


DECEMBER 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
24 November	25 November 7:00 pm Safety and Human Resources Committee	26 November	27 November	28 November CITY OFFICES CLOSED 	29 November CITY OFFICES CLOSED <i>Floating Holiday</i>	30 November
1	2 7:00 pm City Council	3 4:30 pm Special Civil Service Commission Mtg.	4	5	6	7
8	9 6:15 pm Electric Comm. 6:15 pm BOPA 7:00 pm Water/Sewer 7:30 pm Muni Prop. Comm.	10 4:00 pm Records Comm. 4:30 pm BZA 5:00 pm Planning Comm.	11	12	13	14
15	16 6:00 pm Park & Rec Comm. 6:00 pm Tree Commission 7:00 pm City Council	17	18	19	20	21
22	23 6:30 pm Finance & Budget 7:30 pm Safety & HR Comm.	24 Christmas Eve City Offices Close @2:00 pm 4:30 pm Civil Service	25 Christmas CITY OFFICES CLOSED 6:30 pm Park & Rec Bd.	26	27	28
29	30 5th Monday No Scheduled Meetings	31	Notes:			

CITY COUNCIL

MEETING AGENDA

Monday, December 02, 2019 at 7:00 pm

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

A. Attendance (Noted by the Clerk)

B. Prayer and Pledge of Allegiance

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

1. November 18, 2019 Regular Council Meeting Minutes
2. November 8, 2019 Revised Special Council Meeting Minutes

D. Citizen Communication

E. Reports from Council Committees

1. Finance and Budget Committee did not meet on November 25, 2019 due to lack of agenda items.
2. Safety and Human Resources Committee met on November 25, 2019; and
 - a. reviewed the Fire Department Fee Schedule and tabled it until the January 27, 2020 meeting
 - b. discussed the SAFER Grant for new Firefighters and recommended that the informational packet be presented to City Council and that this be added to the December 16, 2019 City Council agenda as a discussion/action item.
3. Technology and Communications Committee did not meet on December 2, 2019 due to lack of agenda items.

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

1. Civil Service Commission did not meet on Tuesday, November 26, 2019 due to lack of agenda items.
2. Parks and Rec Board did not meet on Wednesday, November 27, 2019 due to lack of agenda items.

G. Introduction of New Ordinances and Resolutions

1. **Ordinance No. 088-19**, an Ordinance Establishing a New Position Classification Pay Plan for Employees of the City of Napoleon, Ohio for the Year 2020, repealing Ordinance No 075-18; and Declaring an Emergency
2. **Resolution No. 089-19**, a Resolution 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; and Declaring an Emergency
3. **Resolution No. 090-19**, a Resolution Authorizing the City Manager to Execute Any and All Documents Necessary to Enter into a Programmatic Agreement with the Ohio Historic Preservation Office for the Administration of Programs Using HUD Allocated Funds; and Declaring an Emergency
4. **Resolution No. 091-19**, a Resolution Amending Resolution No. 080-18, a Resolution Authorizing Expenditure of Funds in Excess of Twenty-Five Thousand Dollars (\$25,000) in and for the Year 2019 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 2019 as it Relates to Certain Transactions; and Declaring an Emergency
5. **Ordinance No. 092-19**, an Ordinance Allowing Supplementals to the Annual Appropriation Measure up to \$25,000 between the Quarterly Budget Adjustments by the City Finance Director pursuant to ORC. Section 5705.40 Commencing the Fiscal Year 2020 on an as needed basis; and Declaring an Emergency
6. **Ordinance No. 093-19**, an Ordinance Allowing the Transfer of Appropriations from the Personal Line Items to the Other Line Items, and from the Other Line Items to the Personal Line Items in any Fund up to

\$25,000 between the Quarterly Budget Adjustments, by the City Finance Director pursuant to ORC. Section 5705.40 Commencing the Fiscal Year 2020 on an as Needed Basis; and Declaring an Emergency

7. **Ordinance No. 094-19**, an Ordinance Allowing the Transfer of Certain Fund Balances from Respective Funds to Other Funds per Section 5705.14 ORC, up to \$25,000 between the Quarterly Budget Adjustments, by the City Finance Director pursuant to ORC. Section 5705.14 Commencing the Fiscal Year 2020 on an as Needed Basis; and Declaring an Emergency

H. Second Readings of 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
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
8. **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
9. **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

I. Third 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

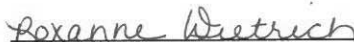
J. Good of the City (any other business as may properly come before Council, including but not limited to):

1. **Discussion/Action:** Fourth Quarter Budget Adjustments – Supplementals (Direct Law Director to Draft Legislation)
2. **Discussion/Action:** Fourth Quarter Budget Adjustments – Transfer of Appropriations (Direct Law Director to Draft Legislation)
3. **Discussion/Action:** Fourth Quarter Budget Adjustments - Transfer of Funds (Direct Law Director to Draft Legislation)
4. **Discussion/Action:** Rolling of Note Issue for the Water Treatment Plant (Direct Law Director to Draft Legislation)
5. **Discussion/Action:** Accept Donations to the Fire Department

K. Executive Session. *(as needed)*

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

M. Adjournment.



Roxanne Dietrich

Executive Assistant to Appointing Authority (Clerk of Council)

A. ITEMS REFERRED OR PENDING IN COMMITTEES OF COUNCIL

1. **Technology & Communication Committee (1st Monday)**
(Next Regular Meeting: Monday, January 6, 2020 @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)
 - a. Wastewater Treatment Plant Rehab
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, December 23, 2019 @6:30 pm)
7. **Safety & Human Resources Committee (4th Monday)**
(Next Regular Meeting: Monday, December 23, 2019 @7:30 pm)
8. **Personnel Committee (as needed)**

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

1. **Board of Public Affairs (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)**
(Special Meeting: Tuesday, December 3, 2019 at 4:30 pm) (Next Regular Meeting: Tuesday, December 24, 2019 @4:30 pm)
6. **Parks & Recreation Board (Last Wednesday)**
(Next Regular Meeting: Wednesday, December 25, 2019 @6:30 pm)
7. **Privacy Committee (2nd Tuesday in May & November)**
(Special Meeting: Tuesday, December 9, 2019 at 3:45 pm) (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 18, 2019 at 7:00 pm

PRESENT

Councilmembers

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

Mayor

Jason P. Maassel

City Manager

Joel L. Mazur

City Finance Director

Kelly O'Boyle

City Law Director

Billy D. Harmon

City Staff

David Mack-Chief of Police

Clayton O'Brien-Fire Chief

Tony Cotter, Director of Parks and Recreation

Clerk of Council

Roxanne Dietrich

Others

News Media

ABSENT

Councilmember

Ross Durham

Call to Order

Council President Bialorucki called the City Council Meeting to order at 7:00 pm with the Lord's Prayer followed by the Pledge of Allegiance.

Presentation of the 2020 Budget

Mayor Maassel gave the highlights of the 2020 budget.

Income Tax. We are anticipating an excess of \$4.2 million. That is an increase of a little more than \$100,000 from 2019.

The total projected revenue is \$5.5 million. Last year it was \$5.1 million.

Overall we are up quite a bit from the previous year.

Our electric utility is the biggest income and biggest expense.

Purchased power is in excess of \$14 million dollars.

Capital Improvements are in excess of \$11.5 million dollars. We are spending on a lot on capital. Not necessarily on roads and stuff people will see day in and day out.

Capital Improvement Projects.

Engineering for Oakwood will be big. American Road Improvements. South Perry Street Resurfacing is in conjunction with the State. The State is paving St. Rt. 108 all the way from Holgate up to the river bridge. The Graceway project is on here, we did not do that last year. Glenwood Waterline Improvements in-between Riverview and the railroad tracks. Industrial Drive River Bridge Waterline. This is probably the most inexpensive way we are ever going to be able to do that. We are doing it now anticipating future growth down the road. Major Machinery and Equipment.

Two police cars are just under \$100,000. That need is vital.

Storm siren replacement.

Remount Medics 801 and 802. Instead of getting brand new units, we will take the boxes off and put on a new chassis. That will save us quite a bit of money.

Motion: Comadoll Second: Haase
to approve First Read of Resolution No. 081-19.

Mazur explained this is the master vendor list. It is annual legislation that is related to reoccurring cost associated with operations.

Roll call vote to approve 081-19 on First Read:
Yea-Bialorucki, Mires, Haase, Comadoll, Siclair, Baer
Nay-

Council President Bialorucki read by title, **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.

Motion: Comadoll
to approve First Read of 082-19.

Mazur stated this is legislation for the 2020 budget. O'Boyle is working on making the changes from the budget hearings. The additional requests totaled \$55,000. O'Boyle said the insurance changes were added. Also added was the 2.25% increase for salary. Comadoll asked if the safety upgrade for uniforms was included. O'Boyle said this is the General Fund. Only the Cemetery Department is in the General Fund. The rest were added. Mazur continued, what really matters is the ending balance in February. O'Boyle said, the unencumbered balance.

