of this Ordinance will be in accordance with the most recently adopted Ohio Fire Code.

**WHEREAS**, this Council has considered all recommendations, now deems appropriate that the City of Napoleon, Ohio Codified Ordinances amend and adopt the above stated language, which shall be implemented until amended by this Council; **Now Therefore**,

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

**Section 1.** That Part XV, Fire Prevention Code, Section 1501.01 of the City of Napoleon Codified Ordinances shall be amended to reads as follows:

#### **1501.01 Adoption**

**There is hereby adopted by the Municipality, the most the most recent edition of the Ohio Fire Code (OFC) as adopted by the Ohio Division of State Fire Marshal, Department of Commerce, effective January 1, 2017, and as published in Division 1301:7 of the Ohio Administrative Code (OAC).**

**Section 2.** That Part XV, Fire Prevention Code, Section 1501.01 of the City of Napoleon Codified Ordinances, as existed prior to the enactment of this Ordinance, is repealed and replaced in its entirety.

**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.** This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that this Ordinance is required to be in effect at the earliest possible time to allow for emergency services to be rendered in a timely manner, emergency services also utilized by the City inhabitants when needed outside the City's jurisdictional boundaries; 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. 0 -17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.*

\_\_\_\_\_  
Gregory J. Heath, Clerk/Finance Director

**ORDINANCE NO. 058-17**

**AN ORDINANCE CREATING AND ENACTING CHAPTER 143,  
SECTION 143.06 OF PART 1 OF THE CODIFIED ORDINANCES  
OF THE CITY OF NAPOLEON, OHIO, A CITY OF NAPOLEON,  
OHIO FIRE AND RESCUE FEE SCHEDULE; AND DECLARING  
AN EMERGENCY**

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

**WHEREAS**, the Safety and Human Resources Committee determined, upon recommendation of the City of Napoleon Fire Chief, to create and/or amend the following Napoleon Fire & Rescue fee schedule as listed in this Ordinance, in accordance with current County of Henry, State of Ohio fees; and,

**WHEREAS**, this Council has considered all recommendations, now deems appropriate that the City of Napoleon, Ohio Codified Ordinances amend and/or adopt the City of Napoleon Fire & Rescue fee schedule as listed in this Ordinance, which shall be implemented until amended by this Council; **Now Therefore**,

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

**Section 1.** That, upon recommendation of the Safety and Human Resources Committee and the City of Napoleon Fire Chief, and after a finding that the fees listed in the schedule as listed in this Ordinance are reasonable, the City hereby adopts and establishes a schedule of fees, listed in this Ordinance, for services rendered by Napoleon Fire & Rescue, to be known as the Napoleon Fire & Rescue Fee Schedule, in accordance with current County of Henry, State of Ohio fees.

**Section 2.** That Part One, Administrative Code, Title Five, Administrative, Chapter 143, Fire/Rescue Department, shall be amended by enacting Section 143.06, Fee Schedule, to read as follows:

**143.06 Fee Schedule**

**The City of Napoleon hereby adopts and establishes a schedule of fees for services rendered by Napoleon Fire and Rescue as follows:**

Service	Type	Description	Cost per Hour or Incident
Education	Public Education	CPR/includes AED	\$45.00/person
Education	Public Education	CPR	\$9.00/high school student



Education	Public Education	Fire Extinguisher	Free
Education	Training Facility	Use of building – no burn	\$50.00/hour
Education	Training Facility	Use of building and Bullex Fire Simulator (includes 1 safety officer)	\$55.00/hour
Education	Training Facility	Use of building – live burn	\$60.00/hour
Education	Training Facility	Lead Instructor	\$50.00/hour
Education	Training Facility	Assistant instructor	\$35.00/hour
Education	Training Facility	Safety Officer (required for ALL use of building)	\$50.00/hour
Education	Training Facility	Vehicle Fire (up to 2 cars)	\$50.00/hour
Education	Training Facility	Vehicle Extrication (up to 2 cars)	\$50.00/hour
Education	Training Facility	Fire Engine	\$125.00/hour
Education	Training Facility	Ladder Truck	\$150.00/hour
Public Relations	Stand by	Football Game	\$100.00/game
Inspection	Fire Prevention	Initial Fire Inspection	Free
Inspection	Fire Prevention	Re-Inspection	Free
Inspection	Fire Prevention	Third Inspection	\$50.00
Inspection	Fire Prevention	All subsequent re-inspections	Increase by \$50.00/inspection
False Alarm	Incident Response	Third False Alarm (Commercial)	\$250.00
False Alarm	Incident Response	Fourth False Alarm (Commercial)	\$500.00
False Alarm	Incident Response	Fifth False Alarm (Commercial)	\$750.00
False Alarm	Incident Response	Third False Alarm (Residential)	\$100.00
False Alarm	Incident Response	Fourth False Alarm (Residential)	\$200.00
False Alarm	Incident Response	Fifth False Alarm (Residential)	\$300.00
Hazardous Materials	Incident Response	Hazardous Materials spills greater than 25 gallons	Itemized
Hazardous Materials	Incident Response	Engine/Pumper	\$125.00/hour
Hazardous Materials	Incident Response	Ladder Truck	\$150.00/hour
Hazardous Materials	Incident Response	Tender	\$50.00/hour
Hazardous Materials	Incident Response	EMS Transport Vehicle (does not include transport fee)	\$100.00
Hazardous Materials	Incident Response	Hazardous Materials (trailer and pick up)	\$150.00/incident

Hazardous Materials	Incident Response	Support Vehicle (secondary unit needed by IC)	\$10.00/hour or actual cost
Hazardous Materials	Incident Response	Decontamination	\$200.00/incident
Hazardous Materials	Incident Response	Incident Commander	\$35.00/hour (each)
Hazardous Materials	Incident Response	Operations Officer	\$25.00/hour (each)
Hazardous Materials	Incident Response	Support Staff	\$15.00/hour (each)
Hazardous Materials	Incident Response	Fire and EMS Personnel (on scene and standby)	Actual hourly rate (each)
Hazardous Materials	Incident Response	Other Personnel and Government Employees	Actual hourly rate (each)
Hazardous Materials	Incident Response	Station fees (if utilized as part of the operation)	\$200.00 first hour; \$25.00 after \$500.00 maximum
Hazardous Materials	Incident Response	Supplies	Charged at replacement cost
Hazardous Materials	Incident Response	Administrative fees	15% of total billing

**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.** This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that this Ordinance is required to be in effect at the earliest possible time to allow for emergency services to be rendered in a timely manner, emergency services also utilized by the City inhabitants when needed outside the City's jurisdictional boundaries; 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. 058-17 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. 051-17

### A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR FOR THE 2017 TAX DUPLICATES PAYABLE IN YEAR 2018 AND DECLARING AN EMERGENCY

**WHEREAS**, this Council in accordance with the provisions of law has previously adopted a Tax Budget (Resolution No. 035-17) for the next succeeding fiscal year commencing January 1, 2018; and,

**WHEREAS**, the Budget Commission of Henry County, Ohio, has certified its action thereon to this Council together with an estimate of the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within the ten mill tax limitation; Now Therefore,

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

Section 1. That, the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; further, the necessary tax levies are authorized, to be certified to the County Auditor for the 2017 Tax Duplicates, payable in the year 2018.

Section 2. That, there be and is hereby levied on the tax duplicate of the City the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

<b>SCHEDULE A</b>				
<b>SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION, AND COUNTY AUDITOR'S ESTIMATED TAX RATES</b>				
City Tax Valuation <b>\$140,509,655</b>	Amount to Be Derived from Levies Outside 10 Mill Limitation	Amount Approved by Budget Commission Inside 10 Mill Limitation	County Auditor's Estimate of Tax Rate to be Levied	
FUND			Inside 10 Mill Limit	Outside 10 Mill Limit
General Fund		\$281,019	2.00	
Police Pension Fund		\$84,306	0.60	
Fire Pension Fund		\$42,153	0.30	
TOTAL		\$407,478	2.90	

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

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

Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow timely adoption of tax levies for placement on tax rolls; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: \_\_\_\_\_

\_\_\_\_\_  
Travis B. Sheaffer, Council President

Approved: \_\_\_\_\_

\_\_\_\_\_  
Jason P. Maassel, Mayor

VOTE ON PASSAGE \_\_\_\_ Yea \_\_\_\_ Nay \_\_\_\_ Abstain

Attest:

\_\_\_\_\_  
Gregory J. Heath, Clerk/Finance Director

*I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 051-17 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. 052-17**

**A RESOLUTION AUTHORIZING AND DIRECTING THE FINANCE  
DIRECTOR/CLERK TO CERTIFY AND FILE ANNUAL SPECIAL  
ASSESSMENTS OF THE CITY OF NAPOLEON, OHIO, WITH THE  
COUNTY AUDITOR OF HENRY COUNTY FOR PLACEMENT AND  
COLLECTION ON THE 2017 TAX DUPLICATES PAYABLE IN THE  
YEAR 2018; AND DECLARING AN EMERGENCY**

**WHEREAS**, this Council in accordance with the provisions of law and by Ordinance has previously established special assessments for various projects in the City; and,

**WHEREAS**, these special assessments must be annually certified to the County Auditor by the Clerk of the Municipality; 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, directs the Finance Director/Clerk to certify and file annual special assessments of the City with the County Auditor, as required by Section 727.30 of the Ohio Revised Code, in the form presented to Council and on file in the office of the Finance Director, attached and marked as (Exhibit "A"), for placement and collection on the 2017 tax duplicates, payable in the year 2018.

