

July 2022						
◀ Jun 2022						Aug 2022 ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4 4 <sup>th</sup> of July City Offices Closed	5 7:00 pm City Council	6	7	8	9
10	11	12	13	14	15	16
17	18 6:00 pm Tree Commission 7:00 pm City Council	19	20	21	22	23
24	25 6:30 pm – Finance and Budget Committee 7:30 pm – Safety and Human Resources Committee	26 4:30 pm Civil Service Commission	27 6:30 pm Park and Rec Board	28	29	30
31						



# City of Napoleon, Ohio

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

## Memorandum

**To:** Mayor and City Council, City Manager, City  
Finance Director, Law Director, Department  
Supervisors, News media

**From:** Marrisa Hull, Clerk

**Date:** July 15, 2022

**Subject:** *Parks & Recreation Committee – Cancellation*

The regularly scheduled meeting of the Parks and Recreation Committee for Monday, July 18, 2022 at 6:00 pm has been CANCELED due to lack of agenda items.

*City of Napoleon, Ohio*

## **TREE COMMISSION**

### **MEETING AGENDA**

**Monday, July 18, 2022 at 6:00 pm**

*Location ~ City Building, 255 West Riverview Avenue, Napoleon, Ohio*

1. Call to Order
2. Approval of Minutes (in the absence of any objections or corrections, the minutes shall stand approved)
3. Review Tree Call Reports
4. Review Fall Plantings List
5. Review Fall Trimming List
6. Finalize Fall Removals List
7. Finalize Fall Topsoil List
8. Miscellaneous
9. Adjournment



Marrisa Hull ~ Clerk

*City of Napoleon, Ohio*  
**TREE COMMISSION MEETING MINUTES**  
Monday, April 18, 2022 at 6:00 pm

**PRESENT**

Committee Members Larr Etzler-Chair, Dave Volkman, Ed Clausing, Kyle Moore  
Council Representative Dr. Dave Cordes  
City Staff Aron Deblin-Construction Inspector  
Recorder Roxanne Dietrich

**ABSENT**

Committee Members Gary Haase

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**CALL TO ORDER**

The Tree Commission meeting was called to order by Chair Etzler at 6:01 pm.

**APPROVAL OF MINUTES**

In the absence of any objections or corrections, the minutes from the April 18, 2022, meeting were approved as presented.

**REVIEW TREE CALL REPORTS**

Deblin reported he received four calls this month. 1352 Richmar Lane has a maple tree out front that is half dead. This tree has been added to the fall removal list. 825 West Graceway has a maple tree that is half dead. This too has been put on the fall removal list. 527 Avon Place there was a removal done this spring and the homeowner was asking about a replanting. It was explained to the homeowner that we typically replant in six months, further information was sent to her. 1079 Dodd there is a young tree the homeowner thought was dying. It is an oak tree and needs more time to get going this spring. We informed the homeowner that we will monitor the tree.

**UPDATE ON SPRING PROGRAMS**

The tree plantings and trimming have been completed. The contractor will start the tree removals tomorrow. The completion date is June 25, 2022.

**REVIEW FALL REMOVAL LIST**

Deblin reported so far, there are five trees on the fall removal list. All the trees are maples throughout town with three being Silver Maples and two Norway Maples.

**REVIEW FALL TOPSOIL LIST**

We will do the removals from last fall and this spring for a total of 89 stumps. That is quite a bit more than normal; but we did not do a spring topsoil. It will average out. There are seventeen at the Arborvitae Park that are smaller and will not take a lot of work. There are seventy-three from last Fall, some are Electric's, there are twelve extra, and we have sixteen from this spring.

**MISCELLANEOUS**

Etzler reported he went to the Tree City USA awards presentation in Findlay. Five cities received the "Extra Growth Award". You don't necessarily have to try for this award, you just document what you have done. Volkman stated one thing we used when we applied for that award was the grinding of the material that was dropped off at the Yard Waste Site. It is always interesting to hear what others are doing. Etzler said one city would move mulch away from trees when it was mounded around a tree and



then left a letter for the homeowner explaining what they did and why. Another city asked the homeowner if they wanted to plant the tree themselves.

#### **OTHER MATTERS**

There will not be a meeting in June. The next meeting will be on July 18, 2022.

Dr. Cordes asked can native ground-up mulch help promote disease? Like we use at the Yard Waste Site, can you spread it to other trees? Volkman said it is possible, but it is still pretty green. Dr. Cordes said if you let it age long enough then other things kill it. Clausing noted at the Tree Academy Dr. Stewart mentioned to watch out for mulch as stuff is in there that could spread.

#### **ADJOURNMENT**

Motion: Volkman      Second: Dr. Cordes  
to adjourn the Tree Commission meeting at 6:17 pm.

Roll call vote on the above motion:

Yea-Etzler, Dr. Cordes, Moore, Clausing, Volkman

Nay

**Yea-5, Nay-0. Motion Approved.**

**Approved**

July 18, 2022

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Larr Etzler - Chairman

City of Napoleon, Ohio

**CITY COUNCIL**

MEETING AGENDA

**Monday, July 18, 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)  
July 5, 2022 Regular Council Meeting Minutes

**E. Citizen Communication**

**F. Reports from Council Committees**

1. The Electric Committee did not meet on July 11, 2022 due to lack of agenda items.
2. The Water, Sewer, Refuse, Recycling and Litter Committee did not meet on July 11, 2022 due to lack of agenda items.
3. The Municipal Properties, Building, Land Use and Economic Development Committee did not meet on July 11, 2022 due to lack of agenda items.

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

1. The Board of Public Affairs did not meet on July 11, 2022 due to lack of agenda items.
2. The Board of Zoning Appeals did not meet on July 12, 2022 due to lack of agenda items.
3. The Planning Commission did not meet on July 12, 2022 due to lack of agenda items.
4. The Tree Commission met July 18, 2022 at 6:00 pm with the agenda items:
  - a. Review Tree Call Reports
  - b. Review Fall Plantings List
  - c. Review Fall Trimming List
  - d. Finalize Fall Removals List
  - e. Finalize Fall Topsoil List

**H. Introduction of New Ordinances and Resolutions**

1. **Resolution No. 043-22**, A Resolution authorizing the City Manager to execute all documents necessary to apply for and accept Ohio Public Works Commission State Capital Improvement Program (SCIP) and Local Transportation Improvement Program (LTIP) funds for projects deemed necessary by the City Engineer in the year 2023; and declaring an Emergency
2. **Ordinance No. 044-22**, An Ordinance amending Ordinance No. 053-21 regarding the compensation of certain City of Napoleon position classifications in and for the year 2022; and declaring an Emergency
3. **Ordinance No. 045-22**, An Ordinance amending Ordinance No. 053-21 regarding the composition and compensation of certain City of Napoleon position classifications in and for the year 2022, creating the non-bargaining position of Municipal Court Bailiff/Probation Officer; and declaring an Emergency

**I. Second Reading of Ordinances and Resolutions**

1. **Ordinance No. 037-22**, An Ordinance amending the City of Napoleon, Ohio Engineering Department Rules and Regulations; and declaring an Emergency

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

1. **Ordinance No. 034-22**, an Ordinance creating the Non-Bargaining position of Assistant Operations Superintendent for the City of Napoleon, Ohio on a Temporary Basis; and declaring an Emergency
2. **Ordinance No. 035-22**, an Ordinance Amending a certain Section of the City of Napoleon Personnel Code, specifically Section 197.06(b), "Residency Requirements"

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

1. Discussion/Action: Review/Approval of the Power Supply Cost Adjustment Factor for July 2022, PSCAF 3- month averaged factor \$0.02519 and JV2 \$0.077139
2. Discussion/Action: to allow ODOT to work within the City's limits to pave portions of S.R. 110 (E. Maumee Avenue) as part of their project. (direct Law Director to draft legislation)
3. Discussion/Action: on Change Order No. 1 to Gerken Asphalt Paving, Inc. for the 2022 Miscellaneous Street Improvements Project, an increase of \$88,778.00
4. Discussion/Action: on Change Order No. 2 to Gerken Asphalt Paving, Inc. for the 2022 Miscellaneous Street Improvements Project, an increase of \$44,196.50
5. Discussion/Action: on Change Order No. 3 to Gerken Asphalt Paving, Inc. for the 2022 Miscellaneous Street Improvements Project, an increase of \$31,472.50.

**L. Executive Session (Pending or Imminent Litigation and Personnel: Collective Bargaining)**

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

**N. Adjournment**

  
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Marrisa Hull – Clerk

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

- 1. Technology & Communication Committee (1<sup>st</sup> Monday)**  
*(Next Regular Meeting: August 1, 2022 @6:15 pm)*
- 2. Electric Committee (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, August 8, 2022 @6:30 pm)*
  - a. Review of Power Supply Cost Adjustment Factor for August 2022
  - b. Electric Department Report
- 3. Water, Sewer, Refuse, Recycling & Litter Committee (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, August 8, 2022 @7:00 pm)*
- 4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, August 8, 2022 @7:30 pm)*
- 5. Parks & Recreation Committee (3<sup>rd</sup> Monday)**  
*(Next Regular Meeting: Monday, July 18, 2022 @6:00 pm)*
- 6. Finance & Budget Committee (4<sup>th</sup> Monday)**  
*(Next Regular Meeting: Monday, July 25, 2022 @6:30 pm)*
- 7. Safety & Human Resources Committee (4<sup>th</sup> Monday)**  
*(Next Regular Meeting: Monday, July 25, 2022 @7:30 pm)*
  - a. The discussion on Juneteenth (August 22, 2022 meeting)
- 8. Personnel Committee (as needed)**

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

- 1. Board of Public Affairs (2<sup>nd</sup> Monday)**  
*(Next Regular Meeting: Monday, August 8, 2022 @6:30 pm)*
  - a. Review of Power Supply Cost Adjustment Factor for August, 2022
  - b. Electric Department Report
- 2. Board of Zoning Appeals (2<sup>nd</sup> Tuesday)**  
*(Next Regular Meeting: Tuesday, August 9, 2022 @4:30 pm)*
- 3. Planning Commission (2<sup>nd</sup> Tuesday)**  
*(Next Regular Meeting: Tuesday, August 9, 2022 @5:00 pm)*
- 4. Tree Commission (3<sup>rd</sup> Monday)**  
*(Next Regular Meeting: Monday, July 18, 2022 @6:00 pm)*
- 5. Civil Service Commission (4<sup>th</sup> Tuesday)**  
*(Next Regular Meeting: Tuesday, July 26, 2022 @4:30 pm)*
- 6. Parks & Recreation Board (Last Wednesday)**  
*(Next Regular Meeting: Wed., July 27, 2022 @6:30 pm)*
- 7. Privacy Committee (2<sup>nd</sup> Tuesday in May & November)**  
*(Next Regular Meeting: Tuesday, November 8, 2022 @10:30 am)*
- 8. Records Commission (2<sup>nd</sup> Tuesday in June & December)**  
*(Next Regular Meeting: Monday, December, 2022 @6:45 pm)*
- 9. Housing Council (1<sup>st</sup> Monday 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**
- 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**  
Tuesday, July 5, 2022 at 7:00 pm

**PRESENT**

Council Members	Joe Bialorucki- Council President, Ross Durham- Council President Pro-Tem, Daniel Baer, Ken Haase, Molly Knepley, Dr. David Cordes
Mayor	Jason Maassel
City Manager	Joel Mazur
Law Director	Billy Harmon
Finance Director	Kevin Garringer
City Staff	Clayton O'Brien- Fire Chief Greg Smith- Police Lieutenant Josh Anderson- Firefighter/Paramedic
Others	News- Media
Recorder	Marrisa Hull
Absent	Lori Siclair- Council Member

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**CALL TO ORDER**

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

**APPROVAL OF MINUTES**

The minutes from the June 20, 2022 Council meeting were approved as presented.

