

GENERAL INFORMATION

September 03, 2019

CALENDAR

CITY COUNCIL MEETING AGENDA ~ Tuesday, September 03, 2019 @7:00 pm

PRESENTATION OF AUDITOR OF STATE AWARD

Lori Brodie, Northwest Regional Liaison for Ohio Auditor of State Keith Faber's office, will be at the meeting to make the presentation.

APPROVAL OF MINUTES

August 19, 2019 Regular Council Meeting Minutes.

INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **Motion** to Remove Council Direction to the Law Director to Draft Legislation Regarding Support of the OML Amicus Brief.
2. **Resolution No. 056-19**, a Resolution Amending Certain City Finance Department Ordinances, as they Pertain to the Type of Financial Transaction Language; and Declaring an Emergency
3. **Ordinance No. 057-19**, an Ordinance Authorizing the Appropriation and Expenditure of Funds, as well as Authorizing the City Manager to Execute any and all Documents Necessary to Acquire Certain Land Located within the City of Napoleon, Ohio; and Declaring an Emergency. (Suspension Requested)
4. **Ordinance No. 058-19**, an Ordinance Authorizing the Appropriation and Expenditure of Funds, as well as Authorizing the City Manager to Execute any and all Documents Necessary to Acquire Certain Land Located within the City of Napoleon, Ohio; and Declaring an Emergency. (Suspension Requested)
5. **Ordinance No. 059-19**, an Ordinance Authorizing the Appropriation and Expenditure of Funds, as well as Authorizing the City Manager to Execute any and all Documents Necessary to Acquire Certain Land Located within the City of Napoleon, Ohio; and Declaring an Emergency. (Suspension Requested)

SECOND READINGS OF ORDINANCES AND RESOLUTIONS.

1. **Ordinance No. 052-19**, an Ordinance Approving the ODOT Bridge Inspection Program Renewal; and Declaring an Emergency.
2. **Ordinance No. 055-19**, an Ordinance Supplementing the Annual Appropriation Measure (Supplement No. 5) for the Year 2019; and Declaring an Emergency.

THIRD READINGS OF ORDINANCES AND RESOLUTIONS.

1. **Ordinance No. 050-19**, an Ordinance Approving Current May 2019 Replacement Pages to the City of Napoleon Codified Ordinances.

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

1. **Discussion/Action:** Recommendation from Planning Commission to Approve PC 19-07 - City Updated Master Plan with Verbiage Changes to Sustainability.
 - a) Glenn Grisdale from Reveille has a presentation he will be giving at the meeting. A copy of the draft minutes from the Planning Commission meeting on August 27th are enclosed.

2. **Discussion/Action:** Recommendation to Council for the draft ordinance as written for Low-Speed, Under-Speed and Utility Vehicles with the Requirement for Seat Belts Added but Not in the Inspection Portion, to Restrict the Area on Scott Street North of Lagrange and have 35 mph instead of 25 mph.
 - a) Enclosed is a copy of the draft ordinance, a Memorandum from Chief Mack and a draft copy of the minutes from the Safety and Human Resources Committee meeting on August 26th.
3. **Discussion/Action:** Recommendation to Council for Henry County Humane Society Plan D for Feral Cats.
 - a) Along with a draft copy of the Ordinance, also enclosed is a copy of the plan options the Henry County Humane Society had put together and presented to the Safety and Human Resources Committee.
4. **Discussion/Action:** Changing City Bills for Customers that Pay the Henry County Water Sewer District Assessment to Reflect the Amount of Assessment that is Paid.
5. **Discussion/Action:** Approve Purchase of a Terex Line Truck from Sourcewell for the Electric Department.
6. **Discussion/Action:** Application for ODNR Forestry MARCS Surplus Radio Assignment Opportunity Grant.
7. **Discussion/Action:** American Road Holdings, LLC d.b.a. Paul Martin & Sons CRA Agreement (request Law Director to Draft Legislation).
 - a) Attached is a letter from the CIC Director, April Welch, and also a copy of the CRA Agreement.
8. **Discussion/Action:** Pole Attachment Agreement with Okolona Telephone Co./bright.net (refer to Committee and BOPA).
9. **Discussion/Action:** Henry County Transportation Network: Proposal for Additional Vehicle in Napoleon. (refer to Committee).

INFORMATIONAL ITEMS

1. CANCELED – Technology and Communications Committee meeting
2. Press Release – Refuse and Recycling Route Schedules for Labor Day Week
3. OML Legislative Bulletin/August 30, 2019
4. AMP Newsletter/August 23, 2019

September 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 Labor Day	3 7:00 pm City Council	4	5	6	7
	CITY OFFICES CLOSED					
8	9 6:15 pm Electric Comm. 6:15 pm BOPA 7:00 pm Water/Sewer Comm 7:30 pm Muni Prop Comm.	10 4:30 pm BZA 5:00 pm Planning Comm.	11	12 8:00 am Health Care Cost Committee	13	14
15	16 6:00 pm Park & Rec Comm. 6:00 pm Tree Commission 7:00 pm City Council	17	18	19	20	21
22	23 Fall begins 6:30 pm Finance & Budget 7:30 pm Safety & HR Comm	24 4:30 pm Civil Service	25 6:30 pm Park & Rec Bd.	26 Rox - Vacation Days	27	28
29	30 5th Monday-No Scheduled Meetings Rox Vacation Day	Notes: <div></div>				

City of Napoleon, Ohio

CITY COUNCIL

MEETING AGENDA

Tuesday, September 03, 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. Presentation of Auditor of State Award

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

1. August 19, 2019 Regular Council Meeting Minutes.

E. Citizen Communication

F. Reports from Council Committees

1. **Finance and Budget Committee** did not meet on August 26, 2019 due to lack of agenda items.
2. **Safety and Human Resources Committee** met on August 26, 2019; and Recommended to Council:
 - a. the draft ordinance as written for low-speed, under-speed and utility vehicles as Written with the Requirement for Seat Belts added but not in the inspection portion, to Restrict the Area on Scott Street North of Lagrange and have 35 mph instead of 25 mph.
 - b. Henry County Humane Society's Plan D for Feral Cats.
3. **Technology and Communications Committee** did not meet earlier tonight due to lack of agenda items.

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

1. **Tree Commission** had a Special Meeting on Monday, August 26, 2019 for a tour of North Branch Nursery.
2. **Planning Commission** met on Tuesday, August 27, 2019; and recommended:
 - a. Council Approve PC 19-07 Updated City Master Plan with Understanding there will be Verbiage Changes Pertaining to Sustainability.
3. **Civil Service Commission** did not meet on August 27, 2019 due to lack of agenda items.
4. **Parks and Rec Board** met on Wednesday, August 28, 2019 with the agenda items:
 - a. Discussion on the Aquatic Center Design
 - b. Update on Recreation Programs and Capital Improvements.

H. Introduction of New Ordinances and Resolutions

1. **Motion** to Remove Council Direction to the Law Director to Draft Legislation Regarding Support of the OML Amicus Brief.
2. **Resolution No. 056-19**, a Resolution Amending Certain City Finance Department Ordinances, as they Pertain to the Type of Financial Transaction Language; and Declaring an Emergency
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I. Second Readings of Ordinances and Resolutions

1. **Ordinance No. 052-19**, an Ordinance Approving the ODOT Bridge Inspection Program Renewal; and Declaring an Emergency.
2. **Ordinance No. 055-19**, an Ordinance Supplementing the Annual Appropriation Measure (Supplement No. 5) for the Year 2019; and Declaring an Emergency.

J. Third Readings of Ordinances and Resolutions

1. **Ordinance No. 050-19**, an Ordinance Approving Current May 2019 Replacement Pages to the City of Napoleon Codified Ordinances.

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

1. **Discussion/Action:** Recommendation from Planning Commission to Approve PC 19-07 - City Updated Master Plan with Verbiage Changes to Sustainability.
2. **Discussion/Action:** Recommendation to Council for the draft ordinance as written for Low-Speed, Under-Speed and Utility Vehicles with the Requirement for Seat Belts Added but Not in the Inspection Portion, to Restrict the Area on Scott Street North of Lagrange and have 35 mph instead of 25 mph.
3. **Discussion/Action:** Recommendation to Council for Henry County Humane Society Plan D for Feral Cats.
4. **Discussion/Action:** Changing City Bills for Customers that Pay the Henry County Water Sewer District Assessment to Reflect the Amount of Assessment that is Paid.
5. **Discussion/Action:** Approve Purchase of a Terex Line Truck from Sourcewell for the Electric Department.
6. **Discussion/Action:** Application for ODNR Forestry MARCS Surplus Radio Assignment Opportunity Grant.
7. **Discussion/Action:** American Road Holdings, LLC d.b.a. Paul Martin & Sons CRA Agreement (request Law Director to Draft Legislation).
8. **Discussion/Action:** Pole Attachment Agreement with Okolona Telephone Co./bright.net (refer to Committee and BOPA).
9. **Discussion/Action:** Henry County Transportation Network: Proposal for Additional Vehicle in Napoleon. (refer to Committee).

L. Executive Session. (as needed)

M. Approve Payment of Bills. (In the absence of any objections or corrections, the payment of bills shall stand approved.)

N. Adjournment.



Roxanne Dietrich
Interim Clerk of Council

City of Napoleon, Ohio
City Council
MEETING MINUTES

Monday, August 19, 2019 at 7:00 pm

PRESENT	
Councilmembers	Joseph D. Bialorucki-Council President, Daniel L. Baer-Council President Pro-Tem, Jeff Comadoll, Jeff Mires, Lori Siclair, Ken Haase
Mayor	Jason P. Maassel
City Manager	Joel L. Mazur
City Law Director	Billy D. Harmon
City Finance Director	Kelly O'Boyle
City Staff	Lt. Greg Smith, Chad E. Lulfs-P.E., P.S., Director of Public Works, Tony Cotter-Parks and Rec Director
Recording Secretary	Roxanne Dietrich
Others	News Media
ABSENT	
Councilmember	Travis Sheaffer
Call to Order	Council President Bialorucki called the meeting to order at 7:00 pm with the Lord's Prayer followed by the Pledge of Allegiance.
Approval of Minutes	Hearing no objections or corrections, the minutes from the August 5, 2019 Regular Council Meeting stand approved as presented.
Citizen Communication	None.
Committee Reports	The August 12, 2019 Electric Committee meeting was canceled at the direction of the Chair. Water, Sewer, Refuse, Recycling and Litter Committee did not meet on August 12, 2019 due to lack of agenda items. Due to a lack of agenda items, the Municipal Properties, Building, Land Use and Economic Development Committee did not meet on August 12, 2019. Parks and Rec Committee did not meet earlier this evening due to lack of agenda items.
Introduction of Ordinance No. 052-19 ODOT Bridge Inspection	Council President Bialorucki read by title, Ordinance No. 052-19 , an Ordinance Approving the ODOT Bridge Inspection Program Renewal; and Declaring an Emergency.
Motion to Approve First Read of 052-19	Motion: Siclair Second: Comadoll to approve First Read of Ordinance No. 052-19.
Discussion	Mazur reported ODOT requires consent to work in our jurisdiction, this is for next year's bridge inspections; since the work is for next year suspension is not requested unless Council wants to.

Motion to Suspend the Rules on 052-19	Motion: Comadoll to suspend the rule requiring three readings of Ordinance No. 052-19:	Second: Bialorucki
Failed	Roll call vote on the above motion:	
Yea-3	Yea-Comadoll, Bialorucki, Haase	
Nay-3	Nay-Baer, Mires, Siclair	
Passed	Roll call vote to approve First Read of Ordinance No. 052-19:	
Yea-6	Yea-Comadoll, Baer, Bialorucki, Mires, Haase, Siclair	
Nay-0	Nay-	
Introduction of Resolution No. 053-19 Apply OPWC Grant FY2020	Council President Bialorucki read by title Resolution No. 053-19 , a Resolution Authorizing the City Manager to Execute all Documents necessary to Apply for and Accept Ohio Public Works Commission State Capital Improvement Program (SCIP) and Local Transportation Improvement Program (LTIP) Funds for Projects deemed necessary by the City Engineer in the Year 2020; and Declaring an Emergency.	
Motion to Approve First Read of 053-19	Motion: Haase to approve First Read of Resolution No. 053-19.	Second: Comadoll
Discussion	Mazur stated ODOT requires this legislation for local authorities to apply for funding, suspension is requested so we can submit our application.	
Motion to Suspend the Rules on 053-19	Motion: Comadoll to suspend the rule requiring three readings of Resolution No. 053-19.	Second: Siclair
Passed	Roll call vote on the above motion:	
Yea-6	Yea-Comadoll, Baer, Bialorucki, Mires, Haase, Siclair	
Nay-0	Nay-	
Passed	Roll call vote to pass Resolution No. 053-19 under Suspension and Emergency.	
Yea-6	Yea-Comadoll, Baer, Bialorucki, Mires, Haase, Siclair	
Nay-0	Nay-	
Introduction of Resolution No. 054-19 Aquatic Center Prof. Design Services Contract Appropriating Funds	Council President Bialorucki read by title Resolution No. 054-19 , a Resolution Authorizing the Expenditure of Funds over Twenty-Five Thousand Dollars (\$25,000.00) and Authorizing the City Manager to Enter into a Contract with Peterman & Associates for the Purpose of Professional Design Services for the Project known as the City of Napoleon Aquatic Center, which was not included in the 2019 Appropriation Budget, also Authorizing Supplementing the Annual Appropriation Measure (Supplement No. 4) for the Year 2019; and Declaring an Emergency.	
Motion to Approve First Read of 054-19	Motion: Mires to approve First Read of Resolution No. 054-19.	Second: Baer

Discussion

Mazur reported this legislation is to appropriate funds and enter into a design contract for the new aquatic center. Ten proposals were submitted and of the top two contenders, Peterman had the best references, the other firm's references were not favorable. Lulfs added last Fall, the estimated cost on the pool was \$3.2 million, Peterman's cost is just over 7% which is low and includes the sole borings. The rest of the Peterman's team includes Astro Pools who are the primary pool designer in Ohio, and TP Engineering who was highly recommend by Kalahari. We would ask for suspension, since the project was not appropriated is why there is legislation, we would like to get started before the weather turns. Mazur said another reason for suspension is to meet the timeline to get the design finished and project out to bid. Lulfs stated he would like to get the word out the schedule has the new facility opening May 1, 2021, we will only have one season without a pool. Cotter said in talking with other communities about the process we were told having the right architectural team is important. My confidence level in this firm has increased after hearing comments from other communities, their pool contractor is Astro Pools who built pools for Wauseon, Bowling Green and St. Henry. More importantly, Peterman is only an hour away. We are very pleased with what they have done thus far without even being approved to be our architect yet, we are very confident with this firm. Maassel asked if we've used Peterman in town before? Lulfs replied we have used Peterman on numerous civil engineering projects, on Appian Avenue, Industrial Drive, Woodlawn, West Washington and numerous other sewer jobs. They have done a lot of underground utility and road projects we have a good working relationship with Peterman. Scott Weasel, a graduate of Napoleon, is the owner of the company and is taking on the project himself. Mazur stated we will be appropriating about \$500,000 for design and demolition. What is the timeline on the demolition? Lulfs responded it could be yet this year, we are discussing if the pool demolition will be a separate contract or if it will be combined with the main contract, we should know in about six weeks. Mazur said once we have a signed contract, we will have a meeting with the pool commission. Lulfs suggested when we are at the 40%-60% point is when input from the pool commission on some features may be needed. Cotter thought input from the pool commission will be needed more on the competition pool.

Motion to Suspend the Rules for 054-19

Motion: Mires
Second: Haase
to suspend the rule requiring three readings of Resolution No. 054-19.

Passed
Yea-6
Nay-0

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

Passed
Yea-6
Nay-0

Roll call vote to pass Resolution No. 054-19 under Suspension and Emergency.
Yea-Comadoll, Baer, Bialorucki, Mires, Haase, Siclair
Nay-

Motion to Approve August 2019 PSCAF	Motion: Comadoll Second: Siclair to approve the Power Supply Cost Adjustment Factor for August 2019 as: PSCA 3-month averaged factor \$0.02050 and JV2 \$0.022335.
Passed	Roll call vote on the above motion:
Yea-6	Yea-Comadoll, Baer, Bialorucki, Mires, Haase, Siclair
Nay-0	Nay-
Changing Bills for Henry County Water Sewer District Customers that Pay Assessment to Reflect Amount Being Paid	Mazur said he does not have any information to provide tonight. Kelly and Lori are working on detailed sheets on what the rates are for Napoleon residents and collection data from other communities that we serve. We are trying to get data to show Napoleon's water cost compared to other communities, we are hearing Napoleon is the cause of high rates. When we bill Henry County Water Sewer District customers, it is easy for us to show what portion is for Napoleon water and what portion is for Henry County Water Sewer District services. Mazur noted no action is needed tonight, unless you want something done for the next billing cycle or we can discuss it at the next Council meeting when we have more information. Maassel commented let's do it right, let's make sure we can do it.
Correction of Prior Finance Ordinances	Maassel noted the corrections are not monetary, the items were not in the right columns. O'Boyle added this is more of a housekeeping ordinance to make the corrections.
Motion to Direct Law Director to Draft Legislation	Motion: Comadoll Second: Haase to direct the Law Director to draft legislation correcting prior finance legislation.
Passed	Roll call vote on the above motion:
Yea-6	Yea-Comadoll, Baer, Bialorucki, Mires, Haase, Siclair
Nay-0	Nay-
Acquisition of Property WWTP Project Phase I	Mazur reported part of the Wastewater Treatment Plant Rehab project included acquisition of property. During the budget process, I removed the line items prior to coming to Council as I did not feel the information was accurate so I removed it until we had the accurate numbers. The attached Memorandum shows the three properties we are looking at. There are two parcels on the other side of Washington Street where it dead ends. The price negotiated to acquire the property is we have to pay the back taxes and \$3,000 for a total amount of \$14,000; the larger parcel straddles the former railroad tracks the family was holding out on the property got it to \$16,800; on the last parcel we are looking at doing a property swap to square up the parcel. For the next Water and Sewer Committee we will have the final comments on the Long Term Control Plan. Lulfs noted the NPDES permit final came in today. Mazur added this is a done deal, we got what we wanted of the \$31 million of projects we were able to select the ones we needed to do and they agreed.

Motion to Direct Law Director to Draft Legislation

**Passed
Yea-6
Nay-0**

Around the Table

Mazur

Harmon

Motion to Director Law

Director Draft Legislation

Passed
Yea-6
Nay-0

Haase

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Mires	No items.
Maassel	Driving into town from Holgate on St. Rt. 108 there is a billboard that says <i>Congratulations to Campbell's on 150 years</i> . Should we send something thanking them for being a part of our community for a long time? It was decided a letter to be signed by the Mayor and City Council will be put together.
	School starts on Wednesday or Thursday, take extra time and be more cognizant.
Bialorucki	Did Napoleon have any power outages last night? Mazur said he didn't recall getting any messages. Bialorucki continued you hear of communities all around having power outages and Napoleon very seldom has power outages. With the wind and rain we've had our Electric Department and Tree Commission are doing a really great job, I want to make sure that does not go un-noticed.
	Mazur said for the first time Napoleon will be submitting an RP3 application. It is the highest recognition you can get for reliability in the electric system. We will know how we did at the next APPA Conference.
Baer	If there is not a Finance and Budget Committee meeting next Monday night, I request the Safety and Human Resources Committee be moved to 7:00 pm.
Comadoll	Traveling around the City last night I see a new building is being put up where the Fire Department training facility is. Mazur said that is from the grant, it is a storage building/covered area from bad weather.
Sicclair	No items.
O'Boyle	No items.
Motion to go Into Executive Session Matters Req. Kept Conf.	Motion: Sicclair Second: Comadoll to go into Executive Session for Matters Required to be Kept Confidential Due to Competitive Nature of Utility.
Passed	Roll call vote on the above motion:
Yea-6	Yea-Comadoll, Baer, Bialorucki, Mires, Haase, Sicclair
Nay-0	Nay-
Motion to go Into Executive Session for Personnel/Contract Neg.	Motion: Comadoll Second: Mires to go into Executive Session for Personnel/Contract Negotiations.
Passed	Roll call vote on the above motion:
Yea-6	Yea-Comadoll, Baer, Bialorucki, Mires, Haase, Sicclair
Nay-0	Nay-

Into Executive Session	City Council went into Executive Session at 8:07 pm.
Motion to Come Out of Executive Session Matters Remain Confidential	Motion: Comadoll Second: Siclair to come out of Executive Session for Matters Required to be Kept Confidential due to Competitive Nature of Utility.
Passed Yea-6 Nay-0	Roll call vote on the above motion: Yea-Comadoll, Baer, Bialorucki, Mires, Haase, Siclair Nay-
Motion to Come Out of Executive Session Personnel Contract Neg.	Motion: Comadoll Second: Haase To come out of Executive Session for Personnel/Contract Negotiations.
Passed Yea-6 Nay-0	Roll call vote on the above motion: Yea-Comadoll, Baer, Bialorucki, Mires, Haase, Siclair Nay-
	Council President Bialorucki reported no action was taken in either Executive Session.
Out of Executive Session	City Council came out of Executive Session at 8:52 pm.
Approve Payment of Bills & Financial Reports	The bills and financial reports were approved as presented with no objections.
Motion to Adjourn	Motion: Comadoll Second: Haase to adjourn the City Council meeting.
Passed Yea-6 Nay-0	Roll call vote on the above motion: Yea-Comadoll, Baer, Siclair, Mires, Haase, Siclair Nay-
Adjournment	the City Council meeting was adjourned at 8:54 pm.
Approved:	
September 03, 2019	_____ Joseph D. Bialorucki, Council President
	_____ Jason P. Maassel, Mayor
	_____ Recording Secretary

RESOLUTION NO. 056-19

A RESOLUTION AMENDING CERTAIN CITY FINANCE DEPARTMENT ORDINANCES, AS THEY PERTAIN TO FINANCIAL TRANSACTION LANGUAGE; AND DECLARING AN EMERGENCY

WHEREAS, certain Finance Department Ordinances require amendments pertaining to the type of financial transaction language therein. **Now Therefore**,

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

Section 1. That, the following amendments to Ordinance No. 028-19 are hereby made:

The Title of Ordinance No. 028-19 shall now read as follows: AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION MEASURE (SUPPLEMENT NO. ~~2~~1) FOR THE YEAR 2019; AND DECLARING AN EMERGENCY

Section 1 of Ordinance No. 28-19 shall now read as follows: That, the annual appropriation measure passed in Ordinance No. 072-18 for the fiscal year ending December 31, 2019 shall be supplemented (Supplement No. ~~2~~1) as provided in Exhibit "A" (one page), attached hereto and made a part hereof.

The information contained in Ordinance No. 028-19, as sent to the Henry County Auditor as Amended Certificate Number 1 for the first quarter budget adjustment shall be amended to Amended Certificate Number 2 and resent upon the passage of this Resolution.

Section 2. That, Ordinance No. 039-19 shall be repealed in its entirety, and be replaced with the following language:

“ORDINANCE NO. 039-19
AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO MAKE APPROPRIATION TRANSFERS (TRANSFER OF APPROPRIATION 2) FROM RESPECTIVE FUNDS, DEPARTMENTS AND CATEGORIES TO OTHER FUNDS, DEPARTMENTS AND CATEGORIES PURSUANT TO O.R.C. SECTION 5705.40 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2019 AS LISTED IN EXHIBIT "A"; AND DECLARING AN EMERGENCY

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

WHEREAS, transfer from one appropriation item to another is necessary to provide appropriations for current expenses of the City; **Now Therefore**,
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

Section 1. That, pursuant to Section 5705.40 of the Ohio Revised Code, and this Ordinance, the Finance Director is hereby authorized and directed to transfer from one appropriation item to another, in the Fiscal Year ending December 31, 2019, as listed in Exhibit "A," attached hereto and made a part hereof.

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

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

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to assure the prompt and efficient conduct of the municipal operations related to public peace, health or safety of the City; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law."

Section 3. That, Ordinance No. 040-19 is repealed in its entirety.

Section 4. That, the following amendments to Ordinance No. 047-19 are hereby made:

The Title of Ordinance No. 047-19 shall now read as follows:

A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER CERTAIN FUND BALANCES (TRANSFER NO. ~~3~~ 2) FROM RESPECTIVE FUNDS TO OTHER FUNDS PER SECTION 5705.14 ORC ON AN AS NEEDED BASIS IN FISCAL YEAR 2019, LISTED IN EXHIBIT "A"; AND DECLARING AN EMERGENCY

Section 1 of Ordinance No. 047-19 shall now read as follows: That, pursuant to Section 5705.14 of the ORC and this Resolution, the Finance Director is hereby authorized and directed to transfer monies, transfer number ~~3~~ 2, among the various funds on an as needed basis in Fiscal Year 2019 as listed in Exhibit "A" attached hereto and made a part of this Resolution.

Section 5. That, the following amendments to Ordinance No. 048-19 are hereby made:

The Title of Ordinance No. 048-19 shall now read as follows: AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION MEASURE (SUPPLEMENT NO. ~~4~~ 2) FOR THE YEAR 2019; AND DECLARING AN EMERGENCY

Section 1 of Ordinance No. 048-19 shall now read as follows: That, the annual appropriation measure passed in Ordinance No. 072-18 for the fiscal year ending December 31, 2019 shall be supplemented (Supplement No. 4 2) as provided in Exhibit "A" (one page), attached hereto and made a part hereof.

Section 6. That, the following amendments to Ordinance No. 049-19 are hereby made:

The Title of Ordinance No. 049-19 shall now read as follows: an Ordinance authorizing the expenditure of funds over twenty-five thousand dollars (\$25,000.00) and authorizing the City Manager to enter into a contract with Jones & Henry Engineers, Ltd. for the purpose of professional design services for the project known as the Wastewater Treatment Plant Phase I Improvement Project, which was not included in the 2019 appropriation budget, also authorizing supplementing the annual appropriation measure (Supplement No. 5 3) for the year 2019; and declaring an Emergency

Section 3 of Ordinance No. 049-19 shall now read as follows: That, the annual appropriation measure passed in Ordinance No. 072-18 and supplemented by Ordinance No.(s) 028-19, ~~039-19~~, and 048-19, for the fiscal year ending December 31, 2019 shall be supplemented (Supplement No. 5 3) as provided in Exhibit A (one (1) page), attached hereto and made a part hereof.

Section 7. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 8. That, 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 9. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to file the appropriate certificates with the Henry County Auditor 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 of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 056-19 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 APPROPRIATION BUDGET - SUPPLEMENTAL BUDGET ADJUSTMENT				
BUDGET SUMMARY BY FUND, DEPARTMENT AND CATEGORY				
	2019 SUPPLEMENTAL BUDGET ADJUSTMENT			2019 FUND
ORDINANCE No. 028-19, Passed 04/15/2019	PERSONAL			
AMENDED: ORDINANCE No. 056-19, Passed 09/03/2019				
FUND/DEPARTMENT-1ST QUARTER ADJUSTMENTS	SERVICES	OTHER	TOTAL	TOTAL
100 GENERAL FUND				
2200 Fire/Safety Services	\$0	\$1,064.77	\$1,064.77	
- 2200 Fire/Safety Services - Brick & Brew 2019 Fire Reimbursement to replace six (6) buckets of F-500 used - 2018 Fire - \$1,064.77:				
Accounts - 100.2200.54240 Service Fees-Consultation Fees		\$1,064.77		
Total - 100 General Fund	\$0	\$1,064.77	\$1,064.77	\$1,064.77
	=====	=====	=====	
275 MUNICIPAL PROBATION SERVICE FUND				
1810 Municipal Court/Probation Department	\$0	\$53.35	\$53.35	\$53.35
	=====	=====	=====	
- 1810 Mun.Court/Prob.Dept. - Additional for Grant - did not get carried over into 2019, Grant to be Closed - \$53.35:				
Accounts - 275.1810.53390 Serv. Fee-Professional-Grant Bonus		\$53.35		
288 JUSTICE REINVESTMENT INCENTIVE GRANT FUND				
1810 Municipal Court/Probation Department	\$65.08	\$0	\$65.08	\$65.08
	=====	=====	=====	
- 1810 Mun.Court/Prob.Dept. - Additional for Grant - did not get carried over into 2019, Grant to be Closed - \$65.08:				
Accounts - 288.1810.51100 Salaries Non Bargaining		\$65.08		
503 ELECTRIC DEVELOPMENT FUND				
6110 Electric/Operation, Dist. System	\$0.00	\$95,260	\$95,260.00	\$95,260.00
	=====	=====	=====	
- 6110 Electri/Oper Dist Sys. - Additional amount needed for Solar Field Debt Pay Off - Building and Improvements - \$95,260:				
Accounts - 503.6110.57200 Building and Improvements		\$95,260.00		
* GRAND TOTAL - ALL FUNDS	\$65.08	\$96,378.12	\$96,443.20	\$96,443.20
	=====	=====	=====	=====

FISCAL YEAR ENDING 2019- TRANSFER OF APPROPRIATION (No. 2)

Ordinance Number: Original number 039-19; amended number 056-19
Passed: September 3, 2019

	<u>PERSONAL SERVICES</u>	<u>OTHER</u>	<u>Account Description</u>
<u>288 Justice Reinvestment Incentive Grant Fund</u>			
FROM : 288.1810.53300		(1,500.00)	Professional Services
TO : 288.1810.51100	1,285.00		Salary-Non-bargaining
288.1810.51500	190.00		PERS
288.1810.51700	25.00		Medicare-City Share
Total Transfer of Appropriation	1,500.00	(1,500.00)	

2019 TRANSFER OF FUNDS - No. 2

Resolution No. 047-19
Passed August 5, 2019

Amended by Resolution No. 056-19
Passed September 3, 2019

FROM:

204.5100.54260

*County MV Lic. Perm. Tax Fund -Supplies Ice & Snow Control***TO:**

201.0000.49900

*State Highway Imp Fund -Transfers In***AMOUNT****\$11,070**

Purpose: *To cover total cost of 2019 mowing charges*

2019 APPROPRIATION BUDGET - SUPPLEMENTAL #2

ORDINANCE No. 048-19, Passed August 5, 2019

Amended by Ordinance 056-19 Passed September 3, 2019

<u>2nd QUARTER BUDGET ADJUSTMENTS</u>	<u>PERSONAL SERVICES</u>	<u>OTHER</u>	<u>TOTAL</u>	<u>2019 FUND TOTAL</u>
<u>100 GENERAL FUND</u>				
100.1500.53810 Legal Advertising	\$0	\$8,000	\$8,000	
Total - 100 General Fund	\$0	\$8,000	\$8,000	\$8,000
	=====	=====	=====	
<u>201 STATE HIGHWAY IMP FUND</u>				
201.5100.53300 Service Fees-Professional -mowing costs	\$0	\$11,070	\$11,070	\$11,070
<u>220 RECREATION FUND</u>				
220.4400.59000 Shelter House Refund	\$0	\$5,250	\$5,250	\$5,250
<u>510 WATER REVENUE FUND</u>				
510.6200.53111 Utilities -Natural Gas-additional amount needed	\$0	\$10,500	\$10,500	\$10,500
TOTAL - ALL FUNDS	\$0.00	\$34,820.00	\$34,820.00	\$34,820.00
	=====	=====	=====	=====

ORDINANCE NO. 057-19

AN ORDINANCE AUTHORIZING THE APPROPRIATION AND EXPENDITURE OF FUNDS, AS WELL AS AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO ACQUIRE CERTAIN LAND LOCATED WITHIN THE CITY OF NAPOLEON, OHIO; AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon desires to acquire certain land located within the City of Napoleon, Ohio; and,

WHEREAS, the City of Napoleon may declare by Ordinance that it is in the public interest to acquire tax delinquent real property within the municipal corporation for the proper public purpose of redeveloping the property or otherwise rendering it suitable for productive use; and,

WHEREAS, the City of Napoleon desires to acquire certain land for further redevelopment of the City; **Now Therefore;**

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

Section 1. That, City Council hereby authorizes the appropriation and expenditure of funds to purchase certain land located within the City of Napoleon, Ohio for the proper public purpose listed in the preamble hereof and below in Section 4.

Section 2. That, Council hereby authorizes and directs the City Manager to execute any and all documents necessary to effectuate the acquisition of the parcels in question (listed below) which are located within the City of Napoleon.

Section 3. That, the properties listed are identified as at the location of East Washington Street, Napoleon, Henry County, Ohio, specifically, three (3) lots divided from Outlots 13 and 14 in R.K. Scott's First Addition to the City of Napoleon, totaling approximately 0.75 acres more or less.

Section 4. That, the City intends to use the acquired land for a proper public purpose, namely to construct improvements to the current City Wastewater Treatment Plant which are necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants.

Section 5. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 6. That, if any other prior Ordinance or Resolution is found to be in conflict with this 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 7. 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 the City to timely enter into the agreements needed prior to construction of the improvements to the current City Wastewater Treatment Plant; 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 must be in effect at the earliest possible time to allow for the timely acquisition of the property, 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. 057-19 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. 058-19

AN ORDINANCE AUTHORIZING THE APPROPRIATION AND EXPENDITURE OF FUNDS, AS WELL AS AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO ACQUIRE CERTAIN LAND LOCATED WITHIN THE CITY OF NAPOLEON, OHIO; AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon desires to acquire certain land located within the City of Napoleon, Ohio; and,

WHEREAS, the City of Napoleon may declare by Ordinance that it is in the public interest to acquire real property within the municipal corporation for the proper public purpose of redeveloping the property or otherwise rendering it suitable for productive use; and,

WHEREAS, the City of Napoleon desires to acquire certain land for further redevelopment of the City; **Now Therefore;**

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

Section 1. That, City Council hereby authorizes the appropriation and expenditure of funds to purchase certain land located within the City of Napoleon, Ohio for the proper public purpose listed in the preamble hereof and below in Section 4.

Section 2. That, Council hereby authorizes and directs the City Manager to execute any and all documents necessary to effectuate the acquisition of the parcels in question (listed below) which are located within the City of Napoleon.

Section 3. That, the properties listed are identified as at the location of East Riverview Avenue, Napoleon, Henry County, Ohio, specifically, the remainder of Outlots 14 and 17 in R.K. Scott's First Addition to the City of Napoleon, after removing an area 132 feet wide by 165 feet deep along Washington street, the former DT&I Railroad, and an area 50 feet wide by 200 feet long, Automatic Feed.

Section 4. That, the City intends to use the acquired land for a proper public purpose, namely to construct improvements to the current City Wastewater Treatment Plant which are necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants.

Section 5. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 6. That, if any other prior Ordinance or Resolution is found to be in conflict with this 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 7. 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 the City to timely enter into the agreements needed prior to construction of the improvements to the current City Wastewater Treatment Plant; 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 must be in effect at the earliest possible time to allow for the timely acquisition of the property, 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. 058-19 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. 059-19

AN ORDINANCE AUTHORIZING THE APPROPRIATION AND EXPENDITURE OF FUNDS, AS WELL AS AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO ACQUIRE CERTAIN LAND LOCATED WITHIN THE CITY OF NAPOLEON, OHIO; AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon desires to acquire certain land located within the City of Napoleon, Ohio; and,

WHEREAS, the City of Napoleon may declare by Ordinance that it is in the public interest to acquire real property within the municipal corporation for the proper public purpose of redeveloping the property or otherwise rendering it suitable for productive use; and,

WHEREAS, the City of Napoleon desires to acquire certain land for further redevelopment of the City; **Now Therefore;**

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

Section 1. That, City Council hereby authorizes the appropriation and expenditure of funds to purchase certain land located within the City of Napoleon, Ohio for the proper public purpose listed in the preamble hereof and below in Section 4.

Section 2. That, Council hereby authorizes and directs the City Manager to execute any and all documents necessary to effectuate the acquisition of the parcels in question (listed below) which are located within the City of Napoleon.

Section 3. That, the properties listed are identified as at the location of East Washington Street, Napoleon, Henry County, Ohio, specifically, a single lot divided from Outlot 14 in R.K. Scott's First Addition to the City of Napoleon, approximately 66 feet wide and 165 feet long, more or less.

Section 4. That, the City intends to use the acquired land for a proper public purpose, namely to construct improvements to the current City Wastewater Treatment Plant which are necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants.

Section 5. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 6. That, if any other prior Ordinance or Resolution is found to be in conflict with this 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 7. 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 the City to timely enter into the agreements needed prior to construction of the improvements to the current City Wastewater Treatment Plant; 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 must be in effect at the earliest possible time to allow for the timely acquisition of the property, 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. 059-19 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

PRELIMINARY LEGISLATION

Consent

Rev. 6/26/00

Ordinance No. 052-19

PID No. : 109334

County/Route/Section : _____

The following is an Ordinance enacted by the City of Napoleon, Henry County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I – Project Description

WHEREAS, the (LPA) has determined the need for the described project:

Bridge Inspection Program Services, including, but not limited to routine inspections, element level inspections, critical-findings reports, fracture critical member inspections, load rating calculations and reports, weight limits posting sign recommendations, scour assessments, scour plan of actions, development of fracture critical plans, and underwater dive inspection reports if needed.

NOW THEREFORE, be it ordained by the City of Napoleon, Henry County, Ohio.

SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The State shall assume and bear 100% of all of the cost for Bridge Inspection Program Services requested by the City and agreed to by the State. Eligible Bridge Inspection Services are described in the Consultant's Scope of Services Task Order Contract (Exhibit A).

The LPA agrees to pay 100% of the cost of those features which are not included in Exhibit A. Those features may include but not limited to the purchasing and erecting the recommended weight limits postings signs, the implementation of critical findings reports such as partial or total bridge closures, the implementation of the scour plan of actions. When recommendations affect public safety, ODOT expects full implementation by the LPA. Starting in October 2019, FHWA requires installing weight limits posting signs within 30 days from the official date of the approved recommendations. Timely implementation is essential to the success of this program.

SECTION IV – Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be made available in accordance with current State and Federal regulations.

SECTION V Authority to Sign

I, City Manager of said City of Napoleon, Henry County, Ohio, am hereby empowered on behalf of the City of Napoleon to enter into contracts with the Director of Transportation which is necessary to complete the above described project.

Passed: _____, _____.
(Date)

Attested: _____
(Mayor Signature)

(City Manager Signature)

Attested: _____
(interim Clerk Signature)

(President of Council Signature)

This Ordinance No. 052.19 is hereby declared to be an emergency measure to expedite the highway project and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

**CERTIFICATE OF COPY
STATE OF OHIO**

City of Napoleon, Henry County, Ohio

I, Roxanne Dietrich, as interim Clerk of Council for the City of Napoleon, Henry County, Ohio, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 052-19, adopted by the legislative Authority of the said City of Napoleon, on the _____ day of _____, _____.

That the publication of such Ordinance No. 052-19 has been made and certified of record according to Law; that no proceedings looking to a referendum upon such Ordinance No. 052-19 have been taken; and that such Ordinance No. 052-19 and certificate of publication thereof are of record in _____, Page _____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this _____ day of _____.

Roxanne Dietrich, interim Clerk of Council

(CITY SEAL)

City of Napoleon, Henry County, Ohio

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is required to accompany the executed legislation.")

The foregoing is accepted as a basis for proceeding with the project herein described.

For the City of Napoleon, Henry County, Ohio.

Attested: _____ Date _____

City Manager

For the State of Ohio

Attested: _____ Date _____

(Director, Ohio Department of Transportation)

ORDINANCE NO. 055-19

**AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION
MEASURE (SUPPLEMENT NO. 5) FOR THE YEAR 2019; AND DECLARING
AN EMERGENCY**

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

Section 1. That, the annual appropriation measure passed in Ordinance No. 072-18 and supplemented by Ordinance No.(s) 028-19, 048-19, 049-19, and 054-19 for the fiscal year ending December 31, 2019 shall be supplemented (Supplement No. 5) as provided in Exhibit A (one (1) page), attached hereto and made a part hereof.

Section 2. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of the City 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 because this Ordinance provides for appropriations for the current expenses of the City which are 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 current expenses, 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. 055-19 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 *NAPOLÉON*, Ohio

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

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

Finance Director
Kelly O'Boyle

Law Director
Billy D. Harmon

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

DATE: August 5, 2019
TO: Members of City Council
Jason P. Maassel, Mayor
FROM: Joel L. Mazur, City Manager
SUBJECT: Ohio Water & Sewer Rotary Commission Assessments

Council and Mayor,

Napoleon was able to secure funds several years ago from the Ohio Water and Sewer Rotary Commission to develop infrastructure in the Northpointe and Palmer Ditch areas. The property owners are able to defer assessments on their properties until they are transferred or used for something other than agricultural use. Once the properties are sold or used for something other than agricultural, the assessments become due and any funds received from the Ohio Water and Sewer Rotary Commission for those particular parcels are due back to the Commission.

The following parcels have been sold and the assessments are now due from the City.

<u>Parcel Number:</u>	<u>Acreage:</u>	<u>Amount:</u>
Northpointe 41-010026.0000	10 acres	\$9,545.97
27-060014.0000	4.07 acres	\$9,332.40
Palmer Ditch 24-190076.0300	5.46 acres	\$22,807.87

The City has collected the above amounts from the property owners in order to reimburse the Ohio Water and Sewer Rotary Commission. I am respectfully requesting that you direct the Law Director to draft legislation to appropriate the necessary funds to refund the Ohio Water and Sewer Rotary for a total of \$41,686.24 for the deferred assessments on the above properties.

ORDINANCE NO. 050-19

AN ORDINANCE APPROVING CURRENT MAY 2019 REPLACEMENT PAGES TO THE CITY OF NAPOLEON CODIFIED ORDINANCES

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

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

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

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

Section 1. That, the Ordinances of the City of Napoleon, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the May 2019 Replacement Pages to the Codified Ordinances are hereby approved and adopted; such having been certified as correct by the interim Clerk of Council and the Mayor.

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

Traffic Code

Bicycle, Motorized Bicycle, Moped, Electric Bicycle

Motor Vehicle

Predicate Motor Vehicle Offense

Shared-Use Path

Vehicle

Freeway Use Restricted

Driver's Duties Upon Approaching Ambiguous Traffic Signal

Overtaking, Passing to Left; Driver's Duties

Signals Before Changing Course, Turning, or Stopping

Hand and Arm Signals

Driving Upon Sidewalks, Street Lawns or Curbs

Code Application to Bicycles

Riding Upon Seats

Attaching Bicycle to Vehicle

Riding Bicycles and Motorcycles Abreast

Signal Device on Bicycle

Lights and Reflector on Bicycle

Riding Bicycle on Right Side of Roadway

Reckless Operation

Parking of Bicycle

Paths Exclusively for Bicycles
Electric Bicycles

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

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

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

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

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

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. 050-19 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

EDITOR'S NOTE: Material highlighted in yellow indicates it is new or changed material. If there is no highlighted material on a page then material has been moved forward or back to accommodate new text. Also, please note that punctuation and underlining do not appear properly in highlighted material. A yellow block indicates material has been deleted.)

CODIFIED ORDINANCES OF THE CITY OF NAPOLEON OHIO

Complete to May 20, 2019

CERTIFICATION

We, Jason Maassel, Mayor and Gregory J. Heath, Council Clerk of Napoleon, Ohio pursuant to Article II Section 2.15 of the Charter and Section 121.03 of the Administrative Code, hereby certify that the general and permanent ordinances of the City of Napoleon, Ohio, as revised, rearranged, compiled, renumbered as to sections, codified and printed herewith in component codes are correctly set forth and constitute the Codified Ordinances of Napoleon, Ohio, 1996, as amended to May 20, 2019.

/s/ Jason Maassel
Mayor

/s/ Gregory J. Heath
Council Clerk

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Rule 4.15.2 Seniority Credit Prohibited

Except as otherwise provided in Rule 9.5.2(1) of these rules and procedures, in promotional examinations, no additional credit for seniority or efficiency in the civil service of the city, the state, or any other political subdivision of Ohio shall be added to the examination grade. This provision shall not be construed as limiting the commission's ability to use seniority as a tie breaker.

Rule 4.15.3 Political or Religious Questions Prohibited.

No questions in any examination shall relate to political or religious opinions or affiliations. (Ord. 017-18. Passed 4-16-18.)

Rule 4.16 Examination Grading Methods

The total grade attainable in each examination, except for special credits as outlined above, shall be one hundred (100%) percent. In examinations composed of more than one (1) part the method of scoring shall be:

- 1) Each part of the examination shall be separately rated and the proficiency of each competitor determined on the basis of a scale of one hundred (100%) percent for maximum possible attainment.
- 2) Each part shall be assigned a weight which shall be based on the relative value of the part to that of the entire examination expressed in terms of tenth (1-10th) of the total.
- 3) The earned grade of each examinee in each part of the examination shall be multiplied by the weight assigned to the part and the sum of the total shall be the earned grade for the participant.
- 4) Notwithstanding the above, any physical agility portion of the examination for original appointment to the position of Police Officer shall be administered by the commission and shall be based on the Cooper Standards. In the event that an applicant fails the physical agility portion, no further consideration to the applicant for appointment shall be given. If the applicant has passed the physical certification process of the Ohio Peace Office Training Academy (OPOTA) within the previous year, but not more than two (2) years prior to the date of the original examination for Police Officer, the commission will accept that certification for the physical agility portion of the original examination for Police Officer.

The physical agility portion of the original examination for Firefighter/Paramedic will be administered by the National Testing Network using the standard of the Firefighter's Mile. The commission will accept the Firefighter Mile card for the physical agility portion of the original examination for Firefighter/Paramedic. Upon completion of the grading process, each applicant shall be notified by regular U.S. mail, with proof of mailing required to his or her last address on file with the commission, as to his or her grade. (Ord. 007-19. Passed 1-21-19.)

Rule 4.17 **Passing Grade**

The passing grade of any examination administered pursuant to these Rules and Procedures, exclusive of any additional credits that may offered, shall be a minimum of seventy (70%) percent.

Rule 4.18 **Changing Of Grades**

No grades given in any examination shall be changed after the posting of an eligible list, except after the consideration of reasons submitted in writing by the competitor objecting and report thereon by the commission's properly authorized examiners; provided that the commission may correct clerical errors of examiners or employees at any time before the cancellation of such lists.

Rule 4.19 **Repeating Examinations**

An applicant who has competed in a civil service examination may not repeat that examination or take an examination for the same classification within six (6) months from the date of original examination, unless an alternative form of examination is given, or unless other standards are specified in the examination announcement, provided that the commission may waive in writing this rule upon written request from an applicant stating substantial reasons for granting such waiver.

Rule 4.20 **Preservation Of Examination Papers**

Applications and final scores of all candidates for employment in the classified service shall be secured on file in the office of the finance director, or in the case when a specific council clerk exists, then such clerk, until such time as a new examination is given. (Ord. 017-18. Passed 4-16-18.)

195.05 RULE 5 APPLICATIONS.

Rule 5.1 **Residency Required**

Every applicant for examination at time of application must be a resident of the State of Ohio or signify in writing his or her intention to become and remain, upon appointment, a resident of the State of Ohio and his or her intention to meet all city residency requirements, unless such requirements are specifically waived in the examination announcement or otherwise waived in statute or rule.

