

GENERAL INFORMATION

November 18, 2019

A Note from Kelly:

The 2020 Budget Summary and the 2020 Transfer for Funds attachments for the Ordinances will be sent on Monday. Joel and I are working on the Insurance piece and will need to adjust the budget and projected fund balances accordingly for the 2019 and 2020 expenses. The rest of the budget is ready to go. We received the renewal amount last night and are working on the chargeback amounts. We are going to talk to our Insurance rep on Monday. We will also send the updated Projected Fund Balances and General Fund Summary on Monday that were presented at the November 8th Meeting to reflect all of the changes that were made.

CALENDAR

CITY COUNCIL MEETING AGENDA

APPROVAL OF MINUTES

November 4, 2019 Regular Council Meeting Minutes.

The minutes from Friday, November 8th and Saturday, November 9th meetings are not included in the packet as Kelly is reviewing them.

INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 078-19**, an Ordinance Amending a Certain Section of Chapter 375 of the City of Napoleon, Ohio Codified Ordinances, specifically Section 375.03(e), and Repealing Certain Sections of Chapter 505 and Chapter 549 of the City of Napoleon, Ohio Codified Ordinances, specifically Sections 505.11, 505.15, 549.08, and 549.09, Relating to the Ownership, Possession, Purchase, Other Acquisition, Transport, Storage, Carrying, Sale, Other Transfer, Manufacture, Taxation, Keeping, and Reporting of Loss or Theft of Firearms, their Components, and their Ammunition; and Declaring an Emergency
2. **Ordinance No. 079-19**, an Ordinance Amending the Allocation of Funds as found in Sections 193.11 and 194.013 of the Codified Ordinances of the City of Napoleon, Ohio; and Declaring an Emergency
3. **Resolution No. 080-19**, a Resolution Authorizing the Expenditure of Funds and Authorizing a Department Director to take Bids on Certain Projects, Services, Equipment, Materials, or Supplies without the Requirement for Additional Legislation to do so in the Year 2020; and Declaring an Emergency
4. **Resolution No. 081-19**, a Resolution Authorizing Expenditure of Funds in Excess of Twenty-five Thousand Dollars (\$25,000) in and for the Year 2020 as it Relates to Reoccurring Costs Associated with the Operation of the City, for Payment of Expenses, and for Purchases Associated with Vendors Utilized by Multiple Departments within the City; Elimination of Necessity of Competitive Bidding in and for the Year 2020 as it Relates to Certain Transactions; and Declaring an Emergency
- The attachments for Ordinance No. 082-19 and Resolution No. 083-19 will be passed out Monday night.
5. **Ordinance No. 082-19**, an Ordinance Establishing the Appropriation Measure (Budget) of the City of Napoleon, Ohio for the Fiscal Year Ending December 31, 2020, listed in Exhibit "A;" and Declaring an Emergency
6. **Resolution No. 083-19**, a Resolution Authorizing the Finance Director to Transfer Certain Fund Balances from Respective Funds to Other Funds per Section 5705.14 ORC on an as needed basis in Fiscal Year 2020, listed in Exhibit "A;" and Declaring an Emergency
7. **Ordinance No. 084-19**, an Ordinance Supplementing the Annual Appropriation Measure (Supplement No. 8) for the Year 2019; and Declaring an Emergency (Suspension Requested)

8. **Resolution No. 085-19**, a Resolution Authorizing the Expenditure of Funds in Excess of Twenty-five Thousand Dollars (\$25,000) for a Project known as the Napoleon Municipal Pool Demolition Project, which was not included in the 2019 Master Bid List, Resolution No. 079-18, and Authorizing Competitive Bidding in regard thereto; and Declaring an Emergency (Suspension Requested)
9. **Resolution No. 086-19**, a Resolution Extending an Ordinance Imposing a Temporary Reduction and/or Temporary Elimination of Certain Resident Building Permit Fees; and Declaring an Emergency
10. **Ordinance 087-19**, an Ordinance Apportioning the Expenses Incurred Including Wages, Salaries and Fringe Benefits of the Mayor, Council, and Various Other Departments of the City of Napoleon which are not Otherwise Directly Charged to Special and/or Capital Projects Among Various Accounts Effective January 1, 2020; Amending Ordinance No. 104-09; and Declaring an Emergency

SECOND READINGS OF ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 075-19**, an Ordinance Approving the Execution of an Efficiency Smart Schedule with American Municipal Power, Inc.; and Declaring an Emergency
2. **Ordinance No. 076-19**, an Ordinance Amending Chapter 955.10 of the Codified Code of Ordinances of the City of Napoleon, Ohio regarding current Shelter House/Community Center Rental Rates

THIRD READINGS OF ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 072-19**, an Ordinance Amending the City Income Tax Code, Section 194.03 Definitions, to Adopt Sections 718.01(Y) and 718.01(Z) of the Ohio Revised Code, 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 the December 2019 PSCAF Power Supply Cost Adjustment Factor for November 2019 as 3-month averaged factor \$0.00831 and JV2 \$0.017383
2. **Discussion/Action:** Approval of Plans and Specifications for the Napoleon Aquatic Center Pool / Bath House Demolition Project
3. **Discussion/Action:** Award of the Phase I – Digester Covers and Sludge Removal Improvements.
4. **Discussion/Action:** Appointment of an OMEA Delegate (Tabled)
5. **Discussion/Action:** Position Classification Pay Plan for 2020 (Direct the Law Director to Draft Legislation)
6. **Discussion/Action:** Authorizing Finance Director and City Manager to Approve Supplementals under \$25K as needed in between Quarterly Adjustments (Direct the Law Director to Draft Legislation)
7. **Discussion/Action:** Authorizing Finance Director and City Manager to approve Appropriation Transfers under \$25K as needed in between Quarterly Adjustments (Direct the Law Director to Draft Legislation)
8. **Discussion/Action:** Authorizing Finance Director and City Manager to approve Transfer of Funds under \$25K as needed in between Quarterly Adjustments (Direct the Law Director to Draft Legislation)
9. **Discussion/Action:** Appointing Mayor Jason Maassel and Councilman Dan Baer to Represent the City of Napoleon, Ohio as Members of the Board of Directors of the Community Improvement Corporation of Henry County, Ohio (Direct Law Director to Draft Legislation)
10. **Discussion/Action:** Enter into Programmatic Agreement with Ohio State Historic Preservation Office (direct Law Director to draft Legislation).

11. **Discussion/Action:** to Amend Ordinance No. 080-18 to add BHM CPA Group, Inc. to Exhibit B for Auditing Services and Terex Utilities, Inc. to Exhibit C for Electric Equipment Purchases (Direct the Law Director to Draft Legislation)
12. **Discussion/Action:** Accept Donation of \$100 from Kenneth and Judy Hein to the Napoleon Fire Department.

INFORMATIONAL ITEMS

1. Agenda – Napoleon Aquatic Center Commission Meeting; Monday, Nov. 18th at 5:30 pm
2. Meetings Canceled:
 - a. Parks and Rec Committee
 - b. Tree Commission
3. Ohio Municipal League Bulletin/November 15, 2019
4. AMP Update/November 15, 2019

November 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3 <small>Daylight Saving Time Ends</small>	4 7:00 pm City Council	5 <small>Election Day</small>	6	7	8 8:00 am - Joint Mtg Finance & Budget Committee and City Council/Review 2020 Budget	9 8:00 am - Joint Mtg Finance & Budget Committee and City Council/Review 2020 Budget
10	11 6:15 pm Electric Comm. 6:15 pm BOPA 6:45 pm Muni Prop. Comm.	12	13	14	15	16
17	18 5:30 pm Pool Comm. Mtg. 7:00 pm City Council	19	20	21	22	23
24	25 6:30 pm Finance & Budget 7:30 pm Safety & HR Comm (w/Townships)	26 4:30 pm Civil Service	27 6:30 pm Park & Rec Board	28 <small>Thanksgiving Day</small>	29	30
				CITY OFFICES CLOSED	CITY OFFICES CLOSED <i>Floating Holiday</i>	

City of Napoleon, Ohio

CITY COUNCIL

MEETING AGENDA

Monday, November 18, 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. Mayor's Presentation of the 2020 Budget

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

1. November 4, 2019 Regular Council Meeting Minutes
2. November 8, 2019 Special Council Meeting Minutes
3. November 9, 2019 Special Council Meeting Minutes

E. Citizen Communication

F. Reports from Council Committees

1. Electric Committee met on November 11, 2019; and
 - a. approved the November 2019 PSCAF
2. Water, Sewer, Refuse, Recycling and Litter Committee did not meet on November 11, 2019 due to lack of agenda items.
3. Municipal Properties, Building, Land Use and Economic Development Committee met on November 11, 2019; and
 - a. reviewed NORA
4. Finance and Budget Committee met in a Joint Session with City Council on November 8 and November 9, 2019; and
 - a. reviewed the 2020 budget

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

1. Board of Public Affairs met on November 11, 2019.
2. Board of Zoning Appeals did not meet on November 12, 2019 due to lack of agenda items.
3. Planning Commission did not meet on November 12, 2019 due to lack of agenda items.

H. Introduction of New Ordinances and Resolutions

1. **Ordinance No. 078-19**, an Ordinance Amending a Certain Section of Chapter 375 of the City of Napoleon, Ohio Codified Ordinances, specifically Section 375.03(e), and Repealing Certain Sections of Chapter 505 and Chapter 549 of the City of Napoleon, Ohio Codified Ordinances, specifically Sections 505.11, 505.15, 549.08, and 549.09, Relating to the Ownership, Possession, Purchase, Other Acquisition, Transport, Storage, Carrying, Sale, Other Transfer, Manufacture, Taxation, Keeping, and Reporting of Loss or Theft of Firearms, their Components, and their Ammunition; and Declaring an Emergency
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K. Good of the City (any other business as may properly come before Council, including but not limited to):

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L. Executive Session. *(as needed)*

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

N. Adjournment.

Roxanne Dietrich
Clerk of Council

A. ITEMS REFERRED OR PENDING IN COMMITTEES OF COUNCIL

1. Technology & Communication Committee (1st Monday)

(Next Regular Meeting: Monday, December 2, 2019 @6:15 pm)

- a. IT CIP Replacement Schedule Plan (January 2020 agenda)

2. Electric Committee (2nd Monday)

(Next Regular Meeting: Monday, December 9, 2019 @6:15 pm)

- a. Review of Power Supply Cost Adjustment Factor for December 2019
- b. Update on Condition of Substations.
- c. Electric Department Report.

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

(Next Regular Meeting: Monday, December 9, 2019 @7:00 pm)

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

(Next Regular Meeting: Monday, December 9, 2019 @7:30 pm)

5. Parks & Recreation Committee (3rd Monday)

(Next Regular Meeting: Monday, December 16, 2019 @6:00 pm).

6. Finance & Budget Committee (4th Monday)

(Next Regular Meeting: Monday, November 25, 2019 @6:30 pm)

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

(Next Regular Meeting: Monday, November 25, 2019 @7:30 pm)

- a. Fire Department Fee Schedule
- b. SAFER Grant

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, December 9, 2019 @6:15 pm)

- a. Review of Power Supply Cost Adjustment Factor for December 2019
- b. Update on Condition of Substations
- c. Electric Department Report

2. Board of Zoning Appeals (2nd Tuesday)

(Next Regular Meeting: Tuesday, December 10, 2019 @4:30 pm)

3. Planning Commission (2nd Tuesday)

(Next Regular Meeting: Tuesday, December 10, 2019 @5:00 pm)

4. Tree Commission (3rd Monday)

(Next Regular Meeting: Monday, January 20, 2020 at 6:00 pm)

5. Civil Service Commission (4th Tuesday)

(Next Regular Meeting: Tuesday, November 26, 2019 @4:30 pm)

6. Parks & Recreation Board (Last Wednesday)

(Next Regular Meeting: Wednesday, November 27, 2019 @6:30 pm)

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

(Next Regular Meeting: Tuesday, May, 2020 @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

Monday, November 04, 2019 at 7:00 pm

PRESENT

Councilmembers

Daniel L. Baer-Council President Pro-Tem, Jeff Comadoll, Jeff Mires, Lori Siclair, Ken Haase, Ross Durham, Joseph D. Bialorucki (via teleconference)

Mayor

Jason P. Maassel

City Manager

Joel L. Mazur

City Finance Director

Kelly O'Boyle

City Law Director

Billy D. Harmon

City Staff

Clayton O'Brien-Fire Chief, Police Lt. Greg Smith, Dave Pike-WWTP Supt.

Clerk of Council

Roxanne Dietrich

Others

News Media, Eileen Stanic from Meeder

ABSENT

Call to Order

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

Appointment to Vacant Council Seat

Maassel stated a letter was received from the Democratic Party wherein they elected to not appoint anyone to the vacant council seat. The City Charter reads that City Council can select a replacement to fill the vacant seat.

Motion to Nominate John Ross Durham to Council

Motion: Mires Second: Siclair
to nominate John Ross Durham to fill the vacant Council seat.

Passed

Roll call vote on the above motion:

Yea-4

Yea-Comadoll, Siclair, Baer, Mires

Nay-0

Nay-

John Ross Durham Sworn In as Councilmember

Mayor Maassel swore in John Ross Durham as a City Councilmember.

Bialorucki congratulated and welcomed Durham and asked that he introduce himself to Council.

Durham-I'm honored to be here, it's a humbling experience. People have asked me why do I want to be a member of City Council, to me it's simply a matter of public service. I'm proud to live in Napoleon and I want to give something back to the City. My wife and I moved here in August of 2017 from where I grew up in Conway, Arkansas. We moved here with our two daughters and once we landed we had our third daughter. Jess is from Napoleon and whenever we had the idea of moving it was kinda a no brainer where we wanted to land. Growing up my parents always said whenever I would go out "be a leader and make us proud" that is the standard which I try to live by on a daily basis. Those values have translated and made me really who the man I am today. I've lived in a lot

of different places and when we came to Napoleon I was really able to see the sense of community and feel the pride in the way you live for the first time in my life, so, I want to give back. With that being said, I'm very excited and eager to learn, I'm willing to listen to all of the citizens and as my parents said, I want to be a leader and I want to make all of you guys proud. Thank-you again.

Approval of Minutes

Hearing no objections or corrections, the minutes from the October 21, 2019 Regular Council Meeting stand approved as presented.

Citizen Communication

None.

**Agenda Moved L.3.
Investment Update by
Eileen Stanic from
Meeder**

Eileen Stanic from Meeder gave a presentation on the economic update over the past year and updated Council on the City's investments. The federal reserve is a big player in the markets driving the short term interest rate. Last month the target range was lowered which is in contrast to the story we received a year ago where the outlook was for additional interest rates into 2019. The market sentiment shifted very quickly in the fourth quarter of 2018 and the Feds reacted by starting with their first rate cut in June of this year followed with another one and a third one in October. Going forward the Feds have indicated that they will be assessing the current economic conditions before making any additional changes in the interest rate policy. This is a change from the sentiment that they communicated earlier this year when they were clearly acting to sustain the expansion versus now on hold. What conditions would warrant them to shift gears and start increasing rates; if they were to see inflation move much higher than what it currently is would be a trigger for them to shift course. I do not foresee this happening at this stage. We are clearly expecting that the Feds will have to drop interest rates at least one more time in 2020 and that will have implications on investment portfolios and on interest income as rates fall. Tariffs are a big factor in the market environment as the market reacts to the positive news of a potential resolution to the trade disputes. One factor impacting markets is the interest rates abroad. Interest rates have moved a lot over the past year. How does all this impact the City's investment portfolio, as of October 2019 the total is \$21,130,908 with the average maturing at 2.29 years with the current yield at 1.97%.

7:18 pm Haase Arrived

Haase Arrived

The City investment securities are in compliance with the Ohio law and City investment policy. If you look at the terms of the current portfolio, there are a fair amount of securities maturing within the year and certainly as we are looking to reinvest those monies it will be at lower rates than what they were previously invested at. Mazur asked what the future outlook is beyond this year. Stanic replied as we look at what the Feds have done and with the way the Feds reacted to what our economy is facing that has removed from the market place the fear that the US economy is heading into a recession. We do look for short term interest rates to continue to fall and we look for continued volatility in interest rates particularly as it revolves around the trade disputes

Passed
Yea-6
Nay-0

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

Around the Table

O'Boyle

Ross, welcome to Council. We are working on the budget for the budget meetings on the 8th and 9th.

Comadoll

Ross, you have some shoes to fill we will help you along, glad you are here. The City Manager has gotten some action on the tree issue at the corner of Haley and Strong Street, it will be trimmed.

Siclair

Welcome back Jeff and welcome to you Ross.

Baer

Jeff, we are glad you are going to stay with us. Ross we are glad you are here also and it may be a little confusing for a little while but eventually we all figure it out. Tomorrow is our local election day. True there is no competition at the local level but some of us are on the ballot. There is also school board on at the local level. Just a reminder to go out and vote.
We will have a special Finance and Budget and Council meeting this Friday and Saturday both days start at 8:00 am.

Maassel

Welcome back I'm glad you are here, I know at least one person is reading the bills all the time. Welcome Ross. I echo what Dan said about voting tomorrow there are no real issues at the same time it is a privilege people have fought for, don't be lazy tomorrow.

Mires

Welcome back Jeff and welcome to Ross I'm looking forward to working with you.

Haase

Welcome back old timer and welcome new timer.

Durham

Thank-You all for the warm welcome, I'm very excited, I'm sure like Dan said it is going to be like drinking from a fire hose for a little bit but I'll do my best to keep up. Thank you all.

Harmon

Welcome to our newest council people.

Mazur

Welcome back and welcome. One item for Municipal Properties Committee, the Housing Fee Moratorium falls off at the end of this year. Do you want it back on for discussion or let it fade? Maassel's thoughts were to redo for another year or two, there is no need to at Committee can be a Discussion/Action item for Council. Mazur suggested having the Law Director be directed to draft legislation to get the three reads in before the end of this year. Siclair asked what is there to discuss? Mazur replied either to keep going

with it or not. It was originally passed on the premise that we are trying to encourage more housing growth on the residential side. In talking with other builders they see it as a nice piece for them that makes it worthwhile to build in Napoleon. We are seeing a lot of housing growth in the City with 113 housing units starting last year for about a 24-month period.

Motion Direct Law Director Draft Legislation Housing Fee Moratorium Motion: Sicair Second: Mires
to direct the Law Director to draft legislation on the Housing Fee Moratorium.

Passed
Yea-6
Nay-0 Roll call vote on the above motion:
Yea-Comadoll, Siclair, Baer, Mires, Haase, Durham
Nay-

Water/Sewer Committee Canceled Comadoll canceled the Water/Sewer Committee scheduled for Monday, November 11, 2019 due to lack of agenda items.

