



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

GENERAL INFORMATION

February 7, 2022

CALENDAR

APPROVAL OF MINUTES

January 17, 2022 Regular Council Meeting Minutes

INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. Ordinance No. 005-22, an Ordinance amending certain City of Napoleon Traffic Schedules, specifically Schedule II, "Parking Time Limits" on certain city streets as listed in the attached Exhibit A; and amending Ordinance No. 030-19; and declaring an Emergency.
2. Resolution No. 006-22, a Resolution Authorizing the City Manager to execute any and all documents necessary to apply for and accept a Fiscal Year 2022 Assistance to Firefighters Grant (AFG) from the Department of Homeland Security and Federal Emergency Management Agency (FEMA); and Declaring an Emergency (Suspension Requested)
3. Resolution No. 008-22, a Resolution Authorizing the participation in the Ohio Department of Transportation (ODOT) Cooperative Purchasing Program; and declaring an Emergency.

SECOND READINGS OF ORDINANCES AND RESOLUTIONS

1. Resolution No. 004-22, a Resolution Authorizing the City Manager to Execute the Housing Revolving Loan Fund Administration Agreement Between The State Of Ohio Development Services Agency and the City of Napoleon; and Declaring an Emergency

THIRD READINGS OF ORDINANCES AND RESOLUTIONS

1. Ordinance No. 063-21, an Ordinance Authorizing a Pay Increase for the City of Napoleon, Ohio Law Director; and declaring an Emergency
2. Ordinance No. 064-21, an Ordinance Authorizing a Pay Increase for the City of Napoleon, Ohio City Manager; and declaring an Emergency

GOOD OF THE CITY (Discussion/Action)

1. Award of the VanHyning Pumping Station Replacement Project
 - a. Bids were opened on Wednesday, February 2, 2022. In the enclosed Memorandum from Chad are the bid results and his recommendation of award.
2. Ritter Park Path Project
 - a. This will be a discussion item as no bids were received on Wednesday.
3. Approval for Purchase of a Bucket Truck for Napoleon Power and Light Tree Trimming Crew
 - a. Attached is a Memorandum and information from Greg Kuhlman for the purchase of this bucket truck
4. Review of the Napoleon Area School District Campus Improvement Agreement
 - a. Enclosed is a copy of the signed agreement and the invoice we recently received.
5. to Appoint two (2) Councilmembers to the Tax Incentive Review Council
 - a. the TIRC does an annual review of any EZ and CRA Agreements. This year's meeting will be on Friday, March 18, 2022 at 9:00 am.
6. Approve Appointment of Kevin Garringer as Delegate and Shannon Fielder as Alternate to the Regional Council of Governments (RITA)

7. Accept \$523.60 from Law Enforcement Partners
 - a. Chief Mack stated the “\$523.60 from Law Enforcement Partners which really is not a donation but, it's our portion of the agency calendar”
8. Accept \$1,000 Donation from Veterans of Foreign Wars of Ohio Charities VFW Post 8218 to the Napoleon Police Department

APPROVE PAYMENT OF BILLS

A printout of the bills and other reports from Accounts Payable are attached.

INFORMATIONAL ITEMS

1. Cancelled - Technology Committee meeting
2. Planning Commission Meeting - Tuesday, February 8, 2022 at 5:00 pm
3. Canceled – Board of Zoning Appeals February 8, 2022 meeting

February 2022						
◀ Jan 2022						Mar 2022 ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	31 - JANUARY Fifth Monday No Scheduled Meetings	1	2 11:00 am – Ritter Park Area Path Project (Rebid) Bid Opening 11:00 am - VanHying Pump Station Bid Opening	3	4	5
6	7 7:00 pm City Council	8 5:00 pm Planning Commission	9	10	11	12
13	14 6:15 pm Electric Committee Board of Public Affairs 7:00 pm Water/Sewer Comm. 7:30 pm Municipal Properties Committee	15	16 11:00 am – Ritter Park Boat Ramp Replacement Bid Opening 11:00 am – St. Rt. 110 Waterline Bid Opening	17	18	19
20	21 6:00 pm Tree Commission 6:00 pm Park Rec Committee 7:00 pm City Council	22 4:30 pm Civil Service Commission	23 6:30 pm Park and Rec Board	24	25	26
27	28 6:30 pm – Finance and Budget Committee 7:30 pm – Safety and Human Resources Committee					

City of Napoleon, Ohio

CITY COUNCIL

MEETING AGENDA

Monday, February 7, 2022 at 7:00 pm

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

- A. Call to Order**
- B. Attendance** (Noted by Clerk)
- C. Prayer and Pledge of Allegiance**
- D. Approval of Minutes** (in the absence of any objections or corrections, the minutes shall stand approved)
January 17, 2022 Regular Council Meeting Minutes
- E. Citizen Communication**
- F. Reports from Council Committees**
 - 1. Finance and Budget Committee did not meet on January 24, 2022 due to lack of agenda items.
 - 2. Safety and Human Resources Committee did not meet on January 24, 2022 due to lack of agenda items
 - 3. The Technology and Communications Committee did not meet tonight due to lack of agenda items.
- G. Reports from Other Committees, Commissions and Boards** *(Informational Only-Not Read)*
 - 1. Civil Service Commission did not meet on January 25, 2022 due to lack of agenda items.
 - 2. Park and Rec Board did not meet on January 26, 2022 due to lack of agenda items.
- H. Introduction of New Ordinances and Resolutions**
 - 1. Ordinance No. 005-22, an Ordinance amending certain City of Napoleon Traffic Schedules, specifically Schedule II, "Parking Time Limits" on certain city streets as listed in the attached Exhibit A; and amending Ordinance No. 030-19; and declaring an Emergency
 - 2. Resolution No. 006-22, a Resolution authorizing the City Manager to execute any and all documents necessary to apply for and accept a Fiscal Year 2022 Assistance to Firefighters Grant (AFG) from the Department of Homeland Security and Federal Emergency Management Agency (FEMA); and declaring an Emergency. (Suspension Requested)
 - 3. Resolution No. 008-22, a Resolution authorizing the participation in the Ohio Department of Transportation (ODOT) Cooperative Purchasing Program; and declaring an Emergency
- I. Second Readings of Ordinances and Resolutions**
 - 1. Resolution No. 004-22, a Resolution Authorizing the City Manager to Execute the Housing Revolving Loan Fund Administration Agreement between the State Of Ohio Development Services Agency and the City of Napoleon; and Declaring an Emergency
- J. Third Readings of Ordinances and Resolutions**
 - 1. Ordinance No. 063-21, an Ordinance Authorizing a Pay Increase for the City of Napoleon, Ohio Law Director; and declaring an Emergency
 - 2. Ordinance No. 064-21, an Ordinance Authorizing a Pay Increase for the City of Napoleon, Ohio City Manager; and declaring an Emergency
- K. Good of the City** (Any other business as may properly come before Council, including but not limited to):
 - 1. Discussion/Action: Award of the VanHyning Pumping Station Replacement Project
 - 2. Discussion/Action: Ritter Park Path Project
 - 3. Discussion/Action: Approval for Purchase of a Bucket Truck for Napoleon Power and Light Tree Trimming Crew
 - 4. Discussion/Action: Review of the Napoleon Area School District Campus Improvement Agreement
 - 5. Discussion/Action: to Appoint two (2) Councilmembers to the Tax Incentive Review Council
 - 6. Discussion/Action: Approve Appointment of Kevin Garringer as Delegate and Shannon Fielder as Alternate to the Regional Council of Governments (RITA)

7. Discussion/Action: Accept \$523.60 from Law Enforcement Partners
8. Discussion/Action: Accept \$1,000 Donation from Veterans of Foreign Wars of Ohio Charities VFW Post 8218 to the Napoleon Police Department

L. Executive Session (Purchase or Sale of Property, Compensation of Personnel)

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

N. Adjournment


Roxanne Dietrich - Clerk

A. ITEMS REFERRED OR PENDING IN COMMITTEES OF COUNCIL

- 1. Technology & Communication Committee (1st Monday)**
(Next Regular Meeting: March 7, 2022 @6:15 pm)
- 2. Electric Committee (2nd Monday)**
(Next Regular Meeting: Monday, February 14, 2022 @6:30 pm)
 - a. Review of Power Supply Cost Adjustment Factor for February, 2022
 - b. Electric Department Report
- 3. Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday)**
(Next Regular Meeting: Monday, February 14, 2022 @7:00 pm)
- 4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday)**
(Next Regular Meeting: Monday, February 14, 2022 @7:30 pm)
 - a. Appeal Decision on City Engineering Rule 4.1.3 (Tabled)
- 5. Parks & Recreation Committee (3rd Monday)**
(Next Regular Meeting: Monday, February 21, 2022 @6:00 pm)
- 6. Finance & Budget Committee (4th Monday)**
(Next Regular Meeting: Monday, February 28, 2022 @6:30 pm)
- 7. Safety & Human Resources Committee (4th Monday)**
(Next Regular Meeting: Monday, February 28, 2022 @7:30 pm)
 - Agenda Item for February 28, 2022 – Joint Meeting with Townships and HCSJAD
 - Agenda Item for May 23, 2022 – Review Traffic Pattern at Westmoreland and Bales Road
- 8. Personnel Committee (as needed)**

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

- 1. Board of Public Affairs (2nd Monday)**
(Next Regular Meeting: Monday, February 14, 2022 @6:30 pm)
 - a. Review of Power Supply Cost Adjustment Factor for February, 2022
 - b. Electric Department Report
- 2. Board of Zoning Appeals (2nd Tuesday)**
(Next Regular Meeting: Tuesday, February 8, 2022 @4:30 pm)
- 3. Planning Commission (2nd Tuesday)**
(Next Regular Meeting: Tuesday, February 8, 2022 @5:00 pm)
 - a. PC 22-01 – Subdivision Approval, Lot 1 German Mutual Subdivision
- 4. Tree Commission (3rd Monday)**
(Next Regular Meeting: Monday, February 21, 2022 @6:00 pm)
- 5. Civil Service Commission (4th Tuesday)**
(Next Regular Meeting: Tuesday, February 22, 2022 @4:30 pm)
- 6. Parks & Recreation Board (Last Wednesday)**
(Next Regular Meeting: Wed., February 23, 2022 @6:30 pm)
- 7. Privacy Committee (2nd Tuesday in May & November)**
(Next Regular Meeting: Tuesday, May 11, 2022 @10:30 am)
- 8. Records Commission (2nd Tuesday in June & December)**
(Next Regular Meeting: Monday, June 6, 2022 @6:45 pm)
- 9. Housing Council (1st Monday of April @6:00 pm after the TIRC meeting)**
- 10. Health Care Cost Committee (as needed)**
- 11. Preservation Commission (as needed)**
- 12. Napoleon Infrastructure/Economic Development Fund Review Committee (NIEDF) (as needed)**
- 13. Tax Incentive Review Council (as needed)**
- 14. Volunteer Firefighters' Dependents Fund Board (as needed)**
- 15. Volunteer Peace Officers' Dependents Fund Board (as needed)**
- 16. Lodge Tax Advisory & Control Board (as needed)**
- 17. Board of Building Appeals (as needed)**
- 18. ADA Compliance Board (as needed)**

City of Napoleon, Ohio
CITY COUNCIL MEETING MINUTES
MONDAY, JANUARY 17, 2022 at 7:00 PM

PRESENT

Councilmembers	Joe Bialorucki-Council President, Ross Durham-Council President Pro-Tem, Daniel Baer, Lori Siclair, Ken Haase, Dr. Dave Cordes
City Manager	Joel Mazur
Finance Director	Kevin Garringer
Law Director	Billy Harmon
City Staff	Clayton O'Brien-Fire Chief Chad E. Lulfs, P.E., P.S.-Director of Public Works
Others	News-media
Clerk	Roxanne Dietrich

ABSENT

Councilmember Molly Knepley

CALL TO ORDER

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

STATE OF THE CITY ADDRESS

Mayor Maassel presented his State of the City Address (a copy is attached to these minutes).

APPROVAL OF MINUTES

The minutes from the January 3, 2022 regular council meeting and January 10, 2022 special council meeting were approved as presented.

CITIZEN COMMUNICATION

None.

REPORTS FROM COUNCIL COMMITTEES

The Electric Committee meeting for January 10, 2022 was canceled due to lack of agenda items. Due to lack of agenda items, the Water, Sewer, Refuse, Recycling and Litter Committee did not meet on January 10, 2022.

The Municipal Properties, Building, Land Use and Economic Development Committee met on January 10, 2022 with the recommendation Council approve making Front Street one way from Scott to Riverview and to modify the codified ordinances to allow parking on Front Street from North Perry to Riverview.

The Parks and Rec Committee did not meet earlier this evening due to lack of agenda items.

INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

Ordinance No. 001-22 – Supplement No. 6 FY 2021

Council President Bialorucki read by title Ordinance No. 001-22, an ordinance supplementing the annual appropriation measure (Supplement No. 6) for the year 2021; and declaring an Emergency.

Motion: Durham Second: Haase
to approve First Read of Ordinance No. 001-22

Garringer stated this and the next two pieces of legislation are the year-end adjustments for the 2021 budget where we have to balance out line items in our appropriations to make sure they are balanced and ready for the 2021 audit. I would request all three be passed under suspension and once they all are, this will officially allow us to close the books for 2021.

Motion: Haase Second: Durham
to suspend the rule requiring three readings on Ordinance No. 001-22

Yea-Bialorucki, Baer, Haase, Dr. Cordes, Siclair, Durham
Nay-

Yea-6, Nay-0. Motion Passed.

Roll call vote to pass Ordinance No. 001-22 under suspension and on emergency.

Yea-Bialorucki, Baer, Haase, Dr. Cordes, Siclair, Durham
Nay-

Yea-6, Nay-0. Motion Passed.

Ordinance No. 002-22 – Transfer of Appropriation No. 4 – FY2021

Council President Bialorucki read by title Ordinance No. 002-22, an ordinance authorizing the Finance Director to make appropriation transfers (Transfer of Appropriation 4) from one appropriation line item to another appropriation line item pursuant to ORC Section 5705.40 for Fiscal Year Ending December 31, 2021 as listed in Exhibit A; and declaring an Emergency.

Motion: Dr. Cordes Second: Siclair
to approve Ordinance No. 002-22 on First Read

Garringer stated in this legislation as long as they are in the same fund and in the same department, we are able to move funds that are not being used from one line item to the other which in turn does not increase our appropriations total. We prefer to do it this way, if we can.

Motion: Durham Second: Haase
to suspend the rule requiring three readings of Ordinance No. 002-22

Roll call vote on the above motion:

Yea-Bialorucki, Baer, Haase, Dr. Cordes, Siclair, Durham
Nay-

Yea-6, Nay-0. Motion Passed.

Roll call vote to pass Ordinance No. 002-22 under Suspension and on Emergency

Yea-Bialorucki, Baer, Haase, Dr. Cordes, Siclair, Durham
Nay-

Yea-6, Nay-0. Motion Passed.

Resolution No. 003-22 - Transfer No. 5 FY 2021

Council President Bialorucki read by title Resolution No. 003-22, a Resolution authorizing the Finance Director to transfer certain fund balances (Transfer No. 5) from respective funds to other funds per ORC Section 5705.14 on an as needed basis in Fiscal Year 2021; listed in Exhibit A; and declaring an Emergency.

Motion: Durham Second: Siclair
to approve Resolution No. 003-22 on First Read

Garringer stated when we passed the 2022 budget there were eight resolutions that went with it and in one of those resolutions, it allows the Finance Director to transfer funds from one fund to the another. There is a cap on how much we can do. In this case, it is a good thing as in most of these we received more money in than we anticipated. These are year-end items where we are adjusting our line items to get them corrected to what we actually transferred.

Motion: Durham Second: Siclair
to suspend the rule requiring three readings of Resolution No. 003-22

Roll call vote on the above motion:

Yea-Bialorucki, Baer, Haase, Dr. Cordes, Siclair, Durham
Nay-

Yea-6, Nay-0. Motion Passed.

Yea-6, Nay-0. Motion Passed.

Council President Bialorucki read by title Resolution No. 004-22, a resolution authorizing the City Manager to execute the Housing Revolving Loan Fund Administration Agreement between the State of Ohio Development Services Agency and the City of Napoleon, Ohio; and declaring an Emergency.

Mazur stated, as Garringer explained at the last meeting, this is money in and money out. This is the home program that's managed by Maumee Valley Planning Organization. This is grant money that is used for homeowners who apply for and meet the eligibility requirements so they can make home improvements to their homes and then get reimbursed. This grant program has to be run through our books for auditing purposes since it's a grant fund for the City of Napoleon but, the program is managed by Maumee Valley Planning Organization. Siclair asked would this be considered a service to our citizens? Mazur replied definitely. Siclair then asked how are they made aware of the program and the eligibility requirements, how is the program being marketed? Mazur said there really has not been a whole lot of marketing that I am aware of unless Maumee Valley Planning is working with the different agencies within the City of Napoleon. They have had a lot of turnover and I do not know where they are at with their marketing programs or what kind of connections they have. I do know they work with the local organizations to try to get the message out to clients of those that seek services from those agencies. Garringer added this is not a giveaway program. It is called a Revolving Loan Program and while the loan may be forgiven, there are a lot of times it is run through the NOCAC program and there are certain requirements to be eligible for this, they have to take budgeting classes to be eligible for it. There certainly are some requirements for the people that are receiving these services. They cannot sell their home for a certain amount of years after the improvements are done, they cannot turn it over without a penalty. Mazur said I believe they cannot flip the house for five years.

Yea-6, Nay-0. Motion Passed.

Ordinance No. 063-21 – City Law Director Pay Increase

Bialorucki stated nothing has changed from first read

Yea-6, Nay-0. Motion Passed.

Motion: Haase Second: Dr. Cordes
to approve second read of Ordinance No. 064-21

Roll call vote on the above motion:

Yea-Bialorucki, Baer, Haase, Dr. Cordes, Siclair, Durham

Nay-

Yea-6, Nay-0. Motion Passed.

THIRD READING OF ORDINANCES AND RESOLUTIONS

Resolution No. 061-21 – Acquire 3.3 Acres of Land / Loose Field

Council President Bialorucki read by title Resolution No. 061-21, a resolution authorizing the City Manager to execute any and all documents necessary to acquire approximately three and tenths (3.3) acres of land, commonly referred to as Loose Field, located within the City of Napoleon, Ohio; and declaring an Emergency

Motion: Haase

Second: Durham

to pass Resolution No. 061-21 on Third Read

Mazur stated if this passes tonight, we will start on the survey and title work right away. That way, it will clear up a potential question that came up regarding the title work and deed restrictions that were brought up before to get to the bottom of that. There is some work we have to do; replat the property, survey it, set new boundaries for the parcel that is going to be split off and clear up the title work. It will be a little bit of time before any property closes so we have some time to work through those details. Siclair had a couple of questions, in the original contract we were talking about paying \$1.00 for Loose Field now, it's \$100,000. How did we come to that? I did just see the appraisal work that was done, can you explain that? Mazur responded in the beginning this came before Council and did not go through. The issue was, what is the value of the property and what was the ownership interest and wanted to have an appraisal done on the property in two different segments; one for just Loose Field and one for whatever the remaining property is and have it appraised as if the properties were totally vacant. Being that Loose Field is virtually vacant, it appraised at \$100,000 and the remaining property appraised at approximately \$245,000. They hired a commercial realtor that does appraisals to get those numbers. Siclair asked do we think that it would be in our best interest to do our own appraisal also? This is typically how you would have them do their own appraisal and Mazur interjected you know we could but, at the end of the day the appraisal is done from an unbiased perspective. We had the appraisals done at the old senior center and all three appraisals that were done came in right around the \$200,000 mark. I feel in my recommendation to City Council that the \$100,000 value was fair if you are looking at fair market value for a property price per acre for vacant land in that location and didn't think that it was a worthy expense based on what the zoning Siclair interjected speaking of the zoning, if it's hard to find comps that are similar for that property and there will need to be work done on it before it can be developed, are we pretty confident that we would find someone that would pay that much per acre? It looks like it's quite a bit more than other properties, other housing because this would be multi-family and condominium housing would be the highest and best use of the land. Mazur said it is zoned R3 right now and I believe that is single family and condo so it could be a mixture of things. The City Master Plan actually has it as mixed use. Our zoning code does not address that type of mixed use but, in terms of comps even the realtor that did the appraisal and he struggled to find comps and he was looking in other areas because there really wasn't anything that would fit this. There was West School but, you know West School needed a lot of work too and that was a lot more acreage. The location is what I believe was cited in the appraisal that made it seem like it was a little higher than what it would be in more localized towns. Siclair said I think it's probably in the best interest of the city to be able to direct what happens with that land, I just don't know if it's a concern to anyone else or if anyone has any thoughts about it. Maassel stated I think originally it was offered at \$1.00 when we were going to turn it into recreation and we would have had all the maintenance on all of it. Then, we said *no* at that time because we were changing from having soccer fields at what was then CD Brillhart and it became the Senior Center. The situations have changed and agree that ultimately, it is nice that we can kind of determine what goes in there a little easier because we own it versus not owning it. Mazur said to elaborate a little more, there's the old agreement that is referenced in the attachment and the old agreement has the Napoleon Civic Center Group, that is now the Cultural Center of Henry County, having to sell the property at a fair market value. I believe in this case, that has been determined by the appraisal. So, it is being sold at fair market value and that money has been approved and is actually given back to the donor in some way, form or fashion. The only way to purchase the property is through fair market value per the old agreement or else we leave it to the fate of the what that board would decide at a later date and not act on anything. I know I stated this before and the Mayor just re-emphasized

that it's an opportunity cost. My opinion is and as a recommendation to council, this is a critical piece of property and leaving it in the hands of the unknown I do not believe would be in the best interest of the city. I think it is better for the city to own it so we as an entity can have something put there that would make the most sense for the highest and best use. That being potentially a mixed use commercial/residential development. This is an opportunity cost and hopefully it pays off. There is always risk. Dr. Cordes said there's risk either way. There's risk what will it develop into versus we control it and then we can guide its development.

Roll call vote to pass Resolution No. 061-21 on Third Read

Yea-Bialorucki, Baer, Haase, Dr. Cordes, Siclair, Durham

Nay-

Yea-6, Nay-0. Motion Passed.

Ordinance No. 062-21 - Amending Composition of Fire/Rescue Department

Council President Bialorucki read by title Ordinance No. 062-21, an Ordinance amending Section 143.01 of the City of Napoleon's Codified Ordinances, "Composition and Control of the City Fire/Rescue Department", increasing the composition of the Fire Department, and repealing Ordinance No. 018-20.

Motion: Haase Second: Siclair

to pass Ordinance No. 062-21 on Third Read

Mazur reported this will change the composition of the Fire Department from five to six and reflects the reciprocity. Baer asked Chief O'Brien, I know we were down one firefighter and also have the new position now, are we making progress toward that filling those positions? Chief O'Brien stated we did conduct interviews last week and interviewed six applicants. We have it down to three to come in for a second interview. It's a good problem to have but, it's a really tough one this time.

Roll call vote on the above motion:

Yea-Bialorucki, Baer, Haase, Dr. Cordes, Siclair, Durham

Nay-

Yea-6, Nay-0. Motion Passed.

GOOD OF THE CITY

Review/Approval of the Power Supply Cost Adjustment Factor for January 2022: PSCA 3-month Averaged Factor \$0.02008 and JV2 \$0.061962

Mazur stated this does seem a little high. There were some congestion issues and a lot of time in the winter with cold snaps and things like that, you will get congestion issues that could potentially cause some brownouts or blackouts. In this case, we had a couple of projects that experienced this, it's more a market condition than anything that did cause our power supply three-month rolling average to be higher than what we would expect this time of year. It is still in the realm of where our normal rates are at. This puts us at the 12 cent range opposed to 11½ cents.

Motion: Siclair Second: Dr. Cordes

to approve the PSCAF for January 2022 as PSCA 3-month Averaged Factor \$0.02008 and JV2 \$0.061962

Roll call vote on the above motion:

Yea-Bialorucki, Baer, Haase, Dr. Cordes, Siclair, Durham

Nay-

Yea-6, Nay-0. Motion Passed.

