

# October - November

## 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					<b>1 - OCTOBER</b>	<b>2</b> 1:00 pm - Arbor Day Planting at Ritter Park 
<b>3</b>	<b>4</b> 7:00 pm – City Council  Unlimited	<b>5</b>  Pickup	<b>6</b>  Week	<b>7</b>  ⇒ ⇒	<b>8</b>  ⇒	<b>9</b>
<b>10</b>	<b>11</b> 6:15 pm – Electric Committee Board of Public Affairs 7:00 pm – Water/Sewer Comm. 7:30 pm – Muni Prop ED Comm.	<b>12</b> 4:30 pm – BZA 5:00 pm – Planning Commission	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>
<b>17</b>	<b>18</b> 6:00 pm – Tree Commission 6:00 pm – Park Rec Committee 7:00 pm – City Council	<b>19</b>	<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>
<b>24</b>	<b>25</b> 6:30 pm – Finance Budget Comm 7:30 pm – Safety HR Committee	<b>26</b> 4:30 pm – Civil Service	<b>27</b> 6:30 pm – Park & Rec Board	<b>28</b>	<b>29</b>	<b>30</b>
<b>31</b> 6:00 pm – 7:30 pm Trick-or-Treat	<b>1 - NOVEMBER</b> 6:15 pm – Technology Comm. 7:00 pm – City Council	<b>2</b> Election Day	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>

**CITY OF NAPOLEON CITY COUNCIL**  
**MEETING AGENDA**

**Monday, October 4, 2021 at 7:00 pm**

Location ~ City Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio

- A. Attendance** (Noted by the Clerk)
- B. Prayer and Pledge of Allegiance**
- C. Presentation of Frank Foss Award to the Napoleon Fire Department by Mercy Life Flight**
- D. Approval of Minutes** (in the absence of any objections or corrections, the minutes shall stand approved)  
September 20, 2021 Regular Council Meeting Minutes
- E. Citizen Communication**
- F. Reports from Council Committees**
1. Finance and Budget Committee met on September 27, 2021; and,
    - a. approved the Third Quarter Budget Adjustments
  2. Safety and Human Resources Committee did not meet on September 27, 2021 due to lack of agenda items.
  3. Technology and Communications Committee did not meet earlier tonight due to lack of agenda items.
- G. Reports from Other Committees, Commissions and Boards** (*Informational Only-Not Read*)
1. Civil Service Commission met on Tuesday, September 28, 2021; and,
    - a. approved establishing an Original Appointment Hiring List for Entry Level or Lateral Firefighter/Paramedic
    - b. approved One-Time Rule Change Requiring Entry Level or Lateral Firefighter/Paramedic to have FF Mile Card at time of appointment
    - c. approved Certain Credits for Entry Level or Lateral Firefighter/Paramedic with Passing Score and Provides Proof at time of application
  2. Park and Recreation Board met on Wednesday, September 29, 2021; and reviewed
    - a. the Financial Reports for the Golf Course and Aquatic Center
    - b. the Capital Improvements list for 2022
    - c. rates and fees schedule
- H. Introduction of New Ordinances and Resolutions**
1. **Ordinance No. 039-21**, an Ordinance Amending Chapter 913 of the City of Napoleon Codified Ordinances, "Construction and Repair of Sidewalks, Driveways and Abutting Improvements" specifically by Amending Section 913.02, regarding Contribution of Costs by City, Repealing a Certain Section of Ordinance No. 111-02; and Declaring an Emergency
  2. **Resolution No. 040-21**, a Resolution Authorizing the Expenditure of Funds in Excess of Twenty-five Thousand Dollars (\$25,000) for a Project known as VanHying Pumping Station Replacement Project, which was not included in the 2021 Master Bid List, Resolution No. 062-20, and Authorizing Competitive Bidding in regard thereto; and Declaring an Emergency
  3. **Ordinance No. 041-21**, an Ordinance Amending certain City of Napoleon Traffic Schedules, specifically Schedule III, "Stop and Yield Intersections," as listed in the attached Exhibit A; and Repealing Ordinance No.(s) 096-07, 112-07 and 034-20; and Declaring an Emergency
- I. Second Readings of Ordinances and Resolutions**
1. **Resolution No. 036-21**, a Resolution Approving the Addition of a Fifty Dollar (\$50.00) Surcharge to City of Napoleon, Ohio Employee Health Insurance Premiums for the Years 2022, 2023, and 2024, Amending Resolution No. 033-20; and declaring an Emergency
  2. **Resolution No. 037-21**, a Resolution Authorizing a Community Reinvestment Area (CRA) Agreement with Keller Logistics, Inc. within Napoleon CRA #7; and declaring an Emergency

3. **Resolution No. 038-21**, a Resolution Authorizing the Expenditure of Funds over Twenty-Five Thousand Dollars (\$25,000.00) for the Implementation of an Upgrade of the Wash Water Basin Controls, which was not included in the 2021 Master Bid Resolution, for the City of Napoleon, Ohio Water and Wastewater Treatment Plants, and to Sole Source said Implementation to Koester Corp.; and Declaring an Emergency

**J. Third Readings of Ordinances and Resolutions**

1. **Resolution No. 032-21**, a Resolution Authorizing the City Manager to Execute any and all documents Necessary to Acquire 12.91 acres of Land, Located within the City of Napoleon, Ohio; and declaring an Emergency (Potential Reconsideration)


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

1. **Discussion/Action:** Purchase of Pickup Truck off State Contract for Engineering Department
2. **Discussion/Action:** Third Quarter Budget Adjustments (direct Law Director to draft Legislation)
3. **Discussion/Action:** American Rescue Plan Monies
4. **Discussion/Action:** Set Dates for Annual Budget Review
5. **Discussion/Action:** Accept Donations to Police Department (\$100 from Charles & Truus Leader and \$25.00 anonymous donation)
6. **Discussion/Action:** Review Council Rules

**L. Executive Session**—(Pending or Imminent Litigation)

**M. Approve Payment of Bills** (in the absence of any objections or corrections, the Payment of Bills shall stand approved.)

**N. Adjournment**

  
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Roxanne Dietrich - Clerk of Council

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

1. **Technology & Communication Committee (1<sup>st</sup> Monday)**  
*(Next Regular Meeting: Monday, November 1, 2021 @6:15 pm)*
2. **Electric Committee (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, October 11, 2021 @6:15 pm)*
  - a. Review of Power Supply Cost Adjustment Factor for October 2021
  - b. Electric Department Report
3. **Water, Sewer, Refuse, Recycling & Litter Committee (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, October 11, 2021 @7:00 pm)*
  - a. Update on 2021 Wastewater Treatment Plant Improvements Project
4. **Municipal Properties, Buildings, Land Use & Economic Development Committee (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, October 11, 2021 @7:30 pm)*
5. **Parks & Recreation Committee (3<sup>rd</sup> Monday)**  
*(Next Regular Meeting: Monday, October 18, 2021 @6:00 pm)*
6. **Finance & Budget Committee (4<sup>th</sup> Monday)**  
*(Next Regular Meeting: Monday, October 25, 2021 @6:30 pm)*
7. **Safety & Human Resources Committee (4<sup>th</sup> Monday)**  
*(Next Regular Meeting: Monday, October 25, 2021 @7:30 pm)*
8. **Personnel Committee (as needed)**
9. **Ad-hoc Committee on Personnel (as needed)**
10. **Charter Review Commission (as needed in 2024)**

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

1. **Board of Public Affairs (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, October 11, 2021 @6:15 pm)*
  - a. Review of Power Supply Cost Adjustment Factor for October, 2021
  - b. Electric Department Report
  - c. Update on 2021 Wastewater Treatment Plant Improvements Project
2. **Board of Zoning Appeals (2<sup>nd</sup> Tuesday)**  
*(Next Regular Meeting: Tuesday, October 12, 2021 @4:30 pm)*
3. **Planning Commission (2<sup>nd</sup> Tuesday)**  
*(Next Regular Meeting: Tuesday, October 12, 2021 @5:00 pm)*
4. **Tree Commission (3<sup>rd</sup> Monday)**  
*(Next Regular Meeting: Monday, October 18, 2021 at 6:00 pm)*
5. **Civil Service Commission (4<sup>th</sup> Tuesday)**  
*(Next Regular Meeting: Tuesday, October 26, 2021 @4:30 pm)*
6. **Parks & Recreation Board (Last Wednesday)**  
*(Next Regular Meeting: Wednesday, October 27, 2021 @6:30 pm)*
7. **Privacy Committee (2nd Tuesday in May & November)**  
*(Next Regular Meeting: Tuesday, November 9, 2021 @10:30 am)*
8. **Records Commission (2<sup>nd</sup> Tuesday in June & December)**  
*(Next Regular Meeting: Monday, December 6, 2021 @6:45 pm)*
9. **Housing Council - Meets First Monday in April (meeting to be scheduled after the TIRC meeting)**
10. **Health Care Cost Committee**
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**
15. **Volunteer Peace Officers' Dependents Fund Board**
16. **Lodge Tax Advisory & Control Board (as needed)**
17. **Board of Building Appeals (as needed)**
18. **ADA Compliance Board (as needed)**



**Resolution No. 037-21 – Keller Logistics CRA Agreement**

Council President Bialorucki read by title Resolution No. 037-21, a Resolution Authorizing a Community Reinvestment Area (CRA) Agreement with Keller Logistics, Inc. within Napoleon CRA #7; and Declaring an Emergency

Motion: Baer                                      Second: Knepley  
to approve First Read of Resolution No. 037-21

Mack stated there was nothing new to report. Maassel noted the way the packet looked, everyone has signed the CRA Agreement except the City.

Roll call vote to approve First Read of Resolution No. 037-21  
Yea-Comadoll, Knepley, Baer, Bialorucki  
Nay-

**Yea-4, Nay-0, Motion Passed.**

**Resolution No. 038-21 – Upgrade Wash Water Basin Controls**

Council President Bialorucki read by title Resolution No. 038-21, a Resolution Authorizing the Expenditure of Funds over Twenty-five Thousand Dollars (\$25,000.00) for the Implementation of an Upgrade of the Wash Water Basin Controls which was not included in the 2021 Master Bid Resolution, for the City of Napoleon, Ohio Water and Wastewater Treatment Plants; and to Sole Source said Implementation to Koester Corp.; and Declaring an Emergency

Motion: Comadoll                                      Second: Knepley  
to approve First Read of Resolution No. 038-21

Lulfs explained the Water Treatment Superintendent asked me about this as apparently the controls were not included in the budget and they have to get them in this year. All of our controls have been done for the last five years or so by Koester Corporation. The expenditure is going to be over \$25,000. I directed the Water Treatment Plant Superintendent to write a memo and meet with legal as Koester's has been doing all our programming and we need the programming at the Water Treatment Plant to match. Plus, Koester Corp. is currently doing all of our programming at the Wastewater Treatment Plant. Bialorucki asked Harmon if he had anything to add. Harmon said that was pretty well said as far as my knowledge of the background facts go. Weis did come in and describe the reasoning. So, if Council believes it to be in the best interest of the city to go with Koester and to forego the bidding process, that is what this legislation does along with approving the expenditure of funds.

Roll call vote to approve First Read of Resolution No. 038-21  
Yea-Comadoll, Knepley, Baer, Bialorucki  
Nay-

**Yea-4, Nay-0, Motion Passed.**

SECOND READINGS OF ORDINANCES AND RESOLUTIONS

There were none.

THIRD READINGS OF ORDINANCES AND RESOLUTIONS

**Ordinance No. 031-21 – Keller Logistics Economic Development Agreement**

Council President Bialorucki read by title Ordinance No. 031-21, an Ordinance Authorizing an Economic Development Agreement between the City of Napoleon, Ohio, the Community Improvement Corporation of Henry County, Ohio, and Keller Logistics Inc., regarding the Construction of an Industrial Building within the City of Napoleon, Ohio; and Declaring an Emergency.

Motion: Comadoll                                      Second: Knepley  
to pass Ordinance No. 031-21 on Third Read

Mack reported a closing date still needs to be scheduled. Mazur added for this ordinance there has not been any changes. We are waiting for the school board's approval to bring the CRA agreement to City Council is why it's coming after the fact like this. To keep it moving forward, we have the development agreement and once signed, we will be able to schedule a closing date which we anticipate for the end of October. Barring no issues with the CRA Agreement and it goes three reads that should be October 18, 2021. Then, we can proceed with this project.

Roll call vote to pass Ordinance No. 021-21 on Third Read

Yea-Comadoll, Knepley, Baer, Bialorucki

Nay-

**Yea-4, Nay-0. Motion Passed.**

**Resolution No. 032-21 – Purchase 12.91 Acres of Land**

Council President Bialorucki read by title Resolution No. 032-21, a Resolution Authorizing the City Manager to Execute any and all Documents necessary to Acquire 12.91 Acres of Land, located within the City of Napoleon, Ohio; and declaring an Emergency.

Motion: Comadoll                                  Second: Knepley  
to pass Resolution No. 032-21 on Third Read

Mack stated in your packets was a memo from the City Manager with updated quotes and what the total value of the property would be per acre. Approximately \$18,669 an acre is a little bit lower than anticipated. Bialorucki asked Mazur if he had anything to add. Mazur had Chief Mack pull up the Memorandum that was in the council packet. Mazur said the Army Corps of Engineers has jurisdiction and we have details on new delineation that actually shows less acreage. In terms of Category One Wetlands you have to be able to mitigate it and that is a one to one-and-a-half ratio. For every one acre of wetlands you have 1.5 acres needs to be mitigated. That brings the total to about two and a half acres. We are looking at figures right now at about \$48,000 per acre. That is the conservative value and is congruent with some of the figures we got when ODOT looked at this. If you go down to the map, it shows where the acreage is. Some of the numbers are actual and some are estimates, like the property cleanup. We are not sure how much is left on the property to be cleaned up. Some of it was actually cleaned up and we are hoping that is a very conservative number and comes down. I think the rest is pretty close and pre-aligned with where we'll end up being. The agency permit fees I don't have an answer on that right now and what the process is. This is kind of a refresher for me as a lot of the rules have changed from the last time I dealt with wetlands. It is like looking at a new set of rules all over again to follow the process. Not a lot has changed in the permitting process so the application will go in and everything else and that will take some time. A lot of people are still working from home so, six months to a year. It is usually about six months but, in this case I think we are probably going to be closer to a year. I don't think the costs are going to change with that. Looking at the map, the first map we have from ODOT was really rough. In this case, they actually went out and pinpointed exactly where the delineation was at so you can see where the lines are at and have a more accurate representation. It is not the ideal situation but, my recommendation stays the same. There is a lot of opportunity, for the city it may be expansion on the solar field because all the infrastructure is right there. I'm at the AMP Conference right now and we just had our board meeting today. There is a lot of funding out there for green energy and clean energy that we could potentially tap into. There are definitely opportunities on that end. There's the opportunity of having ODOT revisit this property again if they are interested in doing something with it. Then, there is holding it for future economic development since we are doing a deal with Keller Logistics. This property can be obtained through this transaction, cleaned up and legitimately, and I use the word legitimately, ready for development. Doing the mitigation it is going to be difficult for anybody that wants to come into this property. It's not a do or die situation by any means but, I think at the end of the day, I'm holding my recommendation that this is the best way to go about it so we don't have fallow land within the city borders. We could take a leadership position to get it cleaned up, mitigated and ready for development or whatever that purpose is. That is all I have unless anyone has any questions.

Roll call vote to pass Resolution No. 032-21 on Third Read

Yea-Comadoll, Knepley, Baer

Nay-Bialorucki

**Yea-3, Nay-1.**

Harmon interjected, in looking at Council Rule 6.3 "...ordinances and resolutions shall be valid and effective when enacted or passed by the affirmative vote of the majority of the current members of council". On the first one that went through we had four. There was an emergency clause attached to both legislation on third read. Council Rule 6.3 says "Council may pass an ordinance or resolution *as an emergency measure* by the affirmative vote of two-thirds or more of the current members of council." Maassel clarified two-thirds or more has to be members of council is the way it is written in the rules, it is not by a quorum. Harmon stated if you are set on passing these

tonight, the emergency clause is out. If we want to leave the emergency clause on, and I'm sorry I didn't get to the first one but, after we started the vote on 031-21, it got me thinking that we only have four councilmembers here. Baer asked even though this is the third reading, can we move it to the next meeting? Harmon replied what we have done on 031-21 with the economic development agreement I'm not certain the emergency clause is necessary since we are still working on the CRA. So Ordinance 031-21 will take effect thirty days after tonight. There is time for that without the emergency clause. Regarding Resolution No. 032-21 with the 3-1 vote, I believe it has passed but, at this point the emergency clause is out is my understanding in reading Council Rule 6.3. I don't know if that puts delays in the process that are not wanted. Maassel said no, because the purchase agreement goes to the end of the year. Harmon explained I wanted to clear things up because I'm worried and it vaguely jogged my memory. Maassel asked would you feel better if we were to table or, now that we took a vote we are really in the weeds. Harmon said you have voted at this point and I think we have passed both but the emergency clause for both pieces of legislation is out in my opinion. We will have to wait thirty days given we only have four councilmembers here tonight.

**Approval of September, 2021 PSCAF as three month averaged factor \$0.00782 and JV2 \$0.028525**

Mazur stated our usage was a little bit down from previous years but the power supply cost adjustment factor is still way down compared to the previous years because of our portfolio.