Rule 7.13 **Reserved****Rule 7.14** **Reserved****Rule 7.15** **Appropriateness Of Duties**

The assignment of duties is the responsibility of the appointing authority. It is the responsibility of the appointing authority to see that accurate descriptions of the duties performed by the Competitive Classified Positions are reported to the commission.

Rule 7.16 **Reserved****Rule 7.17** **Probationary Period****Rule 7.17.1 Purpose**

The probationary period shall be regarded as an integral part of the appointment process and shall be used for closely observing the employee's work, for securing the most effective adjustment of a new employee to a new job and for discharging any employee whose performance does not meet required work standards.

Rule 7.17.2 Probation period

Each employee in the classified civil service shall serve a probationary period in accordance with the city's personnel code (administrative code) or appropriate collective bargaining agreement.

Rule 7.18 **Poor Evaluation During Probationary Period**

If an employee receives a poor evaluation by the appointing authority at any time during his or her probationary period, this shall be considered adequate grounds for probationary dismissal. This dismissal shall be accomplished during the time period established.

Rule 7.19 **Restrictions For Appointment**

Any restrictions for appointment from an eligible list as to age, physical or other requirements shall be made prior to and stated in the bulletin announcing the examination and no eligible list shall be so restricted unless it had been announced in the examination bulletin.

(Ord. 039-10. Passed 6-7-10.)

Rule 7.20**Lateral Transfer**

The City of Napoleon wishes to broaden the pool of applicants for the City of Napoleon Police Department by allowing employees appointed as a full time Patrol Officer who possess certification from Basic Police School (OPOTA or equivalent), and whose last position held with the employee's last employer was a law enforcement position, to utilize full years of service in the law enforcement position with the employee's last employer for calculation of pay and vacation accrual only, while still protecting the seniority rights of current Napoleon Police Officers, including but not limited to seniority affecting layoff, recall, overtime assignment, acting time, vacation selection, shift preferences, etc. Employees appointed by the City of Napoleon as a full time Patrol Officer who possess certification from Basic Police School (OPOTA or equivalent) and whose last position held with the employee's last employer was a law enforcement position, shall be credited with two weeks (80 hours) of vacation on date of hire.

The City of Napoleon wishes to broaden the pool of applicants for the City of Napoleon Fire Department by allowing employees appointed as a full time Firefighter/Paramedic who possess certifications of Ohio Firefighter II and State of Ohio Paramedic, and whose last position held with the employee's last employer was a firefighter/paramedic position, to utilize full years of service in the fire department position with the employee's last employer for calculation of pay and vacation only, while still protecting the seniority rights of current Napoleon Firefighters/Paramedics, including but not limited to seniority affecting layoff, recall, overtime assignment, acting time, vacation selection, shift preferences, etc. Employees appointed by the City of Napoleon as a full time Firefighter/Paramedic who possess certifications of Ohio Firefighter II and State of Ohio Paramedic, and whose last position held with the employee's last employer was a firefighter/paramedic position shall be credited with forty-eight (48) hours of vacation on date of hire. (Ord. 007-19. Passed 1-21-19.)

195.08 RULE 8 EXCEPTIONAL, EMERGENCY AND TEMPORARY APPOINTMENTS.**Rule 8.1****General Provisions For Rule 8**

Except as otherwise provided in this Rule 8.2, Rule 8 shall apply only to the competitive classified civil service positions, but these rules do not limit appointing authorities' ability to make emergency or temporary appointments to other positions that are not in the competitive classified civil service.

Rule 8.2**Acting Positions**

Any employee in the classified service of the City that is temporarily appointed to an "acting" position in the unclassified service of the City shall not be considered removed from the classified civil service during the acting time; moreover, a temporary appointment to any "acting" position, classified or unclassified, shall not be considered a promotion and removal therefrom shall not be considered a demotion.

Rule 8.3 **Exceptional Appointments**

In case of a vacancy in a position in the classified service where peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character are required, and upon satisfactory evidence that for specified reasons competition in such special case is impracticable and that the position can best be filled by a selection of some designated person of high and recognized attainments in such qualities, the commission may suspend the provisions of the Civil Service Code unless otherwise prohibited by order of council; such order which may be formulated and approved by motion of council.

Rule 8.4 **Reserved****Rule 8.5** **Reserved****Rule 8.6** **Emergency Appointments**

An emergency appointment to a position to meet an emergency situation, is not subject to civil service law, and is limited to a maximum of thirty (30) calendar days. In the case of an emergency, an emergency appointment may be made.

Rule 8.6.1 Documenting Appointments

When reporting emergency appointments to the commission, the appointing authority must include supportive documentation or descriptive information establishing that an emergency exists.

Rule 8.6.2 Successive Appointments

Consecutive emergency appointments shall not be made to the same or similar classification.

Rule 8.6.3 Subsequent Appointments

Upon expiration of an emergency appointment, the position shall be filled, if at all, by a certified appointment if a list then exists.

Rule 8.6.4 Probationary Periods

Emergency service shall not be counted as a part of the probationary period.

Rule 8.6.5 Standing On Eligible List

The acceptance or refusal by an eligible individual of an emergency appointment shall not affect the individual's standing on the eligible list for permanent employment.

Rule 8.6.6 License Or Certificate Requirements

All emergency appointees must meet license or certificate requirements for the classification or position to which they are appointed.

CODIFIED ORDINANCES OF NAPOLEON

PART THREE - TRAFFIC CODE

TITLE ONE - Administration

Chap. 301. Definitions.

Chap. 303. Enforcement, Impounding and Penalty.

Chap. 305. Traffic Control.

CHAPTER 301

Definitions

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defined - see TRAF. 375.01
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301.01 MEANING OF WORDS AND PHRASES.

The following words and phrases when used in this Traffic Code, except as otherwise provided, shall have the meanings respectively ascribed to them in this chapter.

301.02 AGRICULTURAL TRACTOR.

"Agricultural tractor" means every self-propelling vehicle designed or used for drawing other vehicles or wheeled machinery but having no provision for carrying loads independently of such other vehicles, and used principally for agricultural purposes. (ORC 4511.01(J))

301.03 ALLEY.

"Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic, and includes any street or highway that has been declared an "alley" by Council. (ORC 4511.01(XX))

301.031 BEACON; HYBRID BEACON.

(a) "Beacon" means a highway traffic signal with one or more signal sections that operate in a flashing mode. (ORC 4511.01(KKK))

(b) "Hybrid beacon" means a type of beacon that is intentionally placed in a dark mode between periods of operation where no indications are displayed and, when in operation, displays both steady and flashing traffic control signal indications.
(ORC 4511.01(LLL))

301.04 BICYCLE; MOTORIZED BICYCLE; MOPED; ELECTRIC BICYCLE.

(a) "Bicycle" means every device, other than a device that is designed solely for use as a play vehicle by a child, that is propelled solely by human power upon which a person may ride, and that has two or more wheels, any of which is more than fourteen inches in diameter.
(ORC 4511.01(G))

(b) "Motorized bicycle" or "moped" means any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that may be pedaled, and that is equipped with a helper motor of not more than fifty cubic centimeters piston displacement that produces not more than one brake horsepower and is capable of propelling the vehicle at a speed of no greater than twenty miles per hour on a level surface.

"Motorized bicycle" or "moped" does not include an electric bicycle. (ORC 4511.01(H))

(c) "Electric bicycle" means a "class 1 electric bicycle", a "class 2 electric bicycle", or a "class 3 electric bicycle" as defined in this section. (ORC 4511.01(RRR))

(1) "Class 1 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour. (ORC 4511.01(SSS))

(2) "Class 2 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts that may provide assistance regardless of whether the rider is pedaling and is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour. (ORC 4511.01(TTT))

(3) "Class 3 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour. (ORC 4511.01(UUU))

301.05 BUS.

"Bus" means every motor vehicle designed for carrying more than nine passengers and used for the transportation of persons other than in a ridesharing arrangement as defined in Ohio R.C. 4511.01, and every motor vehicle, automobile for hire or funeral car, other than a taxicab or motor vehicle used in a ridesharing arrangement, designed and used for the transportation of persons for compensation. (ORC 4511.01(L))

301.06 BUSINESS DISTRICT.

"Business district" means the territory fronting upon a street or highway, including the street or highway, between successive intersections where fifty percent or more of the frontage between such successive intersections is occupied by buildings in use for business, or where fifty percent or more of the frontage for a distance of 300 feet or more is occupied by buildings in use for business, and the character of such territory is indicated by official traffic control devices. (ORC 4511.01(NN))

301.07 COMMERCIAL TRACTOR.

"Commercial tractor" means every motor vehicle having motive power designed or used for drawing other vehicles and not so constructed as to carry any load thereon, or designed or used for drawing other vehicles while carrying a portion of such other vehicles, or the load thereon, or both. (ORC 4511.01(I))

301.08 CONTROLLED-ACCESS HIGHWAY.

"Controlled-access highway" means every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right or access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway. (ORC 4511.01(CC))

301.09 CROSSWALK.

"Crosswalk" means:

- (a) That part of a roadway at intersections ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway;

- (b) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;
- (c) Notwithstanding subsections (a) and (b) hereof, there shall not be a crosswalk where authorized signs have been placed indicating no crossing.
(ORC 4511.01(LL))

301.10 DRIVER OR OPERATOR.

"Driver" or "operator" means every person who drives or is in actual physical control of a vehicle. (ORC 4511.01(Y))

301.11 EMERGENCY VEHICLE.

"Emergency vehicle" means emergency vehicles of municipal, township or county departments or public utility corporations when identified as such as required by law, the Ohio Director of Public Safety or local authorities, and motor vehicles when commandeered by a police officer. (ORC 4511.01(D))

301.12 EXPLOSIVES.

"Explosives" means any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by a detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb.

Manufactured articles shall not be held to be explosives when the individual units contain explosives in such limited quantities, of such nature or in such packing, that it is impossible to procure a simultaneous or a destructive explosion of such units, to the injury of life, limb or property by fire, by friction, by concussion, by percussion or by a detonator, such as fixed ammunition for small arms, firecrackers or safety fuse matches. (ORC 4511.01(T))

301.13 EXPRESSWAY.

"Expressway" means a divided arterial highway for through traffic with full or partial control of access with an excess of fifty percent of all crossroads separated in grade.
(ORC 4511.01(ZZ))

301.14 FLAMMABLE LIQUID.

"Flammable liquid" means any liquid that has a flash point of seventy degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed cup test device.
(ORC 4511.01(U))

301.15 FREEWAY.

"Freeway" means a divided multi-lane highway for through traffic with all crossroads separated in grade and with full control of access.
(ORC 4511.01(YY))

301.16 GROSS WEIGHT.

"Gross weight" means the weight of a vehicle plus the weight of any load thereon.
(ORC 4511.01(V))

301.161 HIGHWAY MAINTENANCE VEHICLE.

“Highway maintenance vehicle” means a vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic line striper, road sweeper, mowing machine, asphalt distributing vehicle, or other such vehicle designed for use in specific highway maintenance activities. (ORC 4511.01(QQQ))

301.162 HIGHWAY TRAFFIC SIGNAL.

“Highway traffic signal” means a power-operated traffic control device by which traffic is warned or directed to take some specific action. “Highway traffic signal” does not include a power-operated sign, steadily illuminated pavement markers, warning light, or steady burning electric lamp. (ORC 4511.01(MMM))

301.17 INTERSECTION.

“Intersection” means:

- (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways that join at any other angle might come into conflict. The junction of an alley or driveway with a roadway or highway does not constitute an intersection unless the roadway or highway at the junction is controlled by a traffic control device.
- (b) If a highway includes two roadways that are thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway constitutes a separate intersection. If both intersecting highways include two roadways thirty feet or more apart, then every crossing of any two roadways of such highways constitutes a separate intersection.
- (c) At a location controlled by a traffic control signal, regardless of the distance between the separate intersections as described in subsection (b) of this section:
 - (1) If a stop line, yield line, or crosswalk has not been designated on the roadway within the median between the separate intersections, the two intersections and the roadway and median constitute one intersection.
 - (2) Where a stop line, yield line, or crosswalk line is designated on the roadway on the intersection approach, the area within the crosswalk and any area beyond the designated stop line or yield line constitute part of the intersection.
 - (3) Where a crosswalk is designated on a roadway on the departure from the intersection, the intersection includes the area that extends to the far side of the crosswalk. (ORC 4511.01(KK))

301.18 LANED STREET OR HIGHWAY.

“Laned street or highway” means a street or highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic. (ORC 4511.01(GG))

301.181 MEDIAN.

“Median” means the area between two roadways of a divided highway, measured from edge of traveled way to edge of traveled way, but excluding turn lanes. The width of a median may be different between intersections, between interchanges, and at opposite approaches of the same intersection. (ORC 4511.01(NNN))

301.19 MOTORCYCLE.

"Motorcycle" means every motor vehicle, other than a tractor, having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including but not limited to, motor vehicles known as "motor-driven cycle," "motor scooter," "autocycle," "cab-enclosed motorcycle" or "motorcycle" without regard to weight or brake horsepower. (ORC 4511.01(C))

301.20 MOTOR VEHICLE.

"Motor vehicle" means every vehicle propelled or drawn by power other than muscular power, except motorized bicycles, electric bicycles, road rollers, traction engines, power shovels, power cranes and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less. (ORC 4511.01(B))

301.201 OPERATE.

"Operate" means to cause or have caused movement of a vehicle.
(ORC 4511.01(HHH))

301.21 PARK OR PARKING.

"Park or parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

301.22 PEDESTRIAN.

"Pedestrian" means any natural person afoot. (ORC 4511.01(X))

301.23 PERSON.

"Person" means every natural person, firm, copartnership, association or corporation.
(ORC 4511.01(W))

301.24 POLE TRAILER.

"Pole trailer" means every trailer or semitrailer attached to the towing vehicle by means of a reach, pole or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connection.
(ORC 4511.01(O))

301.25 POLICE OFFICER.

"Police officer" means every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.
(ORC 4511.01(Z))

301.251 PREDICATE MOTOR VEHICLE OR TRAFFIC OFFENSE.

"Predicate motor vehicle or traffic offense" means any of the following:

- (a) A violation of Ohio R.C. 4511.03, 4511.051, 4511.12, 4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 4511.522, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78 or 4511.84;
- (b) A violation of division (A)(2) of Ohio R.C. 4511.17, divisions (A) to (D) of Ohio R.C. 4511.51, or division (A) of Ohio R.C. 4511.74;
- (c) A violation of any provision of Ohio R.C. 4511.01 to 4511.76 for which no penalty otherwise is provided in the section that contains the provision violated;
- (d) A violation of Ohio R.C. 4511.214;
- (e) A violation of a municipal ordinance that is substantially similar to any section or provision set forth or described in subsection (a) to (d) of this section. (ORC 4511.01(III))

301.26 PRIVATE ROAD OR DRIVEWAY.

(a) "Private road or driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons. (ORC 4511.01(DD))

(b) "Private road open to public travel" means a private toll road or road, including any adjacent sidewalks that generally run parallel to the road, within a shopping center, airport, sports arena, or other similar business or recreation facility that is privately owned but where the public is allowed to travel without access restrictions. "Private road open to public travel" includes a gated toll road but does not include a road within a private gated property where access is restricted at all times, a parking area, a driving aisle within a parking area, or a private grade crossing. (ORC 4511.01(OOO))

301.27 PUBLIC SAFETY VEHICLE.

"Public safety vehicle" means any of the following:

- (a) Ambulances, including private ambulance companies under contract to a municipal corporation, township or county and private ambulances and transport vehicles bearing license plates issued under Ohio R.C. 4503.49;
- (b) Motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the State or the Municipality;
- (c) Any motor vehicle when properly identified as required by the Ohio Director of Public Safety, when used in response to fire emergency calls or to provide emergency medical service to ill or injured persons, and when operated by a duly qualified person who is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service. The Ohio Fire Marshal shall be designated by the Ohio Director of Public Safety as the certifying agency for all public safety vehicles described in this subsection (c);

- (d) Vehicles used by fire departments, including motor vehicles when used by volunteer fire fighters responding to emergency calls in the fire department service when identified as required by the Ohio Director of Public Safety.
Any vehicle used to transport or provide emergency medical service to an ill or injured person, when certified as a public safety vehicle, shall be considered a public safety vehicle when transporting an ill or injured person to a hospital regardless of whether such vehicle has already passed a hospital.
(ORC 4511.01(E))
- (e) Vehicles used by the Commercial Motor Vehicle Safety Enforcement Unit for the enforcement of orders and rules of the Public Utilities Commission as specified in Ohio R.C. 5503.34.

301.28 RAILROAD.

"Railroad" means a carrier of persons or property operating upon rails placed principally on a private right of way. (ORC 4511.01(P))

301.29 RAILROAD SIGN OR SIGNAL.

"Railroad sign or signal" means any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train. (ORC 4511.01(SS))

301.30 RAILROAD TRAIN.

"Railroad train" means a steam engine, or an electric or other motor, with or without cars coupled thereto, operated by a railroad. (ORC 4511.01(Q))

301.31 RESIDENCE DISTRICT.

"Residence district" means the territory, not comprising a business district, fronting on a street or highway, including the street or highway, where, for a distance of 300 feet or more, the frontage is improved with residences or residences and buildings in use for business.
(ORC 4511.01(OO))

301.32 RIGHT OF WAY.

"Right of way" means either of the following, as the context requires:

- (a) The right of a vehicle or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or the individual is moving in preference to another vehicle or pedestrian approaching from a different direction into its or the individual's path;
- (b) A general term denoting land, property or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right of way includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the State or local authority. (ORC 4511.01(UU))

301.321 ROAD SERVICE VEHICLE.

"Road service vehicle" means wreckers, utility repair vehicles, and state, county, and municipal service vehicles equipped with visual signals by means of flashing, rotating, or oscillating lights. (ORC 4511.01(JJJ))

301.33 ROADWAY.

"Roadway" means that portion of a street or highway improved, designed or ordinarily used for vehicular travel, except the berm or shoulder. If a street or highway includes two or more separate roadways, the term "roadway" means any such roadway separately but not all such roadways collectively. (ORC 4511.01(EE))

301.34 SAFETY ZONE.

"Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or marked or indicated by adequate signs as to be plainly visible at all times. (ORC 4511.01(MM))

301.35 SCHOOL BUS.

"School bus" means every bus designed for carrying more than nine passengers that is owned by a public, private or governmental agency or institution of learning and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function; provided "school bus" does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of the Municipality, or within such limits and the territorial limits of municipal corporations immediately contiguous to the Municipality, nor a common passenger carrier certified by the Public Utilities Commission unless such bus is devoted exclusively to the transportation of children to and from a school session or a school function, and "school bus" does not include a van or bus used by a licensed child day-care center or type A family day-care home to transport children from the child day-care center or type A family day-care home to a school if the van or bus does not have more than fifteen children in the van or bus at any time. "Child day-care center" and "type A family day-care home" have the same meanings as in Ohio R.C. 5104.01. (ORC 4511.01(F), (FFF))

301.36 SEMITRAILER.

"Semitrailer" means every vehicle designed or used for carrying persons or property with another and separate motor vehicle so that in operation a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle. (ORC 4511.01(N))

301.361 SHARED-USE PATH.

"Shared-use path" means a bikeway outside the traveled way and physically separate from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non-motorized users. A shared-use path does not include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use. (ORC 4511.01(PPP))

301.37 SIDEWALK.

"Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians. (ORC 4511.01(FF))

301.38 STATE ROUTE.

"State route" means every highway that is designated with an official State route number and so marked. (ORC 4511.01(JJ))

301.39 STOP (WHEN REQUIRED).

"Stop" when required means a complete cessation of movement.

301.40 STOPPING OR STANDING.

(a) "Stop or stopping" when prohibited means any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device.

(b) "Stand or standing" means the halting of a vehicle, whether occupied or not, otherwise then temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

301.41 STOP INTERSECTION.

"Stop intersection" means any intersection at one or more entrances of which stop signs are erected. (ORC 4511.01(BBB))

301.42 STREET OR HIGHWAY; ARTERIAL STREET.

(a) "Street" or "highway" are synonymous and mean the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel. (ORC 4511.01(BB))

(b) "Arterial street" means any United States or State numbered route, controlled access highway or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways. (ORC 4511.01(CCC))

301.43 THROUGH STREET OR HIGHWAY.

"Through street or highway" means every street or highway as provided in Section 313.02. (ORC 4511.01(HH))

301.44 THRUWAY.

"Thruway" means a through street or highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited. (ORC 4511.01(AAA))

301.45 TRAFFIC.

"Traffic" means pedestrians, ridden or herded animals, vehicles and other devices, either singly or together, while using for purposes of travel any street or highway or private road open to public travel. (ORC 4511.01(TT))

301.46 TRAFFIC CONTROL DEVICE.

"Traffic control device" means a flagger, sign, signal, marking, or other device used to regulate, warn or guide traffic, placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or, in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction. (ORC 4511.01(QQ))

301.47 TRAFFIC CONTROL SIGNAL.

"Traffic control signal" means any highway traffic signal by which traffic is alternately directed to stop and permitted to proceed.
(ORC 4511.01(RR))

301.48 TRAILER.

"Trailer" means every vehicle designed or used for carrying persons or property wholly on its own structure and for being drawn by a motor vehicle, including any such vehicle when formed by or operated as a combination of a semitrailer and a vehicle of the dolly type, such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a street or highway at a speed greater than twenty-five miles per hour and a vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of more than ten miles or at a speed of more than twenty-five miles per hour.
(ORC 4511.01(M))

301.49 TRUCK.

"Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property. (ORC 4511.01(K))

301.50 URBAN DISTRICT.

"Urban district" means the territory contiguous to and including any street or highway which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for distance of a quarter of a mile or more, and the character of such territory is indicated by official traffic control devices. (ORC 4511.01(PP))

301.51 U-TURN; J-TURN.

(a) "U-turn" means a turn that reverses the direction in which the vehicle making the turn is proceeding. (A.O.)

(b) "J" turn means a left turn, more than 90 degrees but less than 180 degrees in a frontward or backward direction. (Ord. 139-96. Passed 12-16-96.)

301.52 VEHICLE.

"Vehicle" means every device, including a motorized bicycle and an electric bicycle, in, upon or by which any person or property may be transported or drawn upon a street or highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, or any device, other than a bicycle, that is moved by human power.
(ORC 4511.01(A))

301.53 WASTE COLLECTION VEHICLE.

"Waste collection vehicle" means a vehicle used in the collection of garbage, refuse, trash or recyclable materials. (ORC 4511.01(RRR))

301.54 WHEELCHAIR, MOTORIZED.

"Motorized wheelchair" means any self-propelled vehicle designed for, and used by, a handicapped person and that is incapable of a speed in excess of eight miles per hour.
(ORC 4511.01(EEE))

303.05 APPLICATION TO PERSONS RIDING, DRIVING ANIMALS UPON ROADWAY.

Every person riding, driving or leading an animal upon a roadway shall be subject to the provisions of this Traffic Code applicable to the driver of a vehicle, except those provisions of such sections which by their nature are inapplicable. (ORC 4511.05)

303.06 FREEWAY USE PROHIBITED BY PEDESTRIANS, BICYCLES AND ANIMALS.

(a) No person, unless otherwise directed by a police officer, shall:

- (1) As a pedestrian, occupy any space within the limits of the right-of-way of a freeway, except: in a rest area; on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for pedestrian use; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle; or to obtain assistance;
- (2) Occupy any space within the limits of the right of way of a freeway, with: an animal-drawn vehicle; a ridden or led animal; herded animals; a pushcart; a bicycle, except on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for bicycle use; **an electric bicycle**; a bicycle with motor attached; a motor driven cycle with a motor which produces not to exceed five brake horsepower; an agricultural tractor; farm machinery; except in the performance of public works or official duties.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.
(ORC 4511.051)

303.07 APPLICATION TO DRIVERS OF GOVERNMENT VEHICLES.

The provisions of this Traffic Code applicable to the drivers of vehicles shall apply to the drivers of all vehicles owned or operated by the United States, any state or any political subdivision thereof, including this Municipality, except as may be otherwise provided by law and subject to such specific exceptions as are set forth with reference to authorized emergency and public safety vehicles.

303.08 IMPOUNDING OF VEHICLES; REDEMPTION.

(a) Police officers are authorized to provide for the removal of a vehicle under the following circumstances:

- (1) When any vehicle is left unattended upon any street, bridge or causeway and is so illegally parked so as to constitute a hazard or obstruction to the normal movement of traffic, or so as to unreasonably interfere with street cleaning or snow removal operations.

303.05 APPLICATION TO PERSONS RIDING, DRIVING ANIMALS UPON ROADWAY.

Every person riding, driving or leading an animal upon a roadway shall be subject to the provisions of this Traffic Code applicable to the driver of a vehicle, except those provisions of such sections which by their nature are inapplicable. (ORC 4511.05)

303.06 FREEWAY USE PROHIBITED BY PEDESTRIANS, BICYCLES AND ANIMALS.

(a) No person, unless otherwise directed by a police officer, shall:

- (1) As a pedestrian, occupy any space within the limits of the right-of-way of a freeway, except: in a rest area; on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for pedestrian use; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle; or to obtain assistance;
- (2) Occupy any space within the limits of the right of way of a freeway, with: an animal-drawn vehicle; a ridden or led animal; herded animals; a pushcart; a bicycle, except on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for bicycle use; an electric bicycle; a bicycle with motor attached; a motor driven cycle with a motor which produces not to exceed five brake horsepower; an agricultural tractor; farm machinery; except in the performance of public works or official duties.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.051)

303.07 APPLICATION TO DRIVERS OF GOVERNMENT VEHICLES.

The provisions of this Traffic Code applicable to the drivers of vehicles shall apply to the drivers of all vehicles owned or operated by the United States, any state or any political subdivision thereof, including this Municipality, except as may be otherwise provided by law and subject to such specific exceptions as are set forth with reference to authorized emergency and public safety vehicles.

303.08 IMPOUNDING OF VEHICLES; REDEMPTION.

(a) Police officers are authorized to provide for the removal of a vehicle under the following circumstances:

- (1) When any vehicle is left unattended upon any street, bridge or causeway and is so illegally parked so as to constitute a hazard or obstruction to the normal movement of traffic, or so as to unreasonably interfere with street cleaning or snow removal operations.

- (2) Except as otherwise provided in this subsection, whoever violates subsection (a)(2) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates subsection (a)(2) of this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates subsection (a)(2) of this section is guilty of a misdemeanor of the third degree.
(ORC 4511.17)

313.09 DRIVER'S DUTIES UPON APPROACHING AMBIGUOUS OR NON-WORKING TRAFFIC SIGNAL.

(a) The driver of a vehicle who approaches an intersection where traffic is controlled by traffic control signals shall do all of the following if the signal facing the driver exhibits no colored lights or colored lighted arrows, exhibits a combination of such lights or arrows that fails to clearly indicate the assignment of right of way, or, if the vehicle is a bicycle or an electric bicycle, the signals are otherwise malfunctioning due to the failure of a vehicle detector to detect the presence of the bicycle or electric bicycle.

- (1) Stop at a clearly marked stop line, but if none, stop before entering the crosswalk on the near side of the intersection, or, if none, stop before entering the intersection;
- (2) Yield the right of way to all vehicles in the intersection or approaching on an intersecting road, if the vehicles will constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways.
- (3) Exercise ordinary care while proceeding through the intersection.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.

(ORC 4511.132)

313.10 UNLAWFUL PURCHASE, POSSESSION OR SALE.

(a) As used in this section, "traffic control device" means any sign, traffic control signal or other device conforming to and placed or erected in accordance with the manual adopted under Ohio R.C. 4511.09 by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic, including signs denoting the names of streets and highways, but does not mean any pavement marking.

(b) No individual shall buy or otherwise possess or sell, a traffic control device, except when one of the following applies:

- (1) In the course of the individual's employment by the State or a local authority for the express or implied purpose of manufacturing, providing, erecting, moving or removing such a traffic control device;
- (2) In the course of the individual's employment by any manufacturer of traffic control devices other than a State or local authority;

(c) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left of the center of the roadway for use by traffic not otherwise permitted to use the lanes, or except as permitted under subsection (a) (2) hereof.

This subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway.

(d) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.

(ORC 4511.25)

331.02 PASSING TO RIGHT WHEN PROCEEDING IN OPPOSITE DIRECTIONS.

(a) Operators of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each operator shall give to the other one-half of the main traveled portion of the roadway or as nearly one-half as is reasonably possible.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.

(ORC 4511.26)

331.03 OVERTAKING, PASSING TO LEFT; DRIVER'S DUTIES.

(a) The following rules govern the overtaking and passing of vehicles proceeding in the same direction:

- (1) The operator of a vehicle overtaking another vehicle proceeding in the same direction shall, except as provided in subsection (a)(3) hereof, signal to the vehicle to be overtaken, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. When a motor vehicle overtakes and passes a bicycle or electric bicycle, three feet or greater is considered a safe passing distance.
- (2) Except when overtaking and passing on the right is permitted, the operator of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle at the latter's audible signal, and the operator shall not increase the speed of the operator's vehicle until completely passed by the overtaking vehicle.

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.

(ORC 4511.37)

331.13 STARTING AND BACKING VEHICLES.

(a) No person shall start a vehicle which is stopped, standing or parked until such movement can be made with reasonable safety.

Before backing, operators of vehicles shall give ample warning, and while backing they shall exercise vigilance not to injure person or property on the street or highway.

No person shall back a motor vehicle on a freeway, except: in a rest area; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.38)

331.14 SIGNALS BEFORE CHANGING COURSE, TURNING OR STOPPING.

(a) No person shall turn a vehicle or move right or left upon a highway unless and until such person has exercised due care to ascertain that the movement can be made with reasonable safety nor without giving an appropriate signal in the manner hereinafter provided.

When required, a signal of intention to turn or move right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning, except that in the case of a person operating a bicycle or electric bicycle, the signal shall be made not less than one time but is not required to be continuous. A bicycle or electric bicycle operator is not required to make a signal if the bicycle or electric bicycle is in a designated turn lane, and a signal shall not be given when the operator's hands are needed for the safe operation of the bicycle or electric bicycle.

No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give a signal.

Any stop or turn signal required by this section shall be given either by means of the hand and arm, or by signal lights that clearly indicate to both approaching and following traffic intention to turn or move right or left, except that any motor vehicle in use on a highway shall be equipped with, and the required signal shall be given by, signal lights when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet, whether a single vehicle or a combination of vehicles.

The signal lights required by this section shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.
(ORC 4511.39)

331.15 HAND AND ARM SIGNALS.

(a) Except as provided in subsection (b) hereof, all signals required by this Traffic Code, when given by hand and arm shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:

- (1) Left turn: Hand and arm extended horizontally;
- (2) Right turn: Hand and arm extended upward;
- (3) Stop or decrease speed: Hand and arm extended downward.

(b) As an alternative to subsection (a)(2) hereof, a person operating a bicycle or electric bicycle may give a right turn signal by extending the right hand and arm horizontally and to the right side of the bicycle **or electric bicycle**.

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.
(ORC 4511.40)

331.16 RIGHT OF WAY AT INTERSECTIONS.

(a) When two vehicles approach or enter an intersection from different streets or highways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

(b) The right of way rule declared in subsection (a) hereof, is modified at through highways and otherwise as stated in this Traffic Code and Ohio R.C. Chapter 4511.
(ORC 4511.41)

(c) Subject to compliance with any traffic control device, when two vehicles approach or enter a junction of two or more alleys from different directions at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

331.37 DRIVING UPON SIDEWALK OR BIKE PATH.

(a) No person shall drive any vehicle, other than a bicycle or an electric bicycle if the motor is not engaged, upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway. (ORC 4511.711)

(b) No person shall drive a vehicle on a street lawn area or the curb of a street, except upon a permanent or duly authorized temporary driveway or when otherwise lawfully authorized.

(c) No person shall operate a motor vehicle, snowmobile, or all-purpose vehicle upon any path set aside for the exclusive use of bicycles, when an appropriate sign giving notice of such use is posted on the path. (ORC 4511.713)

(d) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.711)

331.38 STOPPING FOR SCHOOL BUS; DISCHARGING CHILDREN.

(a) The driver of a vehicle upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or discharging any school child, person attending programs offered by community boards of mental health and County boards of developmental disabilities, or child attending a program offered by a head start agency, shall stop at least ten feet from the front or rear of the school bus and shall not proceed until such school bus resumes motion, or until signaled by the school bus driver to proceed.

It is no defense to a charge under this subsection (a) hereof that the school bus involved failed to display or be equipped with an automatically extended stop warning sign as required by subsection (b) hereof.

(b) Every school bus shall be equipped with amber and red visual signals meeting the requirements of Ohio R.C. 4511.771, and an automatically extended stop warning sign of a type approved by the State Board of Education, which shall be actuated by the driver of the bus whenever but only whenever the bus is stopped or stopping on the roadway for the purpose of receiving or discharging school children, persons attending programs offered by community boards of mental health and County boards of developmental disabilities, or children attending programs offered by head start agencies. A school bus driver shall not actuate the visual signals or the stop warning sign in designated school bus loading areas where the bus is entirely off the roadway or at school buildings when children or persons attending programs offered by community boards of mental health and County boards of developmental disabilities are loading or unloading at curbside or at buildings when children attending programs offered by head start agencies are boarding or unloading at curbside. The visual signals and stop warning sign shall be synchronized or otherwise operated as required by rule of the Board.

(c) Where a highway has been divided into four or more traffic lanes, a driver of a vehicle need not stop for a school bus approaching from the opposite direction which has stopped for the purpose of receiving or discharging any school child, persons attending programs offered by community boards of mental health and County boards of developmental disabilities, or children attending programs offered by head start agencies. The driver of any vehicle overtaking the school bus shall comply with subsection (a) hereof.

CHAPTER 373 Bicycles and Motorcycles

373.01	Code application to bicycles.	373.07	Riding bicycle on right side of roadway; obedience to traffic rules; passing.
373.02	Riding upon seats; handle bars; helmets and glasses.	373.08	Reckless operation; control, course and speed.
373.03	Attaching bicycle or sled to vehicle.	373.09	Parking of bicycle.
373.04	Riding bicycles and motorcycles abreast.	373.10	Motorized bicycle operation, equipment and license.
373.05	Signal device on bicycle.	373.11	Riding bicycles on sidewalks prohibited.
373.06	Lights and reflector on bicycle; brakes.	373.12	Skateboards; roller skates.
		373.13	Electric bicycles.

CROSS REFERENCES

See sectional histories for similar State law
 Motorcycle protective equipment - see OAC Ch. 4501-17
 Motorized bicycle equipment - see OAC Ch. 4501-23
 Bicycle defined - see TRAF. 301.04
 Motorcycle defined - see TRAF. 301.19
 Bicycles prohibited on freeways - see TRAF. 303.06
 Hand and arm signals - see TRAF. 331.15
 Motorcycle operator's license required - see TRAF. 335.01(a)
 Motorcycle headlight - see TRAF. 337.03
 Motorcycle brakes - see TRAF. 337.18(b)

373.01 CODE APPLICATION TO BICYCLES.

(a) The provisions of this Traffic Code that are applicable to bicycles and electric bicycles apply whenever a bicycle or electric bicycle is operated upon any street or upon any path set aside for the exclusive use of bicycles.

(b) Except as provided in subsection (d) of this section, a bicycle operator or electric bicycle operator who violates any section of this Traffic Code described in subsection (a) of this section that is applicable to bicycles or electric bicycles may be issued a ticket, citation or summons by a law enforcement officer for the violation in the same manner as the operator of a motor vehicle would be cited for the same violation. A person who commits any such violation while operating a bicycle or electric bicycle shall not have any points assessed against the person's driver's license, commercial driver's license, temporary instruction permit, or probationary license under Ohio R.C. 4510.036.

(c) Except as provided in subsection (d) of this section, in the case of a violation of any section of this Traffic Code described in subsection (a) of this section by a bicycle operator, **electric bicycle operator**, or motor vehicle operator when the trier of fact finds that the violation by the motor vehicle operator endangered the lives of bicycle riders **or electric bicycle riders** at the time of the violation, the court, notwithstanding any provision of this Traffic Code to the contrary, may require the bicycle operator, **electric bicycle operator** or motor vehicle operator to take and successfully complete a bicycling skills course approved by the court in addition to or in lieu of any penalty otherwise prescribed by the Traffic Code for that violation.

(d) Subsections (b) and (c) of this section do not apply to violations of Section 333.01 of this Traffic Code. (ORC 4511.52)

(e) The provisions of this Traffic Code shall apply to bicycles **and electric bicycles** except those which by their nature are not applicable.

373.02 RIDING UPON SEATS; HANDLEBARS; HELMETS AND GLASSES.

(a) For purposes of this section "snowmobile" has the same meaning as given that term in Ohio R.C 4519.01.

(b) No person operating a bicycle **or electric bicycle** shall ride other than upon or astride the permanent and regular seat attached thereto, or carry any other person upon such bicycle **or electric bicycle** other than upon a firmly attached and regular seat thereon, and no person shall ride upon a bicycle **or electric bicycle** other than upon such a firmly attached and regular seat.

(c) No person operating a motorcycle shall ride other than upon or astride the permanent and regular seat or saddle attached thereto, or carry any other person upon such motorcycle other than upon a firmly attached and regular seat or saddle thereon, and no person shall ride upon a motorcycle other than upon such a firmly attached and regular seat or saddle.

(d) No person shall ride upon a motorcycle that is equipped with a saddle other than while sitting astride the saddle, facing forward, with one leg on each side of the motorcycle.

(e) No person shall ride upon a motorcycle that is equipped with a seat other than while sitting upon the seat.

(f) No person operating a bicycle **or electric bicycle** shall carry any package, bundle or article that prevents the driver from keeping at least one hand upon the handlebars.

(g) No bicycle, **electric bicycle**, or motorcycle shall be used to carry more persons at one time than the number for which it is designed and equipped. No motorcycle shall be operated on a highway when the handlebars rise higher than the shoulders of the operator when the operator is seated in the operator's seat or saddle.

- (h) (1) Except as provided in subsection (h)(2) of this section, no person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. Except as provided in subsection (i)(3) of this section, no person who is under the age of eighteen years, or who holds a motorcycle operator's endorsement or license bearing "novice" designation that is currently in effect as provided in Ohio R.C. 4507.13, shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a United States Department of Transportation-approved protective helmet on the person's head, and no other person shall be a passenger on a motorcycle operated by such a person unless similarly wearing a protective helmet. The helmet, safety glasses or other protective eye device shall conform with rules adopted by the Ohio Director of Public Safety. The provisions of this subsection or a violation thereof shall not be used in the trial of any civil action.
- (2) Subsection (h)(1) of this section does not apply to a person operating an autocycle or cab-enclosed motorcycle when the occupant compartment top is in place enclosing the occupants.
- (i) (1) No person shall operate a motorcycle with a valid temporary permit and temporary instruction permit identification card issued by the Ohio Registrar of Motor Vehicles pursuant to Ohio R.C. 4507.05 unless the person, at the time of such operation, is wearing on the person's head a protective helmet that has been approved by the United States Department of Transportation that conforms with rules adopted by the Director.
- (2) No person shall operate a motorcycle with a valid temporary instruction permit and temporary instruction permit identification card issued by the Registrar pursuant to Ohio R.C. 4507.05 in any of the following circumstances:
 - A. At any time when lighted lights are required by Section 337.02(a)(1);
 - B. While carrying a passenger;
 - C. On any limited access highway or heavily congested roadway.

(j) Nothing in this section shall be construed as prohibiting the carrying of a child in a seat or trailer that is designed for carrying children and is firmly attached to the bicycle or electric bicycle.

(k) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.53)

373.03 ATTACHING BICYCLE OR SLED TO VEHICLE.

(a) No person riding upon any motorcycle, bicycle, electric bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or self to any vehicle upon a roadway.

No operator shall knowingly permit any person riding upon any motorcycle, bicycle, electric bicycle, coaster, roller skates, sled or toy vehicle to attach the same or self to any vehicle while it is moving upon a roadway. This section does not apply to the towing of a disabled vehicle.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.54)

373.04 RIDING BICYCLES AND MOTORCYCLES ABREAST.

(a) Persons riding bicycles, electric bicycles, or motorcycles upon a roadway shall ride not more than two abreast in a single lane, except on paths or parts of roadways set aside for the exclusive use of bicycles, electric bicycles, or motorcycles.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.55)

373.05 SIGNAL DEVICE ON BICYCLE.

(a) A bicycle or electric bicycle may be equipped with a device capable of giving an audible signal, except that a bicycle or electric bicycle shall not be equipped with nor shall any person use upon a bicycle or electric bicycle any siren or whistle.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.56)

373.06 LIGHTS AND REFLECTOR ON BICYCLE; BRAKES.

(a) Every bicycle or electric bicycle when in use at the times specified in Section 337.02, shall be equipped with the following:

- (1) A lamp mounted on the front of either the bicycle or electric bicycle or the operator that shall emit a white light visible from a distance of at least five hundred feet to the front; and three hundred feet to the sides. A generator-powered lamp that emits light only when the bicycle or electric bicycle is moving may be used to meet this requirement.

- (2) A red reflector on the rear that shall be visible from all distances from one hundred feet to six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.
- (3) A lamp emitting either flashing or steady red light visible from a distance of five hundred feet to the rear shall be used in addition to the red reflector; If the red lamp performs as a reflector in that it is visible as specified in subsection (a)(2) of this section, the red lamp may serve as the reflector and a separate reflector is not required.

(b) Additional lamps and reflectors may be used in addition to those required under subsection (a) of this section, except that red lamps and red reflectors shall not be used on the front of the bicycle or electric bicycle and white lamps and white reflectors shall not be used on the rear of the bicycle or electric bicycle.

(c) Every bicycle or electric bicycle shall be equipped with an adequate brake when used on a street or highway.

(d) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.56)

373.07 RIDING BICYCLE ON RIGHT SIDE OF ROADWAY; OBEDIENCE TO TRAFFIC RULES; PASSING.

(a) Every person operating a bicycle or electric bicycle upon a roadway shall ride as near to the right side of the roadway as practicable obeying all traffic rules applicable to vehicles and exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) This section does not require a person operating a bicycle or electric bicycle to ride at the edge of the roadway when it is unreasonable or unsafe to do so. Conditions that may require riding away from the edge of the roadway include when necessary to avoid fixed or moving objects, parked or moving vehicles, surface hazards, or if it otherwise is unsafe or impracticable to do so, including if the lane is too narrow for the bicycle or electric bicycle and an overtaking vehicle to travel safely side by side within the lane.

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.55(A))

373.08 RECKLESS OPERATION; CONTROL, COURSE AND SPEED.

- (a) No person shall operate a bicycle or electric bicycle:
- (1) Without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, and so as to endanger the life, limb or property of any person while in the lawful use of the streets or sidewalks or any other public or private property;
 - (2) Without exercising reasonable and ordinary control over such bicycle or electric bicycle;
 - (3) In a weaving or zigzag course unless such irregular course is necessary for safe operation in compliance with law;
 - (4) Without both hands upon the handle grips except when necessary to give the required hand and arm signals, or as provided in Section 373.02(d);
 - (5) At a speed greater than is reasonable and prudent under the conditions then existing.

(b) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

373.09 PARKING OF BICYCLE.

(a) No person shall park a bicycle or electric bicycle upon a sidewalk in such a manner so as to unduly interfere with pedestrian traffic or upon a roadway so as to unduly interfere with vehicular traffic.

(b) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

373.10 MOTORIZED BICYCLE OPERATION, EQUIPMENT AND LICENSE.

(a) No person shall operate a motorized bicycle upon any street or highway or any public or private property used by the public for purposes of vehicular travel or parking, unless all of the following conditions are met:

- (1) The person is fourteen or fifteen years of age and holds a valid probationary motorized bicycle license issued after the person has passed the test provided for in Ohio R.C. 4511.521, or the person is sixteen years of age or older and holds either a valid commercial driver's license issued under Ohio R.C. Chapter 4506, or a driver's license issued under Ohio R.C. Chapter 4507, or a valid motorized bicycle license issued after the person has passed the test provided for in Ohio R.C. 4511.521, except that if a person is sixteen years of age, has a valid probationary motorized bicycle license and desires a motorized bicycle license, the person is not required to comply with the testing requirements provided for in Ohio R.C. 4511.521;
- (2) The motorized bicycle is equipped in accordance with rules adopted by the Ohio Director of Public Safety and is in proper working order;

- (3) The person, if under eighteen years of age, is wearing a protective helmet on the person's head with the chin strap properly fastened, and the motorized bicycle is equipped with a rear-view mirror;
- (4) The person operates the motorized bicycle when practicable within three feet of the right edge of the roadway obeying all traffic rules applicable to vehicles; and
- (5) The motorized bicycle displays on the rear of such bicycle the current license plate or validation sticker furnished by the Ohio Director of Public Safety under Ohio R.C. 4503.191.

(b) No person operating a motorized bicycle shall carry another person upon the motorized bicycle.

(c) Each probationary motorized bicycle license or motorized bicycle license shall be laminated with a transparent plastic material.

(d) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4511.521)

373.11 RIDING BICYCLES ON SIDEWALKS PROHIBITED.

(a) No person shall operate a bicycle upon a sidewalk within a business district, the Central Business District, or upon a sidewalk within a shopping center, or upon a sidewalk where signs are erected prohibiting such operation.

(b) Any person lawfully operating a bicycle upon a sidewalk shall use the right side of the sidewalk. Upon all heavily traveled thoroughfares, it shall be the duty of all persons operating bicycles to ride in single file. (1978 Code 75.10)

(c) Whoever violates any provision of this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

373.12 SKATEBOARDS; ROLLER SKATES.

(a) As used in this section "skateboard" means any vehicle or device consisting basically of a board or platform mounted on wheels or rollers, whether powered by gravity, muscle power or mechanical or motorized means, which is not equipped with a positive, mechanical means of steering such vehicle or device. However, "skateboard" shall not include motorized or other wheelchairs.

(b) No person shall ride on or operate a skateboard, rollerskates, toy vehicle, or similar device on any of the streets or highways listed in Traffic Schedule VII.

(c) No person shall ride on or operate a skateboard, rollerskates, toy vehicle, or similar device upon a sidewalk within a business district, upon any public or private property used by the public for purposes of vehicular travel or parking within a business district, upon a sidewalk within a shopping center, or upon a sidewalk where signs are erected prohibiting the same.