Roll call vote to approve 082-19 on First Read:
Yea-Bialorucki, Mires, Haase, Comadoll, Siclair, Baer
Nay-

Council President Bialorucki read by title, **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.

Motion: Comadoll Second: Mires
to approve First Read of Resolution No. 083-19.

O'Boyle stated the transfer of funds are included in the 2020 budget. They are reflected in the revenue and on the expense side. The biggest ones are the income split and the kWh tax.

Roll call vote to approve 083-19 on First Read:
Yea-Bialorucki, Mires, Haase, Comadoll, Siclair, Baer
Nay-

Motion to Suspend the Rules for 085-19

Motion: Comadoll Second: Mires
to suspend the rules requiring three readings of Resolution No. 085-19.

Passed
Yea-6
Nay-0

Roll call vote to suspend the rule requiring three readings of 085-19.
Yea-Bialorucki, Mires, Haase, Comadoll, Siclair, Baer
Nay-

Passed
Yea-6
Nay-0

Roll call vote to pass 085-19 under Suspension and Emergency.
Yea-Bialorucki, Mires, Haase, Comadoll, Siclair, Baer
Nay-

Introduction of Resolution No. 086-19

Council President Bialorucki read by title, **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

Motion to Approve First Read of 086-19

Motion: Comadoll Second: Haase
to approve First Read of Resolution No. 086-19.

Discussion

Mazur reported at the last meeting, the Municipal Properties Committee Chair and Council agreed to bring this to the full body of Council and forego the Committee. Ordinance No. 021-18 was approved reducing and eliminating some residential building fees to entice developers to build more in Napoleon. This ordinance expires at the end of this year. Mires asked what are the figures this has saved people last year? Mazur said he will have that information for the next meeting.

Passed
Yea-6
Nay-0

Roll call vote to approve Resolution No. 086-19 on First Read.
Yea-Bialorucki, Mires, Haase, Comadoll, Siclair, Baer
Nay-

Introduction of Ordinance No. 087-19 Apportioning Expenses

Council President Bialorucki read by title, **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

Motion to Approve First Read of 087-19

Motion: Comadoll Second: Haase
to approve First Read of Ordinance No. 087-19.

Discussion

Mazur said this ordinance splits the various departments and what fund they use. IT is split amongst various funds. The request is, it used to be 30%, now it is 20% with an additional 5% going to water and sewer. This is the change. IT is

Passed
Yea-6
Nay-0

Nay-

Council President Bialorucki read by title **Ordinance No. 075-19**, an Ordinance Approving the Execution of an Efficiency Smart Contract with American Municipal Power, Inc.; and Declaring an Emergency.

Motion: Comadoll Second: Siclair
to approve Second Read of Ordinance No. 075-19.

Mazur noted this is a re-up of a 3-year contract with Efficiency Smart. Maassel noted he was on the CIC bus tour today. Tenneco talked about them installing lights and the savings. That shows what a tool this program has for existing businesses here in Napoleon. Comadoll added they have a good program with light bulbs too.

Nay-

Council President Bialorucki read by title, **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.

Motion: Baer Second: Mires
to approve Second Read of Ordinance No. 076-19.

Mazur said the adjustments are for the shelter house rental rates as recommended by the Parks and Rec Board. Siclair asked when was the last increase? Cotter thought it was in 2014. Siclair noted there is value in planning for the future. Mazur said the funds collected in addition to the rate will be set aside. There will be a different fund or tracking of amount collected to be set aside for capital maintenance. Bialorucki noted we have very nice shelter houses that are well worth the money. If we want to keep our shelter house nice, we have to pay to keep them nice.

Nay-

Council President Bialorucki read by title **Ordinance No. 072-19**, an Ordinance Amending the City Income Tax Code, Section 194.03 Definitions, to Adopt Sections 718.01(YY) and 718.01(ZZ) of the Ohio Revised Code, and Declaring an Emergency.

Motion: Comadoll Second: Haase
to approve Third Read of Resolution No. 072-19.

O'Boyle said HB166 added two definitions. One for pension and one for retirement benefit plan. It is effective on or after January 1, 2020. This affects the supplemental executive retirement plan.

Roll call vote to pass Resolution No. 072-19 on Third Read.
Yea-Bialorucki, Mires, Haase, Comadoll, Siclair, Baer
Nay-

Approval of the November 2019 PSCAF Power Supply Cost Adjustment Factor for November 2019 as 3-month averaged factor \$0.00831 and JV2 \$0.017383.

Mazur noted this is the lowest three month average we have had in two years. Next year at this time, when the Morgan Stanley contract falls off we should be looking at better rates.

Motion: Haase Second: Siclair
to approve the November PSCAF as 3-month averaged factor \$0.00831 and JV2
\$0.017383.

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

Napoleon Aquatic Center Pool / Bath House Demolition Project.

Mazur stated this is another reason we needed suspension on the legislation. To be able bid the project out. Bialorucki asked for an update from the pool commission meeting earlier tonight. Cotter reported the meeting went well. We discussed do they want a playground type water feature. We may just end up spreading some features out. The pool layout is relatively the same as what was proposed. The positioning of the bath house and club house is the same. Right now it is giving the architects clear direction on where they need to be on main features. So they can put everything together and revise the estimate and next time back with direction received tonight. Sometime in early Spring hope to bring you plans to approve.

Motion to Approve Plans and Specifications	Motion: Comadoll to approve the plans and specifications and go out to bid for the Napoleon Aquatic Center Pool / Bath House Demolition Project.	Second: Mires
Passed	Roll call vote on the above motion.	
Yea-6	Yea-Bialorucki, Mires, Haase, Comadoll, Siclair, Baer	
Nay-0	Nay-	
Phase I Digester Covers and Sludge Removal Improvements	Phase I – Digester Covers and Sludge Removal Improvements.	
Discussion	Mazur said this is to award the contract for digester cleaning to Merrell Bros., Inc. for \$713,638.00.	
Motion to Award Contract to Merrell Bros.	Motion: Comadoll to award the contract to Merrell Bros., Inc. for \$713,638.00.	Second: Haase
Passed	Roll call vote on the above motion.	
Yea-6	Yea-Bialorucki, Mires, Haase, Comadoll, Siclair, Baer	
Nay-0	Nay-	
OMEA Delegate	Appointment of an OMEA Delegate (Tabled)	
Motion to Untable OMEA Delegate	Motion: Baer to untable OMEA Delegate.	Second: Comadoll
Passed	Roll call vote on the above motion.	
Yea-6	Yea-Bialorucki, Mires, Haase, Comadoll, Siclair, Baer	
Nay-0	Nay-	
Discussion	Bialorucki recommended Siclair for the reason she has been very involved with the Electric Committee. She has been going to AMP events. She did step in last month in and sat in on an OMEA meeting.	
Motion to Appoint Siclair OMEA Delegate Maassel as Alternate	Motion: Bialorucki to appoint Lori Siclair as the OMEA Delegate for Napoleon with Mayor Maassel as the alternate.	Second: Baer
Passed	Roll call vote on the above motion.	
Yea-6	Yea-Bialorucki, Mires, Haase, Comadoll, Siclair, Baer	
Nay-0	Nay-	
Motion to Direct Law Director Draft Legislation for 2020 Pay Plan	Motion: Comadoll to direct the Law Director to draft legislation for the position classification pay plan for 2020.	Second: Mires

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

Motion: Haase Second: Mires
to direct the Law Director to draft legislation Authorizing Finance Director and City Manager to Approve Supplementals under \$25K as needed in between Quarterly Adjustments.

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

Motion: Comadoll Second: Baer
to direct the Law Director to draft Legislation Authorizing Finance Director and City Manager to approve Appropriation Transfers under \$25K as needed in between Quarterly Adjustments.

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

Motion: Haase Second: Mires
to direct the Law Director to draft Legislation Authorizing Finance Director and City Manager to Approve Transfer of Funds under \$25K as needed in between Quarterly Adjustments.

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

Motion: Comadoll Second: Mires
to direct the Law Director to draft legislation 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.

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

Motion: Comadoll Second: Haase
to direct the Law Director to draft legislation to Enter into Programmatic Agreement with Ohio State Historic Preservation Office

**Programmatic Agreement
with State Historic
Preservation Office**

Passed

Yea-6

Nay-0

Roll call vote on the above motion.

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

Nay-

**Motion Direct Law
Director Draft Legislation
Amend Ord. 080-18**

Motion: Haase

Second: Mires

to direct the Law Director to draft legislation 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.

Passed

Yea-6

Nay-0

Roll call vote on the above motion.