Municipal Properties Comm. Moved to 6:45 pm Siclair moved the Municipal Properties Committee meeting to 6:45 pm.

Motion to go into Executive Session Economic Develop. Motion: Comadoll Second: Siclair
to go into Executive Session regarding Economic Development.

Passed
Yea-6
Nay-0 Roll call vote on the above motion:
Yea-Comadoll, Siclair, Baer, Mires, Haase, Durham
Nay-

Motion to go into Executive Session on Pending Litigation Motion: Comadoll Second: Haase
to go into Executive Session for Pending Litigation.

Passed
Yea-6
Nay-0 Roll call vote on the above motion:
Yea-Comadoll, Siclair, Baer, Mires, Haase, Durham
Nay-

Council went into Executive Session at 8:10 pm.

Motion to Come Out Executive Session ED Motion: Siclair Second: Mires
to come out of Executive Session regarding Economic Development.

Passed
Yea-6
Nay-0 Roll call vote on the above motion:
Yea- Comadoll, Siclair, Baer, Mires, Haase, Durham
Nay-

Council President Pro-tem Baer reported no action was taken.

Motion to Come Out of Executive Session on Pending Litigation	Motion: Siclair Second: Durham to come out of Executive Session on Pending Litigation.
Passed Yea-6 Nay-0	Roll call vote on the above motion: Yea-Comadoll, Siclair, Baer, Mires, Haase, Durham Nay-
	Council President Pro-Tem Baer reported no action was taken. City Council came out of Executive Session at 8:47 pm.
Approve Payment of Bills	The bills were approved as presented with no objections.
Motion to Adjourn	Motion: Comadoll Second: Haase to adjourn the City Council meeting.
Passed Yea-6 Nay-0	Roll call vote on the above motion: Yea-Comadoll, Siclair, Baer, Mires, Haase, Durham Nay-
Adjournment	the City Council meeting was adjourned at 8:50 pm.
Approved:	
November 18, 2019	_____ Joseph D. Bialorucki, Council President
	_____ Jason P. Maassel, Mayor
	_____ Roxanne Dietrich, Clerk of Council

ORDINANCE NO. 078-19

AN ORDINANCE AMENDING A CERTAIN SECTION OF CHAPTER 375 OF THE CITY OF NAPOLEON, OHIO CODIFIED ORDINANCES , SPECIFICALLY SECTION 375.03(E), AND REPEALING CERTAIN SECTIONS OF CHAPTER 505 AND CHAPTER 549 OF THE CITY OF NAPOLEON, OHIO CODIFIED ORDINANCES, SPECIFICALLY SECTIONS 505.11, 505.15, 549.08, AND 549.09, RELATING TO THE OWNERSHIP, POSSESSION, PURCHASE, OTHER ACQUISITION, TRANSPORT, STORAGE, CARRYING, SALE, OTHER TRANSFER, MANUFACTURE, TAXATION, KEEPING, AND REPORTING OF LOSS OR THEFT OF FIREARMS, THEIR COMPONENTS, AND THEIR AMMUNITION; AND DECLARING AN EMERGENCY

WHEREAS, the Ohio General Assembly has enacted Ohio Revised Code (ORC) §9.68, which becomes effective on December 28, 2019, and which on its face removes from Ohio municipalities the right to enact and enforce laws relating to the ownership, possession, purchase, other acquisition, transport, storage, carrying, sale, other transfer, manufacture, taxation, keeping, and reporting of loss or theft of firearms, their components, and their ammunition, and,

WHEREAS, if ordinances currently a part of the City of Napoleon Codified Ordinances relating to the above are not removed by the referenced effective date, a private cause of action is created through which the City may be liable for damages, attorney fees, and other costs, and,

WHEREAS, City Council recognizes that the City of Napoleon has home rule authority under the Ohio Constitution, but also that no Court has yet ruled on the constitutionality of ORC §9.68 and the City needs to protect itself against liability, and,

WHEREAS, as a result, the City is in need of amending and repealing certain ordinances to place it in compliance with the above referenced law; **Now Therefore**,

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

Section 1. That, Section 375.03 of the City of Napoleon Codified Ordinances is hereby amended, expressly repealing section (e), and section (e) shall hereafter have no legal force and effect.

“375.03 CODE APPLICATION; PROHIBITED OPERATION.

The applicable provisions of this Traffic Code shall be applied to the operation of snowmobiles, off-highway motorcycles, and all purpose vehicles; except that no snowmobile, off-highway motorcycle, or all purpose vehicle shall be operated as follows:

- (a) On any street or highway except for emergency travel only during such time and in such manner as the City shall designate;
- (b) On any private property, or in any nursery or planting area, without the permission of the owner or other person having the right to possession of the property;
- (c) On any land or waters controlled by the State or City, including but not limited to public rights of way, except at those locations where a sign has been posted permitting such operation;
- (d) On tracks or right of way of any operating railroad;
- ~~(e) While transporting any firearm, bow or other implement for hunting, that is not unloaded and securely encased;~~
- (f) For the purpose of chasing, pursuing, capturing or killing any animal or wild fowl;

(g) During the time from sunset to sunrise, unless displaying lighted lights as required by Section 375.02. (Ord. 36-94. Passed 4-4-94.)”

Section 2. That, Section 505.11 of the City of Napoleon Codified Ordinances is hereby expressly repealed in its entirety and shall hereafter have no legal force and effect.

~~“505.11 HUNTING PROHIBITED.~~

- ~~—(a) Except as provided herein and in Section 505.15, no person shall hunt, kill, or attempt to kill any animal or fowl by use of firearms, bow and arrow, or crossbow within the corporate limits of the Municipality; however, it shall not be a violation of this section to trap animals which are a threat to person or property (nuisance animals) so long as such trap is a device that does not create a dangerous condition to the public. This section is not applicable to a law enforcement officer, game warden, dog warden, or other public official or officer while in the performance of their official duties. Also, this section is not applicable to persons holding a valid nuisance trapper’s permit issued by the State of Ohio when such person is registered with the Chief of Police and when taking or exterminating nuisance animals in a lawful manner.~~
- ~~—(b) Whoever violates this section shall be deemed guilty of a misdemeanor of the fourth degree punishable by up to thirty days of incarceration and fined not more than two hundred fifty dollars (\$250.00) or both. (Ord. 073-08. Passed 10-6-08.)”~~

Section 3. That, Section 505.15 of the City of Napoleon Codified Ordinances is hereby expressly repealed in its entirety and shall hereafter have no legal force and effect.

~~“505.15 HUNTING OF CANADA GEESE.~~

- ~~—(a) Notwithstanding the provisions of Sections 505.11, 531.03, 531.04, 549.08 and 549.09, Canada Geese may be hunted and removed within the Corporation Limits of the City in the year of 1999 and each year thereafter when properly licensed by the State, by any lawful means, subject to any and all restrictions imposed by the laws of Ohio, the U.S. Government, Rules and Regulations of the Ohio Department of Wildlife, and this section during the Canada Geese Hunting Season in September as established by the State, subject to approval by motion of Council each year.~~
- ~~—(b) The City Manager may engage the personnel required to accomplish the abatement of the nuisance fowl upon the public and private grounds, including but not limited to performing actions to force Canada Geese from non hunted areas to the areas where hunting will be authorized beginning the week before the authorized hunt.~~
- ~~—(c) The City Manager may authorize the hunting or taking of Canada Geese upon public grounds within the City’s control during this special hunting season.~~
- ~~—(d) The hunting of Canada Geese will be allowed subject to the following restrictions:~~
 - ~~—(1) Hunting is permitted only on land upon which the hunter has received the landowner’s permission to hunt and with consent of the City Manager.~~
 - ~~—(2) The discharge of the hunting weapon shall not occur in the direction of an occupied structure within 400 yards of such discharge.~~
 - ~~—(3) The hunters of Canada Geese within City limits must have liability insurance in the amount of not less than one hundred thousand dollars (\$100,000).~~
 - ~~—(4) The maximum number of hunters shall not be more than fifteen.~~
 - ~~—(5) Only authorized hunters, as selected by the City Manager or designee from a pool of qualified hunters after review of the minimum qualifications as submitted by each person desiring to participate, shall be permitted to hunt.~~
 - ~~—(6) The minimum age to hunt Canada Geese within the City limits shall not be less than twenty-one.~~

~~—(7) The hunters shall have a state hunting license and possess all required state and/or federal permits for the hunting of Canada Geese.~~

~~—(8) The hunters shall follow the minimum restrictions of the Ohio Division of Wildlife.~~

~~—(9) The hunters shall use a shotgun with shot size legally authorized by state and federal guidelines.~~

~~—(10) The City Manager, or designee, shall be notified in advance of the time, location and method of hunting in permissible areas within the City limits.~~

~~—(11) The City Manager or designee shall cause twenty-four hour advance notice of areas to be hunted to be furnished to the media.~~

~~—(e) No person shall negligently violate any restriction found in paragraphs (1) through (10), both inclusive, of subsection (d) of this section.~~

~~—(f) Whoever violates subsection (e) of this section shall be deemed guilty of a misdemeanor of the fourth degree. (Ord. 073-08. Passed 10-6-08.)”~~

Section 4. That, Section 549.08 of the City of Napoleon Codified Ordinances is hereby expressly repealed in its entirety and shall hereafter have no legal force and effect.

~~“**549.08 DISCHARGING FIREARMS.**~~

~~—(a) No person, except when protecting the life of themselves or another, shall discharge a firearm within the corporation limits of the Municipality. Further, except when protecting the life of themselves or another, no person shall negligently cause or allow a bullet to be discharged into the corporation limits of the Municipality. This section does not prevent or prohibit a law enforcement officer, game warden, dog warden, or other public official or officer who is authorized to carry or use a firearm in their official capacity to discharge the same while in the performance of their official duties. Also, this section is not applicable to persons holding a valid nuisance trapper’s permit issued by the State of Ohio when such person is registered with the Chief of Police and when taking or exterminating nuisance animals in a lawful manner. In the case of a nuisance trapper permitted holder, no larger than a 22 caliber firearm shall be discharged. Moreover, this section does not prohibit the operation of a bonafide indoor shooting range which has been certified by an architect or engineer as structurally safe for indoor shooting purposes and approved, in writing, as to location by the Zoning/Building Administrator of the City. (Ord. 133-02. Passed 12-2-02.)”~~

Section 5. That, Section 549.09 of the City of Napoleon Codified Ordinances is hereby expressly repealed in its entirety and shall hereafter have no legal force and effect.

~~“**549.09 THROWING OR SHOOTING PROJECTILES.**~~

~~—(a) No person shall throw, shoot or propel an arrow, missile, pellet, stone, metal or other similar substance capable of causing physical harm to persons or property, in or on any public place, in or on the property of another, or from any private property into or onto any public place or the property of another, without consent. Consent must be received from the land owner or such land owner’s agent, trustee or tenant from which the object is being thrown, shot or propelled and from the land owner or such land owner’s agent, trustee or tenant of the land on which the object is being received. This section does not prevent or prohibit a law enforcement officer, game warden, dog warden, or other public official or officer who is authorized to carry or use a firearm in their official capacity to discharge the same while in the performance of their official duties.~~

~~—(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (Ord. 133-02. Passed 12-2-02.)”~~

Section 6. That, this Ordinance shall be published in accordance with applicable Ohio Law.

Section 7. 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 8. 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 9. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for passage before the deadline; moreover, this must timely take effect to meet the intent of the law; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to be in effect at the earliest possible time to allow for timely amendment to the City of Napoleon Codified Ordinances, 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 M. Dietrich, Clerk of Council

I, Roxanne M. Dietrich, Clerk of Council of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 078-19 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 M. Dietrich, Clerk of Council

ORDINANCE NO. 079-19

AN ORDINANCE AMENDING THE ALLOCATION OF FUNDS AS FOUND IN SECTIONS 193.11 AND 194.013 OF THE CODIFIED ORDINANCES OF THE CITY OF NAPOLEON, OHIO; AND DECLARING AN EMERGENCY

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

Section 1. That, Section 193.11 of the Codified Ordinances of Napoleon, Ohio, shall be amended and enacted as follows:

“193.11 ALLOCATION OF FUNDS.

(a) Effective January 1, 2020, the funds collected under the provisions of this chapter shall be deposited in the “General Fund equivalent” of the City for municipal income taxes and shall be disbursed in the following order:

(1) Such part thereof as shall be necessary to defray all costs of collecting this tax and all costs of administering and enforcing the provisions of this chapter and the rules and regulations adopted by Council in connection therewith.

(2) Not more than sixty-five percent (65%) of the net available tax receipts received annually may be used to defray operating expenses of the City.

(3) At least thirty-five percent (35%) of the net available tax receipts received annually shall be set aside and used for capital improvements including, but not limited to, development and construction of storm sewers and street improvements; for public buildings, parks, and playgrounds; and for equipment necessary for the Police, Fire, Street, Traffic, and Safety Departments.

(b) Effective January 1, 2021 and thereafter, the funds collected under the provisions of this chapter shall be deposited in the “General Fund equivalent” of the City for municipal income taxes and shall be disbursed in the following order:

(1) Such part thereof as shall be necessary to defray all costs of collecting this tax and all costs of administering and enforcing the provisions of this chapter and the rules and regulations adopted by Council in connection therewith.

(2) Not more than sixty-two percent (62%) of the net available tax receipts received annually may be used to defray operating expenses of the City.

(3) At least thirty-eight percent (38%) of the net available tax receipts received annually shall be set aside and used for capital improvements including, but not limited to, development and construction of storm sewers and street improvements; for public buildings, parks, and playgrounds; and for equipment necessary for the Police, Fire, Street, Traffic, and Safety Departments.”

Section 2. That, Section 193.11 of the Codified Ordinances of Napoleon, Ohio, as existed prior to the enactment of this Ordinance, is repealed effective December 31, 2019 at 11:59 PM.

Section 3. That, Section 194.013 of the Codified Ordinances of Napoleon, Ohio, shall be amended and enacted as follows:

“194.013 ALLOCATION OF FUNDS.

(A) Effective January 1, 2020, the funds collected under the provisions of this Chapter shall be deposited in the “General Fund equivalent” of the City for municipal income taxes and shall be disbursed in the following order:

(1) Such part thereof as shall be necessary to defray all costs of collecting this tax and all costs of administering and enforcing the provisions of this Chapter and the rules and regulations adopted by Council in connection therewith.

(2) Not more than sixty-five percent (65%) of the net available tax receipts received annually may be used to defray operating expenses of the City.

(3) At least thirty-five percent (35%) of the net available tax receipts received annually shall be set aside and used for capital improvements including, but not limited to, development and construction of storm sewers and street improvements; for public buildings, parks, and playgrounds; and for equipment necessary for the Police, Fire, Street, Traffic, and Safety Departments.

(B) Effective January 1, 2021 and thereafter, the funds collected under the provisions of this chapter shall be deposited in the “General Fund equivalent” of the City for municipal income taxes and shall be disbursed in the following order:

(1) Such part thereof as shall be necessary to defray all costs of collecting this tax and all costs of administering and enforcing the provisions of this chapter and the rules and regulations adopted by Council in connection therewith.

(2) Not more than sixty-two percent (62%) of the net available tax receipts received annually may be used to defray operating expenses of the City.

(3) At least thirty-eight percent (38%) of the net available tax receipts received annually shall be set aside and used for capital improvements including, but not limited to, development and construction of storm sewers and street improvements; for public buildings, parks, and playgrounds; and for equipment necessary for the Police, Fire, Street, Traffic, and Safety Departments.”

Section 4. That, Section 194.013 of the Codified Ordinances of Napoleon, Ohio, as existed prior to the enactment of this Ordinance, is repealed effective December 31, 2019 at 11:59 PM.

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 declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for passage before the deadline; moreover, this must timely

take effect to meet the intent of the law; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to be in effect at the earliest possible time to allow for timely allocation of funds, 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, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 079-19 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, Clerk of Council

RESOLUTION NO. 080-19

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS AND AUTHORIZING A DEPARTMENT DIRECTOR TO TAKE BIDS ON CERTAIN PROJECTS, SERVICES, EQUIPMENT, MATERIALS, OR SUPPLIES WITHOUT THE REQUIREMENT FOR ADDITIONAL LEGISLATION TO DO SO IN THE YEAR 2020; AND DECLARING AN EMERGENCY

WHEREAS, each year from time to time, a Department Director (City Manager, City Finance Director, or City Law Director) is required to come to Council for authority to take bids for certain projects, services, or the purchase or lease of equipment, materials or supplies used in the City operations; and,

WHEREAS, in order to provide a more feasible, economical, and expedited method of bidding procedures, it is deemed necessary to give to the above mentioned Department Directors authority to bid such projects, services, equipment, materials, or supplies without the necessity of continued legislation; **Now Therefore**,

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

Section 1. That, the City Manager, City Finance Director, and City Law Director, for their respective departments, subject to Council's approval as to the specifications, plans, agreements, and other related bid documents when applicable, are hereby authorized to advertise and receive bids or take proposals as applicable for the projects, services, equipment, materials, or supplies that are anticipated to be in excess of twenty five thousand dollars (\$25,000) as listed in attached Exhibit "A," (such exhibit being incorporated into this Resolution by attachment and made a part hereof), without the necessity of further legislation in the year 2020; further, Council finds that the expenditure of funds in excess of twenty five thousand dollars (\$25,000) for each project, service, equipment, material, or supply listed in said Exhibit "A," is necessary and authorized, subject to an approved motion of Council permitting the respective Department Director to make award. If a contract for said project, service, equipment, material, or supply is awarded to a successful bidder (lowest and best) as a result of a competitive bid, the City Manager, City Finance Director, and City Law Director, for their respective departments, are directed to enter into a contract with the awardee subject to the terms and conditions of an agreement approved by Council, said agreement subject to any non-material changes deemed appropriate by the respective Department Director and approved as to form and correctness by the City Law Director. In the case of a non-competitive bid, the City Manager, City Finance Director, and City Law Director, for their respective departments, are directed to enter into a contract with the awarded subject to the terms and conditions of an agreement approved by Council, said agreement subject to any non-material changes deemed appropriate by the respective Department Director and approved as to form and correctness by the City Law Director.

Section 2. That, Council reserves the right, by motion of Council, to approve for award, direct no award, reject all or some bids, or rebid, when deemed in the best interest of the City as it relates to the projects identified in Section 1 of this Resolution; moreover, Council may waive any informalities in the bidding process.