Recommendation Front Street One-Way from Scott to Riverview and to modify the Codified Ordinances to Allow Parking on Front Street from North Perry to Riverview

Mazur reported we had a recommendation from the Municipal Properties Committee to make Front Street one way from Scott to Riverview where it comes out at the at the edge of the city parking lot and at the end of Trigen and, to allow for parking on Front Street on the north side from North Perry to the end of Front Street towards the city. There is already parking there now but, in the codified ordinances it says no parking is allowed. This would be more of a cleanup item unless Council does not want to pass that. My recommendation would be since this requires legislation to request that council direct the Law Director to draft legislation to allow parking on the north

side of Front Street that could take place right now but, to hold off on making Front Street one way until the construction is done or at least near completion so we have a better timeline when the one-way change would take place. Bialorucki said I think Lulfs had mentioned that the one-way is not going to change until we have everything else completed and at that time we are going to look at changing some of the parking with maybe angled and the new ones would all be marked where parking is allowed. Lulfs said currently the parking in front of the Lumberyard Winery is stoned and would not be able to be striped, if it was paved we could stripe it, that area would be parallel parking. The area where Trigen is located would be angle parking and there will be more space once the road is one way. They do fit now but that street doesn't see much traffic. It will be better and safer once we have it one way but, it could work for now. Obviously we don't want any parking in front of the car wash. The existing parking on the block from Scott to Riverview on the south side that parking is actually on private property and that is why we are making the request for parking on the north side. The codified ordinances have the parking tables and calls for no parking allowed on either side of those blocks. Bialorucki asked if we do allow parking on the north side, will we have some signage stating what way they have to park since we can't stripe it. Lulfs said we are looking into some type of signage at Trigen. If we need to do some type of signage regarding the type of parking allowed we can however, what we are proposing matches how everyone is currently parking. Right now, everyone is currently parking angled at the factory and parallel at the winery. Bialorucki asked would we want to take a look at how much it would cost to pave those? Lulfs said we are actually looking at what it costs to pave at the winery, we have not put numbers to paving at Tri-gen. We can run numbers and see what that cost will be as part of the project. Bialorucki said I would say what the Mayor said in his address today, to possibly add the city parking lot. In my opinion, I think it is going to look unfinished. Lulfs said right now we are just working with lines on paper. Maassel said to Lulfs you worked up a number for me for the city parking lot will you share that? Lulfs replied with a 10% contingency we had it at \$110,000. Maassel said I just thought since the crews are going to be here and if we are going to take the fence out, it would be easier to repave the whole thing all at once. Lulfs said a lot of times on paving jobs mobilization gets paid as a lump sum. In paving jobs that number usually starts at \$10,000. That means we do not pay them based on how much they do, they put a number in their bid and if there's a successful bidder that's what they get paid. Harmon asked this legislation is only addressing parking for now? Maassel said I think we start adjusting the parking now and as the pavement gets done, then the parking is already set. Bialorucki asked do we need to direct the Law Director to make Front Street one way at the time of the construction of the project? Maassel said parking change now and one way after the paving is completed. Lulfs stated he would be okay with the parking being written now but, if we start on the one-way now, we don't really know when that will take effect. So, it may be better to wait until construction is underway and we have a schedule. Bialorucki said if it doesn't matter one way or the other, it may be cleaner to wait until we know when the date is that it will open.

Motion: Siclair

Second: Baer

to direct the Law Director to draft legislation to modify the codified ordinances to allow parking on the north side of Front Street

Roll call vote on the above motion:

Yea-Bialorucki, Baer, Haase, Dr. Cordes, Siclair, Durham

Nay-

Yea-6, Nay-0. Motion Passed.

Approve Plans and Specifications for the State Route Rt. 110 Waterline Connection Project

Lulfs reported when the new river bridge was put in by the county in conjunction with the state, the city paid to have a waterline placed under that bridge. Currently the city's only easterly river crossing is at the Perry Street bridge. The river crossing we used to have east of there, broke about 12 years ago and has never been repaired or replaced. That waterline is hung under the bridge however, it does not connect to the existing waterline that is located on State Route 110. We are requesting approval to advertise for a project we have designed that will connect the existing dead end waterline on State Route 110 to the new waterline that was installed as part of the bridge project. This would be approximately 800 feet of waterline and the Engineer's Estimate is \$130,000. We have ARPA funds available to cover the cost of this project. Mazur stated this was one of the ARPA projects we had suggested. This will not come out of the water fund. If there are any overages above what we have allocated from the ARPA funds, the overage would come out of the water fund. Lulfs said we are trying to get this project

Roll call vote on the above motion:

Yea-Bialorucki, Baer, Haase, Dr. Cordes, Siclair, Durham

Nay-

Yea-6, Nay-0. Motion Passed.

Council President Bialorucki Reported no action was taken

Motion: Durham

Second: Siclair

to adjourn from Executive Session for compensation of personnel at 8:37 pm

Roll call vote on the above motion:

Yea-Bialorucki, Baer, Haase, Dr. Cordes, Siclair, Durham

Nay-

Yea-6, Nay-0. Motion Passed.

Council President Bialorucki reported no action was taken

APPROVE PAYMENT OF BILLS AND FINANCIAL REPORTS

The payment of bills and financial reports were approved.

ADJOURNMENT

Motion: Durham

Second: Siclair

to adjourn the City Council meeting at 8:38 pm

Roll call vote on the above motion:

Yea-Bialorucki, Baer, Haase, Dr. Cordes, Siclair, Durham

Nay-

Yea-6, Nay-0. Motion Passed.

Approved:

February 7, 2022

Joseph Bialorucki, Council President

Jason Maassel, Mayor

Submitted by:

Roxanne Dietrich, Clerk

2022

Good evening. Thank you for allowing me to fulfill my Mayoral obligation and present the 2022 State of the City.

I am not sure about you but often during my infrequent quiet times I have old phrases bouncing around in my head. Tonight, I would like to highlight two of those phrases.

The first one was said by assistant football coach Karl Yunker.

Each Friday night for three seasons, his keys to the game were always the same: Play good defense, don't turn the ball over.

As you watch football, the team that does those two things the best, the team that plays good defense, by avoiding the big play, taking on the blocks, and when presented making the tackle. That my friends is good defense. The other part, not

turning the ball over part speaks for itself. The team that does those things usually ends up winning the game. One of my first council meetings, back in October of 2012, someone told me: "Jason, one of the roles of council is not to expose Napoleon to excessive risk". In other words, play good defense. Let's explore how our departments did that this past year. How did we play good defense?

I am not sure about you but one of the elite teams that play good defense daily is our fire department. In 2021 they took 1936 calls for service! Think about that. One thousand, nine hundred and thirty-six times they answered, they play good defense by being on the front line with preserving life and fighting fires. The Napoleon Fire Department often fights them before they even start with our fire prevention programs and inspections. They train hard, you could say they practice good

defense daily and are even training harder with the ongoing improvements to the fire training facility.

Another great team at playing defense, how about our people in blue. Chief Mack and his team completed software updates to help integrate information between our officers and prosecutor's office. The software updates allow many folks involved in safety to have better access to records and should make the department even more responsive to ongoing cases. Soon they will be even better defensively when the sixth dispatcher is added. This sixth dispatcher will give Chief Mack and his folks an even greater ability to provide vital safety services to Napoleon.

The Law Department played good defense in 2021. They had over 1400 pretrials, 93 trials and helped to reduce the blighter property and blight issues in Napoleon. It is kind of odd to say

the prosecutor is playing defense, but in many ways that is exactly what our law department does every single day. Thank you Billy and Tammy for being such a great team!

Let's move along now to the Water Treatment plant where Jeff Weis and his team did a good job of playing defense by completing and integrating updates in accordance with America's Water Infrastructure Plan. What does that plan do? It requires the development of risk assessments and emergency plans for our water system? You mean they now have a game plan on how to play defense and they practice that plan? Well, yes, yes they do. Plus, by not having any mass boils alerts they proved once again up the task of making safe water every day for Napoleon.

Engineering worked hard all of 2021 and added personnel, and updated GIS system. By updating that GIS system our folks in the field can make quicker decisions, better decisions to help minimize impact during system issues. Sounds like good defense to me. Not to be outdone Jeff Rathge and his team played good defense by using 700 tons of salt during the winter months. They also helped clean up Napoleon to the tune of 481 tons of trash moved to the landfill, almost 60 tons of metal to recycled and over 1 and half tons of tires transported during the spring and fall clean ups. That service is vital to keeping Napoleon cleaner, and hopefully looking better each time.

Thank you Jeff!

Another team which plays great defense is our electric department. When outages are measured in minutes instead of days, that is good defense. That is doing all the basic things so

when it is game time, when the weather hits, those are easy days because of the work that was done while the weather was good. Oh, by the way they installed LED security lighting, and received the Smart Energy Provider designation from A P P A. They helped our residents and businesses by installing the proper line from the poles to the new housing development and business hook ups.

The Wastewater Treatment plant is playing good defense during the reconstruction of its facility. This process is going to help Napoleon long term. Okay So I have been hammering on playing good defense, but the other part of that phrase is don't turn the ball over. So, what does that mean to us? To me it means when the opportunity to take momentum, to move forward, to potentially score points, to improve our position, we do just that. Let's not stray from Wastewater because they

also didn't miss a beat when leadership transferred from David Pike to Jeremy Oakley. Having the right people in the right job is a signal of not turning the ball over.

Kevin Garringer and his team had a good 2021. Number one was the welcoming of Kevin, this, much like the transition inside the Wastewater Treatment team is key to the continued success of Napoleon. In 2021 The finance department sent required documents to the Auditor of State and that report came back clean, in other words they didn't turn the ball over. I am excited to see how the finance department continues to evolve with RITA, the new taxation system, coming on board.

Human resources reported a very low, well, turn over rate and once again had a great year with retention as 2021 saw another year below our five-year average at 6.5%. Not only that but due

to our Wellness Preventative led us to a health care cost increase of just 2.49%! That my friends is not turning the ball over.

Another department that didn't turn the ball over was IT with the roll out of the new website. I think that is the third iteration of the website since I have been here and we are finally able to have a webpage built for our bosses, the citizens of Napoleon. Well done fellows.

The City Manager reminded me that we didn't turn the ball over when we purchased the land at the corner of Commerce and Interchange. This undeveloped property will give future councils a tool for business expansion and retention. Speaking of economic development is our agreement with the CIC for the potential spec building to be built hopefully soon. Speaking of

the CIC we want to pause and welcome Jennifer Arps to her new role as CIC director. She is doing everything she can to not turn the ball and keep industry moving forward here in Napoleon and Henry County. Want another example of not turning the ball over, what about the sale for the AMP Transmission project. Instead of our citizens holding that cost, we, because of our strong association with AMP, were able to leverage that into a better outcome.

We also signed the Village of Florida to a long-term water contract, continue to talk with Malinta and others about our high-quality water. This is another example of not turning the ball over.

Finally, our solid relationship with Napoleon Area schools is a great example of not turning the ball over. There was a time

when this wasn't the case, there was a time when that relationship was being fumbled, and I am proud to see it coming back for the benefit of Napoleon. All of Napoleon. We cannot allow ourselves to fumble this relationship away as we pave around the campus this year. We appreciate the partnership and look forward to it continuing.

I told you earlier that I had two phrases. Before I give the second one, I need to provide some context. As many of you know my family has been involved in farming for generations. When I was in junior high and high school, I made my way out there as often as I could. Now, in the autumn many things are happening on the farm, many at the same time for a successful harvest. Well, when the combine goes to field and starts its work, that is noticeable. When the tractor with the loaded wagon comes to the barnyard, when the wagon pulls next to

the auger and the corn slides out of the gravity box, into the auger, and ends up in the bin, all those steps are noticeable. All those steps are important. But the last step of the day, after the combine is finished shelling for the day, after the last wagon has been unloaded, the last step of the day, is not noticeable, yet it is just as important. The last step is climbing into the grain bin, scoop shovel in hand and leveling the corn. The corn needs to be level so that when the fan is turned on, the corn has a better chance of drying evenly.

So on this particular day it was my uncle, God rest his soul, and I who drew the short straws, and climbed up the ladder over the top and into the bin. I was shoveling and I heard him say, with a soft growl in his voice, Load the Back. I turned and there he was, covered in grain dust, a slight gleam in his eye, hands on the top of his shovel and then he said the full phrase. Load

the back of the shovel, the front will take care of itself. You see, I was doing a good job of looking very busy, loading the front of the shovel, but by digging just a little deeper that job was accomplished so much quicker, that job went so much smoother and our time in the bin was shorted.

So, as we review some big events, let us begin to consider how we may “load the back” in 2022

This past year we had some very memorable, some very noticeable events happen here in Napoleon. First, we had our girls basketball team win a state title. What a night! Closing downtown to traffic, I remember so many people lining the streets waiting for the team arrive, and vividly remember the van door opening and the first thing I saw was that trophy go sky high. The way those girls played together, they wayed they

cared for each other, the way they danced the night away. That was a noticeable day. So was the opening of the new aquatic facility. That was such a great day. Yes, it was delayed for a week, but let's be honest, we were blessed with much better weather by waiting a week. We also appreciate Senator McColley and Representative Hoops for their help in pushing us across the finish line. Of course, the pool would not have been possible without Tony Cotter. Not just during the construction, but all the time before, the way his department operates, by taking immense pride in their work, by focusing on what matters, and doing their best every day. You could say they do a good job of loading the back. Without those efforts, the pool levy would have failed. Again, that June day, when kids jumped into the water, with the slides operating, and the bucket dumping water, what a great day.

Or what about when Lady of Justice was put back atop her perch. What a great day that was. Another Saturday, full of kids giving speeches; watching her fly up to the top of the courthouse with the red, white, and blue smoke coming off of her as the church bells rang out. What a great day. What a relief when Bill Meyer finally gave us the big gesture. She was back in her rightful place. That was a noticeable day, that was a memorable day. Another was when State Route 108 in Henry County being named after the first female admiral in the U.S. Navy. Memorable, just as well as the second river bridge. I am guessing that in fifteen to twenty years when people ask: "When was that?" the default answer will be 2021.

Yet, now is not the time to rest. Now is not the time to load the front. No. Now it is time to load the back. The tasks that we are tackling this year are just as important as the ones in 2021, but

likely not as noticeable, not as memorable. This is the time to load the back by correctly by allocating the funds we receive from the federal and state government in the way that propels us forward. We need to load the back as we continue to seek new opportunities for economic development and new housing starts. On this Martin Luther King Day, let us strive to remember the underrepresented by finding ways to leverage relationships into positive outcomes for all of Napoleon. We also need to keep the positive momentum going by loading the back at the Wastewater treatment plant. This is not a time to just load the front and appear busy, nope load the back. Want an easy way to not turn the ball over, to load the back? Since paving crews will be here soon for Front Street, why don't we ask them to pave our parking lot. A new parking lot will help project a better image of what we can be here in Napoleon. I

don't want to imagine someone new coming to town, gliding down a repaved Front street to be knocked around by the potholes in our parking lot.

At the heart of playing good defense and the core of loading the back is teamwork. Look we are not perfect, and each year is different, but let us, here in this room, strive to continue our recent history of being able to disagree without disrespect.

Hopefully we can continue to play good defense, not turn the ball over and keep loading the back together. Thank you very much.

ORDINANCE NO. 005-22

AN ORDINANCE AMENDING CERTAIN CITY OF NAPOLEON TRAFFIC SCHEDULES, SPECIFICALLY SCHEDULE I, "ON-STREET PARKING PROHIBITED" ON CERTAIN CITY STREETS, AND SCHEDULE III, "STOP AND YIELD INTERSECTIONS," AS LISTED IN THE ATTACHED EXHIBIT A; AND REPEALING ORDINANCE NO. 030-19; 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 Schedules I and III of the City of Napoleon Traffic Schedules to reflect changes made to parking time limits and restrictions on certain City streets, and 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, this Ordinance No. 005-22 hereby amends Ordinance No. 030-19 so as to incorporate and adopt all identified changes noted herein. The remaining, unchanged portions of Ordinance No. 030-19 remain in full force and effect as it existed prior to the changes.

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. 005-22 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the ____ day of _____, 2022; & 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. 005-22

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 South
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.
Knappe 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>STOP STREET</u>	<u>RIGHT-OF-WAY</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.	Sedward 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.
Perry St., N. (Southbound only)	Shelby 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:

<u>INTERSECTION</u>
Bales Rd./Washington St., W. and Glenwood Ave.
Bales Rd./Westermoreland 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.

(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>
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. 006-22

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO APPLY FOR AND ACCEPT A FISCAL YEAR 2022 ASSISTANCE TO FIREFIGHTERS GRANT (AFG) FROM THE DEPARTMENT OF HOMELAND SECURITY AND FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA); AND DECLARING AN EMERGENCY

WHEREAS, the Department of Homeland Security and Federal Emergency Management Agency provide opportunities for financial assistance to fire departments by means of offering grants which may be applied for and accepted by various entities; and,

WHEREAS, the Department of Homeland Security and the Federal Emergency Management Agency are sponsoring a grant for fiscal year 2022 for financial assistance with the purchase of professional services projects for operations and safety, vehicle acquisition, regional grants, and state fire training academies;

WHEREAS, the City of Napoleon desires to participate, by means of application and acceptance, in the Department of Homeland Security and Federal Emergency Management Agency's Assistance to Firefighters grant program to receive financial assistance for the purchase of a combination of any and all eligible programs as listed above for the City; **Now Therefore,**

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

Section 1. That, the City Manager is authorized to execute all documents necessary to apply for and accept a fiscal year 2022 Assistance to Firefighters Grant (AFG) offered by the Department of Homeland Security and Federal Emergency Management Agency.

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

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

Section 4. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for timely application of the AFG grant; 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. 006-22 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2022; & 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. 008-22

**A RESOLUTION AUTHORIZING THE PARTICIPATION IN THE
OHIO DEPARTMENT OF TRANSPORTATION (ODOT)
COOPERATIVE PURCHASING PROGRAM; AND DECLARING
AN EMERGENCY**

WHEREAS, Section 5513.01(B) provides the opportunity for counties, townships, municipal corporations, conservancy districts, township park districts, park districts created under Chapter 1545 of the Revised Code, port authorities, regional transit authorities, regional airport authorities, regional water and sewer districts, county transit boards, state universities or colleges to participate in contracts of the Ohio Department of Transportation (ODOT) for the purchase of machinery, material, or other articles; and,

WHEREAS, the City of Napoleon Department of Public Works desires to purchase the necessary materials for its 2022 crack sealing program; and,

WHEREAS, the materials can be purchased utilizing the State Cooperative Purchasing Program; and,

WHEREAS, the Council believes 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 City Manager on behalf of the City of Napoleon to participate in the Ohio Department of Transportation (ODOT) contracts for the purchase of machinery, materials, supplies or other articles which the Department has entered into pursuant to Ohio Revised Code Section 5513.01(B).

Section 2. That, the City Manager is hereby authorized to agree on behalf of the City of Napoleon to be bound by all terms and conditions as the Director of Transportation prescribes.

Section 3. That, the City Manager is hereby authorized on behalf of the City of Napoleon to directly pay vendors, under each such contract of the Ohio Department of Transportation in which the City of Napoleon participates, for items it receives pursuant to the contract.

Section 4. That, the City of Napoleon agrees to be responsible for resolving all claims or disputes arising out of its participation in the cooperative purchasing program under Section 5513.01(B) of the Ohio Revised Code. The City of Napoleon agrees to waive any claims, actions, expenses, or other damages arising out of its participation in the cooperative purchasing program which the City of Napoleon may have or claim to have against ODOT or its employees, unless such liability is the result of negligence on the part of ODOT or its employees.

Section 5. That, the City of Napoleon authorizes the expenditure of funds in excess of \$25,000.00 for the purchase of the necessary materials for its crack sealing program, utilizing the State Cooperative Purchasing Program. Also, Council finds it to be in the best interest of the City to eliminate the necessity for competitive bidding.

Section 6. That, the City Manager is authorized to enter into a contract for said purchase.

Section 7. 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 8. 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 9. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to begin the purchase 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. 008-22 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2022; & 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. 004-22

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE HOUSING REVOLVING LOAN FUND ADMINISTRATION AGREEMENT BETWEEN THE STATE OF OHIO DEVELOPMENT SERVICES AGENCY AND THE CITY OF NAPOLEON; AND DECLARING AN EMERGENCY

WHEREAS, the State of Ohio Development Services Agency (“Grantor”) through its Office of Community Development (“OCD”), administers the federal Community Development Block Grant Program (“CDBG”) and the HOME Investment Partnerships (“HOME”) Program for the State of Ohio; and,

WHEREAS, the City has been determined to be an eligible recipient of CDBG and/or Home funds; and,

WHEREAS, the Grantor has recognized the positive impact on community development initiatives when the use of program income is locally determined; and,

WHEREAS, the Grantor has permitted the establishment of Housing Revolving Loan Funds within local political subdivisions to meet the primary development goals of: 1) Improving the affordable housing stock; and, 2) Providing for affordable housing needs of low and moderate-income persons in designated areas of the Housing Revolving Loan Fund. **Now Therefore**,

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

Section 1. That, the Council of the City of Napoleon hereby approves the Agreement between the State of Ohio, Development Services Agency and the City of Napoleon known as the “Housing Revolving Loan Fund Administration Agreement” (“Agreement”) as currently on file with the City of Napoleon to cover the period of January 1, 2022 through December 31, 2026; moreover, the City Manager, in and for the City of Napoleon, is authorized to execute the same.

Section 2. That, the Council of the City of Napoleon hereby understands and agrees that participation in the program will require compliance with program guidelines and assurances as outlined in the Agreement and as administered by the State of Ohio, Development Services Agency.

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 timely execution of an agreement that may provide funding for housing to low and moderate income families and may otherwise improve housing availability, all of which are necessary for the immediate preservation of the public peace, health or safety of 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.

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. 004-22 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2022; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Roxanne Dietrich, Clerk of Council

ORDINANCE NO. 063-21

AN ORDINANCE AUTHORIZING A PAY INCREASE FOR THE CITY OF NAPOLEON, OHIO LAW DIRECTOR; AND DECLARING AN EMERGENCY

WHEREAS, Council desires to authorize a pay increase to the City Law Director; and,

WHEREAS, Council desires to make said changes effective with the pay period commencing on or about December 27, 2021; and,

WHEREAS, to achieve the above stated goals Council now desires to repeal Ordinance No.(s) 014-19, 099-19, and 076-20, and to establish a new Classification Pay Plan; **Now Therefore**,

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

Section 1. That, effective with the first pay period for the Year 2022, that commences on or about December 27, 2021, the biweekly salary of the City Law Director of this City shall be four thousand one hundred ninety-nine dollars and seventy-eight cents (\$4,199.78) and continue as such each year thereafter, so long as employed, unless modified by Council.

Section 2. That, this Ordinance allows the terms and conditions of this pay increase to be retroactively applied, the same being hereby approved as it so exists.

Section 3. That, all compensation paid under this Ordinance is subject to appropriation of funds by the Council.

Section 4. That, the Finance Director may adjust compensation for all affected employees to meet the intent of this Ordinance.

Section 5. That, all pay scales reflected in the City of Napoleon Pay Plan shall be rounded, utilizing the five rule, to the nearest penny.

Section 6. That, this biweekly salary is figured before any approved Cost of Living Adjustments are added to the biweekly salary.

Section 7. That, no position mentioned in this Ordinance shall receive longevity benefit unless specified in this City's adopted longevity plan unless otherwise specifically provided for herein, or except as may be permitted by the City's longevity policy.

Section 8. That, Ordinance No.(s) 014-19, 099-19, and 076-20 are repealed in their entirety effective December 27, 2021.

Section 9. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 10. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further,

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

Section 11. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for proper payment of wages to employees, proper payment being essential to the harmony of the necessary workforce; therefore, provided the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to commence the amendments in a timely manner which affects the public peace, health, and safety accessible to our citizens, and for further reasons as stated in the Preamble hereof.

