

---

# GENERAL INFORMATION

---

April 1, 2019

## CALENDAR

**5:00 PM – PLANNING COMMISSION**

**6:30 PM – HOUSING COUNCIL**

**6:45 PM – SPECIAL COUNCIL (PUBLIC HEARING/AG DISTRICT)**

---

**7:00 PM - CITY COUNCIL**

### ***C. Approval of Minutes:***

March 18, 2019 Council Meeting Minutes

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

1. **Ordinance No. 025-19**, an Ordinance Approving a Certain Agricultural District located in the City of Napoleon, Ohio at the Location of Appian Avenue as Applied for by H&H Farms Land, LLC.; and Declaring an Emergency.
2. **Resolution No. 026-19**, a Resolution authorizing the City Manager to Execute any and all Documents Necessary to Apply for, Accept, and Enter into an Ohio Environmental Protection Agency (OEPA) Division of Environmental and Financial Assistance (DEFA) Water Pollution Control Loan Fund (WPCLF) Agreement on behalf of the City of Napoleon, Ohio for Planning, Design, and/or Construction of the VanHyning Pumping Station Replacement Project; and Designating a Dedicated Repayment Source for the Loan; and Declaring an Emergency. (*Suspension Requested*)
  - a. *Enclosed is a Memorandum from Chad regarding this project.*

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

1. **Resolution No. 019-19**, a Resolution Authorizing Contracts with the Townships of Napoleon, Harrison, Freedom, and the Village of Florida, and Henry County South Joint Ambulance District for Fire Service and/or Emergency Medical Service Commencing April 1, 2019; and Declaring an Emergency.
2. **Ordinance No. 022-19**, an Ordinance Appointing a City Finance Director for the City of Napoleon, Ohio; and, Declaring an Emergency.

### ***I. Third Readings of Ordinances and Resolutions- None***

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

1. **Discussion/Action:** Shank Properties, LLC CRA Agreement
  - a. *a copy of the CRA Agreement is enclosed.*
2. **Discussion/Action:** Review of PC 19-05 Final Plat of Subdivision Shank Plat – Plat One.
3. **Discussion/Action:** Review of PC 19-06 Final Plat of Subdivision North Pointe – Plat No. 5.
4. **Discussion/Action:** TIRC Recommendations by Housing Council.

*For items 5, 6, 7, and 8, Chad has provided a Memorandum in your packet for each project.*
5. **Discussion/Action:** Award Contract for Raymond Street Improvements.
6. **Discussion/Action:** Tentative Award of the Williams Pumping Station Replacement Project, Pending DEFA Approval.

7. **Discussion/Action:** Award Professional Design Contract for Lynne Avenue Improvements to Jones and Henry Engineers, Ltd.
8. **Discussion/Action:** Park Street Phase III Project.
9. **Discussion/Action:** Annual Wellness Checks.
  - a. *The Majority Report from the Safety & Human Resources Committee is enclosed as well as health insurance information requested by the committee.*
10. **Discussion/Action:** First Quarter Budget Adjustments (direct Law Director to draft legislation)
  - a. *a copy of the first quarter budget adjustments approved by the Finance and Budget Committee are attached.*
11. **Discussion/Action:** ODOT Road Salt Contract (direct Law Director to draft legislation).
  - a. *Chad's Memorandum is attached.*
12. **Discussion/Action:** Acceptance of Donations to K9 Program.
  - a. *a copy of one of the donation checks is attached, the other donor asked to be anonymous.*

### ***Informational Items***

1. Memorandum from Chad on Downtown Improvements Phase II ~ Parking Schedule Updates
2. **CANCELLATION** – Technology and Communications Committee Meeting

Records Retention - CM-11 - 2 Years

## April 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	<b>1</b> 5:00 pm Planning Comm. 6:30 pm Housing Council 6:45 pm Public Hearing 7:00 pm City Council	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
<b>7</b>	<b>8</b> 6:15 pm Electric Comm 6:15 pm BOPA 7:00 pm Water/Sewer Comm 7:30 pm Muni Properties	<b>9</b> 4:30 pm BZA 5:00 pm Planning Comm.	<b>10</b> 11:00 am Bid Openings (3)	<b>11</b>	<b>12</b> 8:00 am Healthcare Cost Committee	<b>13</b>
<b>14</b>	<b>15</b> 6:00 pm Parks Rec Comm 6:00 pm Tree Commission 7:00 pm City Council	<b>16</b> Tax Day (Taxes Due)	<b>17</b>	<b>18</b>	<b>19</b> Good Friday	<b>20</b>
					CITY OFFICES CLOSED	
<b>21</b> Easter	<b>22</b> 6:30 pm Finance & Budget 7:30 pm Safety & Human Resources	<b>23</b> 4:30 pm Civil Service	<b>24</b> 6:30 pm Parks & Rec Board	<b>25</b>	<b>26</b> Arbor Day	<b>27</b>  10:00 am Arbor Day Celebration at Oakwood Park
<b>28</b>	<b>29</b>	<b>30</b> 4:00 pm Civil Service Commission-Spec Mtg	Notes:			


*City of Napoleon, Ohio*  
**PLANNING COMMISSION**

Special Meeting Agenda

**Monday, April 1, 2019 at 5:00 pm**

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

- 1) Call to Order.
- 2) Approval of Minutes: March 12, 2019.
- 3) New Business.
  - a. PC 19-05 – Final Plat of Subdivision – Shank Plat-Plat One  
An application for public hearing has been filed by Don Williams (N&R&G Equipment, LLC 450 Freedom Drive, Napoleon Ohio). The applicant is requesting the approval of a Final Plat of Subdivision. The request is pursuant to Chapter 1105 of the Codified Ordinances of Napoleon, Ohio. The properties are located in an I-1 Enclosed Industrial District.
  - b. PC 19-06 – Final Plat of Subdivision – North Pointe Plat No. 5  
An application for Public Hearing has been filed by Doug Martin. The applicant is requesting the approval of a Final Plat of Subdivision for North Pointe Plat No. 5. The request is pursuant to Chapter 1105 of the Codified Ordinances of Napoleon, Ohio. Two (2) of the properties are located in an I-1 Enclosed Industrial District and the third property is located in a C-5 Highway Commercial District.
- 4) Adjournment.

  
\_\_\_\_\_  
Roxanne Dietrich  
Interim Clerk of Council



## **PLANNING COMMISSION**

### **MEETING MINUTES**

**Tuesday, March 12, 2019 at 5:00 PM**

**PC 19-01 ~ Preliminary Plat of Subdivision ~ Shank Plat**

<b>PRESENT</b>	
Members	Tim Barry-Chair, Jason Maassel-Mayor, Suzette Gerken, Larry Vocke
City Staff	Mark Spiess-Sr. Eng. Tech/Zoning Administrator
Interim Clerk of Council	Roxanne Dietrich
Others	Don Williams, Jade Shank, Nancy Hespe
<b>ABSENT</b>	
Committee Members	Marvin Barlow
<b>Call to Order</b>	Chairman Barry called the meeting to order at 5:00 pm with the roll call being taken, it was noted a quorum was present.
<b>Approval of Minutes</b>	Hearing no objections or corrections, the December 11, 2018 meeting minutes stand approved as presented.
<b>PC 19-01 Background</b>	Barry read the background on PC 19-01: An application for public hearing has been filed by Don Williams (N&R&G Equipment, LLC 450 Freedom Drive, Napoleon Ohio) with a tax mailing address of 14701 Wingston Road, Bowling Green, Ohio 43402. The applicant is requesting the approval of a Preliminary Plat of Subdivision to divide four (4) existing parcels into three (3) lots. The request is pursuant to Chapter 1105 of the Codified Ordinances of Napoleon Ohio. The properties are located in an I-1 Enclosed Industrial District.
<b>Findings and Recommendations</b>	Spiess read the findings and recommendations for PC 19-01: The purpose of reconfiguring these properties is to allow the expansion of Mr. Shank's business. Mr. Shank would like to add a second building to make more room for his business, but it requires a bigger lot. Mr. Williams is willing to sell him the additional land he needs, but in order to do that the following items need to occur: <ol style="list-style-type: none"><li>1. A plat will need to be done to show the configuration of the new properties; and</li><li>2. The previous Conditional Use Permit which was approved in November 2016 by PC 16-07 will need to be revised to reflect the changes that will be discussed in PC 19-02.</li></ol>
<b>Discussion</b>	Spiess showed a drawing of the current lots owned by Mr. Shank, Mr. Ed Hoeffel and Mr. Williams and the configuration of the plat. Barry asked right now you are on the corner and will go all the way back to edge of Mr. Hoeffel's, in 2016 this was angled over and had six acres, there will be no changes to the infrastructure out there. Spiess responded no it's just a matter of reconfiguring lots. Barry asked if there will be buildings on there? Shank replied I will be putting up a 150' x 450' building to connect to the old Leupp building, it will be going North and South, I need more room for manufacturing.

## Questions and Comments

Barry asked if there were any questions or comments from the audience.

Nancy Hespe - How high will the building be towards Don's property?

Jade Shank - 150' wide from the existing building it will be roughly 50'-55' from his property lot line, we own the side already.

Nancy Hespe - will that be a parking lot?

Jade Shank - it's a new building and will have a 15' stone perimeter around the building with vegetation it will tie in with Don's existing driveway to the East.

The building will start 70' North of Freedom, where the building starts and will go 450' to the North.

Maassel - where will the employees park?

Jade Shank - on the back side where the wooded lot is to the North. A lot of our material will come through that area also. We are squaring the new building up with Freedom.

Barry asked about egress.

Jade Shank - it will be the same existing driveways, no changes.

Nancy Hespe voiced her concern about how it will look, the last couple of years have not been very good.

Jade Shank - We are in two different marketings, I'm in manufacturing Don's in demo and salvage, we cannot have a rough looking place ours is about image and production, Don's comes in looking bad goes out looking bad.

Don Williams - we talked about instead of a fence putting pine trees up.

Nancy Hespe asked how high?

Spiess said that will be talked about in the next meeting this is to approve reconfiguring the property lines.

## Motion to Approve PC 19-01

Motion: Maasel  
to approve PC 19-01. Second: Barry

## Passed Yea-4 Nay-0

Roll call vote on the above motion:  
Yea-Gerken, Vocke, Barry, Maassel  
Nay-

## Meeting Continued

The meeting continued with the consideration of PC 19-02.

April 1, 2019

---

Tim Barry, Chair

## PLANNING COMMISSION

### MEETING MINUTES

Tuesday, March 12, 2019 at 5:00 PM

PC 19-02 ~ 450 Freedom Drive – Conditional Use Permit for Recycling Center

(Meeting continued after consideration of PC 19-01)

<b>PRESENT</b>	
Members	Tim Barry-Chair, Jason Maassel-Mayor, Suzette Gerken, Larry Vocke
City Staff	Mark Spiess-Sr. Eng. Tech/Zoning Administrator; Joel Mazur-City Manager
Interim Clerk of Council	Roxanne Dietrich
Others	Don Williams, Jade Shank, Nancy Hespe
<b>ABSENT</b>	
Committee Members	Marvin Barlow
<b>PC 19-02 Background</b>	<p>Chairman Barry read the background on PC 19-02:</p> <p>An application for public hearing has been filed by N&amp;R&amp;G Equipment, LLC. 471 Freedom Drive. The applicant is requesting the approval of a revision to a previous Conditional Use Permit due to restructuring of their business and the expansion of the neighboring business. The request is pursuant to Chapter 1141 of the Codified Ordinances of Napoleon Ohio. The property is in an I-1 Enclosed Industrial Zoning District.</p>
<b>Research and Findings</b>	<p>Spiess read the research and findings for PC 19-02:</p> <p>According to Chapter 1141 of the Codified Ordinances, Section 1141.03 paragraph (b)-Conditional Use Regulations, Section (2)- Junk Yard and/or Salvage Yard/Recycling Centers Site Standards, these are the conditions required:</p> <p>(2) Junk Yard and/or Salvage Yard/ Recycling Centers Site Standards.</p> <p>A. A junk yard and/or salvage yard or recycling center shall be a minimum of ten acres.</p> <p>B. A junk yard and/or salvage yard or recycling center premises shall be provided with a front yard setback of 70 feet, a side yard setback of 100 feet, and a rear yard setback of 100 feet. A solid wall of not less than ten (10') feet in height shall enclose the entire perimeter of the junk yard and/or salvage yard operation.</p> <p>C. All driveways leading to the junk yard and/or salvage yard and/or recycling center operation shall be provided with asphaltic or standard concrete from the public street to the fenced area.</p> <p>D. All junk yard or salvage yard or recycling center developments shall have engineered plans and procedures and demonstrate proper plats.</p> <p>E. Applications for a junk yard and/or salvage yard or recycling center conditional use permit shall be filed with the Zoning Administrator containing the following information:</p> <p>1. A survey by an Ohio registered land surveyor of the zoning lot proposed for use, including the entire area proposed to be used for junk yard and/or salvage yard and/or recycling center purposes.</p> <p>2. A site plan indicating the arrangement and location of each permanent building proposed to be constructed on the site. The site plan shall also</p>

include outside storage and the perimeter wall and planting areas proposed to be installed for screening purposes.

- F. The junk yard and/or salvage yard and/or recycling centers development plan shall be examined and evaluated by the Planning Commission in the terms of conformance with the regulations stated herein, and may recommend approval only after a determination has been made that the proposed development complies with the regulation of this Planning and Zoning Code. The regulation of salvage yards shall be in accordance with State Code except where this Planning and Zoning Code may supersede.

The following conditions were placed on the 2016 permit:

1. The property owner is requesting the following variances to the above requirements:
  - The parcel be 6 acres instead of the required 10 acres,
  - The side and front yard setbacks to be 50' instead of the required 100',
  - The required 10' solid wall be allowed to be a 5' grass mound with a 6' vinyl fence on top, and
  - The driveway will be allowed to be stone outside of the right-of way instead of concrete.
2. In addition, whenever such a vehicle accommodation area abuts a paved street, the driveway leading from such street to such area (or, if there is no driveway, the portion of the vehicle accommodation area that opens onto such streets), shall be paved as provided in the City's Engineering Department Rules and Regulations, for a distance of fifteen (15) feet back from the edge of the paved street or up to the property line whichever is the greater distance from the edge of the abutting street.

The following are the modifications/additional conditions recommended for this permit:

1. The parcel will be 7 acres instead of the required 10 acres,
2. The side and front yard setbacks be 50' instead of the required 100', and
3. The required 10' solid wall be allowed to be a 5' grass mound with Emerald Green Arborvitae that grow to approximately 12' tall and shall be planted approximately 4' apart. Spiess stated he received this information from North Branch Nursery who is the company that does most of the City tree plantings.

## Discussion

Barry clarified originally it was approved to be 5 acres instead of 10 but he's expanding and we are adding 2 acres but that will still be under the 10-acres, the setbacks are staying the same, before they were going to have a berm with a fence on top and now they are going to have a berm with trees. Spiess noted it will be similar to the grass mound with trees at the Yard Waste Site.

Maassel asked when the trees will be planted.

Don Williams - I'm guessing May or June the hill is in place.

Mazur said planting the trees in the Fall would be the best time to plant.

Maassel asked about construction, how long will that be?

Jade Shank - hope to have everything up and running by the first of July.

## Motion for Additional Condition

Motion: Maassel

Second: Gerken

Vegetation has to be in place, to include the grass and the trees, no later than November 30, 2019.

Roll call vote on the above motion:  
Yea-Gerken, Vocke, Barry, Maassel  
Nay-

Motion: Maassel  
to approve PC 19-02.

Roll call vote on the above motion:  
Yea-Gerken, Vocke, Barry, Maassel  
Nay-

## Meeting Continued

**Approved**

Tim Barry, Chair

## **PLANNING COMMISSION**

### **MEETING MINUTES**

**Tuesday, March 12, 2019 at 5:00 PM**

**PC 19-03 ~ North Pointe Plat No. 5 ~ Preliminary Plat of Subdivision**

**(Meeting continued after consideration of PC 19-02)**

---

**PRESENT**

Members  
City Staff  
Interim Clerk of Council  
Others

Tim Barry-Chair, Jason Maassel-Mayor, Suzette Gerken, Larry Vocke  
Mark Spiess-Sr. Eng. Tech/Zoning Administrator  
Roxanne Dietrich  
Doug Martin

**ABSENT**

Committee Member

Marvin Barlow

**PC 19-03 Background**

Chairman Barry read the background on PC 19-03:  
An application for public hearing has been filed by Doug Martin, with a tax mailing address of N 070 Co. Rd. 16B, Napoleon, Ohio 43545. The applicant is requesting the approval of a Preliminary Plat of Subdivision to split off 4.070 acres from a 15.47-acre parcel to be combined with a 7.082-acre parcel to create an 11.152-acre parcel. Also to include a 5.001-acre parcel for a total of three (3) lots in the subdivision. The request is pursuant to Chapter 1105 of the Codified Ordinances of Napoleon Ohio. Two (2) of the properties are located in an I-1 Enclosed Industrial District and the third property is located in a C-5 Highway Commercial District.

**Research and Findings**

Spiess read the research and findings for PC 19-03:  
According to Codified Ordinances Chapter 1105.07 paragraph (b) a sub-divider may provide a preliminary plat of a proposed subdivision along with a properly completed application to the Zoning Administrator who shall process the application as follows: Section (2) Examine plat for compliance with the Master Plan, this Planning and Zoning Code, and other pertinent ordinances or regulations of the City.

1. According to the Master Plan, the extension of Freedom Drive from the dead end north to American Road is needed to promote growth in the area and provide for street frontage for the possibility of smaller lots being developed.
2. The standard street width for that zone is 100' right-of-way.
3. This will need to be addressed before any further lots can be developed.

**Discussion**

Spiess showed where the lots owned by Mr. Ed Hoeffel, Doug Martin and Anthony Martin are these three parcels will be platted together and the whole area will be considered one subdivision with three lots. Mr. Martin would like to bring his business from Gerald into this acreage and putting the road in will not promote growth. In the future if he decides to sell we can address that issue at that time, now we want to get this platted to move forward. The business will most likely occupy the 11 acres coming from the end straight up North, there will be access from American Road onto the property. Maassel inquired if a farm implement dealership can be in an I-1, I don't want to go

through all this and find out it is not permissible. Spiess said that should be fine. Maassel asked that he please verify before this is presented to Council. Mazur asked Spiess to have memo for Friday's packet, it's possible this may be permissible for both I-1 and C-5. Maassel re-stated, I'm all for this, I just don't want them to come here and then find out it is not permissible.

Barry asked if there were any further comments.

**Motion to  
Approve PC 19-03**

Motion: Maassel  
to approve PC 19-03.

Second: Barry

**Passed**  
**Yea-4**  
**Nay-0**

Roll call vote on the above motion:  
Yea-Gerken, Vocke, Barry, Maassel  
Nay-

Barry stated this will go to the next regular City Council meeting on March 18, 2019.

**Housing Council  
Appointment**

Motion: Maassel  
to reappoint Cheryl Hershberger to the Housing Council.

Second: Vocke

**Passed**  
**Yea-4**  
**Nay-0**

Roll call vote on the above motion:  
Yea-Gerken, Vocke, Barry, Maassel  
Nay-

**Adjournment**

Motion: Maassel  
to adjourn the Planning Commission meeting at 5:39 pm.

Second: Gerken

**Passed**  
**Yea-4**  
**Nay-0**

Roll call vote on the above motion:  
Yea-Gerken, Vocke, Barry, Maassel  
Nay-

**Approved:**

April 1, 2019

---

Tim Barry, Chair

**PC-19-05**  
**Final Plat Of Subdivision**  
**Shank Plat – Plat One**

**MEMORANDUM**

**TO:** Members of The City Planning Commission  
**FROM:** Mark B. Spiess, Sr. Eng. Tech. / Zoning Admin.  
**SUBJECT:** Final Plat of Subdivision, Shank Plat - Plat One  
**MEETING DATE:** April 1, 2019 @ 5:00 PM  
**HEARING #:** PC-19-05

**BACKGROUND:**

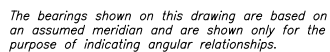
An application for public hearing has been filed by Don Williams (N&R&G Equipment, LLC 450 Freedom Dr, Napoleon Ohio 43545) with a tax mailing address of 14701 Wingston Rd. Bowling Green, Ohio 43402. The applicant is requesting the approval of a Final Plat of Subdivision. The request is pursuant to Chapter 1105 of the Codified Ordinances of Napoleon Ohio. The properties are located in an I-1 Enclosed Industrial District.

**RESEARCH AND FINDING**

According to Codified Ordinance 1105 Subdivision Regulations, section 1105.09 (a), A final plat of subdivision is submitted to gain final approval of the Council and to release the plat for recording in the office of the County Recorder.



PART OF THE SOUTHEAST 1/4, FRACTIONAL SECTION 1, T-5-N, R-6-E  
 NAPOLEON TOWNSHIP CITY OF NAPOLEON HENRY COUNTY OHIO  
 NOVEMBER, 2018 Scale: 1" = 100'



1-1 - Enclosed Industrial



- - 5/8 Inch Diameter Iron Rod Found With Cap  
"6656" unless noted
- ⊗ - 5/8 Inch Diameter Set With Cap "INBOUNDS OH  
8757"
- - Monument Box Found
- ⊙ - 4" diameter x 30" long concrete  
monument with a 5/8 inch diameter  
iron rod with I.D. cap set.
- B.L. - Building Line
- ▲ - Ponty Spike Found

### LINE TABLE

LINE	BEARING	DISTANCE
L1	N 77°39'06" W	128.03'
L2	N 46°35'04" W	49.07'

Plat of Survey for Edward and Mary Hoeffel by  
David R. Maxson P.S., Registered Surveyor No. 6656  
dated January 18, 2017

Plat of Survey for Edward and Mary Hoeffel by  
Paul J. Westhoven P.S., Registered Surveyor No. 5602  
dated March 5, 2002

PLOTTED 3/13/2019

## SHANK SUBDIVISION – PLAT ONE

PART OF THE SOUTHEAST 1/4, FRACTIONAL SECTION 1, T-5-N, R-6-E  
NAPOLEON TOWNSHIP CITY OF NAPOLEON HENRY COUNTY OHIO  
NOVEMBER, 2018 Scale: 1" = 100'

### LEGAL DESCRIPTION

A parcel of land being part of the Southeast quarter (1/4) of Fractional Section 1, Town 5 North, Range 6 East, Napoleon Township, City of Napoleon, Henry County, Ohio, which is bounded and described as follows (an "iron rod set" is 5/8 inch diameter with surveyor's cap labeled "Inbounds PS 8757"):

BEGINNING at a found 5/8 inch diameter capped (PS 6656) iron rod marking the Southeast corner of said Southeast quarter (1/4) and the north Right of Way of Freedom Drive;

thence along the south line of said Southeast quarter (1/4) and said north Right of Way NORTH 89°31'16" WEST 704.21 feet to a set 4 inch diameter concrete monument;

thence along the northerly Right of Way of said Freedom Drive NORTH 77°39'06" WEST 128.03 feet to a set 4 inch diameter concrete monument;

thence along the northeasterly Right of Way of Freedom Drive NORTH 46°35'04" WEST 49.07 feet to a found 5/8 inch diameter capped (PS 5602) iron rod where said northeasterly Right of Way intersects the easterly Right of Way of Oakwood Avenue;

thence along said easterly Right of Way NORTH 15°30'41" EAST 137.93 feet to a found 5/8 inch diameter capped (PS 5602) iron rod;

thence continuing along said easterly Right of Way NORTH 74°29'19" WEST 5.00 feet to a found 5/8 inch diameter capped (PS 5602) iron rod;

thence continuing along said easterly Right of Way NORTH 15°30'41" EAST, passing a found 5/8 inch diameter capped (PS 5602) iron rod at 106.02 feet, a found 5/8 inch diameter capped (PS 6656) iron rod at 280.88 feet, and a found capped (PS 6656) iron rod at 528.23 feet, a total distance of 1018.49 feet to a found 5/8 inch diameter capped (PS 6656) iron rod where said easterly Right of Way intersects the southeasterly Right of Way of American Road;

thence along said southeasterly Right of Way NORTH 52°57'26" EAST 47.65 feet to found capped (PS 6656) iron rod;

thence along the southerly Right of Way of said American Road SOUTH 89°36'06" EAST, 532.48 feet to a found capped (PS 6656) iron rod on the East line of said Southeast quarter (1/4);

thence along the East line of said Southeast quarter (1/4) SOUTH 00°28'37" WEST, passing a found 5/8 inch diameter capped (PS 6656) iron rod at 503.25 feet, a found capped (PS 6656) iron rod at 742.14 feet, a total distance of 1,207.67 feet to the point of BEGINNING.