(d) Every person lawfully riding on or operating a skateboard, roller skates, toy vehicle, or similar device within the City shall obey at all times all traffic-control devices, signals, and regulations of the City including, without limitation, the duty to operate the same on the right side of the street, highway, alley, or sidewalk. (1978 Code 75.11)

(e) Whoever violates any provision of this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

373.13 ELECTRIC BICYCLES.

- (a) (1) The operation of a class 1 electric bicycle and a class 2 electric bicycle is permitted on a path set aside for the exclusive use of bicycles or on a shared-use path, unless the Municipality by resolution, ordinance, or rule prohibits the use of a class 1 electric bicycle or class 2 electric bicycle on such a path.
- (2) No person shall operate a class 3 electric bicycle on a path set aside for the exclusive use of bicycles or a shared-use path unless that path is within or adjacent to a highway or the Municipality by resolution, ordinance, or rule authorizes the use of a class 3 electric bicycle on such a path.
- (3) No person shall operate a class 1 electric bicycle, a class 2 electric bicycle or a class 3 electric bicycle on a path that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use, unless the Municipality by resolution, ordinance or rule authorizes the use of a class 1 electric bicycle, a class 2 electric bicycle, or a class 3 electric bicycle on such a path.
- (b) (1) No person under sixteen years of age shall operate a class 3 electric bicycle; however, a person under sixteen years of age may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.
- (2) No person shall operate or be a passenger on a class 3 electric bicycle unless the person is wearing a protective helmet that meets the standards established by the Consumer Product Safety Commission or the American Society for Testing and Materials.
- (c) (1) Except as otherwise provided in this subsection, whoever operates an electric bicycle in a manner that is prohibited under subsection (a) of this section and whoever violates subsection (b) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.
- (2) The offenses established under subsection (c)(1) of this section are strict liability offenses and strict liability is a culpable mental state for purposes of Ohio R.C. 2901.20. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense. (ORC 4511.522)

SCHEDULE II. PARKING TIME LIMITS.

(a) Parking limitations (restrictions) are as listed in the following Parking Space/Parking List Summaries as contained in this subparagraph (a):

Parking Space Summary				
Street	Between	Side	Restriction	Spaces
Clinton St., E.	Perry St./Monroe St.	S	30 Min. (2A-5A) 2 Hour (5A - 6P) Handicapped Parking Only	1, 11
Clinton St., E.	Perry St./Monroe St.	S	30 Min. (2A - 5A) 2 Hour (5A - 6P)	2-10 12-19
Clinton St., E.	Monroe St./Perry St.	N	30 Min. (2A - 5A) 2 Hour (5A - 6P) Handicapped Parking Only	1
Clinton St., E.	Monroe St./Perry St.	N	30 Min. (2A - 5A) 2 Hour (5A - 6 P)	2-13
Clinton St., E.	Monroe St./Perry St.	N	30 Min. (2A - 5A) 2 Hour (5A - 6P) Handicapped Parking Only	14
Clinton St., E.	Monroe St./Perry St.	N	30 Min. (2A - 5A) 2 Hour (5A - 6 P)	4 15-18
Clinton St., W.	Scott St./Perry St.	N	No parking, during church service; and at times of special events approved by Chief of Police.	1 (166 Feet)
Clinton St., W.	Webster St./Scott St.	S	None	1-7
Clinton St., W.	Scott St./Perry St.	S	30 Min. (2A - 5A) 2 Hour (5A - 6P)	1-8
Main St. Parking Lot	Main St./Alley	W	30 Min. (2A - 5A) 10 Hour (5A - 2A)	1-8
Main St. Parking Lot	Main St./Alley	W. Center	30 Min. (2A - 5A) 10 Hour (5A - 2A)	1-11
Main St. Parking Lot	Main St./Alley	W		9-12

Street	Between	Side	Restriction	Spaces
Perry St.	Riverview Ave./Washington St.	E	Handicapped Parking only	1, 7-8
Perry St.	Riverview Ave./Washington St.	E	Police use only	10
Perry St.	Shelby St./Railroad St.	E	30 Min. (2A - 5P) All day	9-11
Perry St.	Shelby St./Railroad St.	W	2 Hour	1-6
Perry St.	Clinton St./Washington St.	E	30 Min. (2A - 5A) 2 Hour (5A - 6P) Handicapped Parking only	1
Perry St.	Clinton St./Washington St.	E	30 Min. (2A - 5A) 2 Hour (5A - 6P)	2-11
Perry St.	Clinton St./Washington St.	W	2 Hour (5A - 6P) 30 Min. (2A - 5A) Handicapped Parking only	1, 7
Perry St.	Clinton St./Washington St.	W	30 Min. (2A - 5A) 2 Hour (5A - 6P)	2-6 8-11
Perry St.	Clinton St./Shelby St.	E	30 Min. (2A - 5A) 2 Hour (5A - 6P)	1-4 2-4 all day
Perry St.	Clinton St./Shelby St.	E	30 Min. (2A - 5A) 2 Hour (5A - 6P) Handicapped Parking only	5 2a-5a 30 min.
Perry St.	Shelby St./Railroad St.	E	30 Min. (2A - 5A) All Day	10-12
Perry St.	Shelby St./Clinton St.	W	30 Min. (2A - 5A) 2 Hour (5A - 6P)	1-5
Perry St.	Washington St./Main St.	W	30 Min. (2A - 5A) 2 Hour (5A - 6P)	1-4
Scott St.	Clinton St./Washington St.	W	2 Hour (5A - 6P) 30 Min. (2A - 5A)	1-6
Scott St.	Washington St./Main St.	W	30 Min. (2A - 5A) 2 Hour (5A - 6P)	1-10

Street	Between	Side	Restriction	Spaces
Webster St.	Main St./Washington St.	E	18 Hour	1-17
Webster St.	Washington St./Clinton St.	E	18 Hour	10-22
Webster St.	Clinton St./Washington St.	W	18 Hour	1-22
Briarheath Ave.	Clairmont Ave./Westmont Ave.	W		1-3
Briarheath Ave.	Westmont Ave./Westchester Ave.	W		1-3
Main St. Concrete Parking Lot	Main St./Alley	E (side)		1-5
Main St. Concrete Parking Lot	Main St./Alley	E (side center)		1-3
Main St. Concrete Parking Lot	Main St./Alley	W (side center)		1-3
Main St. Concrete Parking Lot	Main St./Alley	E (side west)		1-4
Main St. Concrete Parking Lot	Main St./Alley	W (side west)		1-4
Main St. Concrete Parking Lot	Main St./Alley	W (side west)	Motorcycle Only	5

(Ord. 030-19. Passed 5-20-19.)

(b) Additionally, Section 351.14 of the Traffic Code titled "All Night Parking" establishes thirty (30) minute restrictions between the hours of 2:00 a.m. and 5:00 a.m. unless posted (signed) otherwise.

(Ord. 032-11. Passed 6-20-11.)

SCHEDULE VIII. BUS STOP LOCATIONS.

The following area(s) are designated as bus stop locations:

Street	Location	Side
North Perry Street	The first two on-street parking spaces immediately north of the alley running east and west between and parallel to West Main Street and West Washington Street.	West

(1978 Code Traf. Sch. VIII)

SCHEDULE IX. ONE-WAY STREETS AND ALLEYS.

The streets and alleys as contained in Schedule IX herein are designated as one way streets and alleys within the City.

Street/Alley	From	To	Direction
Main St., W.	Perry St., N.	Scott St.	Westbound
Front St.	City Hall (parking lot)	Riverview Ave.	Westbound
Alley located between Main St., W. and Washington St., W.	Scott St.	Main St. parking lot	Eastbound
Alley located between Washington St., W. and Clinton St., W.	Scott St.	Webster St.	Westbound
Alley located between Washington St., E. and Clinton St., E.	276.5 feet East of the East Curb of Perry St., N.	Monroe St.	Eastbound

All other streets and/or
ramps within the City as
designated by the
Director of Transportation
in and for the State
of Ohio

(Ord. 030-19. Passed 5-20-19.)

- (i) Daily greens fees shall be as follows:
 - (1) Generally.
 - Weekdays:
 - 9 holes \$10.00
 - 18 holes \$14.00
 - Saturday, Sunday and nationally recognized holidays:
 - 9 holes \$12.00
 - 18 holes \$16.00
 - (2) Junior Greens Fees.
 - Weekdays:
 - 9 holes \$5.00
 - 18 holes \$10.00
 - Weekends and Nationally Recognized Holidays:
 - 9 holes \$7.00
 - 18 holes \$14.00
 - Prepaid Discount Card For Greens fees
 - 9 holes, for ten rounds \$80.00
- (j) Fee for motorized cart use shall be as follows:
 - (1) Motorized cart fee: The privilege of using a non-City motorized cart on the course is restricted to persons holding a valid annual golf privilege card. The cart shall be used only by the holder of such card or his or her immediate family, and guests accompanied by the holder or a member of the holder's immediate family. The annual privilege fee is \$260.00 if gas powered, with an additional \$20.00 being charged if the motorized cart is electrically powered.
 - (2) Motorized cart rental 9 holes
\$7.00 per person with a maximum of two carts per group.
 - (3) Motorized cart rental 18 holes
\$10.00 per person with a maximum of two carts per group.
 - (4) Prepaid discount motorized cart rental for 10 rounds of 9 holes
\$55.00 per person
- (k) Pull cart fee shall be as follows:
 - (1) Pull fee: No charge for using one's own cart.
 - (2) Pull cart rental: \$1.50 (up to 18 holes)
- (1) Golf clubs rental: \$2.00 (up to 18 holes)
- (m) Greens privilege fee and cart use fee shall be for the golfing season from April 1 through October 31, both dates inclusive, subject to the extension of the season by Director of the Parks and Recreation Department. The City has the right to close the course at any time for special events, unplayable conditions, or for other cause deemed appropriate by the Parks and Recreation Department.
- (n) The daily greens fee and daily cart rental fees during "off peak times" of the annual golf season for promotional reasons shall be reduced in an amount of thirty percent (30%) of the herein established rates. What constitutes and is declared "off peak times" is in the sole discretion of the Parks and Recreation Director.
- (o) Discounts shall apply to senior citizens as follows: \$3.00 off regular greens fees and \$2.00 off per person motorized cart rentals, both during the times of 8:00 a.m. through 1:00 p.m. on days of weekdays only, excluding nationally recognized holidays.
- (p) Nothing in this section shall be construed as to limit City Council's authority to adjust daily, weekly, monthly, or annual rates. (Ord. 004-15. Passed 1-19-15.)
- (q) Due to the devastating rain and weather that was experienced in the 2015 Golf Season:

- (1) Any member who has paid their dues as of August 3rd, 2015 will receive 50% off of a membership for the 2016 season, and Cart rental will be given at no charge for the remainder of the 2015 season.
- (2) Any player purchasing a greens fee at full price shall receive a cart rental at no charge. Those not wishing to use a motorized cart will receive 50% off of a 9 hole or 18 hole greens fee. The 50% reduction has a cap of 18 holes per day. (Ord. 044-15. Passed 8-3-15.)
- (r) In order to provide an opportunity for area employers to offer healthy recreational activities for their employees, a Corporate Membership rate shall be created per the following:
 - (1) The Corporate Membership will be available for eligible employees. Eligible employees' family members are not included in the Corporate Membership benefit.
 - (2) The Corporate Membership will be available for eligible employees of a company that has purchased a Corporate Membership; that Corporate Membership must be paid in full to the Napoleon Golf Course before the usage is permitted.
 - (3) The Corporate Membership will include unlimited greens fees for eligible employees.
 - (4) The Corporate Membership does not include cart rentals.
 - (5) The following table establishes the fees for a Corporate Membership to the employer, based on number of employees:

Number of Employees	Annual Fee
25 and under	\$1,000.00
26 - 49	\$2,000.00
50 - 99	\$3,000.00
100 - 199	\$4,500.00
200 and above	\$6,500.00

(Ord. 003-18. Passed 3-5-18.)

- (s) In order to provide an opportunity for area organizations to offer golf outings, a golf outing rate shall be created per the following:

Number of Holes	Fee per Participant
9	\$15.00
18	\$25.00

(Ord. 086-18. Passed 1-21-19.)

955.10 SHELTER HOUSE/COMMUNITY CENTER RATES.

- (a) Shelter house rentals shall be as follows:

Rental Times	Ritter (Weekday)	Ritter (Weekend)	Wayne (Weekday)	Wayne (Weekend)
9:00 a.m.12:00 p.m.	\$35.00	\$40.00	\$30.00	\$35.00
1:00 p.m.-5:00 p.m.	35.00	40.00	30.00	35.00
9:00 a.m.-5:00 p.m.	40.00	45.00	35.00	40.00
6:00 p.m. - 11:00 p.m.	40.00	45.00	35.00	40.00
1:00 p.m. -11:00 p.m.	45.00	50.00	40.00	45.00
9:00 a.m.-11:00 p.m.	50.00	55.00	45.00	50.00

PLANNING COMMISSION

Tuesday, August 27, 2019 at 5:00 PM

PRESENT

Tim Barry-Chair, Jason Maassel-Mayor, Marvin Barlow, Suzette Gerken,
Larry Vocke

Mark Spiess-Sr. Eng. Tech/Zoning Administrator; Joel Mazur-City Manager

Roxanne Dietrich

News Media

Chairman Barry called the meeting called to order at 5:00 pm. Roll call was taken with a quorum present, the meeting continued.

Hearing no objections or corrections, the April 9, 2019 meeting minutes were approved as presented.

Barry read the background on PC 19-07 – Approval of City Master Plan.
Public Hearing on Recommendation for Approval of City Master Plan. ORC
159.01(c)(4) – Recommend for Adoption a Master and/or Thoroughfare Plan
for the City, including any Amendments thereto.

Spieß read the recommendation for PC 19-07:
On June 17, 2019 a copy of the Master Plan was sent to City Council and the Planning Commission for their review. Any comments were asked to be returned by July 12, 2019. No comments were returned, so it is recommended this Master Plan be approved as presented.

City Manager Mazur commented there are a couple of modifications that I will recommend to Council regarding changing the language on sustainability. These changes will help when submitting grant applications for future projects. The Executive Summary highlights the main topics. Maassel asked how long is the Master Plan good for, six to eight years. Mazur responded they recommend five years typically they last seven years.

Motion: Barlow Second: Gerken
to recommend Council approve PC 19-07-City Master Plan with the understanding there will be verbiage changes pertaining to the sustainability section of the Master Plan.

Roll call vote on the above motion:

Yea-Barlow, Maassel, Gerken, Vocke, Barry

Nav-

Motion: Maassel Second: Vocke
to adjourn the Planning Commission meeting at 5:06 pm.

Roll call vote on the above motion:

Yea-Barlow, Maassel, Gerken, Vocke, Barry

Nay-

Tim Barry - Chairman

City of
Napoleon

MASTER PLAN

June 2019
DRAFT

napoleon

Historic
Downtown



River Walk



Park



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Acknowledgements

The 2019 City of Napoleon Master Plan was developed under the guidance of department heads, stakeholders and elected officials comprised of the following individuals:

Elected Officials	Council Member
Jason P. Maassel	Mayor of the City of Napoleon
Daniel Baer	Councilperson – Chairperson of the Safety & Human Resources
Joseph Bialorucki	Council President – Chairperson of the Finance & Budget Committee
Jeffrey Comadoll	Councilperson – Chairperson of the Water/Sewer Committee
Ken Haase	Councilperson – Chairperson of the Technology & Communication Committee
Jeff Mires	Councilperson – Chairperson of the Parks and Recreation Committee
Travis Sheaffer	Councilperson – Chairperson of the Electric Committee
Lori Siclair	Councilperson – Chairperson of the Municipal Properties, Building, Land Use and Economic Development Committee

Department Personnel	Department/Agency
Joel Mazur	City Manager
Kent Seemann	Finance Director
Billy D. Harmon	Law Director
Chad Lulfs, PE, PS	Public Works & Engineering Department
David Mack	Police Department Chief
Clayton O'Brien	Fire & Rescue Department Chief
Tony Cotter	Parks & Recreation Department
Dr. Steve Fogo	Napoleon Area School District
Betsy Eggers	Napoleon Public Library
Mary Hoeffel	Napoleon Alive, Inc.

This document was also prepared with the information gathered from numerous public and private organizations.

Consulting Team





Executive Summary

"I believe the City of Napoleon needs to decide if we want to continue to lose residents to other areas in NW Ohio or whether we need to work with developers to give them breaks in building costs in the beginning and be more accommodating before Napoleon turns into another "dying" community.

Napoleon could be a great bedroom community to the Waterville/Perrysburg/Whitehouse areas, but have no housing, decent restaurants or shopping.

~Survey Respondent

Executive Summary

This Master Plan is the City of Napoleon's (the City) official document that outlines a plan of action to implement strategies in several areas such as land use, riverfront and economic development, connectivity, neighborhood revitalization and quality of life. It integrates the ideas presented by over 600 residents that participated in this effort.

The Plan has several roles in shaping the community's quality of life, by acting as:

- ➔ A reference guide used by City officials, department heads, residents, and local and national investors to coordinate efforts to improve the City's physical and social environments
- ➔ A scorecard of community progress

This Plan update was developed by reviewing the City's past two plans (2002 and 2009) for continued relevance, and overlaying them on top of a fresh public outreach component, best practices, and current demographic and economic realities. It was forged over a 9-month period that was guided by residents, City officials and stakeholders.

The Plan will be used to build coordinated efforts to complete major initiatives and tasks, and used by City officials to evaluate development proposals, land use / zoning changes, create and enhance programs, and to make capital improvement decisions.

Plan Themes and Initiatives

Several ideas and thoughts surfaced during this Master Plan update. These major Plan themes are:



Improve the Riverfront

As one of the prime assets of Henry County, the river traverses the community's downtown with uninspiring human connection, and remains vastly underutilized.

The closure of Central Elementary School and the potential adaptive reuse of selected properties could provide an opportunity to stimulate linkages and land uses that are socially and economically profitable.

The recent improvements in the downtown such as the sidewalks and outdoor dining and refreshment areas, along with private sector investments have helped to bring refreshing improvements to both the downtown and riverfront. Based on this planning process, it was realized that much more is desired and needed.

This Plan supports all types of improvements to connect residents to the riverfront. But it is absolutely important that these efforts are coordinated and planned to make the most impact. A grand opportunity exists for a revitalized riverfront area bounded by Perry, West Main, Avon, and Front Street anchored in and around the former elementary school and potential Napoleon Civic Center project.



Advancing Growth Opportunities

There is an increasing trend of people working in Henry County and living elsewhere, taking their earnings and spending power outside of the county.

According to an economic development report completed in 2015 for the Henry County Community Improvement Corporation (CIC), residents from the 43545 zip code spent

approximately \$56,505,787 outside of the community. To help offset this trend, City officials are desirous of working to unlock new areas of Napoleon for growth opportunities.

According to current demographic trends, the City's population is aging, yet there are limited newer housing opportunities for seniors. The future of tomorrow's workforce is dependent upon young professionals, yet the City's housing market offers few updated housing opportunities for this particular group. Efforts are underway, however, by local and regional developers to help meet these needs.

Many promising areas designated for residential, commercial, or mixed uses are located west of Scott Street and in Northpoint Business Park along US 24. The potential construction of a new river bridge could link Napoleon's two separate industrial areas into one large industrial region opening the door for future development. Joining the industrial area south of the river, which includes the Campbell Soup Plant, to the industrial area north of the river, including the US 24 highway artery, is vital to attract and foster future economic prosperity and development for Henry County.



Promote Mixed Land Uses

The City has a notable footprint of land that does not generate property taxes or produces less than average property taxes for its land use type. It is important that City officials take the necessary steps to promote land uses that generate an improved rate of return. To ensure that future tax revenues remain sufficient, the Master Plan recommends adaptive reuse and tactical densification where feasible along the riverfront, in the downtown, and along Scott Street.



Neighborhood Revitalization

City residents have a desire to see their neighborhoods receive additional code enforcement attention to abate property maintenance and nuisance issues. To improve

this situation, City officials could pursue the adoption of ordinances that require vacant and/or rental properties to be registered and inspected. Additionally, City officials may want to allocate additional resources to enforce existing property maintenance codes to minimize high grass and junked and abandoned vehicle complaints. Using these tools in unison with the newly formed Henry County Land Bank could be particularly useful.



Continued Infrastructure Improvements

Like most communities incorporated for almost a century, certain elements of the City's infrastructure are in need of replacement and repair. This would include

the dedicating of resources in improving the water and sewer systems to meet Ohio Environmental Protection Agency (EPA) mandates, and systematically improving miles of roads and thousands of linear feet of water, sanitary, and storm sewer lines. All of these activities are increasingly more expensive to repair, all while the City's resources are tightening.

According to the community survey, one of the most important items on the minds of residents is the continual improvement of City roads and the cost of utilities. City officials should take a coordinated and planned approach to advance a community dialogue on the most effective strategy to improve its infrastructure, either by an income tax increase, temporary levy or by special assessments.

As the City continues to age, City officials will possibly be faced with performing a "return on investment" (ROI) analysis on which areas of the community should be improved. This is a possibility in the future, especially if the community experiences a population loss in the upcoming Census.



Refined Park and Recreational Opportunities

Residents indicated in the community survey a desire for additional land uses for parks and community spaces and for more recreational amenities like an improved community pool facility/splash park and additional active recreational opportunities like a YMCA.

An initiative to build a new aquatic facility was spearheaded by a newly formed pool commission. This commission worked with City staff to develop preliminary plans for a new swimming pool facility and attached golf course clubhouse. The voters approved the property tax bond issue in May 2019 and the estimated \$3.5 million dollar facility is planned for construction beginning in 2020 with completion scheduled for 2021.



Promote Pedestrian Connectivity

To some residents, the key to improving the quality of life is through the improvement of "movement" infrastructure like bike and walking paths / trails. While the City has a codified policy that requires all developments to have sidewalks, some areas of the community still remain disconnected or in need of sidewalk repairs. Connectivity can be improved by repairing existing sidewalks, reducing existing sidewalk gaps, utilizing other multi-use path systems, and by simply providing more bike racks in key areas.

The City should look to develop a pedestrian master plan to help further this activity and to connect the community to key areas like the downtown, schools, riverfront and Scott Street. City officials should pursue the potential to using the abandoned rail right-of-way that connects Scott Street to the Maumee River and to also improve and expand the existing riverfront trail.



Improved Community Planning Resources

There's a general consensus that many areas of the community are in need of a facelift, whether it be the riverfront, the downtown, Scott Street, or certain neighborhoods. For these issues to be addressed properly, additional resources will be needed to make the planning and zoning department more proactive.

Tools like the already existing Community Reinvestment Area (CRA) program and the Ohio Development Services Agency's (ODSA) competitive grant programs could be used to encourage these efforts.



Improved Wayfinding and Branding

City of Napoleon is replete with amenities that are unique, and unlocking these assets this way could assist in connecting the community to its true value in the region. City officials should work to introduce residents and its visitors to the unique assets through a series of wayfinding and gateway elements.



“Thank you for asking residents’ opinions!! It’s wonderful to be heard! Blessings as you go about the task of long term planning for our wonderful community.”

~Survey Respondent

Public Participation

Public Participation

The City's Master Plan Update was developed through an intensive public process that consisted of four primary elements: project meetings guided by the public works director, stakeholder interviews, community forums, and a year-long interactive community survey.

Department / Staff Meetings

Numerous meetings were held at the direction of City staff to help frame the Plan's development. Information and action items generated from these meetings helped to guide the engagement and data collection process.

Stakeholder Interviews

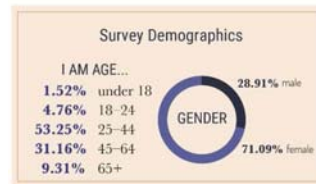
The Plan was developed under the guidance and advice of department heads, elected officials, and key planning and economic development officials. They were active during the process by informing their peers of the survey and events that were scheduled for public participation.

Community Survey

A 17-question community-wide survey was deployed during the planning process. The community surveys were made available online and in hard-copy beginning June 2018 and remained open through April 2019. Over 600 residents completed the surveys. Results from this survey, along with the survey completed in 2016 by the National Research Center, helped to frame many of the recommendations framed in this plan.

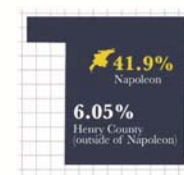
The following infographics provide a detailed outline of the results.

City of NAPOLEON Master Plan Survey



I am a City of Napoleon

68.82%	homeowner
16.13%	renter
1.29%	business owner
4.73%	non-resident employee only
9.03%	other



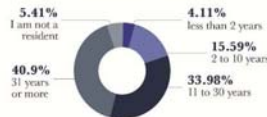
Place of employment

4.32%	Unemployed
12.74%	Retired
8.42%	Other

Which community do you associate with the most in regards to shopping and commerce?

31.75%	Fallen Timbers (Maumee)
24.84%	Defiance
17.06%	Napoleon
12.74%	Toledo
4.54%	Other
3.02%	Internet
2.81%	Levis Commons (Perrysburg)
1.73%	Bowling Green
1.51%	Fort Wayne

How long have you been a resident of Napoleon?



How would you rate your "Quality of Life" in Napoleon?

13.91%	★★★★ Excellent
47.61%	★★★☆☆ Good
26.96%	★★☆☆☆ Adequate
11.52%	★☆☆☆☆ Needs Improvement

I choose to live here because?

47.30%	Family	7.34%	Location
13.17%	Small town charm	4.54%	Not sure
12.96%	Job	3.02%	Schools
9.72%	Other	1.94%	Housing costs

Heartland values,
flowing opportunities

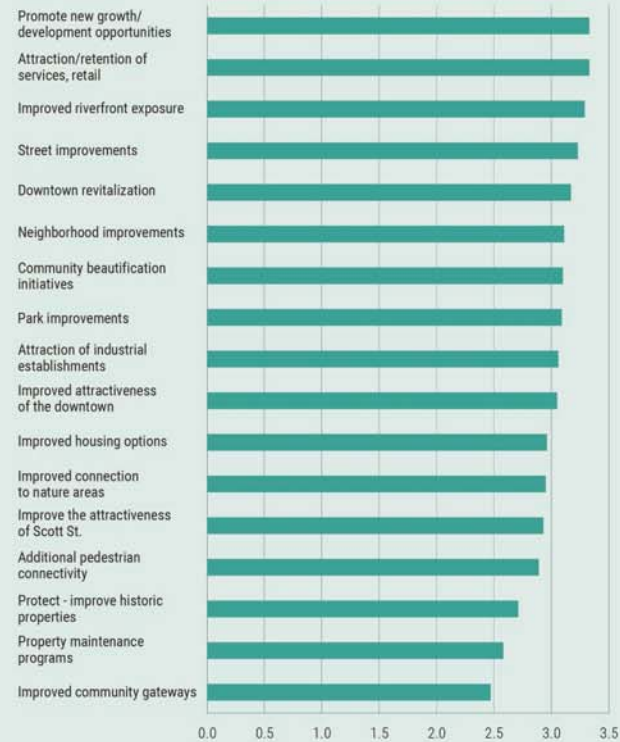


City of NAPOLEON

Master Plan Survey

Future Needs & Improvements

Rate your support for the following activities (1= No Priority 4= High Priority)



If you could improve one area of the community, where would it be?



If you could make one improvement to the downtown, what would it be?



What other businesses or community programs/services are needed in Napoleon?



What land uses would you like to see expanded in the community?
Closer to 1 means in favor of that land use type.



Please list any specific transportation issues or roadway intersections/sections that are problematic?

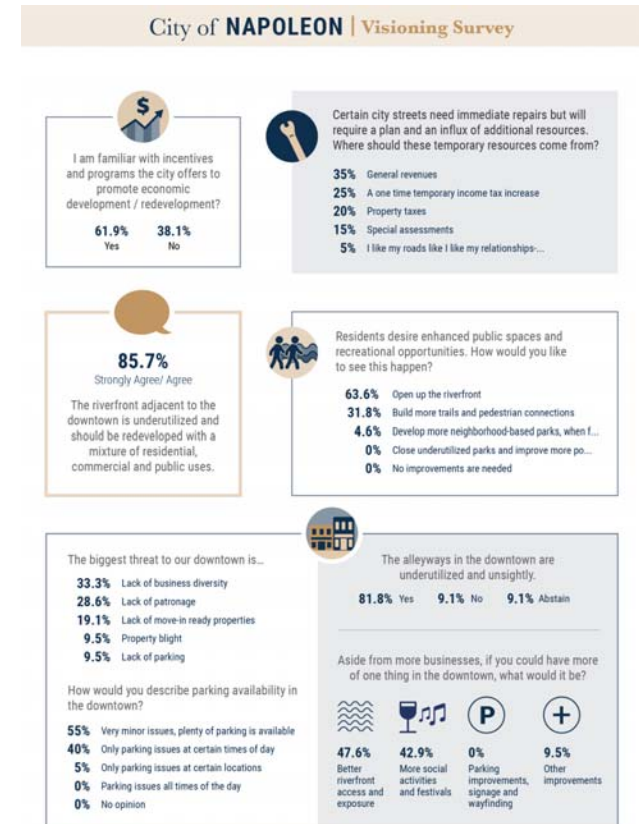
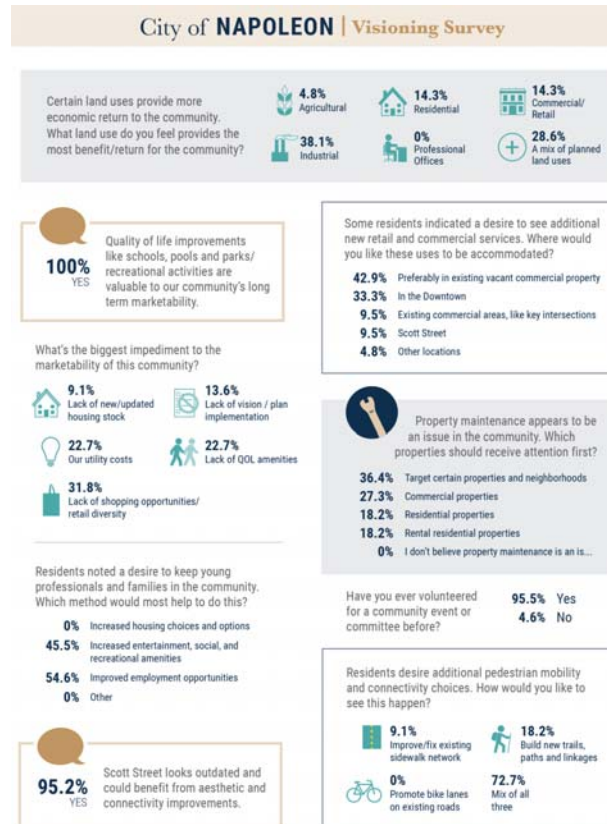


What is your biggest concern about the future of this community?

Lack of growth Improving community amenities, services and "attractiveness" Retaining small businesses, jobs and young adults Residential - Single Family Utility costs Drugs

Community Forum

The community forum held on January 17, 2019 at Oberhaus Park provided residents and community stakeholders with an overview of the planning process, a snapshot of the survey results, and an opportunity to participate in interactive visioning exercises. The audience received anonymous voting devices and was asked their preferences on various questions and ideas. This visioning exercise helped in framing the Plan's strategies and the implementation table presented in this Plan. An overview of the results of the visioning exercise can be found in the following infographics.





Planning Conditions

Planning Conditions

It is important that community officials and stakeholders have a firm understanding of the conditions of the community in which they live...

Some of the key planning issues that affect Napoleon include:

- According to projections prepared by ODSA's Office of Research, Henry County is anticipated to decline in population through 2040, as is most of Northwest Ohio, however the City's population is anticipated to remain stable. Residents from outlying areas in the county shop and work in Napoleon.
- Shifting demographics that include an increase of residents since 2000 in age cohorts over 45 while losing residents in cohorts under 45. However, since 2010, the City is benefiting from an uptick of young families in the 35-44 age cohorts, many of which are former City residents that chose to return to the City to raise their children in a safe community with new schools.
- Key elements of the community could benefit from improved wayfinding signage, pedestrian connectivity, bikeways and neighborhood recreational opportunities. Assets like Tow Path Trail remain relatively hidden from the community.
- Almost 40% of Napoleon's workforce is employed outside of Henry County. While it was anticipated that the improvements to US 24 would be beneficial to Napoleon, it is likely that it could be making it easier for residents to commute somewhere else to work. The survey results indicated that folks shop primarily outside of the community, either in Lucas County (Fallen Timbers / Maumee) or Defiance.



The neighborhoods adjacent to the downtown have well-kept historic properties.

- Recent infrastructure improvements in the downtown area and the outdoor refreshment area are helping to build forward progress. However, impediments like the building decay and other nuances like the lack of D-5 liquor licenses, traffic, and hodgepodge land uses as well as poor interconnectedness along the riverfront pose concerns to the downtown's potential vibrancy.
- Developing innovative funding and timing strategies to repair the City's aging infrastructure, complying with the Long Term Control Plan and National Pollutant Discharge Elimination System (NPDES) Permit

Compliance Schedule developed in collaboration with the Ohio EPA, and enhancing potable water treatment and distribution to ensure compliance with applicable rules and regulations.

Demographic Trends

A portion of this Plan Section is based on a separate Demographics Benchmarks Report that was prepared as part of the planning process. Some notable benchmark indicators that are favorable to Napoleon include:

- Napoleon outshines its regional peer communities in areas of per capita income, households with incomes over \$200K, percentage of residents with graduate degrees, and age of housing, with fewer families in poverty.
- A general uptick in 35-44 age cohorts returning to the community to live and raise children, likely due to affordable housing and good schools.
- A higher percentage of Napoleon's workforce (26.5%) hold management or professional occupations within their employment sectors. The same percentage of workforce is employed in the manufacturing sector.
- Low housing vacancy which indicates a general need for additional residential housing opportunities. Rental occupied households in Napoleon also have the least household burden. When compared to its nearby peer communities, Napoleon also has a lower percentage of rental occupied households that spend more than 30% of their income on gross rents.

Some demographic areas of concern include:

- Stable but stagnant population trends. Recent estimates prepared by the American Community Survey (ACS) data point to the City's population increasing 1.9% but other sources from the US Census show a population decline. This Plan was drafted using demographic estimates so it is important that City officials update sections of this Plan in light of the 2020 Census results.

Economic Snapshot, 2012–2016

	Napoleon	Defiance	Wauseon	Bryan
Per Capita Income	\$25,486	\$23,883	\$22,434	\$21,939
Median Household Income	\$45,417	\$43,855	\$48,750	\$34,490
% of Households over \$200K	2.7%	2.0%	0.8%	0.8%
Families below Poverty	11.5%	15.7%	13.1%	9.6%
% of Workforce Working Out of County of Residence	38.8%	26.4%	28.2%	19.5%
% of Residents with Graduate Degrees	6.2%	6.2%	4.5%	4.3%
Median Year Housing Structure Built	1964	1960	1963	1961

Source: US Census, American Community Survey, 2012–2016

- Napoleon has fewer single family residential homes built in the community since 2000 compared to Bryan, Defiance and Wauseon. This general lack of liquidity in the market could be aiding is the City's stagnant growth pattern.
- Napoleon's population is aging: In 2000, median age of residents was 36.2 years of age. In 2017, mean age was estimated at 40.8, a 12.7% increase.
- Population is more mobile than in peer communities, as 38% of Napoleon's workforce works outside of Henry County, compared to 28%, collectively, of the workforce in nearby communities. This could be detrimental in that

it may assist in population decline as families leave the community to live closer to their employment.

- A decline in young family households headed by individuals in the 25-49 age cohorts.

Age Characteristics and Median Age

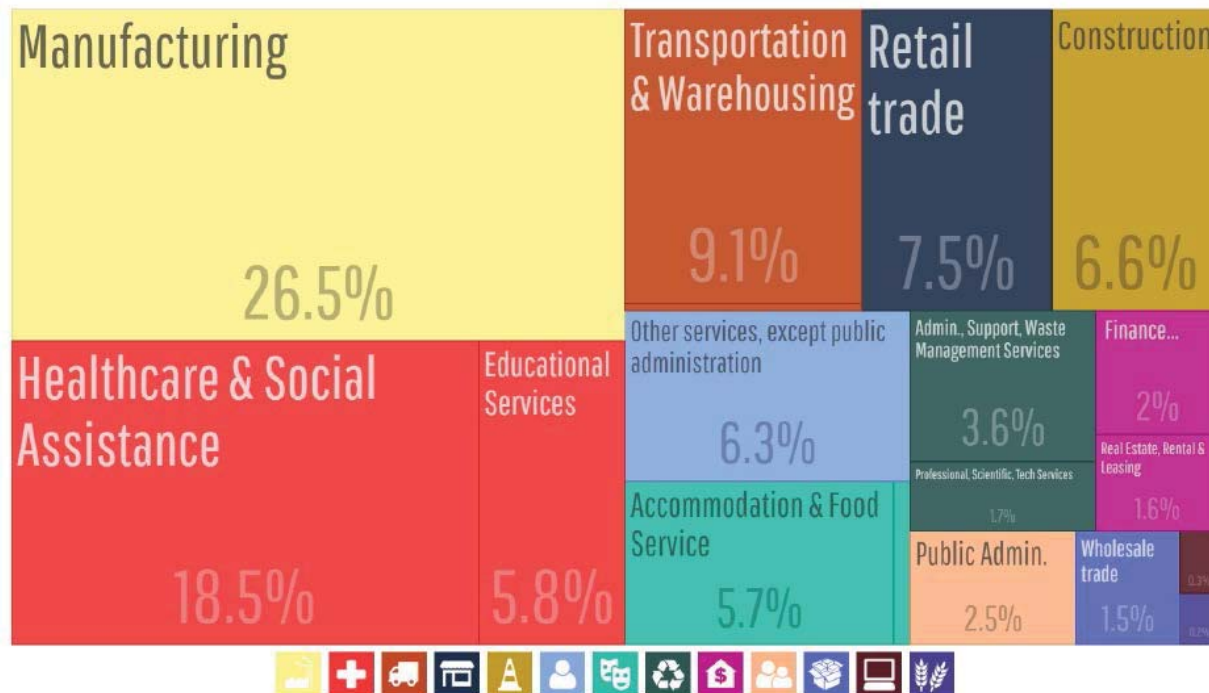
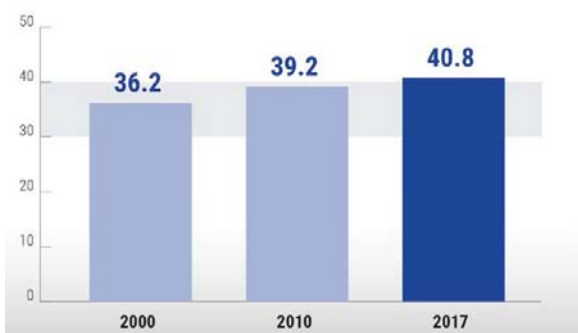
Since 2000, the City has witnessed an increase of residents in the age cohorts over 45 while losing residents in cohorts under 45. However, since 2010, the City is benefiting from an uptick of young families in the 35-44 age cohorts, many of which are former City residents and chose to return to the City to raise their children.

AGE Age Characteristics, 2000–2017

	2000	2010	2017
Total Population	9,318	8,501	8,646
Under 18	2,403	1,965	1,872
18–34	2,495	1,983	1,909
35–44	1,361	861	1,112
45–64	1,949	2,171	2,045
65 and over	1,500	1,521	1,708
Percent of Total	100	100	100
Under 18	25.8%	23.1%	21.7%
18–34	26.8%	23.3%	22.1%
35–44	14.6%	10.1%	12.9%
45–64	20.9%	25.5%	23.7%
65 and over	16.1%	17.9%	19.8%

Source: US Census, American Community Survey, 2012–2016

AGE Change in Median Age, 2000–2017



In 2017, the median age of City residents was estimated at 40.8 years old, which is 5.5 years higher than state and US averages. Since 2000, median age has increased 13%.

Employment

Napoleon is home to a strong base of residents employed in manufacturing and transportation / warehousing positions, as over 36% of City residents are employed in these industries. Approximately 18.5% are employed in healthcare and social assistance fields, with 7.5% employed in retail sector fields. Within these sectors, roughly 8% hold management positions.

Household Income

Median income is an important statistic as income may determine what goods and services a household can and cannot afford to purchase.

According to the Census estimates, Napoleon's median household income in 2017 was \$45,417, generally higher than nearby communities of Defiance and Bryan, but lower than Wauseon. Napoleon's median household income lags behind the State of Ohio (\$50,674) by \$5,257.

INCOME

Median Household Income, 2015



Per Capita Income, 2015



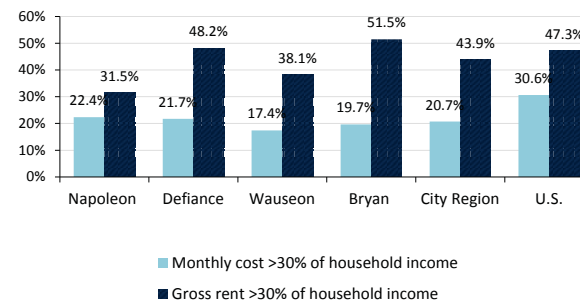
Source: US Census, American Community Survey, 2012–2016

Housing Conditions and Trends

Residential growth has been stagnant in the City since 2000, and most especially since 2010. The lack of liquidity for single family homes and apartments, and property maintenance issues in certain neighborhoods has created interesting dynamics. While owners of occupied housing in Napoleon generally pay more of their income towards mortgage costs (22.4%) than their nearby peers, burdens for renters are generally less. Approximately 31.5% of rental households in

Napoleon pay more than 30% of household income towards their gross rents. This could be due to a multitude of conditions including: higher median incomes, lack of newer rental units that can demand higher rents, or for other reasons. Nevertheless, housing and rental costs in Napoleon are more affordable than nationally.

Housing Costs as a Percent of Household Income, 2016*



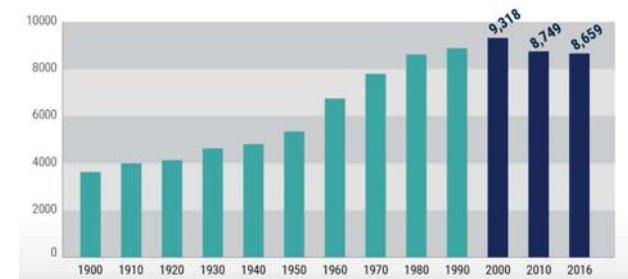
Population / Population Projections

According to the 2010 Census, Napoleon's population was 8,749, a decrease of 6% since the previous decennial census. Recent estimates prepared by the ACS data have the City's population at 8,646. However, City officials believe this number does not reflect current conditions due to low residential vacancies and demand for housing.

According to projections prepared by the ODSA's Office of Research, Henry County is anticipated to decline in population through 2040, as is most of Northwest Ohio. Other counties located in the northwest Ohio footprint are also estimated to witness a decline in population. Wood County's population is expected to remain the most stable due to an inflow of residents from Henry and Lucas Counties.

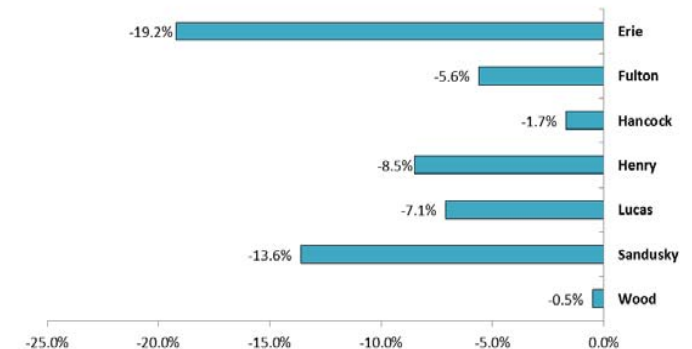
POPULATION

Population Trends, 1900–2016



Source: US Census, American Community Survey, 2012–2016

Population Projections, 2010-2040 Percent Difference



Environmental Considerations

Floodplains are areas adjacent to bodies of water, which over time, diverse weather conditions, and increased development are prone to flooding. The two floodplain classifications as defined by the Federal Emergency Management Agency (FEMA) are the 100-year and 500-year flood hazard areas (FHA), and both areas are present in Napoleon.

Several areas within the 100-year flood zone have experienced flood events of differing intensities over the past few decades. These areas are either adjacent to the Maumee River or the three primary creeks that traverse the City: Garrett, VanHyning or Oberhaus Creeks. Garrett Creek, adjacent to the City's municipal golf course, frequently overflows onto adjacent lands.

There are a variety of areas in and around Napoleon that are wetlands or a variant thereof, and may pose a variety of development-related constraints. (see *Map: Environmental Conditions*).



Most of Napoleon's environmental hazards are flood-related due to the Maumee River levels rising during peak times. Garret Creek, adjacent to the municipal golf course, is adversely affected during these rain events.

City of Napoleon Master Plan

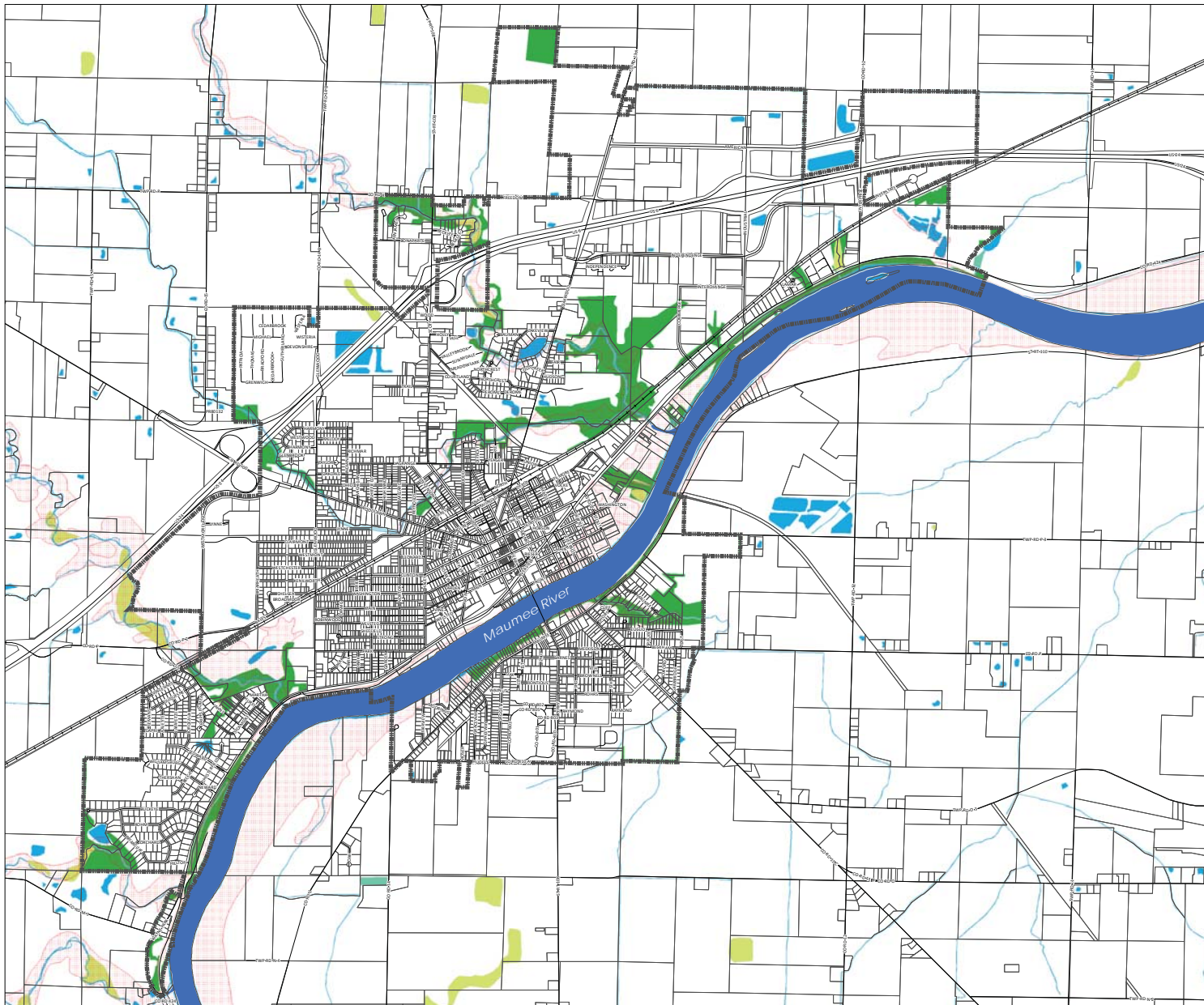
Environmental Conditions



Legend

- Napoleon Corp Boundary
- Streets
- Parcels
- Railroads
- Maumee River / Ponds / Hydrography
- Floodplains
- Surface Water / Wetland Type**
 - Emergent Wetland
 - Forested/Shrub Wetland
 - Pond
 - Creek / Hydrography
 - Woodlands

Note: Map for illustrative purposes only, and should not be used for design and construction purposes.