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 063-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2022; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Roxanne Dietrich, Clerk of Council

ORDINANCE NO. 064-21

**AN ORDINANCE AUTHORIZING A PAY INCREASE FOR THE
CITY OF NAPOLEON, OHIO CITY MANAGER; AND
DECLARING AN EMERGENCY**

WHEREAS, Council desires to authorize a pay increase to the City Manager;
and,

WHEREAS, Council desires to make said changes effective with the pay period commencing on or about December 27, 2021; and,

WHEREAS, to achieve the above stated goals Council now desires to repeal Ordinance No.(s) 015-19, 100-19, and 077-20 and to establish a new Classification Pay Plan; **Now Therefore**,

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

Section 1. That, effective with the first pay period for the Year 2022, that commences on or about December 27, 2021, the biweekly salary of the City Manager of this City shall be four thousand four hundred forty-four dollars and sixty-one cents (\$4,444.61) and continue as such each year thereafter, so long as employed, unless modified by Council.

Section 2. That, this Ordinance shall contain a provision that allows the terms and conditions of this Ordinance to be retroactively applied, the same being hereby approved as it so exists.

Section 3. That, all compensation paid under this Ordinance is subject to appropriation of funds by the Council.

Section 4. That, the Finance Director may adjust compensation for all affected employees to meet the intent of this Ordinance.

Section 5. That, all pay scales reflected in the City of Napoleon Pay Plan shall be rounded, utilizing the five rule, to the nearest penny.

Section 6. That, this biweekly salary is figured before any approved Cost of Living Adjustments are added to the biweekly salary.

Section 7. That, no position mentioned in this Ordinance shall receive longevity benefit unless specified in this City's adopted longevity plan unless otherwise specifically provided for herein, or except as may be permitted by the City's longevity policy.

Section 8. That, Ordinance No.(s) 015-19, 100-19, and 077-20 are repealed in their entirety effective December 27, 2021.

Section 9. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

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

Section 11. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for proper payment of wages to employees, proper payment being essential to the harmony of the necessary workforce; therefore, provided the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to commence the amendments in a timely manner which affects the public peace, health, and safety accessible to our citizens, and for further reasons as stated in the Preamble hereof.

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 064-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2022; & 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
Jeremy Okuley, WWTP Superintendent
Jeff Rathge, Operations Superintendent
Roxanne Dietrich, Clerk of Council
Date: February 2, 2022
Subject: VanHyning Pump Station Replacement ~
Recommendation of Tentative Award

On Wednesday, February 2, 2022, bids were opened and read aloud for the above referenced project. One bid was submitted and read as follows:

<u>Bidder</u>	<u>Base Bid</u>	<u>Alternate 1</u>
Vernon Nagel, Inc.		Base Bid: \$2,711,122.36
	Alternate (Chopper Style Pump):	\$180,000.00
	Alternate (Bore Parallel Line Under Railroad):	\$622,075.00

The Engineer's Estimate for this project is \$2,500,000.00. This project consists of replacement of the existing VanHyning Pump Station.

This project is being funded through the Water Pollution Control Loan Fund (WPCLF) administered by the Department of Environmental Financial Assistance (DEFA). We applied for \$2.5MM with a \$500,000 contingency. They have requested for a project award by City Council which is dependent upon their review of all bid documents. **Since this project was included in the City of Napoleon's Bid Resolution, I request that Council pass a simple motion granting a Tentative Award Pending DEFA Approval to Vernon Nagel, Inc. for the VanHyning Pump Station Replacement for their Base Bid in the amount of \$2,711,122.36.** If you have any questions or require additional information, please contact me at your convenience.

CEL



CITY OF NAPOLEON, OHIO

ELECTRIC DEPARTMENT

PO Box 151, 1775 INDUSTRIAL DR.

NAPOLEON, OH 43545

PHONE: (419) 599-1891 FAX: (419) 875-3100

INTEROFFICE MEMORANDUM

TO: Joel Mazur, City Manager
FROM: Gregory Kuhlman, Superintendent
SUBJECT: Purchase of Tree Trimming Bucket Truck
DATE: January 20, 2022
CC: Mayor, City Council, Finance Director

Please find in this packet to be presented to Council, the required documentation for the bid of a new ALTEC Model LR8-60E70.

- Approved under 2022 Budget
- Account # 503-6110-57000 – Machinery & Equipment
- Budgeted Amount: \$200,000

Note: This purchase will replace a 2004 International Bucket Truck which will be sold on GovDeals. The new truck will be a 70' bucket with a working height of 75' which will give us an additional 10' reach.

Electric Superintendent
Gregory Kuhlman
GKUHLMAN@NAPOLEONOHIO.COM



Quote Number: 1087640 - 1
Altec, Inc.

January 7, 2022
Our 93rd Year

Ship To:

CITY OF NAPOLEON (OH)
1775 INDUSTRIAL DR
NAPOLEON, OH 43545
US

Attn:

Phone: 419-592-4010

Email:

Bill To:

CITY OF NAPOLEON (OH)
255 RIVERVIEW AVE
PO BOX 151
NAPOLEON, OH 43545
United States

Altec Quotation Number: 1087640 - 1
Account Manager: John Travis Founds
Technical Sales Rep: William Nick Adcock

<u>Item</u>	<u>Description</u>	<u>Qty</u>	<u>Price</u>
	<u>Unit</u>		
1.	ALTEC Model LR8-60E70 Articulating Overcenter Aerial Device with an insulating lower boom, insulating upper boom and the Altec ISO-Grip insulating system at the boom tip. For installation behind the cab to include the following features: A. Ground to Bottom of Platform Height: 70.3 feet (21.4 meters). B. Working Height: 75.3 feet (23.0 meters). C. Maximum reach to edge of platform with Upper Boom Non- overcenter (working position): 44.8 feet (13.6 meters) at platform height of 38.7 feet (11.8 meters) D. Maximum reach to edge of platform with Upper Boom Overcenter: 48.4 feet (14.8 meters) at platform height of 19.8 feet (6.0 meters). E. Continuous Rotation. F. Lower Boom: Articulation is from 0 to 125 degrees. Insulator provides 15 inches of isolation in the lower boom. G. Insulating Upper Boom: Articulation is from 0 to 270 degrees. The round filament wound fiberglass section provides a minimum of 19 feet (5.79 meters) of isolation. H. Chain and Rod Leveling: Platform automatically maintains level during boom articulation by means of a high strength chain and fiberglass rods in the booms to maintain dielectric integrity. Lifetime system requires no major preventative maintenance. Platform level adjustment is easily accessible from external location on lower pivot. I. Altec Patented walking link system features uniform speed, smooth and continuous articulation and low maintenance operation. J. Maintenance Free Elbow: nitrided to prevent rust, increase hardness and eliminates the need for grease at the elbow. K. Side-by-Side Boom Stow offers low travel height and easy platform access. L. The INSULATING UPPER CONTROL SYSTEM includes a single handle controller incorporating high electrical resistance components that are dielectrically tested to 40 kV AC with no more than 400 microamperes of leakage. The control handle is green in color to differentiate it from other non-tested controllers. M. The INSULATING SECONDARY CONTROL SYSTEM includes control handles incorporating high electrical resistance components that are dielectrically tested to 40 kV AC with no more than 400 microamperes of leakage. These control	1	

We Wish To Thank You For Giving Us The Pleasure
And Opportunity of Serving You

UTILITY EQUIPMENT AND BODIES SINCE 1929

<u>Item</u>	<u>Description</u>	<u>Qty</u>	<u>Price</u>
	handles are green in color to differentiate it from other non-tested controllers.		
N.	Platform capacity: 400 lbs. (181 kilograms) standard.		
O.	Small Boom Tip Profile.		
P.	Hydraulic system: Open center (full pressure), maximum flow of 6.0 to 6.5 gpm (22.7 to 24.6 lpm), maximum operating pressure of 3,000 psi.		
Q.	Diagnostic pressure test port is located at the lower control station to allow a technician to quickly and easily attach a test gauge to verify system and tool circuit pressure.		
R.	Unit is painted with a powder coat paint process which provides a finish-painted surface that is highly resistant to chipping, scratching, abrasion and corrosion. Paint is electrostatically applied to the inside as well as outside of fabricated parts then high temperature cured prior to assembly ensuring maximum coverage and protection.		
S.	Unit meets or exceeds ANSI 92.2 standards.		
2.	Manual Upper Boom Stow Securing System with support cradle and tie down strap.	1	
3.	Elevator Pedestal	1	
4.	Single, One (1) Man, Fiberglass Platform; fixed side mounted. 24 x 24 x 39 inches.	1	
	Altec Patented ISO-Grip Insulating, Proportional Speed, Upper Control Handle - with safety interlock and interlock guard. Located on the side of the platform nearest the upper boom, mounted on the shaft. Forward/back operates lower boom down/up, tiller operates rotation CW/CCW, and up/down operates upper boom up/down.		
5.	One (1) Platform Step - located on the side of the platform nearest the elbow in the stowed position	1	
6.	Platform Cover - Soft vinyl 24 x 24 inch (610 x 610 mm)	1	
7.	Platform Liner, 24 x 24 x 39 inches (610 x 610 x 991 mm), 50 kV Rating	1	
8.	Hydraulic Tool Circuit at Platform: Two (2) sets of tool couplers for open center tools, one (1) set located on each side of the platform.	1	
9.	Tool Circuit System Relief Pressure to be set to 2250 PSI	1	
10.	Secondary Stowage System: 12 VDC powered motor and pump assembly for temporary operation of the unit in a situation wherein the primary hydraulic source fails. Electric motor is powered by the chassis battery. Control is operated with an air plunger at the platform and a momentary switch located at the lower controls and the outrigger controls. This feature allows the operator to completely stow the booms, platform, and outriggers.	1	
11.	Slip Ring: Required for engine start/stop, secondary stowage system, and throttle control options	1	
12.	Primary A-Frame Outriggers with 5-degree swivel shoe. For installation on a 36 to 40 inch chassis frame height.	1	
A.	Maximum Spread: 140 inches to the outer edge of shoes		
B.	Ground Penetration: 7 to 11 inches depending on chassis frame height		
C.	Outrigger/Unit Selector Valve: reduces the potential for inadvertent outrigger movement during machine operation if outrigger controls are bumped		
D.	Outrigger Control Valves: located on the outrigger legs		

We Wish To Thank You For Giving Us The Pleasure
And Opportunity of Serving You

UTILITY EQUIPMENT AND BODIES SINCE 1929

<u>Item</u>	<u>Description</u>	<u>Qty</u>	<u>Price</u>
	E. Outrigger Interlocks: will not allow the unit to be operated until the outriggers have been at least partially deployed		
	F. Outrigger Motion Alarms		
13.	Hydraulic Outrigger Control Valves	1	
14.	Insulating Aerial Device, ANSI Category C, 46kV and Below	1	
15.	Bolt On Grab Handle for Turntable	1	
16.	Altec Unit Powder Painted White	1	
<u>Unit & Hydraulic Acc.</u>			
17.	Hydraulic Reservoir, 30 Gallon, Rectangular	1	
18.	Sight Gauge for Hydraulic Reservoir, Reservoir Mounted	1	
19.	HVI-22 Hydraulic Oil (Standard).	35	
20.	Standard Pump For PTO	1	
21.	Hot shift PTO for automatic transmission	1	
22.	Standard Altec PTO/Machine Functionality: PTO won't engage until parking brake is set.-Once parking (holding) brake is set, PTO and machine functions are enabled.-If parking (holding) brake is disengaged, both PTO and machine functions are disabled.	1	
23.	Standard PTO/Transmission Functionality for Automatic Transmissions -If chassis is in gear, and PTO switch is activated, PTO will not engage. Chassis will remain in gear. Once the chassis is shifted back into gear the PTO will disengage. For some truck configurations the PTO switch must be turned off to allow the transmission to shift into gear.	1	
<u>Body</u>			
24.	Altec Chip Dump Body 14.5 cubic yard capacity, 96 inches wide x 60 inches high x 132 inches long (2438 x 1524 x 3353 mm) with ladder box on curb side of body and single piece tailgate	1	
	A. Structural Channel stringers and floor channel.		
	B. 12 gauge minimum floor plate.		
	C. 14 gauge minimum sides and front with full length die-formed reinforcing ribs.		
	D. 14 gauge roof.		
	E. Rear top and sides of body reinforced for lower boom support.		
	F. 26-1/2 inches (673 mm) high tailgate, hinged curb side with provision to hold open for dumping.		
	G. 12 gauge minimum rear under body skirt panel.		
	H. Class "C" Hydraulic hoist, installed, with 45 degree dump angle and body prop.		
	I. LED lighting package, rubber grommet-mounted, with wiring harness in automotive type loom.		
	J. Two(2) LED strobes mounted in the upper rear corners of the dump body.		
	K. Curb side built-in ladder compartment, 12 inches wide x 25 inches high (305 x 635 mm) with wear pad and internal security chain.		

We Wish To Thank You For Giving Us The Pleasure
And Opportunity of Serving You

UTILITY EQUIPMENT AND BODIES SINCE 1929

<u>Item</u>	<u>Description</u>	<u>Qty</u>	<u>Price</u>
	<ul style="list-style-type: none"> L. Pole pruner compartment, 11 inches high (279.4 mm), above ladder compartment with dual shelves and rear locking door. Upper section of rear door opening is open. M. Interior of chip body finished with scratch and corrosion resistant liner N. Underside of chip body undercoated. O. Painted White 		
25.	Altec T-66 Thru Box with curbside and streetside compartments containing the following:	1	
	<ul style="list-style-type: none"> A. Streetside: Single compartment (66 inches long x 50 inches high x 26.5 inches deep) with two (2) barn-style doors and one (1) vertical door. Two (2) full width shelves fixed at 11 inches and 25 inches from top. Rubber matting (0.125 inch thick) in bottom. Right side has access to horizontal thru compartment extending to curbside. B. Curbside: Single compartment (41 inches long x 50 inches high x 26.5 inches deep) with two (2) barn-style doors. Left side has two (2) full width shelves fixed at 11 inches and 25 inches from top. Right side has six (6) material hooks (3-0-3). Platform mounted behind compartment 12 inches high x 25 inches wide x 26.5 inches deep. Horizontal thru compartment (6 inches high) recessed 12 inches, open to streetside with vertical partitions spaced 10 inches, 6 inches and 9 inches wide with drop-down door. Access step to T-box compartment top. C. Standard features: Bolt-on door locks. Gas shock door holders. Door locks are three-point t-handle latches with lock cylinders. Finish paint interior compartments the same as exterior. Integrated locking system. Front master locking handle. D. Provide mounting bracket for hydraulic reservoir on top of transverse behind curbside vertical compartment. E. Automotive undercoating applied to entire underside of body. F. Painted White 		
<u>Body and Chassis Accessories</u>			
26.	Cab Guard, 140" L, 12 GA Sheet Metal With Non-Skid Surface And Expanded Metal Section At Front, Black Gator Hyde Coating	1	
	<ul style="list-style-type: none"> A. Cab Guard Mounting Kit B. Front Supports For Cab Guard 		
27.	ICC (Underride Protection) Bumper Installed At Rear	1	
28.	Rigid Style Pintle Hitch (30,000 LB MGTW with 6,000 LB MVL), 4-Bolt Face Mount, Buyers PH15 (T-60 Style) (Forestry Applications)	1	
29.	Set Of D-Rings for Trailer Safety Chain, installed one each side of towing device mount.	1	
30.	Cab Guard Access Stirrup Step(s) With Grab Handle(s) At Curbside Rear Of Cab Guard	1	
31.	Rigid Access Step Under Through Box Side Access Platform	1	
32.	Platform Rest, Rigid with Rubber Tube	1	
33.	No Automatic Lower Boom Stow Securing System	1	
34.	Wood Outrigger Pad, 19.5" x 19.5" x 2.25", With Fluorescent Orange Steel Band Around The Outer Edges And Chain Handle	2	

We Wish To Thank You For Giving Us The Pleasure
And Opportunity of Serving You

UTILITY EQUIPMENT AND BODIES SINCE 1929

<u>Item</u>	<u>Description</u>	<u>Qty</u>	<u>Price</u>
35.	Grab Handle Installed On Top Of Lower Controls	1	
36.	Outrigger Pad Holder, 20" L x 20" W x 3.5" H, Fits 19.5" x 19.5" x 2.25" And Smaller Pads, Bolt-On, Bottom Washout Holes, 3/4" Lip Retainer	2	
37.	Mud Flaps With Altec Logo (Pair)	1	
38.	Wheel Chocks, Rubber, 9.75" L x 7.75" W x 5.00" H, with 4" L Metal Hairpin Style Handle (Pair)	1	
39.	Wheel Chock Holders (Pair), For Installation Under Flatbed Or Dump Body	1	
40.	Small Grab Handle Installed On Front Of Dump Body At Through Box Side Access Platform	1	
41.	Small Grab Handle Installed on Rear of Through Box on Curbside at Through Box Side Access Platform	1	
42.	Grab Handle Installed on Top of Curbside Rear Through Box Compartment	1	
43.	Slope Indicator Assembly (Pair) For Machine With Outriggers	1	
44.	Cone Holder, Horizontal Style with Vertical Pivot (Un-folds Upwards), For Mounting On Front Bumper (Holds up to four 15"x15" large cones)	1	
45.	Safety Harness & 4.5 FT Lanyard (Medium To X-large)	1	
46.	Driveaway Safety Kit	1	
47.	Vinyl manual pouch for storage of all operator and parts manuals	1	
<u>Electrical Accessories</u>			
48.	Lights and reflectors in accordance with FMVSS #108 lighting package. (Complete LED, including LED reverse lights)	1	
49.	4-Corner Strobe Lighting, Amber LED, Two (2) Round Lights in Front Corners of Cab Guard and Two (2) Round Lights at Rear	1	
50.	Strobe Lights Wired Battery Hot	1	
51.	Dual Tone Back-Up With Outrigger Motion Alarm	1	
52.	PTO Hour Meter, Digital, with 10,000 Hour Display	1	
53.	6-Way Trailer Receptacle (Pin Type) Installed At Rear	1	
54.	Electric Trailer Brake Controller (Tekonsha Voyager #9030)	1	
55.	Altec Modular Panel System (AMPS) - Includes Mounting Panel and Accessory Switches	1	
56.	Install secondary stowage system.	1	
57.	Install Outrigger Interlock System	1	

We Wish To Thank You For Giving Us The Pleasure
And Opportunity of Serving You

UTILITY EQUIPMENT AND BODIES SINCE 1929

<u>Item</u>	<u>Description</u>	<u>Qty</u>	<u>Price</u>
58.	Heavy Duty Secondary Stowage Pump	1	
59.	No Upper Boom Out of Stow Indicator	1	
60.	No Lower Boom Out of Stow Indicator	1	
61.	PTO Indicator Light Installed In Cab	1	

Finishing Details

62.	Powder Coat Unit Altec White	1	
63.	Finish Paint Body Accessories Above Body Floor Altec White	1	
64.	Altec Standard; Components mounted below frame rail shall be coated black by Altec. i.e. step bumpers, steps, frame extension, pintle hook mount, dock bumper mounts, D-rings, receiver tubes, accessory mounts, light brackets, under-ride protection, etc. Components mounted to under side of body shall be coated black by Altec. i.e. Wheel chock holders, mud flap brackets, pad carriers, boxes, lighting brackets, steps, and ladders.	1	
65.	Vehicle Height Placard, Installed In Cab	1	
66.	Apply Non-Skid Coating to all walking surfaces	1	
67.	English Safety And Instructional Decals	1	
68.	Placard, HVI-22 Hydraulic Oil	1	
69.	Dielectric test unit according to ANSI requirements.	1	
70.	Stability test unit according to ANSI requirements.	1	
71.	Focus Factory Build	1	
72.	Delivery Of Completed Unit	1	
73.	Inbound Freight	1	
74.	As Built Electrical And Hydraulic Schematics To Be Included In The Manual Pouch	1	
75.	Stock Unit	1	

Chassis

76.	Altec Supplied Chassis	1	
77.	Altec Stock Chassis	1	
A.	2023 Model Year		
B.	Freightliner M2-106		
C.	Regular Cab		
D.	4x2 Drivetrain		
E.	Chassis Color - White		
F.	Cummins B6.7 Engine		

We Wish To Thank You For Giving Us The Pleasure
And Opportunity of Serving You

UTILITY EQUIPMENT AND BODIES SINCE 1929

<u>Item</u>	<u>Description</u>	<u>Qty</u>	<u>Price</u>
G.	240 HP Engine Rating		
H.	Allison 3500 RDS Automatic Transmission		
I.	Air Brakes		
J.	Clear Cab to Axle Length - 139 inches Actual Cab to Axle Length - 142 inches		
K.	33,000 LBS Gross Vehicle Weight Rating (GVWR)		
L.	13,220 LBS Front Axle Weight Rating (FAWR)		
M.	21,000 LBS Rear Axle Weight Rating (RAWR)		
N.	016-1C3 - Freightliner Horizontal Exhaust (Right-Horizontal-Behind Cab-Horizontal)		
O.	Driver Controlled Locking Differential		
P.	Park Brake In Rear Wheels		
Q.	204-215 Freightliner 50 Gallon Fuel Tank (Left Hand Under Cab)		
R.	Freightliner - Pre-Wire Chassis with No Cab Backwall Pass-Thru (33U-011)		
S.	No Idle Engine Shut-Down Required		
T.	Air Conditioning		
U.	AM/FM Radio		

Additional Pricing

78.	Standard Altec Warranty: One (1) year parts warranty, one (1) year labor warranty, ninety (90) days warranty for travel charges, limited lifetime structural warranty	1
-----	---	---

Unit / Body / Chassis Total	192,555.00
FET Total	0.00
Total	192,555.00

Altec Industries, Inc.

BY

William Nick Adcock

Notes:

- 1 Chassis pricing should be considered budgetary only and is subject to change when specific model year pricing becomes available from the OEM. Additionally, the chassis model year is subject to change based on availability at time of order.
- 2 Altec takes pride in offering solutions that provide a safer work environment for our customers. In an effort to focus on safety, we would encourage you to consider the following items:

Outrigger pads (When Applicable)
Fall Protection System
Fire extinguisher/DOT kit
Platform Liner (When Applicable)
Altec Sentry Training

We Wish To Thank You For Giving Us The Pleasure
And Opportunity of Serving You

UTILITY EQUIPMENT AND BODIES SINCE 1929

Wheel Chocks

The aforementioned equipment can be offered in our new equipment quotations. If you find that any of these items have not been listed as priced options with an item number in the body of your quotation and are required by your company, we would encourage you to contact your Altec Account Manager and have an updated quote version sent to you. These options must be listed with an item number in the quotation for them to be supplied by Altec.

- 3 The final fully loaded weight of the truck and structural ratings of the hitch assembly may reduce the towing capacity and the vertical load capacity of the finished truck. These capacities may not match the ratings of the chassis or hitch.

- 4 Altec Extended Warranty Option:

An Altec Extended Warranty is an extension of Altec's Limited Warranty and protects you from the repair cost associated with defects of materials and workmanship after the standard Limited Warranty expires.

Altec offers many types of coverages and coverage packages. Ask your Altec account manager for details. Quotes are available upon request.

- 5 Unless otherwise noted, all measurements used in this quote are based on a 40 inch (1016mm) chassis frame height and standard cab height for standard configurations.

- 6 Altec Standard Warranty:

One (1) year parts warranty.

One (1) year labor warranty.

Ninety (90) days warranty for travel charges.

Warranty on structural integrity of the following major components is to be warranted for so long as the initial purchaser owns the product: Booms, boom articulation links, hydraulic cylinder structures, outrigger weldments, pedestals, subbases and turntables.

Altec is to supply a self-directed, computer based training (CBT) program. This program will provide basic instruction in the safe operation of this aerial device. This program will also include and explain ANSI and OSHA requirements related to the proper use and operation of this unit.

