

GENERAL INFORMATION

September 16, 2019

CALENDAR

CITY COUNCIL MEETING AGENDA ~ Monday, September 16, 2019 @7:00 pm

SWEARING-IN OF NEW PATROLMAN, DANIEL SILETTE

PRESENTATION OF PROCLAMATION FOR 100TH ANNIVERSARY OF AMERICAN LEGION

APPROVAL OF MINUTES

September 3, 2019 Regular Council Meeting Minutes.

INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 060-19**, an Ordinance Adopting a Revised Comprehensive Plan with Thoroughfare Plan Provisions in and for the City of Napoleon, Ohio.
2. **Ordinance No. 061-19**, 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.
3. **Ordinance No. 062-19**, an Ordinance Enacting Section 505.17 – Feeding of Stray Dogs and Cats; and Declaring an Emergency.
4. **Resolution No. 063-19**, a Resolution Authorizing the Expenditure of Funds over Twenty-Five Thousand Dollars (\$25,000.00) for the Purpose of Purchasing a 2019 Terex Vehicle for the City of Napoleon Electric Department, and to Sole Source said Purchase to Terex Utilities, Inc.; and Declaring an Emergency.
Dennie's Memorandum to Joel regarding this purchase is attached to the Resolution
5. **Resolution No. 064-19**, a Resolution Authorizing a Community Reinvestment Area (CRA) Agreement between the City of Napoleon, Ohio, and American Road Holdings, LLC, dba Paul Martin & Sons, within Napoleon CRA #7; and Declaring an Emergency.
A copy of the CRA Agreement is included with the Resolution.
6. **Ordinance No. 065-19**, an Ordinance Allowing the Transfer of Appropriations from the Personal Line Items to the Other Line Items, and from the Other Line Items to the Personal Line Items in Any Fund Up to \$25,000. between the Quarterly Budget Adjustments, by the City Finance Director pursuant to O.R.C. Section 5705.40 for the Fiscal Year ending December 31, 2019 on an as Needed Basis; and Declaring an Emergency. (Suspension Requested)
7. **Ordinance No. 066-19**, an Ordinance allowing Supplementals to the Annual Appropriation Measure Up to \$25,000. between the Quarterly Budget Adjustments, by the City Finance Director pursuant to O.R.C. Section 5705.40 for the Fiscal Year Ending December 31, 2019 on an as Needed Basis; and Declaring an Emergency. (Suspension Requested)
8. **Resolution No. 067-19**, a Resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Auditor for the 2019 Tax Duplicates Payable in Year 2020; and Declaring an Emergency. (Suspension Requested)
9. **Resolution No. 068-19**, a Resolution Authorizing and Directing the Finance Director of the City of Napoleon to Certify and File Annual Special Assessments of the City of Napoleon, Ohio, with the County Auditor of Henry County for Placement and Collection on the 2019 Tax Duplicates Payable in the Year 2020; and Declaring an Emergency. (Suspension Requested)

SECOND READINGS OF ORDINANCES AND RESOLUTIONS.

1. **Resolution No. 056-19**, a Resolution Amending Certain City Finance Department Ordinances, as they Pertain to Financial Transaction Language; and Declaring an Emergency.

THIRD 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.

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

1. **Discussion/Action:** Approval of Power Supply Cost Adjustment Factor for September 2019: PSCA 3-month Averaged Factor \$0.01255; JV2 \$0.023321.
2. **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.
This is a continuation of the discussion from the last Council meeting.
3. **Discussion/Action:** Pole Attachment Agreement with Okolona Telephone Co. dba bright.net
This is a recommendation from the Electric Committee, a Draft copy of the minutes from their meeting on September 9th is attached.
4. **Discussion/Action:** Henry County Transportation Network 14 Passenger-Bus 20% Grant Match
A Draft copy of the minutes from the Municipal Properties Committee meeting last Monday, September 9th, is included in the packet.
5. **Discussion/Action:** Acceptance of Grant for Oakwood Avenue Improvements
Enclosed is a copy of ODOT's letter on award of Small City Program funding for the Oakwood Ave Reconstruction Project.

For Items 6 and 7, Chad's Memorandum for each project is attached, the plans and specs are on file.

6. **Discussion/Action:** Approval of Plans and Specifications for the City of Napoleon Park Street Improvements ~ Phase III (L.T.C.P. Project No. 17C ~ Partial)
7. **Discussion/Action:** Approval of Plans and Specifications for the Wastewater Treatment Plant (WWTP) Phase I Digester Covers and Sludge Removal Improvements Project.
8. **Discussion/Action:** to Set Trick-or-Treat Night.
9. **Discussion/Action.** Healthcare Cost for 2020. (Refer to Committee)

FINANCIAL REPORTS FOR SEPTEMBER 16, 2019

INFORMATIONAL ITEMS

1. CANCELED – Parks and Rec Committee meeting
2. AGENDA – Tree Commission meeting at 6:00 pm on Monday, September 16th.
3. OML Legislative Bulletin/09.13.2019
4. OML Call to Action
5. 09.16.2019 Cash Disbursement Register

September 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 <i>Labor Day</i> CITY OFFICES CLOSED	3 7:00 pm City Council	4	5	6	7
8	9 6:15 pm Electric Comm. 6:15 pm BOPA 7:00 pm Water/Sewer Comm 7:30 pm Muni Prop Comm.	10	11	12 8:00 am Health Care Cost Committee	13 Kelly Vacation	14
15	16 6:00 pm Tree Commission 7:00 pm City Council	17	18	19	20	21
Kelly Vacation						
22	23 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	27 <i>Rox Day Off</i>	28
29	30 5th Monday-No Scheduled Meetings <i>Rox Day Off</i>	Notes: <hr/>				

City of Napoleon, Ohio

CITY COUNCIL

MEETING AGENDA

Monday, September 16, 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. Swearing-in of New Patrolman Daniel Silette

D. Presentation of Proclamation for 100th Anniversary of American Legion

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

1. September 3, 2019 Regular Council Meeting Minutes.

F. Citizen Communication

G. Reports from Council Committees

1. **Electric Committee** met on September 9, 2019; and
 - a. Approved PSCAF for September 2019.
 - b. Recommend Council Approve Entering into a Pole Attachment Agreement with Okolona Telephone Co. dba bright.net
2. **Water, Sewer, Refuse, Recycling and Litter Committee** met on September 9, 2019; and
 - a. was updated on the WWTP Phase I Improvements Project and the Long Term Control Plan.
3. **Municipal Properties, Building, Land Use and Economic Development Committee** met on September 9, 2019
 - a. Recommend Council approve the 20% match of \$11,938 and be part of the 5311 ODOT Grant to acquire a 14-passenger bus with Henry County Transportation Network to be used in the City.
 - b. Reviewed Construction Projects being Considered for the Year 2020.
4. **Park and Rec Committee** was canceled due to lack of agenda items.

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

1. **Board of Zoning Appeals** was canceled due to lack of agenda items.
2. **Planning Commission** was canceled due to lack of agenda items.
3. **Healthcare Cost Committee** met on September 12, 2019; and
 - a. Recommended Staying with the Current Plan with the Employee Share at 12.5% and Employer Share at 87.5%
4. **Tree Commission** met earlier this evening with the agenda items:
 - a. Review Tree Call Reports.
 - b. Fall Contracts Update.
 - c. Award Fall Planting Contract.
 - d. Award Fall Trimming Contract.
 - e. Begin Spring Plantings List.
 - f. Review Next Year's Budget/Plans.

I. Introduction of New Ordinances and Resolutions

1. **Ordinance No. 060-19**, an Ordinance Adopting a Revised Comprehensive Plan with Thoroughfare Plan Provisions in and for the City of Napoleon, Ohio.
2. **Ordinance No. 061-19**, 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.
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J. Second Readings of Ordinances and Resolutions

1. **Resolution No. 056-19**, a Resolution Amending Certain City Finance Department Ordinances, as they Pertain to Financial Transaction Language; and Declaring an Emergency.

K. Third 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.


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7. **Discussion/Action:** Approval of Plans and Specifications for the Wastewater Treatment Plant (WWTP) Phase I Digester Covers and Sludge Removal Improvements Project.
8. **Discussion/Action:** to Set Trick-or-Treat Night.
9. **Discussion/Action:** Healthcare Cost for 2020. (Refer to Committee)

M. Executive Session. (*as needed*)

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

O. Adjournment.


 Roxanne Dietrich
 Interim Clerk of Council

A. ITEMS REFERRED OR PENDING IN COMMITTEES OF COUNCIL

1. Technology & Communication Committee (1st Monday)

(Next Regular Meeting: Monday, October 7, 2019 @6:15 pm)

2. Electric Committee (2nd Monday)

(Next Regular Meeting: Monday, October 14, 2019 @6:15 pm)

- a. Review of Power Supply Cost Adjustment Factor for October 2019
- b. Efficiency Smart Agreement.
- c. Electric Department Report.

3. Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday)

(Next Regular Meeting: Monday, October 14, 2019 @7:00 pm)

4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday)

(Next Regular Meeting: Monday, October 14, 2019 @7:30 pm)

5. Parks & Recreation Committee (3rd Monday)

(Next Regular Meeting: Monday, October 21, 2019 @6:00 pm)

6. Finance & Budget Committee (4th Monday)

(Next Regular Meeting: Monday, September 23, 2019 @6:30 pm)

- a. Proposed 2020 Budget Calendar
- b. Proposed Finance Director Budget Process Changes and Areas to Review for Council's Consideration and Approval
- c. Third Quarter Budget Adjustments
- d. Transfer of Appropriation between Departments within the same fund
- e. General Fund Balance Update
- f. Income Tax Division -Ordinance Change – Supplemental Executive Retirement Plan (SERP) Exemption (Budget Bill passed 7/17/19)

7. Safety & Human Resources Committee (4th Monday)

(Next Regular Meeting: Monday, September 23, 2019 @7:30 pm)

- a. Healthcare Cost for 2020

8. Personnel Committee (as needed)

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

1. Board of Public Affairs (2nd Monday)

(Next Regular Meeting: Monday, October 14, 2019 @6:15 pm)

- a. Review of Power Supply Cost Adjustment Factor for October 2019
- b. Efficiency Smart Agreement.
- c. Electric Department Report

2. Board of Zoning Appeals (2nd Tuesday)

(Next Regular Meeting: Tuesday, October 15, 2019 @4:30 pm)

3. Planning Commission (2nd Tuesday)

(Next Regular Meeting: Tuesday, October 15, 2019 @5:00 pm)

4. Tree Commission (3rd Monday)

(Next Regular Meeting: Monday, October 21, 2019 at 6:00 pm)

5. Civil Service Commission (4th Tuesday)

(Next Regular Meeting: Tuesday, September 24, 2019 @4:30 pm)

6. Parks & Recreation Board (Last Wednesday)

(Next Regular Meeting: Wednesday, September 25, 2019 @6:30 pm)

7. Privacy Committee (2nd Tuesday in May & November)

(Next Regular Meeting: Tuesday, November 12, 2019 @10:30 am)

8. Records Commission (2nd Tuesday in June & December)

(Next Regular Meeting: Tuesday, December 10, 2019 @4:00 pm)

9. Housing Council (First Monday of April at 6:30 pm)

10. Health Care Cost Committee

(Next Meeting:)

11. Preservation Commission (as needed)

12. Napoleon Infrastructure/Economic Development Fund Review Committee [NIEDF] (as needed)

13. Tax Incentive Review Council (as needed)

14. Volunteer Firefighters' Dependents Fund Board (as needed)

15. Volunteer Peace Officers' Dependents Fund Board (as needed)

16. Lodge Tax Advisory & Control Board (as needed)

17. Board of Building Appeals (as needed)

18. ADA Compliance Board (as needed)

City Council MEETING MINUTES

Tuesday, September 3, 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

David Mack-Chief of Police, Clayton O'Brien-Fire Chief, Chad E. Lulfs, P.E., P.S.-Director of Public Works, Dennie Clapp-Electric Dist. Supt.

Recording Secretary

Roxanne Dietrich

Others

News Media, Glenn Grisdale-Reveille, Genia Donley, Stacy Bressler

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.

Auditor of State Award

Mayor Maassel and City Finance Director Kelly O'Boyle accepted the Auditor of State Award with Distinction presented to the City of Napoleon by Lori Brodie the Northwest Regional Liaison for Ohio Auditor of State Keith Faber's office.

Approval of Minutes

Hearing no objections or corrections, the minutes from the August 19, 2019 Regular Council Meeting stand approved as presented.

Citizen Communication

None.

Committee Reports

The **Finance and Budget Committee** did not meet on Monday, August 26, 2019 due to lack of agenda items.

As reported by Chairman Baer, the **Safety and Human Resources Committee** did meet last Monday, August 26, 2019 and discussed the draft ordinance as written for low speed and under speed vehicles with requirement for seat belts added but not in the inspection portion, to restrict the area on Scott Street North of Lagrange and okayed other 35 mph streets and also accepted the proposal, that will be discussed later, from the Henry County Humane Society for feral cats.

Due to lack of agenda items, the **Technology Committees** did not meet earlier tonight.

Agenda Moved

K.1. City Master Plan

Council President Bialorucki moved up agenda item K.1. *Recommendation from Planning Commission to Approve PC 19-07 City updated Master Plan with*

Glenn Grisdale
Reveille

**Motion Direct Law
Director Draft Legislation
Adopting Master Plan**

Passed
Yea-6
Nay-0

Introduction of Resolution No. 056-19 Amending Certain Finance Dept. Ordinances

Motion to Approve First Read of 056-19

Discussion

Passed
Yea-6
Nay-0

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Motion to Remove Law Director Draft Legislation Support OML Amicus Brief	Motion: Comadoll to Remove Council Direction to the Law Director to Draft Legislation Regarding Support of the OML Amicus Brief.	Second: Haase
Discussion	Harmon reported when the Ohio Municipal League (OML) put a call out looking for legislation and support of their brief they had not spoken to the attorney representing the cities on the lawsuit that is in the Supreme Court. Frost Brown then contacted OML informing them the cities represented were not to be involved in the Amicus brief; therefore, legislation is no longer needed.	
Passed Yea-6 Nay-0	Roll call vote on the above motion: Yea-Baer, Bialorucki, Mires, Haase, Siclair, Comadoll Nay-	
Introduction of Ordinance No. 057-19 Acquire Property for WWTP Phase I Project	Council President Bialorucki read by title 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	
Motion to Approve First Read of 057-19	Motion: Comadoll to approve First Read of Ordinance 057-19.	Second: Mires
Discussion	Mazur reported we need to purchase three properties to put the head works in on the WWTP Phase I Expansion. This legislation is for the first parcel with the purchase price being \$3,000 plus an additional \$14,123 for back taxes that are owed. Suspension is requested to continue with the planning and surveying of the property. Bialorucki asked if an appraisal was done for each property? Lulfs answered, this parcel was appraised higher, the next we are paying over the appraised value, but that property will give us access to 24, and the third is a trade swap of properties.	
Motion to Suspend the Rules on 057-19	Motion: Comadoll to suspend the rule requiring three readings of Ordinance No. 057-19.	Second: Haase
Passed Yea-6 Nay-0	Roll call vote on the above motion: Yea-Baer, Bialorucki, Mires, Haase, Siclair, Comadoll Nay-	
Passed Yea-6 Nay-0	Roll call vote to pass Ordinance No. 057-19 under Suspension and Emergency: Yea-Baer, Bialorucki, Mires, Haase, Siclair, Comadoll Nay-	
Introduction of Ordinance No. 058-19 Acquire Property for WWTP Phase I Project	Council President Bialorucki read by title Ordinance No. 058-19 , an Ordinance Authorizing the Appropriation and Expenditure of Funds, as well as Authorizing	

Motion to Approve First Read of 058-19

Discussion

Motion to Suspend the Rules for 058-19

Passed
Yea-6
Nay-0

Passed
Yea-6
Nay-0

Introduction of Ordinance No. 059-19 Acquire Property for WWTP Phase I Project

Motion to Approve First Read of 059-19

Discussion

Motion to Suspend the Rules for 059-19

Passed
Yea-6
Nay-0

Passed
Yea-6
Nay-0

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Second Reading 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 Second Read of 052-19	Motion: Baer Second: Mires to approve Second Read of Ordinance No. 052-19.
Discussion	Mazur noted ODOT requires legislation to allow them to work inside the city limits. The work is for bridge inspections next year.
Passed Yea-6 Nay-0	Roll call vote to approve Second Read of Ordinance No. 052-19: Yea-Baer, Bialorucki, Mires, Haase, Siclair, Comadoll Nay-
Second Read of Ordinance No. 055-19 Supplement No. 5	Council President Bialorucki read by title Ordinance No. 055-19 , an Ordinance Supplementing the Annual Appropriation Measure (Supplement No. 5) for the Year 2019; and Declaring an Emergency.
Motion to Approve Second Read of 055-19	Motion: Comadoll Second: Mires to approve Second Read of 055-19.
Discussion	Mazur stated we need to pay back the Ohio Water and Rotary Sewer Commission for assessments obtained through land purchases in the North Pointe area.
Passed Yea-6 Nay-0	Roll call vote to approve Second Read for Ordinance No. 055-19: Yea-Baer, Bialorucki, Mires, Haase, Siclair, Comadoll Nay-
Third Read of Ordinance No. 050-19 May Replacement Pages Codified Ordinances	Council President Bialorucki read by title Ordinance No. 050-19 , an Ordinance Approving Current May 2019 Replacement Pages to the City of Napoleon Codified Ordinances.
Motion to Approve Third Read of 050-19	Motion: Baer Second: Siclair to approve Third Read for Ordinance No. 050-19.
	Mazur said Walter Drane updates our ordinances to reflect changes at the state level and also from our legislation.
Passed Yea-6 Nay-0	Roll call vote to pass Ordinance No. 050-19 on Third Read. Yea-Baer, Bialorucki, Mires, Haase, Siclair, Comadoll Nay-
Low-Speed, Under-Speed and Utility Vehicles	Mazur reported the Safety and Human Resources Committee recommended we move forward with legislation as drafted by the Law Director. Harmon informed Council the definitions are straight out of the Ohio Revised Code

Genia Donley

(ORC). Mazur noted the ORC allows for 35 mph and below, the Committee recommended restricting these vehicles from going on Scott Street from Lagrange Street north and to have a requirement that all vehicles are to have seat belts. Chief Mack did check into the seat belt requirement and they do make retrofit seat belts. Harmon cited he added two safety measures; *Occupants of vehicles are to remain seated and buckled* and *Children who meet the criteria for child restraint devices there is language that prohibits them from being passengers* there is the potential people might decide to put small children in vehicles without the proper equipment.

I live in the City of Napoleon and have a concern regarding golf carts. It seems like everything I read this will pass already. Every paper that I have read on use of golf carts in a city, the golf cart has to be licensed, has to have a windshield, and be certified they have more restrictions on golf carts than a car. Will you have that on these golf carts? Harmon responded the requirements are established by the ORC and are in our Ordinance as well. Donley asked do they have to be over or under age 16 to be able to drive? Harmon replied it does not restrict age it requires a licensed driver the same as any other vehicle. Mazur noted if you include mopeds you can get a license at 14. Harmon said it would cover the specific vehicles if that vehicle meets one of the four definitions. They would need a driver's license to operate the vehicle. Donley said she's read a lot on golf carts and this just concerns me. What is a pocket area where can drive? Maassel said the 35 mph speed limit has a lot of pockets around town you can connect the pieces and go from the Senior Center to Wayne Park. Donley said she lives on the south side and this is a big concern for me. I do not want kids riding or driving them. It is bad enough people are driving illegal as it is. Will they be registered and can the public review? Maassel responded yes. Donley asked if someone get killed who will be responsible? Maassel stated that is a concern of ours, it is a concern of parents, they are already putting kid on mopeds that are under and low powered vehicles on the road, these are more restricted than the moped. Harmon added there is one more item I did add, *no one is to be on the sidewalk with these vehicles*. Baer recommended if Council does vote in favor of this, that we take all three readings to give time to the members of public who wish to speak. The committee did recommend to exclude Scott Street from Lagrange to North of the city limits. There are still some pockets in subdivisions because of 45 mph, 424 is over 35 mph so is Jahns Road outside of the city limits. Harmon said Item I states all sections of the Napoleon Traffic Code and the State of Ohio traffic laws do apply to these vehicles. Baer said we can try it and if something does not work we can always come back and amend what we need to change. Bialorucki asked what was the main concern of not allowing vehicles north of Lagrange other than congested area? Harmon stated there is a concern for the types of vehicles there are semis, farm vehicles and at every intersection there are people coming out a hundred different directions, it is confusing enough let alone adding small vehicles that may be difficult to see. Comadoll said we don't want to overburden our sheriff's office so we asked Chief Mack to talk to Sheriff Bodenbender and from what I'm reading he does not want vehicles crossing

Motion Direct Law
Director Draft Legislation

Passed
Yea-5
Nay-1

Henry Co. Humane Society Plan D for Feral Cats

Stacy Bressler

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Motion Direct Law Director Draft Legislation as Written	Motion: Mires Second: Baer to direct the Law Director to draft legislation as written.
Passed Yea-4 Nay-2	Roll call vote on the above motion: Yea-Baer, Bialorucki, Mires, Haase Nay- Siclair, Comadoll
Henry County Water Sewer District Bills	Mazur reported the average bill for a Henry County Water Sewer District customer is \$98.70 and is considered six units of water. With the 25% surcharge, 54% of the water cost is from Napoleon and 46% is from Henry County Water Sewer District. If there was no surcharge, 43% of the water cost is charged by the City of Napoleon and 57% is being charged by Henry County Water Sewer District. We would like to separate these out on the bills to show customers what is the City of Napoleon charge and what is being charged by Henry County Water Sewer District. Maassel added on the bill is an assessment for some customers that just says <i>water</i> that is a big number. Can we separate it out to say <i>water this amount</i> and <i>assessment that amount</i> ? O'Boyle said that can be done for the October billing, the latest you can decide would be at the September 16 th meeting. Mazur said that is good information to have when asked why Napoleon water is high, there is not just Napoleon costs there is also district charges being stacked on top. No action is required tonight. There will be information in the packets for the September 16 th meeting.
No Action Required	
Electric Department Purchase Terex Line Truck	Mazur reported the Master Bid Ordinance does list a purchase of a bucket truck for the Electric Department. We would request the Law Director draft legislation to purchase the Terex line truck through Source Well, who is an agency that specializes in national contracts. Harmon asked if this is the only place you can purchase the truck? Clapp replied it is the only place to buy it.
Motion to Direct Law Director to Draft Legislation Sole Sourcing	Motion: Comadoll Second: Haase to direct the Law Director to draft legislation to sole source the purchase of the Terex line truck.
Passed Yea-6 Nay-0	Roll call vote on the above motion. Yea-Baer, Bialorucki, Mires, Haase, Siclair, Comadoll Nay-
ODNR MARCS Grant Fire Department	Fire Chief O'Brien informed Council ODNR came up with additional grants that now includes all of Henry County. This is a surplus grant of inventory for radios that will work on our new radio system. There is no match and we could potentially get up to five mobile and five portable radios.
Motion to Approve Applying for Grant	Motion: Comadoll Second: Baer to approve the Fire Department applying for the ODNR MARCS grant.

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

Mazur said the CRA is for American Road Holdings, LLC dba Paul Martin & Sons. The land was re-platted earlier this year and is west of the proposed Love's Travel Station that is going in. They want to construct a dealership for their sales yard with a small office. Maassel added they rent farm equipment. Mazur said it is a 100% tax abatement for ten years, the project is estimated at 1.1 million dollars. The facility will create three full-time positions and also retain the six full-time and three part-time positions, all positions are new to the City of Napoleon. The annual payroll of the retained employees is \$350,000 and \$185,000 for the new employees. The Liberty Center School Board has already approved the CRA Agreement. Bialorucki asked they will still pay property taxes for the property appraised value. Mazur confirmed the tax abatement is just on the improvements.

Motion: Comadoll Second: Siclair
to direct the Law Director to draft legislation for the CRA Agreement with
American Road Holdings, dba Paul Martin & Sons.

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

Council President Bialorucki referred Okolona Telephone Pole Attachment Agreement to the Electric Committee and Board of Public Affairs.

Council President Bialorucki referred Henry County Transportation Network to the Municipal Properties, Buildings, Land Use and Economic Development Committee.

Chief Mack and Lanie went out and selected the K9 unit, the officer will start his training next Monday.

The items stacked up in the back entrance are on govdeals and should hopefully be out by the next Council meeting.

No items.

I can see all the way across the railroad tracks, it has been mowed and the weeds were sprayed. Oakwood is like driving on a new street after being patched. Who knocked the building down right beside the railroad track by North Perry? Lulfs said the railroad.

Mires	No items.
Maassel	<p>Senator Brown's aide set up a meeting with local Mayors on Friday. Our issues are to talk about transmission issues, maybe water and workforce. Will thank them for all the work that Anne does. The CIC is checking on federal programs that wear state clothes to help us with development stuff. It's always nice to say thanks for something we got in the past.</p> <p>Nice win on Thursday night Chief, go beat Tigers.</p> <p>Request an Executive Session on Economic Development.</p> <p>Go Army beat Wolverines!</p>
Bialorucki	A Napoleon resident brought to my attention the fence outside the City building and requested to have it painted white, any thoughts? Mazur responded, we wanted to wait a year and it has been a year. We talked about staining the fence; is there is a color preference? Maassel asked what is the easiest for a snow plow to see at 3:00 am. Siclair said she thought flowers were going to go out there too.
Fence at City Building Referred to Park & Rec Committee	Council President Bialorucki referred Best Finish for Wood Fence at the City Building to the Parks and Rec Committee.
Baer	No items.
Comadoll	We are lucky we have a Mayor, he was walking across the crosswalk last week at the corner by Ace Hardware, he was legal and a car was right there and he almost got it. Chief need extra effort on crosswalks.
Siclair	Three people approached me about steep increases in their utility bill, what is the reason? Mazur cited the previous month's PSCAF was one of the highest, summer months billing AC were running heavy late July – August probably due to usage coupled with highest PSCAF. This month our usage is way up.
O'Boyle	Between quarterly budget adjustments sometimes something happens after the quarter is over and there is not an ordinance in place to do a supplemental and transfer appropriations between the other and personal or personal to the other up to \$25,000. Joel and I would like to have legislation drafted that allows us to be able to do those and submit to you as soon as it happens so you would know by email or bring it up at the next Council meeting, if Council would be okay with that. It would be ongoing throughout the year and every year another resolution would be approved to do it. Bialorucki asked O'Boyle to explain how the process works and why it is important to change. O'Boyle explained, right now a purchase requisition is to be encumbered and if the appropriation is not in the account then I'm supposed to certify that the appropriation is there; but, if we don't have the mechanism to actually physically move the appropriation or bring it in through a supplemental then it's not there. Technically the funds are there but on paper the appropriation is not

Motion to Direct Law Director to Draft Legislation

Motion to Direct Law Director to Draft Legislation

Motion: Comadoll Second: Siclair
to direct the Law Director to draft legislation allowing transfer of funds,
appropriations and supplements on an as needed basis.

Passed
Yea-6
Nay-0

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

**Motion to go Into
Executive Session for ED**

Motion: Siclair Second: Haase
to go into Executive Session for Economic Development.

Passed
Yea-6
Nay-0

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

City Council went into Executive Session at 8:48 pm.

Motion to Come Out of Executive Session

Motion: Haase Second: Mires
to come out of Executive Session at 8:58 pm.