Source: Henry County Auditor, Engineer, Napoleon, US FWS

Economic Development

City officials use a variety of financial and tax incentives to encourage and stimulate new business investments, with the promotion of these incentives being handled primarily by the Henry County Community Improvement Corporation or Napoleon-Henry County Chamber of Commerce.

The City has two main business park areas, Commerce Park (south of US 24/6) and the “Northpointe” Business Park (north of US 24/6).

Commerce Park is located on the east side of Napoleon north of the Maumee River but south of US 24 and has over 260 acres of site ready land. The Park is fully supplied with all utilities and zoned properly. The park also has many parcels served by the Napoleon, Defiance and Western Railroad.

Northpoint Business Park, located north of US 24, is the largest industrial park in Henry County with over 350 acres of commercial and industrial-zoned site ready property. This park is fully supplied with all utilities and has approximately 300 acres of undeveloped land. Future road upgrades and extensions are currently being planned, and the 2nd river bridge tentatively planned for 2022 will help to link this business park to southerly destinations in the community.

The primary incentives that the City utilizes for economic development include property tax incentive programs (CRA and Enterprise Zone [EZ]), revolving loan and micro loan funds, and jobs grant (income tax refund) programs. The City, as of 2018, also benefits from having a good portion of its area included as an Opportunity Zone, which provides investors with a variety of tax deferment and other advantages.



In 2018, City officials kicked off a three-year improvement program of the downtown including the development of an outdoor refreshment area and wider sidewalks that provide for outdoor dining areas.

At the present time, there are four CRAs in the City limits (CRA Zones #2, #6, #7, and #8) where property tax incentives can be authorized by City council to encourage new construction or the revitalization of residential, commercial and industrial properties (*see Map: Economic Incentive Areas*).

In 2018, the City updated their incentive areas by expanding CRA #6 for a housing project at the former West Elementary School. These areas can be modified and amended over time. There are currently nine active post-1994 CRA abatements.

The City of Napoleon, through the assistance of the Henry County Improvement Corporation, also utilizes the EZ #123 program that provides qualifying companies property tax abatement on real property investments. There is currently one active EZ abatement in the City.

City of Napoleon Master Plan

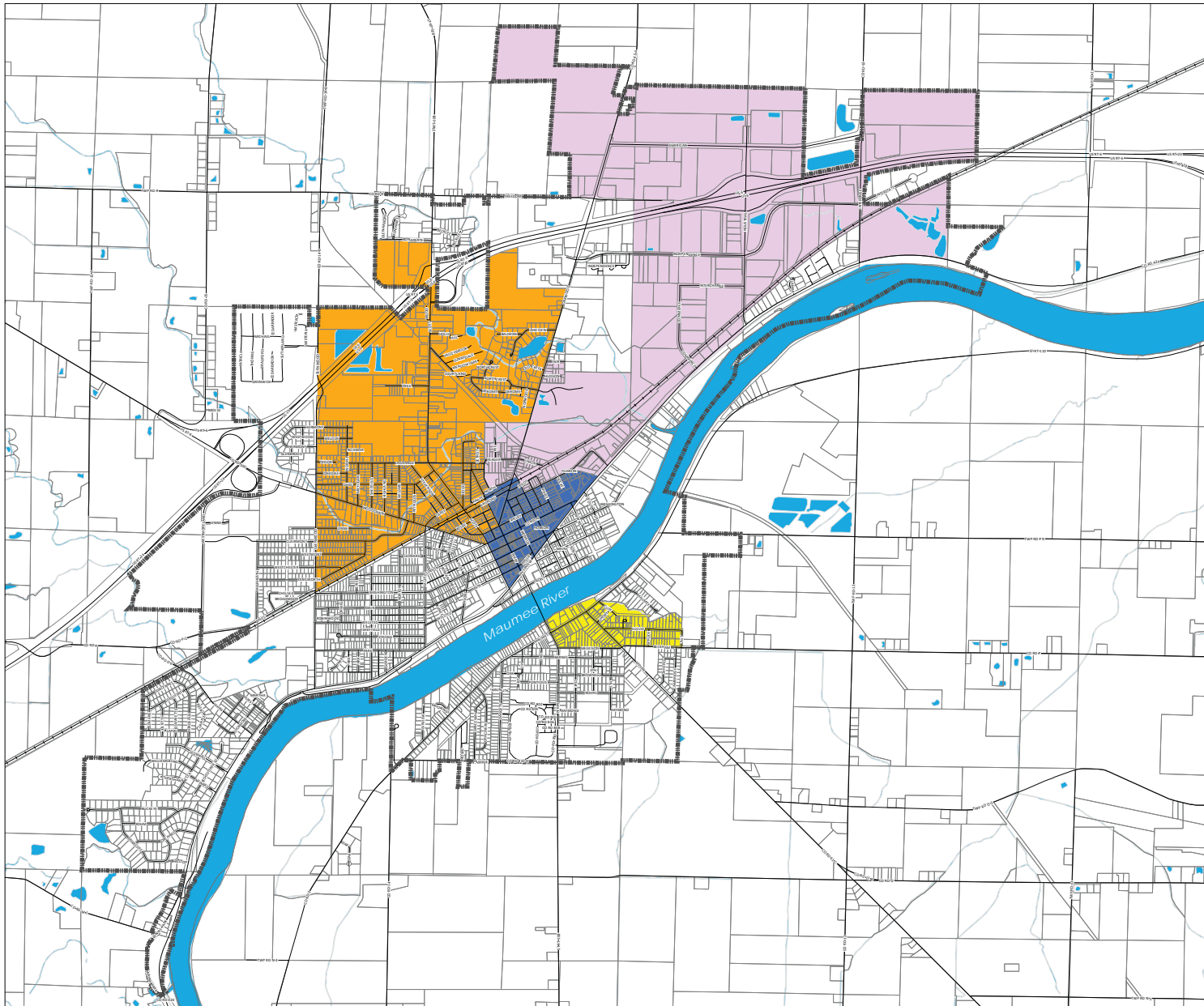
Economic Incentive Areas



Legend

- Napoleon Corp Boundary
- Streets
- Parcels
- Railroads
- Maumee River / Ponds / Hydrography
- CRA 2 (Pre-94)
- CRA 6
- CRA 7
- CRA 8

Note: All areas in the city are part of Enterprise Zone #123 that provides for commercial and industrial property improvements contingent upon approval by the Henry County Commissioners.



0 0.25 0.5 1 1.5 2 Miles

Source: Henry County Auditor, Engineer, Napoleon, Reveille

Existing Land Use and Zoning

Land Use Conditions

The existing land use in the City includes a mix of residential (primarily single-family), commercial, industrial, public/institutional and agricultural/vacant land (see *Map: Existing Land Use*).

The most prevalent land use is residential (33% of total land uses). The residential development includes a mix of older residential areas adjacent to the downtown area, established residential areas near Glenwood Avenue and on the south side of the river, with newer suburban-like residential areas near West Riverview Avenue. Smaller residential areas are located near Oakwood Avenue and East Riverview Avenue away from the downtown area. Several small apartment complexes, multi-family developments, individual multi-family buildings, and mobile home parks are located in the City. Most of the new single-family residential development is occurring in the subdivisions abutting West Riverview Avenue near the river, and west of Glenwood Avenue near the school complex. A small newer subdivision is also located on the south side near Appian Avenue. A new villa style residential development is currently being constructed for the former West School site.

In terms of commercial land uses (17% of total land usage), the City's primary commercial corridor is located along Scott Street from the US 24 interchange to Lagrange Street. National and local retailers and restaurants are located in this corridor, drawing from City residents as well as from travelers and residents from nearby communities.

The downtown area remains a hub of commercial activity as well, with more local and specialized shops and restaurants as well as professional services, offices, and government



functions. Smaller commercial nodes are located along East Riverview Avenue, East Maumee Avenue, South Perry Street on the south side of the river, and at the intersection of Woodlawn Avenue and Glenwood Avenue. Henry County Hospital, the largest office/professional service use in the City, is located in the far-east side of the City on East Riverview Avenue.

There are a few office uses (primarily government-related) in the area near Oakwood Avenue and Independence Drive, and some professional services/office uses in the area along Westmoreland Drive near the Woodlawn Avenue interchange with US 24. There are several undeveloped parcels zoned for future commercial development adjacent to the US 24/Industrial Drive interchange (roughly 20% of land uses are vacant or utilized for agriculture).

Industrial uses (8% of total land uses) in Napoleon are concentrated in the area east of Oakwood Avenue, between US 24 and the Maumee River, centered on the Industrial Drive interchange and Enterprise Avenue. This area is easily accessible by highway and rail and includes several large factory complexes as well as industrial parks with a number of smaller industrial/warehousing operations and “shovel-ready” lots available for development. A small industrial area is located on the south side of the Maumee River, adjacent to the large Campbell Soup complex located outside the City.

The City of Napoleon includes a fair amount of public and institutional land uses (23% of total land uses) that includes city and county owned lands, municipal parks (Glenwood, Oakwood, Ritter, and Oberhaus) and small parks offering ball fields, play areas, recreational trails, a fishing lake, boat launches, and scenic views of the Maumee River. The City's

park system also includes an outdoor swimming pool and golf course.

The City's green space includes several cemeteries, the county fairgrounds, and some woodlands. Public and institutional land uses include the county courthouse, the school complex, the library, the water treatment plant (WTP) and wastewater treatment plant (WWTP), and other public utilities.

Land Use Valuations

Residential land uses occupy 1,118 acres and comprise 33% of the City's total land use. However, its taxable assessed value comprises almost 74% of its total valuation. Residential land uses yield the most property valuation at \$98,856 per acre.

Commercial land uses occupy 573 acres, or 17% of assessed land usage. Its taxable assessed value comprises 19% of the City's total valuation. In 2018, commercial land uses generated \$49,101 per acre.





In 2018, land utilized for industrial purposes consumed 8% of the City's acreage or approximately 273 acres. Its taxable assessed value comprised only 7% of the City's total valuation. Industrial land uses yield \$36,443 per acre.

Approximately 682 acres or 20% of the City is occupied by agricultural land uses, most of which are enrolled in the Current Agricultural Use Value (CAUV) program. Its taxable assessed value comprises less than one half of one percent of the City's total valuation. Agricultural land uses generated \$993 per acre in property valuation in 2018.

Napoleon has a notable footprint of land utilized for public and institutional uses. Land dedicated to these uses amounts to

roughly 23% of the City's total land usage. These land uses, although taxable value is recorded, do not pay property taxes, but do pay special assessments in certain situations.

Property Valuation by Land Use

	 Agriculture	 Commercial	 Industrial	 Residential
Total Value	\$677,350	\$28,135,060	\$9,948,810	\$110,520,860
Total Acreage	682	573	273	1,118
Per Acre Value	\$993	\$49,101	\$36,443	\$98,856













Source: 2018 DTE 93, Henry County Auditor

City of Napoleon Master Plan

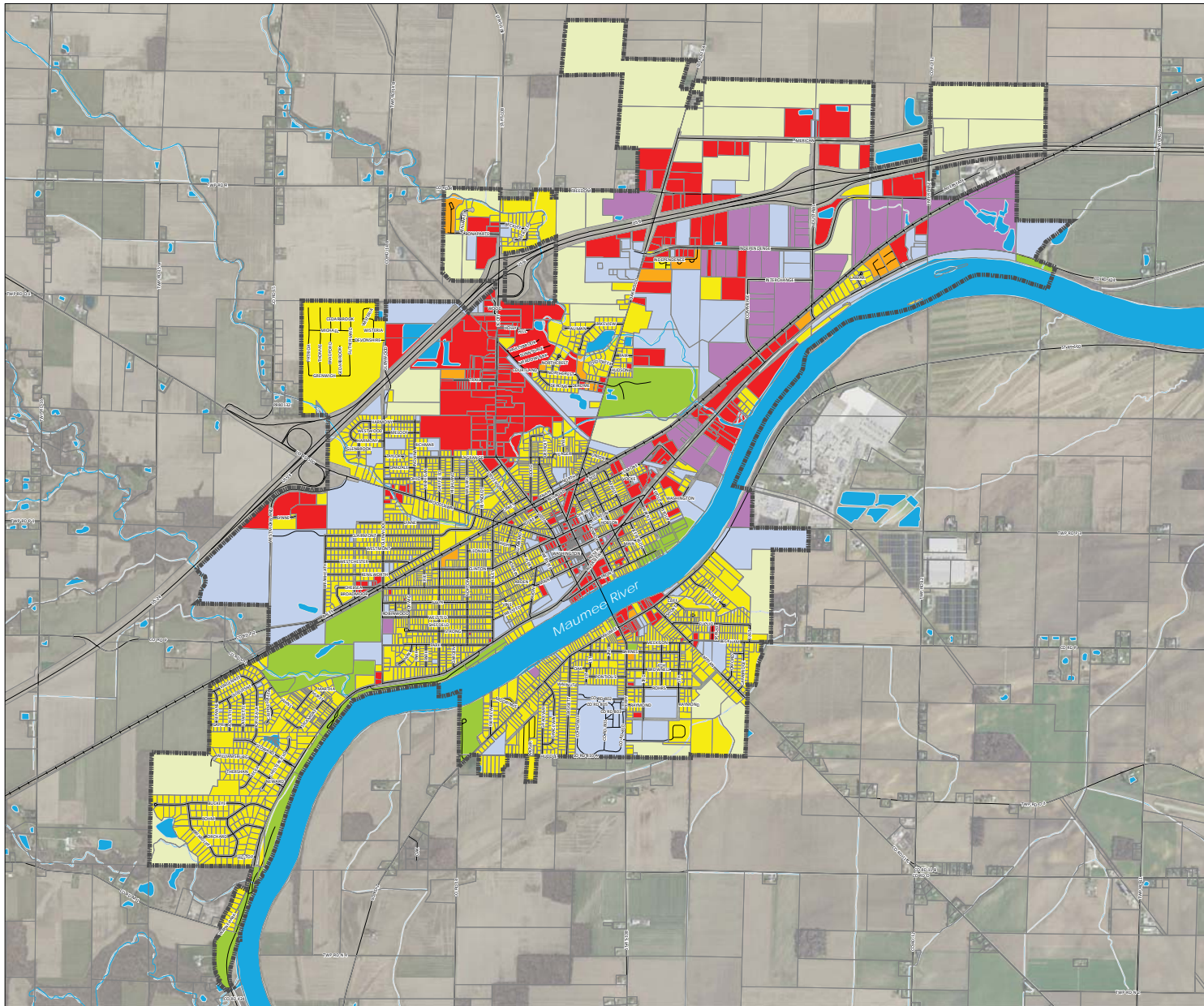
Existing Land Use



Legend

-  Napoleon Corp Boundary
-  Parcels
-  Streets
-  Railroads
-  Maumee River / Ponds / Hydrography
-  Parks
-  Agricultural / Vacant
-  Industrial
-  Commercial
-  Multi-Family Residential
-  Residential
-  Public / Institutional

Note: Land Uses as determined by the landowner and County Auditor for tax purposes. As Of January 2019.



0 0.25 0.5 1 1.5 2 Miles

Source: Henry County Auditor, Engineer, Napoleon, Reville

Zoning Conditions

The Napoleon Zoning Ordinances includes four residential zoning districts ranging from “R-1” (suburban residential) to “R-4” (high-density residential) with varying minimum lot sizes. One and two family dwellings are permitted in all residential zoning districts, although the R-1 and R-2 zoning districts are intended primarily for single family residences, while multiple family dwellings are permitted only in the R-4 zoning district.

The Zoning Ordinances include five commercial zoning districts (general, community, local, planned, and highway).

The C-1 general commercial district serves as the downtown commercial zoning district, the C-2 community commercial and C-3 local commercial districts are intended for less intense commercial uses, and the C-4 (planned) and C-5 (highway) are intended for more intense and/or large scale commercial uses. The Zoning Ordinances also include two industrial zoning districts (enclosed industrial and open industrial) and two overlay districts (floodplain and floodway district and preservation district). Historic design review and preservation guidelines are applicable to non-residential structures in the preservation district.

The Napoleon Zoning Map (*see Map: Zoning*) shows the zoning classification for every parcel in the City, with about half of the City zoned residential and the other half zoned commercial or industrial. The residential zoning is concentrated on the west and south sides of town, near scenic portions of the riverfront and the school complex, while the commercial and industrial zoning is concentrated on the east and north sides of town, near US 24 and the rail line. Areas with high density (multiple family) zoning are located in the perimeter of the downtown area, near Oakwood Avenue, near Scott Street north of US 24,

near Woodlawn Avenue east of US 24, and on scattered sites on the south side of the City.

The largest concentrations of commercial zoning are located along the City’s primary commercial corridor on Scott Street, extending from US 24 to Lagrange Street, and in the downtown area (including both sides of the river). There are also areas of commercial zoning along East Riverview Avenue, on Oakwood Avenue near US 24, and in several small commercial nodes such as along South Perry Street south of Barnes Avenue and at the intersection of Woodlawn Avenue and Glenwood Avenue. The golf course, school complex, and a large mobile home park are also zoned commercial.

Most of the industrial zoning is located between Oakwood Avenue and the Maumee River, centered on the US 24 interchange at Industrial Drive. There are smaller industrially zoned areas located around the City’s water treatment plant at Haley Avenue and West Riverview Avenue as well as on East Maumee Avenue adjacent to the Campbell Soup complex.

The Napoleon Zoning Code does not currently have a zoning district classification for public and semi-public uses (schools, parks, cemeteries, public utilities, municipal facilities, etc.), so

these uses are located in a number of different zoning districts. Most of the undeveloped area within City limits is located near US 24 and is zoned for commercial or industrial development, although there are undeveloped areas zoned for residential development on the west and south sides of the City.

All of the City’s public and institutional land uses are currently allowable in each of the City’s zoning districts. It is recommended that the zoning code be updated to create a special or institutional zoning classification to minimize incompatibility conflicts. At the present time, Oakwood Plaza is predominately utilized for public and institutional uses but located in a C-5 zoning district.





















Oakwood Plaza is predominately utilized for public and institutional uses but located in a C-5 zoning district.

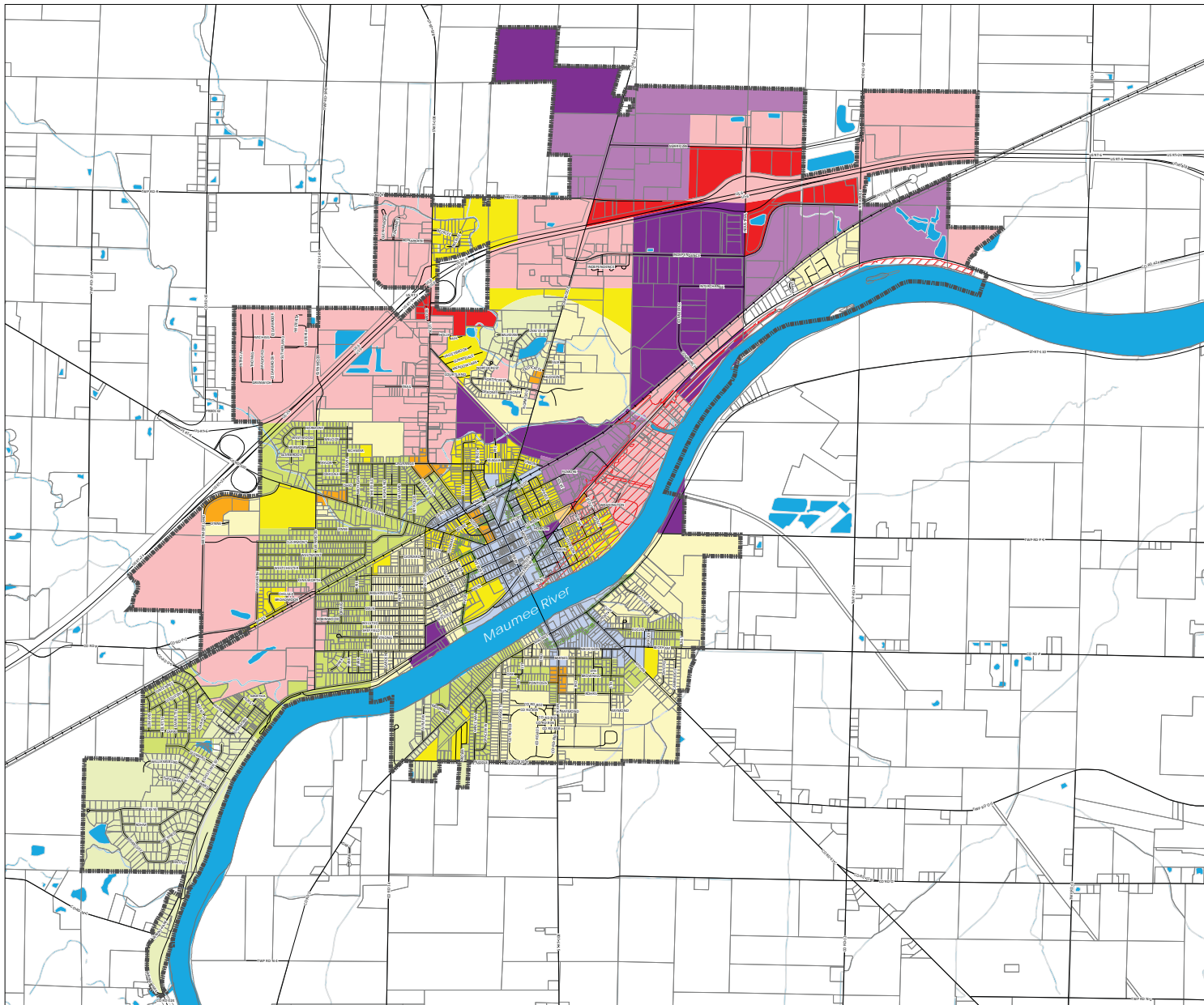
City of Napoleon Master Plan

Zoning



Legend

-  Napoleon Corp Boundary
-  Streets
-  Parcels
-  Railroads
-  Maumee River / Ponds / Hydrography
-  R1 - Suburban Residential District
-  R2 - Low Density Residential District
-  R3 - Moderate Density Residential District
-  R4 - High Density Residential District
-  C1 - General Commercial District
-  C2 - Community Commercial District
-  C3 - Local Commercial District
-  C4 - Planned Commercial District
-  C5 - Highway Commercial District
-  I1 - Enclosed Industrial District
-  I2 - Open Industrial District
-  FP - Floodplain District
-  POD - Preservation Overlay District



0 0.25 0.5 1 1.5 2 Miles

Source: Henry County Auditor, Engineer, Napoleon, Reville



Parks and Recreation

With a current staff of six full-time and 30 part-time employees, Napoleon's Parks and Recreation Department (Parks Department) oversees numerous seasonal and non-seasonal recreational programs and maintains ten parks, two cemeteries, and a community pool and golf course. Total department budget in 2018 was \$1,050,000, with \$93,000 allocated for yearly capital improvements. The Parks Department operates on a 0.2% income tax, generated by a permanent levy passed in 1985 and renewed by voters every half-decade since then. In 2017, the levy generated \$615,000 and accounts for 66% of the department's budget.

The Parks Department currently collaborates with groups such as the Napoleon Diamond Boosters, the Soccer Club, Lady Cat Softball club, the Buckeye Trail and others to help provide recreational opportunities in the community. Service organizations including the United Way, the Rotary and Lions Clubs. The Henry-Wood Sportsman Alliance also partner with the Parks Department.

Additional guidance is provided to the Parks Department by the mayor-appointed Parks and Recreation Board. The duty of this board is to review park policies and fees. These recommendations are passed to City Council where final decisions are made.

One of the more immediate needs of the community is the replacement of the City's aging swimming pool. An initiative to build a new aquatic facility was spearheaded by a newly formed pool commission. This commission worked with City staff to develop preliminary plans for a new swimming pool facility and attached golf course clubhouse. To fund the project, a property tax bond issue was placed on the May 2019

ballot and was approved by the voters. An estimated 3.5 million dollar facility is planned for construction beginning in 2020 with completion scheduled for 2021.



Top: The Parks Department has a visible presence on the Maumee River with water markers along the river in selected locations informing boaters of their specific location.

Over the past several years, City residents have expressed an interest for additional river-related and riverfront activities and the private sector has helped to accommodate this desire.

Right: Restaurant goers can utilize the docks at Azul Tequila along East Riverview Avenue.



Infrastructure

The planning and investments in the City's infrastructure is a very important component in the development of proactive and planned growth. The extension and improvement of these systems, primarily water and sewer services, are often the key variables in the equation to promote new growth. Over the next decade, the City will have several planning issues to address when considering its infrastructure and utilities, including:

- ➔ Completing the construction of the 2nd river bridge. The bridge will reduce truck miles traveled by over 500,000 miles per year and offset over 700 tons of greenhouse gas emissions annually.
- ➔ Developing innovative funding and timing strategies to repair the City's aging infrastructure. According to reports filed with the Ohio Public Works Commission, 54% of the City's roads, 57% of water lines, 57% of storm water collection lines, and 59% of wastewater collection lines are in fair, poor or critical condition.
- ➔ Complying with the Long Term Control Plan and NPDES Permit Compliance Schedule developed in collaboration with and issued by the Ohio EPA.
- ➔ Enhancing potable water treatment and distribution to ensure compliance with applicable rules and regulations.
- ➔ Replacing areas of the water system to provide enhanced system reliability and improved water quality.
- ➔ Developing a storm water management plan.
- ➔ Ensuring the current state of utilities is sufficient to provide for future growth and allow for proactive development to occur.

City of **NAPoleon** Infrastructure

Excellent Good Fair Poor Critical



Wastewater Systems

Wastewater generated in the City is collected by a predominantly separated collection system, with a combined collection system serving the Central Business District and the residential areas immediately surrounding the downtown. The wastewater is transported into the treatment plant through multiple significant connections, including:

- ➔ Shelby Street Interceptor, a 35" by 45" brick combined sewer collecting flows from the northerly portions of the Central Business District, as well as the East Riverview Interceptor that collects flow from the residential, commercial and industrial areas along East Riverview and north of US 24. The East Riverview Interceptor also serves the North Pointe Pump Station that collects flows from north of US 24. The Shelby Sewer currently has

two combined sewer overflows (CSOs) located at Dodd & Lagrange and at Oakwood & Union.

- East Washington Interceptor, a 24" vitrified clay combined sewer serving the southerly portions of the Central Business District, as well as conveying flows from the residential areas served by the Haley Avenue Interceptor. The East Washington system currently has two CSOs located at the former Central School and on Monroe Street near Riverview, as well as one sanitary sewer overflow (SSO) located at Haley & Riverview.
- Front Street Interceptor is an 18" gravity sewer serving the westerly portions of the City, north of the Maumee River. This sewer conveys flows from the residential area tributary to the West Riverview Interceptor and West Lift Station on Riverview. One SSO is currently located on the West Riverview Interceptor, near the boat ramp.
- Palmer Ditch Force Main is a 10" force main under the Maumee River from the Palmer Ditch Pump Station. This pumping station serves the entire separated collection system on the south side of the river and is prone to very high volumes of inflow and infiltration (I/I) during rain events. All known CSOs and SSOs located on the south side are currently closed.
- VanHyning Force Main, a 14" force main from the VanHyning Pump Station is located on East Riverview Avenue, near the VanHyning Creek. This pumping station collects flows from the Oberhaus and VanHyning Interceptor Sewers and Williams Pump Station that service the residential areas in the northwesterly portions of the City, as well as the commercial developments along Scott Street.

Average daily flow for wastewater has continued to decrease slowly over time due to continued improvements within the collection system and is anticipated to stay in the range of 1.7 to 1.8 million gallons per day (MGD) for the foreseeable future. The WWTP has a rated capacity of 2.5 MGD and can handle continuous peak flows up to 4.5 MGD and up to 6.0 MGD for short durations. Peak flows exceeding 30.0 MGD may occur during wet weather events and are handled by diverting flow to the equalization basin completed in 2008.

Currently, the City has sufficient capacity to handle new growth of varied types, with some exceptions. Residential, commercial and industrial growth may occur over the next decade with the regional accessibility provided by US 24. However, due to the age and condition of the current facilities and anticipated EPA effluent limitations placed on the WWTP, growth may be limited until future improvements to portions of the collection system and the WWTP are made. It is anticipated that significant improvements to the WWTP to enhance treatment and solids handling capabilities and improve hydraulics will occur by 2029.

Improvements made over the past several years within the City's collection system have resulted in significant reductions in clean water entering the system and, in turn, activity at the remaining CSO and SSO outfall locations. However, additional capital projects to continue the elimination of public and private sources of I/I to ultimately eliminate the SSO outfalls and continue to improve conveyance capacity to the WWTP will be required. Scheduled improvements to the system include the closure of the Haley SSO Outfall by 2022. Replacement and rehabilitation of sanitary and storm sewers in the westerly portions of the City tributary to the West Riverview Interceptor and Pumping Station (i.e. Anthony

Wayne Acres and Riviera Heights Subdivisions) will be required to facilitate closure of the Glenwood SSO outfall by 2030.

Replacement of the existing Williams Pump Station and redirection of the existing force main discharge will enable residential development to occur on properties north of US 24, along Glenwood Avenue. This project will cost approximately \$1.4MM and should be completed by the end of 2019. The new pumping station and gravity sewers will provide capacity for growth as far north as County Road R. Most of the properties in this area along Glenwood Avenue are predominantly outside of the City corporation boundary and will require further extension of the potable water supply and sanitary sewers for development to occur.

Through continued collaboration with the Ohio EPA, the City has been able to negotiate and develop a refined plan that integrates the needs of the community's full wastewater and water infrastructure rather than just focusing on the collection system. These improvements will enhance the City's ability to convey and treat wastewater collected and include:

- VanHyning Pumping Station Replacement. Replacement of an existing facility that is located in a flood-prone area with a more resilient facility of greater capacity. (Estimated Cost: \$1.5MM; Estimated Completion: 2021)
- Meekison & Third Street Sewer Improvements. Replacement of existing brick and vitrified clay sewers that are prone to significant I/I, street reconstruction and removal of direct sources of inflow will reduce wet weather flows and improve service to existing customers on the south side of the River. (Estimated Cost: \$2.7MM; Estimated Completion: 2025)
- East Washington Sewer Replacement. Replacement of existing vitrified clay combined sewer that is prone to root intrusion and other obstructions to enhance

conveyance to the WWTP and provide opportunity for re-aligning other tributary sewers in advance of future WWTP improvements. (Estimated Cost: \$3.0MM; Estimated Completion: 2030)

- ➡ WWTP Improvements – Phase 1. Replacement of existing WWTP headworks and grit removal systems and rehabilitation of solids handling facilities. Enhanced preliminary treatment will reduce solids generated during secondary treatment and improve the longevity of remaining equipment. (Estimated Cost: \$8.0MM; Estimated Completion: 2025)
- ➡ WWTP Improvements – Phase 2. Replacement of existing treatment processes to meet anticipated effluent limitation and increase the continuous peak capacity of the WWTP. (Estimated Cost: \$12.0MM; Estimated Completion: 2030)

Once completed, the above improvements will enable the City to close all SSOs and continue to see reduced activity at all CSO outfalls to remain in compliance with the requirements of the Ohio and US EPA and aid in protecting the water quality within the Maumee River. The improvements will also enhance the City's ability to accept and treat additional flows and variable loadings to the WWTP to facilitate residential growth and economic development.

Water Systems

The City of Napoleon provides water services not only to its various residential, commercial, and industrial sectors, but also to several communities and the Henry County Water & Sewer District on a contract billing basis. Napoleon's water source- the Maumee River- enables the City to have sufficient water supplies during times of peak usage. Average daily demand has remained relatively flat at approximately 1.0 MGD over the

past 20 years and is not currently anticipated to increase significantly within the City in the near future due to the current water rates. The current water demand within the system comprises less than 25% of the plant's current rated capacity of 4.5 MGD.

Based on 2017 data, the City serves 3,662 total water customers, including all residential, commercial, industrial and interdepartmental customers. Urban residential customers are the largest single category of customers at 3,165, representing approximately 41.5% of the total billings and nearly 33% of the annual consumption. The City also provides water to 61 rural residential customers, generating about 1.2% of total billings and consuming less than 1% of the water on an annual basis. The City provides water to commercial enterprises inside and outside the municipal boundaries. The 392 urban commercial users are generally not large individual water consumers and account for approximately 22% of the City's total water billing and usage. Rural commercial users (10 total) account for less than 1% of total water billing and usage per year.

The City's base of industrial water users has decreased from the data presented within the prior 2000 Comprehensive Plan from 26 to 20 customers. Likewise, the industrial users currently account for roughly 14.5% of the annual consumption, versus the prior 23%. The decrease in consumption is consistent with cost-saving practices to reduce water consumption at the various facilities. The majority of the commercial and industrial usage for the Napoleon water system is for restrooms and drinking water and not typically due to water-consuming processes due to the higher than average charges for local water rates.

Five of Henry County's villages (and Grelton) receive Napoleon water either directly from the city or through the Henry County

Regional Water/Sewer District on a contract/wholesale basis. The City also sells water to 27 residential customers within unincorporated areas of the County through the Henry County Water & Sewer District. The contract/wholesale customers account for about 25.6% of the annual consumption and 21.2% of annual billings.

A \$19.0MM capital investment for reconstruction and rehabilitation of the WTP facility was recently completed to enhance the potable water supply for the City and its satellite customers and ensure compliance with current and anticipated drinking water regulations. Minor improvements within the water distribution system to improve water quality and enhance reliability have also occurred generally concurrently with larger sewer improvement projects throughout the City. Additional efforts to replace sections of the distribution system, such as on Ohio Street from Glenwood to Stevenson, to improve service to the local residents have been undertaken. However, additional significant sections of the water distribution system are well beyond a typical 50-year useful life, including the westerly 16" Maumee River crossing from Haley Avenue to the South Side.

The City's raw water supply is typically directly from the impoundment within the Maumee River that starts at the dam at the Mary-Jane Thurston State Park in Grand Rapids, roughly nine river-miles downstream, and reaches past the City of Napoleon to Independence Dam. An agreement reached with the City of Wauseon whereby the City of Napoleon pumps raw water to the Wauseon Reservoir for treatment and consumption by Wauseon. During periods of poor water quality in the Maumee River, Napoleon is able to draw water back from the City of Wauseon. The WTP Improvements that were undertaken by the City include a significant modification of the treatment processes and techniques to greatly improve

the City's ability to treat the variable raw water quality from the Maumee River, including harmful algae blooms (HABs) that frequently occur within the River and within the City of Wauseon reservoir. The WTP also consistently needs to account for removal of widely varying amounts of organics entering from the raw supply. These organic materials can react with the chlorine disinfection to cause the formation of disinfection byproducts such as trihalomethanes (THMs) and haloacetic acids (HAAs).

The WTP was formerly a conventional lime softening facility that provided pretreatment for removal of organic materials, coagulation, sedimentation and sand filtration prior to disinfection and distribution. A modified pretreatment process continues to aid in the removal of solids. The coagulant for the raw water has been modified to aid in the removal of clay fines and colloidal solids that cause turbidity within the water and the sedimentation basins have been modified to include inclined plate settling for enhanced sedimentation. The existing sand filters were rebuilt with new underdrains and an improved media. New membrane treatment processes, including nanofiltration and reverse osmosis (RO), enable the WTP to provide a barrier for algal toxins that may be caused by HABs when they occur, as well as removal of calcium carbonate for softening. A new ultraviolet (UV) disinfection system has been added to enhance the destruction of other potential contaminants and the chlorine disinfection system was improved to ensure residuals are maintained within the distribution system. In all, the renovated WTP will enable the City to provide a consistently safe, potable water supply meeting or exceeding the requirements.

Additional recent rules and regulations promulgated by Ohio Legislature and Ohio EPA are related to potential lead and copper corrosion within distribution systems. Chronic, long-

term exposure to such materials can be a health risk. Based on a recent survey of the distribution system, the City has reported 111 suspected private lead service connections throughout the older portions of the system.

While the City's WTP produces a "depositing water" that is not corrosive, upsets in the distribution system caused by water main breaks or local construction, as well as long periods of limited use through older fixtures, may cause materials to be released. As such, the City will be required to provide public education and outreach to help engage the local customers on the need to maintain their own private portions of the water system. The City will also be required to provide water filters for use by residents and businesses should an upset occur within localized areas of the system.

Continued maintenance and capital improvements to the City's water systems will be required for the future. The following is a snapshot of the anticipated efforts:

- WTP Operation & Maintenance (On-going). Continue on-going, day-to-day operations, inspections and maintenance of the newly renovated WTP. The new facility will require continuous monitoring and upkeep to ensure long-term reliability.
- Elevated Tank Inspections & Maintenance. Continue annual internal and external inspections and maintenance of the City's two elevated storage tanks. The larger (0.75MG) north tank on Vocke Street was painted in 2018. The smaller (0.2MG) south tank on South Scott Street should be repainted and coated by 2020 at an estimated cost of \$500,000. (Estimated Cost: \$25,000-\$30,000 annually).
- Distribution System Operation & Maintenance (On-going). Continue the semi-annual hydrant flushing

program, utilizing uni-directional flushing methods. Retain a stock of water filtration pitchers and/or faucet-mounted systems for distribution to residents and businesses should an upset occur.

- City-Wide Water Main Replacement Program. According to the 2018 Capital Improvement Report filed with the Ohio Public Works Commission, about 30,000 feet of Napoleon's 333,000 linear feet of water lines are rated in fair or poor condition and 4,000 feet are rated in critical condition. An annual investment should be undertaken throughout the City to complete water distribution improvements to replace old water mains. The above investment would enable the City to replace the system at a rate of 1.5%-2.0% per year. (Estimated Cost: \$300,000-\$500,000 annually).
- Targeted/Coordinated Water Main Improvements. Replacement of existing water mains in areas where other proposed capital improvements, such as street resurfacing or reconstruction and sewer improvements are slated to occur. A new water main should be included with the proposed Maumee River Bridge from State Route 110 on the south to East Riverview Avenue and Industrial Drive on the north to greatly improve reliability and capacity for the water system on the South Side of the river.
- Water system maintenance and capital improvements will enable the City to continue to provide safe, reliable drinking water and fire protection for all of its customers within the City, as well as the satellite systems serviced by the City. The improvements will also provide opportunity for new residential growth and economic development.

Storm Water Systems

The City of Napoleon collection system is generally fully separated as a sanitary and storm sewer network, with the Central Business District bounded by Riverview Avenue, Scott Street, Yeager Street and Monroe Street served by a combined sewer system. Separated storm sewers are provided throughout roughly three-fourths of the City. An extension of the storm water drainage includes the local creeks, ditches and culverts throughout the City that serve as the outlet points for local runoff. Effective elimination of I/I from the separated sewer areas, pavement maintenance and general surface flooding issues are fully contingent upon maintaining a serviceable storm water conveyance system.

In 2007, the City implemented an Overflow Abatement Charge that provides funding for capital projects to improve storm water conveyance to aid in removing clean water from the sanitary sewer system and provide effective drainage to help protect existing roadways, residences and businesses during significant rain events. In addition, the City has local rules and regulations requiring storm water runoff controls for all new developments and significant modifications to existing commercial/industrial sites.

Much of the City's existing storm sewer system is aging and is moderately undersized in many areas to carry runoff from significant rainfall events, resulting in small areas of localized flooding from time to time. As the City progresses with the implementation of capital improvement projects throughout the City, an evaluation of the local storm water systems should also be undertaken and considered for additional improvement. Specific areas of concern include:

- Anthony Wayne Acres Subdivision.
- Riviera Heights Subdivision.

- Derome and Northcrest Circle.
- East & West Graceway and Daggett Avenue, including Henry County Fairgrounds (South Side).

The implementation of storm water system improvements will extend the useful life of local pavements and aid in removing clean water from the sanitary collection system. Such projects will also enhance the resiliency of the City to withstand large rainfall events and the safety of the community by improving accessibility for safety-services equipment and staff. Additional economic benefit will also be seen by keeping key corridors open for employees and deliveries to pass.

Roads

The City currently maintains 56 centerline miles of local streets and 3.5 centerline miles of state highway. The streets are of assorted constructions and age, and it is estimated that roughly 35% or more of roads are unimproved. Pedestrian connectivity throughout the community is provided predominately by the City's sidewalk network, as the City has a requirement that all subdivisions have sidewalks. Within the past few years, a growing segment of residents have expressed a desire to improve connectivity via bike lanes and trails, and the City and county recently partnered on a project to improve connectivity to the schools and the downtown via bike lanes.

Public Works

A majority of the City's utilities are overseen by the Public Works and Operations Departments handled through a joint effort between many separate subordinate departments.

- The City's Public Works Department provides services that are essential to the residents of Napoleon to maintain a safe, convenient lifestyle. The Public Works

Department is under the leadership of the Director of Public Works and is responsible for the Operations Department, which is tasked with maintaining and improving the City's infrastructure, including streets, storm sewers, potable water system, and sanitary sewer system. The planning/zoning responsibilities that are administered by the zoning administrator, also fall under the responsibility of the public works department.

- The City's Operations Department performs a wide range of "public works" tasks, which vary considerably in application and scope. The Operations Department is responsible for the distribution of water, the collection of wastewater, fleet and equipment maintenance, refuse and recycling pick up routes, street maintenance, snow removal, facility and building maintenance, operation and upkeep of the yard waste site, mosquito control and compliance issues dealing with the City's underground storage tanks.

Safety Services

Fire/Emergency Management Services Department

The City's Fire and Emergency Management Services (EMS) Department is staffed by 8 full-time and 18 part-time employees. Within its 53 square mile service area, it services Florida, Freedom, Flatrock, Napoleon, and Harrison Townships through yearly contracts. The remaining townships in Henry County also have mutual aid agreements with Napoleon to provide on-call services. The EMS component of the Fire Department has the same service area as the fire department, with the addition of Flatrock Township and the Village of Florida.

The department has witnessed an increase in service calls over the past several years. Over the past two years, service calls average roughly 1580 calls annually. This is a 42% increase in calls since 2010 (1116 service calls). Average times for fire calls are close to 7 minutes, while EMS calls are under 5 minutes.

To help augment its budget, the Napoleon Fire and Rescue Association holds yearly events to raise monies, such as a Chicken BBQ and Pancake Breakfasts. The department also promotes several volunteer initiatives and often holds CPR, Lifeflight, AED, Fire Extinguisher, and other classes for interested parties.

Fire department leadership noted the following planning issues and trends:

- A potential need to pursue the feasibility of updating or building a new fire station. Built in 1976, the building is insufficient in design and space.
- The City's aging population could increase the level and types of service calls.

- Difficulty in finding qualified local part-time staff.
- Ensuring the fire station is maintained at optimal staffing levels. At the present time, overlapping service calls may leave the fire station insufficiently staffed. In 2017, 268 calls were overlapping.
- The desire to become decentralized in other locations around town to provide more timely services throughout its service area. At the present time, Glenwood Estates and areas on the south side of town have longer response times.
- The desire to reduce the City's current Insurance Services Office (ISO) rating to lower fire insurance costs to local businesses (the current ISO rating is 4). Fire officials believe that staff levels may be the reason why an ISO Rating of 3 cannot be attained.
- The need to ensure that its contracts with participating parties remunerate the fire department for the full value of the services performed.

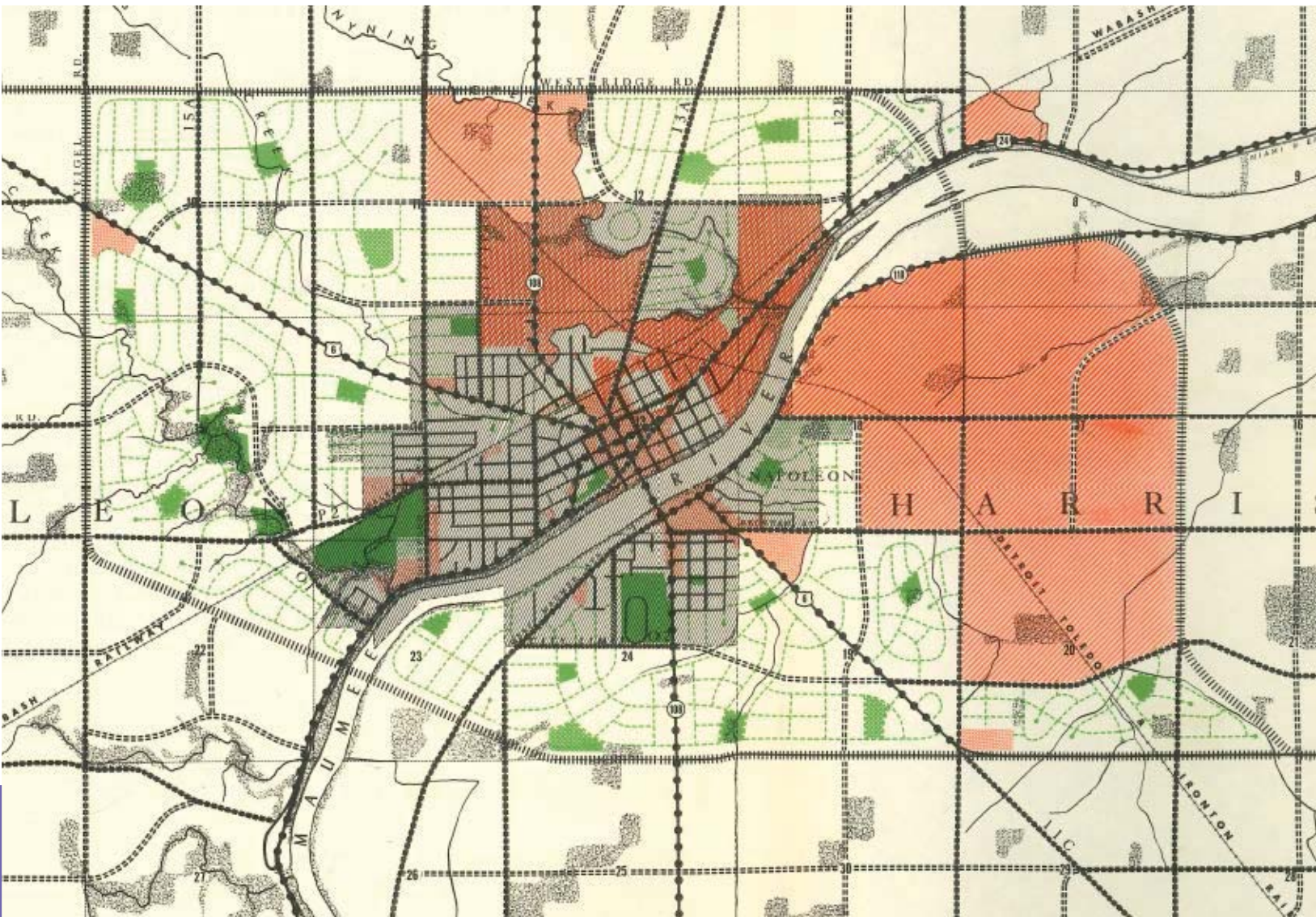
Police Department

The police department of three command officers oversees a budget of \$1.6MM, eleven patrolmen, five dispatchers, and eleven auxiliary officers.