Altec offers its standard limited warranty with the Altec supplied components which make up the Altec Unit and its installation, but expressly disclaims any and all warranties, liabilities, and responsibilities, including any implied warranties of fitness for a particular purpose and merchantability, for any customer supplied parts

Altec designs and manufactures to applicable Federal Motor Vehicle Safety and DOT standards

- 7 F.O.B. - Customer Site

- 8 Altec values your data privacy. The Altec Family of Companies (including Altec, Inc., and its subsidiaries) may collect telematics data from the equipment you own. Please review Altec's Equipment Data Privacy Notice on www.altec.com for more information. By purchasing equipment from Altec, you consent to Altec's right to collect and use such data.

- 9 Changes made to this order may affect whether or not this vehicle is subject to F.E.T. A review will be made at the time of invoicing and any applicable F.E.T. will be added to the invoice amount.

We Wish To Thank You For Giving Us The Pleasure
And Opportunity of Serving You

UTILITY EQUIPMENT AND BODIES SINCE 1929

- 10 Price does not reflect any local, state or Federal Excise Taxes (F.E.T). The quote also does not reflect any local title or licensing fees. All appropriate taxes will be added to the final price in accordance with regulations in effect at time of invoicing.
- 11 Interest charge of 1/2% per month to be added for late payment.
- 12 Any payment made by a credit card may be subject to a surcharge fee.
- 13 Estimated Delivery: 250-275 days after receipt of order PROVIDING:
A. Customer supplied chassis is received a minimum of sixty (60) days before scheduled delivery.
B. Customer approval drawings are returned by requested date.
C. Customer supplied accessories are received by date necessary for compliance with scheduled delivery.
D. Customer expectations are accurately captured prior to major components being ordered (body, chassis) and line set date. Unexpected additions or changes made after this time or at a customer inspection will delay the delivery of the vehicle.
- Estimated Delivery is based on information at time of quote and is subject to change.
- Altec reserves the right to change suppliers in order to meet customer delivery requirements, unless specifically identified, by the customer, during the quote and or ordering process.
- 14 Trade-in offer is conditional upon equipment being maintained to DOT (Department of Transportation) operating and safety standards and remaining in compliance of DOT until arrival at an Altec Facility. This will include, but is not limited to engine, tires, lights, brakes, glass, etc. All equipment, i.e., jibs, winches, pintle hooks, trailer connectors, etc., are to remain with unit unless otherwise agreed upon in writing by both parties. ALTEC Industries reserves the right to re-negotiate its trade-in offer if these conditions are not met.
- All reasonable and necessary expenses required of ALTEC Industries to execute transportation of the trade-in will be invoiced to the customer for payment if these conditions are not met to maintain DOT standards.
- Customer may exercise the option to rescind this agreement in writing within sixty (60) days after receipt of purchase order. After that time ALTEC Industries will expect receipt of trade-in vehicle upon delivery of new equipment as part of the terms of the purchase order unless other arrangements have been made.
- 15 This quotation is valid until FEB 20, 2022. After this date, please contact Altec Industries, Inc. for a possible extension.
- 16 After the initial warranty period, Altec Industries, Inc. offers mobile service units, in-shop service and same day parts shipments on most parts from service locations nationwide at an additional competitive labor and parts rate. Call 877-GO-ALTEC for all of your Parts and Service needs.
- 17 FINANCING AVAILABLE: Please contact Altec Capital at (888) 408-8148 or email finance@altec.com for more information.
- 18 Please direct all questions to John Travis Founds at (919) 528-2535

NAPOLEON AREA CITY SCHOOL DISTRICT CAMPUS IMPROVEMENT AGREEMENT

This NAPOLEON AREA CITY SCHOOL DISTRICT CAMPUS IMPROVEMENT AGREEMENT (this "Agreement") is made and entered into on this 10TH day of OCTOBER, 2019 (the "Effective Date"), by and between the CITY OF NAPOLEON (the "City"), an Ohio municipal corporation duly organized and validly existing under the Constitution and the laws of the State of Ohio (the "State") and its Charter and THE NAPOLEON AREA CITY SCHOOL DISTRICT (the "District") an Ohio corporation. The City and the District may hereinafter be referred to individually as a "Party", or collectively as the "Parties."

Recitals

WHEREAS, the Parties desire to work together to make improvements to the traffic and parking areas around the District's campus for the betterment of students, faculty, visitors and general public; and

WHEREAS, based on the conditions of the Clairmont Avenue, the Parties desire to improve the conditions and appearance of the roadway; and

WHEREAS, the Parties see the benefits of improving traffic patterns around the bus parking lot and student drop-off area, the baseball and softball field parking areas and pedestrian traffic in and around the District campus; and

Whereas, pursuant to Resolution No. 043-19 passed on August 5, 2019 (the "Resolution"), the District has determined to enter into this Agreement with the City.

End of Recitals

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and the District covenant, agree and obligate themselves to the foregoing Background Information and as follows:

ARTICLE I GENERAL AGREEMENT AND TERM

Section 1. General Agreement Among Parties. For the reasons set forth in the Recitals hereto, which Recitals are incorporated herein by reference as a statement of the public purposes of this Agreement and the intended arrangements between the Parties, the Parties intend to and shall cooperate in the manner described herein to provide certain incentives to the Company and facilitate the construction of the Building.

Section 2. Term of Agreement. This Agreement shall become effective as of the Effective Date and will continue until the Parties' respective obligations set forth herein have been fulfilled, unless earlier terminated in accordance with this Agreement.

Section 3. No Implied Obligations for Future Improvement. Except as otherwise expressly provided herein, the rights and obligations of the Parties under this Agreement pertain only to the provision of certain obligations described herein and facilitating the improvements. This Agreement creates no obligation by any Party to cooperate in the design, financing or construction of any development other than the project described herein.

Section 4. No Partnership or Joint Venture. This Agreement does not and may not be construed to create a partnership or joint venture between or among any of the Parties.

ARTICLE II REPRESENTATIONS OF THE PARTIES

Section 1. Representations by the District.

(a) The District is an Ohio School District duly organized and validly existing under the laws of the State.

(b) The District has the power and authority to enter into and perform this Agreement.

(c) This Agreement has been duly authorized, executed and delivered by the District and constitutes the legal, valid and binding obligation of the District enforceable in accordance with its terms.

(d) Neither the entry into nor the performance of and compliance with this Agreement has resulted or will result in any violation of, or a conflict with or a default under, any judgment, decree, order, contract or agreement by which the District is bound or any legal requirement applicable to the District.

(e) There is no action, proceeding or investigation pending or, to the District's actual knowledge, threatened, which questions, directly or indirectly, the validity or enforceability of this

Agreement or any action taken or to be taken pursuant to this Agreement, or which might result in any material adverse change in the condition (financial or otherwise) or business of the District.

(f) No representation or warranty of the District in this Agreement contains any untrue statement of material fact or omits a statement of a material fact necessary in order to make such representation or warranty not misleading in light of the circumstances under which it is made.

Section 2. Representations by the City.

(a) The City is a municipal corporation duly organized and validly existing under the Constitution and the applicable laws of the State and its Charter.

(b) The City has the power and authority to enter into and perform this Agreement.

(c) This Agreement has been duly authorized, executed and delivered by the City and constitutes the legal, valid and binding obligation of the City enforceable in accordance with its terms.

(d) Neither the entry into nor the performance of and compliance with this Agreement has resulted or will result in any violation of, or a conflict with or a default under, any judgment, decree, order, contract or agreement by which the City is bound or any legal requirement applicable to the City.

(e) There is no action, proceeding or investigation pending or, to the City's actual knowledge, threatened, which questions, directly or indirectly, the validity or enforceability of this Agreement or any action taken or to be taken pursuant to this Agreement.

(f) No representation or warranty of the City in this Agreement contains any untrue statement of material fact or omits a statement of a material fact necessary in order to make such representation or warranty not misleading in light of the circumstances under which it is made.

(g) Resolution No. 043-19 passed by City Council on August 5, 2019, authorizing the execution and delivery of this Agreement, has been duly passed and is in full force and effect as of the Effective Date.

**ARTICLE III
RESPONSIBILITIES OF THE DISTRICT**

Section 1. Clairmont Avenue. The District agrees to repair and reconstruct the segment of Clairmont Avenue, which consists of the roadway, concrete curbing and other appurtenances, that the City has deemed is owned by the District and is located within the property boundaries of the property owned by the District to the standards that are acceptable to the City as outlined in the Engineering Department Rules & Regulations adopted by the Napoleon City Council on July 15, 1998 by Ordinance No. 30-98 and last amended on June 6, 2016 by Ordinance No. 020-16 at an estimated cost of \$275,000 of which costs are detailed in Exhibit A: Engineer's Estimate, by the end of calendar year 2020.

Section 2. Roadway Dedication. Upon successful completion to the satisfaction of the City, the District shall dedicate the section of Clairmont Avenue to the City. The dedication shall take place within 90 days of completion.

Section 3. Grant Funding for Pedestrian Improvements. The District agrees to be an active partner in seeking grant funds for pedestrian transportation improvements on and around the District's campus. This includes in participating in events and performing tasks that would enhance any application for grant funds and would increase the score of a grant application which would improve the likelihood of having a grant awarded either Party. This includes participating in national and state recognized walk and bike to school days and updating the District's Pedestrian Transportation Plan. Additionally, the District agrees to pay for 50% of the consulting costs for any application that is applied for by the City.

Section 4. Engineering Study and Recommendations. The District shall undertake an Engineering Study to address the traffic flow of the area on Westmoreland Avenue between the intersection of Clairmont Avenue to the southernmost entrance to the elementary school to identify any improvements needed to improve safety and mitigate any potential traffic hazards around the District Transportation Lot and the unpaved portion of the turn lane at the North entrance to the elementary school. The District and City shall review the recommendations outlined by the Engineering Study as a part of this Agreement and determine which option(s) provide the best and most cost effective solution(s) to alleviate traffic hazards and improve safety.

Further, should the District and the City fail to come to an agreement in their attempts to determine which option(s) provide the best and most cost effective solution(s) to alleviate traffic hazards and improve safety, the District and the City agree to submit the dispute to any mutually agreed upon mediation service for mediation by providing to the mediation service a joint, written request for mediation, setting forth the subject of the dispute and the relief requested. The parties shall cooperate with one another in selecting a mediation service, and shall cooperate with the mediation service and with one another in selecting a neutral mediator and in scheduling the mediation proceedings. The parties covenant that they will use commercially reasonable efforts in participating in the mediation. The parties agree that the mediator's fees and expenses and the costs incidental to the mediation will be shared equally between the parties.

Section 5. Softball and Baseball Field Parking. The District shall develop a Plan to address the parking at the Softball and Baseball fields to mitigate illegal parking taking place on Westmoreland Avenue during events. The District shall work with the City Police Department to implement the Plan.

ARTICLE IV RESPONSIBILITIES OF THE CITY

Section 1. Inspection Services. The City shall provide inspection services during the construction of the repair and reconstruct of the segment of Clairmont Avenue, which consists of the roadway, concrete curbing and other appurtenances, that the City has deemed is owned by the District and is located within the property boundaries of the property owned by the District to the standards that are acceptable to the City as outlined in the Engineering Department Rules & Regulations.

Section 2. Roadway Dedication. Upon successful completion to the satisfaction of the City, the City shall accept the dedication of the section of Clairmont Avenue to the City. The dedication shall take place within 90 days of completion.

Section 3. Grant Funding for Pedestrian Improvements. The City agrees to be an active partner in seeking grant funds for pedestrian transportation improvements on and around the District's campus. This includes participating in events and performing tasks that would enhance any application for grant funds and would increase the score of a grant application which would improve the likelihood of having a grant awarded either Party. Additionally, the City agrees to pay for 50% of the consulting costs for any application that is applied for by the City or the District.

Section 4. Compensation. In consideration of the District completing the tasks listed in Article III of this Agreement, the City agrees to compensate the District in the amount of \$50,000 in calendar year 2020, \$50,000 in calendar year 2021 and \$50,000 in calendar year 2022. The payments for the calendar years 2020 and 2021 shall be made within 45 days of the City receiving an invoice from the District in each respective year. For the final payment in 2022, the District shall send an invoice to the City, which will then be reviewed by the City Council. The final payment shall be made within 45 days after the City Council reviews and confirms that the provisions of this Agreement have been met.

ARTICLE V MISCELLANEOUS PROVISIONS

Section 1. Assignment. This Agreement may not be assigned without the prior written consent of all non-assigning Parties.

Section 2. Binding Effect. The provisions of this Agreement shall be binding upon and inure to the benefit of the Parties and their respective successors and permitted assigns.

Section 3. Captions. The captions and headings in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Agreement.

Section 4. Day for Performance. Wherever herein there is a day or time period established for performance and such day or the expiration of such time period is a Saturday, Sunday or legal holiday, then such time for performance shall be automatically extended to the next business day.

Section 5. Entire Agreement. This Agreement constitutes the entire Agreement between the Parties on the subject matter hereof and supersedes all prior negotiations, agreements and understandings, both written and oral, between the Parties with respect to such subject matter. This Agreement may not be amended, waived or discharged except in an instrument in writing executed by the Parties.

Section 6. Events of Default. in the event of any default in or breach of this Agreement, or any of its terms or conditions, by any Party hereto, the non-defaulting Party shall provide written notice to the defaulting Party of such default or breach. The defaulting Party shall

have thirty (30) days following receipt of such written notice to cure or remedy such default or breach.

Section 7. Executed Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed to constitute an original, but all of which together shall constitute but one and the same instrument. It shall not be necessary in proving this Agreement to produce or account for more than one of those counterparts.

Section 8. Extent of Covenants; No Personal Liability. All covenants, obligations and agreements of the Parties contained in this Agreement shall be effective to the extent authorized and permitted by applicable law. No such covenant, obligation or agreement shall be deemed to be a covenant, obligation or agreement of any present or future member, officer, agent or employee of the District or City other than in his or her official capacity, and neither the members of the legislative body of the District or City official executing this Agreement shall be liable personally under this Agreement or be subject to any personal liability or accountability by reason of the execution thereof or by reason of the covenants, obligations or agreements of the District or City contained in this Agreement.

Section 9. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio without regard to its principles of conflicts of laws. All claims, counterclaims, disputes and other matters in question between the District, its agents and employees, and the City, its employees and agents, arising out of or relating to this Agreement or its breach will be decided in a court of competent jurisdiction within Henry County, Ohio.

Section 10. Limitation on Liability. Notwithstanding any clause or provision of this Agreement to the contrary, in no event shall the Parties be liable to each other for punitive, special, consequential, or indirect damages of any type and regardless of whether such damages are claimed under contract, tort (including negligence and strict liability) or any other theory of law.

(THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)

Section 11. Notices. Notice from one Party to another relating to this Agreement shall be deemed effective if made in writing and delivered to the recipient's address set forth below by any of the following means: (a) hand delivery, (b) registered or certified U.S. mail, postage prepaid, with return receipt requested, or (c) Federal Express, UPS, or like overnight courier service. Notice made in accordance with this Section shall be deemed delivered when delivered by hand, upon receipt or refusal of receipt if mailed by registered or certified U.S. mail, or the next business day after deposit with an overnight courier service if delivered for next day delivery. The Parties agree that electronic mail shall not constitute a permitted form of notice under this Section. All notices shall be addressed as follows:

If intended for the City, to:

City of Napoleon, Ohio
255 W. Riverview Avenue
Napoleon, Ohio 43545
Attention: City Manager

With a copy to:

City of Napoleon, Ohio
255 W. Riverview Avenue
Napoleon, Ohio 43545
Attention: Law Director

If intended for the District, to:

The Napoleon Area City School District
701 Briarheath Drive
Napoleon, Ohio 43545
Attention: Superintendent

The Parties, by notice given hereunder, may designate any further or different addresses to which subsequent notices; certificates, requests or other communications shall be sent.

Section 12. No Recordation of Agreement. Neither this Agreement nor any memorandum of this Agreement may be recorded in the real property records.

Section 13. No Waiver. The failure of any Party to insist at any time upon the strict observance or performance of any of the provisions of this Agreement or to exercise any right or remedy as provided in this Agreement shall not impair any such right or remedy or be construed as a waiver or relinquishment thereof. Every right and remedy given by this Agreement to the Parties hereto may be exercised from time to time and as often as may be deemed expedient by the parties hereto, as the case may be.

Section 14. Recitals. The Parties acknowledge and agree that the facts and circumstances as described in the Recitals hereto are an integral part of this Agreement and as such are incorporated herein by reference.

Section 15. Severability. If any provision of this Agreement, or any covenant, obligation or agreement contained herein is determined by a court to be invalid or unenforceable, that determination shall not affect any other provision, covenant, obligation or agreement, each of which shall be construed and enforced as if the invalid or unenforceable portion were not contained herein. That invalidity or unenforceability shall not affect any valid and enforceable application thereof, and each such provision, covenant, obligation or agreement shall be deemed to be effective, operative, made, entered into or taken in the manner and to the full extent permitted by law.

Section 16. Cumulative Remedies. All rights and remedies provided in this Agreement are cumulative and not exclusive, and the exercise by either party of any right or remedy does not preclude the exercise of any other rights or remedies that may now or subsequently be available at law, in equity, by statute, in any other agreement between the parties, or otherwise.

Section 17. Survival of Representations and Warranties. The warranties, representations, covenants and agreements set forth in this Agreement shall not be cancelled by performance under this Agreement, but shall survive the Closing and the delivery of the deed of conveyance hereunder.

Section 18. Third Party Beneficiaries. Nothing in this Agreement, express or implied, is intended to or shall confer upon any other person any right, benefit or remedy of any nature whatsoever under or by reason of this Agreement.


Section 19. Time of Essence. Time is of the essence of this Agreement in all respects.

(THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)


IN WITNESS WHEREOF, the City, the CIC and the Company have caused this Agreement to be executed in their respective names by their duly authorized representatives, all as of the date first written above.

CITY:

CITY OF NAPOLEON, OHIO
an Ohio municipal corporation


By: 
Printed: Joel Mazur
Title: City Manager

Approved as to Form:

By: 
Printed: Billy D. Harmon
Title: Law Director

COMPANY:

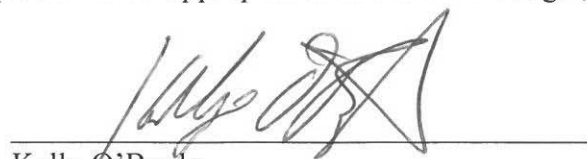
NAPOLEON AREA CITY SCHOOL DISTRICT
an Ohio school district

By: 
Printed: MICHAEL R BOSTELMAN
Title: TREASURER / CFO

FISCAL OFFICER'S CERTIFICATE

The 2020 amount of \$50,000.00 will be requested to be appropriated in the 2020 budget, subject to approval by City Council.

Dated: 10/9, 2019



Kelly O'Boyle
Director of Finance
City of Napoleon, Ohio

NAPOLEON AREA CITY SCHOOLS

BOARD OF EDUCATION

Ty A. Otto, President
Marcia S. Bruns, Vice President
Frank S. Cashman, Member
Rob M. Rettig, Member
Michael J. Wesche, Member

701 Briarheath Avenue, Suite 108
Napoleon, Ohio 43545

Mr. Erik Belcher, Superintendent

ADMINISTRATIVE OFFICE

PHONE 419-599-7015
FAX 419-599-7035

TREASURER

Michael R. Bostelman

412 CERTIFICATE – CONTRACT WITH CITY OF NAPOLEON ORC 5705.412

It is hereby certified that the Napoleon Area City School District has sufficient funds to meet the contract obligation, payment or expenditure for the above, and has in effect for the remainder of the fiscal year and the succeeding fiscal year the authorization to levy taxes which, when combined with the estimated revenue from all other sources available to the district at the time of certification, are sufficient to provide operating revenues necessary to enable the district to maintain all personnel, programs and services essential to the provision of an adequate educational program on all the days set forth in its adopted school calendar for the current fiscal year and for a number of days in the succeeding fiscal year equal to the number of days instruction was held or is scheduled for the current fiscal year, except that if the above expenditure is for a contract, this certification shall cover the term of the contract or the current fiscal year plus the two immediately succeeding fiscal years, whichever period of years is greater.

Date 9-24-19

Signature Michael R Bostelman

Title TREASURER/CFD

EXHIBIT A

Engineer's Estimate

City of Napoleon
Clairmont Avenue Improvements
Required for Dedication
July 11, 2018

		Estimated Quantity	Napoleon Area Schools Required		Estimated Quantity	Optional Additions (Replacing All Curbing)	
			Unit Price	Subtotal		Unit Price	Subtotal
Clairmont Avenue (Briarheath Avenue to Westmoreland Avenue)							
1	Cold Planing (0 " To 1 1/2" Deep)	3,832.56 SY	\$2.50	\$9,581.39	0.00 SY	\$2.50	\$0.00
2	Driveway Excavation, Including Embankment Construction	137.93 CY	\$20.00	\$2,758.52	0.00 CY	\$20.00	\$0.00
3	Tack Coat @ 0.05 GAL/SY	191.63 GAL	\$1.75	\$335.35	0.00 GAL	\$1.75	\$0.00
4	2" Asphalt Concrete Surface (ODOT 448 Type 1 Medium, PG64-22)	425.84 TON	\$75.00	\$31,937.96	0.00 TON	\$75.00	\$0.00
5	Remove & Replace Type 2 Curb (Including Base Stone & Base Asphalt)	1,471.00 LF	\$45.00	\$66,195.00	1,036.00 LF	\$45.00	\$46,620.00
6	Remove Type 2 Curb & Install Type 2A Curb (New Concrete Approaches)	216.00 LF	\$30.00	\$6,480.00	0.00 LF	\$30.00	\$0.00
7	Remove/Replace Existing 6" Concrete Walk Including 6" Stone Base (Stabilized Crushed Aggregate, ODOT 411)	13.33 SY	\$45.00	\$600.00	0.00 SY	\$45.00	\$0.00
8	8" Plain Portland Cement Concrete Pavement With 6" Crushed Aggregate Base (O.D.O.T. 304)	354.67 SY	\$80.00	\$28,373.33	0.00 SY	\$80.00	\$0.00
9	Handicap Ramp With ADA Truncated Dome Detectable Warnings	2.00 EA	\$350.00	\$700.00	0.00 EA	\$350.00	\$0.00
10	6" Corrugated Polyethylene Tubing With Filter Sock (Including All Fittings & No. 8 Stone Fill)	2,500.00 LF	\$12.00	\$30,000.00	0.00 LF	\$12.00	\$0.00
11	12" PVC ASTM D3034 SDR-35 Storm Sewer, Type B (Including All Fittings)	5.00 LF	\$65.00	\$325.00	0.00 LF	\$65.00	\$0.00
12	12" PVC ASTM D3034 SDR-35 Storm Sewer, Type C (Including All Fittings)	16.00 LF	\$50.00	\$800.00	0.00 LF	\$50.00	\$0.00

		Estimated Quantity	Napoleon Area Schools Required		Estimated Quantity	Optional Additions (Replacing All Curbing)	
			Unit Price	Subtotal		Unit Price	Subtotal
13	Replace Existing Manhole Casting & Vented Lid Marked "STORM SEWER"	6.00 EA	\$400.00	\$2,400.00	0.00 EA	\$400.00	\$0.00
14	Manhole Adjusted to Grade	1.00 EA	\$500.00	\$500.00	0.00 EA	\$500.00	\$0.00
15	Point Up Pipes in Manhole	2.00 EA	\$250.00	\$500.00	0.00 EA	\$250.00	\$0.00
16	Replace Curb Inlet (Including All Fittings to Existing Storm Sewer, Base Stone & Base Asphalt)	2.00 EA	\$2,500.00	\$5,000.00	0.00 EA	\$2,500.00	\$0.00
17	2'x3' Curb Inlet	1.00 EA	\$2,500.00	\$2,500.00	0.00 EA	\$2,500.00	\$0.00
18	Replace Existing Curb Inlet Casting & "Bike Safe" Grate	9.00 EA	\$400.00	\$3,600.00	0.00 EA	\$400.00	\$0.00
19	Reconstruct Curb Inlet to Grade	1.00 EA	\$1,000.00	\$1,000.00	0.00 EA	\$1,000.00	\$0.00
20	Point Up Pipes in Curb Inlet	1.00 EA	\$250.00	\$250.00	0.00 EA	\$250.00	\$0.00
21	Fertilizer	1.00 LS	\$3,000.00	\$3,000.00	0.00 LS	\$3,000.00	\$0.00
22	Maintenance Of Traffic	1.00 LS	\$1,000.00	\$1,000.00	0.00 LS	\$1,000.00	\$0.00
23	Mobilization	1.00 LS	\$7,500.00	\$7,500.00	0.00 LS	\$7,500.00	\$0.00
			Subtotal:	\$205,336.55		Subtotal:	\$46,620.00
			10% Contingency:	\$20,533.66		10% Contingency:	\$4,662.00
			Total:	\$225,870.21		Total:	\$51,282.00

RESOLUTION NO. 043-19

**A RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF
THE NAPOLEON AREA CITY SCHOOL DISTRICT CAMPUS
IMPROVEMENT AGREEMENT**

WHEREAS, the City of Napoleon (the "City") is an Ohio municipal corporation duly organized and validly existing under the Constitution and the laws of the State of Ohio and its Charter; and,

WHEREAS, the Napoleon Area City School District Board of Education (the "District") is a political subdivision; and,

WHEREAS, the City and the District desire to work together to improve some road conditions at the school and to make improvements to the traffic and parking areas around the District's campus for the betterment of students, faculty, visitors and the general public. **Now Therefore**,

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

Section 1. That, based on the conditions of Clairmont Avenue, the City of Napoleon (City) and the Napoleon Area City School District Board of Education (District) desire to and have agreed to improve the conditions and appearance of this roadway.