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

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

Section 4. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow timely placement of special assessments on the tax rolls; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: \_\_\_\_\_

\_\_\_\_\_  
Travis B. Sheaffer, Council President

Approved: \_\_\_\_\_

\_\_\_\_\_  
Jason P. Maassel, Mayor

VOTE ON PASSAGE \_\_\_\_\_ Yea \_\_\_\_\_ Nay \_\_\_\_\_ Abstain

Attest:

---

Gregory J. Heath, Clerk/Finance Director

*I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 052-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.*

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*Gregory J. Heath, Clerk/Finance Director*

## **RESOLUTION NO. 053-17**

### **A RESOLUTION AUTHORIZING THE TRANSFER OF CERTAIN PROPERTIES TO WIT: PARCEL NO. 410095550360 AND PARCEL NO. 410095550380, BOTH OWNED BY THE CITY OF NAPOLEON, OHIO, TO THE COMMUNITY IMPROVEMENT CORPORATION (CIC) OF HENRY COUNTY, OHIO; AND DECLARING AN EMERGENCY**

**WHEREAS**, the City, by Ordinance 34-86, passed July 21, 1986, designated the Community Improvement Corporation of Henry County, Ohio (hereinafter called "the CIC") as the agency and instrumentality of the City for the industrial, commercial, distribution and research development of the City pursuant to Chapter 1724.10 of the Ohio Revised Code; and

**WHEREAS**, the City and the CIC have since entered into an amended Agreement and Plan of Industrial, Commercial, Distribution and Research Development (Amendment No. 2 dated March 21, 2011; Ordinance No. 017-11); and

**WHEREAS**, pursuant to Article VIII Section 13 of the Ohio Constitution, which provides for economic development, and the Ohio Revised Code, the Agreement and Plan provides in pertinent part, that in furtherance of the Plan, the CIC [may/will] sell or lease any lands or interests in lands owned by the City determined from time to time by the Council of the City not to be required by the City for its purposes, for uses determined by the Council of the City as those that will promote the welfare of the people of the City, stabilize the economy, preserve, maintain or provide employment, and assist in the development of industrial, commercial, distribution and research activities to the benefit of the people of the City; moreover, that such sale or lease may be made without advertising and receipt of bids when in the best interest of the City, the City specifying the consideration of such sale or lease; and

**WHEREAS**, the Agreement and Plan also provides in pertinent part, that the City may convey to the CIC lands and interest in lands owned by the City and determined by the Council of the City not to be required by the City for its purposes, and that such conveyance of such land or interests in land will promote the welfare of the people of the City, stabilize the economy, provide employment and assist in the development of industrial, commercial, distribution and research activities to the benefit of the people of the City and preserve, maintain or provide additional opportunities for their gainful employment; moreover, that such sale or lease shall be made without advertising and receipt of bids when in the best interest of the City, the City determining the consideration of such sale or lease; further, if any lands or interests in lands conveyed by the City to the CIC are sold by the CIC at a price in excess of the consideration received by the City from the CIC therefore, such excess shall be paid to the City after deducting therefrom the following costs to the extent incurred by the CIC; the costs of acquisition and sale by the CIC, taxes, assessments, costs of maintenance, costs of improvements to the land by the CIC, debt service charges of the CIC attributable to such lands or interests, and a reasonable service fee determined by the CIC; and

**WHEREAS**, it has been presented and requested by the Executive Director of the CIC that the City transfer two specific parcels of land owned by the City to the CIC in



order to further the Plan for Economic Development, consistent with Ohio Revised Code Section 1724.10; and

**WHEREAS**, the subject property, Parcel No. 410095550360 for which the CIC requests transfer (“Subject Property”) is approximately twenty nine one hundredths (0.29) acres of land, more or less, located to the northwest of Riverview Avenue as found in the Henry County Auditor’s Office; and

**WHEREAS**, the subject property Parcel No. 410095550380 for which the CIC requests transfer (“Subject Property”) is at this time an undetermined number of acres of land, less than twenty five one hundredths (0.25), located northwest of Riverview Avenue as found in the Henry County Auditor’s Office; and

**WHEREAS**, the CIC agrees to hold title to and transfer the Subject Properties at the appropriate time to any eventual transferee (and potentially eventually back to the City) as determined and agreed upon by simple majority vote of its Board of Trustees consistent with all laws and regulations and the aforementioned Agreement and Plan and the supplemental purchase agreement; and

**WHEREAS**, the City Manager, being the official in charge of the property, has advised this Council that the Subject Property is no longer needed for a public purpose;  
**NOW THEREFORE,**

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

Section 1. That, Parcel No. 410095550360 and Parcel No. 410095550380, located in the City of Napoleon, Henry County, Ohio, are hereby determined by this Council not to be required by the City for its purposes, and that such conveyance of such land or interests in land will promote the welfare of the people of the City, stabilize the economy, provide employment and assist in the development of industrial, commercial, distribution and research activities to the benefit of the people of the City and preserve, maintain or provide additional opportunities for their gainful employment.

Section 2. That, being consistent with the City’s Charter, Ordinances, Resolutions and the Agreement and Plan, as well as being consistent with the Ohio Revised Code, the parcel or parcels identified in Section 1 of this Resolution shall be transferred to the CIC of Henry County, Ohio without necessity of advertisement or receipt of bids, the same being determined by this Council as being in the best interest of the City; moreover, the City Manager is authorized to execute all agreements, deeds, and other documents required to complete said transfer(s).

Section 3. That, Council determines that the consideration for the conveyance of the Parcel identified in Section 1 of this Resolution shall be as found in a certain real estate purchase agreement and escrow agreement between the CIC and a third party substantially in the form as currently on file in the office of the City Finance Director.

Section 4. That, if any parcel or parcels of land as identified in Section 1 of this Resolution so conveyed by the City to the CIC is or are sold by the CIC at a price in excess of the consideration received by the City from the CIC therefore, then such excess shall be paid to the City after deducting therefrom the following costs to the extent incurred by the CIC; the costs of acquisition and sale by the CIC, taxes, assessments, costs of maintenance, costs of improvements to the land by the CIC, debt service charges

of the CIC attributable to such lands or interests, and a reasonable service fee determined by the CIC.

Section 5. That, nothing in Section 4 of this Resolution shall be construed as relieving the CIC of its obligations under the land purchase agreement.

Section 6. 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 7. 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 8. 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 for the furtherance of economic development within the City of Napoleon, all of which affects 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.

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. 053-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.*

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*Gregory J. Heath, Clerk/Finance Director*

## **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 31<sup>st</sup> 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							
	<del>Best Western, 1290 Independence Dr, Napoleon</del>			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											
	<a href="mailto:curt.lindbert@namcoentertainment.com">curt.lindbert@namcoentertainment.com</a>											
	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
	<a href="mailto:playfair2@msn.com">playfair2@msn.com</a> 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



**City of Napoleon, Ohio**

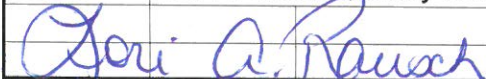
**POWER SUPPLY COST ADJUSTMENT FACTOR (PSCAF) - COMPUTATION OF MONTHLY PSCAF  
COMPUTATIONS WITH CORRECTED DATA FROM JULY, 2015, THROUGH MARCH, 2017**

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
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
JulY'17	Sep '17	14,573,346	\$ 1,192,319.89	40,367,108	\$ 3,295,254.14	\$ 0.08163	\$ (0.07194)	\$ 0.00969	\$ 0.01042