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

Nay-

**Motion Accept Donation
to Fire Department**

Motion: Siclair

Second: Baer

to accept the donation of \$100 from Kenneth and Judy Hein to the Napoleon Fire Department.

Passed

Yea-6

Nay-0

Roll call vote on the above motion.

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

Nay-

Around the Table

O'Boyle

Mazur and I are going to meet with PEP tomorrow for the insurance renewal. In the packet we had a chart showing the former way that it was allocated. Breaking it out based on the department, fund, vehicle, the property and the equipment and what the new increase would be. We may have to amend the budget based on our meeting tomorrow or when we get the final bill for 2020. Mazur said, the way it was allocated it looked like it hadn't been updated in several years. When we looked at how our insurance was split out, the WTP and WWTP were the ones that went up. Everything else in the allocations went down percentage wise.

Comadoll

A tree got cut down this morning. Thank you for taking care of that. Mazur said that was a sight obstruction. We had to get ahold of the property owner before we could take care of it. Comadoll said *Thank-you*.

Siclair

Joe, I'm glad you're back. Mayor nice report. Thank-you for entrusting me with OMEA representation. I will do my best.

Baer

Requested the Safety and Human Resources meeting be moved to 7:00 pm. We are not meeting with the townships. We will meet with them in February when

Motion to Come Out of Executive Session for Personnel	Motion: Siclair to come out of Executive Session for Personnel.	Second: Haase
Passed	Roll call vote on the above motion.	
Yea-6	Yea-Bialorucki, Mires, Haase, Comadoll, Siclair, Baer	
Nay-0	Nay-	
	Council President Bialorucki reported no action was taken.	
Motion to Come Out of Executive Session Pending Imminent Litigation	Motion: Siclair to come out of Executive Session for Pending or Imminent Litigation.	Second: Mires
Passed	Roll call vote on the above motion.	
Yea-6	Yea-Bialorucki, Mires, Haase, Comadoll, Siclair, Baer	
Nay-0	Nay-	
	Council President Bialorucki reported no action was taken.	
	City Council came out of Executive Session at 9:05 pm.	
Approve Payment of Bills and Financial Reports	The bills and financial reports were approved as presented with no objections.	
Motion to Adjourn	Motion: Comadoll to adjourn the City Council meeting.	Second: Siclair
Passed	Roll call vote on the above motion:	
Yea-6	Yea-Bialorucki, Mires, Haase, Comadoll, Siclair, Baer	
Nay-0	Nay-	
Adjournment	the City Council meeting was adjourned at 9:06 pm.	
Approved:		
December 2, 2019	<hr/> Joseph D. Bialorucki, Council President	
	<hr/> Jason P. Maassel, Mayor	
	<hr/> Roxanne Dietrich, Executive Assistant to Appointing Authority (Clerk of Council)	

ORDINANCE NO. 088-19

AN ORDINANCE ESTABLISHING A NEW POSITION CLASSIFICATION PAY PLAN FOR EMPLOYEES OF THE CITY OF NAPOLEON, OHIO FOR THE YEAR 2020; REPEALING ORDINANCE NO. 075-18; AND DECLARING AN EMERGENCY

WHEREAS, Council reviewed the proposed Year 2020 annual appropriation measure and finds, in general, as it relates to non-bargaining employees of the City of Napoleon, Ohio, that a compensation increase of two and one quarter percent (2.25%) is generally warranted subject to various considerations as contained herein; and,

WHEREAS, Exhibits A, B, and C attached hereto and incorporated herein, reflect pay scales for City of Napoleon non-bargaining employees. The pay scales noted in these Exhibits generally contain a two and one quarter percent (2.25%) pay increase from the 2019 pay scales; and,

WHEREAS, Council desires to make said compensation increases effective on the pay period commencing on or about December 16, 2019; and,

WHEREAS, Council desires to adopt a new 2020 Classification Pay Plan for its non-bargaining employees as stated in this Ordinance and Exhibits A, B, and C; **Now Therefore,**

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

Section 1. That, notwithstanding any Ordinance or Resolution to the contrary, the City of Napoleon, Ohio, (the "City") establishes a new 2020 Position Classification Pay Plan ("Pay Plan") for its non-bargaining employees.

Section 2. That, effective with the first pay period for the Year 2020, that commences on or about December 16, 2019, the pay scale (steps) for the City's non bargaining employees (full time) shall be established as provided in Exhibit "A." Exhibit "A" contains base hourly rates. Subject to the provisions of the City's Personnel Code, the Employment Policy Manual as Amended 2014-1 (Ordinance No. 042-14), and Section 3 of this Ordinance, the Department Director or Appointing Authority may place any employee affected by this Ordinance at the level of compensation the Department Director or Appointing Authority deems appropriate as listed in Exhibit "A."

Section 3. That, effective with the first pay period for the Year 2020, which commences on or about December 16, 2019, each non-bargaining employee (full time regular) (hourly), subject to Employment Policy Manual Policy Section 8.10 (Compensation Reviews), is eligible on such employee's annual hiring anniversary date of uninterrupted full time service with the City, to be advanced one (1) step in the Pay Plan until the maximum step is reached. The non-bargaining employee's (full time regular) (hourly) step location prior to advancement in the Pay Plan shall be determined by contrasting the base hourly rate said employee received prior to the enactment of this Ordinance with the table found in Exhibit "A" for the respective year. For new hires, the Department Director or Appointing Authority may place an employee within the scale where the Department Director or Appointing Authority deems appropriate considering merit and fitness. Nothing in this Section shall be construed to prohibit a decrease in pay. Step increases for transfer employees shall be in accordance with Section 197.09(e) of the

Personnel Code. A mere reclassification of a current position, where job duties are substantially the same, does not constitute a transfer.

Section 4. That, effective with the first pay period for the Year 2020, that commences on or about December 16, 2019, the pay scale for non-bargaining employee (salaried) (full time) positions of this City which are exempt under the Fair Labor Standards Act (FLSA) as it relates to overtime, shall be provided, unless modified, as established in Exhibit "B," attached and incorporated herein, (expressed in base biweekly salary amounts). Subject to the provisions of the City's Personnel Code, the Employment Policy Manual as Amended 2014-1 (Ordinance No. 084-14), and Section 5 of this Ordinance, the Department Director or Appointing Authority may place any employee affected by this Ordinance at the level the Department Director or Appointing Authority deems appropriate as listed in Exhibit "B."

Section 5. That, effective with the first pay period for the Year 2020, that commences on or about December 16, 2019, each non bargaining employee (salaried) (full time) position of this City as defined in Section 4 of this Ordinance, is eligible to have a minimum salary increase of two and one quarter percent (2.25%) for Year 2020, subject to Employment Policy Manual "Policy Section 8.10 (Compensation Reviews)," calculated from what the employee is making at the time just prior to the proposed increase period, and as reflected in the amounts expressed in Exhibit "B." In no event shall any increase place the employee above the top scale as established in Section 4 of this Ordinance. For new hires or current employees, the Department Director or Appointing Authority may place an employee, at any time, within the scale where the Department Director or Appointing Authority deems appropriate considering merit and fitness. Nothing in this Section shall be construed to prohibit a decrease in pay.

Section 6. That, effective with the first pay period of the Year 2020, that commences on or about December 16, 2019, the Pay Scale (steps) for part time, permanent part time, and temporary employees of this City shall be provided unless modified, as stated in the table found in Exhibit "C" (attached and incorporated herein), except when Federal or State minimum wage of a higher amount is required, then the higher amount of the Federal or State minimum wage shall apply. Subject to the provisions of the City's Personnel Code and Employment Policy Manual as Amended 2014-1 (Ordinance No. 084-14), the Department Director or Appointing Authority may place any employee affected by this Ordinance at the level the Department Director or Appointing Authority deems appropriate as listed in Exhibit "C." Employment Policy Manual 2014-1, Policy Section 8.10, (compensation reviews), is applicable only to permanent part time employees, not part time or temporary employees.

Section 7. All paid part time, permanent part time, and temporary employees of the City shall, effective with the first pay period of the Year 2020, that commences on or about December 16, 2019, have a minimum hourly base pay increase of two and one quarter percent (2.25%) for Year 2020 calculated from what the employee's base rate was just prior to this proposed increase, and as is reflected in the amounts expressed in Exhibit "C" (the amounts include the two and one quarter percent (2.25%) increase). Only permanent part time employees are subject to Employment Policy Manual 2014-1 Policy Section 8.10 (compensation reviews), when applicable. Part time employees of the Fire/Rescue Department will remain on probationary/trainee status until removed by the City Manager upon recommendation of the Fire Chief. For new hires or current employees of the City, the Appointing Authority or Department Director may place an

employee within the scale where the Appointing Authority or Department Director deems appropriate considering merit and fitness. Nothing in this section shall be construed to prohibit a decrease in pay. The non-full time status positions found in Exhibit "C" (i.e. temporary part time or permanent part time) may be modified by the Appointing Authority or Department Director at any time, except that Council shall approve any modification to a full time status. Additionally, the position of Probation Officer PIIG Grant is hereby set as expressed in Exhibit "C."