Section 2. That, the City and District see the benefits of improving traffic patterns around the bus parking lot and student drop-off area, the baseball and softball field parking areas, and in improving pedestrian traffic conditions in and around the District's campus and have agreed to work together to resolve the aforementioned issues.

Section 3. That, the City Manager is hereby authorized and directed to enter into the Napoleon Area City School District Campus Improvement Agreement, upon the effective date as determined in the Agreement, and in the form as currently on file in the office of the City Finance Director

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

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

Section 6. That, this Resolution shall be in full force and effect at the earliest time permitted by law.

Passed: August 5, 2019

Joseph D. Bialorucki
Joseph D. Bialorucki, Council President

Approved: August 5, 2019

Jason P. Maassel
Jason P. Maassel, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:

Roxanne Dietrich
Roxanne Dietrich, interim Clerk of Council

I, Roxanne Dietrich, interim Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 043-19 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 7th day of August, 2019; & 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
Roxanne Dietrich, interim Clerk of Council

STATE OF OHIO
COUNTY OF HENRY

Sally Heaston, being first duly sworn, states that she is the General Manager of The Bryan Publishing Company, owner of The Northwest Signal, a daily newspaper, published and of general circulation in the county of Henry aforesaid, and that the annexed notice was published in one issue in said paper, on the 7th day of August, 2019.



Sally Heaston

Subscribed and sworn to before me this
8th day of August, 2019



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

Printer's Fee: \$212.40

Notary Fee: \$2.00

Summary of Ordinance No(s) 046-19, 049-19, 051-19
and Resolution No(s) 043-19, 047-19

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

NOTICE

A copy of the complete text of the above named Ordinance(s) and Resolution(s) are on file in the office of the City Finance Director and may be viewed or obtained during business hours of 7:30 AM to 4:00 PM, Monday through Friday, at the office of the Finance Director, the location being 256 West Riverview Avenue, Napoleon, Ohio. A copy of all or part of the above named Ordinances and Resolutions, or any item mentioned in this notice, may be obtained from the City Finance Director upon the payment of a reasonable fee therefore.

Ordinance No. 046-19

AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION MEASURE (SUPPLEMENT NO. 4) FOR THE YEAR 2019; AND DECLARING AN EMERGENCY

In this legislation, the City approved supplementing the annual appropriation measure.

Ordinance No. 049-19

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JONES & HENRY ENGINEERS, LTD. FOR PROFESSIONAL DESIGN SERVICES FOR THE PROJECT KNOWN AS THE WASTEWATER TREATMENT PLANT PHASE 1 IMPROVEMENTS PROJECT, WHICH WAS NOT INCLUDED IN THE 2019 MASTER BID RESOLUTION, AND AUTHORIZING THE EXPENDITURE OF FUNDS IN EXCESS OF \$25,000.00 FOR SAID PROJECT; AND DECLARING AN EMERGENCY

In this legislation, the City authorized the City Manager to enter into a contract with Jones & Henry Engineers, LTD. For the design services of the Wastewater Treatment Plant Phase 1 Improvements Project, also authorizing the expenditure of funds in excess of \$25,000. for said project.

Ordinance No. 051-19

AN ORDINANCE APPROVING AN ODOT RESURFACING PROJECT FROM THE CORPORATION LINE OF HOLGATE TO THE MAUMEE RIVER BRIDGE IN NAPOLEON; AND DECLARING AN EMERGENCY

In this legislation, the City approved a certain ODOT resurfacing project.

Resolution 043-19

A RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF THE NAPOLEON AREA CITY SCHOOL DISTRICT CAMPUS IMPROVEMENT AGREEMENT

In this legislation, the City authorized the approval and execution of the Napoleon Area City School District Campus Improvement Agreement.

Resolution 047-19

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

In this legislation, the City authorized the Finance Director to transfer certain fund balances to other funds as needed in fiscal year 2019.

All the above summaries are approved as to form and correctness by Billy D. Harmon, City Law Director



NAPOLEON AREA CITY SCHOOL DIST
TREASURERS OFFICE
701 BRIARHEATH AVENUE, SUITE 108
NAPOLEON, OH 43545
Phone: (419) 599-7015

Billing Date: 01/26/2022
Billing #: 1036
Ledger Code: BOE
Customer #: 103
Due Date: 02/25/2022

Remit To: NAPOLEON AREA CITY SCHOOL DIST
701 BRIARHEATH AVE, SUITE 108
NAPOLEON, OH 43545

Sold To: City of Napoleon
255 W. Riverview Ave.
Napoleon, Ohio 43545

Attention:

Service Date	Description	Amount
01/26/2022	CLAIRMONT AVE AGREEMENT	\$50,000.00
		\$50,000.00



January 27, 2022

City of Napoleon
Council President Joe Bialorucki
255 W. Riverview Ave.
PO Box 151
Napoleon, OH 43545

Re: 2022 Tax Incentive Review Council (TIRC)

As Henry County Auditor Elizabeth Fruchey's designee for chairing the 2022 Henry County TIRC, The CIC passes on this information to you and respectfully asks for your political subdivision to **(a)** make the appointments outlined below and **(b)** inform our office of those appointments.

Ohio law provides that each Enterprise Zone (EZ) Agreement and Community Reinvestment Area (CRA) Agreement must be reviewed annually by a "council" (TIRC) to evaluate whether the business that is a party to that agreement has acted in good faith in following the commitments made under the agreement.

The TIRC reviews each agreement individually, by business, over the course of one (1) day. **The meeting will take place on Friday, March 18, 2022, beginning at 9:00 a.m.** I respectfully ask that your representative(s) be present when agreement(s) in your geographic area of the county are discussed. Your representative(s) will not need to be present (although they are certainly welcome to be present) when agreements in other geographic areas of the county are discussed. **Please make sure that your appointed representatives will be able to attend on March 18, 2022.**

Each political subdivision has a certain number of appointments to make:

Henry County:	Three (3) Representatives
Each Municipality with an Agreement:	Two (2) Representatives
Each Township with an Agreement:	Two (2) Representatives
Each School District:	One (1) Representative
Four County Career Center:	One (1) Representative

Please appoint your representatives and inform our office of those appointments **on or before February 25, 2022** by filling out the attached form and returning it to our office with a resolution or minutes from your meeting stating the representatives.

If you have any questions or concerns related to this memorandum, please contact the office at (419) 592-4637 at your convenience.

Respectfully,

Kylie Ziegler
Administrative Assistant



LAW ENFORCEMENT PARTNERS

2530 Scottsville Rd. Suite 6
Bowling Green, KY 42104
Office: 270-746-5444
Fax: 270-842-8851
www.lawenforcementpartners.com

It is our pleasure to work with your department and your community. We look forward to working with you again in years to come. If you have any questions, needs, or concerns, please do not hesitate to call or email at any time.

Thank you again for trusting us, and we wish you the best of luck with the 2022 year!

Sincerely,

Cami Garrett and The Staff at Law Enforcement Partners

P.S. Don't forget, we give a referral bonus of \$250 to your agency for each agency you send our way that signs up to do a calendar project with our company.

Law Enforcement Partners 2530 Scottsville Rd, Suite 6 Bowling Green, KY 42104 270-746-5444		1532	
DATE <u>1/12/22</u>		21-13/830	
PAY TO THE ORDER OF	<u>Napoleon Police Department</u>		\$ <u>536.00</u>
<u>five hundred twenty three dollars & 60/100</u>		DOLLARS	
FOR	<u>Diana McDaniels</u> <u>Sheddong</u>		

"Bringing Community and Law

Please Deposit
+
\$250 MARK FOR
ED
DRUG & K9
USE - THANKS
Cami

VETERANS OF FOREIGN WARS OF OHIO CHARITIES

VFW POST 8218

35 E. CHESTNUT STREET, SUITE 505
COLUMBUS, OH 43215

1034

25-216/440

Jan 25, 2022

Date

CHECK ARMOR
FRAUD PROTECTION

Pay to the
Order of

Napoleon Police Department

\$ 1000.00

One-thousand and 00/100

Dollars



Photo
Safe
Deposit
Details on back



For

Donation

Scott T. Walter



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

Memorandum

To: City Council, Mayor, City Manager, Finance
Director, Law Director, Department Heads,
News-media
From: Roxanne Dietrich, Clerk
Date: February 4, 2022
Subject: Technology and Communications Committee –
Cancellation

The regularly scheduled meeting of the **Technology and Communications Committee** for Monday, February 7, 2022 at 6:15 pm has been CANCELED due to lack of agenda items.

City of Napoleon, Ohio
PLANNING COMMISSION MEETING AGENDA

Tuesday, February 08, 2022 at 5:00 pm

PC 22-01 – Subdivision Approval, Lot 1 German Mutual Subdivision

Council Chambers, 255 West Riverview Avenue, Napoleon, Ohio

- 1) Call to Order
- 2) Roll Call
- 3) Approval of Minutes - December 14, 2021 (in the absence of any objections or corrections, the minutes shall stand approved)
- 4) **New Business**
PC 22-01 – an application for a public hearing has been filed by Steve Lankenau on behalf of German Mutual Insurance Company (Goodville Insurance Company). The applicant is requesting the approval of a subdivision as being part of the West ½ of the Northwest ¼ of Section 14, also known as Lot 1 of German Mutual Subdivision Town 5 North – Range 6 East, City of Napoleon, Henry County, Ohio. The request is pursuant to Chapter 1141 of the Codified Ordinances of Napoleon, Ohio. The property is located in a C-3 Local Commercial District.
- 6) Appointment to Housing Council
- 7) Closing Remarks
- 8) Adjournment.

Roxanne Dietrich
Roxanne Dietrich - Clerk

City of Napoleon, Ohio
PLANNING COMMISSION MEETING MINUTES
Tuesday, December 14, 2021 at 5:00 pm

PC 21-11 – Subdivision Replat, 2950 Enterprise Avenue

PRESENT:

Commission Members	Tim Barry-Chair, Suzette Gerken, Larry Vocke, Marvin Barlow, Jason Maassel
City Staff	Kevin Schultheis-Zoning Administrator/Code Enforcement Officer
	Joel Mazur-City Manager
	Clayton O'Brien-Fire Chief
	Joel Frey-Assistant Fire Chief
	Kevin Garringer-Finance Director
Others	Brian Koeller-Northwest Signal
	Brad and Laura Hibbard, Attorney Kristin Wacha
Clerk	Roxanne Dietrich

ABSENT

Barry, Chairman of the Planning Commission called the meeting to order at 5:00 pm with a roll call noting all members were present.

APPROVAL OF MINUTES

In the absence of any objections or corrections, the minutes of the September 14, 2021 Planning Commission meeting shall stand approved.

NEW BUSINESS

PC 21-11 – Replat of Lot A and Lot B of Replat of Mahnke Orchards – 2950 Enterprise

Barry read the background for PC 21-11. An application for a public hearing has been filed by Bradley and Laura Hibbard. The applicant is requesting the approval of a subdivision as being part of a Re-Plat of Lot A and Lot B of the Re-plat of Mahnke Orchards Plat No. 1, City of Napoleon, Henry County, in the State of Ohio. The request is pursuant to Chapter 1141 of the Codified Ordinance of Napoleon, Ohio. The property is located in a C-4 Planned Commercial District.

RESEARCH AND FINDINGS

Schultheis presented his research and findings:

- 1) A Subdivision within the City Permit is for any Planned Development to be located in the C-4 Planned Commercial District as per 1145.01(a) table of permissible uses.
- 2) Scope of the Project: Proposed Re-Plat of Lot A and Lot B of the Re-Plat of Mahnke Orchards- Plat1. A portion of the SW ¼ of Section 5, Township 5 North Range 7 East, First Principal Meridian Re-Plat of Mahnke Orchards- Plat-1.

RECOMMENDED CONDITIONS

All revisions made to the plans by the surveyor of the project must be reviewed by the City Engineer, Chad Lulfs, prior to approval by the Board of Planning Commission.

LEGAL DESCRIPTIONS

- 1) 27.947 acres situated in the City of Napoleon, Liberty Township, Henry County, State of Ohio and being lot B of the Re-Plat of Mahnke Orchards, Plat No 1, Parcel No. 270500140000 in Liberty Township, owned by Bradley N. Hibbard and Laura J. Sills-Hibbard
- 2) 11.070 Acres situated in the City of Napoleon, Liberty Township, Henry County, State of Ohio and being a part of Lot A of the Re-Plat of Mahnke Orchards, Plat No. 1, Parcel No. 270596620020 in Liberty Township, owned by Bradley N. Hibbard and Laura J. Sills-Hibbard.

Schultheis stated as you can see, it would be the far east parcel actually, most of the parcel. Then there is a 60 foot easement right-of-way off to the north portion of that for access. Barry - so the access that I'm looking at is the 27 acres on the front side that connects to both Enterprise Drive Maassel - both A and B Barry continued it's 60' wide the access Schultheis - that's the new being proposed. Barlow said there are some dotted lines, do you

know what that was for? I thought maybe it was going to be re-platted or whatever. Barry - we have a question on the dotted line running through here with some pins and some marks found Schultheis - the dotted line will disappear because that was another parcel and they are making all that into Barry asked redoing all of it and now it's going to be this 27.9 acres and 11.07 acres? Scheultheis – yes. L. Hibbard - that's what it is right now but the replat actually puts um 29.02 acres um that we're selling and then we're keeping 10 acres so the access for the property that we would be selling would be on the north side of the property there is a drive there and then like halfway through um the property along enterprise Maassel-go back to the picture please on the screen please L. Hibbard – want me to show you if you guys put the old one up we can probably show you the mylar is over here too but the there's a rope there's an access road right here already going right to Enterprise that's the north side that's between us and Vorwerk's so there's a drive that goes all the way along this property then the other main entrance is right here so what it basically does is cut this in half and it goes along here so it goes along here and this is all farmed now and it basically gives us farmland to somebody else because we weren't farming it anyways we were doing crop-sharing with somebody so it keeps the orchard right here. All the way around this pole barn is the property that we would retain. Maassel-which is how large? L. Hibbard - it's um a little over 10 acres Maassel asked right now it's one big piece? L. Hibbard - yeah right now it's two pieces you've got this piece right here and then this piece right here and so these lines are going away Maassel - the dark lines are the retaining Barry noted this is in a C4 Commercial District, do we have any issues in the future? It's farm ground now but it is in a commercial district, if anything else was developed back there do we have any issues getting utilities, power? Schultheis- the utilities they should not have any utility problems, sewer I'm not sure that's why we've made the access road 60 feet wide. Barry - but that is part of the official plat on the mylar you have that we have Schultheis yes. Barry asked if there were any other questions? Gerken- was that part of this Barry - that's what they sold today yeah Gerken - did you sell this today then? L. Hibbard - we took it off and he if he has right in the offer paperwork that it has to be approved through the city and has to go through the normal process of the city. Gerken - so you auctioned it off before coming to Planning is what you're saying? L. Hibbard - right because just because of the schedule of how it fell. We actually originally had different surveyor hired but then he kind of like was MIA so we had to get a secondary surveyor to come in which was Justin Neise. He came in and did it as quick as he could get it done. Barry said so we do have an official document with the way they want it platted and as they sold it? Schultheis-yes. Barry noted we have to be cautious that we're not approving something that doesn't really exist yet or is not as being represented. Barlow said your land there if I understand that. you're going to retain kind of an L-shape? L. Hibbard – right. Barlow asked is there a reason that didn't square that other land off and L. Hibbard - the reason that we did it is because we have beehives and that is the way that our hives are situated on the property so it kept the hives availability and also next to the farmlands that continue do with that. Barry - it is zoned C4 commercial Gerken asked who bought it, are they going to use it as farm ground or will they develop it? Barry – we don't know, they can do either one. L. Hibbard – that property is in an agricultural district right now and has to be reapproved every five years by you. Barry - that's why they can farm it and be in the city limits until somebody else comes in and would want to do something if they wanted to just do a regular commercial building then I believe they would just go through the normal permitting process as long as they didn't have to do anything. That's the only reason I had to make sure that road is wide enough in case we have to run something in there we don't have to come back and ask them for 10 more feet. Maassel - it was farmed organically for a while, was that part of the condition of the sale it has to remain organic? L. Hibbard - um we talked to people today and they are they're considering going organic with it and they might let the current farmers that are currently farming it that live on Road S continue to farm it organically because it's three times as much money for input you know to them than it is if it is conventional farming. Maassel - you have a contingent offer is what we're hearing? L. Hibbard - right and before the auction started Mike Murray from Whalen did announce that it hadn't been approved through Council yet and hadn't been approved through the city yet and that was part of the auction. Barry – I don't know if it quite shows on there but, the 60-foot easement to come across the 11-acre lot that goes all the way to the 29 acre one are we still doing two separate plats here? Schultheis - no that would be all one plat. Barry confirmed that's all one plat with the Lot B1? Schultheis– yes Barry-it's because of the way it was platted before that it's got to read that way.

Motion: Vocke

Second: Maassel

to approve PC 21-11 Replat of Lot A and Lot B of Replat of Mahnke Orchards

Roll call vote on the above motion:
Yea-Barry, Barlow, Maassel, Gerken, Vocke
Nay-
Yea-5-, Nay-0.
Motion Passed.

Approved

February 8, 2022

Planning Commission Chair

DRAFT

City of Napoleon, Ohio
PLANNING COMMISSION MEETING MINUTES
Tuesday, December 14, 2021 at 5:00 pm

PC 21-12 – Change to Special Use Permit/Conditional Use Permit, 2950 Enterprise Avenue

PRESENT:

Commission Members	Tim Barry-Chair, Suzette Gerken, Larry Vocke, Marvin Barlow, Jason Maassel
City Staff	Kevin Schultheis-Zoning Administrator/Code Enforcement Officer Joel Mazur-City Manager Clayton O'Brien-Fire Chief Joel Frey-Assistant Fire Chief Kevin Garringer-Finance Director
Others	Brian Koeller-Northwest Signal Brad and Laura Hibbard, Attorney Kristin Wacha
Clerk	Roxanne Dietrich

ABSENT

PC 21-12 – Change to Special Use Permit/Conditional Use Permit – 2950 Enterprise

Barry read the background for PC 21-12. An Application for a public hearing has been filed by Bradley and Laura Hibbard, Honey Blossom Orchard, 2950 Enterprise Ave., Napoleon, Ohio. The applicant is requesting a change in use to the existing Special Use Permit/Conditional Use Permit and request an agritourism permit to turn the large barn into a special events such as wedding, bridal showers, parties, seminars and lecture hall primarily for agriculture uses for up to 250 people. The request is pursuant to Chapter 1141 of the Codified Ordinance of Napoleon, Ohio. The property is located in a C-4 Planned Commercial District.

RESEARCH AND FINDINGS

Schultheis stated I would like to make a correction that weddings and bridal showers are not considered agritourism at this point. My research and findings are:

- 1) The plat of development permit is for any planned development to be located in the C-4 planned commercial district as per 1145.01(a) Table of Permissible Uses.
- 2) Agritourism means an agricultural related educational, entertainment, historical, cultural or recreational activity including you pick operations or farm markets conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity.
- 3) Agritourism provider means a person who owns, operates, provides or sponsors an agritourism activity or an employee of such a person who engages in or provides agritourism activities whether or not for a fee.

RECOMMENDED CONDITIONS

- 1) Agritourism provider must provide financial documents where 50% or more of the gross income received from the market is derived from the produce raised on the farm owned or operated by the market operator in a normal crop year.
- 2) Must follow the fire safety at agritourism facilities to ensure those who are attending events at agritourism facilities. Ohio fire codes are not exempt from agritourism facilities. A fire suppression system is required in A2 occupancy more than 5,000 square feet or that has an occupant load of 100 or more. The fire inspector is here and he'll elaborate more on that here a little bit. The existing maximum occupancy within this structure is at this time 49. Exit signs must be visible and present at every entrance and exit of the building.
3. An agritourism provider shall post and maintain signs that contain the warning notices specified in the division. The providers shall place a sign in clearly visible locations near each entrance to the agritourism location or at the site of each agritourism activity. The warning signs shall consist of signs in black letters with each letter to be a minimum of one inch in height. The signs shall contain the following notices of warning: "WARNING" under Ohio law there is no liability for an injury to or death of a participant in the agritourism activity conducted at this agriculture location if that injury or death results from the inherent risk of that agritourism activity. Inherent risk of agritourism activities include, but are not limited to, the risk of the injury inherent to land, equipment and animals as well as the potential for you as a participant to act in a negligent

manner that may contribute to your injury or death. You are assuming the risk of participating in the agritourism activity.

4) Zoning requirements on agritourism operations may be imposed for: size of structure used primarily for agritourism, size of parking areas, setback building lines for structures used primarily for agritourism, and ingress or egress. Permits must be obtained.

5) Follow all state, county, city and health safety regulations. No on-site cooking, frying in the barn. Outside grill or catering granted.

6) Noise levels. Property owners will provide and regulate sound equipment and no other outside sound equipment permitted after 11:00 pm, the cut off time for the music.

7) The agritourism provided must incorporate their agricultural product within the use of the assembly, wedding, receptions or similar activities.

8) Signs Permitted in C4 Commercial Zones. Freestanding sign(s) or monument sign(s), portable signs, or a combination of each, per street front footage not to exceed one and one-half square feet in total sign area for each lineal foot of property frontage. Signs, individually or in combination, may not exceed a maximum height of 25 feet and must be set back at least 10 feet back from the public right-of-way, except that signs 48 inches tall or less (being no greater than six square feet in dimension) that are constructed of break-a-way material that will not endanger the public when struck, may be positioned no closer than five feet of the public right-of-way.

9) One wall sign or electric awning sign and non-freestanding sign of all other types that are attached to a building, so long as the herein mentioned signs do not exceed in total more than 15% of aggregate area of building elevation on which the signs are installed. Must comply with all Napoleon City Codified Ordinances.

Schultheis stated the recommendation by me is to continue with the permit that was issued back in March, 2021 under the agricultural district for the agricultural training and seminars and to proceed from there.

Barry - that is a question that I have from this committee. We redid all the ordinances five years ago maybe seven. Mazur - it's been a four and a half. Barry - I don't think we had anything at that time for agritourism so my ultimate question is and for this committee, in the things that we deal with is, we already have a

Special Use Conditional Use permit. Do we have an agritourism permit that I believe is what is being asked for and I don't think we do. Second, what is really changing by doing that? We did all this before. We know the Fire Department has the ultimate say in how many people are there. What are we doing by saying we're prohibiting them from doing what they want to do with the existing permit? Schultheis - we can still fall under the Ohio Revised Code there is a section specifically for that, that states agritourism is basically what I just read and all the recommendations and conditions is what they have to abide by and follow the rules.