Section 3. That, Chapters 105 and 106 of the Codified Ordinances of Napoleon, Ohio, shall continue to be applicable to any projects, services, equipment, materials, or supplies listed in attached Exhibit "A;" moreover, nothing in this Resolution shall be construed as limiting the Department Directors in making purchases or contracting for services in any manner as provided for in said Chapters, statutory law or as otherwise provided by Council. When competitive bidding is required for any project, service, equipment, material or supply as a matter of law, it shall be utilized unless otherwise eliminated by act of Council. When quality based selection is required for any project listed in Exhibit "A" for architectural, engineering, or construction management services as a matter of law, then the quality based selection process shall be utilized unless otherwise eliminated by act of Council. Also, Council hereby finds that the expenditure of funds in excess of twenty five thousand dollars (\$25,000) for each architectural, engineering, or construction management service as found in Exhibit "A" is necessary and approved as a proper public expenditure of funds, subject to approved motion of Council permitting the Department Director to make the award. Finally, the combining of projects, or the contracting or purchase of services, equipment, materials, or supplies is permitted of any project or item listed in Exhibit "A" without necessity of further authorization by Council.

Section 4. That, a Department Director is authorized to use this Resolution for authority for said bids and/or purchases as contained in this Resolution.

Section 5. That, any item listed in attached Exhibit "A" may be leased in lieu of purchasing when deemed appropriate by the respective Department Director.

Section 6. That, all leases, purchases and contracts for projects, services, equipment, materials, or supplies is subject to appropriation and certification of funds.

Section 7. That, any trade-ins shall be controlled by Section 107.05(c) of the Codified Ordinances of Napoleon, Ohio, as may be amended from time to time.

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 the City of Napoleon, Ohio.

Section 9. That, if any other prior Resolution or Ordinance 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 10. 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 the timely purchase of materials, supplies, equipment or services essential to provide 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 begin the process 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, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 080-19 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 20____; & 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, Clerk of Council

Resolution No. 080-19 Exhibit A

DEPARTMENT/CATEGORY/ITEM DESCRIPTION
<u>1300 CITY MANAGER/ADMINISTRATION</u>
City Facility Preliminary Engineering
<u>1600 IT</u>
Copy machines (various departments)
Purchase of DELL server
<u>2100 POLICE/SAFETY SERVICES</u>
Patrol car – replacement of two (2) vehicles
<u>2200 FIRE</u>
Remount of Medic 801 and 802
Storm sirens
Power cot and power load system for medic unit
<u>4300 NAPOLEON AQUATIC CENTER</u>
Demolition of existing pool
New construction of pool
<u>5100 SERVICES/STREETS SCM&R</u>
Roadside mowing (contracted)
Ice and snow removal (salt contracts)
Tree trimming and stump removal (contracted)
- ROAD & STREET IMPROVEMENT PROGRAMS
Street striping and misc. painting (contracted)
Milling and resurfacing local streets, alleys and parking lots (annual)
Materials – crack sealing, stone and other
Annual concrete grinding
Spray patching and street materials – yearly program
GIS setup phase III
American Road improvements
E.&W. Graceway Drive improvements
S. Perry Street improvements
Oakwood Avenue improvements - Engineering
Survey control network
<u>6110 ELECTRIC/OPERATIONS DIST.</u>
Wood poles
Rate review
Mini excavator
Ermco – for transformer purchases
Terex Utilities, Inc. – line truck purchase
Engineering study of substations
- STREET LIGHTING IMPROVEMENT PROGRAM
Street lighting improvements

Resolution No. 080-19 Exhibit A

- ELECTRIC FEEDER LINE IMPROVEMENTS
Electrical underground upgrades and maintenance
Electrical overhead upgrades and maintenance
- TRANSFORMER REPLACEMENT & DISPOSAL PROGRAMS
Transformer replacement and disposal (inventory)
- ELECTRICAL IMPROVEMENTS & UPGRADES
New system growth and updates
<u>6200 WATER TREATMENT PLANT OPERATIONS</u>
Chemicals (Water Treatment Plant)
Outbuilding/Garage
Asset Management Program, water loss, SWAP Plan and Risk and Resilience Plan
<u>6210 WATER DISTRIBUTION SYSTEM</u>
Leak detention and repair program
Valve asset and water loss program
Water supplies (yokes, stops, saddles, valve, etc.)
Industrial Drive River Bridge waterline
Glenwood waterline improvements
<u>6300 SEWER/WASTEWATER TREATMENT PLANT</u>
Various sanitary sewer emergency repairs (contracted)
Long Term Control Plan updates (contracted)
Storm sewer improvements
Chemicals (Wastewater Treatment Plant)
Sanitary lateral repairs in City ROW
Bio solids removal and landfill disposal
Design for Headworks replacement Phase 1B
Design, replacement, and rehab for WWTP improvements Phase 1B
<u>6310 SEWER/COLLECTION SYSTEM</u>
Park Street improvements phase IV
Annual sanitary sewer cleaning
VanHying Pump Station replacement
Euclid Avenue sanitary sewer improvements
Oberhaus interceptor improvements
<u>6400, 6410, 6411, 6420 SANITATION/COLLECTION & DISPOSAL</u>
Landfill services (contracted)
Yard waste grinding (contracted)
Recycling services (contracted)
Chemicals for mosquito control

RESOLUTION NO. 081-19

A RESOLUTION AUTHORIZING EXPENDITURE OF FUNDS IN EXCESS OF TWENTY FIVE THOUSAND DOLLARS (\$25,000) IN AND FOR THE YEAR 2020 AS IT RELATES TO REOCCURRING COSTS ASSOCIATED WITH THE OPERATION OF THE CITY, FOR PAYMENT OF EXPENSES, AND FOR PURCHASES ASSOCIATED WITH VENDORS UTILIZED BY MULTIPLE DEPARTMENTS WITHIN THE CITY; ELIMINATION OF NECESSITY OF COMPETITIVE BIDDING IN AND FOR THE YEAR 2020 AS IT RELATES TO CERTAIN TRANSACTIONS; AND DECLARING AN EMERGENCY

WHEREAS, the City each year has reoccurring costs associated with the conducting of business with groups or associations established for or on behalf of the political subdivisions or instrumentalities of the State, which annually exceed twenty-five thousand dollars (\$25,000); and,

WHEREAS, the City each year has reoccurring costs associated with the conducting of business, many which result in mandatory payments or merely occurs as a result of the method of accounting utilized by the City's Finance Department; and,

WHEREAS, for convenience and efficiency, purchase orders are annually written to vendors by multiple departments of the City with a combined total that exceeds twenty-five thousand dollars (\$25,000); **Now Therefore**,

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

Section 1. That, the expenditure of funds by the City in excess of twenty-five thousand dollars (\$25,000), in and for the year 2020, is hereby necessary and authorized as a proper public expenditure, subject to appropriation of funds, for purchases, services, coverage, or benefits listed in Exhibit "A" attached hereto and made a part of this Resolution.

Section 2. That, the expenditure of funds by the City in excess of twenty five thousand dollars (\$25,000), in and for the year 2020, is hereby necessary and authorized as a proper public expenditure, subject to appropriation of funds, for the following purchases associated with recreation, fund balance maintenance, public labor costs, public auditing, utilities, bonding, accounting, the payment of debt service, postal service, banking, permitting, and codification listed in Exhibit "B" attached hereto and made a part of this Resolution.

Section 3. That, the expenditure of funds in excess of twenty five thousand dollars (\$25,000) is hereby necessary and authorized as a proper public expenditure, subject to appropriation of funds, for the City's cumulative purchase of product, supply, equipment and/or services periodically through the year 2020 from the following vendors; however, in no event shall the amount exceed twenty five thousand dollars (\$25,000) for any one purchase of product, supply, equipment and/or services or any one specific project under the authority of this Resolution listed in Exhibit "C" attached hereto and made a part of this Resolution.

Section 4. That, due to nature or uniqueness of the transactions or vending listed in Sections 1, 2 and 3 of this Resolution, except for the prohibition in Section 3 regarding the one time purchase over twenty-five thousand dollars (\$25,000), any requirement that may exist for competitive bidding is hereby eliminated in the best interest of the City.

Section 5. That, nothing in this Resolution shall be construed as to eliminate the necessity of quality based selection as it relates to architect, engineer or construction services for any one project that would otherwise require such a selection process, as such elimination of quality based selection would

require separate Council action; moreover, nothing in this Resolution shall be construed as to eliminate the restriction found in Section 3 of this Resolution as it relates to a single purchase or project expenditures.

Section 6. 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 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 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 allow for prompt purchases required to remain operational, being operational essential 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 begin the process 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, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 081-19 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, Clerk of Council

EXHIBIT "A"

American Municipal Power, Inc.	For: Contracted Power Purchase and Services
BORMA Benefit Plans	For: Insurance Premiums (Health)
CIC of Henry County, Ohio	For: Economic Development Services
Henry County Auditor	For: Auditor Fees and Assessment Fees
Henry County Chamber of Commerce	For: Chamber Programs
Henry County Regional Water/Sewer District	For: Payments for Water Collections
Auditor of State of Ohio	For: Annual Auditing Services
Multi Area Narcotics Task Force	For: Police Services and Narcotics Task Force
Maumee Valley Planning	For: CHIS/CHIP Grant Administration
Napoleon/Henry County Chamber of Commerce	For: Tourist Bureau and other
Northwestern Water & Sewer District	For: Payment for water
Ohio Bureau of Workers Compensation	For: Employee Worker's Comp. Insurance Coverage
Ohio Police Pension Fund	For: Police Pension Payment
Ohio Fire Pension Fund	For: Fire Pension Payment
Ohio Public Employers' Retirement System	For: Pension Payments
Public Entities Pool (PEP)	For: Insurance Premiums (Property & Casualty)
Treasurer State of Ohio	For: Various Items

EXHIBIT "B"

BHM CPA Group, Inc.	For: Auditing Services
City of Napoleon, Fuel Rotary	For: Fuel Purchases
City of Napoleon, Garage Rotary	For: Garage Rotary Services
City of Napoleon, Income Tax	For: Refunds of Income Taxes
City of Napoleon, Payroll	For: Payroll Postings
City of Napoleon, Reimbursements	For: Inter-fund Reimbursements
City of Napoleon, Rescue	For: Township Portion of EMS Revenues
City of Napoleon, Utility	For: Meter Deposit Refunds
City of Napoleon, Utility	For: Utility Services
City of Napoleon, Utility	For: Water and Sewer Refunds
City of Napoleon, Utility	For: Electric Refunds
Farmer and Merchant's State Bank	For: Banking and Debt Service Payments
Huntington National Bank	For: Banking & Debt Service Payments
Ohio Gas Company	For: Utility Services
Ohio Water and Sewer Rotary Commission	For: Reimbursement of Debt
Ohio Water Development (OWDA)	For: Debt Service Payment
OMEGA JV5/Amp-Ohio Inc.	For: Purchase of Power
OMEGA JV6/Amp-Ohio Inc.	For: Purchase of Power
Rescue-Township Charges (EMS)	For: EMS Revenues to Townships
Schonhardt and Associates	For: CAFR Preparation
Smart Bill, LTD	For: Outsourcing of Utility Bill Printing and Mailing
Squires, Patton, Boggs (US) LLP	For: Bond Counsel (Professional Services)
The Accumed Group	For: EMS Billings and Collections
Treasurer State of Ohio	For: Payments to State
US Bank N.A.	For: Debt Service Payments
US EPA (Treasurer, State of Ohio)	For: Permits
US Postmaster	For: Postal Services and Supply
Telnamix	For: City Phone Services
Unifirst	For: Providing and Cleaning of Uniforms
Verizon Wireless	For: Wireless Phone Services
Walter Drain Co.	For: Codification Services (Professional Services)
Weltman, Weinberg & Reis	For: Collection Services

EXHIBIT "C"

A & A Custom Crushing	For: Concrete Crushing
A Cut Above The Rest Tree Service	For: Tree Services
Advanced Rehabilitation Technology	For: Sewer Cleaning and Rehabilitation
AECOM	For: Engineering Services (Professional Services)
Affidavit Maker	For: Police dept legal filings
Altec Industries	For: Digger Truck Services
All Seasons Tree Care	For: Tree Services
Alloway	For: Professional Services – Lab Testing
Amazon	For: Various City Supplies & Equipment
American Pavement, LLC	For: Crack Sealing
American Property Analysts	For: Property Appraisals
American Rock Salt Co., LLC	For: Road Salt
Anixter Inc.	For: Electrical Transformers, Parts and Supplies
Arcadis	For: Engineering Services (Consulting & Professional Services)
Auglaize Tree Service	For: Tree Services
Baker Vehicle Systems	For: Vehicle Parts & Repairs
Baldwin Poles	For: Utility Poles
Behrman Rolloffs, LLC	For: Sludge Removal
Bob Wingate, Integrity Solutions	For: Bridge Inspections, Management & Repairs
Bonded Chemical	For: Chemicals at Water Treatment Plant
Boundtree Medical Supply, LLC	For: Medical Supplies
Brown Supply Co.	For: Janitorial Supplies
Brownstown Electric Supply	For: Electrical Supplies
Buckeye Pumps	For: Pump Repairs and Parts
Burch Hydro	For: Sludge Removal and Electrical Supplies
Burk Excavating and Mowing	For: Construction and Mowing Services
C&W Tank Cleaning	For: Digester Cleaning
Cargill, Inc.	For: Road Salt
CDW Government, Inc.	For: Computers and Supplies
Chemtrade Chemicals US, LLC	For: Chemicals
Clarke Mosquito Control Product	For: Mosquito Control Supply
CMI (Creative Microsystems, Inc.)	For: Software and Hardware Systems
Compass Minerals America	For: Road Salt
Courtney & Associates	For: Utility Rate Reviews
D & R Demolition Corp.	For: Concrete Crushing

Defiance County Landfill	For: Sanitation Dumping Services/Landfill Biosolids
Dennis Panning Excavating	For: Yard Waste Hauling and Disposal
Detroit Salt Company	For: Road Salt
Downtown	For: Downtown Renovation Vendors
Enaqua	For: Parts for UV Units
Encompass Engineers	For: Electrical Engineering Services
ERMCO	For: Electrical Transformers
Estabrook, Corp.	For: Pump Supplies and Repairs
Fastenal	For: Miscellaneous Supplies
Ferguson Waterworks	For: Operations Parts and Supplies
Finley Fire Equipment	For: Fire Engines and Service Repairs
Fire Safety Services Inc.	For: Fire Services and Supply
Fire Service, Inc.	For: Fire Services and Supply
Fitzenrider, Inc.	For: Heating and Air Conditioning Service Work
Flex-Com	For: Camera Systems
Forrest Auto Supply	For: Automotive Parts & Supplies
Ft. Defiance Service Master	For: Cleaning and Sanitizing Services
Gerken Asphalt Paving, Inc.	For: Paving Materials & Asphalt Laying
Go Green, Inc.	For: Brush Grinding Services
Heartland Rolloffs	For: Sludge Removal
Henry County Commissioners	For: Police radio fees
Henschen and Associates, Inc.	For: Software and Hardware Systems
Heuerman, Zach	For: Trucking Sludge Removal
Hoff Consulting, LLC	For: Consulting Services
Hydro Dyne Engineering, Inc.	For: Wastewater Remanufacturing of Screens
International Chiefs of Police	For: Training
Jack Doheny Supplies Ohio, Inc.	For: Wastewater Supplies
J.A. Hillis Excavating, LLC	For: Excavation Services
Jennings Strauss & Salmon, LLC	For: Transmission Tariff Consultant
Jones & Henry Engineers, LTD	For: Consulting Services
K-Tech	For: Beet Heet
Kalida Truck	For: Vehicle Accessories
Kelsler's	For: Police department equipment
Koester Corp.	For: Engineering Services
KSB Dubric	For: Pump supplies and repairs
Kuhlman Corp.	For: Parts and Supply
LEADS, Treasurer State of Ohio	For: Police Investigation
Lexipol	For: Police dept. policies

LEXIS/NEXIS	For: Police Investigation (Background)
Kurtz Ace Hardware	For: Supply
The Mannik and Smith Group, Inc.	For: Engineering Services (Professional Services)
MARCS Repair	For: Police department radio and vehicle repairs
Matrix Pointe Software	For: Police department software
Meeder Investment Management	For: Investment Management Services
Mega City Fire	For: Fire extinguishers
Meggar	For: Electrical Testing Equipment
Mel Lanzer Co.	For: Construction Services
Meldrum Mechanical	For: Pump Supplies & Equipment Repairs
Melrose Pyrotechnics, Inc.	For: Fireworks
Mercury Cleaners	For: Police department dry cleaning services
Midwest Compost	For: Digester Cleaning
Miller Textile	For: Police department rug cleaning services
Milsoft	For: Outage Management Software
Mohre Electronics Co.	For: Radio Services, Parts and Supply
Morton Salt	For: Road Salt
National Testing Network	For: Police dept. hiring tests
Neptune Equipment Co. (NECO)	For: Meter Parts and Supplies
Northwest Landscape Service	For: Landscaping and Supplies, Roadside & City Owned Property Mowing
Northwest Nursery	For: Tree Services
Northwest Pools	For: Pool Chemicals
NRP Midwest	For: Wastewater Treatment Chemicals
O'Reilly Auto Parts	For: Parts & Supplies
Oherron, Ray	For: Police department equipment
Ohio CAT	For: Equipment Rental & Parts
Ohio Chiefs of Police	For: Training
Ohio Dpt. of Transportation (ODOT)	For: Road Salt & Other Items
Ohio Peace Officers Training Academy	For: Training
Office Depot	For: Office Supply
One Source Waste Solutions	For: Waste Services
Owens Community College	For: Police Department training
Path Master	For: Traffic Signals Supplies and Services
Paulding County Engineer's Office	For: Cold Patch
Pepco	For: Supplies
Peterson Construction Company	For: Construction Services
Parker Hannfin Corp.	For: Water Meter Analyzer

