
Memorandum

To: Mayor and Members of City Council
cc: City Manager, Finance Director, City Law Director
From: Roxanne
Regarding: General Information
Date: June 29, 2018



CALENDAR

AGENDA - CITY COUNCIL

C. APPROVAL of MINUTES:

June 25, 2018 Council Meeting Minutes
June 25, 2018 Public Hearing/Application for Agricultural District

E. REPORTS from COUNCIL COMMITTEES

G. INTRODUCTION of NEW ORDINANCES and RESOLUTIONS - *None*

H. SECOND READINGS of ORDINANCES and RESOLUTIONS

1. **Ordinance No. 036-18**, an Ordinance Authorizing the Expenditure of Funds over Twenty-five Thousand Dollars (\$25,000.00) related to the River Bridge and Waterline Extension Project; and Authorizing the City Manager to Enter into a Contract with the Board of Commissioners of Henry County, Ohio; and Declaring an Emergency.

I. THIRD READING of ORDINANCES and RESOLUTIONS

1. **Ordinance No. 029-18**, an Ordinance Amending Section 505.14 of the Codified Code to Prohibit Dangerous and Vicious Dogs from being on Sidewalks Used by the General Public; Repealing Certain Sections of Ordinance No. 051-09.
2. **Resolution No. 031-18**, a Resolution Adopting the 2019 Tax Budget for the City of Napoleon, Ohio, as required in Sections 5705.28 and 5705.281 of the Ohio Revised Code (ORC) and Directing the Finance Director to File the Same with the County Auditor; and Declaring an Emergency.
3. **Resolution No. 033-18**, a Resolution Authorizing the City Manager to Execute all Documents Necessary to Apply and Accept Ohio Public Works Commission State Capital Improvement Program (SCIP) and Local Transportation Improvement Program (LTIP) Funds for Projects deemed necessary by the City Engineer in the Year 2019.
4. **Ordinance No. 034-18**, an Ordinance to Approve Current April, 2018 Replacement Pages to the Napoleon Codified Ordinances.

J. GOOD of the CITY (Discussion/Action):

1. **Discussion/Action:** Application for Agricultural District located in the City of Napoleon applied for by Brad and Laura Hibbard. (Tabled)
2. **Discussion/Action:** Funding Options for Income Tax Refund (Tabled).
3. **Discussion/Action:** to Approve the Recommendation of the NIEDF Committee to Grant the Request of \$20,000 to Ventures in Space, Ltd. for Construction of a Road on their Property.
 - a. This was the committee's recommendation at their meeting on June 28th.
4. **Discussion/Action:** Approval of Change Order No. 19 to Peterson Construction Co. for the WTP Improvements Project, an Increase of \$154,940.
 - a. The enclosed Memorandum from Chad explains this change order.
5. **Discussion/Action:** City Right-of-Way Occupancy Permit.
6. **Discussion/Action:** Logo to be Painted on Water Tower.
 - a. Included in your packet is a Memorandum from Joel.

INFORMATIONAL ITEMS

1. Meeting Canceled:
 - a. Technology Committee
2. Press Releases Issued:
 - a. *Celebrate Safely this July 4th*
 - b. 4th of July Schedule of Events
 - c. Refuse & Recycling Pickup Schedule for the 4th of July week

Records Retention - CM-11 - 2 Years

July 2018						
◀ June						August ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2 7:00 pm City Council	3	4 CITY OFFICES CLOSED 	5	6	7
8	9 6:15 pm Electric Comm. and BOPA 7:00 pm Water & Sewer Committee 7:30 pm Municipal Properties Committee	10	11	12	13 9:00 am – Healthcare Cost Committee	14
	16 6:00 pm Tree Comm. 6:00 pm Parks & Rec Committee 7:00 pm City Council <i>Rox @ OMCA Conference</i>	17 4:30 pm Planning Comm. Special Meeting <i>Dublin, Ohio</i>	18 <i>July 15 - 19</i>	19	20	21
22	23 6:30 pm Finance & Budget Committee 7:30 pm Safety & Human Resources Committee	24 4:30 pm Civil Service Commission	25 6:30 pm Parks & Rec Board Mtg.	26	27	28
29	30 <i>5th Monday No Scheduled Meetings</i>	31				

City of Napoleon, Ohio

CITY COUNCIL

MEETING AGENDA

Monday, July 2, 2018 at 7:00 pm

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

A. Attendance *(Noted by the Clerk)*

B. Prayer and Pledge of Allegiance

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

1. June 25, 2018 Council Special Meeting Minutes.
2. June 25, 2018 Public Hearing/Agricultural District

D. Citizen Communication

E. Reports from Council Committees

1. **Technology Committee** did not meet tonight due to lack of agenda items.

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

1. **NIEDF Committee** met on Thursday, June 28, 2018 and recommended Approval of the Grant Request of \$20,000 to Ventures in Space, Ltd. for Construction of a Road on their Property.

G. Introduction of New Ordinances and Resolutions

H. Second Readings of Ordinances and Resolutions

1. **Ordinance No. 036-18**, an Ordinance Authorizing the Expenditure of Funds Over Twenty-Five Thousand Dollars (\$25,000.00) related to the River Bridge and Waterline Extension Project; and Authorizing the City Manager to Enter into a Contract with the Board of Commissioners of Henry County, Ohio; and Declaring an Emergency.

I. Third Readings of Ordinances and Resolutions

1. **Ordinance No. 029-18**, an Ordinance Amending Section 505.14 of the Codified Code to Prohibit Dangerous and Vicious Dogs from Being on Sidewalks used by the General Public; Repealing Certain Sections of Ordinance No. 051-09.
2. **Resolution No. 031-18**, a Resolution Adopting the 2019 Tax Budget for the City of Napoleon, Ohio, as required in Sections 5705.28 and 5705.281 of the Ohio Revised Code (ORC) and Directing the Finance Director to File the Same with the County Auditor; and Declaring an Emergency.
3. **Resolution No. 033-18**, a Resolution Authorizing the City Manager to Execute all Documents Necessary to Apply and Accept Ohio Public Works Commission State Capital Improvement Program (SCIP) and Local Transportation Improvements Program (LTIP) Funds for Projects deemed necessary by the City Engineer in the Year 2019.
4. **Ordinance No. 034-18**, an Ordinance to Approve Current April, 2018 Replacement Pages to the Napoleon Codified Ordinances.

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


1. **Discussion/Action:** Application for Agricultural District located in the City of Napoleon Applied for by Brad and Laura Hibbard. [Tabled]
2. **Discussion/Action:** Funding Options for Income Tax Refund. [Tabled]
3. **Discussion/Action:** to Approve the Recommendation of the NIEDF Committee to Grant the Request of \$20,000 to Ventures in Space, Ltd. for Construction of a Road on their Property.

4. **Discussion/Action:** Approval of Change Order No. 19 to Peterson Construction Co. for the WTP Improvements Project, an increase of \$154,940.00.
5. **Discussion/Action:** City Right-of-Way Occupancy Permit.
6. **Discussion/Action:** Logo to be Painted on Water Tower.

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

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

M. Adjournment.



Gregory J. Heath
Finance Director/Clerk of Council

A. ITEMS REFERRED OR PENDING IN COMMITTEES OF COUNCIL

1. **Technology & Communication Committee (1st Monday)**
(Next Regular Meeting: August 6, 2018 @6:15 pm)
2. **Electric Committee (2nd Monday)**
(Next Regular Meeting: Monday, July 9, 2018 @6:15 pm)
 - a. Review of Power Supply Cost Adjustment Factor for July 2018
 - b. Status of Transmission Ownership.
 - c. Efficiency Smart Program (Tabled)
 - d. Electric Department Report.
3. **Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday)**
(Next Regular Meeting: Monday, July 9, 2018 @7:00 pm)
4. **Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday)**
(Next Regular Meeting: Monday, July 9, 2018 @7:30 pm)
5. **Parks & Recreation Committee (3rd Monday)**
(Next Regular Meeting: Monday, July 16, 2018 @6:00 pm)
6. **Finance & Budget Committee (4th Monday)**
(Next Regular Meeting: Monday, July 23, 2018 @6:30 pm)
7. **Safety & Human Resources Committee (4th Monday)**
(Next Regular Meeting: Monday, July 23, 2018 @7:30 pm)
8. **Personnel Committee (as needed)**

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

1. **Board of Public Affairs (2nd Monday)**
(Next Regular Meeting: Monday, July 9, 2018 @6:15 pm)
 - a. Review of Power Supply Cost Adjustment Factor for July 2018
 - b. Status of Transmission Ownership.
 - c. Efficiency Smart Program (Tabled)
 - d. Electric Department Report
2. **Board of Zoning Appeals (2nd Tuesday)**
(Next Regular Meeting: Tuesday, July 10, 2018 @4:30 pm)
3. **Planning Commission (2nd Tuesday)**
(Special Meeting: Tuesday, July 17, 2018 @4:30 pm)
4. **Tree Commission (3rd Monday)**
(Next Regular Meeting: Monday, July 16, 2018 @6:00 pm)
5. **Civil Service Commission (4th Tuesday)**
(Next Regular Meeting: Tuesday, July 24, 2018 @4:30 pm)
6. **Parks & Recreation Board (Last Wednesday)**
(Next Regular Meeting: Wed., July 25, 2018 @6:30 pm)
7. **Privacy Committee (2nd Tuesday in May & November)**
(Next Regular Meeting: Tuesday, November 13, 2018 @10:30 am)
8. **Records Commission (2nd Tuesday in June & December)**
(Next Regular Meeting: Tuesday, December 11, 2018 @4:00 pm)
9. **Housing Council.**
10. **Health Care Cost Committee (Friday, July 13, 2018 at 9:00 am)**
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)**

City of Napoleon, Ohio
CITY COUNCIL
SPECIAL MEETING MINUTES

Monday, June 25, 2018 at 7:00 pm

PRESENT

Councilmembers

Joseph D. Bialorucki-Council President, Dan Baer-Council President Pro-Tem, Jeff Comadoll, Jeff Mires, Lori Siclair, Ken Haase

Mayor

Jason P. Maassel

City Manager

Joel L. Mazur

Law Director

Billy D. Harmon

Acting Finance Director

Christine Peddicord

Recorder/Records Clerk

Roxanne Dietrich

City Staff

David J. Mack, Chief of Police

Clayton O'Brien, Fire Chief

Others

Newsmedia, NCTV, Brad and Laura Hibbard

ABSENT

Councilmember

Travis Sheaffer

Call to Order

Council President Bialorucki called the meeting to order at 7:23 pm with the Lord's Prayer followed by the Pledge of Allegiance.

Approval of Minutes

Hearing no objections or corrections, the minutes from the June 4, 2018 Council Meeting; June 4, 2018 NORA Public Hearing; June 4, 2018 2019 Tax Budget Public Hearing and June 18, 2018 NORA Public Hearing stand approved as presented.

Citizen Communication

None.

Committee Reports

Electric Committee met on June 11, 2018 and (a) accepted the BOPA recommendation to approve the June 2018 PSCAF as a three month averaged factor \$0.01495, JV2 \$0.033772 and JV5 \$0.033772; and (b) tabled discussion on the Efficiency Smart Program.

Water, Sewer, Refuse, Recycling and Litter Committee met on June 11, 2018 and (a) was updated on the status of the Long Term Control Plan; (b) heard about the Integrated Plan for the Wastewater Treatment Plant; and (c) received updated information on the Refuse and Recycling Programs.

Municipal Properties, Building, Land Use and Economic Committee met on June 11, 2018 and (a) was given an update on the construction project schedule for the remainder of 2018 and projects being considered in 2019; and (b) was informed that the Master Plan Surveys are out and there is a link on the City website anyone can access to complete the survey.

Parks and Rec Committee meeting for June 18, 2018 was canceled due to lack of agenda items.

Finance and Budget Committee did not meet tonight due to the lack of agenda items.

Safety and Human Resources Committee did not meet tonight due to the lack of agenda items.

Motion: Comadoll Second: Haase
to approve Second Read of Ordinance No. 029-18.

Harmon stated specific language has been removed from our Ordinance, nothing has changed since first read.

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

Council President Bialorucki read by title **Resolution No. 031-18**, a Resolution Adopting the 2019 Tax Budget for the City of Napoleon, Ohio, as required in Sections 5705.28 and 5705.281 of the Ohio Revised Code (ORC) and Directing the Finance Director to File the Same with the County Auditor; and Declaring an Emergency.

Motion: Comadoll Second: Mires
to approve Second Read of Resolution No. 031-18.

Peddicord said there has not been any changes.