Motion: Comadoll

Second: Baer

to approve the September, 2021 PSCAF as three month averaged factor \$0.00782 and JV2 \$0.028525

Roll call vote on the above motion:

Yea-Comadoll, Knepley, Baer, Bialorucki

Nay-

**Yea-4, Nay-0. Motion Passed.**

**Stop Signs at the Intersection of Bales Road and Westmoreland**

Mack reported this went to the Municipal Properties Committee and has been part of our safety plan with the schools and Safe Routes to Schools. We have estimated costs somewhere between \$2,500 and \$5,000 depending on what options you go with. From personal experience, that intersection backs up significantly. Any traffic that is southbound backs all the way into the school property and will clog that intersection every day a couple times a day. Although you are still going to see backups, I correlate it to Woodlawn and Glenwood where at least it's moving and rotating. I think you will be slowing down traffic that is coming into town because they are going to have a stop sign instead of just coasting into town from the 55 mph zone. A lot of people are guilty of coasting in and you are in the school zone almost immediately. With due time it will change driving habits in that area is my belief. Maassel asked do you think we need stop signs there all the time or just during hours of school? What I suggest is we direct the Law Director to include traffic control so we can change it down the road without having to redo necessary stop signs. I think we put stops sign up right away because they are the safest. How much does it cost to have a flashing light going from yellow to red from 7:15 am to 8:30 am and then again after school nine months out of the year? We used to do that along West Washington and West Main, there were yellow lights and then just before they went to school, the lights went to red. Lulfs said we can investigate that. Maassel interjected I know that is a weird intersection because it's part county and part city owned. I thought we could put those stop signs up right away. I do not want to delay Safe Routes to School by trying to figure out if we want to do a light or not. I want to get something up there and yet give ourselves flexibility to change it if we need to. Lulfs stated my only concern is that close to a school if you have differing traffic patterns depending on the day and the time, it will be difficult to get people to adjust. We can look at what those costs might be. I would like to discuss this with the Police Chief and other stakeholders in this. Maassel said I think we put traffic stop signs up as soon as we can and leave ourselves the ability to put up a light if that's what we need to do. Baer said prior to the meeting last week, two different parents approached me about doing something like the three-way stop or no left turn and I shared that with Mazur. Then it ended up in committee and after the meeting and it was in the newspaper, I had two other people say that is going to create a hazard by putting a stop sign up there. One of my biggest concerns is part of the Safe Routes to School is a sidewalk on Jahns Road which is next year to my understanding. I don't know if that's going to have more kids walking from that subdivision over there and trying to get through that intersection. That is a bigger concern to me than even the traffic. I understand what the Chief is saying and I don't disagree but, I'm afraid a kid is going to get hurt there trying to cross that intersection. Maassel asked with stop signs or without? Baer replied without. I'm just concerned it is going to create an even a



bigger hazard if we don't have something there. If you put in a *no left turn* that creates a whole other ball of wax. Knepley noted since they put in the sidewalks by the baseball field, there is a crosswalk there that doesn't show up on this map. Baer interjected that is down a little ways from the intersection. Knepley continued it would at least slow traffic up because I do see families taking that to school. Maassel said the fear is somebody is waiting, waiting and they gun it because there is an open spot in traffic and the next thing you know, they are face to grill with the kids going to school. I think we need to put something in there but, should leave ourselves open to explore costs. Lulfs will you talk to County Engineer Schumm about it? I don't want to speak for him but, I would imagine that he would be all for safety too. Lulfs noted he has a verbal approval from Schumm. Maassel said will the flashing yellow or red light cause more issues with changing traffic patterns, that's a question for Chief and Chief and Lulfs to look at. I think we need to put something up as soon as possible because it is not working the way it is currently designed. Baer said the pedestrians crossing that area are not limited to just before and after school because I have walked that way from football games and it's dark and there are issues. Chief Mack added you are going to see that during the baseball, softball and soccer time frames. It is pretty much year round. When school is in progress you are going to see pedestrian concerns. As far as changing traffic patterns, that's always a dilemma. If you decide to move forward with this, we would have a heavy visual appearance there to try and help with education but not heavy-handed. We want to make sure we are monitoring the scenario and keeping things safe and draw attention so slow people down there. I'm certainly not talking citations, I'm talking high visibility. Bialorucki asked if we do just the stop signs how much more would it be if we put stop ahead signs on both sides and permanently. I would like to see that because we did talk about the potential when there's ice and people going 55 mph, let's give them a heads up well in advance before they see the stop sign. Lulfs responded the speed limit will dictate the spacing. We would also look at the topography because there are some elevation differences out there and to make sure the site distances are correct. There would need to be stop ahead signs. When there is a change in the traffic pattern, there are signs we have to put up temporarily. Maassel asked will this require legislation? Lulfs replied if there is a motion to move forward with this, I know there was a question brought up if this is something we want to do now or wait for the Safe Routes to Schools funding but, that project won't be until 2024. Mayor said I want to do it now. Lulfs continued if you want to do it now, the legislation needed is in the codifieds. Maassel reiterated my suggestion is, we do this as soon as possible. It is not getting lighter in the morning. I know we may get a grant for 2024 but, I don't want to say let's wait until 2024 and someone gets hurt between now and then because we didn't want to spend \$2,500 to \$5,000 to get it safer than it is right now. Lulfs said depending on how you word your motion, I can move forward coordinating with the county engineer because I need to work with him as well as two-thirds of that is in the county. That might dictate some of the schedule as well. Baer agreed with the Mayor noting his concern with even that additional sidewalk, which I want that is coming next year. I think waiting is too risky. Harmon suggested if you direct the Law Director to draft the appropriate legislation, I can talk with Lulfs and get the proper language in there.

Motion: Comadoll Second: Knepley  
to direct the Law Director to draft the appropriate legislation

Roll call vote on the above motion:  
Yea-Comadoll, Knepley, Baer, Bialorucki  
Nay-

**Yea-4, Nay-0. Motion Passed.**

**Double the Amount Currently being Reimbursed by the City for the Sidewalk and Curb Replacement Program Capping the Budgeted Amount at Twenty-five Thousand Dollars**

Mack stated these amounts have not been adjusted since the late 90's. We are looking at updating the actual costs in the program. Bialorucki noted the Municipal Properties committee discussed this at their last meeting and believe this will do a couple of things. First, we don't know if a lot of residents realize that we have a program for sidewalks that need repaired where the city offers to pay a portion of it; and second now we are going to give them a little bit more and that may help people get some sidewalks repaired. There are a lot of sidewalks out there that need to be repaired and this is one way to get more of our sidewalks repaired and make them safer. Chief Mack noted there is a direct correlation between sidewalks that are able to be traveled in all conditions and people in the roadway.

Motion: Knepley Second: Baer  
to direct the Law Director to draft legislation with the changes to the Sidewalk and Curb Replacement Program doubling the costs

Roll call vote on the above motion:  
Yea-Comadoll, Knepley, Baer, Bialorucki  
Nay-  
**Yea-4, Nay-0. Motion Passed.**

**PC 21-10 Final Plat Approval Lynnefield Estates Subdivision**

Maassel reported the Planning Commission met last Tuesday. A plat for Lynnefield Estates had already been done; but, there was one small modification from the previous plat. There is a little port of ground north of Lynne Avenue that was not included in the last plat. Those lots actually belong to the Condo Association and because of that they had to do a replat. They are still trying develop homes along Clairmont and after those are done, they will start the next piece. The agreement states that if Lynne Avenue is ever going to connect there, that will be the last lot sold and only gets sold after all the lots are done, as long as St. Paul agrees to it. PC 21-20 was passed by the Planning Commission.

Motion: Knepley Second: Baer  
to approve PC 21-10 Final Plat Approval for Lynnefield Estates Subdivision  
  
Roll call vote on the above motion:  
Yea-Comadoll, Knepley, Baer, Bialorucki  
Nay-  
**Yea-4, Nay-0. Motion Passed.**

**Award of the Oberhaus Interceptor I&I Reduction Project (L.T.C.P. Project No. 20B)**

Lulfs reported bids were opened for this project last Wednesday. This project is phase two and essentially will replace the Oberhaus Interceptor starting where phase one ended which was along Oberhaus Creek at Woodlawn Avenue just immediately west of Clairmont. This project will travel behind the houses towards the west and come back up to Woodlawn near Glenwood. The engineer's estimate on the project was \$500,000. Six bids were received with the low bid coming from Fencing Contracting, LLC out of Fort Jennings, Ohio. Having reviewed the bids and contacting references, it is my recommendation to award the project to Fenson Contracting, LLC for \$437,855.00. The only project they have done for the City of Napoleon was the demolition of the pool. They have done quite a bit of underground work primarily for communities in Putnam County. They have bid a few of our jobs and never been successful. I called some of the references and they said Fenson did good work. The most negative comment I received was their equipment was old, I don't care. This job is set up the contractors are not allowed to begin work before December 15, 2021. We had said this would be winter work and I didn't want anyone that we had agreements with on the project to think that we were not honoring what they were told. The completion date for this job is June 18, 2022. Bialorucki asked Harmon if he can vote on this item. I live on Woodlawn and I am one of the residents this project will affect. Harmon responded off the top my head without looking at anything I'd say it'd probably be safest to abstain. Bialorucki asked will we have enough votes to pass this then? Harmon responded I certainly don't get paid to be the Clerk. If we have one person abstain, I do not like the way this is worded. I know council rules is the one of the topics for later and maybe we can think about looking at some of this stuff. Bialorucki said my thought was I'm not voting on do I want this project to happen or how much it is going to be or how much they are going to buy an easement for, it's for who is going to do the work. Harmon – if it is just on who is going to do the work then I believe you could probably vote. It makes it difficult to get business done because the definition for quorum states the majority of the current members of council but the rules on passage make it clear certainly for an emergency measure you have to have two-thirds of the current members of council which we do not have here tonight. The first part of Rule 6.3 states “shall be valid and effective when enacted by the affirmative vote of the majority of the current members of council” so, in a situation where it's for a vote like today, the way it's worded makes me think the first one (Ordinance No. 031-21) may have passed and the second one (Resolution No. 032-21) potentially did not. Those were on third reads and what to do in a situation like that is not something we have encountered, I will have to look at that. We will reprint Ordinance No. 031-21 with the emergency clause removed. For Resolution No. 032-21 we will have look at the rules a little further and maybe even do a little bit of research because the way it's worded it says shall be valid

and effective when enacted or passed by the affirmative vote of a majority of the members of council. I'm 90% certain that Resolution No. 032-21 did not pass. Maassel said if it fails Harmon interjected I'm not even certain that it would fail or pass. Maassel said according to the rules it did not pass, can I do a reconsideration? If that is something I can do, I would offer it for reconsideration at the next the next council meeting. Harmon said that is the best way to go. I'm sorry about all the confusion. Thankfully this is a rare occurrence where there are only four members of council. We look at the ballots and a lot of other municipalities have trouble getting people to run for council. We have been very blessed having full seats and that is why they have other current members of council because if you have somebody resign, then the number is not seven and it changes some of the math. If you had given me that information earlier today, I could have looked it up for you.

Motion: Comadoll                      Second: Baer  
to award the Oberhaus Interceptor I&I Reduction Project to Fenson Contracting, LLC for \$437,855.00

Roll call vote on the above motion:  
Yea-Comadoll, Knepley, Baer, Bialorucki  
Nay-

**Yea-4, Nay-0. Motion Passed.**

#### **VanHying Pumping Station Replacement Project**

Mack reported in 2020 this project was put out to bid with no bids being received. This project was left off the Master Bid Ordinance for this year and now legislation is needed if you chose to move forward with the project.

Motion: Comadoll                      Second: Baer  
to direct the Law Director to draft legislation to approve expenditure of funds for the VanHying Pumping Station Replacement Project

Roll call vote on the above motion:  
Yea-Comadoll, Knepley, Baer, Bialorucki  
Nay-

**Yea-4, Nay-0. Motion Passed.**

#### **Staff's Recommendation to have Trick-or-Treat on Sunday, October 31, 2021**

Mazur stated he has been receiving a lot of questions about Trick-or-Treat. At the last Park and Rec Board meeting, they did not have a quorum to be able to make a recommendation to City Council. Organizations that plan events around Halloween have been calling in asking is why this was put on the agenda now and not a recommendation. Bialorucki commented back when I was on the Park and Rec Board, and there are a few members that have been on the board for years, I recall them saying that they will always have it on October 31<sup>st</sup> unless there is some major reason not to. I don't want to speak for all of them but, I know that is their goal to always have it on Halloween. Mazur added if October 31<sup>st</sup> falls on a Wednesday, Friday or Saturday they usually recommend it on a different day, there is no written policy but that is the general guidelines. Baer said I do know the Lions Club is looking to coordinate the Halloween parade at Buckenmeyer Stadium on Monday, October 25, 2021. Bialorucki asked Chief Mack if he has any concerns about having Trick-or-Treat on Sunday. Chief Mack replied there are no concerns with traffic patterns. That is probably one of the best nights to have something. Staffing wise it would be just like any other special event for us. We will deal with the staffing issues internally. Comadoll voiced I don't know why we can't have it on a Saturday night. Why would you want to get these kids all worked up on Sunday when they got to get up and go to school the next day? Bialorucki stated I heard from people why not to do it on Friday and Saturday because of people possibly watching football games throughout the day drinking and driving. There's probably more of that on a Saturday with college football starting at noon. It just makes it safer on the streets to not have it on a Saturday evening. Baer asked what happens if it pours down like a monsoon? Mazur said if there is a rain date that starts to become a little nebulous. This was discussed at the board level and they said no rain date, trick-or-treat night is on this night.

Motion: Comadoll                      Second: Knepley  
to approve Staff's recommendation to have Trick-or-Treat on Sunday, October 31, 2021

Roll call vote on the above motion:  
Yea-Comadoll, Knepley, Baer, Bialorucki  
Nay-

**Yea-4, Nay-0. Motion Passed.**

### **Review of City Council Rules**

Bialorucki started I didn't want this to go the way it did today where we had to refer to this but, this is one of the reasons I had this put on the agenda. We all could use a refresher and not have to count on our Law Director to answer every question off the top of his head. I apologize for putting you on the spot. In Section 4.2 Right of Floor it says when any member is about to address council, the member shall respectfully address themselves to the presiding officer and when recognized by the chair shall confine themselves to the question under debate. This popped up in my head the other day after last Monday's Committee meetings. I was not the presiding officer, Knepley was for one meeting and Siclair for the other and want to apologize because I felt like when Efficiency Smart was here I was having the conversation as if I was a presiding officer and that wasn't my place to do so. I would like to just leave this on the agenda for the next couple meetings and have all of us review the rules and if there is anything in here that we want changed or somebody else wants to point out is why I added this to the agenda. Harmon suggested ad-hoc committee that we formed in 2017 was never technically disbanded, so if Council wanted to review the rules in some detail you would need to appoint two new members, you could do that because the ad hoc committee still exists. Then Council is not bogged down with discussion of the rules at every Council meeting. If there needs to be some changes, that committee could make a recommendation. Bialorucki suggested tabling Review of City Council Rules until the next meeting to give everyone a chance to review them.

### **Third Quarter Budget Adjustments**

Garringer stated this is done every quarter when there are line items that are over what was budgeted. There are about eight items on the list right now. There is nothing too serious on this one from my review. One that is interesting is the bank service charge is over. That is probably due to revenues for both the golf course and the pool have done very well and more people are using credit cards. That is just unique in that matter. I would ask the third quarter budget adjustments be referred to the Finance and Budget Committee for review.

Council President Bialorucki referred Third Quarter Budget Adjustments to the Finance and Budget Committee.

### **Acceptance of a \$500 Cash Donation from Mike Foreman with \$250 to Police and \$250 to Fire**

Mack stated as many of you know, Mike Foreman is a retired employee of the city. He was a police officer for many years and one of his retirement things is he has a DJ business called Vibration Craze/Moving All Ages. On 9/11 he did a DJ service over at the Legion and was able to raise \$500 for police and fire. He divided that down the middle \$250 for the Police Department and \$250 for the Fire Department and presented the donation to us on Friday afternoon.

Motion: Comadoll                      Second: Knepley  
to accept the \$500 Donation from Mike Foreman for the Police and Fire Departments.

Roll call vote on the above motion:  
Yea-Comadoll, Knepley, Baer, Bialorucki  
Nay-  
**Yea-4, Nay-0. Motion Passed.**

### AROUND THE TABLE

Garringer – No items.

Baer – Are there any items for the Safety and Human Resources Committee? Being no agenda items, Baer canceled the Safety and Human Resources Committee meeting for September 27, 2021.

Knepley – No items.

Maassel - Welcome Kevin to your first official council meeting.

Northwest State Community College has invited any of us that want to go to a State of the College Address at 8:00 am on Thursday, September 30, 2021. I cannot go, if anyone would like to go, please let me know, RSVPs are due in by September 23, 2021.

The CIC annual meeting is probably not going to be as previously discussed. They are having a hard time getting enough people to have a critical mass for that.

Comadoll – No items.

Harmon – No items.

Mack – No items.

Mazur – you will see it in the weekly FYI from the AMP board meeting today it's pretty quiet except on the legislative front and on the AMP transmission front, a lot of activity in both of those committees. Everything else is pretty average.

Bialorucki – asked Lulfs what is going on near Rite-Aid? Lulfs-a private individual bought the property who wanted to fill the property other than that I don't believe there is any plan as far as development.

Welcome Kevin. Hopefully your first week went well for you. I see you made it back after a full week.

There is some really exciting news. Starting on his Wednesday, Lifewise Academy and I don't know all of the ins and outs but I do know a lot of churches have come together and are offering some gospel and Christian teachings to children at public schools that can go to this facility church where they are doing this. Some of the information that I received is they are trying to help kids that may not have the opportunity to know any religion at all. Baer here said the first one started in VanWert years ago and the results later on for the city is having some kids that may not have went down the right path if they didn't go through with this. So, it's really nice to see these churches in Napoleon getting together. It didn't matter what denomination, they all got together and said let's do something for these kids.

APPROVE PAYMENT OF BILLS

In the absence of any corrections or objections, the payment of bills shall stand approved.

**ADJOURNMENT**

Motion: Knepley Second: Comadoll  
to adjourn the City Council meeting at 8:11 pm

Roll call vote on the above motion:

Yea-Comadoll, Knepley, Baer, Bialorucki

Nay-

**Yea-4, Nay-0. Motion Passed.**

**Approved:**

**October 4, 2021**

\_\_\_\_\_  
Joseph D. Bialorucki, Council President

\_\_\_\_\_  
Jason P. Maassel, Mayor

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

**ORDINANCE NO. 039-21**

**AN ORDINANCE AMENDING CHAPTER 913 OF THE CITY OF NAPOLEON CODIFIED ORDINANCES, “CONSTRUCTION AND REPAIR OF SIDEWALKS, DRIVEWAYS AND ABUTTING IMPROVEMENTS” SPECIFICALLY BY AMENDING SECTION 913.02, REGARDING CONTRIBUTION OF COSTS BY CITY; REPEALING A CERTAIN SECTION OF ORDINANCE NO. 111-02; AND DECLARING AN EMERGENCY**

**WHEREAS**, the Municipal Properties, Buildings, Land Use and Economic Development Committee met in a regular meeting on September 13, 2021, and reviewed proposed changes to Chapter 913, Section 913.02 of the City of Napoleon, Ohio Codified Ordinances regarding the payment of costs arising from reconstruction and repair of sidewalks, driveway aprons and abutting improvements thereto; and,

**WHEREAS**, the Municipal Properties, Buildings, Land Use and Economic Development Committee recommended that the amount currently being paid by the City of Napoleon for the Curb and Sidewalk Replacement Program be increased, capping the budgeted amount at twenty-five thousand dollars (\$25,000.00); **Now Therefore**,

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

Section 1. That, Chapter 913, Section 913.02 of the Codified Ordinances of the City of Napoleon, Ohio shall be hereby amended and enacted as follows:

**“913.02 Payment of Costs Arising from Reconstruction and Repair.**

(a) The City may participate in the payment of costs for or arising from the voluntary reconstruction, repair or replacement of sidewalks, driveway aprons and abutting improvements thereto, which are situated in the City and within the public right-of-way, by paying a portion of the costs of the sidewalk and abutting improvements in the amounts contained in this paragraph, but only if such work and such costs are first approved in writing by the City Engineer and sufficient funds therefor have been appropriated by the City. Nothing contained herein shall prohibit any person from paying all or any portion of such costs that the City might otherwise pay pursuant to this division.

- (1) ~~\$20.00~~ \$40.00 per linear foot for curb and/or gutter.
- (2) 100% drainage structure.
- (3) 0% driveway apron.
- (4) 100% of curb and/or gutter and sidewalk within the street intersection radius.
- (5) ~~\$1.50~~ \$3.00 per square foot of sidewalk.

(b) The property owner shall bear the entire cost of sidewalks that have never been constructed, except where otherwise prohibited by law; moreover, the property owner shall bear the entire costs for any extensions of sidewalks, driveway aprons, abutting improvements.

(c) To the extent required by law, all such participation by the City in the payment of such costs shall be in compliance with the prevailing wage laws of the State, as the same may be amended from time to time. For any project involving the reconstruction, replacement or repair of sidewalks, driveway aprons, and/or abutting improvements where the City contributes to the costs, competitive bidding is eliminated in the best interest of the City without further necessity of legislation of Council.”

Section 2. That, Section 913.02 of Chapter 913 of the Codified Ordinances of the City of Napoleon, Ohio, as existed prior to the enactment of this Ordinance is repealed upon the effective date of this Ordinance.

Section 3. That, all other Sections of Chapter 913 of the Codified Ordinances of the City of Napoleon, Ohio, as existed prior to the enactment of this Ordinance shall remain in full force and effect.

Section 4. That, Section 2 of Ordinance No. 111-02, as existed prior to the enactment of this Ordinance is repealed upon the effective date of this Ordinance.

Section 5. That, all other Sections of Ordinance No. 111-02 as existed prior to the enactment of this Ordinance shall remain in full force and effect.

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 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 Resolution or any part thereof.

Section 8. 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, 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 effectuate the stated 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:

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Roxanne Dietrich, Clerk of Council

*I, Roxanne Dietrich, Clerk of Council of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 039-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City on the \_\_\_\_ day of \_\_\_\_\_, 2021; and 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.*

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*Roxanne Dietrich, Clerk of Council*



**RESOLUTION NO. 040-21**

**A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS IN EXCESS OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000) FOR A PROJECT KNOWN AS VANHYNING PUMPING STATION REPLACEMENT PROJECT, WHICH WAS NOT INCLUDED IN THE 2021 MASTER BID LIST, RESOLUTION NO. 062-20, AND AUTHORIZING COMPETITIVE BIDDING IN REGARD THERETO; AND DECLARING AN EMERGENCY**

**WHEREAS**, the City Manager and Director of Public Works have determined that the VanHyning Pumping Station is in need of immediate improvements; and,

**WHEREAS**, this Project was not included in the annual Master Bid List, Resolution No. 062-20, and that the cost of this project exceeds twenty-five thousand dollars (\$25,000); **Now therefore**,

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

Section 1. That, the expenditure of funds in excess of twenty-five thousand dollars (\$25,000) for the VanHyning Pumping Station Replacement Project is hereby authorized as a necessary public expenditure.