In 2018, approximately 15,302 calls were responded to by officers. The number of calls represented an 18% increase from 2017 (13,003 calls), and a 44% increase in calls since 2016 (10,601). In 2010, 13,495 total calls were responded to by officers.

The City's police department has indicated several current trends and issues that are impacting the department and its staff. These issues are:

- A general increase of mental health calls and community policing requests, especially for school events, armed response training events, and calls requiring Spanish translators, are placing additional burdens on the police staff and resources. Public works projects and traffic control episodes have also placed additional pressures on police resources.
- Since the construction of the new K-8 school facility along Westmoreland, traffic issues around the school during peak times are more noticeable.
- Property maintenance and enforcement issues are becoming noticeable in certain neighborhoods.
- Staffing levels within the command ranks of the police department and Dispatch Center may need to be reviewed and adjusted accordingly. Additionally, more School Resource Officers may be needed in the future.
- The current police facility is at the end of its useful life and outdated.
- The need to deploy additional technology in the field, including car, body, and security cameras, and 700 MHz radios.
- A diminishing pool of qualified applicants for entry level police officer and dispatch center positions.



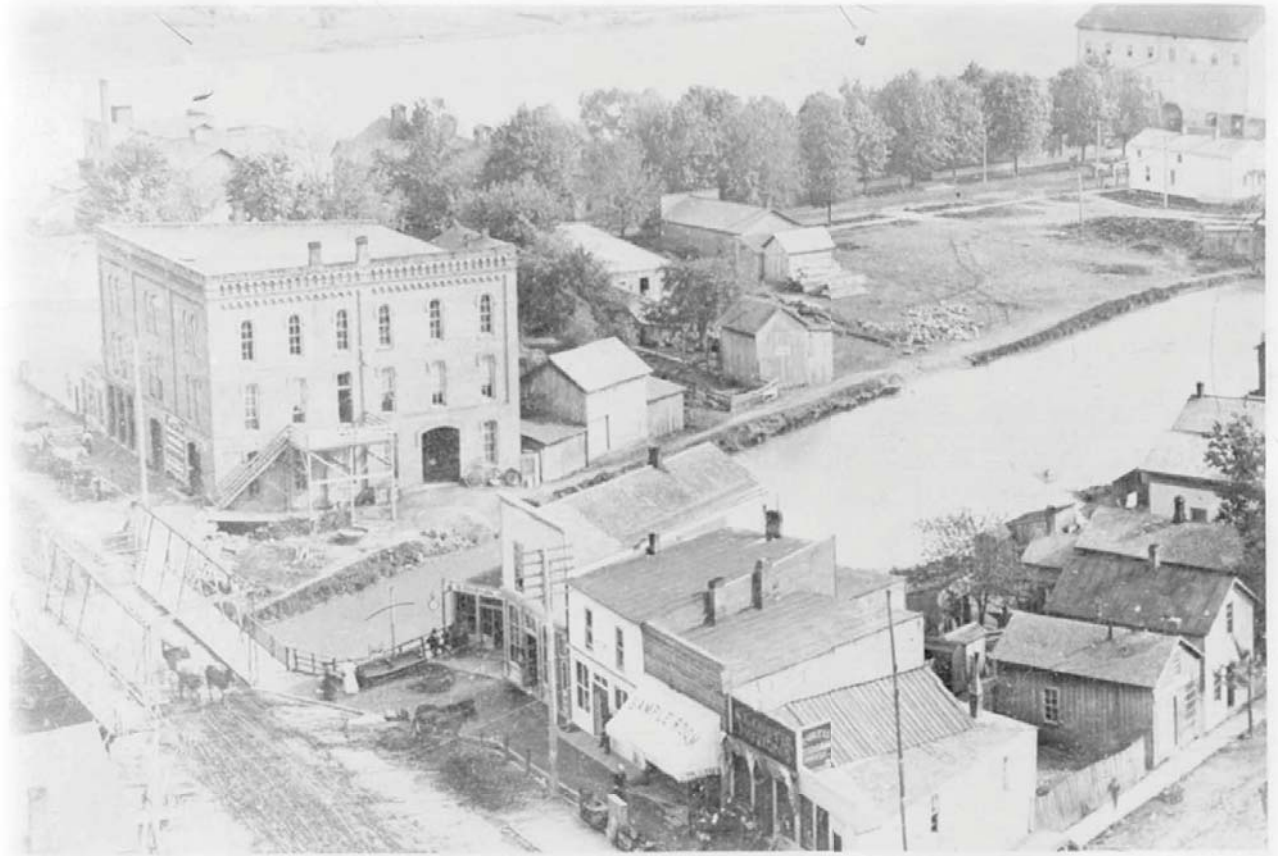
Napoleon's 1957 Master Plan called for increased density along the riverfront and for many of Napoleon's neighborhoods to be set along curvilinear grids.

Planning Area Issues and Recommendations

Planning Area Issues and Recommendations

The planning team divided the City into ten "planning areas" to make it easier for residents and community officials to relate to the Plan, identify and address issues specific to particular areas, and organize/manage recommendations.

The *Planning Areas Map* can be found on the following page. It is meant to be used in conjunction with the planning issues narrative, and used as a reference when confronted with development proposals, zoning changes and amendments, and when planning for capital improvement projects.



West Riverview Avenue is currently located along the former canal that abutted the Maumee River and downtown area. Today, the only building that remains is on Perry Street and a hodgepodge of land uses consume some of the best areas along the riverfront.

City of Napoleon Master Plan

Planning Areas



Legend



Napoleon Corp Boundary



Streets



Railroads



Maumee River / Ponds / Hydrography

Planning Areas



US 24 Commerce Planning Area



Oakwood Planning Area



Scott Street Corridor Planning Area



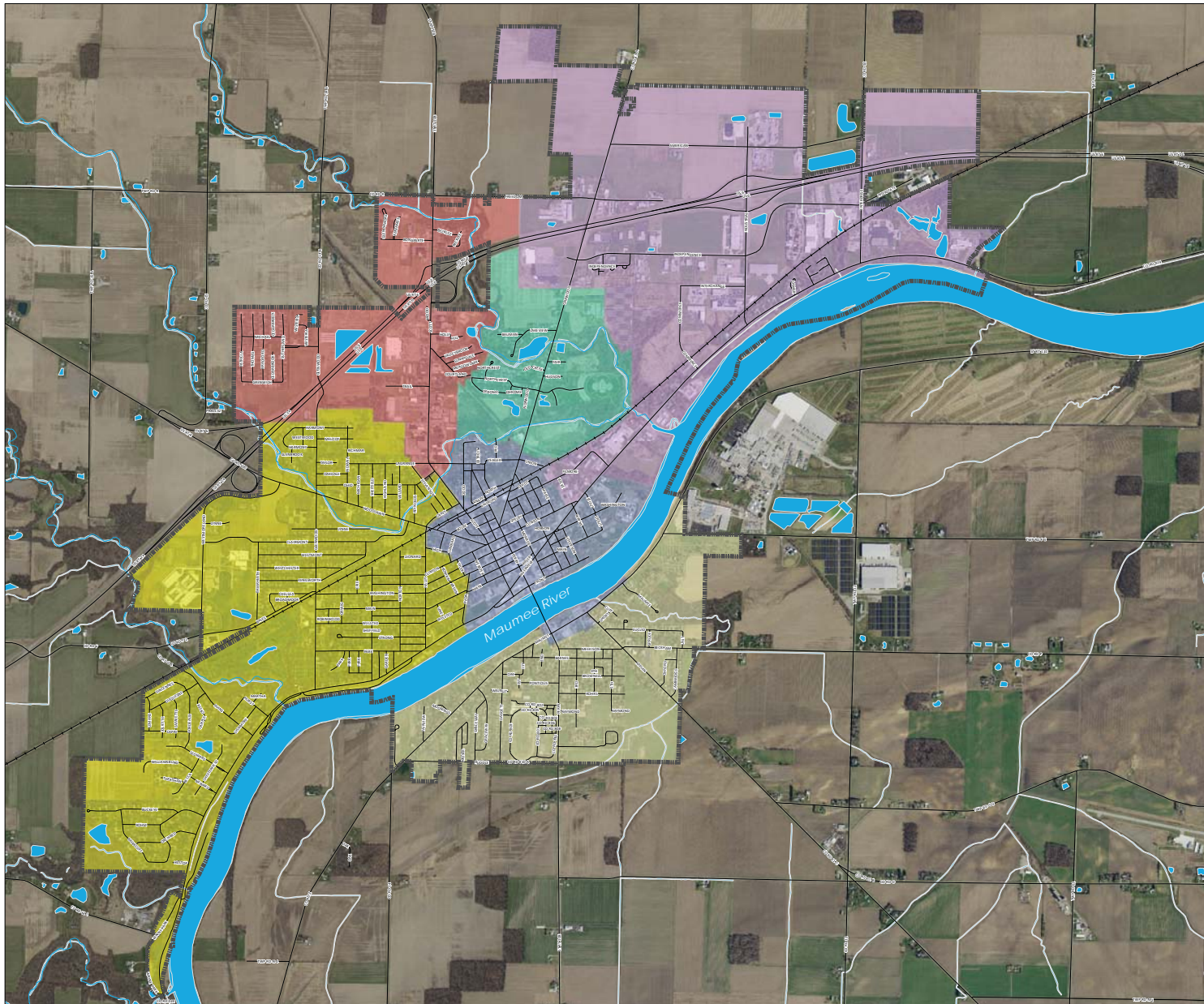
Glenwood Planning Area



South River Planning Area



Downtown Planning Area



0 0.25 0.5 1 1.5 2 Miles

Source: Henry County Auditor, Engineer, Napoleon, Reville

1) US 24 Commerce Planning Area

Overview

This planning area represents the community's largest area, in terms of acreage, dedicated to industry and commerce. Its location relative to US 6/24 makes it valuable to economic interests seeking excellent logistics between Toledo and Fort Wayne with affordable and plentiful utilities.

This planning area is home to the city's solar field and two business parks: Commerce Business Park, located south of US 6/24 along Industrial / Independence / Enterprise drives and NorthPoint Business Park, located north of US 6/24 on the City's northern corporation limits. Approximately 411 acres of undeveloped land is zoned for industrial and highway commercial uses in NorthPoint, a third of the acreage is owned by a single entity. Over 88 acres of undeveloped site-ready land exists in the Commerce Business Park, home of a new industrial facility built on spec, but recently leased to JAC Products.



During the development of this Master Plan the spec building built by a local developer was leased to Jac Products, creating over 300 employment opportunities.

Planning Issues

- ➔ Plans for a second river bridge crossing linking the US 6/24 interchange to SR 110 via Industrial Drive. Roundabouts will be located at Riverview Avenue (formerly SR 424) and SR 110, and the existing pedestrian connectivity elements will be enhanced (e.g., existing tow path will be placed under bridge approach). The projected completion date for the bridge is 2022.
- ➔ Continual adaptive reuse of the Oakwood Plaza. The Henry County Commissioners and other non-profit groups currently own and occupy most of the plaza with the exception of the former Wal-Mart. Since the closure of the interchange to US 6/24, marketing the plaza has been difficult. Out lots on the plaza footprint, however, have been sold to area social service nonprofits which have plans to build facilities.
- ➔ Aesthetics along US 6/24 are poor due to land uses with outdoor storage and other maligned land uses.
- ➔ This area suffers from limited wayfinding and gateway signage at the Riverview Avenue-Industrial Drive interchange (current signage includes references to the location of the Henry County Hospital and Humane Society but to no other locations).
- ➔ Brownfield sites remain in this planning area in/near Commerce Business Park (Hogrefe sites).
- ➔ Formalizing pedestrian connectivity opportunities utilizing existing right-of-way along the river beginning at the City's eastern limits at Vorwerk Park.
- ➔ Determining the exact boundaries of the Northpoint Business Park to codify buffering, lighting and landscaping requirements that minimize land use conflicts.

- ➔ Potential annexation of properties along Interstate Drive that currently receive city utilities.
- ➔ This planning area abuts three townships (Napoleon, Freedom, and Liberty) which may require additional planning and zoning coordination in regards to minimizing incompatible land uses along the periphery.
- ➔ A majority of this planning area is located in CRA #7, which provides for up to 100% 15-year abatement for residential, commercial and industrial development.

Existing Land Uses and Zoning

Primarily industrial and highway-related commercial land uses. Limited residential land uses include R-1 single family residential and Riverview Estate apartments along East Riverview Avenue. Larger undeveloped agricultural lands zoned for highway commercial or industrial land uses are primarily located along American Road and Enterprise Avenue north of US 6/24, but undeveloped parcels 10 acres or less in size are scattered along Independence, Interchange or Commerce drives.

Zoning classifications include: R-1, R-3, C-2, C-3, C-4, I-1 and I-2.

Environmental Considerations

- ➔ Woodlands and floodplains exist on parcels along the VanHyning Creek on City owned parcels west of Commerce Drive and along East Riverview Avenue. Emergent wetlands are also present west of the City's electrical substation on Enterprise Avenue.
- ➔ Although most of the footprint of the Hogrefe junkyard was remediated with Clean Ohio funds more than a decade ago, making way for Commerce Business Park and the solar facility, environmental issues still exist on

parcels located in Commerce Business Park and along East Riverview Avenue (west of Commerce Drive).

Transportation and Connectivity Considerations

- Plans for a second river bridge crossing linking the US 6/24 interchange to SR 110 via Industrial Drive. Roundabouts will be located at East Riverview Avenue and SR 110.
- Pedestrian connectivity, to include sidewalks, bike lanes and trails, is lacking throughout the planning area with the exception of areas along Oakwood Avenue and Independence Drive. As part of an Ohio Department of Transportation (ODOT) requirement, sidewalks will be added along Industrial Drive from Independence to the railroad tracks.
- An unimproved trail exists on city or state-owned right-of-way along the river between Vorwerk Park and 601 W. Riverview Avenue, currently Azul Tequila. The trail, in its current condition, is underutilized and would make a great connectivity element to improve.



The river trail should be extended south and trailheads exposed with signage.

- ODOT closed the US 6/24 rail crossing and worked with Michigan Southern Railroad officials to add a rail spur and transfer station in Commerce Business Park. The rail line going northeasterly towards Lucas County could be used to promote pedestrian connectivity and used to link up with the southern fork of the Wabash Cannonball trail that ends at County Road 6C in Liberty Center.
- Two road extensions are planned within Northpoint Business Park. Industrial Drive is planned to be extended north to link with County Road S within the North Pointe Business Park. The extension of Freedom Drive is possible in the future, and could be extended north to connect with American Road.

Utility Considerations

Utilities are sufficient to service this planning area. Areas north of US 6/24 and the Northpoint Business Park are served via 12" water/sanitary line and a sanitary sewer pump station, with the cost of the infrastructure paid for through property assessment, or deferred assessments (tap fees). Information on tap fees can be attained by contacting the finance department.

Future Capital Improvements

- Second Maumee River bridge (Industrial Drive to SR 110). The anticipated date of completion is 2021-2.
- Waterline improvements include an 8" waterline across the new bridge to link up with the waterline along SR 110, which will help in looping the water system by eliminating the dead-end water main, and providing additional water capacity to Campbell's Soup.
- Resurfacing of Independence Drive from Oakwood Avenue to Industrial Drive.

- To help promote the long term economic development potential for the City's industrial parks, the following improvements may be necessary:

- Reconstruction of American Road (from Industrial Drive to Oakwood Avenue) to help promote long term economic development. The current condition of the roadway may be unable to handle continual truck traffic.
- Reconstruction of Oakwood Avenue from Freedom Drive to American Road.
- Reconstruction of American Road from Industrial Drive to Enterprise Avenue.
- Reconstruction of Enterprise Avenue from Overpass to W. Riverview Avenue.

Preferred Future Land Uses

- Commercial and industrial land uses, with higher density residential land uses where suitable along key corridors and properly buffered.
- Future residential land uses (primarily single-family) should be discouraged if they are immediately adjacent to intensive commercial and industrial uses, unless adequate buffering is provided.
- Buffering between conflicting uses should include additional setbacks and screening to protect residential uses. For example, additional setbacks could range from 10 to 50 feet depending on land use. Screening could range from 50% to 100% opacity and in height from six feet (fence) to ten feet (landscaping). Screening materials could include mounding with trees or other plantings.

- ➔ Opportunities to improve property valuations exist in various locations along the riverfront.

Recommended Solutions

- ➔ Increase landscaping and screening requirements for certain land uses located along main thoroughfares (US 6/24, Industrial Drive, etc.) and those businesses with outdoor storage.
- ➔ A majority of this planning area is located in CRA #7, which provides for up to 100%-15 year abatement for residential, commercial and industrial development. The program should be utilized to incentivize the various elements of private development in this area.
- ➔ The Parks Department should continue to collaborate with the Henry County Park District and other regional stakeholders to expand the trail infrastructure that begins / ends at Vorwerk Park.
- ➔ City officials should pursue tax increment financing to complete infrastructure projects in this planning area that promote economic development and growth (e.g., American Road, Freedom Drive, etc.).



Pedestrian connectivity opportunities exist along East Riverview Avenue to connect the river trail to destinations to the south east including the downtown. Right of way is sufficient enough along most of the roadway to be improved with a dedicated bike lane.

“I have not had a decent meal anywhere in Napoleon that would bring me back at this time. If you get a decent place to eat you would have people coming into town from all the surrounding towns such as Ridgeville, Wauseon, Archbold, Holgate, New Bavaria, Defiance, Liberty Center, etc. It takes a place where good food is known and at this time Napoleon does not have one decent place to eat out.”

~Survey Respondent

2) Oakwood Planning Area

Overview

The Oakwood Planning Area is a primarily residential area located east of the Scott Street commercial corridor and west of Oakwood Park, clustered around woodlands and environmental challenges posed by Oberhaus and VanHyning creeks.

Planning Issues

- Outstanding connectivity issues and challenges exist in this planning area, such as:
- Determining the best method to connect Oakwood Avenue to Scott Street.
- Determining the best use of the City-owned easement (former rail line) to improve connectivity within the City and between Scott Street and the riverfront.
- Formalizing the connection between Northcrest and Cortland, at a minimum for health and safety reasons (to assist with fire evacuations).
- Improving the taxable land value through infill development and tactical densification of properly buffered land uses, being cognizant to environmental constraints and woodlands.
- Annexation of a pocket of land at interchange property (16.29 acre Gilson property, 500 class-residential) has environmental challenges (floodplains/wetlands) best suited to be handled under City zoning if developed.
- The improvement of buffering tools between residential and commercial land uses.
- I-2 area (Gerken property and 25 acre reclamation site) should be rezoned and made a non-conforming use to

promote residential infill development due to its location next to the park, woodlands, and riverfront that can be linked via an abandoned right-of-way.

- Adaptive reuse of under-utilized multi-family residential land uses located along the south side of Derome Drive.
- This entire planning area is located in either CRA #6 or #7, which provide for up to 100%-15 year abatement for residential, commercial and industrial development.

Existing Land Uses and Zoning

Single family/multi-family residential (Northcrest Apartments), commercial and industrial uses (Northcrest Rehab and Nursing Center, Moose Lodge, Gerken), and public uses (Oakwood Park, city solar farm and reclamation site).

Zoning classifications include: R-1, R-2, R-3, R-4, C-3, and C-4.

Environmental Considerations

Woodlands, floodplains, and potential wetlands located around VanHyning and Oberhaus Creeks.

Transportation and Connectivity Considerations

- Connecting Scott Street to Oakwood Avenue by extending Northcrest Drive to align with Trail Drive, which if extended could link to Glenwood Avenue. Northcrest Drive was reconstructed in 2004 with the sole purpose of making this connection but it has yet to be formalized.
- Determining the best use of former rail right-of-way that extends from the Maumee River northwesterly to First Federal Bank of the Midwest along Scott Street.
- Sidewalks are absent in several neighborhoods in this planning area, with the exception of Northcrest Drive

and Northcrest Circle. The sidewalks that exist along the west side of Oakwood Avenue stop at Independence Drive. Pedestrian connectivity elements north of Independence Drive to the City's northern corporation limits are non-existent.

- Extension of Fair Street to support future development.

Utility Considerations

Other than continual capital improvements, the utilities in this planning area are sufficient to support planned future uses.

Future Capital Improvements

- Reconstruction of Oakwood Avenue from US 24 to the downtown, to include the sidewalks, water/sewer/storm infrastructure. Grant dollars may be available.

Preferred Future Land Uses

Residential land uses, properly buffered and connected to public and limited neighborhood commercial land uses. Existing industrial land uses should be phased out through zoning and future industrial land uses should be prohibited.

Recommended Solutions

- ➡ A majority of this planning area is located in either CRA #6 or #7, which provide for up to 100%-15 year abatement for residential, commercial and industrial development. The program should be utilized to incentivize the various elements of private development in this area.
- ➡ City officials should be innovative in developing adaptive reuse solutions for the former Walmart.
- ➡ Pursue state and federal recreation trail grants to utilize the rail right-of-way to connect this Planning Area to the Maumee River and Scott Street.
- ➡ Increase additional property and nuisance abatement enforcement to minimize issues stemming from the multi-family developments along Derome Drive.
- ➡ Develop a solution to formally connect Northcrest to Cortland to provide for vehicular and pedestrian connectivity.



Pockets for new growth opportunities exist along Oakwood Avenue. City officials should modify the zoning code to stimulate residential development on land south of Oakwood Park. The land is presently used for construction debris storage.

3) Scott Street Planning Area

Overview

Clustered primarily along Scott Street and US 6/24, the Scott Street planning area represents the City's primary commercial shopping corridor.

Planning Issues

- ➔ The corridor suffers from poor aesthetics, excessive impervious surfaces, access management issues (too many curb cuts), vacancies, inappropriate land use setbacks, and pedestrian connectivity issues.
- ➔ Infill opportunities exist on the backlots of many parcels that front Scott Street but site accessibility is limited.
- ➔ Commercial vacancies like the former Scott Street Plaza that has remained vacant since 1992. It is currently being marketed by the Henry County CIC. Increased use of zoning and regulatory tools, and incentives and other financial / grant resources will be required to revitalize the corridor.
- ➔ Determining the appropriate use for City-owned parcels. The City is in ownership of a 17 acre parcel along Glenwood Avenue at the City's northern-most corporation limits that they acquired in 2012 for future utility purposes (future water treatment plant) but the project stalled when wetlands were discovered on the property. They also own two parcels west of Wood Drive along US 6/24.
- ➔ Lack of pedestrian connectivity elements in the northwest areas of the planning area (Glenwood Estates, etc.) to other areas within the planning area, which includes the commercial areas along Scott Street and the school facilities to the south. Roundhouse Road,

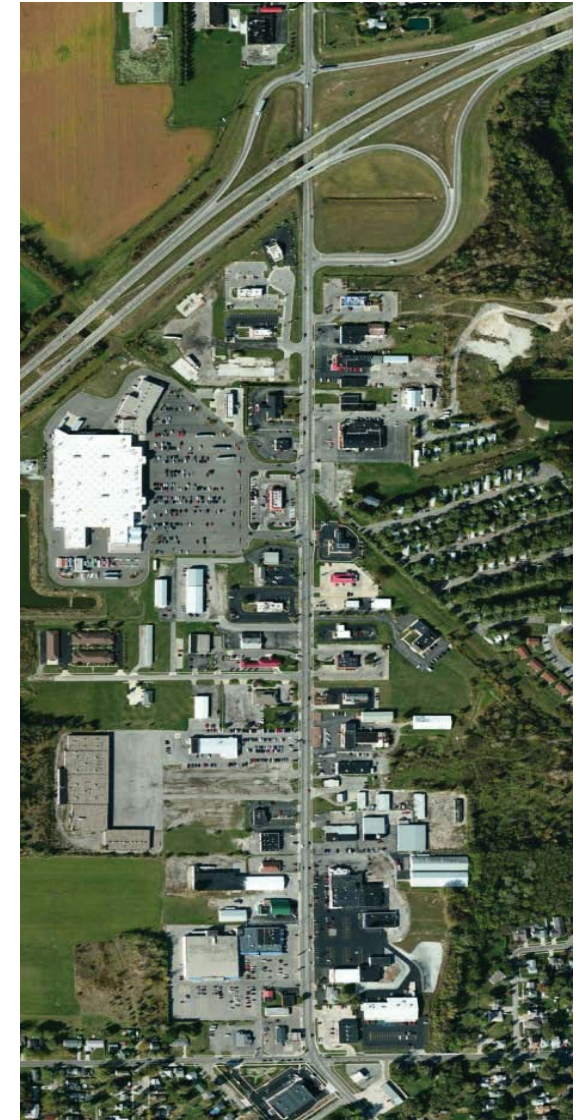
a platted drive not yet constructed, could be extended west from Scott Street under US 6/24 to City-owned property to the north using existing easements but the cost to remediate the wetlands issues on their property may be cost prohibitive. Pedestrian connectivity north from Taco Bell/Burger King under the US 6/24 interchange is not existent. A grant was attained in 2012 (\$1.297MM from the ODOT Transportation Enhancement Program) to promote a \$3MM connectivity along Scott Street in this area but City officials eventually passed on the resources.

- ➔ This area has a lack of public and green spaces.
- ➔ No evacuation shelter area (basement / sturdy building) nearby Glenwood Estates.
- ➔ A portion of this planning area is located in CRA #6, which provides property tax abatement for up to 100%-15 year abatement for certain types of development that meet applicable zoning guidelines.

Existing Land Uses and Zoning

Primarily commercial land uses, with scattered single, multi-family residential uses and manufactured housing land uses along Scott Street and Glenwood Avenue. Glenwood Estates and Valleybrook Estates manufactured housing communities and Glen Arbors apartments exist within this planning area, as do large agricultural lots along the overpass at Glenwood Avenue and US 24.

Zoning classifications include: R-4, C-3, C-4, C-5, and I-2 south of Wood Drive.



Environmental Considerations

- Emergent wetlands exist on the 16.65 acre City-owned parcel along Glenwood Avenue that was originally purchased for a location of the water treatment plant. The future use of the site is unknown at the time, but City officials are considering using a portion of it for passive recreation.
- Forested lands, floodplains, and emergent wetlands exist along VanHyning Creek on parcels along the City's northern corporation limits near County Road R, and also on parcels along VanHyning Creek directly south of US 24 and the Scott Street (SR 108) interchange. Scattered woodlands are present on parcels adjacent to the former Scott Street Plaza near Trail Drive.

Transportation and Connectivity Considerations

- Scott Street-Oakwood Avenue connector.
- Scott Street-Northcrest Drive connection, using Cortland or a portion of the former rail right-of-way owned by the City.
- Trail Drive – Indiana Avenue connector.
- Pedestrian connectivity improvements needed along Glenwood Avenue linking Glenwood Estates to southerly destinations like St. Paul Lutheran School and the City's unified school complex.
- Traffic and Safety issues exist along Scott Street at US 6/24 and County Road R. To address these issues, ODOT has discussed the feasibility of a roundabout at US 6/24.



Pedestrian connectivity on Scott Street should be improved to minimize safety issues. Grant funding from the State of Ohio may be available.



- Other transportation considerations noted by residents include:
 - Traffic congestion issues along Scott Street that make unsignalized left turns difficult.
 - Congestion issues at US 24 and SR 108.
 - Safety issues (line of sight and traffic speed) at County Road R and SR 108.

Utility Considerations

- Other than continual capital improvements and storm sewer capacity improvements along Scott Street, the utilities are sufficient to service existing land uses within the planning area.
- Water service expansion in the planning area north along SR 108 is available upon request. However, a pump station and additional easements may be required to provide sanitary sewer service to distant areas. In 2019 the City will upgrade the Williams sanitary sewer pump station near Glenwood Estates to improve the sewer capacity in this area.
- Providing utilities (especially sanitary sewer) to areas west of Glenwood Avenue (west of Glenwood Estates) could occur if constraints and EPA-mandates are achieved, although additional costs may be incurred. The development of an express sewerage system may be warranted. Water services could be provided, as water is currently available on County Road 15. This line is currently under city control and provides water to the former Country View Haven.

Future Capital Improvements

- A force main on the north side of US 6/24 is being planned to compliment the new sanitary pump station placed on the north side of US 6/24 along Glenwood Avenue. The improvements will help promote growth in the City's northern areas.

Preferred Future Land Uses

- ➔ Moderate to higher density planned residential land uses should be encouraged, along with planned commercial uses along highway frontage of Scott Street (SR 108) and Glenwood Avenue. Developments should be interconnected to provide for pedestrian connectivity opportunities.
- ➔ Industrial uses should be limited in this area due to the sufficiency of these land uses in other areas of the community.

Recommended Solutions

- ➔ An overlay district should be created for Scott Street to help promote improved property values, corridor aesthetics (signage and landscaping), site accessibility and pedestrian connectivity.
- ➔ City officials should increase awareness and visibility of incentives (the City's CRA program) along the Scott Street corridor, as well as determine an end use for the two City-owned parcels immediately west of Taco Bell.
- ➔ Pedestrian connectivity to areas north of US 6/24 should be expanded utilizing federal, state and local resources, including ODOT Safety Funds.
- ➔ Pursue the feasibility to expand public green spaces.

"Our 'strip' looks horrible compared to neighboring towns. It is all electric polls and it just looks run down compared to towns such as Defiance."

~Survey Respondent



City officials should take a long term approach in working with Scott Street property owners and businesses to improve the City's main shopping corridor. Tools like tax increment financing, special improvement districts, and the City's CRA program are all potential tools to help the corridor. The east side of Scott Street is part of an area recently designated as an Opportunity Zone that offers investors significant tax and capital gain advantages should they invest in the area.

- ➔ Updates to the zoning map should include:
 - Sole I-2 zoning along Scott Street near Roundhouse Road is an incompatible land use along the corridor and should be made non-conforming and rezoned to commercial uses.
 - Residential / commercial buffering techniques could be improved. Currently, commercial projects that abut residential land uses are only required to have a 7 foot setback.

4) Glenwood Planning Area

Overview

This planning area is comprised primarily of residential and supportive public and institutional land uses. A majority of the City's residential land valuation and public riverfront access is located here.

Planning Issues

- ➔ The redevelopment of the former elementary school property footprint (approximately 9 acres) located along Clairmont Avenue. A local developer is working with City and school officials to deploy a planned residential development on site. The planned development would include 34 townhouses.
- ➔ Limited neighborhood commercial land uses in the planning area may force vehicle trips to other parts of the community.
- ➔ A greater portion of the planning area is dedicated to public and institutional land uses than any other planning area in the community. All of these public land uses are guided by residential and commercial zoning, which could create undue impacts to surrounding neighborhoods like lighting, traffic generation, etc.
- ➔ Sanitary sewers are available to promote residential growth on undeveloped lands north of Lagrange, east of Indiana Avenue (extension of the Brickyard Subdivision).
- ➔ Certain elements of the Anthony Wayne neighborhood, such as street lighting, were the responsibility of a homeowners association that expired a decade or more ago. Street lighting is now in need of replacement and not up to public code.



New investments in this Planning Area include a new K-8 school along Westmoreland adjacent to the high school complex. Residents are desirous of additional pedestrian connectivity improvements that help improve access from their neighborhoods to this footprint and to other locations like the downtown and riverfront.

- ➔ Pedestrian connectivity along Glenwood Avenue could be improved. Pedestrian connectivity elements between the Twin Oaks, Riviera Heights, and Majestic Heights neighborhoods do not exist.
- ➔ The potential repurposing of the 13-acre Wayne Park to higher and best uses. The park is currently the most underutilized park in the City's inventory.
- ➔ Flooding along the portion of Garret Creek in the municipal golf course.
- ➔ A portion of this planning area is located in CRA #6, which provides property tax abatement for up to 100%-15 year abatement for certain types of development that meet applicable zoning guidelines. This zone was expanded in 2018 to help incentivize infill residential development on the former West Elementary school footprint.

Existing Land Uses and Zoning

Primarily residential land uses with supportive public and institutional land uses. The Napoleon high, middle, and elementary schools, St. Paul Lutheran School, police station, and several publicly-owned facilities (municipal cemetery, golf course, and Glenwood, Ritter, Wayne, and Meyerholtz parks are all located in this planning area). Neighborhood commercial uses are extremely limited and confined along Glenwood Avenue. Most of the City's newer residential properties / neighborhoods are located in this Planning Area.

Zoning classifications include: R-1, R-2, R-3, R-4, C-3, and C-4.

Environmental Considerations

- Woodlands, floodplains, and potential wetlands are located around Oberhaus and Garrett creeks, and the Maumee River.
- A significant portion of the municipal golf course located along Garrett Creek is in a floodplain that limits full use of the course during wet weather events or when the Maumee River is engorged.

Transportation and Connectivity Considerations

- The City received \$750,000 in grant funds in 2018 to improve pedestrian connectivity along Jahns Road and West Riverview Avenue. These improvements are part of a broader initiative to promote local and regional pedestrian connectivity.
- Improved pedestrian connectivity elements are needed along Glenwood Avenue linking Glenwood Estates to southerly destinations like St. Paul Lutheran School and the City's unified school complex.

- School and City officials created a school travel plan that seeks to increase opportunities for K-8 students to walk and bike to the elementary and middle school. Some of the improvements include filling in the sidewalk gaps along Glenwood and Westmoreland Avenues and installing timed crosswalks in specific locations adjacent to the schools.
- A Miami-Erie Canal trailhead for the "Renegade" leg going southbound past Girty's Island and into Defiance County is located just south of Meyerholtz Park and has poor signage.
- Other transportation considerations include:
 - Survey participants indicated a strong desire for the intersection at Woodlawn and Glenwood to be signalized due to school traffic. Other issues with traffic were noted along Westmoreland Avenue.
 - Congestion issues at the Bales, Glenwood and West Washington intersection during school times.
 - Line of sight issues at Bales and Westmoreland pose safety risks.
 - Lighting improvements desired by residents at US 24 and Woodlawn.

Utility Considerations

- Other than continual capital improvements, the utilities in this planning area are sufficient to support planned future uses within the corporation limits.
- Water and sanitary sewer may be available upon extension to areas north of County Road M1, however a pump station will be required to provide sanitary sewer service to distant areas north of Township Road N.

- Providing sanitary sewer utilities to growth areas west of this planning area is possible but may be costly because of physical constraints (bedrock and soils). The development of a force main / pump station may be warranted to promote growth in this general location in the future.

Future Capital Improvements

- 8" waterline improvements along Glenwood Avenue.
- Water and sewer upgrades along Park Street.
- Continual WTP improvements.

Preferred Future Land Uses

- The extension of Williamsburg Avenue west onto the 34 acre parcel should be R-1 or R-2 single family residential, with planned connectivity to parcels to the north that should be linked to Capri Drive.
- Future residential uses could be accommodated with the extension of the Brickyard Subdivision (phase two), east onto the 19 acres north of Lagrange Street.
- Preferred land uses for growth areas outside of the City's limits north of County Road N and Township Road 16 include a mixture of residential land uses at various densities. Development adjacent to the Maumee River should be limited to non-intensive uses emphasizing recreation, scenery, and access to the Maumee River.
- Residential development at various densities and planned neighborhood commercial uses are preferable along the City's western boundaries (adjacent to US 6/24) along the highway frontage of County Road P.

Recommended Solutions

- ➔ Enforcing the subdivision regulations to encourage (or requiring) developers to connect future residential neighborhoods.
- ➔ Overall connectivity between the Maumee River, city parks, and river trail, and Twin Oaks / Anthony Wayne neighborhoods should be formalized with public infrastructure. Likewise, pedestrian connectivity along West Riverview Avenue can be improved.
- ➔ Pursue the repurposing of Wayne Park, but keeping lands east of West Riverview Avenue along the river for future public uses like the expansion of the existing bike path/trail.
- ➔ Update the City's Safe Routes to School Plan for resources for non-infrastructure and infrastructure solutions like filling in the sidewalk gaps along Glenwood and Westmoreland avenues and installing timed crosswalks in specific locations adjacent to the schools.
- ➔ Work with developers to help revive the stalled Twin Oaks subdivision that was preliminarily approved by the planning commission some time ago. Although the project would require the extension of the road and all utilities, it remains a promising area to promote additional residential development opportunities. If incentives are needed, City officials could create another community reinvestment area zone.



Top/Bottom: Additional residential development opportunities exist along Williamsburg Avenue and on adjacent properties to the west.



Top: West Riverview Avenue could benefit from additional pedestrian connectivity improvements.

Below: Public infrastructure investments along West Washington Street helped to spur additional property investments from homeowners along the corridor.



"The parks are great, but could be better. Sidewalks need improvement... Riviera Heights doesn't even have them - people walk in the streets. Jahns Road doesn't have sidewalks. Sidewalks need to be connected to the beautiful city walks along the river."

~Survey Respondent

5) South River Planning Area

Overview

As one of the City's most challenged planning areas, it consists primarily of residential land uses of varied densities, neighborhood commercial land uses clustered along E. Maumee Avenue and public / institutional land uses like the Henry County Fairgrounds, Henry County Senior Center, and the Lutheran Home complex. While many parts of this planning area fronts along the Maumee River, public access and views are generally limited to Oberhaus Park. Campbell's Soup is situated immediately to the east in Harrison Township.

Planning Issues

- ➔ Limited riverfront views and accessibility.
- ➔ This planning area has a variety of incompatible zoning and land use issues, neighborhood revitalization needs and blighted single family and multifamily residential structures, many of which are rentals and suffer from intermittent vacancy. Many roads are without curbs/gutters and sidewalks (Oak, Barnes, Last, Spruce, Euclid, Cliff, Short, First, Second, Third, Fourth, Fifth streets).



The placement of the new Henry County Senior Center along Rohrs Street is helping promote neighborhood revitalization and potential new residential housing opportunities.

- ➔ City officials are working with the Henry County Commissioners and the Maumee Valley Planning Organization to attain grants from the ODSA for various infrastructure improvements in neighborhoods east of State Route 108 between Rohrs Street and south to the Genacross Lutheran Services Campus.
- ➔ Traffic, noise and other issues that surface in the neighborhoods that abut the Henry County Fairgrounds. Currently, the lack of buffering causes disturbances.
- ➔ City officials are currently working with developers for a senior housing project on parcels east of Fifth Street, which will culminate in the extension of Raymond Street.
- ➔ Lutheran Services has future plans to expand the footprint of their assisted living facility, Alpine Village, onto the roughly 17 acres they own to the east.
- ➔ The placement of the Henry County Senior Center at the former CD Brillhart Elementary School site should help to ignite new development and neighborhood revitalization efforts. The center was built using levy funds and opened in 2018. The school district currently utilizes the undeveloped areas as soccer fields, with the City maintaining them.
- ➔ Gaps in pedestrian connectivity remain in many sections of the planning area and along main thoroughfares like South Perry Street (south of Raymond), West Maumee Avenue and Huddle Road.
- ➔ A portion of this planning area is located in CRA #8, which provides property tax abatement for up to 100%-15 year abatement for certain types of development that meet applicable zoning guidelines. This zone was created to help stimulate commercial infill development

in areas along E. Maumee Avenue, with Subway being the first project to utilize the incentive.

Existing Land Uses and Zoning

Various low and medium density single and multi-family residential land uses (Parkside Apartments, Maumee Valley mobile home park), limited commercial and industrial use, and various public and institutional land uses (Oberhaus Park, Forest Hill Cemetery, Henry County Senior Center, and churches).

Zoning classifications include: R-1, R-2, R-3, R-4, C-1, C-3, and I-2. Large industrial uses (Campbell's Soup) in adjacent Harrison Township north of County Road P-3.

Environmental Considerations

Floodplains and woodlands exist along the Maumee River and Palmer Ditch (Hog Creek). Creeks are located west of Oberhaus Park outside of the corporation limits, as well as on lands located on undeveloped lands in the southeast region of the City.

Transportation and Connectivity Considerations

Several street extensions have been recorded but not constructed. This includes Teeple Street, Williams Street, and the extension of Rohrs Street to Appian Avenue. Many roads are without curbs/gutters and sidewalks, and are dead-ended without cul-de-sacs.

- ➔ Other transportation considerations include:
 - Speed reductions along Maumee Avenue going east from Campbell's (55 to 25 mph reduction). A traffic study will be required to do lower the speed to 25 as the current regulations are set by Ohio Revised Code.

Utility Considerations

- Other than continual capital improvements, the utilities in this planning area are sufficient to support existing and planned land uses within the corporation limits.
- For growth areas to the east, west and south, water and sewer is available upon extension. A pump station may be required for larger developments needing sanitary sewer extension.

Future Capital Improvements

- Repaving of South Perry Street from the river bridge to the corporation limits.
- Reconstruction and widening of Meekison Street, from South Perry Street to Apian Avenue, to include sanitary and storm sewer improvements.
- Reconstruction of Third Street from Meekison Street to the Genacross Lutheran Services property, to include sanitary and storm sewer improvements.
- Reconstruction and widening of Raymond Street, east from Fifth Street. Private developers have plans to extend Raymond Street further east for a senior housing project.

Preferred Future Land Uses

- Future residential infill is likely to occur on undeveloped

“Clean up the Fairgrounds area. The chain link fences need to go!”

~Survey Respondent

parcels (former Kimdale subdivision) east of Fifth Street that abut the corporation limits.

- Preferred land uses north of Township Road P3 would include I-1 (enclosed industrial uses), expansion of existing industrial uses, and planned development concepts. South of Road P3, planned residential developments should be buffered from existing and new industrial uses.
- For future growth occurring south of County Road P, preferred land uses would include planned residential and complimentary neighborhood commercial uses.
- Water and sewer is available in these areas upon extension (with limitations), and a pump station may be required for larger developments needing sanitary sewer extension.

Recommended Solutions

- The area along E. Maumee Avenue from S. Perry Street to Cliff Street should be master planned to include increased riverfront and mixed use development opportunities.
- Expand CRA #8 to new areas in the planning area to help stimulate residential reinvestments and new residential development.
- Updates to the zoning map include:
 - Pursue the feasibility to adjust the C-1 zoning. Currently, many single family residential uses are located in the zone.
 - All areas zoned R-4 should be rezoned to encourage low or medium residential land uses.
 - Residential / commercial buffering techniques could be improved. Currently, commercial projects that

abut residential land uses are only required to have a 7 foot setback.



Certain neighborhoods in this planning area have capital improvement needs that include road reconstruction, and sanitary and storm sewer improvements.



Pedestrian connectivity could be improved in this Planning Area. Sections of South Perry Street, West Maumee Avenue, and most of Huddle Road could be improved with sidewalks and additional bike signage/shared bike lane markings.

6) Downtown Planning Area

Overview

This planning area represents the City's earliest development underpinnings and is comprised of the oldest and most historic neighborhoods and properties in the community.

Planning Issues

- ➔ Some neighborhoods surrounding the downtown are showing signs of disinvestment and may require additional property/nuisance abatement enforcement.
- ➔ City officials and private investors have invested millions of dollars into the appearance of the downtown to improve its functionality and marketability since 2008. These investments include the sidewalk widening of two 700' city blocks to promote outdoor dining, the replacement of waterlines and curbs, new public parking areas, and the renovation of properties that include the former city armory building and Lumberyard Winery. Two more phases of improvements, including sidewalk widening and street reconstruction/resurfacing, is planned through 2023.
- ➔ Promoting riverfront access and redevelopment. At the present time, the riverfront in this planning area is unsightly and littered with inappropriate land uses. There are multiple parcels along the W. Riverview/W. Front Street, and E. Maumee Avenue to Cliff Street that are either vacant or underutilized.
- ➔ The use of the Downtown Outdoor Refreshment Area to help promote downtown events in a manner that does not affect surrounding residential neighborhoods.
- ➔ The revitalization of several properties to encourage upper floor residential uses.

- ➔ Truck traffic along N. Perry Street can be problematic at times. Residents, according to the Plan Survey, are desirous to remove truck traffic from the downtown.
- ➔ Underutilized alleys and undersigned public parking, and minimal wayfinding, directional and informative signage.
- ➔ The proper administration of the preservation overlay district to protect historic commercial properties. At the present time, residential properties are exempted from the district regulations.



Top: Storage units sit along the riverfront.

Below: Pockets of residential disinvestment are scattered throughout the neighborhoods in this Planning Area.



With the help of local investors and city incentives, The Armory is a thriving Arts and Event Center. At the present time, efforts are underway to improve the adjacent property, the former senior center.

Existing Land Uses and Zoning

Primary land uses include higher density residential land uses with historic homes, and historic commercial and public buildings to include the City municipal complex, Henry County Courthouse, Armory, St. Augustine Catholic Church, Emanuel Lutheran Church, St. Paul United Methodist Church, Presbyterian Church, and the former Napoleon Middle School that includes the John L. Johnson Auditorium.

Zoning classifications include: R-4, C-1, C-2, C-3, and C-4.

Environmental Considerations

Floodplains, woodlands, and wetlands exist along the Maumee River in the neighborhoods south of East Riverview Avenue, and along Oberhaus Creek north of Yeager / Lagrange Street.

Transportation and Connectivity Considerations

City officials plan to expand the Citywide bike / trail system with two options that include sharrows or “Share the Road” signage along East Riverview/East Washington/Avon or along East Front/West Riverview. This connectivity option would require additional resources to develop and utilize City easements.

- Other transportation considerations include:
 - Perry and Clinton Street intersection, according to survey respondents, is often congested. City officials should pursue the feasibility of rerouting SR 108 to minimize traffic in the downtown (Perry Street). A roundabout at Scott Street and West Riverview Avenue could be pursued, but would require property acquisition and significant subgrade analysis.

Utility Considerations

The age of infrastructure exceeds 100 years in many sections, and requires continual capital improvements and I/I reduction efforts. Sanitary sewers are combined and deep, and often cannot be replaced without interfering with building foundations in some locations. However, the capacity of this infrastructure is generally sufficient to support existing land uses.

Future Capital Improvements

- City officials have future plans to spend in excess of \$3MM to upgrade the sewer line from the WWTP to the downtown along East Washington Street to help address treatment issues at the plant.
- Sidewalk widening along Front Street.
- The reconstruction/resurfacing of East Washington Street, Front Street, and Scott Street.
- Continual long term utility repairs.

Preferred Future Land Uses

A mixture of higher density residential land uses and planned mixed uses that integrate residential, office and commercial uses. Riverfront connectivity and riverfront views should be required and maximized in all future developments that abut or occur within 100 feet of the river (*see Map: Land Use Diagram – Riverfront Target Area*).