**CITIZEN COMMUNICATION- None**

**REPORTS FROM COUNCIL COMMITTEES**

Chairman Bialorucki reported the Finance and Budget Committee met on June 27, 2022; and approved the recommendation of the Second Quarter Budget Adjustments and the recommendation of the 2023 Revenue Budget.

Chairman Baer reported the Safety and Human Resource Committee met on June 27; and approved the recommendation of the Fire Departments Part-time Pay Scale.

The Technology and Communications Committee did not meet earlier tonight due to lack of agenda items

**INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS**

**Ordinance No. 037-22- Amending Engineering Department Rules**

Council President Bialorucki read by title Ordinance No. 037-22, an Ordinance amending the City of Napoleon, Ohio Engineering Department Rules and Regulations; and declaring an Emergency

Motion: Durham Second: Haase  
to approve First read of Ordinance No. 037-22

Mazur stated during the Economic Development Committee meeting last week these changes were discussed and recommended. The Engineering rule change is to address the driveway issues and allow the City Engineer more leeway to make determinations on someone deviating from the rules, if they desire and have justification for. This also allows for changes in our rules pertaining to drainage calculations for existing properties that are grandfathered in under our old rules for drainage. Currently, our drainage rules state any property that is hardscaped, for example Walmart, wishes to make modification to their building then they have to address drainage for the entire property not just the area that's being affected. This has proven to be problematic for some locally owned businesses that wanted to make modifications to their properties in the recent past and are undergoing property modifications right now. In my opinion and the Committees this is a good business friendly change that keeps the intended spirit of what the old drainage rules were trying to accomplish. Bialorucki stated to me this sounds like it will help some business that want to grow and stay here in Napoleon.

Roll call vote on the above motion

Yea- Durham, Bialorucki, Baer, Haase, Cordes, Knepley

Nay-

**Yea-6, Nay-0. Motion Passed**

#### **Ordinance No. 038-22- Supplement No. 2**

Council President Bialorucki read by title read by title Ordinance No. 038-22, an Ordinance supplementing the annual appropriation measure (supplement No. 2) for the year 2022; and declaring an Emergency (Suspension Requested)

Motion: Haase Second: Knepley  
to approve First read of Ordinance No. 038-22

Garringer explained we are needing to approve the appropriations budget that had increased due to an item not being budgeted for or not having enough money budgeted for the item. This was discussed in the Finance and Budget Committee meeting and there were no questions at that time. We're asking for suspension as usual so, we can close out the month instead of waiting for the three reads. The appropriations budget's largest item for the increase was from the 503 fund. It saw an increase of \$165,000 for the substation fiber connection project, which wasn't in the budget at the initial time. The rest of these items were nothing to severe or anything I would be concerned about at this point.

Motion: Haase Second: Durham  
to suspend the rule requiring three readings of Ordinance No. 038-22

Roll call vote on the above motion

Yea- Durham, Bialorucki, Baer, Haase, Cordes, Knepley

Nay-

**Yea-6, Nay-0. Motion Passed**

Roll Call vote to pass Ordinance No. 038-22 under Suspension and Emergency

Yea- Durham, Bialorucki, Baer, Haase, Cordes, Knepley

Nay-

**Yea-6, Nay-0. Motion Passed**

**Ordinance No. 039-22- Transfer of Appropriation 2**

Council President Bialorucki read by title Ordinance No. 039-22, an Ordinance authorizing the Finance Director to make appropriation transfers (Transfer of Appropriation 2) from one appropriation line item to another appropriation line item pursuant to ORC. Section 5705.40 for the fiscal year ending December 31, 2022 as listed in Exhibit A; and declaring an Emergency (Suspension Requested)

Motion: Durham Second: Knepley

to approve First read of Ordinance No.039-22

Garringer explained that this went through the Finance and Budget Committee without any questions or concerns. Instead of increasing line items we switched one line item to another, for example the Training and Education Fund moved \$1,960 down to Misc. Operating Cost Fund. This was due to more of a need in one line item rather than the other. We monitor these here so, we know what's going on overall. This does not inflate our budget at all. I ask for suspension just so we can close the month out.

Motion: Durham Second: Haase

to suspend the rule requiring three readings of Ordinance No. 039-22

Roll call vote for the above motion

Yea- Durham, Bialorucki, Baer, Haase, Cordes, Knepley

Nay-

**Yea-6 , Nay-0. Motion Passed**

Roll Call vote to pass Ordinance No. 039-22 under Suspension and Emergency

Yea- Durham, Bialorucki, Baer, Haase, Cordes, Knepley

Nay-

**Yea-6 , Nay-0. Motion Passed**

**Resolution No. 041-22- TREX Liquor License**

Council President Bialorucki read by title Ordinance No. 041-22, a Resolution authorizing the approval of a TREX Liquor License for Saneholtz-McKarns, Inc., located within the City of Napoleon, Ohio (Suspension Requested)

Motion: Haase Second: Knepley

to approve First read of Ordinance No 041-22

Mazur explains this is the process a business would have to go through if there are no liquor permits available for their business. They TREX or transfer in a liquor permit to this jurisdiction, which is the City

of Napoleon, from another area in the state. Most places will hire an attorney out of Columbus who specializes in this and help them go through the process of getting paperwork submitted and approved. The business owner is requesting suspension due to wanting to open the business in September. Passing this would allow the business to submit their application to the state, which can take up to 8 weeks. Cordes states I thought something like that can only be transferred within the county? It can come anywhere in the state of Ohio? Harmon replies that it can. This was something that was brand new to me a couple weeks ago. ORC 4303.29 allows a liquor permit to transfer in when there is an "economic development project." I did look into it and attempted to define "economic development project" and found nothing in statutes or case law. Given the numbers that were presented on the application, it did seem like an argument that it would qualify as an "economic development project".

Motion: Knepley Second Cordes  
to suspend the rule requiring three readings of Ordinance No. 041-22

Roll call vote on the above motion  
Yea- Durham, Bialorucki, Baer, Haase, Cordes, Knepley  
Nay-  
**Yea-6 , Nay-0. Motion Passed**

Durham states historically with liquor license no action taken on our part means approval or something similar. Harmon replies that is when talking about renewals, if we do nothing then everything remains the same. In this situation I debated whether or not a motion would suffice or if legislation might be helpful. I decided legislation would be helpful to the applicant. They can attach the legislation to their application to the state. It's still up to the state whether or not they approve this transfer. If the City's on board, I hope the state would approve it. Maassel asks if the intentions are to take this through three reads? Harmon advises the owners are looking for suspension and there is no real argument for emergency. They will have the legislation for their application and if it takes 8 weeks the 30 days will have passed. Bialorucki states the only problem I would have agreeing with the suspension is we never had a reason to vote unless we had multiple liquor license come up with an issue. Harmon advises normally in situations like that we are asking the Police Chief or someone with knowledge of the situation if there are issues with the facility. In this situation the only consideration is whether or not this qualifies as an "economic development project" and if the City actually wants it to come in. Durham asks when it transfers within the county, does it stay in the county? Harmon replies that I am not certain on that answer. It should unless it's then transferred out. I'm not exactly sure, I would have to look at it more.

Roll call vote to pass Ordinance No. 041-22 under Suspension  
Yea- Durham, Bialorucki, Baer, Haase, Cordes, Knepley  
Nay-  
**Yea-6 , Nay-0. Motion Passed**

#### **Resolution No. 042-22- 2023 Tax Budget**



Council President Bialorucki read by title read by title Resolution No. 042-22, a Resolution adopting the 2023 Tax Budget for the City of Napoleon, Ohio, as required in Sections 5705.28 and 5705.281 of the Ohio Revised Code and directing the Finance Director to file the same with the County Auditor; and declaring an Emergency (Suspension Requested)

Motion: Durham Second: Knepley

To approve First read of Resolution No. 042-22

Garringer reported this was reviewed and discussed in the Finance and Budget Committee. What we're approving here is the revenues for 2023. These are only the property tax revenues so, any other taxes other than property tax are not included. By statute we have to summarize and state these are what we expect for our revenues for property tax. We approve them then it goes above the budget commission, which consist of the auditor, prosecutor and treasurer. All villages, townships and schools are required to have this to the auditor by July 20<sup>th</sup>, which is why I'm asking for suspension. Bialorucki asked if this can be prepared earlier? Garringer advises this could be done earlier in the future. The things you wait upon is the estimation of the city tax valuation, which is not set until the end of the year. So, you're going with previous years and if we think about putting something else on the ballot it would change. For example a levy that goes on in November would change these numbers. Another thing the City of Napoleon has never moved around the inside millage, you have 2.9 mills of inside millage, the General Fund get 2, Police gets .6 and the Fire gets .3. These have been set for many years, but those can always be reviewed and discussions be made prior to going to the budget commission. At this point I don't suggest any changes because I know there was discussion and decisions made by previous Councils.

Motion: Haase Second: Knepley

to suspend the rule requiring three readings of Resolution No. 042-22

Roll call vote for above motion

Yea- Durham, Bialorucki, Baer, Haase, Cordes, Knepley

Nay-

**Yea-6 , Nay-0. Motion Passed**

Roll call vote to pass Resolution No. 042-22 under Suspension and Emergency

Yea- Durham, Bialorucki, Baer, Haase, Cordes, Knepley

Nay-

**Yea-6 , Nay-0. Motion Passed**

## **Second Reading of Ordinances and Resolutions-**

### **Ordinance No. 034-22- Temporary Assistant Operations Superintendent**

Council President Bialorucki read by title read by title Ordinance No. 034-22, an Ordinance creating the non-Bargaining position of Assistant Operations Superintendent for the City of Napoleon, Ohio on a Temporary Basis; and declaring an Emergency.

Motion: Knepley Second: Cordes

To approve Second read of Ordinance No.034-22

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Mazur advises he has nothing to add and has heard no comments regarding this.

Roll call vote for the above motion

Yea- Durham, Bialorucki, Baer, Haase, Cordes, Knepley

Nay-

**Yea-6 , Nay-0. Motion Passed**

### **Ordinance No. 035-22- Amended Personnel Code**

Council President Bialorucki read by title Ordinance No. 035-22, an Ordinance Amending a certain Section of the City of Napoleon Personnel Code, specifically Section 197.06(b), "Residency Requirements"

Motion: Durham Second: Knepley

To approve Second read of Ordinance No.035-22

Mazur reports he has nothing new to add to this.

Roll call vote for the above motion

Yea- Durham, Bialorucki, Baer, Haase, Cordes, Knepley

Nay-

**Yea-6 , Nay-0. Motion Passed**

### **Third Reading of Ordinances and Resolutions-NONE**

### **GOOD OF THE CITY (Discussion/Action)**

#### **To apply for OPWC (Issue II) SCIP/LTIP funding. (direct Law Director to draft legislation)**

Mazur states OPWC (Ohio Public Works Commission) Issue II is a program that we apply to every year. They just require legislation for this, which is why we are asking to direct the Law Director to draft legislation. Chad does a good job of seeking funds and working with the Maumee Valley Planning Organization. For this particular one we are currently working on Meekison Street and this will probably carry over to next year. The application we are discussing now will be for the next round since the Ohio Department of Transportation does a good job of planning ahead. We're looking at Third Street, another sewer that has a lot on I/I and needs a lot of work. We are also trying to do some planning work around the Senior Center, the roads need some work. Especially with that large of an investment and so many travelers coming in and out of that neighborhood. The next project we are looking at is Third St., which will come after Meekison St. Nothing is set in stone that's just what Chad has on his plan right now for sewer improvement. We choose sewer due to it scoring by far the highest on any of these grant applications, because of our long term control plan. Also due to the I/I, sewer overflows and finding and orders with the EPA that are still out there.