Section 8. That, compensation for employees' appointments made in order to fill temporarily vacant positions shall be at a rate established by the Department Director or Appointing Authority, except that it shall not exceed the top pay scale established in this Ordinance for the position being filled. Temporary positions being filled by temporary employees for whom no pay scale has been established shall be at a pay scale established by the Department Director or Appointing Authority by comparing the temporary position created to the most similar position established within the same department that is utilizing the temporary employee. In the event no such similar position exists, then it shall be paid in an amount as determined appropriate by the Department Director or Appointing Authority so long as the amount paid may be accomplished without exceeding the department's annual budget.

Section 9. That, notwithstanding any section of this Ordinance to the contrary, compensation of the Clerk of the Napoleon Municipal Court shall be as found in Section 4 of this Ordinance and as stated in Exhibit "B" unless otherwise set by the Municipal Court Judge pursuant to ORC Section 1901.31 (C).

Section 10. That, compensation for the Chief Deputy Clerk and all other Deputy Clerks of the Napoleon Municipal Court shall be as set by the Clerk of the Napoleon Municipal Court pursuant to ORC Section 1901.31 and as stated in Exhibits "A, B, and C."

Section 11. That, the compensation for Municipal Court Bailiff and/or Deputy Bailiff shall be established by the Municipal Court pursuant to ORC Section 1901.32 and as stated in Exhibits "A, B, and C."

Section 13. That, the position of Chief Probation Officer as established in and for the City for the Napoleon Municipal Court shall be considered a full time regular employee having an hourly, non-exempt status. The job description as included in the Pay Plan, as prepared and/or revised by the Municipal Court Judge, continues to be approved by this Council. The Chief Probation Officer shall not be entitled to any longevity pay; moreover, the Municipal Court Judge may adjust the Chief Probation Officer's wage rate at any time so long as within the limits of the CCA Grant or as may be otherwise supplemented by the Municipal Court. Notwithstanding any other provision of this Ordinance, in no event shall the Chief Probation Officer's pay and benefits exceed the amount of the CCA Grant or as otherwise may be supplemented by the Municipal Court. Nothing shall be construed in this Ordinance as mandating that the position be filled or continued to be filled each year.

Section 14. That, all positions and/or classifications found in this Ordinance shall be deemed created, established, and existing in and for the City of Napoleon, Ohio. The status of part time employees may be further defined by the Department Director or Appointing Authority as permanent part time, temporary, seasonal, or intermittent employees without affecting the compensation status as stated in this Ordinance.

Nothing in this Ordinance shall be construed as mandating that each and every position and/or classification be filled by this City.

Section 15. That, those employees who are covered by collective bargaining agreements shall be paid in accordance with the respective collective bargaining agreement.

Section 16. That, all compensation paid under this Ordinance is subject to appropriation of funds by Council.

Section 17. That, the Finance Director may adjust compensation for all affected employees to meet the intent of this Ordinance.

Section 18. That, all pay scales reflected in this Pay Plan shall be rounded, utilizing the five rule, to the nearest penny.

Section 19. That, no position mentioned in this Ordinance shall receive longevity benefit unless specified in this City's adopted longevity plan unless otherwise specifically provided for herein, or except as may be permitted by the City's longevity policy.

Section 20. That, any employee who is employed by the City in more than one position shall be paid overtime in accordance with State and Federal wage and salary laws (specifically, after forty hours of work within one week the person should receive overtime based on the salary or wage for the position they are working when they surpass forty hours for that work week). However, but for the employee's normal scheduled employment, the department that causes the overtime shall be liable for the payment of overtime regardless of where the hours were worked.

Section 21. That, Ordinance No. 075-18 is repealed in its entirety effective December 31, 2019.

Section 22. 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 23. 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 24. 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, 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 be in effect at the earliest possible time to allow for proper processing of wages to employees, this being essential to the harmony of the necessary workforce, and for further reasons as stated in the Preamble hereof.

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 088-19 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

2020 Pay Ordinance

EXHIBIT "A"
(BASE HOURLY RATE)

<u>Title</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Clerk-Typist II	\$12.28	\$14.13	\$15.17	\$16.27
Receptionist	\$13.89	\$15.93	\$17.08	\$18.36
Administrative Assistant	\$16.92	\$19.53	\$20.97	\$22.58
Front Desk Administrator	\$12.28	\$13.86	\$14.54	\$15.37
Service Building Secretary	\$12.28	\$13.86	\$14.54	\$15.37
Senior Service Building Secretary	\$15.26	\$17.51	\$18.82	\$20.32
Executive Assistant to Appointing Authority	\$20.55	\$21.90	\$23.31	\$24.79
Executive Assistant/Paralegal to Law Director	\$24.79	\$27.08	\$29.08	\$31.09
Account Clerk I	\$12.28	\$13.86	\$14.54	\$15.36
Account Clerk II	\$15.26	\$17.51	\$18.83	\$20.32
Utility Billing Administrator	\$17.33	\$19.95	\$21.37	\$25.38
Senior Account Clerk	\$16.92	\$19.53	\$20.98	\$24.80
Records Clerk/Recorder	\$15.26	\$17.51	\$18.82	\$20.31
Accounts Payable Clerk	\$15.26	\$17.51	\$18.82	\$21.37
Tax Administrator	\$17.33	\$19.95	\$21.37	\$25.38
Engineering Technician	\$18.61	\$21.37	\$22.89	\$24.56
Senior Engineering Technician	\$22.10	\$25.45	\$27.24	\$29.22
Senior Engineering Technician/Zoning Administrator	\$22.10	\$25.45	\$27.24	\$32.15
Staff Engineer	\$20.54	\$23.68	\$25.45	\$27.33
Licensed Staff Engineer	\$27.80	\$29.90	\$32.16	\$35.96
Construction Inspector	\$24.17	\$27.77	\$29.76	\$32.70
Senior Electric Engineering Technician	\$22.10	\$25.45	\$27.24	\$29.22
Electrical Construction/Maintenance Inspector	\$26.80	\$30.84	\$33.07	\$35.45
Zoning Administrator	\$24.18	\$27.77	\$29.77	\$31.91
Assistant Water Superintendent	\$29.67	\$30.77	\$32.46	\$34.16
Chief Water Treatment Operator	\$22.10	\$25.45	\$27.24	\$30.80
Chief Wastewater Treatment Operator	\$22.10	\$24.95	\$27.24	\$30.80
Police Lieutenant	\$0.00	\$32.31	\$33.84	\$35.53
Deputy Court Clerk	\$16.40	\$17.86	\$19.16	\$20.53
Chief Probation Officer	\$19.82			\$21.90
IT Specialist	\$18.24	\$20.18	\$22.13	\$24.08

EXHIBIT "B"
(BASED ON AN 80 HOUR PAY PERIOD)

<u>Title</u>	<u>BOTTOM</u>	<u>TOP</u>
Assistant to the City Engineer	\$2,765.90	\$3,191.43
City Engineer	\$3,244.62	\$3,936.09
Public Works Director	\$3,936.09	\$4,712.67
Golf Course & Grounds Superintendent	\$1,970.71	\$2,649.04
Parks & Recreation Director/Cemetery	\$1,785.92	\$3,103.96
Assistant Finance Director	\$2,947.21	\$3,421.21
Electrical Engineer	\$3,069.34	\$3,574.61
Electric Distribution Superintendent	\$3,129.33	\$3,854.88
IT Administrator	\$1,930.71	\$2,868.11
Human Resources Director	\$2,201.26	\$3,340.50
Municipal Court Bailiff		\$1,378.03
Municipal Court Clerk	\$1,865.60	\$2,086.70
Assistant Fire Chief	\$2,180.81	\$3,191.43
Fire Chief	\$2,712.71	\$3,581.41
Operations Superintendent	\$2,250.36	\$3,191.43
Water Superintendent	\$2,463.78	\$3,320.51
Wastewater Superintendent	\$2,463.78	\$3,320.51
Chief of Police	\$2,860.00	\$3,687.79

2020 Pay Ordinance

EXHIBIT "C"
(BASE HOURLY RATE)