Recommended Solutions

- The area along the West Riverview / Front Street from Avon Place to Perry Street should be planned to promote riverfront revitalization and increased

“Retail space – there is so much available -on the second floors!! Would love to have all that space renovated and brought up to code so that it could be turned into apartments or offices or loft space for artists”

~Mary Hoeffel (Napoleon Alive, Inc.)

riverfront and mixed use development opportunities. (*see Map: Downtown Planning Area*).

- Update the Preservation District boundary, guidelines and procedures. At the present time, the guidelines are being used inconsistently.
- Capital improvements should be linked to community development block grants (CDBG) and other resources from ODSA and ODOT.
- A downtown parking study may be warranted to address either actual or perceived attitudes.
- Minimizing and rerouting truck traffic off North Perry Street. The most appropriate solution appears to be utilizing Scott Street to Riverview Avenue.
- City officials should work with property owners and Napoleon Alive to encourage building repairs to maximize occupancy, promote upper floor residential opportunities and encourage higher density infill development. Notable areas include the former school complex and the former Heller-Aller property at the corner of N. Perry / Oakwood Avenue.
- Improve the wayfinding signage to include potential “Interpretive” signage that could accentuate the downtown’s historic assets and linkage to the riverfront.

- ➡ Revisit the downtown master plan that culminated in two CDBG downtown revitalization grants and the renovation of several properties (building façades and removal of code violations) and opening of businesses like Brick and Brew.
- ➡ Continue to create additional public spaces like those recently created on West Washington.
- ➡ Improve the alleyways that lead from downtown parking areas from behind the buildings.



CITY OF NAPOLEON INTERPRETIVE SIGNAGE

Sign stand examples

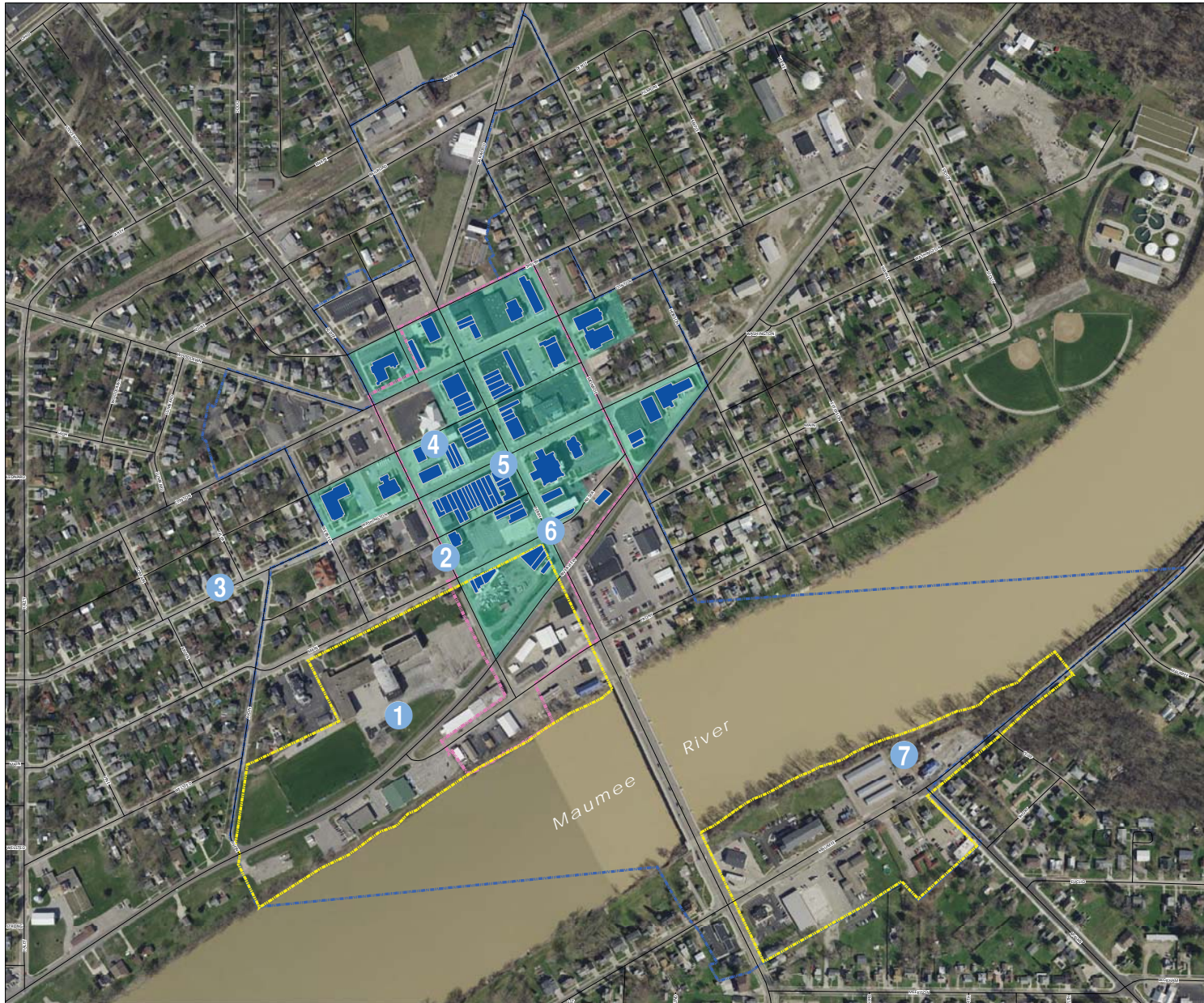


Many opportunities exist within the downtown planning area to improve redevelopment opportunities that residents desire.

- ➡ Napoleon officials should target properties best suited to participate in potential redevelopment efforts and begin a dialogue with property owners. Napoleon should create an inventory of parcels that would be ideal for infill development, including publicly owned parcels, and rezone them according to planned future development. The City controls some land along the riverfront that can accommodate increased densities and it can go beyond looking at only publicly owned land by exploring the feasibility of assembling land for a developer. Ultimately, the City could issue a request for proposals (RFP) to develop a site and include things the public sector would be willing to contribute to the site.
- ➡ Updates to the zoning map include:
 - Pursue the feasibility to adjust the zoning to remove the lone C-2 zoning.
 - Pursue zoning modifications to maximize density and the potential for upper floor residential uses in downtown properties.
 - Revisit the permissible use chart to adjust the permitted and conditional uses allowable in the downtown.
 - Residential / commercial buffering techniques could be improved. Currently, commercial projects that abut residential land uses are only required to have a 7 foot setback.

City of Napoleon Master Plan

Downtown Planning Area



1 Redevelopment Area: Encourage coordinated efforts that promote dense mixed uses that maximize river access. Extend CRA #2 to this area to incentivize private sector efforts and update the zoning code to guide efforts. See the Land Use Diagram for ideas for this redevelopment area.

2 Pursue the feasibility of shifting truck route to Scott Street to remove it from the downtown along Perry Street. Consider a roundabout at Scott and W.Riverview Avenue to promote traffic flow. Seek grant funding for improvements.

3 Ensure the vitality of historic neighborhoods through increased property maintenance / code enforcement and public infrastructure investments.







4 Improve aesthetics, connectivity, and wayfinding, especially in areas behind downtown buildings. Consider developing a Special Improvement District to fund these improvements.

5 Continue to work with Napoleon Alive and Chamber to promote revitalization efforts. Focus on building renovations and zoning code adjustments to encourage upper floor residential opportunities and offices.

6 Improve the Downtown "experience" by improving wayfinding signage and adding interpretative signage that highlights Napoleon's past.

7 Redevelopment Area: With some of the best sightlines in the city with views of the courthouse, a coordinated effort should be pursued to remove incompatible land uses from the river, while maximizing riverfront access through mixed uses that include restaurants with boat docks. Design elements from the downtown footprint should be expanded here. This area is part of CRA # 8 which can be used to stimulate private sector investment through property tax incentives.

Legend

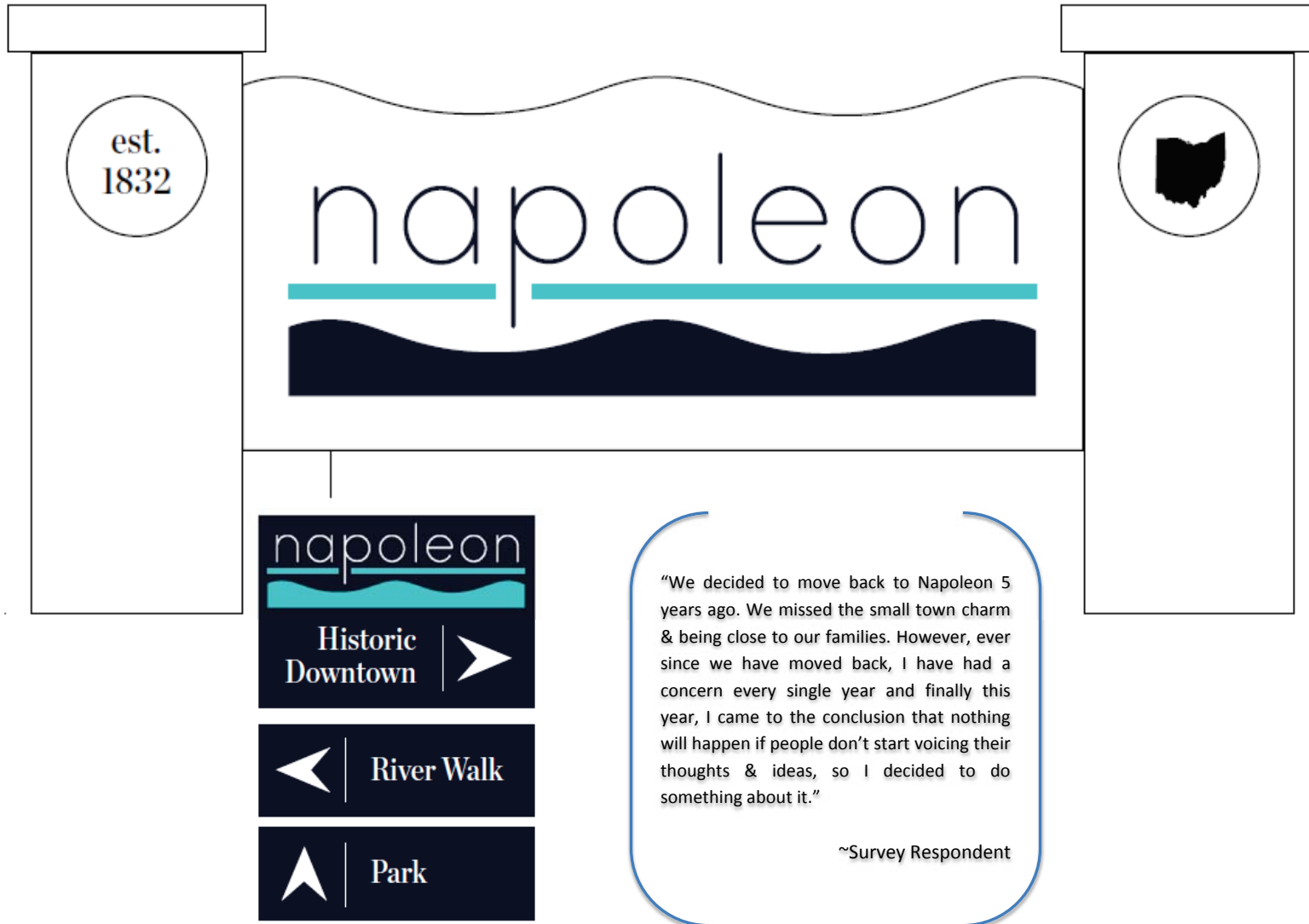
-  Streets
-  Historic Building
-  Riverfront Revitalization Area
-  Napoleon Outdoor Refreshment Area
-  Existing Preservation District Overlay
-  Proposed Preservation District Overlay



0 0.2 0.4 Miles

Source: Henry County Auditor, Engineer, Napoleon, Reveille





General Recommendations

General Recommendations

The General Recommendations outlined in this Section of the Master Plan are to be utilized by City officials and community stakeholders either community wide or targeted within one or many of the Planning Areas. These strategies are clustered by main themes of Connectivity, Community Growth and Revitalization, Utilities, Quality of Life, and Land Use and Zoning.

Connectivity Solutions

1. Improve the pedestrian connectivity infrastructure

The community survey and public input from residents indicated a strong desire to improve existing pedestrian/bicycle facilities as well as to develop more facilities that enhance linkages within the community. The *Pedestrian Connectivity Map* shows existing multi-use path locations as well as conceptual planned pedestrian and bicycle connectivity routes that should be explored within the City. These future facilities involve incorporating pedestrian/bicycle facilities into existing roadways as well as on potential future roadway connections.

Additional planning and outreach efforts should be combined with recreational planning to help build a unified approach in planning and funding road improvements. Additional planning initiatives that should be embraced to implement this strategy are:

1. Develop a transportation master plan to address vehicular, bicycle and pedestrian mobility, as well as the long-term capital improvement planning of the City's road and riverfront infrastructure.
2. Prepare a sidewalk inventory identifying sidewalk condition and areas where gaps exist in the network.



The Tow Path bike trail located along the Maumee River adjacent to Vorwerk Park is a gem of an asset, but it is generally hidden and unknown in the community. The further refinement of a pedestrian or bikeway connectivity plan would help to generate additional ideas to promote and expand these opportunities in the community.

3. Develop a phased repair and replacement plan utilizing a combination of local, CDBG, and private funds from participating homeowners. Some neighborhoods are located in Census Block Groups that are designated as low-to-moderate (LMI) and eligible for grant funding.
4. Work with Henry County Park District to expand and improve the trail system along the river. These assets are severely underutilized and could be accentuated with signage and better linked. In May 2019, the city was declared a designated "Trail Town" for their collaboration with the Buckeye Trail Association.
5. Team with local schools in updating the School Travel Plan and participating in ODOT's Safe Routes to School Program. This program will provide up to \$500,000 in funds for improvements that assist K-8 students bike and walk to school. Target areas could include:

Glenwood Avenue (link school facilities to neighborhoods to the north and south). Possible grant resources include: ODOT SRTS grants. Consider timed “walk” signals in key locations, especially new public facilities and schools.

6. City officials should coordinate with the County Engineer to place additional “Bikes May Use Full Lane” signs along key routes identified by key stakeholders.

➔ **Timeframe: Medium Term**

➔ **Lead Party: Public Works and Parks Departments**

2. Explore the feasibility of adopting a Complete Street Policy

Residents and stakeholders that completed the community survey and attended the community forum expressed a desire to see a comprehensive approach towards improving pedestrian connectivity, as they believe connectivity could be improved in certain neighborhoods, along key corridors, and adjacent to key community destinations. Complete streets are designed and operated to enable safe access for all users, including pedestrians, bicyclists, motorists, and transit riders of all ages

A Complete Street Policy does not have to include all modes, it can simply evaluate what can feasibly be incorporated into a roadway when improvements are being planned (resurfacing, rehabilitation, etc.) and abilities within the context of their location when feasible.

➔ **Timeframe: Short Term**

➔ **Lead Party: Public Works and Parks Departments**

3. Establish a dedicated capital improvement fund to finance future road and pedestrian connectivity improvements

At the present time, capital improvements for road infrastructure and related assets are funded out of the general

fund. During the planning process, the City’s leadership concluded that the implementation of transportation planning efforts and the improvement of the City’s thoroughfare systems might best be served by the establishment of a dedicated capital improvement fund (see *Map: Planned / Proposed Thoroughfare Improvements*).

➔ **Timeframe: Short Term**

➔ **Lead Party: City Council and Public Works Department**

4. Pursue the use of tax increment financing for roadway improvements

City officials may want to consider using tax increment financing as a means to improve these assets especially for economic development projects where the potential for immediate or near term increased property valuation is high. City officials are allowed to divert 75% of the property taxes generated from the project for ten years without school board approval, and may utilize 100% of the new property valuation tax for up to 30 years with school board approval.

➔ **Timeframe: Ongoing**

➔ **Lead Party: City Council and Public Works Department**

5. Optimize traffic circulation and parking opportunities

Traffic, especially truck traffic, moving through the downtown along Perry Street can be problematic at times, and may reduce the ambiance of outdoor dining. In addition, traffic congestion at key downtown intersections (Woodlawn/Scott/Clinton/Perry) will continue until thoroughfare improvements are made at other locations. It is anticipated that the construction of the 2nd river crossing bridge will help to alleviate truck traffic in the downtown.

➔ **Timeframe: Medium Term**

➔ **Lead Party: Public Works Department, Chamber of Commerce, Napoleon Alive**

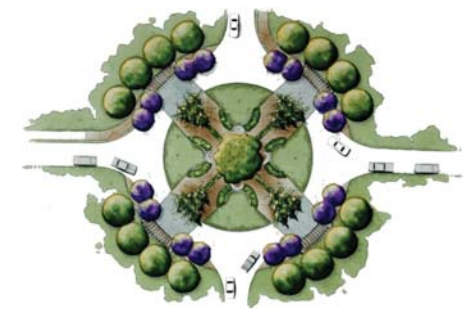
6. Evaluate the feasibility of utilizing roundabouts

Roundabouts are circular intersections with specific traffic control features such as channelized approaches, appropriate geomantic curvature to slow speeds (typically less than 30 mph), and yield control of all entering traffic. Notable benefits of utilizing a modern roundabout instead of a traditional signalized intersection include improved safety, increased vehicle capacity, and improved aesthetics as roundabouts are natural focal points. The potential 2nd river bridge will include two roundabouts, one at East Riverview and one at SR 110.

The community officials should also consider the feasibility of additional roundabouts within the City to address existing and future traffic congestion, high crash intersections, and air quality issues. Potential new locations for roundabouts could be: Scott Street and US 6/24, and Scott Street at West Riverview Avenue. However, such a task will require additional planning and acquisition of additional right-of-way and/or property at locations that are considered.

➔ **Timeframe: Ongoing**

➔ **Lead Party: Public Works Department**



7. Improve bicycle infrastructure

City officials should continually expand the city's current on-street bike routes to additional corridors and locations. This would provide an expanded bike route system to access parks and other recreational places, especially if it connects with the downtown, schools, and key assets like the Maumee River (see *Map: Pedestrian Connectivity*). Often roadway diets can be utilized to provide for these pedestrian connectivity solutions. Various types of pedestrian & bicycle facilities are briefly described below:

Sidewalks

Sidewalks are usually a 4-foot wide concrete surface along one or both sides of a public street for the purpose of providing for pedestrian circulation. Walkways are normally separated from the street by a buffered distance of 6-10 feet or more when right-of-way allows for such a separation. If a sidewalk is to be

utilized for both pedestrians and bicycles, it should be enhanced to a 10-foot wide facility. Sidewalks should be utilized for all new developments and redevelopment areas.

Multi-Use Paths

These pathways can accommodate higher volumes of pedestrians than sidewalks and are more appropriate for other types of non-motorized travel such as joggers and bicyclists. The federal standard for all new multi-use paths is a 10-foot wide facility. This type of facility could be pursued for all new developments/roadways within the City, as well as those areas undergoing redevelopment (if right-of-way allows for such). The multi-use paths are typically a separated facility from roadways and are used to link pedestrian & bicycle traffic generators together.

Bike Lanes

A bike lane is usually a 4 to 8 foot wide portion of a street designated for exclusive use by bicyclists. The lane is distinguished from the automobile travel lanes by paint stripes, signs or other similar devices. One way of designating an on street bike lane is through the use of green asphalt (as shown in picture to the right). This green asphalt lane helps motorists become more aware of the lane that is set aside for bicycles. Often there is also white pavement marking bicycle symbols within this bicycle lane or accompanying bicycle lane signs.



Share the Road Signs & Sharrow Pavement Markings

On roadways where existing pavement width and limited right-of-way prohibits designated bike lanes from being incorporated into the roadway, the use of "Share the Road" signs and "Sharrow" pavement markings can be utilized on designated pedestrian and bicycle connectivity corridors. These types of treatments are not as desired as an actual designated bicycle lane or separated multi use path, however they still provide enhanced notification to motorists that the roadway facility is a designated bicycle corridor.

Trailheads

A trailhead is the point at which a trail begins, where the trail is often intended for hiking, biking, horseback riding, or off-road vehicles. For the trailhead to be functional and utilized, it should be signed appropriately and have information about the trail's features and linkages.

➔ **Timeframe:** Ongoing

➔ **Lead Party:** Public Works / Parks Department

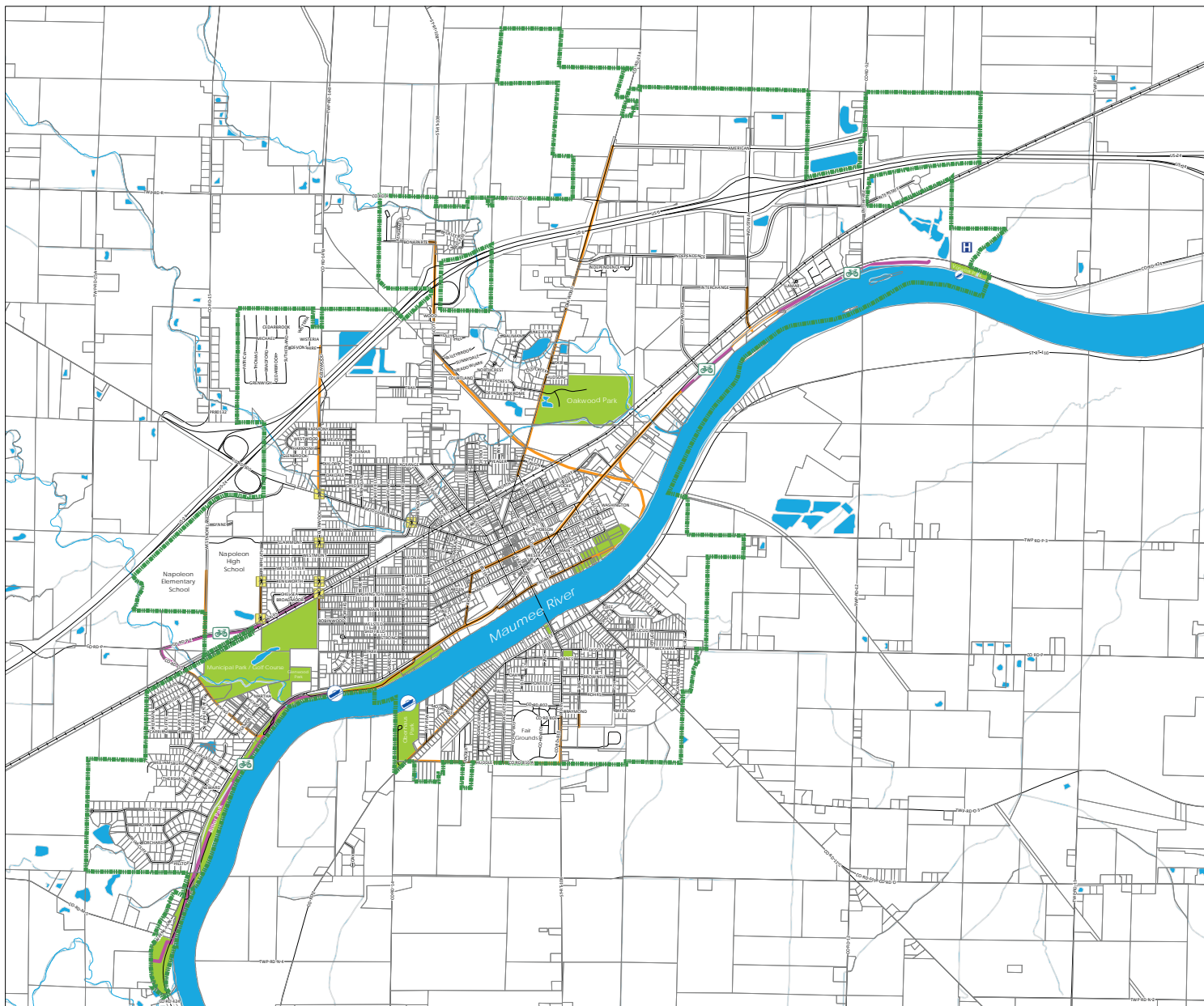


The Tow Path River Trail exits unto East Riverview Avenue at this unmarked location. A formal trailhead or trail signage should be utilized here.



City of Napoleon Master Plan

Planned / Proposed Pedestrian Connectivity Improvements



Legend

- Napoleon Corp Boundary
- Parcels
- Crosswalk Improvement
- Streets
- Railroads
- Maumee River / Ponds / Hydrography
- Existing Bike Path / Trail
- Connectivity Improvement
- Parks

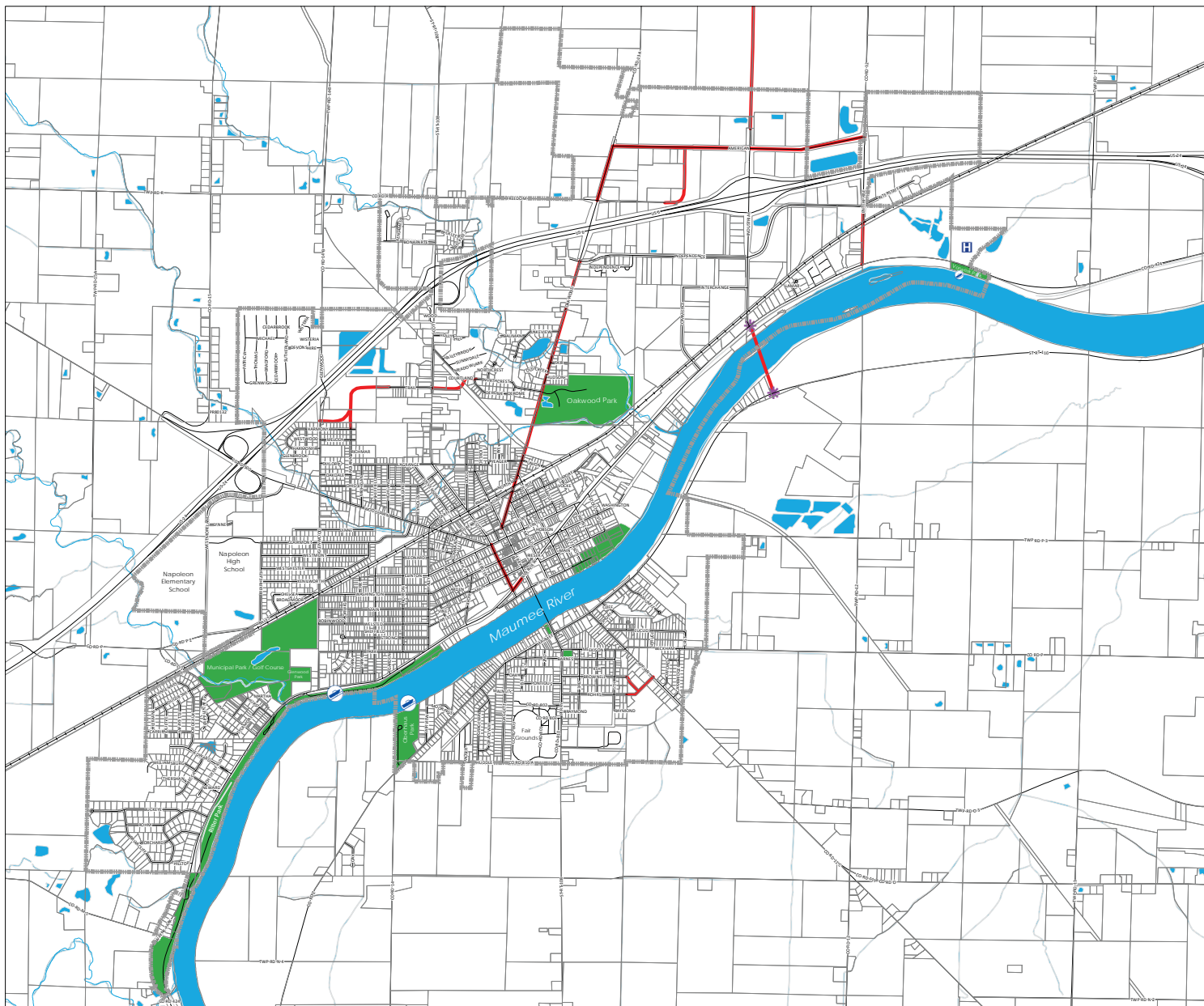


0 0.25 0.5 1 1.5 2 Miles









Source: Henry County Auditor, Engineer, Napoleon, Reville

City of Napoleon Master Plan

Planned / Proposed Thoroughfare Improvements



Legend

-  Napoleon Corp Boundary
-  Parcels
-  Streets
-  Railroads
-  Roundabouts
-  Road Improvement
-  Maumee River / Ponds / Hydrography
-  Parks



0 0.25 0.5 1 1.5 2 Miles

Source: Henry County Auditor, Engineer, Napoleon, Reville

Community Growth / Revitalization Solutions

1. Develop effective nuisance and property maintenance standards

Several residents and City officials noted during the planning process a desire to reduce neighborhood nuisances and property blight. Certain neighborhoods in Napoleon are showing signs of distress, and rental housing is preeminent in many of these areas.

A variety of downtown buildings are suffering from a lack of maintenance, and some- like the former “Brick N Brew”- are vacant. City officials should work with chamber, Napoleon Alive, Preservation commission, and other stakeholders to develop a thoughtful plan of action to help ensure a suitable base of “move-in” ready properties.

A variety of tools will need to be either developed or properly staffed to help improve the taxable value of the City’s greatest assets- its residential properties. It is estimated that millions in dollars of lost revenue that would otherwise be used to fund the school district and fund community infrastructure has evaporated due to declining property standards. Poorer kept properties, in the simplest terms, cost everyone more.

To improve this situation, City officials could pursue the adoption of ordinances that require all vacant and/or rental properties to be registered and inspected. Many communities in Ohio effectively use these tools to protect their neighborhoods and downtowns. Using these tools in unison with Henry County’s new Land Bank should be useful.

“It’s time to change....”

~Survey Respondent

City officials could simply adopt the International Property Maintenance Code as many communities in Ohio have done, or work with the planning commission to adopt a hybrid form of this code. Another tool officials should pursue is the development of a vacant property registration ordinance that could work to minimize neighborhood issues arising from distressed properties.

➔ **Timeframe: Short Term**

➔ **Lead Party: Planning Commission, City Council, Public Works and Police / Fire Departments**

2. Leverage incentives and tools for the improvement of housing and public infrastructure in targeted neighborhoods

City officials should continue to tap into additional grant resources to address property blight and promote neighborhood revitalization. Additional effort should be placed on targeting specific eyesore properties, working in cooperation with the recently established Henry County Land Bank.

Although not typically utilized in the past due to eligibility issues, City officials should pursue CDBG resources from Ohio’s Development Services Agency (DSA) for specific neighborhoods, where feasible. Household surveys would be required to determine whether or not the target area is LMI eligible. If eligible, grant resources could be attained to improve public infrastructure and other assets. In 2018, City officials worked with Maumee Valley Planning on a DSA PY18 CDBG Neighborhood Revitalization Grant for improvement on the south side of town.

➔ **Timeframe: Long Term**

➔ **Lead Party: Planning Commission / Public Works Department, City Council**

3. Pursue the expansion of the CRA Program

City officials could pursue the development of new CRA zones to encourage new residential development, revitalization and redevelopment. Target areas could include aging neighborhoods / commercial corridors, or to promote new residential opportunities in the Glenwood Planning Area (Twin Oaks Subdivision). The program could be advertised and marketed better to provide awareness to potential investors and property owners.

➔ **Timeframe: Ongoing**

➔ **Lead Party: City Council and Planning Commission**

4. Pursue the feasibility of improved gateway locations

While City officials over the past few years have added monument signage along key corridors, more areas of the City could benefit from additional gateway markers. These areas include:

- Bridge enhancements along Woodlawn Avenue and Enterprise Avenue, e.g. “Welcome to Napoleon”.
- Enhanced landscaping amenities at US 6/24 – Woodlawn Avenue interchange.

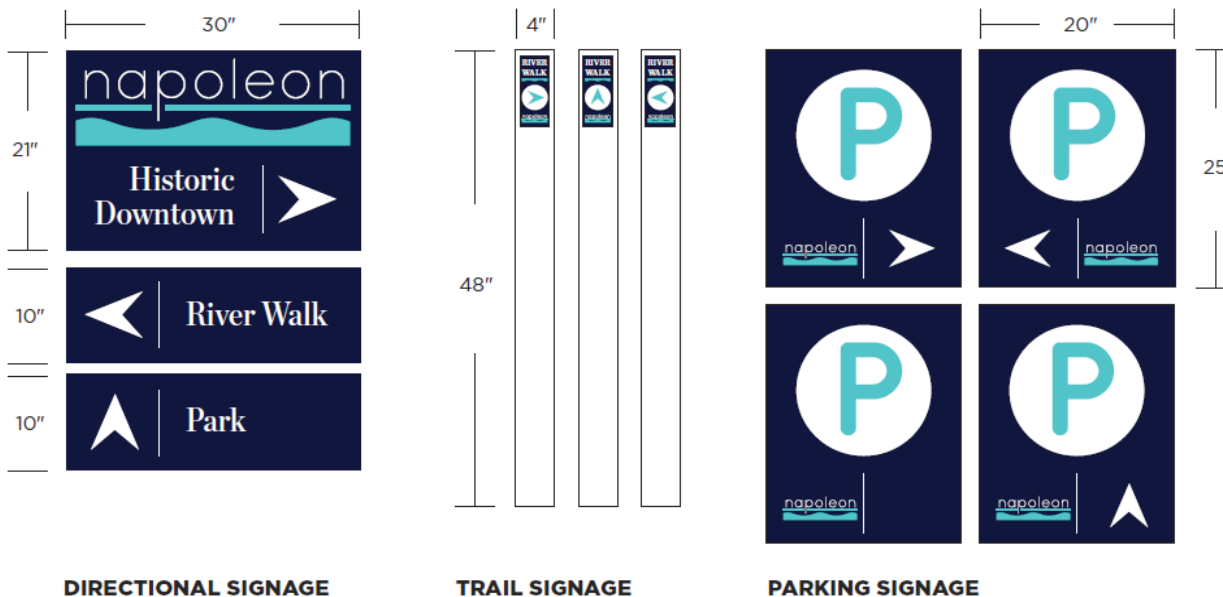
➔ **Timeframe: Ongoing**

➔ **Lead Party: Public Works Department**

5. Improve the Public Realm

In an effort to help better market and brand the community, City officials should work with interested stakeholders to link and connect community assets through branding, beautification and wayfinding techniques. A wayfinding signage system would allow for residents and visitors to easily locate parks, bike paths, recreational facilities, shopping centers, schools, libraries, public offices, key industries/businesses, etc.

The public spaces in the downtown could also be accentuated and improved with interpretive signage to provide visitors with a better understanding of Napoleon's historical significance within Northwest Ohio. These low cost additions to the current downtown improvements will provide an added touch. At the present time, the City of Perrysburg utilizes these types of signage in their downtown.



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➔ **Timeframe:** Ongoing

➔ **Lead Party:** Planning Commission, Public Works / Park Department

6. Utilize special improvement districts to revitalize and improve the Downtown and Scott Street

The City and downtown / Scott Street property owners should consider the potential benefits of creating a Special Improvement District (SID). The Ohio Revised Code (Chapter 1710) states that an area of a community may, subject to petition by property owners, assess itself for the costs of planned services (such as planning, maintenance, security, marketing, promotion, business attraction, and management) and physical improvements which directly benefit the district. An important advantage of a SID is the ability of property

owners to determine how assessment funds are spent.

Improving the aesthetics of alleyways and parking areas behind downtown buildings could be beneficial, while consolidating and screening trash containers, delivery truck entrances and drop-off/pick-up zones, and other necessary features to maintain daily business operations. These issues, if handled via a SID can be dealt with as “one project” and be less expensive to implement as well as more efficient. Providing proper lighting and landscaping standards will also help make these areas welcoming and pedestrian-friendly.

➔ **Timeframe:** Medium Term

➔ **Lead Party:** City Council, Public Works Department

7. Revitalize the Scott Street Corridor

As the main commercial corridor in Henry County, Scott Street would benefit from design improvements and visual elements that will create a perception of Scott Street being a destination distinct from other communities. According to the survey that accompanied this Plan, a majority of respondents indicated that they primarily shop in other locations (Maumee / Defiance).

The community's investment in the Scott Street Corridor and the riverfront will reinforce the perception that the community is vibrant, encouraging new investment in Napoleon to help capture the millions of dollars each year in consumer leakage to other retail areas. This image improvement should begin immediately when exiting US 24 where visitors and residents are greeted with an updated and lighted City of Napoleon Gateway Sign.

Streetscape elements should have continuity in design characteristics, including shape, ornamentation style and

finishes. Streetscape elements include, but are not limited to, signage, sidewalks, decorative streetlights, decorative traffic signal poles, benches, trash receptacles, and landscaping.

Improving the appearance of the streetscape will be vital to attracting new development to the corridor and to recruiting new land uses to the undeveloped lands adjacent to Scott Street. It may be possible to construct streetscape improvements in coordination with new development, but the City may also wish to consider installing the streetscape improvements as an enticement to attract new businesses.

The choice and placement of streetscape elements could be done through a corridor streetscape plan to ensure that design alternatives are evaluated and supported by the community. This streetscape plan will help to build public and business support and identify preferred streetscape elements, appropriate locations for specific improvements, and construction phasing.

Other solutions to help improve the Scott Street Corridor include creating an overlay zoning district that could improve the following areas:

Addressing Signage

An overabundance of signs, particularly signs that are oversized for their location or that do not support the visual character of the surroundings, are one of the key reasons why commercial corridors are often perceived as visually cluttered. This would include limiting the use of A-Frames and other temporary signage. By lowering the permitted height of ground-mounted signs and requiring commercial signs to incorporate architectural elements of the site's buildings, Napoleon can reinforce the unifying characteristics of the Scott Street Corridor.

Reducing the Minimum Parking Requirements

Scott Street suffers from too much impervious surface due to an excess of parking. Not only is much of the parking unused throughout the year and visually unpleasing, excess parking affects surface water runoff, reduces green spaces and artificially raises the temperature along the corridor.

Improved Landscaping and Buffering Features

Additional landscaping and buffering features will help to make the corridor more appealing to pedestrians. Heightened perimeter and interior landscaping of parking areas should also occur.

Improved Access Management Requirements

Promoting better access along Scott Street will help balance the needs of pedestrians and motorists while improving the flow of traffic on the roadways and lessening the opportunities for traffic access.

➡ **Timeframe: Medium Term**

➡ **Lead Party: Planning Commission, Public Works Department, City Council**

8. Business Park Beautification

There is a need to create more physical definition for the City's industrial areas including the Commerce Business Park and Northpoint Business Park. Using signage, gateway features, and other design elements can help set the industrial areas apart and establish a "brand" for each of these areas for marketing and business recruitment. These areas could also be better planned using a new zoning overlay district or the development of an architectural review committee specific to each park.

➡ **Timeframe: Medium Term**

➡ **Lead Party: Planning Commission, Public Works Department, City Council**

9. Revisit Annexation Policies

The future growth of the City depends on generating enough resources to maintain and improve its infrastructure and public realm. While these discussions are never easy, the time may be now to embrace efforts to discuss the annexation of parcels that abut the City's borders. As the City's largest employer, Campbell's Soup is adjacent to the City, and has benefited from the City's infrastructure and its residents' productivity for decades. City officials should pursue the feasibility of discussing formal annexation with the company's leadership. Other businesses adjacent to Commerce Business Park could also be included in these conversations.

➡ **Timeframe: Short Term**

➡ **Lead Party: City Council**

Utility Solutions

1. Improve Wastewater Collection, Treatment and Disposal

It is the desire of the City of Napoleon, especially in light of current EPA restrictions, to focus on continuing efforts to address the amount of I/I entering the City's collection system to enable the closure of the two remaining SSOs and reduce activity at the CSOs. By bringing the sewer system into compliance and aggressively eliminating excessive I/I, the City of Napoleon will be placed in a better position to facilitate expanded growth and development in the future.

Currently, Napoleon is limited in the areas where growth may occur. The current Williams Pump Station Replacement Project will enable opportunities for residential development in the northwesterly portions of the City, as well as expansion to the north along Glenwood Avenue. Capacity for residential growth also exists in the southeasterly portions of the City, along Appian Avenue. Commercial and industrial growth may occur within the industrial park located near the interchange of US 24 and Industrial Drive.

➡ **Timeframe: Ongoing**

➡ **Lead Party: Public Works / Operations Department**

2. Encourage Water Conservation

The City of Napoleon should strive to maintain a level of awareness in the community on the issue of water conservation by emphasizing a variety of water loss prevention methods. These water loss methods should either be embraced by the City through continual maintenance checks on the water distribution system to minimize leakage losses or on behalf of the end water user. By encouraging water loss prevention methods, the City would greatly benefit, saving tens of thousands of dollars annually in avoided wastewater treatment and energy costs. Encouraging selected water

conservation methods among City water users could yield tremendous results.

➡ **Timeframe: Ongoing**

➡ **Lead Party: Public Works / Operations Department**

3. Continuing the Long Term Maintenance of Water, Storm and Sewer Systems

The City of Napoleon should continue to replace aged water and sewer lines throughout the City. Based on the 2018 Capital Improvement Report filed with the Ohio Public Works:

➡ 47.2% of Napoleon's 333,000 linear feet of water lines are rated in fair condition. 34,000 feet, or 10.2%, are rated in poor to critical condition.

➡ The WTP has been recently reconstructed to update all facilities and is in excellent condition.

➡ The elevated water tank on Vocke Street was re-painted in 2018 and is in good condition, while the smaller tank on South Perry Street is in fair condition.

➡ 53.3% of the City's storm water collection lines (104,000 linear feet) are rated in fair condition. 3.6% of the storm water collection system (7,000 linear feet) is rated in poor to critical condition.

➡ 54.4% of 248,000 linear feet of wastewater lines are rated in fair condition and 4.8% are rated as being in poor or critical condition.

➡ Of the seven existing wastewater pump stations, three are rated excellent or good condition, with three rated in fair or poor condition and one, the Williams Pump Station, rated as critical condition.

➡ The existing WWTP was originally constructed in 1954, with treatment modifications completed in 1980 and 1998. Much of the original equipment and structures

are still in use and are rated in poor to critical condition. Modification to the treatment processes will likely be required to enable the facility to meet future discharge permit limits. Significant improvements to the WWTP should be undertaken within the next five years.

Annual investments should be continued throughout the City to complete improvements within the water distribution, storm drainage and wastewater systems. The City should consider developing a formal plan to schedule improvements and line replacements. The Capital Improvement Plan should also be used to develop the appropriate timing and financing method(s) available to facilitate the necessary improvements.

➡ **Timeframe: Ongoing**

➡ **Lead Party: Public Works / Operations Department**

4. Promote the Construction of Water and Sewer Infrastructure in Growth Areas

When appropriate, utility lines should be nominally deepened and oversized in order to accommodate planned future growth and development. The City should continue to require developers to participate in utility improvements. The developer's contribution should be based on a pro rata basis and applied equally to all projects.

➡ **Timeframe: Ongoing**

➡ **Lead Party: City Council, Public Works Department**

5. Make the Sewer System Ohio EPA Compliant

Because of the combined sewer mains located predominately in the Downtown Area, as well as significant sources of public and private I/I, CSOs and SSOs remain active during periods of intense rainfall. To comply with the NPDES Permit Limits, the City of Napoleon must take additional measures to limit I/I and eliminate all SSOs on the collection system.

➡ **Timeframe: Ongoing**

➡ **Lead Party: Public Works Department**

6. Continue to Improve Storm water Management

City officials should continue improving storm water drainage facilities through the implementation of the recently-developed storm water management plan and storm water utility charge. Currently, nearly 58% of the existing storm water lines are rated in fair, poor or critical condition.

To help improve the storm water infrastructure, the City adopted additional charges as part of the sanitary sewer fees. There is a \$9.50 charge (in place of the previous \$5 sanitary only charge) for all residential properties. After that, there is a tiered monthly billing system. The tiers are based on the Equivalent Residential Units (ERUs) for each commercial/industrial property. ERU's are calculated by taking the total area of impermeable surface divided by 3,009 s.f.¹ The storm water utility rates should be revisited in the future to ensure that fees levied are generally-aligned with the costs affiliated with improving the storm water infrastructure.

➡ **Timeframe: Ongoing**

➡ **Lead Party: Public Works / Operations Department**

¹ 3,009 s.f. was the average area of impermeable surface taken from a random sampling of 100 residential properties throughout the City.

7. Pursue Alternative Funding Sources

Napoleon should continue to pursue all available funding sources, such as the Water Pollution Control Loan Fund (WPCLF), Water Supply Revolving Loan Account (WSRLA), Ohio Water Development Authority (OWDA), ODOT, Ohio Public Works Commission (OPWC), Economic Development Administration (EDA) – Public Works Program, and CDBG, to fund utility projects. In addition, utility charges should be reviewed periodically to ensure a healthy operational budget and to offset the possibility of budget deficits with utility funds.

➡ **Timeframe: Ongoing**

➡ **Lead Party: Public Works / Operations Department**

8. Promote Green Infrastructure

An additional resource that City officials may consider to aid in mitigating the adverse impacts of storm water events and enhance the aesthetic character of the area is to consider “green infrastructure.” Green infrastructure planning and design approaches may help to reduce the demands on the City’s aging infrastructure and provide a cost-effective and sustainable solution that conserves and protects water resources.

Other methods to minimize storm water problems include:

- Promote shared parking and land banking;
- Incorporate compact parking spaces as a means of reducing impervious cover;
- Setting maximum parking space dimensions, rather than specifying minimum dimensions (a minimum stall size of 10' x 20' or 9' x 18' are the most commonly cited dimensions) could also reduce impervious areas as can decreasing driveway widths;

- Incorporation of bioretention or rain gardens into existing requirements for landscaped islands and revising landscaping requirements to require a set percentage of landscaping of the total paved area can help to offset some of the impervious surfaces;
- Incorporation of storm water best management practices such as sand filters and filter strips into perimeter and interior landscaping can also help in offsetting impervious surfaces; and
- Incorporation of porous pavement in overflow parking areas can reduce the runoff generated by parking lots as well as decrease impervious surfaces.

The Ohio EPA’s Surface Water Improvement Fund grant program and the Ohio Public Works Commission are both candidates for funding assistance for green infrastructure projects.

➡ **Timeframe: Medium Term (developing Plan); Ongoing for Implementation**

➡ **Lead Party: Public Works / Operations Department**

Quality of Life Solutions

1. Continue to pursue the feasibility of a new community pool facility

A discussion to replace the aging community pool surfaced during the planning process. City officials, working in conjunction with the Parks Department and school boards, should continue to advance the importance of an improved community pool facility / splash pad.

- **Timeframe: Short Term**
- **Lead Party: City Council, Parks Department / Parks Board, interested stakeholders / residents**

"I love Napoleon, its community, and everything else we have here. I don't take it for granted, but just see so many areas for potential growth by taking this time to seriously consider the City pool area."