Containing 19.963 acres of land more or less: 7.262 acres from Parcel No. 41-010026.0000, 4.001 acres from Parcel No. 41-010026.0400, 6.000 acres from Parcel No. 41-010026.0300 and 2.700 acres from Parcel No. 41-010026.0200.

This parcel is subject to legal highways, all legal easements, restrictions, leases of record and records in respective utility offices and other conveyances, if any.

The bearings referred to hereon are based on an assumed bearing of SOUTH 00°28'37" WEST for the East line of the Southeast quarter (1/4) of said Fractional Section 1, and are used only for the purpose of describing angular measurement.

This legal description was prepared by James F. Stevenson, Registered Surveyor No. 8757, and is based upon a land survey performed in November of 2018 by Inbounds Surveying, LLC.

### DEDICATION CERTIFICATION

The undersigned, owners of the real estate described herein, do hereby approve this plat and dedicate to the City of Napoleon, Ohio all rights-of-way, streets, easements, or other areas described on this plat, including ownership rights to all utilities located therein.

Witness our hands and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Witness

Edward A. Hoeffel

Witness

Mary C. Hoeffel

Witness

Shank Properties, LLC  
Jade Shank

Witness

N&R&G Equipment, LLC  
Don Williams

### NOTARY CERTIFICATE

STATE OF OHIO, COUNTY OF HENRY, SS:

Before me the undersigned Notary Public in and for the said county and state appeared Edward A. Hoeffel and Doug Martin, owners of the real estate described herein, who did acknowledge the execution of the foregoing instrument as their voluntary act and deed for the purposes therein expressed.

Witness my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Notary Public

### CITY ENGINEER'S CERTIFICATE

Under authority provided by Chapter 711 of the Ohio Revised Code, I hereby approve this plat.

Dated

Chad E. Lulfs, P.E., P.S. City Engineer

### PLANNING COMMISSION CERTIFICATE

Under authority provided by Chapter 711 of the Ohio Revised Code and Chapter 1105 the City of Napoleon Code of Ordinances, this plat is hereby approved by the Planning Commission of the City of Napoleon, Ohio.

Dated

Chairman

Clerk of Council

### CITY COUNCIL CERTIFICATE

Under authority provided by Chapter 711 of the Ohio Revised Code and Chapter 1105 of the City of Napoleon Code of Ordinances, this plat is hereby approved by the City Council of the City of Napoleon, Ohio.

Dated

Mayor

Attest: Clerk of Council

### COUNTY AUDITOR'S CERTIFICATE

Transferred on \_\_\_\_\_, 2019

Henry County Auditor

### COUNTY RECORDER'S CERTIFICATE

Filed for record \_\_\_\_\_, 2019 at \_\_\_\_\_, \_\_\_\_M.

Recorded on \_\_\_\_\_, 2019 in Plat Cabinet \_\_\_\_\_, Slide \_\_\_\_\_.

Fee \$ \_\_\_\_\_

Henry County Recorder

### SURVEYOR'S CERTIFICATE

I hereby certify that this plat represents a survey made by me, and that the specified concrete monuments where shown ☉ within one year of the acceptance of this plat.

Date

James F. Stevenson, P.S.  
Ohio Registered Surveyor No. S-8757  
INBOUNDS SURVEYING, LLC  
14222 Grass Lake Road  
Camden, MI 49232  
Office: 209-628-5141  
Email: jamie@inbounds.pro



PLOTTED 3/13/2019

2  
2

**PC-19-06**  
**Final Plat Of Subdivision**  
**North Pointe – Plat No. 5**

**MEMORANDUM**

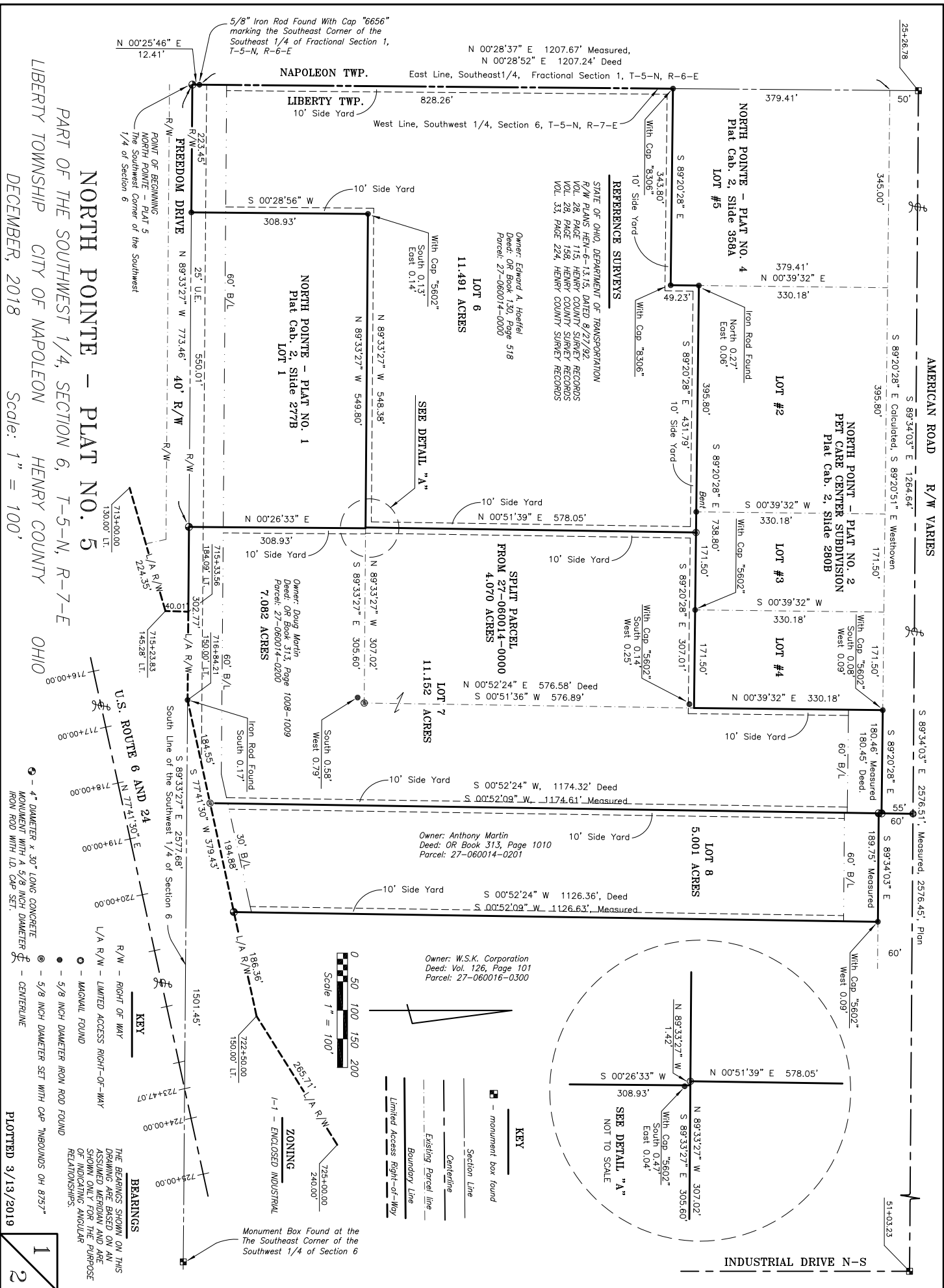
**TO:** Members of The City Planning Commission  
**FROM:** Mark B. Spiess, Sr. Eng. Tech. / Zoning Admin.  
**SUBJECT:** Final Plat of Subdivision, North Pointe - Plat No. 5  
**MEETING DATE:** April 1, 2019 @ 5:00 PM  
**HEARING #:** PC-19-06

**BACKGROUND:**

An application for public hearing has been filed by Doug Martin, with a tax mailing address of N 070 Co. Rd. 16B, Napoleon, Ohio 43545. The applicant is requesting the approval of a Final Plat of Subdivision for North Pointe Plat No. 5. The request is pursuant to Chapter 1105 of the Codified Ordinances of Napoleon Ohio. Two (2) of the properties are located in an I-1 Enclosed Industrial District and the third property is located in a C-5 Highway Commercial District.

**RESEARCH AND FINDING**

According to Codified Ordinance 1105 Subdivision Regulations, section 1105.09 (a), A final plat of subdivision is submitted to gain final approval of the Council and to release the plat for recording in the office of the County Recorder.



LEGAL DESCRIPTION

A parcel of land being part of the Southwest quarter (1/4) of Section 6, Town 5 North, Range 7 East, Liberty Township, City of Napoleon, Henry County, Ohio, which is bounded and described as follows (an "iron rod set" is 5/8 inch diameter with surveyor's cap labeled "Inbounds PS 8757"):

BEGINNING at a 4 inch diameter concrete monument set at the Southwest corner of the Southwest quarter (1/4) of said Section;

thence NORTH 00°25'46" EAST 12.41 feet to a found 5/8 inch diameter capped (PS 6656) iron rod to the Southeast corner of Section 1, Town 5 North, Range 6 East, City of Napoleon, Napoleon Township, Henry County, Ohio;

thence NORTH 00°28'37" East along the West line of the said Southwest quarter (1/4) 828.26 feet to the Southwest corner of North Pointe Plat No. 4 recorded in Plat Cabinet 2, Slide 358 A, of said County witnessed by a 5/8 inch diameter capped (PS 8306) iron rod found 0.07 feet West;

thence SOUTH 89°20'28" East along the South line of North Pointe Plat No. 4 a distance of 343.80 feet to a iron rod found at the Southeast corner of North Pointe Plat No. 4;

thence North 00°39'32" East along the East line of North Pointe Plat No. 4 a distance of 49.23 feet to the Southwest corner of North Point Plat No. 2, Pet Care Center Subdivision recorded in Plat Cabinet 2 Slide 280 B of said County, witnessed by a 5/8 inch diameter capped (PS 8306) iron rod found 0.27 feet North and 0.06 feet East;

thence SOUTH 89°20'28" EAST along the South line of North Point Plat 2, Pet Care Subdivision, 738.80 feet to the Southeast corner of Lot 4 North Point Plat No. 2, Pet Care Subdivision, witnessed by a 5/8 inch diameter capped (PS 5602) iron rod found 0.14 feet South and 0.25 feet West;

thence NORTH 00°39'32" EAST along the East line of North Point Plat No. 2, Pet Care Subdivision 330.18 feet to the Northeast corner of Lot 4 North Point Plat No. 2, Pet Care Subdivision, witnessed by a 5/8 inch diameter capped (PS 5602) iron rod found 0.08 feet South and 0.09 feet West;

thence SOUTH 89°20'28" EAST 180.46 feet along the South Right of Way of American Road to a 4 inch diameter concrete monument set;

thence SOUTH 00°52'09" WEST 5.00 feet along the Right of Way of American Road to an a 4 inch diameter concrete monument set;

thence SOUTH 89°34'03" EAST 189.75 feet along the South Right of Way of American Road to the Northwest corner of land now or formerly deeded to W.S.K. Corporation, recorded in Volume 126, Page 101, of said County, witnessed by a 5/8 inch diameter capped (PS 5602) iron rod found 0.09 feet West;

thence SOUTH 00°52'09" WEST 1126.63 feet along the West line of said W.S.K. Corporation parcel to a 4 inch diameter concrete monument set on the Northerly Limited Access Right of Way of U.S. Route 6 and 24;

thence SOUTH 77°41'30" WEST 379.43 feet along said Limited Access Right of Way to a point on the South line of said Southwest quarter (1/4), witnessed by a found 5/8 inch diameter iron rod found 0.17 feet South;

thence NORTH 89°33'27" WEST along the South line of said Southwest quarter (1/4) 302.77 feet to a 4 inch diameter concrete monument set at the Southeast corner of North Pointe Plat No. 1 recorded in Plat Cabinet 2, Slide 277 B, of said County;

thence NORTH 00°26'33" EAST 308.93 feet to the Northeast corner of North Pointe Plat No. 1 witnessed by a 5/8 inch diameter capped (PS 5602) iron rod found 0.47 feet South and 0.04 feet East;

thence NORTH 89°33'27" WEST along the North line of North Pointe Plat No. 1 a distance of 549.80 feet to the Northwest corner of North Point Plat No. 1 witnessed by a 5/8 inch diameter capped (PS 5602) iron rod found 0.13 feet South and 0.14 feet East;

thence South 00°28'56" West along the West line of North Pointe Plat No. 1 308.93 feet to a iron rod found at the Southwest corner of North Pointe Plat No. 1;

thence North 89°33'27" West along the South line of the Southwest 1/4 of said Section 6 and being the North Right of Way line of Freedom Drive (40 foot wide Right of Way), 223.45 feet to the point of BEGINNING.

Containing 27.644 acres of land more or less: 15.561 acres from Parcel No. 27-060014-0000, which is land now or formerly deeded to Edward A. Hoeffel and Mary C. Hoeffel recorded in OR 130, Page 518 of said County, 7.082 acres from Parcel No. 27-060014-0200, which is land now or formerly deeded to Doug Martin recorded in OR 313, Page 1008 of said County and 5.001 acres from Parcel No. 27-060014-0201, which is land now or formerly deeded to Anthony Martin, recorded in OR 313, Page 1010 of said County.

This parcel is subject to legal highways, all legal easements, restrictions, leases of record and records in respective utility offices and other conveyances, if any.

The bearings referred to hereon are based on an assumed bearing of SOUTH 89°33'27" EAST for the south line of the Southwest quarter (1/4) of said Section 6, and are used only for the purpose of describing angular measurement.

This legal description was prepared by James F. Stevenson, Registered Surveyor No. 8757, and is based upon a land survey performed in November of 2018 by Inbounds Surveying, LLC.

**NORTH POINTE – PLAT NO. 5**  
*PART OF THE SOUTHWEST 1/4, SECTION 6, T-5-N, R-7-E*  
**LIBERTY TOWNSHIP    CITY OF NAPOLEON    HENRY COUNTY    OHIO**  
**DECEMBER, 2018                      Scale: 1" = 100'**

DEDICATION CERTIFICATION

The undersigned, owners of the real estate described herein, do hereby approve this plat and dedicate to the City of Napoleon, Ohio all rights-of-way, streets, easements, or other areas described on this plat, including ownership rights to all utilities located therein.

Witness our hands and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Witness                      Edward A. Hoeffel

\_\_\_\_\_  
Witness                      Doug Martin

\_\_\_\_\_  
Witness                      Anthony Martin

NOTARY CERTIFICATE

STATE OF OHIO, COUNTY OF HENRY, SS:

Before me the undersigned Notary Public in and for the said county and state appeared Edward A. Hoeffel, Doug Martin and Anthony Martin owners of the real estate described herein, who did acknowledge the execution of the foregoing instrument as their voluntary act and deed for the purposes therein expressed.

Witness my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary Public

CITY ENGINEER'S CERTIFICATE

Under authority provided by Chapter 711 of the Ohio Revised Code, I hereby approve this plat.

\_\_\_\_\_  
Dated                      Chad E. Lulfs, P.E., P.S. City Engineer

PLANNING COMMISSION CERTIFICATE

Under authority provided by Chapter 711 of the Ohio Revised Code and Chapter 1105 the City of Napoleon Code of Ordinances, this plat is hereby approved by the Planning Commission of the City of Napoleon, Ohio.

\_\_\_\_\_  
Dated                      Chairman

\_\_\_\_\_  
Clerk of Council

CITY COUNCIL CERTIFICATE

Under authority provided by Chapter 711 of the Ohio Revised Code and Chapter 1105 of the City of Napoleon Code of Ordinances, this plat is hereby approved by the City Council of the City of Napoleon, Ohio.

\_\_\_\_\_  
Dated                      Mayor

\_\_\_\_\_  
Attest: Clerk of Council

COUNTY AUDITOR'S CERTIFICATE

Transferred on \_\_\_\_\_, 2019                      \_\_\_\_\_  
Henry County Auditor

COUNTY RECORDER'S CERTIFICATE

Filed for record \_\_\_\_\_, 2019 at \_\_\_\_\_, .M.  
Recorded on \_\_\_\_\_, 2019 in Plat Cabinet \_\_\_\_\_, Slide \_\_\_\_\_.  
Fee \$ \_\_\_\_\_  
Henry County Recorder

SURVEYOR'S CERTIFICATE

I hereby certify that this plat represents a survey made by me, and that the specified concrete monuments will be placed where shown ☉ within one year of acceptance of this plat.

\_\_\_\_\_  
Date                      James F. Stevenson, P.S.  
Ohio Registered Surveyor No. S-8757  
INBOUNDS SURVEYING, LLC  
14222 Grass Lake Road  
Camden, MI 49232  
Office: 209-628-5141  
Email: jamie@inbounds.pro



PLOTTED3/13/2019

2/2

*City of Napoleon, Ohio*

## **HOUSING COUNCIL**

Monday, April 1, 2019 at 6:30 pm

### **Meeting Agenda**

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

- 1) Call to Order.
- 2) Members Oath of Office.
- 3) Appointments to Housing Council Board.
- 4) Oath of Office for Appointed Members.
- 5) Election of Chair.
- 6) Approval of Minutes: April 16, 2018 (In the absence of any objections or corrections, the Minutes shall stand approved.)
- 7) Annual Review of Tax Incentive Review Council (TIRC) Recommendation.
- 8) Any other matters currently assigned to the Housing Council.
- 9) Adjournment.

  
Roxanne Dietrich  
Interim Clerk of Council



**Adjournment**

Motion: Yarnell                      Second: Tonjes  
to adjourn the Housing Council meeting at 6:52 pm.

**Passed**

**Yea-5**

**Nay-0**

Roll call vote on the above motion:

Yea-Siclair, Tonjes, Hershberger, Yarnell, Bialorucki

Nay-

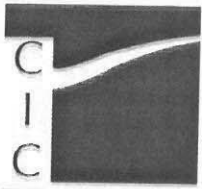
**Date Approved**

April 1, 2019

\_\_\_\_\_  
Lori Siclair-Chair

DRAFT





HENRY COUNTY  
COMMUNITY IMPROVEMENT CORPORATION

---

March 14, 2019

Napoleon City Council  
255 West Riverview Ave.  
PO Box 151  
Napoleon, Ohio 43545

**Re: 2019 Tax Incentive Review Council**

Dear Council Members:

Ohio Revised Code Section 5709.85 provides for establishment of a Tax Incentive Review Council ("TIRC") to review the compliance of each community reinvestment area agreement—at least annually. The TIRC then makes a recommendation to you to continue, modify, terminate, or expire each agreement.

The TIRC met on March 13, 2019. As the County Auditor's designee, Denise Dahl chaired the 2019 TIRC. After reviewing each agreement, the TIRC has recommended that you **CONTINUE** the following community reinvestment area agreements in Napoleon:

- MWA Enterprises
- Koester Corporation
- Ventures in Space

The TIRC also recommends that the **Napoleon I, LLC** agreement be **TERMINATED** due to the committee's agreed upon decision that the reported data on the submitted Project Status report from the Enterprise is not factual, and has not changed over the past few years.

The TIRC found that three of the four applicant businesses were in complete compliance with all terms of the applicable agreements. In response to the same, the TIRC took into consideration fluctuations in the business cycle unique to that owner's business when agreeing to recommend to you to continue each of those specific agreements. See R.C. §5709.85(C) (1).

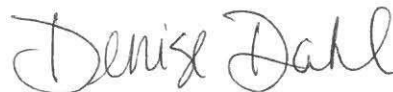
Ohio Revised Code Section 5709.85(E) states as follows:

R.C. § 5709.85 (E) A legislative authority that receives from a tax incentive review council written recommendations under division (C)(1) or (D) of this section shall, within sixty days after receipt, hold a meeting and vote to accept, reject, or modify all or any portion of the recommendations.

Consistent therewith, I hereby submit this written recommendation and respectfully request that Napoleon City Council ACCEPT the recommendation of the TIRC to CONTINUE MWA, Koester Corporation, and Ventures in Space agreements, and TERMINATE the Napoleon I, LLC agreement.

Should you have any questions please contact the office at (419) 592-4637.  
Thank you.