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

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

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

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

Section 6. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 7. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for the improvements to public property to assure safety to our motoring public; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to begin the bidding process in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: \_\_\_\_\_  
Joseph D. Bialorucki, Council President

Approved: \_\_\_\_\_  
Jason P. Maassel, Mayor

VOTE ON PASSAGE \_\_\_\_ Yea \_\_\_\_ Nay \_\_\_\_ Abstain

Attest:

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

*I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 040-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, 2021; & 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*



# City of Napoleon, Ohio

## Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

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

www.napoleonohio.com

## Memorandum

**To:** Joel L. Mazur, City Manager  
**From:** Chad E. Lulfs, P.E., P.S., Director of Public Works  
**cc:** City Council & Mayor  
Kevin Garringer, City Finance Director  
Roxanne Dietrich, Clerk of Council  
Jeff Rathge, Operations Superintendent  
**Date:** September 15, 2021  
**Subject:** VanHyning Pump Station Replacement ~ Approval of Revised Plans & Specifications

The City of Napoleon's Department of Public Works requests approval of the plans and specifications for the VanHyning Pump Station Replacement Project. This project consists of replacing the pump station located on E. Riverview Avenue next to VanHyning Creek with a new pump station, wet well, and associated piping along with an alternate bid for a new 30" PVC Sanitary Sewer bored under the railroad. All required easements have been obtained and filed. The completion date is December 31, 2022.

Engineer's Estimate of Construction: \$1,625,000.00 – D.E.F.A. (O.W.D.A.) Low-Interest Loan

CEL

**ORDINANCE NO. 041-21**

**AN ORDINANCE AMENDING CERTAIN CITY OF NAPOLEON TRAFFIC SCHEDULES, SPECIFICALLY SCHEDULE III, "STOP AND YIELD INTERSECTIONS," AS LISTED IN THE ATTACHED EXHIBIT A; AND REPEALING ORDINANCE NO.(S) 096-07, 112-07 AND 034-20; AND DECLARING AN EMERGENCY**

**WHEREAS**, the City Manager, pursuant to authority granted in the Charter of the City of Napoleon, establishes traffic control in the City of Napoleon; and,

**WHEREAS**, the current traffic schedules, parking time limits and parking restrictions need to be updated on certain City streets as provided in the attached Exhibit A; **Now Therefore**,

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

Section 1. That, the City of Napoleon Ohio hereby amends Schedule III of the City of Napoleon Traffic Schedules to reflect changes made to certain stop and yield intersections, signals and alleys within the City, as provided in the attached Exhibit A, attached hereto and made a part hereof this Ordinance.

Section 2. That any changes needed to pages, page numbers, or appendixes are hereby approved to accommodate for the above amendment.

Section 3. That, Ordinance No.(s) 096-07, 112-07 and 034-20 as existed prior to the enactment of this Ordinance, are repealed in their entirety.

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 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 at the earliest time permitted by law. Further, the Emergency Clause is necessary to begin enforcement 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. 041-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_ day of \_\_\_\_\_, 2021; & 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 – Ord. No. 041-21

### Schedule I – On-Street Parking Prohibited

Street	From	To	Prohibited Side(s)
American Road	Oakwood Ave.	Enterprise Ave.	Both
Appian Ave.	108 feet north of the intersection of Beckham St. and Appian Ave.	Corporation Limits	E.
Arden Ct.	Washington St.	Main St.	W.
Avon Pl.	Washington St.	Riverview Ave.	Both; except in area posted for special parking
Bales Rd.	Glenwood Ave.	Corporation Limits	Both
Barnes Ave., E.	Perry St., S.	Fifth St.	Both
Barnes Ave., W.	Perry St., S.	Maumee Ave., W.	Both
Bauman Place	Lakeview Dr.	Dead End	Both
Becca Ln.	Sedward Ave.	Dead End N. of Thershan	S.
Beckham St.	Appian Ave.	Corporation Limits	Both
Becklee Dr.	Scott St., N. (S.R.108)	To street end	Inner portion of the street
Bonaparte Dr.	Dead End (West)	Scott St., N. (S.R.108)	N.
Bordeaux Dr.	Duquesne Dr.	Sedward Ave.	West
Briarcliff Dr.	Rohm Dr	Buckeye Ln.	Inside of loop
Briarheath Ave.	Bales Rd.	Clairmont Ave.	E.
Broadmoore Ave.	Bales Rd.	Chelsea Ave.	W.
Brownell Ave.	Perry St., S.	East of Fifth St.	Both
Buckeye Ln.	Riverview Ave., W.	Cul-de-sac	S.
Cambridge St.	Appian Ave.	Beckham St.	W.
Capri Dr.	Bordeaux Dr.	Lemans Dr.	N.

Carey St.	Scott St.	Woodlawn Ave.	Both
Chelsea Ave.	Bales Rd.	Bales Rd.	S. & E.
Chesterfield Dr	Cul-de-sac W. of Neward	Cul-de-sac East of Sedward	S.
Clairmont Ave.	Glenwood Ave.	Briarheath Ave.	N.
Clairmont Ave.	Glenwood Ave.	Kenilworth Ave.	S.
Clairmont Ave.	Woodlawn Ave.	Kenilworth Ave.	N.
Clairmont Ave.	Woodlawn Ave.	Entire 600' west of Woodlawn Ave.	S.
Clairmont Ave.	Briarheath Ave.	Westmoreland Ave.	Both
Cliff St.	Maumee Ave., E.	Dead End	Both
Clinton St., E.	Monroe St.	Riverview Ave.	S.
Clinton St., W	Sheffield Ave.	Haley Ave.	S.
Clinton St., W.	Scott St.	Clinton St., W. (205 feet East of Scott St.)	N. (except in area posted for special parking)
Clinton St., W.	Woodlawn Ave.	Haley Ave.	N.
Commerce Dr.	Interchange Dr.	Riverview Ave., E.	Both
Cripple Creek Ct.	Jahns Rd.	Cul-de-sac	W.
Daggett Dr.	Huddle Rd.	Maumee Ave., W.	E.
Depot St.	Oakwood Ave.	Maple St.	Both
Derome Dr.	Northcrest Dr., E. end	Northcrest Dr., W. end	S.
Detroit Ave.	Yeager St.	Dead End	W.
Dodd St.	Scott St.	Cul-de-sac	W.
Duquesne Dr.	Bordeaux Dr.	Lemans Dr.	S.
Duquesne Dr.	Jahns Rd.	Bordeaux Dr.	Both
Enterprise Ave.	Riverview Ave., E.	American Road	Both

Enterprise Ave.	American Road	Corporation Limits	E.
Erie St.	Washington St.	Railroad right-of-way	W.
Euclid Ave.	Appian Ave.	Last St.	S.
Fair St.	Oakwood Ave.	Dead End	S.
Fairview Dr.	Maumee Ave., W.	Dead End	Both
Fifth St.	Meekison St.	Rohrs St.	E.
Fifth St.	Rohrs St.	Raymond St.	W.
Fillmore St.	Oakwood Ave.	Railroad right-of-way	S.
Fillmore St.	E. Riverview Ave.	Railroad right-of-way	Both
First St.	Maumee Ave., W.	Pontious Pl. R/W	Both
Fourth St.	Meekison St.	Rohrs St.	Both
Freedom Dr.	Corporation Limits	Corporation Limits	Both
Front St., E.	Perry St., N.	Jefferson St.	S.
Front St., W.	Perry St., N.	Riverview Ave., W.	Both
Garden St.	Riverview Ave.	Park St.	W.
Glenbrook Ct.	Harmony Dr.	Cul-de-sac	W.
Glenwood Ave.	Riverview Ave., W.	Corporation Limits	Both
Graceway Dr., E.	Maumee Ave., W.	Graceway Dr., W.	W.
Graceway Dr., W.	Huddle Rd.	Graceway Dr., E.	W.
Haley Ave.	Woodlawn Ave.	Riverview Ave.	W.
Harmony Dr.	Glenwood Ave.	Harmony Dr., N.	Inner Loop
Harmony Dr., N.	Glenwood Ave.	Indiana Ave.	S.
High St.	Haley Ave.	Lumbard St.	S.
Highland Ave.	Woodlawn Ave.	Lagrange St.	E.
Hobson St.	Clinton St., E.	Oakwood Ave.	E.



Hobson St.	Washington St.	Clinton St.	E.
Hobson St.	Riverview Ave.	Main St. (30 feet South of alley)	E.
Hobson St.	Front St.	Alley (between Front St. & Main St.)	W.
Huddle Rd.	Perry St., S.	Maumee Ave., W.	N.
Hudson St.	Oakwood Ave.	Dead End	Both
Hurst Dr., N.-S.	Riverview Ave., W.	Hurst Dr., E.-W.	W.
Hurst Dr., E.-W.	Hurst Dr., N.-S.	Jahns Rd.	S.
Independence Dr.	Oakwood Ave.	Enterprise Ave.	Both
Indiana Ave.	Lagrange St.	N. Harmony Dr.	E.
Indiana Ave.	Oakdale Dr.	Lagrange St.	Both
Indiana Ave.	Woodlawn Ave.	Oakdale Dr.	E.
Industrial Dr.	Riverview Ave., E.	Twp. Rd. R-3	Both
Interchange Dr.	Commerce Dr.	Industrial Dr.	Both
Jahns Rd.	Riverview Ave., W.	Corporation Limits	Both
Jefferson St.	Front St., E.	Washington St., E.	W.
Joliette Dr.	Duquesne Dr.	Capri Dr.	E.
Kenilworth Ave.	Clairmont Ave.	Briarheath Ave.	N.
KenJames Ct.	Bonaparte Dr.	Dead End	E.
Knape St.	Perry St., N.	Dead End	Both
Kolbe St.	Woodlawn Ave.	Scott St.	S.
Lafayette Dr.	Duquesne Dr.	Capri Dr.	E.
Lagrange St.	Dodd St.	Willard St.	Both
Lagrange St.	Willard St.	Indiana Ave.	N.
Lakeview Dr.	Oakwood Ave.	Cul-de-sac	Both

Lamar Ln.	Riverview Ave., E.	Cul-de-sac	E.
Last St.	Euclid St.	Beckham St.	W.
Lemans Dr.	Vincennes Dr.	Capri Dr.	E.
Leonard St.	Haley Ave.	Norton St.	S.
Lumbard St.	Clinton St.	Woodlawn Ave.	E.
Lynne Ave.	Glenwood Ave.	West Dead End	N.
Lynne Ave.	Glenwood Ave.	East Dead End	S.
Lynne Ave.	Westmoreland Ave.	East Dead End	N.
Main St., E.	Hobson St.	Stout St.	N.
Main St., W.	Avon Pl.	Glenwood Ave.	S.
Maple St.	Shelby St.	Clinton St., E.	W.
Maumee Ave., E.	Perry St., S.	Corporation Limits	Both
Maumee Ave., W.	Perry St.	Corporation Limits	S.
Maumee Ave., W.	69.37' from centerline of Daggett Dr. going E.	95.49' from centerline of Daggett Dr. going W.	N.
Maumee Ln.	Cul-de-sac at the South end	Maumee Ave., E.	E.
Maumee Ln.	Maumee Ave., E.	150 feet South of Maumee Ave., E.	W.
Meekison St.	Appian Ave.	Perry St., S.	S.
Melody Ln.	Glenwood Ave.	Indiana Ave.	N.
Michigan Ave.	Woodlawn Ave.	Lagrange St.	W.
Monroe St.	Fillmore St.	Clinton St., E.	W.
Monroe St.	Front St.	Riverview Ave., E.	w.
Monroe St.	Main St., E.	Eiverview Ave., E.	e.
Neward Dr.	Riverview Ave., W.	Becca Ln.	W.

North St.	Oakwood Ave.	Perry St., N.	Both
Northcrest Circle	Northcrest Dr.	Cul-de-sac	E.
Northcrest Dr.	Oakwood Ave.	Derome Dr.	S.
Norton St.	Park St.	Leonard St.	W.
Norton St.	Leonard St.	Dead End	Both
Oak St.	First St.	Daggett Dr.	Both
Oakdale Dr.	Glenwood Ave.	Indiana Ave.	N.
Oakwood Ave.	Fillmore St.	Railroad St.	E.
Oakwood Ave.	Railroad St.	Corporation Limits	Both
Ohio St.	Glenwood Ave.	Scott St.	S.
Old Creek Dr.	Oakwood Ave.	Cul-de-sac	S.
Old School Dr.	Clairmont Ave.	Cul-de-sac	both
Orchard Ln.	Riverview Ave., W.	Briarcliff Dr., E.	S.
Orchard Ln.	Briarcliff Dr., E.	Briarcliff Dr., W.	N.
Orwig Ave.	W. Washington St.	Welsted St.	W.
Oxford St.	Appian Ave.	Cambridge St.	E.
Park Ct.	Park St.	Dead End	W.
Park Lane Dr.	Park St.	Cul-de-sac	W.
Park St.	Sheffield Ave.	Glenwood Ave.	North
Park St.	Riverview Ave., W.	Norton Ave.	North
Park St.	Norton Ave.	Sheffield Ave.	North
Perry St., N.	First alley North of Oakwood Ave.	Yeager St.	W.
Perry St., S. (S.R. 108)	Maumee River Bridge	Corporation Limit South	Both
Pontious Pl.	Perry St.	First St.	S.

Railroad St.	Scott St.	Perry St., N.	N.
Raymond St.	Perry St., S.	Third St.	N.
Raymond St.	Fifth St.	Dead End	Both
Reynolds St.	On Bridge		Both
Reynolds St.	Woodlawn Ave.	To Bridge	W.
Reynolds St.	Ohio St.	To Bridge	E.
Richmar Ln.	Indiana Ave.	Dead End	Both
Riverview Ave., W.	Perry St.	Corporation Limits	Both
Riverview Ave., E.	Perry St.	Corporation Limits	Both
Robinwood Ave.	Main St., W.	Welsted St.	W.
Rohm Dr.	Buckeye Ln.	Briarcliff Dr.	N.
Rohrs Ave.	Perry St., S.	Dead End, E. of Fifth St.	N.
Romain Ave.	Washington St.	Clinton St.	W.
Scott St.	Front St., W.	Main St., W.	Both
Scott St.	Clinton St.	North Corporation Limits	Both, except that part of Scott St. between Clinton St. and Shelby St., E. side in area posted for special parking
Second St.	Dead End, N.	Dead End, S.	Both
Sedward Ave.	Riverview Ave., W.	Dead End N. of Becca Ln.	W.
Sheffield Ave.	Riverview Ave.	Clinton St., W.	W.
Sheffield Ave., N.	Woodlawn Ave.	Lagrange St.	E.
Shelby St.	Perry St.	Maple St.	Both
Short St.	Appian Ave.	Cliff St.	Both
Spruce St.	Euclid St.	Beckham St.	Both
Stevenson St.	Carey St.	Lagrange St.	Both

Stout St.	Main St., E.	Riverview Ave.	W.
Strong St.	Sheffield Ave.	Haley Ave.	S.
Sycamore Dr.	Hurst Dr.	Jahns Rd.	S.
Taylor Dr.	Glenwood Ave.	Cul-de-sac	N.
Thershan Dr.	Becca Ln.	Cul-de-sac	W.
Third St.	Meekison St.	Williams St. (platted)	W.
Township Rd. P-3	Maumee Ave., E.	Corporation Limits	S.
Township Rd. R	Oakwood Ave.	Scott St., N.	S.
Trail Dr.	Scott St., N.	Dead End, S.	Both
Tyler St.	Washington St.	Clinton St.	W.
Union St.	Oakwood Ave.	Dead End	Both
Vincennes Dr.	Duquesne Dr.	Lemans Dr.	S.
Vine St.	Main St., W.	Welsted St.	E.
Vocke St.	Fillmore St.	Dead End	Both
Walnut St.	Daggett Dr.	Dead End	Both
Washington St., E.	Riverview Ave.	Wastewater Treatment	N.
Washington St., W.	Webster St.	Glenwood Ave.	N.
Washington St., W.	Scott St.	Webster St.	S. (except in area posted for special parking)
Wayne Park Dr.	Easterly intersection of Riverview Ave., W.	250' W. of easterly intersection of Riverview Ave.	Both
Wayne Park Dr.	250' W. of Riverview Ave.	Co. Rd. M1	N.
Wayne Park Dr.	Co. Rd. M1	Westerly Intersection of Riverview Ave., W.	S.
Wayne St.	Riverview Ave., E.	Main St., W.	E.

Welsted St.	Glenwood Ave.	Avon Pl.	S.
Westchester Ave.	Briarheath Ave.	Kenilworth Ave.	N.
Westchester Ave.	Kenilworth Ave.	Briarheath Ave.	S. (4 hr. parking)
Westmont Ave.	Briarheath Ave.	Glenwood Ave.	N.
Westmoreland Ave.	Clairmont Ave.	Bales Rd.	E.
Westwood Ave.	Harmony Dr., S.	Harmony Dr., N.	E.
Willard St.	Woodlawn Ave.	Lagrange St.	E.
Williamsburg Ave.	Becca Ln.	Dead End	S.
Wood Dr.	Scott St., N.	Cul-de-sac	Both
Woodlawn Ave.	Clinton St., W.	Corporation Limits	Both
Woodlawn Ct.	Woodlawn Ave.	High St.	E.
Yeager St.	Oakwood Ave.	Dodd St.	Both

### Schedule III – Stop and Yield Intersections

<u><i>STOP STREET</i></u>	<u><i>RIGHT-OF-WAY</i></u>
American Road	Oakwood Ave.
American Road	Enterprise Ave.
Arden Ct.	Main St.
Arden Ct.	Washington St., W.
Avon Pl.	Riverview Ave., W. - Rt. 424
Avon Pl.	Washington St., W.
Barnes Ave., E.	Fifth St.
Barnes Ave., W.	Maumee Ave., W.
Barnes Ave., E. & W.	Perry St., S.
Bauman Pl.	Lakeview Dr.
Becca Ln.	Seward Ave.
Beckham St.	Appian Ave.
Becklee Dr. (northbound)	Becklee Dr. (inbound)
Becklee Dr.	Scott St. (S.R. 108)
Becklee Dr.	Becklee Dr. (South of cul-de-sac)
Boatramp (both ends)	Riverview Ave. - Rt. 424
Boatramp (both sides)	Launch area
Bonaparte Dr.	Scott St. (S.R. 108)
Bordeaux Dr.	Duquesne Dr.
Bordeaux Dr.	Seward Ave.
Briarcliff Dr. (east intersection)	Orchard Ln.
Briarcliff Dr. (east intersection)	Rohm Dr.
Briarcliff Dr. (west end)	Buckeye Ln.
Briarheath Ave.	Bales Rd.
Broadmoor Ave.	Bales Rd.
Broadmoor Ave.	Chelsea Ave.