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

Council President Bialorucki read by title **Resolution No. 033-18**, a Resolution Authorizing the City Manager to Execute all Documents Necessary to Apply and Accept Ohio Public Works Commission State Capital Improvement Program (SCIP) and Local Transportation Improvement Program (LTIP) Funds for Projects deemed necessary by the City Engineer in the Year 2019.

Motion: Comadoll Second: Baer
to approve Second Read of Resolution No. 033-18.

Mazur reported the State requires a Resolution authorizing the application for these grant funds.

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

Council President Bialorucki read by title, **Ordinance No. 034-18**, an Ordinance to Approve Current April, 2018 Replacement Pages to the Napoleon Codified Ordinances.

Motion: Siclair
to approve Second Read of Ordinance No. 034-18.

Mazur said the City contracts with Walter Drane to review our ordinances and update the codified ordinances twice a year.

Roll call vote on the above motion:

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

Nay-

Council President Bialorucki read by title, **Resolution No. 032-18**, a Resolution Authorizing the Establishment of the Napoleon Open Refreshment Area (NORA), making Certain Findings and Determinations and Enacting Regulations with Respect thereto; and Declaring an Emergency.

Motion: Siclair
to approve Third Read of Resolution No. 032-18.

Mazur reported the second and final public hearing was held last Monday, the participants in attendance were in support of the NORA. The Ohio Dept. of Public Safety came to the Lumberyard and did a presentation, sixteen people were there from area establishments, one item that came up was to have set hours from Noon to 1:00 am seven days a week rather than have separate weekday, weekend and holiday hours. Doug Herman from Eddie J's said the Eagles and Flatrock are open on Sundays, occasionally the Elks are, we are trying to attract businesses to the downtown and part of our issue is to educate the public at large and our staff. We felt it is best to keep it simple, as it is written, would Friday hours be considered a weekday or weekend? Bialorucki said in his opinion it is best to keep all seven days with the same hours. If issues do come up, we can always make changes. Mazur stated there is a quarterly review to be done the first year to identify any issues. Harmon said he spoke to the Dept. of Commerce regarding changes to the program and how that might affect the process, minor changes to the hours will not affect the process, major changes to the boundaries or addresses would. Baer said to set the hours the same sounds much easier. Maassel asked if modifications are made this cannot be third read. Harmon replied, the modifications would be to the application, not the legislation, if there are only minor changes, Council can proceed and approve third read. Maassel said it makes more sense the way it is was originally presented. Mires agreed with Bialorucki and Baer, to keep the hours the same seven days a week, seems it would be easier for police to enforce and the public to understand. Harmon confirmed what Council would be voting on is the refreshment area idea. Bialorucki asked about special events that are to be identified by the City, who is going to make that determination? Mazur replied, if the hours are changed to be the same all the time, this section will be deleted.

Roll call vote on the above motion:

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

Nay-

Perry Street Bridge Waterline Hanger Support Replacement

Motion to Approve Specs and Go Out to Bid

Passed
Yea-6
Nay-0

Application for Agricultural District Filed by Brad & Laura Hibbard

Motion to Table

Passed
Yea-6
Nay-0

**Remove from Table
Funding Options for
Income Tax Refund**

Passed
Yea-6
Nay-0

Discussion

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Records Retention: FIN-33 Permanent

Harmon said the business has agreed to have payments made over a period of time has the interest been addressed? Peddicord replied next year there will not be any interest, there could be interest in the third year because the ordinance changed with the ORC. Peddicord relayed Heath agreed to pay the \$401,000 this year and in January 2019 a payment of \$273,274 will be made. Bialorucki asked if the third payment is made in November 2019 would that alleviate the interest? Maassel said we have to get the Industrial Drive project done first and see if there is any money left and then get the downtown project done to make sure money isn't needed for that project, I do not want to cut any services, providing quality roads is a service and we are not doing that. Mazur said there is enough in the CIP reserve account and rainy day fund carryover balance to cover.

Motion: Comadoll
to re-table funding options for income tax refund.

Roll call vote on the above motion:

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

Nay-

Council President Bialorucki removed this item from the agenda.

The audit is complete and has been filed.

I'm thankful for the opportunity to attend the APPA conference and the knowledge I gained from that and the opportunity to meet people, I think AMP and APPA is invaluable so I'm thankful for that. I also had an opportunity to participate in the NapNaz 5k race this weekend it was a really cool thing for the city and I'm thankful for the church to put it on and thankful for everyone who showed up in the rain to participate and donate money to our parks department. I noticed after church Sunday how beautiful the flowerpots look downtown.

One thing, when you guys leave Napoleon, tell the rest of us because I'm seeing stuff on Facebook where you guys are in Louisiana and people are asking me what is going on and I said I have no idea, next time you go let everybody know, so the citizens of Napoleon know what is going on.

I would like to thank the members of council for your support last week with the loss of my Mom, I thank you very much for that.

I echo what Lori said, I'm very thankful to be able to go to that APPA Rally, I learned a lot there is so much to learn with the electric and how we can try to save our residents money on their electric and when we are moving forward with different projects and things, the number one thing is the relationships that I have now with people from other cities or just from other aspects of the electric world that I knew

Maassel

nothing about a year ago, it was very beneficial. I will not be here July 9th. Going to Marco Island with my family.

I wrote some thank-you notes for Gary Westhoven, Steve Creager, Katie Meyers and the Gerken Companies for all their hard work and for the paint to put the Wildcat back in downtown Napoleon so if you want to sign all those and I will get them mailed off to the correct people, I think Napoleon looks more like itself with the Wildcat where it is.

Ribfest is Friday night, how many ribs did you get Chief?

Chief O'Brien said we are cooking 750 lbs. of ribs, we will be right in front of Kurtz Hardware, we are teamed up with Outlaw BBQ.

Mayor - so come support your local fire people and safety services.

I had the pleasure of swearing in two new police auxiliary officers on Sunday morning, I appreciate all the work they did to get through the academy, you have two new officers to mold Chief. I want to Commend Chief Mack, in football the quarterback gets all the credit sometimes all the blame whether it was their fault or not, so Chief sometimes you call the people in when issue happened on Leonard St. appreciate all that and saving a life and also saving the life of somebody just short of the bridge on Memorial Day but takes quarterback sometimes to call all the people in and get stuff going, appreciate all you guys did. I know Chief you had some people take the patient to the hospital and do some things appreciate all the hard work that they did on that day too, was a good team effort.

We have not had update on the WTP, can we have something on July 16th with full Council.

Mires

I echo what the Mayor said about Chief good job on the bridge CPR and also on Leonard Street. I went to training that Chief and Lt. Smith gave this week, as a volunteer at the hospital we had to go through some training, trying to prevent another Columbine happening, hats off to Chief and Lt. Smith. Three weeks ago I had a complaint about railroad tracks needing fixed a couple days later they were fixed and the same gentleman said hats off to the city. I'm watching progress on the water tower, I can see it from my backyard, right now they have a tarp over it, what are we putting on the outside, a logo, Napoleon or Wildcat?

Mazur said Napoleon and are leaving a space open if we want to put a logo on, the southside water tower put public power community, AMP has designed another logo stating public power community, could be electric fund item if is the desire of council to do, is an item we can put as item for discussion next week full council.

**Discussion for Logo on
Water Tower Added to
July 2nd Agenda**

Council President Bialorucki added discussion on logo to be painted on the water tower to the July 2nd agenda.

Haase

Patching crew continues to do a good job with equipment and the flower pots look very nice. I will be in CA in October.

Harmon

I would ask for an executive session for pending litigation.

Mazur

We went through the email conversion, there were a few glitches but overall was a success, there are some minor user issues other than that it is a full go.

Motion to Go Into Executive Session for Economic Development

Passed
Yea-6
Nay-0

Motion to Go Into Executive Session for Pending Litigation

Passed
Yea-6
Nay-0

Into Executive Session

Motion to Come Out of Executive Session for ED

Passed
Yea-6
Nay-0

Motion to Come Out of Executive Session on Pending Litigation

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

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

8 of 9

Council came out of Executive Sessions at 8:53 pm.

The bills and financial reports were approved as presented with no objections.

Motion: Siclair
to adjourn the City Council meeting.

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

The City Council meeting was adjourned at 8:54 pm.

Joseph D. Bialorucki, Council President

Jason P. Maassel, Mayor

Gregory J. Heath, Finance Director/Clerk

City of Napoleon, Ohio
CITY COUNCIL

SPECIAL MEETING MINUTES - PUBLIC HEARING

Monday, June 25, 2018 6:45 pm

PRESENT

Council Members

Mayor

City Manager

Law Director

Acting Finance Director

Recorder/Records Clerk

City Staff

Others

ABSENT

Councilmember

Call To Order

**Application for Placement
of Farmland in an
Agricultural District**

Council President Joseph D. Bialorucki, Council President Pro-Tem Dan Baer, Jeffrey Comadoll, Jeff Mires, Lori Siclair, Ken Haase

Jason Maassel

Joel L. Mazur

Billy D. Harmon

Christine Peddicord

Roxanne Dietrich

Dave Mack, Chief of Police

Clayton O'Brien, Fire Chief

Newsmedia, Brad and Laura Hibbard, NCTV

Travis Sheaffer

Council President Bialorucki called the Public Hearing to order at 6:45 pm.

Mazur stated we received an application for placement of farmland in an agricultural district. This was submitted to the County auditor's office, County Auditor Kevin Garringer signed off on it and submitted it to the Finance Department and as a requirement, we have to have a public hearing once we receive this and then take action within 30 days. Harmon said we're having the hearing within 30 days and then within 30 days of this hearing we have to have a decision. Mazur continued we received an application for placement of farmland in an agricultural district from Brad and Laura Hibbard at 2950 Enterprise Avenue, Napoleon, Ohio there are two parcels, this is formerly known as Mahnke's Orchard is now known as Honey Blossom Orchard it is roughly 39.02 acres. I think everybody received an email from Greg and also some email correspondences from Mr. and Mrs. Hibbard regarding the agricultural district. There have been some questions on what this is and what it means. Just to reiterate a little bit of history, these ag districts in the North Pointe area started back in 2002 when North Pointe properties were annexed it was about 400 acres it was all farmland it was all voluntary annexations the big item there was that the property owners had the option at the time to enter into ag districts and or not if they qualified they could, many of them choose to. In this particular instance on this property the Mahnke Orchard choose not to enter into an ag district. Every so often Council approves these ag districts there are five of them. Peddicord said once every five years. Mazur asked how many are there total from this area? Peddicord answered they split it off about six. Mazur went on, there are about six of them out there in the North Pointe area. What happened was every property owner was instructed and like I said Mahnke's Orchard opted out of it. The reason why that is significant is because the City at the time used the Ohio Water Sewer Rotary Commission funds to

help pay for some of the infrastructure improvements in that area, mainly in this case the pump station force main and sewer interceptor. The Ohio Water Sewer Rotary Commission funds that were used were then deferred so everything was assessed to the property owners but for the Water Sewer Rotary Commission funds those assessments were deferred and are still deferred for the remaining properties. The city front loaded all the infrastructure improvements and still to this day is paying on those improvements including for this property, the Mahnke Orchard. This application came in the new owners do qualify for an ag district and they still get whatever ag district benefits there are which I think in this case this property already has the CAUV value through the Auditor's office so that is already in place and for this district it would be any future assessments on the property can be deferred any new assessments could be deferred. Clears up some questions Greg had about assessments and other items.

