
Memorandum

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

The new police and fire vehicles will be on display before the Council meeting if you would like to check them out.



CALENDAR

6:00 pm – Spec Building Ribbon Cutting

COUNCIL AGENDA

D. APPROVAL OF MINUTES: October 2, 2017 Special and Regular Meeting Minutes.

H. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **Resolution No. 066-17**, a Resolution Authorizing the Expenditure of Funds over Twenty-Five Thousand Dollars (\$25,000.00) for the Purchase of a Year 2017 or newer Wheel Loader for the City Wastewater Treatment Department, Utilizing the State Cooperative Purchasing Program, which was not included in the 2017 Master Bid Resolution; and Declaring an Emergency; *(Suspension Requested)*

I. SECOND READINGS OF ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 059-17**, an Ordinance Prohibiting Medical Marijuana Cultivation, Processing, Testing, Packing, Storage and Retail Distribution within the City of Napoleon, Ohio.

J. THIRD READINGS OF 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. 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.

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

1. **Discussion/Action:** Recommendation to Approve the PSCAF for October 2017 as: PSCAF–three (3) month averaged factor \$0.01052, JV2 \$0.007586, JV5 \$0.007586.
2. **Discussion/Action:** On Proposed Amended Council Rules.
3. **Discussion/Action:** Award of bid for the 2017 Manhole Lining Project.
 - a. Chad's Recommendation of Award Memorandum is attached.
4. **Discussion/Action:** On Purchase Agreement between J.D. Properties of Napoleon, LLC and the City of Napoleon, Ohio.
 - a. A copy of the agreement is enclosed.
5. **Discussion/Action:** Approval of Donation from Mary Ludemann in the amount of \$265.00 to the Fire Department.
6. **Discussion/Action:** Approval of Donation from Goodville Mutual Casualty Company in the amount of \$1,900.00 to the Fire Department for the Fire Prevention Program.
7. **Discussion/Action:** Approval of Donation in the amount of \$686.00 from John and Beth Sonnenberg for a Bench at the Napoleon Golf Course.

M. Approve Payment of Bills and Approve Financial Reports

MISCELLANEOUS INFORMATION

1. Meetings Canceled
 - Parks and Rec Committee
 - Ad-hoc Committee on Organizational Health and Strategic Vision
2. Other Meeting Agendas
 - Monday, October 16th at 6:00 pm – Tree Commission
 - Tuesday, October 17th at 5:00 pm – Preservation Commission
 - Friday, October 20th at 9:00 am – Healthcare Cost Committee
3. Fall Fire Hydrant Flushing Program/Press Release
4. OML Legislative Bulletin/October 13, 2017

Records Retention - CM-11 - 2 Years

OCTOBER 2017

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
	6:00 pm Ad-hoc Comm. on COUNCIL RULES					
	6:55 pm Special Council Mtg					
	7:00 pm City Council					
8	9	10	11	12	13	14
	6:30 pm - Electric Committee & BOPA					
	7:00 pm Water/Sewer Comm.					
15	16	17	18	19	20	21
	6:00 pm - Spec Bldg. Ground Breaking	5:00 pm Preservation			9:00 am Healthcare Cost Committee Mtg.	
	6:00pm Tree Commission	Commission Mtg.				
	7:00 pm – City Council					
22	23	24	25	26	27	28
	6:30 pm – Finance & Budget Committee	4:30 pm Civil Service Comm.	6:30 pm Park & Rec Board			
	7:30 pm – Safety & Human Resources					
29	30	31				

NOVEMBER 2017

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
			11:00 am Bid Opening/Recycling			
5	6	7	8	9	10	11
	6:15 pm Technology Committee				8:00 am Joint Special Mtg. City Council and Finance & Budget Comm	8:00 am Joint Special Mtg. City Council and Finance & Budget Comm.
	7:00 pm - Council					
12	13	14	15	16	17	18
	6:30 pm - Electric Committee & BOPA	4:30 pm Board of Zoning				
	7:00 pm Water/Sewer Comm.	5:00 pm Planning Commission				
	7:30 pm – Municipal Properties ED Comm.					
19	20	21	22	23	24	25
	6:00 pm Parks & Rec Committee			<i>Thanksgiving Day</i> OFFICES CLOSED		
	Tree Commission					
	6:15 pm –Adhoc Comm					
	Strategic Vision					
	7:00 pm City Council					
26	27	28	29	30		
	6:30 pm – Finance & Budget Committee	4:30 pm Civil Service Comm.	6:30 pm Park & Rec Board			
	7:30 pm – Safety & Human Resources					

CITY COUNCIL

MEETING AGENDA

Monday, October 16, 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. Swearing In of New Lieutenant

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

1. October 2, 2017 Special City Council Meeting Minutes
2. October 2, 2017 Regular City Council Meeting Minutes

E. Citizen Communication

F. Reports from Council Committees

1. **Electric Committee** met on October 9, 2017; and
 - a. Approved BOPA Recommendation to Approve the PSCAF for October, 2017.
 - b. Was updated on the Transmission Operator for Northside Substation
 - c. Electric Vehicle Rebate (Tabled)
2. **Water and Sewer Committee** met on October 9, 2017; and
 - a. Reviewed City's Bag Refuse Service
 - b. Courtney and Associates presented Sewer Rate Review and the Committee recommended the sewer rates stay as they are for 2018.
3. **Municipal Properties, Building, Land Use and Economic Development Committee** did not meet on October 2, 2017 due to lack of agenda items.
4. **Parks and Recreation Committee** did not meet due to lack of agenda items.
5. **Ad-hoc Committee on Organizational Health and Strategic Vision** was canceled.

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

1. **Board of Public Affairs** met on October 9, 2017; and
 - a. Recommended to Delay Clairmont Avenue Project in 2018 due to Economic Impact and Rates.
2. **Building of Zoning Appeals** did not meet on October 10, 2017
3. **Planning Commission** did not meet on October 10
4. **Tree Commission** met on earlier tonight, with the agenda items:
 - a. Reviewed Tree Call Reports.
 - b. Fall Contracts Update.
 - c. Reviewed Spring Plantings List.
 - d. Reviewed Spring Trimming List.
 - e. Finalized Next Year's Budget/Plans.

H. Introduction of New Ordinances and Resolutions

1. **Resolution No. 066-17**, a Resolution Authorizing the Expenditure of Funds over Twenty-Five Thousand Dollars (\$25,000.00) for the Purchase of a Year 2017 or newer Wheel Loader for the City Wastewater Treatment Department, Utilizing the State Cooperative Purchasing Program, which was not included in the 2017 Master Bid Resolution; and Declaring an Emergency. *(Suspension Requested)*

I. Second Readings of Ordinances and Resolutions

1. **Ordinance No. 059-17**, an Ordinance Prohibiting Medical Marijuana Cultivation, Processing, Testing, Packing, Storage and Retail Distribution within the City of Napoleon, Ohio.

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

1. **Discussion/Action:** Recommendation to Approve the PSCAF for October 2017 as: PSCAF—three (3) month averaged factor \$0.01052, JV2 \$0.007586, JV5 \$0.007586.
2. **Discussion/Action:** On Proposed Amended Council Rules.
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4. **Discussion/Action:** On Purchase Agreement between J.D. Properties of Napoleon, LLC and the City of Napoleon, Ohio.
5. **Discussion/Action:** Approval of Donation from Mary Ludemann in the amount of \$265.00 to the Fire Department.
6. **Discussion/Action:** Approval of Donation from Goodville Mutual Casualty Company in the amount of \$1,900.00 to the Fire Department for the Fire Prevention Program.
7. **Discussion/Action:** Approval of Donation in the amount of \$686.00 from John and Beth Sonnenberg for a Bench at the Napoleon Golf Course.

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

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

N. Adjournment



Gregory L. Heath
Finance Director/Clerk of Council

A. ITEMS REFERRED OR PENDING IN COMMITTEES OF COUNCIL

- 1. Technology & Communication Committee (1st Monday)**
(Next Regular Meeting: November 6, 2017 @6:15 pm)
- 2. Electric Committee (2nd Monday)**
(Next Regular Meeting: Monday, November 13, 2017 @6:30 pm)
 - a. Review of Power Supply Cost Adjustment Factor for November, 2017
 - b. Transmission Operator for Northside Substation
 - c. Electric Vehicle Rebate (Tabled)
 - d. Electric Department Report
- 3. Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday)**
(Next Regular Meeting: Monday, November 13, 2017 @7:00 pm)
 - a. Review Utility Promissory Note (January 08, 2018).
- 4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday)**
(Next Regular Meeting: Monday, November 13, 2017 @7:30 pm)
 - a. Downtown Improvements
 - b. Updated Information from Staff on Economic Development (as needed)
- 5. Parks & Recreation Committee (3rd Monday)**
(Next Regular Meeting: Monday, November 20, 2017 @6:00 pm)
- 6. Ad Hoc Committee on Organizational Health and Strategic Vision (3rd Monday)**
(Next Regular Meeting: Mon., November 20, 2017 at 6:15 pm)
 - a. Discussion on Mission and Strategic Vision.
- 7. Finance & Budget Committee (4th Monday)**
(Next Regular Meeting: Monday, October 23, 2017 @6:30 pm)
 - a. Special Joint Meeting with City Council, Friday, November 10th, 2017 @8:00 am
 - i. Review of 2018 Budget
 - b. Special Joint Meeting with City Council, Saturday, November 11, 2017
 - i. Review of 2018 Budget
- 8. Safety & Human Resources Committee (4th Monday)**
(Next Regular Meeting: Monday, October 23, 2017 @7:30 pm)
- 9. Personnel Committee (as needed)**
- 10. Ad-hoc Committee on Council Rules (as needed)**