~Survey Respondent

2. Develop a Parks and Recreation Plan

During the planning process, citizens expressed a desire for additional recreational opportunities including improved pedestrian connectivity, bike lanes, a "face-lift" to some existing parks, and additional programming for youth, teens, and seniors.

The City does not have a formalized parks and recreational plan. The Parks Department has been working off of different park plans for Ritter, Oakwood, and Oberhaus over the last decade. A Parks and Recreation Plan could be a vital asset in

ensuring all park facilities are updated as needs and budget permit, and that the special qualities and services at these facilities are maintained. This Plan will be extremely valuable especially if a new community center / pool facility is approved by City voters in the future, as well as provide the public with the ability to discuss their desire to refine the amenities, programs and services at the City's parks.

- **Timeframe: Short Term**
- **Lead Party: Parks Department / Parks Board**

3. Maintain quality and cost-effective safety services

To maintain proper and safe response times, the City's safety service providers should continue to discuss how to best maintain and stabilize response times while retaining the same high quality level of service. Safety services and the public service/utilities departments should continue to be part of growth-related discussions. Continued growth of housing and businesses in certain areas in the City are likely to make construction of replacement and/or additional facilities necessary for effective safety and utility services.

- **Timeframe: Ongoing**
- **Lead Party: Police / Fire Departments**

4. Communicate to residents on how their tax dollars are being spent in the community

Further efforts should be made to communicate the impact of the City's tax and credit rates on its ability to deliver community services at a level expected by residents. Because of the City's high utility rates, there is often a reluctance to increase taxes in other areas. However, the City's relatively low millage rates generally translate directly into lower revenue stream and an inability to meet the demand for services.

Lowering the income tax credits could also help reduce the outflow of revenue resulting from the community's commuter rates.

- **Timeframe: Ongoing**
- **Lead Party: City Council, Finance Director**

5. Update the City's website

A website update is needed to help improve the flow and dissemination of information. The current condition of the website is not user friendly.

- **Timeframe: Short Term**
- **Lead Party: IT Department**

"Focus on family friendly fun and charm but you need to give a 20 something grad a reason to move back besides the fact that their parents live in Napoleon. It's an exponential effect. The more people move back will result in even more people moving back."

~Survey Respondent

6. Encourage cultural & entertainment opportunities

There is an opportunity to build off of anchor arts, cultural, and/or entertainment venues in order to help establish Napoleon as a destination that attracts consumers from outside of the immediate area. Cultural, entertainment and recreational facilities could take the form of either commercial enterprises or civic facilities and programs sponsored by the City or by local non-profit organizations like the Armory Arts and Events Center and the Napoleon Civic Center (NCC) that developed adaptive reuse plans for the vacant Central Elementary School.

The NCC has plans to establish a state of the art community center with cafeteria and reception hall space, meeting rooms, a visual and performing arts auditorium, and gymnasium areas. The center, NCC officials hope, would serve as a gathering place for the residents of Henry County and any community organizations offering such amenities as a cafeteria, studio and meeting places, as well as an auditorium and gymnasiums.

- ➔ **Timeframe: Short Term**
- ➔ **Lead Party: City Council, Schools, Local Organizations, Parks Department / Parks Board**

"For me Napoleon is a great place to live--small enough yet it provides the essentials, friendly, easy to get around, also enough churches to satisfy different faiths."

~Survey Respondent



The Napoleon Civic Center foundation was started in 2012, out of a grass roots desire to save the auditorium and part of the elementary school from the wrecking ball and create a civic center for use by the residents of Napoleon and greater Henry County, Ohio.

Land Use and Zoning Solutions

1. Improve property valuations in key areas

Start thinking creatively to increase property valuations in underutilized and special areas of the community. In some cases (with residential parcels) 89% of property taxes go to either the schools or community services organizations (MRDD / Mental Health organizations). The current corporation millage is low at \$3.93 per \$1,000 of property valuation.

City officials should be diligent in creating strategies that place the most optimal land uses along the riverfront to increase property valuations, and therefore the tax base. City officials should pursue the feasibility to relocate their municipal footprint off the riverfront.

➔ **Timeframe:** Ongoing

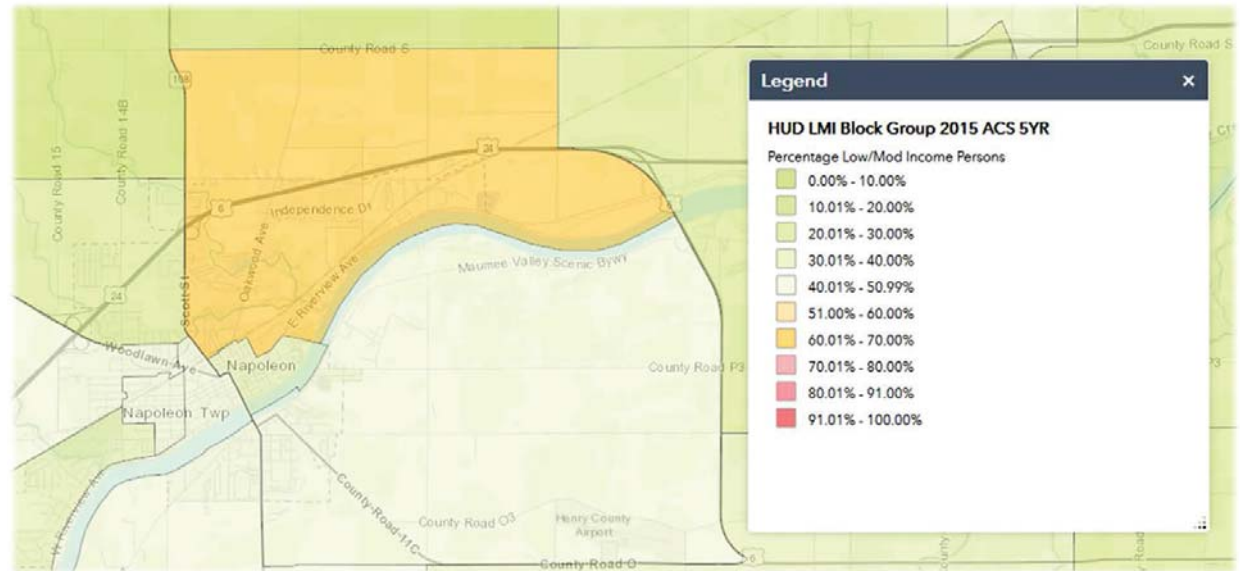
➔ **Lead Party:** Planning Commission, City Council

2. Improve neighborhood revitalization efforts

City officials indicated a desire to adopt additional tools that promote housing reinvestment, while reducing property blight and nuisance issues pertaining largely to rentals. This could include the use of CRA property abatement incentives, increased enforcement of existing regulations, and the adoption of additional property maintenance regulations and tools. While the total number of housing units has remained generally the same since 2000, owner-occupancy has declined. The number of rentals in Napoleon is now estimated at 41% or more.

➔ **Timeframe:** Short Term

➔ **Lead Party:** Planning Commission, Public Works Department, City Council



Neighborhood revitalization efforts could coincide with eligible CDBG target areas including: Census Tract 3, Block Group 2 (50.92% LMI) and Census Tract 4, Block Group 1 (64% LMI)

3. Update the zoning ordinance

The City's zoning ordinance should be updated to reflect ideas discussed in the Plan. Some of the areas in need of updating include, but are not limited to:

- Create an agricultural zone to help with the annexation of undeveloped parcels. Currently, parcels that annexed are required to be zoned for residential, commercial or industrial uses.
- Reduce the overall number of zoning districts (C-3: Community Commercial District is represented on the zoning map but not discussed in the zoning resolution).
- Create an institutional or public zoning classification and rezone all public and institutional land uses. Currently all

government-owned parcels or institutional land uses like churches and schools are zoned either residential or commercial because they are allowable uses in these zoning districts.

- Review the existing permitted and conditional uses allowable in zoning districts for issues. The City's zoning code was updated in 2009 to include a permissible use table.
- Update the parking regulations to provide for best practices for landscaping, storm water management, and in other areas.

- f. Pursue the feasibility of creating a Mixed Use Zoning District to promote higher density residential and commercial uses in one streamlined process
- g. Pursue the feasibility of creating a Planned Business Park (PBP) zoning district that encourages mixed highway commercial / industrial uses and the use of architectural review committees that can make decisions internally on certain issues which is otherwise the jurisdiction of the planning commission. Consider rezoning areas north of US 24 as PBP instead of I-1 or I-2.
- h. Modify the Floodplain Overlay District so that it aligns with FEMA flood boundaries.
- i. City officials should utilize overlay zoning within their zoning ordinance to improve aesthetics, access management and other development aspects. Key areas to deploy the overlay zones should be:
 - Scott Street Overlay District (to encourage better aesthetics/landscaping, manage curb cuts, etc.).
 - Create a Riverfront Overlay District.
 - Hold required annual plan review meetings to track progress and develop corrective actions.

➔ **Timeframe: Short Term**

➔ **Lead Party: Planning Commission, Public Works Department, City Council, Law Department**

4. Promote growth opportunities

There is an increasing trend of people working in Henry County and living elsewhere, taking their earnings and spending power outside of the county. According to an economic development report completed in 2015 for the Henry County CIC, residents

from the 43545 zip code spent approximately \$56,505,787 outside of the community.

To help offset this trend, City officials are desirous of working to unlock new areas of Napoleon for growth opportunities. There are a few areas with the necessary utilities to accommodate residential development. Existing capacity exists within the Picket Fences Subdivision, off Appian Avenue, for less than ten new homes, while the expansion of the Twin Oaks subdivision (although preliminarily approved by the planning commission) would require the extension of the road and all utilities. Other promising areas designated for residential, commercial, or mixed uses are located west of Scott Street and would be unlocked by road extensions like Trail Drive and Indiana Avenue.

➔ **Timeframe: Ongoing**

➔ **Lead Party: Planning Commission, Public Works Department, City Council**

5. Plan the Riverfront

Increasing the accessibility of the Maumee River was identified as a major goal by countywide and Napoleon stakeholders engaged during the planning process. The development of the riverfront is seen as being central to continued revitalization and prosperity of Napoleon's downtown business district, as well as the economic livelihood of Henry County. To address current issues, challenges and opportunities confronting the riverfront, the City should pursue the development of a Downtown Riverfront Plan in the target area identified within this Plan. The community is at a unique point due to a culmination of events including the current or likely availability of commercial and school-owned properties in the designated riverfront target area and current initiative to save and renovate the historic J.L. Johnson Auditorium. Additional items

to discuss could be the development of additional boat docks in the downtown area.

"Napoleon has progressed with the downtown area, but we really should focus on improvement of the riverfront. We need green spaces, dockside restaurants, and activities to make our town look progressive, fun, and active."

~Survey Respondent

Napoleon officials should, as part of the downtown riverfront planning process, determine how best to establish a target for adding new mixed uses and higher density housing units within walking distance of the Downtown core. By adding housing within the core, there will be more opportunities for people to walk to purchase basic goods and services, enhancing the overall pedestrian connectivity of downtown and alleviating some of the traffic pressures generated by new housing.



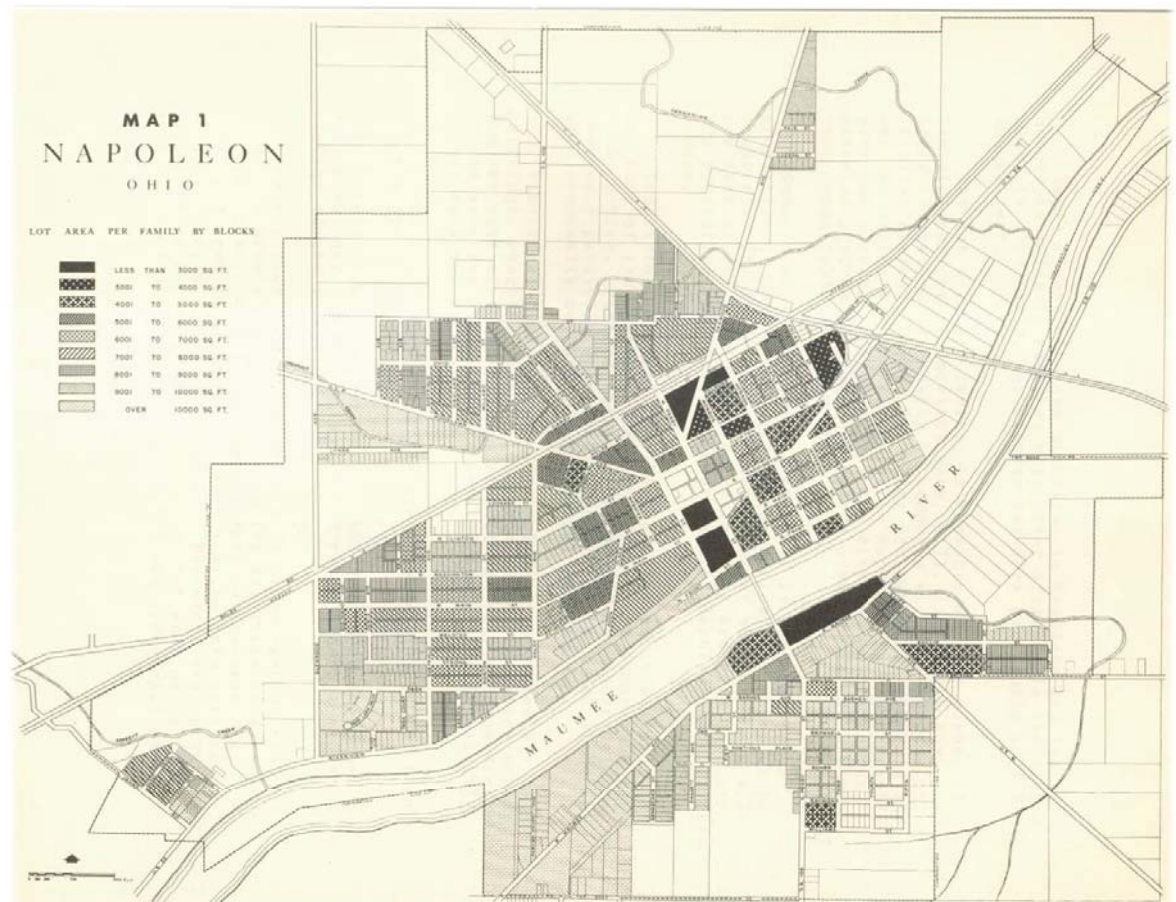
Street Fair in Napoleon, corner of Perry and Washington Streets, in the 1910's.

During the planning process, residents expressed concerns over the lack of housing within Napoleon to accommodate those current residents that will gradually age out of their homes but want to remain in the City. This downtown riverfront “target area” provides an excellent opportunity for mixed-use development that can incorporate higher density housing for active adults as well as young professionals.

- ➔ **Timeframe: Short Term**
- ➔ **Lead Party: Planning Commission, Public Works Department, City Council**

“Utilize riverfront property. I can’t believe Napoleon has storage units taking up riverfront space on the south side.”

~Survey Respondent



Napoleon’s 1957 Master Plan recommended that density is maximized in certain areas of the community, especially along the riverfront adjacent to the downtown.

Future Land Use Plan

The existing and proposed future commercial and industrial land uses are heavily concentrated on the east and north sides of Napoleon, while the existing and proposed future residential land uses are heavily concentrated on the west and south sides of town. While in large part this is due to the location of the old and new US 24 roadways, rail lines, and previous industrial uses, it provides for scenic existing and future residential areas, near the riverfront on the west side of town and in other areas, that are not impacted by nearby industrial uses. The future land use map builds on this historical pattern and most of the areas designated for residential development are located on the west and south sides of town, with small areas shown along a portion of Oakwood Avenue and along the Maumee River east of downtown.

Based on existing and planned land uses, Napoleon appears to have more commercial zoning than needed, particularly on the south side, around the perimeter of the downtown, and in the K-12 school campus area. This commercial zoning should be scaled back over time to focus on, and strengthen, the downtown commercial area and the neighborhood commercial nodes shown on the future land use map. Neighborhood commercial nodes identified in the primarily residential areas on the west and south sides of town are centered on existing commercial uses. These nodes are shown with only a very limited amount of expansion beyond existing commercial uses due to Napoleon's relatively small size, emphasis on downtown revitalization, and extensive primary commercial area along Scott Street.

The future land use map retains Scott Street as the primary general commercial corridor but also designates areas along US 24 near the Industrial Drive interchange for future planned

commercial development. Most of this area is already zoned for planned commercial and highway commercial uses.

The downtown area, including the area on the north side of the river as well as several blocks on the south side, is currently primarily a commercial area with some office and government uses. The future land use map expands this area somewhat to include the former school complex on West Main Street and designates this area for future downtown mixed uses. This designation broadens the range of uses envisioned for this area to include residential uses, both stand-alone and above commercial/office uses, and perhaps some park and open space uses to create a more lively area that takes advantage of the riverfront setting. The creation of a mixed-use zoning district would encourage this type of development.

The hospital's location on the far eastern side of the City is somewhat isolated and removed from residential areas. However, there may be future opportunities for the development of medical-related office uses near the hospital site.

The City's primary existing industrial area is located on the east side of town between US 24 and the Maumee River, centered on the Industrial Drive interchange with US 24. The future land use map shows industrial uses in this area as well as in nearby undeveloped areas to the north of US 24. The Campbell Soup Plant and several other industrial operations are located just outside the City limits on the south side of town near the Maumee River, but if the Industrial Drive bridge is completed the area abutting the plant to the east and south (also outside the City limits) would likely be prime industrial property.

Future Land Use Map Legend

**FLOODPLAIN DISTRICT OVERLAY**

Area within the City's Floodplain District Overlay subject to applicable floodplain regulations.

**PRESERVATION DISTRICT OVERLAY**

Area within the City's Preservation District Overlay subject to historic design review guidelines intended to preserve and enhance historic buildings and resources.

**RESIDENTIAL**

One-family and two-family dwellings and related uses (schools, churches, parks, etc.) permitted or conditional. Related uses and multi-family dwellings may be appropriate only in higher density residential areas.

Corresponding zoning districts: R-1, R-2, R-3, R-4.

**NEIGHBORHOOD COMMERCIAL**

Office uses, personal services, and retail businesses that dispense goods and services directly to consumers. Smaller scale businesses designed to serve nearby residential neighborhoods that are not generators of heavy traffic. Typically located at neighborhood activity nodes such as major street intersections or in transition areas between more intense land uses and residential areas.

Corresponding zoning districts: C-2, C-3.

**DOWNTOWN MIXED USES**

Area intended to serve as the primary business, entertainment, government and civic center for the community. Intended to provide functions serving the entire community, including a full range of goods and services, dining and entertainment, government and business offices, and public amenities. Designed as a pedestrian-oriented focal point for the community with a mix of land uses, including commercial uses, public uses, and high-density residential uses such as apartments above commercial/office uses or in stand-alone buildings.

Corresponding zoning districts: C-1, R-4.

**INDUSTRIAL**

Manufacturing, research/laboratories, warehousing, wholesale businesses, transport and trucking businesses, and supportive uses (motels, outdoor equipment sales, etc.) permitted or conditional. Uses with activities taking place in the open or requiring screening may be appropriate only where adequate buffering or separation can be provided.

Corresponding zoning districts: I-1, I-2.

**PLANNED COMMERCIAL**

Generally larger commercial uses along major highways or thoroughfares, including sales, eating and drinking establishments, services and professional offices oriented to customers from a larger area. Includes shopping and commercial centers with a unified design and/or intended to accommodate commercial activities that draw business from and provide services to highways.

Corresponding zoning districts: C-4, C-5.

**PUBLIC/INSTITUTIONAL**

Schools, large church campuses, community facilities, utilities, parks, golf course, fairgrounds, cemeteries, etc.
















Corresponding zoning districts: none currently but new district proposed.

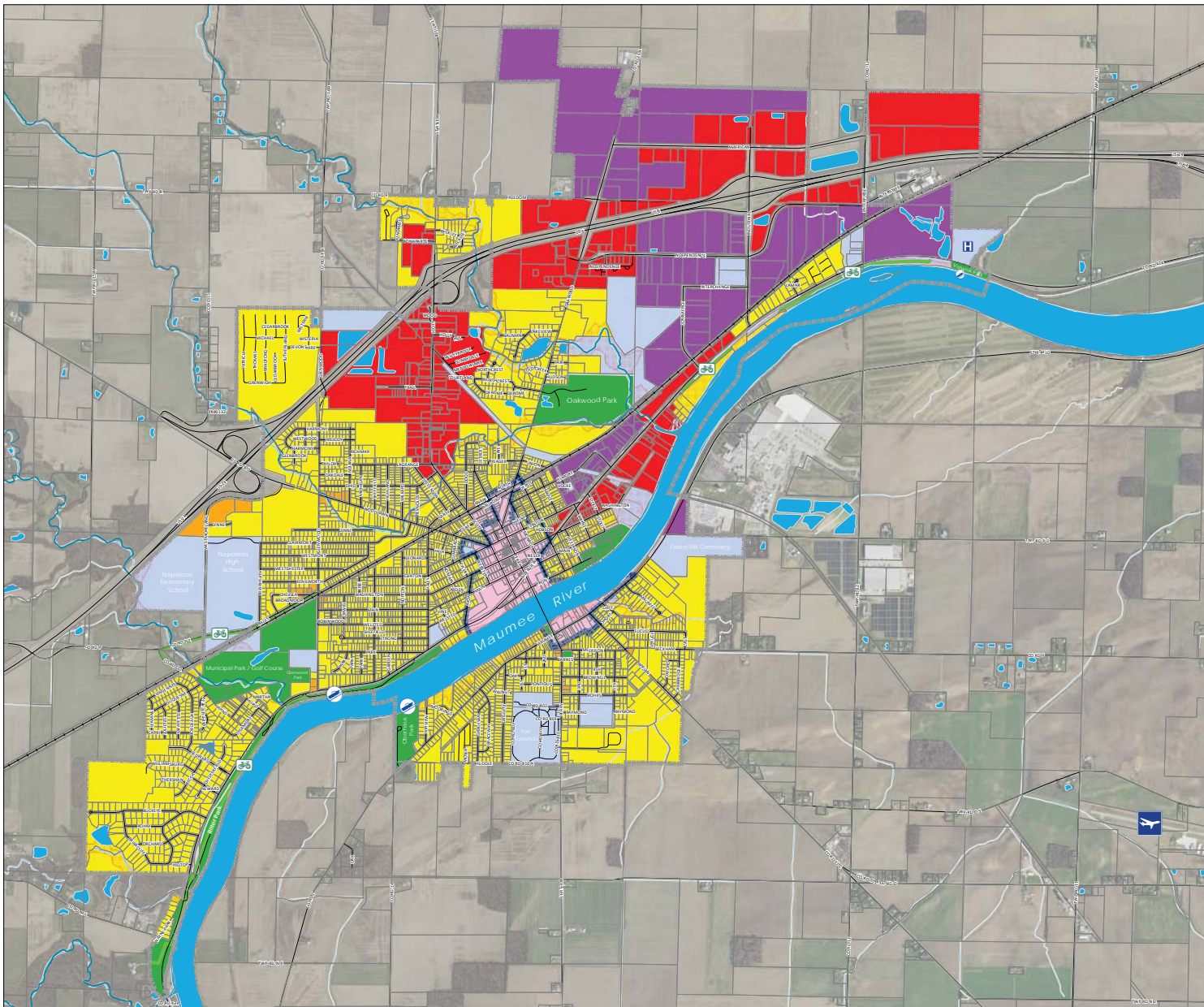
City of Napoleon Master Plan

Future Land Use



Legend

-  Napoleon Corp Boundary
-  Parcels
-  Streets
-  Railroads
-  Maumee River / Ponds / Hydrography
-  Existing Bike Path / Trail
-  Parks
-  Floodplain Overlay District
-  Preservation District Overlay
-  Residential
-  Neighborhood Commercial
-  Downtown Mixed Uses
-  Industrial
-  Planned Commercial
-  Public / Institutional



0 0.25 0.5 1 1.5 2 Miles

Source: Henry County Auditor, FEMA, Engineer, Napoleon, Reveille



Plan Implementation

Plan Implementation

The Plan's strategies are by no means completely exhaustive. They were developed in conjunction with public input, and take into account past, current and projected issues. Over time, each strategy may need to be revised or amended to reflect the current planning environment, and removed when accomplished. Some strategies are defined by a short, medium or long term timeframe, while other strategies are ongoing. Some of these strategies will need additional consideration and research, and possibly be subjected to further scrutiny by public officials and residents.

How to Use the Plan

This Plan provides City officials, residents, and other stakeholders with visions and strategies to help build a more perfect union. To this end, the Plan should be used in the following situations:

1. Planning and Zoning

Land Use and Housing strategies are primarily delegated to the Planning Commission, Public Works Department, and ultimately to City Council to support. After public approval and adoption, all planning and zoning decisions should be made in accordance with this Plan.

2. A Reference Guide to Community Building

Consistency is especially important with land use issues, as a majority of any community's growth and financial well-being often occurs through private sector investment decisions that involve property transactions, either for agricultural, residential, commercial, or industrial development. Consistency with planning and zoning decisions will help to incrementally rebrand the community into one most desired by

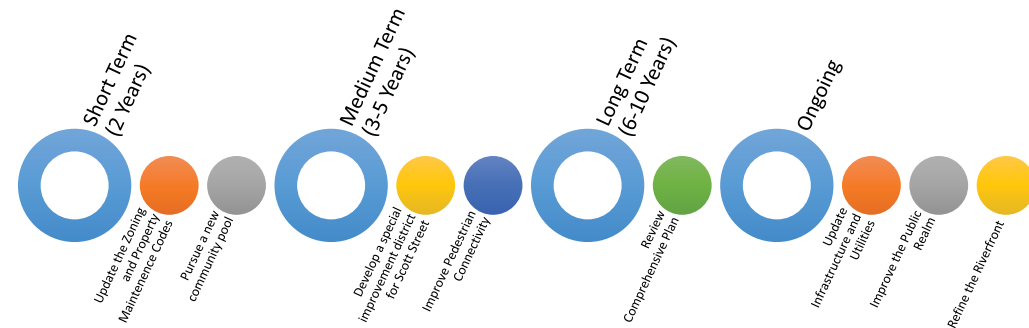
residents and City officials. Land use decisions should be made in conjunction with the most current information possible and be decided broadly rather than daily.

3. Neighborhood and Capital Improvements

This Plan assists in highlighting areas that were identified throughout the planning process as those most preferred to promote the quality of life. Whether it is the extension of pedestrian connectivity elements, the extension of infrastructure, or any other neighborhood improvements, it should be done in accordance with the Plan's vision.

4. Intergovernmental Relations

This Plan should be used to develop a stance on joint issues and programs, and also be utilized to move forward on programs and initiatives in which City of Napoleon and other entities could mutually benefit from.



5. Plan Review

It is recommended that this Plan be reviewed annually by the Planning Commission, City Council and every city department to ensure progress is being made. This discussion should identify the Plan's beneficial impacts and recognize areas where the Plan may not have assisted in facilitating the visions and strategies. To further assist discussion, planning stakeholders can assign a "percentage complete" to each plan strategy (See: *Plan Implementation Table*).

6. Progress Report

Although master plans often have a heavy slant towards the built environment, this plan recommends other important tasks to be completed like updating the website and promoting cultural and entertainment opportunities to retain and attract new consumers and residents to the community. Using this plan and tracking its progress through the Implementation Table will be important.

Plan Implementation Table

Plan Element	Strategy	Collaborating Entity or Organization ♦ = Strategy Lead						Time Frame S=Short (Less than 2 yrs) M=Medium (3-5 yrs) L=Long (6-10 yrs) O=Ongoing	Percent Complete
		City Council	Planning / Zoning Commission	City Departments	Schools	County Organizations	Local/Other Organizations		
Connectivity	Improve the pedestrian connectivity infrastructure	X	X	Public Works	X	County Engineer, Henry County Park District		M	
	Explore the feasibility of adopting a Complete Street Policy	♦	X	Public Works	X	Henry County Park District		S	
	Establish a dedicated capital improvement fund to finance future road and pedestrian connectivity improvements	♦		Public Works				S	
	Pursue the use of tax increment financing for roadway improvements	♦		Public Works		County Commissioners		O	
	Optimize traffic circulation and parking opportunities	X		Public Works*				O	
	Evaluate the feasibility of utilizing roundabouts	X		Public Works*		County Engineer, ODOT		O	
	Improve the bicycle infrastructure	X	X	Public Works Parks	X	County Engineer, Henry County Park District		O	

Plan Element	Strategy	Collaborating Entity or Organization ♦ = Strategy Lead						Time Frame S=Short (Less than 2 yrs) M=Medium (3-5 yrs) L=Long (6-10 yrs) O=Ongoing	Percent Complete
		City Council	Planning / Zoning Commission	City Departments	Schools	County Organizations	Local/Other Organizations		
Community Growth & Revitalization	Develop effective nuisance and property maintenance standards	♦	X	Public Works, Fire/Police			Neighborhood Groups, Henry County Health Department, Wood County Building Department	S	
	Leverage incentives and tools for the improvement of housing and public infrastructure in targeted neighborhoods	X				County Commissioners, Henry County Planning	MVPO, Neighborhood Groups, Napoleon Alive	O	
	Pursue the expansion of the CRA Program	♦	X	Law	X		Developers, property owners	S	
	Pursue the feasibility of improved gateway locations	X	X	Public Works*			Chamber of Commerce	S	
	Improve the Public Realm	X	♦	Public Works		County Commissioners, Henry County Planning	Napoleon Alive, interested stakeholders	O	
	Utilize special improvement districts to revitalize the Downtown and Scott Street	♦	X	Public Works			Chamber of Commerce, Henry County CIC, property/business owners	M	
	Revitalize the Scott Street Corridor	X	♦	Public Works			Chamber of Commerce, Henry County CIC, property/business owners	O	
	Business Park Beautification	♦	X	Public Works			Henry County CIC, property/business owners	O	
	Revisit Annexation Policies	♦	X	Law			Property/business owners	S	

Plan Element	Strategy	Collaborating Entity or Organization ♦ = Strategy Lead						Time Frame S=Short (Less than 2 yrs) M=Medium (3-5 yrs) L=Long (6-10 yrs) O=Ongoing	Percent Complete
		City Council	Planning / Zoning Commission	City Departments	Schools	County Organizations	Local/Other Organizations		
Utilities	Improve wastewater collection, treatment and disposal	X		Public Works* Operations				O	
	Encourage water conservation	♦		Public Works, Operations				O	
	Continuing the long term maintenance of water, storm and sewer systems	X		Public Works* Operations				O	
	Promote the construction of water and sewer infrastructure in growth areas	♦	X	Public Works Operations		County Commissioners County Engineer		O	
	Make the sewer system Ohio EPA compliant	X		Public Works* Operations				O	
	Continue to improve storm water management	X	X	Public Works* Operations				O	
	Pursue alternative funding sources	X		Public Works* Operations			Ohio EPA, OWDA, USDA	O	
	Promote green infrastructure	X	X	Public Works* Operations		County Engineer		M	

Plan Element	Strategy	Collaborating Entity or Organization ♦ = Strategy Lead						Time Frame S=Short (Less than 2 yrs) M=Medium (3-5 yrs) L=Long (6-10 yrs) O=Ongoing	Percent Complete
		City Council	Planning / Zoning Commission	City Departments	Schools	County Organizations	Local/Other Organizations		
Quality of Life	Continue to pursue the feasibility of a new community pool facility	♦		Parks, Public Works				S	
	Develop a Parks and Recreation Plan	X		Parks, Public Works	X	Henry County Parks District, Henry County Health Department, County Engineer, Senior Center	Interested stakeholders, private sector recreational providers	S	
	Maintain quality and cost-effective safety services	X		Police / Fire*				O	
	Communicate to residents on how their tax dollars are being spent in the community	♦		Finance, Public Works	X	Senior Center	Chamber of Commerce	S	
	Update the City's website	♦		All				S	
	Encourage cultural & entertainment opportunities	♦		Parks			Chamber of Commerce, Napoleon Civic Center, Napoleon Arts, private sector recreational providers	O	

Plan Element	Strategy	Collaborating Entity or Organization ♦ = Strategy Lead						Time Frame S=Short (Less than 2 yrs) M=Medium (3-5 yrs) L=Long (6-10 yrs) O=Ongoing	Percent Complete
		City Council	Planning / Zoning Commission	City Departments	Schools	County Organizations	Local/Other Organizations		
<i>Land Use and Zoning</i>	Improve property valuations in key areas	X	♦	Public Works		Henry County CIC	Chamber of Commerce, Napoleon Alive, property/business owners	O	
	Improve neighborhood revitalization efforts	X	♦	Public Works			Neighborhood groups, Preservation Commission	O	
	Update the zoning ordinance	X	♦	Public Works, Law Department			Chamber of Commerce, property/business owners	S	
	Promote growth opportunities	♦	X	Public Works		Henry County CIC, County Commissioners	Chamber of Commerce, property/business owners	O	
	Plan the riverfront	X	♦	Public Works		Henry County CIC	Chamber of Commerce, Napoleon Alive, NCC, property/ business owners	S	

ORDINANCE NO. 0XX-19

AN ORDINANCE AMENDING CHAPTER 301 – DEFINITIONS AND ENACTING CHAPTER 343– OPERATION OF LOW-SPEED VEHICLES, UNDER-SPEED VEHICLES, UTILITY VEHICLES, OR MINI-TRUCKS, RELATIVE TO THE TRAFFIC CODE AND DECLARING AN EMERGENCY

WHEREAS, in recognition of the increased trend of personal use of golf carts and other similar low or under-speed vehicles on City streets, Council seeks to clarify the legality of golf carts and other low or under-speed vehicles on City streets; and,

WHEREAS, in 2017, R.C. 4511.215 took effect providing that a local authority may authorize the operation of certain low or under-speed vehicles, including golf carts, on streets within its jurisdiction; and,

WHEREAS, the City of Napoleon seeks to allow the operation of low or under- speed vehicles, including golf carts, within its jurisdiction. **Now Therefore**,

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

Section 1. That, the following definitions be added to Chapter 301 - DEFINITIONS:

"Under-speed vehicle" means a three- or four-wheeled vehicle, including a vehicle commonly known as a golf cart, with an attainable speed on a paved level surface of not more than twenty miles per hour and with a gross vehicle weight rating less than three thousand pounds

"Low-speed vehicle" means a three- or four-wheeled motor vehicle with an attainable speed in one mile on a paved level surface of more than twenty miles per hour but not more than twenty-five miles per hour and with a gross vehicle weight rating less than three thousand pounds.

"Mini-truck" means a vehicle that has four wheels, is propelled by an electric motor with a rated power of seven thousand five hundred watts or less or an internal combustion engine with a piston displacement capacity of six hundred sixty cubic centimeters or less, has a total dry weight of nine hundred to two thousand two hundred pounds, contains an enclosed cabin and a seat for the vehicle operator, resembles a pickup truck or van with a cargo area or bed located at the rear of the vehicle, and was not originally manufactured to meet federal motor vehicle safety standards.

"Utility vehicle" means a self-propelled vehicle designed with a bed, principally for the purpose of transporting material or cargo in connection with construction, agricultural, forestry, grounds maintenance, lawn and garden, materials handling, or similar activities.

Section 2. That, Chapter 343 – Operation of Low-Speed Vehicles, Under-Speed Vehicles, Utility Vehicles, or Mini-Trucks, is hereby enacted as follows:

343.01 – OPERATION RESTRICTED FOR LOW-SPEED VEHICLES, UNDER-SPEED VEHICLES, UTILITY VEHICLES, AND MINI-TRUCKS

- (A) No person shall operate a low-speed vehicle, under-speed vehicle, utility vehicle, or a mini-truck upon any street or highway within the City except upon a street or highway having an established speed limit of thirty-five (35) miles per hour or below. A low-speed vehicle, under-speed vehicle, utility vehicle, or a mini-truck will be permitted to cross intersections with higher speeds, so long as they remain on a street that has a posted speed limit of thirty-five (35) mph or below.
- (B) Notwithstanding Napoleon Ordinance §343.01(A), no person shall operate a low-speed vehicle, under-speed vehicle, utility vehicle, or a mini-truck within the City upon Scott Street north of Lagrange Street.
- (C) The owner of a low-speed vehicle, under-speed vehicle, utility vehicle, or a mini-truck who wishes to operate on a public street or highway must first submit the vehicle to an inspection that complies with the requirements established by the Ohio Department of Public Safety under Section 4513.02 of the Revised Code.
- (D) Every low-speed vehicle, under-speed vehicle, utility vehicle, and mini-truck operated upon any street or highway within the City must have a seat safety belt installed at each designated seating position.
- (E) Low-speed vehicles, under-speed vehicles, utility vehicles, and mini-trucks operated on public streets or highways must successfully pass the required vehicle inspection, be registered in accordance with Chapter 4503 of the Revised Code, and be titled in accordance with Chapter 4505 of the Revised Code.
- (F) Occupants of a low-speed vehicle, under-speed vehicle, utility vehicle, or a mini-truck shall be seated at all times on the seat of the vehicle and buckled by the seat belt when the vehicle is on and in motion. Standing on any portion of the vehicle while it is in motion is prohibited.
- (G) Any child who falls under the child restraint criteria set by Ohio R.C. 4511.81 is prohibited from being a passenger in a low-speed vehicle, under-speed vehicle, utility vehicle, or a mini-truck operated on any street, highway, right of way, public area, or private property used for vehicular travel within the City.
- (H) No person shall operate a low-speed vehicle, under-speed vehicle, utility vehicle, or a mini-truck upon any sidewalks within the City.
- (I) Except as otherwise provided, all sections of the Napoleon Traffic Code and State of Ohio Traffic Laws, or substantially similar offenses, shall apply to low-speed

vehicles, under-speed vehicles, utility vehicles, and mini-trucks operated upon any street, highway, right of way, public area, or private property used for vehicular travel within the City.

343.99 – PENALTY

Whoever violates any provision contained in Chapter 343 is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense. Nothing in this section shall limit the City from filing other violations of law including but not limited to license violations.

Section 3. That, the City Clerk is directed to notify the director of public safety of this local authorization as required by R.C. 4511.215.

Section 4. That, this Ordinance is enacted pursuant to the home rule powers of the City of Napoleon as set forth at Article XVIII, Section 3, of the Ohio Constitution.

Section 5. 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 6. 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 7. That, this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health or safety of the City and its inhabitants, such necessity arising from the City's need to effectively manage and control the use of golf carts and other low speed vehicles upon the City's roads, and therefore this Ordinance shall be effective upon passage.

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. 0xx-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

Police Department

310 Glenwood Ave • P.O. Box 151
Napoleon, Ohio 43545-0151
Phone: (419) 599-2810 • Fax: (419) 599-7969
Web Page: www.napoleonohio.com

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

Finance Director

Kelly O'Boyle

Law Director

Billy D. Harmon

Public Works

Director

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

Police Chief

David J. Mack

Fire Chief

Clayton O'Brien

**To: Safety & Human Resources Committee Members
Dan Baer, Jeff Mires, Jeff Comadoll**
From: David J. Mack, Chief of Police
Cc: Billy Harmon Esq., Joel Mazur
Date: August 27, 2019
Subject: Golf Cart Legislation Discussions

Sirs:

As requested, I would like to report back to you regarding the requested conversation with Sheriff Bodenbender. I spoke to the Sheriff yesterday morning. In regards to the inspections, he stated that he would probably stay with just inspecting for the requirements that the state requires; however, he offered his checklist to my department where we could put on our department letterhead and do our own inspections; which was his request for anyone inside the city. Normally, his office will go to the residence and inspect the unit at their house, rather than making the individual come to the sheriff's office.

We spoke about some of the pro's and con's as well. He shared our safety concerns and made a similar suggestion that I did with restricting the truck routes. The sheriff thought keeping them off the State Routes in town would be a good idea which correlates to the main truck routes, that I suggested. He indicated that most of the problems he has had has been too young of a driver (not licensed) and slow-moving vehicle signs being used instead of the owners registering the golf carts, as required. He did not have a problem with them other than these few points.

After being informed of the seatbelt suggestion Monday night from Law Director Harmon Esq, I completed some brief online research and found that a person can purchase retractable seatbelts for all the main Golf Cart Company's without much problem and they are very reasonable.

I then reached out to Put in Bay Police Department to try to ascertain some of their experiences with golf carts. I spoke to a command officer regarding his experiences, on this discussion. He did indicate that he has accidents with these vehicles and that at times they have been very serious and, in some cases, fatal. Several of their issues have alcohol use being a contributing factor. However, he further stated several of these are single cart accidents which have several factors involved from intoxication, too much weight on the vehicle from too many people, reckless driving and random U-turns. They do allow side by side driving with them in their ordinances and suggested dealing with this question one way or another, as it will probably be an issue at some point, if these vehicles become legal. They require windshields and safety belts as well in their ordinances. Other issues they run into that contribute to their crashes are individuals for various reasons, leaving their turn signals on and then they randomly maneuver in a different direction or make an abrupt U-turn and get struck by a vehicle that was traveling behind them. They do allow the carts on 35 mph zoned roadways.

It is my hopes that this information helps you make your decision on this matter. Should the committee or council need anything further from me, please let me know.

Respectfully Submitted,

Chief David Mack

SAFETY & HUMAN RESOURCES COMMITTEE

Special Meeting Minutes

Monday, August 26, 2019 at 7:00 PM

PRESENT

Committee Members
City Manager
City Law Director
Recording Secretary
City Staff

Dan Baer-Chairman, Jeff Comadoll, Jeff Mires
Joel L. Mazur
Billy Harmon
Roxanne Dietrich
Police Chief Mack
News Media, Henry County Humane Society: Joan Comstock-Manager and
Jim Hoops-Board Member

Others

ABSENT

Call to Order

Chairman Baer called the meeting to order at 7:00 pm.

Approval of Minutes

Hearing no objections or corrections, the minutes from the July 22, 2019 meeting stand approved as presented.

Feral Cats

Mazur reviewed some of the concerns of feral cats from discussions at previous meetings including; they are creating various nuisance issues for neighbors and there are health and safety concerns. In an extreme case our first responders had to be decontaminated from fleas they got when responding to a residence where an individual had numerous cats she was feeding. This issue is not isolated to Napoleon, Ohio. Harmon stated he drafted an ordinance based on previous conversations prohibiting providing food and water to stray cats and dogs. The first offense would be a Minor Misdemeanor with the second offense a Misdemeanor of the Fourth Degree. Baer reiterated Council will not ask the Police Department to go out looking for stray cats, this will be complaint driven.

Jim Hoops
Henry County Humane
Society Board Member

stated this can be an emotional issue for some people. Look at the way we take care of people with United Way, that falls over to taking care of animals, people are not doing it to create an issue. The Humane Society represents the whole county. We only have so many resources, six to seven years ago we received money from the county, we don't anymore. We do not receive any government funding, we receive money from fundraisers and donations, every Monday night we have our bingo fundraiser. Feral cats are a big issue all over the county. The Humane Society cannot take a lot of these cats we are a no kill facility. We try to give people options on what they can do. We work with Humane Ohio and have been pretty successful. We are here to assist on what we can do. With a limited staff and funds, we cannot do everything. This is an issue everyone will have to get involved with and work together on, if not the feral cat issue will continue.

Joan Comstock
Henry County Humane
Society Manager

The feral cat issue is of epic proportion all over the United States. The only place taking kittens is in Toledo and there is a minimum five week waiting list. I have put together a list of possible plans for the city to look over as a starting point to control and ultimately fix the problem. If an animal is sick or suffering, we will humanely euthanize that animal. Mazur stated we plan to

Motion to Recommend HC Society's Plan D

Passed
Yea-3
Nay-0

Golf Carts on City Streets

U:\~ MY FILES\~ RECORDS CLERK\2019\COMMITTEES AND BOARDS\SAFETY HUMAN RESOURCES COMMITTEE\08 26 2019\08 26 2019 SAFETY HR COMM MTGMINUTES (1).DOCX

**Motion to Recommend
Draft Ordinance as
Written with
Modifications**

Passed
Yea-3
Nay-0

Motion to Adjourn

Passed
Yea-3
Nay-0

Roll call vote on the above motion:
Yea—Baer, Comadoll, Mires
Nay—

Approved

September 23, 2019

Dan Baer, Chairman

DRAFT

ORDINANCE NO. 0XX-19

**AN ORDINANCE ENACTING SECTION 505.17 – FEEDING OF STRAY
DOGS AND CATS; AND DECLARING AN EMERGENCY**

WHEREAS, stray and/or feral dogs and cats within the City of Napoleon are a public health and safety concern; and,

WHEREAS, the City of Napoleon seeks to combat the public health and safety issues brought about by stray dogs and cats by prohibiting the provision of food and water to said animals as described below. **Now Therefore**,

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

Section 1. That, Chapter 505 – Animals and Fowl, is hereby amended by the enacting and addition of the following section to this Chapter:

505.17 – FEEDING OF STRAY DOGS AND CATS.

- (A) No person shall provide food or water for cats or dogs other than those owned by that person by setting such food or water out on the exterior portion of the person's home or residence.
- (B) In any proceeding or action brought under this Section, the burden of proving ownership of the dog or cat in question falls on the person claiming ownership.
- (C) The offense established under this code section is a strict liability offense.
- (D) Whoever violates this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.

Section 2. That, this Ordinance is enacted pursuant to the home rule powers of the City of Napoleon as set forth at Article XVIII, Section 3, of the Ohio Constitution.

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 hereby declared to be an emergency measure necessary for the preservation of the public peace, health or safety of the City and its inhabitants, such necessity arising from the City's need to effectively manage and control the stray and/or feral dog and cat population, and therefore this Ordinance shall be effective upon passage.

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. 0xx-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 Deitrich, interim Clerk of Council

Possible Plans for Feral Cat Problem in Napoleon

- Plan A:
 - 1.)- City of Napoleon passes an ordinance, No feeding strays & feral cats
 - 2.)- HCHS will continue to offer low-cost spay/neuter clinics once a month to the community
- Plan B:
 - 1.) & 2.) from Plan A
 - As with dogs, require cat licenses or microchip- to show ownership
- Plan C:
 - 1.) & 2.) from Plan A
 - 3.)- City of Napoleon budget, look in to grants, and implement a TNR program. - packet was given to Joel Mazur 8-22-19
- Plan D:
 - 1.) & 2.) from Plan A
 - 3.) from Plan C, but euthanizing sick or injured cats
- Plan E:
 - 1.) & 2.) from Plan A
 - City of Napoleon budget and implement a trap & euthanize program
- Plan F:
 - 1.) & 2.) from Plan A
 - City sits down with the HCHS & Napoleon Vet Clinic (NVC) to see if a TNR program can be set up with vouchers, from the HCHS. Cats would be caught, by the city, and brought into the HCHS with the voucher. Then, the stray & feral would be taken to the NVC to be altered. A special Animal Received Number (ARN) would be used for those animals. Once the HCHS receives a bill from the NVC, the HCHS would send an invoice to the city to be paid. The city would then pick the feral up and release it back in the same location it was trapped. ~The HCHS cost per animal is \$28/ per male cat and \$37/ per female cat.