Respectfully submitted,



Denise Dahl

Executive Director

Enclosure

cc: Joel Mazur; City of Napoleon Manager  
Billy Harmon; Law Director for City of Napoleon, Ohio  
Kevin Garringer; Henry County Auditor  
Mark Spiess; City of Napoleon Zoning Administrator  
Ohio Department of Development  
Ohio Department of Taxation

# COMMUNITY IMPROVEMENT CORPORATION OF HENRY COUNTY

## 2019 Tax Incentive Review Council Meeting Minutes March 13, 2019

**Attendees:** Tim Meister, Robin Klein, Vernon Oberhaus, Richie Peters, John Overmier, David Mohler, Jeff Mires, Jeff Comadoll, Joel Mazur, Kyle Borstelman, Susan Witt, Michael Bostelman, Peg Yoder, Charles Haines, DonL Parsons, Bill Morey, Kevin Garringer, Denise Dahl

The Henry County Auditor's Designee, Denise Dahl, Executive Director of Henry County CIC, called the Thursday, March 13, 2019, meeting of the Tax Incentive Review Council (TIRC) to order at 9:03 a.m., and the TIRC reviewed the following agreements:

TJ Automation
Miller Brothers Construction, Inc.
Railtech Boutet/Pandrol
MWA Enterprises (CRA)
Koester Corp. (CRA)
Napoleon I, LLC (CRA)
Ventures in Space (CRA)
Custom Agri Systems
Campbell Soup '12
Keller Packaging '13

### **TJ Automation:**

Executive Director Denise Dahl and the attendees reviewed the project status report submitted by TJ Automation. The project is to create 5 new positions by December 31, 2018. They reported 3 new jobs have been created as of December 31, 2018, with additional payroll of \$155,000 which exceeds their promised \$140,000. Their project investment level reached by December 31, 2018 also met the goal of \$1,176,000 per the agreement.

Charles Haines made a motion to recommend continuing the agreement. Peg Yoder seconded.  
Motion carried.

### **Miller Brothers Construction:**

Executive Director Denise Dahl and the attendees reviewed the project status report submitted by Miller Brothers Construction. Miller Brothers completed and moved into their new building (project) on October 12, 2017. The agreement states the project will create 6 new positions by December 31, 2019. Miller Brothers has created those 6 new jobs as of December 31, 2018. The investment, jobs created, and payroll attained by December 31, 2018 have met all the enterprise zone agreement projections.

Jeff Comadoll made a motion to recommend continuing the agreement. Tim Meister seconded.  
Motion carried.

**Railtech Boutet/Pandrol:**

Executive Director Denise Dahl and the attendees reviewed the project status report submitted by (Pandrol) Railtech Boutet. The company is to create 33 full-time jobs per their agreement. Railtech reported creating 35 new jobs and retaining 24, as well as exceeding their payroll expectations as of December 31, 2018.

Richie Peters made a motion to recommend continuing the agreement. David Mohler seconded.  
Motion carried.

**MWA Enterprises (CRA):**

Executive Director Denise Dahl and the attendees reviewed the project status report submitted by MWA. The company is to create 25 full-time new jobs, MWA reported creating 13 new jobs and retaining 38, as well as exceeding their payroll expectations as of December 31, 2018. City Manager Joel Mazur stated that the Industrial Drive project did have some down effects to their operation during 2018. Kevin Garringer stated that this agreement is for the truck wash, and not the actual truck stop plaza.

Jeff Comadoll made a motion to recommend continuing the agreement. Jeff Mires seconded.  
Motion carried.

**Koester Corporation (CRA):**

Executive Director Denise Dahl and the attendees reviewed the project status report submitted by Koester Corporation. The CRA agreement states they are to create 5 full-time jobs. The company reported creating 15 new jobs, as well as exceeding their payroll expectations as of December 31, 2018.

Michael Bostelman made a motion to recommend continuing the agreement. Charles Haines seconded.  
Motion carried.

**Napoleon I, LLC (CRA):**

Executive Director Denise Dahl and the attendees reviewed the project status report submitted by Napoleon I, LLC. Napoleon I is to create 4 full-time and 3 part-time jobs. The company reported creating 6 new jobs, with additional payroll being \$332,060 as of December 31, 2018. Discussion ensued regarding the job number and payroll numbers not changing over the course of the past few years. Concerns were discussed wondering if reported data is actual versus assumptions as Ray Cox lives out of state, and he handles the reporting. The committee agreed that Mr. Cox should be submitting factual information in order to continue receiving the abatement, which only has two more years left before expiring. The committee agreed that the submitted information on the report always seems to be copied from previous years report versus updating the data. The Committee agreed that after discussing this issue for the past few years, that it is time to terminate the agreement.

Jeff Comadoll made a motion to recommend terminating the agreement. Tim Meister seconded.  
Motion carried.

**Ventures in Space (CRA):**

Executive Director Denise Dahl and the attendees reviewed the project status report submitted by Ventures in Space. This project is still under construction due to an additional expansion which amended the original agreement with a new completion date of March 2019.

Jeff Comadoll made a motion to recommend continuing the agreement. Peg Yoder seconded.  
Motion carried.

**Custom Agri Systems:**

Executive Director Denise Dahl and the attendees reviewed the project status report submitted by Custom Ag. Company has exceeded their required job creation of 10 full-time positions and has reported creating 18 as of December 31, 2018, with additional payroll of \$703,158.

Jeff Comadoll made a motion to recommend continuing the agreement. Vernon Oberhaus seconded.  
Motion carried.

**Campbell Soup Supply Company '12**

Executive Director Denise Dahl and the attendees reviewed the project status report submitted by Campbell Soup. The company reported retaining 1,372 jobs (130 seasonal), as well as meeting their investment level as of December 31, 2018. No new job creation is required for this abatement.

Charles Haines made a motion to recommend continuing the agreement. Michael Bostelman seconded.  
Motion carried.

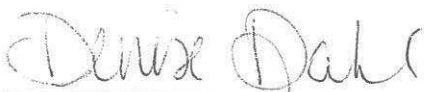
**Keller Packaging '13:**

Attendees: Michael Bostelman, Vernon Oberhaus, Robin Klein, Tim Meister, Bill Morey, DonL Parsons, Denise Executive Director Denise Dahl and the attendees reviewed the project status report submitted by Keller Packaging. The company reported having 0 new jobs as of December 31, 2018, which they state is due to the loss of the Campbell Soup warehousing. The committee discussed that given the situation they'd still like to see jobs increase next year and over time to build that number back up, in order to continue the agreement.

Michael Bostelman made a motion to recommend continuing the agreement with the understanding that the company must make an effort towards building job creation back up within the next year to continue the abatement. Bill Morey seconded.  
Motion carried.

**Adjournment:**

Meeting adjourned at 9:38 a.m.



---

Denise Dahl  
Executive Director of Henry County CIC and  
Henry County Auditor's TIRC Representative



Development  
Services Agency

John R. Kasich

David Goodman

**SPECIFIC CRA AGREEMENT/PROJECT STATUS REPORT – 2018**

CRA# 13-001 Agreement # 069-53550-02

Please provide the appropriate information for the following questions pertaining to each CRA project.  
Review each question filling in missing or inaccurate information.

1. Name the business(s) party to the CRA Agreement: MWA Enterprises, Ltd.
2. Name the Local Governmental Jurisdiction(s) where the project is located: County: Henry  
City, Municipality, or Township: Napoleon  
Local School District: Napoleon Area School District
3. List the CRA Agreement:
  - a. Execution Date 06/18/2013
  - b. Expiration Date 12/31/2025
  - c. Amendment date(s) (please list all) N/A
4. State the baseline total full-time permanent employment of the enterprise:
  - a. At the facility prior to the CRA agreement: 0 Payroll: 0
  - b. In Ohio prior to the CRA agreement: 22
5. Did the enterprise close or reduce employment at another site: N
  - a. Within Ohio as a result of this agreement? (Y or N): N If yes, note community(s) and the number of full-time permanent jobs effected:  
Community: 0  
Jobs: 0
  - b. Outside Ohio as a result of this agreement? (Y or N): N If yes, note the state and number of full-time permanent jobs effected:  
State: 0  
Jobs: 0
6. Number of full-time permanent jobs committed to create and/or retain within the CRA agreement  
Retain: 0  
Create: 25
7. Note the job creation period in months outlined within the CRA Agreement (#months): 12
8. The estimated annual payroll attributed to the new and/or retained employees pursuant to question 6:  
Retain Payroll: 0  
New Payroll: 1,139,000
9. State the enterprise's total project investment commitment and the total investment eligible (if different from the total commitment) for tax exemptions as specified in the CRA Agreement:  
Real Property: 1,004,300  
Eligible for exemption: 1,004,300
10. State the tax exemption rates and terms granted to the business under the CRA Agreement: 100 % 10 yrs.

**Project still under construction?**  
**If yes, supply construction wages:**

Yes            N            No           

11. State the total permanent full time employment attributable to the CRA Agreement:

a. As of 12/31/2018: 51

b. New jobs created attributed to the CRA Agreement: 13

c. Jobs retained attributed to the CRA Agreement: 38

12. Identify total actual annual payroll as of 12/31/2018 attributed to the new employment (11b) resulting from the CRA Agreement: \$ 1,223,044.43

13. a. State the project investment level achieved as of 12/31/2018:

Real Property:	\$ 1,439,490
Real Property Eligible for Exemption:	\$ 1,439,490
Personal Property:	\$

b. Identify total actual project tax revenue amounts at the project site for the most recent calendar year (2018) (revenues should be reflective of values in question 13a above) (use best available information):

Real Property Taxes Paid:	\$ 34,359.82
Real Property Taxes forgone (business savings for most current year):	\$ 2,867.69
Personal Property Taxes Paid:	\$ 0
Local Corporate Income Taxes Paid:	\$ 0

c. Identify total actual project tax revenue amounts at project site over the term of the CRA through December 31, 2018 (use best available information):

Cumulative Real Property Taxes Paid: \$ 178,422.50

Cumulative Real Property Taxes Forgone (total business savings to date): \$ 26,436.69

Cumulative Personal Property Taxes Paid: \$

Cumulative Local Corporate Income Taxes Paid: \$

d. State the total estimate value of any other incentive provided by the local authorities under the CRA: \$ \_\_\_\_\_

14. Date of most recent Tax incentive Review Council (TIRC) review of this project: 03/15/2018

a. TIRC recommendations from most recent compliance review: Continue

b. Local government action/status: Continue

## CERTIFICATION OF INFORMATION

I hereby represent and certify that the foregoing information, to the best of my knowledge, is true, complete, and accurately describes the status of the CRA project as of December 31, 2018.

**ENTERPRISE'S AUTHORIZED REPRESENTATIVE:**

Signature: Lois Paxton Date: \_\_\_\_\_  
Typed Name/Title: Office Manager

**COMMUNITY AUTHORIZED REPRESENTATIVE:**  
(CRA Housing Officer or C.E.O. of local government)

Signature	Date
Joel L. Mazur, City Manager and CRA Housing Officer	
Typed Name/Title	





Development  
Services Agency

John R. Kasich, Governor

David Goodman, Director

**SPECIFIC CRA AGREEMENT/PROJECT STATUS REPORT – 2018**

CRA# 11-001 Agreement # 069-53550-02

Please provide the appropriate information for the following questions pertaining to each CRA project.  
Review each question filling in missing or inaccurate information.

1. Name the business(s) party to the CRA Agreement: Koester Land Acquisitions, LLC
2. Name the Local Governmental Jurisdiction(s) where the project is located: County: Henry  
City, Municipality, or Township: Napoleon  
Local School District: Napoleon Area School District
3. List the CRA Agreement:
  - a. Execution Date 04/18/2011
  - b. Expiration Date 12/31/2023
  - c. Amendment date(s) (please list all) N/A
4. State the baseline total full-time permanent employment of the enterprise:
  - a. At the facility prior to the CRA agreement: N/A Payroll: N/A
  - b. In Ohio prior to the CRA agreement: 56
5. Did the enterprise close or reduce employment at another site: N
  - a. Within Ohio as a result of this agreement? (Y or N): N If yes, note community(s) and the number of full-time permanent jobs effected:  
Community: 0  
Jobs: 0
  - b. Outside Ohio as a result of this agreement? (Y or N): N If yes, note the state and number of full-time permanent jobs effected:  
State: 0  
Jobs: 0
6. Number of full-time permanent jobs committed to create and/or retain within the CRA agreement  
Retain: 56  
Create: 5
7. Note the job creation period in months outlined within the CRA Agreement (#months): 36
8. The estimated annual payroll attributed to the new and/or retained employees pursuant to question 6:  
Retain Payroll: 0  
New Payroll: 235,000
9. State the enterprise's total project investment commitment and the total investment eligible (if different from the total commitment) for tax exemptions as specified in the CRA Agreement:  
Real Property: 1,500,000  
Eligible for exemption: 1,500,000
10. State the tax exemption rates and terms granted to the business under the CRA Agreement: 100 % 10 yrs.



**Project still under construction?**  
**If yes, supply construction wages:**

           Yes                            N       No

**Project still under construction?**  
**If yes, supply construction wages:**

- |   |                 |
|---|-----------------|
| 11. State the total permanent full-time jobs created:   | 56              |
| a. As of 12/31/2018:  |                 |
| b. New jobs created attributed to the CRA Agreement:  | 15              |
| c. Jobs retained attributed to the CRA Agreement:   | 41              |
| 12. Identify total actual annual payroll as of 12/31/2018 attributed to the new employment (11b) resulting from the CRA Agreement:  | \$ 642,720.00   |
| 13. a. State the project investment level achieved as of 12/31/2018:  | \$ 1,500,000.00 |
|   | \$ 1,500,000.00 |
|   | \$ 0.00         |
| b. Identify total actual project tax revenue amounts at the project site for the most recent calendar year (2018) (revenues should be reflective of values in question 13a above) (use best available information): | \$ 34,696.64    |
|   | \$ 6,846.81     |
|   | \$ 0.00         |
|   | \$ 0.00         |
| c. Identify total actual project tax revenue amounts at project site over the term of the CRA through December 31, 2018 (use best available information):   | \$ 132,939.46   |
|   | \$ 53,833.81    |
|   | \$ 0.00         |
|   | \$ 0.00         |
|   | \$ 0.00         |
| d. State the total estimate value of any other incentive provided by the local authorities under the CRA:   | March 15, 2018  |
| 14. Date of most recent Tax incentive Review Council (TIRC) review of this project:   | Continue        |
| a. TIRC recommendations from most recent compliance review:   | Continue        |
| b. Local government action/status:  |                 |

**CERTIFICATION OF INFORMATION**

I hereby represent and certify that the foregoing information, to the best of my knowledge, is true, complete, and accurately describes the status of the CRA project as of December 31, 2018.

**ENTERPRISE'S AUTHORIZED REPRESENTATIVE:**

Signature  
Jeanette M. Spiller/Corporate Secretary  
Typed Name/Title

Date \_\_\_\_\_

**COMMUNITY AUTHORIZED REPRESENTATIVE:**  
(CRA Housing Officer or C.E.O. of local government)

Signature  
Joel L. Mazur, City Manager and CRA Housing Officer  
Typed Name/Title



Development  
Services Agency

John R. Kasich

David Goodman

**SPECIFIC CRA AGREEMENT/PROJECT STATUS REPORT – 2018**

CRA# 17-000 Agreement # 069-53550-02

Please provide the appropriate information for the following questions pertaining to each CRA project.  
Review each question filling in missing or inaccurate information.

1. Name the business(s) party to the CRA Agreement: Ventures in Space, LTD.
2. Name the Local Governmental Jurisdiction(s) where the project is located: County: Henry  
City, Municipality, or Township: Napoleon  
Local School District: Napoleon Area School District
3. List the CRA Agreement:  
a. Execution Date 04/03/2017  
b. Expiration Date 12/31/2028 12/31/2033  
c. Amendment date(s) (please list all) N/A
4. State the baseline total full-time permanent employment of the enterprise:  
a. At the facility prior to the CRA agreement: 0 Payroll: 0  
b. In Ohio prior to the CRA agreement: 0
5. Did the enterprise close or reduce employment at another site: N  
a. Within Ohio as a result of this agreement? (Y or N): N If yes, note community(s) and the number of full-time permanent jobs effected:  
Community: 0  
Jobs: 0  
b. Outside Ohio as a result of this agreement? (Y or N): N If yes, note the state and number of full-time permanent jobs effected:  
State: 0  
Jobs: 0
6. Number of full-time permanent jobs committed to create and/or retain within the CRA agreement  
Retain: 5  
Create: 0
7. Note the job creation period in months outlined within the CRA Agreement (#months): 0
8. The estimated annual payroll attributed to the new and/or retained employees pursuant to question 6:  
Retain Payroll: 0  
New Payroll: 0
9. State the enterprise's total project investment commitment and the total investment eligible (if different from the total commitment) for tax exemptions as specified in the CRA Agreement:  
Real Property: 2,000,000 \$ 6,000,000  
Eligible for exemption: 2,000,000 \$ 6,000,000
10. State the tax exemption rates and terms granted to the business under the CRA Agreement: 100 % 15 yrs.

**Actual CRA Project Information as of December 31, 2018**

**Project still under construction?**  
**If yes, supply construction wages:**

☒ **Yes** ☐ **No**  
Ventures in Space has no employees  
all Paid by subcontractors

11. State the total permanent full-time employees employed by the enterprise at the CRA project for the following categories:

a. As of 12/31/2018:

b. New jobs created attributed to the CRA Agreement:

c. Jobs retained attributed to the CRA Agreement:

12. Identify total actual annual payroll as of 12/31/2018 attributed to the new employment (11b) resulting from the CRA Agreement:

13. a. State the project investment level achieved as of 12/31/2018:

Real Property:

Real Property Eligible for Exemption:

Personal Property:

b. Identify total actual project tax revenue amounts at the project site for the most recent calendar year (2018) (revenues should be reflective of values in question 13a above) (use best available information):

Real Property Taxes Paid:

Real Property Taxes forgone (business savings for most current year):

Personal Property Taxes Paid:

Local Corporate Income Taxes Paid:

c. Identify total actual project tax revenue amounts at project site over the term of the CRA through December 31, 2018 (use best available information):

Cumulative Real Property Taxes Paid:

Cumulative Real Property Taxes Forgone (total business savings to date):

Cumulative Personal Property Taxes Paid:

Cumulative Local Corporate Income Taxes Paid:

d. State the total estimate value of any other incentive provided by the local authorities under the CRA:

14. Date of most recent Tax incentive Review Council (TIRC) review of this project:

a. TIRC recommendations from most recent compliance review:

b. Local government action/status:

March 15, 2018

Continue

Continue

**CERTIFICATION OF INFORMATION**

I hereby represent and certify that the foregoing information, to the best of my knowledge, is true, complete, and accurately describes the status of the CRA project as of December 31, 2018.

**ENTERPRISE'S AUTHORIZED REPRESENTATIVE:**

Signature

Resident  
Typed Name/Title

Date

**COMMUNITY AUTHORIZED REPRESENTATIVE:**  
(CRA Housing Officer or C.E.O. of local government)

Signature

Joel L. Mazur, City Manager and CRA Housing Officer  
Typed Name/Title

Date



Development  
Services Agency

John R. Kasich Governor David Goodman Director

**SPECIFIC CRA AGREEMENT/PROJECT STATUS REPORT - 2018**

CRA# 10-001 Agreement # 069-53550-01

Please provide the appropriate information for the following questions pertaining to each CRA project.  
Review each question filling in missing or inaccurate information.

1. Name the business(s) party to the CRA Agreement: Napoleon 1, LLC
2. Name the Local Governmental Jurisdiction(s) where the project is located: County: Henry  
City, Municipality, or Township: Napoleon  
Local School District: Napoleon Area School District
3. List the CRA Agreement:
  - a. Execution Date 02/10/2010
  - b. Expiration Date 12/31/2021
  - c. Amendment date(s) (please list all) N/A
4. State the baseline total full-time permanent employment of the enterprise:
  - a. At the facility prior to the CRA agreement: 12 Payroll: \_\_\_\_\_
  - b. In Ohio prior to the CRA agreement: 12
5. Did the enterprise close or reduce employment at another site: N If yes, note community(s) and the number of full-time permanent jobs effected:
  - a. Within Ohio as a result of this agreement? (Y or N): N If yes, note community(s) and the number of full-time permanent jobs effected:
 

Community:	<u>0</u>
Jobs:	<u>0</u>
  - b. Outside Ohio as a result of this agreement? (Y or N): N If yes, note the state and number of full-time permanent jobs effected:
 

State:	<u>0</u>
Jobs:	<u>0</u>
6. Number of full-time permanent jobs committed to create and/or retain within the CRA agreement
 

Retain:	<u>12</u>
Create:	<u>4</u>
7. Note the job creation period in months outlined within the CRA Agreement (#months): 11
8. The estimated annual payroll attributed to the new and/or retained employees pursuant to question 6:
 

Retain Payroll:	<u>660,000</u>
New Payroll:	<u>170,000</u>
9. State the enterprise's total project investment commitment and the total investment eligible (if different from the total commitment) for tax exemptions as specified in the CRA Agreement:
 

Real Property:	<u>4,347,300</u>
Eligible for exemption:	<u>4,347,300</u>
10. State the tax exemption rates and terms granted to the business under the CRA Agreement: 100 % 10 yrs.

**Actual CRA Project Information as of December 31, 2018**

**Project still under construction?**

Yes N No  
N/A

**If yes, supply construction wages:**

11. State the total permanent full-time employees employed by the enterprise at the CRA project for the following categories:

a. As of 12/31/2018:

22

b. New jobs created attributed to the CRA Agreement:

6

c. Jobs retained attributed to the CRA Agreement:

16

12. Identify total actual annual payroll as of 12/31/2018 attributed to the new employment (11b) resulting from the CRA Agreement:

\$ 332,060.00

13. a. State the project investment level achieved as of 12/31/2018:

Real Property:

\$ 4,347,300.-

Real Property Eligible for Exemption:

\$ 4,347,300.-

Personal Property:

\$ 0

b. Identify total actual project tax revenue amounts at the project site for the most recent calendar year (2018) (revenues should be reflective of values in question 13a above) (use best available information):

Real Property Taxes Paid:

\$ 0

Real Property Taxes forgone (business savings for most current year):

\$ 0

Personal Property Taxes Paid:

\$ 0

Local Corporate Income Taxes Paid:

\$ 0

c. Identify total actual project tax revenue amounts at project site over the term of the CRA through December 31, 2018 (use best available information):

Cumulative Real Property Taxes Paid:

\$ 0

Cumulative Real Property Taxes Forgone (total business savings to date):

\$ 0

Cumulative Personal Property Taxes Paid:

\$ 0

Cumulative Local Corporate Income Taxes Paid:

\$ 0

d. State the total estimate value of any other incentive provided by the local authorities under the CRA:

\$ 0

14. Date of most recent Tax incentive Review Council (TIRC) review of this project:

a. TIRC recommendations from most recent compliance review:

b. Local government action/status:

**CERTIFICATION OF INFORMATION**

I hereby represent and certify that the foregoing information, to the best of my knowledge, is true, complete, and accurately describes the status of the CRA project as of December 31, 2018.