Public Comments

Brad Hibbard – basically we own the property at 2950 Enterprise Avenue like was discussed if you look at the zoning maps the county map, the city map there is only two properties in the NE corner ours and approximately a 50-acre farm to the North of us. To the west of us beyond the north of that farm and to the east of us is all county township property. The only city property that is close to us is the Fuel King which is catty-corner from Enterprise Drive and 24. I know there has been some discussion on the farming, agricultural and stuff out there, when we first looked at buying this property back in April of 2016 we talked to Tom Zimmerman who at that time was the building official. We asked is this agriculture, we asked would we be able to have livestock, continue the farming operation, build a small barn and stuff like that and Tom's answer is the property you asked about is in the city limits and is zoned C4 Planned Commercial the city does not have a special agricultural zone the zoning code does not address farming anywhere but there is a lot of farming in the city even in residential zones I'm sure you can continue farming that lot especially since it is an existing use the C4 zone is a zone that allows businesses, retail and restaurants so the market shop is fine your the market shop is perfect so we were told prior to the purchase continue farming, what the ag district will do is allow less work for the City Council and committees because it will be basically, if approved, be set and go as farming, there is a five year agreement giving us the ability to farm the property at the end of that five years, if you get into it, it gives you all the stipulations of dates and stuff like that the County Auditor will initiate the renewal process of it so Council, zoning, committees and such will not have to man up and do that work there will be a renewal process at that time and there is deadlines to meet for that. The ag district is regulated by the State of Ohio through the Ohio Revised Code Section 929. We will continue to be in the city limits, we will continue to pay property taxes that the property does currently pay to the City of Napoleon, we will continue to pay the assessments for the sewer and water according to the ag district we cannot opt out of that we can only opt out if there is additional assessments going forward from this date, it allows the ability for us to control our operations, as some of you know this year has been an awful year for rain and trying to get crops in the field there are several places that did not get their crops in this year with this this will allow us if we wanted to put corn on that property and we can't get corn in we can change and put another crop in there to at least allow us to get

income for that year through this special condition thing we would have to go through an approval process to come in and ask for an approval for additional crops if it wasn't on that special conditional. The city will not be tasked in determining issues in regards to any nuisance lawsuits it would go to the judge. As far as I know, we have not had any complaints against our property for any kind of nuisances, and

Mazur- we haven't gotten any complaints

Brad Hibbard - uhm like I said it will be reviewed every five years basically we see it as a win-win for both parties, you guys will continue to getting the assessments which I think was one of the biggest concerns through this whole process through the talks of the de-annexation was the monies for the assessments so I mean I think we get to farm and put on what we need to do to farm the property maintain the property we stay in city limits if there is income on the property there will be income taxes collected by the City, the property taxes collected by the city and the assessments. I'm open for questions if anyone has anything.

Bialorucki -I have a question, first of all I think the business that you and Laura are wanting to do here is great for the city and I think for this area, so thank you for doing that

B. Hibbard - I appreciate that

Bialorucki - I'm originally from Toledo so farming and everything is a little bit out of my comfort zone in knowing things so when you are saying that this ag district will allow you to farm that is really broad so you know in my mind there is pig farms, there is dairy farms, there's a lot of different farms so what are the restrictions on what type of farming you would be allowed to do?

B. Hibbard - Let me tell you this, there is no way that we are going to put 1,000 pigs on this farm, because we have a retail business there also and if we are smelling up that area there's nobody gonna come in and buy product from us. This year alone we started selling bee keeping supplies I don't know if any of you are aware of the beekeeping industry but the closest places to this region to buy bee keeping supplies other than the True Valu Hardware and some of the Tractor Supplies and Family Farm and Fleets is Ft. Wayne, Indiana; Albion, Michigan; Menden, Michigan; Napoleon, Michigan; Medina; Ashland; Mansfield and Delph urr Lima so anybody that is bee keeping in this area has to travel approximately an hour to an hour and a half to get supplies or do mail order and we all know mail order does not generate any sales tax dollars as of right now to the community where this will generate sales tax dollars to the community. We brought in approximately one million bees this year to be sold to beekeepers in this area. We had a gentleman from Stryker, Ohio purchase, we've had people from Defiance, Bryan, Ohio, Wayne, Ohio; so I mean we are getting a diverse selection of people coming to this community. We had three beekeeping classes earlier this year one was *I Think I Want to be a Beekeeper but I Don't Know if I Want to be One* so it was a four hour class to get that person to either this side of the fence or that side of the fence and then we had a *Beginning Beekeeping* class which was a two-day session approximately six hours a day which was hands on, classroom, lab, actually lighting the smokers learning how to put bees into the hives and stuff like that we had people from Wayne, Ohio come to that, we had we brought in lunches for the people since it was over the lunch period that we bought locally and brought in for the people that stayed in the community to eat, there were numerous people that

went to the truck stops that got pops, candy and stuff like that so it is a trickle down also to where there is additional revenue coming in with what these people are purchasing in gas, snacks, drinks and stuff like that.

Bialroucki - I appreciate that what I want to know is if there are any restrictions. I'm not saying that you are going to put things on there but I want to know what the restrictions for farming are before I would say yes let's do this.

B. Hibbard – There is a I think it is called safe farm practice to where like you get into chicken description and it tells you that you are only allowed so many chickens per square feet so that is set through I believe it is the Ohio Revised Code if not it is set through the Ohio Department of Agriculture so there is stipulations of what you can actually place on the property there is a limit of so many animals per so many acres, but there again like I said our intentions are, if we are going to do anything, it would be like a couple of cows maybe some goats stuff like that it is not going to be a mega farm or a feed lot or anything to that nature it is going to be where people can come out and learn and see how a farm works. Fact is, just yesterday we had one of the 4-H groups come out there 20-30 kids they asked probably the most intelligent questions I could think of coming out of third fourth graders fifth and sixth graders I mean I was blown away with the questions and the detail of the questions they wanted to know about bees, they wanted to know how this works, how that happens, we took them out into the orchard they were asking questions what's this what's that what's that white ring at the bottom of the tree for I explained to them it's to keep the rabbits from killing the trees from eating the bark in the winter so I mean it's set up as what we wanted to do as an educational for the community for the surrounding areas and to bring people into it. For animal wise, like I said, we are talking minimal numbers.

Bialorucki - Thank you I appreciate that.

Maassel - does the ag zone go with the business and the business owners or is it with the property? Meaning if the Hibbards decide that this area is too small and they want to make it really big and they can't do it there and they go someplace else does this remain an agricultural use if the Hibbards leave can the next person come in and build because it is an ag zone can they build?

Peddicord - once they file and the ag district is approved it is good for five years whoever owns the property, then on the renewal process it goes through the same process again they file with County it has to be approved by the City for renewal as well.

Maassel – understand that is one of my concerns, if you guys leave and sell to someone else that wants to cut down all the trees and put up a big selling operation there it is kind of an issue

B. Hibbard - and so you know, there is a penalty clause in it but if for say something does change where it does not stay in farmland because this is to protect the farmland, this is what the Ohio Farm Bureau set up was to protect the farmland so if we decide to leave and the property goes to changes there is a penalty I don't remember exactly what it is it depends on how you are and it is a prime of this and that I mean there is an actual formula for a penalty to change it.

Maassel - still agricultural zone instead of it being grain based and fruit based it is changed to be more of a hog operation you know what I mean that is going to cause more of a nuisance smell, if you guys sell and the next person says I

don't care about customers walking in the door because I'm going to make I'm going to butcher hogs like crazy see what I'm saying that's one of our concerns B. Hibbard - but that's where the nuisance laws takes it off the city's responsibility and take it to the judicial system

Maassel - right now we have a code enforcer so if there is a problem out there we call our code enforcer and he would enforce are you saying he has jurisdiction in agricultural zone

L. Hibbard – there is a nuisance law that states in the agricultural code and I don't remember the specifics the exact verbiage but it basically says if something changes like if owners change and all of a sudden they change and want to do a mega pig farm or whatever or if somebody is currently already living there and has a business in the area has a problem with the facility due to nuisance that can be regulated by the courts, it can be regulated by the auditor's site and there are several different avenues that you have to go so if things change from what we are currently doing and it becomes a nuisance you can fight it now if we were currently had say 25 chickens 20 chickens whatever and somebody new just came and all of a sudden moved in already after we had the 25 chickens and they said I can't live here that smells awful so I'm going to sue you for nuisance or go to the city for nuisance because they came after we were already doing that operation we are protected from that new person moving into that area when there is already an event happening there Maassel - understand that. Now to understand code enforcement piece, the city has a code enforcement person if there is an issue out there from an already existing business or existing citizen can our code enforcer enforce violations or is it only through the state

B. Hibbard - I think it is through the state I mean reading it it doesn't come right out in black and white and tell you the exact flow of how things have to happen Harmon - they will have some civil nuisance protections, criminal nuisance protections no so we will enforce our code the same as we have same as always as far as city is concerned they have protections against civil nuisance claims by neighbors and so on

Maassel - trying to avoid potential problems down the road, want to make sure we are all in this with our eyes wide open

Bialorucki asked if there were any other questions or comments.

Mazur - has been brought up before about city code vs state code, raise just to clear the air so there is no questions, it is still zoned C4 commercial C4 area within city limits, your understanding still have to adhere to the zoning rules of the city

L. Hibbard - no my understanding is that you will be able to process ag just like you could do in the country under the ORC stipulations so you are allowed to only have so many animals per acreage and stuff like that you would contain your animals file for permit just like you are in the township you would be able to like say for instance difference between special use permit and this is we have to put down how many chickens we are going to have and how many goats are going to and if we get rid of one and change to llamas we have to come to you guys for approval with special use permit with agricultural we don't say for instance coyotes come in and kill all our chickens because we have coyotes in the woods right behind us and they kill off all our chickens and all of a sudden we need donkeys to protect all our goats and chickens we don't want to have to wait three weeks to go through you guys to get approved to have a

donkey it is just micro managing the property and us having a donkeys does not all of a sudden create a nuisance to anybody. Now if somebody all of a sudden I'm selling that 1000 head of steer they put over there they can actually file against us said for that because all of a sudden we added steers and we did not have steers before.

Mazur - on civil side and Billy just pointed out it's on the civil side but not on the city side and its says in the pamphlet it does have affirmative defense against civil nuisance actions but it does not address the code enforcement officer, there has been a question that has been raised. Joe's right this a great business to have in the city, great for the area, nobody wants to get in the way of this just going through process why having public hearing so we can clear the air on some of the questions that have been raised.

L. Hibbard - so what is the difference in civil or criminal in that what are going to be the repercussions between the two civil you basically get monetary if you win the case and criminal we would

Maassel - if it is something against the city code that's enforceable by the city we can enforce on, if it is something say that your neighbor wants to sue you for that would be civil.

L. Hibbard - so in essence we basically could be brought to justice per se

Harmon - as would any other person that lives within the city you would be subject to the nuisance ordinances that we have in place.

L. Hibbard - well that brings up a good point you guys I sent all of you a map of the city and I passed one out to everybody here and it shows how far we actually are from the actual residents of Napoleon not other businesses but the residents so I don't know if you guys want copies of this again, but there are all kinds of farms which there are some council people that did not realize there are farms inside the city limits written farm on everyone single one currently being farmed and also has CAUV, can show you every single farm being farmed, all between residents and Honey Blossom are all the farms see how far we are from city residents most people do not know we are in the city limits most of our neighbors which are businesses and people down our road are not in the city limits none of them have problems with us

Maassel - issue is not farming, I think the issue is potential future disagreements over city code we want to make sure everyone is on the same sheet of music understand that city code still applies even in agricultural

Mazur - it is treating everyone fairly in the C4 area make sure everyone is treated the same.

B. Hibbard - need to clarify what CAUV is because there is some confusion and it was on facebook that CAUV is zoning CAUV has nothing to do with zoning it is a property tax discount when you get your renewal for your ag district it comes out at the same time, as your renewal for CAUV. We have also been told also there are no farmers in the City of Napoleon which means there are no farms in the City of Napoleon, the city owns at least two farmland properties in the City of Napoleon, I have gone through the county auditor's site pulled up farmlands in the city limits that are CAUV and there are approximately more than 30 farms in the city limits now some of them are in residential whatever levels they are, some are in C4, some are in industrial now I would ask to see the special condition permits for all them farmlands and all the special use permits for that. Cuz I was told that because it was one farm was CAUV they have done everything legal and right, my comment back was I'm CAUV also. So that

means I have done everything correct and right. I think there needs to be some clarifications also on both sides I mean if you look I've brought a whole stack of stuff that I have this is just farmland in the City of Napoleon

L. Hibbard - and we were also told there was special use permits all over the place.

Mazur - I don't know the last time we've had a special use permit that would go through the Planning Commission.

B. Hibbard - the only one I know about is for St. Johns and the thing is going back trying to streamline this that special use permit took between 4-8 weeks to go thru the system and they were allowed to operate during the time which they did not have the permit so if we want to talk about fair.

Mazur - well I think the question was whether or not the zoning rules still apply.

B. Hibbard - do they still apply to the other farms that are in C4 and are currently farming?

Mazur - they would apply to everyone fairly across the board.

B. Hibbard - there again I ask to see the special permits.

Mazur - I'm not saying that with our old code enforcement inspector that this was policed very well I think everyone knows and understands what was going on but it just was not enforced.

B. Hibbard - so are you trying to say I am the guinea pig for enforcement? Stand on this side of the podium and understand that question.

Maassel - trying to avoid problem down the road.

L. Hibbard - everyone has the right to go and ask for agricultural district but whether they fit into the criterial or not depends on that specific

Maassel - I understand I just want to make sure again that we are all understanding of the code enforcement if you are in an Agriculture Zone, Industrial Zone, C4 Zone, C2, R1 there is still code enforcement because you are inside the city.