HENRY COUNTY
COMMUNITY IMPROVEMENT CORPORATION

August 26, 2019

City of Napoleon
Mr. Joel Mazur, City Manager
255 W. Riverview Ave.
PO Box 151
Napoleon, OH 43545

Re.: Community Reinvestment Area No. 7 – American Road Holdings, LLC

Dear Mr. Mazur,

As the Agent for the City of Napoleon, I am writing to inform the City Council of the City of Napoleon that American Road Holdings, LLC d.b.a Paul Martin & Sons have requested for council to review and approve an Application and Agreement pertaining to Community Reinvestment Area No. 7 located in the area of American Road, Napoleon, Ohio, more specifically described in the attached proposed Agreement.

A Community Reinvestment Area is authorized pursuant to Chapter 37 of the Ohio Revised Code and is a tax incentive for persons or entities in an area in which housing facilities or structures of historical significance are located, and in which new construction or repair of existing facilities has been discouraged. The City established the Community Reinvestment Area No. 7 in hopes to create a public and private sector partnership intended to promote and expand conforming uses in the designated area.

Liberty Center Local School District Board of Education has been notified and has approved the Agreement during the Board of Educations meeting on August 26, 2019. We ask that City Council review the attached proposed Agreement and submit legislation approving the Agreement.

The final approved agreement and all necessary documentation will be submitted to the State through the City of Napoleon's agent, The Community Improvement Corporation of Henry County, Ohio.

Sincerely,

April Welch
Executive Director

Attachments

CC: City Council and Mayor

2019 COMMUNITY REINVESTMENT AREA
AGREEMENT

between

CITY OF NAPOLEON,
OHIO

and

AMERICAN ROAD HOLDINGS, LLC

Dated

as of

XXX

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Appendix “A” – Application of the Enterprise for Exemptions

Appendix “B” – Improvements

Appendix “C” – The Real Property

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 American Road Holdings, LLC., a limited liability corporation organized under the laws of Ohio, located at 14854 County Road U, 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 and retail facility for farm equipment, parts and service. The value of the improvements being determined by the Henry County Auditor; and,

WHEREAS, the Project is located in the Liberty Center Local 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 3735.67l(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 April 2020, 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 Liberty Center Local 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 \$1,100,000.00, plus or minus 10% in development and construction of a service shop and retail office for farm equipment, parts and service retail facility, approximate size being 11,200 square feet, and appurtenances at the site located on parcel #:27-060014.0200, 755 American Road, 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 October 2019 and all acquisition, construction, and installation of the Project will be completed by April 30, 2020.

(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 three (3) full-time permanent jobs and zero (0) part-time permanent jobs and zero (0) temporary jobs at the Facility by March 31, 2022.

(b) The increase in the number of employees will result in approximately \$180,000.00, plus or minus 25% of additional payroll at the Facility by the end of the third calendar year following the completion of the Project.

(c) The Enterprise currently has approximately six (6) full-time permanent employees, three (3) 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 \$350,000.00.

(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 \$1,100,000.00, 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 ten (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, 2021, nor shall extend beyond December 31, 2031. The maximum investment for the Improvements to qualify for the exemption granted in this paragraph is \$1,100,000.00.

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

(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; provided, however, if the value of the incentives exceed \$250,000, the fee shall not exceed \$2,500.

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, the City and the School District and 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, the Township, the School District and Four County 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.

Years 1 through 10

Estimated Figures ±

Payee Entity	Percentage of Net Abatement Total	Payment in Lieu of Taxes
Liberty Center Local School District	75%	\$1,820.92
Four County Career Center	7%	\$169.95
Napoleon Infrastructure Fund	9%	\$218.51
Liberty Township	9%	\$218.51
TOTALS	100%	\$2,427.89 (Estimated)

(b) On or before September 15th 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 25% 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 15th invoicing above, the Enterprise shall pay such invoiced amounts to the City or its agent for distribution to the affected political subdivisions 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, Township and/or the School District, are for the benefit, run in favor of, and are enforceable by the City, Township 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, or any of the compensation payments required by Section 9, 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, OH 43545 |
|------------------|--|

- With a copy to:
- The Henry County CIC
c/o Executive Director
104 E. Washington St., # 301
Napoleon, OH 43545
- (b) To the Enterprise: American Road Holdings, LLC
c/o Mr. Doug Martin
14854 Co. Rd. U
Napoleon, OH 43545
- (c) To the County Auditor: Henry County Auditor
660 N. Perry St.
Napoleon, OH 43545
- (d) To the School District: Liberty Center Local School District
c/o Treasurer
100 Tiger Trail Drive
Liberty Center, OH 43532
- (e) To Four County: Four County Career Center
c/o Treasurer
22-900 State Route 34
Archbold, OH 43502
- (f) To the Township: Liberty Township
c/o Fiscal Officer
8309 County Road U3
Liberty Center, OH 43532
- (g) To the TIRC: Henry County CIC
c/o Executive Director
104 E. Washington St., # 301
Napoleon, OH 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

AMERICAN ROAD HOLDINGS, LLC

By: _____
Doug Martin, Managing Member

CONSENTED TO:

LIBERTY CENTER LOCAL SCHOOL DISTRICT

By: _____
Richard A. Peters, Superintendent

NOTIFIED:

FOUR COUNTY CAREER CENTER

By: _____
Tim Meister, Superintendent

LIBERTY TOWNSHIP

By: _____
Jacob Clapp, Fiscal Officer

APPROVED AS TO FORM AND CORRECTNESS:

Billy D. Harmon, Prosecuting Attorney

Appendix "A"

APPLICATION CRA

PROPOSED AGREEMENT for Community Reinvestment Area Tax Incentives between the
Community Improvement Corporation of Henry County located in the County of Henry and
American Road Holdings, LLC.

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

American Road Holdings, LLC (real estate company) Doug Martin_____
M&S Ag Solutions LLC DBA Paul Martin & Sons
Enterprise Name Contact Person

14854 County Road U Napoleon, OH 43545 419-966-0919_____
Address Telephone Number

- b. Project site:

North Pointe Plat 5 Lot 7 Doug Martin_____
Contact Person

American Road Napoleon, OH 43545 419-966-0919_____
Address Telephone Number

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

Farm equipment, parts and service retail facility_____

- b. List primary 6 digit North American Industry Classification System (NAICS) # 532400

- c. If a consolidation, what are the components of the consolidation? (must itemize the location, assets, and employment positions to be transferred: _____

S-Corporation

Doug Martin & Ted Stover

0 Employees

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:

Proposed Location: North Pointe Plat 5 Lot 7 Napoleon, OH _____

6 – Full Time Employees 3 – Part Time Employees_____

6 – Full Time Employees 3 – Part Time Employees_____

b. Any moneys to the State or a state agency for the administration or enforcement of any

environmental laws of the State? Yes ☐ No ☒

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 ☒

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: M&S Ag Solutions doing business as Paul Martin & Sons has been in operations for the past 30+ years and has been at the same facility in rural Gerald OH since the beginning. Our business outgrew its current facilities several years ago. We have acquired approximately 11 acres of high visibility real estate directly off of a State Route 24 exit in the city of Napoleon. This site has approximately 25,000 vehicles pass every day on State Route 24. Paul Martin & Sons is working with general contractor Rupp/Rosebrock on a new building measuring 80'x140'. This building will include 3,200 sq/ft of retail office space and 8,000 sq/ft of service shop space. Included in the retail space will be a large parts storage area and parts counter, a conference room, four offices and a large showroom space. Also in the retail area will be both men's and women's restrooms. Other than a large open service bays, the shop area will have an office for the service manager, break room for employees and an employee only restroom.
-
-
-

7. Project will begin October, 2019 and be completed April, 2020 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):

3 New Full Time Employees at Paul Martin & Sons

b. State the time frame of this projected hiring: 3 yrs.

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

March 2020 – 1 Full Time Employee, March 2021 – 1 Full Time Employee, March 2022 – 1 Full Time Employee

9.
 - a. Estimate the amount of annual payroll such new employees will add \$ 180,000
 _____ (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: \$350,000 _____
10. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:

A. Acquisition of Buildings:	\$ _____
B. Additions/New Construction:	\$1,000,000 _____
C. Improvements to existing buildings:	\$ _____
D. Machinery & Equipment:	\$50,000 _____
E. Furniture & Fixtures:	\$50,000 _____
F. Inventory:	\$ _____
Total New Project Investment:	\$1,100,000 _____
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)

While our business is currently profitable in our current location. We know that the added expenses of building within the city limits of Napoleon will increase cash flow needs month to month. Because of this increase of expenses, Paul Martin & Sons is seeking assistance from the city and school district in the form of real estate tax abatements. Any abatements received will be reinvested back in to the community in the form of expanding payroll and business improvements

Submission of this application expressly authorizes City of Napoleon 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.

Doug Martin
Name of Property Owner

8-18-2019
Date

[Signature]
Signature

Managing 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.

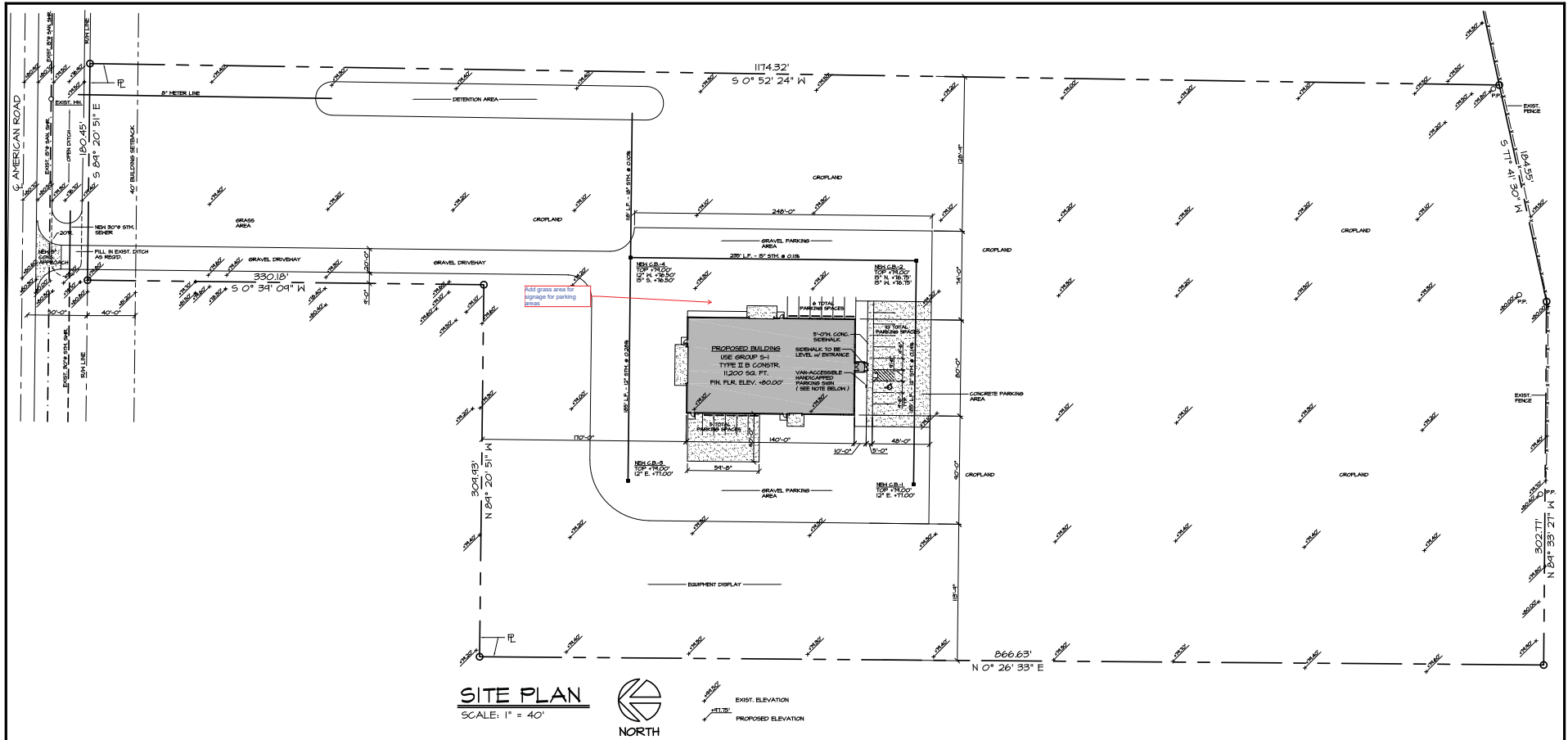
** Attach to Final Community Reinvestment Area Agreement as Exhibit A

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 \$1,100,000.00, plus or minus 10% in development and construction of a service shop and retail office for farm equipment, parts and service retail facility, approximate size being 11,200 square feet, and appurtenances at the site located on parcel #:27-060014.0200, 755 American Road, Napoleon, Ohio. The Project will relocate all operations and employees from 14854 County Road U, Napoleon to parcel as listed above.



OHIO UTILITIES PROTECTION SERVICE
TWO WORKING DAYS BEFORE YOU DIG (419) 393-1122 1-800-363-2764
* NON-MEMBERS MUST BE CALLED DIRECTLY *

REVISIONS	BY
PERMITS	D.L.S.
08-14-19	

SITE PLAN

DAVID L. GERINGER P.E.
Consulting Engineer
107 Ditto St. Archbold, Ohio 43502

PROPOSED BUILDING FOR
PAUL MARTIN & SONS
AMERICAN ROAD NAPOLEON, OHIO

Date	08-01-19
Scale	AS NOTED
Drawn	D.L.S.
Job	201928
Sheet No.	

A-1

Appendix "C"

REAL PROPERTY DESCRIPTION

CONTAINING: 11.1500 acres of land

TAX PARCEL #: 27-060014.0200

TOWNSHIP: Liberty Twp.

NORTH POINTE PLAT 5 LOT 7 CITY NAPOLEON LEIN



City of Napoleon, Ohio

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

Telephone: (419) 599-1235 Fax: (419) 599-8393

www.napoleonohio.com

Memorandum

To: City Council, Mayor, City Manager, City Law Director, City Finance Director, Department Supervisors, News media
From: Roxanne Dietrich, *interim* Clerk of Council *rd*
Date: August 29, 2019
Subject: Technology and Communications Committee – Cancellation

The regularly scheduled meeting of the **Technology and Communications Committee** for Tuesday, September 3, 2019 at 6:15 pm has been CANCELED due to lack of agenda items.



CITY OF NAPOLEON, OHIO

OPERATIONS DEPARTMENT

PO Box 151, 1775 INDUSTRIAL DR.

NAPOLEON, OH 43545

PHONE: (419) 599-1891 FAX: (419) 592-4379

WEB PAGE: WWW.NAPOLEONOHIO.COM

Operations Superintendent

Jeffery H. Rathge

Water Distribution Foreman

Brian Okuley

Streets/Sewer Foreman

Roger Eis

Refuse/Recycling Foreman

Perry Hunter

Head Mechanic

Tony Kuhlman

PRESS RELEASE

Refuse and Recycling Holiday Route Schedule

The City of Napoleon's refuse and recycling routes will be scheduled as follows for the week of September 2, 2019 due to the upcoming **Labor Day** holiday:

Monday, September 2 – HOLIDAY – NO PICK UP

Tuesday, September 3 – Monday Route

Wednesday, September 4 – Tuesday Route

Thursday, September 5 – Wednesday and Thursday Routes

Friday, September 6 – Friday Route

The Wednesday route will run together with the Thursday route. For those that are affected, please make an extra effort to have your refuse and recycling to the curb by 7:00 AM on Thursday. There is a possibility of later than usual pick-up times during the double day.

Please contact the Operations Department between 7:00 AM and 3:30 PM at 419-599-1891 with any questions regarding this matter.

###



Legislative Bulletin

August 30, 2019

OML UPDATE AT-A-GLANCE

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

- Of the 2,000 nationwide political subdivisions who have sued 22 opioid manufacturers for the destruction caused in their communities and have had their cases consolidated into a single lawsuit, 137 of those plaintiffs are political subdivisions in Ohio. 87 of those plaintiffs are municipalities while the other 50 are counties. The lawsuit is being heard in the federal U.S. District Court in Cleveland by Judge Dan Aaron Polster.
- Deaths as a result of drivers running a red light reached a 10-year high in 2017 with 939 deaths, according to a study by the AAA Foundation for Traffic Safety. Among several recommendations provided to communities to address this increase, AAA recommends more red light cameras be installed at intersections where data shows a high number of drivers running red lights. The study can be accessed [HERE](#).
- The Bureau of Worker's Compensation (BWC) Board of Trustees approved cuts to premiums for public employees, who will see premiums drop by an average of 10% in 2020. Cities, counties and school districts are projected to save an estimated \$17.8 million.

DEWINE OPPOSES ATTORNEY GENERAL YOST'S PROPOSAL FOR STATE TAKEOVER OF LOCAL OPIOID LAWSUIT SETTLEMENTS

This week, the Ohio Municipal League, along with the County Commissioners Association of Ohio, the Ohio Prosecuting Attorneys Association, the Buckeye State Sheriff's Association and the Ohio State Coroners Association, released a joint statement praising Gov. DeWine for voicing opposition to drafted legislation that would redirect opioid lawsuit settlement money to the state rather than to the local governments directly affected by the opioid crisis. You can read that joint statement [HERE](#).

The legislation, which has been drafted but not introduced, was initiated by Attorney General Dave Yost, which would allow the state of Ohio to take over the current litigation initiated by 137 political subdivisions in Ohio against opioid manufacturers and would create a state remediation fund for any judgements or settlements. Of that fund, 5% of the money would go to the Attorney General's office, 5% to outside counsel, and the rest would go to the General Assembly. The language as written mandates that the General Assembly distribute as much as 20% of those funds to local governments that have initiated a lawsuit.

Rep. Cupp (R- Lima), along with (Sen. Eklund (R - Chardon) and Sen. Coley (R - Liberty Twp.), are working on the drafted language, which states that the litigation brought by local governments against opioid manufacturers is a matter of "statewide concern". "Statewide concern" is defined in the current proposed language as any conduct or harm that is more than likely to adversely affect the interests of citizens living in at least five counties.

There is an unsettling history of the General Assembly not correctly allocating funds from large judicial settlements. In the case of the multi-state litigation against "Big Tobacco", the settlement dollars collected by the state from the 1998 Master Settlement Agreement (MSA), were misdirected from the intended use but rather was spent by the state to fill funding gaps in the state budget, rather than going to intended programs to combat nicotine addiction and smoking cessation efforts. This is in addition to the past practices by the state of redirecting LGF funds earmarked for cities and villages away from those recipients and other legislative maneuvers that deprived local governments of critical funding sources.

Gov. DeWine stated this week during a press conference on proposed background checks for firearm purchases that the measure is "unfair to our local government partners who have borne such a very, very heavy part of this burden" and stated he would veto any such bill that made it to his desk. He highlighted that services to citizens in Ohio are delivered by local governments. As a result, in fighting the ongoing opioid epidemic, "local government has borne a great deal of that cost," he said. He further stated that he believes the money needs to go to treatment, prevention and local law enforcement.

The League is grateful that Gov. DeWine recognizes the crucial role local governments play on the front lines of the fight against the opioid epidemic. We appreciate his statements supporting the rights of local governments to receive monies from judgments or settlements and thereby help them further bear the cost of battling opioid addiction in their communities. The League will continue to keep our members aware of any legislation introduced regarding this issue.

DEWINE PROPOSES IMPROVED BACKGROUND CHECKS FOR FIREARM PURCHASES VIA LOCAL REPORTING SYSTEMS

This week, Gov. DeWine announced a new measure to his plan for curbing gun violence in Ohio by improving background checks for firearm purchases by changing local law enforcement reporting requirements.

This measure is in addition to DeWine's "STRONG Ohio" legislation, which is the Governor's 17-point plan to address gun violence as discussed in our previous bulletin. The new proposal would require law enforcement agencies and courts to enter all final domestic violence, sexual assault and stalking protection orders into the Law Enforcement Automated Data system and the National Crime Information Center within 48 hours, as well as warrants for Tier I offenses like rape, murder and robbery.

This proposal follows a report released in May by the Governor's Warrant Task Force which showed most of this kind of information is not being entered into these reporting systems. The Governor stated

during a press releases that "the central function of government is to protect people" and that they would do so regardless of the cost.

Gov. DeWine also stated the General Assembly should appropriate funds to help streamline the reporting system. This streamlining effort would be led by Innovate Ohio, which is headed by Lt. Gov. Jon Husted. The Governor called for a statewide system that local governments would use that would be simple, free, easy and mandatory, arguing it would ultimately save money, time and lives. The League will continue to keep our members aware of the Governor's "STRONG Ohio" plan as it moves through the legislative process.

DON'T FORGET TO REGISTER FOR OML'S 2019 ANNUAL CONFERENCE

Registration is open for our 2019 Annual Conference, which will take place from Wednesday, Oct. 23rd to Friday, Oct. 25th at the downtown Renaissance Hotel. You can register [HERE](#).

The League's Annual Conference offers the exclusive opportunity to hear from Ohio leaders such as Dayton Mayor Nan Whaley and Celina Mayor Jeff Hazel, who will be discussing the timely and relevant topic on community crisis management. Attendees will also have the opportunity to hear from Director of the Development Services Agency and former Findlay Mayor Lydia Mihalik about her experiences as a member of the Governors cabinet and reflections as a past local government official. This year, we are very excited to hear from Leon Andrews, Director for the National League of Cities' Race, Equity and Leadership (REAL) initiative to discuss strategies for creating a more inclusive and equitable community. We are also pleased to announce that our keynote speaker is nationally-renowned communications expert Jan Hargrave, who has been featured on national television programs and worked with world leaders on developing successful communication techniques. You can learn more about our featured speakers [HERE](#).

Attendees will also have the chance to attend educational workshops on relevant issues impacting their communities as well as roundtables with their municipal peers in order to network, build valuable relationships and exchange best practices. The conference will host a large variety of vendors with programs and products that may benefit your municipality. And it wouldn't be a League conference without some entertainment: Thursday night will feature both a Casino Night as well as a raffle prize drawing.

Please be advised that the initial agenda has been changed. You can find the updated conference agenda [HERE](#). We look forward to seeing you there!

DEPARTMENT OF ADMINISTRATIVE SERVICES TO OFFER 25% FOR SURPLUS VEHICLE PURCHASES

State agencies and local government entities will see a 25% reduction in the cost of surplus vehicles they purchase from the Ohio Department of Administrative Services (DAS).

Effective July 1, state agencies, higher education facilities, tax-supported agencies, municipal corporations and other political subdivisions, including public schools, now pay 45% of the National Automobile Dealers Association retail value, down from 60%.

Under the Surplus Property Program, state and local government entities may purchase surplus property and vehicles that are no longer of use to state agencies, or were seized by law enforcement, before they go to public auction.

DAS Director Matthew Damschroder said while the purpose of the program is to promote cost savings within government by offering property priced well below original cost, the agency found vehicles were often sold at a lower price at public auctions. The reduction brings government prices more in line with public auction prices, and results in a 25% savings in the vehicle cost.

"The sale of surplus property connects state and local Ohio government entities with low-cost supplies and equipment to maximize every dollar the public entrusts to them," said Damschroder. "We're pleased to offer additional savings to our public agency partners as they carry out their missions to serve communities across the state."

DIVISION OF INDUSTRIAL COMPLIANCE WELCOMES COMMENTS ON PROPOSED RULES

The Division of Industrial Compliance's office of Operations and Maintenance is required to draft rules in collaboration with stakeholders, assess and justify any adverse impact on the business community, and provide opportunity for the affected public to provide input on the rules. Here are three upcoming rules for which the Division is requesting stakeholder input.

Boilers Stakeholders:

The historical boiler rules establish the procedures for the operation of historical boilers in Ohio. These rules set forth the licensing requirements for historical boiler operators, the means by which historical boilers may be certified for operation, the operational and inspection requirements for the historic boilers, the required fees, and the means by which licenses or certificates may be revoked.

Ski Tramway Stakeholders:

Pursuant to Ohio Revised Code section 4169.02(B), the rules set forth in Chapter 4101:14 of the Ohio Administrative Code establish the public safety standards for the construction, maintenance, mechanical operation, and inspection of passenger tramways used in ski area operations in the state.

Wage and Hour Stakeholders:

Pursuant to Ohio Revised Code section 4109.05, the rules set forth in Chapter 4101:9-2 of the Ohio Administrative Code protect minors from being employed in occupations that are hazardous or detrimental to their health and well-being. Aside from grammatical or other stylistic changes, the only substantive changes being proposed by this rules package involve changes that mirror similar federal regulations.

All proposed rules and the Business Impact Analysis Report can be found at the following link: <http://www.com.ohio.gov/ProposedRules.aspx>.

Comments regarding these proposed rules should be submitted by September 3, 2019. You may submit your comments via [email](#) or U.S. Mail to the Division of Industrial Compliance, 6606 Tussing Road, Reynoldsburg, Ohio 43068, ATTN: Dawn Evarson.

To receive future notification proposed rules, please visit: <http://business.ohio.gov/reform>

NEW LEGISLATION OF MUNICIPAL INTEREST INTRODUCED

- HB 319 - LOCAL CONTROL OF FIREARMS. Sponsored by Rep. West (D - Canton) and Rep. Miller (D - Columbus), would restore local authority to generally regulate firearms-related conduct.(Link: <https://bit.ly/2TyQSE1>)
- HB 326 - DISABILITY BENEFITS. Sponsored by Rep. Miller (D - Columbus), would allow a Public Employees Retirement System or School Employees Retirement System disability benefit recipient elected to certain offices to continue receiving a disability benefit during the term of office.(Link: <https://bit.ly/2L2HEgx>)

COMMITTEE SCHEDULE FOR THE WEEK OF SEPTEMBER 1, 2019

Tuesday, September 3, 2019

HOUSE CIVIL JUSTICE

Tue., Sep. 3, 2019, 3:30 PM, Hearing Room 018

Rep. Hambley: 614-466-8140

OR AFTER SESSION

HB288** EMINENT DOMAIN (MANNING D) To amend the law regarding eminent domain and to declare an emergency.

First Hearing, Sponsor Testimony

AMP Update for Aug. 23, 2019

American Municipal Power, Inc.

Fri 8/23/2019 3:17 PM

To: Roxanne Dietrich <rdietrich@napoleonohio.com>

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



Join us for the 2019 AMP Lineworkers Rodeo

By Michelle Palmer, P.E. - vice president of technical services

The Sixth Annual AMP Lineworkers Rodeo began today with training sessions and the Apprentice Written Test. A total of eight lineworker apprentices from member communities took the timed, 20-minute test with questions based on the 16th edition of the APPA Safety Manual.

Live competition begins tomorrow morning at AMP headquarters in Columbus at 8:30 a.m. The rodeo is a free, family-friendly event that is open to the public. Even those from non-participating member communities are encouraged to attend.



Participants from Westerville register for the 2019 AMP Lineworkers Rodeo

Rodeo events provide journeyman and apprentice lineworkers the opportunity to demonstrate their skill and knowledge of the craft by competing in events that replicate real lineworker tasks.

Good luck to this years scheduled competitors!

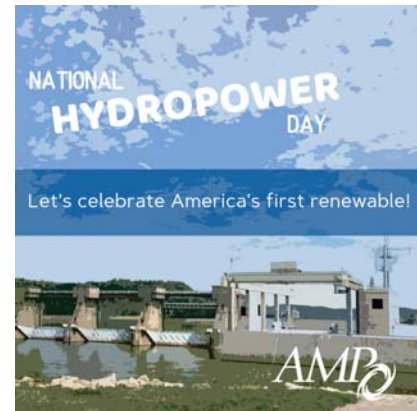
Apprentice	Individual Journeyman	Team
Alonzo Crosby - Cleveland Anthony Freels - Piqua Curtis Blase - Westerville Garrett Fetzer - Wadsworth James Kelley - Wadsworth James Nelson - Cleveland Nick Grant - Columbus Trevor Alexis - Wadsworth	David Overman - Jackson Center Karson Kaltenbaugh - Wadsworth Lance Purviance - Wadsworth Scott Smith - Wadsworth Tony Fowler - Columbus	Westerville: Chris Revennaugh Cody Leitner Jeremy Savage Kyle Nance Piqua: Kindric Link

AMP celebrates National Hydropower Day

By Holly Karg - director of media relations and communications

For more than 125 years, hydropower has powered this nation with clean, renewable energy. Given that hydropower complements other forms of renewable energy generation, such as wind and solar, it is critical to the vitality of the nation's clean energy infrastructure and resiliency of the electrical grid. Hydropower ensures the stability of the grid by being flexible enough to quickly provide dispatchable generation, while helping to keep the power system in balance and reducing transmission congestion.

AMP has one of the largest run-of-the-river developments of hydroelectric generation in the region. The six projects that AMP participates in along the Ohio River provide more than 400 MW of renewable energy generation. Additionally, a number of AMP member communities operate their own locally-sited hydroelectric facilities.



The U.S. hydropower fleet is comprised of approximately 2,200 power plants with a total capacity of approximately 102 GW. In 2018, hydropower made up 7 percent of total U.S. Generation and 39.5 percent of renewable electric generation. Hydropower is also a major job creator, employing more than 66,000 workers.

As the backbone of the nation's electricity system, hydropower - a long term, zero-carbon resource - has and will continue to play a critical role in helping states and customers reach their clean energy targets.

To celebrate National Hydropower Day, AMP is sharing facts about hydropower on social media. Follow @AmericanMunicipalPower on [Facebook](#) and @amppublicpower on [Instagram](#) and [Twitter](#), as well as #hydroday to learn more.

2019 AMP/OMEA Annual Conference to feature session on industry trends and the value of competition in transmission

By Zachary Hoffman - communications and public relations specialist



The 2019 AMP/OMEA Annual Conference will feature session on the major trends of the industry and competition in the electric transmission space.

Led by Judy Chang, Brattle Group, attendees will learn about the trends that are most driving the power industry and how the changes they bring are providing value for different types of resources. Additionally, Chang will discuss how competition within the transmission space can bring additional value to electric customers.

This session is set to take place Sept. 24, 10:15-11 a.m., and will provide a new perspective on some of the industry's biggest issues. Members are encouraged to attend.

Conference registration can be completed [here](#).

Duke and PJM set new peaks during the week

By Mike Migliore - vice president of power supply planning

This week's stretch of hot weather produced a new 1 CP in the Duke zone and a fourth CP in PJM. Duke set a new 2019 peak on Monday as temperatures hit 95 degrees in Cincinnati. The Duke peak was set at 5 p.m., but the load was only 6 MW (0.1 percent) higher than the 7 p.m. hour. No zone in PJM has ever set a 7 p.m. summer 1 CP. PJM hit 141,381 MW at 5 p.m. on Aug. 19. This was their fourth highest weekday peak of the year. With PJM loads rising more than 5,000 MW per hour, Tuesday's loads appeared heading towards new highs for PJM and many zones, but afternoon thunderstorms cooled off many areas and clipped the load at 137,600 MW. The PJM load on Wednesday was also heading for a potential fifth CP, but once again failed to surpass 137,600 MW. Wednesday was the ninth day this summer that PJM's daily peak was between 137,000 MW and 140,000 MW.

The current CPs reported by PJM for 2019 are shown below. (EPT = Eastern Prevailing Time, also known as clock time)

ZONE	2019 Peak Load Thru 8/22/19	Date	Hour Ending EPT	2018 Peak
AEP	22,514	1/31/2019	8	22,739
FE	12,572	7/19/2019	16	12,825
APS	9,596	1/31/2019	8	9,342
PPL	7,939	1/31/2019	8	7,681
DUKE	5,052	8/19/2019	17	5,195
DELMARV	4,098	7/21/2019	18	4,002
DAYTON	3,246	7/19/2019	15	3,337
PENELEC	3,015	1/30/2019	19	2,997
METED	2,974	7/30/2019	17	3,028

PJM 1CP	151,559	7/19/2019	18	150,454
PJM 2CP	143,168	7/17/2019	17	148,285
PJM 3CP	141,835	7/10/2019	18	148,169
PJM 4CP	141,381	8/19/2019	17	147,621
PJM 5CP	139,871	7/29/2019	17	145,508

2019 AMP/OMEA Annual Conference to feature session on federal legislative issues

By Jolene Thompson, executive vice president of member services and external affairs and OMEA executive director

The Federal Legislative and Regulatory Update session at the 2019 AMP/OMEA Annual Conference will take place on Sept. 24. It will focus on the impact of national legislative and political issues on public power utilities. The Supreme Court of Ohio has approved this session for Continuing Legal Education credit.

With so many issues to focus on at the local level, it can be difficult to keep up with the moving pieces of the federal government. Attendees will receive an update on these issues from Marty Kanner, Kanner & Associates; and Rob Talley, Talley and Associates. They will cover major legislative and regulatory news, the upcoming elections and the priority issues that members should focus on. Kanner and Talley are both nationally recognized experts in their field.

Conference registration can be completed [here](#).

2018 OMEA Annual Report now available

By Michael Beirne - vice president of external affairs

OMEA's 2018 Annual Report is now available on the [Annual Reports page](#) of the [AMP website](#). AMP is committed to our sustainability principles, and we've now transitioned most of our reports and publications to digital format. We encourage you to share the OMEA 2018 Annual Report with your colleagues, community leaders and customers.

Summer issue of *Amplifier* now available

By Holly Karg



The latest edition of *Amplifier* was sent out this week and is also available to view on the [member extranet](#) (login required). This edition goes in-depth into what impacts power supply costs and how AMP is working to address the issue. Along with other relevant articles, covered in the summer issue Safeside column is information on how to conduct a job hazard analysis; and our Member Profile takes us to Wapakoneta, the birthplace of the first man on the moon.

As part of AMP's sustainability principles, *Amplifier* has been made available in digital format. If you would like to join us in our sustainability efforts and receive the digital edition, rather than print, please contact me at hkarg@amppartners.org.

If you have questions about *Amplifier* or would like to suggest a story or topic for coverage, please contact me at hkarg@amppartners.org.

Energy market update

By Jerry Willman - assistant vice president of energy marketing

The September 2019 natural gas contract decreased \$0.011/MMBtu to close at \$2.159 yesterday. The EIA reported an injection of 59 Bcf for the week ending Aug. 16, which was on target with market expectations. The build compares with the five-year average +51 Bcf. The injection brought total U.S. working gas supply to 2,797 Bcf, a deficit of 103 Bcf (3.6 percent) versus the five-year average and 369 Bcf above a year ago. The injection season running total of 1,690 Bcf is much larger than the five-year average of +1,265.

On-peak power prices for 2020 at AD Hub closed yesterday at \$32.14/MWh, which decreased \$0.10/MWh for the week.

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

Week ending Aug. 23

MON	TUE	WED	THU	FRI
\$37.58	\$33.98	\$34.54	\$27.20	\$23.74

Week ending Aug. 16

MON	TUE	WED	THU	FRI
\$33.92	\$32.19	\$29.08	\$28.69	\$27.92

AEP/Dayton 2020 5x16 price as of Aug. 22 — \$32.14

AEP/Dayton 2020 5x16 price as of Aug. 15 — \$32.24

AFEC weekly update

By Jerry Willman

The AMP Fremont Energy Center (AFEC) was available for 2x1 operation for the week. Despite warm temperatures last weekend, PJM dispatched the plant offline overnight Saturday and Sunday due to economics and a healthy off-peak generation stack. Duct firing operated for 105 hours this week. For the week, the plant generated at a 78 percent capacity factor (based on 675 MW rating).

AMP welcomes two new employees

By Tracy Reimbold - vice president of human resources and administrative services

Amber Teitt joined AMP on Aug. 19 as director of debt management. In this role, Teitt will manage all aspects of debt issuance and maintenance, including debt structuring, investor and rating agency relations, monitoring conditions of master trust indentures and more.

Prior to joining AMP, Teitt served as senior debt analyst for the Ohio Office of Budget and Management and formerly was the director of debt management for the Maryland State Treasurer's Office. She holds a bachelor's degree in political science from Roanoke College and a master's degree in public affairs from Indiana University.



Sam Wolfe joined AMP on Aug. 19 as manager of marketing/member relations. In this role, Wolfe will assist in the administration and marketing of AMP services, programs and projects to member management and elected officials.

Prior to joining AMP, Wolfe served as director of business development and energy management for Premier Power Solutions. He holds a bachelor's degree in petroleum engineering and a master's degree in business administration from West Virginia University.



Please join me in welcoming Amber and Sam to AMP.

Efficiency Smart launches new services focused on reducing peak demand

By Steven Nyeste - senior marketing project manager, Efficiency Smart

Efficiency Smart has launched new services with several options to meet AMP member's needs.



Several AMP member utilities have expressed a desire for services that can help control increasing transmission and capacity costs. As such, Efficiency Smart has modified its High Performance Comprehensive Program to offer both energy and demand savings options.

Communities that subscribe to Efficiency Smart at the High Performance level will now have the option to select from either an Energy Focus or a Demand Focus. Both options provide an annual 0.4 percent load reduction and an annual 0.4 percent summer peak reduction. Those communities that choose the Energy Focus (the traditional Efficiency Smart offering) will receive an additional 0.1 percent of load reduction. Those that choose the Demand Focus will receive an additional 0.2 percent summer peak reduction. All communities are eligible for the Energy Focus, while the Demand Focus requires greater than 10 MW of coincident peak to be eligible.

Efficiency Smart is also offering an Enhanced Performance option that combines the increased annual load and peak reduction goals. The Basic Performance option remains the same, offering a smaller load reduction goal and no demand goal.

In addition, Efficiency Smart will offer two programs that target specific sectors: a Commercial and Industrial (C&I) program and a residential demand response program that reduces peak demand.

New Efficiency Smart Menu of Services

	Service Option	Base Fee	Rate	Rate Basis	Deliverable
Comprehensive	Enhanced Performance		\$1.65	Total MWh retail sales	0.5% annual load and 0.6% annual peak reduction
	High Performance		\$1.40	Total MWh retail sales	0.4% annual load and 0.4% annual peak reduction
	> Energy Focus				0.1% additional annual load reduction
	> Demand Focus				0.2% additional annual peak reduction
	Basic Performance		\$0.90	Total MWh retail sales	0.25% annual load reduction
Targeted	Commercial & Industrial (C&I)		\$1.30	C&I MWh retail sales	0.5% annual C&I load reduction
	Residential Load Shaping with Smart Thermostats	More info coming soon...			

More in-depth information about Efficiency Smart's new Demand Focus and Residential Load Shaping with Smart Thermostats programs will be available in the upcoming Amplifier. If you have questions about Efficiency Smart's offerings, or if you would like to schedule a meeting to discuss these options, please contact Sean Clement at sclement@efficiencysmart.org or Randy Corbin at rcorbin@amppartners.org.

Security tip - Watch out for Jeffrey Epstein scams

By Jared Price - vice president of information technology and CTO



Internet criminals never shy away from an opportunity to exploit the death of celebrities or well-known individuals. They use the shock factor to create fake controversy and trick people into falling for their dangerous click bait.

You've likely heard about the death of Jeffrey Epstein, who was recently found dead in his jail cell. Be on high alert for any

communications related to Epstein's death: emails and attachments, social media platforms (messages, posts, etc.), texts on your phone or anything else. There will be a number of scams related to this.

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Register online at www.amppartners.org

AMP TRAINING SERIES:

Register for these upcoming courses

Lineworker Training Advanced

Prerequisite: Intermediate is required unless instructor approves

Date: Sept. 9–13

Class length: Weeklong

Size: Limited to 12

Hotline Training

Prerequisite: First- and second-year apprentice training is required

Date: Oct. 7–10

Class length: Three full days

Size: Minimum of 8

Advanced Transformer Workshop

Prerequisite: None

Date: Oct. 22-23

Class length: Two full days

Size: Minimum of 15

For a complete schedule and full details of the 2019 training courses, see the 2019 AMP Training Catalog at: www.amppartners.org/services/technical-services.

To register contact Jennifer Flockerzie, manager of technical services logistics, at 614.540.0853 or jflockerzie@amppartners.org



Classifieds

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

City of Marshall seeks applicants for director of public services

The City of Marshall is accepting applications for a director of public services (\$70,000-\$80,000). Position incumbent is responsible for the overall administration, coordination and management of water,

wastewater, street, park operations, facility maintenance, engineering, airport, building inspection and code enforcement, including infrastructure maintenance and development. Ensures that the public receives safe and desirable use of city infrastructure and basic services. Supervises all department personnel.

The successful candidate will have eight to 10 years of experience in public works management and a four-year college degree (civil engineering preferred); high degree of computer literacy; strong communication, analytical and supervisory skills. Experience in the administration of union labor contracts is desirable. A full job description is available at www.cityofmarshall.com.

Submit letter of interest and resume to HumanResources@cityofmarshall.com. Application deadline Aug. 29, 2019. EOE M/F/H/V

Central Virginia Electric Cooperative (CVEC) seeks applicants for power supply specialist

The [Central Virginia Electric Cooperative](#) (CVEC) is seeking an experienced power supply specialist (\$75,000-\$92,000) to provide oversight and leadership to optimize the CVEC power supply portfolio in alignment with CVEC power supply strategic plan. Assure adequate, reliable, competitively priced electricity is available to all members. Manage ancillary power costs to minimize impact on retail rates. Assist COO with overall data analysis and cost analysis of projects and processes.

This position is responsible for: accuracy of monthly power invoices from suppliers, generation resources and the PJM Regional Transmission Operator (RTO). Analyzing data from PJM RTO reporting system and generating monthly power supply purchase reports. Participating in power supply related meetings with agencies supporting the development of CVEC's power supply portfolio. (AMP, Blue Ridge Power Agency, PJM, SEPA). Representing CVEC as voting delegate in generation resource participant meetings and other agency meetings. Monitoring and reporting PJM Regional Transmission Operator regulation changes and filings with the Federal Energy Regulatory Commission (FERC). Working with power supply consultants on power purchase arrangements and planning the power supply portfolio. Working with legal counsel to coordinate the execution, amendment and tracking of power purchase contracts. Scheduling energy purchase live pricing with consultants. Working with engineering and operations regarding the development of behind the meter generation and load control capabilities. Leading the operation of demand management and transmission/capacity cost control programs. Monitoring, recording and reporting the results. Monitoring system loads during transmission and capacity peak hours and working with agencies providing peak hour notification. Utilizing PJM market data to develop monthly billing for large power market rate customers. Monitoring and evaluating the various PJM markets, reporting requirements, and settlement practices. Serving as PJM Certified Account Manager (CAM) to manage employee and supplier access to CVEC's PJM account information. Managing CVEC's Generation Asset Tracking System (GATS) account to monitor, retire, and sell Renewable Energy Credits (REC's) generated by solar resource contracts. Reviewing energy scheduling reports and manage contract of power supply scheduling services. Working with consultant to determine bids in the Financial Transmission Right (FTR) auctions. Supporting other departments in performing data analysis of customer load data, electric system reliability data, metering data, construction and maintenance cost data.

Interested applicants can click [here](#) for more information and to submit application and resume.

City of Marshall seeks applicant for assistant director of electric utilities

The City of Marshall is a quaint Norman Rockwell style community with a population of 7,068 in lower, central Michigan. Located less than one hour from the campuses of the University of Michigan and Michigan State University, two hours from Detroit and beautiful Lake Michigan, and three hours from Chicago. The City has installed a fiber to the premise system to every property in the city with symmetrical speeds up to 10 mbps.

The community is seeing unusual growth with over \$1 billion of industrial growth. Click [here](#) to view the Choose Marshall video. Located at the intersection of I-94 and I-69, the crossroads of international highways, the city is preparing for large industrial and residential growth with a 1,000-acre mega industrial site. The downtown district is 97 percent commercially occupied. The city has the largest National Historic Landmark District in Michigan with many neighborhoods of historic homes.

In the next three years, it is anticipated a peak-demand growth from 23 MW to 123 MW. The city will be constructing infrastructure to meet this demand. A privately developed dual unit 500 MW gas fired power plant is proposed in the city. A complete job description can be found at www.cityofmarshall.com

Qualifications for the Assistant Director of Electric Utilities position include a degree in electrical engineering or a closely-related field, and a minimum of three to five years of experience working for an electric utility with supervisory or executive leadership responsibilities. A State of Michigan licensed professional engineer desired. Annual salary of \$80,000 with excellent benefits.

To apply for this position, submit a cover letter, resume and professional references to HumanResources@cityofmarshall.com.

The City of Marshall is an Equal Opportunity Employer. Position open until filled.

Borough of Schuylkill Haven seeks applicants for journeyman and apprentice electric lineworker

The Borough of Schuylkill Haven is seeking applicants for the position of journeyman electric lineman position. Minimum qualifications include: graduation from the standard four-year high school, successful completion of an approved apprenticeship program of at least four years in duration, journeyman accreditation and Pennsylvania CDL license.

Schuylkill Haven Borough owns and operates their own electric system including: substation, poles, distribution lines, transformers and secondary services. The applicant should have thorough background knowledge of these types of appurtenances. The successful candidate must pass a complete background investigation including reference, employment, criminal/personal record checks and a pre-employment drug screening test.

The borough is also accepting applications for an apprentice electric lineworker. This position is a trainee position.

Schuylkill Haven is located In Schuylkill County, Pa. and has a population of 5,550 people. The borough has an excellent compensation/benefit package and is an Equal Opportunity Employer. A complete job description and job application can be obtained by contacting the borough office at 570.385.2841 or by logging on to the Borough's website at www.schuylkillhaven.org.

Please submit a completed job application, resume, certifications and three references to: Scott J. Graver, Borough Administrator, Schuylkill Haven Borough Office, 333 Centre Ave., Schuylkill Haven, PA 17972. This position will remain open until filled.

City of Coldwater seeks applicants for engineering manager

The City of Coldwater is seeking a qualified individual to fill the available position of engineering manager.

This individual will serve on the executive management team and provide professional support to the utility director and city manager. This individual will oversee all engineering functions for the Coldwater Board of Public Utilities (CBPU) and city. Extensive management and supervision is exercised over the electrical engineer, engineering technician and GIS and mapping coordinator.

The engineering manager will provide leadership in project development, design and implementation; coordination and issue resolution; manage technical research to support recommendations; assist with estimating project costs while maintaining departmental budgets; prepare surveys and studies based on economic engineering practices in order to prepare plans for proposed construction projects; draft specifications for equipment and materials used in construction, maintenance and operation of utility and municipal systems; make on-site inspections of work to ensure compliance with plans; develop creative and effective strategies and coordinate with other utility and city engineering personnel to avoid conflicts of utility construction projects with other services; ability to prepare, review and interpret engineering plans and specifications; ability to conduct research projects; ability to prepare technical reports; keep record and documentation updated; mentor and facilitate the succession planning within the department; develop a departmental training program; develop and set priorities for department; ability to establish and maintain an effective working relationships with associates and build professional customer relations;

research methods to improve workplace efficiency, productivity and recommend policy change; and perform related tasks as required thorough knowledge of engineering principles and practices.

Successful applicant should have a minimum of 10 years of experience in engineering or project management with an emphasis on electrical or civil engineering. An electrical engineering degree is preferred, but other engineering degrees will be considered. Salary commensurate with experience.

Send resume to: Nicki Luce, Coldwater Board of Public Utilities, One Grand St., Coldwater, MI 49036 or email to resume@coldwater.org.

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