Passed
Yea-6
Nay-0

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

Council President Bialorucki reported no action was taken in Executive Session.

Approve Payment of Bills

The bills were approved as presented with no objections.

Motion to Adjourn

Motion: Comadoll
to adjourn the City Council meeting.

Passed
Yea-6
Nay-0

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

Adjournment

the City Council meeting was adjourned at 8:59 pm.

Approved:

September 16, 2019

Joseph D. Bialorucki, Council President

Jason P. Maassel, Mayor

Roxanne Dietrich, Recording Secretary

“

ORDINANCE NO. 060-19

AN ORDINANCE ADOPTING A REVISED COMPREHENSIVE PLAN WITH THOROUGHFARE PLAN PROVISIONS IN AND FOR THE CITY OF NAPOLEON, OHIO

WHEREAS, the City originally adopted a Master Plan in the year 1957; and,

WHEREAS, over the years, changes in the City required revisions to the Master Plan which includes "Thoroughfare Plan" [referred to as "Comprehensive Plan"] and said revisions were adopted pursuant to Ordinance No.(s) 017-03 and 008-09; and,

WHEREAS, revisions are again required to the Master Plan [now referred to as "Comprehensive Plan"] that have been studied with the assistance of a consultant looking at both present and future development of the City, and,

WHEREAS, this revised Plan in its final form was reviewed and recommended for approval by the Planning Commission at its meeting on August 27, 2019; **Now Therefore,**

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

Section 1. That, the revised "Comprehensive Plan," currently on file with the City Finance Director, being the Master Plan with Thoroughfare Plan provisions, consisting of maps of the City, charts and diagrams showing proposed additions to and improvements of the City streets, parks, public buildings, sewage disposal systems, water system and other systems; and, referencing rules and regulations related to street construction and paving; the planning and zoning code; the subdivision regulations; the flood plain regulations, as well as other referenced codes and programs, is hereby adopted.

Section 2. That, any reference to the official plan as described in Section 1 of this Ordinance shall be taken to mean and include all of the items listed or referenced in Section 1 of this Ordinance as now enacted or later amended.

Section 3. That, no plat of subdivision, plan for the construction or layout of streets, or work involving laying sewer or water mains shall be approved unless the same complies with the requirements of the City's "Comprehensive Plan."

Section 4. That, the revised "Comprehensive Plan," shall be the official plan of the City. The prior plans adopted by the passage of Ordinance No. 296, passed December 16, 1957 and Ordinance No. 296 as well as Ordinance No.(s) 17-03 and 008-09, are hereby repealed.

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, 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. 060-19 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

MASTER PLAN

June 2019
DRAFT

napoleon

Historic
Downtown



River Walk

Park



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Acknowledgements

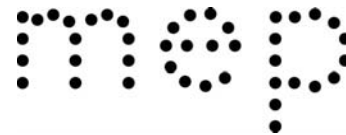
The 2019 City of Napoleon Master Plan was developed under the guidance of department heads, stakeholders and elected officials comprised of the following individuals:

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

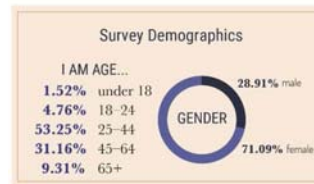
The Plan was developed under the guidance and advice of department heads, elected officials, and key planning and economic development officials. They were active during the process by informing their peers of the survey and events that were scheduled for public participation.

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.

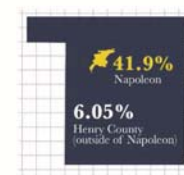
The following infographics provide a detailed outline of the results.

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



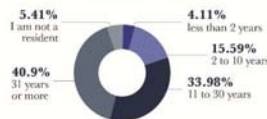
Place of employment

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?



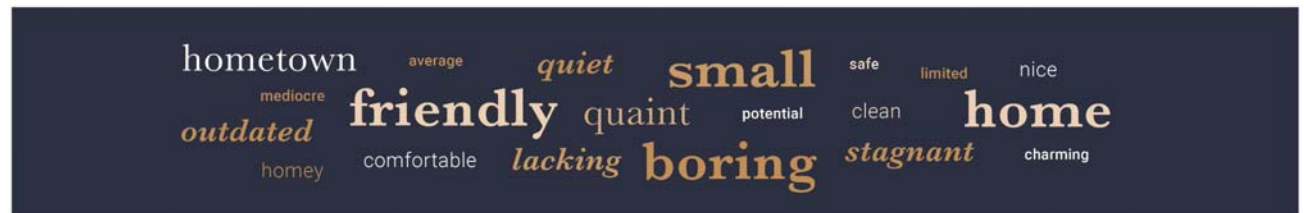
How would you rate your "Quality of Life" in Napoleon?

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

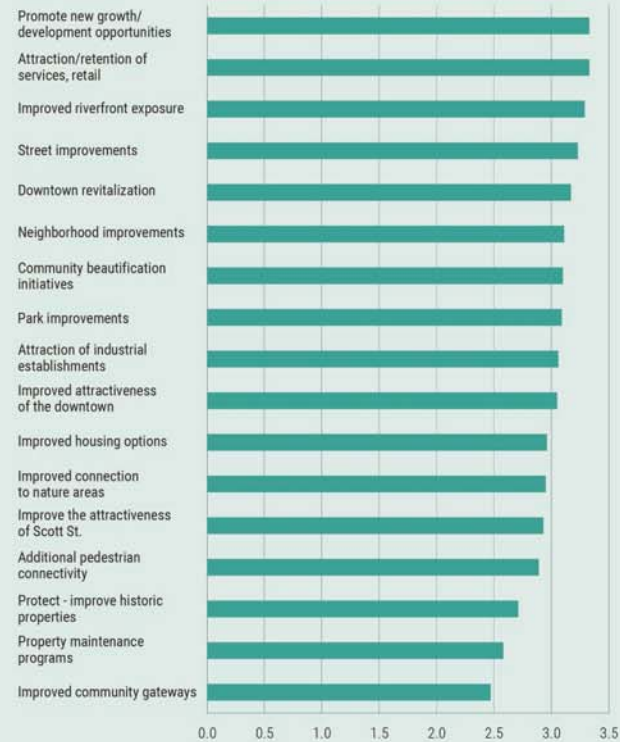


City of NAPOLEON

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?

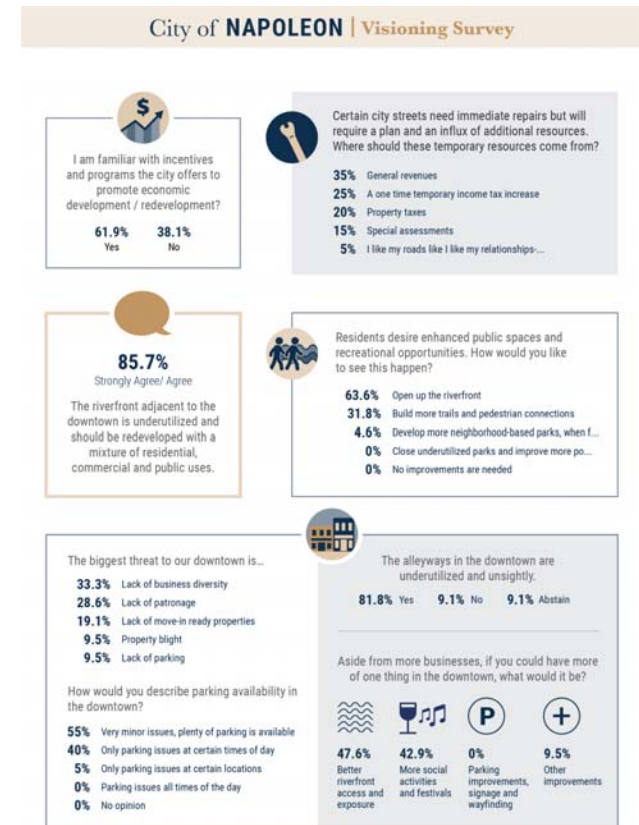
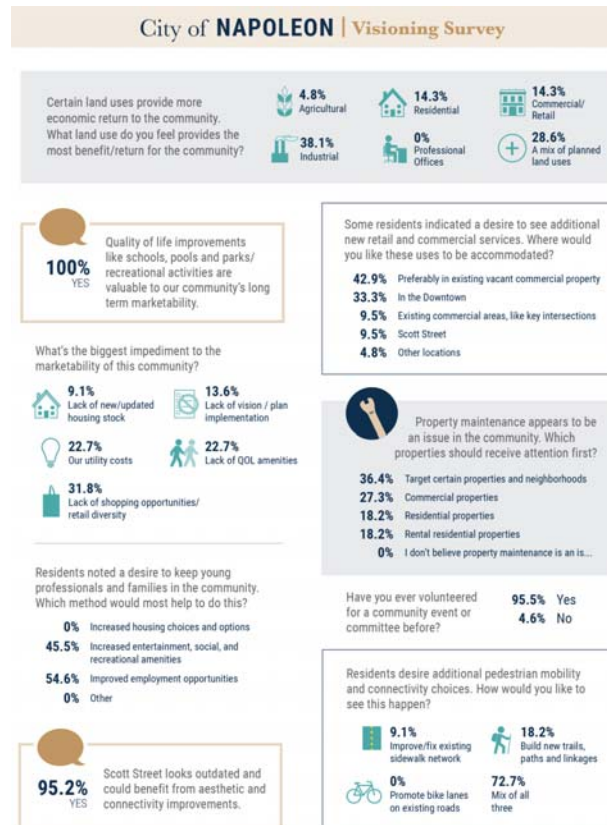


What is your biggest concern about the future of this community?

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

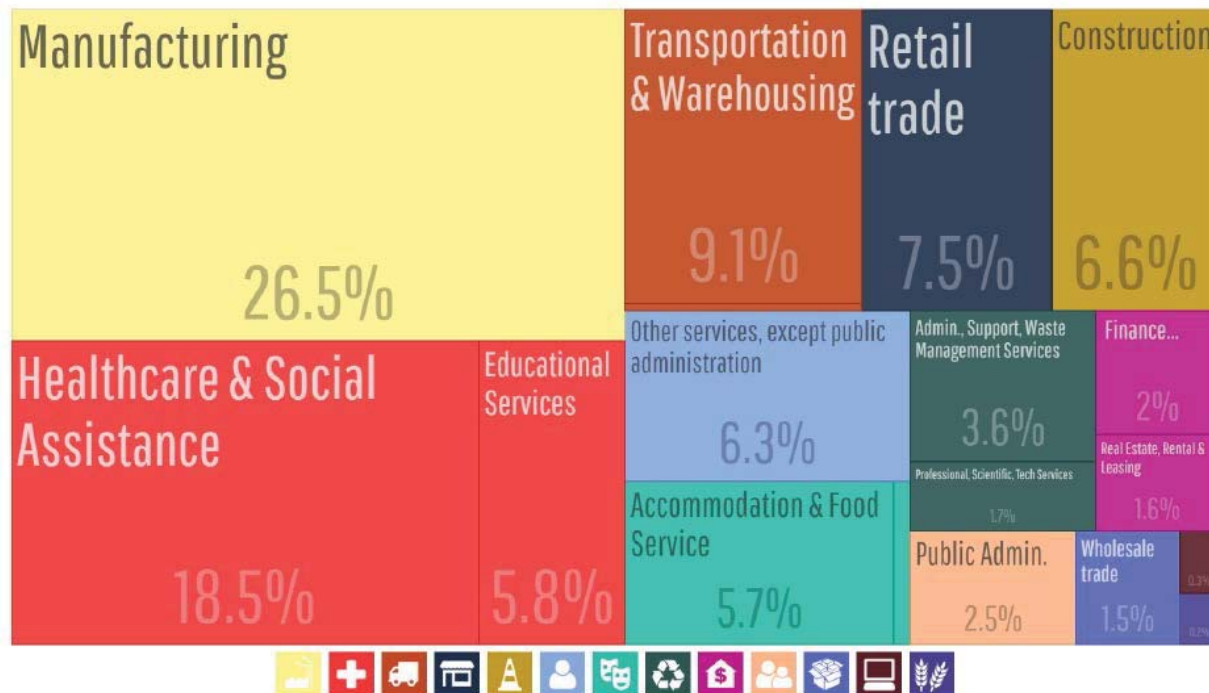
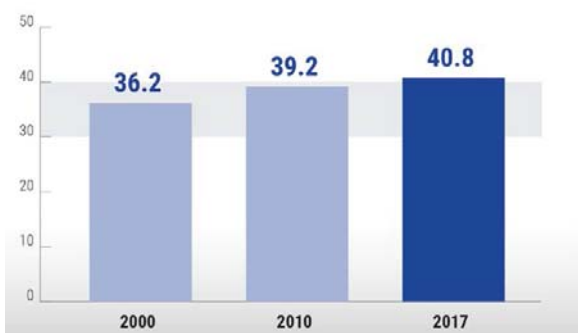
Since 2000, the City has witnessed an increase of residents in the age cohorts over 45 while losing residents in cohorts under 45. However, since 2010, the City is benefiting from an uptick of young families in the 35-44 age cohorts, many of which are former City residents and chose to return to the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



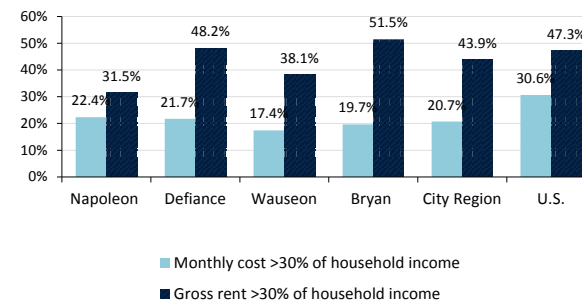
Source: US Census, American Community Survey, 2012–2016

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*



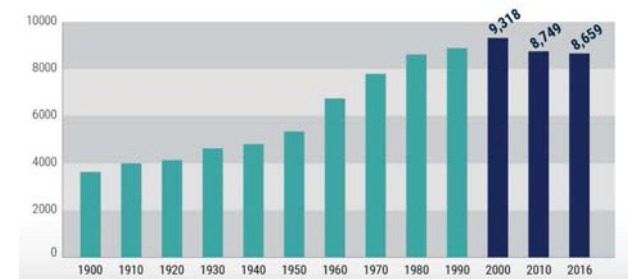
Population / Population Projections

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.

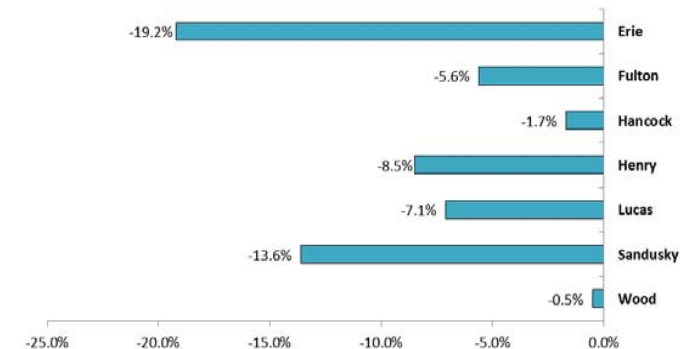
POPULATION

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

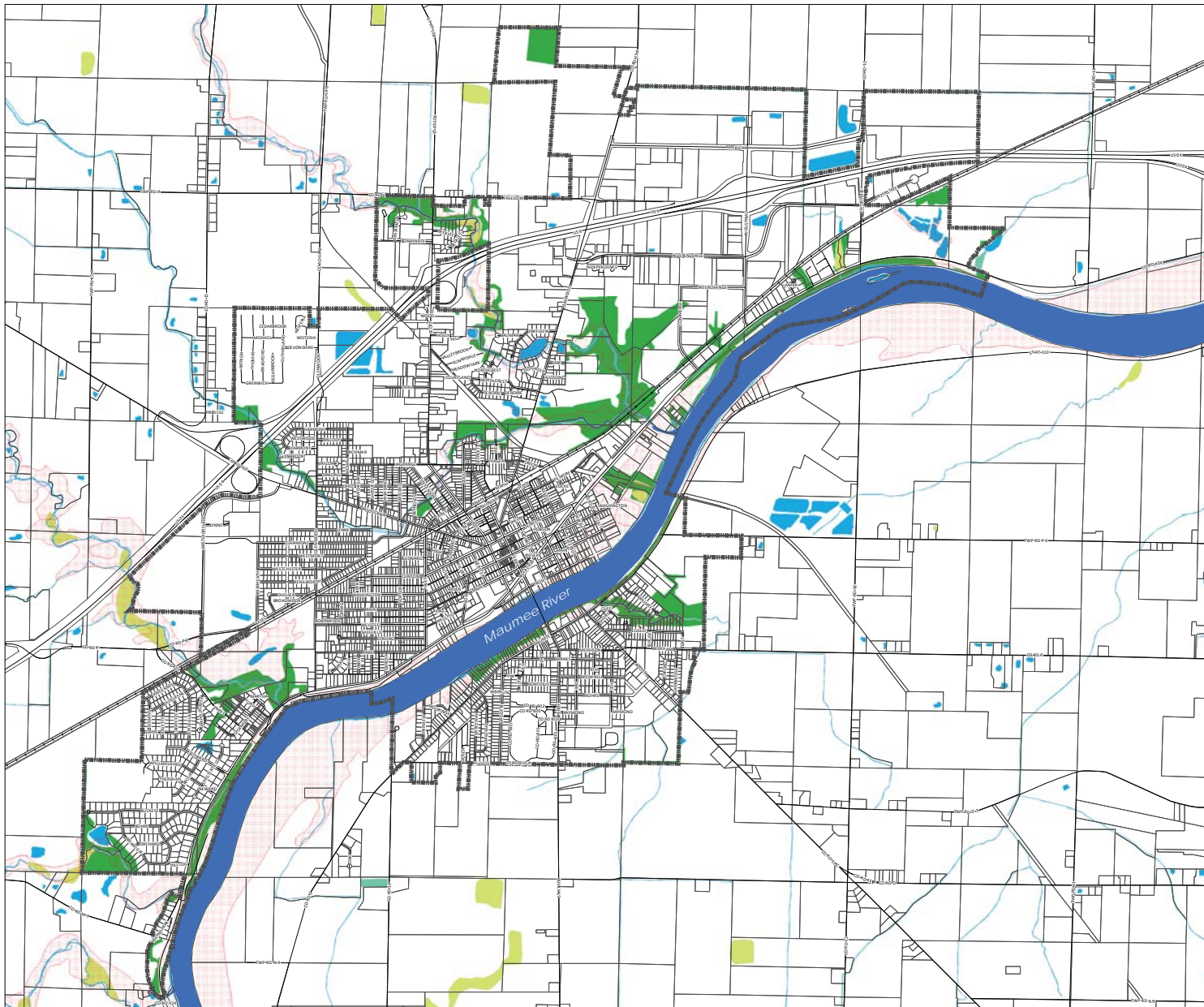
Environmental Conditions



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.



0 0.25 0.5 1 1.5 2 Miles

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

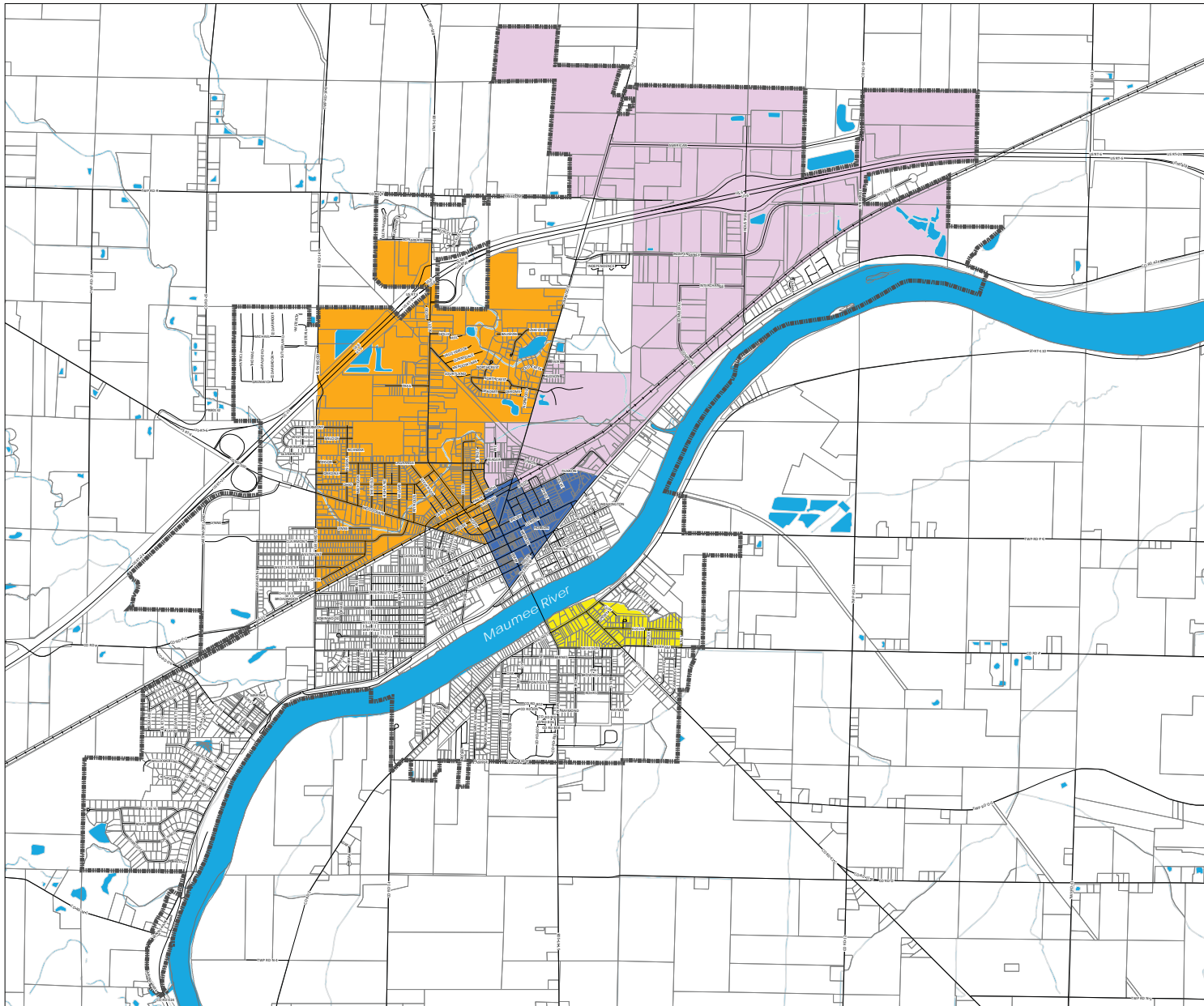
Economic Incentive Areas



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, Reville

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

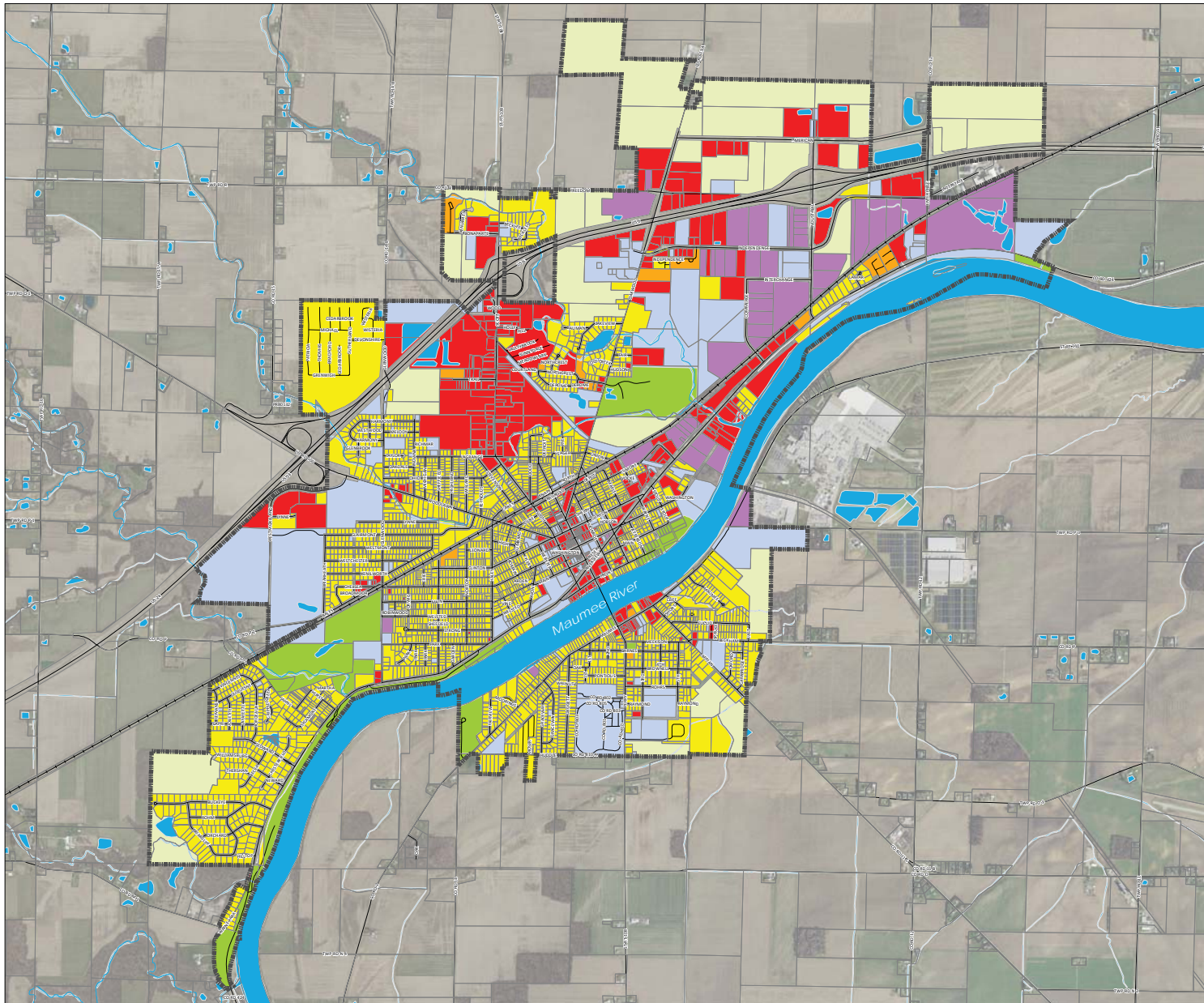
Existing Land Use



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.