<u>Title</u>	<u>Bottom</u>	<u>Top</u>
Front Desk Administrator (Part Time)	\$9.88	\$13.50
Legal Clerk (Temporary)	\$14.21	\$22.82
Probationary/Trainee Fire Fighter/EMT	\$8.79	\$13.40
All Fire/Rescue Department (Part Time)	\$12.59	\$17.47
Deputy Court Clerk (Part Time)	\$10.95	\$15.04
Deputy Court Bailiff (Part Time)		\$14.40
Probation Officer PIIG Grant		\$16.28
Construction Inspection (Temporary)	\$13.28	\$14.23
Construction Engineer (Temporary) Engineering Dept.	\$40.30	\$43.19
Income Tax/Collection Clerk (Part Time)	\$9.88	\$17.43
Lifeguard (Seasonal)	\$8.79	\$14.76
Seasonal Laborer – Other	\$8.79	\$14.76
Recreation Worker (Seasonal)	\$8.79	\$14.76
Parks Maintenance Worker (Seasonal)	\$8.79	\$14.76
Golf Course Clubhouse Attendant (Seasonal)	\$8.79	\$14.76
Senior Center Fitness Coordinator (Part Time)	\$8.79	\$14.76
Code Enforcement Inspector	\$19.15	\$29.79
Adjunct EMS Instructor for the Fire Department (Part Time)		\$20.45
Adjunct Fire Instructor for the Fire Department (Part Time)		\$20.45

RESOLUTION NO. 089-19

A RESOLUTION 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; AND DECLARING AN EMERGENCY

WHEREAS, the Community Improvement Corporation of Henry County, Ohio was deemed an Agent of the City of Napoleon, Ohio for industrial, commercial, distribution, and research development by the approval and passage of Ordinance No. 106-05; and,

WHEREAS, the Community Improvement Corporation of Henry County, Ohio (CIC) exists for a public purpose, namely as an Agent of the City of Napoleon, Ohio to create and preserve jobs and employment opportunities in the City and improve the economic welfare of the residents of the City and of the State; and further encourages and causes the maintenance, location, relocation, expansion, modernization, and equipment of sites, buildings, structures, and appurtenant facilities for industrial, commercial, distribution, and research activities within the City and thereby preserves, maintains, or creates additional opportunities for employment within the City; and,

WHEREAS, the affairs of the CIC are managed by a Board of Directors ("Board"), with six (6) voting members, two (2) of which are designated for elected officials, and four (4) of which are designated for City residents; and,

WHEREAS, the City is required to formally designate two (2) elected officials to represent the City on the Board and to exercise the duties of CIC; **Now Therefore**,

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

Section 1. That, effective immediately, Jason Maassel and Dan Baer, as incident of their capacity as Mayor of, and a Councilmember of the Municipality respectively, hereby are designated the representatives of the Municipality on the Board of the CIC to act on behalf of the Municipality and discharge duties as a voting member of said Board.

Section 2. That, the representatives so designated are authorized and empowered, acting for, in the name of and on behalf of the Municipality, and as the Municipality's agent, to exercise all the functions, powers, rights and privileges, and to fulfill the obligations, that the Municipality may have as a voting member of the Board, including, without limitation, to attend and take part in meetings of the Board and of committees of the Board, to vote on and otherwise act with respect to all matters that may properly come before the Board or any committee of the Board, and to do or cause to be done all acts, and to take all steps as may in each case be, in the opinion of such representative, necessary or desirable in order to represent the Municipality and exercise its functions, powers, rights and privileges, and to fulfill its obligations, as a Director and to carry out the full intent and purposes of this Resolution and the purposes and powers of the CIC.

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

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

Section 6. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to designate new representatives to the CIC Board which affects the public peace, health, and safety accessible to our citizens; 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 allow for the proper representation 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. 089-19 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. 090-19

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO ENTER INTO A PROGRAMMATIC AGREEMENT WITH THE OHIO HISTORIC PRESERVATION OFFICE FOR THE ADMINISTRATION OF PROGRAMS USING HUD ALLOCATED FUNDS; AND DECLARING AN EMERGENCY

WHEREAS, the current version of the Programmatic Agreements for HUD funded Programs, City Contract No. 2015-03, will expire on December 31, 2019; and,

WHEREAS, City desires to extend and/or enter into a Programmatic Agreement for administration of HUD funded programs; **Now Therefore**,

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

Section 1. That, the City Manager is directed to execute all documents necessary to extend and/or enter into a Programmatic Agreement with the State Historic Preservation Office.

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

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

Section 4. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time so that an agreement can be established prior to the December 31, 2019 termination date, which affects the public peace, health or safety accessible to our citizens; 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, 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. 090-19 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

**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

RESOLUTION NO. 091-19

A RESOLUTION AMENDING RESOLUTION NO. 080-18, A RESOLUTION AUTHORIZING EXPENDITURE OF FUNDS IN EXCESS OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000) IN AND FOR THE YEAR 2019 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 2019 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 (\$25,000.00); 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); and,

WHEREAS, Resolution No. 080-18 was previously passed on December 21, 2018; and,

WHEREAS, certain vendors were omitted from Resolution No. 080-18, and Council is now desirous to add these vendors for proper payment. **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 2019, 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 2019, 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 2019 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, Resolution No. 080-18 is hereby amended to include BHM CPA Group, Inc. on Exhibit "B" for the purpose of auditing services.

Section 6. That, Resolution No. 080-18 is hereby amended to include Terex Utilities, Inc. on Exhibit "C" for the purpose of electric equipment purchases.

Section 7. 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 8. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 9. That, 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 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 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 payment 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. 091-19 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. Services	For: Contracted Power Purchase and
BORMA Benefit Plans	For: Insurance Premiums (Health)
CIC of Henry County, Ohio	For: Economic Development Services
Four County Career Center	For: Training Services
Henry County Auditor	For: Auditor Fees and Assessment Fees
Henry County Chamber of Commerce	For: Chamber Programs
Henry County EMA	For: Emergency Management Agency
Henry County Engineer Materials	For: Engineering Shared Projects and
Henry County Regional Water/Sewer District	For: Payments for Water Collections
Auditor of State of Ohio	For: Annual Auditing Services
John Donovan - Law Librarian	For: Law Library Payments
MAN Unit Force	For: Police Services and Narcotics Task
Maumee Valley Planning	For: CHIS/CHIP Grant Administration
Napoleon/Henry County Chamber of Commerce	For: Tourist Bureau and other
Ohio Bureau of Workers Compensation Coverage	For: Employee Worker's Comp. Insurance
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.

Bonded Chemical

Calfee, Halter & Griswold, LLP

City of Napoleon, Fuel Rotary

City of Napoleon, Garage Rotary

City of Napoleon, Income Tax

City of Napoleon, Payroll

City of Napoleon, Reimbursements

City of Napoleon, Rescue

City of Napoleon, Utility

City of Napoleon, Utility

City of Napoleon, Utility

City of Napoleon, Utility

Embarq (Centurylink)

Farmer and Merchant's State Bank

Greenline

Huntington National Bank

KSB Dubric

Napoleon, Inc.

National City Bank

Ohio CAT

Ohio Gas Company

Ohio Water Development (OWDA)

OMEGA JV5/Amp-Ohio Inc.

OMEGA JV6/Amp-Ohio Inc.

PNC Bank, N.A.

Rescue-Township Charges (EMS)

Schonhardt and Associates

Smart Bill, LTD

Mailing

Squires, Patton, Boggs (US) LLP

The Accumed Group

Treasurer State of Ohio

Trojan Technologies

US Bank N.A.

For: Auditing Services

For: Chemicals at Water Treatment Plant

For: Specialized Legal Services

For: Fuel Purchases

For: Garage Rotary Services

For: Refunds of Income Taxes

For: Payroll Postings

For: Inter-fund Reimbursements

For: Township Portion of EMS Revenues

For: Meter Deposit Refunds

For: Utility Services

For: Water and Sewer Refunds

For: Electric Refunds

For: Telephone Services

For: Banking and Debt Service Payments

For: Telephone Services

For: Banking & Debt Service Payments

For: Pump supplies and repairs

For: Newspaper Publication Services

For: Debt Service Payment

For: Equipment Rental & Parts

For: Utility Services

For: Debt Service Payment

For: Purchase of Power

For: Purchase of Power

For: Debt Service Payments

For: EMS Revenues to Townships

For: CAFR Preparation

For: Outsourcing of Utility Bill Printing and

For: Bond Counsel (Professional Services)

For: EMS Billings and Collections

For: Payments to State

For: Parts for UV system

For: Debt Service Payments

US EPA (Treasurer, State of Ohio)

For: Permits

US Postmaster

For: Postal Services and Supply

Telnamix

For: City Phone Services

Verizon Wireless

For: Wireless Phone Services

Walter Drain Co.
Services)

For: Codification Services (Professional

Weltman, Weinberg & Reis

For: Collection Services

EXHIBIT "C"