Brownell Ave.	Perry St., S.
Buckeye Ln.	Riverview Ave., W. - Rt. 424
Cambridge St.	Appian Ave.
Canal St. (both ends)	Riverview Ave., E. - Rt. 424
Capri Dr.	Bordeaux Dr.
Carey St.	Scott St.
Carey St.	Woodlawn Ave.
Chelsea Ave.	Bales Rd. (Eastern intersection)
Chelsea Ave.	Bales Rd. (Western intersection)
Chesterfield Dr.	Neward Dr.
Chesterfield Dr.	Sedward Ave.
Clairmont Ave.	Glenwood Ave.
Clairmont Ave.	Westmoreland Ave.
Cliff St.	Maumee Ave.
Clinton St., W.	Haley Ave.
Clinton St., E.	Riverview Ave., E. - Rt. 424
Clinton St., W. (eastbound only 3-way stop)	Sheffield St.
Commerce Dr.	Riverview Ave., E. - Rt. 424
Courtland Dr.	Scott St.
Cripple Creek Ct.	Jahns Rd.
Daggett Dr.	Huddle Rd.
Daggett Dr.	Maumee Ave., W.
Depot St.	Fillmore St.
Depot St.	Hobson St.
Depot St.	Oakwood Ave.
Derome Dr.	Northcrest Dr.
Detroit Ave.	Yeager St.
Dodd St.	Scott St.
Dodd St.	Yeager St.



Duquesne Dr.	Jahns Rd.
Duquesne Dr.	Lemans Dr.
Enterprise Ave.	Riverview Ave., E. - Rt. 424
Erie St.	Washington St., W.
Euclid Ave.	Appian Ave.
Fair St.	Oakwood Ave.
Fairview Dr.	Maumee Ave., W.
Fifth St.	Brownell Ave.
Fifth St.	Meekison St.
Fifth St.	Rohrs Ave.
Fillmore St.	Hobson St.
Fillmore St.	Riverview Ave., E.
Fillmore St.	Oakwood Ave.
First St.	Barnes Ave., W.
First St.	Maumee Ave., W.
First St.	Oak St.
Fourth St.	Barnes Ave., E.
Fourth St.	Brownell Ave.
Fourth St.	Meekison St.
Fourth St.	Rohrs Ave.
Freedom Dr.	Oakwood Ave.
Front St., W.	Riverview Ave., W.
Garden St.	Park St.
Garden St.	Riverview Ave., W. - Rt. 424
Glenbrook Ct.	Harmony Dr.
Glenwood Ave.	Riverview Ave., W., - Rt. 424
Glenwood Ave.	Rt. 6 & Rt. 24 by-pass
Glenwood Park	Glenwood Ave.
Graceway Dr., E. (S. end)	Graceway Dr., W.

Graceway Dr., E.	Maumee Ave., W.
Graceway Dr., W. (N. end)	Graceway Dr., E.
Graceway Dr., W.	Huddle Rd.
Haley Ave.	Riverview Ave., E. - Rt. 424
Haley Ave.	Woodlawn Ave.
Harmony Dr.	Glenwood Ave.
Harmony Dr., N.	Indiana Ave.
Harmony Dr., N.	Glenwood Ave.
High St.	Haley Ave.
High St.	Lumbard St.
Highland Ave.	Ohio St.
Highland Ave.	Lagrange St.
Highland Ave.	Woodlawn Ave.
Hobson St.	Clinton St., W.
Hobson St.	Front St., E.
Hobson St.	Oakwood Ave.
Hobson St.	Riverview Ave., E.
Hobson St.	Washington St., W.
Huddle Rd.	Maumee Ave., E.
Huddle Rd.	Perry St., S.
Hurst Dr.	Riverview Ave., W.
Hurst Dr.	Jahns Rd.
Independence Dr.	Oakwood Ave.
Independence Dr.	Enterprise Ave.
Indiana Ave.	Woodlawn Ave.
Interchange Dr.	Industrial Dr.
Interstate Dr.	Enterprise Ave.
Jahns Rd.	Riverview Ave., W.
Jefferson St.	Clinton St., E.

Jefferson St.	Front St., E.
Jefferson St.	Washington St., E.
Joliette Dr.	Capri Dr.
Joliette Dr.	Duquesne Dr.
Kenilworth Ave.	Briarheath Ave.
Kenilworth Ave.	Clairmont Ave.
Kenilworth Ave.	Glenwood Ave.
KenJames Ct.	Bonaparte Dr.
Kolbe St.	Scott St.
Kolbe St.	Woodlawn Ave.
Lafayette Dr.	Capri Dr.
Lafayette Dr.	Duquesne Dr.
Lagrange St.	Indiana Ave.
Lakeview Dr.	Oakwood Ave.
Lamar Ln.	Riverview Ave., E. - Rt. 424
Last St.	Beckham St.
Lemans Dr.	Capri Dr.
Leonard St.	Haley Ave.
Leonard St.	Norton Ave.
Lumbard St.	Clinton St.
Lumbard St.	Woodlawn Ave.
Lynne Ave.	Glenwood Ave.
Lynne Ave.	Westmoreland Ave.
Main St., W.	Avon Pl.
Main St., W.	Glenwood Ave.
Main St., W.	Haley Ave.
Main St., E.	Monroe St.
Main St., W.	Perry St., N.
Main St., E.	Stout St.

Main St., W.	Sheffield St.
Maple St.	Clinton St., E.
Maple St.	Fillmore St.
Martha Ln.	Hurst Dr.
Maumee Ln.	Maumee Ave., E.
Meekison St.	Appian Ave.
Meekison St.	Perry St., S.
Melody Ln., W.	Glenwood Ave.
Melody Ln.	Indiana Ave.
Meyerholtz Pk.	Riverview Ave., W.
Michigan Ave.	Lagrange St.
Michigan Ave.	Ohio St.
Michigan Ave.	Woodlawn Ave.
Monroe St.	Fillmore St.
Monroe St.	Front St.
Monroe St.	Oakwood Ave.
Monroe St.	Riverview Ave., E. - Rt. 424
Neward Dr.	Becca Ln.
Neward Dr.	Riverview Ave., W.
North St.	Oakwood Ave.
North St.	Perry St., N.
Northcrest Dr.	Oakwood Ave.
Northcrest Cl.	Northcrest Dr.
Norton Ave.	Main St., W.
Norton Ave.	Park St.
Norton Ave.	Strong St.
Norton Ave.	Welsted St.
Oak St.	Daggett Ave.
Oakdale Dr.	Indiana Ave.

Oakdale Dr.	Glenwood Ave.
Oakwood Ave.	Perry St., N.
Oakwood Park	Oakwood Ave.
Oberhaus Park	Maumee Ave., W.
Ohio St.	Glenwood Ave.
Ohio St.	Scott St.
Old Creek Dr.	Oakwood Dr.
Old School Dr.	Clairmont Ave.
Orchard Ln.	Briarcliff Dr.
Orchard Ln.	Riverview Ave., W.
Orwig Ave.	Main St., W.
Orwig Ave.	Washington St., W.
Orwig Ave.	Welsted St.
Oxford St.	Appian Ave.
Park Ln.	Park St.
Park Pl.	Park St.
Park St.	Glenwood Ave.
Park St.	Riverview Ave., W.
Perry St., N.	Yeager St.
Pontious Pl.	First St.
Pontious Pl.	Perry St., S.
Railroad St.	Oakwood Ave.
Railroad St.	Perry St., N.
Railroad St.	Scott St.
Raymond St.	Fifth St.
Raymond St.	Perry St., S.
Reiser St.	Monroe St.
Reiser St.	Perry St., N.
Reynolds St.	Ohio St.

Reynolds St.	Woodlawn Ave.
Richmar Ln.	Indiana Ave.
Ritter Park	Riverview Ave., W.
Rohm Dr.	Briarcliff Dr.
Romain St.	Clinton St., W.
Romain St.	Washington St., W.
Rye St.	Yeager St.
Scott St.	Riverview Ave., W. - Rt. 424
Second St.	Barnes Ave., E.
Sedward Ave.	Riverview Ave., W.
Sheffield Ave.	Clinton St., W.
Sheffield Ave.	Riverview Ave., W. - Rt. 424
Sheffield Ave.	Washington St., W.
Sheffield Ave., N.	Lagrange St.
Sheffield Ave., N.	Ohio St.
Sheffield Ave., N.	Woodlawn Ave.
Shelby St.	Hobson St.
Shelby St.	Maple St.
Shelby St.	Monroe St.
Shelby St.	Perry St.
Shelby St.	Scott St.
Short St.	Appian Ave.
Short St.	Cliff St.
Spruce St.	Beckham St.
Spruce St.	Euclid Ave.
Stevenson St.	Carey St.
Stevenson St.	Lagrange St.
Stevenson St.	Ohio St.
Stout St.	Riverview Ave., E. - Rt. 424

Stout St.	Washington St., E.
Strong St.	Haley Ave.
Strong St.	Sheffield Ave.
Sycamore Dr.	Hurst Dr.
Sycamore Dr.	Jahns Rd.
Taylor Dr.	Glenwood Ave.
Thershan Dr.	Becca Dr.
Third St.	Barnes Ave. W.
Third St.	Brownell Ave.
Third St.	Meekison St.
Third St.	Rohrs Ave.
Township Rd., P-3	Maumee Ave., W.
Township Rd. R	Scott St. - Rt. 108
Trail Dr.	Scott St.
Tyler St.	Clinton St., W.
Tyler St.	Washington St., W.
Union St.	Oakwood Ave.
Vincennes Dr.	Duquesne Dr.
Vine St.	Main St., W.
Vine St.	Welsted St.
Vocke St.	Fillmore St.
Vorwerk Park (both entrances)	Riverview Ave., E.
Walnut St.	Daggett Ave.
Washington St., E.	Riverview Ave., E.
Wayne St.	Clinton St., E.
Wayne St.	Main St., E.
Wayne St.	Riverview Ave., E.
Wayne St.	Washington St., E.
Wayne Park Dr.	Riverview Ave., W.

Webster St.	Clinton St., W.
Webster St.	Washington St., W.
Welsted St.	Avon Pl.
Welsted St.	Glenwood Ave.
Welsted St.	Haley Ave.
Welsted St.	Sheffield Ave.
Westchester Ave.	Briarheath Ave.
Westchester Ave.	Glenwood Ave.
Westchester Ave.	Kenilworth Ave.
Westmont Ave.	Briarheath Ave.
Westmont Ave.	Glenwood Ave.
Westmont Ave.	Kenilworth Ave.
Westmoreland Ave.	Woodlawn Ave.
Westwood Ave.	Harmony Dr.
Westwood Ave.	Harmony Dr., N.
Willard St.	Lagrange St.
Willard St.	Ohio St.
Willard St.	Woodlawn Ave.
Wood Dr.	Scott St. (S.R. 108)
Woodlawn Ct.	High St.
Williamsburg Ave.	Becca Ln.
Woodlawn Ct.	Woodlawn Ave.
Yeager St.	Oakwood Ave.

(b) All-Way Stops:

<b><u>INTERSECTION</u></b>
Bales Rd./Washington St., W. and Glenwood Ave.
Briarheath Ave. at Clairmont Ave.
Clinton St. at Monroe St.



Clinton St., W. at Norton Ave.
Glenwood Ave. at Woodlawn Ave.
Haley Ave. at Washington St., W.
Industrial Dr. at American Rd.
Indiana St. at Ohio St.
Kenilworth Ave. at Westmont Ave.
Main St., W. at Scott St.
Main St., W. at Webster St.
Main St., E. at Hobson St.
Monroe St. at Washington St.
Norton Ave. at Washington St.
Park St. at Sheffield Ave.
Raymond St. at Third St.
Scott St. at Front St.
Sheffield Ave. at Clinton St.
Third St. at Raymond St.
<a href="#">Westmoreland Ave. at Bales Rd.</a>

(c) Yield streets:

YIELD STREET	RIGHT-OF-WAY
Chelsea Ave. (north/south)	Chelsea Ave. (east/west)
Hobson St., (S. approach)	Washington St., E.
Last St.	Euclid St.
Monroe St.	Oakwood Ave.
Buckeye Ln. (eastbound) Buckeye Ln. (westbound)	Rohm Dr. (eastbound)

(d) Signals: Signals shall be at locations below described. The City Manager shall determine the sequencing of signals and may authorize night time flashing of signals and use of turn arrows.

<u>Location</u>	<u>Description</u>
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Perry St., S. (St. Rt. 108 at Rohrs St.)	This two (2) phased signal generally “stands on green” for South Perry St.. The Rohrs St. signal is actuated by loop detectors beneath the pavement.
Appian Ave. at Maumee Ave., E. (St. Rt. 110)	This three (3) phase signal controls a three-way intersection with Appian Ave. dead-ending into East Maumee Ave., actuated by loop detectors. The signal generally “stands on green” for through traffic on East Maumee Ave.
Maumee Ave. (St. Rt. 110) at Perry St., S. (St. Rt. 108)	This five (5) phase signal controls a four (4) way intersection actuated by loop detectors. Signal generally “stands on green” for through traffic on South Perry St. An all red phase added to provide for pedestrian traffic.
Perry St., N. at Front St., E. & W.	This two (2) phase signal generally “stands on green” for Perry St. The Front St. signal is actuated by loop detectors.
Perry St., N. (St. Rt. 108) at Riverview Ave. (St. Rt. 424)	This eight (8) phase, fully actuated signal controls a four-way intersection activated by loop detectors. Loop detectors are not provided for the North Perry St., through lanes. The signal generally “stands on green” for through traffic on North Perry St.
Perry St., N. (St. Rt. 108) at Washington St.	This three (3) phase signal controls a four-way intersection actuated by loop detectors which generally “stands on green” for through traffic on North Perry St.
Perry St., N. (St. Rt. 108) at Clinton St.	This three (3) phase signal controls a four-way intersection which is actuated by timed sequencing.
Clinton St. (St. Rt. 108) at Scott St. and Woodlawn Ave.	This four (4) phase signal controls a five-way intersection actuated by loop detectors.
Scott St. at Washington St.	This two (2) phase signal is actuated by timed sequencing to cycle through the intersection.
Scott St. (St. Rt. 108) at Lagrange St.	This three (3) phase signal controls a four (4) way intersection actuated by loop detectors. Signal generally “stands on green” for North Scott St.
Scott St. (St. Rt. 108) at Southern Entrance to Heritage Plaza	This three (3) phase signal controls a four (4) way intersection actuated by loop detectors. Signal generally “stands on green” for through traffic on North Scott St.
Woodlawn Ave. at Clairmont Ave.	This two (2) phase signal generally “stands on green” for Woodlawn Ave. The Clairmont Ave. signal is actuated by loop detectors.
Industrial Drive at Independence Drive	This two (2) phase signal is actuated by timed sequencing to cycle through the intersection.
Industrial Drive at Ramps “A” and “D”	This three (3) phase signal controls a 3-way intersection at Ramps “A” and “D” of the Industrial Drive Interchange. Loop detectors are provided on Ramp “A” for both left and right-through lanes. The signal generally “stands on green” for through traffic on Industrial Drive.

(e) Alleys:

All alleys shall be considered the yield street at all crossings with streets.

**RESOLUTION NO. 036-21**

**A RESOLUTION APPROVING THE ADDITION OF A FIFTY DOLLAR (\$50.00) SURCHARGE TO CITY OF NAPOLEON, OHIO EMPLOYEE HEALTH INSURANCE PREMIUMS FOR THE YEARS 2022, 2023, AND 2024, AMENDING RESOLUTION NO. 033-20; AND DECLARING AN EMERGENCY**

**WHEREAS**, Section 197.15 (a) (2) of the Codified Ordinances (Personnel Code) provides that: Subject to reasonable cost containment measures, the City provides group hospitalization, surgical, and extended medical benefits for each full-time regular employee in accordance with the benefit schedule provided in the City's plan as on file in the office of the City Finance Director marked "City of Napoleon Health Benefit Plan (#HBP-1)" and as may be amended from time to time by Resolution of Council. The City of Napoleon Health Benefit Plan (#HBP-1) shall include covered services, co-pays, and premium contribution; and,

**WHEREAS**, the Health Care Cost Committee met on August 20, 2021 and has recommended to City Council to approve a surcharge to City of Napoleon employees' health insurance premiums as follows: to add a fifty dollar (\$50.00) monthly surcharge to employees' health insurance premiums starting January 1, 2022 to employees that do not complete a wellness check, and also to employees' health insurance premiums whose spouse does not complete a wellness check as appropriate, by a licensed physician prior to June 30, 2021. Further, employees and spouses that complete the wellness check during the dates of August 1, 2020 through June 30, 2021 and turn in the Preventative Care Physician form by June 30, 2021, will not be assessed a surcharge to the employee's insurance premium. New employees will be afforded an opportunity to get a wellness check in their first year prior to being assessed a surcharge; and,

**WHEREAS**, the Health Care Cost Committee has also recommended to City Council that, the aforementioned fifty dollar (\$50.00) monthly surcharge be approved for the years 2023 and 2024, when the employee and the employee's spouse as appropriate do not complete an annual wellness check by a date certain which shall be specified for each year; and,

**WHEREAS**, the Health Care Cost Committee has also recommended to City Council that, beginning January 1, 2022, the City of Napoleon shall follow BORMA's 2022 Wellness Campaign, also recommending to extend the BORMA Wellness Campaign through the years 2023 and 2024; and,

**WHEREAS**, there was no recommendation to change the health plan in the year 2022 regarding current plans, voluntary plans, and out-of-pocket in network deductible;  
**Now Therefore,**

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

Section 1. That, upon recommendation of the Health Care Cost Committee, in the year 2021 and for the years 2022, 2023, and 2024, this Council approves amending Resolution No. 033-20, approving a fifty dollar (\$50.00) monthly surcharge to employees' health insurance premiums starting January 1, 2022 to employees that do not

complete a wellness check and also to employees' health insurance premiums whose spouse does not complete a wellness check as appropriate, by a licensed physician prior to June 30, 2021. Further, employees and spouses that complete the wellness check during the dates of August 1, 2020 through June 30, 2021 and turn in the Preventative Care Physician form by June 30, 2021, will not be assessed a surcharge to the employee's insurance premium. New employees will be afforded an opportunity to get a wellness check in their first year prior to getting assessed a surcharge.

Section 2. That, upon recommendation of the Health Care Cost Committee, in the year 2021 and for the years 2022, 2023, and 2024, this Council approves amending Resolution No. 033-20, approving a fifty dollar (\$50.00) monthly surcharge to employees' health insurance premiums starting January 1, 2023 to employees that do not complete a wellness check and also to employees' health insurance premiums whose spouse does not complete a wellness check as appropriate, by a licensed physician prior to June 30, 2021. Further, employees and spouses that complete the wellness check during the dates of August 1, 2021 through June 30, 2022 and turn in the Preventative Care Physician form by June 30, 2022, will not be assessed a surcharge to the employee's insurance premium. New employees will be afforded an opportunity to get a wellness check in their first year prior to getting assessed a surcharge.

Section 3. That, upon recommendation of the Health Care Cost Committee, in the year 2021 and for the years 2022, 2023, and 2024, this Council approves amending Resolution No. 033-20, approving a fifty dollar (\$50.00) monthly surcharge to employees' health insurance premiums starting January 1, 2024 to employees that do not complete a wellness check and also to employees' health insurance premiums whose spouse does not complete a wellness check as appropriate, by a licensed physician prior to a date certain to be determined. Further, employees and spouses that complete the wellness check during the dates recommended by the Health Care Cost Committee and approved by this Council, and turn in the Preventative Care Physician form by a date certain, will not be assessed a surcharge to the employee's insurance premium. New employees will be afforded an opportunity to get a wellness check in their first year prior to getting assessed a surcharge.

Section 4. That, also upon recommendation of the Health Care Cost Committee, in the year 2021 and for the years 2022, 2023, and 2024, this Council approves following BORMA's wellness campaigns.

Section 5. That, all provisions of the BORMA Benefit Plan shall remain in full force and effect, including current plans, voluntary plans, and out-of-pocket in network deductible.

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 8. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to effectuate the stated surcharge 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. 036-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, 2021; & 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. 037-21**

**A RESOLUTION AUTHORIZING A COMMUNITY  
REINVESTMENT AREA (CRA) AGREEMENT WITH  
KELLER LOGISTICS, INC. WITHIN NAPOLEON CRA #7;  
AND DECLARING AN EMERGENCY**

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

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

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

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

**WHEREAS**, Keller Logistics, Inc. made application that will involve a total capital investment in real property currently estimated at \$6,500,000.00, plus or minus ten percent (10%), in development and construction of a light industrial building, approximate size being 100,000 square feet (total), and appurtenances at the site located on parcel number 28-0700780200, Independence Drive, Napoleon, Ohio; and,

**WHEREAS**, it was recommended by the Director of the County Community Improvement Corporation of Henry County, Ohio, contracted administrator of the CRA's for the City, that Keller Logistics, Inc. receive a one hundred percent (100%) abatement for ten (10) years on the proposed real property improvements; and,

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

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

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

Section 1. That, the City approves and consents to a certain Community Reinvestment Area Agreement with Keller Logistics, Inc., in substantially the form as being currently on file with the City Finance Director, Agreement No. 2021-17, subject to any changes deemed appropriate by the City Manager and approved as to form and correctness by the City Law Director; said agreement having been reviewed by this Council.