Motion: Durham Second: Cordes

To direct the law director to draft legislation

Roll Call vote on the above motion

Yea- Durham, Bialorucki, Baer, Haase, Cordes, Knepley

Nay-

**Yea-6 , Nay-0. Motion Passed**

### **On recommendation to approve the Fire Departments Part-time Pay Scale**

O'Brien states that last week in the Safety and Human Resource Committee meeting they discussed the part time pay scale. It is critical to have part time members to keep from having open shifts, answer overlapping calls, provide other services and be able to be out on the engine right away. With that being said we lost a lot of our part timers due to them transitioning to full time. Which is not a bad thing, we actually encourage it as you can see with Mr. Anderson tonight. He along with Anna and Cuyler Kepling were part timers who transitioned to full time recently. When members are transiting to these full time positions we no longer have our backups coming in. Our recruiting efforts have been struggling due to trying to get someone to come from Lucas County at \$14-\$16 per hour, all while gas is \$5 a gallon. Looking at the general area we are losing most of our individuals, is where I came up with the recommended rates. I also used some of the positions being posted locally, from Napoleon. These rates, aside from the \$15 per hour, require some sort of education typically 6 months' worth. Going up the top of the pay scale, means you spent at least 1 year in fire school and at least another 1 year completing your paramedic school. Mazur states this is a request to direct the law director to draft legislation. Bialorucki asks how you were explaining the different hours, would that be part of ordinance or up to you and the department to make changes? O'Brien replies you mean as far as the hours go? Bialorucki states their education. O'Brien states that is the state's certification, Fire 1, Fire II, and EMT basics. These are all state certifications that they have to take in order to get that scale. That doesn't include the continuing education that members need to renew their state certifications every 3 years. Bialorucki states that I just wanted to make sure you couldn't say "I really like this guy, I'm going to put him at the \$25.50." O'Brien explains that it's set in stone, you would have to have those certifications to get that pay. As you can see some of those levels include Fire 1, EMT basic and Fire 1 advance EMT. What is ideal here is that we are not asking for a budget adjustment or increase. We are looking to keep the exact same budget even through 2023, these would be the established rates though 2023 as well. Part time members can only work 24 hours a week, totaling 1500 hours a year, with that being said if we were able to fill every shift, 36 hours per day, would cost \$302,000. This would be a little above our original budget of \$277,000. Filling every single open shift realistically is not possible, which is why my recommendation is to leave the budget the same and if needed look at it in the 4<sup>th</sup> quarter budget adjustment in 2023. Maassel ask how does the part time pay scale compare to our full time pay scale. O'Brien states I did that comparison as well. With benefits added to their hourly wage, \$8.32 for medical benefits and \$4.90 for pension, a full time member would start at bear minimum around \$29 per hour. You may see a larger amount on part time scale, but they can only work 24 hours and don't get offered medical insurance or benefits. So, we still have a drastic difference between our full time and part time pay. Maassel states my fear is if we do this and then we go to union negotiations, the union says you just gave all of our part time people, who may or may not be union, a big raise we expect the same. I'm not saying we don't need this, just saying we need to be careful with this especially in a union negotiation year. O'Brien states the only thing I could say about that is we may not be in that situation. We are losing a lot of our full timers for that same reason. I'm not saying that's what they will do, I'm just trying

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to keep communication open with them. They know the impact of the part time, for example today there was only 2 members on station one being part time and one full time. This was due to not being able fill those open full time and part time shifts. I do understand where you're coming from with the negotiations. I originally thought we needed to offer part time members more hours and not worry if they took the insurance. We did those numbers and for budget purposes you would have to assume that every member, which would be 6 of them would take the insurance. If that's the case you could be looking at \$120,000 extra per year. I started to look around with the age group, 20-25 years old, were trying to recruit and a majority of those members don't care about medical because they are on their parents until age 26.

Motion: Haase Second: Baer  
To direct the law director to draft legislation

Roll Call vote on the above motion  
Yea- Durham, Bialorucki, Baer, Haase, Cordes, Knepley  
Nay-  
**Yea-6 , Nay-0. Motion Passed**

#### **On recommendation to approve the Municipal Court Bailiff/ Probation Officer Position**

Mazur this was a discussion in the Safety and Human Resource Committee and this is a request to direct the law director to draft legislation. The court bailiff/ probation officer position would be a newly created position that would serve the court. Currently, there is a full time bailiff, full time probation officer, part time bailiff and part time probation officer to cover the shifts. Judge Schuller would like to hire a full time person by combining both part time positions. She does have the ability to do this unilaterally. Harmon states Council would only be able to reject an unreasonable request according to the case law he has read. This is a pretty good idea because it's difficult to fill those part time positions and keep them filled. We have run through a number of part time probation officers and bailiffs. Combining the two positions is a good idea and will free up both full time employees to take sick time. Currently both positions are open and if the bailiff were to catch COVID, we would be scrambling and court might not happen. It's a good idea to have both back up positions covered by one person. Baer states the Judge was very clear that both part time positions are empty. It's similar to some of the things the police department has talked about in the past with dispatchers. Mazur explains that both positions have extremely high turnover. Durham ask if the Judge would still have the ability to fill those part time roles? Harmon advises he doesn't believe it's been drafted in a way that removes the part time positions. For now it's just creating the new position and I will check to see if it's been drafted in such a way that gets rid of the old positions. Cordes states the Judge just wanted to combine both of the positions into one position. Durham replies by combining those two positions into one you're losing the part time position. Cordes states that's my understanding. She is combining the two part time positions to create on full time position. Harmon advises he just needs to make sure that is the way he drafted it.

Motion: Durham Second: Cordes  
To direct the law director to draft legislation

Roll Call vote on the above motion

Yea- Durham, Bialorucki, Baer, Haase, Cordes, Knepley

Nay-

**Yea-6 , Nay-0. Motion Passed**

### **Update on the Brownfield Grant Application for the Cultural Center of Henry County**

Mazur states I just want to go over how we got to where we are today and give a recommendation to City Council going forward. This whole process started over 6 years ago, early 2016 even. At the time the Napoleon Area Schools and the Napoleon Civic Center Foundation came to an agreement that the property would be transferred from the schools to the foundation for \$1. The Napoleon Civic Center Foundation raised approximately \$550,000 to be put into an escrow fund for the demolition of the property. They were given 5 years to raise enough money and to achieve a certificate of occupancy for the building. Bialorucki interjects to ask what was going to happen to the building? Mazur replied that the building was going to be demolished. Bialorucki asks whose decision was that? Mazur advised it was the schools decision. The City was not a party in the agreement, even though there was a meeting in this room with the historical preservation. Over the last 5 years I believe we've been rather supportive of their efforts and attempts to raise funds for the project. The City has provided seating for concert events at no charge, waived permit fees and installed temporary electric polls upon request. We did a lot of kind services to help them succeed. I think there was a willingness to work with the organization at the time, despite not being involved in the original agreement. Over the past 5 years it's been apparent they've been unable to maintain the property and over the past 2 years there have been a handful of nuisance violations issued to the group. To which they have responded well and took care of the violations. There have been times where weeds have grown through the fence, along the back of the bleacher section, in and about the parking lot. The parking lot in the back is in disrepair as well. I think there has been enough time and effort given on our part. There are certain times where we just have to address it. If anything I think we have given more leeway towards their property maintenance then we would have given anybody else. Recently, within a year and a half the Napoleon Civic Center Foundation has rebranded themselves to the Cultural Center of Henry County. The official name change hasn't changed on the auditors website so, I think technically they are still the Napoleon Civic Center Foundation. Within the last year the board has turned over 6 out of the 9 voting members in the board of trustees. The City submitted a grant application with the Cultural Center of Henry County board approval at the beginning of May and a few weeks after they voted to withdraw their desire to participate. The application is still submitted at the state level and is being reviewed. Since then the Maumee Valley Civic Theater, which is an organization that has been around for a long time who has been trying to work with Cultural Center of Henry County, has withdrawn their support for the project. I think this is significant because the draw here is getting a performing arts center of some sort for this organization to perform in. The Maumee Valley Civic Theater is the catalyst to draw people in with their history and be able to operate a successful performing arts program. The Napoleon Area Schools has confirmed in writing through their attorney that the school is not offering an extension of the agreement and they are reviewing their options to enforce the contract. Having discussions with the angel donor who donated the original \$550,000 to give this project some life, it is the desire of the donor to have the Cultural Center of Henry County work with the City on this grant application. This would prevent the donors funds from being used for the demolition of the building and that's been stated a couple of times in different discussions.

The discussions were held with various parties the schools, the angel donor, the City and Cultural Center of Henry County regarding the basic terms and agreements. The basic terms and conditions of the new agreement state the Cultural Center of Henry County would cooperate with the City in support of a grant application, if the grant is awarded the property would transfer to the City for \$1 once the grant agreement is executed and the Cultural Center of Henry County wouldn't take anything out of the building that would devalue the demolition. Taking the copper wiring that a demolition company would salvage to offset some cost of the demolition would be an example of the devaluation of the demolition. We don't want the project to be devalued by way of pilfering. They would also agree to a joint press release with the City stating those terms and conditions. Upon the grant award and execution of the grant agreement with the State of Ohio, we wouldn't tie them to any financial obligation of the project or the transfer. In other words this is transactional in nature. This is not an agreement or a partnership it is transactional in nature. I stated that very clearly right up front. The transaction wouldn't tie us to any of the organizations or any other parties involved in the original agreement. During the conversation the concern was the angel donor and the Cultural Center of Henry County didn't want any financial obligations and as I stated it's transactional in nature as it pertains to the project and the transaction. Not having to do with any prior business dealings or future business dealing with either parties. So, just a clean title. This is where we had some confusion because the City's not going to be responsible for their liens on the property. The concerns is they have had liens in the past though default of a contract. A statement was made that there was a million dollar line of credit or something of that nature offered to them. However, we have no information on that due to it being a private transaction. I don't know if they have taken out a mortgage on the property or anything where the building would be used as collateral. Those are business dealings that the tax payer, rightfully, should never have to bare. Unless agreed upon by City Council. The Cultural Center of Henry County's attorney came back with some language we just couldn't agree to. Basically they are wanting no financial burden or obligation, which can't happen. I think the context was misconstrued through the process, which is why the redline version here says the expectation is the parties would be responsible for items that are customarily the responsibilities of a buyer and seller transaction. The City would receive a clear title in this transaction. That has been the sticking point up until this point. In all the transactions I have been a part of, this is pretty basic. Cordes states with this we would have clear title, but it would still be restricted use. Mazur replies the deed restrictions on loose field are still in place. Cordes replies it would be a clear title with the restriction still in place. Harmon explains his concern is with the debt and a number of issues that can happen and likely will given this organization history. Mazur states upon the grant award, the donors expectations is the original real estate purchase and sale agreement could be dissolved. All these terms and conditions should satisfy all the terms and conditions of the old agreement. The expectation was the Cultural Center of Henry County board would approve this list of terms and conditions at their next board meeting, not deviate. The board did not take any action and they have had two meetings since the conversation. There seems to be no urgency to this either. After the delay in the vote I took it upon myself to reach out to the State Historic Preservation Office and find out if there were any inquiries, correspondences or submittals to their offices to try to put this property on the National Historic Registrar or the State Historic Registrar. There actually was a submittal in form of a questioner from the State Historic Preservation Office, which is the start of getting something on a National Historic Registrar. This was when we were having discussions about these terms and conditions. The Cultural Center of Henry County was taking it upon themselves to submit questioners, applications and inquire about getting this on a National Historic Registrar. We didn't know about any of this until I took it upon