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

- 1. Board of Public Affairs (2nd Monday)**
(Next Regular Meeting: Monday, November 13, 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
 - e. Review Utility Promissory Note (January 08, 2018).
- 2. Board of Zoning Appeals (2nd Tuesday)**
(Next Regular Meeting: Tuesday, November 14, 2017 @4:30 pm)
- 3. Planning Commission (2nd Tuesday)**
(Next Regular Meeting: Tuesday, November 14, 2017 @5:00 pm)
- 4. Tree Commission (3rd Monday)**
(Next Regular Meeting: Monday, November 20, 2017 @6:00 pm)
- 5. Civil Service Commission (4th Tuesday)**
(Next Regular Meeting: Tuesday, October 24, 2017 @4:30 pm)
- 6. Parks & Recreation Board (Last Wednesday)**
(Next Regular Meeting: Wed., October 25, 2017 @6:30 pm)
- 7. Privacy Committee (2nd Tuesday in May & November)**
(Next Regular Meeting: Tuesday, November 14, 2017 @10:30 am)
- 8. Records Commission (2nd Tuesday in June & December)**
(Next Regular Meeting: Tuesday, December 12, 2017 @4:00 pm)
- 9. Housing Council (1st Monday of the month after the TIRC meeting)**
- 10. Health Care Cost Committee (Next Meeting: Friday, October 20, 2017 at 9:00 am)**
- 11. Preservation Commission (Next Meeting: Tuesday, October 17, 2017 at 5:00 pm)**
- 12. Napoleon Infrastructure/Economic Development Fund Review Committee (NIEDF) (as needed)**
- 13. Tax Incentive Review Council (as needed)**
- 14. Volunteer Firefighters' Dependents Fund Board (as needed)**
- 15. Volunteer Peace Officers' Dependents Fund Board (as needed)**
- 16. Lodge Tax Advisory & Control Board (as needed)**
- 17. Board of Building Appeals (as needed)**
- 18. ADA Compliance Board (as needed)**
- 19. NCTV Advisory Board (as needed)**

CITY COUNCIL

MEETING MINUTES

MONDAY, OCTOBER 02, 2017 AT 7:00 PM

PRESENT

Council Joe Bialorucki-Council President Pro-Tem, Jeff Comadoll, Dan Baer, Jeff Mires, Lori Siclair

Mayor Jason P. Maassel

City Manager Joel Mazur

Law Director Billy D. Harmon

Finance Director/Clerk Gregory J. Heath

City Staff Dave Mack, Chief of Police
Clayton O'Brien, Fire Chief
Chad E. Lulfs, P.E., P.S.; Director of Public Works
Jeff Rathge, Operations Superintendent

Recorder/Records Clerk Roxanne Dietrich

Others Newsmedia, NCTV, Representative Rob McColley, Robert Weitzel, Jon Bisher, Stephen E. Tucker, HOPE Services

ABSENT

Councilmembers Travis Sheaffer, Rita Small

Prayer

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

Appreciation Presentation to Bob Weitzel

Representative McColley presented to Bob Weitzel a Thank You accommodation from the Ohio House of Representatives recognizing his thirty-seven years of service on the Police Department and also a flag of the State of Ohio that was flown over the State House in your honor on June 30, 2017 your last day in uniform. Weitzel said you don't owe me anything I owe you so much, it was a pleasure to be a part of the community, I'm thanking you for allowing me the pleasure of serving you all these years. A certificate of appreciation was given to Weitzel by the Mayor, "we cannot Thank You enough".

Approval of Minutes

Hearing no objections or corrections, the minutes of the September 18, 2017 Council meeting stand approved as read.

Citizen Communication

Jon Bisher congratulated Napoleon on retaining the AMP board seat, as you are going into budget you will see the wholesale of electric power is a huge part of your budget, wholesale power cost is critical to the community so we can deliver electric power as cheap as possible. I would like to recognize some people who were instrumental in maintaining this seat over the last three years; Dennie Clapp made sure people are down there and his crews use the training programs; Pat McColley put in a lot of time on the legislative side while he was a councilperson he was very instrumental in representing Napoleon; Mike DeWit is on the BOPA and has always been very supportive it is so important to have coordination between the BOPA and Electric Committee; Travis Sheaffer chairs the Electric Committee and puts in his own time to attend state and federal legislative issues; last week the Mayor spent time down at

RESOLUTION NO. 066-17

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FOR THE PURCHASE OF A YEAR 2017 OR NEWER WHEEL LOADER FOR THE CITY WASTEWATER TREATMENT DEPARTMENT, UTILIZING THE STATE COOPERATIVE PURCHASING PROGRAM, WHICH WAS NOT INCLUDED IN THE 2017 MASTER BID RESOLUTION; AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon Wastewater Treatment Department desires to purchase a year 2017 or newer wheel loader; and,

WHEREAS, the wheel loader can be purchased utilizing the State Cooperative Purchasing Program, and,

WHEREAS, the Council believes it is in the best interest of the City of Napoleon to eliminate the necessity for competitive bidding, **Now Therefore**,

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

Section 1. That, the City of Napoleon authorizes the expenditure of funds in excess of twenty five thousand dollars (\$25,000.00) for the purchase of a year 2017 or newer wheel loader utilizing the State Cooperative Purchasing Program. Also, Council finds it to be in the best interest of the City to eliminate the necessity for competitive bidding.

Section 2. That, the City Manager is authorized to enter into a contract for said purchase.

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; 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. 066-17 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 059-17

AN ORDINANCE PROHIBITING MEDICAL MARIJUANA CULTIVATION, PROCESSING, TESTING, PACKING, STORAGE, AND RETAIL DISTRIBUTION WITHIN THE CITY OF NAPOLEON, OHIO

WHEREAS, on May 25, 2016, the Ohio General Assembly passed Substitute House Bill 523 (“H.B. 523”), which allows individuals with a qualifying medical condition, on the recommendation of a physician, to apply to the State, and upon approval of their application receive an identification card allowing them to obtain, possess, and use medical marijuana for the treatment of said condition; and

WHEREAS, H.B. 523 was signed into law by Ohio Governor John Kasich and thereafter became effective on September 9, 2016; and

WHEREAS, pursuant to home rule authority found in Article XVIII of the Constitution of the State of Ohio, the City Charter, and the Ohio Revised Code, municipalities have the inherent power to enact planning, zoning and business regulation laws that further the health, safety, welfare, comfort and peace of the citizens of the municipality, including restricting, prohibiting and/or regulating certain business uses; and

WHEREAS, ORC § 3796.29, enacted by H.B. 523, affirms that municipalities may adopt restrictions, including prohibiting or limiting the number of cultivators, processors, or retail dispensaries of medical marijuana within their corporation limits; and

WHEREAS, H.B. 523 provides that the Ohio Department of Commerce, the Board of Pharmacy, and the State Medical Board shall adopt rules establishing standards and procedures for the medical marijuana control program; and

WHEREAS, these state boards have published their proposed rules governing operation of marijuana dispensaries, cultivators, and processors, the issuance of certificates to physicians wishing to recommend medical marijuana to patients, and the registration of patients and caregivers wishing to purchase medical marijuana pursuant to these recommendations; and

WHEREAS, these proposed rules are in the process of completing the state’s agency rule review; and

WHEREAS, the City has studied these proposed rules; and

WHEREAS, marijuana (cannabis) remains classified as a Schedule I controlled substance under the Federal Controlled Substances Act, rendering the manufacture, distribution, dispensation, and the possession of marijuana with intention to manufacture, distribute, or dispense, a crime under federal law; and

WHEREAS, a consequence of the continued prohibition of marijuana by the Federal government is that financial services providers such as banks and credit card companies are unable to do business with marijuana enterprises because it is illegal under Federal law to transmit funds known to have been derived from marijuana; and

WHEREAS, the unbanked status of marijuana businesses results in the businesses and their customers carrying significant amounts of cash; and

WHEREAS, the presence of large amounts of cash invites opportunity for robbery, theft, money laundering, tax evasion, and other crimes constituting threats to the public health, safety, and welfare; and

WHEREAS, due to the above threats to public health, safety, and welfare, having reviewed the State’s rules and Federal law’s continued classification of marijuana (cannabis) as a Schedule I drug, the City of Napoleon determines that cultivation, processing, testing, and retail dispensing of marijuana for medical purposes, or otherwise, shall not be a permitted use within this City;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Napoleon, Henry County, State of Ohio, _____ of the elected members concurring, that:

SECTION 1. That Part VII , Business Regulation Code, shall be amended by enacting Chapter 747, Medical Marijuana, to read as follows:

CHAPTER 747 – MEDICAL MARIJUANA

747.01 DEFINITIONS

(a) “Marijuana” has the same meaning as marihuana as defined in section 3719.01 of the Ohio Revised Code.

(b) “Medical marijuana” means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.

(c) “Medical marijuana-related business or home occupation” means a business or home occupation use, involving in whole or in part, the cultivation, processing, distribution, and/or wholesale or retail sale of medical marijuana on the premises. This definition shall specifically include, but is not limited to, dispensaries of medical marijuana; facilities for the cultivation, packing, transportation, processing, storage, and/or sale of medical marijuana; and bakeries or kitchens producing edible forms of medical marijuana or products containing the same.