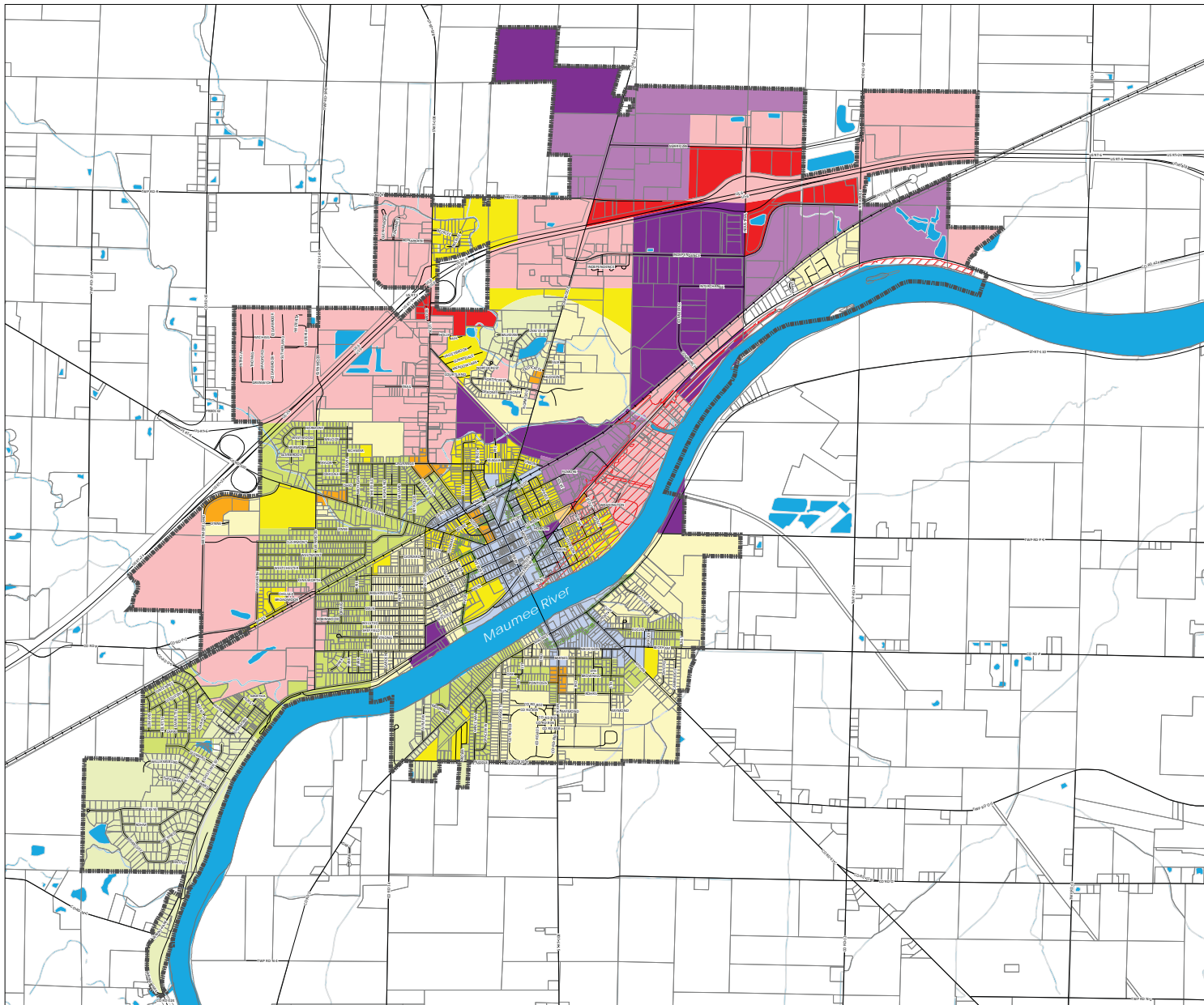
City of Napoleon Master Plan

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.

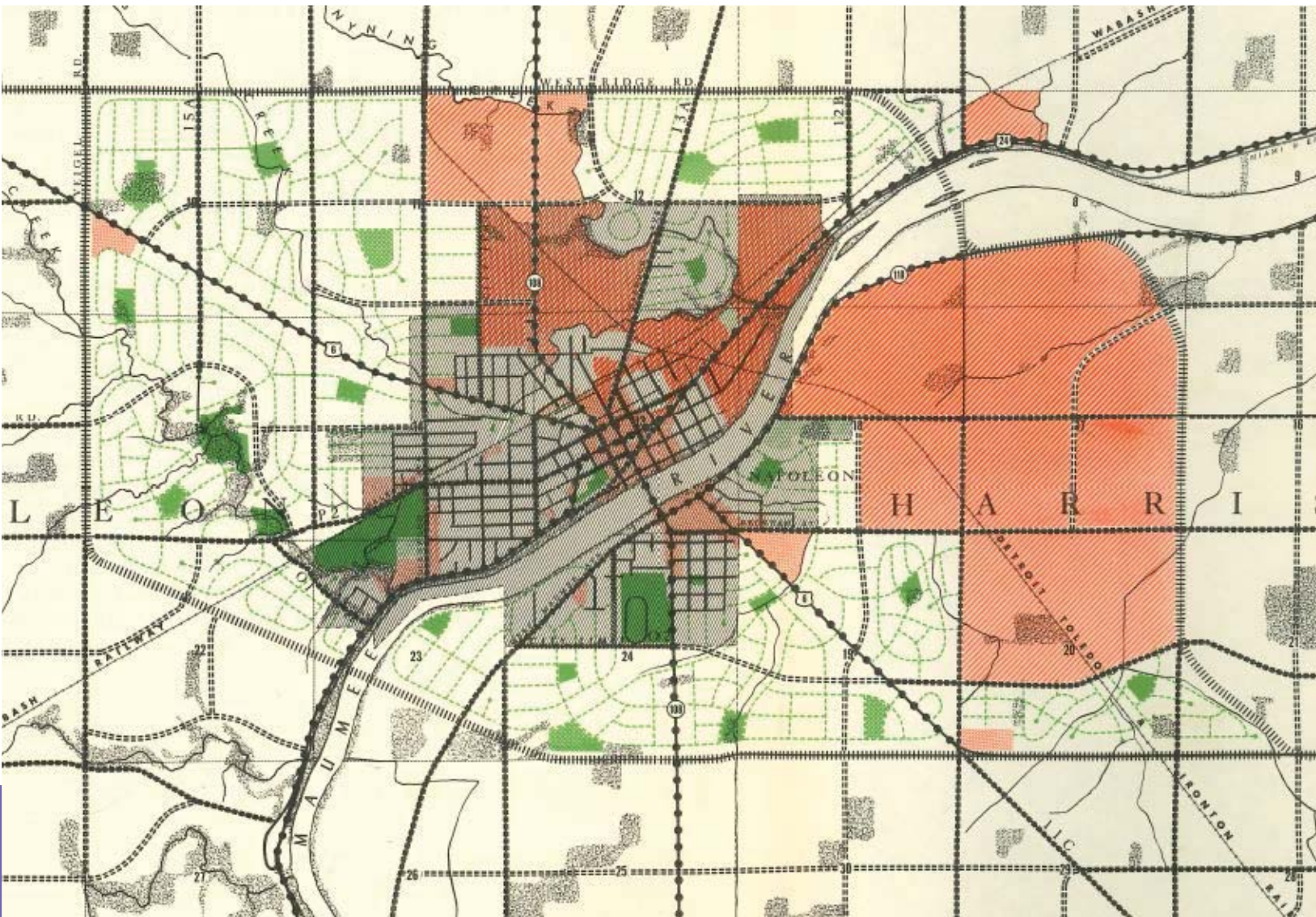
Police Department

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.



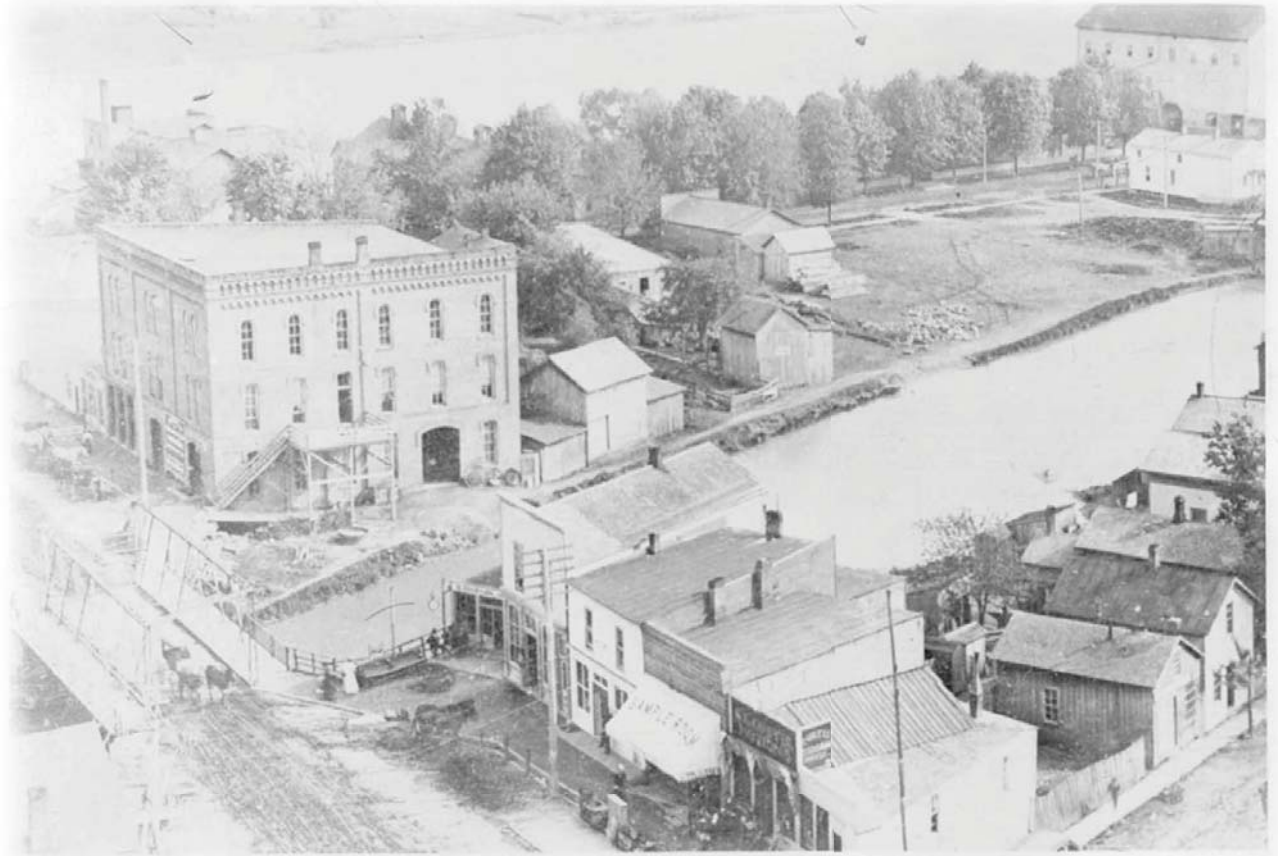
Napoleon's 1957 Master Plan called for increased density along the riverfront and for many of Napoleon's neighborhoods to be set along curvilinear grids.

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



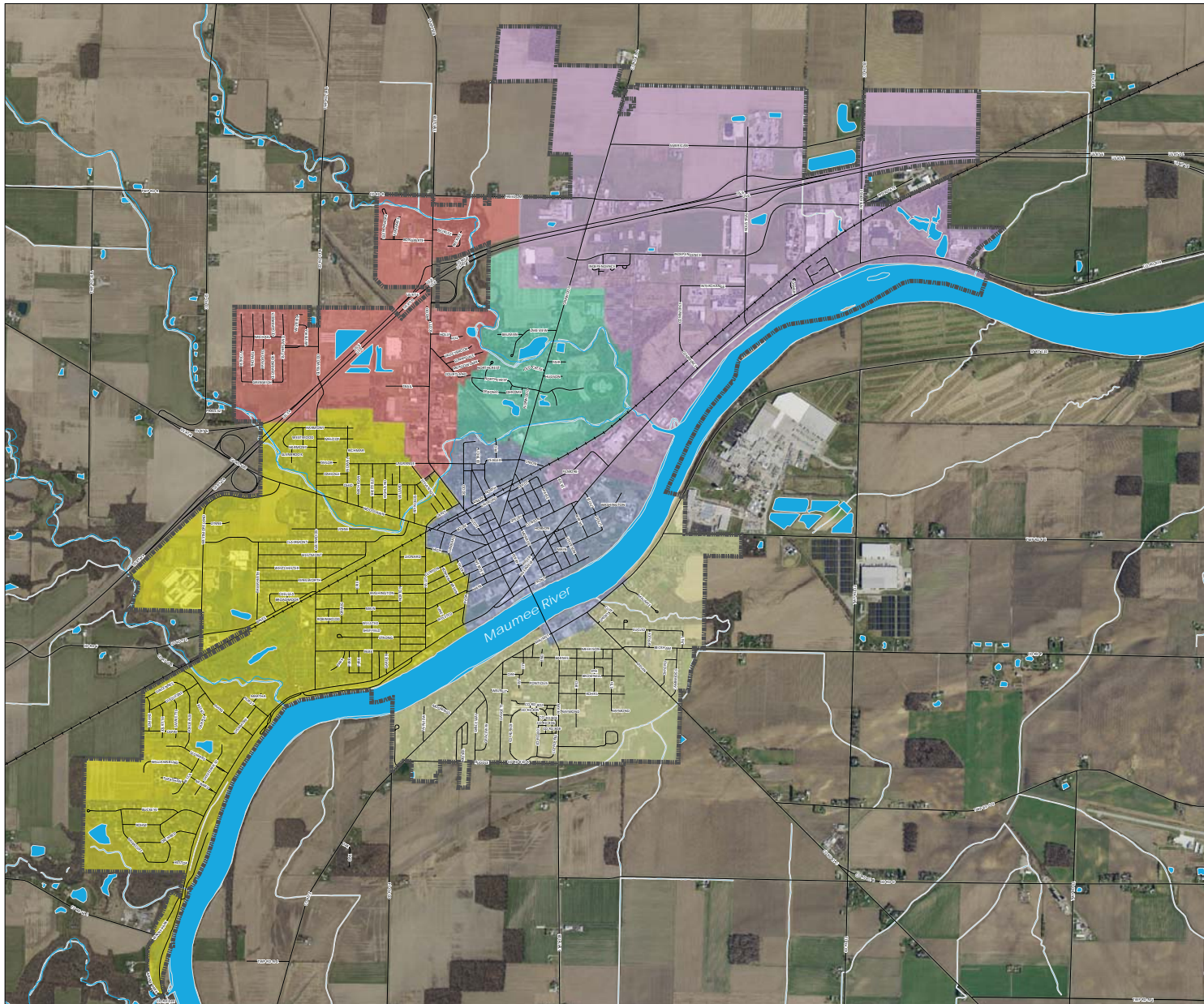
Glenwood Planning Area



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

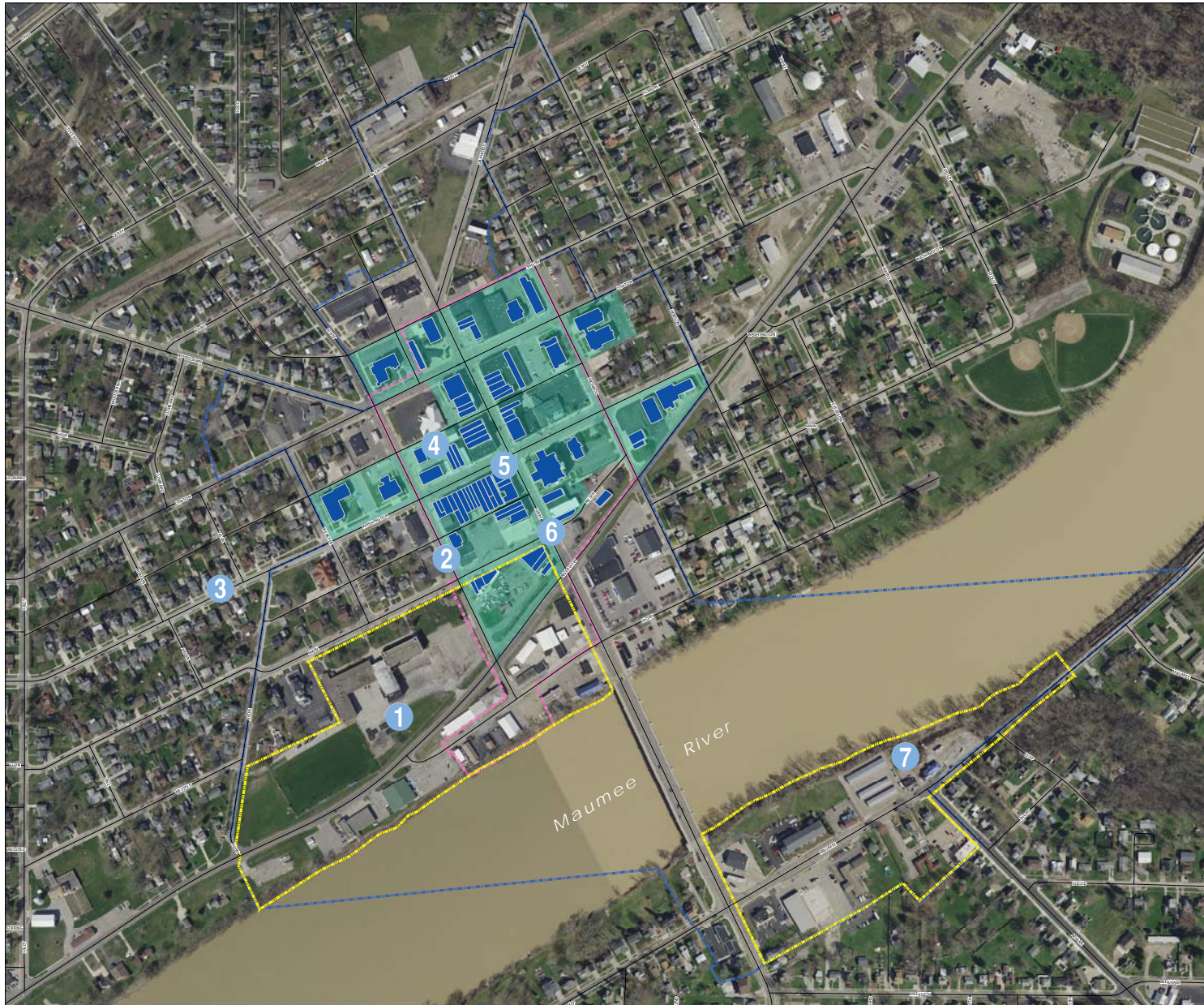


Many opportunities exist within the downtown planning area to improve redevelopment opportunities that residents desire.

- ➡ 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

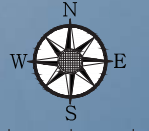


0 0.2 0.4 Miles

Source: Henry County Auditor, Engineer, Napoleon, Reveille



**LAND USE
DIAGRAM**
City of Napoleon
RIVERFRONT
Target Area



0' 150'



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.

- | | |
|---|--|
| <p>Continue to enforce existing city codes relative to sidewalk repair.</p> <ol style="list-style-type: none"> 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 | <p>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.</p> <ol style="list-style-type: none"> 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**

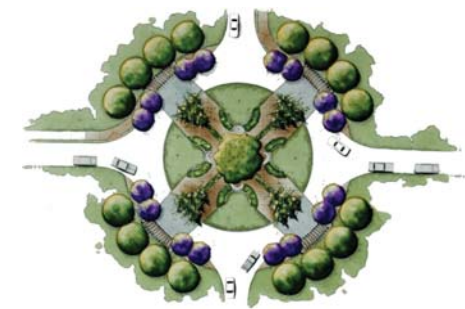
6. Evaluate the feasibility of utilizing roundabouts

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

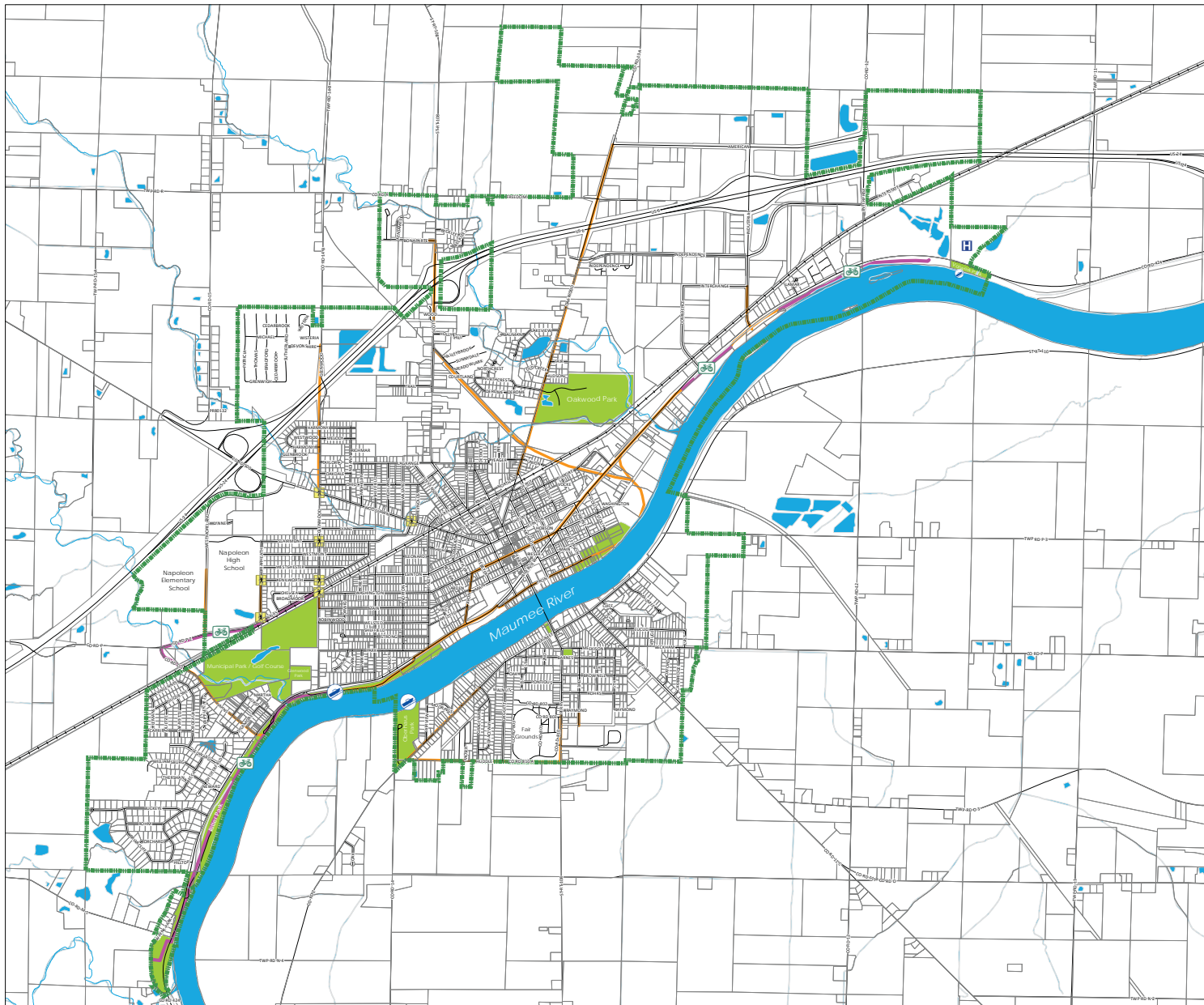


The Tow Path River Trail exits unto East Riverview Avenue at this unmarked location. A formal trailhead or trail signage should be utilized here.



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

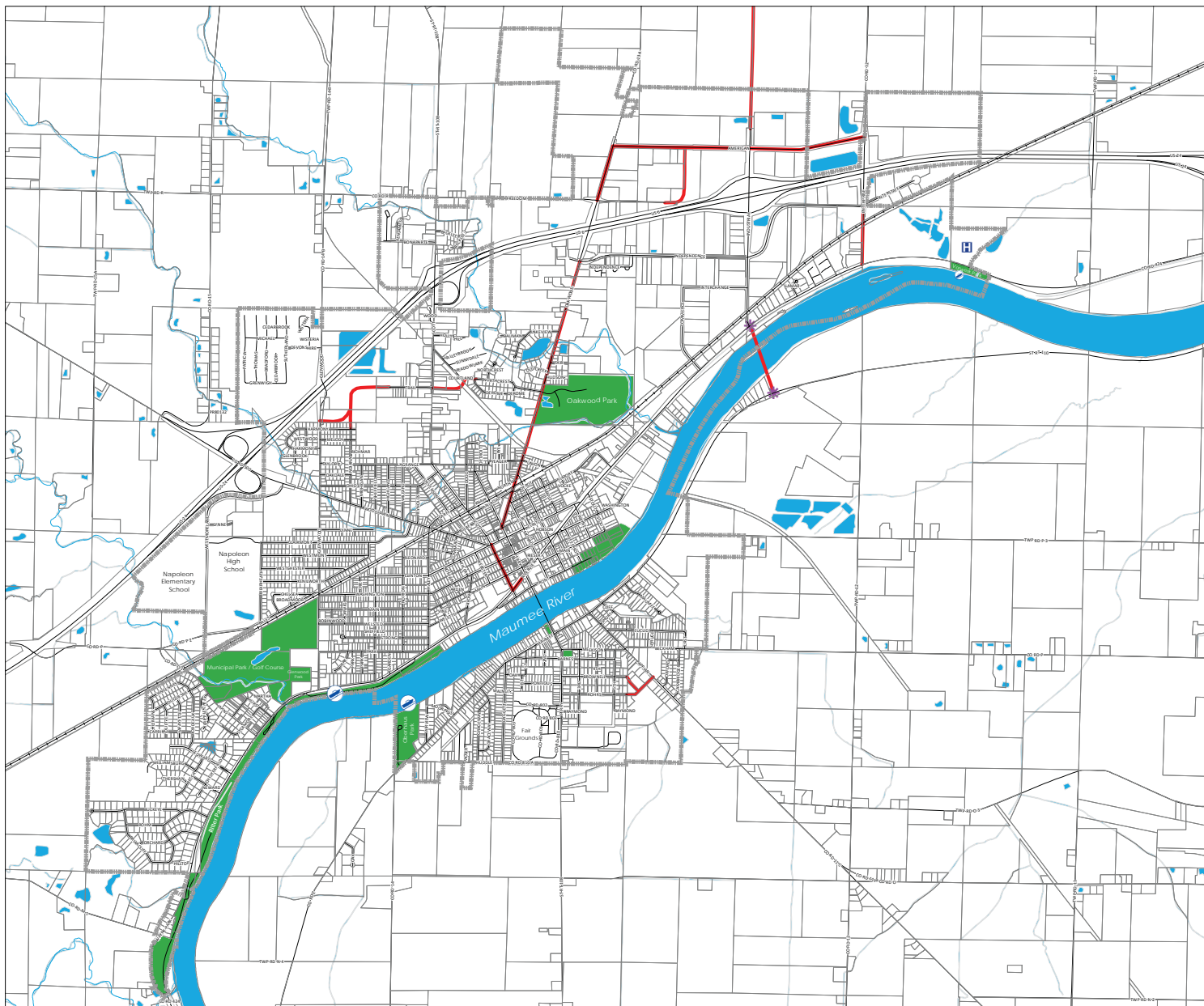


0 0.25 0.5 1 1.5 2 Miles

Source: Henry County Auditor, Engineer, Napoleon, Reveille

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.