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

Section 3. It is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that

resulted in such formal actions were in compliance with all legal requirements, including Ohio Revised Code Section 121.22 and the Codified Ordinances of the City of Napoleon, Ohio.

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

Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to expeditiously proceed with this development project for the economic welfare of the inhabitants of the City; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect a the earliest time permitted by law. Further, the Emergency Clause is necessary to begin the construction process in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: \_\_\_\_\_  
Joseph D. Bialorucki, Council President

Approved: \_\_\_\_\_  
Jason P. Maassel, Mayor

VOTE ON PASSAGE \_\_\_\_ Yea \_\_\_\_ Nay \_\_\_\_ Abstain

Attest:  
\_\_\_\_\_  
Roxanne Dietrich, Clerk of Council

*I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 037-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, 2021; and I further certify the compliance with the rules established in Chapter 103 of the Codified Ordinances of Napoleon, Ohio and the laws of the State of Ohio pertaining to Public Meetings.*

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



**RESOLUTION NO. 038-21**

**A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FOR THE IMPLEMENTATION OF AN UPGRADE OF THE WASH WATER BASIN CONTROLS, WHICH WAS NOT INCLUDED IN THE 2021 MASTER BID RESOLUTION, FOR THE CITY OF NAPOLEON, OHIO WATER AND WASTEWATER TREATMENT PLANTS, AND TO SOLE SOURCE SAID IMPLEMENTATION TO KOESTER CORP.; AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Napoleon, Ohio Water and Wastewater Treatment Plants' current wash water basin controls are in need of upgrading; and,

**WHEREAS**, the wash water basin controls are very specialized and there are very few providers of such controls; and,

**WHEREAS**, a review of the limited providers revealed that Koester Corp. could provide the needed upgrades and support to the software and hardware that could integrate with the City of Napoleon's other systems and functions; and,

**WHEREAS**, Koester Corp. was not included in the 2021 Master Bid Resolution (Resolution No. 062-20) for Engineering Services; and,

**WHEREAS**, the cost to implement the wash water basin control updates exceeds twenty-five thousand dollars (\$25,000.00); and,

**WHEREAS**, the City of Napoleon desires to sole source this project to Koester Corp. due to Koester's intimate knowledge of the City's current systems, (Koester has been involved in the City's SCADA implementation in the Water Treatment Plant and Wastewater Treatment Plant for the existing program), as well as Koester Corp. being the only local company having the necessary, specialized support for equipment and software, which may expedite the project; therefore, it is the opinion of this Council that it is in the best interest of the City of Napoleon to eliminate the necessity for competitive bidding; **Now Therefore**,

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

Section 1. That, the City of Napoleon authorizes the expenditure of funds in excess of twenty-five thousand dollars (\$25,000.00) for the update of the wash water basin controls at the Water and Wastewater Treatment Plants. Also, Council finds it to be in the best interest of the City to eliminate the necessity for competitive bidding.

Section 2. That, the City Manager is authorized to enter into a contract with Koester Corp. to conduct the update.

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

Section 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further,

if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time so that the update can be timely made which affect 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 implement the stated upgrade 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. 038-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, 2021; & 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. 032-21**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO ACQUIRE 12.91 ACRES OF LAND, LOCATED WITHIN THE CITY OF NAPOLEON, OHIO; AND DECLARING AN EMERGENCY**

**WHEREAS**, pursuant to City of Napoleon Charter Section 6.01, Council may provide, by ordinance or resolution, a method for the City to purchase, construct, lease, sell, or to otherwise dispose of real property and, tangible or intangible personal property, including the contracting therefor, that may be contrary to any provision of the laws of Ohio.

**WHEREAS**, the City of Napoleon desires to acquire a certain 12.91 acres of land, located within the City of Napoleon, Ohio; and,

**WHEREAS**, the City of Napoleon desires to acquire said land for further economic development of the City; **Now Therefore**;

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

Section 1. That, the City of Napoleon authorizes and directs the City Manager to execute any and all documents necessary for the acquisition of twelve and ninety-one one hundredths (12.91) acres of land which is located within the City of Napoleon.

Section 2. That, the properties listed are identified as at the location of the intersection of Commerce Drive and Interchange Drive, Napoleon, Henry County, Ohio; Parcel Number 28-070032.0000 and Parcel Number 28-070032.0300, consisting of twelve and ninety-one one hundredths (12.91) acres of land in total.

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

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

Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for the City to begin economic development of the property; 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.

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. 032-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_, 2021; & 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*



# City of *NAPOLEON*, Ohio

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

## MEMORANDUM

*Mayor*  
Jason Maassel

*Members of Council*

**PRESIDENT:**  
Joseph Bialorucki

**PRESIDENT PRO-TEM:**  
Daniel Baer

John Ross Durham  
Jeff Comadoll  
Kenneth Haase  
Lori Siclair  
Molly Knepley

*City Manager*  
Joel L. Mazur

*Finance Director*  
Kevin Garringer

*Law Director*  
Billy D. Harmon

**DATE:** September 20, 2021  
**TO:** Members of City Council  
Mayor Jason P. Maassel  
**From:** Joel L. Mazur, City Manager  
**SUBJECT:** Luzny Property Purchase Update

Staff has continued to investigate the wetland issue at the property since the last meeting. Attached is an updated map of the property with the affected areas delineated. Also, below are a few items to note moving forward.

Since this property drains via a ditch to a creek that connects to the Maumee River, the Army Corps of Engineers has jurisdiction. We currently have TTL Associates completing the wetland delineation and will have a full report before closing on the property, if City Council would approve of the legislation. It has been determined that the affected land is considered category 1 wetlands, which is the lowest grade of wetland.

To mitigate wetlands, there is a ratio of the amount of land that needs to be converted. For every acre of wetland that is “taken” or removed, 1.5 acres of wetlands needs to be created elsewhere. In this case, there are about 1.66 acres of land affected on this property, so that means about 2.49 acres need to be mitigated.

The lowest pricing that we were able to find right now is \$48,000/acre for mitigation through The Nature Conservancy. To start the process, the City needs to submit a permit application to the USACE, but would have to go through the Ohio EPA, the State Historic Preservation Office and the US Fish and Wildlife Service.

If these estimates are accurate, then the total cost breakdown to purchase the property, complete the due diligence, complete the wetland study, mitigate the wetland and complete the cleanup of the property is below:

• Phase I Assessment and Wetland Study:	\$6,000
• Property Purchase:	\$95,000
• Closing Costs	\$3,000
• Property Cleanup:	\$17,500
• Agency Permit Fees	\$??????
• Wetland Mitigation:	<u>\$119,520</u>
	<b>\$241,020</b>

At this value, this would put the total property expenses at approximately \$18,669/acre, which is still at or below the fair market value of industrial property in Napoleon. I still estimate fair market value of this property at approximately \$20,000 - \$25,000/acre.

It is my recommendation to move forward with the purchase of the property for the following reasons: First, properly mitigating the wetlands puts the property back into a position to be developed. Fallow land inside the City limits is not productive for the community.

Second, this puts the City into a position to manage what type of development occurs at the site. This is a strategic location given its proximity to the solar field and location inside of the industrial area of Napoleon. There are still plenty of opportunities for productive development for the City.

Third, ODOT was interested in the property once before. It is possible that they would be interested in the property again knowing that the wetland mitigation has occurred, and the property is for sale.

There are risks associated with moving forward. However, in my opinion, the cost to put this property back into productive reuse outweighs the expense of the work needed to make it happen. I recommend moving forward with the purchase.



# City of Napoleon, Ohio

## Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

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

www.napoleonohio.com

## Memorandum

**To:** Joel L. Mazur, City Manager  
**From:** Chad E. Lulfs, P.E., P.S., Director of Public Works  
**cc:** Mayor & City Council  
Kevin Garringer, City Finance Director  
Roxanne Dietrich, Clerk of Council  
**Date:** September 29, 2021  
**Subject:** Purchase of Vehicle for City of Napoleon  
Engineering Department

In the approved 2021 Budget, the purchase of a truck was approved with a budget of \$40,000. The price from the State Purchasing Contract is approximately \$33,000 (base price plus accessories) for a 4WD Crew Cab Short Bed GMC. I met with a representative from the local dealer and was informed that they could not match this price. I am requesting Council's approval to proceed with the purchase of the vehicle from the State Purchasing Contract. The total cost for the vehicle and the outfitting (i.e. flashers, bedliner) of the vehicle will remain below the approved budget of \$40,000.

If you have any questions or require additional information, please contact me at your convenience.

CEL



# Napoleon Police Department

## Chief David Mack

310 Glenwood Ave O.P.O. Box 151  
Napoleon, Ohio 43545-0151

Phone: (419) 599-2810 Fax: (419) 599-7969

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

Mayor  
Jason Maassel

September 29, 2021

City Manager  
Joel L. Mazur

Please deposit this \$100 donation into the Police Department Donation Account.

Police Chief  
David J. Mack

It can be used for any purpose. I have added it to the spread sheet.

Administrative  
Lieutenant &  
PIO  
Edward Legg

Sincerely,

Chief

MGMS

PD Donations

100 2100 44351

Lieutenants  
Chad Moll  
Greg Smith

Sergeant  
Justin Ruffer

CHARLES LEADER 06-11  
TRUUS LEADER

9-22-21 Date

Pay to the Order of The Napoleon Police Dept. \$ 100.00

One Hundred Dollars 100 - Dollars

For a donation with thanks Truus Leader

Photo Safe Deposit Details on back

\$25 for from ANON Citizen  
CASH



RULES  
AND  
REGULATIONS  
OF  
CITY COUNCIL

CITY OF NAPOLEON, OHIO

#CRR-2001

# HISTORY

**Adopted - January 3, 1994 - Ordinance No. 1-94**

**Repealed In Entirety And Adopted - October 3, 1994 - Ordinance No. 85-94**

**Amended - November 21, 1994 - Ordinance No. 104-94**

**Amended - January 3, 1995 - Ordinance No. 1-95 - Repealed Ordinance No. 104-94**

**Amended - June 2, 1997 - Ordinance No. 53-97**

**Amended - September 15, 1997 - Ordinance No. 78-97**

**Amended - December 22, 1997 - Ordinance No. 123-97**

**Amended - March 29, 1999 - Ordinance No. 18-99**

**Amended - October 4, 1999 - Ordinance No. 71-99**

**Repealed In Entirety And Adopted June 4, 2001 - Ordinance No. 67-01**

**Amended – July 21, 2003 – Ordinance No. 70-03**

**Amended – January 19, 2004 – Resolution No. 122-03**

**Amended – October 6, 2008 – Ordinance No. 078-08**

**Amended – April 6, 2009 – Ordinance No. 028-09**

**Amended – January 16, 2012 – Ordinance No. 007-12**

**Amended – June 15, 2015 – Ordinance No. 029-15**

**Amended – December 4, 2017 – Ordinance No. 068-17**

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<b>Rule 1.2</b>	<b>Public Meetings</b>	<b>1</b>
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<b>Rule 1.5</b>	<b>Emergency Meetings</b>	<b>1</b>
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**RULE 1 MEETINGS, PLACE, TIME OF CONVEYING, QUORUM, ORDER OF BUSINESS**

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**Rule 1.1 Place of Meetings**

All meetings of the council shall be held in the place designated as council chamber in the city municipal building, unless otherwise ordered by the council.

**Rule 1.2 Public Meetings**

Except as provided by charter, ordinance, resolution, rule or statute, all meetings of the council or committees thereof shall be public, and, upon request of any citizen desiring to be heard on any matter then under consideration by the council, the council may hear the citizen or, on motion, send it to a committee and hear such citizen at such time and for such period as council or the committee may determine. Persons desiring to be heard by any committee of council on any matter then under consideration may by consent of such committee be given an opportunity to be heard thereon. All public comments, whether at council or at committee meetings, shall be limited to five (5) minutes per person, unless council president or committee chairperson grants an extension. Each extension shall be for an additional five (5) minutes, unless council president or committee chairperson states at the time of granting the extension any other increment. All minutes and the record of the council shall be open to the public at all reasonable times.

**Rule 1.3 Regular Meetings**

The council of the city shall hold regular meetings at 7:00 p.m. on the first and third Monday of each calendar month at the municipal building. However, if the first or third Monday shall be an observed city holiday, the council shall meet on the following day.

**Rule 1.4 Special Meetings**

Special meetings may be called by a vote of council taken at any meeting thereof, or by the clerk of council upon written request of the council president, the mayor or any three (3) council members. Any such request shall state the time, place, date and purpose of the meeting. Notice in writing of each special meeting called, except by approved motion of council, shall be given to each council member and the mayor not less than twenty-four (24) hours prior to the meeting by serving the same to each of them personally, by leaving a copy thereof at his or her usual place of residence, or by electronic mail or by facsimile transmission when the council member or mayor authorizes electronic or facsimile notice. Service of notice may be waived in writing and shall be deemed conclusively to be waived by attendance at the special meeting. If the mayor or any council member is absent, notice in writing of the special meeting and the results thereof shall be given promptly after such meeting to each absentee in the manner hereinbefore provided. Public notice of each special meeting shall be given pursuant to Chapter 103 of the Codified Ordinances.

**Rule 1.5 Emergency Meetings**

Emergency meetings may be called when a situation or situations requires immediate official action as determined in the sole and final judgment of the person or persons authorized above to call a special meeting. An emergency meeting shall be considered a “special meeting” of an emergency nature. For such meeting, any notice requirement as required for a special meeting shall be an immediate notice.

**Rule 1.6      Adjournment**

Any regular or special meeting of council may be reconvened after adjournment or recess to another time, date or place without giving additional notice, so long as the time, date or place is announced at the meeting prior to adjournment or recess.

**Rule 1.7      Quorum**

A majority of the current members of council shall constitute a quorum for the transaction of business at any council meeting, but a number less than a quorum may adjourn a meeting and compel the attendance of absent members in such manner and under such penalties as council may provide.

**Rule 1.8      Order Of Business**

Rule 1.8.1    The Clerk

The clerk shall note the attendance of the council members, the mayor and administrative staff at the call of the meeting.

Rule 1.8.2    Prayer

Rule 1.8.3    Pledge of Allegiance

Rule 1.8.4    Minutes

(In the absence of any objections or corrections, minutes shall stand approved, see rule 2.1)

Rule 1.8.5    Citizen Communication

Rule 1.8.6    Report from Committees

Rule 1.8.7    Second Reading Of Ordinances And Resolutions

Rule 1.8.8    Third Reading Of Ordinances And Resolutions

Rule 1.8.9    Any Other Business As May Properly Come Before Council (Pay Bills),  
                  (Miscellaneous), Action/Discussion, Etc.

Rule 1.8.10   Adjournment

Rule 1.8.11   Introduction Of Items By The Presiding Officer

The presiding officer may, without objection, permit a member to introduce an ordinance, resolution, or motion out of the regular order or rearrange the agenda.

Rule 1.8.12   Payment Of Bills

The city bills shall stand approved unless a bill or bills are otherwise disapproved by motion of council. The city finance director, in director's sole discretion, may pay bills prior to approval when deemed necessary. This rule is not to be construed in any way to limit council's authority to review bills.

**Rule 1.9 Council Agenda**

Clerk shall set the council agenda with approval of the council president. Failure of the council president to approve within twenty-four (24) hours of the clerk sending the agenda constitutes approval. It shall be the duty of the clerk to have set aside conspicuously in the city record a portion to be entitled the "agenda". Under this title the clerk shall arrange and have printed in consecutive order by title ordinances and resolutions that are on for passage at the next meeting of council. When action upon any measure appearing upon the agenda is postponed to a day certain, such measure shall be considered on said day to which postponed whether or not it appears on the agenda of said day. The mayor or three (3) council members may add items to the agenda.

**Rule 1.10 Agenda for the Organizational Meeting**

In addition to the normal agenda the agenda for the organizational meeting shall include, in this order:

1. Call to Order by Clerk of Council.
2. Prayer and Pledge of Allegiance.
3. Swearing in (Oath of Office) of Mayor and Council Members Elect.
4. Election of President of Council.
5. Election of President Pro-Tem of Council.
6. Seating Order of City Council.
7. Appointment of Standing Committees of Council.
8. Appointment of Personnel Committee.
9. Setting of Meeting Dates and Times for Regular Meetings of Council.
10. Setting of Meetings Dates and Times for Standing Committees of Council.
11. Appointment of Clerk of Council.



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**RULE 2      OFFICERS AND EMPLOYEES OF COUNCIL**

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**Rule 2.1      Presiding Officer**

The president of council, and in the president's absence, the president of council pro-tem, shall preside over the meetings of the council until the president arrives. In the absence of both the president and president pro-tem the city clerk shall call the council to order; and if after the roll is noted and a quorum is present, the council shall choose one of its members as "presiding officer" who shall preside until the president or president pro-tem of council arrives. The president pro-tem or presiding officer shall discharge all the duties and be cloaked with all the powers of the president of council during, but not beyond, that specific meeting, except as provided in the city charter. (In no case shall the president pro-tem possess the power and authority of the mayor when the council president is in the dual capacity of acting mayor and council president.) The presiding officer shall sign all documents (i.e. resolutions and ordinances) as the presiding officer. Except as provided above, the presiding officer shall call all meetings of the council to order at the hour appointed and shall proceed with the order of business. In any case, if a quorum is present, the presiding officer shall give the members an opportunity for correcting the journal of the previous meeting as delivered. In the absence of any objections or corrections, the minutes shall stand approved. The presiding officer shall preserve order and decorum, prevent personal attacks or the impugning of members motives, confine members in debate to the question under discussion, and decide all points of order subject to an appeal to the council.

**Rule 2.2      Votes Necessary for Election of Officers and Employees**

Except as herein provided, no candidate for president or president pro-tem of council shall be declared elected unless the person shall have received a majority vote of all current members of council, and no person shall be employed by this council except pursuant to a majority vote of all current members of council. No vacancy that council is authorized to fill shall be filled except pursuant to majority vote of all current members of council. In the event of a tie vote of the current members of council when electing the president and/or present pro-tem as provided for in this Rule 2.2, the winner shall be decided by the flip of a coin, unless another method is approved by majority vote of all the current members of council.

**Rule 2.3      Roll Call Votes**

Upon the roll call for the election of president and president pro-tem of council, or employee of council, or for filling any vacancy in the membership of council, each member shall respond by stating the name of the candidate of their choice eligible for such office or appointment. Once a response is given by a member, a motion may be made for nomination for appointment or position. If the motion receives a second (2nd), said person shall become eligible for such office or position. A vote in the open shall be taken among all current members of council for filling such office or position. Rule 2.2 shall control in determining who is elected.

**Rule 2.4 Protocol for Election of President and President Pro-Tem**

In separate actions, the Clerk of Council shall request each member of Council for a name of a candidate for President of Council and a name of a candidate for President Pro-Tem of Council. This shall be asked by first in elected or appointed seniority order (Seniority Or der defined as the number of total consecutive years served on City Council from the latest appointment or election date with no break in service), and then alphabetically by last name order for those with equal number of years.

When requested by the Clerk of Council for a nomination for President or President Pro-Tem of Council, each Council Member may: 1) state a name 2) may state their own name 3) may pass if name has already been previously stated and a motion made. Once a name is stated a motion will be requested for the stated name. If a motion (1st) is made, a second (2nd) will be requested. If a second (2nd) is received, then that name will be eligible to be voted on. The Clerk of Council shall proceed to the next member of Council until all members have had their opportunity to state a candidate for President or President Pro-Tem of Council. Members of Council may nominate themselves for President or President Pro-Tem of Council. Once a given name is stated, and motion and second received, that given name does not need to be repeated by the next person in line.