Perrysburg Pipe and Supply	For: Parts and Supply
Perry Corporation	For: Copier, Scanner and Printer Supplies
Peterman Associates, Inc.	For: Engineering Services (Professional Services)
PNR Communications	For: Radio repair and parts
Poggemeyer Design Group	For: Electrical Engineering Services
Porter's BP, LLC	For: Gas and Diesel Fuel
Powerhouse Supply	For: Electrical Parts and Supplies
Provision	For: Police car cameras
Public Agency Training Council	For: Training
Quality Cleaning (Michael D. Draper)	For: Janitorial Services
Reed City Power Line Supply Co.	For: Electrical Parts and Supply
Reinke Ford	For: Automotive Services
Residex, LLC	For: Golf Course Chemicals
Reveille	For: Engineering Services
Rich Ford	For: Vehicle Repair Services
RTEC Communications, Inc.	For: Communication Supplies & Equipment
S & S Directional Boring	For: Directional Boring
Sauber Manufacturing Co.	For: Reel Trailers
Saylor Tree Service, LLC	For: Tree Services
Schedule Anywhere	For: Police department scheduling
Schneider	For: Software for Metering
Schweitzer Engineering	For: Electrical Substation Materials
Searchie	For: Police department supplies
Snyder Chevrolet, Inc.	For: Automotive Services
Solomon Corporation	For: Transformers and Electric Supplies
Southeastern Equipment	For: Operations Parts and Supplies
Spectrum	For: Police department cable and internet services
Spectrum Engineering Corp.	For: Engineering Services (Professional Services)
Stantec Consulting Services, Inc.	For: Engineering Services (Professional Services)
State of Ohio	For: Police radio fees
Statewide Ford	For: Police vehicle
Steve Campbell & Associates	For: Recorder – Police dept.
Stoops Freightliner	For: Vehicle parts
Stryker	For: EMS Equipment
Stuart C. Irby Co.	For: Electrical Parts & Supplies
Superior Uniform Sales, Inc.	For: Uniform Services
Survalent Technology	For: SCADA Programming Services
Tawa Tree Service	For: Tree Services

Tawa Mulch Landscape Supply	For: Landscaping Services
Terex Utilities, Inc.	For: Electric Equipment Purchases
Thomas Spillis	For: Janitorial Services
Toledo Edison	For: Contracted Power Services
Toledo Fence & Supply Co.	For: Fencing Supplies
Tonjes, Jerry	For: Building repair
T & R Electric	For: Transformers
Tri City Industrial Power	For: Batteries & Other Power Supplies
TriFlow	For: Propane
Trojan Technologies	For: Parts for UV System
Unifirst	For: Uniform Services
Univar	For: Chemicals for Water Treatment
US Utility Contractor Co.	For: Traffic and Electrical Services
USALCO	For: Chemicals for Water Treatment
Utility Service Group	For: Chemicals for Water Treatment
Utility Services	For: NERC Compliance Services
Utility Truck Equipment	For: Bucket Truck
Vermeer	For: Wood Chipper/Parts
Vernon Nagel, Inc.	For: Trucking, Hauling, and Excavating Services
Viking Trucking, Inc.	For: Trucking and Hauling Services
Werlor, Inc.	For: Brush Grinding Services/Recycling Services
Wesco Distribution, Inc.	For: Electrical Supplies
Wigen Water Technologies	For: Membrane Services, Cleaning & Chemicals
Williams County Landfill	For: Sludge Disposal
WR Meyers Co., Inc.	For: Construction and Excavating Services
Wright Express FSC-WEX, Inc.	For: Fuel Purchases
XYBIX Systems, Inc.	For: Police department dispatch desk
Zacks Recycling, LLC	For: Recycling Services
Zimmerman, Jack	For: Road Striping Services

ORDINANCE NO. 082-19

AN ORDINANCE ESTABLISHING THE APPROPRIATION MEASURE (BUDGET) OF THE CITY OF NAPOLEON, OHIO FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020, LISTED IN EXHIBIT "A;" AND DECLARING AN EMERGENCY

WHEREAS, Council desires to pass an annual appropriation measure of the City of Napoleon for the fiscal year ending December 31, 2020; **Now Therefore**,

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

Section 1. That this annual appropriation measure be passed, and the sums as contained in Exhibit "A," attached hereto and made a part of this Ordinance, are set aside and appropriated for the fiscal year ending December 31, 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 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, only that portion shall be held invalid and the remainder shall remain valid.

Section 4. That, pursuant to 121.03(f) of the Codified Ordinances of the City of Napoleon, Ohio, this Ordinance is declared to be an Ordinance providing for appropriations for the current expenses of the City appropriations immediately required for the City to operate; therefore, this Ordinance shall be in full force and effect immediately upon its passage, subject to the approval by the Mayor, otherwise it shall take 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 and timely procedure establishing the appropriation measure, 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, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 082-19 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, Clerk of Council

RESOLUTION NO. 083-19

A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER CERTAIN FUND BALANCES FROM RESPECTIVE FUNDS TO OTHER FUNDS PER SECTION 5705.14 ORC ON AN AS NEEDED BASIS IN FISCAL YEAR 2020, LISTED IN EXHIBIT "A;" 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, in order to provide Fund Balances for approved expenditures in certain funds on an as needed basis, it is necessary to transfer funds from respective funds to other funds; **Now Therefore**,

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

Section 1. That, pursuant to Section 5705.14 of the ORC and this Resolution, the Finance Director is hereby authorized and directed to transfer monies among the various funds on an as needed basis in Fiscal Year 2020 as listed in Exhibit "A" attached hereto and made a part of this Resolution.

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

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 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 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 of the City of Napoleon, do hereby certify that the foregoing Resolution No. 083-19 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. 084-19

AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION MEASURE (SUPPLEMENT NO. 8) 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 for the fiscal year ending December 31, 2019 shall be supplemented (Supplement No. 8) as provided in Exhibit "A" (one 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, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 084-19 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, Clerk of Council

2019 APPROPRIATION BUDGET - SUPPLEMENTAL #8

ORDINANCE No. -19, Passed , 2019

<u>Supplemental #7</u>	<u>PERSONAL SERVICES</u>	<u>OTHER</u>	<u>TOTAL</u>	<u>2019 FUND TOTAL</u>
<u>520 Wastewater</u>				
Contract Services 520.6300.53400	\$0	\$713,638	\$713,638	\$713,638
<i>Reason: Digester Cleaning for WWTP</i>				
TOTAL FUNDS	\$0	\$713,638	\$713,638	\$713,638

RESOLUTION NO. 085-19

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS IN EXCESS OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000) FOR A PROJECT KNOWN AS THE NAPOLEON MUNICIPAL POOL DEMOLITION PROJECT, WHICH WAS NOT INCLUDED IN THE 2019 MASTER BID LIST, RESOLUTION NO. 079-18, AND AUTHORIZING COMPETITIVE BIDDING IN REGARD THERETO; AND DECLARING AN EMERGENCY

WHEREAS, the City desires to move forward with the design of its aquatic center; and,

WHEREAS, in order to move forward with the design of the aquatic center, the existing municipal pool must be demolished; and,

WHEREAS, this Municipal Pool Demolition Project was not included in the annual Master Bid List, Resolution No. 079-18, and that the cost of this project exceeds twenty-five thousand dollars (\$25,000); **Now Therefore**,

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

Section 1. That, the expenditure of funds in excess of twenty-five thousand dollars (\$25,000.00) from Fund 221 for the Napoleon Municipal Pool Demolition Project is hereby authorized as a necessary public expenditure.

Section 2. That, this Project shall be competitively bid.

Section 3. That, the Council approves the specifications, plans, agreements, and other related bid documents; moreover, the City Manager is hereby authorized to advertise and receive bids for the project referenced in Section 1 of this Resolution. If a contract for said project is approved for award to a successful bidder (lowest and best) as a result of a competitive bid, the City Manager is authorized and directed to enter into a contract with the successful bidder.

Section 4. That, Council reserves the right, by motion of Council, to approve for award, direct no award, reject all or some bids, or rebid, when deemed in the best interest of the City; moreover, Council may waive any informalities in the bidding process.

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

Section 6. That, if any other prior Ordinance or Resolution is found to be in conflict with this 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 7. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for the improvements to public property to assure safety to our residents; 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 bidding 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, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 085-19 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, Clerk of Council

RESOLUTION NO. 086-19

A RESOLUTION EXTENDING THE PROVISIONS CONTAINED IN ORDINANCE NO. 021-18 WHEREIN COUNCIL IMPOSED A TEMPORARY REDUCTION AND/OR TEMPORARY ELIMINATION OF CERTAIN RESIDENTIAL BUILDING PERMIT FEES; AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon Municipal Properties, Buildings, Land Use and Economic Development Committee met on March 12, 2018 and, in order to increase economic development within the City, determined it appropriate to temporarily waive and/or reduce certain City fees for new construction of residences commencing July 1, 2018 and continuing through December 31, 2019; and,

WHEREAS, upon recommendation of the City Municipal Properties, Buildings, Land Use and Economic Development Committee, Council deemed it prudent to temporarily waive and/or reduce certain City fees for new construction of residences commencing July 1, 2018 and ending December 31, 2019; and,

WHEREAS, City Council is now desirous to enact a twelve (12) month extension to the previously passed Ordinance in an effort to continue the trend of increased economic development within the City; and,

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Napoleon, Ohio, and its citizens, and to provide for the efficient daily operation of all City Departments, City Council finds that an emergency exists regarding the aforesaid, and that it is advisable that this Resolution be declared an emergency measure which will take immediate effect in accordance with Rule 6.3 of the Rules and Regulations of City Council, City of Napoleon, Ohio, upon its adoption; **Now Therefore**,

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

Section 1. That this Council hereby extends by twelve (12) months the provisions contained in Ordinance No. 021-18 wherein Council previously imposed a temporary reduction and/or temporary elimination of certain residential building permit fees.

Section 2. That, this extension shall become effective December 31, 2019 shall remain in effect for twelve (12) months, through December 31, 2020, and, thereafter, upon a majority vote of City Council, may be continued in effect, if City Council finds such continuance is conducive to the trend of increasing economic development in the City and to allow sufficient time for the Municipal Properties, Buildings, Land Use and Economic Development Committee or other City departments, committees, or commissions to complete the research and recommendation of what action, if any, the City of Napoleon should take to safeguard the public health, safety and welfare through the provision of waiving said building fees to increase economic development within the City.

Section 3. This City Council finds and determines 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, for all the reasons stated herein, 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 enter into the stated extension 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, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 086-19 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, Clerk of Council

ORDINANCE NO. 021-18

AN ORDINANCE IMPOSING A TEMPORARY REDUCTION AND/OR TEMPORARY ELIMINATION OF CERTAIN RESIDENTIAL BUILDING PERMIT FEES; AND UPDATING AND AMENDING CERTAIN SECTIONS OF THE CODIFIED ORDINANCES OF THE CITY OF NAPOLEON REGARDING THE ENFORCEMENT OF THE RESIDENTIAL CODE OF OHIO

WHEREAS, the City of Napoleon Municipal Properties, Buildings, Land Use and Economic Development Committee met on March 12, 2018 and, in order to increase economic development within the City, determined it appropriate to temporarily waive and/or reduce certain City fees for new construction of residences commencing July 1, 2018 and continuing through December 31, 2019; and,

WHEREAS, upon recommendation of the City Municipal Properties, Buildings, Land Use and Economic Development Committee, this Council deems it prudent to temporarily waive and/or reduce certain City fees for new construction of residences commencing July 1, 2018 and ending December 31, 2019; and,

WHEREAS, Ordinance No. 071-17, passed by City Council on November 6, 2017, authorized a request by the Ohio Board of Building Standards to certify the City of Napoleon, Ohio for enforcement of the Residential Code of Ohio with the condition that the Wood County, Ohio Residential Building Department exercise enforcement authority and accept and approve plans and specifications, and make inspections;

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

Section 1. That, this Ordinance does hereby amend Section 1325 of Part 13 of the City of Napoleon, Ohio Codified Ordinances as listed below does temporarily impose a moratorium and waive or reduce the City fees for new construction of residences as listed in Rule 3.2.7 of the City of Napoleon, Ohio Engineering Department Rules and Regulations; as listed in Section 1105.02 of Part 11 of the City of Napoleon, Ohio Codified Ordinances; and, as listed in Section 931.10 of Part 9 of the City of Napoleon, Ohio Codified Ordinances, commencing July 1, 2018 and ending December 31, 2019.

Section 2. That, the amendments to be made to Section 1325 of Part 13 of the City of Napoleon, Ohio Codified Ordinances, as set forth by this Ordinance include the following:

“1325.01 BOARD OF BUILDING APPEALS.

The administration of this chapter shall be the responsibility of the Board of Building Appeals and the Zoning Administrator or the Building Inspector, and when the chapter so provides, the Board of Zoning Appeals. Moreover, the Board of Building Appeals shall have those powers and duties as provided for in Chapter 177 of the Administrative Code and all other ordinances or resolutions of the City.

(Ord. 54-01. Passed 6-4-01.)

1325.02 REGISTRATION FOR BUILDING CONTRACTORS.

(a) It shall be unlawful for any person, firm, or corporation to act or engage in the business of building construction, repair, removal, alteration, or demolition for others

within the City unless they have registered as a contractor, or specialty contractor as defined in §715.27(F) the Ohio Revised Code, with the City Building Engineering Department; however, the owner of a building may carry on any of the work governed by the Building Code without such certificate of registration, provided that the owner shall obtain a permit for any such work and shall call for inspection as provided herein.

(b) There shall be an annual fee of twenty-five dollars (\$25.00) for the certificate of registration and the contractor or specialty contractor shall post such bond and certificate of commercial liability insurance as the City Building Engineering Department may require; moreover, such contractor or specialty contractor shall provide proof of Workers' Compensation insurance, proof of registration with the City's Income Tax Department, and when the work to be performed is for commercial establishments, evidence of holding a valid and unexpired license under Chapter 4740 of the Ohio Revised Code. No bonding, proof of liability insurance or local testing shall be required of contractors, including specialty contractors, that hold a valid and unexpired license with the State of Ohio under Chapter 4740 of the Ohio Revised Code.

(Ord. 06-02. Passed 1-7-02.)

1325.03 DEMOLITION; PERMIT REQUIRED.

(a) Any demolition or removal of buildings or structures within the City shall require a permit.

(b) Permits to remove or demolish a building or structure shall be granted by the Building Inspector of the City. No permit shall be granted until the following requirements are met, unless a requirement is otherwise deemed unnecessary by the Building Inspector and waived in writing by the Building Inspector:

(1) A notice of application shall have been given to the owners of lots adjoining the lot from which the building or structure is to be removed or demolished.

(2) The owner or agent of the building or structure shall notify all utilities having service connections within the building or structure for the purpose of obtaining written releases stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner.

(3) A certificate shall be obtained from the Henry County Department of Health, stating that the building or structure either has no rats, pigeons, or vermin, or that the building or structure shall be exterminated by a commercial exterminator prior to demolition or removal work.

(4) Every contractor for the removal of asbestos, toxic chemicals, and/or hazardous materials from the demolition or removal site shall produce for inspection by the Building Inspector of the City true and complete certified copies of:

A. Any and all licenses issued therefor by the Ohio Department of Health;

B. Any and all licenses issued for the disposal site thereof by the Ohio

Environmental Protection Agency;

C. Any and all tests for or of asbestos, toxic chemicals, and/or hazardous materials at the demolition or removal site; and

D. Any and all compliances required by the Federal Occupational Safety and Health Administration.

E. Prior to the removal of any asbestos, toxic chemicals, and/or hazardous materials from the demolition or removal site, every such contractor shall certify in writing that he has made an inspection of the demolition or removal site and a listing of

any and all asbestos, toxic chemicals, and/or hazardous materials found at such site. Every such contractor shall remove and dispose of all such asbestos, toxic chemicals, and/or hazardous materials from the demolition or removal site in the manner required by the Ohio Environmental Protection Agency. To assure compliance with these provisions, the Building Inspector of the City may require of every such contractor such additional information and documentation as he may reasonably request from time to time.

(c) A certificate of insurance shall be filed with the Building Inspector which shall provide for bodily injury liability for not less than \$500,000 per person and \$1,000,000 per incident, and property damage liability in the sum of \$2,000,000. Liability insurance shall not be required under the following conditions:

(1) Demolition is being done by the owner as the prime contractor; provided, the owner must hold title to the land and building or structure.

(2) Demolition is being done by a governmental agency.

(d) Demolition or removal of any building or structure shall be completed within 90 days from the time the permit is issued. Additional time may be granted if a written letter is submitted to the Building Inspector explaining circumstances.

(e) For purposes of this section, "**completion of demolition or removal**" means that the vacant lot shall be filled, graded, and maintained in conformity to the existing lot grade. The lot shall be maintained free from the accumulation of rubbish and all other unsafe or hazardous conditions which endanger the life or health of the public; and provisions shall be made to prevent the accumulation of water or damage to any foundations on the premises or the adjoining property.

(f) Additional requirements, unless otherwise deemed unnecessary by the Building Inspector and waived in writing by the Building Inspector:

(1) During demolition, portable fire extinguishers shall be readily available.

(2) Fences. Every operation located 5 feet or less from the street lot line shall be enclosed with a fence not less than 8 feet high to prevent entry of unauthorized persons. When located more than 5 feet from the street lot line, a fence or other approved barrier shall be erected when required by the Building Inspector. All fences shall be of adequate strength to resist wind pressure.

(3) Material shall not be dropped by gravity or thrown outside the exterior walls of a building during demolition or removal. Wood or metal chutes shall be provided for this purpose and any material which in its removal will cause an excessive amount of dust shall be wet down to prevent the creation of a nuisance.

(g) Any building or structure demolished or removed shall have the sanitary and storm sewers capped in an approved method and shall be inspected by the Building Inspector prior to backfilling.

(h) The cost of permits shall be as follows:

(1) Demolition permit.

A. One hundred dollars (\$100.00).

(2) Moving of building. The fee for a building permit for the removal of a building or structure from one lot to another or to a new location on the same lot shall be as follows:

A. One hundred dollars (\$100.00)

(3) Small buildings. There shall be no permit fee imposed for demolition or moving of buildings of 200 square feet or less. This does not constitute a waiver of any of the

provisions of this section, such as a waiver of the requirement to obtain a permit or the right to inspect the site.

(i) In the event that work is being performed without proper permits when required, the fees contained in this schedule shall triple. If it is necessary for the Building Inspector to make more than two inspections of a particular phase demolition or removal, an additional reinspection fee of twenty-five dollars (\$25.00) shall be charged.

(Ord. 007-09. Passed 2-16-09.)