➔ **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

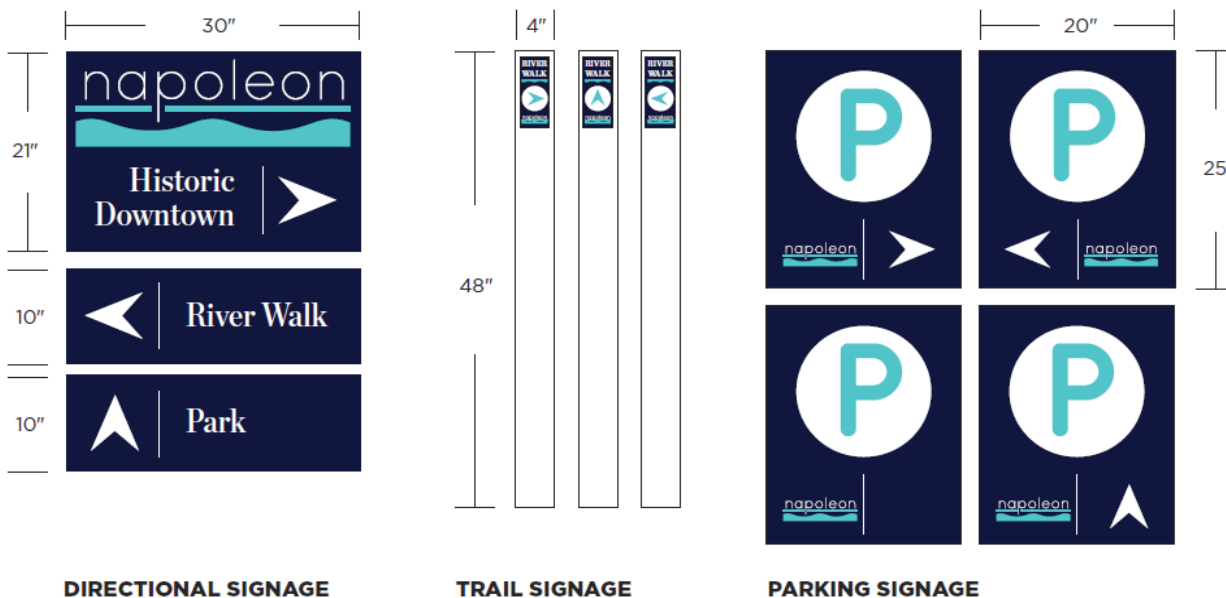
➔ **Lead Party:** City Council, Public Works Department

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

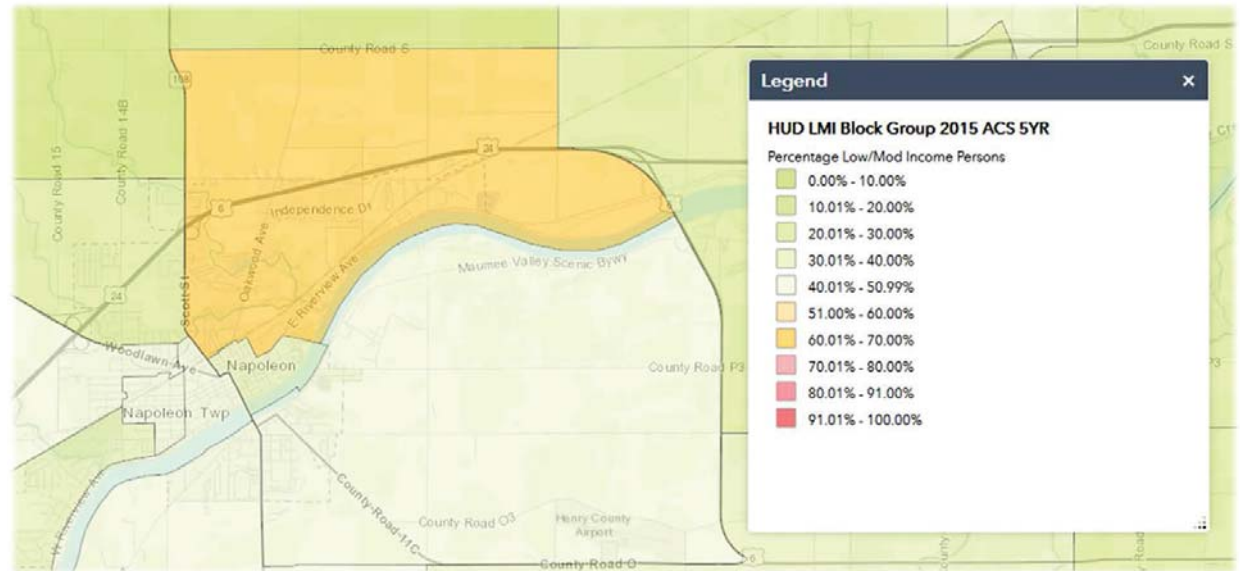
➔ **Lead Party:** Planning Commission, City Council

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.



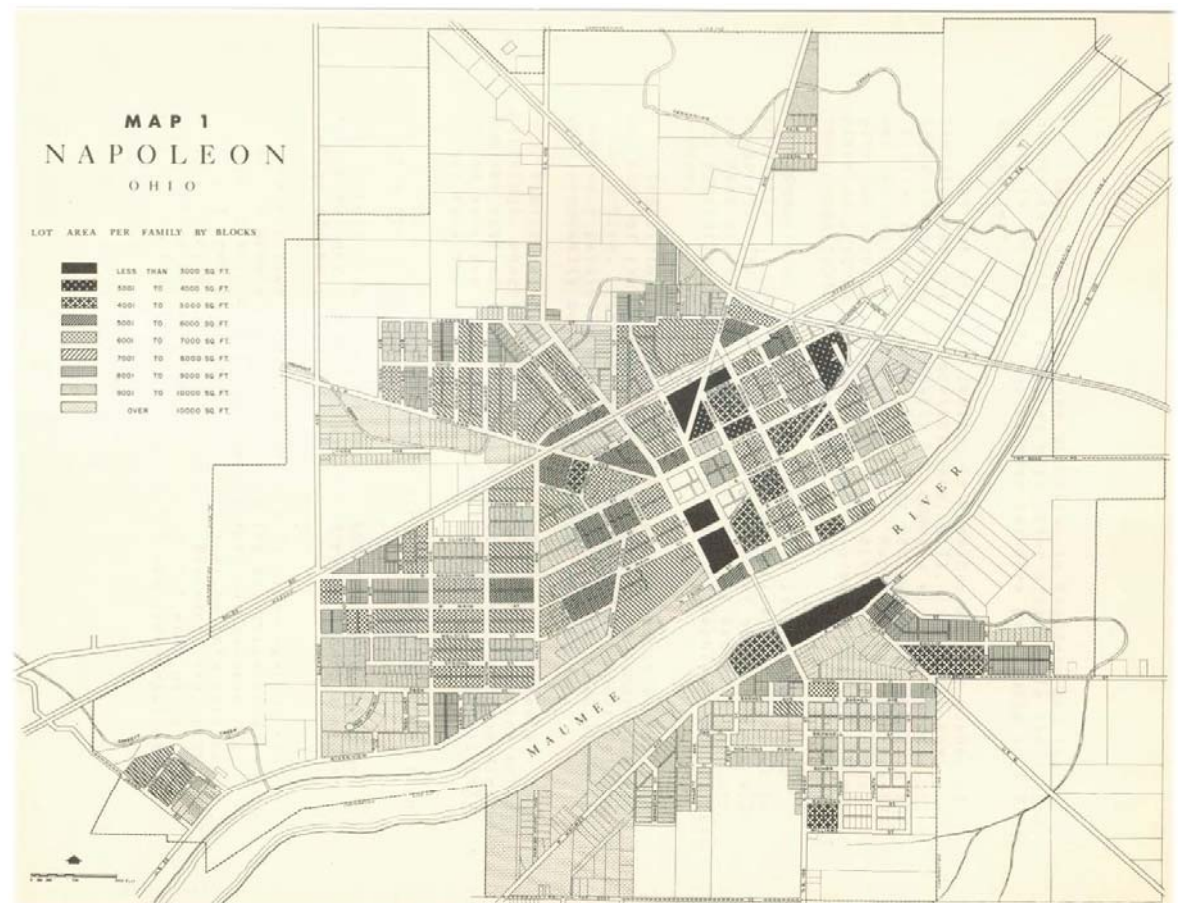
Street Fair in Napoleon, corner of Perry and Washington Streets, in the 1910's.

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.

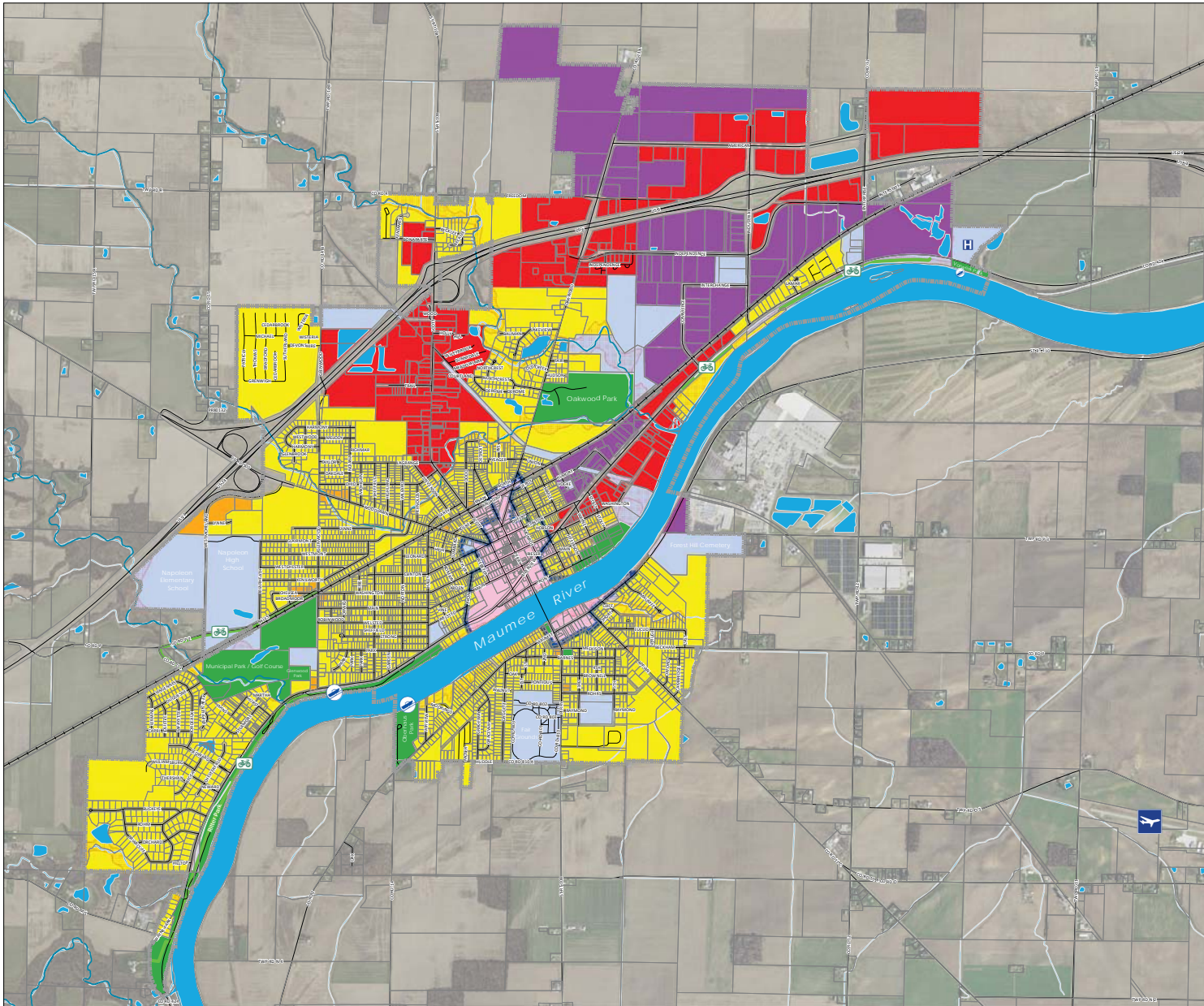
City of Napoleon Master Plan

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, Reville





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

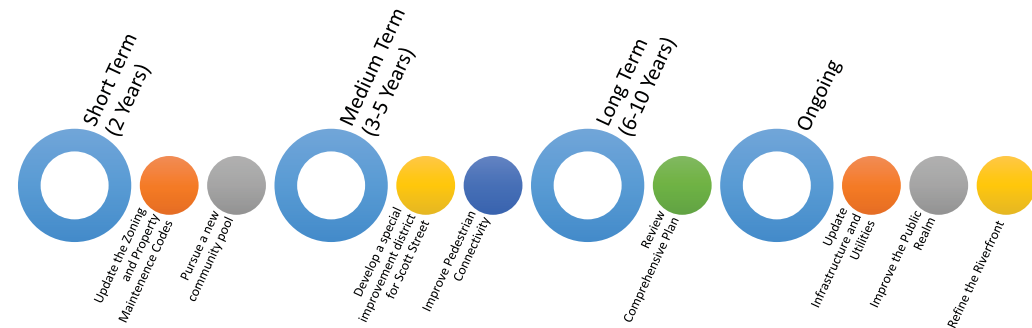
residents and City officials. Land use decisions should be made in conjunction with the most current information possible and be decided broadly rather than daily.

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. 061-19

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

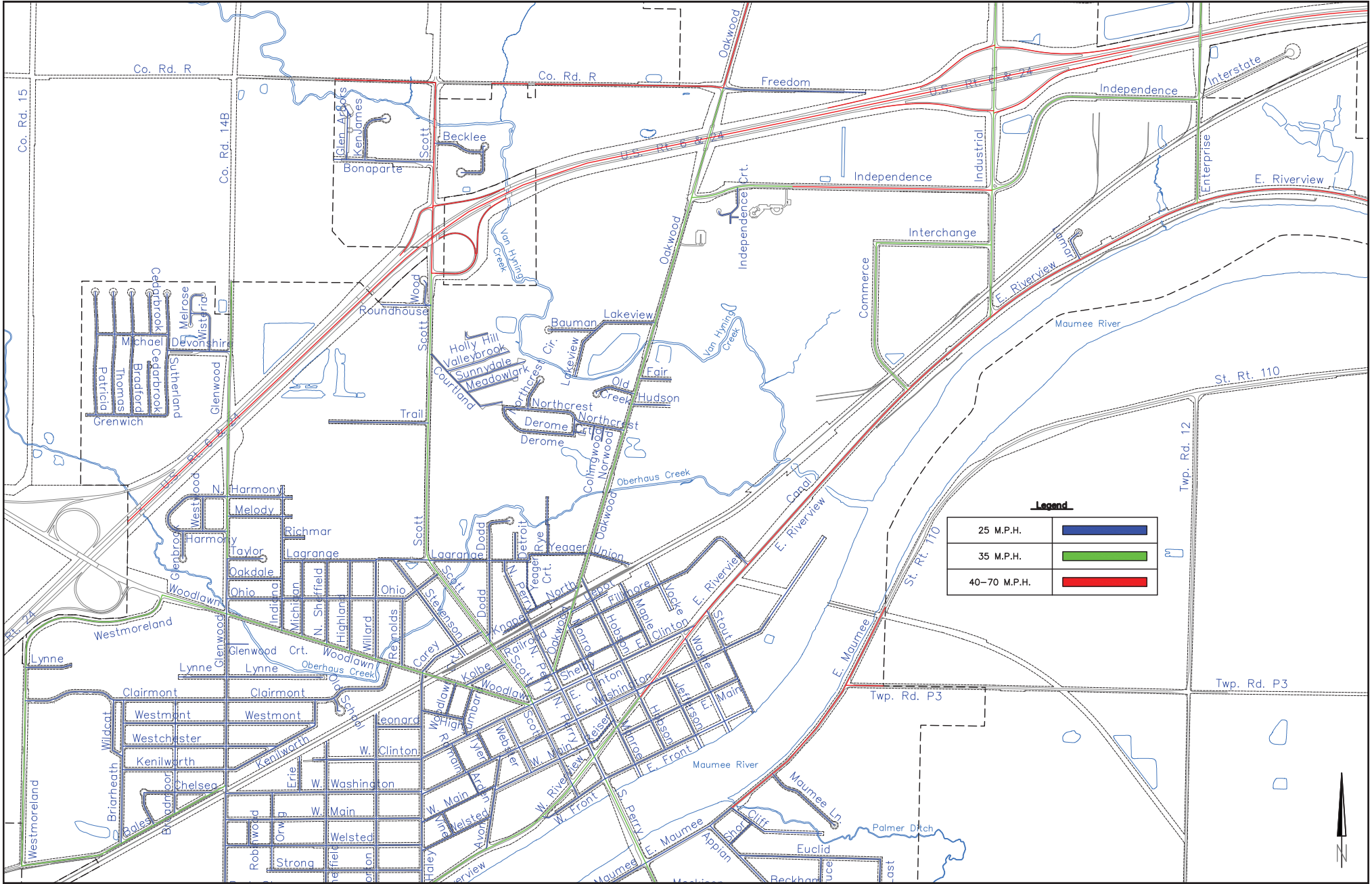
Attest:

Roxanne Dietrich, interim Clerk of Council

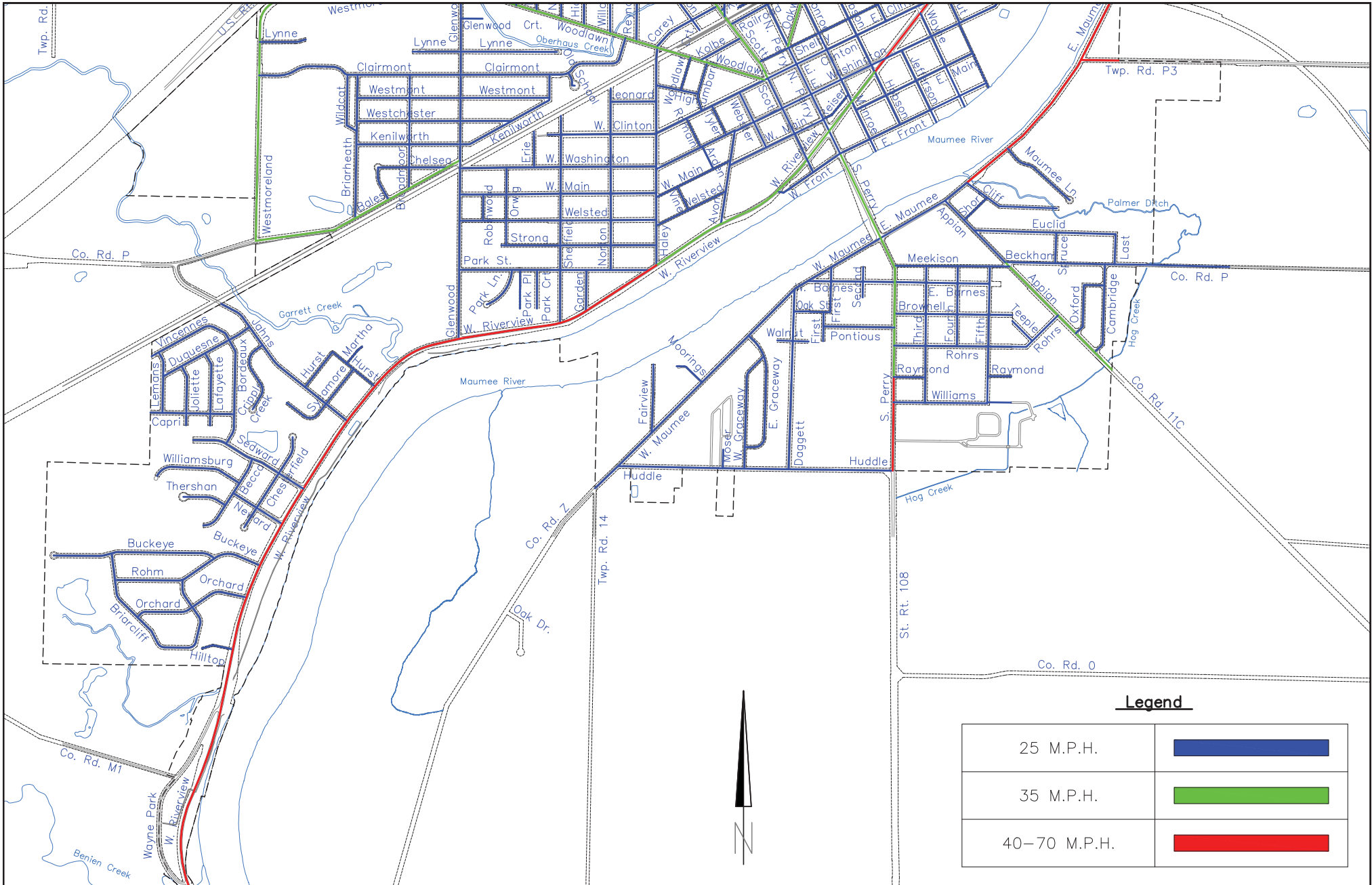
I, Roxanne Dietrich, interim Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 061-19 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules 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

North



South



ORDINANCE NO. 062-19

**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. 062-19 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Roxanne Dietrich, interim Clerk of Council

RESOLUTION NO. 063-19

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FOR THE PURPOSE OF PURCHASING A 2019 TEREX VEHICLE FOR THE CITY OF NAPOLEON ELECTRIC DEPARTMENT, AND TO SOLE SOURCE SAID PURCHASE TO TEREX UTILITIES, INC.; AND DECLARING AN EMERGENCY

WHEREAS, the purchase of a replacement City Electric Department vehicle was included in the 2019 Master Bid Resolution passed by Council on December 21, 2018, Resolution No. 079-18; and,

WHEREAS, the cost to purchase said vehicle and install the required systems exceeds \$25,000.00; and,

WHEREAS, Terex Utilities, Inc. is the only company offering the required specifications of the requested vehicle; and,

WHEREAS, the current quoted cost from Terex Utilities, Inc. is valid for the purchase of the requested replacement vehicle with required equipment; and,

WHEREAS, the City of Napoleon desires to sole source the purchase of the outfitted vehicle to Terex Utilities, Inc. based on the limited availability of the vehicle outfitted with the required systems, and this being the best and lowest price; and,

WHEREAS, based on all the foregoing, it is the opinion of this Council that it is in the best interest of the City of Napoleon to eliminate the necessity for competitive bidding, as permitted in Article VI, Section 6.05 of the Charter of the City of Napoleon; **Now Therefore**,

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

Section 1. That, the City of Napoleon authorizes the expenditure of funds in excess of \$25,000.00 to purchase a replacement City Electric Department vehicle outfitted with the required systems, as included in the 2019 Master Bid Resolution.

Section 2. That, due to limited availability and the lowest and best price, Council finds it to be in the best interest of the City to eliminate the necessity for competitive bidding.

Section 3. That, the City Manager is authorized to enter into a contract with Terex Utilities, Inc. for the purchase of said vehicle.

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

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

Section 6. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to meet the time requirements necessary for the legislation to take effect before the October 1, 2016 purchase deadline; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to begin the purchasing process in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Roxanne Dietrich, interim Clerk of Council

I, Roxanne Dietrich, interim Clerk of Council of the City of Napoleon, do hereby certify that the foregoing Resolution No. 063-19 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

ELECTRIC DEPARTMENT

PO Box 151, 1775 INDUSTRIAL DR.

NAPOLEON, OH 43545

PHONE: (419) 599-1891 FAX: (419) 592-4379

INTEROFFICE MEMORANDUM

(Amended to include justification for elimination of competitive bidding)

TO: Joel Mazur, City Manager
FROM: Dennis P. Clapp, Superintendent
SUBJECT: Purchase of New Terex Commander
DATE: September 10, 2019
CC: Mayor, City Council, Finance Director

Please find in this packet to be presented to Council, the required documentation for the purchase of a new Terex Commander 5050 model hydraulic rotating digger derrick with a turntable winch. Sourcewell (formally NJPA National Joint Powers Alliance) Contract Number: 042815-TER (Reference QU10364 C5050), Quote Number: QU3048, Unit: C5050. The cost details for this purchase are as follows:

- Purchased under approved 2019 Budget
- Account # 503-6110-5700 – Machinery & Equipment
- Budgeted Amount: \$300,000 to replace Line Truck #56 (2005 International Lift All)
- Quoted Amount: \$260,195
 - Includes: \$21,000 – Trade in Allowance
 - Add Option: \$1,636 – Terex Texoma 18" TXD (dirt tooth auger) x 104" long – 60" of 5/16" flighting, 2 5/8" hex bushing. Rollup dish and cable pin welded in place and auger painted Terex Red.
- Vendor: Terex Utilities Inc.
500 Oakwood Road
Watertown, South Dakota 57201
- Sales Representative: Brian ODell, cell number (330) 461-7943

The justifications for the elimination of competitive bidding are outlined as follows:

1. The lifting capacity required by the City Electric dept. is 17,300 lbs., however the other vendors researched could only offer a lifting capacity of 15,100 lbs. The Terex truck will meet the future needs for lifting capacity which are increasing with growth of Industrial customers needing larger transformers, and existing customers are aging and may need transformers changed in non-business hours when a crane is not readily available. Also, the existing truck is 15 yrs. old and is no longer able to lift our heavier transformers.
2. There will be a cost savings to the City by purchasing the Terex, as Terex is allowing us to trade in our old truck with pre-determined price of \$21,000; in researching the other vendors, there was no trade in option available.

3. The City Electric dept. requires a 24" auger for transmission poles, which the Terex truck can handle, however in researching the other vendors, the augers were only 18" which is not sufficient for City projects.
4. The steel boom on Terex is heavier duty for added long term stability.
5. The City Electric dept. prefers the hydraulic controls, which are offered by Terex; in researching the other vendors, the controls are electronic.

It is my recommendation to trade in our existing line truck #56 due to condition of truck and liability of resale by the City of Napoleon. I feel the \$21,000 offered for our trade in is a very fair price.

Electric Superintendent
Dennis P. Clapp
DCLAPP@NAPOLEONOHIO.COM

RESOLUTION NO. 064-19

A RESOLUTION AUTHORIZING A COMMUNITY REINVESTMENT AREA (CRA) AGREEMENT BETWEEN THE CITY OF NAPOLEON, OHIO, AND AMERICAN ROAD HOLDINGS, LLC, DBA PAUL MARTIN & SONS, WITHIN NAPOLEON CRA #7; AND DECLARING AN EMERGENCY

WHEREAS, the Ohio Reinvestment Area Program, pursuant to Ohio Revised Code Chapter 3735, authorizes the City to grant real property tax exemptions on eligible new investments; and,

WHEREAS, the City, on October 1, 2001, by Resolution 114-01 designated an area (CRA 7) as a Community Reinvestment Area pursuant to Ohio Revised Code Chapter 3735 and, with the adoption of Resolution No. 65-02 adopted June 17, 2002 enlarged the area; and,

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

WHEREAS, the Director of Development certified the area as a community reinvestment area known as Zone No. 069-53550-02 (the "Area"); and,

WHEREAS, American Road Holdings, LLC dba Paul Martin & Sons, made application that will involve a total capital investment in real property currently estimated at \$1,100,000.00, plus or minus ten percent (10%), in development of new commercial construction and/or renovations, being approximately 11,200 square feet at the site located on parcel number 27-060014.0200, 755 American Road, Napoleon, Ohio; and,

WHEREAS, it was recommended that American Road Holdings, LLC, dba Paul Martin & Sons, receive a one hundred percent (100%) exemption for a period of ten (10) years on the eligible property for proposed real property improvements; and,

WHEREAS, the appropriate school(s) were provided with all legally required notices; and,

WHEREAS, the Liberty Center School District Board of Education, either waived the timeliness of the notice requirement(s) and approved the proposed agreement or, timely received the notice(s) and made approval; **Now Therefore**,

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

Section 1. That, the City approves and consents to a certain Community Reinvestment Area Agreement with American Road, LLC dba Paul Martin & Sons, in substantially the form as being currently on file with the City Finance Director, Agreement No. 2019-24, subject to any changes deemed appropriate by the City Manager and approved as to form and correctness by the City Law Director; said agreement having been reviewed by this Council.