myself to start asking questions. I have a lot of correspondences that make it very clear that they are really trying to speed this though. I don't know why. After a discussion with someone today from the Ohio History Connection, which is the State Historic Preservation Office, having this building on such Registrar has no bearing on their existing contract. Even though they have been attempting to get onto the National Historic Registrar it does not preclude the building from being demolished under the terms and conditions of the original agreement. All this does is actually limit the use of federal funds and some state funds from being used for the demolition of the property. It take about a year to get on the registrar due to the combination of some comment periods lasting 30 or 60 day and some 45 day review periods. I received an email today at 5:17pm stating the nomination for the old school has not been assigned to staff, but they did receive the nomination for the school today. This individual talked to Pat Bilow to explain everything and I did suggest to be very clear that this does not prohibit them being able to demolish the building using private funds. According to the individual she did say that and the process for nomination doesn't change and there's not really a good way to expedite the nomination process. Knowing everything I talked about before especially with the schools confirming they are not offering an extension, the National Historic Registrar doesn't do anything in terms of the original contract. Harmon asks when the Cultural Center of Henry County submitted the application? Mazur advised this was submitted early June or slightly before that. Harmon said this submittal happened while they were negotiating with us. Durham advised he believes this was submitted the day of the board meeting that we were under the impression that they would be voting to review this agreement with us. Harmon questioned how much money was spent on this application? Mazur advised \$5,000 roughly, not to include staff time put into reviews. Today the donor's attorney said that there was some disappointment on his end that the Cultural Center of Henry County didn't want to accept the revised language that seems to be more than reasonable. This further shows the desire of the donor and all the other parties involved that going with the option to apply to the grant through the state is the best option. I would also like to say State Representative Jim Hoops has been a great help in this. He has been supportive behind the scene and is supportive of everybody involved. He helped me get a conversation with the Ohio Department of Development Director Lydia Mihalik. It is pretty unprecedented to have the Development Director in Columbus take the time to talk with us about this when there's so many projects and applications going on. I explained the circumstances of what is going on and asked her opinion if the City should pull the application at this time. The reason I asked that is because I wouldn't want the City to have a reputation when submitting grant applications and negativity affect the City's future grant applications. I do not want to jeopardize our reputation for future funding. After describing the situation she had offered some advice and said don't pull the application yet. She can assign experienced staff to take a look into this project and meet with all involved parties as a service to us and the community. At the beginning of the day my recommendation was going to be pulling the application. As of 3:30 pm this afternoon, after talking with the director, I believe it's worthwhile to at least hold off until we give this one last chance to see if someone from the Ohio Department of Development can help us find a solution. That said this is just a recommendation you don't need to follow it. If you want we can yank the application now. I think the public deserves to know these things. It's alarming that we are trying to work with different parties. I stand behind with saying the Cultural Center of Henry County is not reciprocating. It's a pretty big decision at this point, it really has a drastic effect on the future of this community. What happens with this grant application and decisions being made by the school board, City Council and Cultural Center of Henry County board will effect this community for a very long time. I am optimistic and hopeful that all the parties can come to a

reasonable solution, but my recommendation is to hold off from pulling the application. Their attorney states, the Cultural Center of Henry County board is meeting on Tuesday July 12 and is expected to vote on this proposal. I don't think we deviate any more off this proposal that has been given. I don't think there's any room to go further, if you think about the financial obligations that the Cultural Center of Henry County has at this time will be theirs and always be theirs whether or not they vote to approve of this. That's not something the tax payers should bear the burden of. There are a lot of benefits for the Cultural Center of Henry County to agree. They wouldn't be subject to additional property maintenance cost being that if they drag this out further they would be subject to property maintenance and time put into it. Subject to City Councils approval we did agree to pay for their portion of closing costs, which I think is a nominal expense. The angel donor could get their money back, which could then be potentially used for other items elsewhere in the community. Bialorucki asked if Mazur hears back from the Director giving a recommendation to withdraw and the Cultural Center of Henry County has their meeting where they don't vote in favor of the agreement; do we need to vote now to give you the power to pull the application? Mazur advised he can pull the application at any time. I just think it's too big of a decision to not have everyone be informed. Like I said if it wasn't for the last conversation I had, it would have been my recommendation to pull it. I believe there's one last chance for what's best for the community, in my opinion that would be for them to move forward and cooperate with us by agreeing to the terms and conditions. Bialorucki states I would just like to thank you for your patience and your ability to put aside emotions. I know your name has been drug through the mud by some people throughout this process and you've had the power to withdraw that several times. I know your thoughts are what's best for the City and the community. I appreciate your patience and professionalism. Maassel states I don't think there's any reason we need to pull it before the 12<sup>th</sup> until the Cultural Center of Henry County board meets again. Hopefully, they follow their attorney's advice and vote on the proposal as it's currently written. I don't think we should make any changes. In my mind I think this will be their last opportunity to jump on board with us. I think we need to thank Representative Hoops and the people at the State of Ohio for all the work they've done. I think Harmon and Durham pointed something out that was right on, the Cultural Center of Henry County entered into the Historic Preservation, while they were talking with us about how to move forward here. That's a tough thing to hear. They are a dedicated group doing everything they can to save their building; but at the same time, especially for the citizens, if they don't agree we need to pull the application. I know Garringers said in the past sometimes insurances have to pay. We don't want the angel donor to do that, but at the same time we've spend over \$5,000 plus hours plus heartache. I know the Cultural Center of Henry County board has experienced heartache too. In my opinion next Tuesday is their last opportunity. Durham states he has a question on the original agreement, do you know the time frame of the next step for the School and Cultural Center of Henry County? Mazur replied with 30 days from June 28<sup>th</sup>. June 28<sup>th</sup> is the day this agreement was recorded on the deed and they have 30 days to file an application with the Preservation Commission to start the demolition process, so July 28<sup>th</sup>. Durham advised it is important to note, I believe the tax payers have voted with their wallets to not support their mission or their project. It is incomprehensible at this point not to enter into the agreement with us. I don't understand what the hesitancy is or has been for the past 12-14 months. I would urge their group to make a decision for what's best for every citizen of Napoleon not just their 9 board members. Maassel states I believe their hesitancy is they see the John L. Johnson coming down and that is what they are trying to prevent. Besides that I agree with what you're saying. Harmon states they are playing with other people's money then, which is difficult to understand. I know they want to keep the building



up, but at this point your project is a failure and you need to move on. Durham states let's find a way to work together and move forward. Mazur states I believe that is why the Maumee Valley Civic Theater is out, I think they have moved on from this project and currently pursuing another project. A vote not to enter into this agreement with the City on their part or an inaction, is a vote too voluntarily use donor money instead of State grant money to tear the building down. Maassel responds with inaction or tabling is the same as withdrawing. No action in this case is an action. Baer states the original goal of the organization was wonderful. I have nothing against performing art and thought it was a good idea, but they had opportunities even prior to COVID to raise money for this project. For whatever reason it did not happen. Each of us as individuals had things we wanted to do, but it just didn't happen. They want to do everything they can to save the John L. Johnson, but at this point it does not seem to be realistic. In my mind the fact they have been deceptive in their actions towards the school board and the City is frustrating. I have been behind their project for a long time, but this kind of deception is frustrating.

**Accept donation of a used school bus from The Napoleon Schools to the City of Napoleon Safety Services to use for training**

Chief O'Brien states the school system donated a school bus for out at the training facility. This is not for us to burn, but used to learn techniques to get out in case a situation ever occurs. It is just another unique tool that we will have out there. Bialorucki states when I got on council in 2016 the relationship between the City and the schools were not great. This just goes to show the hard work of everyone at the City and everyone at the school working together. I don't see this happening 6-7 years ago. Thank you to the schools and everything the staff here does. Maassel asks if there is any maintenance costs on the bus as it sits there in the training area? Chief O'Brien states there are no maintenance fees, it will sit back with the other cars that we do burn.

Motion: Baer Second: Knepley  
To accept donation

Roll Call vote on the above motion  
Yea- Durham, Bialorucki, Baer, Haase, Cordes, Knepley  
Nay-  
**Yea-6 , Nay-0. Motion Passed**

**Accept Donation of \$1,000 from the local Eagles #4428 to the Police Departments for summer outreach programs**

Mazur states the Eagles saw the success with the Cops and Bobbers event and wanted to participate in other summer youth programs. It was a generous donation. We had a successful event and people want to jump onboard. Greg Smith adds a week after the Cops and Bobbers event the police department hosted the 2<sup>nd</sup> annual kickball tournament, which was another huge success.

Motion: Haase Second: Cordes  
To accept donation

Roll Call vote on the above motion

Yea- Durham, Bialorucki, Baer, Haase, Cordes, Knepley

Nay-

**Yea-6 , Nay-0. Motion Passed**

#### **Accept Donation of \$200 to Parks & Rec Dept. for Family Memberships to Napoleon Aquatic Center**

Mazur stated he never received a reason why the money was donated. I'm not sure if it was anonymous. Maassel stated we are very curious on who the donor is so we can thank them. Cordes replied unless they want to be anonymous. Maassel stated of course, we would just like to give credit where credit is due. If we could find out, it would be great to know.

Motion: Durham Second: Haase

To accept donation

Roll Call vote on the above motion

Yea- Durham, Bialorucki, Baer, Haase, Cordes, Knepley

Nay-

**Yea-6 , Nay-0. Motion Passed**

#### **AROUND THE TABLE**

Garringer- I have nothing.

Knepley- I would just like to note that the fireworks were very nice. They put on a nice show, everybody came out and enjoyed them. Thanks to all the City workers who put in the extra time, we saw lots of involvement with police and fire. The City workers kept the park clean. Overall it was great.

Durham- It was a great show and a great weekend all together, the triathlon, the hole in one contest, baseball events and the firework show.

Bialorucki- I was in the parks a lot this weekend and saw how awesome our community looked. All of our City employees were working when we were enjoying a nice weekend off. I thought about them and appreciate their hard work.

Maassel- I think we all talked about the great stuff that parks and rec did over the weekend. I want to make sure we thank the Napoleon Legion for giving us a flag pole. We were able to put that flag up on Friday, which was nice. Since, Sedward got extended out the traffic has picked up. In particular the speed on Sedward. Is there a way we could make the Sedward at Becca Ln intersection a 3 way stop? The residents out there talked to me about the speed of vehicles going out of Riviera Heights. Mazur replied that this could be looked at.

Baer- I would just like to agree the firework show was as good as always. Everything from the weekend was positive. The Cops and Bobbers was great PR all the way around, including on the television.

Haase- I went through the boat ramps this morning and everything was clean down there. Everything was empty and looking good.

Cordes- I noticed the City workers did a good job of keeping everything clean. I think the citizens have done a better job keeping things clean, they are picking up a bit more after themselves. I would like to mention at Washington/Perry near the PNC bank, one of the reds light was out. I gave this message to an electric truck going around. I'm sure the word got around, but I just feel like I should mention it.

Harmon- Nothing to add from me.