B. Hibbard - we also asked to have this rezoned agricultural and we were told that the city would not spend the money to rewrite a zoning for agricultural, I talked to a previous village administrator of another city and they loan out their agriculture zoning Poggemeyer's did their zoning there are other communities that have adapted their zoning, basically change names from current city to the one that is doing it.

Maassel - when we first tried to do agricultural use in a C4 that was to try to help Honey Blossom Orchard get into business as fast as possible

B. Hibbard - but we also saw the slowdown of getting the approval of things, just like the approval process that it took for St. Johns to get their special use permit to operate a farm market that was put up slammed in a parking lot, was not brought to the city prior to us buying this property and during this discussion. We came to the city and told them this is what we want to do, we were upfront and told you guys this is what we wanted to do I got told five months after we came in and talked to you I need a building occupancy permit but no one said anything five months ago about needing that we sat down for the entire summer not being able to sell produce out of our property we had to go to farm markets to do it in Defiance, Perrysburg, we met the building occupancy requirements I think it was in September or October we asked to have a special permit for the well water which is in the city books said we had to talk to the city engineer for that we are waiting for that return phone call yet to this date. When we did finally have the building occupancy inspector come

out and give us the permit that day I had calls into another department waiting for a return calls two weeks after I got the permit the guy came out and said we have been pretty busy with the unlimited trash pickup I don't think the unlimited trash pickup took over six weeks to do. I asked to have some stuff clarified and some timelines for stuff that was an issue at that time, I'm still waiting for those return phone calls in October also. This is why we don't think that special use permit will work for use because if I have a field that gets lost because of weather or I have to change to the market I don't have six weeks to get approval I have to order seed within the next couple of days and have equipment there to plant that next crop if you want me to come in and give you everything under the sun that I mean want to plant in the next ten years on that property we are looking at 20-30 pages.

Mazur - there you go that's what a conditional use permit will do.

B. Hibbard – I want to see that for every farm that is in the city limits right now then everybody else has to follow the same laws.

Mazur – I think the issue here was the animals in specific that was really what

B. Hibbard - we have the nuisance laws

Mazur - its one issue that has not been enforced in the past regularly with animals actually planting of seeds and crops and harvesting has not been enforced I can point to several occurrences where animals have been enforced in the past just trying to clear the air not trying to upset anybody

L. Hibbard – somebody asked about bees, can you bring bees in well we were on the fence about that I said if I don't bring in honey bees and give them a home I will bring in bumble bees they don't have a home which means after they are done pollinating at my place they are coming to the city I don't think you want them in the city I don't want to inflict a nuisance into the city with all those people, schools and everything else bumble bees will go right to water supply after done with me will take up residences in people yards and houses

Mazur - to clarify bees are not the issue.

L. Hibbard – but they are livestock.

Mazur - are they defined as livestock in some code silent on bees.

L. Hibbard - with the ag district you guys can ask for modification too so if we request five years you can come back and say we want to only give you three years then in those three years that gives you opportunity when we reapply for five years you can say well things have not been going well so we are not going to approve this because what happens next in the process if you guys deny or if you modify it goes to court we really don't want to end up in court again it is a waste of everyone's time

Bialorucki - I don't think I'm ready to make a decision today we have thirty days and I think we can do our own investigating and revisit this within the next thirty days and make a decision.

Council President Bialorucki asked if anyone else in the audience wanted to speak on this to please come up to the podium, please state your name.

B. Hibbard - my question is, is there anybody in the audience behind me opposed if so raise their hand.

L. Hibbard - none opposed.

Council President Bialorucki asked if anyone else would like to speak on this.

Motion to Close Hearing

Motion: Comadoll

Second: Haase

To close the public hearing at 7:23 pm.

Passed
Yea-6
Nay-0

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

Date Approved:

July 2, 2018

Joseph D. Bialorucki, Council President

Jason Maassel, Mayor

Gregory J. Heath, Finance Director/Clerk of Council

ORDINANCE NO. 036-18

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) RELATED TO THE RIVER BRIDGE AND WATERLINE EXTENSION PROJECT; AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE BOARD OF COMMISSIONERS OF HENRY COUNTY, OHIO; AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon has previously unanimously passed Resolution No. 042-17, on June 19, 2017 in support of a second river bridge in and for the City of Napoleon, Ohio connecting the City's two industrial areas, and allowing for traffic from the south industrial area to reach the new U.S. Route 24 and rail facilities; and,

WHEREAS, the Commissioners of Henry County, Ohio entered an agreement, Agreement for the Maumee River Crossing, Henry County, Ohio, with Mannik & Smith Group, Inc. which includes authorizing the Mannik & Smith Group, Inc. to perform bridge and roadway plan revisions for a new waterline extension for the New River Bridge in the amount of thirty-seven thousand five hundred seventy-two dollars (\$37,572.00); and,

WHEREAS, the City owns the waterline that it wants the bridge to carry; and,

WHEREAS, the City now desires for the City Manager, as authorized in Sections 133.01(d) (13) and Chapter 105 of the Codified Ordinances of the City of Napoleon, Ohio, on behalf of the City of Napoleon, Ohio to enter into a contract with the Commissioners of Henry County, Ohio regarding reimbursement to Henry County, Ohio for payment rendered to Mannik & Smith Group, Inc.; **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 reimbursement to Henry County, Ohio for payment rendered to the Mannik & Smith Group, Inc. for performance of bridge and roadway plan revisions for a new water line extension for the new river bridge in the amount of thirty-seven thousand five hundred seventy-two dollars (\$37,572.00) within thirty (30) days of the date of Henry County, Ohio's payment to the Mannik & Smith Group, Inc. for said revisions.

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

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

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City

and its inhabitants; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the emergency clause is necessary to authorize the contract with the Commissioners of Henry County, Ohio to compensate Henry County, Ohio in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: _____

Joseph D. Bialorucki, 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. 036 -18 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. 029-18

AN ORDINANCE AMENDING SECTION 505.14 OF THE CODIFIED CODE TO PROHIBIT DANGEROUS AND VICIOUS DOGS FROM BEING ON SIDEWALKS USED BY THE GENERAL PUBLIC; REPEALING CERTAIN SECTIONS OF ORDINANCE NO. 051-09

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

WHEREAS, on February 21, 2012, Ohio House Bill 14 took effect removing pit bulls from the State's definition of vicious dogs; **Now Therefore**,

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

Section 1. That, Section 505.14 of the Napoleon Codified Code shall be amended and enacted as follows:

505.14 DANGEROUS AND VICIOUS DOGS.

(a) As used in this section:

(1) A. "Dangerous dog" means a dog that, without provocation, and subject to subsection (a)(1)B. hereof, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person, while that dog is off the premises of its owner, keeper or harbinger and not under the reasonable control of its owner, keeper, harbinger or some other responsible person, or not physically restrained or confined in a locked pen which has a top, locked fenced yard or other locked enclosure which has a top.

B. "Dangerous dog" does not include a police dog that has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.

(2) "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

(3) "Police dog" means a dog that has been trained, and may be used, to assist one or more law enforcement officers in the performance of their official duties.

(4) A. "Vicious dog" means a dog that, without provocation and subject to subsection (a)(4)B. hereof, meets any of the following:

1. Has killed or caused serious injury to any persons;
2. Has caused injury, other than killing or serious injury to any person, or has killed another dog;
- ~~3. — Belongs to a breed that is commonly known as a pit bull dog. The ownership, keeping or harboring of such a dog shall be prima facie evidence of the ownership, keeping or harboring of a vicious dog.~~

B. "Vicious dog" does not include either of the following:

1. A police dog that has killed or caused serious injury to any person or that has caused injury, other than killing or serious injury, to any person

while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties;

2. A dog that has killed or caused serious injury to any person while a person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper or harbinger of the dog.

~~C. "Pit bull" as used herein includes, but is not limited to, any American Pit Bull Terrier, any Bull Terrier, any Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier, Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier, Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier.~~

(5) "Without provocation" means that a dog was not teased, tormented or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.

(b) Except when a dangerous or vicious dog is lawfully engaged in hunting or training for the purpose of hunting and is accompanied by the owner, keeper, harbinger, or handler of the dog, no owner, keeper or harbinger of a dangerous or vicious dog shall fail to do either of the following:

(1) While that dog is on the premises of the owner, keeper or harbinger, securely confine it at all times in a building, in a locked pen which has a top, locked fenced yard or other locked enclosure which has a top, except that a dangerous dog may, in the alternative, be tied with a leash or tether so that the dog is adequately restrained;

(2) While that dog is off the premises of the owner, keeper or harbinger, keep it on a chain-link leash or tether that is not more than six feet in length and additionally do at least one of the following:

A. Keep that dog in a locked pen which has a top, locked fenced yard or other locked enclosure which has a top;

B. Have the leash or tether controlled by a person who is of suitable age and discretion or securely attach, tie or affix the leash or tether to the ground or stationary object or fixture so that the dog is adequately restrained and station such a person in close enough proximity to that dog so as to prevent it from causing injury to any person;

C. Muzzle that dog.

(c) No owner, keeper or harbinger of a vicious dog shall fail to obtain liability insurance with an insurer authorized to write liability insurance in this State providing coverage in each occurrence, subject to a limit, exclusive of interest and costs, of not less than one hundred thousand dollars (\$100,000) because of damage or bodily injury to or death of a person caused by the vicious dog. The failure to furnish a copy of the liability insurance policy to a Dog Warden or a law enforcement officer that has authority to enforce Section 505.14 within ten (10) days of request by such Dog Warden or law enforcement officer shall be prima facie evidence that the insurance does not exist.

(d) No owner, keeper, or harbinger of a dangerous or vicious dog shall NEGLIGENTLY permit said animal, when within the city, in a public park, public parking lot, or upon any public sidewalk, or upon other public property that is owned,

leased, or controlled by the local, state, or federal government, or upon any private sidewalk or parking lot that is placed for use by the general public, unless the dog is muzzled and on a chain-link leash or tether that is not more than six (6) feet in length, except that such dangerous or vicious dog may be transported in a motor vehicle when meeting the minimum requirements of Section 505.14(b)(2).

(e) If a violation of subsection (b) hereof involves a dangerous dog, whoever violates that subsection is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the third degree on each subsequent offense. Additionally, the court may order the offender to personally supervise the dangerous dog that he owns, keeps or harbors, to cause that dog to complete dog obedience training, or to do both, and the court may order the offender to obtain liability insurance pursuant to subsection (c) hereof. The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the Dog Warden or the Humane Society.

(f) If a violation of subsection (b) hereof involves a vicious dog, whoever violates that subsection is guilty of one of the following:

(1) A misdemeanor of the first degree on a first offense. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the Dog Warden or the Humane Society.

(2) In the event the vicious dog kills or causes serious injury to a person while violating subsection (b), then the charge should be filed pursuant to Section 955.22 of the Ohio Revised Code as a felony.

(g) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the first degree.

(h) Whoever violates subsection (d) hereof is guilty of a misdemeanor of the fourth degree.

(i) ~~Except when an offense involves a pit bull,~~ Whenever an alleged violation of Section 505.14 comes to the attention of the official with authority to enforce Section 505.14, as it relates to a dangerous or vicious dog as herein defined, not being properly insured, restrained or confined, he or she shall promptly investigate prior to the filing of a criminal charge. Should the official, after such investigation, believe that a violation does exist, or believe that the dog is dangerous or vicious, he or she shall promptly notify the owner, keeper, or harborer in the manner prescribed in this section to appear before the City Manager or the City Manager's designee at a date, time and place certain to determine the question as to whether or not the dog is dangerous or vicious as defined in Section 505.14 of the Codified Ordinances.

(1) The investigator shall cause a written report concerning the dangerous or vicious dog to be filed with the City Manager along with any photographs and evidence thereof stating his or her findings.

(2) Notice shall be deemed to be properly served if a copy thereof is:

A. Delivered to the owner, keeper or harborer of the dog by either personal or residential service or by certified mail; or,

B. If the certified letter is returned showing that the letter was not delivered, when a copy thereof is posted in a conspicuous place at the residence of the owner, keeper, or harborer of the dog.

C. Notice of the hearing shall be in substantially the following form:

NOTICE OF HEARING

You are hereby notified that you as an owner, keeper or harbinger of an alleged dangerous or vicious dog, as defined in Section 505.14 of the Codified Ordinances of the City are ordered to appear on _____ at ____ M. at the location of _____. Failure to appear may result in favor of the official alleging the dog is dangerous or vicious.