1325.04 PERMIT FEES.

Fees for all building construction, when a permit is required, shall be paid to the Wood County, Ohio Building Inspection Department as required. ~~as herein provided. In the event that work is being performed without proper permits when required, the fees contained in this schedule shall triple. In regard to residential construction or repair, if through negligence or poor workmanship on the part of the installer or contractor it is necessary for the Building Inspector to make more than two inspections of a particular phase of installation or construction, an additional reinspection fee of twenty-five dollars (\$25.00) shall be charged. A one percent (1%) surcharge shall be added to all fees established herein as required by Ohio law on all permits issued as it related to the City's adopted Residential Building Code.~~

(a) ~~Building Permits. New construction, additions and alterations:~~
~~Residential fees based on gross floor area including garage and basement, but not including crawl areas:~~

— New Dwellings:	
— Base fee	50.00
— Fee per sq. ft.	.10
— Additions and Alterations:	
(Attached or part of the dwelling)	
— Base fee	25.00
— Fee per sq. ft.	.05
— Exterior Coverings and Appurtenances:	
— Siding or roofing	25.00
— Windows or doors	25.00
(Regardless of number)	
— Decks	25.00
— Sheds or garages over 200 sq. ft.	25.00
— Electrical Permits:	
— Rough and/or final inspection	25.00
— Add for each circuit	3.00
— Service and/or service change only	25.00
— Plumbing Permits:	
— Rough and/or final inspection	25.00
— Add for each fixture	3.00
— Replace water heater	25.00
— Heating Permits:	
— Rough and/or final inspection	25.00
— Replace furnace or boiler	25.00

~~—(b) Manufactured Home Fees (other than industrial units)~~

— Building permits	50.00
— Electrical permits	25.00
— Plumbing permits	25.00

~~—(c) Commercial Permit Fees (a three percent (3%) surcharge will be added to the fees listed herein pursuant to Ohio law):~~

— Commercial base fee	100.00
— Each additional review	150.00
— Fee per sq. ft.	.065
— Fee per sq. ft. (R 4 only)	.02
— Certificate of Occupancy/per unit	
(For all but R 1 and R 2)	50.00
— Plumbing Permits:	
— Rough and final inspection	70.00
— Each fixture	10.00

~~Exception: Use Group R residential occupancies shall be the fee listed below multiplied by the number of dwelling units to be served.~~

— Rough and final inspection	\$20.00
— Each fixture	3.00
— Replace hot water heater	30.00

~~(d) To the extent permitted by law, in the event that fees established by another governmental entity that has been contracted by the City to perform commercial inspection services are greater than those contained in this section, then the fees of the other governmental entity shall control over what is stated in this Code. (Ord. 007-09, Passed 2-16-09.)~~

1325.05 UNSAFE BUILDINGS TO BE REMOVED OR REPAIRED.

No insurance company doing business in the State shall pay a claim of a named insured for fire damage to a structure located within the City where the amount recoverable for the fire loss to the structure under all insurance policies exceeds \$5,000 and is greater than or equal to 60% of all fire insurance policy monetary limitations unless there is compliance with the following procedures:

(a) When the loss agreed to between the named insured or insureds and the insurance company or insurance companies equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building or structure, the insurance company or companies in accordance with Ohio R.C. 715.26(F) shall transfer from the insurance proceeds to the Finance Director in the aggregate amount of \$2,000 for each \$15,000, and each fraction of that amount, of a claim; or, if at the time of a proof of loss agreed to between the named insured or insureds and the insurance company or companies, the named insured or insureds have submitted a contractor's signed estimate of the costs of removing, repairing, or securing the building or other structure, shall transfer from the insurance proceeds the amount specified in the estimate.

(1) Such transfer of proceeds shall be on a pro rata basis by all companies insuring the building or structure. Policy proceeds remaining after the transfer to the City may be disbursed in accordance with the policy terms.

(2) The named insured or insureds may submit a contractor's signed estimate of the costs of removing, repairing, or securing the building or other structure after the transfer, and the Finance Director shall return the amount of the fund in excess of the estimate to the named insured or insureds, provided that the City has not commenced to remove, repair, or secure the building or other structure.

(b) Upon receipt of proceeds by the City as authorized by this section the Finance Director shall place the proceeds in a separate fund to be used solely as security against the total cost of removing, repairing, or securing incurred by the City pursuant to Ohio R.C. 715.261.

(1) When transferring the fund as required in this section, an insurance company shall provide the City with the name and address of the named insured or insureds, whereupon the City shall contact the named insured or insureds, certify that the proceeds have been received by the City, and notify them that the following procedures will be followed:

A. The fund shall be returned by the Finance Director to the named insured or insureds when repairs, removal or securing of the building or other structure have been completed no later than 60 days after the required proof is received by the Finance Director, provided that the City has not incurred any costs for those repairs, removal, or securing.

B. If the City has incurred any costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund, and if excess funds remain, the City shall transfer, no later than 60 days after all such costs have been paid, the remaining funds to the named insured or insureds after repair, rebuilding, or removal has been completed.

(2) Nothing in this section shall be construed to limit the ability of the City to recover any deficiency under Ohio R.C. 715.261.

(3) Nothing in Ohio R.C. 3929.86(C) and (D), shall be construed to prohibit the City and the named insured or insureds from entering into an agreement that permits the transfer of funds to the named insured or insureds if some other reasonable disposition of the damaged property has been negotiated.

(Ord. 052-07. Passed 7-2-07.)

1325.06 STREET NUMBERS FOR STRUCTURES.

(a) The ~~Building Inspector~~ Public Works Director or assignee is authorized to assign, change, and reassign, if necessary, street numbers to all structures, residential, commercial, and industrial, located within the boundaries of the City.

(b) Street numbers shall be assigned, changed, and reassigned in accordance with the system prepared and adopted by the ~~Building Inspector~~ Public Works Director or assignee on file in the ~~Building~~ Engineering Department. The ~~Building Inspector~~ Public Works Director or assignee may consult with the local U.S. Postmaster as necessary in preparing the street number system. (1978 Code 150.31)

1325.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed upon each day during or upon which a violation occurs or continues.

(1978 Code 150.99).”

Section 3. That, Part 13 of the City of Napoleon, Ohio Codified Ordinances shall be amended as listed above pursuant to the passage of this legislation and pursuant to the passage of Ordinance No. 071-17 on November 6, 2017, authorizing the enforcement authority of the Ohio Residential Building Code of Ohio as well as acceptance and approval of plans and specifications, and authority to make inspections to the Wood County, Ohio Residential Building Department, thus the fees shall be paid to the Wood County, Ohio Building Inspection Department as required by said Department.

Section 4. That, the fees to be waived or reduced as listed in Rule 3.2.7 of the City of Napoleon, Engineering Department Rules and Regulations, as set forth by this Ordinance, include the following:

“Rule 3.2.7 Fees

The City Engineering Department shall not charge a fee to the owner or developer to cover the cost of reviewing the Preliminary and Final Construction Plans, the Preliminary and Final Plat and Construction Inspection and Testing.

Construction Plans

~~Before the Preliminary Construction Plan review is begun, the owner, developer, or their agent must pay a fee of two hundred dollars (\$200.00) plus ten dollars (\$10.00) per acre for every acre, of part thereof, within the proposed development up to a maximum of one thousand dollars (\$1,000.00) by check or money order payable to “City of Napoleon,” noting “Engineering Plan Review.” This fee is intended to cover the cost of reviewing the Preliminary and Final Construction Plans. (Amended – August 7, 2006 – Ordinance No. 062-06)~~

City Inspection

City employed or City contracted inspectors shall be utilized during construction unless private inspectors are expressly authorized by the City Engineer. (Amended – August 7, 2006 – Ordinance No. 062-06)

Inspection Fees Due and Payable

Before construction has begun, the owner, developer, or their agent shall: Advance the cost of inspection fees as it relates to City owned or contracted inspector(s) prior to any construction in an amount stated in Rule 3.3.5. (Amended – August 7, 2006 – Ordinance No. 062-06).”

Section 5. That, the amendments to be made and the fees to be waived or reduced as listed in Section 1105.02 of the City of Napoleon, Engineering Department Rules and Regulations, as set forth by this Ordinance, include the following:

“1105.02 ESTABLISHMENT OF CONTROL; FEES.

(a) Administration - General. In addition to Council's administrative powers as it relates to this Planning and Zoning Code, this Planning and Zoning Code shall be administered by:

- (1) The Zoning Administrator;
- (2) The Board of Zoning Appeals;
- (3) Preservation Commission; and,
- (4) The Planning Commission.

(b) Zoning Administrator. This Planning and Zoning Code shall be administered and enforced by the Zoning Administrator who shall be subject to provisions of the City's Administrative Code establishing his or her powers and duties.

(c) Public Hearing Fee Schedule.

(1) Forms and fees. Applications and petitions filed pursuant to the provisions of this Planning and Zoning Code shall be filed on the forms provided by the Zoning Administrator, with any necessary exhibits or documents, and shall be accompanied by the filing fees herein specified, which shall be paid to the City and no part of which shall be returnable to the petitioner, applicant, or appellant.

(2) Fee payments. Until all applicable fees have been paid in full, no action shall be taken on any application or petition.

(3) Fee schedule for new developments or renovations, not including new residential developments. The table below shall reflect the City's fee schedule:

PETITION, APPLICATION, PERMIT OR APPEAL

FILING FEE FOR NEW DEVELOPMENTS OR RENOVATIONS, NOT INCLUDING NEW RESIDENTIAL DEVELOPMENTS

Certificate of Zoning	\$ 25.00
Certificate of Completion	\$ 25.00
Amendment/rezoning	\$125.00
Variance	\$125.00
Conditional use	\$125.00
Administrative appeal	\$ 50.00
Board of Zoning Appeals hearing	\$125.00
Approval of an outline development plan	\$125.00
Approval of the preliminary plan for development plan	\$125.00
Approval of final plan for development plan	\$125.00
Approval of any changes in or amendments to changes in preliminary plan	\$125.00
Fence permit	\$ 25.00
Shed or garage permit (under 200' sq. ft. detached)	\$ 25.00
Pool permit	\$ 25.00
Minor subdivision exception review	\$ 25.00
Letter of zoning	\$ 25.00
Application for Preservation Commission	\$ 25.00
Satellite antenna/microwave receiving antenna or microwave relay equipment permit	\$125.00

(4) Fee schedule for new residential development. The table below shall reflect the City's fee schedule:

PETITION, APPLICATION, PERMIT OR APPEAL

FILING FEE FOR NEW RESIDENTIAL DEVELOPMENT ONLY

Certificate of Zoning	\$ 25.00
Certificate of Completion	\$ 25.00
Amendment/rezoning	\$125.00
Variance	\$125.00
Conditional use	\$125.00
Administrative appeal	\$ 50.00
Board of Zoning Appeals hearing	\$125.00
Approval of an outline development plan	\$125.00
Approval of the preliminary plan for development plan	\$125.00
Approval of final plan for development plan	\$125.00
Approval of any changes in or amendments to —changes in preliminary plan	\$125.00
Fence permit	\$ 25.00
Shed or garage permit (under 200' sq. ft. detached)	\$ 25.00
Pool permit	\$ 25.00
Minor subdivision exception review	\$ 25.00
Letter of zoning	\$ 25.00
Application for Preservation Commission	\$ 25.00
Satellite antenna/microwave receiving antenna or microwave relay equipment permit	\$125.00

(45) Subdivision fee schedule.

- A. ~~The base fee for processing, plat examination charge, and publication notice for a two lot subdivision shall be \$75.00.~~
- B. ~~The fee for subdivisions of more than two lots shall be \$75.00 plus \$5.00 per lot.~~
- C. ~~The fee for making reproducible plats shall be \$12.00 per sheet.~~
- D. The fee for making a reproducible file copy of the plat and recording the approved subdivision plat with the County Recorder shall be \$12.00 per page, plus applicable recording fees or as otherwise established by the Henry County Recorder, whichever is greater.
- E. ~~The fee for an exception review shall be \$25.00. (See Section 1105.06)~~

(d) Plat Recording.

- (1) No plat or replat of a subdivision of land located within the City shall be recorded by the County Recorder, until it has been approved by the Council in accordance with the regulations of this Planning and Zoning Code.
- (2) Construction of streets, sewers, water lines, or other public utilities shall not be permitted until the procedures set forth in Section 1105.08 have been accomplished.
- (3) Building permits shall not be issued nor shall any construction work be started until the subdivision has been finally approved by the Council and the plat has been recorded in the office of the County Recorder.

(e) Certificate of Zoning.

- (1) Certificate required. No land shall be occupied or used, and no building hereafter erected, reconstructed, or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a certificate of zoning has been issued

by the Zoning Administrator, stating that the use is in compliance with all provisions of this Planning and Zoning Code.

(2) Change in use. No change shall be made in the use of land or the use of any building or part thereof now or hereafter erected, reconstructed, or structurally altered without a certificate of zoning having been issued by the Zoning Administrator. Certificate for change in a use shall not be issued unless the premises is in conformity with the provisions of this Planning and Zoning Code.

(3) Applied for coincidentally. A certificate of zoning shall be applied for coincidentally with the application for a building permit and shall be issued after notification by the applicant thereof that the lawful erection, reconstruction, or structural alteration of such building or other improvement of the land has been completed, and an inspection of the premises has been made and approved by the Zoning Administrator.

(4) Record of certificates. A record of all certificates of zoning and occupancy shall be kept on file in the office of the Zoning Administrator and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

(5) Excavation. No building permit shall be issued for excavation or for the erection, reconstruction, or structural alteration of any building before application has been made for a certificate of zoning.”

Section 6. That, the amendments to be made and the fees to be waived or reduced as listed in Section 931 of Part 9 of the City of Napoleon, Ohio Codified Ordinances, as set forth by this Ordinance, include the following:

“931.10 SANITARY SEWER TAP FEES.

(a) A sanitary sewer tap fee (service connection fee) shall be charged for each connection to the City's sanitary sewer system as follows: (This fee does not cover any labor and material required. Any such labor or materials is a separate charge based on actual cost.)

(b) Charges as contained in this section (b) are applicable and shall be charged for all tributary parcels now in the City to which a sanitary sewer has not been assessed and also for all parcels hereafter annexed to the City. This charge is also applicable and shall be made for all new buildings, major additions, or alterations; to buildings causing increased sewage discharge; any land use causing the discharge of sewage into the sewage system; and any change in sewage flow distribution ordered by the City Manager when the redistribution of sewage flow requires the construction of a new trunk line sewer and a new service connection thereto.

(1) For Lots with single-family dwellings, two family dwellings, or three family dwellings, the sanitary sewer tap charge shall be based upon a minimum of ~~eighty-seven dollars~~ (\$870.00) per 7,200 square feet of land exclusive of dedicated streets, or a charge of eighty-seven dollars (\$87.00) per additional dwelling unit location, whichever is greater. Anything over the first 7,200 square feet of land shall be ~~on a pro-rata basis.~~ charged twelve dollars (\$12.00) per one thousand (1,000) square feet. However, there shall be a cap to the sewer tap charge as follows:

- A. Single-family dwellings maximum charge is ~~\$150~~60.00;
- B. Two family dwellings maximum charge is ~~\$300~~200.00;
- C. Three family dwellings maximum charge is ~~\$450~~350.00.

(2) For manufactured homes courts, the sanitary sewer tap charge shall be based upon a minimum of ~~eighty-seven dollars (\$870.00)~~ per 7,200 square feet of land exclusive of dedicated streets, ~~and~~ or a charge of eighty-seven dollars (\$87.00) per additional dwelling unit location, ~~whichever is greater. Anything over the first 7,200 square feet of land shall be on a pro rata basis.~~

(3) For all other developments of any kind, excluding commercial or industrial, the sanitary sewer tap charge shall be based upon a minimum of eighty-seven dollars (\$87.00) per 7,200 square feet of land, exclusive of dedicated streets, or a charge of eighty-seven dollars (\$87.00) per dwelling unit location, whichever is greater. Anything over the first 7,200 square feet of land shall be on a pro rata basis.

(4) All commercial or industrial uses: the sanitary sewer tap charge shall be six hundred (\$600.00) dollars.

(5) All sanitary sewer tap fees outside the corporation limits shall be ~~increased fifty percent (50%) from what is stated in the provision~~ one hundred and fifty dollars (\$150.00).

(c) Inspection fees for sanitary sewer taps shall be as follows:

- | | |
|--|--|
| (1) Single-family and duplex residential: | \$60.00 |
| (2) Multifamily residential, commercial, and industrial fifty feet in length or less: | \$100.00 |
| (3) Multifamily residential, commercial, and industrial fifty-one feet in length or more: | \$100.00, plus an additional \$10.00 for each fifty foot increment over and above the initial fifty foot length. |
| (4) Inspection fees outside the corporation limits shall be increased by fifty percent (50%) of the rates established in this inspection fee section.” | |

Section 7. That, this these amendments and this moratorium shall become effective at 12:01 a.m. on July 1, 2018, following the passage of this Ordinance by City Council, and shall remain in effect until 11:59 p.m. on December 31, 2019 and, thereafter, upon a majority vote of City Council, may be continued in effect, if City Council finds such continuance is necessary to allow sufficient time for the Municipal Properties, Buildings, Land Use and Economic Development Committee or other City departments, committees, or commissions to complete the research and recommendation of what action, if any, the City of Napoleon should take to safeguard the public health, safety and welfare through the provision of waiving said building fees to increase economic development within the City.

Section 8. That, this Council considered the following criteria in making its decision to amend as set forth above:

a. Upon the passage of Ordinance No. 071-17, the City if Napoleon, Ohio obtained the authority of enforcement of the provisions of the Residential Code of Ohio through certification by the Ohio Board of Building Standards pursuant to Section 3781.10(E) of the Ohio Revised Code; and,

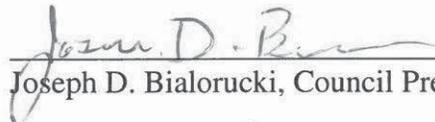
b. The Community Improvement Corporation (CIC) acting as an agent for and on behalf of the City of Napoleon, Ohio has suggested construction of residential homes as an avenue to increase economic development for the City.

Section 9. 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.

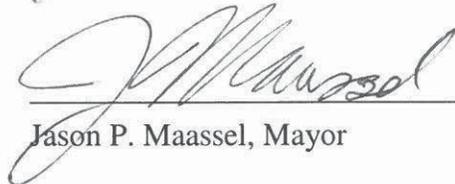
Section 10. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 11. That, this Ordinance shall be in full force and effect on the dates and times as given above.

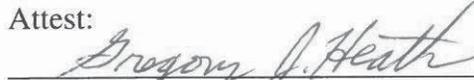
Passed: May 21, 2018


Joseph D. Bialorucki, Council President

Approved: May 21, 2018


Jason P. Maassel, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 021-18 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 24th day of May, 2018; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.


Gregory J. Heath, Clerk/Finance Director

ORDINANCE NO. 087-19

AN ORDINANCE APPORTIONING THE EXPENSES INCURRED INCLUDING WAGES, SALARIES AND FRINGE BENEFITS OF THE MAYOR, COUNCIL, AND VARIOUS OTHER DEPARTMENTS OF THE CITY OF NAPOLEON WHICH ARE NOT OTHERWISE DIRECTLY CHARGED TO SPECIAL AND/OR CAPITAL PROJECTS AMONG VARIOUS ACCOUNTS EFFECTIVE JANUARY 1, 2020; AMENDING ORDINANCE NO. 104-09; AND DECLARING AN EMERGENCY

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

Section 1. That, the expenses incurred, including wages, salary and fringe benefits of the Mayor, City Council, and various departments within the City as found in Exhibit "A", that are not otherwise directly charged to special and/or capital projects, shall be apportioned among the funds using the direct reimbursement method as found in attached Exhibit "A" which is made part of this Ordinance.