Mazur- We have been tracking the infrastructure funds from the federal level weekly and what we're finding is that outside of the programs we already apply to there isn't a lot for us to apply for. It's hard to capture this but, a lot of it seems to be geared towards bigger cities with greater populations. I say that because mass transit or railroad crossing elimination, would be for bigger city items. We are still tracking it and trying to find programs that would work for us. It's not as easy as it sounds. Changing topics; Kevin, Chief Mack and myself went through the interview process and we do have a verbal offer for a Human Resource Director that was accepted. I don't want to give names yet, we still have to go through the background check process, do a couple other checks and allow this person to contact their employer to give them notice. Hopefully, everything works out well and we can get someone in by the end of the month. We had 6 interviews candidates that interviewed well, but we had one that was far and above everyone else.

**Executive Session- none**

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

**ADJOURNMENT**

Motion: Durham Second: Knepley

To adjourn the city council meeting at 8:32PM

Roll call vote on the above motion

Yea- Durham, Bialorucki, Baer, Haase, Cordes, Knepley

Nay-

**Yea-6, Nay-0. Motion Passed**

Approved

July 18, 2022

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Joe Bialorucki, Council President

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Jason Maassel, Mayor

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Marrisa Hull- Recorder

**RESOLUTION NO. 043-22**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO APPLY FOR AND ACCEPT OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM (SCIP) AND LOCAL TRANSPORTATION IMPROVEMENT PROGRAM (LTIP) FUNDS FOR PROJECTS DEEMED NECESSARY BY THE CITY ENGINEER IN THE YEAR 2023; AND DECLARING AN EMERGENCY**

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

Section 1. That, the City Manager is directed to execute all documents necessary to apply for and accept Ohio Public Works Commission State Capital Improvement Program (SCIP) and Local Transportation Improvement Program (LTIP) funds for the year for projects deemed necessary by the City Engineer in the Year 2023, including but not limited to execution of Grant Agreement(s).

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

Passed: \_\_\_\_\_

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

Approved: \_\_\_\_\_

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

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

Attest:

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Marissa Hull, Clerk of Council

*I, Marissa Hull, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 043-22 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.*

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*Marissa Hull, Clerk of Council*

**ORDINANCE NO. 044-22**

**AN ORDINANCE AMENDING ORDINANCE NO. 053-21  
REGARDING THE COMPENSATION OF CERTAIN CITY OF  
NAPOLEON POSITION CLASSIFICATIONS IN AND FOR THE  
YEAR 2022; AND DECLARING AN EMERGENCY**

**WHEREAS**, Council previously adopted Ordinance No. 053-21, creating a 2022 Classification Pay Plan for its non-bargaining employees; and,

**WHEREAS**, Council now desires to amend Ordinance No. 053-21 to amend the composition of City staff and the pay scales for certain positions; and,

**WHEREAS**, Exhibit C, attached hereto and incorporated herein, reflects the changes to be made; and,

**WHEREAS**, Council desires to make said amendments effective on the pay period starting July 11, 2022; **Now Therefore**,

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

Section 1. That, notwithstanding any Ordinance or Resolution to the contrary, the City of Napoleon, Ohio had previously established a new 2022 Position Classification Pay Plan for its non-bargaining employees, Ordinance No. 053-21 passed by Council on December 20, 2021.

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

Section 3. That, Ordinance No 053-21 is hereby amended as herein listed effective with the passage of this Ordinance No. 044-22.

Section 4. Exhibit C, attached hereto and incorporated herein, reflects the changes to be made.

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

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

Section 7. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for 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.

Passed: \_\_\_\_\_

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

Approved: \_\_\_\_\_

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

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

Attest:

\_\_\_\_\_  
Marissa Hull, Clerk of Council

*I, Marissa Hull, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 044-22 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.*

\_\_\_\_\_  
*Marissa Hull, Clerk of Council*



Ordinance No. 044-22 Exhibit C  
(Base Hourly Rate)

<u>Title</u>	<u>Bottom</u>	<u>Top</u>
Front Desk Administrator (Part Time)	\$10.31	\$14.08
Legal Clerk (Temporary)	\$14.82	\$23.80
<del>Probationary/Trainee Fire Fighter/EMT</del>	<del>\$9.17</del>	<del>\$13.98</del>
All Fire/Rescue Department (Part Time)	<del>\$13.13</del> \$15.00	<del>\$18.22</del> \$26.00
Deputy Court Clerk (Part Time)	\$11.42	\$15.69
Deputy Court Bailiff (Part Time)		\$15.02
Probation Officer Grant		\$16.98
Construction Inspection (Temporary)	\$13.85	\$14.84
Construction Engineer (Temporary) Engineering Dept.	\$42.03	\$45.04
Income Tax/Collection Clerk (Part Time)	\$10.31	\$18.18
Lifeguard (Seasonal)	\$9.17	\$15.40
Seasonal Laborer – Other	\$9.17	\$15.40
Recreation Worker (Seasonal)	\$9.17	\$15.40
Parks Maintenance Worker (Seasonal)	\$9.17	\$15.40
Golf Course Clubhouse Attendant (Seasonal)	\$9.17	\$15.40
Senior Center Fitness Coordinator (Part Time)	\$9.17	\$15.40
Code Enforcement Inspector	\$19.97	\$31.07
Adjunct EMS Instructor for the Fire Department (Part Time)		\$21.33
Adjunct Fire Instructor for the Fire Department (Part Time)		\$21.33

**ORDINANCE NO. 045-22**

**AN ORDINANCE AMENDING ORDINANCE NO. 053-21  
REGARDING THE COMPOSITION AND COMPENSATION OF  
CERTAIN CITY OF NAPOLEON POSITION CLASSIFICATIONS  
IN AND FOR THE YEAR 2022, CREATING THE NON-  
BARGAINING POSITION OF MUNICIPAL COURT  
BAILIFF/PROBATION OFFICER; AND DECLARING AN  
EMERGENCY**

**WHEREAS**, Council previously adopted Ordinance No. 053-21, creating a 2022 Classification Pay Plan for its non-bargaining employees; and,

**WHEREAS**, Pursuant to Ohio Revised Code Section 1901.33 the Municipal Court Judge is empowered to appoint a Bailiff without advertising for this position and is further empowered to set the compensation for this position as long as the compensation is reasonable; and,

**WHEREAS**, Council now desires to amend Ordinance No. 053-21 to amend the composition of City staff and the pay scales for certain positions; and,

**WHEREAS**, Council now desires to create a full-time non-bargaining position entitled “Municipal Court Bailiff/Probation Officer” for the City of Napoleon, approving the job description and the pay scale as drafted by the Municipal Court Judge, further adding said position and associated wage scale to the current 2022 Classification Pay Plan, Ordinance No. 053-21 and eliminating the part-time bailiff and part-time probation officer positions; and,

**WHEREAS**, Exhibits A and C, attached hereto and incorporated herein, reflect the changes to be made; and,

**WHEREAS**, Council desires to make said amendments effective on the pay period starting July 11, 2022; **Now Therefore**,

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

Section 1. That, notwithstanding any Ordinance or Resolution to the contrary, the City of Napoleon, Ohio had previously established a new 2022 Position Classification Pay Plan for its non-bargaining employees, Ordinance No. 053-21 passed by Council on December 20, 2021.

Section 2. That, this Council hereby creates a new position, pursuant to Article II, Section 2.14 of the Charter of the City of Napoleon, entitled “Municipal Court Bailiff/Probation Officer” for the City of Napoleon, Ohio. The previous part-time bailiff and part-time probation officer positions are hereby eliminated.

Section 3. That, said position is hereby created and established in and for the City for the Napoleon and shall be considered a non-bargaining, full time regular employee having an hourly, non-exempt status. The Municipal Court Bailiff/Probation Officer shall not be entitled to any longevity pay.

Section 4. That, the base pay rate for the Municipal Court Bailiff/Probation Officer shall be set by this Ordinance No. 045-22, at a minimum of fifteen dollars fifty

cents (\$15.50) per hour, to a maximum of eighteen dollars fifty cents (\$18.50) per hour, based on an eighty (80) hour pay period.

Section 5. That, the duties of the Municipal Court Bailiff/Probation Officer are currently defined in a job description which is hereby approved; said job description is currently on file with the City of Napoleon, Ohio Human Resources Department.

Section 6. That, this Ordinance allows the terms and conditions of these pay amendments to be retroactively applied, the same being hereby approved as it so exists.

Section 7. That, Ordinance No 053-21 is hereby amended as herein listed effective with the passage of this Ordinance No. 045-22.

Section 8. Exhibits A and C, attached hereto and incorporated herein, reflect the changes to be made.

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.

Passed: \_\_\_\_\_

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

Approved: \_\_\_\_\_

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

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

Attest:

---

Marissa Hull, Clerk of Council

*I, Marissa Hull, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 045-22 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.*

---

*Marissa Hull, Clerk of Council*

Ordinance No. 045-22 Exhibit A  
(Base Hourly Rate)

<u>Title</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Clerk-Typist II	\$12.81	\$14.74	\$15.82	\$16.97
Receptionist	\$14.49	\$16.61	\$17.81	\$19.15
Administrative Assistant	\$17.65	\$20.37	\$21.87	\$23.55
Front Desk Administrator	\$12.81	\$14.46	\$15.16	\$16.03
Service Building Secretary	\$12.81	\$14.46	\$15.16	\$16.03
Senior Service Building Secretary	\$15.92	\$18.26	\$19.63	\$21.20
Executive Assistant to Appointing Authority	\$21.43	\$22.84	\$24.31	\$25.86
Executive Assistant/Paralegal to Law Director	\$25.86	\$28.24	\$30.33	\$32.42
Account Clerk I	\$12.81	\$14.46	\$15.16	\$16.02
Account Clerk II	\$15.92	\$18.26	\$19.64	\$21.20
Utility Billing Administrator	\$18.08	\$20.81	\$22.29	\$26.47
Senior Account Clerk	\$17.65	\$20.37	\$21.88	\$25.87
Records Clerk/Recorder	\$15.92	\$18.26	\$19.63	\$21.19
Accounts Payable Clerk	\$15.92	\$18.26	\$19.63	\$22.29
Tax Administrator	\$18.08	\$20.81	\$22.29	\$26.47
Engineering Technician	\$19.41	\$22.29	\$23.88	\$25.62
Senior Engineering Technician	\$23.05	\$26.54	\$28.41	\$30.47
Staff Engineer	\$21.42	\$24.70	\$26.54	\$28.51
Licensed Staff Engineer	\$29.00	\$31.18	\$33.54	\$37.51
Construction Inspector	\$25.95	\$29.82	\$31.95	\$35.11
Senior Electric Engineering Technician	\$21.42	\$24.70	\$26.54	\$28.50
Electrical Construction/Maintenance Inspector	\$28.77	\$33.11	\$35.50	\$38.06
Zoning Administrator	\$21.42	\$24.70	\$26.54	\$28.50
Assistant Water Superintendent	\$30.94	\$32.10	\$33.86	\$35.63
Chief Water Treatment Operator	\$23.05	\$26.54	\$28.41	\$32.13
Chief Wastewater Treatment Operator	\$23.05	\$26.02	\$28.41	\$32.13
Police Lieutenant	\$0.00	\$33.70	\$35.29	\$37.06
Deputy Court Clerk	\$17.11	\$18.63	\$19.98	\$21.41
Chief Probation Officer	\$20.67			\$22.84
Municipal Court Bailiff/Probation Officer	\$15.50			\$18.50
IT Specialist	\$19.02	\$21.04	\$23.08	\$25.11

EXHIBIT "C"  
(BASE HOURLY RATE)