Dated this _____ day of _____.

/s/ _____
(TITLE OF SIGNER)

A copy of the foregoing notice was served on _____ on the _____ day of _____, _____.

(MANNER OF SERVICE)

/s/ _____
(PERSON SERVING)

D. At the time and place specified in the notice, the City Manager or his or her designee shall hear the matter. The formal rules of evidence shall not apply; however, the hearing shall be recorded. The owner, keeper or harbinger of the dog in question shall have the right to appear in person or by counsel. At the conclusion of the hearing, the City Manager or his or her designee shall make a determination whether or not, by preponderance of the evidence, the dog in question is dangerous or vicious as defined in Section 505.14 of the Codified Ordinances. Service of the decision is deemed completed when the decision is either delivered in person or by regular U.S. mail, proof of mailing required, to the owner, keeper or harbinger or representative of the dog in question, or by posting the order in a conspicuous place on, in or about the residence of the owner, keeper or harbinger. The decision shall be deemed final subject to an appeal filed within ten (10) days from service of the decision to the owner, keeper or harbinger of the dog in question or his or her representative. Appeals shall be taken to the Common Pleas Court of Henry County, Ohio.

Section 2. That, Section 505.14 of the Codified Code as existed prior to the enactment of this Ordinance is repealed.

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

Passed: _____

Joseph D. Bialorucki, 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. 029-18 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. 031-18

A RESOLUTION ADOPTING THE 2019 TAX BUDGET FOR THE CITY OF NAPOLEON, OHIO, AS REQUIRED IN SECTIONS 5705.28 AND 5705.281 OF THE OHIO REVISED CODE (ORC) AND DIRECTING THE FINANCE DIRECTOR TO FILE THE SAME WITH THE COUNTY AUDITOR; AND DECLARING AN EMERGENCY

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

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

WHEREAS, a Public Hearing was held on June 4, 2018, concerning this 2019 Tax Budget.

WHEREAS, the 2019 Tax Budget must be adopted on or before July 15, 2018;
Now Therefore,

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

Section 1. That, the City Council of Napoleon, Ohio adopts the 2019 Tax Budget, as required by O.R.C. Sections 5705.28 and 5705.281, in the form presented to Council and currently on file in the Office of the Finance Director and marked as the 2019 Tax Budget.

Section 2. That, the Finance Director is hereby directed to file the 2019 Tax Budget with the County Auditor on or before July 20, 2018.

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

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

Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to meet the July 15 and July 20, 2018 deadlines as noted above; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____

Joseph D. Bialorucki, 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. 031-18 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. 033-18

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO
EXECUTE ALL DOCUMENTS NECESSARY TO APPLY AND
ACCEPT OHIO PUBLIC WORKS COMMISSION STATE
CAPITAL IMPROVEMENT PROGRAM (SCIP) AND LOCAL
TRANSPORTATION IMPROVEMENT PROGRAM (LTIP) FUNDS
FOR PROJECTS DEEMED NECESSARY BY THE CITY
ENGINEER IN THE YEAR 2019**

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

Section 1. That, the City Manager is directed to execute all documents necessary to apply for and accept Ohio Public Works Commission State Capital Improvement Program (SCIP) and Local Transportation Improvement Program (LTIP) funds for the year for projects deemed necessary by the City Engineer in the Year 2019, including but not limited to execution of Grant Agreement(s).

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

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

Section 4. That, this Resolution shall be in full force and effect at the earliest time permitted by law.

Passed: _____

Joseph D. Bialorucki, 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. 033-18 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. 034-18

AN ORDINANCE TO APPROVE CURRENT APRIL, 2018 REPLACEMENT PAGES TO THE NAPOLEON CODIFIED ORDINANCES

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

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

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

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

Section 1. That, the Ordinances of the City of Napoleon, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the April 2018 Replacement Pages to the Codified Ordinances are hereby approved and adopted; such having been certified as correct by the Clerk of Council and the Mayor.

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

Administrative Code

Fire and Rescue Fees
Municipal Income Tax
Rules and Procedures of Civil Service
Personnel Code

Traffic Code

OVI; Willful Misconduct; Speed
Safety and Equipment
Traffic Schedules

Business Regulation Code

Medical Marijuana

Streets, Utilities and Public Services Code

Water and Sewer Service
Electric Rates
Recreation Facilities

Planning and Zoning Code

General Regulations

Building Code

Adoption

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

Section 4. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon, Ohio.

Section 5. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

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

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 034-18 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

Meeting Minutes
Thursday, June 28, 2018 at 10:00 am



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
Scott Hoover, WTP Superintendent
Dave Pike, WWTP Superintendent
Date: June 28, 2018
Subject: WTP Rehabilitation Project – Change Order No. 19

During construction it was discovered that certain chemicals used in the treatment process are reacting with the existing lime scale on the walls of the sedimentation basins and other areas which is negatively affecting the filterability of the water. This issue is also causing problems at the wastewater plant. The only way to correct this issue is to power-wash the basins and remove the scale. Without this work, the WTP and the WWTP could be in violation with the O.E.P.A. I strongly recommend the approval of this change order.

The cost for this additional work is \$154,940.00. I am requesting that Council approve Change Order No 19.

CEL

State of Ohio
WATER SUPPLY REVOLVING LOAN ACCOUNT (or DWAF)

CONTRACT CHANGE ORDER

RECIPIENT Peterson Construction Company CHANGE ORDER NBR 019
LOAN NUMBER FS390645-0011 CONTRACT G/M/E
OWDA PROJECT No. 7609 DATE 06/29/18

Description of Change:

PCC CR	Description	Cost
87	Clean lime scale off sedimentation basin walls	\$154,940.00
TOTAL		\$154,940.00

This work is necessary to clean lime scale off the walls of the sedimentation basins remaining from the past treatment process. The lime scale is affecting the chemistry of the water during the (new) treatment process. It is negatively affecting the filterability of the water and increasing the turbidity of the filtered water.

RECOMMENDED BY:  DATE: 06/29/18
AECOM (Engineer)
APPROVED BY: _____ DATE: _____
CITY OF NAPOLEON (Recipient)
ACCEPTED BY: Michael E. Fritchie DATE: 06/29/18
(Contractor)

PETERSON CONST.CO.(Company)

Original Contract Amt		\$13,287,000.00	OWDA APPROVAL The above proposal is hereby accepted and I recommend that it be approved and made a part of the contract noted above. The approval does not constitute an increase in the total loan amount, but represents approval for the work.
Previous Changes (+ / --)		\$632,555.00	
This Change (+ / --)		\$154,940.00	
Adjusted Contract Amt		\$14,074,495.00	
Ohio EPA Acceptance			Chief Engineer
Date			Date



City of *NAPOLÉON*, Ohio

255 West Riverview Avenue • P.O. Box 151
Napoleon, Ohio 43545-0151
Phone: (419) 592-4010 • Fax: (419) 599-8393
Web Page: www.napoleonohio.com

Mayor
Jason Maassel

Members of Council

PRESIDENT:
Joseph Bialorucki

PRESIDENT PRO-TEM:
Daniel Baer

Jeff Comadoll
Travis B. Sheaffer
Kenneth Haase
Jeff Mires
Lori Siclair

City Manager
Joel L. Mazur

Finance Director
Gregory J. Heath

Law Director
Billy D. Harmon

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

Memorandum

To: *Napoleon City Council and Mayor*
From: *Joel Mazur, City Manager*
cc: *Gregory Heath, Finance Director*
Chad Lulfs, Public Works Director
Date: *6/29/2018*
Subject: *Draft Designs of Logos for the Water Tower*

Attached are two concepts that AMP staff has created to assist the City of Napoleon in selecting a design for the Water Tower logo. The AMP staff has committed to completing the design, if the Napoleon City Council chooses to move forward with painting one of the designs on the Tower.

In addition, I will submit a request to AMP to help pay for a portion of the painting. The remaining portion could be paid for out of Electric and/or Water funds.



NAPOLEON 
A Public Power Community





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
Date: June 29, 2018
Subject: Technology and Communications Committee – Cancellation

DGH/CP

The regularly scheduled meeting of the **Technology and Communications Committee** for Monday, July 02, 2018 at 6:15 pm has been CANCELED due to lack of agenda items.



FOR IMMEDIATE RELEASE

Contact: Chief O'Brien
Napoleon Fire Department- 419-592-0441



Napoleon Fire and Police Department's Urge Citizens to Celebrate Safely This July 4th

With Independence Day just around the corner, Napoleon Fire & Police Departments are urging citizens to practice safety when considering the use of fireworks in their celebrations. Ohio Law prohibits fireworks except for "novelty and trick" fireworks, such as party poppers and glow worms. Bottle rockets, M-80's and Sky Lanterns are all PROHIBITED!!

Sky lanterns have become increasingly popular as a way to celebrate. However, they pose a serious fire safety hazard and their use is prohibited by The City of Napoleon, National Fire Protection Association, and The State of Ohio.



- The lanterns are made of oiled rice paper with a bamboo frame, materials that can easily catch on fire.
- A candle or wax fuel cell is used with the device.
- The lit flame heats the inside of the lantern, causing it to rise into the air.
- Once lit and airborne, it can travel over a mile in distance.
- Wind can affect the sky lantern, blowing the sides, forcing the hot air out and sending the flaming lantern back to the ground.
- These lanterns have the potential to cause fires.
- A flaming lantern can drop onto a rooftop, field, trees or power lines before the flame is fully extinguished.
- A destructive fire can result when a flaming lantern reaches the ground during dry conditions.
- Sky lanterns should not be used under any circumstances.

Over the past several years Sky Lanterns have been responsible for many fires and significant damages across the United States. Sky Lanterns do not meet the definition of a firework, according to the State of Ohio Fire Marshal. These sky lanterns are considered flame effects. Thus, they require under the Ohio Fire Code and the Ohio Administrative Code, permits and exhibitor licenses to be issued, under the State Fire Marshal's Office. If a person does not comply with these requirements they are subject to citations which carry both civil and criminal penalties. Thus, if these are used in an unpermitted fashion, they could face penalties to include a 1st degree misdemeanor for violating the Ohio Fire Code. In Ohio, we also have criminal and civil penalties for negligent and intentional ignition and/or spreading of fires.

PLEASE HAVE A SAFE AND ENJOYABLE 4TH OF JULY!



Napoleon Parks and Recreation

Fourth of July Celebration

2018

Monday, July 2:

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

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

10:00 am – 8:00 p.m.

3 on 3 Basketball Tournament – Glenwood Park

Age groups – 13- 15 (boys and girls) 10:00 a.m. start
Open Division 5:00 p.m. start

Teams shall consist of a maximum of four (4) players.
Double elimination format. \$20.00 entry fee per team.
Trophies and shirts awarded to winners. Registration deadline is Friday, June 29th.



Tuesday, July 3:

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

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

6:00 p.m. – 8:00 p.m.

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



Wednesday, July 4:

8:00 a.m.

Red, White, and Blue Golf Scramble – Golf Course

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



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

Hole-In-One Contest - Glenwood Park

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

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

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

Free Open Swim at the Napoleon Municipal Pool



BE SURE TO VISIT OUR FOOD VENDORS



11:00 a.m. **Girls Softball All-Star Game** - All Stars from the Girls Softball program to compete – Napoleon High School softball field

12:00 p.m. **Chicken Barbecue** - located inside at the American Legion.
Chicken dinners and bratwurst sandwiches. Eat in or carry-outs available. Outside beverage stand also open at 11:00 a.m.

1:00 p.m. **Junior Little League All-Star Game** – Glenwood Park.

2:00 - 3:00 p.m. **Kids Games at the Municipal Pool** - prizes and candy donated by the American Legion.

5:00 p.m. **Sr. Little League Baseball All-Star Game** – Glenwood Park



7:00 – 8:00 p.m. **Live Music – featuring Dave Grahn Live.** Acoustic guitar performance playing hits of the 60s, 70s, & 80s. Glenwood Park

8:00 p.m. **Napoleon Community Band** - Glenwood Park
Local instrumental band playing all of the traditional Independence Day music leading up to the fireworks display.