Amazon	For: Various City Supplies & Equipment
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 Services)	For: Engineering Services (Professional
Aerrotek Services)	For: Temporary Staffing (Professional
Altec Industries	For: Digger Truck Services
All Seasons Tree Care	For: Tree Services
Alloway	For: Professional Services – Lab Testing
American Property Analysts	For: Property Appraisals
American Rock Salt Co., LLC	For: Road Salt
Anixter Inc. Supplies	For: Electrical Transformers, Parts and
Aramark	For: Uniform Services
Arcadis Professional	For: Engineering Services (Consulting & Services)
Auglaize Tree Service	For: Tree Services
Baker Gas	For: Water Chemicals
Baker Vehicle Systems	For: Vehicle Parts & Repairs
Baldwin Poles	For: Utility Poles
Bob Wingate, Integrity Solutions Repairs	For: Bridge Inspections, Management &
Boundtree Medical Supply, LLC	For: Medical Supplies
Brown Supply Co.	For: Janitorial Supplies
Brownstown Electric Supply	For: Electrical Supplies
Buck Pavement Restoration	For: Crack Sealing
Buckeye Pumps	For: Pump Repairs and Parts
Burch Hydro	For: Electrical Supplies
Burch Hydro	For: Sludge Removal
Burke Excavating and Mowing	For: Construction and Mowing Services
Bryan Excavating	For: Construction Services
Cahaba Timber	For: Wood Electric Poles
Cargill, Inc.	For: Road Salt

C&W Tank Cleaning	For: Digester Cleaning
CDW Government, Inc.	For: Computers and Supplies
Chemtrade Chemicals US, LLC	For: Chemicals
City Blue, Inc.	For: Survey Supplies
Clarke Mosquito Control Product	For: Mosquito Control Supply
Clemons Nelson	For: Legal Services
CMI (Creative Microsystems, Inc.)	For: Software and Hardware Systems
Compass Minerals America	For: Road Salt
D & R Demolition Corp.	For: Concrete Crushing
Defiance County Landfill Biosolids	For: Sanitation Dumping Services/Landfill
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
Estabrook, Corp.	For: Pump Supplies and Repairs
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. Work	For: Heating and Air Conditioning Service
Flex-Com	For: Camera Systems
Forrest Auto Supply	For: Automotive Parts & Supplies
Ft. Defiance Service Master	For: Cleaning and Sanitizing Services
Garcia Surveyors, Inc. Services)	For: Surveying Services (Professional
Gerken Asphalt Paving, Inc.	For: Paving Materials & Asphalt Laying
Go Green, Inc.	For: Brush Grinding Services
Henschen and Associates, Inc.	For: Software and Hardware Systems
Hoff Consulting, LLC	For: Consulting Services
Hydro Dyne Engineering, Inc. Screens	For: Wastewater Remanufacturing of
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
Koester Corp.	For: Engineering Services
Kuhlman Corp.	For: Parts and Supply
Kurtz Ace Hardware	For: Supply
The Mannik and Smith Group, Inc. Services)	For: Engineering Services (Professional
Masterpiece Sign Graphics, Inc.	For: Signs
The Accumed Group	For: Ambulance Billing Services
Meeder Investment Management	For: Investment Management Services
Meggar	For: Electrical Testing Equipment
Mel Lanzer Co.	For: Construction Services
Meldrum Mechanical	For: Pump Supplies & Equipment Repairs
Melrose Pyrotechnics, Inc.	For: Fireworks
Midwest Compost	For: Digester Cleaning
Miller Brothers Construction Services	For: Trucking, Hauling, and Excavating
Milsoft	For: Outage Management Software
Mohre Electronics Co.	For: Radio Services, Parts and Supply
Morton Salt	For: Road Salt
Neptune Equipment Co. (NECO)	For: Meter Parts and Supplies
Newegg Business	For: Computers and Supplies
Northwest Landscape Service City Owned	For: Landscaping and Supplies, Roadside & Property Mowing
Northwest Nursery	For: Tree Services
Northwest Pools	For: Pool Chemicals
NRP Midwest	For: Wastewater Treatment Chemicals
Ohio Dpt. of Transportation (ODOT)	For: Road Salt & Other Items
Office Depot	For: Office Supply
One Source Waste Solutions	For: Waste Services
O'Reilly Auto Parts	For: Parts & Supplies
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. Services)	For: Engineering Services (Professional
PNR Communications	For: Radio repair and parts
POET Ethanol Products	For: Chemical for Water Treatment
Poggemeyer Design Group	For: Electrical Engineering Services
Porter's BP, LLC	For: Gas and Diesel Fuel
Powerhouse Supply	For: Electrical Parts and Supplies
Processing Solutions	For: Water Treatment Chemicals
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
Schneider	For: Software for Metering
Schweitzer Engineering	For: Electrical Substation Materials
Snyder Chevrolet, Inc.	For: Automotive Services
Solomon Corporation	For: Transformers and Electric Supplies
Southeastern Equipment	For: Operations Parts and Supplies
Spectrum Engineering Corp. Services)	For: Engineering Services (Professional
Stantec Consulting Services, Inc. Services)	For: Engineering Services (Professional
Statewide Ford	For: Police vehicle
Stoops Freightliner	For: Vehicle parts
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

T & R Electric	For: Transformers
Tri City Industrial Power	For: Batteries & Other Power Supplies
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
Vince's TV and Appliance	For: Networking and Computer Supplies
Werlor, Inc.	For: Brush Grinding Services/Recycling
Services	
Wesco Distribution, Inc.	For: Electrical Supplies
Wigen Water Technologies	For: Membrane Services, Cleaning &
Chemicals	
Wood County Land Fill	For: Sanitation Dumping Services
WR Meyers Co., Inc.	For: Construction and Excavating Services
Wright Express FSC-WEX, Inc.	For: Fuel Purchases
Zacks Recycling, LLC	For: Recycling Services
Zimmerman, Jack	For: Road Striping Services

ORDINANCE NO. 092-19

AN ORDINANCE ALLOWING SUPPLEMENTALS TO THE ANNUAL APPROPRIATION MEASURE UP TO \$25,000 BETWEEN THE QUARTERLY BUDGET ADJUSTMENTS BY THE CITY FINANCE DIRECTOR PURSUANT TO O.R.C. SECTION 5705.40, COMMENCING THE FISCAL YEAR 2020 ON AN AS NEEDED BASIS; AND DECLARING AN EMERGENCY

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

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

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

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

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

Section 1. That, pursuant to Section 5705.40 of the Ohio Revised Code and this Ordinance, the Finance Director is hereby authorized and directed to supplement the annual appropriation measure, up to \$25,000 between the quarterly budget adjustments, as listed above on an as needed basis commencing the Fiscal Year 2020.

Section 2. That, the annual appropriation measure passed in Ordinance No. 082-19 for the fiscal year 2020 shall be supplemented as necessary.

Section 3. That, subsequent annual appropriation measures shall hereby be supplemented as necessary as permitted by this Ordinance No. 092-19, until such time as this Ordinance is amended or repealed by Council.

Section 4. That, all above listed supplementals shall be approved and signed by both the City Finance Director and the City Manager.

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

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

assure the prompt and efficient conduct of the municipal operations related to public peace, health or safety of the City; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to be in effect at the earliest possible time to allow for proper payment of current expenses, and for further reasons as stated in the Preamble hereof.

Section 8. That, this Ordinance shall remain in effect until such time that it is amended or repealed by Council.

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. 092-19 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. 093-19

**AN ORDINANCE ALLOWING THE TRANSFER OF APPROPRIATIONS
FROM THE PERSONAL LINE ITEMS TO THE OTHER LINE ITEMS,
AND FROM THE OTHER LINE ITEMS TO THE PERSONAL LINE
ITEMS IN ANY FUND UP TO \$25,000 BETWEEN THE QUARTERLY
BUDGET ADJUSTMENTS, BY THE CITY FINANCE DIRECTOR
PURSUANT TO O.R.C. SECTION 5705.40 COMMENCING THE FISCAL
YEAR 2020 ON AN AS NEEDED BASIS; AND DECLARING AN
EMERGENCY**

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

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

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

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

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

Section 1. That, pursuant to Section 5705.40 of the Ohio Revised Code and this Ordinance, the Finance Director is hereby authorized and directed to transfer appropriations, up to \$25,000 between the quarterly budget adjustments, as listed above on an as needed basis commencing the Fiscal Year 2020.

Section 2. That, the annual appropriation measure passed in Ordinance No. 082-19 for the fiscal year 2020 shall be amended by the transfer of appropriations as necessary.

Section 3. That, subsequent annual appropriation measures shall hereby be amended as necessary as permitted by this Ordinance No. 093-19, until such time as this Ordinance is amended or repealed by Council.

Section 4. That, all above stated transfer of appropriations shall be approved and signed by both the City Finance Director and the City Manager.

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

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 assure the prompt and efficient conduct of the municipal operations related to public peace, health or safety of the City; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to be in effect at the earliest possible time to allow for proper payment of current expenses, and for further reasons as stated in the Preamble hereof.

Section 8. That, this Ordinance shall remain in effect until such time as it is amended or repealed by Council.