A vote shall then be taken on each name given, starting with the first eligible name. Each Council Member will be asked to vote *Yes* or *No* on each name presented. The person receiving a clear majority of Yes votes shall be appointed to the office President or President Pro-Tem of Council. In the case of a tie vote on three (3) or more names, than a new vote shall be taken until one of those persons receives a clear majority vote. In the case of a tie vote on two (2) names only, the winner shall be decided by the flip of a coin, unless another method is approved by majority vote of all the current members of Council. Members of Council may Vote for themselves for President or President Pro-Tem of Council.

**Rule 2.5 Seating Order for Council**

Seating Order shall be from President to President Pro-Tem to Seniority Order, as listed in the example below, unless modified by a majority vote of Council:

COUNCIL SEATING ORDER

Mayor	President
1st Senior	President Pro-Tem
3rd Senior	2nd Senior
5th Senior	4th Senior

A motion to approve to the Seating Order will be requested. If a motion (1st) is made, a second (2nd) will be requested. If a second (2nd) is received, then a vote will be taken to approve the Seating Order of Council. If a simple majority is received, then Seating Order of Council stands approved.

## **Rule 2.6 City Clerk**

The council shall establish a procedure to select a name for clerk of council. Once a name is selected, if a motion (1<sup>st</sup>) is made, a second (2<sup>nd</sup>) will be requested. If a second (2<sup>nd</sup>) is received, then a vote will be taken to approve the clerk of council. If a simple majority is received, then the appointment of the clerk of council stands approved. Failure to get approval by city council would require the city council to submit a different name for appointment and vote. The clerk shall keep the record of the council, and he or she shall be the editor of the city record. He or she shall keep a proper file of all papers and documents that are a part of the transactions of the council, of meetings of committees, and all orders of the council, and shall make such records available to the public when required by law. He or she shall cause to be kept minutes of each meeting, which shall be kept in record form and made available for public inspection when required by law. The record of meetings shall be kept electronically or in the form of loose sheet records and need not be printed in the city record nor copied in any other book. The city record shall contain attendance of members at the meetings. In addition, the clerk shall report to council the absence of members from council meetings and shall perform such other and further duties as may from time to time by charter, ordinance, resolution, rule or statute be required of him or her. The city clerk, as editor of the city record, shall see that the following rules are observed in the preparation and introduction of ordinances and resolutions and in the editing and printing of the city record the clerk is cloaked with the power and authority to correct clearly typographical errors in all minutes, ordinances, resolutions, motions, or other measures, without prior or subsequent action of council.

### **Rule 2.6.1 Title of All Ordinance and Resolutions**

The title of all ordinances and resolutions shall be confined to a brief statement of the subject matter of the bill and shall be printed in bold face type.

### **Rule 2.6.2 Preambles**

Preambles or “whereas” in ordinances and resolutions shall be restricted to one paragraph, except where a “whereas” is an essential part of the ordinance or resolution.

### **Rule 2.6.3 Ordinances and Resolutions**

Ordinances and resolutions shall, in their preparation, be divided into short sections, whenever practicable, in order to permit amendments being made without printing so much of the original ordinance or resolution.

### **Rule 2.6.4 The Minutes**

The minutes, if any, proceedings and reports of any administrative boards or any committee, shall be prepared and kept in the clerk's office.

### **Rule 2.6.5 Cumulative Subject Index**

Once each year the clerk shall prepare for distribution and print in the city record a cumulative subject index covering the ordinances and resolutions passed by council.

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**RULE 3      COMMITTEES**

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**Rule 3.1      Standing Committees of Council**

The following standing Committees of Council have been established by Charter:

- Rule 3.1.1    Finance and Budget
- Rule 3.1.2    Safety and Human Resources
- Rule 3.1.3    Electric
- Rule 3.1.4    Water, Sewer, Refuse, Recycling and Litter
- Rule 3.1.5    Parks and Recreation
- Rule 3.1.6    Technology and Communication
- Rule 3.1.7    Municipal Properties, Building, Land Use and Economic Development

**Rule 3.1.8    The Appointment of Standing Committees**

The council president shall select and appoint the standing committees, subject to approval of council. If council fails to act by January 31<sup>st</sup> next following the organizational meeting of council, the selections and appointments of the council president shall become effective. Prior to selection or appointment to the standing committees, the council president may allow in an open council meeting for members of council to request committee appointments, first being for the chair thereof. Requests made shall be in accordance with elected or appointed seniority on council (number of total consecutive years served on city council from the latest appointment or election date with no break in service, and then alphabetically by last name order for those with equal number of years). After chair requests are completed, the members in accordance with seniority shall be given the opportunity to select a non-chair position of the standing committees; thereafter, junior members in reverse order shall be allowed to request remaining open seats on the standing committees.

Once Committee members are selected, the President of Council should declare appointments made. A motion to approve to the Appointment of Standing Committees will be requested. If a motion (1<sup>st</sup>) is made, a second (2<sup>nd</sup>) will be requested. If a second (2<sup>nd</sup>) is received, then a vote will be taken to approve the Appointment of Standing Committees. If a simple majority is received, then the Appointment of Standing Committees stands approved. Failure to get approval by City Council would require the procedure to be follow again until a simple majority vote of Council is received.

Each standing committee shall consist of three (3) council members. Each council member shall serve as chairperson of one (1) standing committee and shall serve on two (2) other standing committees. Each committee shall be governed by the rules and regulations of council. Each committee shall investigate and study matters referred to it for consideration and shall report its findings and recommendations to Council as a whole. The mayor shall serve as an ad hoc member of the finance and budget committee, and the municipal properties, buildings, land use and economic development committee, with full voting rights in both committees.

In the event there is a lack of a quorum at any standing committee meeting, the most senior member of council who is not a member of the committee present at the meeting may act and continue to act as a pro-tem standing committee member thereto, with full voting rights therein, until such regular standing committee member arrives.

### **Rule 3.2 Committee Meetings**

A majority of the members of a committee shall constitute a quorum for the transaction of business. Council President, Clerk of council and Chairperson of standing committee shall set their respective regular monthly date and time of their standing committee. Once the regular monthly dates and times are set for the committee meetings, a motion may be made and a vote taken by council to approve and affirm the dates and times. The schedule shall be posted upon the bulletin board in the city's principal municipal building. Should the chairperson of a committee find it necessary to hold the meeting at another time or place, notice shall be provided pursuant to chapter 103 of the codified ordinances. All committee meetings shall be open, (except that, upon approved motion, an executive session may be entered into for a proper purpose) and committee report containing a record of the attendance of members of the committee and the action taken thereat shall be kept by the committee in a record provided for that purpose. Such record shall be kept on file with the clerk of council and open to public inspection as other public records. Absence of a member of a committee from three consecutive meetings, unless authorized by the chairman of the committee, may, upon the recommendation of the committee cause the removal of the member from the committee by the president of council (except that the mayor may not be removed by the council president from committees that the mayor serves pursuant to the city charter). No legislation shall be amended while in committee, and it shall be the duty of the committee to recommend to council the approval, disapproval, or amendment of any legislation under consideration by the committee. A majority of the members of a committee shall be necessary for the recommendation of approval, disapproval, or amendment of any legislation pending before a committee. All other motions shall require only a majority vote of the members of committee present. Committee meetings may be called as study sessions whereupon, unless permitted by the chairman, no person from the audience will be given the floor to speak.

### **Rule 3.3 Committee Rules**

Except in case of obvious inconsistency or inapplicability, committee hearings shall be governed by the rules applicable to council proceedings.

### **Rule 3.4 Committee Reports**

No proposed ordinance, resolution, petition, or other matter shall be considered by a committee unless referred thereto by council, the council president or the mayor. No ordinance, resolution, petition, or other matter which has been referred, except as provided for in Rule 6.12, shall be approved or disapproved and reported out until it shall have first been considered at a committee meeting called as provided for herein. The question of the recommendation for approval or disapproval on any matter shall be put by the chairman upon motion of any member, which shall not require a second. If a majority of the members of the committee vote affirmatively on such matter shall be reported forthwith to council as a non-adverse recommendation, but if a majority of the members of the committee vote negatively on the question, the matter shall be reported forthwith to council as an adverse recommendation. The vote on all matters before the committee

shall be recorded in the committee minutes. When a majority of the committee has reported, recommending or not recommending action of the matter under consideration the minority may present a minority report. All such reports shall be in writing and signed by the members of the committee voting in favor of or against the report. Reports may merely consist of the recommendation of the committee, the body of council relying on the committee minutes for explanation. If a committee cannot reach an affirmation or negative recommendation after three (3) considerations, it shall be reported out as no recommendation, unless the time is extended by approval of council.

**Rule 3.5 Ad Hoc Committees**

When no committee exists to cover a given topic for consideration, the president of council may, upon approved motion, appoint an “ad hoc” committee made up of those members of council deemed appropriate by the president. The president shall appoint a chairman thereof.

**Rule 3.6 Committee Members**

Upon approved motion of council, committee members (except the mayor as a committee member on a committee he or she is required to serve on pursuant to the city's charter) at any time may be removed from any committee they are currently serving and be placed on a substitute committee.

**Rule 3.7 Council Members Ad Hoc Members of Committees**

The council president may at will appoint ad hoc committees, subject to approval of council, except as may otherwise be provided by the city's charter, ordinance, or resolution regarding membership thereof. Notwithstanding the provisions of chapter 121 of the Ohio Revised Code, council members may attend committee meetings as an ex-officio ad hoc member thereto without the necessity of calling for a committee of the whole; moreover, such gathering shall not constitute or be construed as a regular or special council meeting, as such meetings shall follow the rules applicable to committee meetings; however, any council person, who is not a regular member of the convened committee, serving as such ex-officio ad hoc member thereof, should be a mere passive observer in a ministerial fact gathering capacity or informational session. Nothing in this rule shall be construed as to prohibit such council person from answering questions when inquired of by the committee, nor does it bar a council person from entering into discussions with the committee; however, no such council person, as an ex-officio ad hoc member, (except as provided in rule 3.1 that provides for a pro tem member) may make a motion, second a motion, or vote on any issue before the committee while in committee. Nothing contained herein shall be construed to bar such council person from participating in discussions, motions, voting or other action when the subject matter is considered by the council as a whole. This provision is not to be construed to prevent council persons appointed to ad hoc committees from carrying out their role as a committee member. Finally, (except as provided in rule 3.1 that provides for a pro tem member) the absence or presence of an ad hoc ex-officio council member at a committee meeting shall not affect the number required for a quorum in order to function as a committee.

**Rule 3.8 Joint Sessions Of Committees, Boards, Commissions**

Notwithstanding the provisions of chapter 121 of the Ohio Revised Code, council members, committee members, board members or commission members may attend meetings of each other; however, if attended for the purpose of a prearranged discussion



of the public business by a majority of its members, it should be published as a joint session and called and conducted as such. Both bodies should call their respective body to order and have minutes taken and prepared for each. Visiting members of bodies, other than that body scheduled for an official session, may attend; however, if a quorum of the visiting body should happen to formulate, then those visiting attendees shall be mere passive observers in a ministerial fact gathering capacity or informational session. Nothing in this rule shall be construed to mean that council meetings are required to call “joint session” with committees of council while meeting as a council of the whole.

**Rule 3.9 Personnel Committee**

A personnel committee, consisting of the mayor and two (2) council members appointed by the council president is established by the charter. Council President shall appoint two (2) Council members to the Personnel Committee. If a motion (1st) is made, a second (2nd) will be requested. If a second (2nd) is received, then a vote will be taken to approve the Appointment of Personnel Committee. If a simple majority is received, then the Appointment of the Personnel Committee stands approved. Failure to get approval by City Council would require the Council President to re-submit names for appointment and vote.

The personnel committee shall, when a vacancy exists for the office of city manager, city finance director or city law director due to death, resignation, or removal, investigate and subsequently recommend in writing one (1) or more suitable persons for appointment. The members of the personnel committee shall select one (1) of its members as chairperson. All recommendations of the personnel committee shall be presented by the mayor to council as a whole.

**Rule 3.10 Audit Committee**

Notwithstanding any rule to the contrary, the finance and budget committee of the city council shall also serve as the “audit committee” of the city. The audit committee shall serve as a liaison between management and its auditors, where the primary functions of such committee shall be to monitor and review the city’s accounting and financial reporting practices and to follow up on citations and recommendations made by its auditors. The audit committee meeting may but is not required to be published separate and apart from any finance and budget committee meeting; however, matters considered by the audit committee shall perform its functions at least quarterly each year; moreover, the committee should be made available to the auditors before and after each audit.

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**RULE 4      DUTIES OF MEMBERS**

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**Rule 4.1      Duties, Privileges, and Decorum of Members****Rule 4.1.1      Attendance**

The clerk shall publish in the city record the names of the members present and absent and if appropriate the time of arrival or departure.

**Rule 4.1.2      Duty To vote**

Every member present shall vote on all questions upon the call of the vote, except in case of conflict. A vote shall be yea or nay or an equivalent thereof. No member shall vote on any question in which such member is financially interested, unless otherwise permitted by law, or which in any way involves personal or private rights. The mere abstention does not vacate the seat nor reduce or enlarge the required number of votes required for passage or defeat of any motion, ordinance, resolution or other measure.

**Rule 4.1.3      Recording Votes**

On the passage of every ordinance, resolution or motion and on the appointment of every officer, the vote shall be taken by yeas and nays or an equivalent thereof, entered in full upon the records, and published in the official journal. Upon the call of the yeas and nays the clerk shall call the names of members in the following manner:

- 1)      The member immediately to the right of the member who voted first (1st) at the prior regular council meeting shall be called first (1st), then followed by the remaining member nearest to their right until every member has voted or otherwise abstained.

**Rule 4.2      Right of Floor**

When any member is about to address the council, the member shall respectfully address themselves to the presiding officer, and when recognized by the chair shall confine themselves to the question under debate, avoid personalities and refrain from impugning the motives of any other member's argument or vote. When two (2) or more members ask recognition at the same time, the presiding officer shall name the member who is first to speak and the exercise of such discretion by the presiding officer shall not be subject to appeal under rule 4.5.

**Rule 4.3      Time Limits for Speaking**

No member shall be allowed to speak for a longer time than five (5) minutes at any one (1) time without permission of the council. No member shall speak more than once on the same motion until every other member desiring to speak on that motion shall have had an opportunity to do so, nor shall the mayor nor any manager or staff member speak longer than five (5) minutes upon the same motion, ordinance, or question without the consent of the council.



**Rule 4.4 Member Called to Order**

If any member, in speaking or otherwise, transgresses the rules of the council, the presiding officer shall call the offending member to order. The member so called to order shall refrain from further speaking unless permitted by the presiding officer to explain. Any member may, by raising the point of order, call the attention of the presiding officer to such transgression. The point of order shall be decided by the presiding officer without debate. Every such decision of the presiding officer shall be subject to appeal to the council by any two (2) members.

**Rule 4.5 Appeal from Ruling of Chair**

Any member may appeal to the council from a ruling of the presiding officer, the member making the appeal may briefly state his or her reason for the same, and the presiding officer may briefly explain his ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The presiding officer shall then put the question, "Shall the decision of the chair be sustained?" If a majority of the members present vote yea, the ruling of the chair is sustained; otherwise it is overruled.

**Rule 4.6 Reading from Written Matter**

Any member while discussing a question may read from books, papers, or documents, any matter pertinent to the subject under consideration without asking leave; provided, however, that such reading shall be subject to and included within the time limitation prescribed in Rule 4.3.

**Rule 4.7 Personal Privilege**

Any member may rise to explain a matter personal to himself and on stating that it is a matter of personal privilege, he or she shall be recognized by the presiding officer, but shall not discuss a question or issue in such explanation. Such explanation shall not consume more than five (5) minutes of time unless extended by consent of the council. Matters of personal privilege shall yield only to a motion to recess or adjourn.

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**RULE 5      MOTIONS**

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**Rule 5.1      Motions in General**

Council may take action by a motion approved by a vote of at least a majority of those attending the meeting, unless otherwise a greater majority is provided by charter provision, ordinance, resolution, or rule, and when action by ordinance or resolution is not otherwise required.

The use of a motion is ordinarily in the parliamentary procedure to expedite and control the deliberations of the legislative authority in the transaction of business. As a general rule, however, the council authority may act by motion where the legislative character of the action is not involved.

**Rule 5.2      Purpose and Form Of Motions**

Motions shall be used to expedite the orderly transaction of the business of council and shall not be substituted for resolutions or ordinances. A second (2nd) shall be required for any motion except as specifically provided for in a rule, but upon demand of any member any motion shall be reduced to writing. Any such motion may be withdrawn by the maker before it has been amended or voted upon. When a motion is made it shall be stated by the presiding officer before any debate shall be in order. All motions which have been entertained by the presiding officer shall be entered upon the minutes.

**Rule 5.3      Precedence of Motions**

When a question is before the council no motion shall be entertained except the following:

- Rule 5.3.1    To Enter Executive Session
- Rule 5.3.2    To Adjourn
- Rule 5.3.3    To Fix The Hour Of Adjournment
- Rule 5.3.4    For The Previous Question
- Rule 5.3.5    To Lay On The Table
- Rule 5.3.6    To Suspend Rules
- Rule 5.3.7    To Refer To A Committee
- Rule 5.3.8    To Amend

These motions shall have precedence in the order indicated. The Motion to adjourn and the motion for the previous question shall be put to a vote without debate; the motion to fix the hour of adjournment shall be debatable only as to the time of such adjournment; and all other motions shall be debatable.

**Rule 5.4      Questions**

Any member may ask the presiding officer to call the main questions and it is up to the presiding officer to recognize or not the member's request.

**Rule 5.5      Motion to Lay On The Table**

The motion to lay on the table shall dispose of the action unless removed from the table by the majority of all current members of council.

**Rule 5.6      Reconsideration by Motion Of Council**

After the decision of any question, any member who voted with the majority may move for reconsideration of any action at the same or the next succeeding meeting provided, however, that a resolution authorizing or relating to any contract may be reconsidered at any time before the final execution thereof. A motion to reconsider shall require a majority vote of all current members of council. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without unanimous consent of the all current members of council (example for illustration only; to correct error).

**Rule 5.7      Reconsideration by Order of Mayor**

Upon failure of any ordinance or resolution, the mayor may order a one (1) time reconsideration by council, so long as such order is made at the same council meeting when the ordinance or resolution failed. No motion is required of council upon an order of reconsideration and, the council shall immediately reconsider the proposed ordinance or resolution at that meeting.

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**RULE 6      ORDINANCES AND RESOLUTIONS**

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**Rule 6.1      Character of Ordinance or Resolution**

The nature of the subject matter determines the character of the legislation as an ordinance or resolution and not the form or designation applied by council. If the substance of a legislative act is such that it should be an ordinance, and all the rules prescribed for the adoption or passage and publication of ordinances have been observed and complied with, it takes effect as an ordinance; and vice versa as to a resolution.

**Rule 6.2      Ordinances and Resolutions**

Each proposed ordinance or resolution shall be introduced in writing and the adoption, effective date, revision, amendment and signing thereof shall be as provided by the laws of Ohio, except as otherwise provided by the city's charter or, where not so otherwise provided by the charter, then, as council may provide otherwise by ordinance or resolution. Nevertheless, where the charter or council may not be contrary to Ohio law as it relates to adoption, effective date, revision, amendment or signing of ordinances or resolutions, due to the subject matter, as determined in case law by a court of competent jurisdiction, it shall be as provided by the laws of Ohio.

**Rule 6.2.1    Presiding Officer to Present Legislation**

The presiding officer shall present the ordinance and resolution to open the floor for discussion. Introduction shall be by title in the same manner as prescribed for passage (see rule 6.3). At any time a motion may be entered to further or dispose of the ordinance or resolution.