<u>Title</u>	<u>Bottom</u>	<u>Top</u>
Front Desk Administrator (Part Time)	\$10.31	\$14.08
Legal Clerk (Temporary)	\$14.82	\$23.80
Probationary/Trainee Fire Fighter/EMT	\$9.17	\$13.98
All Fire/Rescue Department (Part Time)	\$13.13	\$18.22
Deputy Court Clerk (Part Time)	\$11.42	\$15.69
<del>Deputy Court Bailiff (Part Time)</del>	<del>\$0.00</del>	<del>\$15.02</del>
<del>Probation Officer Grant</del>	<del>\$0.00</del>	<del>\$16.98</del>
Construction Inspection (Temporary)	\$13.85	\$14.84
Construction Engineer (Temporary) Engineering Dept.	\$42.03	\$45.04
Income Tax/Collection Clerk (Part Time)	\$10.31	\$18.18
Lifeguard (Seasonal)	\$9.17	\$15.40
Seasonal Laborer – Other	\$9.17	\$15.40
Recreation Worker (Seasonal)	\$9.17	\$15.40
Parks Maintenance Worker (Seasonal)	\$9.17	\$15.40
Golf Course Clubhouse Attendant (Seasonal)	\$9.17	\$15.40
Senior Center Fitness Coordinator (Part Time)	\$9.17	\$15.40
Code Enforcement Inspector	\$19.97	\$31.07
Adjunct EMS Instructor for the Fire Department (Part Time)	\$0.00	\$21.33
Adjunct Fire Instructor for the Fire Department (Part Time)	\$0.00	\$21.33

**ORDINANCE NO. 037-22**

**AN ORDINANCE AMENDING THE CITY OF NAPOLEON, OHIO  
ENGINEERING DEPARTMENT RULES AND REGULATIONS,  
ALSO AMENDING PREVIOUS SCRIVENER'S ERRORS AND  
FORMATTING ISSUES; AND DECLARING AN EMERGENCY**

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

**Section 1.** That, City Engineering Department Rules and Regulations found in Document NO. CNER98-1 is hereby amended and enacted as provided in Exhibit A, attached hereto and made a part hereof.

**Section 2.** That the City Engineering Department Rules and Regulations found in CNER98-1, as existed prior to the passage and enactment of this Ordinance, is repealed, and the Rules and Regulations as found in this Ordinance No.(s) 037-22 are current and effective.

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

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

**Section 5.** That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for the timely planning, bidding, and implementation of City construction projects; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to be in effect at the earliest possible time to allow for proper enforcement of current Engineering rules, and for further reasons as stated in the Preamble hereof.

Passed: \_\_\_\_\_

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

Approved: \_\_\_\_\_

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

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

Attest:

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Marissa Hull, Clerk of Council

*I, Marissa Hull, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 037-22 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.*

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*Marissa Hull, Clerk of Council*



Ordinance No. 037-22 Exhibit A

*City of Napoleon, Ohio*  
*Engineering Department*  
*Rules & Regulations*

**Document No. CNER98-1**

# *History*

Adopted	July 15, 1998	Ordinance No. 30-98
Amended	August 7, 2006	Ordinance No. 062-06
Amended	October 16, 2006	Ordinance No. 100-06
Amended	May 2, 2016	Ordinance No. 009-16
Amended	June 6, 2016	Ordinance No. 020-16

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## **RULE 1      DEFINITIONS**

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The following words and phrases, when used in the "City of Napoleon, Ohio Engineering Department Rules and Regulations", except as otherwise provided, shall have the meaning respectively ascribed to them in this section. (*Amended – August 7, 2006 – Ordinance No. 062-06*)

### ***AASHTO Standards***

The most current edition of standards as established by the American Association of State Highway and Transportation Officials (AASHTO).

### ***ASTM Standards***

The most current edition of standards as established by the American Society for Testing Materials.

### ***AWWA Standards***

The most current edition of standards as established by the American Waterworks Association.

### ***Alley***

A public right-of-way, usually located between streets, established to provide vehicular, pedestrian and utility access and service to the rear or side of lots or buildings.

### ***Arterial Street***

A public right-of-way established for the purpose of vehicular and pedestrian travel and to accommodate public utilities. An arterial street is the primary course of travel for traffic through a community and provides continuity for all rural and state routes that intersect the municipality.

### ***Collector Street***

A public right-of-way established for the purpose of vehicular and pedestrian travel and to accommodate public utilities. A collector street permits both direct access to abutting properties and through traffic.

### ***Commencing Construction***

The physical alteration of a site for the purpose of performing an improvement or development. This is not intended to include preparatory work required for surveying, design or layout.

### ***Construction Plan***

Detailed drawings developed for the purpose of improving property. Generally utilized for properties greater than one (1) acre in area for which the proposed development shall result in a new subdivision, commercial or industrial site, or any extension of or from existing public infrastructure.

### ***Cul-de-sac***

A semicircular ending to a dead-end street intended to provide an area to turn vehicles around.

### ***Dead-End Street***

A local street constructed with an outlet at only one end.



***Development***

As a verb, any construction upon a site, being vacant or occupied, resulting in the altered use or characteristics of the site. Generally utilized in reference to new subdivisions and/or facilities.

As a noun, the result or proposed result of construction upon a vacant site.

***EPA***

The Environmental Protection Agency.

***Improvement***

As a verb, any construction upon a site, being vacant or occupied, resulting in the altered use or characteristics of the site. Generally utilized in reference to the modification of an existing facility.

As a noun, the result or proposed result of construction upon an occupied or vacant site.

***Local Street***

A public right-of-way established for the purpose of vehicular and pedestrian travel and to accommodate public utilities. A local street permits direct access to abutting properties and service to through traffic is discouraged.

***NGS***

The National Geodetic Survey. (*Amended – August 7, 2006 – Ordinance No. 062-06*)

***ODOT***

The Ohio Department of Transportation.

***Private Street***

A privately owned right-of-way established for vehicular travel for the purpose of serving a private development.

***Public Street***

A right-of-way established for public purpose.

***Right-of-way***

A continuous parcel of land, established within a plat or by legislation, for public purposes for the installation and maintenance of streets, sidewalks and utilities.

***Sidewalk***

A walkway, generally along the margin of a street, designed and prepared for the use of pedestrians, exclusive of road vehicles.

***Site***

A parcel of land, occupied or vacant, to be the location of an improvement or development.

***Site Plan***

A drawing developed for the purpose of improving property. Generally utilized for properties of less than one (1) acre in area and including improvements resulting in an altered use of the site (i.e. - A parking lot).

***Street***

A main way within a municipality including, but not limited to, the roadway, curbs, gutters and sidewalks.

***10 States Standards***

The most current edition of recommended standards as established by the Great Lakes - Upper Mississippi River Board for water works and wastewater facilities.

***USGS***

The United States Geological Survey.

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## **RULE 2      GENERAL CONDITIONS**

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### ***Rule 2.1      Authority***

The Ohio Revised Code, City Charter and legislation of the Council of the City of Napoleon, Ohio.

### ***Rule 2.2      Scope of Control***

These "City of Napoleon, Ohio Engineering Department Rules and Regulations" apply to all rights-of-way and easements, either dedicated or to be dedicated, all extension of utilities, public or private, receiving City services and the development or any improvement of real estate within the corporation limits of the City of Napoleon, Ohio. Includes streets, sanitary sewers, storm sewers, water mains, pavement, drainage facilities and all appurtenances thereto. *(Amended – August 7, 2006 – Ordinance No. 062-06)*

### ***Rule 2.3      Effective Date***

These "City of Napoleon, Ohio Engineering Department Rules and Regulations" shall be effective immediately upon the adoption of legislation of the Council of the City of Napoleon, Ohio.

### ***Rule 2.4      Approvals***

Any approval given by the Engineer or the Public Works Director of the City of Napoleon shall be only for the drawings or plans submitted and reviewed and said approval shall be for one (1) calendar year from the date of said approval, thereafter said approval is automatically withdrawn unless the Owner, Developer or their Agent requests for good cause an extension of time and such extension is granted by the City Engineer. Approval by the Public Works Director shall serve as approval by the City Engineer, if the City Engineer position is vacant.

### ***Rule 2.5      Violations & Penalties***

(See Rule No. 6 contained herein) *(Amended – August 7, 2006 – Ordinance No. 062-06)*

### ***Rule 2.6      Agreement***

All persons, successors and assigns obtaining and accepting a permit or approvals for developing, subdividing, platting or improving from the City Engineer or Public Works Director or the City-Building-Zoning Department, accept and agree to be bound to these "City of Napoleon, Ohio Engineering Department Rules and Regulations".

### ***Rule 2.7      Interpretation***

The provisions of these "City of Napoleon, Ohio Engineering Department Rules and Regulations" shall be the minimum requirements adopted for the promotion of the health, safety, and welfare of the constituency of the City of Napoleon, Ohio. These "City of Napoleon, Ohio Engineering Department Rules and



Regulations" are not intended to repeal, abrogate, annul or in any manner interfere with any laws or rules of any governmental units having jurisdiction that are more stringent. Where these "City of Napoleon, Ohio Engineering Department Rules and Regulations" impose greater restrictions than those of existing laws and rules, then the provisions of these "City of Napoleon, Ohio Engineering Department Rules and Regulations" shall govern.

**Rule 2.8      *Correction and/or Modification***

Any typographical, scrivener, or clerical error found in said "City of Napoleon, Ohio Engineering Department Rules and Regulations" may be corrected by the City Engineer or Public Works Director upon joint approval of the City Manager, and upon the approval as to form and correctness by the City Law Director, without the necessity of further legislative action; further, nothing in this Ordinance shall be construed as limiting the authority of the City Manager or City Engineer or Public Works Director to establish additional rules and regulations not inconsistent with said "City of Napoleon, Ohio Engineering Department Rules and Regulations" manual without necessity of Council approval; however, any other modifications of these "City of Napoleon, Ohio Engineering Department Rules and Regulations" require the approval by legislation of the City Council of the City of Napoleon, Ohio. The City Engineer or Public Works Director is expressly granted the authority by the City Council to create standard detailed drawings to supplement this manual without further approval of City Council.

*(Amended – August 7, 2006 – Ordinance No. 062-06)*

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## **RULE 3      PROCEDURES**

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### ***Rule 3.1      General Statement***

The following list of statements on procedure is to be followed in obtaining approval of the City Engineer, the City's respective boards or commissions and/or the Council of Napoleon, Ohio for subdivisions, platting, improving, and/or developing real estate. For the purpose of this section, the requirements set forth within the Subdivision Construction Planning section of this Article shall be followed for all subdivisions, planned unit developments and large-scale commercial and industrial developments. The requirements set forth within the Site Planning section of this Article shall be followed for all other developments, as determined by the City Engineer.

Unless otherwise approved by the Planning Commission and City Council prior to preliminary plan submittal, all streets, water mains, storm sewers, sanitary sewers, and traffic control devices and signage shall be constructed at owner or developer's expense to no less than the minimum standards set forth below and, once accepted by the City pursuant to Chapter 1105 of the City of Napoleon Code of Ordinances, be public infrastructure. Any improvement that is permitted by Council to remain as private shall also be constructed to no less than the minimum standards set forth below such that, in the event the improvements are petitioned to become public, the City may accept the improvements. *(Amended – August 7, 2006 – Ordinance No. 062-06)*

### ***Rule 3.2      Subdivision Construction Planning***

#### **Rule 3.2.1      ENGINEER AND SURVEYOR**

All preliminary and detailed construction plans for the proposed development shall be prepared under the supervision of and certified by a Professional Engineer registered in the State of Ohio. All preliminary and final plats for the proposed development shall be prepared under the supervision of and certified by a Professional Surveyor registered in the State of Ohio.