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. 093-19 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. 094-19

**AN ORDINANCE ALLOWING THE TRANSFER OF CERTAIN FUND
BALANCES FROM RESPECTIVE FUNDS TO OTHER FUNDS PER
SECTION 5705.14 ORC, UP TO \$25,000 BETWEEN THE QUARTERLY
BUDGET ADJUSTMENTS, BY THE CITY FINANCE DIRECTOR
PURSUANT TO O.R.C. SECTION 5705.14 COMMENCING THE FISCAL
YEAR 2020 ON AN AS NEEDED BASIS; AND DECLARING AN
EMERGENCY**

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

WHEREAS, in order to provide cash for approved expenditures in certain funds on an as needed basis, it is necessary to transfer funds from respective funds to other funds; and,

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

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

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

Section 1. That, pursuant to Section 5705.14 of the Ohio Revised Code and this Ordinance, the Finance Director is hereby authorized and directed to transfer funds, up to \$25,000 between the quarterly budget adjustments, as listed above on an as needed basis commencing the Fiscal Year 2020 and continuing until such time as this Ordinance is amended or repealed by Council.

Section 2. That, subsequent annual appropriation measures shall hereby be amended as necessary as permitted by this Ordinance No. 094-19, until such time as this Ordinance is amended or repealed by Council.

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

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

Section 5. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, only that portion shall be held invalid and the remainder shall remain valid.

Section 6. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to

assure the prompt and efficient conduct of the municipal operations related to public peace, health or safety of the City; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to be in effect at the earliest possible time to allow for proper payment of current expenses, and for further reasons as stated in the Preamble hereof.

Section 7. That, this Ordinance shall remain in effect until such time as it is amended or repealed by Council.

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. 094-19 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. 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

- 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
VanHyning 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

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 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,

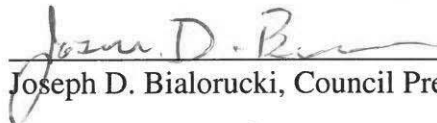
b. The Community Improvement Corporation (CIC) acting as an agent for and on behalf of the City of Napoleon, Ohio has suggested construction of residential homes as an avenue to increase economic development for the City.

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.

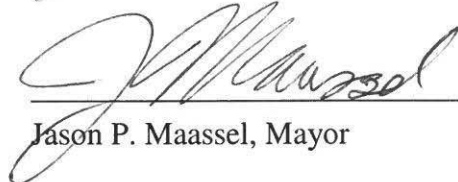
Section 10. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining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

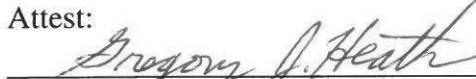
Passed: May 21, 2018


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

STATE OF OHIO
COUNTY OF HENRY

Sally Heaston, being first duly sworn, states that she is the General Manager of The Bryan Publishing Company, owner of The Northwest Signal, a daily newspaper, published and of general circulation in the county of Henry aforesaid, and that the annexed notice was published in one issue in said paper, on the 24th day of May, 2018.



Sally Heaston

Subscribed and sworn to before me this
24th day of May, 2018



Beverly Griteman
Notary Public,
State of Ohio
My Commission Exp
February 13, 2021

Printer's Fee: \$251.90
Notary Fee: \$1.50

Summary of Ordinance No.(s) 021-18, 023-18, 025-18
and Resolution No.(s) 026-18, 030-18

(PURSUANT TO ARTICLE II, SECTION 2.15 OF THE CITY CHARTER, CHAPTER 121 OF THE CODE OF ORDINANCES AND COUNCIL RULE 6.2.4.1, AS WELL AS APPLICABLE PROVISIONS OF ORC CHAPTER 731)

NOTICE

A copy of the complete text of the above named Ordinance(s) and Resolution(s) are on file in the office of the City Finance Director and may be viewed or obtained during business hours of 7:30 AM to 4:00 PM, Monday through Friday, at the office of the Finance Director, the location being 255 West Riverview Avenue, Napoleon, Ohio. A copy of all or part of the above named Ordinances and Resolutions, or any item mentioned in this notice, may be obtained from the City Finance Director upon the payment of a reasonable fee therefore.

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

In this legislation, the City of Napoleon authorized a temporary reduction and/or elimination of certain residential building permit fees.

Ordinance No. 023-18

AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO MAKE APPROPRIATION TRANSFERS FROM RESPECTIVE FUNDS, DEPARTMENTS AND CATEGORIES TO OTHER FUNDS, DEPARTMENTS AND CATEGORIES PURSUANT TO O.R.C. SECTION 5705.40 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2018 AS LISTED IN EXHIBIT "A"; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized the Finance Director to make certain appropriation transfers for the fiscal year ending December 31, 2018.

Ordinance No. 025-18

AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION MEASURE (SUPPLEMENT NO. 2) FOR THE YEAR 2018; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized supplement number 2 to the 2018 appropriation measure.

Resolution 026-18

A RESOLUTION OF THE CITY OF NAPOLEON, OHIO AUTHORIZING AND DIRECTING THE CITY MANAGER TO SUBMIT A PROGRAM YEAR 2018 COMMUNITY DEVELOPMENT NEIGHBORHOOD REVITALIZATION GRANT APPLICATION FOR THE SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN COOPERATION WITH THE HENRY COUNTY COMMISSIONERS TO THE OHIO DEPARTMENT OF DEVELOPMENTAL SERVICES AGENCY; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized the City Manager to submit an application for the Community Development Neighborhood Revitalization Grant for CDBG funds for program year 2018.

Resolution 030-18

A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER CERTAIN FUND BALANCES (TRANSFER NO. 2) FROM RESPECTIVE FUNDS TO OTHER FUNDS PER SECTION 5705.14 ORC ON AN AS NEEDED BASIS IN FISCAL YEAR 2018, LISTED IN EXHIBIT "A"; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized the Finance Director to transfer certain fund balances as needed in fiscal year 2018.

All of the above summaries are approved as to form and correctness by Billy D. Harmon, City Law 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>PERCENT %</u>
<u>NET REIMBURSABLE ALLOCATIONS</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 Recreation 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

NORMAN C DREWES 12-88

DELORES DREWES

PH 419

1040 S PERRY ST NO 12

NAPOLEON, OH 43545

8071

56-7085/2412

11-20-2019

Date

FAUD PROTECTION

Pay to the Order of Napoleon Fire & Rescue

\$ 145.00

One Hundred forty-five and no/100

Dollars

Photo Safe Deposit Details on back



NAPOLEON, OH 43545

Merit Checking

For Memorials for Norman Drewes

Deloris Drewes

STANLEY J. HERMAN 08-83

PEGGY JO HERMAN

626 PARK ST.

NAPOLEON, OH 43545

7061

56-7085/2412

Nov. 17, 2019

Date

CHECK ARMOR

Pay to the Order of

Napoleon Fire and Rescue

\$ 15.00

Fifteen and 00/100

Dollars

Photo Safe Deposit Details on back



NAPOLEON, OH 43545

Merit Checking

For memorial - Norman Drewes

Peggy Jo Herman

CAROLE F WHITE 03-12

PH

1040 S PERRY ST #17

NAPOLEON, OH 43545

8404

56-7085/2412

11-18-2019

Date

CHECK ARMOR

Pay to the Order of

Napoleon Fire and Rescue

\$ 10.00

Ten and no/100

Dollars

Photo Safe Deposit Details on back



NAPOLEON, OH 43545

Merit Checking

For Norman Drewes

Carole F. White

Harland Clarke

Artistic Checks 1-800-224-7821 www.artisticchecks.com

Wayne C. Rausch

Anne E. Rausch

13474 County Road T

Napoleon, OH 43545

419

56-1501/412

6915

NOV. 17 2019

Pay to the order of

Napoleon Fire & Rescue

\$ 30.00

Thirty and 00/100

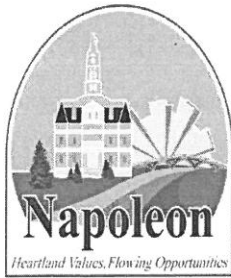
Dollars

Security Features Included Details on Back

HUNTINGTON

WWW.HUNTINGTON.COM

Anne E. Rausch



City of Napoleon, Ohio

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

Telephone: (419) 599-1235 Fax: (419) 599-8393

www.napoleonohio.com

Memorandum

To: City Council, Mayor, City Manager, City Law Director, City Finance Director, Department Supervisors, News Media
From: Roxanne Dietrich, Executive Assistant to Appointing Authority (Clerk of Council)
Date: November 27, 2019
Subject: Technology and Communications Committee – Cancellation

The regularly scheduled meeting of the **Technology and Communications Committee** for Monday, December 02, 2019 at 6:15 pm has been CANCELED due to lack of agenda items.