Section 2. That, the City Finance Director is directed to adjust the affected funds (retroactive if necessary) effective January 1, 2020 to accomplish the intent of this Ordinance.

Section 3. That, Ordinance No. 104-09 is hereby amended.

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

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

Section 6. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for proper payment of wages to employees, proper payment being essential to the harmony of the necessary workforce; therefore, provided 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 commence the amendments 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, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No.087-19 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, Clerk of Council

APPORTIONING OF SHARED ADMINISTRATIVE EXPENSES**REIMBURSABLE TO THE 100 GENERAL FUND****Attachment to ORDINANCE No. -19, Passed December 16, 2019****Includes Proposed Changes for 2020 as Listed in the Final Budget Format**

<u>DEPARTMENT / FUND ALLOCATED</u> <u>NET REIMBURSABLE ALLOCATIONS</u>	<u>PERCENT %</u> <u>ALLOCATION</u>
<u>1100 CITY COUNCIL/LEGISLATIVE</u>	<u>100.00%</u>
500 Electric Operating Fund	30.00%
510 Water Revenue Fund	20.00%
520 Sewer Revenue Fund	20.00%
560 Sanitation Revenue Fund	5.00%

Net Reimbursable to 100 General Fund	<u>75.00%</u>
100 General Fund (Net Direct Charge)	25.00%
<u>1200 MAYOR/EXECUTIVE</u>	<u>100.00%</u>
500 Electric Operating Fund	30.00%
510 Water Revenue Fund	20.00%
520 Sewer Revenue Fund	20.00%
560 Sanitation Revenue Fund	5.00%

Net Reimbursable to 100 General Fund	<u>75.00%</u>
100 General Fund (Net Direct Charge)	25.00%
<u>1300 CITY MANAGER/ADMINISTRATIVE</u>	<u>100.00%</u>
500 Electric Operating Fund	40.00%
510 Water Revenue Fund	20.00%
520 Sewer Revenue Fund	20.00%
560 Sanitation Revenue Fund	10.00%

Net Reimbursable to 100 General Fund	<u>90.00%</u>
100 General Fund (Net Direct Charge)	10.00%
<u>1370 CITY MANAGER/HUMAN RESOURCES</u>	<u>100.00%</u>
500 Electric Operating Fund	25.00%
510 Water Revenue Fund	20.00%
520 Sewer Revenue Fund	20.00%
560 Sanitation Revenue Fund	5.00%

Net Reimbursable to 100 General Fund	<u>70.00%</u>
100 General Fund (Net Direct Charge)	30.00%

APPORTIONING OF SHARED ADMINISTRATIVE EXPENSES**REIMBURSABLE TO THE 100 GENERAL FUND****Attachment to ORDINANCE No. -19, Passed December 16,2019****Includes Proposed Changes for 2020 as Listed in the Final Budget Format**

<u>DEPARTMENT / FUND ALLOCATED</u> <u>NET REIMBURSABLE ALLOCATIONS</u>	<u>PERCENT %</u> <u>ALLOCATION</u>
<u>1400 LAW DIRECTOR/ADMINISTRATIVE</u>	<u>100.00%</u>
500 Electric Operating Fund	25.00%
510 Water Revenue Fund	20.00%
520 Sewer Revenue Fund	20.00%
560 Sanitation Revenue Fund	5.00%

Net Reimbursable to 100 General Fund	<u>70.00%</u>
100 General Fund (Net Direct Charge)	30.00%
<u>1500 FINANCE/ADMINISTRATIVE</u>	<u>100.00%</u>
500 Electric Operating Fund	40.00%
510 Water Revenue Fund	20.00%
520 Sewer Revenue Fund	20.00%
560 Sanitation Revenue Fund	10.00%

Net Reimbursable to 100 General Fund	<u>90.00%</u>
100 General Fund (Net Direct Charge)	10.00%
<u>1520 FINANCE/UTILITY BILLING</u>	<u>100.00%</u>
500 Electric Operating Fund	50.00%
510 Water Revenue Fund	20.00%
520 Sewer Revenue Fund	20.00%
560 Sanitation Revenue Fund	10.00%

Net Reimbursable to 100 General Fund	<u>100.00%</u>
100 General Fund (Net Direct Charge)	0.00%
<u>1600 INFORMATION SYSTEMS/ADMINISTRATION</u>	<u>100.00%</u>
500 Electric Operating Fund	35.00%
510 Water Revenue Fund	20.00%
520 Sewer Revenue Fund	20.00%
560 Sanitation Revenue Fund	5.00%

Net Reimbursable to 100 General Fund	<u>80.00%</u>
100 General Fund (Net Direct Charge)	20.00%

APPORTIONING OF SHARED ADMINISTRATIVE EXPENSES**REIMBURSABLE TO THE 100 GENERAL FUND****Attachment to ORDINANCE No. -19, Passed December 16,2019****Includes Proposed Changes for 2020 as Listed in the Final Budget Format**

<u>DEPARTMENT / FUND ALLOCATED</u> <u>NET REIMBURSABLE ALLOCATIONS</u>	<u>PERCENT %</u> <u>ALLOCATION</u>
<u>1700 ENGINEERING/CITY ENGINEER</u>	<u>100.00%</u>
500 Electric Operating Fund	33.00%
510 Water Revenue Fund	25.00%
520 Sewer Revenue Fund	34.00%
560 Sanitation Revenue Fund	0.00%

Net Reimbursable to 100 General Fund	<u>92.00%</u>
100 General Fund (Net Direct Charge)	8.00%
<u>1900 GENERAL GOVERNMENT/MISC.</u>	<u>100.00%</u>
500 Electric Operating Fund	50.00%
510 Water Revenue Fund	15.00%
520 Sewer Revenue Fund	15.00%
560 Sanitation Revenue Fund	5.00%

Net Reimbursable to 100 General Fund	<u>85.00%</u>
100 General Fund (Net Direct Charge)	15.00%
<u>2100 POLICE/SAFETY SERVICES (Shared Dispatching)</u>	<u>100.00%</u>
500 Electric Operating Fund	10.00%
510 Water Revenue Fund	2.00%
520 Sewer Revenue Fund	0.50%
560 Sanitation Revenue Fund	0.50%

Net Reimbursable to 100 General Fund	<u>13.00%</u>
100 General Fund (Net Direct Charge)	87.00%
<u>5130 SERVICE/OPER.-BUILDING & PROP.</u>	<u>100.00%</u>
500 Electric Operating Fund	30.00%
510 Water Revenue Fund	15.00%
520 Sewer Revenue Fund	15.00%
560 Sanitation Revenue Fund	20.00%

Net Reimbursable to 100 General Fund	<u>80.00%</u>
100 General Fund (Net Direct Charge)	20.00%

ORDINANCE NO. 075-19

AN ORDINANCE APPROVING THE EXECUTION OF AN EFFICIENCY SMART SCHEDULE WITH AMERICAN MUNICIPAL POWER, INC.; AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon, Ohio (“Municipality”) owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and taxpayers; and,

WHEREAS, American Municipal Power, Inc. (“AMP”) is an Ohio nonprofit corporation, organized to own and operate facilities, or to provide otherwise, for the generation, transmission or distribution of electric power and energy, or any combination thereof, and to furnish technical services on a cooperative, nonprofit basis, for the mutual benefit of AMP members (“Members”), such Members, including Municipality, being, as of the date hereof, political subdivisions that operate, or whose members operate, municipal electric utility systems in Delaware, Indiana, Kentucky, Maryland, Michigan, Ohio, Pennsylvania, Virginia and West Virginia; and,

WHEREAS, AMP and Municipality have entered into a Master Services Agreement, AMP Contract No. C-11-2005-4440, pursuant to which AMP provides certain services to Municipality as set forth in various schedules to the Master Services Agreement (the “Schedules”); and,

WHEREAS, AMP and the Vermont Energy Investment Corporation (“VEIC”) will enter or have entered into an agreement (the “ES Agreement”) for the implementation of an energy efficiency program known as Efficiency Smart (“ES”), and to provide a program of energy efficiency services (“ES Services”) designed to lower the total need for higher cost electric generation facilities or purchased power and thereby reduce Municipality’s customers’ bills, to be offered to AMP Members; and,

WHEREAS, AMP and Municipality desire to enter into a Schedule (“ES Schedule”), under the MSA, which provides that AMP will obtain and sell to Municipality, and Municipality will agree to take and pay for, a share of the ES Services which AMP will acquire through the ES Agreement; and,

WHEREAS, in furtherance of such purpose and in accordance with Resolution No. 064-13, passed unanimously by City Council on November 18, 2013, the Municipality entered into an Efficiency Smart Rebate Agreement with AMP; **Now Therefore,**

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

Section 1. That, the Efficiency Smart Schedule between this Municipality and AMP, substantially in the form attached hereto, and on file with the Clerk of Council, including Appendices thereto, is approved, and the City Manager is hereby authorized to execute and deliver such Schedule, with such changes as the City Manager may approve as neither inconsistent with this Resolution nor materially detrimental to the Municipality, the execution of the Efficiency Smart Schedule to be conclusive evidence of such approval.

Section 2. That, the City Manager is hereby authorized to take any action necessary for the Municipality to fulfill its obligations under the Efficiency Smart Schedule.

Section 3. That, upon the effective date of 12:00 am, January 1st, 2020, and remain effective until 11:59 pm, December 31, 2022, unless otherwise terminated per the provisions of the Schedule.

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

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

Section 6. That, if any section, subsection, paragraph, clause or provision or any part thereof of this Ordinance shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Ordinance shall be unaffected by such adjudication and all the remaining provisions of this Ordinance shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

Section 7. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for timely administration of the rebate (s) necessary to assure public peace, health or safety; therefore, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to continue the process 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, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 075-19 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, Clerk of Council

ORDINANCE NO. 076-19

**AN ORDINANCE AMENDING CHAPTER 955.10 OF THE
CODIFIED CODE OF ORDINANCES OF THE CITY OF
NAPOLEON, OHIO REGARDING CURRENT SHELTER
HOUSE/COMMUNITY CENTER RENTAL RATES**

WHEREAS, the Parks and Recreation Board met on September 25, 2019 and, in order to continue to provide the opportunity for area residents to rent City owned shelter houses, determined it appropriate to amend certain shelter house rental rates for the year 2020; and,

WHEREAS, the City of Napoleon’s Parks and Recreation Committee met on October 21, 2019 and concurred with the Parks and Recreations Board’s determination that certain shelter house rental rates for 2019 should be amended; and,

WHEREAS, this Council has considered all recommendations, and now deems appropriate that shelter house rental rates as listed below shall be amended for the year 2020; and,

WHEREAS, Council desires to create a City Fund titled the Shelter House Facility Repair Fund in which the revenue from the increased rates shall be deposited;
Now Therefore,

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

Section 1. That, Section 955.10 of the Codified Code of Ordinances of the City of Napoleon, Ohio shall remain as currently written with the amendment of the following language, amending and enacting Section 955.10:

“955.10 SHELTER HOUSE/ COMMUNITY CENTER RATES.

(a) Shelter house rentals shall be as follows:

Rental Times	Ritter (Weekday)	Ritter (Weekend)	Wayne (Weekday)	Wayne (Weekend)
9:00 a.m. - 12:00 p.m.	\$35.00 \$40.00	\$40.00 \$45.00	\$30.00 \$35.00	\$35.00 \$40.00
1:00 p.m. - 5:00 p.m.	35.00 40.00	40.00 45.00	30.00 35.00	35.00 40.00
9:00 a.m. - 5:00 p.m.	40.00 45.00	45.00 50.00	35.00 40.00	40.00 45.00
6:00 p.m. - 11:00 p.m.	40.00 45.00	45.00 50.00	35.00 40.00	45.00 50.00
1:00 p.m. - 11:00 p.m.	45.00 50.00	50.00 55.00	40.00 45.00	45.00 50.00
9:00 a.m. - 11:00 p.m.	50.00 55.00	55.00 60.00	45.00 50.00	50.00 55.00

Weekend rates will also apply on all City of Napoleon, Ohio observed holidays; no proration of fees will be permitted.

Due at the time of making the reservation is a non-refundable five dollar (\$5.00) application fee and a fifty dollar (\$50.00) security deposit. The security deposit is refundable upon the facility being cleaned, not damaged and the timely return of all keys, except that in the event that a cancellation occurs less than seven (7) days prior to the reserved date; then the rental amount shall be forfeited to the City and deducted from the

security deposit, not to exceed fifty dollars (\$50.00). Any monies to be returned to the tenant will be paid within thirty (30) days after the rental date.

(b) Rental of the Community Center at Oberhaus Park shall be as follows:

Rental Times	Weekday	Weekend
9:00 a.m. - 12:00 p.m.	\$50.00 \$55.00	\$60.00 \$65.00
1:00 p.m. - 5:00 p.m.	60.00 65.00	70.00 75.00
9:00 a.m. - 5:00 p.m.	80.00 90.00	90.00 100.00
6:00 p.m. - 11:00 p.m.	80.00 90.00	90.00 100.00
1:00 p.m. - 11:00 p.m.	90.00 100.00	100.00 110.00
9:00 a.m. - 11:00 p.m.	110.00 120.00	120.00 130.00

Weekend rates will also apply on all City of Napoleon, Ohio observed holidays; no proration of fees will be permitted.

Due at the time of making the reservation is a non-refundable five dollar (\$5.00) application fee and a fifty dollar (\$50.00) security deposit. The full remainder amount of the rental is due when picking up the key. The security deposit is refundable upon the facility being cleaned, not damaged and the timely return of all keys, except that in the event that a cancellation occurs less than seven (7) days prior to the reserved date, then the rental amount shall be forfeited to the City and deducted from the security deposit, not to exceed fifty (\$50.00). Any monies to be returned to the tenant will be paid within thirty (30) days after the rental date.

(c) Notwithstanding any other provision of these Codified Ordinances, the use of the Community Center at Oberhaus Park by the Napoleon based Rotary and Lions Club shall be pursuant to the terms and conditions established by separate agreement between the clubs and the City. Priority in reservation may be given to the clubs by the Parks and Recreation Director absent any provision in the agreement.

(d) Except as provided herein, reservations shall only be made in the calendar year the facility is intended to be reserved. During the month of December in the preceding year, residents, as defined in this chapter, shall be permitted to reserve dates for the following year.

(e) Terms and conditions of any rental agreement shall be established by the City Manager and approved as to form and correctness by the Law Director.”

Section 2. That, a new City Fund shall be established, titled Shelterhouse Facility Repair Fund.

Section 3. That, the funds received by the City from the increase as listed in Section 1 of this Ordinance shall be placed into the newly created Shelterhouse Facility Repair Fund.

Section 4. That, this Ordinance No. 076-19 amends Ordinance No. 002-13 so as to incorporate and adopt all identified changes noted herein. The remaining, unchanged portions of Ordinance No. 002-13 shall remain in full force and effect as existed and now include the above amended and enacted language regarding Section 955.10.

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, Clerk of Council

I, Roxanne Dietrich, Clerk of Council of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 076-19 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, Clerk of Council

ORDINANCE NO. 072-19

**AN ORDINANCE AMENDING THE CITY INCOME TAX CODE,
SECTION 194.03 DEFINITIONS, TO ADOPT SECTIONS 718.01(Y)
AND 718.01(Z) OF THE OHIO REVISED CODE; AND DECLARING
AN EMERGENCY**

WHEREAS, House Bill (H.B.) 166 of the 133rd General Assembly, the State's operating appropriations and tax levy bill, includes an amendment by addition of two definitions added to Chapter 718, Municipal Income Taxes, R.C. Section 718.01 regarding supplemental executive retirement plan (SERP) exemptions; and,

WHEREAS, Section 757.220 of H.B. 166 makes clear that the amendment by this act of section 718.01 of the Revised Code applies to municipal taxable years beginning on or after January 1, 2020; and,

WHEREAS, the relevant income tax definitions added to R.C. 718.01 include a definition for "Pension" and one for "Retirement Benefit Plan;" and,

WHEREAS, in recognition of the above-listed changes and with a desire to keep the City's Municipal Income Tax Code up to date the City intends to add the two new definitions contained in R.C. 718.01 to the City's Municipal Income Tax Code. **Now Therefore**,

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

Section 1. That, section 194.03 of Chapter 194 of the Codified Ordinances of the City shall hereby be amended to add the following definitions for tax years starting on or after January 1, 2020:

"Pension" means a retirement benefit plan, regardless of whether the plan satisfies the qualifications described under section 401(a) of the Internal Revenue Code, including amounts that are taxable under the "Federal Insurance Contributions Act," Chapter 21 of the Internal Revenue Code, excluding employee contributions and elective deferrals, and regardless of whether such amounts are paid in the same taxable year in which the amounts are included in the employee's wages, as defined by section 3121(a) of the Internal Revenue Code.

"Retirement benefit plan" means an arrangement whereby an entity provides benefits to individuals either on or after their termination of service because of retirement or disability. "Retirement benefit plan" does not include wage continuation payments, severance payments, or payments made for accrued personal or vacation time.

Section 2. That, the definition for "Pension" currently contained in Chapter 194 of the Codified Ordinances of Napoleon, Ohio remains in full force and effect for all taxable years prior to 2020.

Section 3. That, Chapter 193 of the Codified Ordinances of Napoleon, Ohio remains in full force and effect for all taxable years prior to 2016.

Section 4. That, the Council hereby finds that this Ordinance was deliberated upon and passed in open meetings in compliance with Section 121.22 of the Ohio Revised Code.