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


**PSCAF - Preparers Signature:**

Name - Lori A. Rausch, Utility Billing Administrator

 **8/23/2017**  
Signature Date

**PSCAF - Reviewers Signature:**

Name - Gregory J. Heath, Finance Director

 **8/23/2017**  
Signature Date

<b><u>BILLING SUMMARY AND CONSUMPTION for BILLING CYCLE - SEPTEMBER, 2017</u></b>									
<b><u>2017 - AUGUST BILLING WITH JULY 2017 DATA BILLING UNITS</u></b>									
<b>PREVIOUS MONTH'S POWER BILLS - PURCHASED POWER KWH AND COST ALLOCATIONS BY DEMAND &amp; ENERGY:</b>									
<u>DATA PERIOD</u>	<u>MONTH / YR</u>	<u>DAYS IN MONTH</u>	<u>MUNICIPAL PEAK</u>						
AMP-Ohio Bill Month	JULY, 2017	31	30.579						
City-System Data Month	AUGUST, 2017	31							
City-Monthly Billing Cycle	SEPTEMBER, 2017	30							
<b>=====CONTRACTED AND OPEN MARKET POWER=====</b>									
<b>==PEAKING==</b>									
<b>=====HYDRO POWER=====</b>									
( <b>PURCHASED POWER-RESOURCES -&gt;</b> (	AMP CT	FREEMONT ENERGY	PRAIRIE STATE SCHED. @ PJMC	MORGAN STNLY. REPLMNT. 2015-20	NORTHERN POWER	JV-2 PEAKING	AMP-HYDRO CSW	MELDAHL-HYDRO SCHED. @	GREENUP HYDRO SCHED. @
( SCHED. @ ATSI	SCHEDULED	REPLMT @ PJMC	7x24 @ AD	POOL	SCHED. @ ATSI	SCHED. @ PJMC	MELDAHL BUS	GREENUP BUS	
Delivered kWh (On Peak) ->	299,558	3,338,472	3,580,173	2,827,200	220,205	4,252	1,600,593	299,360	158,002
Delivered kWh (Off Peak) ->					302,872				
Delivered kWh (Replacement/Losses/Offset) ->									
Delivered kWh/Sale (Credits) ->					-1,223,808				
<b>Net Total Delivered kWh as Billed -&gt;</b>	<b>299,558</b>	<b>3,338,472</b>	<b>3,580,173</b>	<b>2,827,200</b>	<b>-700,731</b>	<b>4,252</b>	<b>1,600,593</b>	<b>299,360</b>	<b>158,002</b>
<i>Percent % of Total Power Purchased-&gt;</i>	<i>2.0555%</i>	<i>22.9081%</i>	<i>24.5666%</i>	<i>19.3998%</i>	<i>-4.8083%</i>	<i>0.0292%</i>	<i>10.9830%</i>	<i>2.0542%</i>	<i>1.0842%</i>
<b><u>COST OF PURCHASED POWER:</u></b>									
<b><u>DEMAND CHARGES (+Debits)</u></b>									
Demand Charges	\$31,620.00	\$34,749.14	\$56,868.27			\$667.92	\$8,415.57	\$2,131.92	\$2,346.30
Debt Services (Principal & Interest)		\$44,291.71	\$99,228.85				\$149,247.54	\$17,544.24	\$5,646.30
<b><u>DEMAND CHARGES (-Credits)</u></b>									
Transmission Charges (Demand-Credits)	-\$31,299.29					-\$881.46			
Capacity Credit	-\$47,201.21	-\$30,251.14	-\$16,532.18			-\$1,409.74	-\$2,870.14	-\$1,872.43	-\$1,072.35
<b>Sub-Total Demand Charges</b>	<b>-\$46,880.50</b>	<b>\$48,789.71</b>	<b>\$139,564.94</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>-\$1,623.28</b>	<b>\$154,792.97</b>	<b>\$17,803.73</b>	<b>\$6,920.25</b>
<b><u>ENERGY CHARGES (+Debits):</u></b>									
Energy Charges - (On Peak)	\$27,124.94	\$99,028.68	\$43,518.95	\$177,972.24	\$9,169.44	\$197.70	\$229.12	\$30.72	\$238.93
Energy Charges - (Replacement/Off Peak)					\$7,069.20				
Net Congestion, Losses, FTR		\$10,497.92	\$5,269.83	\$1,053.96			\$2,500.04	\$346.11	\$130.69
Transmission Charges (Energy-Debits)			\$32,244.46						
ESPP Charges									
Bill Adjustments (General & Rate Levelization)		-\$223.43	\$9,122.46			\$209.25	\$72,630.27	\$6,952.52	\$3,439.58
<b><u>ENERGY CHARGES (-Credits or Adjustments):</u></b>									
Energy Charges - On Peak (Sale or Rate Stabilization)					-\$39,280.52				
Net Congestion, Losses, FTR									
Bill Adjustments (General & Rate Levelization)							-\$3,201.19	-\$598.72	-\$316.00
<b>Sub-Total Energy Charges</b>	<b>\$27,124.94</b>	<b>\$109,303.17</b>	<b>\$90,155.70</b>	<b>\$179,026.20</b>	<b>-\$23,041.88</b>	<b>\$406.95</b>	<b>\$72,158.24</b>	<b>\$6,730.63</b>	<b>\$3,493.20</b>
<b><u>TRANSMISSION &amp; SERVICE CHARGES, MISC.:</u></b>									
RPM / PJM Charges Capacity - (+Debit)									
RPM / PJM Charges Capacity - (-Credit)									
Service Fees AMP-Dispatch Center - (+Debit/-Credit)									
Service Fees AMP-Part A - (+Debit/-Credit)									
Service Fees AMP-Part B - (+Debit/-Credit)									
Other Charges & Bill Adjustments - (+Debit/-Credit)									
<b>Sub-Total Service Fees &amp; Other Charges</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>TOTAL - ALL COSTS OF PURCHASED POWER</b>	<b>-\$19,755.56</b>	<b>\$158,092.88</b>	<b>\$229,720.64</b>	<b>\$179,026.20</b>	<b>-\$23,041.88</b>	<b>-\$1,216.33</b>	<b>\$226,951.21</b>	<b>\$24,534.36</b>	<b>\$10,413.45</b>
<i>Purchased Power Resources - Cost per kWh-&gt;</i>	<i>-\$0.065949</i>	<i>\$0.047355</i>	<i>\$0.064165</i>	<i>\$0.063323</i>	<i>-\$0.032883</i>	<i>-\$0.286061</i>	<i>\$0.141792</i>	<i>\$0.081956</i>	<i>\$0.065907</i>



<b>BILLING SUMMARY AND CONS</b>									
<b>2017 - AUGUST BILLING WITH JULY 2017 DATA</b>									
<b>PREVIOUS MONTH'S POWER BILLS - PU</b>									
<b>DATA PERIOD</b>									
AMP-Ohio Bill Month									
City-System Data Month									
City-Monthly Billing Cycle									
	===== WIND =====			=== SOLAR ===	=== TRANSMISSION, SERVICE FEES & MISC. CONTRACTS ===				
(	NYPA	JV-5	JV-6	AMP SOLAR	EFFNCY.SMART	TRANSMISSION	SERVICE FEES	MISCELLANEOUS	TOTAL -
<b>PURCHASED POWER-RESOURCES -&gt; (</b>	<b>HYDRO</b>	<b>HYDRO</b>	<b>WIND</b>	<b>PHASE 1</b>	<b>POWER PLANT</b>	<b>CHARGES</b>	<b>DISPATCH, A &amp; B</b>	<b>CHARGES &amp;</b>	<b>ALL</b>
(	SCHED. @ NYIS	7x24 @ ATSI	SCHED. @ ATSI	SCHED. @ ATSI	2014 - 2017	Other Charges	Other Charges	LEVELIZATION	RESOURCES
Delivered kWh (On Peak) ->	652,073	2,297,472	17,589	165,789	0	0	0	0	15,460,738
Delivered kWh (Off Peak) ->									302,872
Delivered kWh (Replacement/Losses/Offset) ->		33,544							33,544
Delivered kWh/Sale (Credits) ->									-1,223,808
<b>Net Total Delivered kWh as Billed -&gt;</b>	<b>652,073</b>	<b>2,331,016</b>	<b>17,589</b>	<b>165,789</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14,573,346</b>
Percent % of Total Power Purchased->	4.4744%	15.9951%	0.1207%	1.1378%	0.0000%	0.0000%	0.0000%	0.0000%	100.0003%
								Verification Total ->	100.0000%
<b>COST OF PURCHASED POWER:</b>									
<b>DEMAND CHARGES (+Debits)</b>									
Demand Charges	\$6,208.37	\$39,094.09	\$1,545.40			\$141,373.60			\$325,020.58
Debt Services (Principal & Interest)		\$55,367.84							\$371,326.48
<b>DEMAND CHARGES (-Credits)</b>									
Transmission Charges (Demand-Credits)		-\$13,656.21	-\$76.50						-\$45,913.46
Capacity Credit	-\$4,310.35	-\$14,428.23	-\$119.33						-\$120,067.10
<b>Sub-Total Demand Charges</b>	<b>\$1,898.02</b>	<b>\$66,377.49</b>	<b>\$1,349.57</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$141,373.60</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$530,366.50</b>
<b>ENERGY CHARGES (+Debits):</b>									
Energy Charges - (On Peak)	\$7,975.67	\$42,326.66		\$14,423.63		\$7,128.63			\$429,365.31
Energy Charges - (Replacement/Off Peak)									\$7,069.20
Net Congestion, Losses, FTR	\$1,176.00								\$20,974.55
Transmission Charges (Energy-Debits)									\$32,244.46
ESPP Charges					\$18,154.46				\$18,154.46
Bill Adjustments (General & Rate Levelization)								-\$80,000.00	\$12,130.65
<b>ENERGY CHARGES (-Credits or Adjustments):</b>									
Energy Charges - On Peak (Sale or Rate Stabilization)									-\$39,280.52
Net Congestion, Losses, FTR									\$0.00
Bill Adjustments (General & Rate Levelization)	\$956.73								-\$3,159.18
<b>Sub-Total Energy Charges</b>	<b>\$10,108.40</b>	<b>\$42,326.66</b>	<b>\$0.00</b>	<b>\$14,423.63</b>	<b>\$18,154.46</b>	<b>\$7,128.63</b>	<b>\$0.00</b>	<b>-\$80,000.00</b>	<b>\$477,498.93</b>
<b>TRANSMISSION &amp; SERVICE CHARGES, MISC.:</b>									
RPM / PJM Charges Capacity - (+Debit)						\$175,110.46			\$175,110.46
RPM / PJM Charges Capacity - (-Credit)									\$0.00
Service Fees AMP-Dispatch Center - (+Debit/-Credit)							\$479.32		\$479.32
Service Fees AMP-Part A - (+Debit/-Credit)							\$2,946.27		\$2,946.27
Service Fees AMP-Part B - (+Debit/-Credit)							\$8,474.14		\$8,474.14
Other Charges & Bill Adjustments - (+Debit/-Credit)							-\$139.69	-\$2,416.04	-\$2,555.73
<b>Sub-Total Service Fees &amp; Other Charges</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$175,110.46</b>	<b>\$11,760.04</b>	<b>-\$2,416.04</b>	<b>\$184,454.46</b>
<b>TOTAL - ALL COSTS OF PURCHASED POWER</b>	<b>\$12,006.42</b>	<b>\$108,704.15</b>	<b>\$1,349.57</b>	<b>\$14,423.63</b>	<b>\$18,154.46</b>	<b>\$323,612.69</b>	<b>\$11,760.04</b>	<b>-\$82,416.04</b>	<b>\$1,192,319.89</b>
								Verification Total ->	\$1,192,319.89
<b>Purchased Power Resources - Cost per kWh-&gt;</b>	<b>\$0.018413</b>	<b>\$0.046634</b>	<b>\$0.076728</b>	<b>\$0.087000</b>	<b>\$0.000000</b>	<b>\$0.000000</b>	<b>\$0.000000</b>	<b>\$0.000000</b>	<b>\$0.081815</b>
									(Northern Pool Power - On-Peak + Off-Peak - Energy Charge/kWh) = JV2 Electric Service Rate -> \$0.022959
									(Northern Pool Power - On-Peak + Off-Peak - Energy Charge/kWh) = JV5 Electric Service Rate -> \$0.022959