ENTERPRISE'S AUTHORIZED REPRESENTATIVE:

Ray Cox 2-11-2019  
 Signature Date  
RAYMOND COX MANAGING MEMBER  
 Typed Name/Title

COMMUNITY AUTHORIZED REPRESENTATIVE:  
 (CRA Housing Officer or C.E.O. of local government)

\_\_\_\_\_  
 Signature Date  
Joel L. Mazur, City Manager and CRA Housing Officer  
 Typed Name/Title

*City of Napoleon, Ohio*

**CITY COUNCIL**

**SPECIAL MEETING AGENDA**

Monday, April 1, 2019 at 6:45 pm

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

A. Public Hearing

1. Application for Placement of Farmland in an Agricultural District filed by H&H Farms Land, LLC.

B. Any Other Business as May Properly Come Before Council.

C. Adjournment.



Roxanne Dietrich  
Interim Clerk of Council



# City of *NAPOLEON*, 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](http://www.napoleonohio.com)

March 20, 2019

*Mayor*

Jason P. Maassel

*Members of Council*

Joseph D. Bialorucki, President  
Daniel L. Baer, President Pro-Tem  
Travis B. Sheaffer  
Jeff Comadoll  
Jeff R. Mires  
Lori Siclair  
Ken Haase

*City Manager*

Joel L. Mazur

*Interim Finance Director*

Christine R. Peddicord

*Law Director*

Billy D. Harmon

*Director of Public Works*

Chad E. Lulfs, P.E., P.S.

*Chief of Police*

David J. Mack

*Fire Chief*

Clayton O'Brien

H & H Farms Land, LLC  
M949 County Road 10  
Napoleon, OH 43545

Please be advised that the City Council of the City of Napoleon, Ohio, has scheduled a Special Meeting on Monday, April 1, 2019 at 6:45 pm. The purpose of the meeting is to hold a Public Hearing regarding your *Application for Placement of Farmland in an Agricultural District*. A copy of the Public Notice, Meeting Agenda, and Application are enclosed for your review.

If you have any questions or concerns regarding this matter, you may contact me at 419-599-1235.

Sincerely,

Christine R. Peddicord  
Interim Finance Director

CRP:rd  
Enclosures

## NOTICE OF PUBLIC HEARING

### **Please take notice:**

A Public Hearing will be held by the City Council of the City of Napoleon, Ohio in the Council Chambers of the City Building located at 255 West Riverview Avenue on Monday, April 1, 2019 at 6:45 pm to consider the following items:

An Application for Placement of Farmland in an Agricultural District (ORC Section 929.02) has been filed by MYR Property I, LLC for 7.28 acres in Parcel #41-010030-0100 and 29.30 acres in Parcel #27-060008-0200.

An Application for Placement of Farmland in an Agricultural District (ORC Section 929.02) has been filed by H&H Farms Land, LLC for 4.18 acres in Parcel #24-199332-0040.

All persons desiring to speak regarding the subject of this notice may appear at the hearing and be heard thereon.

Joseph D. Bialorucki  
President  
City Council  
City of Napoleon, Ohio

If you have questions or concerns regarding this notice, you may contact Ms. Christine R. Peddicord, Interim Finance Director, City of Napoleon at (419) 599-1235.



*City of Napoleon, Ohio*

## **CITY COUNCIL**

### **SPECIAL MEETING AGENDA**

**Monday, April 01, 2019 at 6:45 pm**

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

**A. Public Hearing**

1. Application for Placement of Farmland in an Agricultural District filed by MYR Property I, LLC.
2. Application for Placement of Farmland in an Agricultural District filed by H&H Farms Land, LLC.

**B. Any Other Business as May Properly Come Before Council.**

**C. Adjournment.**

---

*Roxanne Dietrich*  
*Interim Clerk of Council*

**APPLICATION FOR PLACEMENT OF  
FARMLAND IN AN AGRICULTURAL DISTRICT  
(O.R.C. Section 929.02)**

(See page 4 for General Information regarding this Application)

New Application X  
Renewal Application     

RECEIVED

FEB 25 2019

HENRY CO AUDITOR

**INSTRUCTIONS FOR COMPLETING APPLICATION**

Print or type all entries.

- o List description of land as shown on the most recent tax statement or statements. Show total number of acres.
- o Describe location of property by roads, etc., and taxing district where located.
- o State whether any portion of land lies within a municipal corporation.

**Note:** - See "Where to File" on page 4 to be sure that a copy of this Application is also filed with the Clerk of the municipal legislative body as well as the County Auditor.

- o A renewal application must be submitted after the first Monday in January and prior to the first Monday in March of the year in which the agricultural district terminates for the land to be continued in this program.
- o If the acreage totals 10 acres or more, do not complete Part D.
- o If the acreage totals less than 10 acres, complete either D (1) or (2).
- o Do not complete page 3. This space to be completed by the County Auditor and/or Clerk of the municipal legislative body.

A. Owner's Name: H & H Farnis Land, LLC - John Nuddle

Owner's Address: M 949 County Road 10  
Napoleon, OH 43545

Owner's Email (optional):<sup>1</sup> - 419-438-1007 -

Description of Land as Shown on Property Tax Statement:

Location of Property:  
Street or Road- Appian Ave  
County- HENRY

TAX DISTRICT(S)	PARCEL NUMBER(S)	# of Acres
<u>24 - Harrison Twp</u>	<u>24-199332-0040</u>	<u>4.18</u>
Total Number of Acres		

B. Does any of the land lie within a municipal corporation limit or subject to pending annexation?

Yes X No     

If YES, REMEMBER a copy of this application must be submitted to the Clerk of the municipal legislative body.

<sup>1</sup> Enter the "internet identifier record" typically know as an electronic mail address, or any other designation used for self-identification or routing in internet communication or posting, provided for the purpose of receiving communication.

C. Is the land presently being taxed at its current agricultural use valuation under Section 5713.31 of the Ohio Revised Code?

Yes ☒ No ☐

If NO, complete the following showing how the land was used the past three years:

	ACRES		
	LAST YEAR	TWO YEARS AGO	THREE YEARS AGO
Cropland			
Permanent Pasture used for animal husbandry			
Woodland devoted to commercial timber and nursery stock			
Land Retirement or Conservation Program pursuant to an agreement with a federal agency			
Building areas devoted to agricultural production			
Roads, building areas, and all other areas not used for agricultural production			
Total Acres			

D. Does the land for which the application is being made total 10 acres or more devoted exclusively to agricultural production or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with an agency of the federal government?

Yes ☐ No ☒

If NO, complete the following:

1. Attach evidence of the gross income for each of the past 3 years, if the average yearly income from agricultural production was at least twenty-five hundred (\$2,500.00) dollars or more, or
2. If the owner anticipates that the land will produce an annual gross income of twenty-five hundred (\$2,500.00) dollars or more, evidence must be attached showing the anticipated gross income.

#### Authorization and Declaration

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

Signature of Owner:

Date:

John Handelle

2-22-19

DO NOT COMPLETE FOR OFFICIAL USE ONLY

CAUV Application No. \_\_\_\_\_

**Action of County Auditor**

Application Approved ☒ Rejected ☐ \*

Date Application Filed with County Auditor 2/25/19

Date Filed (if required) with Clerk of Municipal Corporation \_\_\_\_\_

County Auditor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Date Decision Mailed and Emailed<sup>1</sup> to Applicant \_\_\_\_\_

Email Address <sup>1</sup> \_\_\_\_\_

**OR**

Date Decision Sent Certified Mail to Applicant \_\_\_\_\_

Certified Mail No. \_\_\_\_\_

**Action of Legislative Body of Municipal Corporation**

Application Approved \_\_\_\_\_ Approved with Modifications \_\_\_\_\_ \* Rejected \_\_\_\_\_ \*

Date Application Filed with Clerk \_\_\_\_\_

Date of Public Hearing \_\_\_\_\_

Date of Legislative Action \_\_\_\_\_

Clerk's Signature \_\_\_\_\_ Date \_\_\_\_\_

Date Decision Mailed and Emailed<sup>1</sup> to Applicant \_\_\_\_\_

Email Address <sup>1</sup> \_\_\_\_\_

**OR**

Date Decision Sent Certified Mail to Applicant \_\_\_\_\_

Certified Mail No. \_\_\_\_\_

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

<sup>1</sup> Enter the "internet identifier record" typically know as an electronic mail address, or any other designation used for self-identification or routing in internet communication or posting, provided for the purpose of receiving communication.



# HENRY COUNTY AUDITOR

## Kevin Garringer, Auditor

660 North Perry Street, P.O. Box 546 Napoleon, Ohio 43545  
Phone: 419-592-1956 Fax: 419-592-4024

March 26, 2019

Christine Peddicord  
255 W. Riverview  
Napoleon, Ohio 43545

Dear Christine,

Per my discussion with Mr. Denny Meyer, he wishes to no longer have the following parcels located in the City of Napoleon reviewed for an Agricultural District.

Parcels 41-010030.0100 and 27-060008.0200. Both owned by MYR Property I, LLC.

Please remove them from you list of parcels to be considered for the Agricultural District.

Sincerely,

Kevin Garringer  
Henry County Auditor

## CITY COUNCIL

### MEETING AGENDA

**Monday, April 1, 2019 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. March 18, 2019 Council Meeting Minutes.

**D. Citizen Communication**

**E. Reports from Council Committees**

1. **Finance and Budget Committee** met on March 25, 2019; and
  - a. recommend Council approve the First Quarter Budget Adjustments
2. **Safety and Human Resources Committee** met on March 25, 2019; and
  - a. recommend Council approve that current employees and spouses covered under the City of Napoleon BORMA benefit plan that do not have their annual wellness check completed by November 30, 2019 will be assessed a \$50 monthly surcharge to their health insurance premium.
3. **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. **Civil Service** met on March 26, 2019; and
  - a. set the promotional testing for Police Sergeant on Tuesday, April 30, 2019 at 4:00 pm
2. **Parks and Recreation Board** met on March 27, 2019
3. **Housing Council** met earlier tonight to,
  - a. review the TIRC Recommendations.
4. **Planning Commission** met at 5:00 pm tonight to,
  - a. Consider PC 19-05 Final Plat of Subdivision Shank Plat – Plat One.
  - b. Consider PC 19-06 Final Plat of Subdivision North Pointe – Plat No. 5

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

1. **Ordinance No. 025-19**, an Ordinance Approving a Certain Agricultural District located in the City of Napoleon, Ohio at the Location of Appian Avenue as Applied for by H&H Farms Land, LLC.; and Declaring an Emergency.
2. **Resolution No. 026-19**, a Resolution authorizing the City Manager to Execute any and all Documents Necessary to Apply for, Accept, and Enter into an Ohio Environmental Protection Agency (OEPA) Division of Environmental and Financial Assistance (DEFA) Water Pollution Control Loan Fund (WPCLF) Agreement on behalf of the City of Napoleon, Ohio for Planning, Design, and/or Construction of the VanHyning Pumping Station Replacement Project; and Designating a Dedicated Repayment Source for the Loan; and Declaring an Emergency. (Suspension Requested)

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

1. **Resolution No. 019-19**, a Resolution Authorizing Contracts with the Townships of Napoleon, Harrison, Freedom, and the Village of Florida, and Henry County South Joint Ambulance District for Fire Service and/or Emergency Medical Service Commencing April 1, 2019; and Declaring an Emergency.
2. **Ordinance No. 022-19**, an Ordinance Appointing a City Finance Director for the City of Napoleon, Ohio; and, Declaring an Emergency.

**I. Third Readings of Ordinances and Resolutions - None**

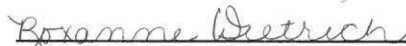
**J. Good of the City** (Any other business as may properly come before Council, including but not limited to):

1. **Discussion/Action:** Shank Properties, LLC CRA Agreement.
2. **Discussion/Action:** Review of PC 19-05 Final Plat of Subdivision Shank Plat – Plat One.
3. **Discussion/Action:** Review of PC 19-06 Final Plat of Subdivision North Pointe – Plat No. 5.
4. **Discussion/Action:** TIRC Recommendations by Housing Council.
5. **Discussion/Action:** Award Contract for Raymond Street Improvements.
6. **Discussion/Action:** Tentative Award of the Williams Pumping Station Replacement Project, Pending DEFA Approval.
7. **Discussion/Action:** Award Professional Design Contract for Lynne Avenue Improvements to Jones and Henry Engineers, Ltd.
8. **Discussion/Action:** Park Street Phase III Project.
9. **Discussion/Action:** Annual Wellness Checks.
10. **Discussion/Action:** First Quarter Budget Adjustments (direct Law Director to draft legislation)
11. **Discussion/Action:** ODOT Road Salt Contract (direct Law Director to draft legislation).
12. **Discussion/Action:** Acceptance of Donations to K9 Program.

**K. Executive Session.** (*Economic Development*)

**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.**

  
\_\_\_\_\_  
Roxanne Dietrich  
Interim Clerk of Council

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

1. **Technology & Communication Committee (1<sup>st</sup> Monday)**  
(Next Regular Meeting: Monday, May 6, 2019 @6:15 pm)
2. **Electric Committee (2<sup>nd</sup> Monday)**  
(Next Regular Meeting: Monday, April 8, 2019 @6:15 pm)
  - a. Review of Power Supply Cost Adjustment Factor for April 2019
  - b. Electric Department Report.
3. **Water, Sewer, Refuse, Recycling & Litter Committee (2<sup>nd</sup> Monday)**  
(Next Regular Meeting: Monday, April 8, 2019 @7:00 pm)
4. **Municipal Properties, Buildings, Land Use & Economic Development Committee (2<sup>nd</sup> Monday)**  
(Next Regular Meeting: Monday, April 8, 2019 @7:30 pm)
5. **Parks & Recreation Committee (3<sup>rd</sup> Monday)**  
(Next Regular Meeting: Monday, April 15, 2019 @6:00 pm)
6. **Finance & Budget Committee (4<sup>th</sup> Monday)**  
(Next Regular Meeting: Monday, April 22, 2019 @6:30 pm)
7. **Safety & Human Resources Committee (4<sup>th</sup> Monday)**  
(Next Regular Meeting: Monday, April 22, 2019 @7:30 pm)
8. **Personnel Committee (as needed)**

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

1. **Board of Public Affairs (2<sup>nd</sup> Monday)**  
(Next Regular Meeting: Monday, April 8, 2019 @6:15 pm)
  - a. Review of Power Supply Cost Adjustment Factor for April 2019
  - b. Electric Department Report
2. **Board of Zoning Appeals (2<sup>nd</sup> Tuesday)**  
(Next Regular Meeting: Tuesday, April 09 2019 @4:30 pm)
3. **Planning Commission (2<sup>nd</sup> Tuesday)**  
(Next Regular Meeting: Tuesday, April 09, 2019 @5:00 pm)
4. **Tree Commission (3<sup>rd</sup> Monday)**  
(Next Regular Meeting: Monday, April 15, 2019 at 6:00 pm)
5. **Civil Service Commission (4<sup>th</sup> Tuesday)**  
(Next Regular Meeting: Tuesday, April 23, 2019 @4:30 pm)
6. **Parks & Recreation Board (Last Wednesday)**  
(Next Regular Meeting: Wednesday, April 24, 2019 @6:30 pm)
7. **Privacy Committee (2nd Tuesday in May & November)**  
(Next Regular Meeting: Tuesday, May 14, 2019 @10:30 am)
8. **Records Commission (2<sup>nd</sup> Tuesday in June & December)**  
(Next Regular Meeting: Tuesday, June 11, 2019 @4:00 pm)
9. **Housing Council (First Monday of April at 6:30 pm)**
10. **Health Care Cost Committee (next meeting Friday, April 12, 2019 at 8:00 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)**



Monday, March 18, 2019 at 7:00 pm

U:\~ My Files\ - RECORDS CLERK\2019\COUNCIL\03 18 2019\03 18 2019 DRAFT MtgMinutes CityCouncil.docx



## Motion to Suspend the Rules on 021-19

**Passed**  
**Yea-5**  
**Nay-0**

Passed  
Yea-5  
Nay-0

## Introduction of Ordinance No. 022-19 Appointing City Finance Director

### Motion to Approve First Read of 022-19

## Discussion

Passed  
Yea-5  
Nay-0

# Introduction of Resolution No. 023-19 ODOT Crack Sealing Program

**Motion to Approve First  
Read of 023-19**

## Discussion

U:\~ My Files\ - RECORDS CLERK\2019\COUNCIL\03 18 2019\03 18 2019 DRAFT MtgMinutes CityCouncil.docx

<b>Motion to Suspend the Rules on 023-19</b>	Motion: Haase to suspend the rules requiring three readings of Resolution No. 023-19:	Second: Comadoll
<b>Passed</b>	Roll call vote to suspend the rules on 023-19:	
<b>Yea-5</b>	Yea-Baer, Mires, Haase, Siclair, Comadoll	
<b>Nay-0</b>	Nay-	
<b>Passed</b>	Roll call vote to pass Resolution No. 023-19 under suspension and emergency:	
<b>Yea-5</b>	Yea-Baer, Mires, Haase, Siclair, Comadoll	
<b>Nay-0</b>	Nay-	
<b>Introduction of Resolution No. 024-19 East and West Graceway Street Improvements</b>	Council President Pro-Tem Baer read by title Resolution No. 024-19, a Resolution Authorizing the Expenditure of Funds in Excess of Twenty-Five Thousand Dollars (\$25,000.00) for a Project known as East and West Graceway Drive Street Improvements Project, which was not included in the 2019 Master Bid List, Resolution No. 078-18, and Authorizing Competitive Bidding in regard thereto; and Declaring an Emergency.	
<b>Motion to Approve First Read of 024-19</b>	Motion: Siclair to approve First Read of Resolution No. 024-19:	Second: Mires
<b>Discussion</b>	Mazur stated this was going to be added in the annual resurfacing bid; however, due to the amount of concrete and curb work we decided to bid this out as a separate project, suspension is being requested. Maassel asked if this project will be done before the fair? Mazur was unsure of the completion date, the more restrictions you put in a bid the higher the cost will be. Comadoll wanted to know if Park Street will be bid this year? Mazur replied we are waiting to hear from Maumee Valley Planning Organization (MVPO) if certain grants were awarded.	
<b>Motion to Suspend the Rules on 024-19</b>	Motion: Haase to suspend the rule requiring three readings of Resolution No. 024-19:	Second: Comadoll
<b>Passed</b>	Roll call vote to suspend the rules for 024-19:	
<b>Yea-5</b>	Yea-Baer, Mires, Haase, Siclair, Comadoll	
<b>Nay-0</b>	Nay-	
<b>Passed</b>	Roll call vote to pass Resolution No. 024-19 under suspension and emergency:	
<b>Yea-5</b>	Yea-Baer, Mires, Haase, Siclair, Comadoll	
<b>Nay-0</b>	Nay-	
<b>Third Read Resolution No. 012-19 GIS Implementation Sole Source with Stantec</b>	Council President Pro-Tem Baer read by title Resolution No. 012-19, a Resolution Authorizing the Expenditure of Funds Over Twenty-Five Thousand Dollars (\$25,000.00) for the Purpose of Implementation of a GIS System, and to Sole Source said Implementation to Stantec Consulting Services, Inc.; and Declaring an Emergency.	



<b>Motion to Approve PC 19-03 Preliminary Plat of Subdivision North Pointe Plat No. 5</b>	Motion: Comadoll to approve PC 19-03 Preliminary Plat of Subdivision for North Pointe Plat No. 5.	Second: Mires
<b>Discussion</b>	Maassel reported Doug and Anthony Martin own this boot shaped property and want to include part of Mr. Hoeffel's property to go straight up. They want to expand and bring their farm machinery rental operation (Paul Martin & Sons) the frontage along St. Rt. 24 will make them more visible, this was approved by the Planning Commission. Currently the Master Plan has a paper street at the end of Freedom up to American, there is not a plat, it is just a line drawn on a map, the Planning Commission decided development now is better than potential development down the road.	
<b>Passed Yea-5 Nay-0</b>	Roll call vote to approve PC 19-03: Yea-Baer, Mires, Haase, Sicclair, Comadoll Nay-	
<b>Motion to Approve the Perry St. Bridge WL Specifications</b>	Motion: Comadoll to approve Specifications for the Perry Street Bridge Waterline Support Replacement and Spot Repair Project – Phase 2 and go out to bid.	Second: Haase
<b>Discussion</b>	Mazur stated this is Phase 2 of 2 of the bridge waterline project, this project was included in the budget.	
<b>Passed Yea-5 Nay-0</b>	Roll call vote on the above motion: Yea-Baer, Mires, Haase, Sicclair, Comadoll Nay-	
<b>Motion to Approve Specifications for Cleaning Lime Sludge Lagoons</b>	Motion: Comadoll to approve the Specifications for Cleaning the Lime Sludge Lagoons at the Water Treatment Plant.	Second: Sicclair
<b>Discussion</b>	Mazur noted this project was also in the budget. This may be the last time we can land apply, when the lagoons are filled again it will be with ACH water plant solid residuals, meaning we may be able to land apply but there will be no value to it and no one will want it.	
<b>Passed Yea-5 Nay-0</b>	Roll call vote on the above motion: Yea-Baer, Mires, Haase, Sicclair, Comadoll Nay-	
<b>Motion to Award 2019 Misc St Improvements Project to Helms &amp; Sons</b>	Motion: Sicclair to award the 2019 Miscellaneous Street Improvements Project to Helms and Sons Excavating, Inc. for \$233,850.20.	Second: Mires



Motion: Mires                      Second: Comadoll  
to set a Public Hearing for April 1, 2019 at 6:45 pm to consider an application  
for placement of farmland in an agricultural district.

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

Motion: Comadoll                      Second: Haase  
for City Council to re-appoint Lori Siclair and Ted Rohrs to the Housing Council.

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

Mazur wanted to give an update on what happened at the TIRC meeting. It was recommended to give an update on what happened between the City of Napoleon and Napoleon I, the reason was at the time we did not have the most updated information on the employment and payroll numbers, since that meeting we have been in contact with Ray Cox who is the owner of the property and he gave a very nice history of the project. Basically this started as a Terri Williams project and she pushed this forward because she was working as the district representative of Rite Aid and she really wanted a Rite Aid in Napoleon and the only way to make the numbers work for this project was to have the CRA Agreement in place, I can go into detail why that is but it has to do with preferred contractors and the only approved contractors they could get for Rite Aid were from Northern Michigan was the closest one or something like that but essentially to make this a viable project for him and to make the numbers work he really needed to have a CRA Agreement in place. Terri Williams pushed it through and Terri Williams was able to provide him with the employment numbers and everything else on a timely basis. After she I don't know if she retired or passed away or whatever it was when she wasn't around anymore he wasn't able to say for him to get the information he needs that was his reasoning. I wanted to bring this up as this will come up at the Housing Council meeting before the April 1<sup>st</sup> Council meeting wanted to give you little background information and let you know what has happened, since then we have the updated forms from Mr. Cox we got them last night.

The City Manager makes the appointment to the County/City Health Board and Mazur recommended reappointing Joel Miller for another 5-year term.