747.02 CULTIVATION, PROCESSING, TESTING, PACKING, STORAGE, OR RETAIL DISPENSING OF MEDICAL MARIJUANA PROHIBITED

(a) The cultivation, processing, testing, packing, storage, or retail dispensing of medical marijuana within the City of Napoleon is hereby prohibited.

(b) No medical marijuana-related business or home occupation may be established, operated, or maintained within the City of Napoleon, nor shall any provision of the Planning and Zoning Code be construed to permit the use of any property for that purpose. This prohibition shall apply to all zoning districts within the City.

747.99 PENALTY

Whoever violates Section 747.02 is guilty of a misdemeanor of the first degree. Each day of violation shall constitute a separate offense.

SECTION 2. That Part XI, Planning and Zoning Code, shall be amended by enacting Section 1127.22, Cultivation, Processing, Testing, Packing, Storage, or Retail Dispensing of Medical Marijuana Prohibited in All Districts, to read as follows:

1127.22 CULTIVATION, PROCESSING, TESTING, PACKING, STORAGE, OR RETAIL DISPENSING OF MEDICAL MARIJUANA PROHIBITED IN ALL DISTRICTS.

(a) The cultivation, processing, testing, packing, storage, or retail dispensing of medical marijuana shall be a prohibited use in all zoning districts within the City of Napoleon.

(b) Use of property in violation of this section shall constitute a nuisance.

(c) In addition to other penalties provided by law, the Director of Law shall be authorized to institute civil proceedings in a court of competent jurisdiction to enjoin violations of this Section; for monetary damages arising from violations of this Section; and to take all actions necessary to secure enforcement of any injunction and collect upon any damage award, judgment, or fine in contempt levied in relation to a violation of this Section.

SECTION 3. Council hereby finds that all deliberations and votes taken in relation to this Ordinance were done in a public meeting in accordance with Section 121.22 of the Ohio Revised Code.

SECTION 4. The provisions of this Ordinance are severable, and if any one or more should be found unenforceable for any reason, the remaining provisions shall remain in full force and effect.

SECTION 5. This ordinance shall take effect at the earliest opportunity allowed 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. 059-17 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. 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. 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

City of Napoleon, Ohio

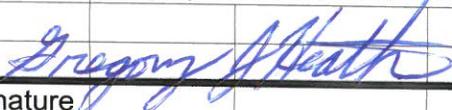
**POWER SUPPLY COST ADJUSTMENT FACTOR (PSCAF) - COMPUTATION OF MONTHLY PSCAF
COMPUTATIONS WITH CORRECTED DATA FROM JULY, 2015, THROUGH MARCH, 2017**

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
				Current + Prior 2 Months					
				kWh	Cost				
				(e)	(f)				
(a)	(b)	(c)	(d)	c + prior 2 Mo	d + prior 2 Mo	(g)	(h)	(i)	(j)
		Actual Billed	Actual Billed w/Cr's			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
Aug '17	Oct '17	14,326,956	\$ 1,182,800.05	42,480,669	\$ 3,472,029.96	0.08173	\$(0.07194)	\$ 0.00979	\$ 0.01052

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

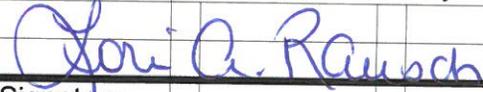
PSCAF - Preparers Signature:

Name - Gregory J. Heath, Finance Director

 **9/21/2017**
Signature Date

PSCAF - Reviewers Signature:

Name - Lori A. Rausch, Utility Billing Administrator

 **9/21/2017**
Signature Date

BILLING SUMMARY AND CONS									
2017 - OCTOBER BILLING WITH SEPTEMBER 2									
PREVIOUS MONTH'S POWER BILLS - PU									
DATA PERIOD									
AMP-Ohio Bill Month									
City-System Data Month									
City-Monthly Billing Cycle									
	=====WIND=====			===SOLAR===	===TRANSMISSION, SERVICE FEES & MISC. CONTRACTS===				
(	NYPA	JV-5	JV-6	AMP SOLAR	EFFNCY.SMART	TRANSMISSION	SERVICE FEES	MISCELLANEOUS	TOTAL -
PURCHASED POWER-RESOURCES -> (	HYDRO	HYDRO	WIND	PHASE 1	POWER PLANT	CHARGES	DISPATCH, A & B	CHARGES &	ALL
(	SCHED. @ NYIS	7x24 @ ATSI	SCHED. @ ATSI	SCHED. @ ATSI	2014 - 2017	Other Charges	Other Charges	LEVELIZATION	RESOURCES
Delivered kWh (On Peak) ->	739,162	2,297,472	19,504	158,708	0	0	0	0	14,863,747
Delivered kWh (Off Peak) ->									426,689
Delivered kWh (Replacement/Losses/Offset) ->		33,561							33,561
Delivered kWh/Sale (Credits) ->									-997,041
Net Total Delivered kWh as Billed ->	739,162	2,331,033	19,504	158,708	0	0	0	0	14,326,956
Percent % of Total Power Purchased->	5.1592%	16.2703%	0.1361%	1.1080%	0.0000%	0.0000%	0.0000%	0.0000%	100.0002%
								Verification Total ->	100.0000%
COST OF PURCHASED POWER:									
DEMAND CHARGES (+Debits)									
Demand Charges	\$6,249.59	\$39,094.09	\$1,545.40			\$140,975.11			\$326,784.57
Debt Services (Principal & Interest)		\$55,367.84							\$408,946.36
DEMAND CHARGES (-Credits)									
Transmission Charges (Demand-Credits)		-\$13,617.72	-\$76.50						-\$45,874.97
Capacity Credit	-\$4,310.35	-\$14,428.23	-\$119.33						-\$120,738.53
Sub-Total Demand Charges	\$1,939.24	\$66,415.98	\$1,349.57	\$0.00	\$0.00	\$140,975.11	\$0.00	\$0.00	\$569,117.43
ENERGY CHARGES (+Debits):									
Energy Charges - (On Peak)	\$8,024.32	\$42,326.66		\$13,807.63		\$6,713.01			\$395,497.40
Energy Charges - (Replacement/Off Peak)									\$10,941.39
Net Congestion, Losses, FTR	\$2,073.72								\$24,868.63
Transmission Charges (Energy-Debits)									\$28,945.90
ESPP Charges					\$18,154.46				\$18,154.46
Bill Adjustments (General & Rate Levelization)								-\$50,000.00	-\$18,741.31
ENERGY CHARGES (-Credits or Adjustments):									
Energy Charges - On Peak (Sale or Rate Stabilization)									-\$27,921.04
Net Congestion, Losses, FTR									\$0.00
Bill Adjustments (General & Rate Levelization)	\$45.13								-\$3,873.61
Sub-Total Energy Charges	\$10,143.17	\$42,326.66	\$0.00	\$13,807.63	\$18,154.46	\$6,713.01	\$0.00	-\$50,000.00	\$427,871.82
TRANSMISSION & SERVICE CHARGES, MISC.:									
RPM / PJM Charges Capacity - (+Debit)						\$174,992.95			\$174,992.95
RPM / PJM Charges Capacity - (-Credit)									\$0.00
Service Fees AMP-Dispatch Center - (+Debit/-Credit)							\$0.00		\$0.00
Service Fees AMP-Part A - (+Debit/-Credit)							\$2,946.27		\$2,946.27
Service Fees AMP-Part B - (+Debit/-Credit)							\$8,331.27		\$8,331.27
Other Charges & Bill Adjustments - (+Debit/-Credit)							\$0.00	-\$459.69	-\$459.69
Sub-Total Service Fees & Other Charges	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$174,992.95	\$11,277.54	-\$459.69	\$185,810.80
TOTAL - ALL COSTS OF PURCHASED POWER	\$12,082.41	\$108,742.64	\$1,349.57	\$13,807.63	\$18,154.46	\$322,681.07	\$11,277.54	-\$50,459.69	\$1,182,800.05
								Verification Total ->	\$1,182,800.05
Purchased Power Resources - Cost per kWh->	\$0.016346	\$0.046650	\$0.069195	\$0.087000	\$0.000000	\$0.000000	\$0.000000	\$0.000000	\$0.082558
								(Northern Pool Power - On-Peak + Off-Peak - Energy Charge/kWh) = JV2 Electric Service Rate ->	\$0.007586
								(Northern Pool Power - On-Peak + Off-Peak - Energy Charge/kWh) = JV5 Electric Service Rate ->	\$0.007586



City of Napoleon, Ohio

Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

Chad E. Luffs, 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. Luffs, P.E., P.S., Director of Public Works
cc: Mayor & City Council
Greg Heath, Finance Director
Jeff Rathge, Operations Superintendent
Date: October 11, 2017
Subject: 2017 Manhole Lining Project – Recommendation of Award

On Wednesday, October 11, 2017, bids were opened and read aloud for the above referenced project. One (1) bid was submitted and read as follows:

Advanced Rehabilitation Technology	\$56,338.75
------------------------------------	-------------

The Engineer's Estimate for this project is \$60,000.00. This project consists of lining sanitary manholes on the sanitary sewer collection system. The completion date for this project is May 26, 2018.

Having reviewed the submitted bid, it is my recommendation that Council award Advanced Rehabilitation Technology the contract for the 2017 Manhole Lining Project in the amount of \$56,338.75. If you have any questions or require additional information, please contact me at your convenience.