An ordinance or resolution shall be introduced only by written introduction. Said ordinance or resolution shall receive first (1st) reading and a vote taken thereof. If approved after first (1st) reading, said ordinance or resolution shall receive a second (2nd) reading at the next meeting of council. If said ordinance or resolution is approved at the second (2nd) reading, said ordinance or resolution shall have a third (3rd) reading for passage or defeat at the next meeting of council. Second (2nd) and third (3rd) readings may be dispensed with by motion and approval of council (suspension of rules). A majority of current council members is required for first (1st) and second (2nd) readings, and for any final passage of any ordinance or resolution. Ordinances or resolutions which are amended on the third (3rd) reading shall automatically receive the status of second (2nd) reading and shall receive an additional reading at the next meeting, unless said rule is suspended.

Nothing in this rule shall be construed as to prohibit the reading in full of any ordinance or resolution, and if the same is read in full, it shall not affect the validity thereof.

**Rule 6.2.2    Law Director Review**

Every ordinance and resolution shall be reviewed by the city's department of law before its enactment.

### **Rule 6.3 Passage Requirements/Suspension of Rules/Emergency Clause**

Except as may otherwise be provided in the charter and/or rule 6.2 regarding certain subject matter legislation, all ordinances, resolutions, motions or other actions, except procedural matters, shall be valid and effective when enacted or passed by the affirmative vote of a majority of the current members of council. Each ordinance and resolution shall be read on three (3) separate days, unless this requirement is dispensed with by an affirmative vote of at least two-thirds (2/3) of the current members of council. Readings shall be by title only, unless the council requires readings be taken in full by an affirmative vote of its members. Council may pass an ordinance or resolution as an emergency measure by the affirmative vote of two-thirds (2/3) or more of the current members of council. Except as may otherwise be provided in the charter, council may take action upon any other procedural matter by the affirmative vote of a majority of those council members present at the meeting. Motions may not be a substitute for an ordinance or resolution; however, the reverse is acceptable. Approval of appointments may be by motion. Removals may be by motion, regardless if the appointment was made in the form of an ordinance or resolution.

If such emergency measure fails to receive the affirmative two-thirds (2/3) vote or more of all current members, but receives at least a majority vote of all current members, the ordinance or resolution shall be considered approved for the current reading as a non-emergency measure. An emergency clause may be added at any time by proper amendment.

### **Rule 6.4 Signing and Delivery to Mayor; Veto**

Upon passage, every ordinance and resolution of council shall be signed by the presiding officer and shall be presented promptly to the mayor for his or her approval. If the mayor approves the ordinance or resolution as presented, he or she shall sign it. If the mayor does not approve the ordinance or resolution presented, in whole, he or she shall, during the same meeting when the ordinance or resolution was passed, veto such ordinance or resolution and during such meeting make a statement of his or her objections. Upon receipt of the mayor's veto and objections, council may reconsider its vote by approved motion utilizing any reconsideration process established. Upon reconsideration, if council approves the ordinance or resolution by two-thirds (2/3) of the current members of council, it shall take effect the same as if it had received the mayor's approval and signature. In the event the mayor is unable to attend a council meeting where an ordinance or resolution is being considered for passage, and the mayor has prior notice thereto, the mayor may exercise his or her veto by filing the same in writing, along with his or her objections, with the clerk of council prior to the meeting. If the ordinance or resolution is passed, the council clerk shall present the written veto and objections to the presiding officer on the mayor's behalf. The presentment of the same shall be treated as a valid veto and the procedure herebefore provided shall be followed as though the mayor was present. In the event that the mayor is absent from a council meeting and an ordinance or resolution is presented for passage without prior notice to the mayor, the mayor shall be permitted ten (10) calendar days from the date of passage to exercise a veto which may be exercised in writing in the manner herebefore provided. The failure of the mayor to strictly follow the veto procedure as contained herein shall constitute a complete waiver thereof and the ordinance or resolution shall stand enacted; moreover, the mere failure or refusal of the mayor or presiding officer to sign an ordinance or resolution shall not invalidate the ordinance or resolution.

**Rule 6.5 Publishing of Ordinance and Resolutions**

All ordinances and resolutions shall be published one (1) time after passage in a newspaper of general circulation in the city, and/or council may determine that publication shall be by other electronic media. Ordinances or resolutions containing words in excess of one word may be published merely by summary. Council may establish criteria for what constitutes an adequate summary. In the event of the publication of ordinances or resolutions by summary, there shall be a notice in such publication that a copy of the complete ordinance or resolution is on file in the office of the clerk of council for inspection during business hours and that copies of such ordinance or resolution shall be furnished to any person, upon request, for a reasonable fee. The city law director shall review all proposed summary form publication for legal accuracy and sufficiency prior to publication. The clerk of council shall cause the ordinance or resolution to remain posted in the principal municipal building for a period not less than ten (10) calendar days immediately following the notice. Nothing in this section shall be construed as to prohibit publication in accordance with the laws of Ohio; moreover, in the event there is no newspaper of general circulation in the city, or there are no electronic media available, council may provide some other method of publication or giving notice of ordinances and resolutions, which may include, but not necessarily be limited to, posting copies in two (2) public places within the city.

**Rule 6.6 A Resolution Enacting Clause May Be**

“Be it resolved by the council of the City of Napoleon, Ohio, with two-thirds (2/3) or more of its current members thereto concurring.”

or

“Be it resolved by the council of the City of Napoleon, Ohio.”

The above are merely suggested enacting clauses and are in no way to be construed as conclusive.

**Rule 6.7 An Ordinance Enacting Clause May Be**

“Be it ordained by the council of the City of Napoleon, Ohio.”

or

“Be it ordained by the council of the City of Napoleon, Ohio, with two-thirds (2/3) or more of its current members thereto concurring.”

or

“Be it enacted by the council of the City of Napoleon, Ohio.”

The above are merely suggested enacting clauses and are in no way to be construed as conclusive

**Rule 6.8 Except Those Submitted By Initiative Petition, Which Shall Be**

“Be it ordained by the people of the City of Napoleon, Ohio.”

**Rule 6.9 Form and Amendments**

All ordinances before introduction shall be in typewritten form. When practical, no ordinance or resolution or section thereof shall be revised or amended unless the new

ordinance or resolution contains the entire ordinance or resolution, or section or subsection revised or amended, and the original ordinance, resolution, section, or sections or subsections so amended shall be repealed. A section shall be construed as a section number or individual letter or subsection of a larger section thereof. A strikeout feature is an acceptable procedure to demonstrate change or modification in legislation.

**Rule 6.10 Reference to Committee Regarding Legislation**

Any ordinance or resolution referred to committee shall, after due consideration and at least one (1) meeting, report the same back with or without recommendations for approval or disapproval for introduction and/or action; if introduced then or previously, it shall be acted upon in accordance with these rules.

**Rule 6.11 Committee Referrals**

Any pending ordinance, resolution, petition, or other matter of a non-emergency status may, be referred by the council president to any committee to which previously referred under these rules, or to any appropriate committee so designated for purpose of study and/or recommendation. Unless otherwise objected to by approved motion of council the referral shall be deemed approved. Any ordinance, resolution, petition or other matter of an emergency status may be referred by the council president or mayor without necessity of approval of council. In any case, when referred back to the council, such ordinance, resolution, petition, or other matter shall have the same standing as it had at the time when referred. Nothing in this rule shall be construed as limiting the authority of council as a whole to refer any ordinance, resolution, petition or other matter to a committee. (See also rule 3.4)

**Rule 6.12 Relieving Committee**

Upon vote of the majority of the current members of council a committee may be relieved of it's duties to consider an ordinance or resolution and the council as a whole may proceed with the steps of passage or defeat of such ordinance or resolution.

**Rule 6.13 Advance Production of Ordinances and Resolutions**

When practical, copies of all first (1st) reading of ordinances and resolutions to be introduced for passage and adoption under suspension of the rules (without reading on three (3) separate days) shall be delivered to each member of the council for viewing at least twenty-four (24) hours prior to the date of introduction. No objection to this rule by the affected council member shall be a waiver thereof.

**Rule 6.14 Ordinances Appropriating Money**

No money shall be appropriated except by ordinance or resolution.

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**RULE 7      DEPARTMENT HEADS**

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**Rule 7.1      Attendance of Department Heads**

The heads of all departments, unless excused by the department director or president of council, shall be required to attend the regular and special meetings of council. Further, the city manager, city finance director and city law director, unless excused by the president of council or the body of council, shall be required to attend the regular, special meetings and emergency meetings of council and shall be provided with seats on the floor of the council chambers. They shall be required, at any such meeting, to answer such questions relating to the affairs of the city under their respective supervision and control as may be put to them by any member of the council. The mayor shall be entitled to take part in the discussion on all questions before the council.

**Rule 7.2      Clerk's Report on Pending Measures**

The city clerk shall keep the members of council informed regarding the status of pending ordinances and resolutions. All ordinances and resolutions to be acted upon by committees or the council on Monday should as a general rule be in the hands of the clerk not later than the preceding Thursday at 11:00 a.m.

**Rule 7.3      Approval of Mayor's Appointments**

Whenever the approval of council is required for appointments by the mayor, the president of council, upon request of the mayor for approval of any appointment, may forthwith appoint an ad hoc committee to which shall be referred the name of each person whose appointment is submitted for approval of council. If referred to an ad hoc committee, then not later than the second (2nd) meeting of council following such reference, the committee shall report to council its recommendation thereon. Thereupon council as part of the appropriate order of business shall proceed to vote upon the approval of each appointment, the question being "Shall the council approve the appointment by the mayor?" If a majority of all current members of council vote yea, the appointment shall be deemed approved. If the matter is not referred to a special committee pursuant to this rule, then council shall act upon the approval no later than the next council meeting.



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**RULE 8 COUNCIL CHAMBER AND RULES**

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**Rule 8.1 Use of Council Chamber**

The council chamber shall generally be used for meetings of the council or committees thereof. The city conference room may be used for committee meetings.

**Rule 8.2 Rules, Suspension, Amendment, and Other****Rule 8.2.1 Suspension of Rules**

Any provision of these council rules may be suspended at any meeting of the council, by a majority vote of all the current members, except when a greater number is required by law or by the rules. The vote on any such suspensions shall be taken by yeas and nays and entered upon the records.

**Rule 8.2.2 Amendment of Rules**

These rules may be amended or new rules adopted by ordinance or resolution, by a majority vote of all the current members to council.

**Rule 8.2.3 Other Rules**

The proceedings of the council shall be governed by the city charter and the ordinances and resolutions of the City of Napoleon, Ohio, including these rules. Where no local law or local rule exists, then the state law shall control. If no local or state law or local rule exists, then Robert's Rules of Parliamentary Practice shall control. It shall be the duty of the presiding officer to adhere to and enforce such laws and rules.

**Rule 8.2.4 Executive Session**

Council or its committees may, by entering into executive session, exclude members of the public and staff from a portion of a public meeting to discuss matters as stated below and other matters as authorized by law. Only members of the public body, its invited staff and invited guests may attend. Council or any given committee shall not exclude any of its members or the mayor from an executive session.

**1) Personnel**

To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official or (to consider) the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the employee, official, licensee, or regulated individual request a public hearing; however, this provision does not allow the public body to consider the discipline of an elected official for conduct related to the performance of the person's official duties or to consider the person's removal from office.

**2) Property**

To consider the purchase of property (real or personal property, whether it is tangible or intangible). Also, to consider the sale of property by competitive bid (real or personal property) if disclosure of the information would result in a

competitive advantage to the other side. No member may use this exception as subterfuge for providing covert information to prospective buyers or sellers.

3) Court Action

To discuss pending or imminent court action with the council's or committee's attorney. Court action is pending if a lawsuit has been commenced; court action is imminent if it is on the point of happening or is impending.

4) Collective Bargaining

To prepare for, conduct, or review collective bargaining strategy.

5) Confidential Matters

To discuss matters required to be kept confidential by federal law, federal rules, state statutes, or other applicable law.

6) Security Arrangements

To discuss specialized details of security arrangements where disclosure might reveal information that could be; used to commit, or avoid prosecution for a violation of the law.

7) Protect Utility

To discuss matters of a competitive nature relating to any city owned or operated utility.

8) Economic Development

To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:

(1) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of chapter 715, 725, 1724, or 1728 or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the revised code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.

(2) A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project.

9) Any other matters allowed by the laws of the State of Ohio

No decision-making (formal action including actual voting) is permitted in executive session. Further, intertwined non-expected matters are prohibited from discussion while in executive session. Minutes shall not be taken in executive session.

An executive session must always begin and end in open session. First there shall be a motion that states the purpose for the executive session, and the motion must be specific as to the matters to be discussed (i.e. to discuss the dismissal of a public employee), it is not sufficient to state "personnel." Second, after the motion, there must be a second and a roll call vote taken, with a majority of a quorum of the public body. The vote shall be recorded in the minutes. When the executive session has concluded, a motion and second should be received with a roll call vote taken to adjourn the executive session. It should be reported if any action or no action was taken. The adjournment and reporting of action or no action shall be recorded in the minutes.

### **Rule 8.3      Presumption of Validity**

A general presumption exists in favor of the validity of enactment by a municipal legislative body and continues until bad faith or abuse of legislative discretion by its members is clearly proven, or it is manifest that the legislative authority has exceeded its powers, or if the legislation bears no reasonable relation to the public health, safety, welfare, or morals. The burden of proving the invalidity of a municipal legislative enactment rests upon the one challenging its validity.

The general presumption of validity of municipal legislation extends to the validity of the procedure for its passage, the proper reason for its enactment, and the public purpose and necessity. The presumption of validity continues until the contrary is shown beyond a reasonable doubt.

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**RULE 9 COUNCIL BUSINESS EXPENDITURES/COMPUTERS**

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**Rule 9.1 Expenditure of Funds by Council Members**

Subject to budgetary constraints and with prior approval of the Council President, a council person may expend funds for a proper public purpose, without prior approval of the body of council. Except as otherwise may be permitted by ordinance, resolution, other applicable measure, or as stated above in this rule, all other expenditures made by council members shall be pre-approved by motion, or when required by law, legislation of council.

**Rule 9.2 Travel Expenses**

Travel policies and reimbursable expenses applicable to city employees pursuant to the city's policy manual and/or personnel code shall apply to council persons while on official city business.

**Rule 9.3 Information Technology Usage**

The mayor and council members shall be required to follow all policies contained in the city's policy manual and/or personnel code applicable to information technology usage. Electronic equipment and communications systems provided to elected officials, if any, are considered City property to be used for valid business purposes only. Any tax liability associated with this Rule, or non-conformance with this Rule, is that of the user of the information technology.

**Rule 9.4 Internet Access**

The mayor and council members shall be required to follow all policies contained in the city's policy manual and/or personnel code applicable to internet access or usage. Any tax liability associated with this Rule, or non-conformance with this Rule, is that of the user.

**Rule 9.5 Business Meeting Expenditures**

From time to time council as a whole or its committees may incur legitimate expenses while on or during city business (example: meals during a business meeting, work session or city sponsored activity), in the event of expenditure of funds, it will be reimbursed or payable by the city upon approval by council in the same manner as approval for payment of other bills that are authorized for a proper public purpose. Under no circumstances will alcoholic beverages be found to be a legitimate business expense for the purpose of this Rule and Rule 9.1.

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**RULE 10      GENERAL AND MISCELLANEOUS RULES**

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**Rule 10.1      Continuity of Legislative Authority**

The municipal legislative body, unlike the general assembly or the congress, is a continuing body. This is true regardless of the changing membership and reorganization of that body after each regular municipal election. As a continuing body it may complete unfinished business lawfully commenced by the preceding local legislative body. Contracts that are not signed during the term for which all the members of the legislative authority are elected are invalid. However, a succeeding council may ratify the acts of prior council by motion.

**Rule 10.2      Council Action**

The legislative power of the City of Napoleon, Ohio, is exercised by the enactment of an ordinance or adoption of a resolution, and by approval of proper motions.

**Rule 10.3      Expectations of Council – Decorum - Removal**

Rule 10.3.1: It is expected that Council members shall act in a professional and respectful manner to all appointing authorities, department heads, employees of the City of Napoleon and citizens of the City of Napoleon.

Rule 10.3.2: Council members shall respect the chain of command of the City of Napoleon and if approached by an employee other than an appointing authority the council member shall inquire as to whether the employee has followed the proper chain of command.

Rule 10.3.3: Council members shall maintain confidentiality of discussions, writings, or other forms of media or modes of communication that the council member knows or should know said matter should be kept confidential, subject to any public record statues, sunshine laws, or any other duty to report.

Rule 10.3.4: All members of Council shall conduct themselves with decorum at all times while in the confines of the council chambers. Proper business casual attire shall be worn at all regular meetings of Council.

Rule 10.3.5: Upon the concurrence of a majority vote of Council, the first violation by a member of Council of council rules regarding expectations, order, or decorum shall result in the offending member receiving a verbal warning from the presiding officer detailing the infraction. In addition, with the concurrence of two-thirds affirmative vote of Council, the member may be expelled from the remainder of the meeting after having been notified of the violation(s) against him or her and provided an opportunity to address them.

Rule 10.3.6: Council may remove the Mayor or a Council member for gross misconduct, malfeasance, misfeasance, or nonfeasance in office; or for conviction while in office of a crime involving moral turpitude or for any felony conviction; or if adjudicated legally incompetent; or for a violation of his or her oath of office; or for persistent failure to abide by the Rules of Council. However, such

removal shall not take place without the concurrence (affirmative vote) of five (5) members of Council, and also not until the accused Mayor or Council member has been notified in writing of the charge against him or her at least ten (10) days in advance of a public hearing upon such charge, and at which time he or she (or his or her counsel should the Mayor or Council member choose to retain counsel) shall be given an opportunity to be heard and present evidence at a public hearing called by Council. An accused member of Council shall not vote on the question of his or her removal. Upon the removal of such officer, the vacancy thereby created in such office shall be filled in the manner provided by this Charter, and the officer so removed shall not be eligible for appointment to fill such vacancy.

**Rule 10.4      Anonymous Complaints against City Employees and Personnel**

For Council to be able to properly respond to complaints it is imperative that they have a verifiable valid name, phone number and address. Any non-verifiable letters or other communications given to or sent to Council may be discarded pursuant to the proper records retention schedule, without further inquiry.



**ORDINANCE NO. 068-17**

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE RULES AND REGULATIONS OF CITY COUNCIL FOR THE CITY OF NAPOLEON, OHIO; AND DECLARING AN EMERGENCY**

**WHEREAS**, City Council previously created an ad hoc committee entitled the “Council Rules and Review Committee” and said ad hoc committee met in regular meetings to review with staff the Rules and Regulations of City Council for the City of Napoleon, Ohio; and,

**WHEREAS**, after review and recommendation from the Law Director the Council Rules and Review Committee accepted proposed amendments from the Law Director and sent the issue of amendment of the Council rules to the full body of Council; and,

**WHEREAS**, City Council met at a regular meeting and discussed said amendments and thereafter the City Council moved for the Law Director to bring back appropriate legislation approving said amendments as listed in attached “Exhibit A”; and,

**WHEREAS**, City Council acknowledges that from time to time it must review the various rules and regulations of the City of Napoleon; and,

**WHEREAS**, City Council now desires to amend the Rules and Regulations for the City Council for the City of Napoleon; **Now Therefore**,

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

Section 1. That, the City of Napoleon does hereby amend the Rules and Regulations of City Council for the City of Napoleon, as set forth in “Exhibit A” which is attached and incorporated herein.