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 municipal income taxes, 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. 072-19 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 - 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		Rolling 3 Month Average Cost	Less: Fixed Base Power Supply Cost	PSCA Dollar Difference + or (-)	PSCA-Corrt'd. 3 MONTH AVG.FACTOR + Line Loss
				Current + Prior 2 Months					
				kWh	Cost				
				(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
Sep't17	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
Aug'19	Oct'19	14,297,705	\$ 1,123,690.94	42,214,436	\$ 3,348,766.16	\$ 0.07933	\$ (0.07194)	\$ 0.00739	\$ 0.00794
Sep'19	Nov'19	12,810,364	\$ 1,102,711.16	42,575,824	\$ 3,392,071.23	\$ 0.07967	\$ (0.07194)	\$ 0.00773	\$ 0.00831

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

PSCAF - Preparers Signature:

Name - Lori A. Rausch, Utility Billing Administrator



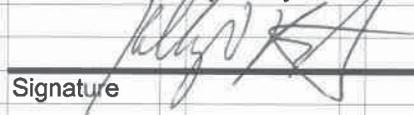
10/21/2019

Signature

Date

PSCAF - Reviewers Signature:

Name - Kelly O'Boyle, Finance Director



10/21/2019

Signature

Date

BILLING SUMMARY AND CONS

2019 - NOVEMBER BILLING WITH SEPTEMBER

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 ===				TOTAL -
(	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) ->	611,003	2,223,360	27,053	139,297	0	0	0	0	14,028,203
Delivered kWh (Off Peak) ->									154,557
Delivered kWh (Replacement/Losses/Offset) ->		32,473							32,473
Delivered kWh/Sale (Credits) ->									-1,404,868
Net Total Delivered kWh as Billed ->	611,003	2,255,833	27,053	139,297	0	0	0	0	12,810,365
Percent % of Total Power Purchased->	4.7696%	17.6094%	0.2112%	1.0874%	0.0000%	0.0000%	0.0000%	0.0000%	100.0000%
								Verification Total ->	100.0000%
COST OF PURCHASED POWER:									
DEMAND CHARGES (+Debits)									
Demand Charges	\$6,526.30	\$31,085.29	\$682.37			\$148,756.37			\$511,082.33
Debt Services (Principal & Interest)		\$55,367.84							\$210,929.74
DEMAND CHARGES (-Credits)									
Transmission Charges (Demand-Credits)		-\$15,076.79	-\$136.05	-\$2,890.30					-\$62,456.89
Capacity Credit	-\$2,851.75	-\$9,237.08	-\$234.83	-\$1,689.27					-\$83,381.60
Sub-Total Demand Charges	\$3,674.55	\$62,139.26	\$311.49	-\$4,579.57	\$0.00	\$148,756.37	\$0.00	\$0.00	\$576,173.58
ENERGY CHARGES (+Debits):									
Energy Charges - (On Peak)	\$6,565.10	\$40,968.29		\$5,335.07		\$6,158.69			\$413,529.97
Energy Charges - (Replacement/Off Peak)									\$3,068.98
Net Congestion, Losses, FTR	\$4,158.63								\$13,106.20
Transmission Charges (Energy-Debits)									\$6,887.34
ESPP Charges					\$16,959.16				\$16,959.16
Bill Adjustments (General & Rate Levelization)									-\$76.81
ENERGY CHARGES (-Credits or Adjustments):									
Energy Charges - On Peak (Sale or Rate Stabilization)									-\$32,713.22
Net Congestion, Losses, FTR									\$4,527.78
Bill Adjustments (General & Rate Levelization)	\$152.90								-\$18,507.88
Sub-Total Energy Charges	\$10,876.63	\$40,968.29	\$0.00	\$5,335.07	\$16,959.16	\$6,158.69	\$0.00	\$0.00	\$406,781.52
TRANSMISSION & SERVICE CHARGES, MISC.:									
RPM / PJM Charges Capacity - (+Debit)						\$110,086.49			\$110,086.49
RPM / PJM Charges Capacity - (-Credit)									\$0.00
Service Fees AMP-Dispatch Center - (+Debit/-Credit)							\$0.00		\$0.00
Service Fees AMP-Part A - (+Debit/-Credit)							\$2,867.34		\$2,867.34
Service Fees AMP-Part B - (+Debit/-Credit)							\$7,449.76		\$7,449.76
Other Charges & Bill Adjustments - (+Debit/-Credit)								-\$647.53	-\$647.53
Sub-Total Service Fees & Other Charges	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$110,086.49	\$10,317.10	-\$647.53	\$119,756.06
TOTAL NET COST OF PURCHASED POWER	\$14,551.18	\$103,107.55	\$311.49	\$755.50	\$16,959.16	\$265,001.55	\$10,317.10	-\$647.53	\$1,102,711.16
Percent % of Total Power Cost->	1.3196%	9.3504%	0.0282%	0.0685%	1.5380%	24.0318%	0.9356%	-0.0587%	100.0000%
Purchased Power Resources - Cost per kWh->	\$0.023815	\$0.045707	\$0.011514	\$0.005424	\$0.000000	\$0.000000	\$0.000000	Verification Total ->	\$1,102,711.16
									\$0.086080
									(Northern Pool Power - On-Peak + Off-Peak - Energy Charge/kWH) = JV2 Electric Service Rate ->
									\$0.017383
									(Northern Pool Power - On-Peak + Off-Peak - Energy Charge/kWH) = JV5 Electric Service Rate ->
									\$0.017383



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, Clerk of Council
Date: October 31, 2019
Subject: WWTP Phase 1A ~ Digester Covers & Sludge Removal Improvements – Recommendation of Award

On Wednesday, October 30, 2019, bids were opened and read aloud for the above referenced project. Three bids were submitted and read as follows:

Merrell Bros., Inc.	\$713,638.00
Mosser Construction, Inc.	\$815,000.00
Burch Hydro	\$824,980.00

The Engineer's Estimate for this project is \$750,000.00. This project consists of removing/disposing of the sludge in the digesters and cleaning the digesters. The costs of the project will potentially be eligible for reimbursement through a low-interest loan from the O.E.P.A. (D.E.F.A./O.W.D.A.) **Having reviewed the submitted bids, it is my recommendation that Council award Merrell Bros., Inc. the contract for the Phase 1 – Digester Covers and Sludge Removal Improvements project in the amount of \$713,638.00.** If you have any questions or require additional information, please contact me at your convenience.

CEL



HENRY COUNTY
COMMUNITY IMPROVEMENT CORPORATION

November 1, 2019

City of Napoleon
Attn: Mayor Jason Maassel
Council President Joe Bialorucki
255 W. Riverview Ave.
PO Box 151
Napoleon, Ohio 43545

Re: 2020 City Nominations for CIC Board of Directors Seats

Dear Mayor Maassel and Council President Bialorucki,

Please allow this letter to serve as official notice that the following seats/terms for the City representatives on the Community Improvement Corporation of Henry County, Ohio (Henry County CIC) Board of Directors will expire on December 31, 2019:

Two City of Napoleon elected officials: (approved by City Council for one (1) year term):

Current: Mayor Jason Maassel
Dan Baer, City Council

We would respectfully ask that the City of Napoleon re-appoint or submit new appointees accordingly and legislation approving these appointees. This may be done through email (jarps@henrycountyed.com) or regular mail.

Should you have any questions, please feel free to contact the Henry County CIC at 419-592-4637. Thank you.

Respectfully Submitted,

April Welch
Executive Director

**PROGRAMMATIC AGREEMENT
for Coordination
between
City of Napoleon
and the
Ohio State Historic Preservation Office
for the
Administration of Programs Using HUD Allocated Funds with Delegated Review
Responsibilities Authorized Under 24 CFR Part 58**

WHEREAS, the U.S. Department of Housing and Urban Development (“HUD”) has allocated Community Development Block Grant (CDBG) and other funds to the State of Ohio Development Services Agency (“State”); and

WHEREAS, the State has awarded CDBG and other funds to City of Napoleon (hereinafter referred to as “grantee”); and

WHEREAS, the funding sources covered by this Programmatic Agreement may include, but are not limited to CDBG, Home Investment Partnership (HOME), Economic Development Initiative (EDI), Emergency Shelter Grants, Supportive Housing, Housing Opportunities for Persons with AIDS (HOPWA), and Neighborhood Stabilization Program (NSP) Grants; and

WHEREAS, in accordance with 24 CFR Part 58, the grantee assumes responsibility for environmental review, decision-making, and actions that would otherwise apply to HUD under the National Environmental Policy Act (NEPA) and other provisions of law and this agreement coordinates the analysis and review of projects as provided under 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108), in order to meet the purposes and requirements of both statutes in a timely and efficient manner; and

WHEREAS, the grantee has determined that the undertakings it carries out using the above-listed HUD funding sources may affect properties that are listed in or eligible for listing in the National Register of Historic Places (“National Register”); and

WHEREAS, the grantee has consulted with the Ohio State Historic Preservation Officer (SHPO) regarding the development of this agreement pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (“NHPA”) (54 U.S.C. § 306108); and

WHEREAS, the grantee and the SHPO agree that by following the procedures outlined in this agreement, the grantee will be able to meet its obligations pursuant to 36 CFR Part 800 to take into account the effects of federally assisted projects on historic properties and provide the ACHP with an opportunity to comment.

NOW, THEREFORE, the grantee and the SHPO have agreed to carry out their respective responsibilities pursuant to Section 106 and Section 110(f) of the NHPA and the regulations at 36 CFR Part 800, in accordance with the following stipulations:

STIPULATIONS

I. New Construction & Archaeology

New construction is not exempt and must be submitted to the SHPO for review.

In the event the grantee plans any ground disturbance as part of a rehabilitation, new construction, site improvement, or other undertaking, the grantee will consult with the SHPO to determine whether the undertaking will affect an archaeological property eligible for or listed in the National Register. This stipulation shall not be interpreted to include a limited subset of ground-disturbing activities that are exempt from review, as described in Stipulation II.B.2.

II. Exempt Activities

A. If the grantee determines that an undertaking only involves buildings that are less than fifty years old, or if the undertaking includes only exempt activities (as defined by Stipulations II. B., II. C., and II. D), then the undertaking shall be deemed exempt from further review. Such undertakings will require no review under the terms of this agreement because these activities will generally not affect historic properties.

1. This stipulation may include the demolition of buildings less than fifty years old, so long as the building has not previously been determined to be eligible for listing or listed in the National Register of Historic Places.
2. The grantee will keep documentation of this decision to exempt specific undertakings in its files and compile a complete list of exempt undertakings annually, as required in Stipulation VIII.

B. If the proposed undertaking falls within one of the following categories, the activities shall be deemed exempt:

1. Non-Construction Work and Development, General Exclusions
 - a. Public service program that does not physically impact buildings or sites.
 - b. Architectural and engineering design fees and other non-construction fees and costs.

- c. Rental or purchase of equipment that does not physically impact buildings or sites.
- d. Temporary board-up, bracing, or shoring of a property, provided that it is installed without permanent damage to the building or site.
- e. Mortgage refinancing or purchasing of a property where no change in use, new construction, or rehabilitation will occur.
- f. Acquisition of vacant land when no subsequent redevelopment of the property is anticipated (including land banking).
- g. Acquisition of land with demolition or rehabilitation of buildings that are less than fifty years old (including land banking).
- h. Rehabilitation of mobile and manufactured homes.
- i. Loans used to fund rehabilitations of buildings less than fifty years old.

2. Site Work

- a. Repair, line painting, paving, resurfacing, and maintenance of existing streets, roads, alleys, parking lots, sidewalks, curbs, ramps, and driveways where no change in width, surfaces, or vertical alignment to drainage is to occur; the replacement in kind of concrete sidewalks where no change in width occurs.
- b. New curb cuts and simple accessibility improvements at roadway crossings to meet ADA requirements. Any improvements that require retaining walls or multiple levels shall be submitted for review.
- c. Maintenance and repair of existing landscape features, including planting, fences, retaining walls, and walkways.
- d. Installation of exterior lighting fixtures on poles outside of individual properties, including parking lots, sidewalks, and freestanding yard lights; installation of new or replacement lighting fixtures that are to be attached to a building less than fifty years old. This exemption is not meant to include street lighting that will serve multiple properties.
- e. Installation of emergency public warning sirens on existing poles and new poles; installation of emergency public warning sirens to a building less than than fifty years old.
- f. Within previously excavated trenches, the repair, maintenance, or replacement of existing residential water and sanitary sewer connections and lines. This exemption does not apply to the installation of water or sewer main lines, but only to connections between individual properties and existing public systems.
- g. Repair, in kind replacement, or reconstruction of existing catch basins.

h. Replacement of utility meters on buildings in the same location as existing.

3. Exterior Rehabilitation

- a. Rebuilding of existing wheelchair ramps, or installation of new ramps on secondary building elevations where the building is not located on a corner lot.
- b. Repair (not replacement) of porches, cornices, exterior siding, doors, windows, balustrades, stairs, or other trim as long as any new materials matches existing features in composition, design, color, texture, and other visual and physical qualities.
- c. Foundation repair. Repointing of foundation masonry is exempt only on secondary elevations. If the building is on a corner lot, repointing of foundation masonry is not exempt on the elevations that face the streets.
- d. Exterior scraping with non-destructive means and painting of wood siding, features, and trim; exterior painting of masonry, if existing surfaces are already painted. This does not apply to the use of lead encapsulate paint. No abrasive cleaning is permitted for the removal of any building materials.
- e. Caulking, reglazing, and weather-stripping.
- f. Installation of screens and storm windows, provided that they:
 - i. Completely fill the original window opening.
 - ii. Match the meeting rail or other major divisions.
 - iii. Interior storms must not cause damage to the original interior trim.
 - iv. Interior storms must be designed to seal completely so as to protect the primary window from condensation.
- g. Installation of storm doors, if they are undecorated and have a painted finish to match existing trim or the existing door.
- h. Repair or replacement of asphalt, fiberglass, and asbestos shingle roof covering with the same materials as long as the shape of the roof is not changed.
- i. Replacement of a flat roof not visible from a public right-of-way as long as the shape of the roof is not changed.
- j. Repair or replacement of metal gutters and downspouts; and relining, repainting, and repair of box gutters. This does not apply to the replacement of box gutters.

4. Interior Rehabilitation

- a. Repair (not replacement) of existing interior walls, floors, ceilings, decorative plaster, or woodwork, provided the work is limited to repainting, in-kind patching, refinishing, or repapering.
- b. Installation of attic insulation.
- c. Repair (not replacement) of existing interior walls, floors, ceilings, decorative plaster, or woodwork, provided the work is limited to repainting, in-kind patching, refinishing, or repapering.

- d. Kitchen and bathroom remodeling if no walls, windows, or doors are removed or relocated so as to alter the floor plan. Venting allowed through roof or secondary wall.
 - e. Installation of new furnace, boiler or water heater; furnace cleaning or repair.
 - f. Installation or repair of all electrical, plumbing, heating, ventilation, and air conditioning systems as long as no alteration is made to structural features or decorative features.
 - g. Installation of new ceiling openings for attic access or pull-down stairs; removal and sealing up of obsolete pull-down stairs.
 - h. Asbestos abatement activities that do not involve removal or alteration of structural or decorative features.
 - i. Lead paint hazard abatement such as HEPA cleaning and HUD approved paint removal or stabilization. Any decorative features shall be treated with care and retained for re-installation after treatment.
- C. Activities defined in 24 CFR Section 58.34 of the "Environmental Review Procedures for Entities Assuming HUD Environmental Review Responsibilities, as amended" are exempt from review under this agreement.
- D. Activities defined in 24 CFR Section 58.35(b) of the "Environmental Review Procedures for Entities Assuming HUD Environmental Review Responsibilities, as amended" are exempt from review under this agreement.

III. Project Review

- A. If the grantee determines that an undertaking will involve any activities that are not exempt under Stipulation II, the grantee will, in accordance with 36 CFR Part 800, consult with the SHPO before starting the undertaking by submitting the following documentation to the SHPO:
- 1. Project location, including a map;
 - 2. Project description, including work write-ups, plans, or specifications, as appropriate;
 - 3. Color photographs of all elevations of the building or site;
 - 4. Date any buildings in the project area were built;
 - 5. Statement of whether any properties in the project area are listed in or eligible for listing in the National Register;
 - 6. If there are listed or eligible properties, a statement of whether and how the undertaking will affect the historic properties.
- B. This submission should include, and the SHPO will consider, the following information if it explains the grantee's decisions regarding National Register eligibility and effect:
- 1. Condition assessments for various historic elements;
 - 2. An explanation of the goals of the undertaking;

3. Alternative treatments considered and cost estimates for each;
 4. Life cycle maintenance costs related to each alternative;
 5. Proposed measures to mitigate or minimize adverse effects;
 6. Available marketing studies; and
 7. Any other information that warrants consideration.
- C. At the discretion of the grantee, SHPO's Section 106 Project Summary Form can be used to satisfy Stipulation III A & B.
- D. The SHPO will respond, in accordance with 36 CFR Part 800, to the grantee within 30 days after receiving the project documentation by stating that:
1. The SHPO concurs with the grantee's decision about eligibility and effect;
 2. The SHPO disagrees with the grantee's decision about eligibility and effect; or
 3. The SHPO needs more information in order to concur or disagree with the grantee's decision about eligibility or effect.
- E. If the SHPO and the grantee agree that the undertaking will have no effect on properties that are listed in or eligible for listing in the National Register, the grantee will retain the SHPO's letter in its project file and the review process, in accordance with 36 CFR Part 800, will be complete.
- F. If the SHPO and the grantee agree that the undertaking will have an effect on properties that are listed in or eligible for listing in the National Register, the grantee will follow the standard process described in 36 CFR Part 800 to complete consultation.
- G. Any disagreements regarding the National Register eligibility of historic properties may be resolved through the grantee requesting a Determination of Eligibility from the Keeper of the National Register of Historic Places, as described in 36 CFR Part 63. Any disagreements regarding project effects shall be resolved as described in 36 CFR Part 800.6. The grantee or SHPO may elect to invite the ACHP to participate or provide its opinion, if they determine it to be appropriate.

IV. Technical Assistance and Educational Activities

Staff in the SHPO's Resource Protection and Reviews Department will provide technical assistance, consultation, and training of grantee staff as required by the grantee or as proposed by the SHPO in order to assist the grantee in carrying out the terms of this agreement. SHPO may also request that appropriate members of the grantee's staff should attend training specifically in the use and interpretation of this agreement, or the overall regulatory process described in 36 CFR Part 800.

V. Public Involvement and Participation

- A. In accordance with citizen participation requirements for State-administered HUD programs (24 CFR Section 570.486), the grantee will seek public input and notify the public of proposed actions.
 - 1. The grantee will, at a minimum, hold two public hearings to seek public comment regarding the planning and implementation of State-administered HUD programs. The first public hearing will address basic program parameters, and the second public hearing will provide specific information regarding proposed activities. Notice of both hearings will be published 10 days in advance in a newspaper of general circulation.
 - 2. The grantee will hold an additional public hearing if a State-administered HUD program is amended. The Amendment Public Hearing provides citizens with an opportunity to review and comment on a substantial change in the program. Notice of an Amendment Public Hearing will be published 10 days in advance in a newspaper of general circulation.
- B. The public notification procedures outlined in 24 CFR Part 58 for a Notice of Intent to Request Release of Funds (NOI/RROF) and Finding of No Significant Impact (FONSI) require the grantee to make information about individual projects available for public inspection, and to consider the views of the public and consulting parties in decision-making about individual projects
- C. For individual projects located in locally designated districts or those that may affect locally listed properties, the appropriate local review board will be presented with information regarding the proposed project for consideration as part of their regularly scheduled hearing, along with any project alternatives considered.