CEL

REAL ESTATE PURCHASE AGREEMENT

This agreement is made and concluded at Napoleon, Ohio this ____ day of _____, 2017, by and between J. D. Properties of Napoleon, LLC, an Ohio limited liability company, hereinafter referred to as the Seller, and The City of Napoleon, Ohio, hereinafter referred to as the Buyer, Witnesseth:

It is agreed as follows:

DESCRIPTION

1. The Seller agrees to sell and the Buyer agrees to purchase and pay for the following described premises, in its present condition relying solely upon Buyer's personal inspection thereof:

Situated in the City of Napoleon, County of Henry, and State of Ohio, and known as:

Lots C & D of the Replat of Lot 5 of MWT Subdivision and as shown on Slide 357B, Henry County Recorder.

Permanent Parcel Numbers: 41-119361.0500 and 41-119361.0400.

PURCHASE PRICE

2. The price for the purchase of real estate shall be Twenty-five Thousand Dollars (\$25,000.00) which shall be paid at closing. In addition, Buyer shall pay to Seller at closing Seven Thousand Three Hundred Forty-seven and 32/100 Dollars (\$7,347.32) covering various expenses of the Seller.

EVIDENCE OF TITLE

3. The Buyer shall order, within a reasonable time after the date hereof, an Attorney's Certificate of Title Policy showing a marketable title to said premises extended beyond the date hereof. Said Evidence of Title shall be in compliance with the Ohio Marketable Title Act. Buyer shall pay for said evidence of title.

Any objections of the Buyer to the Evidence of Title shall be delivered in writing to the Seller within five days after the delivery of the Evidence of Title and every objection not so delivered shall be deemed to be waived, time being of the essence.

If the title to said premises shall not be marketable, and such defect cannot be remedied within a reasonable time, then the Seller shall refund to the Buyer the sum this day paid by the Buyer to the Seller and the same shall be accepted by the Buyer in full satisfaction and discharge of all claims and demands of the Buyer arising or in any manner growing out of this agreement, and thereupon this agreement shall be null and void and both parties released from the obligations hereof.

POSSESSION

4. The Seller shall give possession of said premises to the Buyer at closing.

DEED

5. The Seller agrees to convey to Buyer a marketable title in fee simple to said premises by good and sufficient, transferable and recordable, deed of general warranty, with release of dower by the spouse of the Seller, or Fiduciary Deed, if appropriate, free of all liens and encumbrances whatsoever, except those otherwise noted herein and except restrictions, reservations, easements and leases of record, legal highways and zoning restrictions, if any, so long as the same do not render the title thereto unmarketable, and taxes and assessments for the tax year 2017. Real estate taxes for the year 2017 shall not be prorated to the date of closing.

Said deed to be delivered upon the payment by the Buyer of the unpaid part of the purchase price. Buyer shall pay up to Eight Hundred Dollars (\$800.00) for the preparation of the Deed and related documents, and the One Hundred Dollar (\$100.00) conveyance tax.

CLOSING

6. Said deed shall be delivered and the balance of the purchase price paid at the office of Lankenau Law Office on the 6th day of November, 2017, at 1:00 P.M., or, at such other date, time and place as mutually agreed upon by the parties in writing hereon.

INSURANCE

7. If the building or other improvements on said premises be destroyed or damaged by fire, wind or other casualty prior to the delivery of the deed as aforesaid, Seller shall immediately give notice thereof to the Buyer and the Buyer may, at his option, to be exercised within five days after receiving such notice, terminate this agreement by written notice to that effect to the Seller. Upon such termination of this agreement, the Seller shall forthwith repay to the Buyer all sums paid by the Buyer to the Seller on account of the purchase price of said premises. Thereafter neither party shall in any manner be liable to the other under or on account of this agreement. If the Buyer shall fail to give such notice of termination, then this agreement shall continue in full force and effect, and the purchase price shall not be reduced or abated in any sum whatever by reason of such destruction or injury, but the Buyer shall be entitled to the benefit of the insurance monies received by the Seller or to which the Seller is entitled, under any policy or policies of fire, wind or casualty insurance on the buildings or other improvements on said premises, and the Seller shall apply such insurance monies to the payment of the deferred installments of the purchase price of said premises. If any surplus of insurance money shall remain after the purchase price shall have been paid in full, the Seller shall retain such excess.

DUPLICATE

8. This Contract may be executed in duplicate.

In Witness Whereof, the parties have set their hands the day and year first above written.

SELLER:

J. D. Properties of Napoleon, LLC,
an Ohio limited liability company

By: _____

Name: Kelly S. Wallace

Its: Member

PURCHASER:

The City of Napoleon, Ohio

By: _____

Name: Joel L. Mazur

Its: City Manager

THIS INSTRUMENT PREPARED BY:

Jeffrey R. Lankenau
Attorney at Law
105 West Main Street
Napoleon, Ohio 43545-1797

Fire Donation

Valid Money Order includes: 1. Heat sensitive, red stop sign AND 2. Contains a True Watermark hold up to light to view.

MoneyGram. INTERNATIONAL MONEY ORDER 96-1
102

09/25/2017

To Validate: Touch the stop sign, then watch it fade and reappear 

20716523330
MONEY ORDER

PAY TO THE ORDER OF: / PAGAR A LA ORDEN DE: Napoleon Fire

IMPORTANT - SEE BACK BEFORE CASHING

PAY EXACTLY 265.00 ****TWO HUNDRED SIXTY-FIVE DOLLARS 00 CENTS******

PURCHASER, SIGNER FOR DRAWER / COMPRADOR, FIRMA DEL LIBRADOR
PURCHASER, BY SIGNING YOU AGREE TO THE SERVICE CHARGE AND OTHER TERMS ON THE REVERSE SIDE

ADDRESS: / DIRECCIÓN: 250 Sheffield Ave
Napoleon Ohio

Payable Through BOKF, NA Enid, OK

ISSUER/DRAWER: MONEYGRAM PAYMENT SYSTEMS, INC

36474564169841
2929700268137330

MONEY ORDER NUMBER

CALL 1-800-542-3590 TO VERIFY

INVOICE NUMBER	DATE	DESCRIPTION	INVOICE AMOUNT
LOSS PREVENTION	09/14/17	LOSS PREVENTION	1,900.00

Donation

CHECK DATE 09/26/17 TOTAL \$ 1,900.00

THIS DOCUMENT IS PROTECTED BY MULTIPLE SECURITY FEATURES INCLUDING A WATERMARK ON THE BACK, INVISIBLE FIBERS IN THE PAPER AND A VOID PANTOGRAPH



GOODVILLE MUTUAL CASUALTY COMPANY

625 West Main Street, PO Box 489
New Holland, PA 17557-0489

Check Date	Check No.
09/26/17	0000125028

BB&T Bank
Lancaster PA 17604

60-912
313

Check Amount
\$*****1,900.00

PAY ONE THOUSAND NINE HUNDRED DOLLARS & 00/100

TO THE ORDER OF

CITY OF NAPOLEON, OHIO
FIRE PREVENTION PROGRAM
ATTN CHIEF CLAYTON O'BRIEN
265 W RIVERVIEW
NAPOLEON, OH 43545

Clayton O'Brien
AUTHORIZED SIGNATURE

Alyson R. Leaman
AUTHORIZED SIGNATURE

JOHN SONNENBERG
BETH SONNENBERG

34409 N CIRCLE DR.
ROUND LAKE, IL 60073-9522

2-1
710 591

1313

DATE 9/26/17

PAY TO THE
ORDER OF

CITY OF Napoleon

\$ 486.00

Four hundred eighty-six

DOLLARS

CHASE

JPMorgan Chase Bank, N.A.
www.Chase.com

MEMO

bench re: trip
Donation to Sonnenberg

Beth Sonnenberg

17 11 11

5 1 1 1 1 1

DONATION OF A
BENCH AT
GOLF COURSE



City of Napoleon, Ohio

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

www.napoleonohio.com

Memorandum

To: City Council, Mayor, City Law Director, City Manager, Department Supervisors, Newsmedia
From: Gregory J. Heath, Finance Director/Clerk of Council *G.J.H.*
cc:
Date: October 12, 2017
Subject: Parks & Recreation Committee – Cancellation

The regularly scheduled meeting of the Parks and Recreation Committee for Monday, October 16, 2017 at 6:00 pm has been CANCELED due to lack of agenda items.



City of Napoleon, Ohio

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

www.napoleonohio.com

Memorandum

To: City Council, Mayor, City Law Director, City Manager, Department Supervisors, Newsmedia
From: Gregory J. Heath, Finance Director/Clerk of Council *G.J.H.*
Date: October 12, 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, October 16, 2017 at 6:15 pm has been CANCELED at the direction of the Chair.

City of Napoleon, Ohio

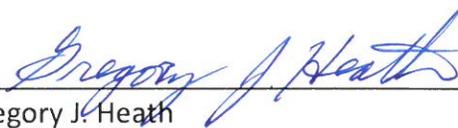
TREE COMMISSION

MEETING AGENDA

Monday, October 16, 2017 at 6:00 pm

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

1. Approval of Minutes from September 18, 2017 *(In the absence of any objections or corrections, the Minutes shall stand approved.)*
2. Review Tree Call Reports.
3. Fall Contracts Update.
4. Review Spring Plantings List.
5. Review Spring Trimming List.
6. Finalize Next Year's Budget/Plans.
7. Any other matters to come before the Commission.
8. Adjournment.