10:00 p.m. **Fireworks Display** - Glenwood Park
(There will be no parking on Bales Road from Briarheath Dr. to Chelsea Ave. and on Briarheath Dr. from Kenilworth to Bales Road)





City of *NAPOLÉON*, Ohio

Operations Department

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

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

Web Page: www.napoleonohio.com

Operations Superintendent
Jeffrey H. Rathge

Water Distribution Foreman
Brian Okuley

Streets/Sewer Foreman
Roger Eis

Refuse/Recycling Foreman
Perry Hunter

Head Mechanic
Tony Kuhlman

Press Release

4TH OF JULY REFUSE & RECYCLING ROUTES

Napoleon, Ohio, -- Due to the upcoming Fourth of July holiday, the refuse and recycling pickup routes for the City of Napoleon will be as follows **for the week of July 2 – July 6, 2018 ONLY:**

- ◆ **Monday, July 2 – as usual**
- ◆ **Tuesday, July 3 – as usual**
- ◆ **Wednesday, July 4 – HOLIDAY – NO PICKUP**
- ◆ **Thursday, July 5 – as usual; Wednesday's route will also be run on Thursday, (there is a possibility of later than usual pickup time for Thursday's route).**
- ◆ **Friday, July 6 – as usual**

Wednesday's and Thursday's routes will both be run on Thursday, July 5. The Operations Dept. is asking that for those affected, an extra effort be made to have their refuse and recycling at the curb by 7:00 a.m. on the 5th.

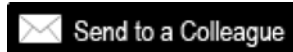
Please contact the Operations Department at 419/599-1891 if there are any questions regarding this matter.



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Legislative Bulletin

June 29, 2018

OML UPDATE AT-A-GLANCE

Here are the top three things you need to know from this past week:

- The Ohio Legislature has (sort of) recessed for the summer. The Ohio House announced they will not return to legislative activity until late September while the Ohio Senate has "if needed" session dates scheduled for July 10th and August 22nd and then tentative late September. While the General Assembly is on break, the frequency of our legislative bulletins will slow down to every other Fridays.
- The Development Services Agency has announced six projects will be receiving tax breaks. These tax breaks are projected to create approximately 272 new jobs, retain 421 jobs, generate \$14 million in payroll and over \$190 million in investments.
- The Ohio Secretary of State announced that 59 races and one local issue during last month's primary election were either tied or were decided by a single vote.

BILL PREEMPTING LOCAL WATER DELIVERY PRACTICES RECEIVES COMMITTEE HEARING

The League would like to thank all of the municipal officials who responded to our "Call-to-Action" last week. We notified our members that HB 602 was slated for a hearing and possible vote in the House Finance Committee this past Tuesday. HB 602 is legislation sponsored by Rep. Mike Duffey (R-Worthington) and Rep. Laura Lanese (R - Grove City) preempting municipalities from setting water rates for political subdivisions to which they have extended water and sewer services, deprive municipalities of Local Government Fund revenues and deny Ohio cities access to state and federal grants.

We are happy to report that due to the level of contact made by our members expressing opposition, along with the great proponent testimony from municipal officials, the legislation was not put up for a vote. Since the Ohio House is on summer recess, the committee will not meet again until late in the fall and then into the "lame duck" session, where the proposal may or may not receive additional attention.

The League is grateful to those who took time out of their busy schedules to join us in committee at the Statehouse to testify in opposition to the bill. We would like to thank Richard Westerfield, administrator of the Columbus Department of Public Utilities Division of Water, and Lima's Director of Utilities Michael Caprella, for their in-person testimony and Mayor Lydia Mihalik of Findlay and Dayton City Manager Shelley Dickstein for sharing their concerns with the committee members through written testimony.

To access testimony provided to the committee, please go to the Ohio House Finance Committee webpage at <http://www.ohiohouse.gov/committee/finance> and look under the June 26th Hearing tab. League Executive Director Kent Scarrett submitted written opponent testimony, which you can read [HERE](#). A copy of the bill's analysis can be found [HERE](#), in addition to the "Call-to-Action" [HERE](#) that we sent to our members.

With this bill possibly coming to light once again during this fall's "lame duck" session, we are strongly encouraging our members over the summer to talk to their state representative about this unnecessary and arbitrary expansion of state government into municipal contracts and tell them to oppose HB 602. It is important we continue to stand opposed to the continued assault on the interests of our communities and the voters who determine practices best for their hometowns.

OML BOARD MEETS WITH GUBERNATORIAL CANDIDATE RICHARD CORDRAY

Last Friday, gubernatorial candidate Richard Cordray joined the League's quarterly Board meeting. The candidate spoke to the importance of Ohio's municipalities as areas of growth and said he was "distressed" by the history of struggle between municipalities and the state government. He spoke to the need to allow municipalities more transparency and local control over their revenues and the need to curtail state control over the municipal net profits centrally collected by the state tax department. A fundamental issue of the campaign, he continued, should be discontinuing the solving of state problems on the back of local governments.

Cordray took questions from Board members on a variety of issues, from the need for broadband infrastructure to challenges to the administration of the centralized collection of municipal net profits. He spoke to the importance of funding infrastructure not only as an investment in a tangible future, but to help create good jobs. He referenced his background in handling public finances, from his time as the head of the Consumer Financial Protection Bureau to his tenure as Ohio's Attorney General to his time as Ohio's State Treasurer during the recession of 2008.

We appreciate Mr. Cordray and his staff for taking the time to come and speak with our Board and address the issues most impactful to municipalities. We are grateful for his time and for the thought-provoking conversation he initiated. We hope all of Ohio's current leaders and candidates will continue to focus on the importance of investing in and revitalizing municipalities around the state.

NEW LEGISLATION OF MUNICIPAL INTEREST

Here are the new bills introduced this week that are of interest to municipalities:

- HB 712 - PREVAILING WAGE. Sponsored by Rep. Hood (R - Ashville) and Rep. Dean (R - Xenia), would repeal the Prevailing Wage Law.

FLOOR ACTION: BILLS OF MUNICIPAL INTEREST

The Legislature worked until late into the evening this week in order to clear the last of its backlog of bills before recessing for the summer. Here are the bills of municipal interest that received votes on the chamber floors this week:

- HB 425 - BODY CAMERAS. Sponsored by Rep. Antani (R - Miamisburg) and Rep. Craig (D - Columbus), the bill would provide that specified portions of peace officers' body-worn camera recordings and the infrastructure record of a public school are not public records for purposes of the Public Records Law. It was voted out of the House by a vote of 88-0. The bill now heads to the Senate to begin the committee process. The League is neutral on this legislation.
- HB 469 - MIXED USE TAX CREDITS. Sponsored by Rep. Schuring (R - Canton) and Rep. Patton (R - Strongsville), the bill would authorize a nonrefundable insurance company tax credit for contributions of capital to transformational mixed-use development projects. It was voted out of the House by a vote of 78-0 and now heads to the Senate to begin the committee process. The League is supportive of this legislation.
- HB 543 - COUNTY PROSECUTORS. Sponsored by Rep. Perales (R - Beavercreek) and Rep Hambley (R - Brunswick), this bill would allow a county prosecuting attorney to enter into a contract with a regional airport authority, port authority, or regional planning commission to be its legal adviser. It was voted out of the House by a vote of 79-0. The bill now heads to the Senate to begin the committee process. The League is neutral on this legislation.

BILLS HEADED TO THE GOVERNOR

- HB 312 - POLITICAL SUBDIVISION SPENDING. Sponsored by Rep. Schuring (R - Canton) and Rep. Greenspan (R - Westlake), the bill would change the law regarding use of credit cards and debit cards by political subdivisions. During its fourth hearing before the Senate Government Oversight and Reform Committee, the bill was amended to clarify some language in the bill as well as continue a property tax abatement in the City of Lorain. The bill was then voted out of the Senate 32-0. The House concurred on the changes and the bill now heads to the Governor's desk for his signature. The League is neutral on this legislation.
- SB 127 - WASTE COLLECTION VEHICLES. Sponsored by Sen. LaRose (R - Hudson), the bill would require motor vehicle operators to take certain actions upon approaching a stationary waste collection vehicle collecting refuse on a roadside. It was voted out of the House by a vote of 84-0. The Senate concurred on previously-adopted technical changes and the bill now heads to the Governor's desk for his signature. The League is supportive of this legislation.
- SB 239 - REGIONAL GOVERNMENT COUNCILS. Sponsored by Sen. Dolan (R - Chagrin Falls), the bill would modify the law concerning regional councils of governments. During its fourth hearing before the House State and Local Government Committee, the bill was amended to include naming multiple memorial roads, an amendment dealing with state liability insurance and an

amendment clarifying Canton can have more than one Tourism Development District. The bill was then sent to the House floor, where it was voted out 88-0. The Senate concurred on the changes and the bill now heads to the Governor's desk for his signature. The League is supportive of this legislation.

- **SB 299 - WATER IMPROVEMENTS.** Sponsored by Sen. Gardner (R - Bowling Green), the bill would allow equipment for the protection and preservation of Lake Erie to be purchased with proceeds from the Parks and Recreation Improvement Fund, and to appropriate funds for projects enhancing water quality in the Western Lake Erie Basin. During its second hearing before the House Finance Committee, it was amended with a variety of provisions, including \$1 million for Broadband Development Grants to cover data analysis and deployment as well as an appropriation of \$7.1 million in a local match to federal funding for 18 counties after flooding. It was voted out of committee and sent to the House, where it was voted out by a vote of 88-0. The Senate concurred on the changes and the bill now heads to the Governor's desk for his signature. The League is supportive of this legislation.
- **HB 263 - DOGS ON PATIOS.** Sponsored by Rep. Lanese (R - Grove City), the bill would generally allow an owner, keeper, or harborer of a dog to take the dog in an outdoor dining area of a retail food establishment or food service operation. It was voted out of the Senate by a vote of 32-0. The House concurred on the changes and the bill now heads to the Governor's desk for his signature. The League is neutral on this legislation.
- **HB 18 - SPECIAL ELECTIONS.** Sponsored by Rep. Pelanda (R - Marysville) and Rep. (R - Hamilton), eliminates the requirement of holding a special election to fill a vacancy in a party nomination for the office of representative to Congress under certain circumstances. The League is now tracking this bill because during its second hearing before the Senate Government and Oversight Reform Committee, SB 252, sponsored by Sen. Peterson (R - Sabina), was amended into HB 18. SB 252 would authorize local elected officers that have levied a hotel lodging excise tax, or a designee of such officers to simultaneously hold the position of officer or member of the board of trustees of a convention and visitors' bureau without constituting incompatible offices. The bill was voted out of the Senate by a vote of 32-0 and was concurred on by the House by a vote of 67-22. The bill now heads to the Governor's desk for his signature. The League is neutral on this legislation.

COMMITTEE RECAP: BILLS OF MUNICIPAL INTEREST

Here are the bills of municipal interest that received committee hearings this week:

- **SB 309 - TAX CREDITS.** Sponsored by Sen. Peterson (R - Sabina) and Sen. Kunze (R - Hilliard), the bill would lengthen the maximum term of the job creation tax credit for businesses making substantial fixed asset and employment investments and for their suppliers, authorize commercial activity tax exclusions for receipts of those suppliers from sales to such businesses, and authorize local governments to grant longer term property tax exemptions for such businesses or suppliers. During its first hearing before the Senate Ways and Means Committee, the bill's sponsors explained that the legislation, which they call the "MegaJobs bill", is designed to incentivize the "largest of large job creators" to bring their business to Columbus - such as Amazon's second headquarters. The League is reviewing this legislation.