VI. Post Review Discovery

- A. In the event that historic properties are discovered or unanticipated effects on historic properties found after completion of the Section 106 process, the grantee will follow the process established at 36 CFR Part 800.13. In all cases of discovery or unanticipated effects, the grantee will contact SHPO as soon as practicable and provide sufficient information so that SHPO can make meaningful comments and recommendations.
- B. In the event that human remains are discovered during the development or construction of any project subject to this agreement, construction will cease in the area of the discovery. The grantee will contact SHPO and the County Sheriff and/or County Coroner within 48 hours. The grantee will also consult with SHPO, DSA and the County Sheriff and/or Coroner to develop and carry out a treatment plan for the care and disposition of human remains.
- C. When the human remains are determined to be of Native American Indian origin, the treatment plan will also be developed in consultation with appropriate federally recognized Native American Indian Tribes. The grantee may call upon

representatives of DSA and HUD for assistance in conducting meaningful and respectful discussions with tribal representatives.

VII. Dispute Resolution

Should any party to this agreement object at any time to any actions proposed or the manner in which the terms of this agreement are implemented, the grantee shall consult with such party to resolve the objection. If the grantee determines that such objection cannot be resolved, the grantee will:

- A. Forward all documentation relevant to the dispute, including the grantee's proposed resolution, to the ACHP. The ACHP shall provide the grantee with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the grantee shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. The grantee will then proceed according to its final decision.
- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the grantee may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the grantee shall prepare a written response that takes into account any timely comments regarding the dispute, and provide them and the ACHP with a copy of such written response.
- C. The grantee's responsibility to carry out all other actions subject to the terms of this agreement that are not the subject of the dispute remain unchanged.

VIII. Monitoring

- A. Within 30 days after the end of each calendar year that this agreement is in force, the grantee will submit to the SHPO a list of undertakings exempted from review under Stipulation II of this agreement.
 1. For each exempted undertaking the list will include the project location, the age of the building or its date of construction, a full description of each activity undertaken, PA Stipulation used to exempt project from review and name and title of grantee staff member who exempted project from review. The description shall include a list of the work done as well as how the work was done, such as: window sash repaired and repainting.
 2. The grantee should also include in their submission three (3) random samples of exempt projects, on buildings (50) years or older, with copies of the information that was available to support the project's consideration under the terms of this agreement.
- B. If the grantee did not exempt any undertakings from review under the terms of this agreement during the calendar year, it still must inform the SHPO of the lack of exemptions by letter notification.

IX. Definitions

The definitions provided in the National Historic Preservation Act and the regulations at 36 CFR Part 800 apply to terms used throughout this agreement, such as "historic property" and "effect."

X. Amendment & Duration

This agreement will continue in full force until December 31, 2024 and may be reviewed for modifications, termination, or renewal before this date has passed. At the request of either party, this agreement may be reviewed for modifications at any time. This PA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

XI. Emergencies

A. In the event that the grantee determines that a project must be completed on an emergency basis due to an imminent threat to life or property or in response to a natural disaster or emergency, the grantee may set aside the timeline established in Stipulation III to facilitate expedited review by the SHPO.

1. The grantee shall notify the SHPO in advance by phone of its intention to submit a project for emergency review.
 - a. Cover letter describing the nature of the emergency and the proposed treatment. Emergency nature of review shall be noted in bold in reference line.
 - b. The address of the property and the nature of the emergency
 - c. Recent photographs of the property
 - d. A signed copy of any local order compelling immediate action
 - e. An Ohio Historic Inventory Form or other documentation regarding the National Register eligibility of the affected property

2. The SHPO shall promptly notify the grantee of its concurrence with the grantee's effect determination or may request additional information to complete the review. SHPO may recommend to grantee that resolution of adverse effects requiring the execution of a Memorandum of Agreement is necessary, but may agree to grantee's recommendation to defer completion of such an agreement until the necessary emergency actions have been taken.

Execution of this PA by the grantee and SHPO and implementation of its terms evidence that the grantee has taken into account the effects of its undertakings on historic properties and afforded the ACHP an opportunity to comment.

SIGNATORIES:

City of Napoleon

Signature

Date

Joel Mazur, City Manager
City of Napoleon

Contact Information

Austin J. Serna, Community Development Planner
1300 E. Second St. Suite 200
Defiance, Ohio 43512
419-784-3882
planner3@mvpo.org

State Historic Preservation Office

Signature

Date

Diana Welling
Deputy State Historic Preservation Officer for
Resource Protection and Review

Contact Information:
800 East 17th Avenue
Columbus, OH 43211
dwelling@ohiohistory.org
614-298-2000

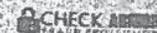


**KENNETH M. HEIN
JUDY R. HEIN**
14318 FOREST CT.
CHELSEA, MI 48118

452

62-7611/311

DATE 10/30/19



PAY TO THE
ORDER OF

Napoleon Fire Department

\$ 100.00

one hundred and 00/100

DOLLARS



Photo
Safe
Deposit
Details on back



MEMO Many many Thanks! Judy Hein

City of Napoleon, Ohio

NEW SWIMMING POOL AQUATIC FACILITY COMMISSION

Meeting Agenda

Monday, November 18, 2019 at 5:30 pm

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

- 1) Approval of November 14, 2018 Meeting Minutes
- 2) Review of Preliminary Design Items – Presentation by Peterman Associates
- 3) Adjournment.

Roxanne Dietrich

Roxanne Dietrich
Clerk of Council



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, Clerk of Council 
Date: November 15, 2019
Subject: Parks & Recreation Committee – Cancellation

The regularly scheduled meeting of the Parks and Recreation Committee for Monday, November 18, 2019 at 6:00 pm has been CANCELED due to lack of agenda items.



City of Napoleon, Ohio

255 West Riverview Avenue, P.O. Box 151
Napoleon, OH 43545
Telephone: (419) 599-1235 Fax: (419) 599-8393
www.napoleonohio.com

Memorandum

To: Tree Commission, Mayor and City Council, City Manager, City Law Director, City Finance Director, Department Supervisors, News Media
From: Roxanne Dietrich, Clerk of Council *RD*
Date: November 15, 2019
Subject: Tree Commission – Cancellation

The regularly scheduled meeting of the City Tree Commission for Monday, November 18, 2019 at 6:00 pm has been CANCELED due to lack of agenda items.

Ohio Municipal League Legislative Bulletin

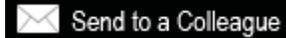
Ohio Municipal League

Fri 11/15/2019 12:18 PM

To: Roxanne Dietrich <rdietrich@napoleonohio.com>

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[OML Classified Ads](#)



Legislative Bulletin

November 15, 2019

OML UPDATE AT-A-GLANCE

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

- Newark City Councilman Mark Frazier has been selected to replace former Rep. Ryan Smith (R - Newark) for the 71st House District Seat which covers Licking County. Mr. Frazier is a senior project manager in information technology at Huntington National Bank.
- The U.S. Department of Housing and Urban Development has awarded approximately \$45 million in grants for lead paint abatement efforts in low-income housing. Ohio cities that received grants funds are Columbus, Cleveland, Lima, Akron and Canton.
- Attorney General Yost has announced \$1.3 million in grants to 30 local drug abuse response teams across the state. The teams connect drug overdose survivors with treatment and recovery options.

SENATE PREEMPTION BILL RECEIVES PROPONENT TESTIMONY

During its second hearing before the Senate Local Government, Public Safety and Veterans Affairs Committee, proponents of SB 222 testified in support of the bill. SB 222, sponsored by Sen. Rulli (R - Salem), would preempt municipalities from imposing a tax or fee on auxiliary containers such as plastic bags or takeout boxes. This is a companion bill to HB 242, which is awaiting action by the full House.

The Ohio Council of Retail Merchants, the American Progressive Bag Alliance, the Ohio Chamber of Commerce and the Ohio Manufacturers' Association testified before the committee while the Ohio Chemistry Technology Council, the Ohio Grocers Association, NFIB-Ohio and the Greater Cleveland Partnership submitted written-only testimony. Those testified voice opposition to local jurisdictions taxing auxiliary containers as it would create a "patchwork" of local ordinances and make compliance complicated for business.

Like its companion in the House, SB 222 is a blatant preemption of the right to local authority granted to municipalities in the Ohio Constitution. We urge our members to contact their senators and voice their opposition to this bill. This bill is not up for a hearing next week, but when it is up for opponent testimony we will alert our members with a Call-to-Action.

NATIONAL LEAGUE OF CITIES 2019 CITY SUMMIT ANNUAL CONFERENCE STARTS NEXT WEEK

Next week, from November 20th - 23rd, the National League of Cities (NLC) will host its annual City Summit in San Antonio, TX. Attending Ohio local officials, both elected and staff, will join over 3,500 other cities officials for workshops, networking and exclusive presentations from special guests.

The City Summit will host over 100 educational workshops, training seminars and networking opportunities, plus more than ten mobile workshops that give those attending the opportunity to explore San Antonio and learn about the various successful initiatives developed by the city.

Oscar and Grammy Award-winning hip-hop artist and author Common will be presenting as one of the keynote speakers. Peter Kageyama, author of "For the Love of Cities: The Love Affair Between People and Their Places" and "Love Where You Live: Creating Emotionally Engaging Places", will be featured as a keynote speaker as well.

The Ohio Municipal League will also be hosting a reception sponsored by American Fidelity and CareWorks on the evening of Friday, Nov. 22nd at the Grand Hyatt hotel where the conference is being held. The San Antonio City Summit is a unique educational and networking opportunity for Ohio's local officials and we're looking forward to seeing everyone there!

COMMITTEE RECAP: BILLS OF MUNICIPAL INTEREST

Here are the bills impacting municipalities that received committee hearings this week:

- **HB 10 - DRUG POLICY OFFICE.** Sponsored by Rep. Brown (D - Canal Winchester) and Rep. Stoltzfus (R - Minerva), would establish the Governor's Office of Drug Policy and make an appropriation. During its first hearing before the Senate Finance Committee, the bill's sponsored explained that the office would coordinate drug policy, run a hotline and develop educational campaigns.

(Link: <https://bit.ly/33RviyI>)

- **SB 221 - FIREARMS LAWS.** Sponsored by Sen. Dolan (R - Chagrin Falls), is Gov. DeWine's legislative "STRONG Ohio" initiative aimed at curbing gun violence including provisions such as issuing a Safety Protection Order in certain circumstances for a person who a court determines is under a drug dependency, chronic alcoholic, or mental health-related firearms disability and instating a statewide background check mechanism. During its second hearing before the Senate Government Oversight and Reform Committee, proponents including police chiefs and representatives from religious groups testified in support of the bill, saying it would help save lives. The League is neutral on this legislation.

(Link: <https://bit.ly/34UR2dk>)

- **HB 312 - INTRASTATE EQUITY CROWDFUNDING.** Sponsored by Rep. Powell (R - Laura), would permit intrastate equity crowdfunding under certain circumstances. During its third hearing before the House Financial Institutions Committee, the bill was reported out of committee. The League is supportive of this legislation.

(Link: <https://bit.ly/2XdOt3e>)

COMMITTEE SCHEDULE FOR THE WEEK OF NOVEMBER 17, 2019

Tuesday, November 19, 2019

SENATE WAYS AND MEANS

Tue., Nov. 19, 2019, 4:00 PM, Senate Finance Hearing Room

Sen. Roegner: 614-466-4823

AUTHORIZE TOWNSHIPS-EXEMPT PROPERTY TAX (SCHURING K) To authorize townships **SB212**** and municipal corporations to designate areas within which new homes and improvements to existing homes are wholly or partially exempted from property taxation.

Second Hearing, Proponent Testimony

MUNICIPAL CORPORATIONS-TAX CREDIT (SCHAFFER T) To require municipal corporations **SB206**** with more than \$100 million in annual income tax collections to provide a tax credit to nonresident taxpayers.

Second Hearing, Proponent Testimony
**CHECK OUR WEBSITE MONDAY FOR ANY CHANGES TO THE COMMITTEE
SCHEDULE**

Ohio Municipal League Meetings & Trainings

<p><u>Mayors Court 2020 Initial Trainings</u> January 9 & 10 February 20 & 21</p>	<p>Registration will open November 22</p>
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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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AMP Update for Nov. 15, 2019

American Municipal Power, Inc.

Fri 11/15/2019 2:06 PM

To: Roxanne Dietrich <rdietrich@napoleonohio.com>

Having trouble viewing this email? [Click here to view web page version](#)



Members encouraged to apply for APPA Smart Energy Provider program

By Randy Corbin - assistant vice president of energy efficiency

The application period for the American Public Power Association's (APPA) Smart Energy Provider (SEP) program begins on Dec. 1 and AMP encourages members to apply before the April 30 deadline.

The SEP program began last year as a best-practices designation for utility operations and to bring national recognition to utilities that incorporate energy efficiencies and sustainability into their affordable electric service. In its inaugural year, 67 public power utilities [were awarded an SEP designation](#) for their exceptional initiatives in energy efficiency, distributed generation and environmental stewardship, including the cities of Bowling Green and Westerville.



The online application process is straightforward and should take 6-10 hours to complete. You can save your progress and work on applications as time permits. You can learn all about SEP on the APPA [website](#) and in this [webinar recording](#).

AMP staff participated in APPA's stakeholder group to create the Smart Energy Provider program. If you have any questions, please contact me at rcorbin@amppartners.org, or Erin Miller at emiller@amppartners.org.

Focus Forward webinar scheduled for Nov. 19

By Erin Miller - director of energy policy and sustainability

The Focus Forward Advisory Council is scheduled to meet via Skype on Nov. 19, 10 a.m.-11 a.m.

During the webinar, AMP Legal staff will discuss:

- the regulatory reach of FERC and RTO/ISOs with regard to behind the retail meter DERs (energy storage, etc.);
- PURPA and impacts to distributed generation interconnection requests; and
- the Focus Forward Member Toolkit.



Participants will also vote on priorities for Focus Forward in 2020. All members are welcome to participate.

Login details can be found on the upcoming events section of the [Focus Forward](#) on the [member extranet](#) (login required). If you have questions or need additional information, contact me at emiller@amppartners.org or 614.540.1019.

AMP scholarships program materials have been sent

By Jodi Allalen - manager of member events and programs

Information for the AMP scholarships program has been mailed to AMP members and their community schools. Nomination forms and a high school transcript showing the nominee's cumulative grade-point average based on a 4.0 scale for six semesters must be submitted by an official from the utility via email, fax or mail by the Dec. 13 deadline.

Scholarship recipients will be chosen based on academic performance, good score on the public power test and participation in a variety of extracurricular activities and programs. AMP member municipal electric officials are responsible for selecting their own nominees and may nominate only one student for each award. Officials are encouraged to work closely with their local high school guidance office in selecting nominees.

Additional information and nomination forms are available on the [member extranet](#) (login required). If you have questions about the AMP scholarships program or how to nominate a student, please contact me at 614.540.0916 or jallalen@amppartners.org.

Save-the-date: March 31-April 1 - Technical Services Conference

By Jennifer Flockerzie - manager of technical services logistics

Members are encouraged to save-the-date for the 2019 Technical Services Conference, which will take place March 31-April 1 at the Quest Conference Center in Columbus. Electric utility managers, superintendents and technical staff are invited and encouraged to attend.



The conference provides a great opportunity for members to increase technical understanding, learn about new products and strengthen relationships with other AMP members and AMP staff. The event will offer a variety of informative sessions and a vendor expo featuring the latest products and offerings.

More information on the conference will be provided as it becomes available. If you have any questions, please contact me at 614.540.0853 or jflockerzie@amppartners.org.

OCTOBER OPERATIONS DATA

	October 2019	October 2018
Fremont Capacity Factor	30%	60%
Prairie State Capacity Factor	79%	51%
Meldahl Capacity Factor	51%	73%
Cannelton Capacity Factor	54%	67%
Smithland Capacity Factor	44%	27%
Greenup Capacity Factor	63%	37%
Willow Island Capacity Factor	52%	62%
Belleville Capacity Factor	59%	86%
Blue Creek Wind Capacity Factor	33%	30%
JV6 Wind Capacity Factor	17%	15%
Front Royal Solar Capacity Factor	20%	20%
Bowling Green Solar Capacity Factor	19%	17%
Avg. A/D Hub On-Peak Rate	\$32/MWh	\$42/MWh

Fremont was on planned outage during October 2019

* Fremont capacity factor based on 675 MW rating.

* PS capacity factor based on 1,582 MW rating.

* Meldahl capacity factor based on 105 MW rating.

* Cannelton capacity factor based on 87.6 MW rating.

* Smithland capacity factor based on 76.2 MW rating.

* Greenup capacity factor based on 70 MW rating.

* Willow Island capacity factor based on 44.2 MW rating.

* Belleville capacity factor based on 42 MW rating.

* Front Royal Solar capacity factor based on 2.5 MW rating.

* BG Solar capacity factor based on 20 MW rating.

Energy market update

By Jerry Willman - assistant vice president of energy marketing

The December 2019 natural gas contract increased \$0.047/MMBtu to close at \$2.647 yesterday. The EIA reported an injection of 3 Bcf for the week ending Nov. 8, which was above market expectations of 0 Bcf. Natural gas stocks were 491 Bcf higher than last year at this time and 2 Bcf above the five-year average of 3,730 Bcf.

On-peak power prices for 2020 at AD Hub closed yesterday at \$34.08/MWh, which decreased \$0.19/MWh for the week.

On Peak (16 hour) prices into AEP/Dayton hub				
Week ending Nov. 15				
MON	TUE	WED	THU	FRI
\$29.51	\$42.46	\$47.02	\$39.50	\$32.94
Week ending Nov. 8				
MON	TUE	WED	THU	FRI
\$35.81	\$35.51	\$34.03	\$38.72	\$40.30
AEP/Dayton 2020 5x16 price as of Nov. 14 — \$34.08				
AEP/Dayton 2020 5x16 price as of Nov. 7 — \$34.27				

AFEC weekly update

By Jerry Willman

The AMP Fremont Energy Center (AFEC) remained offline this week for its planned maintenance outage.

Steve Gallagher presented with Hard Hat Safety Award

By Jim Eberly - safety/OSHA compliance coordinator

Steve Gallagher, journeyman lineworker for the City of Clyde, was presented with a Hard Hat Safety Award this week. Gallagher was selected for this award because of his excellent commitment to safety in the workplace.

Please join me in congratulating Steve on this well-deserved award