With the agritourism, let's say they construct a barn and they are going to use it for agritourism, it has to be for agritourism. Weddings are not considered agritourism, that is considered an event and that's a gathering and it's entertainment on another level. That is where we stand at right now, that they are changing the use of the barn. Before the barn was used for agricultural use they were doing their seminars, they were doing their training or they were teaching people how to make honey and that's okay. The event they had last weekend was a good event that was considered agricultural because the influx of people inside the building was in and out so whether they exceeded 49 at one point I'm not sure but, that was a good event that they had. This is where a gathering comes together and there are certain concerns that we are afraid of. With the Fire Department that's another issue as well. Mazur-what changes, what agritourism provides for property owners is a little bit of leeway on the building codes that are overseen by Wood County. Not every building code but, there are some building code exemptions. I think for the purpose of this body to review, that's about the extent of it. There are no exemptions from the fire code. It is still considered an A2 since at least the use that was proposed in the original beginning. Well, it was mercantile to begin with that is what's approved that's why it is a 49 person occupancy. To raise that to 250 people as shown here, 250 exceeds the 49 and puts it in a different use class that means it falls under a different category for fire code. Basically, it needs to be sprinkled and maybe some changes in exit signs and other items. Designating the agritourism piece would put the onus of inspection and review of building items on basically a fire inspection and would basically carve out Wood County. Barry - so it basically becomes instead of a building structure type issue, a safety issue. How does that safety inspection type thing happen? How do we police this if we take some of the stuff away?

Joel Frey, Assistant Fire Chief and also in charge of the fire prevention bureau for the city. The question was, how do we approach this? Really it does make it a little more difficult for us when Wood County is not involved. A lot more time and research was dedicated into the background of it prior to. Typically the Building Code and the Fire Code work together as the Building Code tells the owner how to put the items in. You will put a sprinkler system in, it's this big, it's this spec whatever. Exit signs go here, extinguishers go here, doors need panic hardware here, this exit meets the size, this exit doesn't meet the size, all those items that you see in almost every building in Napoleon are under Wood County's jurisdiction. Where we come into play with the Fire Code is, we ensure that they maintain those buildings to that level of protection. If I walked in a building and noticed their sprinkler system is out of date, I can say you need to fix your sprinkler system and get it back in service. That's the usual method of what the fire inspections entail. In this case with Wood County being cut out of it, it would be onto us to be able to follow the citation process through the Board of Building Appeals affording the Hibbards the right to be able to appeal the process. I cannot approve anything out of the Fire Code that would be less stringent than the Fire Code, I am not allowed to. Only the Board of Building Appeals can do that after a hearing. I will say the building at 250 people would not currently be approved. The change of use alone is a Fire Code violation without notifying the proper Fire Department of the change. Barlow - tell me again why is Wood County not going to be involved? Asst. Chief Frey - the agritourism designation would essentially take their certificate of occupancy out and Wood County out. Barlow-so that designation, agritourism takes Wood County out. Is this a new terminology going forward in the state? Schultheis - it's been around since 2016 I believe is when the Senate Bill was first introduced and a lot of it is vague but for the most part, they are pretty specific on certain issues such as the setbacks and what the use is for agritourism, if it's a barn or anything else like that. Barlow- we don't have a lot of precedence to go back on and study on that. Schultheis-the State of Ohio Court of Appeals has said that weddings are not considered agritourism and it falls back to a case down in in Meggs County or Greene County one of the two where they were having weddings and venues in their barn but then they had livestock and other animals down below and were trying to say that was agritourism because the barn was being used for agritourism or agricultural uses. The judge ruled that it wasn't. The judge said that wedding venues are not considered agritourism. Now, if it was considered a winery and they are producing their own product, they are supplying that venue with their product then it falls under the agritourism setup. It depends on how you get with the wording and readings of it but, that is how that works and that is why there is this 50% revenue has to be reported. Gerken-a winery would qualify because you are selling 50% of your wine to that event. Schultheis-yes and as long as they're complying with the Fire Codes as well. Barlow - again it's semantics maybe but the term agritourism was formed to and I hate to say this publicly but, to get around some other things. Schultheis-the agritourism allows them to sidestep some of the building code issues. If it is a change in use on the permit then it's no longer an agritourism, it would be under a different Conditional Use Permit. Barlow-and that's not the first one. I'm not saying that is totally wrong, I'm just saying that Vocke-it allows them to avoid Wood County, whether that's good or bad.

Laura Sills-Hibbard, partial owner of the venue that we are talking about. I don't think the government would institute a law to help people sidestep the government rules first of all. The whole preface behind agritourism in the State of Ohio was farms are diminishing within our country which means no food for people and it allows farms to do it an entertainment or educational or other type of venue or process to basically get people involved in your farm and also sell more of your product. So the thing that's sidestepping is we still have to we still have to um apply for all the fire and everything like that um what it makes it um where we cannot put in ADA bathrooms um that's one of the things. We were actually brought Gerken-I have a question, if you have a wedding how are you going to accommodate that person? L. Hibbard - well the person that like we have a person that already did a contract because back in June we thought we were approved for this and I can talk to you about that later but um they actually have a son that is in a wheelchair has wrecked had a crash when he was 17 years old and they want our barn because it's easy for him to get in and out of um. Right now they can go uptown to the Armory and he gets in a small elevator and he's not comfortable in small spaces Gerken-well I mean, how are you going to accommodate him for his restroom? L. Hibbard-he doesn't use the restroom because he's paralyzed from the waist down Gerken-but that doesn't mean that somebody else L. Hibbard-it doesn't but you've got a lot of places Spangler's bathroom is downstairs how does that accommodate a wheelchair and they don't have an elevator Gerken-they are not considered agritourism L. Hibbard-no they're commercial and they're grandfathered Barry-it's grandfathered. L. Hibbard-now one of the things that was said is that we were a mercantile place but if you guys go back

Mahnke Orchard was an orchard, an ice cream store, a craft venue they had all kinds of crafts, booths upstairs so this has been the process of this property. Back to agritourism the reason the state instituted it is to help farmers make a subs to sell their product and make additional income in order to support their agricultural activities in addition to feed the world because a commodity of an agricultural commodity the price varies every year depending on the supply and demand. So, a farmer you know in one year can be totally wiped out and this secondary income helps them continue their farming practices and their legacy and their livelihood in order to continue farming and feeding people. I have a form and I don't know how to get this to you guys because I don't want to walk on that side and I will just give you everything at once. This is actually from the Farm Bureau tells you what agritourism is. Also I have a State Supreme Court ruling actually this is a Supreme Court that it was a blueberry farm that actually that actually does wine in order to have in order to have a event there you have to buy their wine and that's how our events are set up to. In order to have an event or place they have to buy our honey. Gerken-how much honey do they have to buy? Is there a certain amount? L. Hibbard-they have all different kinds of options. They have honey sticks that they can give out for people to eat throughout the night, they have honey that they can buy in different forms, it is basically to sell our honey also get our name recognized. We actually have ten retail locations throughout Northwest Ohio right now and it's actually to get our name recognized so that we can sell more honey um also um back to the point that we actually got a letter from Kevin (Schultheis) back on oh February 23rd that basically said that we were going to talk to you guys about agritourism and my husband came and talked to you guys about agritourism. And then afterwards we couldn't get on the next thing because of timing issues so we couldn't get on it to talk to you again. So I asked Kevin you know I need to get bookings for the season which is usually a year from the time of the event and I asked him to um give us the ability to do something and he said well he goes you guys for the agricultural district which is different than agritourism, agricultural district means you're in a plot of land that basically has been deemed agricultural and you're allowed to do agricultural activities. Agritourism is combining your agricultural products with an event that would normally be considered agricultural and that's one of the things you'll read in there in the form that I gave you from the Farm Bureau that basically says it's an entertainment venue or an educational venue or whatever and we the reason that we are asking to change is because the commercial use only allows us to have 49 people in there but was only looked at for one room um and what we're asking you guys for is to approve our agritourism not the fire portion because we know that we still have to go through the Napoleon Fire Department to do that. We at back in June thought that since Liberty Township was on our our property tax that they were our primary and that's why we went to them and they approved us and that's why we started booking stuff and we have ten bookings for next year starting in March. So, that's why we asked to get on the agenda for December because if this doesn't pass or look like you guys are going to consider it we are going to have to call ten people and cancel their events. Five of them are from Toledo and were planning on booking hotel rooms and staying here and buying gas and buying food so it's not even just what we would be earning in order to pay taxes Barry-what would these ten events be, what type of events are they? L. Hibbard-the ten events are anywhere from weddings to to bridal showers to family uh pictures Barry - how many people were you telling that they could have in attendance at that time? L. Hibbard-250 because that's what um Sergeant Baker told us Gerken-she's going to have 250 people come for family pictures? L. Hibbard-no that event wasn't they're all different amounts Barry-my next question would be though obviously we know that number of people moves you to the next level for what the Fire Department has to give you the permit to do these things and fire suppression and so on and so forth and you feel that you can get that in place before March? L. Hibbard-we actually have a consultant that wrote the code for the State of Ohio in Columbus that is retired and he's the consultants now and he is supposed to come next week and meet with us and Sergeant Frey to go over the building because there are alternatives. I work for Custom Agri Systems and we were we went to the state and petitioned to not have sprinklers but to have a fire alarm system. So there's alternatives to the sprinklers and they have to be looked over by the local Fire Department, looked over by the state, if necessary and we understand that. So we're not asking you to approve our occupancy number all we're asking you guys to do is approve us to be agritourism so that we can actually have farm events on our farm Barry- ren't you already having farm events? L. Hibbard-we are but under a commercial license and we can't grow the number under commercial because of the ADA laws Barry-because of the ADA so the agritourism for one thing, fire safety things aside that the our fire department will obviously have the final say in whether or not this occupancy is that come from the Fire Department correct? The occupancy number. Schultheis-that's correct. Asst. Chief Frey-if you go through the citation process the Board of

Building Appeals has the final authority giving any exceptions to the rules. We will not go against the Fire Code but, we can always go down for a hearing if they hear the case and they can approve changes only they can. Schultheis—I would like to clarify one thing. Brian Baker was out of Liberty Township had no authority to go ahead and approve that. Barry—he did not, it's the City of Napoleon. L. Hibbard—well and we found that out since because he there Liberty Township is our primary on our property tax that's why we went to them so then since though we've been told that Napoleon is ours because we're in the city limits. So we know that I think you came out originally when our commercial zoning was approved but he was brought with Mike Rudy and we didn't know that he was where he was from or that he was our primary. So that's why we went there because our money our property tax goes to Liberty Township like and we were told that we were on the other side of the overpass so that's what we went to even when we called the Police Department one time for the City of Napoleon they came out and were totally confused because they didn't know why we were calling them. They were like why aren't you calling the sheriff? So, that's all been resolved and we understand now that we're under Napoleon Fire um and we are not asking for a tax abatement we're not asking for asking for our taxes Barry—that's not this committee anyway understand. We just have to get our heads around how do we work in an agritourism classification within what we are allowed and authorized to do. I did read a lot of these documents Schultheis sent and I did process through a lot of them and I understand the heart of what they're trying to do of not tie people's hands that want to have these events and can't afford to do all these things and it is something that is a valuable event or knowledge to be passed along. I just cannot see how we get from A to B with the 250 number. When Mr. Hibbard was here before, that was the whole thing with 250 and we all kinda know the size of the building, where we were with the current thing and we even discussed parking with a much smaller area that you'll have to park cars and access in and out and so forth. That aside, the item of thing is now is do we allow an agritourism classification on top of a Conditional Use Permit. My question to Mazur would be, does this open us up for all kinds of other semantic type things to our Conditional Use Permit process. Mazur—my opinion a little bit. Remember we talked about doing the farm stand out here and you know we changed the Zoning Code to allow permissible uses for farm animals and on a conditional basis. When we went through that process before, it is case-by-case as long as it's Conditional Use you evaluate each case. Certainly my opinion is you are not setting precedent by allowing one person but, you got to validate it with well we can do this here because, well does it make sense? It's a farm barn, it's not like it's around Scott Street in the commercial zone that's the difference in the other C4 areas where we were talking about are we going to allow farm animals in other C4 areas. If it's a Conditional Use then you evaluate that based on the makeup of your surrounding properties. Which is why the mailings go out. We vet it through the public process like this. My opinion is case-by-case. Does it make sense for here and are others going to come out in full force and ask for agritourism designations so that they can get out of and I know that the reason why they have the agritourism designation is to promote more agricultural type businesses and foster that totally on board with that. I like the concept it fits our area, fits Henry County, it's the Building Code piece and the checks and balances that Wood County offers as support to the fire inspection group. That is the takeaway from this. L. Hibbard—we actually were brought um aware of this agritourism law by Mike Rudy who is the commercial inspector for Wood County that does our inspections for commercial and he came in and he said you guys are more like agritourism what are you doing going under commercial and so he gave us information and then we went and researched more. In fact I just talked to him again yesterday and said I don't want to get the cart before the horse so should we be getting agritourism or should we be doing addressing the fire issue first and he goes you need to get approved for agritourism he goes and then you go to your local fire department because my hands are washed. Heathen Farms in Grand Rapids and the place in Delta which is the big Nature Fresh which is the big greenhouse those are both designated as agritourism. So, he basically can't go in and do commercial on it anymore because it's now agritourism and the only thing that needs to be looked at is the fire issue. That's why we're asking you guys for the agritourism portion and not saying that we how many people we can have because we have the square footage that we need to have what we want but it's the fire suppression systems and everything that needs to be looked at and we're not asking you guys to do that because that would be in the Fire Department's hands or the State of Ohio. Barry—what about the rest of the recommended conditions that Schultheis addressed, the one through nine. You have no issues with any of these? L. Hibbard—no and we already have Barry—I'm not sure how you audit for example number one where 50% or more of the gross income is derived from the produce raised on the farm. I'm not trying to get into your accounting but, if you start booking wedding events and so on and so forth for \$1,000 or \$2,000 a thing that's a lot more honey you

have to sell or now you're making your income from renting the hall versus selling your product. L. Hibbard - well and right our whole reason behind doing this is because we want to buy more hives we want to produce more hives. Right now we have 50 hives and we want to go up to 100 and then we actually want to end up at a thousand hives so this would be a revenue stream for us to increase our honey business and make Napoleon more recognizable because right now we're in ten locations. We are in Brookview Farms up in Archbold, we are clear down in Gilboa at Canaven's Creamery and we actually had these people seek us out for our product because they saw it somewhere and they saw our name and they knew we were from Napoleon and they looked us up and they found us and that's what we're trying to do is being more recognition and make a place that people want to come to that they want to drive to Napoleon and um just on the legal aspects um this is Kristin Watcha and she has some information that I'd like you her to share with you guys on the legal aspects of the agritourism.

Kristin Watcha. I know you guys have been working on this for quite a while um you know Laura and Brad came and had a lot of information. It sounds like this has been kind of a long road for them but um so I just wanted to tell you a few things because this is I think a frustrating process for everybody because it is a fairly new zoning designation in Ohio. I will tell you I also practice in Michigan and we are working with some properties in Lenawee County and they have a very nice clean informative statute. It is really simple, it tells you absolutely all these things are permitted as long as you have you've met these five conditions it's permitted use automatically. You can have any type of ancillary activities such as weddings whatever. It tells you exactly what kind of businesses and what kind of farming qualifies. So, it's very informative and it actually as long as you meet those things it's kind of a presumptive zoning. In Ohio it's about as clear as mud. So, really in Ohio and I know she passed out the blueberry farm case so in Ohio, what they say is that if you are an agricultural property and you meet these certain criteria you can be in agritourism. What it doesn't really tell you is what the process is to be designated as agritourism and so for townships a lot of times we just tell them some people have affidavits in Michigan they have an agricultural affidavit. I think Napoleon is unusual because it's a farm inside a city limit which we don't see as frequently either. I think this is quite a struggle because I think they have the pieces in place but, we don't have a process and nobody knows what that means and we're a little bit afraid of the process because we're not sure in the end you know are we gonna have a flood of people saying well you know now I don't have to have ADA bathrooms you know that's not really the that is not the point of all of this, the point is to help farmers and people who are small farmers earn more money from things that they can kind of combine with their farming so that they can be more successful in doing so they do ease up a little bit on the restrictions recognizing that they're farms. So, they're saying we understand that you're small farmers and you're just trying to be more successful so we're not going to make you put in a \$50,000 system on this or that and they also give us some liability waivers so a lot of the literature as you read through it you'll see it contemplates farmers being worried about liability because people are coming into farms now for agritourism type events. Think of a petting zoo or a harvest festival they're walking on uneven ground, they're around animals that might you know chew on them or whatever, they are around things that could potentially cause them liability so the statute exempts them from that liability to encourage more farmers to do more business and grow a little bit. The fire piece really is quite separate from the issue we're here for tonight. I believe Schultheis had a copy of the IAU as well. We have a the Ohio Department of Commerce puts out a fire safety and agritourism informative campaign. This talks about exactly what is agritourism facilities and you can see they're doing a wedding or something and how we can ensure fire safety because when you are looking at agritourism we do take out the building component of it so we don't have the building inspection portion. As far as the actual zoning, we are limited to just as Schultheis said we're limited to setbacks and ingress and egress so it does give the small farmer a little bit more flexibility in having people in their property. First, we need Planning Commission just to say by looking at the facts this does appear to be an agritourism facility then the fire inspection is a wholly different portion of that it's not all wrapped together. Barry-my question is, from the permit that they currently have from this committee, how are we limiting them from doing what they want to do other than Wood County? The buildings are there. We are not talking about building new buildings, it says pretty plain that you're going to need a fire suppression system and I know you've got some things but, that's not our thing. We have fire alarm and a fire suppression and know that's going to have to be there but, other than not having to have an ADA facility is basically what were L. Hibbard - there's other things too. Right now we're in our commercial for the occupancy but we're asking go to agritourism to just be basically have to go under the fire then so that we don't have to look at anything else like the ADA or other things that the commercial zoning has. Maassel -

on this document here in front of us, it talks about A2 occupancy, currently as it is right now it's in an A2 correct? Asst. Chief Frey-it's currently a mercantile. Maassel-that's not A2? Asst. Chief Frey-they are trying to change to an A2 to go from the 49 to the 250. B. Hibbard-just so you know where we're talking about the ADA bathrooms and stuff it is actually in the contract to where if they get over a certain number of people they need to provide additional portable bathrooms which does have ground level access for wheelchairs which three of our four egresses are at ground level to where you can roll smoothly out of the facility and onto a either a paver or a concrete pad. All four of the egresses are either exit lights or exit light emergency light combination and there's currently right now four fire extinguishers in the two main rooms that we're talking about okay so from what I read from the codes with four egresses gives you the capacity of about 500 people to egress. Maassel-that a question for Asst. Chief Frey, not for us. If we change from commercial to A2 and we have a group larger than 49 we still have to do all these things potentially here on the right hand side. L. Hibbard-I think we can go up to 100 Asst. Chief Frey-as far as I understand until the agritourism designation is put in place, you are at 49 or less. Maassel-if we say agritourism yes, first has to go before City Council and City Council usually agrees, if City Council says yes they go from to agritourism, does your occupancy permit automatically jump or does somebody have to come in and say here's your new occupancy permit. Asst. Chief Frey-the way I understand it, the occupancy permit would not be valid anymore. Maassel-the 49 one goes away and how long does it take for them to get a new one? Asst. Chief Frey-they wouldn't get a new one Barry-they wouldn't really have one L. Hibbard-we wouldn't have one until we went to you guys for whatever occupancy you do Asst. Chief Frey-we do not issue occupancy permit. We would be working with the number that is allowed in the building and the type of building it's being used as. Maassel-so they wouldn't have a permit anymore that requirement goes away but, they have to understand that if they have over 100 or whatever the numbers are, 100 or more 5,000 sf. they have to have fire suppression. You said you scheduled a number of events already, how many are larger than 49? L. Hibbard - March has 100, July has less than 100 so they're all within the range that we can do for the A2 under the 100. March is 100 and July is 100 then everything after that is bigger but people that are having bigger ones most of them are having tents outside and only coming in to get food or get drinks okay. Maassel-but did I read that you cannot L. Hibbard-I can have under 100 Maassel-but you cannot have any cooking onsite Barry-they can have catering. Schultheis-it depends on how they're going to cater it that would be up to the fire code again. L. Hibbard-we don't have anything way for them to cook there's no cooking appliances or area to cook Gerken-so how would you do the parking for all these people? You don't have to have it paved but you have to have some kind of access for a parking, stone parking lot maybe or L. Hibbard-it can be anything they can park on grass Schultheis-it either has to be stone, flat or pavement B. Hibbard-there used to be 2- 30' x 200' greenhouses that were on a stone base. That stone base is still currently on the property that would be a 60' by 200' parking lot there plus there is stone in front of the building Gerken-and that's still be part of what you would own that you didn't sell off right Maassel-that needs roundup and some back work in order to get that from where it's currently is to be more stoned. B. Hibbard-or add more base. L. Hibbard-we want to we want to get a permit to add a um a grain bin outside the barn that people will get married in or can get married under as like a single as like a gazebo area so um because the company I work for puts them up and I basically can buy one from them and they can put it up we get it from it and put it up and then people can get married outside so a lot of functions because most of these people that are getting married in the barn will be getting married outside B. Hibbard-and most of the events are going to be in a better weather condition our intentions are not to be open during the winter for events, it's gonna cost too much to heat the place while we're there. Our last event is basically the end of September whatever it's like that October 1st or October 2nd is the last scheduled event. So, more likely they're going to be using the outside properties for a portion of their events okay Asst. Chief Frey-I just want to elaborate quickly on I think there's a little confusion on the A2. The A2 is specific to the building itself not the property, the property would be on whatever zoning would be designated. Barry-it would go building-by-building. Correct. Maassel-it would be agritourism still in a commercial zone. Schultheis-we're not changing the zone. It will stay the same as a C4. With agritourism it would fall under this agricultural district. Barry-since this is new, do we have the option of reevaluating it after a year? Mazur-we would fully plan on doing that and monitoring only because back to point number one you have to show that the gross income is 50%. The reason why and not to be stickler about it but, we have other businesses in town that do banquet halls and things like that just to make sure everything's on the up and up. So, that there's not this person's doing this and this person's doing that and you know what, that's part of our job. That's the biggest one from my perspective is making sure that the

50% income level is met. Everything else is pretty straightforward. Barry-they mitigate their liability with the signage that was item three, we still have zoning if they want to do any new structures things like that. Mazur-in here it says exempt from Ohio Building Code in certain circumstances so if new buildings are being built or expansions obviously building inspection is going to want to have a look at that and plans have to be drawn up and everything else. Maassel-so if that happens Wood County comes back? Mazur-that's my understanding. Wacha-it's constructed for agricultural purposes though that building also has the agricultural designation. If they build it just to have a banquet hall and it's not at all involved with the farming activities or they build a residential house then we have regular zones. If it's involved in the agricultural use and that could be just selling their honey or something else to do with the honey orchard then it would continue to fall under that designation. L. Hibbard-Right now there's three locations right outside of the perimeter of Napoleon there's one in Delta called Buckland there's Shady Brook and then there's Leisure Winery they all have wedding venues. Shady Brook basically just put up I don't know what size their barn is but it's supposed to hold 500 people no fire suppression system at all and she has a lavender farm but she classifies it as agritourism because it's in a barn and it's on her farm. There are three event places right outside of Napoleon city limits that are actually bringing people to this area. In fact Shady Brook is looking at putting up a second because they're fully booked every Thursday, Friday, Saturday and Sunday in next summer. So, Schultheis - but that's fine because that's out in the county in the townships, we have different rules and regulations here within the city limits that we have to abide by. Barry-we have to be careful, if we allow this. What I'm trying to say, if this is allowed and then we don't follow all the rules and something does happen, we have opened the city up. That's part of our job to keep things to plan and to make sure the rules are followed. L. Hibbard - that's another reason why we want to go after agritourism because we have signage up at the front of the property that makes people aware that they're coming onto a farm there are certain you know dangerous things that could be happening that they get in front of a combine or something and get run over that you know they need to be aware of their surroundings and the only reason I was bringing up the other locations is we aren't trying to scavenge off the current location that's in town that has weddings because we're a barn and they're like a really nice new what would you call it a different style venue so we aren't basically looking at the market that they're getting we're looking at the market that the barns outside of the city limits are getting. Barry-it's still competition in their eyes not trying to impede anyone's business Barlow-we are not worried about the competition so much. My concern is making sure the rules are followed because just like she just said if they put up a building nobody's inspecting anything unless it's a house or whatever. Schultheis - they will still have to apply for a building permit. Barlow - I'm not against at all, I'm just saying that's my nervousness. We sit here representing the city and we don't want to open something up however we don't want to impede enterprise either. I struggle with this agritourism thing that's a brand new. Barry-that's why I asked if we could put a time limit and say it would be reevaluated at least for the first year, on a year-by-year basis. I had no problem with reverting back to the existing permit that doesn't have a time limit on it but the agritourism kind of the way I'm leaning. Mazur-you can add that as a condition Barry-and I would also say that there would be no new structures until you do a one-year review at the Planning Commission meeting. Gerken-I like that no new structures until the review.