Motion: Mires                      Second: Haase  
to approve the City Manager's recommendation to reappoint Joel Miller to the Henry County/City Health Board.



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

\_\_\_\_\_

AMP's schedule of events: OMEA Legislative Day on May 29, 2019, Annual OMEA Conference will be September 23-25, 2019 and the APPA Rally in DC will be February 24-26, 2020. Travis is the OMEA Board member and will be going on May 29<sup>th</sup>.

**Motion Direct Law**  
**Director Draft Legislation**  
**WPCLF Application**  
**VanHying Pump Station**

Passed  
Yea-5  
Nay-0

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

Nothing.

Nothing.

As you come into town on 108 from Wauseon the Napoleon city limits sign has the home of Sam Meece and Water Polo Team sign is gone, it looks like when they were trimming those bushes back the sign got knocked down and I know somebody picked it up because it laid there in the ditch by itself for a day and a half, it's probably on Mr. Rathge's list to be put back up; but, it has been missed. Chief Mack Congratulations on your award from the Legion. It was the 100<sup>th</sup> anniversary of the American Legion on Friday the 15<sup>th</sup>, 100 years ago that day some officers met and tried to figure out how best to take care of veterans returning from the great war as was known at that time. When you look around the City of Napoleon look around different municipalities seems like Legions are at the heart and do lots of good stuff. Ours do the chicken and rib dinners, they also do lots of stuff 4<sup>th</sup> of July time, Memorial Day, home football games and all kinds of stuff, they are a big part of our community and we appreciate and congratulation them on 100<sup>th</sup> anniversary. Special Thank You to the Personnel Committee to include Lanie she helped guide us through the whole process.

We have County Health Department meeting and meal on March 28<sup>th</sup> believe the City Manager and a representative from the Safety and Human Resources Committee, Councilman Jeff C. will be attending.



## **ORDINANCE NO. 025-19**

### **AN ORDINANCE APPROVING A CERTAIN AGRICULTURAL DISTRICT LOCATED IN THE CITY OF NAPOLEON, OHIO AT THE LOCATION OF APPIAN AVENUE AS APPLIED FOR BY H&H FARMS LAND, LLC.; AND DECLARING AN EMERGENCY**

**WHEREAS**, application was made by H&H Farms Land, LLC., pursuant to Ohio Revised Code Chapter 929, for the purpose of placing ten (10) or more acres of land used solely for agricultural purposes in an agricultural district; and,

**WHEREAS**, a Public Hearing was held on said issue, after notice, pursuant to Ohio Revised Code Chapter 929.02(B), on April 1, 2019; and,

**WHEREAS**, after said hearing, it was recommended by the hearing board (this Council) to permit the proposed acres to be placed into an agricultural district, the Council unable to find that the "agricultural district" would cause substantial adverse effects on; (1) municipal services within the municipal corporation; (2) the efficient use of and/or development of property within the municipal corporation; or, (3) the health, safety and welfare of the citizens; **Now Therefore**,

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

Section 1. That, the application submitted to the City of Napoleon, Ohio for the placement of 4.18 acres of farmland into an agricultural district, identified in the original application as at the location of Appian Avenue, Napoleon, Henry County, Ohio; the tax district being Harrison Township, Napoleon School District, Parcel Number 24-199332-0040, consisting of 4.18 acres of land more or less, is hereby approved without modification by this Council pursuant to Ohio Revised Code Chapter 929 and this Ordinance; such agricultural district being declared created.

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, and for the further reason that this legislation must be in effect at the earliest possible time to allow for farmland preservation, farmland essential to producing product that is essential to health of our citizens; moreover, this must timely take effect to meet the intent of the law; 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 be in effect at the earliest possible time to allow for the timely commencement of the necessary process, 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:

\_\_\_\_\_  
Roxanne Dietrich, interim Clerk of Council

*I, Roxanne Dietrich, interim Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 025-19 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.*

\_\_\_\_\_  
*Roxanne Dietrich, interim Clerk of Council*

**RESOLUTION NO. 026-19**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO APPLY FOR, ACCEPT, AND ENTER INTO AN OHIO ENVIRONMENTAL PROTECTION AGENCY (OEPA) DIVISION OF ENVIRONMENTAL AND FINANCIAL ASSISTANCE (DEFA) WATER POLLUTION CONTROL LOAN FUND (WPCLF) AGREEMENT ON BEHALF OF THE CITY OF NAPOLEON, OHIO FOR PLANNING, DESIGN, AND/OR CONSTRUCTION OF THE VANHYNING PUMPING STATION REPLACEMENT PROJECT; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN; AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Napoleon, Ohio seeks to replace the current VanHyning Pumping Station; and,

**WHEREAS**, the City of Napoleon, Ohio intends to apply for Water Pollution Control Loan Fund (WPCLF) funds for the planning, design and/or construction of the VanHyning Pumping Station facilities; and,

**WHEREAS**, the City of Napoleon, Ohio is eligible to apply for said Water Pollution Control Loan Fund (WPCLF) funding; and,

**WHEREAS**, the Ohio Water Pollution Control Loan Fund (WPCLF) requires the government authority to pass legislation for application of a loan and the execution of an agreement as well as designating a dedicated repayment source; **Now Therefore**,

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

Section 1. That, the City Manager is hereby authorized and directed to execute any and all documents necessary to apply for, accept, and enter into an Ohio Environmental Protection Agency (OEPA) Division of Environmental and Financial Assistance (DEFA) Water Pollution Control Loan Fund (WPCLF) agreement for planning, design, and/or construction of the VanHyning Pumping Station facilities, on behalf of the City of Napoleon, Ohio, and designate a dedicated repayment source for the loan.

Section 2. That, the dedicated source of repayment will be the Sanitary Sewer Revenue Fund.

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 grant deadline; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to begin the application process 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:

\_\_\_\_\_  
Roxanne Dietrich, interim Clerk of Council

*I, Roxanne Dietrich, interim Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 026-19 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.*

\_\_\_\_\_  
*Roxanne Dietrich, interim Clerk of Council*



# City of Napoleon, Ohio

## Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

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

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

## Memorandum

**To:** Joel L. Mazur, City Manager  
**From:** Chad E. Lulfs, P.E., P.S., Director of Public Works  
**cc:** Christine R. Peddicord, Interim Finance Director  
**Date:** March 11, 2019  
**Subject:** VanHyning Pumping Station Replacement Project ~  
Resolution Authorizing CM Sign Application for  
WPCLF Funding (DEFA)

I request that Council pass the submitted legislation. This legislation authorizes the City Manager to sign all documents to apply for and accept funding from DEFA as related to the design and construction of the VanHyning Pump Station Replacement project. This project is currently under design and is scheduled for construction in 2020, pending approval in the 2020 budget. The estimate construction cost for the project is \$1.5MM. The engineering design is currently under contract to Stantec Consulting Services for approximately \$150,000.00. The total project cost, with contingencies should be below \$2.0MM.

I request approval of this legislation with Emergency & Suspension.

*CEL*

## **RESOLUTION NO. 019-19**

### **A RESOLUTION AUTHORIZING CONTRACTS WITH THE TOWNSHIPS OF NAPOLEON, HARRISON, FREEDOM, AND THE VILLAGE OF FLORIDA, AND HENRY COUNTY SOUTH JOINT AMBULANCE DISTRICT FOR FIRE SERVICE AND/OR EMERGENCY MEDICAL SERVICE COMMENCING APRIL 1, 2019; AND DECLARING AN EMERGENCY**

**WHEREAS**, the Townships of Napoleon, Harrison, and Freedom and the Village of Florida desire to enter into a contract with the City for Fire and Emergency Medical Rescue Services as authorized in Section 9.60 and Section 505.44 of the Ohio Revised Code; and,

**WHEREAS**, the Henry County South Joint Ambulance District of Henry County, Ohio, desires to enter into a contract with the City for Emergency Medical Services as authorized in Section 9.60 of the Ohio Revised Code; **Now Therefore**,

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

Section 1. That, the City Manager is authorized to enter a contract with Napoleon Township, Harrison Township, Freedom Township, and the Village of Florida, all of which are in Henry County, Ohio, for Fire Services and Emergency Medical Services, including billing services related thereto; the terms and conditions having been approved by this Council in the form as currently on file in the office of the City Finance Director. The City Manager is authorized to make non-material changes to the contracts as deemed appropriate by the City Manager and approved as to form and correctness by the City Law Director; further, the contracts shall be effective April 1, 2019.

Section 2. That, the City Manager is authorized to enter into a contract with the Henry County South Joint Ambulance District of Henry County, Ohio, for Fire Services and Emergency Medical Services, including billing services related thereto; the terms and conditions having been approved by this Council in the form as currently on file in the office of the City Finance Director. The City Manager is authorized to make non-material changes to the contracts as deemed appropriate by the City Manager and as approved as to form and correctness by the City Law Director; further, the contracts shall be effective April 1, 2019.

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

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



Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for emergency services to be rendered in a timely manner, emergency services also utilized by the City inhabitants when needed outside the City's jurisdictional boundaries; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. The reason for the Emergency Clause is the fact that this Resolution is necessary to authorize the Contracts with the Townships, the Village of Florida and the Henry County South Joint Ambulance District to be in force 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:

\_\_\_\_\_  
Roxanne Dietrich, interim Clerk of Council

*I, Roxanne Dietrich, interim Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 019-19 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.*

\_\_\_\_\_  
*Roxanne Dietrich, interim Clerk of Council*

## **ORDINANCE NO. 022-19**

### **AN ORDINANCE APPOINTING KENT SEEMANN AS THE CITY FINANCE DIRECTOR OF NAPOLEON, OHIO; AND, DECLARING AN EMERGENCY**

**WHEREAS**, the Personnel Committee has met and conducted interviews over the past several weeks;

**WHEREAS**, the Personnel Committee has presented the written recommendation that Kent Seemann be selected as the new City Finance Director;

**WHEREAS**, the Napoleon City Council does hereby accept the recommendation of the Personnel Committee and does hereby appoint Kent Seemann as the new Finance Director for the City of Napoleon; **Now Therefore:**

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

Section 1. That, this Council appoints Kent Seemann to the full time regular employment position of Napoleon City Finance Director, effective on or about April 22, 2019 or as otherwise agreed upon by Council President and Kent Seemann. If the start date is different than April 22, 2019 the different date shall be provided, in writing, to the Clerk of Council.

Section 2. That, effective on or about April 22, 2019, annual salary shall be \$85,000.00, (prorated as necessary according to City pay periods), and on or about January 1, 2020 such annual salary shall increase to \$87,500.00 (prorated as necessary according to City pay periods). Kent Seemann shall thereafter, including the 2020 performance review, be subject to continued annual performance reviews by the Personnel Committee or City Council and, after each satisfactory review, said salary may be increased by an amount determined by Council.

Section 3. That, benefits for the City's Finance Director shall accrue and be in accordance with Chapter 197 of the Codified Ordinances (Personnel Code) and the applicable provisions of the City's Employment Policy Manual for full time regular employees, both as may be amended from time to time. The City Finance Director shall, upon appointment, receive one hundred twenty (120) hours of paid vacation that must be used on or before the one (1) year anniversary of the above stated hire date. If any of the vacation is not used prior to said date the unused vacation expires with no duty on the City to compensate the Finance Director for the unused vacation time ("use it or lose it"). The City Finance Director shall thereafter accrue vacation time as directed by the City Personnel Code, accruing one hundred sixty (160) annual hours at the appropriate rate.

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

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

Section 5. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for effective legal services to be rendered to the City, including those legal services related to public peace, health or safety; 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 be in effect at the earliest possible time to allow for proper payment of wages to employees, proper payment being essential to the harmony of the necessary workforce, 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:

\_\_\_\_\_  
Roxanne Dietrich, interim Clerk of Council

*I, Roxanne Dietrich, interim Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 022-19 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.*

\_\_\_\_\_  
*Roxanne Dietrich, interim Clerk of Council*

2019 COMMUNITY REINVESTMENT AREA  
AGREEMENT

between

CITY OF NAPOLEON,  
OHIO

and

SHANK PROPERTIES, LLC

Dated

as of

XXX

## TABLE OF CONTENTS

Section 1.	Definitions.....	2
Section 2.	Interpretation.....	3
Section 3.	The Project.....	3
Section 4.	Enterprise’s Representation.....	4
Section 5.	City Obligations.....	4
Section 6.	Enterprise’s Covenants & Agreements.....	4
Section 7.	Exemptions.....	5
Section 8.	Annual Fee.....	5
Section 9.	Compensation Payments .....	6
Section 10.	Events of Default & Remedies .....	6
Section 11.	Notices & Payments.....	7
Section 12.	Miscellaneous.....	8

Appendix “A” – Application of the Enterprise for Exemptions

Appendix “B” – Improvements

Appendix “C” – The Real Property

Appendix “D” - Property Plat

This Community Reinvestment Area Agreement (the "Agreement") is made and entered into by and between the City of Napoleon, Ohio, a municipal corporation located at 255 W. Riverview Avenue, Napoleon, Ohio 43545 (the "City") and Shank Properties, LLC., a limited liability corporation organized under the laws of Ohio, located at 13-226 County Road R, Napoleon, Ohio 43545 (the "Enterprise"), under the circumstances summarized under the following recitals (capitalized words and terms used in the recitals and not otherwise defined shall have the meanings assigned to such words and terms in Section I of this Agreement):

WHEREAS, the City by Resolution adopted on October 1, 2001 designated an area (CRA #7) as a Community Reinvestment Area pursuant to Ohio Revised Code Chapter 3735; and,

WHEREAS, the Director of Development determined that CRA #7 so designated by the City contained the characteristics set forth in Ohio Revised Code Section 3735.66; and,

WHEREAS, the Director of Development on November 20, 2001, certified CRA #7 as a community reinvestment area known as Zone No 7 ("CRA #7"); and,

WHEREAS, the City encourages the development of real property in CRA #7; and,

WHEREAS, the Enterprise desires to construct and install a Project at the Facility in CRA #7 if incentives are available to support the economic viability of the Project; and,

WHEREAS, the City has the authority to exempt the Project from the real property taxes in accordance with Ohio Revised Code Chapter 3735; and,

WHEREAS, the Enterprise has submitted an application to the City through the City's agent for economic development, the Community Improvement Corporation of Henry County, Ohio (the "CIC"), for such tax exemptions, a copy of which is attached as Appendix "A" and is incorporated as part of this Agreement; and,

WHEREAS, the Enterprise has remitted to the City the required state application fee of \$750.00 made payable to the Ohio Department of Development to be forwarded to the Director of Development with a copy of this Agreement; and,

WHEREAS, the Housing Officer for CRA #7 for the City has investigated the application of the Enterprise and has recommended the same to the City of Napoleon Council on the basis that the Enterprise is qualified by financial responsibility and business experience; further, that in granting the CRA Agreement, new construction or remodeling will be made in CRA #7 which will serve to encourage economic stability, maintain real property values, and generate new employment opportunities; and,

WHEREAS, the determination of the tax incentive is calculated on the investment made in the construction of a light-industrial manufacturing facility and renovation of existing buildings. The value of the improvements being determined by the Henry County Auditor; and,

WHEREAS, the Project is located in the Napoleon Area City School District and within Four County Career Center District; and,

WHEREAS, the Board of Education of the appropriate School District(s) required to be notified has been notified in accordance with Sections 3735.671 and 5709.83 of the Ohio Revised Code and has been given a copy of the Application with the stated percentages of the value of the real property to be exempted, an estimate of the true value of that property, and the number of years that property will be exempted; and,

WHEREAS, the School Board adopted a resolution (i) consenting to the Agreement; and, (ii) waiving the required notice period that the City may act on approval of the Agreement; and,

WHEREAS, pursuant to Section 3735.67(A) and in conformance with the format required under 3735.671(B) of the Ohio Revised Code, the parties hereto desire to set forth their Agreement with respect to matters hereinafter contained; and,

WHEREAS, the School Board has filed or will file a certified copy of its Resolution with the City; and,

NOW, THEREFORE, on the basis of the foregoing recitals and in consideration of the representations, agreements, and covenants of the City and the Enterprise contained in this Agreement, the City and the Enterprise agree as follows:

**Section 1.      Definitions.** In addition to words and terms defined elsewhere in this Agreement:

"Application" means an Application for Real Property Tax Exemption and Remission (Form DTE 24) and any successor form to that form.

"Area" means Community Reinvestment Area Zone 069-53550-02 Napoleon #7 located in the City as certified by the Director of Development.

"City" means the City of Napoleon, Ohio

"County" means Henry County, Ohio.

"County Auditor" means the Auditor of Henry County, Ohio.

"Department of Development" means the Department of Development created pursuant to Ohio Revised Code Section 121.02.

"Director of Development" means the Director of the Department of Development.

"Enterprise" means the entity named in the application seeking the CRA Agreement, including its approved assigns and transferees.

"Facility" means the Enterprise's facilities located on the Real Property.

"Four County" means the Four County Career Center, a Joint Vocational School District under Ohio law whose school district boundaries encompass the Facility.

"Housing Officer" means the person or entity designated as the Housing Officer by the City for the CRA #7.

"Improvements" means the improvements to the real property resulting from the Project, as more fully described in Appendix "B", incorporated into the Agreement by reference thereto.

"Lessee" [if applicable] means generally, the person, business, corporation, or other entity, that leases the facility from the Enterprise;

"Project" means the development of the Facility through the construction, acquisition, and installation of the Improvements.

"Project Completion Date" means July 31, 2019, even though the actual completion date may be earlier.

"Real Property" means the real property described in Appendix "C", incorporated into the Agreement by reference thereto.

"School Board" means the Board of Education of the School District.

"School District" means the Napoleon Area City School District.

"TIRC" means the Tax Incentive Review Council created pursuant to Ohio Revised Code Section 5709.85 and Napoleon City Council Resolution Numbers 106-00 and 119-00.

**Section 2. Interpretation.** Any reference in this Agreement to the City, or to other public bodies or entities, or their members, officers or employees, shall include those who succeed to their functions, duties or responsibilities by operation of law and those who at the time may legally act in their place.

Any reference to a section, chapter, division, paragraph or other provision of the Ohio Revised Code shall include that section, chapter, division, paragraph or other provision as from time to time amended, modified, supplemented, revised, or superseded.

Unless the context clearly otherwise indicates, words importing the singular number shall include the plural number, and vice versa; the terms "hereof", "hereby", "herein", "hereto", "hereunder" and similar terms refer to this Agreement; and the term "hereafter" means after, and the term "heretofore" means before the date of this Agreement. Words of any gender include the correlative words of the other genders. Reference to a "Section" or an "Appendix" is a reference to a Section of or an Appendix to this Agreement. All Appendix(s) is/are part of this Agreement.

The captions and headings in this Agreement are solely for convenience of reference and in no way define, limit or describe the scope or the intent of any Section.

**Section 3. The Project.** The Project will involve a total capital investment in real property currently estimated at \$2,335,000.00, plus or minus 10% in development and construction of a light-industrial building, approximate size being 60,000 square feet, renovation of existing structure on site for 2,000 square feet of office space and 5,500 square feet of light-industrial manufacturing space, and appurtenances at the site located on parcel #:41-0100260200, 400 Freedom Drive, Napoleon, Ohio.



(a) A description of all the investments to be made at the facility including: value of new real property shall be as in Appendix(s) "A" and "B", incorporated into this Agreement by attachment hereto.

(b) The Project will commence by April 1, 2019 and all acquisition, construction, and installation of the Project will be completed by October 31, 2019.

(c) The total investment of this construction project is greater than the (10%) of market value of the facility assets already owned at the site prior to such expenditures.

**Section 4. Enterprise's Representations.** The Enterprise certifies that:

(a) The Project shall create a minimum of ten (10) full-time permanent jobs and zero (0) part-time permanent jobs and zero (0) temporary jobs at the Facility by December 31, 2019.

(b) The increase in the number of employees will result in approximately \$790,400.00, plus or minus 25% of additional payroll at the Facility by the end of the first calendar year following the completion of the Project.

(c) The Enterprise currently has approximately nineteen (19) full-time permanent employees, no part-time permanent employees and no temporary employees within the State of Ohio. The annual payroll for employees to be retained at the Facility is estimated at \$812,062.00.

(d) It does not owe any delinquent real or tangible personal property taxes to any taxing authority or in the State of Ohio, and does not owe any delinquent taxes for which it is liable under Ohio Revised Code Chapters 5733, 5735, 5739, 5741, 5743, 5747 or 5753, or, if such delinquent taxes are owed, it currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against it. For purposes of this paragraph "delinquent taxes" are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

**Section 5. City Obligations.**

(a) The City shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

(b) If for any reason the City revokes the designation of CRA #7, the City shall continue to grant the entitlements under this Agreement for the number of years specified under this Agreement, unless the Enterprise materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation pursuant to this Agreement.

**Section 6: Enterprise's Covenants & Agreements.** The Enterprise covenants and agrees that:

(a) Regarding the construction and renovations, the Enterprise will make a minimum investment of \$2,335,000.00, plus or minus 10%.

(b) The Enterprise shall use its best efforts to employ, or cause the employment of, residents of the County for any new job opportunities created at the Facility during the duration of this Agreement.

(c) The Enterprise shall provide, or cause to be provided, to the TIRC any and all information requested by the TIRC that is reasonably necessary for the TIRC to evaluate the applicant's compliance with the Agreement, including returns filed pursuant to Section 5711.02 of the Ohio Revised Code if requested by the TIRC.

(d) The Enterprise shall pay such real and tangible personal property taxes on property located in the County that are not exempt pursuant to this Agreement, other tax abatement agreements, or by law. The Enterprise shall file all tax reports and returns required by law.

(e) The Enterprise shall file two copies of the Application with the County Auditor prior to the first year for which real property taxes on the Improvements would be taxable if the Improvements were not exempt from taxation pursuant to this Agreement. The Enterprise acknowledges that exemptions from real property taxes granted by this Agreement are not effective until an Application has been filed with the County Auditor and forwarded to the Ohio Department of Taxation.

(f) The Enterprise will perform such other acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain the exemptions granted by this Agreement, including, without limitation, executing documents and providing certifications required in connection with those exemptions.

(g) The Enterprise has made no false statements to the City, the School District, or the State of Ohio in the process of obtaining the exemptions granted by this Agreement.

#### **Section 7. Exemptions.**

(a) The City, with consent of the School District and upon notification to the Four County, hereby grants the Enterprise a 100% exemption, pursuant to Section 3735.67 of the Ohio Revised Code for eligible real property, from real property taxes for a period of 10 years for the Improvements. The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation. No exemption shall commence after January 1, 2020, nor shall extend beyond December 31, 2030. The maximum investment for the Improvements to qualify for the exemption granted in this paragraph is \$2,335,000.00 plus or minus 10%.

(b) The description of the specific real property to be exempted is as described in Appendix(s) "A", "B", "C" and "D".