Gregory J. Heath
Finance Director/Clerk of Council

City of Napoleon, Ohio

PRESERVATION COMMISSION

Meeting Agenda

Tuesday, October 17, 2017 at 5:00 pm

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

1. Approval of Minutes *(In the absence of any objections or corrections, the Minutes shall stand approved.)*

2. NPC-17-01 - 123 E. Washington St. – Henry County Sheriff’s Office
To Review an Application for a Certificate of Appropriateness to allow for the Reconstruction of the Chimney from the Roof Line to the top at 123 E. Washington Street filed on behalf of the Sheriff’s Office by the Board of Henry County Commissioners (Glenn A Miller). The property is within the City’s Preservation District.

3. Any other matters to come before the Commission

4. Adjournment



Gregory J. Heath, Finance Director/Clerk of Council

NPC-17-01
123 E. Washington St.
Henry County Sheriff's Office

MEMORANDUM

TO: Members of the Napoleon Preservation Commission
FROM: Mark B. Spiess, Sr. Eng. Tech. / Zoning Admin.
SUBJECT: Certificate of Appropriateness
MEETING DATE: October 17, 2017 at 5:00 pm
HEARING #: NPC-17-01

BACKGROUND:

An application for public hearing that has been filed by Board Of Henry County Commissioners (Glenn A. Miller) 1853 Oakwood Ave., Napoleon, Ohio 43545 on behalf of the Sheriff's Office located at 123 E. Washington St, Napoleon Ohio 43545. The applicant is requesting the approval of a Certificate Of Appropriateness to allow for the reconstruction of the chimney from the roof line to the top. The request is pursuant to Chapter 1138 of the Codified Ordinances of Napoleon Ohio.

City of Napoleon
Preservation District Preservation Commission Review
Application for Certificate of Appropriateness

Applicant: BOARD OF Henry County Commissioners
Location of Property: 123 E WASHINGTON

Applying for a Certificate of Appropriateness

Why do I need a Certificate of Appropriateness?

The City of Napoleon declared as a matter of public policy that distinctive areas of the City where structures tend to be more than fifty (50) years of age exemplify a predominant architectural style, possess historical significance, and/or portray the early development of the City collectively contribute to the economic, cultural, and educational development of the City. The City declared as a matter of public policy that the preservation and enhancement of such historic buildings and areas in the City is a public necessity and is required in the interest of the health, safety, and welfare of the people.

The City declared the necessity to identify areas, places, buildings, structures, sites, objects, and works of art based upon historic, architectural, archaeological, or cultural significance related to the historical development of the City for establishment as a preservation district. Therefore, the City established a Preservation District along with procedures for the enforcement of historic design review guidelines whereby historic, architectural, archaeological, and cultural resources within a duly designated preservation district are afforded protection from actions that would be detrimental to their preservation, enhancement, and continued use, as well as to prevent inappropriate or incompatible construction within the preservation district. Purely residential structures were expressly exempt from regulation.

When should I get one? Answer: Before making *any* exterior changes.

Within the boundaries of any preservation district established, a certificate of appropriateness is required from the Preservation Commission, **before** any owner of property used for commercial purposes may receive a zoning permit or commence work for any proposed construction, reconstruction, alteration, replacement, repair, modification, or demolition of a structure, exterior wall, or exterior architectural feature of any building or structure, including installation or visible changes to fences, signs, or other visible exterior improvements (See 1138.05(a) Codified Ordinance).

Exclusions are provided for normal maintenance and repair, demolition after substantial damage, and emergency orders (See 1138.05(b) Codified Ordinance).

If you intend to make a change to the exterior of your property, complete this application packet and return it to the City Building, at 255 W. Riverview, P.O. Box 251, Napoleon, Ohio 43545.

If you are changing or installing signage, please note that the certificate of appropriateness is still required, however, there are separate signage requirements within City code; see section 1335 of Napoleon's codified ordinances (available online at www.napoleonohio.com - click on

Engineering Department, and then click *City of Napoleon Codified Ordinances*, or inquire at the City Building).

Procedure for Applying for a Certificate of Appropriateness (1138.08) Codified Code

Step 1: (Suggested) Meet with or contact Tom Zimmerman, Zoning Administrator for the City of Napoleon, to discuss the option of exploring your proposed building changes with someone from the Preservation Commission, the Zoning Administrator or consulting with an outside preservation expert prior to completing your plans or completing the application for a Certificate of Appropriateness. Mr. Zimmerman can assist you in complying with the City's Preservation Guidelines, and sign ordinances. In addition, you are welcome to consult with Napoleon Alive, Inc., for more information about the Downtown Revitalization Grant Program, which requires compliance with the Preservation District Guidelines. Email info@napoleonalive.org, or Call 419-906-1130.

Step 2: (Required) Blank applications for a Certificate of Appropriateness are available at the Zoning Administrator's office at the City Building. The application must be completed in full and must include the address of the property for which the Certificate of Appropriateness is being requested, the property owner's name, phone number, mailing address; the tenant's name and mailing address, if applicable; and a narrative which clearly describes the proposed activity subject to Preservation.

Complete the application for a Certificate of Appropriateness for Exterior Changes and return it to the City Building to the attention of the Zoning Administrator.

The application for a Certificate of Appropriateness should be accompanied by:

- color photos of each building elevation of an adequate size, detail, and clarity for reasonable use by the Preservation Commission;
- Sketches of proposed new construction facades, or changes to each exterior wall, or proposed installation or visible changes to signs, fences, and/or other visible exterior improvements.
- Sketches shall be drawn as near as possible to scale and be easily understandable.
- Sketches shall depict and fully describe using notations all proposed changes and additions, including: structural changes which impact the exterior of the building; all windows and doorways; roof lines; Signage;
- A description of the proposed materials to be used;

A request for a Certificate of Appropriateness shall be accompanied by any applicable fees as may be established by the City.

Step 3: Determination of Completeness and scheduling of Administrative Hearing

- Upon receipt of a request for a Certificate of Appropriateness, the Zoning Administrator shall make a determination the application is complete. The applicant shall be informed of any omissions to the application. The determination that an application is "complete" shall be noted on the face of the application by the Zoning Administrator.

- The administrative hearing will be scheduled by the Preservation Commission to be held 10 to 45 days from the date of the completed application.
- Applications involving building demolition require special consideration by the Preservation Commission. (§1138.09)
- The public shall be given notice of: the date, time, and place of the administrative hearing; a short description of the purpose, location of the subject property, and the review body involved; and informed that a copy of the application, together with all maps, plans, and reports submitted with reference thereto, shall be on file for public examination in the office of the Zoning Administrator.
- Public notices shall be provided as described in §1138.09(b).

Step 4 - Administrative Hearing Held, Decision Rendered

- All administrative hearings of the Preservation Commission shall be open to the public, and conducted according to the procedures set forth in Ordinance 1138.09(c).
- Regardless of any continuances of the hearing, the Preservation Commission shall make every reasonable effort to render a decision on the application within forty-five (45) days after the application was received, unless an extension of time is agreed to by the applicant. § 1138.09(d)
- The Preservation Commission shall consider the application(s), plans and specifications, and determine whether the proposed construction, reconstruction, alterations, or demolition is appropriate, or whether it has an adverse effect upon the purposes of the Preservation District.
- The Preservation Commission shall issue its decision in the form of a written Final Order in which it expressly sets forth the findings and conclusions of fact used as the basis or rationale for the decision.
 - Approval. If the applicant has proven by the preponderance of the evidence on the whole record that the proposed activity will have no adverse effect on a Historic Resource or the historic character or architectural integrity of all or a portion the Preservation District, then the Preservation Commission shall vote to grant the application and cause the Chairman to endorse a Certificate of Appropriateness and return the applications, plans and specifications to the applicant.
 - Approval Subject to Modifications. The Certificate of Appropriateness may include any reasonable conditions placed upon the approval regarding the proposed activity. Such conditions shall be made part of the Certificate of Appropriateness and of any subsequent zoning approval. Receiving a Certificate of Appropriateness does not negate requirements to adhere to all other City zoning regulations and City, County and/or State building regulations.
 - Demolition application approvals – see Ordinance No. 1138.09
 - The Certificate of Appropriateness will be valid for one (1) year from the date of approval.
 - Denial. If the Certificate of Appropriateness is denied, the applicant shall be notified in writing of the following:
 - The reasons for denial, and recommendations for a subsequent resubmission of a modified application, if any.
 - The Preservation Commission shall offer to undertake continuing and meaningful discussions with the applicant over a period of at least thirty (30) days, but not to exceed six (6) months, from the date of denial, during

- which time the Preservation Commission shall search for an acceptable compromise proposal that would allow for approval.
- Denial of Application for Demolition – (see Ordinance 032-09 Section 9

Procedures for the Appeal of the Preservation Commission's Final Order are contained in § 1138.10.

Remedies and Penalties pertaining to Certificates of Appropriateness are contained in Ordinance No. 1138.11.

- Aggrieved parties or persons may institute legal proceedings to prevent violation of Chapter 1138, and to abate any illegal condition, or to cause the removal of any illegal changes or alterations by appropriate legal means.
- In addition to remedies sought, violation of the provisions of this Ordinance, or any Certificate of Appropriateness granted by the Preservation Commission shall be deemed guilty of an unclassified misdemeanor, punishable by a fine not to exceed \$1000.00 for each violation. Each day of violation shall constitute a separate and distinct violation.

Step 5: (May be required) While waiting on the Certificate of Appropriateness to be processed, contact the Building and Zoning Department to learn whether a construction permit will be required.