# *City of Napoleon, Ohio*

## *Department of Public Works*

*255 West Riverview Avenue, P.O. Box 151*

*Napoleon, OH 43545*

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

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

*www.napoleonohio.com*

## *Memorandum*

**To:** *Joel L. Mazur, City Manager*  
**From:** *Chad E. Lulfs, P.E., P.S., Director of Public Works*  
**cc:** *Mayor & City Council*  
*Greg Heath, City Finance Director*  
*Jeff Rathge, Operations Superintendent*  
**Date:** *September 12, 2017*  
**Subject:** *2017 Manhole Lining – Approval of Specifications  
& Bid Documents*

The City of Napoleon's Department of Public Works requests approval of the specifications and bid documents for the above referenced project. This project consists of lining the remaining manholes listed in the City of Napoleon's Inflow & Infiltration (I&I) studies. This work is required as part of the Long Term Control Plan (L.T.C.P.).

The approved budget for this project is \$40,000.00; the Engineer's Estimate is \$60,000.00. I am requesting to use funds available in this account to allow us to complete the remaining manholes in the L.T.C.P.

*CEL*

# PC 17-04

## Medical Marijuana Moratorium

### MEMORANDUM

**TO:** Members of The City Planning Commission  
**FROM:** Mark B. Spiess, Sr. Eng. Tech. / Zoning Admin.  
Billy Harmon, Law Director  
**SUBJECT:** Medical Marijuana Moratorium  
**MEETING DATE:** September 12, 2017 @ 5:00 PM  
**HEARING #:** PC-17-04

#### **BACKGROUND:**

On September 8, 2016, Ohio House Bill 523, took effect approving a Medical Marijuana Control Program, under which licensed medical marijuana cultivators, processors, dispensaries, and testing laboratories could legally operate within the State of Ohio. The State of Ohio is currently creating rules related to the Medical Marijuana Control Program, with a legal mandate of having a functioning system of operating medical marijuana cultivators, processors, dispensaries, and testing laboratories in place by September 8, 2018. The City of Napoleon, Ohio, pursuant to Ohio House Bill 523 and other law, has the power to create zoning and licensing laws relating to these medical marijuana entities.

Ohio House Bill 523, however, creates a direct conflict between Ohio law and federal law. The federal Controlled Substances Act (“CSA”) currently designates marijuana as a Schedule I controlled substance which makes its use for any purpose, including medical applications, a crime. 21 USC §§ 812(b)(1), 841(a)(1). Additionally, under the CSA, it is illegal to manufacture, distribute, or dispense a controlled substance, including marijuana (21 USC § 841(a)(1)), or conspire to do so (21 USC § 846). Consequently, any person or entity engaged in the cultivating, processing, prescribing, or use of medical marijuana does so in violation of federal law. Federal laws ordinarily preempt and trump inconsistent state laws under the federal Supremacy Clause. In this situation it is clear that federal law does preempt state law.

In 2013, the U.S. Department of Justice (“USDOJ”), under the Obama Administration, issued a memorandum stating its general policy not to interfere with the medical use of marijuana pursuant to state laws, provided the state tightly regulates and controls the medical marijuana market. Memorandum from James M. Cole, Deputy Attorney General, to All United States Attorneys, Guidance Regarding Marijuana Enforcement (August 29, 2013) (“Cole Memorandum”). The Cole Memorandum does not override federal law enacted by Congress or grant immunity to individuals or businesses from federal prosecution. It is unclear whether the current administration will continue with the above policy or begin prosecuting those currently violating federal law.

## **FINDINGS**

1. A medical marijuana entity seeking to obtain a local operating license from the City of Napoleon under H.B. 523 seeks to obtain a license to conduct illegal activity.

## **RECOMMENDED CONDITIONS :**

1. This Commission should recommend to Council that it enact an absolute prohibition on the cultivation, processing, testing, packing, storage, and retail of marijuana within the City of Napoleon. The City cannot grant permits to violate the law.

## CITY PLANNING COMMISSION OF NAPOLEON, OHIO

In the matter of:

HEARING NO. PC17-04

Medical Marijuana Moratorium

### **FINDINGS OF FACT RECOMMENDATIONS**

Napoleon, Ohio 43545

On September 8, 2016, Ohio House Bill 523, took effect approving a Medical Marijuana Control Program, under which licensed medical marijuana cultivators, processors, dispensaries, and testing laboratories could legally operate within the State of Ohio. The State of Ohio is currently creating rules related to the Medical Marijuana Control Program, with a legal mandate of having a functioning system of operating medical marijuana cultivators, processors, dispensaries, and testing laboratories in place by September 8, 2018. The City of Napoleon, Ohio, pursuant to Ohio House Bill 523 and other law, has the power to create zoning and licensing laws relating to these medical marijuana entities.

Ohio House Bill 523, however, creates a direct conflict between Ohio law and federal law. The federal Controlled Substances Act ("CSA") currently designates marijuana as a Schedule I controlled substance which makes its use for any purpose, including medical applications, a crime. 21 USC §§ 812(b)(1), 841(a)(1). Additionally, under the CSA, it is illegal to manufacture, distribute, or dispense a controlled substance, including marijuana (21 USC § 841(a)(1)), or conspire to do so (21 USC § 846). Consequently, any person or entity engaged in the cultivating, processing, prescribing, or use of medical marijuana does so in violation of federal law. Federal laws ordinarily preempt and trump inconsistent state laws under the federal Supremacy Clause. In this situation it is clear that federal law does preempt state law.

In 2013, the U.S. Department of Justice ("USDOJ"), under the Obama Administration, issued a memorandum stating its general policy not to interfere with the medical use of marijuana pursuant to state laws, provided the state tightly regulates and controls the medical marijuana market. Memorandum from James M. Cole, Deputy Attorney General, to All United States Attorneys, Guidance Regarding Marijuana Enforcement (August 29, 2013) ("Cole Memorandum"). The Cole Memorandum does not override federal law enacted by Congress or grant immunity to individuals or businesses from federal prosecution. It is unclear whether the current administration will continue with the above policy or begin prosecuting those currently violating federal law.

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.

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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 PC17-04 regarding the recommendation of the Medical Marijuana Moratorium is as follows:

	Approval	Disapproval	Abstain
Robert McLimans, Chair	___✓___	_____	_____
Fredric Furney	___✓___	_____	_____
Tim Barry ( <i>absent</i> )	_____	_____	_____
Marv Barlow	___✓___	_____	_____
Jason Maassel, Mayor	___✓___	_____	_____

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 OF NAPOLEON, OHIO

255 West Riverview Avenue • PO 151 • Napoleon, Ohio 43545-0151

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

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

Web Page: [www.napoleonohio.com](http://www.napoleonohio.com)

E-mail: [gheath@napoleonohio.com](mailto:gheath@napoleonohio.com)

DATE: September 15, 2017

TO: Members of City Council  
Jason P. Maassel, Mayor  
Joel L. Mazur, City Manager  
Billy D. Harmon, City Law Director

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

SUBJECT: Remaining Agricultural District Renewal Requests

In May of this year City Council previously approved six (6) individual Agricultural (Ag) District renewal requests. At that time there were remaining three (3) Ag Districts that the County has not yet received the paper work from those property owners.

Since then the County has received the Ag District requests from the remaining property owners and forwarded a copy onto the City for its action. The requests received are as follows: (See Copies Attached)

> Michael W. Adams, Trustee 9.09 Acres  
> Keith Fruchey 11.94 Acres  
> Paul D. Martin, ETUX 12.08 Acres

I am requesting City Council to set a Public Hearing for 6:55 PM on Monday, October 2, 2017, for these requested Ag Districts. In addition, I am requesting City Council to direct the Law Director to draft Legislation for these Ag Districts.

Please let me know if you have any questions regarding these districts.  
Thank you.

### Attachments

Cc: Ms. Christine R. Peddicord, Assistant Finance Director



RENEWAL APPLICATION  
L DISTRICT (ORC 929.02)

FILE NUMBER 120080  
Property Location

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



A. Owner's Name & Address / Parcel Information  
 Parcel Number Acres Description Of Land  
 24-190076.0300 11.9400 PCL PT W 1/2 NW 1/4

FILE NUMBER 120084  
 Property Location  
 APPIAN AVENUE

Total Number of Acres: 11.9400

FRUCHEY, KEITH

P.O. BOX 161  
 NAPOLEON OHIO 43545

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

C. Is the land presently being taxed at its current agricultural use valuation under Section 5713.31 O.R.C. ? Yes X No    CAUV# 1329

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

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

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

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

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

Signature of Owner Keith Frueh Date 5/23/17

\*\*\*\*\* DO NOT COMPLETE FOR OFFICAL USE ONLY \*\*\*\*\*

\*\*\* ACTION OF COUNTY AUDITOR: \*\*\* CAUV Application No.   

Application Approved    Rejected   \*

Date Application Filed with County Auditor   

Date Filed (if required) with Clerk of Municipal Corporation   

County Auditor's Signature    Date   

Date Decision Mailed to Applicant    Certified Mail No.   