(c) The Enterprise shall pay such real and tangible personal property taxes as are not exempted under this Agreement and are charged against such property and shall file all tax reports and returns as required by law.

**Section 8. Annual Fee.** The Enterprise shall pay an annual fee equal to the greater of one percent of the dollar value of the incentives offered by this Agreement or \$500.00; provided, however, if the value of the incentives exceed \$250,000.00, the fee shall not exceed \$2,500.00

The City or its agent shall calculate the amount of the fee and shall mail an invoice for the fee to the Enterprise on or before September 15th of each year within which any taxes are abated pursuant to this Agreement. The invoice shall be paid by the Enterprise to the City or its agent within the thirty (30) days immediately following the invoice date.

**Section 9. Compensation Payments.** The Enterprise agrees to compensate a portion of the tax revenue foregone by the County, City, School District, Four County, and other political subdivisions or receivers thereof as a result of the exemptions as provided by this Agreement.

(a) The Enterprise shall annually pay to the City or its agent an amount equal to Twenty five Percent (25%) of the dollar amount of the incentives offered by this Agreement; in other words, the total taxes that would have been payable had this Agreement not been entered into. The amounts due to the City Infrastructure Fund and the School District Separately and respectively, shall each be a percentage of the total amount of the total payment in lieu of taxes annually under this Section, as agreed to by the City and the School District.

<b>Years 1 through 10</b>		<b><u>Estimated Figures + or –</u></b>
<b>Entities Receiving</b>		
Payments in Lieu of Taxes	Percentage of net Abatement Total	Payment in Lieu of Taxes
Napoleon Area City School District	75%	\$11,641.16
Four County Career Center	7%	\$ 1,086.51
Napoleon Infrastructure gets:	18%	\$ 2,793.88
<b>TOTAL</b>	<b>100%</b>	<b>\$15,521.55 (estimated)</b>

(b) On or before September 15<sup>th</sup> following each year within which any taxes are abated pursuant to this Agreement, the City or its agent shall calculate the amount of incentives offered by this Agreement and the amount equal to 100% of the taxes foregone through this Agreement. Immediately thereafter, the City or its agent shall invoice the Enterprise for the amounts due and owing under the Enterprise's actual investment and abatement, as explained above.

(c) Within thirty (30) days immediately following each September 15<sup>th</sup> invoicing above, the Enterprise shall pay such invoiced amounts to the City or its agent for distribution to the affected political subdivision and schools as applicable.

(d) The City and the School district may respectively expressly agree in writing to reallocate, in whole or in part, any portion of each one's respective allocation under this Section. Any written agreement entered into pursuant to this paragraph shall be communicated to the City and the Enterprise, and shall become effective upon notice being provided to the City and the Enterprise. Any agreement to reallocate shall adjust the City's distribution among affected entities, but this ability to reallocate and any act of reallocation shall never, by itself, increase the total amount due by the Enterprise under this Section 9.

(e) The payment of the compensation payments due to the City and/or the School District, are for the benefit, run in favor of, and are enforceable by the City and the School District respectively, as the exclusive intended third party beneficiaries to the provisions and terms of this Section.

**Section 10. Events of Default and Remedies.** The occurrence of any of the following shall be considered an Event of Default by the Enterprise under this Agreement.

(a) If the Enterprise materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement is fraudulent, the City may terminate or modify the exemptions from taxation granted under this Agreement, and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this Agreement; further, the City may, at

its option, secure repayment of such taxes by a lien on the exempted property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on the real property.

(b) Exemptions from taxation granted under this Agreement shall be revoked if it is determined that the Enterprise, any successor enterprise, or any related member (as those terms are defined in Section 3735.671 of the Ohio Revised Code) has violated the prohibitions against entering into this Agreement under Division (E) of Section 3735.671 or Section 5709.62 or 5709.63 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections.

(c) If the Enterprise fails to pay such taxes or files such returns and reports as required by law concerning this exemption, exemptions from taxation granted under this Agreement shall be rescinded beginning with the year for which such taxes are charged or such reports are required to be filed and thereafter.

(d) If the Enterprise fails to provide information requested by the TIRC or to file copies of all Applications with the TIRC, then this Agreement may be terminated.

(e) The minimum investment for the Improvements is less than that stated in Section 6 after the Project completion date, then this Agreement may be terminated.

(f) The Enterprise made material false statements to the City in the process of obtaining the exemptions granted by this Agreement, then this Agreement may be terminated.

(g) The Enterprise fails to pay the annual fee required by Section 8 then this Agreement may be terminated.

**Section 11. Notices & Payments.** All notices required by this Agreement shall be in writing and either mailed by first class U.S. mail, postage prepaid, addressed to the person or persons to be so notified or delivered by personal delivery to such person. Notice shall be deemed given on the earlier of the day the notice is mailed or personally delivered.

Payments must be received by the person entitled to payment on or before the date specified in this Agreement.

All notices and applicable payments shall be delivered to the following addresses; original payments from Enterprise to the City shall be mailed to the City or its Agent:

(a) To the City:

City of Napoleon, Ohio  
c/o City Manager  
255 West Riverview  
Napoleon, Ohio 43545

With a Copy to:

Henry County CIC,  
c/o Executive Director  
104 East Washington Street, Suite 301  
Napoleon, Ohio 43545

(b) To the Enterprise:

Shank Properties, LLC  
Mr. Jade Shank  
13-226 Co. Rd. R  
Napoleon, Ohio 43545

- (c) To the County Auditor: Auditor  
County of Henry, Ohio  
660 N. Perry Street  
Napoleon, Ohio 43545
- (d) To the School District: Napoleon Area City School District  
c/o Treasurer  
701 Briarheath Ave.  
Napoleon, Ohio 43545
- (e) To Four County: Four County Career Center  
c/o Superintendent  
22-900 State Route 34  
Archbold, Ohio 43502
- (f) To the TIRC: Henry County CIC  
c/o Executive Director  
104 East Washington St.  
Suite 301  
Napoleon, Ohio 43545

**Section 12. Miscellaneous.**

(a) The Enterprise shall provide to the proper tax incentive review council any information reasonably required by the TIRC to evaluate the applicant's compliance with the Agreement, including returns filed pursuant to Section 5711.02 of the Ohio Revised Code if requested by the TIRC.

(b) If for any reason CRA #7 designation expires, or the Director of Development revokes the certification of CRA #7, or the City revokes the designation of CRA #7, the exemptions granted by this Agreement shall continue as provided in this Agreement.

(c) No individual shall be denied employment at the Facility on the basis of race, religion, gender, disability, color, national origin, or ancestry.

(d) This Agreement is not transferable or assignable without the written consent of the City, and the Enterprise acknowledges that the City may not give that consent if the School District objects to any transfer or assignment; however, the exemptions provided in this Agreement may be applicable and assignable (upon notice to the City) to entities that are directly and immediately related to the Enterprise that may already have indirect ownership of the property subject to the exemption, without prior written approval from the City.

(e) This Agreement may be executed in any number of counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same instrument.

(f) This Agreement shall be deemed to be a contract made under the laws of the State of Ohio and for all purposes shall be governed by and in accordance with the laws of the State of Ohio.

(g) Any legal action regarding this Agreement shall be filed in the Court of Common Pleas of Henry County, Ohio, or, in case of Bankruptcy, the appropriate Bankruptcy Court.

(h) The Enterprise acknowledges that this Agreement must be approved by formal action of the City Council of Napoleon, Ohio as a condition for the Agreement to take effect. This Agreement takes effect upon such approval and upon execution by the parties.

(i) In the event that any part or provision of this Agreement is held invalid or void by a court of competent jurisdiction, only that part or provision shall be invalid or void and the parts or provisions not held invalid or void shall remain in full force.

(j) This Agreement shall be construed as mutually drafted by the parties.

(k) Time is of the essence.

(l) The Enterprise expressly agrees to waive and forego its rights to appeal the Auditor's determination on the value of the investment stated in this Agreement.

(m) The preamble of this Agreement shall be incorporated into this Agreement as part thereof.

(n) Any obligation of the City to pay money under this Agreement is subject to appropriation of funds by the City.

IN WITNESS WHEREOF, the City and the Enterprise have caused this Agreement to be executed on their behalf by their respective duly authorized officer or representative, all as of and effective upon the date printed on the cover page of this Agreement.

**AGREED TO:**

**CITY OF NAPOLEON, OHIO**

By \_\_\_\_\_  
Joel L. Mazur, City Manager

**SHANK PROPERTIES, LLC.**

By: \_\_\_\_\_  
Jade Shank, Member

**CONSENTED TO:  
DISTRICT**

**NAPOLEON AREA CITY SCHOOL**

By: \_\_\_\_\_  
Dr. Stephen R. Fogo, Superintendent

APPROVED AS TO FORM AND CORRECTNESS:

\_\_\_\_\_  
Billy D. Harmon, Prosecuting Attorney

Appendix "A" Application

**PROPOSED AGREEMENT** for Community Reinvestment Area Tax Incentives between the Community Improvement Corporation of Henry County located in the County of Henry and (property owner) \_\_\_\_\_.

1. a. Name of property owner, home or main office address, contact person, and telephone number (attach additional pages if multiple enterprise participants).

<u>SHANK PROPERTIES, LLC</u>	<u>JADE SHANK</u>
Enterprise Name	Contact Person
<u>13226 County Road, R</u>	<u>419-467-1408</u>
Address <u>NAPOLEON, OH 43545</u>	Telephone Number

- b. Project site:

<u>SHANK PROPERTIES, LLC</u>	<u>JADE SHANK</u>
	Contact Person
<u>400 FREEDOM DRIVE</u>	<u>419-467-1408</u>
Address <u>NAPOLEON, OH 43545</u>	Telephone Number

2. a. Nature of commercial/industrial activity (manufacturing, warehousing, wholesale or retail stores, or other) to be conducted at the site.

MANUFACTURING

- b. List primary 6 digit North American Industry Classification System (NAICS) # \_\_\_\_\_

Business numbers. 332 <sup>may</sup> 312 <sup>list</sup> FABRICATED <sup>other</sup> STRUCTURAL <sup>relevant</sup> METAL <sup>SIC</sup> MANUFACTURING

- c. If a consolidation, what are the components of the consolidation? (must itemize the location, assets, and employment positions to be transferred: NOT A CONSOLIDATION

d. Form of business of enterprise (corporation, partnership, proprietorship, or other).

LLC

3. Name of principal owner(s) or officers of the business.

APRIL SHANK, MEMBER JADE SHANK, MEMBER

4. a. State the enterprise's current employment level at the proposed project site:

- 0 -

b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? Yes X No     

c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located:

CURRENTLY AT 600 FILLMORE STREET, NAPOLEON, OH 43545. RELOCATE TO 400 FREEDOM DRIVE, NAPOLEON, OH 43545 (POSITIONS & ASSETS).

d. State the enterprise's current employment level in Ohio (itemized for full and part-time and permanent and temporary employees):

19 Full Time

e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets:

19 Full Time

f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated?

19 Full Time FABRICATORS

1 PAINT BOOTH

14 WELDERS

2 FORKLIFTS

1 - JIB HOIST 2

2 FRAME DRILLS

1 - LOT - SMALL TOOLS



5. Does the Property Owner owe:

a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?

Yes \_\_\_ No X

b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State? Yes \_\_\_ No X

c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not?

Yes \_\_\_ No X

d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers (add additional sheets).

6. Project Description: CONSTRUCTION OF A 6000 SF PRE-ENGINEERED BUILDING FOR LIGHT INDUSTRIAL - MANUFACTURING. RENOVATION OF EXISTING STRUCTURE FOR 2000 SF OFFICE SPACE AND 5500 SF FOR LIGHT INDUSTRIAL MANUFACTURING.

7. Project will begin April ~~JANUARY~~, 2019 and be completed October ~~June~~, 2019 SAS  
provided a tax exemption is provided.

8. a. Estimate the number of new employees the property owner will cause to be created at the facility that is the project site (job creation projection must be itemized by the name of the employer, full and part-time and permanent and temporary):

PALFINGER USA - 6 Full Time

C&C FABRICATION, LLC - 12 Full Time

b. State the time frame of this projected hiring: 1 yrs.

c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees):

18 Full Time July 2019 THROUGH DECEMBER 2019 SAS  
October July 2020

9. a. Estimate the amount of annual payroll such new employees will add \$ 790,400.00 Full Time  
(new annual payroll must be itemized by full and part-time and permanent and temporary new employees).

b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: \$ \$12002.00 ESTIMATED.

10. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:

A. Acquisition of Buildings:	\$ <u>220,000.00</u>
B. Additions/New Construction:	\$ <u>2,000,000.00</u>
C. Improvements to existing buildings:	\$ <u>50,000.00</u>
D. Machinery & Equipment:	\$ <u>50,000.00</u>
E. Furniture & Fixtures:	\$ <u>15,000.00</u>
F. Inventory:	\$ <u></u>
<b>Total New Project Investment:</b>	\$ <u>2,335,000.00</u>

11. a. Business requests the following tax exemption incentives: 100 % for 10 years covering real PROPERTY as described above. Be specific as to the rate, and term.

b. Business's reasons for requesting tax incentives (be quantitatively specific as possible)  
SHANK PROPERTIES WILL BE RENOVATING THE EXISTING BUILDING TO SUPPORT AN OFFICE AND LIGHT INDUSTRIAL MANUFACTURING.  
ALSO A 60000 SF PRE-ENGINEERED METAL BUILDING WILL BE CONSTRUCTED FOR LIGHT INDUSTRIAL MANUFACTURING

Submission of this application expressly authorizes CITY OF NAPOLEON (name of local jurisdiction) to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item # 5 and to review applicable confidential records. As part of this application, the property owner may also be required to directly request from the Ohio Department of Taxation, or complete a waiver form allowing the Department of Taxation to release specific tax records to the local jurisdiction considering the request.

The Applicant agrees to supply additional information upon request.

The Applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C) (1) and 2921.13(D) (1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefits as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

SHANK PROPERTIES, LLC

Name of Property Owner

10-11-2018

Date

  
Signature

JADE SHANK, MEMBER

Typed Name and Title

\* A copy of this proposal must be forwarded by the local governments to the affected Board of Education along with notice of the meeting date on which the local government will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the legislative authorities considering the request.

\*\* Attach to Final Community Reinvestment Area Agreement as Exhibit A

Please note that copies of this proposal must be included in the finalized Community Reinvestment Area Agreement and be forwarded to the Ohio Department of Taxation and the Ohio Development Services Agency within fifteen (15) days of final approval.

## **Appendix "B"**

### **THE IMPROVEMENTS**

The Project will involve a total capital investment in real property currently estimated at \$2,335,000.00, plus or minus 10% in development and construction of a light-industrial building, approximate size being 60,000 square feet, renovation of existing structure on site for 2,000 square feet of office space and 5,500 square feet of light-industrial manufacturing space, and appurtenances at the site located on parcel #:41-0100260200, 400 Freedom Drive, Napoleon, Ohio.

## Appendix "C"

### REAL PROPERTY DESCRIPTION

CONTAINING: 2.70 acres of land

Tax Parcel # 41-0100260200

Township: Napoleon

Current Year 35% Taxable Values	
Land	17460
Building	43950
Total	61410
Original Parcel	070100260000

Appendix "C" Continued



2018001989 Pages: 2  
 Filed for Record in HENRY County, Ohio  
 BRANDI BADEN, Recorder  
 06/19/2018 10:42 AM Recording Fees: \$28.00  
 WARR DEED OR BK: 313 PG: 851 - 852

AUDITORS OFFICE  
 TRANSFERRED

JUN 19 2018

*Kevin Garringer*  
 Henry County Auditor

KZ  
.50¢

This Conveyance has been examined  
 and the Grantor has complied with  
 Section 319.202 of the Revised Code.  
 FEE \$ 900.00  
 EXEMPT \_\_\_\_\_  
 Kevin Garringer, County Auditor

**CORPORATION WARRANTY DEED**

**LEUPP BUILDING SERVICE, INC.**, an Ohio corporation, organized under the laws of the State of Ohio, whose tax mailing address is 400 Freedom Drive, Napoleon, OH 43545, for valuable consideration paid, grant with general warranty covenants to **SHANK PROPERTIES, LLC**, an Ohio limited liability company, whose tax mailing address is 13226 County Road R, Napoleon, OH 43545, the following real property:

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

A parcel of land being a part of the Southeast quarter (1/4) of Section 1, Township 5 North, Range 6 East, Napoleon Township, Henry County, Ohio, and which is more particularly described as follows:

*LW*  
 DESCRIPTION VERIFIED  
 HENRY COUNTY ENGINEER  
 BY: *[Signature]* DATE: 6/19/18

Commencing at an iron pin found at the Southeast corner of said Section 1, Napoleon, Ohio; thence North 89°31'04" West (assumed bearing for the purposes of this description) on the South line of the Southeast fractional quarter (1/4) of said Section 1 and the North right-of-way of Freedom Drive, 434.54 feet to a 5/8" x 30" iron pin with ID cap set and the point of beginning; thence North 89°31'04" West on the South line of the Southeast fractional quarter (1/4) of said Section 1 and the North right-of-way of Freedom Drive, 269.67 feet to a 5/8" x 30" iron pin with ID cap set; thence North 77°39'00" West on the Westerly right-of-way of Freedom Drive, 128.04 feet to a 5/8" x 30" iron pin with ID cap set; thence North 46°34'47" West and containing on the Northerly right-of-way of Freedom Drive, 49.00 feet to a 5/8" x 30" iron pin with ID cap set on the Easterly right-of-way of County Road 13A; thence North 15°30'56" East on the Easterly right-of-way of County Road 13A, 138.00 feet to a 5/8" x 30" iron pin with ID cap set; thence North 74°29'04" West and continuing on said right-of-way, 5.00 feet to a 5/8" x 30" iron pin with ID cap set; thence North 15°30'56" East and continuing on said right-of-way, 106.00 feet to a 5/8" x 30" iron pin with ID cap set; thence South 89°31'04" East and parallel with the South line of the Southeast fractional quarter (1/4) of said Section 1, 372.38 feet to a 5/8" x 30" iron pin with ID cap set; thence South 0°28'56" West, 296.66 feet to the point of beginning.

Containing 2.700 acres of land more or less.

Subject to a twelve (12) foot wide perpetual easement to the City of Napoleon, Ohio, for water and sewer utilities, recorded in Volume 72, Page 704, Official Records, Henry County, Ohio.

Subject to all legal highways, other easements, zoning regulations and restrictions of record.

This description is based on field survey No. 7334-H-N-3-5-02, by Paul J. Westhoven, Registered Land Surveyor No. 5602.

Parcel Number: 41-010026.0200

Parcel Address: 400 Freedom Drive, Napoleon, OH 43545

Prior Instrument: Volume 129, Page 474, Official Records.

This deed is given pursuant to a resolution of the sole Shareholder and Director dated 6/19/18, which remains in full force and effect.

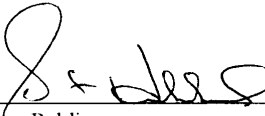
Executed this 19<sup>th</sup> day of June, 2018.

**LEUPP BUILDING SERVICE, INC.,**  
an Ohio corporation

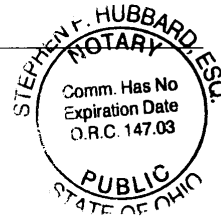
  
\_\_\_\_\_  
**BY: GREGORY A. LEUPP**  
**ITS: PRESIDENT**

**STATE OF OHIO**  
**COUNTY OF Henry**, ss;

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of June, 2018, by **GREGORY A. LEUPP, PRESIDENT** of **LEUPP BUILDING SERVICE, INC.**, an Ohio corporation, on behalf of the Corporation.

  
\_\_\_\_\_  
Notary Public

This instrument prepared by:  
Stephen F. Hubbard, Esq.  
Hubbard Law Firm, LLC  
650 W. First Street  
Defiance, OH 43512  
Phone: 419-784-0055

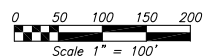


Doc# 2018001989

**HUBBARD LAW FIRM LLC**  
**ENVELOPE**  
**, OH**

FOR  
SHANK SUBDIVISION - PLAT ONE

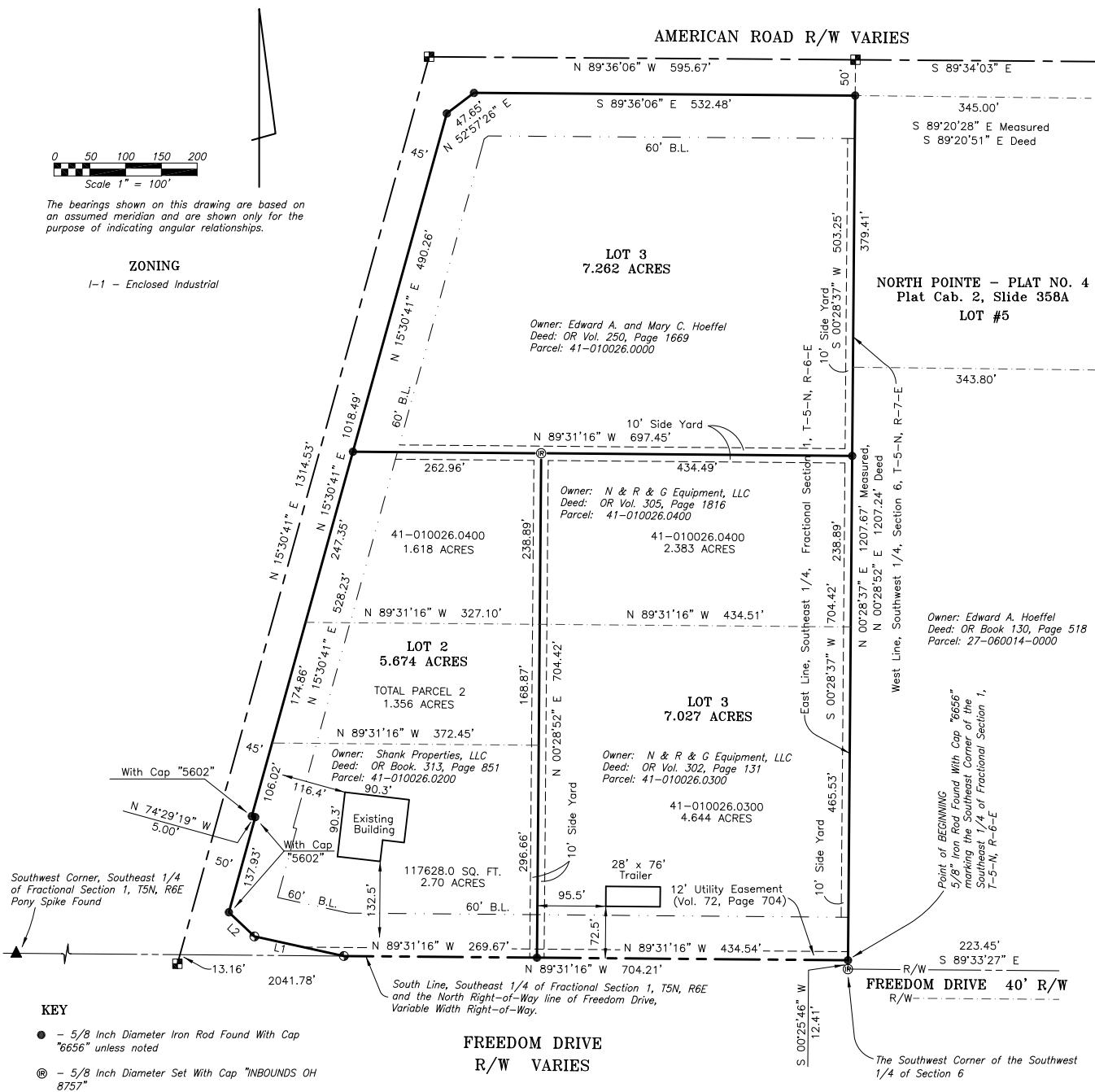
PART OF THE SOUTHEAST 1/4, FRACTIONAL SECTION 1, T-5-N, R-6-E  
 NAPOLEON TOWNSHIP CITY OF NAPOLEON HENRY COUNTY OHIO  
 NOVEMBER, 2018 Scale: 1" = 100'



The bearings shown on this drawing are based on an assumed meridian and are shown only for the purpose of indicating angular relationships.