Name of Applicant:

Certificate of Appropriateness

Application Checklist

Description of proposed changes, including materials, dimensions, and color scheme (can be in the form of a drawing)*:

Written contractor's construction proposal for each change to be made:

Photo of building facade or real property where changes will be made:

If necessary, copy of construction permit issued by the City of Napoleon Building Dept:

Completed application packet:

Applicant has reviewed the U.S. Secretary of the Interior's *Standards for Rehabilitation*,** the City's sign ordinance (if applicable), and other criteria for evaluation set forth in Chapter _____ of the City's Codified Ordinances:

Name of Applicant: BOARD OF HENRY COUNTY COMMISSIONERS

Acknowledgement:

I understand that changes made to buildings in the designated preservation District or to designated landmark properties, and/or the placement of signs without the issuance of a Certificate of Appropriateness, building permit (if applicable), and sign permit (if applicable) could subject me to enforcement action up to and including possible criminal penalties under Chapters 1138, 1301 & 1335 of the Codified Ordinances of the City of Napoleon, as well as other applicable provisions of law.

I understand that compliance with the BOCA Property Maintenance Code will be required as prescribed in Chapter 1311 of Codified Ordinances.

I understand that my application for a Certificate of Appropriateness must be complete prior to posting in the Zoning Administrator's office for ten (10) days, and that after the posting period the Preservation Commission may or may not approve a Certificate of Appropriateness. The Preservation Commission may review the application prior to the completion of the ten-day posting period, but cannot issue a Certificate of Appropriateness prior to the completion of the ten-day posting period. I understand that I may need to apply for a building permit (Chapter 1301) from the Building and Zoning Department for certain types of construction.

Signed: [Signature], Commissioner
Property Owner

[Signature],
Property Owner

For office use:

Date Received by Code Enforcement Official: _____ By: _____

Date posted by Code Enforcement Official: _____
(Application must be complete; must be at least ten (10) days prior to a hearing date or prior to the issuance of a Certificate of Appropriateness)

The above application was APPROVED ___ DENIED ___ By the Preservation Commission

Review Board on the _____ day of _____, 20 _____, with the following conditions:

Signature: _____ Date: _____
(Preservation Commission Review Board Chairman)

**Rupp/
Rosebrock, Inc.**
Contractors/Managers

Rupp/Rosebrock, Inc.
7464 Co. Rd. 424
Liberty Center, Ohio 43532

March, 22, 2017

Glenn Miller
Commissioner
Henry County
1853 Oakwood Avenue
Napoleon, Ohio 43545

RE: Sheriff's Department Chimney Repairs

Mr. Miller,

Rupp/Rosebrock, Inc. is pleased to submit this lump sum proposal in the amount of \$10,001.00 to remove the existing chimney, down to the roof line, and rebuild new with 4" block with brick veneer at the Henry County Sheriff's Department Facility, in Napoleon, Ohio.

Scope of Work:

1. Supply labor and equipment to demolish existing chimney down to the roof line.
 - a. Brick will be removed from site.
 - b. The sandstone bands will be cleaned and stored on site for re-use.
2. Install new 4" block from roof line to top of new chimney.
 - a. Chimney height to be similar to height of existing chimney.
 - b. Includes all necessary reinforcing steel and grouting.
3. Install brick veneer with new brick.
 - a. Color and brick pattern to match the existing chimney as close as possible.
 - b. Reuse existing sandstone bands in brick veneer to match existing chimney.
4. Install new cap over chimney to keep interior water tight.
5. Clean-up and demobilize

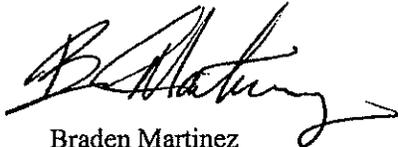
Clarifications / Exclusions:

- Anything (verbal or written) expressed or implied which is contrary to these conditions shall be null and void
- Pricing based on site walk-thru on 3/13/17.
- Necessary safety items will be put up during time of construction as required by OSHA regulations and Rupp/Rosebrock safety protocol.
- New chimney to match existing as close as possible to maintain the historical value of the building.
- It may be necessary to cover some of the parking spaces in the front parking lot for a laydown area.
- Excludes any permits
- Excludes any engineering or design work.
- If a formal contract is written, its conditions must not deviate from the proposal

- Rupp/Rosebrock, Inc. will not be held liable for errors and omissions in designs by others.
- Material will not be ordered until a written contract executed.
- Rupp/Rosebrock Inc.'s work schedule to complete all work as defined by the drawings and in accordance with Specifications shall be 8 hours/day and one (1) shift/Day, and Monday through Friday from 7:00am to 4:00pm.
- Our price is based on information available on the project documents. Any hidden or buried obstructions that interfere with our work is not included and therefore will result in extra costs to the owner.

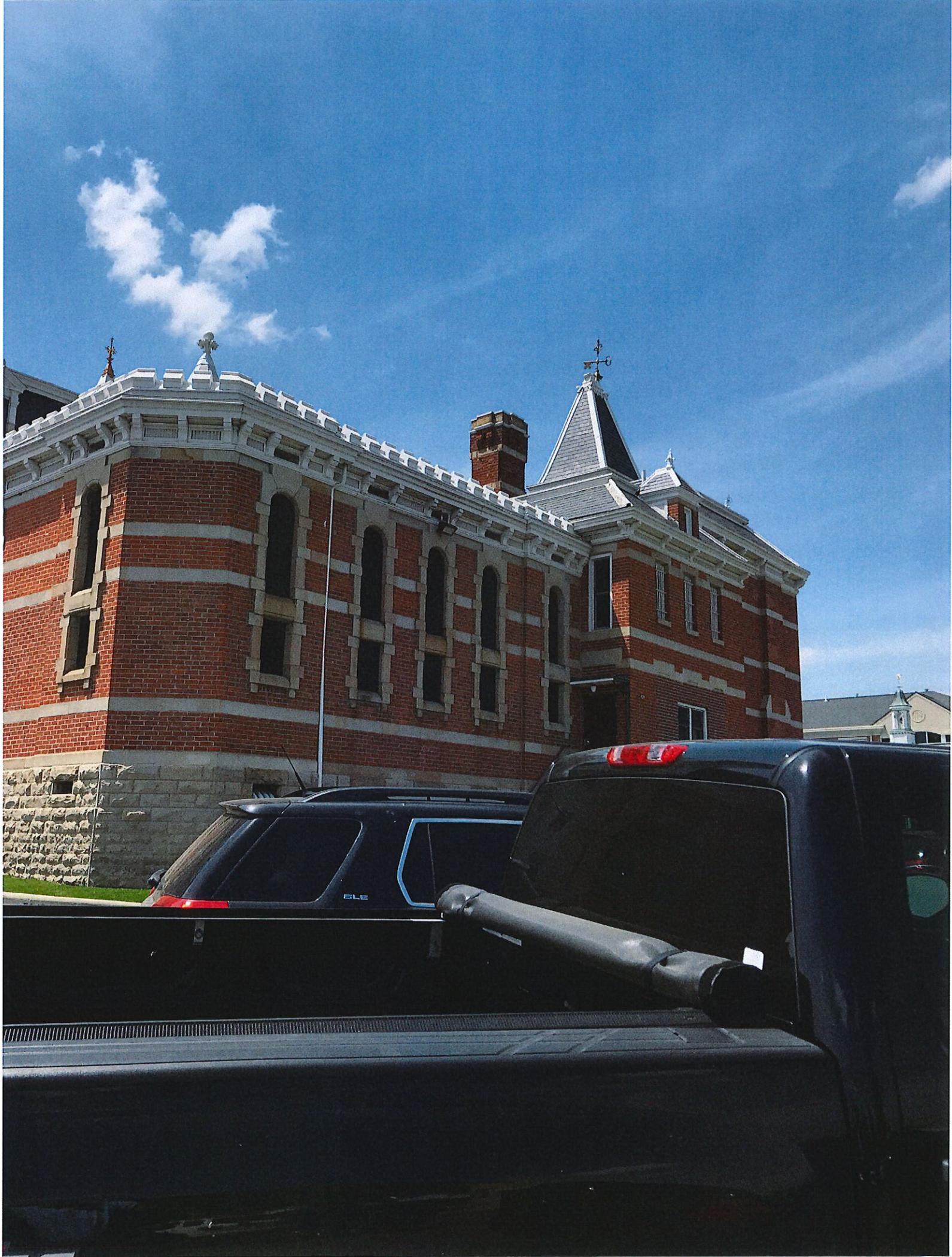
Thank you for the opportunity to quote all of your construction needs. If you have any questions, please feel free to give me a call at (419) 533-7999.