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

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

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for the timely and efficient passage of said rules; therefore, provided the required number of votes for passage as emergency legislation, it shall be in

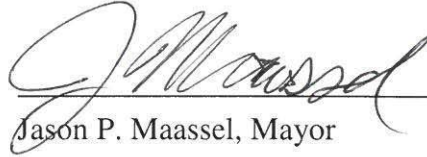
full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law

Passed: December 4, 2017



Travis B. Sheaffer, Council President

Approved: December 4, 2017



Jason P. Maassel, Mayor

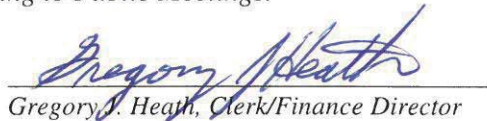
VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

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. 068-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 9th day of December, 2017; & 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





# City of Napoleon, Ohio

255 West Riverview Avenue, P.O. Box 151  
Napoleon, OH 43545  
Telephone: (419) 592-4010 Fax: (419) 599-8393  
[www.napoleonohio.com](http://www.napoleonohio.com)

## Memorandum

**To:** City Council, Mayor, City Manager, City Law Director, City Finance Director, Department Supervisors, News media  
**From:** Roxanne Dietrich, Clerk of Council  
**Date:** October 1, 2021  
**Subject:** Technology and Communications Committee – Cancellation

The regularly scheduled meeting of the **Technology and Communications Committee** for Monday, October 4, 2021 at 6:15 pm has been CANCELED due to lack of agenda items.



**CITY OF NAPOLEON, OHIO**

**OPERATIONS DEPARTMENT**

PO Box 151, 1775 INDUSTRIAL DR.

NAPOLEON, OH 43545

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

WEB PAGE: WWW.NAPOLEONOHIO.COM

**Operations Superintendent**

Jeffery H. Rathge

**Water Distribution Foreman**

Brian Okuley

**Streets/Sewer Foreman**

Roger Eis

**Refuse/Recycling Foreman**

Perry Hunter

**Head Mechanic**

Tony Kuhlman

## **PRESS RELEASE**

### **Seasonal Cleanup**

The City of Napoleon's fall cleanup, for those who receive regular City refuse service, is scheduled from Monday, October 4, 2021 through Friday, October 8, 2021.

A complete list of rules and regulations along with the street schedule is available at [www.napoleonohio.com](http://www.napoleonohio.com). Per ordinance #088-08, residents are reminded that material or other items placed for pick up shall be at the curb no more than five (5) days in advance of the subscriber's scheduled seasonal pick up day. Items placed at the curb earlier than five (5) days in advance of the scheduled pick up day will be treated by the city as a 'special pick up' with charges being assessed to the subscriber or person responsible for placement.

Please contact the Operations Department between 7:00 AM and 3:30 PM at 419-599-1891 with any questions regarding this matter.

###

## AMP Update for Sept. 24, 2021

American Municipal Power, Inc. <webmaster@amppartners.org>

Fri 9/24/2021 5:19 PM

To: Roxanne Dietrich <rdietrich@napoleonohio.com>



Sept. 24, 2021



### **AMP Annual Conference celebrates value of public power, addresses industry trends and innovations**

*By Holly Karg - assistant vice president of communications and public relations*

The 2021 American Municipal Power, Inc. (AMP) Annual Conference, which took place in Columbus Sept. 20-22, provided attendees (in-person and virtually) with a full schedule of sessions led by industry experts and leaders, and celebrated the organization's 50th anniversary.

Highlighting the first day, AMP President/CEO Jolene Thompson's moderated a panel of public power leaders including American Public Power Association President/CEO Joy Ditto, Transmission Access Policy Study Group Executive Director Terry Huval and Large Public Power Council President John Di Stasio on a discussion about the value of public power and the key issues impacting the industry.

The second day featured Federal Energy Regulatory Commission Commissioner Allison Clements, PJM Interconnection President/CEO Manu Asthana, and Midcontinent Independent System Operator CEO John Bear in a panel discussion on the current power industry challenges and projections of the future, as well as the federal perspective on Regional Transmission Organizations and markets.

The conference also included updates on power markets presented by NextEra Energy Resources Managing Director of Energy Market Analysis Mike Zenker; a session on workforce development with a presentation from Center for Energy Workforce Development Executive Director Missy Henricksen; a panel discussion about electric vehicles, featuring Tesla Global Charging and Energy Policy Lead Patrick Bean, Electric Drive Transportation Association Vice President Genevieve Cullen and Alliance for Transportation Electrification Executive Director Philip Jones; and a discussion about “What Customers Really Want,” featuring a presentation from E Source Chief Instigation Agent Bill LeBlanc. Conference participants also heard from Gartner Vice President Analyst Ethan Cohen on innovations shaping the power sector, and Kanner & Associates President Marty Kanner on the latest from Capitol Hill. AMP thanks the speakers who participated in this year’s conference.

In addition to the many sessions and events, AMP held its General Membership Meeting on Sept. 21.

## Fiser receives AMP Seven Hats Award

*By Jolene Thompson - president/CEO*

Al Fiser is the 2021 recipient of the prestigious AMP Seven Hats Award.

The award was presented to Fiser on Sept. 21 during the 2021 AMP Annual Conference.

Fiser serves as village administrator for the Village of Pioneer, a community located in northern Williams County, Ohio. He has served the Village of Pioneer for 12 years.



“Al Fiser is exactly the type of leader who the Seven Hats Award was created to celebrate,” said Jeff Brediger, Director of Utilities for the City of Orrville and AMP Board of Trustees Chair. “I am honored to present this award to Al on behalf of the AMP Board of Trustees.”

With a small team of eight, Fiser led the completion of more than \$18 million in infrastructure projects, including storm drainage, water treatment, power distribution and transmission projects, and more - all while he represented the village on the local economic board, school board and park board.

In nominating Fiser, Pioneer Mayor Ed Kidston noted that he is known for rolling up his sleeves on behalf of his employees and the village.

“Whether it is taking part in fall leaf pickup or mowing the village parks, Al never hesitates to do the work,” Kidston stated.

The AMP Seven Hats Award - modeled after the American Public Power Association’s national Seven Hats Award - was initiated in 1984 to recognize utility managers who serve smaller communities of less than 2,500 meters, and whose management duties extend well beyond the scope of a manager in a larger system. Award winners show skill in seven areas: planning and design, administration, public relations, field supervision, accounting, personnel or employee direction, and community leadership.

Please join us in congratulating Al on this well-deserved award!

Watch the award announcement video below.



## AMP holds elections for Board of Trustees

*By Jolene Thompson*

The AMP general membership held its annual meeting during the 2021 AMP Annual Conference on Sept. 21. There were four expiring at-large seats on the 21-member AMP Board of Trustees. Re-elected to three-year terms are the AMP member communities of:

- Bryan
- Montpelier
- Oberlin
- Orrville



Additionally, the Board held its reorganizational meeting and elected:

- Chair – Jeff Brediger, City of Orrville
- Vice Chair – Robert Patrick, City of Wadsworth
- Secretary – Dave Carroll, City of Paducah
- Treasurer – Chris Monacelli, City of Westerville

## AMP awards recognize member utilities and officials

*By Adam Ward - senior vice president of member services and external affairs*

Member utilities and officials were recognized at the 2021 AMP Annual Conference through the AMP Awards Program.

Communities that were honored with AMP awards include:

### **Innovation Awards**

The AMP Innovation Award recognizes municipal utilities that have completed an innovative or unique project to better serve their customer-owners. Innovation is the introduction of something new – a new idea, device or method

- Village of Yellow Springs Electric Distribution for the Free WiFi and Fiber Backbone Project

### **Electric System Sustainability Awards**

The AMP Electric System Sustainability Award recognizes utilities that have made significant efforts in sustainability. Sustainability can be defined as understanding the interconnections among economy, society and environment.

- Westerville Electric Division for the Residential PowerUP Off-Peak Charging Program
- Honorable Mention: Cuyahoga Falls Electric System for the LED Street Lights Project



Watch the awards presentation video for the Innovation and Electric System Sustainability Awards [here](#).

### **System Improvement Awards**

The AMP System Improvement Award recognizes utilities that have made a significant improvement in electric service and reliability to their customer-owners.

- Bryan Municipal Utilities for the Modernize Bryan Ohio's Gas Turbine Power Control Systems Project and the Industrial Drive Substation Project
- Philippi Municipal Electric for the City of Philippi Main Distribution Substation & Distribution Feeder Rebuild Project
- Westerville Electric Division for the 69kV Underground Cable Replacement Project and the Substation Number One Rebuild Project
- Honorable Mention: Minster Electric Department for the Northwest Substation Project
- Honorable Mention: St. Clairsville Light & Power for the Barlowe Rebuild Project
- Honorable Mention: Village of Versailles for the Circuit Number 4 12kV Conversion Project
- Honorable Mention: Village of Yellow Springs Electric Distribution for the Switch Station Rehab 2020 Project and the Public Works Facility Upgrade Project

### **Public Power Promotion Awards**

The AMP Public Power Promotion Award recognizes utilities for their promotional efforts in marketing, consumer awareness and branding.

- Westerville Electric Division for the Utility Bill Holiday Program
- Honorable Mention: Grafton Public Power & Light for Project BEACON
- Honorable Mention: Village of Yellow Springs Electric Distribution for the Public Works Bulletin TV Project

Watch the awards presentation video for the System Improvement and Public Power Promotion Awards [here](#).

### **AMP Service Distinction Award**

Greg Kuhlman, Napoleon Power and Light electric distribution superintendent, became the first individual to receive the new AMP Service Distinction Award. Kuhlman has served the City of Napoleon since 1980, serving as electrical construction supervisor from 2011 until his retirement in 2020, returning to take on the role of superintendent soon after.

## **AMP presents safety awards, mutual aid commendations**

*By Michelle Palmer, PE - vice president of technical services and compliance*

Member communities were recognized for their commitment to safety and mutual aid over the past year at the 2021 AMP Annual Conference. Communities were recognized with AMP Safety Awards and Commendations, AMP Hard Hat Safety Awards and Mutual Aid Commendations.

### **Safety Awards and Commendations**

AMP Safety Awards and Commendations are presented to communities that have maintained a strong record of safety over the past year with no time loss or less than one percent time loss, respectively.

The utilities recognized in this category include:

- Berlin Maryland Electric Utility Department – Safety Commendation for Transmission and Distribution
- Bryan Municipal Utilities – Safety Award for Generation and Safety Commendation for Transmission and Distribution
- Brewster Electric Utility – Safety Award for Transmission and Distribution
- Cuyahoga Falls Electric System – Safety Award for Transmission and Distribution
- Edgerton Electric Department – Safety Award for Transmission and Distribution
- Genoa Municipal Utilities – Safety Award for Transmission and Distribution
- Grafton Public Power & Light – Safety Award for Transmission and Distribution
- Haskins Electric – Safety Award for Transmission and Distribution
- Hudson Public Power – Safety Commendation for Transmission and Distribution
- Jackson Center Municipal Electric System – Safety Award for Transmission and Distribution
- Minster Electric Department – Safety Commendation for Transmission and Distribution

- Montpelier Municipal Utilities – Safety Award for Transmission and Distribution
- Napoleon Power and Light – Safety Award for Transmission and Distribution
- Oak Harbor Public Power – Safety Award for Transmission and Distribution
- Orrville Utilities – Safety Award for Transmission and Distribution and Safety Commendation for Generation
- Philippi Municipal Electric – Safety Award for Transmission and Distribution
- Shelby Division of Electricity & Communication – Safety Award for Transmission and Distribution
- St. Clairsville Light & Power – Safety Award for Transmission and Distribution
- Village of Versailles – Safety Award for Transmission and Distribution
- Wadsworth Electric Department – Safety Commendation for Transmission and Distribution
- Westerville Electric Division – Safety Commendation for Transmission and Distribution
- Village of Yellow Springs Electric Distribution – Safety Award for Transmission and Distribution

### **Hard Hat Safety Award**

The AMP Hard Hat Safety Award recognizes individual employees at AMP member utilities who have contributed to safety within their community, shown adherence to on-the-job safety procedures and promoted electric safety within their department and community in the past year. The names of each winner will be announced by each member utility at a later date.

The utilities with an employee receiving this recognition are:

- Berlin Maryland Electric Utility Department
- Bowling Green Electric Division
- Brewster Electric Utility
- Bryan Municipal Utilities
- Cleveland Public Power
- Clyde Light & Power
- Cuyahoga Falls Electric System
- Edgerton Electric Department
- Borough of Ephrata Electric Division
- Grafton Public Power & Light
- City of Hamilton Infrastructure
- Haskins Electric
- Hudson Public Power
- Jackson Center Municipal Electric System
- Montpelier Municipal Utilities
- St. Clairsville Light & Power
- Tipp City Municipal Electric
- Wadsworth Electric Department; and
- Village of Yellow Springs Electric Distribution

### **Mutual Aid Commendation**

Mutual Aid Commendations recognize those communities that have provided mutual aid assistance to another community over the past year.

The utilities receiving this recognition are:

- Berlin Maryland Electric Utility Department
- Bryan Municipal Utilities
- Celina Municipal Utilities
- Village of Clinton Electric Department
- Clyde Light & Power
- Coldwater Board of Public Utilities
- Dover Light and Power
- Hudson Public Power
- Piqua Power System
- Quakertown Electric Department
- Shelby Division of Electricity and Communication
- St. Clairsville Light & Power
- City of St. Marys Municipal Electric System
- Tipp City Municipal Electric
- Westerville Electric Division

Watch the video presentation of the AMP Safety Awards and Mutual Aid Commendations [here](#).

## **OMEA holds annual meeting and board elections**

*By Michael Beirne - OMEA executive director*



The Ohio Municipal Electric Association (OMEA) conducted elections for the organization's Board of Directors and Board leadership during the annual OMEA General Membership meeting, which took place in Columbus on Sept. 22.

The OMEA is guided by a 16-member Board of Directors, elected by their peers to staggered four-year terms. Board seats are held by OMEA member communities. The City of Bryan, City of Painesville, City of Tipp City and City of Westerville were elected to four-year terms on the OMEA Board of Directors. Additionally, the City of Wapakoneta was elected as ex-officio member of the OMEA Board.

Following the General Membership Meeting, the OMEA Board of Directors held its annual reorganization meeting and elected City of Wadsworth Mayor Robin Laubaugh OMEA Board President. Village of Montpelier Mayor Steven Yagelski and City of Bryan Mayor Carrie Schlade were elected to the Board's three-member Executive Committee. Outgoing OMEA Board President and City of Dover Mayor Richard Homrighausen was elected as an ex-officio member of the Executive Committee in recognition of his years of service and to provide expertise and guidance to new executive committee members.

During the OMEA General Membership meeting, two new honorary members were announced:

- Kathy Cocuzzi, Mayor, City of Westerville
- David Collinsworth, former City Manager, City of Westerville (retired January 2021) and City of Tipp City

The OMEA general membership selects honorary members in recognition of individuals whose dedication and service on behalf of public power has been of the highest order.

## **PJM first CP hour on Aug. 24 changes to 4-5 p.m. hour**

*By Mike Migliore - vice president of power supply planning and marketing*

As we saw last year, PJM's loads change slightly after final meter values are obtained at the end of the month. PJM's latest update has resulted in the time of the Aug. 24 PJM peak changing from the 5 to 6 p.m. hour to the 4 to 5 p.m. hour. Originally, the 6 p.m. hour was 6 MW higher than 5 p.m., but with the updated data, 5 p.m. is now 22 MW higher than 6 p.m. All of the other 5 CP hours remain unchanged, though the actual reported loads have seen revisions. Surprisingly, it is rare that any zonal load or 1 CP hours change. This is the case in 2021, so far.

Current 1 CPs and 5 CPs are shown below. PJM has until Nov. 1 to finalize the 1 and 5 CP hours.



<b>ZONE</b>	<b>2021 Peak Load</b>	<b>Date</b>	<b>Hour Ending EPT</b>	<b>2020 Peak</b>
AEP	<b>21,944</b>	8/24/2021	17	21,657
FE	<b>12,604</b>	6/29/2021	15	12,465
APS	<b>8,865</b>	8/12/2021	17	8,638
PPL	<b>7,523</b>	6/30/2021	16	7,260
DUKE	<b>5,306</b>	8/12/2021	16	4,975
DELMARV	<b>4,006</b>	8/12/2021	18	4,086
DAYTON	<b>3,317</b>	8/12/2021	17	3,296
METED	<b>3,072</b>	8/12/2021	18	2,976
PENELEC	<b>2,899</b>	6/29/2021	14	2,911

PJM 1CP	<b>148,770</b>	8/24/2021	17	144,320
PJM 2CP	<b>148,217</b>	8/12/2021	17	143,576
PJM 3CP	<b>146,855</b>	6/29/2021	17	143,261
PJM 4CP	<b>146,014</b>	7/6/2021	17	141,264
PJM 5CP	<b>145,814</b>	8/26/2021	16	140,836

(EPT = Eastern Prevailing Time, also known as clock time)

## Grant assistance and training webinars

By Adam Ward

AMP has engaged the help of The Ferguson Group (TFG) to support and best position members for federal and state funding opportunities.

Key services and benefits available to members include the following:

- Weekly grant e-newsletter alerts, which are curated summaries of posted grants that are available on a variety of topics tailored to AMP membership interests. Note that if any members have topics and/or projects in need of funding, submit them [here](#).
- Access to TFG's database of successful grant applications.
- Access to TFG's grant funding guides and profile library.
- Access to TFG's team of grants experts.
- Individualized assistance (i.e., grant writing and personalized guidance) at a negotiated 15-percent discount. The negotiated rate sheet is available for members to view upon request.

To introduce TFG, AMP held a kickoff webinar on Sept. 15. The recording can be found [here](#). In addition to the services outlined above, AMP and TFG will hold three grant training webinars:


- Grant Basics: An overview of the federal grants landscape, required registrations and how to position yourself for success.
  - Sept. 29, 3:30-5 p.m.
- Grant Identification: Master how to search for federal grants and strategically position projects ahead of a solicitation.
  - Oct. 28, 1-2:30 p.m.
- Grant Writing: Tips and tricks for writing and submitting a competitive grant application.
  - Nov. 10, 3-4:30 p.m.

If you have any questions about the services, want to provide grant topics to be added to the e-newsletter alerts, would like to register for any of the webinars, receive a link to the recorded sessions or would like to see the AMP member-negotiated rate sheet, please contact Erin Miller at 614.540.1019 or [emiller@amppartners.org](mailto:emiller@amppartners.org).

## AMP TECHNICAL AND SAFETY TRAINING WEBINAR SCHEDULE

In an effort to continue providing members with high-quality training opportunities, AMP has temporarily transitioned trainings to a webinar format. Please see the below schedule - we will continue to update the schedule as needed. We are in this together.

<p><b>Sept. 13 9 a.m.</b> Sharpen your Sword - Training like a Samurai Warrior in Safety Instructor: Kyle Weygandt</p> <p><b>Oct. 19 9 a.m.</b> Respiratory Protection 101 Instructor: Kyle Weygandt</p>	<p><b>Nov. 16 9 a.m.</b> What? Me Worried? Behavior Based Safety Instructor: Kyle Weygandt</p>
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**AMP**  
PUBLIC POWER PARTNERS

For more information on the AMP Training Program or to access the virtual training webinars, please contact Jennifer Flockerzie, AMP's manager of technical services logistics, at [jflockerzie@amppartners.org](mailto:jflockerzie@amppartners.org).

### Energy market update

*By Jerry Willman - assistant vice president of energy marketing*

The October 2021 natural gas contract has decreased a significant amount since last week but increased yesterday \$0.171/MMBtu to close at \$4.976. The EIA reported an injection of 76 Bcf for the week ending Sept. 17, which was above industry estimates of +75 Bcf. Last year was an injection of 72 Bcf and the five-year average was +74 Bcf. Storage is now 3,082 Bcf, 16 percent below a year ago and 6.9 percent below the five-year average.

On-peak power prices for 2022 at AD Hub closed yesterday at \$47.90/MWh, which was \$1.55/MWh lower for the week.

<b>On Peak (16 hour) prices into AEP/Dayton</b>				
Week ending Sept. 24				
MON	TUE	WED	THU	FRI
\$58.83	\$51.71	\$45.27	\$40.75	\$37.42
Week ending Sept. 17				
MON	TUE	WED	THU	FRI
\$79.29	\$68.14	\$67.05	\$66.20	\$70.80
AEP/Dayton 2022 5x16 price as of Sept. 23 — \$47.90				
AEP/Dayton 2022 5x16 price as of Sept. 16 — \$49.45				

### AFEC weekly update

*By Jerry Willman*