Clayton O'Brien – Fire Chief of Napoleon. As you know, my primary duties is to ensure the safety and well-being of all the citizens and anybody that comes to Napoleon. It is unique that the farm is actually in the City of Napoleon. It is not unique that I was out there with Mike Rudy and we worked on this in 2017. When we worked on it in 2017 it was specifically for small 4-h groups, lower educational seminars and for things happening on the farm for groups that were less than 49. At that time we dealt a lot with helping Laura and Brad get the Certificate of Occupancy that they have today because of the things that we helped do. They had some water issues if you remember back in the day. We helped work with that but, on the fire code side of things in order for them to get an occupancy within that building, we needed to stay under 49 because that does do a lot of those standard business ones where when it comes to exits, when it comes to anything else of the use of the building. What they were using the building for in that zoning permit what they first to use it for was just a small consignment shop and that's how we came up with the mercantile thing. We worked with them through that. At that time none of it was even discussed about wedding receptions or halls or so forth. That was discovered by me and I actually put Assistant Chief Frey on it because I came across an Azola listing putting it out to actually host weddings. I said this is not what the use of that barn was for. It is our job once that's discovered as Asst. Chief Frey already indicated we have to follow the Fire Code 100% and we don't have the ability to go against it. I am here to say I don't agree with the agritourism

designation because I don't believe weddings provide the revenue stream from the farm. Whether you're buying honey or not, the 50% revenue thing I think is a thing. Now, if you decide that you wanted to do a year review that's one thing. What I'm very concerned about with the agritourism designation is removing Wood County out of the mix. Wood County Building is there for a reason so they use all the other facilities within our in our area, issue the Certificate of Occupancy so when Asst. Chief Frey shows up at your location he asks for that Certificate of Occupancy, that Certificate of Occupancy is issued to him so he's able to see it and if they don't produce it, then it's a violation of the Fire Code and produces a citation. What that does is it provides him the ability to inspect the building to make sure that he's inspecting on the use of what it's actually approved for because the building code actually trumps the fire code until that Certificate of Occupancy is issued. If you go out and build a new building, the Wood County Building, Mike Rudy the building code official has full authority throughout the plan review process and until that piece of paper is handed over saying you can occupy the building. Once that happens now we are the maintainers. So, Asst. Chief Frey on an annual basis and I can tell you long before Brad and Laura owned that place I actually did inspections out there at that orchard when they had the greenhouses and things of that nature. They were using it as far as selling plants and whatever else. At the Fire Department, it is not new that place is in the city. They have always been with us. That is why I was taken aback when I heard that Chief Brian Baker from Liberty Center was out there. I called him up and asked him what was the deal there and according to Chief Baker, and I do have an email from him stating he wasn't able to make the meeting, he did state specifically that he did go out there and he was contacted by either Laura or Brad and at that time it was understood that, the farm used to be in Liberty Township as far as the fire district. When it was annexed in, it becomes the City. At the time I guess Chief Baker maybe didn't realize that it was annexed in or not, not sure. He did go out there as a courtesy and looked around talked to him. I explained to Chief Baker, that these weddings according to Laura in events greater than 250 were booked because he said that this was okay and he said whoa. I did not say for anything greater than the 250. I will read the email just so you know what that is exactly what he said. Chief Baker writes *Chief O'Brien I was contacted by Laura Hibbard about fire safety issues at Honey Blossom Orchard, 2950 Enterprise Avenue, Napoleon, Ohio. I was probably contacted because prior to annexation to the City of Napoleon the property in question was in Liberty Township where I am the AHJ, an AHJ means Authority Having Jurisdiction. In the City of Napoleon that would be me and in Liberty in his fire district would be him. Although the property is no longer in our jurisdiction I did agree to meet with Bradley Hibbard at the site as a courtesy visit. We looked at the first floor of the facility and discussed egress signage, egress lighting and fire extinguisher placement. I was told at the time this was going to be ag business retailing plants and vegetables with occasional small groups 25 to 30 attending classes to learn flower and vegetable gardening skills. The structure appeared to be able to be made compliant for the owner's business model. Brian L. Baker, CFSI.* Which is Certified Fire Safety Inspector. I will say that is exactly the conversations that we had with Laura and Brad at the time too. These small educational 4-H groups that we knew that they were going to be talking about honey and the things that was done on the farm. When it comes to actually having the weddings and the concern thereof, is the use of it. You have types of activities that happen at weddings. You have drinking or non-fixed seating and different egress, low-level lighting all these things that take into consideration that one bad thing happens and we're not standing up here saying that we don't want them to be a successful place, I really do. I was there in 2017 along the whole way and trying to make sure that we could get them something to be able to do what they were doing for the small 4-H groups and to do stuff on the farm and that's how we got to that mercantile 49 space. I am concerned if we're outside of the Building Code because that puts a lot of a lot of responsibility, in addition to what's happening, on the Fire Department and makes the Fire Department what we will have to discover or go out there do all the measuring to determine the occupancy loads and the seating and all that other stuff. That's a lot of determination that happens in the Building Code. If you want to change something you submit plans to the building code official. I just don't believe that this fits into agritourism and in my views on the way that the building is going to be used because it would be used as an A2 which is to hold out weddings and venues and that sort of thing. Barry-is there an occupancy number? I know I'm putting you on the spot but, I know the number 250 is listed here. Even if this did receive an agritourism thing, if it was limited to a 100 or less or something like that we're asking for your input. Chief O'Brien-the hard part about it is how do you enforce it? How do you police it? Nobody wants to be the bad guy. We go out there, we're counting heads and now we're ruining someone's day, it's a wedding it's some of those things. That is why we did provide Laura and Brad with the letter. Asst. Chief Frey did provide all that

information that they have a mercantile certificate of occupancy. If they use that building outside of that you are knowingly violating the fire code which then does come with some other little offenses that could be held criminally and the things that are held out you know afterwards. That is why we have been offering Laura and Brad the citation process because we can't give those variances, we can't give those authorities, that if we do the citation. They do qualify for a citation already at the moment because you're holding out the building for the use of weddings and that is not the use of what is actually certified. If that happens it provides them the opportunity to do exactly what Laura had indicated before about Custom Ag Systems going to the Board of Building Appeals plead their case they discuss anything that they would want to do of how they're going to get around or what they're going to do and then the board gives that authority or gives that determination if they can do what they're saying that they want to do. The Board of Building Appeals is a State Board and is made up of different individuals you have a Fire Chief, a plumber, a construction person, a zoning person it's made up of different individuals. Then they make the determination and then that be said. Like Laura indicated the suppression system not being at the Custom Agri Systems at that time Custom Ag went to the Board of Building Appeals they didn't want to put the suppression system in I think it was for the business spaces or whatever. We don't discuss variances of the Fire Code, we don't look for ways to get around things, in the Fire Department we are code enforcers all the time. We like to be the helping hand but, in this case and in inspections when it comes to the code enforcement portion of it, it is black and white. It's not personal, it's just in the event that something was to happen, remember the fire code is built on reactive. Something happened and a lot of lives were taken because of it and that's why the code is built and that building code gives us that reassurance that they have to go through that process of submitting plans talking about what they're exactly going to do. I understand that there's maybe some other avenues of the ADA and things of that nature but, as Brad already indicated if they can get the ADA that could be something they could talk about that they had already brought up tonight. I just caution on the fact of the agritourism and felt that I needed to share my views as Asst. Chief Frey takes care of all the code and does all the inspections but, ultimately I am the authority having jurisdiction and I think that should be said.

Wacha rebuttal. I appreciate that. I know this is new and there's a lot of concerns but, when we're looking at the different designations such as agritourism, the legislature is the one that we should be upset with if we don't agree with it being a designation but it is. It's just like saying I don't agree with a commercial building being treated as a commercial building, we're just going to impose the residential requirements because that's what we think is best. The designations are what they are that the legislature sets out and this is something new that they've set out. It's not whether we choose to or not the bill, the property is agritourism or it isn't it says right in the Supreme Court case that has come out and in the Ninth Circuit cases that have come out, the question of whether it's agritourism is a question of fact so if they are engaging in activities such as a wedding and they're using that facility or that event to sell their agricultural products if those buildings also house agricultural products they're storing it they're serving it all these different things are question of fact that a judge would say "yes this is agritourism" or "no it's not" and the case law is still developing but with this new case from the Supreme Court they've now said it doesn't even have to be your primary business as long as a wedding, a wedding barn they say but, as long as a wedding is involving the use of their agricultural products in this case it was a blueberry farm that was holding weddings and this is how most wineries qualify for the agricultural tourism designation in Ohio because they're serving wine they're serving their wine at the wedding it doesn't have to be necessarily the primary part of it as long as it's involving their agriculture it is an agri-tourism facility and so it's not a matter of should we let them be that or not it's a question of fact. So, if they are a farm if they're farming bees if they're an orchard if they're engaged in a qualifying agricultural activity and they have these other things like weddings festivals different things that are done on the property that involve their agriculture that helps them raise revenue they are by statute an agritourism facility. With that said though nobody wants to scare anybody you know they're not here saying we don't want to work with the Fire Department. I think this process has probably irritated a lot of people and I think we've got a lot of you know emotion involved in it because it's new and there doesn't seem to be a real set process here yet but, they are an agritourism facility by what they are doing and by the case law. They just need this body to recommend the change to A2 from C4 the fire enforcement and safety processes all come after that. Barry-the C4 to the A2 are two different things. The C4 is our zoning and the A2 is set by that's a fire code thing. We can't really change that and that's why I brought the initial question up, I'm not sure that we can declare, I'm not arguing that it's not an agritourism. That's what they're doing and that's what we understood when we did the permit before. I'm just not sure if it's this board's position

to declare whether or not it gets an agritourism monitor. I understand the state supersedes us. If the state can supersede us then, is that where it goes? Macha—it has to be done at the city level because that is the governing body at their local level. We would need the Planning Commission to make a recommendation to City Council so that they can grant them officially that designation. Barry—so then City Council would again Mazur—they would hear this body's recommendation. So, if it is a yes or no, Council then either can agree with it with a simple majority or overturn it with a super majority. Vocke - there's a lot here. The 50%/ 50% that is a statute of sorts somewhere they have to have 50% of their revenue has to be from their agricultural products. Mazur—correct. Vocke- so this Supreme Court decision with this blueberry barn they were selling wine and I can see if you're having a wedding reception wine would probably be pretty easy to meet the 50% barrier but, I'm not real sure you're going to sell 50% of your revenue in honey at a wedding reception. L. Hibbard but it's 50% over all your business so it's not just the honey we sell there it's the honey we sell the total business everywhere. We now have 10 retail locations. Vocke—that's a good clarification Mazur—there's vaugery here too that I haven't wrapped my head around that either. Is it selling it onsite, is it producing it onsite and selling it onsite, is it producing it offsite and bringing it onsite, there's a lot of different factors to weigh in. Maassel-it can't be produced and sold on site because if you have a crop farm and you're going to have your barn when it's not time for crops to be a reception hall you're not going to sell you're going to sell your corn not at not at your location you're going to sell it down the road wherever you sell your grain. I think it's the overall wherever you sell it you sell it. The question I'm going to ask is when are the books due the 50%/ 50% split and who's going to inspect, how are we going to audit that? That's going to be the question if we say it's okay for 2022. Mr. Hibbard said they're going to stop doing weddings on or about October so by the middle of November they should have majority of those incomes booked and most of their other crop probably sold by then or plan to get sold by then they can show look over 2022 we had these events they brought in x amount of dollars we sold this much agriculture product they bought in this much dollars we're over 50%/ 50% we're good. The question is who is going to look at it? B. Hibbard -Christmas is a busy time for the honey business right now okay and we've been delivering about three days a week two different locations I would say the majority of the sales from the honey would be as from about the first of November to about another week from now is probably one of the busiest times for bottled of honey. Mazur -if you do a calendar you probably want to do a review of that or something at the beginning of the following year to make sure that they've got Maassel - I'm just trying to put this together in a kind of a calendar so if we say we're going to do it not mid-November we're going to do it late- January but if they don't make the 50%/ 50% by late January and they have all these other events lined up and we got to say you got to cancel them right now I really don't want to be that that position either. That's going to be the business risk they're going to Mazur - that's the statute Gerken-my concern is like Mr. O'Brien has said you cut out Wood County and all their Maassel-understand just trying to figure out a timeline of just the rule number one at 50%50%. Gerken—Wood County is very strict on their rules of new building and accessibility and don't like cutting them out of Schultheis— they still have to apply for building permit with us in order to build any new structures and issue the building plans and layouts Gerken - would that also include that little grain elevator Schultheis - that would be considered an accessory building yes that would be a permit Barlow - would that if it's part of the building would that come under the Schultheis - that would fall under the Building Code itself because it's going to be an accessory building unless yes it would because I'm sure there's going to be electricity run to it so that means that the Wood County inspector would have to do an inspection for the electric. L. Hibbard – for the gazebo we do not plan on having electricity Schultheis – takes care of that. Barlow – that's kind of a gray area Barry—if there's no electricity it follows the building codes which Schultheis can enforce L. Hibbard -I mean we would get a permit just because it's going to be a structure that would be putting up so right Barry - for your liability you would need to I'm sure your insurance company would feel the same way L. Hibbard - when you guys were talking about the majority of business it's not a if you look at the ORC it says the majority of your business must be from agriculture activities but it's really when it goes to the actual court cases that they actually specifically get down in the nitty-gritty and say that the the um actual dollar amount has to be greater Barry—that's why I said it's right now if we proceed forward with this on a temporary one-year trial, these would be 100% of the conditions that would be followed L. Hibbard—and one of the things I included in my um special use permit is we anticipate that um our honey sales are going to be \$12,000 in 2022 and right now with the um I the places that we have booked in most people book at least a year or more in advance right now we only have booked like I mean like \$15,000 so our honey business is the majority for our next year's production and we base we figure out what our production is going to be for the next year because we

have to order bees in January and we have to actually start building hives for their homes for them Barry - well 50% then that would get you in trouble if you had well you'd be kind of right in the bubble because eight times \$1500 is \$12,000 so you'd have to sell one more jar of honey to stay under that would also probably be the way you would have to base on how your honey business is going on how many events you allowed to be booked L. Hibbard - I don't know where the 50% is coming from does it say it in something that you're looking at because in the court cases they talk a majority Barry - that's majority you could say majority would be 51% L. Hibbard - so you're talking 51% versus 49% so we're gonna have 49% on the wedding 51% on the honey because that would be the majority Barry - now that's just your honey sales like you said you're also planning on incorporating the honey into part of the wedding thing L. Hibbard - right they have to actually buy the honey that's your part of the business.

Barry-I think we need to make a move. I would entertain a motion to take a vote on approval of PC 21-12 with the conditions of review after one year in other words would be for 2022 only and for this initial period that there would not be any new structures built and they'd have to follow all the rules of that and then and following the rules one through nine of the recommended conditions that were presented by Schulthies.

Barlow - one more question, the rules especially the fire suppression rule, you can have that in place by the time this all comes about B. Hibbard - well we would like to go to the Board of Appeals to get clarification on that well Barlow - but my question is do you feel, you're going to have your first wedding in June, Barry-and if that doesn't happen, what these two say goes. Barlow-the thing is with the first wedding being 100 people we would be under that number. Chief O'Brien - just remember that the 100 doesn't matter if the building space is greater than 5,000 square feet. If we measure the place it's 5,000 square feet on the usable A2 space, if that agritourism happens and that mercantile certificate of occupancy is out that means they want to use the building as an A2 we then have to treat it all as an A2 so it doesn't matter they could have 49 people in there still requires a suppression system. It's greater than 5,000 sq. ft. it requires a suppression system otherwise they can't hold that type of event because it is an A2 use. L. Hibbard - that's on usable space that they have access to correct Chief O'Brien - so it would be your lower barn because your barn has two levels. L. Hibbard - right but we have two rooms that they don't have access to that are totally blocked off with locks and everything else. Chief O'Brien - it's been a while since I've been in there so I can't really speak on exactly because it depends on if those spaces can technically be blocked off because they may not be allowed to be blocked off if it's part of something. I just want to point out that I believe that if you were talking initially because I've never measured it, if you were talking initially 250 people that were way greater than 5,000 square feet space I didn't want to get caught up on business. L. Hibbard - the bottom floor is under four thousand and the top floor is four thousand so but they don't have access to that full four thousand suppression Barlow- ouses being built don't have parts showing up I'm thinking about you folks what if all of a sudden you don't have suppression, if we approve this. L. Hibbard - in March and July our events that are scheduled are 100 or less so we don't have an event that's bigger than that until September so I think that nine months will be plenty of time for us to get things around um one other thing is you guys said that we couldn't build anything else um we already have the stuff the supplies to build the gazebo so um I don't want to like do something that you guys don't want us to do um I've already basically that's one of the reasons people are coming there so they can have some place outside to get married that's under a roof and the gazebo is basically just the top of a corn bin on a post so if we can at least get that approved where I mean to approved that we're allowed to build it but then we'll still have to go through the permit process with Schultheis to actually put it up and everything. Schultheis-that is an accessory building it is an easy \$50. Asst. Chief Frey - *might add too that when hosting events with tents that the Fire Department is contacted for inspection.* Barry - if they do some people might want to have a tent not everybody inside that they still are contacting to inspect to make sure that it's for any safety issues, they're not burning open fires into the tent. B. Hibbard - well actually in the contract that they're not allowed to have an open flame. Maassel-*the other part of it is where the tent gets located* because if the tank gets located in the wrong spot then you have an emergency and our crews can't get to the emergency that's going to be very important. Before the first tent goes up I would very much encourage you to talk to those gentlemen and say where is the best spot to put it so that in the case of an emergency it's not in the wrong spot. B. Hibbard- right now the best place for a tent is in front of our 16' x 14' overhead doors and egress if off to the side.

Motion: Gerken

I would like to make a motion we table it because it's still so new to us. Maybe we need to do more research

L. Hibbard - if that happens we will just pull it back because I can't let somebody think they're going to get married there in March and then tell them in January they can't so if it doesn't pass tonight that's what we're planning on doing is basically giving the money back and removing the barn out of Napoleon. We've already got barn builders that can move it. B. Hibbard - one of the issues is if it doesn't get approved tonight we can't get on the agenda for a January meeting with the Planning Commission because if they table it doesn't come back to the table for the Planning Commission. Schulthies—if they table it then they have the decision of setting up their date whenever they want to return. Maassel-what other information is that you Gerken-I don't know there are so many unanswered questions, we're not sure about agritourism. I don't know much about that just from what I've read and I don't remember your first name but she was telling different scenarios of what we're not reading so I don't know if that's something we should table to get more information we're only hearing from them, we're not hearing from the City Law Director if this is something that fits in the scope of that. Barry-did the Law Director have input on this? Schultheis -those were the recommendations and the recommendations his feelings was that it probably shouldn't have been approved but because it's within the City and they still have to abide by the codified ordinance of the City of Napoleon. Barlow- his recommendation was to approve you say Schultheis-the recommendation was not to approve by the City Law Director but that's something that he would have to explain more in detail.

We have a motion to table. Motion died for lack of a second.

Vocke – a part of me agrees with Gerken, like the Law Director if ever there was a meeting to be at you would have thought this would be it since it's kind of a topsy-turvy issue. I don't know whether we can turn around and meet again in a short time so these people don't feel like they got to pull up roots and move out. They've obviously done their homework, they need to be commended for that. From a thousand feet up it sounds like a great idea but I know there's a lot of regulatory issues that's way over my pay grade to grasp. You guys done a great job I wish we had a little more and the Fire Department did a good job the City Law Director should have been involved in this or any other part of the city administration that would be concerned about this with their input. It doesn't bother me to pass it on because they are the ones that make the decision anyways or pass it on to them that we need feedback from the City Law Director on this and at least they should get the feedback, City Council. L. Hibbard - my understanding is the Law Director said that we need to get a lawyer which we did and also then we were told to go to the county which we did and the assistant prosecutor looked over the law and basically told us you need to put up the signage there's really no form you need to fill out and get the fire department approval. So that's what we did and that was back in May and June of last year so that's all that's all the direction that we got so that's I mean at least that's what we got from Schultheis' emails so that he was trying to be a liaison between us and Mr. Harmon so that was my understanding I mean I wasn't on the other end like Schultheis was. It's really disappointing that we are paying \$9,000 a year for a commercial business and we can't have a business over 49 people there. I can't afford to pay the property tax on it for having 49 people to come in and do a beekeeping seminar that you get \$30 each for. So that's where we are this is a business choice. Vocke-and those same situations existed it wasn't that long ago you were in here to get the 49 wasn't it right wouldn't that same argument been pertinent then that wasn't presented at that time if I remember. L. Hibbard - well we didn't realize that we had grown from at that point from two hives to probably 35 hives and every year our bees are dying more and more because of the chemicals and pesticides that are put on crops so every year we have to go out and we have to buy new bees in order to continue the business and the only way that we're going to be able to breakeven is to increase our hives, the only way to increase our hives is to get more money and so that's the thing and it's like I can't continue to pay a commercial rate on a building I can't do anything commercially in for because really 50 people is really not commercial you know. If I have 49 people and we tried to in the farm market but you know what people think where we're at is so far away from the city that is too far for them to travel but yet we would go to Defiance farm market and put up a shop and we would have 100 times the sale because it wasn't too far for people to drive to Defiance. So that's the thing is we're just in a bad situation with where we're at, there's no you know way to get off the highway to come directly to us and so therefore it would be easier for us to sell one person on having an event there than to sell 49 people a day to come in. When we were open as a farm market we probably had three people a day. I can't afford to pay somebody to do that and sit there all day for three people to come in. So, that is our situation we thought that we were going to be able to get more people to come there but our people that are coming like when we had sunflower fields out there most of our people from were out of town and it was because of

newspaper articles that were written on our sunflower field. So, we probably had out of the thousands of people that came maybe five people from Napoleon and everybody else was from Toledo, Indiana and Wauseon and Michigan so we have to provide a destination for people to come to because we're not getting the people here to come and solicit the businesses here but that's where we are you know it's like we can't continue to do business here and pay commercial rates on a building that we can't use as a commercial building Mazur - from my perspective, I really appreciate the robust conversation here. The substance of what is being asked for, and I think the first time that Mr. Hibbard had talked about it was a good discussion point and the research that went into this later and everybody's kind of done their homework and presented really well from my perspective. We do have the ability to do this, this body does have the ability to approve. It is something unique, it's something new, it helps business, they do make good honey and I do like the honey that's really good. I guess the one thing is, because I'm kind of torn on this too but, it's more of a matter of trust than it is about the substance of this. One thing, and please don't take constructive criticism the wrong way but, it's a matter of going around the city processes and things that from my perspective was disheartening. The hard part to get through with this is that you guys are looking at it just for the substantive piece but, from our perspective there were a lot of emails to a lot of different people that staff had to track and make sure we knew what was being said where and what it was. It was just kind of frustrating to say the least and I think there are a lot of partial truths and in some ways misleading information like the statement that Chief O'Brien got from Brian Baker. It's a matter of trust from my perspective. My opinion is that taking that aside, the substance of this is sound. I think if their legs were long enough in the back they'd kick me but, it's part of the job. If this body approves it and council approves it, that's our job to police it and manage it and we'll do it. That's the business we do, we do it every day. Vocke – 10,000 feet up it's good for the community. I just don't know all the little pieces that have to be put in place. Gerken - there's a lot of gray area. Maassel - but, I think we protect ourselves if we, say it's a year we give ourselves a lot of protection.