#### **Rule 3.2.2      PRELIMINARY PLAN CONSIDERATION**

The Owner, Developer or their Agent, along with their Engineer and Surveyor, shall consult with the City Engineer or Public Works Director and any other authority having jurisdiction in the matter. In the case of a subdivision, construction plans for the development will not be considered by the City Engineer or Public Works Director until a preliminary plat of the area in question has been approved in accordance with Chapter 1105 of the Codified Ordinances of the City of Napoleon.

#### **Rule 3.2.3      CONSTRUCTION STANDARDS**

The most current edition of the City of Napoleon Standard Construction Drawings and Standard Specifications for Construction shall be used in conjunction with all



construction planning ~~and are available for a fee of twenty-five dollars (\$25.00) from the office of the City Engineer.~~ All applicable standard drawings and specifications of ODOT, the Ohio EPA, AASHTO, AWWA and ASTM shall also be referenced, as required.

Rule 3.2.4

MASTER PLANS AND REFERENCES

Along with the City of Napoleon Rules for Water and Sewer Service and the Fire Prevention Code (Chapter 1501 of the Codified Ordinances of the City of Napoleon), both as may be amended from time to time, the following documents and their amendments shall be used in the planning of the development. Copies of all referenced documents contained in these "City of Napoleon, Ohio Engineering Department Rules and Regulations" are on file in the office of the City Engineer or Public Works Director for review.

"Master Plan of Napoleon, Ohio" - 1957, Metropolitan Planners, Inc., or such plan as may be later adopted and on file in the office of the City Engineer. If such a later plan is developed and adopted, the later plan shall control.

"Study of Theoretical Vehicular On-Street and Off-Street Parking and Existing Parking Supply - City of Napoleon" - July, 1989, McDonnell Proudfoot & Associates, Inc.

"Water Distribution System Analysis - Napoleon, Ohio" - July, 1969, Jones & Henry Engineers, Limited.

"Water Distribution Study for the City of Napoleon, Ohio" - August, 1995, FBA Environmental, Inc.

"Sewerage Report - Napoleon, Ohio" - March, 1973, Jones and Henry Engineers, Limited.

"City of Napoleon - Facilities Plan for Wastewater Collection and Treatment" - October, 1976, Jones & Henry Engineers, Limited.

"Combined Sewer System Operational Plan for the City of Napoleon, Ohio" - December, 1995, Finkbeiner, Pettis & Strout, Inc.

"Napoleon, Ohio Wastewater System Master Plan" - August, 1996, Finkbeiner, Pettis & Strout, Inc.

"Flood Insurance Study - City of Napoleon, Ohio" - November, 1995, Federal Emergency Management Agency.

"Flood Plain Information - Maumee River - Napoleon, Ohio"; 1970; Army Corps of Engineers U.S. Army - Detroit District.

Rule 3.2.5

PRELIMINARY CONSTRUCTION PLAN REQUIREMENTS

Electronic ~~Four~~ (4) copies in PDF format of the preliminary construction plans shall be submitted by the Owner, Developer or their Agent to the Zoning Administrator who shall submit two (2) copies to the City Engineer or Public Works Director and shall be subject to and/or contain the following: (the

Preliminary Plat may be used as the base map for the preliminary construction plan).

The name of the Subdivision (or development), the name of the Owner or Developer, and the name and seal of the Professional Engineer and Professional Surveyor registered in the State of Ohio preparing the plans.

The scale of the preliminary plans shall not be smaller than one inch (1") equals one hundred feet (100').

~~The preliminary plan shall be submitted electronically in .pdf format. (Amended - May 2, 2016 - Ordinance No. 009-16)~~

Location of development by Section, Township, and Range. (Amended - August 7, 2006 - Ordinance No. 062-06)

Scale of plan and north arrow.

Boundaries of the proposed development indicated by a heavy line including the bearing and distance for each line and monuments found or set.

Names of adjacent subdivisions and/or owners of record.

A location map of a scale not less than one inch (1") equals two thousand feet (2,000') showing the development in relationship to the corporation limits of the City of Napoleon.

Lot layout and location of existing and proposed utilities and structures.

Show location, widths and names of existing streets, railroad right-of-way, easements, parks, permanent buildings, corporation and township lines, location of wooded areas and other significant topographic and natural features within and adjacent to the proposed development.

Show street names and scaled dimensions for all proposed roads, alleys, easements (with purpose stated) and areas to be reserved for parks, schools, or other public uses.

Angles shall be shown where streets intersect at something other than ninety degrees (90°).

Show the existing contours with the following intervals:

Five feet (5') where the slope is greater than ten percent (10%).

Two feet (2') where the slope is less than ten percent (10%).

One foot (1') in flat areas.

Vertical Datum shall be USGS or NGS. (Amended - August 7, 2006 - Ordinance No. 062-06)

One (1) copy of drainage calculations showing pre- and post-development storm water runoff for two (2), five (5) and ten (10) year storm events shall be submitted with the preliminary plans. If storm water retention or detention is required based upon these calculations, preliminary pond sizing shall be included as part of the submittal. ~~All drainage calculations shall be prepared and sealed by a licensed engineer.~~ (Amended - May 2, 2016 - Ordinance No. 009-16)



If the area is to be developed in phases, the preliminary plan shall be for the entire development. *(Amended – August 7, 2006 – Ordinance No. 062-06)*

After the approval of the preliminary plan by the City Engineer, a reproducible copy of the plan shall be placed on file with the City Engineering Department.

#### Rule 3.2.6 DETAILED CONSTRUCTION PLANS

One (1) set of the detailed construction plans and specifications in .pdf format prepared by a Professional Engineer registered in the State of Ohio shall be submitted to the Zoning Administrator who shall distribute them to the City Engineer or Public Works Director and other appropriate department heads.  
*(Amended – May 2, 2016 – Ordinance No. 009-16)*

A title block shall be placed on each sheet showing the design engineer's name, the date when the drawing was done, the sheet number, the total number of sheets and a revision block.

There shall be a title sheet showing a location map, the name of the development, the name and signature of the owner; the name, signature and seal of the design engineer and a signature block for the approvals of the Mayor, the City Manager, and the City Engineer.

The plans shall include general notes, general summary, test boring locations and logs, intersection details and construction details.

One (1) electronic copy of the soil boring log and report, including recommendations for design and construction of streets, underground utilities and buildings, shall be submitted with the detailed construction plans. *(Amended – May 2, 2016 – Ordinance No. 009-16)*

Each plan and profile sheet shall have a north arrow and scales denoted and a minimum of one (1) site bench mark.

A note on the plans shall indicate that all work will be done in accordance with the latest ODOT Construction and Materials Specifications and with the City of Napoleon Standard Specifications for Construction.

All proposed improvements shall be shown in plan and profile.

All existing utilities and structures shall be shown in the plan and profile including, but not limited to, gas mains, storm and sanitary sewers, water mains and buried cables.

The type of pipe material, joints, strength, etc. shall be shown by ODOT, ASTM or AWWA nomenclature.

Details of special structures shall be included in the plans.

All property lines, dimensions, corporation limits, section lines, boundary lines, easements, and other survey lines shall be shown.

The location, description and elevation of all bench marks shall be shown on the appropriate sheets.

USGS or NGS Datum shall be used. *(Amended – August 7, 2006 – Ordinance No. 062-06)*

Indicate references for all existing section corners, street intersections, property corners, etc. that are relevant to the construction.

All supporting data including survey information, pavement design calculations, soil test results, storm sewer design and construction estimates, including a ten percent (10%) contingency, shall be submitted with the detailed plans. *(Amended – May 2, 2016 – Ordinance No. 009-16)*

#### Rule 3.2.7

##### FEES

The City Engineering Department shall charge a fee to the Owner or Developer to cover the cost of reviewing the Preliminary and Final Construction Plans, the Preliminary and Final Plat and Construction Inspection and Testing.

##### *Construction Plans*

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

##### *City Inspection*

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

##### *Inspection Fees Due and Payable*

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

#### Rule 3.2.8

##### WARRANTY

Following final plat approval and the dedication of streets and utilities for public use; however, prior to acceptance thereof by the City, the Owner or Developer shall agree to provide a minimum of a one (1) year warranty from the date of dedication for all work within the development. Such warranty shall be secured by the furnishing of a maintenance bond or irrevocable letter of credit running to the City in the amount equal to one hundred percent (100%) of the value of all streets and utilities to be dedicated for public use. Any work performed under the auspices of said warranty shall cause the time period to extend to one (1) year from the date of such warranty work for those items affected by such warranty

work, as well as a performance agreement as approved by the City Law Director.  
(Amended – August 7, 2006 – Ordinance No. 062-06)



### **Rule 3.3      *Site Planning***

#### **Rule 3.3.1      ENGINEER OR ARCHITECT AND SURVEYOR**

All preliminary and detailed site plans for the proposed development shall be prepared under the supervision of and certified by a Professional Engineer or Architect registered in the State of Ohio. Boundary surveys and descriptions, when required, shall be prepared under the supervision of and certified by a Professional Surveyor registered in the State of Ohio.

#### **Rule 3.3.2      PRELIMINARY SITE PLAN CONSIDERATION**

The Owner, Developer or their Agent, along with their Engineer or Architect and Surveyor, shall consult with the City Engineer or Public Works Director and any other authority having jurisdiction in the matter.

#### **Rule 3.3.3      CONSTRUCTION STANDARDS**

The most current edition of the City of Napoleon Standard Construction Drawings and Standard Specifications for Construction shall be used in conjunction with all planning ~~and are available for a fee of twenty five dollars (\$25.00) from the office of the City Engineer.~~ All applicable standard drawings and specifications of ODOT, the Ohio EPA, AASHTO, AWWA and ASTM shall also be referenced, as required.

#### **Rule 3.3.4      SITE PLAN REQUIREMENTS**

- One (1) copy of the site plan in electronic .pdf format shall be submitted by the Owner, Developer or their Agent to the Zoning Administrator who shall distribute it to the City Engineer or Public Works Director and other appropriate department heads and shall be subject to and/or contain the following: *(Amended – May 2, 2016 – Ordinance No. 009-16)*

The name of the development, the name of the Owner or Developer, and the name of the Engineer or Surveyor preparing the plans. *(Amended – August 7, 2006 – Ordinance No. 062-06)*

Scale of plan and north arrow.

Property lines including the bearing and distance for each line and monuments found or set.

Names of adjacent subdivisions and/or owners of record.

Location of existing and proposed utilities and structures.

Show location, widths and names of existing streets, railroad right-of-way, easements, permanent buildings, location of wooded areas and other significant topographic and natural features within and adjacent to the proposed development.

At a minimum, spot elevations shall be given for every one hundred (100) feet of surface to be developed.



Vertical Datum shall be defined on the drawings.