Section 2. That, the City Manager is both authorized and directed to execute the Community Reinvestment Area Agreement as referred to in Section 1 of this Resolution in the name of and on behalf of the City.

Section 3. 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 Ohio Revised Code Section 121.22 and the Codified Ordinances of the City of Napoleon, Ohio.

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

Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to expeditiously proceed with this development project for the economic welfare of the inhabitants 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. Further, the Emergency Clause is necessary to begin the construction process in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: _____
Joseph D. Bialorucki, Council President

Approved: _____
Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Roxanne Dietrich, interim Clerk of Council

I, Roxanne Dietrich, interim Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 064-19 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 20____; and I further certify the compliance with the rules established in Chapter 103 of the Codified Ordinances of Napoleon, Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Roxanne Dietrich, interim Clerk of Council

2019 COMMUNITY REINVESTMENT AREA
AGREEMENT

between

CITY OF NAPOLEON,
OHIO

and

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

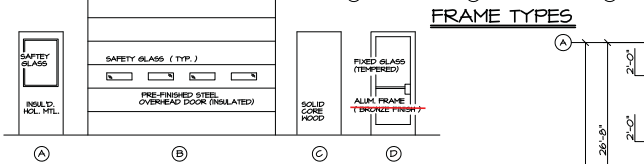
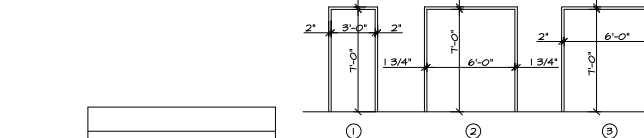
The Project will involve a total capital investment in real property currently estimated at \$1,100,000.00, plus or minus 10% in development and construction of a service shop and retail office for farm equipment, parts and service retail facility, approximate size being 11,200 square feet, and appurtenances 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.

DOOR SCHEDULE											
DOOR NO.	DOOR SIZE	DOOR TYPE	FRAME	DETAIL	LINTEL	GLAZING	THRESHOLD	DOOR	FIRE RATING	DOOR CLOS.	REMARKS
101A	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
102	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
103	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
104	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
105	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
106	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
107	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
108	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
109	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
110	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
111	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
112	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
113	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
114	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
115	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
116	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
117	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
118	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
119	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
120	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
121	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
122	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
123	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
124	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
125	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
126	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
127	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
128	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
129	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
130	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
131	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
132	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
133	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
134	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
135	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
136	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
137	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
138	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
139	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
140	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
141	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
142	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
143	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
144	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
145	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
146	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
147	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
148	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
149	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
150	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
151	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
152	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
153	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
154	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
155	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
156	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
157	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
158	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
159	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
160	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
161	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
162	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
163	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
164	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
165	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
166	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
167	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
168	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
169	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
170	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
171	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
172	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
173	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
174	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
175	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
176	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
177	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
178	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
179	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
180	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
181	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
182	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
183	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
184	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
185	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
186	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
187	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
188	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
189	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
190	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
191	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
192	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
193	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
194	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
195	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
196	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
197	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
198	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES
199	3'-0" X 7'-0" X 1 3/4"	HM.	A.	HM.	1	-	-	SAFETY	ALUM.	LOCK	- YES
200	3'-0" X 7'-0" X 1 3/4"	STL.	B.	STL.	1	-	-	SAFETY	ALUM.	LOCK	- YES

NOTE 1: DOOR HARDWARE SHALL BE LINER TYPE TO COMPLY W/ SEC. 404.2.8 ICC AIT1.

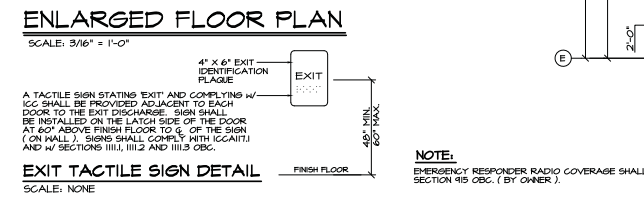
NOTE 2: THE MAX. FORCE REQUIRED FOR PUSHING OR PULLING OPEN AN INTERIOR DOOR SHALL BE 5 POUNDS.

NOTE 3: ALL THRESHOLDS SHALL COMPLY W/ SEC. 404.2.4 ICC AIT1.



WINDOW SCHEDULE		
MARK	DESCRIPTION	LINTEL
A	2'-0" X 5'-0" CLEAR FINISHED 451T ALUM. FRAMES W/ LOW E INSULATING GLASS	-
B	3'-0" X 5'-0" CLEAR FINISHED 451T ALUM. FRAMES W/ LOW E INSULATING GLASS	-
C	4'-0" X 4'-0" CLEAR FINISHED 451T ALUM. FRAMES W/ LOW E INSULATING GLASS	-
D	4'-0" X 3'-0" INT. WIND. W/ HM. FRAME & 1/4" FIXED TEMP. GLASS	L-1

LINTEL SCHEDULE		
MARK	MAKE-UP	DRG. EA. END
L-1	6" LIGHT GAUGE METAL FRAMING (1/8" GA. - 33 KSI)	3"



NOTE: EMERGENCY RESPONDER RADIO COVERAGE SHALL BE PROVIDED PER SECTION 415 CBC. (BY OWNER).

ROOM FINISH SCHEDULE											
NO.	ROOM NAME	FLOOR FINISH	BASE	HALLS				CEILING	HGT.	REMARKS	
				NORTH	SOUTH	EAST	WEST	MATH.			
101	SERVICE AREA	CONC.	-	M. DRL	M. DRL	M. DRL	M. DRL	M. DRL	27'	* 8'-0" HD. METAL LINER PANEL	
102	LOBBY	V.G.T.	VINYL	M. DRL	M. DRL	M. DRL	M. DRL	A.G.T.	16'-0"		
103	OFFICE	V.G.T.	VINYL	M. DRL	M. DRL	M. DRL	M. DRL	A.G.T.	9'-0"	* 5'-0" HD. CHAIRRAIL	
104	OFFICE	V.G.T.	VINYL	M. DRL	M. DRL	M. DRL	M. DRL	A.G.T.	9'-0"	* 5'-0" HD. CHAIRRAIL	
105	OFFICE	V.G.T.	VINYL	M. DRL	M. DRL	M. DRL	M. DRL	A.G.T.	9'-0"	* 5'-0" HD. CHAIRRAIL	
106	OFFICE	V.G.T.	VINYL	M. DRL	M. DRL	M. DRL	M. DRL	A.G.T.	9'-0"	* 5'-0" HD. CHAIRRAIL	
107	CONFERENCE ROOM	V.G.T.	VINYL	M. DRL	M. DRL	M. DRL	M. DRL	A.G.T.	9'-0"	* 5'-0" HD. CHAIRRAIL	
108	PARTS	CONC.	-	M. DRL	M. DRL	M. DRL	M. DRL	A.G.T.	16'-0"		
109	MENS RESTROOM	V.G.T.	6" COVERED VINYL	M. DRL	M. DRL	M. DRL	M. DRL	A.G.T.	9'-0"	* SEE NOTE #1 BELOW	
110	WOMENS RESTROOM	V.G.T.	6" COVERED VINYL	M. DRL	M. DRL	M. DRL	M. DRL	A.G.T.	9'-0"	* SEE NOTE #1 BELOW	
111	BREAKROOM	CONC.	-	M. DRL	M. DRL	M. DRL	M. DRL	A.G.T.	9'-0"		
112	MECHANICAL ROOM	CONC.	-	M. DRL	M. DRL	M. DRL	M. DRL	A.G.T.	9'-0"		
113	OFFICE	V.G.T.	VINYL	M. DRL	M. DRL	M. DRL	M. DRL	A.G.T.	9'-0"		
114	UNUSE RESTROOM	V.G.T.	6" COVERED VINYL	M. DRL	M. DRL	M. DRL	M. DRL	A.G.T.	9'-0"	* SEE NOTE #1 BELOW	
115	VESTIBULE	V.G.T.	VINYL	M. DRL	M. DRL	M. DRL	M. DRL	A.G.T.	4'-0"		

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

ORDINANCE NO. 065-19

AN ORDINANCE ALLOWING THE TRANSFER OF APPROPRIATIONS FROM THE PERSONAL LINE ITEMS TO THE OTHER LINE ITEMS, AND FROM THE OTHER LINE ITEMS TO THE PERSONAL LINE ITEMS IN ANY FUND UP TO \$25,000 BETWEEN THE QUARTERLY BUDGET ADJUSTMENTS, BY THE CITY FINANCE DIRECTOR PURSUANT TO O.R.C. SECTION 5705.40 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2019 ON AN AS NEEDED BASIS; AND DECLARING AN EMERGENCY

WHEREAS, the City is a charter municipality having those powers of self government as stated in Article I of its Charter; and,

WHEREAS, appropriations may be required for expenditures in funds on an as needed basis, up to \$25,000 between the quarterly budget adjustments, it becomes necessary to transfer appropriations from the personal line items to other line items, and from other line items to the personal line items; and,

WHEREAS, a form will be filled out for the transfer of appropriations and signed by both the City Finance Director and City Manager; and,

WHEREAS, the City Finance Director will provide a report of the transfer of appropriations to Council, as said transfer of appropriations occur, at the next scheduled Council meeting; **Now Therefore**,

BE IT RESOLVED 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 appropriations, up to \$25,000 between the quarterly budget adjustments, as listed above on an as needed basis in Fiscal Year 2019.

Section 2. That, the annual appropriation measure passed in Ordinance No. 072-18 for the fiscal year ending December 31, 2019 shall be amended by the transfer of appropriations as necessary.

Section 3. That, all above stated transfer of appropriations shall be approved and signed by both the City Finance Director and the City Manager.

Section 4. 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 the City 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, only that portion shall be held invalid and the remainder shall remain valid.

Section 6. 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. 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. 065-19 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. 066-19

AN ORDINANCE ALLOWING SUPPLEMENTALS TO THE ANNUAL APPROPRIATION MEASURE UP TO \$25,000 BETWEEN THE QUARTERLY BUDGET ADJUSTMENTS BY THE CITY FINANCE DIRECTOR PURSUANT TO O.R.C. SECTION 5705.40 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2019 ON AN AS NEEDED BASIS; AND DECLARING AN EMERGENCY

WHEREAS, the City is a charter municipality having those powers of self government as stated in Article I of its Charter; and,

WHEREAS, supplementals may be required for expenditures on an as needed basis, up to \$25,000. between the quarterly budget adjustments, thus it becomes necessary to supplement the annual appropriation measure; and,

WHEREAS, a form will be filled out for the supplementals and signed by both the City Finance Director and City Manager; and,

WHEREAS, the City Finance Director will provide a report of the supplementals to Council, as said supplementals occur, at the next scheduled Council meeting; **Now Therefore**,

BE IT RESOLVED 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 supplement the annual appropriation measure, up to \$25,000 between the quarterly budget adjustments, as listed above on an as needed basis in Fiscal Year 2019.

Section 2. That, the annual appropriation measure passed in Ordinance No. 072-18 for the fiscal year ending December 31, 2019 shall be supplemented as necessary.

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 the City 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, only that portion shall be held invalid and the remainder shall remain valid.

Section 5. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to 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. 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. 066-19 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Roxanne Dietrich, interim Clerk of Council

RESOLUTION NO. 067-19

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR FOR THE 2019 TAX DUPLICATES PAYABLE IN YEAR 2020; AND DECLARING AN EMERGENCY

WHEREAS, this Council in accordance with the provisions of law has previously adopted a Tax Budget (Ordinance No. 038-19) for the next succeeding fiscal year commencing January 1, 2020; and,

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

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

Section 1. That, the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; further, the necessary tax levies are authorized, to be certified to the County Auditor for the 2019 Tax Duplicates, payable in the year 2020.

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

SCHEDULE A				
SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION, AND COUNTY AUDITOR'S ESTIMATED TAX RATES				
City Tax Valuation \$150,298,770	Amount to Be Derived from Levies Outside 10 Mill Limitation	Amount Approved by Budget Commission Inside 10 Mill Limitation	County Auditor's Estimate of Tax Rate to be Levied	
FUND			Inside 10 Mill Limit	Outside 10 Mill Limit
General Fund		\$300,597	2.00	
Police Pension Fund		\$90,179	0.60	
Fire Pension Fund		\$45,089	0.30	
TOTAL		\$435,866	2.90	

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

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

Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow timely adoption of tax levies for placement on tax rolls; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to authorize and certify said tax levies in a timely manner which affects the public peace, health, and safety accessible to our citizens, 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. 067-19 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the ____ day of _____, ____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances of Napoleon, Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Roxanne Dietrich, interim Clerk of Council

RESOLUTION NO. 068-19

A RESOLUTION AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR OF THE CITY OF NAPOLEON TO CERTIFY AND FILE ANNUAL SPECIAL ASSESSMENTS OF THE CITY OF NAPOLEON, OHIO, WITH THE COUNTY AUDITOR OF HENRY COUNTY FOR PLACEMENT AND COLLECTION ON THE 2019 TAX DUPLICATES PAYABLE IN THE YEAR 2020; AND DECLARING AN EMERGENCY

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

WHEREAS, these special assessments must be annually certified to the County Auditor by the Clerk of the Municipality; **Now Therefore**,

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

Section 1. That, the City Council of the City of Napoleon, Ohio, directs the Finance Director/Clerk to certify and file annual special assessments of the City with the County Auditor, as required by Section 727.30 of the Ohio Revised Code, in the form presented to Council and on file in the office of the Finance Director, attached and marked as (Exhibit "A"), for placement and collection on the 2019 tax duplicates, payable in the year 2020.

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

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

Section 4. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow timely placement of special assessments on the tax rolls; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to certify and file said assessments in a timely manner which affects the public peace, health, and safety accessible to our citizens, 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. 068-19 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

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

KELLY O'BOYLE, FINANCE DIRECTOR

phone (419) 599-1235

fax (419)-599-8393

Web Page: www.napoleonohio.com

Email: koboyle@napoleonohio.com

August 20, 2019

Kevin Garringer
Henry County Auditor
P.O. Box 546
Napoleon, Ohio 43545

Dear Mr. Garringer:

I hereby certify that the identified Special Assessments have been levied upon the following lots and lands:

<u>CODE</u>	<u>PROJECT</u>	<u>YEAR</u>	<u>AMOUNT</u>
206	W. Main/Welsted/Vine Streets	0	2,103.42
207	Palmer Ditch Sewer	0	6,045.23
208	North Pointe Water Main & Dist Sys	5	2,772.46
209	North Pointe Pump Station & Force Main	5	4,344.27
210	North Pointe Collector Sewer	5	3,044.39
211	North Pointe East Interceptor Sewer	5	3,172.64
212	North Pointe West Interceptor Sewer	5	3,652.98
296	South Side Sewer/Storm & Sanitary	12	2,218.53

These Special Assessments are to be applied upon the tax listing for the year 2019 and collected as other taxes are collected. If you have any questions, please call 419-599-1235. Thank you for processing.

Sincerely,

Kelly O'Boyle
Finance Director

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. 21) 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. 21) 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 AMENDED: ORDINANCE No. 056-19, Passed 09/03/2019 FUND/DEPARTMENT-1ST QUARTER ADJUSTMENTS	PERSONAL	SERVICES	OTHER	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
	=====	=====	=====	=====

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 NAPOLEON, Ohio

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

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.

CITY OF NAPOLEON, OHIO - PSCAF

POWER SUPPLY COST ADJUSTMENT FACTOR (PSCAF) - COMPUTATION OF MONTHLY PSCAF

COMPUTATIONS WITH CORRECTED DATA FROM JULY, 2015, THROUGH MARCH, 2017

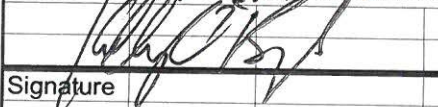
AMP Billed Usage Month	PSCAF City Billing Month	AMP - kWh Delivered As Listed on AMP Invoices	Purchased Power Supply Costs (*=Net of Known) (+ OR - Other Cr's)	Rolling 3-Month Totals Current + Prior 2 Months kWh Cost		Rolling 3 Month Average Cost	Less: Fixed Base Power Supply Cost	PSCA Dollar Difference + or (-)	PSCA-Corrted. 3 MONTH AVG.FACTOR + Line Loss
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)
		Actual Billed	Actual Billed w/Cr's	c + prior 2 Mo	d + prior 2 Mo	f / e	\$0.07194 Fixed	g + h	i X 1.075
July'17	Sep '17	14,573,346	\$ 1,192,319.89	40,367,108	\$ 3,295,254.14	\$ 0.08163	\$ (0.07194)	\$ 0.00969	\$ 0.01042
Aug'17	Oct '17	14,326,956	\$ 1,182,800.05	42,480,669	\$ 3,472,029.96	\$ 0.08173	\$ (0.07194)	\$ 0.00979	\$ 0.01052
Sept'17	Nov'17	12,915,106	\$ 1,041,374.28	41,815,408	\$ 3,416,494.22	\$ 0.08170	\$ (0.07194)	\$ 0.00976	\$ 0.01049
Oct'17	Dec'17	12,743,776	*\$ 1,064,421.41	39,985,838	\$ 3,288,595.74	\$ 0.08224	\$ (0.07194)	\$ 0.01030	\$ 0.01107
Nov'17	Jan'18	12,424,075	\$ 1,088,533.30	38,082,957	\$ 3,194,328.99	\$ 0.08388	\$ (0.07194)	\$ 0.01194	\$ 0.01284
Dec'17	Feb'18	13,391,143	\$ 1,149,912.68	38,558,994	\$ 3,302,867.39	\$ 0.08566	\$ (0.07194)	\$ 0.01372	\$ 0.01475
Jan'18	Mar'18	13,957,533	\$ 1,336,329.96	39,772,751	\$ 3,574,775.94	\$ 0.08988	\$ (0.07194)	\$ 0.01794	\$ 0.01929
Feb'18	Apr'18	12,213,852	*\$ 914,897.80	39,562,528	\$ 3,401,140.44	\$ 0.08597	\$ (0.07194)	\$ 0.01403	\$ 0.01508
Mar'18	May'18	12,894,285	*\$ 1,115,898.14	39,065,670	\$ 3,367,125.90	\$ 0.08619	\$ (0.07194)	\$ 0.01425	\$ 0.01532
Apr'18	June'18	11,995,837	\$ 1,154,645.74	37,103,974	\$ 3,185,441.68	\$ 0.08585	\$ (0.07194)	\$ 0.01391	\$ 0.01495
May'18	July'18	12,812,421	\$ 1,184,249.00	37,702,543	\$ 3,454,792.88	\$ 0.09163	\$ (0.07194)	\$ 0.01969	\$ 0.02117
June'18	Aug'18	13,813,277	\$ 1,230,516.92	38,621,535	\$ 3,569,411.66	\$ 0.09242	\$ (0.07194)	\$ 0.02048	\$ 0.02202
July'18	Sep'18	15,234,049	\$ 1,312,135.13	41,859,747	\$ 3,726,901.05	\$ 0.08903	\$ (0.07194)	\$ 0.01709	\$ 0.01837
Aug'18	Oct'18	15,634,242	\$ 1,275,023.19	44,681,568	\$ 3,817,675.24	\$ 0.08544	\$ (0.07194)	\$ 0.01350	\$ 0.01451
Sep'18	Nov'18	13,195,770	\$ 1,197,316.71	44,064,061	\$ 3,784,475.03	\$ 0.08589	\$ (0.07194)	\$ 0.01395	\$ 0.01500
Oct'18	Dec'18	12,827,093	\$ 1,201,860.98	41,657,105	\$ 3,674,200.88	\$ 0.08820	\$ (0.07194)	\$ 0.01626	\$ 0.01748
Nov'18	Jan'19	12,694,035	\$ 1,177,330.24	38,716,898	\$ 3,576,507.93	\$ 0.09238	\$ (0.07194)	\$ 0.02044	\$ 0.02197
Dec'18	Feb'19	12,936,598	\$ 1,175,315.11	38,457,726	\$ 3,554,506.33	\$ 0.09243	\$ (0.07194)	\$ 0.02049	\$ 0.02203
Jan'19	Mar'19	13,516,644	\$ 1,157,412.90	39,147,277	\$ 3,510,058.25	\$ 0.08966	\$ (0.07194)	\$ 0.01772	\$ 0.01905
Feb'19	Apr'19	12,112,198	\$ 1,076,627.71	38,565,440	\$ 3,409,355.72	\$ 0.08840	\$ (0.07194)	\$ 0.01646	\$ 0.01769
Mar'19	May'19	12,476,648	\$ 1,111,471.41	38,105,490	\$ 3,345,512.02	\$ 0.08780	\$ (0.07194)	\$ 0.01586	\$ 0.01705
Apr'19	June'19	10,913,916	\$ 1,043,515.66	35,502,762	\$ 3,231,614.78	\$ 0.09102	\$ (0.07194)	\$ 0.01908	\$ 0.02051
May'19	July'19	11,554,553	\$ 1,074,988.04	34,945,117	\$ 3,229,975.11	\$ 0.09243	\$ (0.07194)	\$ 0.02049	\$ 0.02203
June'19	Aug'19	12,448,976	\$ 1,059,406.09	34,917,445	\$ 3,177,909.79	\$ 0.09101	\$ (0.07194)	\$ 0.01907	\$ 0.02050
July'19	Sep'19	15,467,755	\$ 1,165,669.13	39,471,284	\$ 3,300,063.26	\$ 0.08361	\$ (0.07194)	\$ 0.01167	\$ 0.01255

<Down

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

PSCAF - Preparers Signature:

Name - Kelly O'Boyle, Finance Director

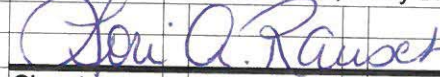


8/20/19

Signature Date

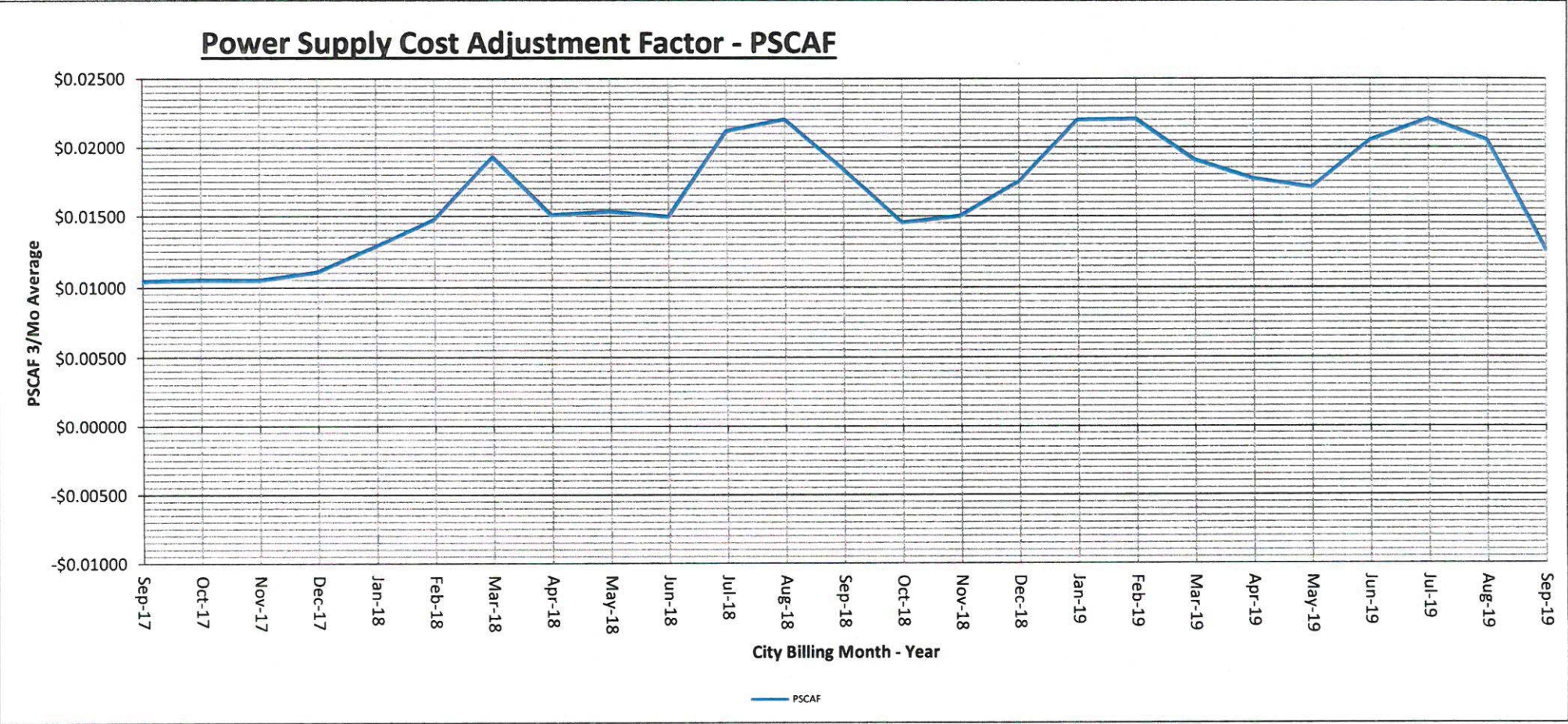
PSCAF - Reviewers Signature:

Name - Lori A. Rausch, Utility Billing Administrator



8/20/2019

Signature Date



BILLING SUMMARY AND CONSUMPTION for BILLING CYCLE - SEPTEMBER, 2019

2019 - SEPTEMBER BILLING WITH JULY 2019 AMP BILLING PERIOD AND AUGUST 2019 CITY CONSUMPTION AND BILLING DATA

PREVIOUS MONTH'S POWER BILLS - PURCHASED POWER KWH AND COST ALLOCATIONS BY DEMAND & ENERGY:

DATA PERIOD	MONTH / YR	DAYS IN MONTH	MUNICIPAL PEAK						
AMP-Ohio Bill Month	JULY, 2019	31	30.817						
City-System Data Month	AUGUST, 2019	31							
City-Monthly Billing Cycle	SEPTEMBER, 201	30							
=====CONTRACTED AND OPEN MARKET POWER=====									
==PEAKING==									
=====HYDRO POWER=====									
PURCHASED POWER-RESOURCES -> (	AMP CT	FREEMONT ENERGY	PRAIRIE STATE SCHED. @ PJMC	MORGAN STNLY. REPLMNT. 2015-20	NORTHERN POWER POOL	JV-2 PEAKING	AMP-HYDRO CSW	MELDAHL-HYDRO SCHED. @	GREENUP HYDRO SCHED. @
(	SCHED. @ ATSI	SCHEDULED	REPLMT@ PJMC	7x24 @ AD		SCHED. @ ATSI	SCHED. @ PJMC	MELDAHL BUS	GREENUP BUS
Delivered kWh (On Peak) ->	315,062	5,149,067	3,497,552	2,827,200	248,392	2,459	1,796,139	285,463	143,205
Delivered kWh (Off Peak) ->					64,791				
Delivered kWh (Replacement/Losses/Offset) ->									
Delivered kWh/Sale (Credits) ->					-1,919,116				
Net Total Delivered kWh as Billed ->	315,062	5,149,068	3,497,552	2,827,200	-1,605,933	2,459	1,796,139	285,463	143,205
Percent % of Total Power Purchased->	2.0369%	33.2891%	22.6119%	18.2780%	-10.3825%	0.0159%	11.6122%	1.8455%	0.9258%
COST OF PURCHASED POWER:									
DEMAND CHARGES (+Debits):									
Demand Charges	\$33,212.27	\$38,054.14	\$56,969.08			\$655.57	\$174,025.50	\$13,338.52	\$7,776.92
Debt Services (Principal & Interest)		\$43,488.86	\$112,073.04						
DEMAND CHARGES (-Credits):									
Transmission Charges (Demand-Credits)	-\$43,529.85					-\$823.90			
Capacity Credit	-\$32,957.19	-\$21,091.54	-\$11,239.22			-\$818.35	-\$3,400.86	-\$1,249.92	-\$659.41
Sub-Total Demand Charges	-\$43,274.77	\$60,451.46	\$157,802.90	\$0.00	\$0.00	-\$986.68	\$170,624.64	\$12,088.60	\$7,117.51
ENERGY CHARGES (+Debits):									
Energy Charges - (On Peak)	\$5,586.65	\$117,459.50	\$30,161.44	\$177,972.24	\$10,239.49		\$64,661.00	\$10,276.65	\$1,288.85
Energy Charges - (Replacement/Off Peak)					\$2,100.61				
Net Congestion, Losses, FTR		\$6,049.97	\$6,271.15	-\$379.45			\$3,232.55	-\$35.76	-\$127.50
Transmission Charges (Energy-Debits)			\$23,194.71						
ESPP Charges									
Bill Adjustments (General & Rate Levelization)		-\$164.02				\$357.81			
ENERGY CHARGES (-Credits or Adjustments):									
Energy Charges - On Peak (Sale or Rate Stabilization)					-\$49,792.63				
Net Congestion, Losses, FTR					\$5,751.20				
Bill Adjustments (General & Rate Levelization)			-\$18,537.03				-\$10,776.83	-\$1,712.78	-\$859.23
Sub-Total Energy Charges	\$5,586.65	\$123,345.45	\$41,090.27	\$177,592.79	-\$31,701.33	\$357.81	\$57,116.72	\$8,528.11	\$302.12
TRANSMISSION & SERVICE CHARGES, MISC.:									
RPM / PJM Charges Capacity - (+Debit)									
RPM / PJM Charges Capacity - (-Credit)									
Service Fees AMP-Dispatch Center - (+Debit/-Credit)									
Service Fees AMP-Part A - (+Debit/-Credit)									
Service Fees AMP-Part B - (+Debit/-Credit)									
Other Charges & Bill Adjustments - (+Debit/-Credit)									
Sub-Total Service Fees & Other Charges	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL NET COST OF PURCHASED POWER	-\$37,688.12	\$183,796.91	\$198,893.17	\$177,592.79	-\$31,701.33	-\$628.87	\$227,741.36	\$20,616.71	\$7,419.63
Percent % of Total Power Cost->	-3.2332%	15.7675%	17.0626%	15.2353%	-2.7196%	-0.0539%	19.5374%	1.7687%	0.6365%
Purchased Power Resources - Cost per kWh->	-\$0.119621	\$0.035695	\$0.056866	\$0.062816	-\$0.019740	-\$0.255742	\$0.126795	\$0.072222	\$0.051811

BILLING SUMMARY AND CONS

2019 - SEPTEMBER BILLING WITH JULY 2019 /

PREVIOUS MONTH'S POWER BILLS - PU**DATA PERIOD**

AMP-Ohio Bill Month
 City-System Data Month
 City-Monthly Billing Cycle

	=====WIND=====			===SOLAR===	===TRANSMISSION, SERVICE FEES & MISC. CONTRACTS===				
(	NYPA	JV-5	JV-6	AMP SOLAR	EFFNCY.SMART	TRANSMISSION	SERVICE FEES	MISCELLANEOUS	TOTAL -
PURCHASED POWER-RESOURCES -> (	HYDRO	HYDRO	WIND	PHASE 1	POWER PLANT	CHARGES	DISPATCH, A & B	CHARGES &	ALL
(	SCHED. @ NYIS	7x24 @ ATSI	SCHED. @ ATSI	SCHED. @ ATSI	2017 - 2020	Other Charges	Other Charges	LEVELIZATION	RESOURCES
Delivered kWh (On Peak) ->	537,446	2,297,472	19,572	169,533	0	0	0	0	17,288,562
Delivered kWh (Off Peak) ->									64,791
Delivered kWh (Replacement/Losses/Offset) ->		33,518							33,518
Delivered kWh/Sale (Credits) ->									-1,919,116
Net Total Delivered kWh as Billed ->	537,446	2,330,990	19,572	169,533	0	0	0	0	15,467,755
Percent % of Total Power Purchased->	3.4746%	15.0700%	0.1265%	1.0960%	0.0000%	0.0000%	0.0000%	0.0000%	99.9999%
								Verification Total ->	100.0000%
COST OF PURCHASED POWER:									
DEMAND CHARGES (+Debits)									
Demand Charges	\$6,258.96	\$31,085.29	\$682.37			\$151,626.71			\$513,685.33
Debt Services (Principal & Interest)		\$55,367.84							\$210,929.74
DEMAND CHARGES (-Credits)									
Transmission Charges (Demand-Credits)		-\$15,367.71	-\$136.05	-\$2,890.30					-\$62,747.81
Capacity Credit	-\$2,851.75	-\$9,237.08	-\$234.83	-\$1,689.27					-\$85,429.42
Sub-Total Demand Charges	\$3,407.21	\$61,848.34	\$311.49	-\$4,579.57	\$0.00	\$151,626.71	\$0.00	\$0.00	\$576,437.84
ENERGY CHARGES (+Debits):									
Energy Charges - (On Peak)	\$8,924.24	\$40,968.29		\$6,493.12		\$5,897.71			\$479,929.18
Energy Charges - (Replacement/Off Peak)									\$2,100.61
Net Congestion, Losses, FTR	\$1,134.94								\$16,145.90
Transmission Charges (Energy-Debits)									\$23,194.71
ESPP Charges					\$16,959.16				\$16,959.16
Bill Adjustments (General & Rate Levelization)									\$193.79
ENERGY CHARGES (-Credits or Adjustments):									
Energy Charges - On Peak (Sale or Rate Stabilization)									-\$49,792.63
Net Congestion, Losses, FTR									\$5,751.20
Bill Adjustments (General & Rate Levelization)	\$728.42								-\$31,157.45
Sub-Total Energy Charges	\$10,787.60	\$40,968.29	\$0.00	\$6,493.12	\$16,959.16	\$5,897.71	\$0.00	\$0.00	\$463,324.47
TRANSMISSION & SERVICE FEES, MISC.:									
RPM / PJM Charges Capacity - (+Debit)						\$112,397.49			\$112,397.49
RPM / PJM Charges Capacity - (-Credit)									\$0.00
Service Fees AMP-Dispatch Center - (+Debit/-Credit)							\$247.77		\$247.77
Service Fees AMP-Part A - (+Debit/-Credit)							\$2,867.34		\$2,867.34
Service Fees AMP-Part B - (+Debit/-Credit)							\$9,000.43		\$9,000.43
Other Charges & Bill Adjustments - (+Debit/-Credit)								\$1,393.79	\$1,393.79
Sub-Total Service Fees & Other Charges	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$112,397.49	\$12,115.54	\$1,393.79	\$125,906.82
TOTAL NET COST OF PURCHASED POWER	\$14,194.81	\$102,816.63	\$311.49	\$1,913.55	\$16,959.16	\$269,921.91	\$12,115.54	\$1,393.79	\$1,165,669.13
Percent % of Total Power Cost->	1.2177%	8.8204%	0.0267%	0.1642%	1.4549%	23.1560%	1.0394%	0.1196%	100.000%
								Verification Total ->	\$1,165,669.13
Purchased Power Resources - Cost per kWh->	\$0.026412	\$0.044109	\$0.015915	\$0.011287	\$0.000000	\$0.000000	\$0.000000	\$0.000000	\$0.075361
									(Northern Pool Power - On-Peak + Off-Peak - Energy Charge/kWh) = JV2 Electric Service Rate ->
									(Northern Pool Power - On-Peak + Off-Peak - Energy Charge/kWh) = JV5 Electric Service Rate ->



POLE ATTACHMENT TARIFF AGREEMENT
BETWEEN THE CITY OF NAPOLEON, OHIO AND
FARMERS & MERCHANTS MUTUAL TELEPHONE
COMPANY/BRIGHTNET

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Pole Attachment Tariff

1. Scope of Tariff

1.1 This tariff ("Tariff") establishes the rates, terms, and conditions under which the City of Napoleon, Ohio ("the City"), will permit a provider of cable television, Internet, data transmission, and/or other telecommunication services, as the case may be (respectively, a "Licensee"), to make Attachments to City electric distribution poles and to continue to maintain such Attachments located on City distribution poles, including those which are now owned by a Licensee and which were permitted and approved pursuant to any earlier Pole Attachment Agreement; provided, further, that such Licensee does not have an effective written contract allowing the installation of facilities on City poles at the time of the effective date of this Tariff, or at any future time.

1.2 Nothing in this Tariff shall be construed as a grant by the City of an exclusive license, right or privilege to a Licensee, nor as a limitation, restriction, or prohibition upon the City's right to grant interests to third parties to the pole attachment rights granted hereunder; provided, further, that nothing in this Tariff shall be construed to effect a grant of any rights under any license, permit, or agreement between the City and any third party with respect to attachment to poles owned by such third party.

1.3 All poles covered by this Tariff remain the property of the City regardless of any payment by Licensee toward the cost of such poles. No use, however extended, of City poles or payment of any rate or charge required hereunder shall create or vest in Licensee any claim of right, possession, title, interest or ownership in such poles. Nothing in this Tariff shall be construed to compel the City to construct, reconstruct, retain, extend, repair, place, replace or maintain any pole which, in the City's sole discretion, is not needed for its own purposes. The City shall have the right to operate, relocate and maintain its poles and attendant facilities in such a manner as will best enable it, in its sole discretion, to fulfill its service requirements.

1.4 If the City has conferred upon others, by contract or otherwise, rights and privileges to use any pole covered by this Tariff, nothing herein contained shall be construed as affecting said rights and privileges, and the City shall have the right, by contract or otherwise, to continue and extend such existing rights and privileges; provided, further, that such rights and privileges shall continue and be extended as provided by this Section 1.4 to any renewal of such contract or other arrangement.

2. Definitions

For the purpose of this Tariff, the following terms shall have the meanings set forth below:

2.1 Annual Attachment Rate. The annual charge per attachment assessed by the City in accordance with the terms and conditions of this Tariff.

2.2 Attachment or Attachments. Any materials or apparatus, excluding power supplies, now or hereafter used by a Licensee in the construction, operation, or maintenance of its telecommunications facilities carried on any City poles. An Attachment shall be a single point of wire line contact utilizing no more than one foot of vertical space on each pole and no more than twenty percent (20%) of each pole's loading capacity. Pole mounted antennas are not approved attachments.

2.3 Contract Year. The annual rental period of January 1 to December 31 of each year.

2.4 Design Standards. All applicable regulations or codes promulgated by any federal, state, local or other governmental authority having jurisdiction, including, but not limited to, the National Electrical Safety Code and City design or attachment requirements.

2.5 Incremental Cost. The difference between the Total Cost of installing a pole to accommodate both the City and Licensee(s) on a new pole (either as new construction or replacement of an existing pole at the City's initiation) and the Total Cost of installing a pole that meets City needs.

2.6 Interest Rate. Interest per year divided by principal amount, expressed as a percentage—in this case, eight percent (8%) unless otherwise determined by City Council.

2.7 Joint Use. The simultaneous use of any pole for attachments of both parties in conformity with the specifications in Sections 5 and 6.

2.8 Make-Ready Work. Changes required to a pole due to the Licensee submitting a proposal. The City shall complete all make-ready work before Licensee can make contact.

2.9 Non-Standard Attachment. Attachments described on Exhibit A which the City permits to be attached in accordance with the City's sole and absolute discretion.

2.10 Pole Ground. A ground rod or wire connected thereto to which Licensee may connect at the base of an electric utility pole without causing the pole to be considered Joint Use as defined herein.

2.11 Proposal. A pole attachment construction proposal, in a format acceptable to the City.

2.12 The City Rearranging. The transferring and/or rearranging of Attachment facilities which includes tree cutting or trimming incidental to said transferring and/or rearranging of Attachments.

2.13 Reserved Space. Such space on a pole which is occupied and maintained and provided by the City either for its own exclusive use, or expressly for the Licensee's exclusive use at the Licensee's request.

2.14 Standard Space. The following described space on a joint pole for the exclusive use of each party, respectively, except only as to such space which, by the terms of the specifications referred to in Section 3, may be occupied by certain attachments therein described of the other party:

- a. For the City, uppermost twenty (20) feet.
- b. For attachments, a space of three (3) feet at sufficient distance below the space of the City of Napoleon to provide at all times the minimum clearance required by the specifications referred to in Sections 5 and 6, and at a sufficient height above the ground to provide proper vertical clearance for the lowest horizontally run wire or cable attached to such space, pursuant to Article 235C of the National Electrical Safety Code.
- c. Mutual vertical clearance space on the pole between each entity's Attachments shall never be less than that which will obtain minimum separation as required. These specifications do not preclude certain attachments being located in and extending vertically through space reserved for the other party.
- d. Except by mutual written agreement of the City and the Licensee addressing specific situations, Attachments shall not be permitted in the neutral space required by code and specification. This limitation does not apply to Attachments of street lighting or traffic control systems owned or used by government facilities.

2.15 Total Cost. The cost of all materials, labor and overhead expenses relating to an Attachment. When replacing a pole and for additional poles due solely to Licensee's requirements, Total Cost includes the cost of transferring facilities and removal of the old pole (with credit for any salvageable material) and for a second trip (to allow transfers) to pull the old pole or the cost to transfer the facilities of the City and all other attaching parties.

2.16 Transferring. The moving of Attachments from one pole and placing them on another.

2.17 Transferring and Rearranging. The Transferring and Rearranging of the Attachment facilities which includes any tree cutting or trimming incidental to the transfer of the Attachment(s).

3. Procedure for Establishing Attachments

3.1 A Licensee shall make written application for permission to install or change Attachments on any pole of the City, specifying the location of each pole in question, the character of its proposed Attachment(s) and the amount and location of space desired. Within forty-five (45) days after receipt of the application, the City shall notify Licensee in writing whether or not it is willing to permit Joint Use of such poles and if so, under what conditions. Such applications and the permits granted with respect thereto shall be in the form attached hereto as Exhibit C , or such other approved form as may be issued from time to time by the City. The City shall have the sole right to determine the availability of such poles for Joint Use and shall be under no obligation to grant permission for Joint Use by Licensee, but it will not unreasonably refuse to grant permission. City riser poles are to be contacted only under exceptional circumstances. If permission is granted, Licensee shall have the right to occupy the space allotted by the City solely in accordance with the conditions specified in said permit and the terms of this Tariff. The City may at any time authorize other parties to also place Attachments on City poles.

3.2 If Make-Ready Work is necessary to prepare any poles for proposed Attachments, then Licensee shall not attach its telecommunication facilities to City poles until Licensee receives notice from the City that said Make-Ready Work is completed.

4. Multiple Applicants

4.1 When the City receives applications from more than one applicant for Attachment space on any particular pole, and because of such multiple Attachments either the pole must be replaced or the facilities thereon must be rearranged to provide additional space for said attachments, the City will prorate the additional Total Cost resulting from the pole replacement or rearrangement in a fair and reasonable way to the extent practicable between the Licensee and the other Attachment applicant(s). Such prorated Total Costs shall include common engineering, material and other expenses which result to the City from said multiple Attachments. City proration of total costs shall be determinative as to all parties.

5. Installation Standards

5.1 All Attachments and any associated equipment permitted by the City shall be installed in a manner satisfactory to the City so as not to interfere with the present or any future use which the City may desire to make of said poles or the wires attached thereto. The City shall determine, in its sole discretion, whether Attachments

interfere with the City's present or future pole use plans. All Attachments made hereunder shall be installed and maintained by Licensee in compliance with the Design Standards. Licensee shall identify all Attachments at each pole location using the City tagging system.

5.2 Licensee acknowledges that City poles have energized facilities installed upon them and that working in the vicinity of energized facilities poses inherent dangers. At all times during the term of this Tariff, and particularly during the time of any construction, repair, or maintenance of Attachments covered by this Tariff, Licensee shall consider the electric facilities of the City to be energized. Licensee shall warn all of its employees, agents, contractors and subcontractors, or any other parties who may be working on behalf of the Licensee, of the inherent dangers involved in working around energized electric facilities, and the necessity of taking appropriate precautions against such inherent dangers. Licensee assumes full and complete responsibility for taking any and all necessary precautions by the installation of protective equipment, or other means, to protect all persons and property of all kinds against injury or damage occurring by reason of Licensee's Attachments on City poles.

6. Pole Installation

6.1 Poles installed in new locations. Where the City desires to install a new pole in a location where facilities have not been previously placed, and Licensee desires to attach to such pole, the City and Licensee shall follow the procedures set forth in this Section. Licensee shall submit a Proposal setting forth a description of the facilities that the Licensee intends to attach to City poles. The City shall make a determination of the size and height of the pole(s) necessary to accommodate its facilities alone and shall calculate the Total Cost necessary to procure and install such pole. The City shall then make a determination of the size and height of the pole(s) necessary to accommodate both City and Licensee facilities. Licensee shall pay the City the Incremental Cost, if such applies. If other parties request to attach to the same pole, then Licensee shall only be responsible for its pro rata share of the Incremental Cost of the pole necessary to accommodate all parties, divided by the total number of attaching parties (exclusive of the City).

6.2 Replacement of Existing Poles Caused by the Installation of a Licensee's Existing or Proposed Attachment. Where, in the City's sole judgment, an existing pole must be replaced solely to adequately provide for Licensee's existing or proposed attachment, Licensee shall pay the City the Total Cost of the engineering and replacement of the pole.

6.3 Reserved /Loaned Space. The City may reserve space on poles for future development or other needs. Such space may, in the sole discretion of the City, be used temporarily by the Licensee (subject to City consent in each case) for attachment of Licensee's Attachments. In the event the City intends to reclaim such "loaned space,"

the City shall provide notice to Licensee of the space reclamation. Upon such notice, Licensee shall either remove its facilities from the reclaimed space within sixty (60) days of City notice, or pay the Total Cost of replacing the pole with a pole which will accommodate all of the existing and planned Attachments on the pole, including the cost of removing the old pole, and transferring the facilities of the City and any other attaching party to the new pole. If Licensee is sharing such “loaned space” with another attaching party, then Licensee and the other attaching party shall share the Total Cost of the project. The City and Licensee using the loaned space shall each keep and maintain records indicating the poles on which loaned space has been provided. For purposes of this Tariff, any Attachments in a loaned space shall be regarded the same as any other Attachment.

6.4 Pole Replacements. In the event that the City must replace or relocate a pole, and such replacement or relocation is not caused by the addition of a new Licensee Attachment, the City shall provide Licensee reasonable advance notice before undertaking such replacement or relocation. Licensee shall transfer its Attachments within thirty (30) days of receiving notice that the new pole is in place. If Licensee does not transfer its Attachments within said thirty (30) days, then the City may transfer the Attachments at Licensee’s expense. If the City or another party is required to make a return trip to remove a pole as a result of Licensee failing to transfer its Attachments within the time set forth herein, then Licensee shall reimburse the City or such third party for the Total Cost incurred by such return trip according to Exhibit A.

6.5 General. Licensee shall remain responsible for the Total Cost of all projects initiated by the City (exclusive of pole attachment rates) as the result of a Licensee Proposal, regardless of whether Licensee elects to install the Attachments. Licensee shall be responsible for the cost of all engineering, inspection, and construction work undertaken by the City on all third party owned poles where such work is initiated as a result of the proposed attachment of Licensee’s facilities.

7. Rearrangement of Attachments

7.1 If Licensee’s desired Attachments can be accommodated on existing poles of the City in accordance with the Design Standards by Transferring and Rearranging facilities of the City or existing attachments thereon of any other party, or if because of Licensee’s existing or proposed Attachments it is necessary for the City to rearrange its facilities on any pole owned by a third party, then in any such case Licensee shall reimburse the City and any such other party for the respective Total Cost incurred in making such rearrangement.

8. Guying

8.1 Any guying required pursuant to the Design Standards shall be installed by and at the expense of Licensee. Licensee shall not use City guys or anchors without City permission.

9. Non-Standard Attachments

9.1 Licensee shall not install any equipment other than Attachments upon City poles. Attachments do not include pole mounted antennas. If Licensee desires to install equipment other than an Attachment to a new or existing pole, Licensee shall submit in writing the design and installation specifications of the proposed equipment and such other data required by the City to assess the impact of such equipment on the existing pole. Except as otherwise set forth herein, all Non-Standard Attachments approved hereunder shall be treated as an Attachment and shall be billed an annual attachment rate in accordance with Exhibit A attached hereto and incorporated herein. The City may revise the rates set forth on Exhibit A by providing thirty (30) days prior written notice.

10. Inspection

10.1 The City may conduct at Licensee's expense a post-construction inspection of all new Attachment installations or modifications of existing Attachments. In addition, the City may make additional inspections at Licensee's expense, if the City has reasonable cause to believe that Licensee is not maintaining its Attachments in accordance with Design Standards and the terms of this Tariff. The City right to make any inspections and any inspection made pursuant to such right shall not relieve Licensee of any responsibility, obligation or liability assumed under this Tariff to maintain its Attachments in accordance with Design Standards and other prudent practices.

11. Attachment Inventory

11.1 The City shall use its inventory for the purpose of verifying the number and location of all Attachments within its system that are covered by this Tariff, and will typically update its inventory of Attachments not less frequently than every five years.

12. Unauthorized Attachments

12.1 Any Attachment made without the advance written approval of the City pursuant to Section 3 of this Tariff, or any prior agreement governing such facilities, shall be considered an unauthorized Attachment. Unauthorized overloading of

additional cable by Licensee on a third party's cable installed on City poles (see Section 14.1 herein) shall also be considered an unauthorized Attachment.

12.2 Upon discovery of an unauthorized Attachment, the City may elect either of the following options: (i) order Licensee to remove the Attachment within thirty (30) days; or (ii) review such Attachment, at Licensee's expense, to determine if the Attachment is in compliance with Design Standards and, if necessary, order Licensee to comply with Design Standards either through rearrangement pursuant to Section 6 above or pole replacement pursuant to Section 5 above.

12.3 For each unauthorized Attachment, Licensee shall also pay the City the applicable Attachment Rate hereunder for a period of time equal to the greater of: (i) five years; or (ii) the number of years since the last Attachment inventory (including inventories conducted pursuant to earlier pole license Tariffs governing such facilities), plus \$150.00 per Attachment. The City shall further be entitled to interest at the current Interest Rate on such rates accruing from the date the Attachment is assumed to have been on the pole.

13. Interference or Hazard

13.1 Whenever the City notifies Licensee in writing or orally, with written confirmation, that any Attachment made hereunder does not comply with Design Standards, Licensee shall within thirty (30) days of receiving such notice, either remove such non-complying Attachment, or bring such Attachment into compliance with Design Standards. If non-compliance of such Design Standards is causing interference with City use or maintenance of the pole, or is causing a hazard, then Licensee shall undertake the remedial efforts set forth above in this Section within ten (10) days of receiving notice from the City.

13.2 In case of an emergency, which in the City's reasonable judgment requires the City to immediately remove or relocate the Licensee's Attachments, the City may remove or relocate such Attachments as required at Licensee's expense, without prior notice or responsibility for any damage to Licensee caused by such removal or rearrangement.

14. Overlashing

14.1 Licensee may not overlash its existing Attachments or a third party Attachment without an additional and separate written consent from the City for the overlashed Attachment. Licensee may not allow another party to overlash Licensee's facilities without such party first having an approved license from the City. Poles are the sole property of the City, and Licensee shall not charge or accept any financial consideration for allowing a third party to overlash an Attachment without the City's written consent.

14.2 The City shall not unreasonably withhold its consent to such overlash, provided such third party overlashed facilities are reviewed by the City pursuant to the procedure set forth in Section 5 above, and both overlash parties consent to such overlash in a written format acceptable to the City. Any overlash must be done in accordance with generally accepted engineering standards.

14.3 In general, no additional payment will required for a Licensee to overlash more of its facilities to its existing attached facilities, unless it necessitates additional costs such as guying or additional pole strength, occupies additional attachment space on the pole, or provides a different utility service than Licensee's existing facilities.

15. Attachment Removal/Abandonment

15.1 Licensee may, at any time, abandon the use of a pole hereunder by giving written notice to the City and then removing from the pole all of Licensee's Attachments. Such removal shall not result in a rebate or credit of any Annual Attachment Rate paid or owing.

16. Charges and Fees

16.1 Non-Recurring Expenses. Except as otherwise set forth herein, Licensee shall reimburse the City for the Total Cost of all non-recurring expenses incurred by the City caused by or attributable to Licensee's Attachments as shown in Exhibit A.

16.2 Annual Attachment Rate. As a condition of its right to maintain any Attachment to City poles under this Tariff, Licensee shall pay the City an Annual Attachment Rate for each attachment as set forth on Exhibit B attached hereto and incorporated herein. The City may revise Exhibit B by providing Licensee written notice prior to the effective date of such revision. Billing of Annual Attachment Rates shall be rendered on or about January 1 of each year for the current Contract Year.

16.3 Third Party Overlash Annual Attachment Rate. Licensee shall pay an overlash annual attachment rate for each pole where Licensee has overlashed Attachments to a third party's facilities, which are attached to City poles, equal to the applicable Annual Attachment Rate set forth in Exhibit B. Such third party overlash rate shall be paid in the manner set forth in this Section 16.

16.4 General. Licensee shall pay the applicable Annual Attachment Rate for each new Attachment or third party overlashed Attachment made during the Contract Year. There shall be no proration of rates hereunder, including adjustments in billing for those Attachments made or removed during the Contract Year.

17. Non-Permitted Use of Attachments

17.1 Licensee represents and warrants that it shall only use its Attachments as a part of its cable television, Internet or other telecommunications system, with the advance consent of the City obtained through the processes established by this Tariff or any predecessor agreement in writing between the City and the Licensee granting Licensee the right to make Attachments for such purposes (“Permitted Use”). Upon discovery of the use of an Attachment without authorization of the City, or for any purpose other than the Permitted Use (“Non-Permitted Use”), the City may terminate Licensee’s license to make Attachments to City poles under this Tariff and/or require Licensee to pay the City additional Annual Attachment Rates as set forth in the following paragraph, in addition to any other remedies which may be available to the City under applicable law.

17.2 Upon discovery of a Non-Permitted Use, Licensee shall pay the City an additional Annual Attachment Rate for each Attachment involved in the Non-Permitted Use of \$150.00 per Attachment and interest at the Interest Rate accrued since the assumed Non-Permitted Use commenced. Unless Licensee can prove otherwise, it shall be assumed for purposes of making the above calculation that Licensee has engaged in such Non-Permitted Use since the commencement of Licensee’s service under this Tariff or since the last Attachment Inventory was performed. Licensee shall also pay the City any and all non-recurring administrative expenses the City incurs as a result of processing and documenting such Non-Permitted Use Attachments.

18. Time of Payment

18.1 Unless otherwise set forth herein, payments due hereunder shall be made within thirty (30) days from the date of the invoice therefore. On all amounts not so paid, an additional charge for interest at the Interest Rate, compounded daily will be assessed. Where the provisions of this Tariff require any payment by Licensee to the City other than for the Annual Attachment Rate, the City may, at its option, require that the estimated amount thereof be paid in advance of permission to use any pole or the performance by the City of any work.