Motion: Vocke

Second: Barlow

to approve PC 21-12 with the full Recommended Conditions Numbers 1-9 be applied and to be reviewed in one year at the end of 2022, there will be no new structures that would normally require the input from a building inspector Wood County per se, and that our recommendation to City Council would be that they receive feedback from the Law Director during the presentation of this to them

Roll Call vote on the above motion:

Yea-Barry, Barlow, Maassel, Gerken, Vocke

Nay-

Yea-5, Nay-0. Motion Passed.

ADJOURN

Motion: Vocke

to adjourn the Planning Commission meeting at 6:51 pm

Roll Call vote on the above motion:

Yea-Barry, Barlow, Maassel, Gerken, Vocke

Nay-

Yea-5, Nay-0. Motion Passed.

Approved

February 8, 2022

Planning Commission Chair



City of Napoleon, Ohio
Kevin Schultheis, Zoning Administrator
Code Enforcement

255 West Riverview
Napoleon, OH 43545
Telephone: (419) 592-4010 Fax: (419) 599-8393
www.napoleonohio.com

PC-22-01
Subdivision in City
For a Recommended Lankenau Properties Subdivision
Location: Parcel Number: 41149185.0020, German Mutual Insurance
Memorandum

To: Members of the City Planning Commission
From: Kevin Schultheis, Zoning Administrator / Code Enforcement Officer
Subject: Subdivision of plat in the City
Meeting Date: February 8, 2022 @ 1700 Hrs.
Hearing #: PC-22-01

Background:

An application for a public hearing has been filed by The representative, Steve Lankenau on behalf of German Mutual Insurance Company (Goodville Insurance Company), The applicant is requesting the approval of a subdivision as being part of the W ½ of the NW ¼ of Section 14, Also Known as being lot 1 of German Mutual Subdivision T5N-R6E, City of Napoleon, Henry County, Ohio. The request is pursuant to Chapter 1141 of the Codified ordinance of Napoleon, Ohio. The property is located in a C-3 Local Commercial District.

Research and Findings:

1. A Subdivision in City Permit is for any planned development to be located in the C-3 Local Commercial District as per 1145.01(a) table of permissible uses.
2. Scope of the project: Proposed Lankenau Properties Subdivision of lot, being a part of Lot 1 of 6.047 acres to lot 2 to 3.437 Acres. Lot 1 of the subdivision of 1.364 acres, Lot 3 of the subdivision .656 Acres, and Lot 4.590 Acres as being part of German mutual Subdivision PT.PN 41-149185.0020, Napoleon Township. (see attached)

Recommended Conditions:

1. All revisions made to plans by the surveyor of the project must be reviewed by the City Engineer, Chad Lulfs prior to approval by the Board of Planning Commission.

Legal Descriptions:

1. Lot one (1) 1.364 Acres part of the W 1/2of The NW1/4of section 14, also known as being lot 1 of German Mutual Subdivision, T5N-R6E, City of Napoleon, Township of Napoleon, Henry County, Ohio.
2. Lot two (2) Formerly Lot one (1) 3.437 Acres part of the W 1/2of The NW1/4of section 14, also known as being lot 1 of German Mutual Subdivision, T5N-R6E, City of Napoleon, Township of Napoleon, Henry County, Ohio.
3. Lot three (3) .656 Acres part of the W 1/2of The NW1/4of section 14, also known as being lot 1 of German Mutual Subdivision, T5N-R6E, City of Napoleon, Township of Napoleon, Henry County, Ohio.
4. Lot four (4) .590 Acres part of the W 1/2of The NW1/4of section 14, also known as being lot 1 of German Mutual Subdivision, T5N-R6E, City of Napoleon, Township of Napoleon, Henry County, Ohio.

Kevin Schultheis, Zoning Administrator / Code Enforcement Officer

Application for Public Hearing
City of Napoleon, Ohio

I/We hereby request a public hearing to consider the following:

Planning Commission (MZON 100.1700.46690)	Preservation Commission (MZON 100.1700.46690)	Board of Zoning Appeals (MZON 100.1700.46690)
<input type="checkbox"/> Conditional Use \$125.00	<input type="checkbox"/> Certificate of Appropriateness \$25.00	<input type="checkbox"/> Certificate of Zoning \$25.00
<input type="checkbox"/> Amendment \$125.00		<input type="checkbox"/> Re-Zoning \$125.00
<input checked="" type="checkbox"/> Subdivision in City \$75.00 + \$5.00 each, after two		<input type="checkbox"/> Variance \$125.00
<input type="checkbox"/> Preliminary Plat of Development \$125.00		<input type="checkbox"/> Administrative Appeal \$50.00
<input type="checkbox"/> Alley Vacation \$25.00 + publication cost		

Address of property: 1000 Westmoreland

Description of request: commercial
Splitting off 3 lots from original parcel.
(Completed survey to be submitted by Bockrath early January)
Goodville Insurance

OWNER(S) NAME (PRINT)
1000 Westmoreland

ADDRESS- CITY, STATE, ZIP
419-784-6291 (Agent for owner: Steve Lankran)

PHONE NUMBER
S. Lankran

SIGNATURE

Public hearings are held on the second Tuesday of each month; this petition must be filed with the Zoning Administrator thirty (30) days before the public hearing date. All plans, plats, deeds and other requested information must accompany this application before the hearing will be scheduled.

APPLICANT MUST BE AN OWNER OR AN AUTHORIZED REPRESENTATIVE EVIDENCED BY LETTER OF APPOINTMENT.

APPLICANT NAME (PRINT) ADDRESS

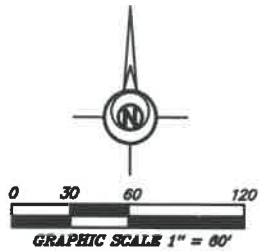
APPLICANT SIGNATURE CITY, STATE, ZIP

Hearing #: PHONE
Hearing Date: Zoning District:

Office Use Only		
Batch #	Check #	Date

LANKENAU PROPERTIES SUBDIVISION

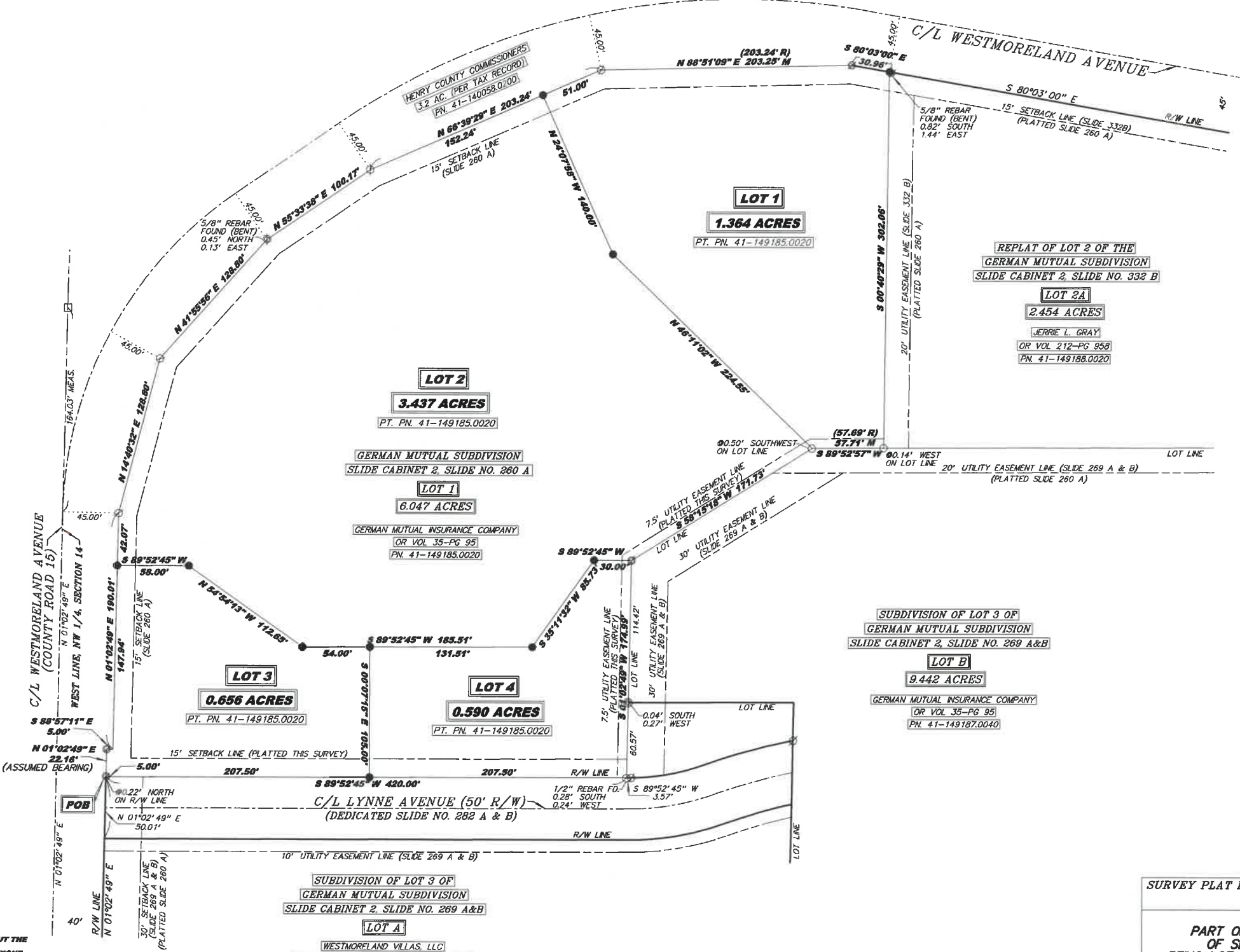
PART OF THE W 1/2 OF THE NW 1/4
OF SECTION 14, ALSO KNOWN AS
BEING LOT 1 OF GERMAN MUTUAL SUBDIVISION
(SLIDE CABINET 2, SLIDE 260 A),
T5N - R6E, CITY OF NAPOLEON,
HENRY COUNTY, OHIO



LEGEND

- 5/8" REBAR WITH ID CAP SET
- 5/8" REBAR WITH ID CAP FOUND
- ⊙ 5/8" REBAR FOUND
- ⊗ 1/2" REBAR WITH ID CAP FOUND
- 1/2" REBAR FOUND
- CONCRETE MONUMENT FOUND
- POB POINT OF BEGINNING
- R RECORDED
- M MEASURED

NOTE: SURVEY BEARINGS BASED ON
OHIO NORTH ZONE STATE PLANE
COORDINATES OBTAINED FROM THE
OHIO DOT VRS NETWORK



THIS SURVEY WAS PERFORMED WITHOUT THE
BENEFIT OF A TITLE EXAMINATION. BEYOND
THE DEED DOCUMENTS CITED ON THE SURVEY
DRAWING THERE MAY BE RECORDED OR UN-
RECORDED EASEMENTS AND/OR
ENCUMBRANCES BENEFITING OR ENCUMBERING
THE SURVEYED PROPERTY WHICH ARE NOT
SHOWN ON THIS DRAWING.



SURVEY PLAT FOR:

STEVE LANKEAU

PART OF THE W 1/2 OF THE NW 1/4
OF SECTION 14, ALSO KNOWN AS
BEING LOT 1 OF GERMAN MUTUAL SUBDIVISION
(SLIDE CABINET 2, SLIDE 260 A),
T5N - R6E, CITY OF NAPOLEON,
HENRY COUNTY, OHIO

BOCKRATH & ASSOCIATES
ENGINEERING and SURVEYING, LLC
115 S. FAIR AVENUE SUITE A - OTTAWA, OH 45875
PHONE: 419-523-5789 - FAX: 419-523-5799

1

3

LANKENAU PROPERTIES SUBDIVISION

PART OF THE W 1/2 OF THE NW 1/4
OF SECTION 14, ALSO KNOWN AS
BEING LOT 1 OF GERMAN MUTUAL SUBDIVISION
(SLIDE CABINET 2, SLIDE 260 A),
T5N - R6E, CITY OF NAPOLEON,
HENRY COUNTY, OHIO

LEGAL DESCRIPTION

LOTS 1, 2, 3, 4 & 5

6.047 ACRES
Situating as being part of the West Half of the Northwest Quarter of
Section 14, also known as being all of Lot 1 of German Mutual
Subdivision as recorded in Slide 260 A of the Henry County
Record of Plats, Township 5 North, Range 6 East, City of
Napoleon, Henry County, Ohio, also being part of a tract of land as
recorded in Official Record Volume 35, Page 95 of the Henry
County Deed Records and more particularly described as follows:

Beginning at a point marking the Southwest corner of Lot 1 of
German Mutual Subdivision as recorded in Slide 260 A of the
Henry County Record of Plats, also marking the Northwest corner
of Lynne Avenue as dedicated in Slide 282 A & B of the Henry
County Record of Plats and being on the East right-of-way line of
Westmoreland Avenue (County Road 15) and the POINT OF
BEGINNING;

Thence along the Easterly and Southerly right-of-way line of
Westmoreland Avenue (County Road 15) the following nine (9)
courses:

North 01°02' 49" East a distance of 22.16 feet to a 5/8 inch rebar
found and passing a 5/8 inch rebar found at 0.22 feet;

South 88°57' 11" East a distance of 5.00 feet to a point;

North 01°02' 49" East a distance of 190.01 feet to a 5/8 inch rebar
found and passing a 5/8 inch rebar with ID cap set at 147.94 feet;

North 14°40' 32" East a distance of 128.80 feet to a 5/8 inch rebar
with ID cap found;

North 41°55' 56" East a distance of 128.80 feet to a point
(referenced by a 5/8 inch rebar found (bent) lying 0.45 feet North
and 0.13 feet East of said point);

North 55°33' 38" East a distance of 100.17 feet to a 5/8 inch rebar
with ID cap found;

North 66°39' 29" East a distance of 203.24 feet to a 5/8 inch rebar
with ID cap found and passing a 5/8 inch rebar with ID cap set at
152.24 feet;

North 88°51' 09" East a distance of 203.25 feet to a 5/8 inch rebar
found;

South 80°03' 00" East a distance of 30.96 feet to a 5/8 inch rebar
with ID cap set marking the Northwest corner of Lot 2A of the
Replat of Lot 2 of the German Mutual Subdivision as recorded in
Slide 332 B of the Henry County Record of Plats;

Thence South 00°40' 29" West along the West line of said Lot 2A a
distance of 302.06 feet to a point on the North line of Lot B of the
Subdivision of Lot 3 of German Mutual Subdivision as recorded in
Slide 269 A&B of the Henry County Record of Plats;

Thence along the perimeter of said Lot B the following two (2)
courses:

South 89°52' 57" West a distance of 57.71 feet to a point and
passing a 1/2 inch rebar found at 0.14 feet;

South 58°15' 18" West a distance of 171.73 feet to a 5/8 inch rebar
found and passing a 1/2 inch rebar found at 0.50 feet;

Thence South 01°02' 49" West along the perimeter of said Lot B
and Lot A of the Subdivision of Lot 3 of German Mutual
Subdivision as recorded in Slide 269 A&B of the Henry County
Record of Plats a distance of 174.99 feet to a point marking the
Southeast corner of Lot 1 of German Mutual Subdivision as
recorded in Slide 260 A of the Henry County Record of Plats, also
being on the North right-of-way line of Lynne Avenue as dedicated
in Slide 282 A & B of the Henry County Record of Plats
(referenced by a 1/2 inch rebar found lying 0.28 feet South and
0.24 feet West of said point);

Thence South 89°52' 45" West along said North right-of-way line
of Lynne Avenue and the South line of said Lot 1 a distance of
420.00 feet to the POINT OF BEGINNING, said tract containing
6.047 acres of land, more or less.

Subject to all legal highways, easements, and restrictions of use
whether apparent and/or of record and is from an actual survey
performed in January, 2022, under the supervision of Ohio
Professional Surveyor Gregory A. Bockrath, Ohio Surveyor No.
8306.

Note: The bearings used in this description are on an assumed
meridian assuming the East right-of-way line of Westmoreland
Avenue (County Road 15) to be North 01°02' 49" East and are for
the purpose of angle determination only.



SURVEY PLAT FOR:

STEVE LANKENAU

PART OF THE W 1/2 OF THE NW 1/4
OF SECTION 14, ALSO KNOWN AS
BEING LOT 1 OF GERMAN MUTUAL SUBDIVISION
(SLIDE CABINET 2, SLIDE 260 A),
T5N - R6E, CITY OF NAPOLEON,
HENRY COUNTY, OHIO

BOCKRATH & ASSOCIATES
ENGINEERING and SURVEYING, LLC
115 S. FAIR AVENUE SUITE A - OTTAWA, OH 43875
PHONE: 419-523-5789 - FAX: 419-523-5799

2

3

LANKENAU PROPERTIES SUBDIVISION

PART OF THE W 1/2 OF THE NW 1/4
 OF SECTION 14, ALSO KNOWN AS
 BEING LOT 1 OF GERMAN MUTUAL SUBDIVISION
 (SLIDE CABINET 2, SLIDE 260 A),
 T5N - R6E, CITY OF NAPOLEON,
 HENRY COUNTY, OHIO

OWNERS ACKNOWLEDGMENT

KNOW ALL MEN BY THESE PRESENTS:
 THAT I/WE _____ THE UNDERSIGNED OWNER/S OF THE AFORESAID DESCRIBED
 LANDS DO HEREBY APPROVE OF THE ACCOMPANYING MAP AS SHOWN HEREON, AND DO DESIRE THE SAME TO BE
 PLACED ON PUBLIC RECORD ON THIS _____ DAY OF _____, 2022.
 OWNER/S: _____

STATE OF OHIO,
 COUNTY OF HENRY, SS:
 ON THIS _____ DAY OF _____, 2022, BEFORE ME PERSONALLY APPEARED
 _____ WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT
 _____ EXECUTED THE SAME AS _____ FREE ACT AND DEED.
 NOTARY PUBLIC
 MY COMMISSION EXPIRES: _____

PLANNING COMMISSION CERTIFICATE

UNDER AUTHORITY PROVIDED BY CHAPTER 711 OF THE OHIO REVISED CODE
 AND CHAPTER 1105 OF THE NAPOLEON CODE OF ORDINANCES, THIS PLAT IS
 HEREBY APPROVED BY THE PLANNING COMMISSION OF THE CITY OF NAPOLEON,
 OHIO.
 DATED _____ CHAIRMAN _____

 CLERK OF COUNCIL

CITY COUNCIL CERTIFICATE

UNDER AUTHORITY PROVIDED BY CHAPTER 711 OF THE OHIO REVISED CODE
 AND CHAPTER 1105 OF THE NAPOLEON CODE OF ORDINANCES, THIS PLAT IS
 HEREBY APPROVED BY THE CITY COUNCIL OF THE CITY OF NAPOLEON,
 OHIO.
 DATED _____ MAYOR _____

 CLERK OF COUNCIL

HENRY COUNTY AUDITOR'S CERTIFICATE

I, THE HENRY COUNTY AUDITOR DO HEREBY CERTIFY THAT THERE ARE NO
 UNPAID TAXES ON THE PROPERTY HEREIN DESCRIBED AND CERTIFY THE
 SAME FOR TRANSFER.
 TRANSFERRED THIS _____ DAY OF _____, 2022.

 HENRY COUNTY AUDITOR

HENRY COUNTY RECORDER'S CERTIFICATE

I, THE HENRY COUNTY RECORDER DO HEREBY CERTIFY THAT THIS PLAT
 HAS BEEN RECEIVED FOR RECORD AT _____ O' CLOCK _____ M AND RECORDED ON
 SLIDE _____ THIS _____ DAY OF _____, 2022.
 FEE \$ _____

 HENRY COUNTY RECORDER

CITY ENGINEER'S CERTIFICATE

IN ACCORDANCE WITH OHIO R.C. 711.08, THE UNDERSIGNED BEING THE
 ENGINEER FOR THE CITY OF NAPOLEON, OHIO HEREBY APPROVES THIS
 PLAT AS SHOWN.
 DATED _____ CITY ENGINEER _____

DEDICATION CERTIFICATE

I, THE UNDERSIGNED, OWNER OF THE REAL ESTATE HEREIN DESCRIBED DO HEREBY
 APPROVE THIS, AND DO HEREBY ASSENT TO THE ADOPTION OF THIS SUBDIVISION PLAT
 AND DO HEREBY DEDICATE THE STREET RIGHT-OF-WAYS AND UTILITY EASEMENTS AND
 APPURTENANCES THEREIN TO PUBLIC USE.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THIS TO BE A SURVEY MADE UNDER MY SUPERVISION
 AND THAT THE MONUMENTS ARE FOUND AND/OR SET AS INDICATED.



Gregory A. Bockrath, P.S.
 Registered Surveyor No. 8306.
 115 S. Fair Avenue, Suite A
 Ottawa, Ohio 45875
 419-523-5789

THIS PLAT REPRESENTS AN ACTUAL FIELD SURVEY
 PERFORMED IN JANUARY OF 2022.

FILE NAME: 21-488_LANKENAU_1-11-22.oc DATE: 1/11/22

SURVEY PLAT FOR: STEVE LANKENAU	
PART OF THE W 1/2 OF THE NW 1/4 OF SECTION 14, ALSO KNOWN AS BEING LOT 1 OF GERMAN MUTUAL SUBDIVISION (SLIDE CABINET 2, SLIDE 260 A), T5N - R6E, CITY OF NAPOLEON, HENRY COUNTY, OHIO	
BOCKRATH & ASSOCIATES ENGINEERING and SURVEYING, LLC 115 S. FAIR AVENUE SUITE A - OTTAWA, OH 45875 PHONE: 419-523-5789 - FAX: 419-523-5799	<div>3</div> <div>3</div>

Memorandum

To: Planning Commission

From: Roxanne

Subject: Planning Commission Housing Council Appointment/Feb. 8, 2022 Meeting

Date: February 4, 2022

Agenda item – **Appointment to Housing Council.**

Ordinance No. 120-00 Section 2 reads:

there is hereby established a "Housing Council" in and for the City as provided for by §3735.69 of the Ohio Revised Code. The Housing Council shall be composed of two (2) members appointed by the Mayor, two (2) members appointed by motion of City Council, and **one (1) member appointed by the City Planning Commission.** The majority of the foregoing members shall then appoint two (2) additional members, all members being residents of the City. **Appointments by City Council and the Planning Commission may be by motion.** Terms of all members serving on the Housing Council shall be for three (3) years. An unexpired term resulting from a vacancy in the Housing Council shall be filled in the same manner as the initial appointment was made. The Housing Council as herein established shall be the Housing Council for each Community Reinvestment Area currently existing or later established or reestablished.

Cheryl Hershberger has been the Planning Commission's appointment to the Housing Council for several years with her last term expiring on 12/31/2021. I contacted Cheryl and asked her if she would be interested in serving another 3-year term and she responded she would. Should the Commission like to re-appoint Cheryl, we will need a motion to do so.

Thank-you.



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*

Memorandum

To: Board of Zoning Appeals, City Council, Mayor, City Manager, City Finance Director, Law Director, Department Supervisors, News-media
From: Roxanne Dietrich, Clerk
Date: February 4, 2022
Subject: Board of Zoning Appeals – Cancellation

The regularly scheduled meeting of the Board of Zoning Appeals set for Tuesday, February 8, 2022 at 4:30 pm has been CANCELED due to lack of agenda items.