\*\*\* ACTION OF LEGISLATIVE BODY OF MUNICIPAL CORPORATION: \*\*\*

Application Approved    Approved with Modifications   , \* Rejected   \*

Date Application Filed with Clerk   

Date of Public Hearing    Date of Legislative Action   

Clerks Signature    Date   

Date Decision Mailed to Applicant    Certified Mail No.   

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



A. Owner's Name & Address / Parcel Information  
 Parcel Number Acres Description Of Land  
 27-060014.0200 12.0800 PCL PT SW 1/4

FILE NUMBER 120081  
 Property Location  
 COUNTY ROAD R

Total Number of Acres: 12.0800

MARTIN, PAUL D., ETUX

14 854 COUNTY ROAD U  
 NAPOLEON OHIO 43545

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

C. Is the land presently being taxed at its current agricultural use valuation under Section 5713.31 O.R.C. ? Yes ☒ No ☐ CAUV# 2905

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

Cropland			
Permanent Pasture for animal husbandry			
Woodland=commercial timber,nursery stock			
Land Retirement or Conservation Program pursuant to agreement with federal agency			
Building areas devoted to AGR production			
Roads,other areas not used AGR production			
TOTAL ACRES			

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

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

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

Signature of Owner Paul D. Martin Date 7-25-2017

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

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

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

*City of Napoleon, Ohio*

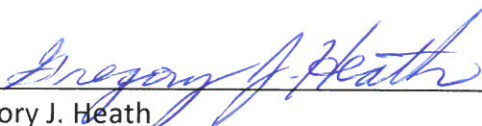
## **TREE COMMISSION**

### **MEETING AGENDA**

**Monday, September 18, 2017 at 6:00 pm**

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

1. Approval of Minutes from August 21, 2017 *(In the absence of any objections or corrections, the Minutes shall stand approved.)*
2. Review Tree Call Reports.
3. Fall Contracts Update.
4. Award Fall Planting Contract.
5. Award Fall Trimming Contract.
6. Begin Spring Plantings List.
7. Review Next Year's Budget/Plans.
8. Any other matters to come before the Commission
9. Adjournment

  
\_\_\_\_\_  
Gregory J. Heath  
Finance Director/Clerk of Council





# *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](http://www.napoleonohio.com)

## *Memorandum*

**To:** City Council, Mayor, City Law Director, City  
Manager, Department Supervisors, Newsmedia  
**From:** Gregory J. Heath, Finance Director/Clerk of *GA*  
Council  
**cc:**  
**Date:** September 15, 2017  
**Subject:** Parks & Recreation Committee – Cancellation

The regularly scheduled meeting of the Parks and Recreation Committee for Monday, September 18, 2017 at 6:00 pm has been CANCELED due to lack of agenda items.



# 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 *G.J.H.*  
**Date:** September 15, 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, September 18, 2017 at 6:15 pm has been CANCELED at the direction of the Chair.

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 [Send to a Colleague](#)



**September 15, 2017**

The Ohio General Assembly is officially back from summer recess this week. Multiple committees held hearings throughout the week and the House held session on Wednesday. The OML continues to attend committee hearings, track legislation and meet with legislators on both current and proposed legislation. In addition to the legislative activity picking-up, the OML Annual Conference is practically here! The final touches are being made to the program and we are really excited about the speakers and important issues covered on the agenda. Again, this year we have invited members of the General Assembly to join us at any of the sessions or at the luncheon Thursday to hear nationally syndicated columnist, pundit, author and radio commentator Cal Thomas share his insights on the state of politics in America, providing common sense perspectives to uncommon circumstances. Registration material is available on our new website, which you can access [HERE](#). Please click and register to take advantage of our early bird registration discount. Unfortunately, at this time, attendees are unable to pay for the conference through the website, as we are working through some technical timelines to get that service up but we are closer to having that option available. We will announce to our members once that feature comes on-line, in the very near future. We are looking forward to seeing everyone November 1-3rd at the downtown Columbus Renaissance hotel for the conference!

### **COMMITTEES HEAR BILLS OF MUNICIPAL INTEREST**

Multiple committees in both the House and Senate held hearings this week that included bills of municipal interest. The Senate Local Government, Public Safety and Veterans Affairs committee held a first hearing on HB 125, sponsored by Rep. Craig (D - Columbus) and Rep. Seitz (R - Cincinnati). The bill specifies that small municipalities without mayor's courts may not charge fines and fees for traffic violations that exceed the amounts charged by the state, municipal or county schedule. Rep. Craig stated during testimony that the bill addressed the issue of fairness by ensuring some drivers were not subjected to speed traps that resulted in exceedingly large fines. Both Representatives cited they had heard of some municipalities charging up to \$1,500 in traffic penalties. The bill was amended to specify that township police do not have the jurisdiction to use traffic cameras on interstates, which Rep. Seitz said was a "loophole" in current law.

The Senate Judiciary Committee heard proponent testimony on Sub. HB 38, sponsored by Rep. Greenspan (R - Westlake) which makes killing a first responder or member of the military a first-degree felony if the murder was done solely on the basis that the individual was either a first responder or a member of the military. "No first responder

should have to worry or wonder whether the call they are responding to is legitimate or is an attempt to lure them to a location," said U.S. Marshal Peter Elliott, of the Northern District of Ohio, who offered proponent testimony on the bill.

HB 54, sponsored by Rep. Blessing (R - Colrain) and Rep. Gaverone (R - Bowling Green), heard proponent testimony in the Senate Finance Committee. The bill creates a state bond bank under the authority of the Ohio Treasurer's office for permanent improvement projects for qualifying local governments. The sole testifier was a representative from the Treasurer of State's office. Rep. Skindell (D - Lakewood) asked that the bill language be clarified to specify the state's "full faith and credit" would not be behind the proposed state bond bank. The Treasurer's office agreed to look into the proposed change. Sen. Coley (R - Liberty Township) wanted to know why the bill proposed to have the Treasurer's office compete with private banks, who also offer bonds to local authorities for permanent improvement projects. The Treasurer's office responded that the proposed state bond bank would remove the cost barriers some municipalities face in procuring those bonds.

The House Public Utilities Committee heard sponsor testimony for Rep. Duffey's (R - Worthington) bill, HB 249, which grants the Public Utilities Commission of Ohio the authority to set regulations over utility reselling. The bill's language says it does not limit the authority of a municipality to "prohibit or limit residential utility reselling."

HB 263, sponsored by Rep. Lanese (R - Grove City) allows dogs on outdoor dining area at the discretion of the restaurant. Heard in the House Economic Development, Commerce and Labor Committee for sponsor testimony. This bill preempts the authority of municipalities to set health regulations by instead allowing the individual restaurant to decide whether or not dogs are allowed on restaurant patios.

The companion legislation for HB 264 is SB 182 Rep. Coley (R - Liberty Township). It received sponsor testimony this week in Senate Health, Human Services and Medicaid. When fielding questions after his testimony, Sen. Coley said he would not support adding language to the bill that would require restaurant owners to remove pets from a patio if a patron complained of a dog allergy, nor would he support requiring the restaurant to post signs stating their policies.

HB 226, presented by Rep. Seitz and Rep. Sweeney (D - Cleveland) establishes a fireworks study group and legalizes the sale, possession and use of fireworks within Ohio. It was passed 11-1 out of the House Government Accountability and Oversight Committee. This bill as initially drafted included provisions that preempted local ordinance over the use of fireworks; however, that language was removed before the bill passed out of the House.

Two bills by Rep. Henne (R - Clayton), HB 268 and HB 269, deal with Worker's Compensation Law. HB 268 changes the aspects of the self-insuring employers section of the law, including expanding the number of companies that qualify by BWC regulations to self-insure, as well as allowing current self-insurers to transfer their exposure to a third party. "Options save money and offer a more competitive product or service," said Rep. Henne. "Right now BWC is the only game in town." HB 269 generally overhauls worker's compensation, including incentivizing the participation in safety programs, mandating the BWC create individualized "return-to-work" plans for all workers on temporary total disability, and end all wage replacement at retirement. Both received sponsor testimony in the House Insurance Committee.



HB 26, sponsored by Rep. Ingram (D - Cincinnati) eliminates certain defenses to a political subdivision's liability when an employee negligently operates a motor vehicle. According to the language, political subdivision immunity would have zero immunity in every instance there is a motor vehicle accident involving a government vehicle, except in the instance where an individual crashes his or her car during a police chase. It received sponsor testimony in House Civil Justice Committee.

### **OML HOLDS THIRD QUARTERLY MUNICIPAL ADVOCATE ROUNDTABLE**

On Thursday, the league hosted a third meeting of municipal advocates across the state to discuss issues being addressed by the legislature and matters of municipal concern. The discussion focused mainly on several key issues, one of which was the municipal net profit centralized collection language in HB 49, the recently-passed budget bill and the conversations of municipalities coalescing together to join a lawsuit against the enactment of that proposal. The group also discussed the status of the small cell infrastructure language that was included in SB 331 last year and the conversations that have been occurring about alternate legislative language. Finally, the group discussed the evolving concerns of the opioid epidemic in Ohio and how to forge better partnerships with the state to address the challenges facing cities and villages and other legislation current and on the horizon that would impact municipalities.

The meeting was insightful and productive, and we appreciate all who were able to attend, including Gene Hollins from Frost Brown Todd LLC, who provided the group with an update on the status of the conversations occurring regarding the centralized collection challenge. The league is organizing these quarterly meetings to facilitate important discussions and to provide an opportunity for legislative advocates on Capital Square with municipal clients to receive and share the most timely information on matters impacting Ohio's municipalities in an effort to better ensure a coordinated and cohesive approach to educating members of the Ohio General Assembly of the needs and concerns of cities and villages.