19. Liability and Damages

19.1 The City shall not be liable, whether based on contract, indemnification, warranty, tort, strict liability or otherwise, to any Licensee, or any third party or other person for damages whatsoever, including, without limitation, direct, incidental, consequential, punitive, special, exemplary or indirect damages arising or resulting from any act or omission in any way associated with acts provided for under this Tariff, including, but not limited to, any act or omission that results in an interruption, deficiency or imperfection of service, except to the extent that the City is found liable for gross negligence or intentional or willful misconduct, in which case the City will not be

liable for any incidental, consequential, punitive, special, exemplary or indirect damages. Nothing in this section, however, is intended to affect obligations otherwise provided in agreements between the Licensee and the City.

19.2 The City shall not be liable for damages arising out of services provided under this Tariff, including, but not limited to, any act or omission that results in an interruption, deficiency or imperfection of service, occurring as a result of conditions or circumstances beyond the control of the City.

19.3 As used herein, direct damages shall not include loss of profit, loss of revenue, loss of production, loss of earnings, loss of contract, or any other indirect, special or consequential loss or damage.

19.4 The City reserves to itself the right to maintain and operate its Poles in such manner as will best enable it to fulfill its own service requirements. The City shall not be liable for any damages incurred by Licensee for damage or interruption to its Attachments except for actual repair costs caused by the negligence of the City; provided, however, that the City shall not be liable to Licensee for any interruption of Licensee's service or for interference with the operation of Licensee's Attachments.

NEITHER THE CITY NOR LICENSEE SHALL BE LIABLE TO THE OTHER FOR ANY SPECIAL, INDIRECT, PUNITIVE, OR CONSEQUENTIAL DAMAGES ARISING IN CONNECTION WITH THE USE OF OR DAMAGE TO THE CITY'S OR LICENSEE'S FACILITIES.

19.5 Licensee is expected to inspect all Poles on which its Attachments will be placed and shall rely solely on such inspection to determine the suitability of said Poles for its purposes. CITY DOES NOT MAKE, AND HEREBY EXPRESSLY DISCLAIMS, ANY EXPRESS OR IMPLIED WARRANTIES CONCERNING ANY POLE, INCLUDING WITHOUT LIMITATION WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. LICENSEE ACCEPTS THE USE OF ALL POLE(S) AS IS, WHERE IS, AND WITH ALL FAULTS.

19.6 Licensee acknowledges and agrees that the City does not warrant the condition or safety of City Poles, or the premises surrounding its Poles, and LICENSEE HEREBY ASSUMES ALL RISKS OF AND INDEMNIFIES THE CITY FROM ANY DAMAGE, INJURY OR LOSS OF ANY NATURE WHATSOEVER CAUSED BY OR IN CONNECTION WITH LICENSEE'S OR LICENSEE'S CONTRACTORS' USE OF SAID POLE(S) AND ASSOCIATED FACILITIES AND EQUIPMENT ON, WITHIN, OR SURROUNDING SAID POLES. Licensee expressly agrees that it will undertake responsibility for inspecting and evaluating the condition of any Pole before allowing any workers, whether those of Licensee or Licensee's Contractors, to climb or otherwise work on such Pole. If Licensee discovers any Poles that are rotten or otherwise unsafe for climbing or Attachment installation, Licensee shall immediately report such unsafe condition to the City. Licensee further acknowledges that the City does not warrant that

all Poles are properly labeled, and agrees that the City is not liable for any injuries or damages caused by or in connection with missing labels or otherwise improperly labeled Pole(s). Licensee further agrees to immediately notify the City if labels or tags are missing or otherwise improper.

19.7 Licensee acknowledges that in performing the work contemplated under this Tariff, Licensee and its agents, servants, employees, and Contractors will work near electrically energized lines, transformers, and other electrical equipment, and it is the intention that the power flowing through such facilities will not be interrupted except by the City. Licensee shall ensure that its employees, agents and Contractors have the necessary qualifications, skill, knowledge, training, and experience to protect themselves, their fellow employees, employees of the City, and the general public from harm or injury while performing work permitted by this Tariff. In addition, Licensee shall furnish its employees, and shall require its agents and Contractors to furnish their employees, with competent supervision and sufficient and adequate tools and equipment for their work to be performed in a safe manner. Licensee further warrants that it is apprised of, conscious of, and understands the imminent dangers

(INCLUDING SERIOUS BODILY INJURY OR DEATH FROM ELECTROCUTION) inherent in the work necessary to make installations on City Poles by Licensee's employees, agents, and Contractors, and accepts it as its duty and sole responsibility to notify and inform Licensee's employees, and to require its agents, and Contractors to inform their employees of such dangers, and to keep them informed regarding same.

20. Insurance and Indemnification

20.1 Licensee shall obtain and furnish the insurance described in this Section

20. Licensee shall maintain, and shall cause its Contractors and Subcontractors performing any work in connection with activities permitted under any license granted under this Tariff to maintain, such insurance at all times during the term of any license granted to it under this Tariff.

20.2 Coverage for the legal liability of Licensee and its Contractors and Subcontractors under the Workers' Compensation and occupational disease law of the State of Ohio, with coverage of not less than \$1,000,000 bodily injury per accident, \$1,000,000 bodily injury per disease and \$1,000,000 per disease per employee;

20.3 Commercial general liability coverage in the minimum amount of \$2,000,000 as to any one person and \$5,000,000 as to any one accident/occurrence; coverage against liability due to property damage in the amount of \$2,000,000 as to each accident and \$5,000,000 aggregate;

20.4 Business automobile liability insurance for all owned, non-owned and hired vehicles with a minimum combined single limit of \$1,000,000.

20.5 Licensee will not be permitted to access City poles until the City receives from Licensee one copy of an acceptable certificate of insurance covering the terms of Subsections 20.1-20.4 above. Such certificate shall state that the insurance carrier has issued the policies providing for the insurance specified above, that such policies are in force, and that the insurance carrier will give the City thirty (30) days prior written notice of any material change in, or cancellation of, such policies. If such insurance policies are subject to any exceptions to the terms specified herein, such exceptions shall be explained in full in such certificates. The City may, at its discretion, require Licensee to obtain insurance policies that are not subject to any exceptions. Licensee and its Contractors and Subcontractors shall obtain waivers of subrogation on all of their insurance for the benefit of the City. Policies written on a "claims-made" basis shall be maintained for a period of five years after termination of any license granted to the Licensee under the terms of this Tariff. Licensee acknowledges that continued maintenance of the insurance requirements under this Tariff is a substantial and important part of this Tariff and that any lapse in insurance coverage shall be corrected so that coverage will be in place during the period required hereunder, with no gaps or lapses in coverage.

20.6 The amounts of insurance required under this Tariff shall be adjusted as the City may reasonably require from time to time to account for inflation, generally increased insurance settlements, court verdicts or any other business purposes. If Licensee does not timely deliver to the City a certificate showing all of the required insurance to be in full force and effect as required by this Tariff, the City may either: (i), declare Licensee to be in substantial default under the terms of this Tariff upon which event this Tariff shall automatically terminate within sixty (60) days without the need for any further notice, or (ii) obtain the insurance to fulfill any and all of the insurance obligations under this Tariff. On the City's demand, Licensee shall reimburse the City the full amount of any insurance premiums paid by the City, a fee to cover applicable expenses and overhead costs incurred by the City, and interest at the Interest Rate, compounded daily, from the date of the City demand, until reimbursed by Licensee.

20.7 Licensee shall fully indemnify and defend the City and each of the City's and all associated, affiliated, allied and subsidiary entities of the City, whether existing now or in the future, and their respective officials, officers, departments, agencies, boards, representatives, employees, agents, contractors and attorneys, from and against any and all losses, costs, damages, injuries, liabilities, claims, demands, penalties and interest, including reasonable attorneys' fees, directly related to this Tariff, to the extent caused by: (i) any act or omission of Licensee, or any of the officers, partners, members, managers, shareholders, principals, directors, trustees, employees, representatives, or successors of Licensee; or (ii) failure to comply by Licensee with any of the provisions of this Tariff, or default by Licensee in the performance of any of its obligations under this Tariff.

20.8 SUBJECT ONLY TO PARAGRAPH 20.9, IT IS THE EXPRESS INTENT OF THE PARTIES THAT THE FOREGOING INDEMNITY IS TO PROTECT AND INDEMNIFY THE CITY AGAINST THE CONSEQUENCES OF ITS OWN FAULT WHERE THE CITY'S FAULT IS A CONCURRENT CAUSE OF THE INDEMNIFIED LIABILITY.

20.9 The indemnity obligations set forth in paragraphs 20.7 and 20.8 shall apply to fully protect and indemnify the City from all such claimed damages regardless of whether the City is a joint tortfeasor unless (1) the indemnified liability was the result of intentional or reckless misconduct on the part of the City, or its agents, employees, or contractors, or (2) by virtue of a final judgment, a finder of fact determines the City's percentage of responsibility for the indemnified liability to be 50% or greater, in which case each party shall then be liable for its found percentage of damages in accordance with Ohio law.

20.10 No provision of this Tariff is intended, or shall be construed, to affect or alter in any way any limitation of City liability in tort as established by Ohio Revised Code Chapter 2744 or any other applicable provision of law.

21. Easements

21.1 Licensee shall secure any right, license or permit from any governmental body, authority or other person or persons, which may be required for the construction or maintenance of Licensee's Attachments. The City does not grant, convey, or guarantee any easements, rights-of-way or franchises for the construction and maintenance of Attachments. Licensee hereby agrees to indemnify and save the City harmless from any and all claims, including expenses incurred by the City to defend itself against such claims, resulting from or arising out of the failure of Licensee to secure such right, license, permit or easement for the construction or maintenance of its Attachments on City poles, the loss of right-of-way or property owner consent, of the costs of relocating any City facilities or other Attachments on City poles. In the event that the City becomes aware of a claim affecting Licensee under the terms of this provision, the City shall endeavor to put Licensee on timely notice of such claim. However, such notice obligation of the City does not extend to permits or franchises required by governmental entities. As applicable, all of the terms of the indemnity set forth in this Tariff are incorporated herein and shall apply with equal force to the indemnity set forth in this Section.

22. Financial Assurance Requirements

22.1 To protect the City and its customers against the possibility of failure of performance or payment in connection with Licensee's financial and operational obligations under this Tariff, Licensee shall furnish to the City reasonable documentation of Licensee's creditworthiness and ability to perform its financial obligations under any license granted under this Tariff. In the event that the City

determines, in the exercise of reasonable discretion, that additional assurance of payment is necessary in order to ensure fulfillment of Licensee's obligations, Licensee shall provide such assurance in accordance with the provisions of this Section.

22.2 Where the City reasonably estimates that the cost of its performance of any action authorized or required under this Tariff will exceed five thousand dollars (\$5,000) but is unlikely to exceed ten thousand dollars (\$10,000), the City may require Licensee to make a cash deposit for the estimated cost of City performance of the relevant action. In such circumstances, the City will provide Licensee with a reasonably itemized, written estimate of its costs as part of its demand for such cash deposit, and shall notify Licensee in writing as to the date on which such deposit is due. Upon receipt of the cash deposit, the City shall be entitled to draw on the deposit for reimbursement of its costs in connection with performance of the relevant action and shall periodically present to Licensee a itemized statement of the disbursements and other costs to which it has applied the deposit.

22.3 Where the City reasonably estimates that the cost of its performance of any action authorized or required under this Tariff or the cost to the City of Licensee's non-performance of any obligation under this Tariff, is likely to exceed an amount equal to two (2) years' Annual Attachment Rates for all Attachments, or \$10,000 dollars, whichever is greater, the City may in its reasonable discretion require Licensee to supply any of the following forms of financial assurance, in a form reasonably acceptable to the City for payment or performance of the relevant action or obligation, or such other form of financial assurance as may be mutually agreeable to the City and Licensee:

22.3.1 An irrevocable standby letter of credit, issued by a bank having a minimum corporate debt rating of an "A -" by Standard & Poor's or "A3" by Moody's or "A-" by Duff & Phelps or "A-" by Fitch, or an equivalent short term debt rating by one of these agencies, for the full value of the required financial assurance. The letter of credit will renew automatically unless the issuing bank provides notice to the City at least ninety (90) days prior to the letter of credit's expiration of the bank's decision not to renew the letter of credit. If the letter of credit amount falls below the required level because of a drawing, it must be replenished immediately.

22.3.2 A performance bond, which shall (a) be reasonably acceptable to the City as to form and substance in the amount of \$50,000 for the first five hundred (500) poles for which Application is made and \$50,000 for each additional five hundred (500) poles, but not to exceed \$1.0 million, to guarantee the performance of Licensee's obligations under this Tariff, including, but not limited to, the removal of Licensee's Attachments upon the termination of any license granted under this Tariff; (b) clearly identify the City as the obligee and provide for a penal sum equal to the full value of the required financial assurance; (c) include a clear statement that the surety will promptly and faithfully perform Licensee's obligations to the City if Licensee fails to do so; and

(d) be issued by a solvent company authorized to do business in the State of Ohio, and shall meet any other requirements established by law or by the City pursuant to applicable law. The amount of the bond or financial security does not operate as a limitation upon obligations of the Licensee under this Agreement.

22.3.3 An irrevocable corporate guaranty obtained from an affiliated company (“Guarantor”) of Licensee for the full value of the required financial assurance, provided that the Guarantor that has greater financial assets than the Licensee, a strong balance sheet and income statements and, at minimum, an investment grade rating by either Standard & Poor’s, Moody’s, Duff & Phelps’, or Fitch’s.

23. Default or Non-Compliance

23.1 If Licensee fails to comply with any of the provisions of this Tariff, or defaults in the performance of any of its obligations under this Tariff, and fails within thirty (30) days, after written notice from the City, to correct such default or noncompliance, the City may, at its option, take any one or more of the following actions: (i) suspend Licensee’s access to climb or work on its Attachments on all City poles; (ii) terminate the specific permit or permits covering the poles to which such default or noncompliance is applicable; (iii) remove, relocate, or rearrange Attachments of Licensee to which such default or noncompliance relates, all at Licensee’s expense;

(iv) decline to permit additional Attachments hereunder until such default is cured; or

(v) in the event of any failure to pay any of the charges, fees or amounts provided in this Tariff or any other substantial default, or of repeated defaults, terminate any License granted to Licensee under this Tariff. Notwithstanding the foregoing, Licensee shall have up to an additional thirty (30) days to correct such default or noncompliance if Licensee promptly commences its corrective efforts within the thirty (30) day period described above and diligently continues such corrective actions thereafter. No liability shall be incurred by the City because of any or all such actions. The remedies provided herein are cumulative and in addition to any other remedies available to the City under this Tariff or otherwise. No such termination, however, shall reduce or eliminate the obligation of the Licensee to make payments of any amounts due to the City for any services covered, shall not waive charges for any Attachment until said Attachment is removed from the pole to which it is attached and shall not affect Licensee’s Insurance requirements contained in this Tariff. The City shall be entitled to recover any and all attorney fees, costs and expenses incurred in successfully pursuing any of the remedies set forth above.

24. Term of License

24.1 Except as otherwise provided in this Section 24, the attachment right granted by this Tariff shall continue for a period of one year from the date hereof, and shall thereafter automatically renew for successive one year periods unless one party

gives the other party written notice of termination at least sixty (60) days in advance of the next renewal date. Should Licensee not place Attachments or reserve space on City poles in any portion of the area covered by this Tariff within six (6) months of its effective date, the City may, at its option, terminate the License(s) granted to Licensee under this Tariff. Licensee shall completely remove its Attachments from City poles within one-hundred twenty (120) days of the termination date, unless an extension of the existing License is negotiated or a new License covering such poles has been executed by the parties hereto. If Licensee fails to remove its facilities, the City may, and is hereby given the clear and incontestable right to, remove Licensee's facilities, at Licensee's expense, from City poles and without any liability to the City. Any previous agreements between the parties shall be considered terminated upon the effective date of this agreement.

25. Transfers of Ownership

25.1 This Tariff shall be binding upon and inure to the benefit of the parties hereto, and Licensee shall not assign, transfer, sublet or sublicense any of the rights hereby granted without the prior written consent of the City.

26. General Provisions

26.1 Governing Law. This Tariff shall be construed in accordance with, and its performance shall be governed by, the Ohio Constitution and applicable laws in effect of the State of Ohio.

26.2 No Third Party Rights. This Tariff shall not create for, nor give to, any third party any claim or right of action against either party to this Tariff that would not arise in the absence of this Tariff.

26.3 No Representations as to Land Title. In granting Licensee the right to jointly use City poles or other facilities as provided herein, the City makes no representation as to what rights may exist in others regarding the land on which its poles and other facilities are located. Licensee shall have full responsibility for meeting the title claims or requirements of any other parties relating to the placement of its facilities upon, under, or above said land, and Licensee shall hold harmless the City against any such claim.

26.4 Non-Waiver. No delay, forbearance or omission in the exercise of any power or remedy herein provided or otherwise available to the City shall impair or affect the City's right thereafter to exercise the same.

26.5 Headings. Headings used in this Tariff are inserted only for convenience of reference and shall not affect the interpretation or construction of this Tariff.

26.6 Survival of License Obligations. All payment, performance and indemnity obligations of Licensee under this Tariff shall survive the termination of any license granted under this Tariff, until said obligations are satisfied.

26.7 Operating Practices. For ease of administration of Attachments to City poles, Operating Practices may be established by the City and the Licensee. These Operating Practices shall be based on this Tariff and shall provide detailed methods and procedures that will be followed in establishing, maintaining and discontinuing Attachments on City poles. In case of any ambiguity or conflict between the provisions of this Tariff and those of the Operating Practices, the provisions of this Tariff shall be controlling. These Operating Practices may be modified at any time by mutual agreement of the City and Licensee, provided such changes do not conflict with the terms and conditions of this Tariff.

City of Napoleon

Licensee Representative

Name

Name

Date

Date

Approved as to form and correctness:

By: _____
City Law Director

Exhibit A
Non-Standard Attachments

Attachments:

Annual Attachment Rate:

Non-Recurring Expenses:

Transfer of Licensee's equipment

Time and Materials Plus 10%

Rearranging of Licensee's equipment

Time and Materials Plus 10%

Second trip

Time and Materials Plus 10%

Exhibit B
Pole Attachment Rate
Effective November 1, 2017

I. Availability

Available throughout the service area of the Municipal Electric Distribution System of the City of Napoleon, Ohio (City) to cable television, Internet, data transmission, and/or other telecommunication services to make attachments (with the exception of pole mounted antennas) to City distribution poles for the sole purpose of providing cable, Internet, data transmission and/or other telecommunication services, subject to the General Rules, Terms and Conditions set forth in the City Pole Attachment Tariff (Tariff).

II. Applicability

Applicable to all cable, Internet, data transmission, and/or other telecommunications service entities that contract with the City to make attachments to City distribution poles.

III. Annual Rate

\$15.00 per Attachment annually based on a single point of wire line contact utilizing no more than one foot of vertical pole space.

IV. Tax and Assessment Adjustments

The rates and charges hereunder are based upon Federal, State, County, Municipal and other governmental levies, including gross receipts tax, income taxes, license fees and other impositions of similar character in effect as of November 1, 2017.

V. Terms of Payment

The above rates are net and payable upon receipt of City invoice. The accounts shall be considered delinquent if not paid by the date shown on the invoice. The General Rules, Terms and Conditions set forth in the Tariff shall apply to delinquent accounts.

VI. Special Provisions

City shall provide service in accordance with the Pole Attachment Tariff effective November 1, 2017.

VII. Term of Contract

One year with automatic renewal for successive one year periods until terminated with sixty (60) days written notice by either party.

Any previous agreements between the parties shall be considered terminated upon the effective date of this agreement.

Exhibit C

Pole Attachment Application and License
 (License effective on execution of this form by City)

New Attachment ☐**Overlash Attachment** ☐

Notwithstanding any terms or conditions set forth on this application form, applicant's contractual rights, obligations, and remedies are set forth in, and governed solely by, the City of Napoleon Pole Attachment Tariff. The Tariff shall control to the extent of any conflict between the terms of this application and the terms and conditions of the Tariff. Incomplete applications will be returned to applicant without further action by the City of Napoleon. Required information includes the completed application, proposed schedule, prints and maps, proposed route, project description, and a copy of the Filing Fee check.

Application Information

Application # _____ Applicant Name _____ Date _____
 Corporate Rep. _____ Phone _____ Fax _____ E-mail _____

Project Description
 (Attach if necessary)

No. of City
 Poles

No. of foreign
 Poles

Planned
 Install Date

--	--	--	--

Proposed Cable Installation _____
 No. of cables to install _____
 Fiber count _____
 Pole count _____
 Cable diameter _____

Existing Cable Installation _____
 Existing cable count _____
 Existing pole count _____
 Cable(s) diameter _____
 Strand(s) diameter _____

Application Approval

Application Approved? Yes ___ No ___ Conditional (See attached report) ___

Make Ready Work Required? Yes ___ No ___

Actual Napoleon pole count _____ Actual foreign pole count _____

Actual Install Date _____

Comments/Notes (attach if necessary)

City Inspector (sign)	Phone	Fax	Email	Date

Make-Ready Work Cost Concurrence

If Make-Ready Work is required, certain City distribution equipment and/or other assets need to be changed in order to accommodate Licensee's attachments on the poles and route described in this application. The City or Licensee is responsible for all Make-Ready Work associated with this application. As provided under the City Pole Attachment Tariff, the City will bill Licensee for all engineering design, construction and inspection services necessary to process, review, and approve this application. If the City elects to perform Make-Ready Work, Licensee shall pay for all costs related to such Work. If Licensee is directed to perform Make-Ready Work, Licensee shall perform such Work at its sole risk and expense, including the cost of final inspection(s) by the City, its subcontractors, or its agents. By signature below, the City and Licensee indicate their understanding and acceptance of these terms and conditions notwithstanding any other related terms and conditions of the City of Napoleon Pole Attachment Tariff.

City of Napoleon

Licensee Representative

Name_____
Name_____
Date_____
Date

City of Napoleon, Ohio

ELECTRIC COMMITTEE

Meeting Minutes

Monday, September 09, 2019 at 6:15 pm

PRESENT

Committee Members
Board of Public Affairs
City Manager
City Finance Director
Recording Secretary
City Staff
Others

Travis Sheaffer-Chair (arrived at 6:28 pm), Lori Siclair, Joseph D. Bialorucki
Dr. David Cordes-Chair, Mike DeWit, Rory Prigge
Joel Mazur
Kelly O'Boyle
Roxanne Dietrich
Dennie Clapp-Electric Distribution Superintendent
Northwest Signal

ABSENT

Call to Order

Acting Chair Bialorucki called the Electric Committee meeting to order at 6:15 pm.

Approval of Minutes

Hearing no corrections or objections, the minutes from the July 08, 2019 Electric Committee meeting stand approved as presented.

September 2019 PSCAF Discussion

Mazur reported the power supply cost adjustment factor is down compared to the past year. A big factor is our usage is way up. At the end of 2020, the Morgan Stanley contract will end and we could see a drop in our electric rates in the range of 7% to 8%. With our usage up and using our long on power, we're not having to sell it on the market for a fraction of what we are making it for. The market is somewhere around \$30-\$40/MW and the Morgan Stanley contract a few years ago was at \$62/MW. With JAC Products coming online our load will continue to grow, they are currently at 283 employees.

Prigge asked if JAC Products are up to capacity? Mazur responded the Human Resources Director told me by this time next year they may be up to 385 to 400 employees, they are hiring mostly local people.

Motion to Accept the BOPA Recommendation to Approve the September 2019 PSCAF

Motion: Siclair Second: Bialorucki
to accept the BOPA recommendation to approve the Power Supply Cost Adjustment Factor for September 2019: PSCA three month averaged factor \$0.01255; JV2 \$0.023321.

Passed
Yea-2
Nay-0

Roll call vote on the above motion:
Yea-Bialorucki, Siclair
Nay-

**Pole Attachment
Agreement with
Okolona Telephone Co.
dba bright.net**

Mazur stated we would like to enter into a pole attachment agreement with Okolona Telephone Company dba bright.net. The agreement will allow them to put their utilities on our poles for an annual fee and will be the same as the one we have Ridgeville Telephone Company. Clapp said the annual attachment fee

will be same as what Ridgeville Telephone pays, he thought that cost is \$9.74 per pole.

Sheaffer arrive 6:28 pm.

Motion: Siclair Second: Sheaffer
to accept the BOPA recommendation to Enter into a Pole Attachment Agreement
with Okolona Telephone Company dba bright.net.

Roll call vote on the above motion:
Yea-Bialorucki, Siclair, Sheaffer
Nay-

Clapp said there were eleven callouts during the month of August. The substation had a SCADA alarm on the transformer and after investigating it was found that a tiny switch had failed in the controls. While investigating the reason for the alarm, the substation had to be out of service for a couple of weeks. On our tree crew, Jamie Howe went to Knoxville Tennessee for a tree trimming seminar. Our peak load is down 2.4 MW from a year ago, the average load is down 1.37 MW, believe that can be contributed to more efficient appliances we now have. Mazur said our usage in August 2018 was high, this year our peak was at 30.8 MW, the solar field produced higher than projected in July.

Mazur pointed out the Efficiency Smart Agreement expires this year. AMP would like us to renew our contract, next year's contract will focus on companies and people being more energy efficient during the day to keep the rates low. AMP said they have guarantees that will be put into the contract. A representative from AMP will be at the October meeting to give a presentation.

Bialorucki assigned Efficiency Smart Agreement to the Electric Committee and Board of Public Affairs for their October 14, 2019 meeting agenda.

Motion: Siclair
to adjourn the Electric Committee meeting at 6:43 pm.