City of Napoleon, Ohio

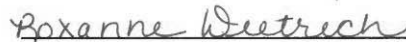
CIVIL SERVICE COMMISSION

Special Meeting Agenda

Tuesday, December 03, 2019 at 4:30 pm

Location: Council Chambers, 255 West Riverview Avenue, Napoleon, OH

1. Approval of Minutes from prior Meetings
2. Discussion/Action on List for Police Officer (Patrolman Grade)
3. Set Date for Receiving Applications through the National Testing Network for Police Officer (Patrolman Grade)
4. Set Date, Time and Place for Police Officer (Patrolman Grade) Physical Fitness Test
5. Determination of Credits and How the Credits are to be Applied for the Police Officer (Patrolman Grade) Position.
6. Any Other Matters to Come before the Commission
7. Adjournment



Roxanne Dietrich

Executive Assistant to Appointing Authority (Clerk of Council)

AMP Update for Nov. 22, 2019

American Municipal Power, Inc.

Fri 11/22/2019 3:07 PM

To: Roxanne Dietrich <rdietrich@napoleonohio.com>

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



\$363 million PSEC Project Revenue Bonds refunding

By Marcy Steckman - CFO and senior vice president of finance

PRAIRIE STATE **Energy Campus**

On Nov. 5, AMP issued a combination of \$363 million in tax-exempt and taxable bonds that consisted of three series of fixed rate bonds. The proceeds of the sale will refund a portion of higher coupon Series 2009C, Series 2015A and Series 2015B Prairie State Energy Campus (PSEC) Project Revenue Bonds. The refunding took advantage of lower market interest rates and the over 16 percent interest savings realized will be passed on to PSEC Project Participants in the form of lower future power costs. A diverse group of high-quality investors, most of whom are already AMP bondholders, purchased the refunding bonds. The transaction will close on Dec. 4, 2019.

APPA releases new report on fleet electrification

By Erin Miller - director of energy policy and sustainability

Electric vehicles are poised to become the ground transportation technology of the future, not only for residential customers, but also for commercial fleets. Public power utilities must be ready to advise customers and their own leadership on the various considerations and opportunities for fleet electrification.

The American Public Power Association's new [Getting Involved in Fleet Electrification](#) report outlines what public power professionals should know - such as costs, charging infrastructure and maintenance - to make informed decisions about electrifying their fleet or to advise other fleet operators considering the move.

Report highlights include:

- Motivations for fleet electrification
- Considerations for fleet electrification
- Potential roles for public power utilities
- Public Power Case Studies
- Industry trends and examples

Public power utilities are uniquely positioned to shape the future of vehicle fleet electrification, and this report can help in those efforts. To access the report, which is free as part of the APPA membership included in your AMP membership, click the link above and complete the checkout process. When checkout is complete, you will receive an email with downloading instructions.

If you have any questions about the report or need additional information, please contact Patricia Taylor at ptaylor@publicpower.org.

AMP to host webinars through APPA

By Michelle Palmer, P.E. - vice president of technical services

AMP will be hosting a series of educational webinars through the American Public Power Association's (APPA) Academy, and registration is now open. Members are encouraged to enroll for any webinar they believe would be beneficial for their community.

**THE
ACADEMY**

AMERICAN PUBLIC
POWER ASSOCIATION

Key Accounts 101 Webinar

The Roadmap to Success

Dec. 17, 10:30 a.m. to noon

In this webinar, you will learn why a solid and principled driven key accounts program contribute to your long term success, and explore the critical components of a successful program. To download the full course description, click [here](#).

Strategies for Successful Customer Service Operations Webinar Series

Defining Customer Service and Our Customers

Jan. 14, 10:30 a.m. to noon

In the first webinar of the series, you will learn about the changing needs, expectations and demographics of customers.

Building a Customer Service infrastructure

Jan. 28, 10:30 a.m. to noon

In the second webinar of the series, you will learn about specific customer expectations - examining how customer service can become a part of the organization's infrastructure and culture. To download the full course description, click [here](#).

Economic Development Best Practices Webinar

Site Selection and Megatrends

Feb. 18, 10:30 a.m. to noon

In this webinar, you will hear expert advice on what communities can do to attract and retain businesses and associated jobs. Learn about trends and key drivers impacting the locational decision-making process and hear about successful community's economic development efforts and more. To download the full course description, click [here](#).

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

Focus Forward *Distributed Energy Resources Regulatory Update* webinar held Nov. 19

By Erin Miller

The Focus Forward Advisory Council met on Nov. 19. The webinar recording can be found [here](#) (member extranet login required).

During the webinar, Gerit Hull, AMP deputy general counsel for regulatory affairs, discussed:

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



Participants also voted on priorities for Focus Forward in 2020. The link to vote will remain open until Nov. 25 - please vote today by clicking [here](#).

If you have questions or need additional information, contact me at emiller@amppartners.org or 614.540.1019.



Energy market update

By Jerry Willman - assistant vice president of energy marketing

The December 2019 natural gas contract increased \$0.008/MMBtu to close at \$2.567 yesterday. The EIA reported a withdrawal of 94 Bcf for the week ending Nov. 15, which was above market expectations of 90 Bcf. Natural gas stocks are 506 Bcf higher than last year at this time and 60 Bcf below the five-year average of 3,698 Bcf. The draw brought total U.S. working gas supply to 3.638 Tcf, a deficit of 1.6 percent versus the five-year average and 16 percent above a year ago.

On-peak power prices for 2020 at AD Hub closed yesterday at \$32.15/MWh which decreased \$1.93/MWh for the week.

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

Week ending Nov. 22

MON	TUE	WED	THU	FRI
\$34.75	\$35.57	\$32.80	\$26.67	\$27.19

Week ending Nov. 15

MON	TUE	WED	THU	FRI
\$29.51	\$42.46	\$47.02	\$39.50	\$32.94

AEP/Dayton 2020 5x16 price as of Nov. 21 — \$32.15

AEP/Dayton 2020 5x16 price as of Nov. 14 — \$34.08

AFEC weekly update

By Jerry Willman

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

Reidy, Boorman and Smith presented with Hard Hat Safety Awards

By Scott McKenzie - director of member training and safety

Taylor Reidy, journeyman lineworker for the City of Westerville, Ron Boorman, electric technology manager for the City of Cuyahoga Falls, and Jim Smith, journeyman lineworker for the Village of Oak Harbor, were presented with the AMP Hard Hat Safety Awards this week. Reidy, Boorman and Smith were selected for these awards because of their excellent commitment to safety in the workplace.

Please join me in congratulating Taylor, Ron and Jim on their well-deserved awards.



Taylor Reidy (right) is presented with his Hard Hat Safety Award by Scott McKenzie, AMP director of member training and safety (left).



Ron Boorman (right) is presented with his Hard Hat Safety Award by Scott McKenzie, AMP director of member training and safety (left).



Jim Smith (right) is presented with his Hard Hat Safety Award by Bruce Pape, Oak Harbor electric superintendent (left).

Security tip - New streaming service, same game for the bad guys

By Jared Price - vice president of information technology and CTO



Bad guys are already stealing brand new Disney+ accounts. In fact, thousands of them are already for sale on criminal sites. They are gaining access to accounts by using known, hacked usernames and passwords. The information they are using to effectively "hold these accounts hostage" is information that the bad guys already have access to.

Follow these tips to keep your new Disney+ account, and other online applications, safe:

- Do not reuse passwords. If you use the same password for different accounts and one gets hacked, they all are.
- Never use variations of current or old passwords. If a breached password doesn't work, the bad guys know that variations might work.

New content from the Smart Electric Power Alliance

By Brad Benton - senior manager, membership - SEPA

As a member of the Smart Electric Power Alliance (SEPA), you have unlimited access to all SEPA content. From webinars to research reports to participating in working groups, it's all included in your membership.



You can access all these resources and more at www.sepapower.org

New Reports

Residential Electric Vehicle Time-Varying Rates That Work: Attributes That Increase Enrollment

Download this report to discover the benefits of EV time-varying rates and what rate design and program implementation features will increase enrollment in your service territory. The research also includes insights into the current EV time-varying rates landscape, utility motivations for EV rates and consumer preferences, based on utility and consumer survey results. Access [here](#).

Webinars

2019 SEPA Virtual Member Meeting

In case you missed it, you can download the 2019 Virtual Member Meeting for a look back at the highlights of 2019 and learn what we have in store for 2020. Find out how you can better leverage your SEPA membership and how our partnership benefits you and your organization. [Download here](#).

Registration is open for the 2020 Utility Conference

Join SEPA May 4-6 in Charlotte, N.C. The Utility Conference is an experience for the utility professional in charge of distributed and renewable energy programs and services who need answers they can trust.

Get the tools, experience and expertise to increase performance, innovation and collaboration as the energy system moves to a carbon-free future. Learn more and save on registration [here](#).

As always, don't hesitate to contact Spencer Schecht on the SEPA Membership Team to learn more about your benefits. He can be reached at sschecht@sepapower.org or 202.350.4671.