### **CALL TO TESTIFY: HB 163, PREVAILING WAGE LEGISLATION**

On Tuesday, Sept. 19 at 1:30 p.m. in Statehouse Hearing Room 113, the House Economic Development, Commerce and Labor Committee will be holding a second hearing on HB 163, legislation introduced by Reps. Kristina Roegner (R-Hudson) and Craig Riedel (R-Defiance) that would grant local governments the permissive authority to opt out of the state's prevailing wage law for publicly funded construction projects that exceed \$250,000 in value. The hearing is for proponents only.

Those who are interested in testifying in support of the legislation can contact committee chairman Rep. Ron Young's office at [rep61@ohiohouse.gov](mailto:rep61@ohiohouse.gov) or (614) 644-6074 for a witness slip and to be added to the list of those interested in testifying. The chairman asks that a written copy of testimony to be submitted to his office 24 hours before the hearing or by Monday, Sept. 18 at 1:30 p.m.

If you have any questions, please contact OML Director of Communications Ashley Brewster at 614-221-4349 or the chairman's office.

### **HOUSE PASSES POLICE CHIEF TRAINING, DISASTER RELIEF BILLS**

On Wednesday, the Ohio House of Representatives passed two bills that impact municipalities. The first is HB 133, Rep. Ryan's (R - Newark) Disaster Relief act. It exempts out-of-state disaster businesses and qualifying out-of-state disaster relief

workers from state and local taxation for up to 60 days when a presidential emergency is declared due to a natural disaster and critical infrastructure repairs are performed. The bill passed unanimously and will head to the Senate for consideration.

The second is SB 37 (Hite), which requires the Ohio Peace Officer Training Commission to develop and conduct a chief of police training course for newly-appointed chiefs of police for villages, cities and townships. It passed 88-9 and will head to the Governor for his signature.

### **BILLS OF MUNICIPAL INTEREST INTRODUCED THIS WEEK.**

Several bills were introduced this week that would impact municipalities. Two are from Rep. Merrin (R - Monclova Township) which includes HB 343 that would require local governments that contest property values to formally pass an authorizing resolution for each individual contest and to notify each property owner. Also, HB 342 was introduced which only allows local tax-related proposals to appear on general and primary election ballots.

HB 339 was introduced by Representatives Schaffer (R - Lancaster) and Hagan (R - Alliance) which would license residential only construction contractors and changes the law regulating construction contractors.

We will be monitoring these bills closely and update our members on their movements.

### **NATIONAL LEAGUE OF CITIES UNVEILS NEW REPORT**

The National League of Cities has released their latest report, City Fiscal Conditions 2017. The report, which you can read [HERE](#), indicates a potential slowdown in the municipal finance sector as city fiscal growth contracts for the second consecutive year. The findings are an important and insightful means to understanding conditions that relate to municipal fiscal health across the nation and the factors that impact the viability of municipalities in Ohio and across the country.

### **COMMITTEE SCHEDULE FOR THE WEEK OF SEPTEMBER 17, 2017**

#### **Tuesday, September 19, 2017**

##### **HOUSE FINANCIAL INSTITUTIONS, HOUSING AND URBAN DEVELOPMENT**

Tue., Sep. 19, 2017, 9:00 AM, Hearing Room 114

Rep. Dever: 614-466-8120

**[HB251\\*\\*](#)** BOND AND OBLIGATION MATURATION (GREENSPAN D) To increase from five to ten years the maturity period of other political subdivision's bonds and obligations eligible for investment of a subdivision's interim moneys.

**Third Hearing, All Testimony**

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

##### **HOUSE WAYS AND MEANS**

Tue., Sep. 19, 2017, 9:00 AM, Hearing Room 121

Rep. Schaffer: 614-466-8100

**[HB292\\*\\*](#)** STATE OF RESIDENCE TEST (SCHERER G) To modify the test for determining an individual's state of residence for income tax purposes.

**First Hearing, Sponsor Testimony**

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

## SENATE LOCAL GOVERNMENT, PUBLIC SAFETY AND VETERANS AFFAIRS

Tue., Sep. 19, 2017, 9:45 AM, South Hearing Room

Sen. Uecker: 614-466-8082

**SB127\*\*** WASTE COLLECTION VEHICLE PROTECTIONS (LAROSE F) To require motor vehicle operators to take certain actions upon approaching a stationary waste collection vehicle collecting refuse on a roadside.

### **Second Hearing, Proponent Testimony**

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

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

### **Second Hearing, Proponent Testimony, AMENDMENTS**

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

## SENATE JUDICIARY

Tue., Sep. 19, 2017, 10:15 AM, North Hearing Room

Sen. Bacon: 614-466-8064

**SB180\*\*** FIREARM RELATED LAWS-CHANGES (UECKER J, HOTTINGER J) To assign to the prosecution the burden of disproving a self-defense or related claim, to expand the locations at which a person has no duty to retreat before using force under both civil and criminal law, and to modify the Concealed Handgun Licensing Law regarding a licensee's duty to keep the licensee's hands in plain sight, the penalties for illegally carrying a concealed firearm or improperly handling firearms in a motor vehicle, and the posting of warning signs regarding the possession of weapons on specified premises.

### **First Hearing, Sponsor Testimony**

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

## HOUSE ECONOMIC DEVELOPMENT, COMMERCE AND LABOR

Tue., Sep. 19, 2017, 1:30 PM, Hearing Room 113

Rep. Young: 614-644-6074

**HB163\*\*** PREVAILING WAGE PUBLIC IMPROVEMENT PROJECTS (ROEGNER K, RIEDEL C) To allow political subdivisions, special districts, and state institutions of higher education to elect to apply the Prevailing Wage Law to public improvement projects.

### **Second Hearing, Proponent Testimony**

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

## SENATE FINANCE

Tue., Sep. 19, 2017, 2:30 PM, Senate Finance Hearing Room

Sen. Oelslager: 614-466-0626

**HB54\*\*** STATE REVENUE OBLIGATIONS (BLESSING III L, GAVARONE T) To authorize the Treasurer of State to issue revenue obligations of the state for the purpose of making loans to qualifying public entities for their acquisition of permanent improvements through the Treasurer of State's purchase of public obligations of those qualifying entities.

### **Third Hearing, Opponent/Interested Party Testimony**

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

## Wednesday, September 20, 2017

## SENATE WAYS AND MEANS

Wed., Sep. 20, 2017, 9:00 AM, South Hearing Room

Sen. Eklund: 614-644-7718

**SB113\*\*** VEHICLE REGISTRATION TAX (COLEY W) To levy an additional registration tax on passenger cars, noncommercial motor vehicles, and commercial cars and trucks beginning on January 1, 2020; to authorize a per-gallon motor fuel retail price reduction for consumers that is equal to the state per-gallon motor fuel tax of \$.28; and to exempt each gallon of motor fuel that is sold at the reduced retail price from the state motor fuel tax.

**Second Hearing, Proponent Testimony**

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

**HB69\*\*** LEVY REVENUE REIMBURSEMENT (CUPP B) To require reimbursement of certain township fire and emergency medical service levy revenue forgone because of the creation of a municipal tax increment financing district.

**Second Hearing, Proponent Testimony**

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

**HOUSE FINANCE**

Wed., Sep. 20, 2017, 9:30 AM, Hearing Room 313

Rep. Smith: 614-466-1366

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

**Second Hearing, No Testimony, AMENDMENTS/POSSIBLE VOTE**

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

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

**First Hearing, Sponsor Testimony**

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

**HOUSE CIVIL JUSTICE**

Wed., Sep. 20, 2017, 2:30 PM, Hearing Room 121

Rep. Butler, Jr.: 614-644-6008

OR AFTER SESSION

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

**Second Hearing, Proponent Testimony**

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

**SENATE ENERGY AND NATURAL RESOURCES**

Wed., Sep. 20, 2017, 2:30 PM, Senate Finance Hearing Room

Sen. Balderson: 614-466-8076

**SB51\*\*** LAKE ERIE IMPROVEMENT DISTRICT (SKINDELL M, EKLUND J) To authorize the creation of a special improvement district to facilitate Lake Erie shoreline improvement.

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

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

**CHECK OUR WEBSITE MONDAY FOR ANY COMMITTEE SCHEDULE  
UPDATES**



# Update

*A weekly newsletter presented by AMP President/CEO Marc Gerken*

**September 8, 2017**

## **Gerken testifies before U.S. Senate**

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

AMP President/CEO Marc Gerken testified Sept. 7 before the U.S. Senate Homeland Security and Governmental Affairs Committee Permanent Subcommittee on Investigations about the need to streamline and improve the infrastructure licensing and permitting process.



AMP has a unique perspective on infrastructure development and regulatory processes as it just completed the largest development of new run-of-the-river hydropower generation in the United States today with four new run-of-the-river projects at existing dams on the Ohio River. AMP also is the sponsor of one of the initial projects included in the recently established Federal Permitting Improvement Steering Council inventory - the potential RC Byrd Hydropower Project.

"The siting and permitting processes for any new generating asset are not for the faint of heart," said Gerken. "However, the licensing and permitting processes for hydropower are especially arduous and typically take more than a decade."

Approvals for hydropower developments are required from multiple entities, including federal and state agencies. These agencies require separate, and often duplicative, licensing and permitting processes. This labyrinth of the approval process creates incredible uncertainty for hydropower developments.