## ZONING

*I-1 - Enclosed Industrial*



**KEY**

- - 5/8 Inch Diameter Iron Rod Found With Cap  
"6656" unless noted
- Ⓢ - 5/8 Inch Diameter Set With Cap "INBOUNDS OH  
8757"
- - Monument Box Found
- B.L. - Building Line
- ▲ - Pony Spike Found
- ⦿ - 4" diameter x 30" long concrete  
monument with a 5/8 inch diameter  
iron rod with I.D. cap set.

FREEDOM DRIVE  
R/W VARIES

LINE	BEARING	DISTANCE
L1	N 77°39'06" W	128.03'
L2	N 46°35'04" W	49.07'

## REFERENCE SURVEYS

Plat of Survey for Edward and Mary Hoeffel by  
David R. Maxson P.S., Registered Surveyor No. 6656  
dated January 18, 2017

Plat of Survey for Edward and Mary Hoeffel by  
Paul J. Westhoven P.S., Registered Surveyor No. 5602  
dated March 5, 2002

PLOTTED 2/27/2019



# PRELIMINARY PLAT FOR SHANK SUBDIVISION – PLAT ONE

PART OF THE SOUTHEAST 1/4, FRACTIONAL SECTION 1, T-5-N, R-6-E  
NAPOLEON TOWNSHIP CITY OF NAPOLEON HENRY COUNTY OHIO  
NOVEMBER, 2018 Scale: 1" = 100'

DRAFT: Final approval on  
4/9/2019

## LEGAL DESCRIPTION

A parcel of land being part of the Southeast quarter (1/4) of Fractional Section 1, Town 5 North, Range 6 East, Napoleon Township, City of Napoleon, Henry County, Ohio, which is bounded and described as follows (an "iron rod set" is 5/8 inch diameter with surveyor's cap labeled "Inbounds PS 8757"):

BEGINNING at a found 5/8 inch diameter capped (PS 6656) iron rod marking the Southeast corner of said Southeast quarter (1/4) and the north Right of Way of Freedom Drive;

thence along the south line of said Southeast quarter (1/4) and said north Right of Way NORTH 89°31'16" WEST 704.21 feet to a set 4 inch diameter concrete monument;

thence along the northerly Right of Way of said Freedom Drive NORTH 77°39'06" WEST 128.03 feet to a set 4 inch diameter concrete monument;

thence along the northeasterly Right of Way of Freedom Drive NORTH 46°35'04" WEST 49.07 feet to a found 5/8 inch diameter capped (PS 5602) iron rod where said northeasterly Right of Way intersects the easterly Right of Way of Oakwood Avenue;

thence along said easterly Right of Way NORTH 15°30'41" EAST 137.93 feet to a found 5/8 inch diameter capped (PS 5602) iron rod;

thence continuing along said easterly Right of Way NORTH 74°29'19" WEST 5.00 feet to a found 5/8 inch diameter capped (PS 5602) iron rod;

thence continuing along said easterly Right of Way NORTH 15°30'41" EAST, passing a found 5/8 inch diameter capped (PS 5602) iron rod at 106.02 feet, a found 5/8 inch diameter capped (PS 6656) iron rod at 280.88 feet, and a found capped (PS 6656) iron rod at 528.23 feet, a total distance of 1018.49 feet to a found 5/8 inch diameter capped (PS 6656) iron rod where said easterly Right of Way intersects the southeasterly Right of Way of American Road;

thence along said southeasterly Right of Way NORTH 52°57'26" EAST 47.65 feet to found capped (PS 6656) iron rod;

thence along the southerly Right of Way of said American Road SOUTH 89°36'06" EAST, 532.48 feet to a found capped (PS 6656) iron rod on the East line of said Southeast quarter (1/4);

thence along the East line of said Southeast quarter (1/4) SOUTH 00°28'37" WEST, passing a found 5/8 inch diameter capped (PS 6656) iron rod at 503.25 feet, a found capped (PS 6656) iron rod at 742.14 feet, a total distance of 1207.67 feet to the point of BEGINNING.

Containing 19.963 acres of land more or less: 7.262 acres from Parcel No. 41-010026.0000, 4.001 acres from Parcel No. 41-010026.0400, 6.000 acres from Parcel No. 41-010026.0300 and 2.700 acres from Parcel No. 41-010026.0200.

This parcel is subject to legal highways, all legal easements, restrictions, leases of record and records in respective utility offices and other conveyances, if any.

The bearings referred to hereon are based on an assumed bearing of SOUTH 00°28'37" WEST for the East line of the Southeast quarter (1/4) of said Fractional Section 1, and are used only for the purpose of describing angular measurement.

This legal description was prepared by James F. Stevenson, Registered Surveyor No. 8757, and is based upon a land survey performed in November of 2018 by Inbounds Surveying, LLC.

## DEDICATION CERTIFICATION

The undersigned, owners of the real estate described herein, do hereby approve this plat and dedicate to the City of Napoleon, Ohio all rights-of-way, streets, easements, or other areas described on this plat, including ownership rights to all utilities located therein.

Witness our hands and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Witness Edward A. Hoeffel

\_\_\_\_\_  
Witness Mary C. Hoeffel

\_\_\_\_\_  
Witness Shank Properties, LLC  
Jade Shank

\_\_\_\_\_  
Witness N&R&G Equipment, LLC  
Don Williams

## NOTARY CERTIFICATE

STATE OF OHIO, COUNTY OF HENRY, SS:

Before me the undersigned Notary Public in and for the said county and state appeared Edward A. Hoeffel and Doug Martin, owners of the real estate described herein, who did acknowledge the execution of the forgoing instrument as their voluntary act and deed for the purposes therein expressed.

Witness my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary Public

## CITY ENGINEER'S CERTIFICATE

Under authority provided by Chapter 711 of the Ohio Revised Code, I hereby approve this plat.

\_\_\_\_\_  
Dated Chad E. Lulfs, P.E., P.S. City Engineer

## PLANNING COMMISSION CERTIFICATE

Under authority provided by Chapter 711 of the Ohio Revised Code and Chapter 1105 the City of Napoleon Code of Ordinances, this plat is hereby approved by the Planning Commission of the City of Napoleon, Ohio.

\_\_\_\_\_  
Dated Chairman

\_\_\_\_\_  
Clerk of Council

## CITY COUNCIL CERTIFICATE

Under authority provided by Chapter 711 of the Ohio Revised Code and Chapter 1105 of the City of Napoleon Code of Ordinances, this plat is hereby approved by the City Council of the City of Napoleon, Ohio.

\_\_\_\_\_  
Dated Mayor

\_\_\_\_\_  
Attest: Clerk of Council

## COUNTY AUDITOR'S CERTIFICATE

Transferred on \_\_\_\_\_, 2019  
Henry County Auditor

## COUNTY RECORDER'S CERTIFICATE

Filed for record \_\_\_\_\_, 2019 at \_\_\_\_\_, M.  
Recorded on \_\_\_\_\_, 2019 in Plat Cabinet \_\_\_\_\_, Slide \_\_\_\_\_.  
Fee \$ \_\_\_\_\_  
Henry County Recorder

## SURVEYOR'S CERTIFICATE

I hereby certify that this plat represents a survey made by me, and that the specified concrete monuments where shown ☉ within one year of the acceptance of this plat.

\_\_\_\_\_  
Date  
James F. Stevenson, P.S.  
Ohio Registered Surveyor No. S-8757  
INBOUNDS SURVEYING, LLC  
14222 Grass Lake Road  
Camden, MI 49232  
Office: 209-628-5141  
Email: jamie@inbounds.pro



PLOTTED 2/27/2019

2  
2



The Four County Career Center Board of Education met in regular session on March 21, 2019 at 6:30 p.m. with the following members present:

Brian Baker, Marci Bruns, Larry L. Fruth, Darrell Higbie, Cindra Keeler, Carol Kleck, Chris Oberlin, Nona Rupp, Dennis Vetter

Absent: Ron Crawford, Kenneth Esterline

#14-19

**CRA ACKNOWLEDGEMENT, WAIVER AND CONSENT  
SHANK PROPERTIES, LLC**

It was moved by Dennis Vetter and seconded by Nona Rupp to approve the following:

Four County Career Center School District:

- hereby acknowledges receipt of notice of application and agreement for Shank Properties, LLC, pertaining to Community Reinvestment Area #7 in Napoleon, Ohio;
- hereby waives its right of notice requirements as required by Ohio Revised Code sections 3735.671, and 5709.83; and
- hereby consents to the 2019 Community Reinvestment Area Agreement as received, including estimated compensation payments.

The property tax exemption be applied for is for 100%, for a period of ten years.

Roll call: Ayes: Fruth, Higbie, Keeler, Kleck, Rupp, Vetter, Baker, Bruns, Oberlin.  
Nays: None. Motion carried.

Four County Career Center

By: Connie Nicely  
Connie Nicely, Treasurer

March 21, 2019

# Re: Shank CRA

Amanda Griffith

Thu 3/21/2019 8:09 AM

Sent Items

To: Steve Fogo <steve.fogo@napoleonareaschools.org>;

Thank you very much!

Sincerely,

*Amanda Griffith*

Executive Assistant to

Joel L. Mazur, City Manager



---

**From:** Steve Fogo <steve.fogo@napoleonareaschools.org>

**Sent:** Thursday, March 21, 2019 8:08:28 AM

**To:** Amanda Griffith

**Subject:** Shank CRA

Amanda,

The Napoleon Schools Board of Education approved the Shank CRA last night. Our treasurer, Mike Bostelman, will be shipping you the certification.

--

Stephen R. Fogo, Ed.D.  
Superintendent  
Napoleon Area City Schools

PLEASE NOTE: This message and any response to it may constitute a public record and therefore may be available upon request in accordance with Ohio public records law. (ORC 149.43)

---

This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain private, confidential and/or privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, employee or agent responsible for delivering this message, please contact the sender by reply e-mail and destroy all copies of the original e-mail message.



# City of Napoleon, Ohio

## Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

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

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

## Memorandum

**To:** Joel L. Mazur, City Manager  
**From:** Chad E. Lulfs, P.E., P.S., Director of Public Works  
**cc:** City Council & Mayor  
Chris Peddicord, Interim City Finance Director  
Jeff Rathge, Operations Superintendent  
**Date:** February 26, 2019  
**Subject:** Raymond Street Improvements ~ Recommendation of Award

On Wednesday, March 27, 2019, bids were opened and read aloud for the above referenced project. Five bids were submitted and read as follows:

Vernon Nagel, Inc.	\$183,331.00
Crestline Paving & Excavating Co., Inc.	\$174,658.00
Bryan Excavating, L.L.C.	\$164,271.00
Geddis Paving & Excavating, Inc.	\$163,321.00
Ward Construction Company	\$156,545.00

The Engineer's Estimate for this project is \$170,000.00. This project consists of reconstructing and widening Raymond Street from Fifth Street to the dead end where a private developer plans to extend the street; replace all curbing; replace concrete drive approaches and concrete walks in the right-of-way. The completion date for this project is October 19, 2019.

**Having reviewed the submitted bids, it is my recommendation that Council award Ward Construction Company the contract for the Raymond Street Improvements in the amount of \$156,545.00.** If you have any questions or require additional information, please contact me at your convenience.

CEL



# City of Napoleon, Ohio

## Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

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

www.napoleonohio.com

## Memorandum

**To:** Joel L. Mazur, City Manager  
**From:** Chad E. Lulfs, P.E., P.S., Director of Public Works  
**cc:** City Council & Mayor  
Chris Peddicord, Interim City Finance Director  
Dave Pike, WWTP Superintendent  
**Date:** March 27, 2019  
**Subject:** Williams Pump Station Replacement ~  
Recommendation of Tentative Award

On Wednesday, March 27, 2019, bids were opened and read aloud for the above referenced project. Two bids were submitted and read as follows:

	<u>Base Bid</u>	<u>Alternate Bid</u>
Hank's Plumbing & Heating	\$1,598,320.00	\$1,603,320.00
Vernon Nagel, Inc.	\$1,258,153.00	\$1,263,053.00

The Engineer's Estimate for this project is \$1,500,000.00. This project consists of constructing a new sanitary sewer pump station to service the area around Glenwood Avenue north of U.S. Route 24; redirecting the discharge from the Oberhaus Interceptor to the VanHyning Interceptor by constructing a new force main from Glenwood Avenue to Scott Street; and extending gravity sanitary sewer to the northerly edge of the City's property on Glenwood Avenue. The completion date for this project is May 31, 2020.

This project is being funded through the Water Pollution Control Loan Fund (WPCLF) administered by the Department of Environmental Financial Assistance (DEFA). They have requested for a project award by City Council which is dependent upon their review of all bid documents. **Since this project was included in the City of Napoleon's Master Bid Resolution (079-18), I request that Council pass a simple motion granting a Tentative Award Pending DEFA Approval to Vernon Nagel, Inc. for the Williams Pump Station Replacement Project for their Alternate Bid in the amount of \$1,263,053.00.** If you have any questions or require additional information, please contact me at your convenience.

CEL



# City of Napoleon, Ohio

## Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

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

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

## Memorandum

**To:** Joel L. Mazur, City Manager  
**From:** Chad E. Lulfs, P.E., P.S., Director of Public Works  
**cc:** Mayor & City Council  
Christine R. Peddicord, Interim Finance Director  
**Date:** March 22, 2019  
**Subject:** Lynne Avenue Improvements (L.T.C.P. Project No. 16C) ~ Contract Approval

Quality Based Selection (QBS) was utilized to select a consulting firm for the above referenced project. The firms that submitted Qualification Statements were ranked as follows:

1. Jones & Henry Engineers, Ltd.
2. Peterman Associates, Inc.
3. Poggemeyer Design Group
4. Access Engineering Solutions
5. Richland Engineering Limited
6. Proudfoot Associates, Inc.
7. Northwest Consultants, Inc.

This project includes: design of new asphalt roadway, concrete curbing, concrete walks, concrete drive approaches, sanitary sewers, waterlines, and storm sewers on Lynne Avenue. My current plan is to design this project in two halves/phases. One half/phase could be constructed in 2020 and the other half/phase could be constructed in 2021 pending council's approval in the respective budget cycles.

Negotiations were entered into with Jones & Henry Engineers, Ltd. and a contract price was agreed upon. The budget for the above referenced project is \$70,000.00; the negotiated price is \$67,500.00. **Having reviewed the submitted Qualification Statements and after extensive negotiations, it is my recommendation that Council award the design contract for Lynne Avenue Improvements (L.T.C.P. Project No. 16C) to Jones & Henry Engineers, Ltd. in the amount of \$67,500.00.** If you have any questions or require additional information, please contact me at your convenience.

*CEL*



# City of Napoleon, Ohio

## Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

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

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

## Memorandum

**To:** Joel L. Mazur, City Manager  
**From:** Chad E. Lulfs, P.E., P.S., Director of Public Works  
**cc:** Mayor & City Council  
Chris R. Peddicord, Interim City Finance Director  
Jeff Rathge, Operations Superintendent  
**Date:** March 27, 2019  
**Subject:** Park Street Improvements ~ Phase 3 (L.T.C.P. Project No. 17C ~ Partial) – Postpone Project

The City of Napoleon's Department of Public Works requests approval to postpone this project. I propose advertising/awarding the project in November or December of 2019 with a construction completion of approximately June 30, 2020.

This project was awarded an O.P.W.C. Grant in the amount of \$325,000.00. I also applied for a Residential Public Infrastructure Grant (RPIG) this spring which caused the project to be delayed. Although we were not awarded the RPIG funding, we were asked to resubmit the project in October. If successful, we could receive an additional \$300,000-\$500,000 in grant funding for this project.

The Engineer's Estimate of Construction for this project is currently \$1,250,000.00. Any grant funding that we could acquire would benefit this project. Also, by advertising in the fall with an early summer completion date, we should receive favorable bids.

*CEL*

*City of Napoleon*

**SAFETY AND HUMAN RESOURCES COMMITTEE**

**MAJORITY REPORT**

Monday, March 25, 2019

The Safety and Human Resources Committee met on Monday, March 25, 2019 and recommend City Council:

1. Approve adding a \$50.00 monthly surcharge to employee's health insurance premium if employees and spouses who are on the City BORMA plan do not complete their annual wellness check by November 30, 2019.

---

Dan Baer, Chair

---

Jeff Comadoll, Committee

---

Jeff Mires, Committee





# City of *NAPOLEON*, 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](http://www.napoleonohio.com)

## MEMORANDUM

*Mayor*  
Jason Maassel

*Members of Council*

*PRESIDENT:*  
Joseph Bialorucki

*PRESIDENT PRO-TEM:*  
Daniel Baer

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

*City Manager*  
Joel L. Mazur

*Assistant Finance  
Director*  
Christine Peddicord

*Law Director*  
Billy D. Harmon

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

DATE: March 27, 2019  
TO: Members of City Council  
Jason P. Maassel, Mayor  
FROM: Lanie Lambert  
cc: Joel Mazur, City Manager  
SUBJECT: Health Insurance Information

I have attached 2019 health insurance information. It is broken down by each plan that is offered to full-time employees with employer monthly and annual cost and employee monthly and annual cost. I have also included the summary and benefits of coverage for plan 2.

The total estimated City 2019 annual cost is \$1,467,227.63.

### Health Insurance Plan Information

Plan 2	Employer Monthly	Employer Annual	Employee Monthly	Employee Annual	Total Annual
Single	\$563.68	\$6,764.21	\$80.53	\$966.32	\$7,730.53
EE/Child	\$1,014.62	\$12,175.49	\$144.95	\$1,739.36	\$13,914.85
EE/Spouse	\$1,127.36	\$13,528.31	\$161.05	\$1,932.62	\$15,460.93
Family	\$1,691.04	\$20,292.51	\$241.58	\$2,898.93	\$23,191.44

Deductible \$250/\$500, Coverage 90%/10%, OOPM \$600/\$1,200

Plan 3	Employer Monthly	Employer Annual	Employee Monthly	Employee Annual	Total Annual
Single	\$545.50	\$6,546.02	\$77.93	\$935.15	\$7,481.17
EE/Child	\$981.90	\$11,782.79	\$140.27	\$1,683.26	\$13,466.05
EE/Spouse	\$1,090.99	\$13,091.93	\$155.86	\$1,870.28	\$14,962.21
Family	\$1,636.50	\$19,637.94	\$233.79	\$2,805.42	\$22,443.36

Deductible \$500/\$1,000, Coverage 90%/10%, OOPM \$1,750/\$3,500

Health Savings Account	Employer Monthly	Employer Annual	Employee Monthly	Employee Annual	Total Annual
Single	\$590.95	\$7,091.34	\$70.14	\$841.62	\$7,932.96
EE/Child	\$1,050.37	\$12,604.48	\$126.24	\$1,514.93	\$14,119.41
EE/Spouse	\$1,148.57	\$13,782.79	\$140.27	\$1,683.26	\$15,466.05
Family	\$1,639.51	\$19,674.13	\$210.41	\$2,524.88	\$22,199.01

Deductible \$3,000/\$6,000, Coverage 80%/20%, OOPM \$6,550/\$13,100

City contributes \$1,200 Single and \$2,000 for health savings account plans per year.

- City's share is 87.50% and employee's share is 12.50%
- Every 1% off of our renewal is approximately \$18,000 reduction.
- 98% of employees are on Plan 2
- Total Estimated City Annual Cost \$1,467,227.63



: BUCKEYE OHIO RISK MANAGEMENT ASSOCIATION BENEFITS  
POOL, INC. : Aetna Choice® POS II - Standard Plan 2

Coverage for: Individual + Family | Plan Type: POS



The Summary of Benefits and Coverage (SBC) document will help you choose a health plan. The SBC shows you how you and the plan would share the cost for covered health care services. **NOTE: Information about the cost of this plan (called the premium) will be provided separately. This is only a summary.** For more information about your coverage, or to get a copy of the complete terms of coverage, [www.HealthReformPlanSBC.com](http://www.HealthReformPlanSBC.com) or by calling 1-800-370-4526. For general definitions of common terms, such as allowed amount, balance billing, coinsurance, copayment, deductible, provider, or other underlined terms see the Glossary. You can view the Glossary at <https://www.healthcare.gov/sbc-glossary/> or call 1-800-370-4526 to request a copy.