- **HB 343 - PROPERTY VALUES.** Sponsored by Rep. Merrin (R - Moncolva Township), the bill would require local governments that contest property values to formally pass an authorizing resolution for each contest and to notify property owners. During its second hearing before the Senate Ways and Means Committee, both opponents and proponents testified on the bill. Proponents included the Ohio Chamber of Commerce, the Ohio Manufactured Homes Association, the Ohio Real Estate Association, the Council on State Taxation and the Ohio Apartment Association. Opponents included the County Commissioners Association of Ohio, the Ohio Township Association, the Coalition for Fair Taxation, Akron and Cleveland schools and the Ohio Association of School Business Officials. The League is neutral on this legislation.
- **HB 625 - AUXILIARY CONTAINERS.** Sponsored by Rep. Lang (R - West Chester Township) and Rep. Lipps (R - Franklin), the bill would authorize a person to use an auxiliary container for any purpose, to prohibit a municipal corporation, charter county, or limited home rule township from imposing a tax or fee on auxiliary containers, and to clarify that the existing anti-littering law applies to auxiliary containers. During its second hearing before the House Economic Development, Commerce and Labor Committee, opponents to the bill testified against it. League Executive Director Kent Scarrett submitted written opponent testimony explaining how the bill preempts taxes and fees no municipality, county or township has yet to implement. You can read his testimony in full [HERE](#).
- **SB 208 - WEAPON POSSESSION.** Sponsored by Sen. Terhar (R - Cincinnati), the bill would allow a law enforcement officer or investigator, whether on or off duty, to carry a weapon on certain premises open to the public. During its second hearing before the House Federalism and Interstate Relations Committee, the committee voted down an amendment that was drafted to try to protect private property rights. The bill was then voted out of committee 9-1. The League is neutral on this legislation.
- **HB 703 - CONCEALED HANDGUNS.** Sponsored by Rep. Becker (R - Union Township), the bill would enact the "Decriminalization Effort For Ending Notorious Deaths -- Teachers With Options (DEFEND-TWO)" to allow a concealed handgun licensee or qualified military member to carry a concealed handgun in certain public premises, to reduce the penalty for a concealed handgun licensee who carries a concealed handgun in a prohibited place, and to prohibit public employers and universities from disciplining employees or students who lawfully carry a concealed handgun on the premises. During its first hearing before the House Federalism and Interstate Relations Committee, the bill's sponsor explained that the bill reduces the penalty for carrying a firearm with a concealed carry license in a public gun-free zone from a felony to a fourth-degree misdemeanor. The League is reviewing this legislation.
- **HB 675 - TAX LEVY.** Sponsored by Rep. Barnes (D - Cleveland), the bill would expressly authorize municipal corporations to impose an unvoted property tax levy not exceeding one mill per dollar of taxable value for the purpose of funding a local Hope for a Smile Program. During its third hearing in the House State and Local Government Committee, a substitute bill was adopted clarifying local authority regarding the establishing of a Hope for a Smile program. No testimony was heard on this bill. The League is neutral on this legislation.
- **HB 585 - FIREARM LAWS.** Sponsored by Rep. Henne (R - Clayton), the bill would expand the definition of dangerous ordnance to include armor piercing

ammunition and expand the definition of an automatic firearm to include any device within the federal definition of machine gun; to create additional conditions under which an individual may not possess a firearm or dangerous ordnance and to eliminate the process by which an individual may apply for relief from a weapons disability; to generally prohibit a person from buying, purchasing, obtaining, or furnishing a firearm on behalf of a third party; to provide for the entry of protection orders into the federal NCIC database and LEADS; and to provide for the issuance by a court of an extreme risk protection order. During its fourth hearing before the House State and Local Government Committee, a substitute bill was adopted by committee that, among other changes, removed the seizure of "deadly weapons" from someone under an extreme risk protection order (only "firearms" can be seized now) as well as the elimination of "ex parte" hearings after those firearms were seized due to concerns from critics regarding due process. No testimony was given on the bill. The League is neutral on this legislation.

- SB 51 - LAKE ERIE. Sponsored by Sen. Skindell (D - Lakewood) Sen. Eklund (R - Chardon), the bill would authorize the creation of a special improvement district to facilitate Lake Erie shoreline improvement. During its fourth hearing before the Senate Energy and Natural Resources Committee, no testimony was given and the bill was voted unanimously out of committee. The League is supportive of this legislation.
- HB 621 - DEATH BENEFITS. Sponsored by Rep. Hughes (R - Columbus), the bill would revise the payments that surviving family members receive from the Ohio Public Safety Officers Death Benefit Fund and would permit surviving spouses and children to participate in the health, dental, and vision benefits offered to state employees as if the survivors were employees of this state. During its third hearing before the House Insurance Committee, no testimony was given on this bill. The League is supportive of this legislation.
- HB 34 - PUBLIC NOTICES. Sponsored by Rep. Hambley (R - Brunswick) and Rep. Ryan (R - Newark), the bill would authorize certain state agencies, local governments, and other boards, commissions, and officers to deliver certain notices by ordinary mail and electronically instead of by certified mail. During its fourth hearing before the Senate Government Oversight and Reform Committee, the bill was amended to include provisions regarding public officials' public records training as well removing several sections regarding when using electronic uses would not be permissible. The League is supportive of this legislation.

OML MUNICIPAL INCOME TAX SEMINAR APPROACHING FAST

From Wednesday, July 11 to Friday, July 13th, the Ohio Municipal League will host its annual Municipal Income Tax Seminar at the Renaissance Hotel in downtown Columbus. Local tax administration officers and their staff will meet in Columbus to hear from panelists and discuss best practices regarding administering municipal income tax.

Officials from the Ohio Department of Taxation will be presenting on the state's new law instituting the centralized collection of municipal net profits. Attendees will hear from panelists from a variety of topics ranging from reviewing business returns to the "odds and ends" of issues related to the administration of Ohio's municipal income tax.

As always, attendees will have the opportunity to meet with various vendors from around the state.

You can find the full agenda for the seminar [HERE](#), as well as the registration form [HERE](#). If you are interested in attending, please sign up as soon as possible. We look forward to seeing everyone there.

REGISTER NOW FOR OML'S FINAL REMAINING SUMMER REGIONAL CONFERENCE

Today, the League is holding its third 2018 Summer Regional Conference in Canton. We appreciate all who have registered for our conference and we look forward to meeting everyone and for the opportunity to provide an important educational experience and a valuable networking opportunity. We also want to thank all of the municipal officials who have joined us for our two previous regional conferences that were held in Athens and Mason, Ohio. The response from League members to our efforts to take a portion of our annual conference to the four corners of the state through the regional conference approach has been very gratifying and we appreciate the continued support.

The goal of these Regional Conferences is to provide an opportunity for League members prevented from attending our three-day Annual Conference held in downtown Columbus, either because of distance constraints or other issues, to have access to the timely information our members receive at our Annual Conference and to experience some of the opportunities that the conference provides. We have put together a single day program of general session topics with presentations by featured speakers who are experts in their municipal sectors.

The 2018 Summer Regional Conferences are an invaluable opportunity for municipal officials statewide to have the ability to be presented with critical information directly related to the success of their own communities, as well as connect and network with other local leaders in their area. This opportunity is not limited to League members but is a great opportunity for all municipal and local government officials to refresh their skill sets and get the most recent information on critical topics.

The final conference in the 2018 regional series will be held August 17th at the Hancock Hotel in Findlay.

Registration information including the conference agenda, can be accessed [HERE](#).

We encourage you to sign up for this remaining conference as soon as possible, as space will be limited. We look forward to seeing you and your entire administrative staff there!

**DUE TO THE FOURTH OF JULY HOLIDAY, THERE IS NO
COMMITTEE SCHEDULE FOR THE WEEK OF JULY 1ST.**

Upcoming Meetings & Events

Regional Summer Conference Series	August 17, 2018	Registration Information
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Annual Municipal Income Tax Seminar	July 11 ~ 13, 2018 Renaissance Hotel	<u>Registration Information</u>
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Ohio Municipal League

Legislative Inquires:

Kent Scarrett, Executive DirectorEdward Albright, Deputy DirectorAshley Brewster, Director of CommunicationsRachel Massoud, Legislative Advocate

Website/Bulletin Issues:

Zoë Wade, Office Manager



High temperatures lead to peak shaving plans for July 2, 3 and 5

By Mike Migliore - vice president of power supply planning

July 2018 will start off with scorching temperatures and high loads. PJM's loads for these days are forecasted to be the top three loads of the summer so far. Additionally, loads in Delaware, Ohio and Pennsylvania will approach their 1 CPs set earlier in the year.

To help members lower their transmission and capacity costs for 2019, AMP is calling for peak shaving from 1 to 6 p.m. on July 2, 3 and 5. PJM's 5 CPs cannot be set on weekends or holidays. Transmission 1 CPs can be set on weekends, but this weekend's loads are not forecasted to be higher than the year-to-date 1 CPs.

As a reminder, AMP has developed an online toolkit for members to get the word out to consumers that peak loads are forecasted and help them understand what they can do to help the community lower power costs. The Community Energy Savings Day [toolkit](#) can be found under the demand response section of the Focus Forward page on the [member extranet](#) (login required) of the AMP website.

Regional safety meeting scheduled for Aug. 1 in Grove City, Pa.

By Scott McKenzie - member safety manager

AMP is scheduled to hold a regional safety meeting on Aug. 1 from 8 a.m. to 2 p.m. at the Borough of Grove City Electric Department in Grove City, Pa.

Safety meetings provide an opportunity to increase knowledge of safe procedures, learn about new products and to strengthen relationships with other members in your state, as well as with AMP staff.

Topics at this meeting will include:

- URD switching techniques and safety demonstrations
- APPA Safety Manual review (verbal)
- Proper PPE required for different situations
- Lock-to-lock rubber gloves
- Cover up applications demonstration
- Proper equipment: Shotguns/elbow puller, standoffs/grounding standoffs
- Phasing sticks with URD adapters demonstration
- Trouble shooting outage scenario URD transformer change out
- Scenario: simulated outage call

There is no charge for attendance of this event, however, members are asked to RSVP by July 25 so that AMP can get an accurate lunch count. For more information about training opportunities, a copy of the 2018 AMP Training Catalog is available on the [member extranet](#) (login required).

If you have questions about this event or would like to register, please contact Jennifer Flockerzie at jflockerzie@amppartners.org or 614.540.0853.

PSGC publishes 2017 Year in Review

By Holly Karg - director of media relations and communications

The Prairie State Generating Company (PSGC) 2017 Year In Review has been published. The PSGC 2017 Year in Review provides information regarding achievements in safety, sustainability and reliability.

Some noteworthy highlights of the 2017 Year in Review include PSGC achieving its lowest annual Equivalent Forces Outage Rate and setting a new record for its highest monthly Equivalent Availability Factor. Additionally, PSGC achieved the highest level of coal production since its inception, while also achieving its highest CO₂ offsets.

An online version of the report can be accessed at this [link](#) and also directly from Prairie State's [website](#).



Thompson offers congressional testimony on permitting process

By Michael Beirne - vice president of external affairs

On June 27, Jolene Thompson, executive vice president of AMP and executive director of OMEA provided testimony at a roundtable for members of the Senate Committee on Homeland Security and Governmental Affairs, hosted by Senators Rob Portman (R-OH) and Claire McCaskill (D-MO).

The roundtable was intended to examine the federal permitting process for major infrastructure projects and the progress being made by the Federal Permitting Improvement Steering Council since its establishment in Title 41 of the FAST Act (FAST-41) in 2015. Thompson's testimony covered AMP's past experiences with the FAST-41 process.



Jolene Thompson with Senator Rob Portman (R-OH)

Deadline to nominate for 2018 AMP Awards Program is July 20

By Jodi Allalen - member events and programs coordinator

The deadline to nominate for the 2018 AMP Awards Program is July 20. The program offers an excellent public relations opportunity for participating members, with some awards even leading to possible national recognition.

Bruce Metz, village administrator for the Village of Jackson Center and recipient of AMP's 2017 Seven Hats Award, was recently awarded the 2018 American Public Power Association's Larry Hobart Seven Hats Award, a national honor, which stemmed from his AMP award.

AMP is encouraging members to put forward deserving candidates for the following Awards:

- Electric System Sustainability Award (more than one award may be given)
- Credit Score Award (one award for each of three categories)
- Financing of the Year Award (one award for each of two categories)
- Hard Hat Safety Award (more than one award may be given)
- Innovation Award (one award for each of four categories)
- Public Power Promotion Award (more than one award may be given)
- Safety Award (more than one award may be given)
- Seven Hats Award (only one award given each year)
- System Improvement Award (one award for each of four categories)



Details about each award and nomination forms are available in the [member extranet](#) section of the AMP website (login required).

Award recipients will be recognized at the 2018 AMP/OMEA Annual Conference, Sept. 24-27, at the InterContinental Hotel Cleveland.

If you have questions about the AMP Awards Program or would like the program brochure via email, please contact me at jallalen@amppartners.org or 614.540.0916.

Reminder: AMP member outing, organizational dinner on July 17

By Charles Willoughby

AMP members are encouraged to register for the member outing and organizational dinner, which are scheduled for July 17 in Columbus.

The outing will be held at the Rattlesnake Ridge Golf Club and the dinner will be held at the Crowne Plaza Hotel Columbus North. Registration for the outing is first-come, first-serve and will be limited to 144 participants. More information about the Rattlesnake Ridge Golf Club can be found at www.rrgolfclub.com. Members are encouraged to register soon, as spots are filling up fast.



To RSVP for the dinner, please contact Jodi Allalen at jallalen@amppartners.org or 614.540.0916. If you have questions about the events or registration, please contact me at cwilloughby@amppartners.org or 614.540.1036.

Statehouse recap

By Charles Willoughby - director of government affairs

This week, the OMEA, several active member communities and other municipal government organizations voiced their opposition to a legislative effort that would strip a municipality's ability to charge different rates for water and sewer services for customers that are located outside of city limits, based on the cost of those services. House Bill (HB) 602 attacks all municipalities and their utility power under Article XVIII of the Ohio Constitution.