"The regulatory process plays a critical role in a project schedule and ultimately can drive whether or not a project comes to fruition. It is imperative that more be accomplished to eliminate overlapping reviews and streamline the process to make it more predictable and economically viable," said Gerken. "We are supportive of the efforts of U.S. Senator Rob Portman and his colleagues, which resulted in the Federal Permitting Improvement Steering Council coordination process and project dashboard, and it's important that the council receive appropriate federal funding and leadership."

Hydroelectric generation has long provided a number of benefits, including renewable energy, favorable capacity factors, low operation and maintenance costs, and an 80-100 year lifespan. The recent Hydropower Vision Report by the U.S. Department of Energy ([report](#)) indicated that the United States has the potential to increase capacity from hydro by nearly 50 percent by 2050.

A copy of the testimony can be found [here](#).

## **Several AMP members sending crews to help with Hurricane Irma**

*By Michelle Palmer, PE - vice president of technical services*



As Hurricane Irma sets her sites on Florida, several AMP member line crews are answering the call for mutual aid. Florida utilities are quickly preparing for the worst and have requested that crews begin to mobilize over the weekend. A crew from Westerville departed on Thurs. to wait out the storm before assisting restoration efforts in Clewiston, Florida. Other crews from Bryan, Bowling Green, Wapakoneta, Coldwater, Montpelier, Napoleon, Pemberville, Hamilton, Tipp City, Piqua, St. Marys, Orrville, Wadsworth, and Hudson will make their way south in preparation to help Tallahassee and Homestead, Florida, and possibly others, depending on the path. APPA has been holding daily calls to ensure mutual aid coverage amongst its members, and is helping to coordinate resources. In addition to the crews from AMP member communities, crews from Wisconsin, Minnesota, Tennessee and others will provide assistance to Florida, South Carolina and Georgia utilities.



Credits: NASA/NOAA GOES Project

AMP's Mutual Aid program is a network of municipal systems that stands ready to provide assistance to fellow municipal systems when local utility emergencies occur that are too widespread to be handled by one system alone.

Mutual Aid guidelines, standard operating procedures, and sector coordinator contact information are available in the online Member Directory, found on the Member Extranet section of AMP's website ([login required](#)). Assistance outside of the AMP network, through APPA, is also available when and if the need arises. If you have questions about the mutual aid program, please contact Jennifer Flockerzie at 614.540.0853 or [jflockerzie@amppartners.org](mailto:jflockerzie@amppartners.org) or me at 614.614.540.0924 or [mpalmer@amppartners.org](mailto:mpalmer@amppartners.org).

Mutual Aid sector coordinators are:

- **Black Sector** - Donnie Watts, Hamilton
- **Blue Sector** - Doug Hurst, Shelby
- **Gold Sector** - Bill Lyren, Wadsworth
- **Green Sector** - Bob Rumbaugh, AMP
- **Purple Sector** - Jim Haeselar, Schuylkill Haven
- **Red Sector** - Adam Brandt, Bryan

## Smithland certified as a renewable energy resource generating facility

*By Kristin Rothey - assistant deputy general counsel & Erin Miller - director of energy policy & sustainability*

This week the Public Utilities Commission of Ohio (PUCO) certified the Smithland hydroelectric plant as an Ohio Renewable Energy Resource Generating Facility - a week after the facility began commercial operations on its third and final unit. In Ohio, a generating facility must be certified as a renewable energy resource by the PUCO in order to generate and sell renewable energy credits (RECs). Those RECs can then be sold to entities that are required to meet Ohio's Renewable Portfolio Standards.

Smithland now joins the other AMP member hydroelectric plants that have been certified to generate RECs in Ohio including: Belleville, Greenup, Cannelton, Meldahl and Willow Island. AMP successfully obtained REC certification for some of the hydroelectric plants in other states as well, including Virginia, Pennsylvania, Maryland, Illinois and the District of Columbia.

AMP will continue to seek opportunities to obtain the most value for the RECs generated by AMP and member facilities. If you have any questions, please contact Erin Miller at [emiller@amppartners.org](mailto:emiller@amppartners.org) or Kristin Rothey at [krothey@amppartners.org](mailto:krothey@amppartners.org).

## August 2017: cool temperatures and low prices

*By Mike Migliore -vice president of power supply and marketing*

August 2017 temperatures cooled off from July 2017 and even more from August 2016's record numbers. Prices stayed low as PJM failed to see any system-wide heat while generators maintained above normal availability. Prices for the month were the lowest values seen for a summer since 2009. The highest hourly price at A/D Hub was only \$66/MWh on Aug. 21. Surprisingly, A/D Hub and PJM West saw the same average prices for the month. Both averages were more than \$3/MWh higher than the PP&L Zone rate.

<b>AVERAGE DAILY RATE COMPARISONS</b>			
	<b>August 2017 \$/MWh</b>	<b>July 2017 \$/MWh</b>	<b>August 2016 \$/MWh</b>
<b>A/D Hub 7x24 Price</b>	\$27.08	\$29.83	\$31.10
<b>PJM West 7x24 Price</b>	\$27.08	\$28.88	\$32.60
<b>A/D to AMP-ATSI Congestion/Losses</b>	\$0.78	\$0.37	\$1.43
<b>A/D to Blue Ridge Congestion/Losses</b>	\$0.56	\$0.54	\$0.88
<b>A/D to PJM West Congestion/Losses</b>	\$0.00	-\$0.96	\$1.50
<b>PJM West to PP&amp;L Congestion/Losses</b>	-\$3.19	-\$1.47	-\$4.01
<b>IND Hub to A/D Hub Congestion/Losses</b>	\$0.41	-\$0.11	-\$0.04

## Energy markets update

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

The October 2017 natural gas contract decreased \$0.19/MMBtu to close at \$2.981 yesterday. The EIA reported an injection of 65 Bcf for the week ending Sept. 1, which was consistent with market expectations relative to the Bloomberg estimate of 64 Bcf. Gas in storage now stands at 3,220 Bcf. This is in line with the 5-year average of 3,205 Bcf. Gas in storage for this week one year ago was 3,432 Bcf.

On-peak power prices for 2018 at AD Hub closed yesterday at \$36.14/MWh which was \$.39/MWh higher for the week.

## On Peak (16 hour) prices into AEP/Dayton hub

Week ending Sept. 8

MON	TUE	WED	THU	FRI
\$27.79	\$28.89	\$24.47	\$24.13	\$26.11

Week ending Sept. 1

MON	TUE	WED	THU	FRI
\$30.69	\$27.70	\$30.51	\$28.64	\$24.17

AEP/Dayton 2018 5x16 price as of Sept. 7 — \$36.14

AEP/Dayton 2018 5x16 price as of Aug. 31 — \$35.75

### AFEC weekly update

*By Jerry Willman*

The Fremont plant was available for 2x1 operation for the week. The plant was dispatched on-line last Fri. and Tues. during the on-peak hours, but off-line the remainder of the week due to economics. No duct firing this week. The plant generated at a 11% capacity factor (based on 675 MW rating).

### Karg joins AMP as director of media relations and communications

*By Michael Beirne - vice president of external affairs*

Holly Karg joined AMP this week as director of media relations and communications. She will be responsible for developing AMP's communications strategies, directing internal and external publications and social media, serving as the principal spokesperson for AMP with media outlets and for developing, promoting and implementing opportunities to increase awareness about the benefits of public power.

Karg has more than 15 years of communications experience, specializing in communications strategies, media relations, community/stakeholder outreach programs and online content. Prior to AMP, she served as director of public affairs for the Public Utilities Commission of Ohio and has held similar positions with the Buckeye Institute for Public Policy Solutions, King Strategic Communications and the Ohio State Bar Association. She holds a bachelor's degree in journalism from The Ohio State University.



Please join me in welcoming Holly to AMP.

### Energy efficiency and economic development in Jackson Center

*By Steven Nyeste - communications project manager, Efficiency Smart*

The benefits of energy efficiency in a community can extend beyond lowering energy bills for businesses and residents that have completed improvements. When businesses invest in cost-effective energy efficiency upgrades, it can help them control operating and maintenance costs and makes additional funds available to re-invest into the business. This can help retain or even create additional jobs in the community.



An example of this can be seen in Jackson Center, Ohio, where Efficiency Smart has worked with Airstream on numerous energy efficiency upgrades over the past seven years. The travel trailer and coach manufacturer has upgraded interior and exterior lighting and replaced air compressors with efficient models at its Jackson Center facility.

These investments in energy efficiency have saved the company nearly \$50,000 in annual electric costs and are expected to save more than \$735,000 over the lifetime of the installed products - reducing its energy expenses. This was part of the company's strategy to maintain financial strength during a time of economic downturn. This financial resilience has led to additional business development opportunities in the Village of Jackson Center.

Airstream's chassis supplier was based in Indiana, where it would make the frame and ship it to Jackson Center. Recently, the company moved to Jackson Center, providing more jobs and revenue in the community. It has also reduced the cost of manufacturing the chassis for Airstream. Without Airstream's financial resilience, the supplier may not have invested in moving to Jackson Center.

"Efficiency Smart provides valuable services that help businesses stay competitive," said Bruce Metz, village administrator for Jackson Center. "Airstream's energy savings have helped them weather an economic downturn and stay a strong and viable company. This has helped not only save jobs, but has also contributed to new job creation in the community."

## **Orrville Utilities plans 100th anniversary celebration**

Orrville Utilities - Electric Division is inviting residents to help them celebrate 100 years of electric service with an open house on Sept. 16 between 10 a.m. - 2 p.m. at the electric power plant, located at 1100 Perry St. in Orrville. The event will feature tours of the plant, exhibits, refreshments and giveaways. Prizes include three gift certificates (valued at \$100, \$75 and \$50) that winners can apply to their utility accounts.