Important Questions	Answers	Why This Matters:
<b>What is the overall deductible?</b>	<u>Network</u> : Individual \$250 / Family \$500. Out-of-Network: Individual \$500 / Family \$1,000.	Generally, you must pay all of the costs from <u>providers</u> up to the <u>deductible</u> amount before this <u>plan</u> begins to pay. If you have other family members on the <u>plan</u> , each family member must meet their own individual <u>deductible</u> until the total amount of <u>deductible</u> expenses paid by all family members meets the overall family <u>deductible</u> .
<b>Are there services covered before you meet your deductible?</b>	Yes. Emergency care; plus in- <u>network</u> office visits, <u>prescription drugs</u> & <u>preventive care</u> are covered before you meet your <u>deductible</u> .	This <u>plan</u> covers some items and services even if you haven't yet met the <u>deductible</u> amount. But a <u>copayment</u> or <u>coinsurance</u> may apply. For example, this <u>plan</u> covers certain <u>preventive services</u> without <u>cost sharing</u> and before you meet your <u>deductible</u> . See a list of covered <u>preventive services</u> at <a href="https://www.healthcare.gov/coverage/preventive-care-benefits/">https://www.healthcare.gov/coverage/preventive-care-benefits/</a>
<b>Are there other deductibles for specific services?</b>	No.	You don't have to meet <u>deductibles</u> for specific services.
<b>What is the out-of-pocket limit for this plan?</b>	<u>Network</u> : Individual \$600 / Family \$1,200. Out-of-Network: Individual \$1,200 / Family \$2,400. <u>Prescription drugs</u> : Individual \$6,250 / Family \$12,500.	The <u>out-of-pocket limit</u> is the most you could pay in a year for covered services. If you have other family members in this <u>plan</u> , they have to meet their own <u>out-of-pocket limits</u> until the overall family <u>out-of-pocket limit</u> has been met.
<b>What is not included in the out-of-pocket limit?</b>	<u>Premiums</u> , <u>balance-billing</u> charges, health care this <u>plan</u> doesn't cover & penalties for failure to obtain <u>pre-authorization</u> for services.	Even though you pay these expenses, they don't count toward the <u>out-of-pocket limit</u> .
<b>Will you pay less if you use a network provider?</b>	Yes. See <a href="http://www.aetna.com/docfind">www.aetna.com/docfind</a> or call 1-800-370-4526 for a list of in- <u>network</u> providers.	This <u>plan</u> uses a <u>provider network</u> . You will pay less if you use a <u>provider</u> in the <u>plan's network</u> . You will pay the most if you use an <u>out-of-network</u> provider, and you might receive a bill from a <u>provider</u> for the difference between the <u>provider's</u> charge and what your <u>plan</u> pays ( <u>balance billing</u> ). Be aware, your <u>network provider</u> might use an <u>out-of-network</u> provider for some services (such as lab work). Check with your <u>provider</u> before you get services.
<b>Do you need a referral to see a specialist?</b>	No.	You can see the <u>specialist</u> you choose without a <u>referral</u> .



All **copayment** and **coinsurance** costs shown in this chart are after your **deductible** has been met, if a **deductible** applies.

Common Medical Event	Services You May Need	What You Will Pay		Limitations, Exceptions, & Other Important Information
		Network Provider (You will pay the least)	Out-of-Network Provider (You will pay the most)	
<b>If you visit a health care <u>provider's</u> office or clinic</b>	Primary care visit to treat an injury or illness	\$10 <u>copay</u> /visit, <u>deductible</u> doesn't apply, except 10% <u>coinsurance</u> for office surgery	30% <u>coinsurance</u>	None
	<u>Specialist</u> visit	\$25 <u>copay</u> /visit, <u>deductible</u> doesn't apply, except 10% <u>coinsurance</u> for office surgery	30% <u>coinsurance</u>	None
	<u>Preventive care</u> / <u>screening</u> /immunization	No charge	30% <u>coinsurance</u>	You may have to pay for services that aren't preventive. Ask your <u>provider</u> if the services needed are preventive. Then check what your <u>plan</u> will pay for.
<b>If you have a test</b>	<u>Diagnostic test</u> (x-ray, blood work)	10% <u>coinsurance</u>	30% <u>coinsurance</u>	None
	Imaging (CT/PET scans, MRIs)	10% <u>coinsurance</u>	30% <u>coinsurance</u>	None
<b>If you need drugs to treat your illness or condition</b>  More information about <u>prescription drug coverage</u> is available at <a href="http://www.aetnapharmacy.com/premierplus">www.aetnapharmacy.com/premierplus</a>	Generic drugs	<u>Copay</u> /prescription, <u>deductible</u> doesn't apply: \$5 (retail), \$12.50 (mail order)	Not covered	Covers 30 day supply (retail), 31-90 day supply (mail order). Includes contraceptive drugs & devices obtainable from a pharmacy. No charge for <u>formulary</u> generic FDA-approved women's contraceptives in- <u>network</u> . Review your <u>formulary</u> for prescriptions requiring precertification or step therapy for coverage. Your cost will be higher for choosing Brand over Generics.
	Preferred brand drugs	<u>Copay</u> /prescription, <u>deductible</u> doesn't apply: \$15 (retail), \$37.50 (mail order)	Not covered	
	Non-preferred brand drugs	<u>Copay</u> /prescription, <u>deductible</u> doesn't apply: \$30 (retail), \$75 (mail order)	Not covered	



Common Medical Event	Services You May Need	What You Will Pay		Limitations, Exceptions, & Other Important Information
		Network Provider (You will pay the least)	Out-of-Network Provider (You will pay the most)	
Premier Plus Formulary	Specialty drugs	Copay/prescription, deductible doesn't apply: \$125	Not covered	First prescription fill at a retail pharmacy or specialty pharmacy. Subsequent fills must be through the Aetna Specialty Pharmacy Network.
If you have outpatient surgery	Facility fee (e.g., ambulatory surgery center)	10% coinsurance	30% coinsurance	None
	Physician/surgeon fees	10% coinsurance	30% coinsurance	None
If you need immediate medical attention	Emergency room care	\$250 copay/visit, deductible doesn't apply	\$250 copay/visit, deductible doesn't apply	10% coinsurance after \$250 copay/visit, deductible doesn't apply for in-network & 30% coinsurance for out-of-network non-emergency use.
	Emergency medical transportation	10% coinsurance	10% coinsurance	30% coinsurance for non-emergency transport.
	Urgent care	\$40 copay/visit, deductible doesn't apply	30% coinsurance	None
If you have a hospital stay	Facility fee (e.g., hospital room)	10% coinsurance	30% coinsurance	Penalty of 50% of allowed amount for failure to obtain pre-authorization for out-of-network care.
	Physician/surgeon fees	10% coinsurance	30% coinsurance	None
If you need mental health, behavioral health, or substance abuse services	Outpatient services	Office: \$25 copay/visit, deductible doesn't apply; other outpatient services: no charge	Office & other outpatient services: 30% coinsurance	None
	Inpatient services	10% coinsurance	30% coinsurance	Penalty of 50% of allowed amount for failure to obtain pre-authorization for out-of-network care.
If you are pregnant	Office visits	No charge	30% coinsurance	Cost sharing does not apply for preventive services. Maternity care may include tests and services described elsewhere in the SBC (i.e. ultrasound). Penalty of 50% of allowed amount for failure to obtain pre-authorization for out-of-network care may apply.
	Childbirth/delivery professional services	10% coinsurance	30% coinsurance	
	Childbirth/delivery facility services	10% coinsurance	30% coinsurance	
If you need help recovering or have other special	Home health care	10% coinsurance	30% coinsurance	50 visits/calendar year. Penalty of 50% of allowed amount for failure to obtain pre-authorization for out-of-network care.

Common Medical Event	Services You May Need	What You Will Pay		Limitations, Exceptions, & Other Important Information
		Network Provider (You will pay the least)	Out-of-Network Provider (You will pay the most)	
<b>health needs</b>	<u>Rehabilitation services</u>	\$25 <u>copay/visit</u> , <u>deductible</u> doesn't apply	30% <u>coinsurance</u>	30 visits/calendar year for Physical, Occupational & Speech Therapy combined, including outpatient hospital services.
	<u>Habilitation services</u>	Not covered	Not covered	Not covered.
	<u>Skilled nursing care</u>	10% <u>coinsurance</u>	30% <u>coinsurance</u>	100 days/calendar year. Penalty of 50% of <u>allowed amount</u> for failure to obtain <u>pre-authorization</u> for out-of-network care.
	<u>Durable medical equipment</u>	10% <u>coinsurance</u>	30% <u>coinsurance</u>	Limited to 1 <u>durable medical equipment</u> for same/similar purpose. Excludes repairs for misuse/abuse.
	<u>Hospice services</u>	10% <u>coinsurance</u>	30% <u>coinsurance</u>	180 days/lifetime for inpatient & outpatient combined. Penalty of 50% of <u>allowed amount</u> for failure to obtain <u>pre-authorization</u> for out-of-network care.
<b>If your child needs dental or eye care</b>	Children's eye exam	Not covered	Not covered	Not covered.
	Children's glasses	Not covered	Not covered	Not covered.
	Children's dental check-up	Not covered	Not covered	Not covered.

**Excluded Services & Other Covered Services:**

Services Your <u>Plan</u> Generally Does NOT Cover (Check your policy or <u>plan</u> document for more information and a list of any other <u>excluded services</u> .)		
<ul style="list-style-type: none"> <li>Acupuncture</li> <li>Bariatric surgery</li> <li>Cosmetic surgery</li> <li>Dental care (Adult &amp; Child)</li> </ul>	<ul style="list-style-type: none"> <li>Glasses (Child)</li> <li>Habilitation services</li> <li>Long-term care</li> <li>Non-emergency care when traveling outside the U.S.</li> </ul>	<ul style="list-style-type: none"> <li>Routine eye care (Adult &amp; Child)</li> <li>Routine foot care</li> <li>Weight loss programs - Except for required preventive services.</li> </ul>

<b>Other Covered Services (Limitations may apply to these services. This isn't a complete list. Please see your <u>plan</u> document.)</b>
--

- Chiropractic care - 24 visits/calendar year.
- Hearing aids - \$2,500 maximum/36 months.
- Infertility treatment - Limited to the diagnosis & treatment of underlying medical condition.
- Private-duty nursing - \$2,500 maximum/calendar year.

#### Your Rights to Continue Coverage:

There are agencies that can help if you want to continue your coverage after it ends. The contact information for those agencies is:

- For more information on your rights to continue coverage, contact the plan at 1-800-370-4526.
- If your group health coverage is subject to ERISA, you may also contact the Department of Labor's Employee Benefits Security Administration at 1-866-444-EBSA (3272) or : <https://www.dol.gov/agencies/ebsa>
- For non-federal governmental group health plans, you may also contact the Department of Health and Human Services, Center for Consumer Information and Insurance Oversight, at 1-877-267-2323 x61565 or [www.cciio.cms.gov](http://www.cciio.cms.gov).
- If your coverage is a church plan, church plans are not covered by the Federal COBRA continuation coverage rules. If the coverage is insured, individuals should contact their State insurance regulator regarding their possible rights to continuation coverage under State law.

Other coverage options may be available to you too, including buying individual insurance coverage through the Health Insurance Marketplace. For more information about the Marketplace, visit [www.HealthCare.gov](http://www.HealthCare.gov) or call 1-800-318-2596.

#### Your Grievance and Appeals Rights:

There are agencies that can help if you have a complaint against your plan for a denial of a claim. This complaint is called a grievance or appeal. For more information about your rights, look at the explanation of benefits you will receive for that medical claim. Your plan documents also provide complete information to submit a claim, appeal, or a grievance for any reason to your plan. For more information about your rights, this notice, or assistance, contact:

- Aetna directly by calling the toll free number on your Medical ID Card, or by calling our general toll free number at 1-800-370-4526.
- If your group health coverage is subject to ERISA, you may also contact the Department of Labor's Employee Benefits Security Administration at 1-866-444-EBSA (3272) or <https://www.dol.gov/agencies/ebsa>
- For non-federal governmental group health plans, you may also contact the Department of Health and Human Services, Center for Consumer Information and Insurance Oversight, at 1-877-267-2323 x61565 or [www.cciio.cms.gov](http://www.cciio.cms.gov).
- Additionally, a consumer assistance program can help you file your appeal. Contact information is at: <http://www.aetna.com/individuals-families-health-insurance/rights-resources/complaints-grievances-appeals/index.html>.

#### Does this plan provide Minimum Essential Coverage? **Yes.**

If you don't have Minimum Essential Coverage for a month, you'll have to make a payment when you file your tax return unless you qualify for an exemption from the requirement that you have health coverage for that month.

#### Does this plan meet Minimum Value Standards? **Yes.**

If your plan doesn't meet the Minimum Value Standards, you may be eligible for a premium tax credit to help you pay for a plan through the Marketplace.

-----To see examples of how this plan might cover costs for a sample medical situation, see the next section.-----



## About these Coverage Examples:



**This is not a cost estimator.** Treatments shown are just examples of how this plan might cover medical care. Your actual costs will be different depending on the actual care you receive, the prices your providers charge, and many other factors. Focus on the cost sharing amounts (deductibles, copayments and coinsurance) and excluded services under the plan. Use this information to compare the portion of costs you might pay under different health plans. Please note these coverage examples are based on self-only coverage.

### Peg is Having a Baby

(9 months of in-network pre-natal care and a hospital delivery)

■ The <u>plan's</u> overall <u>deductible</u>	\$250
■ <u>Specialist</u> <u>copayment</u>	\$25
■ Hospital (facility) <u>coinsurance</u>	10%
■ Other <u>coinsurance</u>	10%

#### This EXAMPLE event includes services like:

Specialist office visits (*prenatal care*)  
 Childbirth/Delivery Professional Services  
 Childbirth/Delivery Facility Services  
 Diagnostic tests (*ultrasounds and blood work*)  
 Specialist visit (*anesthesia*)

<b>Total Example Cost</b>	<b>\$12,800</b>
<b>In this example, Peg would pay:</b>	
<i>Cost Sharing</i>	
Deductibles	\$250
Copayments	\$0
Coinsurance	\$400
<i>What isn't covered</i>	
Limits or exclusions	\$60
<b>The total Peg would pay is</b>	<b>\$710</b>

### Managing Joe's type 2 Diabetes

(a year of routine in-network care of a well-controlled condition)

■ The <u>plan's</u> overall <u>deductible</u>	\$250
■ <u>Specialist</u> <u>copayment</u>	\$25
■ Hospital (facility) <u>coinsurance</u>	10%
■ Other <u>coinsurance</u>	10%

#### This EXAMPLE event includes services like:

Primary care physician office visits (*including disease education*)  
 Diagnostic tests (*blood work*)  
 Prescription drugs  
 Durable medical equipment (*glucose meter*)

<b>Total Example Cost</b>	<b>\$7,400</b>
<b>In this example, Joe would pay:</b>	
<i>Cost Sharing</i>	
Deductibles	\$100
Copayments	\$500
Coinsurance	\$0
<i>What isn't covered</i>	
Limits or exclusions	\$20
<b>The total Joe would pay is</b>	<b>\$620</b>

### Mia's Simple Fracture

(in-network emergency room visit and follow up care)

■ The <u>plan's</u> overall <u>deductible</u>	\$250
■ <u>Specialist</u> <u>copayment</u>	\$25
■ Hospital (facility) <u>coinsurance</u>	10%
■ Other <u>coinsurance</u>	10%

#### This EXAMPLE event includes services like:

Emergency room care (*including medical supplies*)  
 Diagnostic test (*x-ray*)  
 Durable medical equipment (*crutches*)  
 Rehabilitation services (*physical therapy*)

<b>Total Example Cost</b>	<b>\$1,900</b>
<b>In this example, Mia would pay:</b>	
<i>Cost Sharing</i>	
Deductibles	\$250
Copayments	\$300
Coinsurance	\$30
<i>What isn't covered</i>	
Limits or exclusions	\$0
<b>The total Mia would pay is</b>	<b>\$580</b>

Note: These numbers assume the patient does not participate in the plan's wellness program. If you participate in the plan's wellness program, you may be able to reduce your costs. For more information about the wellness program, please contact: 1-800-370-4526.



*City of Napoleon*

**FINANCE AND BUDGET COMMITTEE**

**MAJORITY REPORT**

Monday, March 25, 2019

The Finance and Budget Committee met on Monday, March 25, 2019 and recommend City Council:

1. Approve the First Quarter Budget Adjustments as presented.

\_\_\_\_\_  
Joseph D. Bialorucki, Chair

\_\_\_\_\_  
Jeff Comadoll, Committee

\_\_\_\_\_  
Ken Haase, Committee

\_\_\_\_\_  
Jason Maassel, Committee

2019 APPROPRIATION BUDGET - SUPPLEMENTAL BUDGET ADJUSTMENT				
BUDGET SUMMARY BY FUND, DEPARTMENT AND CATEGORY				
	2019 SUPPLEMENTAL BUDGET ADJUSTMENT			2019
ORDINANCE No. 000-19, Passed 00/00/2019	PERSONAL			FUND
FUND/DEPARTMENT-1ST QUARTER ADJUSTMENT	SERVICES	OTHER	TOTAL	TOTAL
<b>100 GENERAL FUND</b>				
2200 Fire/Safety Services	\$0	\$1,064.77	\$1,064.77	
	-----	-----	-----	
<b>Total - 100 General Fund</b>	<b>\$0</b>	<b>\$1,064.77</b>	<b>\$1,064.77</b>	<b>\$1,064.77</b>
	=====	=====	=====	
<b>170 MUNICIPAL INCOME TAX FUND</b>				
1510 Finance/Income Tax Collection	\$7,060.00	-\$7,060.00	\$0.00	\$0.00
	=====	=====	=====	
<b>275 MUNICIPAL PROBATION SERVICE FUND</b>				
1810 Municipal Court/Probation Department	\$0	\$53.35	\$53.35	\$53.35
	=====	=====	=====	
<b>288 JUSTICE REINVESTMENT INCENTIVE GRANT</b>				
1810 Municipal Court/Probation Department	\$65.08	\$0.00	\$65.08	\$65.08
	=====	=====	=====	
<b>503 ELECTRIC DEVELOPMENT FUND</b>				
6110 Electric/Operation,Dist. System	\$0.00	\$95,260.00	\$95,260.00	\$95,260.00
	=====	=====	=====	
	-----	-----	-----	-----
<b>* GRAND TOTAL - ALL FUNDS</b>	<b>\$7,125.08</b>	<b>\$89,318.12</b>	<b>\$96,443.20</b>	<b>\$96,443.20</b>
	=====	=====	=====	=====

<b>2019 APPROPRIATION BUDGET - SUPPLEMENTAL BUDGET ADJUSTMENT</b>				
<b>BUDGET SUMMARY BY FUND, DEPARTMENT AND CATEGORY</b>				
	<b>2019 SUPPLEMENTAL BUDGET ADJUSTMENT</b>			<b>2019</b>
<i>ORDINANCE No. 000-19, Passed 00/00/2019</i>	<b>PERSONAL</b>			<b>FUND</b>
<b>FUND/DEPARTMENT-1ST QUARTER ADJUSTMENT</b>	<b>SERVICES</b>	<b>OTHER</b>	<b>TOTAL</b>	<b>TOTAL</b>
<b>100 GENERAL FUND</b>				
2200 Fire/Safety Services	\$0	\$1,064.77	\$1,064.77	
<b>- 2200 Fire/Safety Services - Brick &amp; Brew 2019 Fire Reimbursement to replace six (6) buckets of F-500 used - 2018 Fire</b>				
Accounts - 100.2200.54240 Service Fees-Consulting		\$1,064.77		
	=====	=====	=====	
<b>Total - 100 General Fund</b>	<b>\$0</b>	<b>\$1,064.77</b>	<b>\$1,064.77</b>	<b>\$1,064.77</b>
	=====	=====	=====	
<b>170 MUNICIPAL INCOME TAX FUND</b>				
1510 Finance/Income Tax Collection	\$7,060.00	-\$7,060.00	\$0.00	\$0.00
	=====	=====	=====	
<b>- 1510 Finance/Income Tax Coll - Additional for Salary Seasonal person, not in Original 2019 Budget - net zero:</b>				
Accounts - 170.1510.51190 Salary Seasonal	\$7,060.00			
Accounts - 170.1510.59010 Refunds - Income Tax		-\$7,060.00		
<b>275 MUNICIPAL PROBATION SERVICE FUND</b>				
1810 Municipal Court/Probation Department	\$0	\$53.35	\$53.35	\$53.35
	=====	=====	=====	
<b>- 1810 Mun.Court/Prob.Dept. - Additional for Grant - did not get carried over into 2019, Grant to be Closed - \$53.35:</b>				
Accounts - 275.1810.53390 Serv. Fee-Professional		\$53.35		
<b>288 JUSTICE REINVESTMENT INCENTIVE GRANT</b>				
1810 Municipal Court/Probation Department	\$65.08	\$0	\$65.08	\$65.08
	=====	=====	=====	
<b>- 1810 Mun.Court/Prob.Dept. - Additional for Supplies-Operating Materials - \$65.08:</b>				
Accounts - 288.1810.51100 Salaries Non Bargaining		\$65.08		
<b>503 ELECTRIC DEVELOPMENT FUND</b>				
6110 Electric/Operation, Dist. System	\$0.00	\$95,260	\$95,260.00	\$95,260.00
	=====	=====	=====	
<b>- 6110 Electri/Oper Dist Sys. - Additional amount needed for Solar Field Debt Pay Off - Building and Improvements - \$95,260.00</b>				
Accounts - 503.6110.57200 Building and Improvements		\$95,260.00		
<b>* GRAND TOTAL - ALL FUNDS</b>	<b>\$7,125.08</b>	<b>\$89,318.12</b>	<b>\$96,443.20</b>	<b>\$96,443.20</b>
	=====	=====	=====	=====



# *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:** *Billy D. Harmon, Law Director*  
**Date:** *March 20, 2019*  
**Subject:** *ODOT Winter Salt Contract (018-20) ~ Resolution  
Authorizing Participation*

Please request that Council direct the Law Director to draft the appropriate legislation to allow the City to participate in the ODOT Road Salt Contracts awarded in 2019. Legislation is due to the state by April 19, 2019, so I am requesting an Emergency Clause and Suspension of the Rules once this legislation is brought to Council.

*CEL*

**NAPOLEON POLICE OFFICERS ASSOC**

05-05

1172

PO BOX 717

NAPOLEON, OH 43545

56-7816/2412

March 18, 2019

Date

Pay to the  
Order of

City of Napoleon

\$ 2000.00

Two-Thousand and 00/100

Dollars



Photo  
Safe  
Deposit  
Details on back

**Midwest  
Community**  
Federal Credit Union  
Your Lifetime Banking Partner

For

Donation for K9 program

Ray K. Walker



# *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*  
*Chris Peddicord, Interim Finance Director*  
**Date:** *March 29, 2019*  
**Subject:** *Downtown Improvements Phase II ~ Parking Schedule Updates*

Please request that Council direct the Law Director to draft the appropriate legislation to update the parking schedule contained in the Codified Ordinances. My staff has compiled a list of the changes and will provide these changes to the Law Department. These updates need to be made to allow the enforcement of the parking regulations in the project area.

*CEL*



# City of Napoleon, Ohio

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

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

## Memorandum

**To:** City Council, Mayor, City Manager, City Law  
Director, Interim Finance Director, Department  
Supervisors, Newsmedia

**From:** Roxanne Dietrich, Interim Clerk of Council

**Date:** March 28, 2019

**Subject:** Technology and Communications Committee –  
Cancellation

The regularly scheduled meeting of the **Technology and Communications Committee** for Monday, April 1, 2019 at 6:15 pm has been CANCELED due to lack of agenda items.