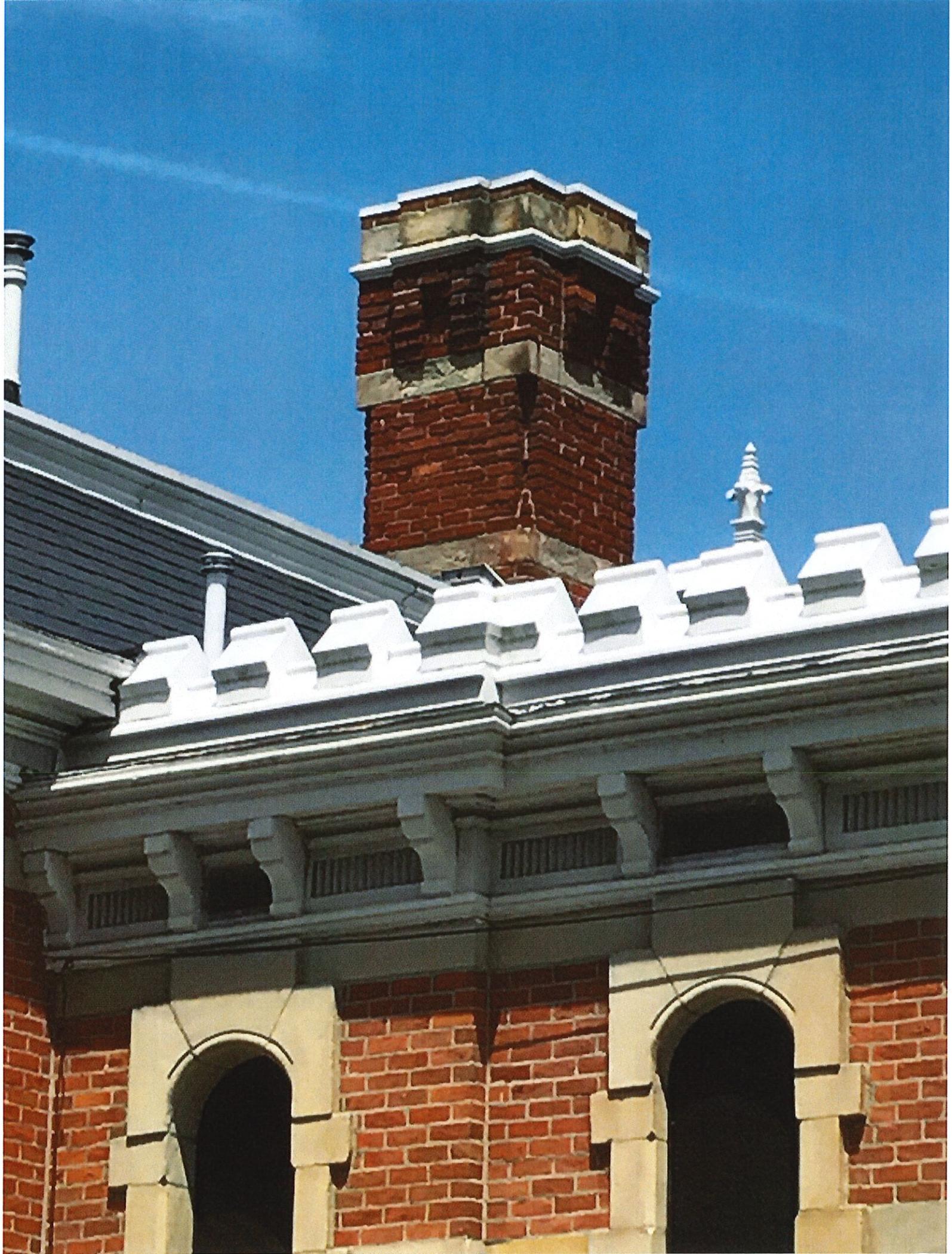
Sincerely,
Rupp/Rosebrock, Inc.

A handwritten signature in black ink, appearing to read "Braden Martinez", with a long horizontal flourish extending to the right.

Braden Martinez
Project Manager
BradenM@RuppRosebrock.com

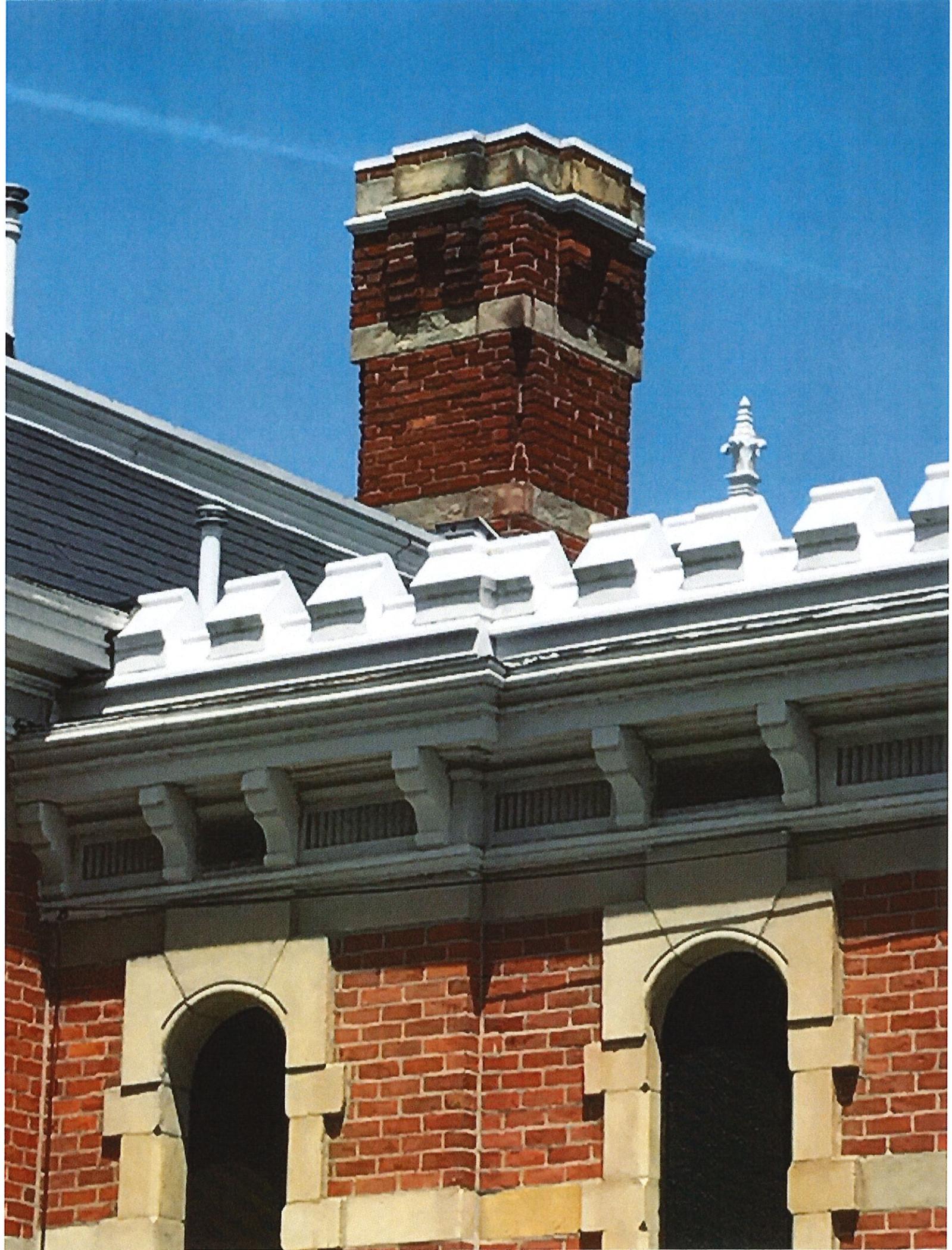












City of Napoleon, Ohio

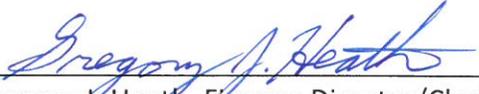
HEALTHCARE COST COMMITTEE

Meeting Agenda

Friday, October 20, 2017 at 9:00 am

LOCATION: Council Chambers, 255 W. Riverview Avenue, Napoleon, Ohio 43545

- 1) Approval of Minutes: September 29, 2017. *(In the absence of any objections or corrections, the Minutes shall stand approved.)*
- 2) Review of Healthcare Costs.
- 3) Any other matters currently assigned to the Committee.
- 4) Adjournment.



Gregory J. Heath, Finance Director/Clerk

City of NAPOLEON, Ohio

Operations Department

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

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



PRESS RELEASE

FALL FIRE HYDRANT FLUSHING PROGRAM

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

The weeks of October 16th – 20th and October 23rd – 27th, 2017.

Flushing in the Downtown area, along with the areas of North Scott Street, Becklee Drive and Bonaparte Drive will be conducted on October 27th, 2017 between the hours of 12:00 a.m. and 8:00 a.m.

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

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

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

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

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

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



Legislative Bulletin

OML UPDATES: AT-A-GLANCE

13 states so far, including Texas and Ohio, have passed laws this year dictating how cities should regulate small cell wireless technology. In addition to the cities in Ohio that have filed suit, 22 Texas cities are also legally challenging their state's law.

- Ohio is making money off of its Medicaid expansion. This budget year, Ohio is receiving \$62.2 million more than it currently spends on Medicaid expansion. Net revenue projections for next year hit \$21.2 million. In total, the state uses Medicaid expansion money to leverage over \$300 million in additional revenue each year.
- Ohio transportation by the numbers: since 2012, 31 states have enacted a transportation funding increase; 8 states have raised gas taxes, and 10 states have approved new fees for electric and/or hybrid vehicles.

October 13, 2017

BILL REGULATING MUNICIPAL USE OF CREDIT CARDS HEARS PROPONENT TESTIMONY

The House Government Accountability and Oversight Committee held a second hearing on HB 312, legislation that would regulate the use of credit and debit cards by political subdivisions. Sponsored by Rep. Schuring (R - Canton) and Rep. Greenspan (R - Westlake), the bill received proponent testimony from State Auditor David Yost who shared with the committee that the legislation was proposed to address the use of credit cards by local governments which has become more prevalent in recent years. Auditor Yost commented, "Unfortunately, the incidence of credit card fraud by local government officials has become more prevalent as the use has increased. There is no uniformity among the different statutes governing how local governments may use credit cards, let alone guidance on controls for proper use of the cards. It is high time for the State to provide additional safeguards to protect taxpayer dollars from credit card abuse." Auditor Yost's testimony can be found [HERE](#).