## **Register now for AMP/OMEA Conference early prices**

As a reminder, early pricing for AMP/OMEA Conference registrations will end on Sept. 17. You can register online [here](#) and a "Register Now" button is also available on the AMP website [home page](#). If you still need lodging, the Hilton at Easton has sold out the reserved room block for AMP, so we've provided a list of [alternate hotels](#) on the home page (button titled "Hotel Reservations").

## **Classifieds**

### **Jackson Center taking bids on bucket truck**

The Village of Jackson Center is offering a bucket truck for sale. Sealed bids will be received until 11 a.m. on Sept. 22 by the Village of Jackson Center, P.O. Box 819, 122 E. Pike Street, Jackson Center, OH 45334.

Vehicle details:

(1) 2008 Ford 550 4x4 Versalift VST-37 Bucket Truck w/ 20,750 miles - VIN# 1FDAF57R98EE1794, 37' Basket Height, Insulated Boom to 46kv, 6.4 L Twin Turbo Diesel, Fiberglass Truck Body. Excellent Condition. \$30,000 Reserve



Bucket Truck may be inspected Mon.-Fri. from 8 a.m. - noon and 12:30 - 3:30 p.m. at the Service Building at 108 E. College St.

If you have any questions, please contact David Overman, Jackson Center electrical superintendent, at 937.596.6314 or 937.538.0377.

## **Lineworker position available in Carey**

The Village of Carey is seeking applications for a qualified full-time electrical line utility worker; responsible for operation and routine maintenance of the village electrical distribution system. Applicant must possess a high school diploma or GED and a valid class B, CDL license with air brakes, or obtain same within 6 months of hire date. Knowledge of overhead and underground primary distribution lines required. May require pole climbing and operation, and use of a bucket truck, digger truck, trencher or other required equipment. Position requires a 30-minute response time to Call Out emergencies, and 24/7 carry of a village issued cell phone for safety and troubleshooting, includes holiday and weekends hours, and standby time in rotation with other department members.

Position requires varied duties to include but not limited to: snow removal, tree trimming for power lines, and other general maintenance duties. Any of the above may require working in inclement weather.

Applications may be obtained at the village offices, 127 N. Vance St., Carey, OH 43316, weekdays from 8 a.m. till 5 p.m. Candidates should return completed applications with a resume and any supporting documentation helpful in consideration for employment to the attention of the Village Administrator. EOE / Drug testing / Pay commensurate with certifications. Applications will be accepted until position filled.

## **DEMEC member seeking director of electric**

The City of Newark, Delaware, is seeking a dynamic leader to fill the director role in the Electric Department. This is a management position under the direction of the City Manager. This position serves as the executive head of the department; performs professional electrical engineering work, and is responsible for the efficient and effective planning, organization, direction, budgeting and supervision of Department employees and programs. The electric department is the largest of the City's four (4) enterprise fund operations, with 12,000+ metered accounts and \$53 million in gross revenue sales across an approximately 10 square mile service area.

Ideal candidate will possess experience in electric distribution and operations; a bachelor's degree in electrical engineering; and a Delaware PE license or ability to obtain in less than two years from hire. Candidate shall also demonstrate both strong written and verbal interpersonal skills, be proficient in Microsoft suite of applications and have the ability to learn proprietary software systems. Prior work experience in municipal operations a plus and demonstrated leadership and managerial skills are essential with availability during service outages. Starting salary range of \$104,278 - \$131,946 plus excellent fringe benefits.

Interested individuals can review a full job description online and must complete an application at [www.newarkde.gov/jobs](http://www.newarkde.gov/jobs) by 4 p.m. Fri., Oct. 6. EOE.

## **Yellow Springs accepting applications for electric/water distribution utility server worker**

The Village of Yellow Springs is accepting internal and external applications for the position of Electric/Water Distribution Utility Service Worker. The position involves repair and maintenance of a mostly overhead electric distribution utility and requires that applicants have experience with this type of work. Journeyman lineman certification is a plus. This work unit also repairs and maintains water distribution lines. State of Ohio water distribution license is also a plus.

Full job description and applications are available online at [www.yso.com](http://www.yso.com). For questions, contact Ruthe Ann Lillich, Human Resource Officer, Village of Yellow Springs, 100 Dayton St., Yellow Springs, OH 45387, phone 937.767.3402, or email [rlillich@vil.yellowsprings.oh.us](mailto:rlillich@vil.yellowsprings.oh.us). Application deadline is Fri., Sept. 15, at 4 p.m. to the attention of Human Resources.

## **Wapakoneta seeks laborer I in the electric division**

Wapakoneta Municipal Electric Division is seeking an individual to fill a position of Laborer I in the municipal electric distribution system. Essential duties include manual labor to assist workers in performance of job duties and responsibilities; general building and ground maintenance of city facilities; perform simple preventative maintenance and minor repairs on equipment; and meet all safety requirements and all applicable OSHA safety standards. Applicant must possess a valid State of Ohio Driver's License. A successful candidate is required to submit to drug testing and/or medical examination post-job offer. This is a full-time position with a pay rate of \$13.92-\$16.42 per hour. Full job description is available at [www.wapakoneta.net](http://www.wapakoneta.net). The City's employment application is located online at [http://wapakoneta.net/images/documents/Application\\_for\\_Employment.pdf](http://wapakoneta.net/images/documents/Application_for_Employment.pdf). Submit applications by Sept. 29 to Levi Cecil, Electric Superintendent, P.O. Box 269, Wapakoneta, OH 45895. The City of Wapakoneta is an Equal Opportunity Employer.

## **Police dispatcher position available in Napoleon**

The City of Napoleon is currently accepting applications for the position of Police Dispatcher. This position is responsible for monitoring and dispatching police officers and fire personnel; handles emergency calls and requests for assistance; transmits critical data to appropriate personnel; maintains a variety of records; maintains files and logs; required to work a variety of shifts; must be able to handle a high stress environment; performs other related duties as required. Applicant must possess a valid State of Ohio Driver's License, has to pass a background investigation and also be able to be licensed to access state computer systems. Applicant is required to complete an on-the-job training course and type 35 wpm. This is a full-time position with a pay rate of \$15.98 -\$20.82 per hour. During the training course, the pay rate will be \$11.95 per hour. Experience is not required but is preferred. A successful candidate may be required to submit to drug testing and/or medical examination post-job offer. Applications may be obtained beginning Fri., Sept 1, 7:30 a.m. - 4:00 p.m. from the City of Napoleon's Administration Building, 255 W. Riverview Ave., PO Box 151, Napoleon, Ohio, 43545. Applications can also be downloaded from the City of Napoleon's website at [www.napoleonohio.com](http://www.napoleonohio.com). A properly completed notarized application must be returned to the above address by 4:00 p.m. on Fri., Sept. 15, to be considered. Applications submitted without following the above requirements will not be considered for employment. The City of Napoleon is an Equal Opportunity Employer.

## **Arcadia seeks Village Administrator**

The Village of Arcadia is seeking qualified, professional candidates for the position of Village Administrator. Arcadia village is located in Hancock County. The Village Administrator is the chief administrative officer for the Village and is responsible for: managing all public utilities, supervising the maintenance of all public places, streets, and sidewalks in the Village, working under the direction of and implementing the decisions of the Mayor and Council, overseeing the procurement of materials and services, addressing the concerns of residents, supervising employees and administering employee policies, supervising the operations of the Village's services, and other related duties as are provided by law or as may be assigned.

Candidates must have a high school diploma and the salary range for this position is dependent upon education and experience. Employee benefits are not available for this position.

Qualified candidates must have a valid Ohio driver's license, must be insurable and bondable, and must pass a drug screen and criminal background check. Interested candidates should submit a cover letter, resume and professional references to Mayor Matt Tesnow, Village of Arcadia, P.O. Box 235, 104 South Gibson Street, Arcadia, Ohio 44804 or email [arcdiamayor@tds.net](mailto:arcdiamayor@tds.net) by close of business on Sept. 15.

We provide equal employment opportunity for everyone, regardless of race, color, national origin, religion, gender, sexual orientation, age, marital status, pregnancy, disability or veteran status.

## **Electrical distribution superintendent needed in Galion**

Galion Municipal Electric Division is seeking an individual to direct the operation of the municipal electric distribution system. Essential duties include planning and supervising the construction, operation and maintenance of the electric distribution system, staff management/direction and budget oversight. Minimum requirements include five years of experience operating a municipal electric system, completion of two years of college-level coursework in engineering or business or equivalent, and supervisory experience. Valid Ohio commercial driver license required. Salary range: \$40,000-\$85,000/year with excellent benefits. Galion (pop. 10,512) is located in North Central Ohio and offers a small-town setting and affordable housing. Full job description is available on [www.galion.city](http://www.galion.city). Submit cover letter and resume by Sept. 22 to Mayor Thomas M. O'Leary, 301 Harding Way E., Galion, OH 44833 or by email to [nicoleward@galion.city](mailto:nicoleward@galion.city). EOE

## Opportunities available at AMP

AMP is seeking applicants for the following positions:

Power Supply Planning Engineer I  
Corporate Health & Safety Coordinator  
Smithland Hydro Plant Operations and Maintenance Supervisor  
System Administrator (Infrastructure) or Senior System Administrator (Infrastructure)

For complete job descriptions, please visit the "[careers](#)" section of the AMP website.

American Municipal Power, Inc.

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[www.ampppartners.org](http://www.ampppartners.org)