Roll call vote on the above motion:
Yea-Bialorucki, Siclair, Sheaffer
Nay-

Travis Sheaffer - Chair

Travis Sheaffer - Chair

MUNICIPAL PROPERTIES, BUILDINGS, LAND USE, AND ECONOMIC DEVELOPMENT COMMITTEE

MEETING MINUTES

Monday, September 09, 2019 at 7:30 PM

PRESENT	
Members:	Lori Siclair-Chair, Jeff Mires, Jason Maassel, Joseph D. Bialorucki
City Manager	Joel Mazur
City Finance Director	Kelly O'Boyle
Recording Secretary	Roxanne Dietrich
City Staff	Chad
Others	Brian Koeller, Mike Saneholtz
ABSENT	
Call to Order	Chairman Siclair called the Municipal Properties, Building, Land Use and Economic Development Committee meeting to order at 7:37 pm.
Approval of Minutes	Hearing no objections or corrections, the minutes from the July 08, 2019 meeting stand approved as presented.
Henry County Transportation Network	Mike Saneholtz the Director of the Henry County Transportation Network (HCTN) explained how an additional transportation vehicle could benefit the City of Napoleon. He said currently the HCTN serves the Senior Center, Job and Family Services, Veterans Service Board, Hope Services, the court system, we are in support with Renewed Minds going to areas where they need transportation in the county, we serve Henry County Hospital and have contracted with them to take people home from the ER anytime which is a big relief to the Napoleon Police Department, and civic activities. The new grant for 2020 is the 5311 ODOT grant that is monitored by ODOT with federal money. The State of Ohio was awarded \$72 million and Napoleon has an opportunity to become part of this grant with a 20% match that would be \$11,938. The Napoleon could acquire a 14-passenger bus that could be utilized by HCTN to transport Napoleon residents, it will have two wheelchair tie downs. The vehicle will be arriving this month, the fee to us is already paid that is why we are asking the City of Napoleon to get on this. This vehicle will be available to all residents and will enable Henry County Seniors to go different places, it will be available to any Medicaid client. There will be a deviated route system which is where people can call ahead and we can help them get to places they need to go. The next biggest thing is employment, this system will get people to work in the city, we will include JAC Products, Campbell Soup Company and Keller Logistics. This route will also service residents and as you know some places aren't very accessible, Glenwood Estates is out there pass the bypass they will have the opportunity to utilize this bus service, Glen Arbor Apartments, Ken James is kinda landlocked, you can have all the roundabouts you want and there will still be people walking to the

Walmarts, this bus can take care of that. You have the apartments out by the hospital and Tenneco, southside residents have certain stores but only certain ones are on the north side. The fee would be \$2.00 a ride or a round trip would be \$4.00. This can be utilized in a CTS system, this is currently being utilized in Youngstown and the three counties down there, the system has been in place for about three years, we have made many visits down there to see how it works. They have cards they use now where people don't have to pay they can load money onto the cards, this is used by TARTA and other transportation agencies. Hours of operations would be determined by need. We would establish full time person on the bus and monitor hours to see how much operation is needed. There are no levy monies toward this right now. This would enable people that fall between the cracks that need to get to medical trips locally, this would benefit Henry County Hospital, local doctors and local things around here. The Federal government pays for 80% and the 20% match for Napoleon would be \$11,938 this vehicle would be servicing Napoleon City. Maassel pointed out for under \$12,000 this can provide a way to get people stop walking along St. Rt. 108 on icy, snowy days that alone might be worth the price of admission. It helps to get people to and from work, we are now helping employers, we are helping under-employed get to better jobs, we are helping local employers get more qualified people for an investment of \$12,000. Saneholtz added this can grow this bus will get around 250,000 miles and last 8 to 10 years. The City of Defiance is already on board and will be in operation next year. There are other municipalities we are speaking with, Deshler did a long time ago, we will be able to keep the bus in Henry County, in the future could be a 4-county transportation. Mazur asked what is the smallest city to have a deviated route system? Saneholtz said probably Napoleon could be, Deshler has an on-call need not a route system. We have a lot of calls for appointments that we cannot fulfil this will give more opportunities for employment that we don't have, the only employment we do now is supporting with Hope Services. Bialorucki asked how will pay for full time employee. Saneholtz answered the \$2.00 per ride will help to recover the cost of gas, insurance, and maintenance. There will be a lot of marketing. This has worked in small cities already, ODOT monitors it and wants to see it, would be good thing to show and use, there could be more grant money available in time. Siclair wondered if the Commissioners or county has been approached, will they be spending in money in this? Saneholtz said the Commissioners spent \$82,000 for the program of monitoring all the vehicles, we are working on a system now we have tablets we went completely paperless and they paid for that CTS system. They also have been very good in supplying a building that they purchased for HCTN. Fortunately for them, part of this grant can repay large portions of what they've already done in the expansion of the old Buckeye Building and will also even pay a percentage of the maintenance person that's there, yea they went above and beyond to support this monetarily.

Passed
Yea-4
Nay-0

Roll call vote on the above motion:
Yea-Siclair, Bialorucki, Mires, Maassel
Nay-

Mazur pointed out this will need to be discussed during budget talks, what are you looking at? Saneholtz said after the first of the year, the buses will come in, we then set up, market it and tell people how it works. Mazur asked what is the grant cycle? Saneholtz said every year in August you apply for it.

Mazur went over the list of projected projects for 2020 from Chad's Memo that was in the packet (a copy of the Memo is attached), this list does not include Lynne Avenue.

South Perry Street Resurfacing will be in conjunction with ODOT. Lulfs noted ODOT prepared the plans and surveyed South Perry Street, their estimate is \$130,000. They will have the project ready to go out to bid right after the first of the year. Maassel added not during the Fair. Lulfs said that is on the plans.

East and West Graceway Street Improvements is estimated at \$450,000.

Glenwood Waterline Improvements-we've had trouble with this line for sometime. Lulfs added if we're going to have a new pool, we need to have a better waterline, this project is estimated at \$155,000.

Euclid Avenue Sanitary Sewer Repair is estimated at \$20,000 for pavement repair not the project.

American Road Improvements (Design 2020) is estimated at \$150,000. The design will come from one of the grant sources, we are meeting with Love's in a couple of weeks. Lulfs cited a lot of funding sources are reimbursements and will have to budget for. Bialorucki asked how much is coming from Love's? Lulfs estimated the cost of work they would be required to do for the road at \$1 million to \$1.2 million. Mazur said MVPO is the lead agency on this project, the only grant we have to manage is Ohio Jobs and Commerce the remainder will be managed by MVPO.

St. Rt. 108 & U.S. Route 6/24 Interchange (Design) estimated at \$351,850. Lulfs said we may not need the total amount, we are waiting for an answer from ODOT, offered to contribute 10%, 10% of engineering is much less than 10% of the project. ODOT will manage this project.

Oakwood Avenue Improvements (Design 2020) – estimated cost \$400,000. We received word we were awarded a grant from the Small Cities Program in the amount of \$2 million. A majority of the work will be reconstruction we will resurface what we can salvage. Total project cost is estimated at \$4 million, design is 10% of that and will start around January/February 2020 with construction in 2022 or 2023, want to make sure it is not at the same time as Scott Street. Mazur stated we have to figure out a way to finance the remainder of the Oakwood Project. We will have to come up with another \$2 million. The cost does not include water the majority of storm sewer needs to be replaced as much of it has failed. Bialorucki wanted to know if there is the potential for American Road, Oakwood and 108/24 all being done in the same year? Lulfs replied probably not. My guess would be American Road North of the bypass in 2020 and the other two projects in 2021, 2022 or 2023. The American Road half (Love' portion) could be next year. Lulfs said there will have to be access maintained to the businesses, we cannot do the whole thing at once. Bialorucki asked what the pavement budget is for the year? Lulfs' response was it varies, 2019 was a smaller year with Park Street it will be a larger project. Maassel asked if Lynne Avenue will be added. Lulfs answered on Lynne Avenue the storm sewer is there, the sanitary sewer is bad, the waterline is bad as is the street. The west end could be done during summer break, east side will take 10-12 weeks there is waterline work that needs to be done in the Kenilworth intersection. The east side will have sidewalks on the south side.

**Oakwood Avenue Grant
Added to Sept. 16, 2019
Agenda as D/A Item**

Council President Bialorucki added Approval of Oakwood Avenue Grant to the September 16, 2019 City Council Agenda as a Discussion/Action item.

Motion to Adjourn

Motion: Bialorucki Second: Maassel
to adjourn the Municipal Properties, Building, Land Use and Economic
Development Committee meeting at 8:27 pm.

Passed

Yea-4

Nay-0

Roll call vote on the above motion:
Yea-Sicclair, Bialorucki, Mires, Maassel
Nay-

Approved

October 14, 2019

Lori Sicclair – Chair



OHIO DEPARTMENT OF TRANSPORTATION

John R. Kasich, Governor

Jerry Wray, Director

1980 W. Broad Street, Columbus, OH 43223

614-466-7170

transportation.ohio.gov

August 28, 2019

Mr. Chad Lulfs, P.E., P.S.
City of Napoleon
255 West Riverview Avenue
P.O. Box 151
Napoleon, Ohio 43545

Dear Mr. Lulfs:

The Ohio Department of Transportation (ODOT) is pleased to inform you that the Oakwood Avenue Reconstruction project has been selected for funding in the Small City Program. The project selections are contingent upon the availability of future federal funds.

In the past, ODOT has provided 80% of the eligible costs in Federal funds through the Small City Program. This year the program is utilizing Toll Revenue Credit (TRC) to provide 95% of the eligible costs, up to a maximum of **\$2,000,000** in Federal funds through the Small City Program, for project award in State Fiscal Year (SFY) 2023.

Please provide written acceptance of the awarded Small City funds by **Friday, September 27, 2019** via email to Nichole.Lawhorn@dot.ohio.gov. If acceptance is not received by this date, the funds will be rescinded and awarded to another project in order to ensure a fully funded program.

Please contact Aaron Behrman, in the ODOT District 2 office at (419) 373-4403, to schedule a project scope meeting and to start the process of programming your project. It is crucial to establish solid commitment dates that meet the award date for your project. Failure to meet the agreed upon dates could result in funding being withdrawn.

If you have any questions, please feel free to contact me at (614) 752-6581 or at the email address provided above.

Respectfully,

A handwritten signature in black ink, appearing to read 'Nichole Lawhorn'.

Nichole Lawhorn
Program Manager
Office of Local Programs

c: Aaron Behrman, ODOT District 2

Excellence in Government

ODOT is an Equal Opportunity Employer and Provider of Services



City of Napoleon, Ohio

Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

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

www.napoleonohio.com

Memorandum

To: Joel L. Mazur, City Manager
From: Chad E. Lulfs, P.E., P.S., Director of Public Works
cc: Mayor & City Council
Kelly O'Boyle, City Finance Director
Roxanne Dietrich, Interim Clerk of Council
Date: September 10, 2019
Subject: Park Street Improvements ~ Phase 3 (L.T.C.P. Project No. 17C ~ Partial) – Approval of Plans & Specifications

The City of Napoleon's Department of Public Works requests approval of the plans, bid documents, and specifications for the above referenced project. This project consists of: reconstruction of Park Street from Sheffield Avenue to W. Riverview Avenue; replacing the existing concrete curb and drive approaches; replacing the sanitary sewer main and installing new sanitary sewer services in this section; installing storm taps to all properties along the project; replacing the water main and services. Concrete walks will be replaced as part of the project.

Engineer's Estimate of Construction: \$1,250,000.00.

Budgeted amount for Construction: \$1,340,000.00.

OPWC Grant: \$325,000.00

Office of Community Development Grant: \$555,000.00

Total Grant Funds: \$880,000.00

CEL



City of Napoleon, Ohio

Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

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

www.napoleonohio.com

Memorandum

To: Joel L. Mazur, City Manager
From: Chad E. Lulfs, P.E., P.S., Director of Public Works
cc: Mayor & City Council
Kelly O'Boyle, City Finance Director
Roxanne Dietrich, Interim Clerk of Council
Dave Pike, W.W.T.P. Superintendent
Date: September 10, 2019
Subject: WWTP Phase I ~ Digester Covers & Sludge Improvement ~ Approval of Plans, Specifications, & Bid Documents

The City of Napoleon's Department of Public Works requests approval of the plans, bid documents, and specifications for the above referenced project. This project consists of cleaning and inspecting the digesters.

Engineer's Estimate of Construction: \$600,000.00.

Budgeted amount for Construction: \$600,000.00.

CEL



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: Mayor and City Council, City Manager, City Law
Director, City Finance Director, Department
Supervisors, News Media
From: Roxanne Dietrich, *interim* Clerk of Council 
Date: September 12, 2019
Subject: Parks & Recreation Committee – Cancellation

The regularly scheduled meeting of the Parks and Recreation Committee for Monday, September 16, 2019 at 6:00 pm has been CANCELED due to lack of agenda items.

City of Napoleon, Ohio

TREE COMMISSION

MEETING AGENDA

Monday, September 16, 2019 at 6:00 pm

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

1. Approval of Minutes: August 19, 2019 Regular Meeting Minutes and August 26, 2019 Special Meeting Minutes (In the absence of any objections or corrections, the Minutes shall stand approved.)
2. Review Tree Call Reports.
3. Fall Contracts Update.
4. Award Fall Planting Contract.
5. Award Fall Trimming Contract.
6. Begin Spring Plantings List.
7. Review Next Year's Budget/Plans.
8. Any Other Matters to Come Before the Commission.
9. Adjournment.



Roxanne Dietrich

Interim Clerk of Council

TREE COMMISSION

Meeting Minutes

Monday, August 19, 2019 at 6:00 pm

PRESENT

Commission Members
Council Representative
City Staff
Recording Secretary

Jim Fitzenreiter-Chair, Dave Volkman, Ed Clausing, Larr Etzler
Jeff Mires
Aron Deblin
Roxanne Dietrich

ABSENT

Commission Member

Kyle Moore

Call to Order

Chairman Fitzenreiter called the meeting to order at 6:00 pm.

Approval of Minutes

Deblin said under the Fall Tree Trimming List it says Linden and Thershan and should be ~~Becca~~ and Thershan. The July 15, 2019 minutes were approved with the correction.

Review Tree Call Reports

Deblin reported:

914 Hobson is a newer tree planting that leafed out this spring and now everything is dead. It is a red maple, the oak tree that was planted at the same time is doing great.

1117 Stevenson this tree may be a year older; but, had the same it leafed out and all of sudden the leaves turned brown and died. Both residents would like to have the trees replanted, the trees will be pulled out with fall removals and replanted right-a-way.

704 West Riverview is a newer tree that was broke off, there is a 2' stump sticking out of the ground, should we replant? It was decided to ask the homeowner if they would like to have the tree replanted.

504 Welsted has a Japanese Lilac planted in the Fall of 2004, it is noted on the planting ~~private~~. If the tree is on private property, there is nothing we can do with it.

A gentleman who had a tree removed last spring called asking what the protocol is to get his yard fixed. The problem is the grindings are not settling, it could be we are going deeper than they did in the past and creating more grindings. This Fall when do grindings will remove excess grindings so they are flush with the ground. We are grinding 2' in depth that's what our spec calls then if you want to replant there should not be an issue with existing roots.

Finalize Fall Plantings List

Deblin stated the majority of Fall Plantings are on Park Street from Glenwood to Sheffield with the exception of the last two houses at the corner of Sheffield that will be done when Park Street is done. There were four additional replants requested by homeowners on Haley, Clairmont, Highland and North Perry, making a total of 24 trees to be planted. Fitzenreiter asked about the tree by

Finalize Fall Trimmings List

Award of Fall Removals Contract

Other Matters

Motion to Adjourn

Passed
Yea-5
Nay-0

Date Approved:

September 16, 2019

page 2 of 2

TREE COMMISSION

Special Meeting Minutes

Monday, August 26, 2019 at 9:45 am

PRESENT

Commission Members
Council Representative
City Staff

Jim Fitzenreiter-Chair, Ed Clausing, Larr Etzler, ~~Kyle Moore~~
Jeff Mires

Acting Recorder
Others

Aron Deblin, Chad E. Lulfs
Jim Fitzenreiter
Dave Sheidler, the Landscape Manager for North Branch Nursery,
Tom Oberhouse, Owner of North Branch Nursery

ABSENT

Commission Member

Dave Volkman, Kyle Moore

Call to Order

Chairman Fitzenreiter called the meeting to order at 9:46 a.m.

Tour of North Branch Nursery

Dave Sheidler, the Landscape Manager for North Branch Nursery, took the Commission on a tour of North Branch Nursery. Tom Oberhouse, Owner, briefly met with us as well.

The Nursery covers over 300 acres and get their trees from the state of Oregon on 3 truckloads of about 5000 trees per truck. In a typical year, they sell around 15,000 trees to areas on the east coast and Chicago area as well as Northwest Ohio. Their installation services are mostly limited to Northwest Ohio.

Dave mentioned that all of the trees last planted in Spring were good ones to use.

Dave encouraged us to use their Plant Finder tool on their website:

www.northbranchnursery.com It's a good tool to help give direction on what to plant based on site restrictions and to be aware of existing Nursery inventory.

As we looked at trees, Dave suggested we consider the following:

- Tree Lilac which can be a good option to replace pear trees.
- Ginko
- Paperback Maple - slow growing
- Serviceberry - good for small space
- Pagoda Dogwood
- River Birch - slow growing
- Canada Red Chokecherry
- Crimson Sunset Maple which has replaced the Crimson King.
- Gold Rush Dawn Redwood
- Swamp White Oak
- London Planetree
- American Hophornbeam
- American Linden
- Any Elm

As far as tree staking, Dave recommended removing stakes after 1 year, which we are doing. He also mentioned the number of stakes used are based on the tree diameter. Our spec is 1 1/2" diameter which is a 4 - 7 year old tree.

Motion to Adjourn

Motion: Clausing Second: Mires
to adjourn the Tree Commission meeting at 11:57 am.

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

Roll call vote on the above motion:

Yea-Clausing, Mires, Fitzenreiter, Etzler

Nay-

Date Approved:

September 16, 2019

Jim Fitzenreiter, Chairman

Ohio Municipal League Legislative Bulletin

Ohio Municipal League

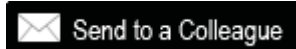
Fri 9/13/2019 1:01 PM

To: Roxanne Dietrich <rdietrich@napoleonohio.com>

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Legislative Bulletin

September 13, 2019

OML UPDATE AT-A-GLANCE

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

- This week, President Trump awarded the Medal of Valor to the six Dayton police officers who shot and killed the gunman that perpetrated the mass shooting in the Oregon District in downtown Dayton that left nine people dead and 27 injured. The Medal of Valor is the nation's highest award for public safety officers.
- The U.S. Department of Transportation announced it has awarded the \$7.5 million Automated Driving Systems Demonstration Grant to DriveOhio. The money is intended to assist in developing and launching automated transportation solutions to the mobility issues faced by the population in Ohio's rural areas.
- Last week, the U.S. Department of Health and Human Services announced the distribution of \$1.8 billion in grants across the country to state and local agencies that address both addiction treatment and data collection regarding the opioid crisis.

BILL PREEMPTING EMINENT DOMAIN UP FOR OPPONENT TESTIMONY

A bill preempting municipal eminent domain is up for a third hearing in the House Civil Justice Committee for opponent testimony this week.

HB 288, sponsored by Rep. Manning (R - New Middletown), would amend the law regarding eminent domain and would declare an emergency, meaning the bill would take immediate effect once signed by the Governor.

Please read our Call-to-Action [HERE](#) to learn more about the bill and to find out when you can testify against this preemption of municipal Home Rule authority.

The bill limits the public uses to which property taken pursuant to the Eminent Domain Law may be applied. Specifically, it prohibits property from being taken for the purpose of providing a recreational trail. The bill defines "recreational trail" as a public trail that is used for hiking, bicycling, horseback riding, ski touring, canoeing, or other nonmotorized forms of recreational travel.

SENATE RESIGNATIONS AND APPOINTMENTS

Last week, Sen. Lou Terhar (R - Cincinnati) announced he is resigning from his 8th District Senate seat, which encompasses part of Hamilton County, effective at the end of September. The Senate Republican caucus has begun the process of searching for a replacement.

Additionally, the Senate Republican caucus announced former state Rep. Terry Johnson will replace Sen. Joe Uecker (R - Loveland). Sen. Uecker resigned from his 14th Senate District seat, which covers Clermont, Brown, Adams, Scioto and parts of Lawrence County, to accept a position at the Ohio Department of Transportation.

The League congratulates Rep. Johnson on his appointment to the Senate, and we will keep our members up-to-date on the appointment to fill Sen. Terhar's seat.

GRANT WRITING WORKSHOP TO BE HELD IN CINCINNATI WITH DISCOUNT FOR LEAGUE MEMBERS

The Cincinnati Police Academy and Grant Writing USA will present a two-day grants workshop in Cincinnati, October 15-16, 2019. This training is for grant seekers across all disciplines. By attending this class, you'll learn how to find grants and write winning grant proposals. More than 10,000 agencies across North America have turned to Grant Writing USA for grant writing and grant management training.

Beginning and experienced grant writers from city, county and state agencies as well as nonprofits, K-12, colleges and universities are encouraged to attend.

We are excited to offer Ohio Municipal League members and their staff a special tuition rate of \$425 which includes two days of terrific instruction, workbook, and access to our Alumni Forum that's packed full of tools, helpful discussions and more than 200 sample grant proposals. Please use discount code "OHASSN" to receive this \$30 discount off full price at registration.

Multi-enrollment discounts and discounts for Grant Writing USA returning alumni are also available. Tuition payment is not required at the time of enrollment.

Complete event details including learning objectives, class location, graduate testimonials and online registration are available [HERE](#).

If you have any questions you can contact Janet Darling from Grant Writing USA at either (888) 290-6237 or janet@grantwritingusa.com. You can also contact Carrie Howell from the Cincinnati Police Academy at either (513) 357-7552 or at carrie.howell@cincinnati-oh.gov.

COMMITTEE SCHEDULE FOR THE WEEK OF SEPTEMBER 15, 2019

Tuesday, September 17, 2019

SENATE EDUCATION

Tue., Sep. 17, 2019, 10:15 AM, South Hearing Room

Sen. Lehner: 614-466-4538

DISSOLVE DISTRESS COMMISSIONS (MILLER J, JONES D) To dissolve academic distress **HB154**** commissions and to instead require the creation of community learning centers for buildings in low-performing school districts.

Third Hearing, All Testimony, AMENDMENTS/POSSIBLE VOTE

HOUSE CIVIL JUSTICE

Tue., Sep. 17, 2019, Room 018, 3:00 PM or after session,

Chair Hamble, S. : 614-466-8140

HB288 EMINENT DOMAIN (Manning, D.) To amend the law regarding eminent domain and to declare and emergency.

3rd Hearing, Opponent & Interested Party

SENATE GOVERNMENT OVERSIGHT AND REFORM

Tue., Sep. 17, 2019, 3:15 PM, South Hearing Room

Sen. Coley: 614-466-8072

PROHIBIT TRIGGER CRANKS, BUMP STOCKS (THOMAS C) To prohibit certain conduct **SB62**** regarding trigger cranks, bump-fire devices, and other items that accelerate a semi-automatic firearm's rate of fire but do not convert it into an automatic firearm.

First Hearing, Sponsor Testimony

SB63** FIREARM TRANSFERS (THOMAS C) To require a firearm transfer to be made through a dealer, through a law enforcement agency, or pursuant to a specified exception, and to require a background check when a firearm is transferred.

First Hearing, Sponsor Testimony

SB64** RAISE MINIMUM AGE-FIREARM PURCHASES (THOMAS C) To raise the minimum age to purchase a firearm to age 21 and to increase the penalty for improperly furnishing firearms to an underage person.

First Hearing, Sponsor Testimony

SB65** FIREARM TRANSFERS-GUN SHOWS (THOMAS C) To regulate the transfer of firearms at a gun show.

First Hearing, Sponsor Testimony

SB182** RAISE MINIMUM AGE-FIREARM PURCHASES (THOMAS C, LEHNER P) To raise the minimum age to purchase a firearm to age 21 and to increase the penalty for improperly furnishing firearms to an underage person.

First Hearing, Sponsor Testimony

SB183** FIREARM TRANSFERS (THOMAS C, LEHNER P) To require a firearm transfer to be made through a dealer, through a law enforcement agency, or pursuant to a specified exception, and to require a background check when a firearm is transferred.

First Hearing, Sponsor Testimony

SB184** EXTREME RISK PROTECTION ORDER (WILLIAMS S, LEHNER P) To enact the Extreme Risk Protection Order Act to allow family members, household members, and law enforcement officers to obtain a court order that temporarily restricts a person's access to firearms if that person poses a danger to themselves or others.

First Hearing, Sponsor Testimony

Wednesday, September 18, 2019

SENATE EDUCATION

Wed., Sep. 18, 2019, 11:30 AM, South Hearing Room

Sen. Lehner: 614-466-4538

HB154** DISSOLVE DISTRESS COMMISSIONS (MILLER J, JONES D) To dissolve academic distress commissions and to instead require the creation of community learning centers for buildings in low-performing school districts.

Fourth Hearing, No Testimony, AMENDMENTS/POSSIBLE VOTE

SENATE HEALTH, HUMAN SERVICES AND MEDICAID

Wed., Sep. 18, 2019, 2:30 PM, South Hearing Room

Sen. Burke: 614-466-8049

SB105** MESSAGE THERAPY LICENSING (BRENNER A) To make changes to the massage therapy licensing law.

Second Hearing, All Testimony

**CHECK OUR WEBSITE MONDAY FOR ANY CHANGES TO THE POSTED
COMMITTEE SCHEDULE**

Ohio Municipal League Meetings & Trainings

<u>OML Annual Conference</u> October 23 ~ 25, 2019 Renaissance Hotel, Downtown Columbus	<u>Registration Information</u>
<u>MFOAO Annual Fall Conference</u> October 23 & 24, 2019 Renaissance Hotel, Downtown Columbus	<u>Registration Information</u>
<u>Mayors Court Refresher Trainings</u> August 16 ~ Attorneys & Magistrates Only October 25 & November 15	<u>Registration Information</u>

[Ohio Municipal League](#)

Legislative Inquires:

[Kent Scarrett, Executive Director](#)

[Edward Albright, Deputy Director](#)

[Ashley Brewster, Director of Communications](#)

[Thomas Wetmore, Legislative Advocate](#)

Website/Bulletin Issues:

[Zoë Wade, Office Manager](#)

Ohio Municipal League, 175 S. Third Street, Suite 510, Columbus, OH 43215

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REVISED CALL TO ACTION

The Ohio Municipal League

Fri 9/13/2019 11:03 AM

To: Roxanne Dietrich <rdietrich@napoleonohio.com>



CALL TO ACTION

We apologize for resending this message to you but we found an unintended typo in the previous Call to Action. Please find the revised action alert below:

September 13, 2019

BILL PREEMPTING MUNICIPAL EMINENT DOMAIN SCHEDULED FOR OPPONENT TESTIMONY NEXT WEEK

Next week, on Tuesday, Sept. 17th at 3 p.m., the House Civil Justice Committee will hold a third hearing for opponent testimony on HB 288, which threatens municipal control over eminent domain. The hearing will happen in Hearing Room 018 in the Statehouse.

HB 288, sponsored by Rep. Manning (R - New Middletown), would amend the law regarding eminent domain and would declare an emergency, meaning the bill would take immediate effect once signed by the Governor.

The bill limits the public uses to which property taken pursuant to the Eminent Domain Law may be put. Specifically, it prohibits property from being taken for the purpose of providing a recreational trail. The bill defines "recreational trail" as a public trail that is used for hiking, bicycling, horseback riding, ski touring, canoeing, or other nonmotorized forms of recreational travel

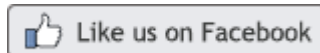
The bill was drafted by Rep. Manning, who said the measure would prevent the taking of land for a specific recreational trail in his district in Mahoning County. This means this is a local issue that should be dealt with on a local level within the existing legal framework.

HB 288 is a blatant violation of municipal Home Rule authority. It is important for legislators to be made aware that municipalities employ rarely eminent domain as a last resort and only for purposes that benefit the entire community. A project must be deemed necessary and in the public interest. When eminent domain is utilized, the property owner is compensated for the acquired land.

Legislators must also be made aware that the trails targeted by the bill are important, both increasing and enhancing connectivity for community. For example, these trails often function as sidewalks along roadways. If a property owner does not cooperate with the municipality, pedestrians and bikers will be forced onto the street, resulting in a public safety issue.

Municipal leaders are strongly encouraged to come to the Statehouse and testify before the committee in order to educate legislators on how this bill would negatively affect local communities. Testimony must be submitted 24 hours before the start of the hearing. ***If you cannot attend the committee in person, we recommend that you submit written testimony to the Chair's office at rep69@ohiohouse.gov or contact your own member of the Ohio House of Representatives to share any concerns you may have with them and ask for their opposition to the proposal.*** If you have any questions about testifying or contacting a member of the General Assembly, please contact the League's Director of Communications Ashley Brewster at abrewster@omloho.org or by phone at (614) 221-4349

STAY CONNECTED:



The Ohio Municipal League, 175 S. Third Street, Suite 510, Columbus, OH 43215

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