Key issues addressed in the bill include:

Treasurers who have physical control over all credit cards to utilize a system for individual use of the card and to enact a credit card policy, if they have not already done so.

Treasurers without physical control of the cards to enact procedures for using a credit card, who can use them, and how often they are to be reissued while putting credit limits on each card, enacting a quarterly review process, detailing allowable expenses and appointment of a compliance officer by the legislative authority.

Adds a definition of "Credit Card" to the Ohio Revised Code.

Establishes Credit Card Reward Reporting Standards.

Creates penalties for misuse of a credit card.

Provides an exemption for Home Rule townships and small villages.

During committee, a substitute bill was adopted (making the bill Sub. HB 312). The changes are relatively minor, the most significant one being the decrease of the penalty of misuse to a misdemeanor of the first degree.

We would bring to the attention of our members issues related to Article XVIII of the Ohio Constitution and the municipal Home Rule authorities provided Ohio cities and villages that are related to the legislation. As reflected in the *Comment* section of the bill's Legislative Service Commission (LSC) analysis:

Under the Ohio Constitution, a municipal corporation may regulate all matters of local self-government, but the General Assembly may limit or restrict the power of a municipality to incur debt. Credit or debit card usage by a municipal corporation is likely a matter of local self-government, and although the General Assembly may limit a municipality's aggregate indebtedness, the Ohio Supreme Court has held the General Assembly "may not . . . prescribe the manner and method which a municipal corporation must follow" in incurring debt.

However, this case was decided before the Court made a distinction between procedural and substantive matters of local self-government; chartered municipalities may deviate from state law on both procedural and substantive matters while nonchartered municipal corporations may deviate only on substantive matters. In other words, nonchartered municipal corporations must follow state laws that establish procedures for self-government. A court may decide the bill's requirements are procedural rather than substantive, in which case they will apply to nonchartered municipal corporations. Or, a court may decide that municipal use and regulation of credit and debit cards is substantive, and therefore a valid exercise of municipal home rule by all municipal corporations. In either case, chartered municipal corporations probably may deviate from the bill's requirements.

League staff will be monitoring the bill as it moves through the legislative process. If you have any questions regarding the bill or would like to testify, please contact Ed Albright at edalbright@omlohio.org.

HOUSE PASSES BILL LEGALIZING FIREWORKS

A bill that would legalize the ownership and use of fireworks within the state of Ohio was passed by the Ohio House this week. HB 266, sponsored by Rep. Seitz (R - Cincinnati) and Rep. Sweeney (D - Cleveland), passed the full House 77-12. If it clears the Senate and is signed by the Governor, fireworks would be legal in Ohio effecting 2020.

It is important to note that the bill as passed allows local governments to regulate the sale and use of fireworks within their jurisdictions. The bill also creates the Fireworks Study group, prohibits people from setting off fireworks while drinking alcohol or using drugs, and requires fireworks sellers to distribute safety information.

League staff will be tracking this bill as it heads to the Senate, and will update our members accordingly.

MUNICIPAL LEGISLATION INTRODUCED

Two bills that would have impact on municipalities were introduced in the House this week.

HB 373, legislation which would permit concealed carry of firearms in courthouses and government buildings was sponsored by Rep. Vitale (R - Vitale). The proposal would allow anyone with a concealed handgun license to carry a concealed handgun in a courthouse, a courtroom, or a government facility of this state or a political subdivision - so long as that political subdivision or court has not enacted an ordinance or policy that prohibits a licensee from carrying a concealed handgun into the building courthouse.

HB 378, to Create Ohio Broadband Development Grant Program is sponsored by Rep. Smith (R - Bidwell) and Rep. Cera (D - Bellaire). The legislation creates the Ohio Broadband Development Grant Program for last-mile and middle-mile broadband infrastructure. The bill authorizes the Director of the Development Services Agency (DSA) to award grants for extending broadband services to unserved areas of the state. A private business, political subdivision, non-profit or co-op may apply for the grant, which is funded by the bill's appropriation of \$50 million. Neither bill has been referred to a committee yet, but League staff will track their progress and inform our members of their progress.

COMMITTEE HEARINGS FOR BILLS OF MUNICIPAL INTEREST

The following bills received committee hearings this past week:

INCREASE MATURITY OF BONDS

HB 251, sponsored by Rep. Greenspan, was reported out of the House Financial Institutions, Housing and Urban Development committee on Tuesday. The bill increases the maturity period of other political subdivision's bonds and obligations from five to ten years. The bill will now move before the full House for a vote.

PROHIBIT MENACING UTILITY WORKER WITH INTENT TO OBSTRUCT UTILITY

HB 276, sponsored by Rep. Rezabek (R - Clayton) and Rep. Greenspan heard sponsor testimony during its second hearing in the House Criminal Justice Committee from Dayton Power & Light, along with other supportive organizations. The bill expands the offense of aggravated menacing to prohibit threatening a utility worker with intent to obstruct the operation of a utility. OML is a proponent of the bill, as municipalities employ utility workers.

DOGS IN RESTAURANT OUTDOOR DINING

HB 263, sponsored by Rep. Lanese (R - Grove City), had proponent testimony during its second hearing in the House Economic Development, Commerce and Labor Committee. The bill allows restaurants to allow dogs onto their patios, even if a municipality's health department prohibits it.

PROHIBIT PUBLIC PLACES FROM EXCLUDING SERVICE ANIMALS

HB 303, sponsored by Rep. Lipps (R - Franklin) and Rep. Kelly (D - Cincinnati), had its first hearing in the same committee. The bill's sponsored offered testimony on the bill, which would prohibit places of public accommodation from preventing the use of a service animal. The legislators said the bill would clarify the difference between an "assistance animal" and a "service animal."

TOWNSHIP REIMBURSEMENT FOR MEDICAL SERVICES WITHIN TIF

HB 69, sponsored by Rep. Cupp (R - Lima), had its fifth hearing in the Senate Ways and Means Committee on Wednesday. The bill mandates a municipality reimburse a township for fire and EMS services if the municipality is in a TIF with a township that is the sole provider of fire and EMS services for that TIF. The bill was amended during committee to allow for amendments to Joint Economic Development Zones so residents of a township aren't subject to double income taxation.

TIMING AND CONTENT OF TAX BALLOT ISSUES

HB 342, sponsored by Rep. Merrin (R - Monclova Township), had its first hearing in the House Government Accountability and Oversight Committee. The bill would restrict local tax-related proposals, only allowing them to appear general and primary election ballots - not on an August special election ballot. The bill also modifies the information conveyed in election notices and ballot language for property tax levies. Its important municipalities can put levies on special election ballots, as special elections are usually not crowded with candidates or other issues, making it the best time to thoroughly educate voters on the levy. OML opposes the preemption this bill creates, and will invite members to testify should the bill continue to receive hearings.

WORKER'S COMPENSATION REFORM

HB 269 and HB 268, both sponsored by Rep. Henne (R - Clayton), had second hearings in the House Insurance Committee. HB 269 is a general Worker's Compensation overhaul, dealing mainly with safety incentives and return-to-work plans, which HB 268 deals with self-insurers. HB 268 had a substitute bill adopted allowing the BWC to require additional security, such as a line of credit or a bond, from certain employers.

OHIO SUPREME COURT TO HEAR SECOND CASE ON MUNICIPAL RED-LIGHT TRAFFIC CAMERAS

This week, the Ohio Supreme Court elected to decide whether or not cities who collected fines from red light traffic cameras while their right to do so was being litigated in court will have their Local Government Fund (LGF) dollars withheld.

The decision came from Attorney General Mike DeWine's appeal after the lower courts struck down the state's ability to withhold LGF dollars equal to the amount in civil fines they collected in red light traffic camera citations. The specific city at the center of the litigation is Toledo.

The situation is stemming from a specific provision within the budget bill, HB 49, that called for the state to withhold LGF revenues from cities - such as Toledo - that were awarded court orders allowing them to keep their traffic cameras while they challenged the law that banned the use of red light traffic cameras, which they argued infringed upon Home Rule authority.

That separate litigation, which dealt specifically with the city of Dayton, was ruled in favor of Dayton and found the restrictions of red light traffic cameras unconstitutional. That decision has yet to be extended to the cases in Toledo and Springfield, who held their appeals while the Dayton case was decided.

In the case that the Ohio Supreme Court decides the General Assembly has the right to withhold LGF dollars from cities who collected fines during Dayton's litigation could stand to lose substantial amounts of revenue they have already budgeted. League staff will be monitoring the Court's decision closely and we will let our members know how the high court chooses to rule.

OML CHIEF LEGAL COUNSEL RECOGNIZED TWICE AT IMLA AWARDS

OML is proud to report that our Chief Legal Counsel Garry Hunter is the recipient of not one, but two awards at the International Municipal Lawyers Association (IMLA) 82nd Annual Conference. Mr. Hunter was awarded both the James H. Epps III Award for Longevity of Service to a Community Award and the Charles S. Rhyne Lifetime Achievement in Municipal Law Award during the conference, which was held in Niagara Falls in Ontario, Canada.

Mr. Hunter, who has served as the Law Director of the City of Athens, has over thirty-seven years of municipal experience. He serves as Executive Director of OML's Ohio Municipal Attorneys Association and is a past president of the Athens County Bar Association. Congratulations, Garry, on your well-deserved recognition!