The proponents of HB 602 say it is "predatory" for a municipality to charge customers located outside the municipal territory more for water and sewer service than they charge customers who reside within city

limits. Under the bill, a municipality would be forced to equalize the rates of residents and nonresidents by 2022, regardless of the various costs of service and liabilities associated with serving nonresident customers outside city limits.

The OMEA and other municipalities have continuously voiced opposition to this proposal, both for its unconstitutional restrictions on municipal utility power, and for the intolerable precedent it sets, which could easily be expanded to impact other municipal operations in the future.



The bill was scheduled for a vote in the House Finance committee on June 26, but after receiving substantial opposition testimony, a committee vote was not called. With the legislature now breaking for summer recess, HB 602 is, at worst, on hold until this fall.

Additionally, the legislature continued their debate over Ohio's renewable portfolio standards (RPS) and their implementation bill, HB 114, but were unable to find the consensus needed to get HB 114 passed before break.

The bill was amended in the Senate Energy and Natural Resources Committee after the May primary. Included in those amendments were changes to reinstate the annual benchmarks for renewable resources and energy efficiency as mandates, rather than making them voluntary. The Senate also revised the setback laws for wind farms in favor of wind developers and Gov. John Kasich, both of whom argue that industrial customers are increasingly demanding that their electricity come from renewable resources.

One provision of particular interest to AMP/OMEA involves adding a new definition of a "private wind project," which would allow a developer to build an on-site facility, up to 20 MW, to serve one end-use customer. Under the new definition of a "private wind project," the zoning would be decided by the local municipality or county rather than the Power Siting Board. However, the language added to HB 114 regarding a "private wind project" makes references to a definition of a "self-generator," which are exempt from paying the kWh tax. We have concerns about the applicability of this provision's impact on customer-sited generation located in municipal electric systems.

The Senate has scheduled an additional session day in mid-July, August and three in September to advance their remaining legislative priorities before the November election, and HB 114 is expected to be among those priorities. We will continue to work with legislators in both chambers to ensure the RPS reform bill protects the financial integrity and local decision-making authority of municipal power communities.

If you have any questions about any legislative issues, please contact me at cwilloughby@amppartners.org or 614.540.1036, or Michael Beirne at mbeirne@amppartners.org or 614.540.0835.

Energy markets update

By Jerry Willman - assistant vice president of energy marketing

The August 2018 natural gas contract decreased \$0.041/MMBtu to close at \$2.940 yesterday. The EIA reported an injection of 66 Bcf for the week ending June 22, which was below market expectations of 72 Bcf. Forecasted hot weather will keep the gas demand strong through next week. Further out, weekly weather models suggest a near-average eastern half of the continental U.S.

On-peak power prices for 2018 at AD Hub closed yesterday at \$35.89/MWh, which was \$.21/MWh higher for the week.

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

Week ending June 29

MON	TUE	WED	THU	FRI
\$32.10	\$32.66	\$33.66	\$41.20	\$47.30

Week ending June 22

MON	TUE	WED	THU	FRI
\$65.19	\$41.04	\$33.85	\$30.23	\$27.81

AEP/Dayton 2019 5x16 price as of June 28 — \$35.89

AEP/Dayton 2019 5x16 price as of June 21 — \$35.68

AFEC weekly update

By Jerry Willman

The AMP Fremont Energy Center was available for 2x1 operation for the week. The plant was online all week and operated between its economic minimum and maximum base output range. Duct firing operated for 52 hours this week. The plant generated at a 70 percent capacity factor (based on 675 MW rating).

AMP Lineworkers Rodeo registration, event information available online

By Jennifer Flockerzie - technical services program coordinator

Registration and event information for the 2018 AMP Lineworkers Rodeo, Aug. 24-25, is now available on the [rodeo page](#) of the [AMP website](#). Now in its fifth year, the rodeo provides journeyman and apprentice lineworkers the opportunity to demonstrate their skill and knowledge of the craft.

The Rodeo is a wonderful event that showcases the talents of lineworkers in AMP member communities. Competitors have the opportunity to compete in one of three categories: apprentice, individual journeyman and journeyman team. Teams can be comprised of individuals from multiple municipalities.

Volunteers and judges are needed to assist during the event.

Rodeo events

Apprentice	Journeyman	Journeyman team
<ul style="list-style-type: none"> • Test • Hurtman rescue • Obstacle course • Rope toss • Cut-out change-out 	<ul style="list-style-type: none"> • Hurtman rescue • Cut-out change-out • Obstacle course • Rope toss • Insulator change-out 	<ul style="list-style-type: none"> • Hurtman rescue • Three phase transfer 4 kV • Insulator change-out • Wire down • Cross arm change-out grounded 12 kV

Event descriptions will be added to the website in the near future. If you have questions about the rodeo or registration, please contact me at jflockerzie@amppartners.org or 614.540.0853.

Correction: AMP members encouraged to take APPA annual survey

In the June 22 edition of Update, AMP members were encouraged to participate in APPA's annual salary survey, but the included hyperlinks for the survey directed users to the 2017 page. For your convenience, links to the 2018 survey page can be found below:

- [Survey A](#) for utilities with over \$15 million in revenue
- [Survey B](#) for utilities below that threshold

We apologize for any confusion. Your continued participation is appreciated. For questions or additional information regarding the APPA surveys, please contact Paul Zummo, APPA, at pzummo@publicpower.org or 202.467.2969.

AMP promotes Allalen to manager of member events and programs

By Michael Beirne

AMP is pleased to announce that Jodi Allalen has been promoted to manager of member events and programs. In her new role, Allalen will take on full responsibility for managing the annual conference, oversee the organization of major AMP events, direct and manage the AMP Scholarship Program, manage the MEP program and continue responsibilities for coordinating OMEA Board activities. Jodi has been taking on increased responsibilities recently and we believe that her experience with AMP makes her well suited to this new role.



Allalen has been with AMP since 2013 as the member events and programs coordinator, after having served more than 17 years with the Ohio House of Representatives, first as a legislative aide and later in the clerk's office. She holds a bachelor's degree in communications arts/public relations from Ohio Northern University.

Please join me in congratulating Jodi on her new role!

Nipple joins AMP in full-time capacity

By Emily Scardon - manager of project accounting

AMP is pleased to announce that John Nipple has joined the organization as a full-time accountant as of June 25, where he will maintain his current accounting responsibilities. Nipple had been serving in a temporary accountant position since January 2018.



Nipple brings several years of accounting experience, having previously served in similar roles with Cardinal Health and Ashland Inc. He holds an associate degree in finance from Columbus State Community College and a bachelor's degree in accounting from Franklin University.

Please join me in congratulating John on his new role!

Thousands of volunteers gather for annual Ohio River Sweep event

By Zachary Hoffman - communications and public relations specialist

Thousands of volunteers flocked to the Ohio River on June 16 to take part in the annual Ohio River Sweep, a cleanup event hosted by the Ohio River Valley Water Sanitation Commission, an interstate water pollution agency for the Ohio River Valley, along with environmental protection and natural resource agencies from Illinois, Indiana, Ohio, Kentucky, West Virginia and Pennsylvania. This award-winning event has been working to clean up the Ohio River since 1989.

Volunteers worked to clean up approximately 3,000 miles of shoreline at 175 cleanup sites in six states, from Pittsburgh to Cairo, Ill. In 2017, volunteers cleaned up 100,000 lbs. of trash during the event.

AMP is proud to be a sponsor of this event.



Register now for Webinars

An internet connection and a computer are all you need to educate your staff. Individual webinars are \$99 or sign up for a series at a discounted rate. Register today at www.PublicPower.org under Education & Events. Non-members can enter coupon code **AMP** to receive the member rate.

- Deep Dive into 5G Small Cell Wireless: The Truths, Myths and Implications for Public Power **July 10**
- Wireless Pole Attachments Series
Financial Pathways to the Utility of the Future **July 24**
- Accounting & Finance Series
Prepare for Change: Blueprinting Your Strategic Plan **July 26**
- Strategic Planning Series
New Regulatory and Legislative Developments Impacting Wireless Attachments Affecting Public Power Pole Owners **Aug. 7**



Classifieds

Members interested in posting classifieds in Update may send a job description with start and end advertisement dates to zhoffman@amppartners.org. There is no charge for this service.

City of Wapakoneta seeks applicants for director of public safety and service

The City of Wapakoneta (population 9,867) is seeking applicants for the position of director of public safety and service. This position oversees all Safety and Service Departments for the City of Wapakoneta. Post-secondary education in public administration or business is preferred. Deadline to submit a letter of interest, along with a resume is July 16. Please email to Diana Blackburn at dblackburn@wapakoneta.net. No phone calls please.

City of Bowling Green seeks applicants for part-time customer service specialist

The City of Bowling Green is seeking applicants for the position of part-time customer service specialist. Hours will generally be between 20 and 24 hours per week, dependent upon department need. This hourly, non-bargaining position is responsible for customer service at the Community Center and other parks and recreation facilities. This position prepares reports, handles money, performs data entry, works with Word, Excel, Adobe Acrobat, RecTrac or other registration software, and handles website management.

Candidates with an associate degree or equivalent are preferred. Must have three to five years of administrative/clerical support experience. Candidates must also have the ability to drive. A job description will be provided to applicants. Interested persons must complete an application, which is available online at www.bgohio.org, or in the City of Bowling Green's Personnel Department, 304 N. Church St., Bowling Green, OH 43402. Resumes may be included, but will not substitute for a completed application. Applications must be completed and returned to the Personnel Department in person or through email. Telephone: 419.354.6200; email: BGPpersonnel@bgohio.org. Office hours: M-F 8:00 a.m. to 4:30 p.m. The deadline for submitting an application is July 9, 2018, 4:30 p.m. AA/EEO

City of Newton Falls seeks applicants for city manager

The City of Newton Falls is seeking applicants for the position of city manager. Salary \$70,000 to \$90,000, plus excellent benefits. Newton Falls residency is required; ICMA-CM designation is preferred. Newton Falls has a charter form of government with a five-member council and mayor. \$17.6 million budget, 38 full-time employees and 23 part-time employees. Municipal utilities include water treatment, water pollution control and electric distribution. A graduate degree in government/public administration/business-related field with a background in electric, water, water pollution control, administration, personnel management and economic development or municipal finance is preferred. Desire a credentialed City Manager who is a strong leader and motivator. Please send a letter of interest, resume, salary history, requirements and at least three work-related references to Kathleen King, city clerk, 19 N. Canal St., Newton Falls, OH 44444 or email cityclerk@ci.newtonfalls.oh.us by July 31, 2018. EOE

Village of Yellow Springs seeks applicants for electric/water distribution utility service worker

The Village of Yellow Springs is seeking applicants for the position of electric/water distribution utility service worker. This 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 or at the Village of Yellow Springs, 100 Dayton St., Yellow Springs, OH 45387. Application and resume should be submitted at the above address or via email to Ruthe Ann Lillich at rlillich@vil.yellowsprings.oh.us. The application deadline is Friday, July 6 at 4:00 p.m. to the attention of Ruthe Ann Lillich.

City of Westerville seeks applicants for utility billing supervisor

The City of Westerville is seeking an experienced professional to serve as utility billing supervisor for our nationally recognized community of more than 37,000 residents who are provided water, sewer, trash and electricity services through municipal accounts. The city, served primarily through AMI-metering, has a newly-expanded water plant and its electric division is the only municipally owned and operated suburban electrical provider in Central Ohio.

The successful candidate will supervise six FTE/s in utility billing, accounts receivable, customer service and metering. Primary work involves planning, directing and supervising all utility billing and collection activities, assuring billing accounts are accurately posted, payments are properly applied to customer accounts, delinquent accounts are processed in accordance with the city's policies and procedures, and customer inquiries receive timely and courteous responses. The utility billing supervisor provides input oversight of: the budgeting process; meter reading activities for non-AMI metered accounts; meter checks due to exception reports; compliance with related state and federal statutes; and other related financial and legislative requirements regarding public utilities.

Required: College degree in business or public administration, accounting or finance, and a minimum three years of direct supervisory experience is preferred. No resumes please. Apply at www.westerville.org. EOE/ADA

Opportunities available at AMP

AMP is seeking applicants for the following positions:

Director of human resources

Energy settlement operations

Generation optimization specialist

Power supply planning engineer I or II

Senior director, business systems

For complete job descriptions, please visit the [AMP careers page](#).

American Municipal Power, Inc.

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