One (1) copy of drainage calculations showing pre- and post-development storm water runoff for two (2), five (5) and ten (10) year storm events may be requested to be submitted with the preliminary plans, as determined by the City Engineer. If storm water retention or detention is required based upon these calculations, preliminary pond sizing shall be included as part of the submittal. (Amended – May 2, 2016 – Ordinance No. 009-16)

If the area is to be developed in phases, the preliminary plan shall be for the entire development. (Amended – August 7, 2006 – Ordinance No. 062-06)

Rule 3.3.5

FEES (NOTE: 3.2.7 and 3.3.5 are not the same for Plan Review Fee)

The City Engineering Department shall charge a fee to the Owner or Developer to cover the cost of reviewing the Site Plan. A fee shall also be charged for Construction Inspection and Testing, if required. (Amended – May 2, 2016 – Ordinance No. 009-16)

*Site Plans*

**Before the Construction Plan review is begun**, the Owner, Developer or their Agent must pay a fee of two hundred dollars (\$200.00), by check or money order payable to "City of Napoleon", noting "Engineering Plan Review". This fee is intended to cover the cost of reviewing the Site Plans. (Amended – August 7, 2006 – Ordinance No. 062-06)

*Inspection Fee Amounts*

If construction inspection is performed by the City Engineering Department utilizing its own or contracted forces, as determined by the City Engineer, the Owner, Developer or their Agent shall: (Amended – August 7, 2006 – Ordinance No. 062-06)

1. Pay an amount equal to two percent (2%) of the estimated cost of construction (including contingencies) of all improvements to be connected to City utilities, as verified by the City Engineer, for the City to provide part-time inspection services; or, (Amended – August 7, 2006 – Ordinance No. 062-06)
2. In the event the owner or developer hires or utilizes its own inspector responsible for the supervision of construction during the construction period with the consent of the City Engineer, the inspector shall be a professional engineer registered in the State of Ohio or employed by a qualified engineering consulting firm. The inspector shall be responsible to submit construction reports to the City Engineer or Public Works Director on a regular basis as determined by the City Engineer or Public Works Director and notify the City Engineering Department a minimum of one (1) working day prior to when testing is to be performed. (Amended – August 7, 2006 – Ordinance No. 062-06)

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**RULE 4      ROADWAY AND DRAINAGE REQUIREMENTS**

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**Rule 4.1      *Pavement Design***

Due to emergency vehicle access, all private streets shall be constructed to the same standards as public streets. *(Amended – August 7, 2006 – Ordinance No. 062-06)*

**Rule 4.1.1      SOIL TESTS**

For every six hundred feet (600') of pavement length, one (1) soil boring shall be made by a qualified testing laboratory. All borings shall be made to a depth of four feet (4') below the proposed top of curb grade or to one foot (1') below the depth of the deepest proposed underground utility, whichever is greater. The soil samples taken at every boring shall be analyzed for:

- a.      Visual classification.
- b.      AASHTO group index.
- c.      Atterburg limits.
- d.      Liquid limit, plastic limit, plasticity index. The water table shall also be determined for each boring.

A minimum of one (1) sample per project or on larger projects one (1) sample out of six (6) shall be tested to determine the moisture-density relationship by the Standard Proctor Method (ASTM D-698, AASHTO T-99) and the bearing values by the use of the California Bearing Ratio Test.

The pavement cross section recommended by the testing firm shall prevail, unless the design is less than the minimum design standards set forth below.

**Rule 4.1.2      PAVEMENT CROSS SECTION**

Pavement for residential streets and parking lots shall include a minimum of one and one half inches (1½") of Asphalt Concrete Surface (ODOT Item 448 Type 1 Medium, PG 64-22), one and one half inches (1½") of Asphalt Concrete Intermediate (ODOT Item 448 Type 2 Medium, PG 64-22), three inches (3") of Bituminous Aggregate Base (ODOT Item 301 PG 64-22), and eight inches (8") of Compacted Aggregate Base (ODOT Item 304) installed in two (2) lifts. Subgrade stabilization fabric meeting the requirements of ODOT Item 712.09 Type D, soil type 2 (apparent opening size ≤ 0.3 mm) shall be required between the subgrade and the aggregate base. Heavier pavement designs shall be required for arterial streets and streets within commercial and industrial areas. *(Amended – August 7, 2006 – Ordinance No. 062-06)*

Rigid concrete pavements may also be utilized if approved by the City Engineer. The minimum residential concrete pavement shall be eight inches (8") of ODOT Item 499, Class "C" concrete over six inches (6") of Compacted Aggregate Base (ODOT Item 304) installed in two (2) lifts. Subgrade stabilization fabric meeting



the requirements of ODOT Item 712.09 Type D, Soil type 2 (apparent opening size  $\leq 0.3$  mm) shall be required between the subgrade and the aggregate base. Heavier pavements shall be required for arterial streets and streets within commercial and industrial areas. (Amended – August 7, 2006 – Ordinance No. 062-06)

Except for those streets designated as arterial streets, the standard width of pavement shall be twenty-nine feet (29') as measured from the back of curb with ODOT Type 2 concrete curb and gutter. ODOT Type 3 concrete curb and gutter may be utilized in new residential subdivisions. (Amended – August 7, 2006 – Ordinance No. 062-06)

The pavement width may be reduced to twenty-five feet (25') if existing right-of-way width prohibits standard width pavement and/or approved by the City Engineer. (Amended – May 2, 2016 – Ordinance No. 009-16)

Arterial streets shall be a minimum of thirty-three feet (33') in width as measured from the back of curb with ODOT Type 2 concrete curb and gutter. The concrete curb and gutter may be eliminated in industrial developments if approved by the City Engineer. Where curbs and gutters are eliminated, shallow grass drainage swales shall be provided along both sides of the roadway. (Amended – August 7, 2006 – Ordinance No. 062-06)

Streets shall be constructed with transverse slopes of one quarter inch ( $\frac{1}{4}$ " ) per foot as measured from the centerline to the edge of asphalt. Parking lots shall be sloped to a point, or series of points, within the pavement so as not to shed storm water off the site. Such slopes shall not be less than one percent (1%).

Six inch (6") nominal diameter perforated under drains shall be provided along both sides of pavement. Underdrain inverts shall be four feet (4') below the top of curb. The under drains shall be located directly under the back of curb. Where no curbs are to be constructed, the under drains shall be located directly beneath the edge of the proposed pavement and the invert shall be four feet (4') below the edge of pavement. (Amended – August 7, 2006 – Ordinance No. 062-06)

#### Rule 4.1.3

##### SIDEWALKS AND DRIVE APPROACHES

Sidewalks shall be located along both sides of streets, *unless otherwise approved by the City Engineer*. Sidewalks shall be four inches (4") of ODOT Item 499, Class "C" concrete over ~~six~~ four inches (4") of Compacted Aggregate Base (ODOT Item 304) or Stabilized Crushed Aggregate (ODOT Item 411) except within five feet (5') of drive approaches and within the intersection of rights-of-ways. At drive approaches and intersections, sidewalks shall be six inches (6") of ODOT Class "C" concrete over ~~four~~ six inches (6") of Compacted Aggregate Base (ODOT Item 304) or Stabilized Crushed Aggregate (ODOT Item 411). C

(Amended June 6, 2016 Ordinance No. 020-16) (Amended – May 2, 2016 – Ordinance No. 009-16) (Amended – August 7, 2006 – Ordinance No. 062-06)

Sidewalks shall be four feet (4') in width when located at least two feet (2') from the back of curb or edge of pavement, as applicable. Where within two feet (2') of the back of curb or edge of pavement, sidewalks shall be five feet (5') in width.

Sidewalks shall have a transverse slope no greater than one quarter inch ( $\frac{1}{4}$ " ) per foot, nor a longitudinal slope greater than one inch (1") per foot.

Handicap ramps with curb drops shall be provided at all intersections. *(Amended – August 7, 2006 – Ordinance No. 062-06)*

Drive approaches for residential developments shall be a minimum six inches (6") of ODOT Item 499, Class "C" concrete over six inches (6") of Compacted Aggregate Base (ODOT Item 304) or Stabilized Crushed Aggregate (ODOT Item 411). Commercial drive approaches shall be no less than eight inches (8") of ODOT Item 499, Class "C" concrete over six inches (6") of Compacted Aggregate Base (ODOT Item 304) or Stabilized Crushed Aggregate (ODOT Item 411). **Minimum drive approach curb cuts shall be fourteen feet (14').**

**Maximum drive approach curb cuts shall be thirty feet (30') for residential drives unless approved by the Engineer. Both minimum and maximum curb cuts include three feet (3') wide drive wings on each side of the drive approach. No residential lot shall have more than one (1) drive unless approved by the City Engineer.** *(Amended – May 2, 2016 – Ordinance No. 009-16) (Amended – August 7, 2006 – Ordinance No. 062-06)*

Commercial and industrial drive approaches shall have Type 2A concrete curb with radii in place of wings. Commercial drive approach widths shall be submitted for review by the City Engineer. *(Amended – May 2, 2016 – Ordinance No. 009-16)*

#### Rule 4.1.4 VERTICAL GEOMETRY

A vertical curve shall be established where the algebraic differential of grade is greater than ninety-five hundredths percent (0.95%). Vertical curves shall be no less than fifty feet (50') in length.

Pavement grades shall be not less than fifty hundredths percent (0.50%), nor greater than five percent (5%), except in cases of extreme necessity. *(Amended – August 7, 2006 – Ordinance No. 062-06)*

Pavement and gutter grades shall be established on intersection details at the following locations: *(Amended – August 7, 2006 – Ordinance No. 062-06)*

1. At the end of all radii.
2. At the Center of all radii.
3. At the intersection of pavement centerlines.
4. At any point necessary to clarify drainage.

#### Rule 4.1.5 HORIZONTAL GEOMETRY

The minimum allowable radius at intersections shall be twenty-five feet (25') as measured to the back of curb, except at intersections of a proposed street with an arterial street or state route where the minimum radius shall be thirty-five feet (35') as measured to the back of curb. If streets are not curbed, the minimum radii shall apply to the edge of payment. Where a street is terminated due to phasing, a temporary cul-de-sac shall be constructed. Temporary cul-de-sacs shall have a



minimum radius of thirty-five feet (35') and shall be constructed of twelve inches (12") of Compacted Aggregate Base (ODOT Item 304) installed in two (2) lifts.  
(Amended – August 7, 2006 – Ordinance No. 062-06)

The arrangement of streets in new subdivisions shall provide for the continuation of the principal existing streets in adjoining areas.

The angle of intersection between any street and an arterial street shall not be less than eighty degrees (80°) as measured from the centerline of each street. All other streets shall not intersect at an angle less than seventy degrees (70°).

Except in extreme cases, dead end streets shall not be permitted. Where a dead-end is permitted, a cul-de-sac shall be provided at the terminus of the street. Cul-de-sacs shall have a minimum radius of fifty feet (50') as measured to the back of curb. (Amended – August 7, 2006 – Ordinance No. 062-06)

Horizontal curves shall be provided where the horizontal deflection exceeds two degrees (2°), fifteen (15) minutes. Horizontal curves shall not exceed the following:

1. The maximum degree of curve shall be eleven degrees (11°), thirty (30) minutes for arterial streets; and
2. The maximum degree of curve shall be sixteen degrees (16°), thirty (30) minutes for all other streets.

A Type "A" monument shall be placed at each change in direction of the centerline of right-of-ways, the intersection of centerlines of all street right-of-ways, the centerline of right-of-way at the end of all phased construction, and the center of all permanent cul-de-sacs. (Amended – August 7, 2006 – Ordinance No. 062-06)

#### Rule 4.1.6

##### STORM SEWER SIZING

An overall drainage area layout plan showing the limits of the area contributing to each drainage pickup point shall be submitted with the detailed construction plans. The drainage design within the development shall be adequate to handle the entire contributing watershed area, along with its existing, proposed or probable future development, and not just the area being submitted for approval.

All extensions shall be to the farthest end of the development and shall be at the cost of the developer.

If the development is to be completed in phases, the overall drainage plan shall be submitted with the first set of detailed construction drawings and the storm outlet for the entire development shall be included for construction within the first phase.

Storm sewers shall be sized using the "Rational Method" ( $Q = CIA$ ). The storm sewers shall be designed to flow just full for a five (5) year storm event. The hydraulic grade for each segment of sewer shall be checked by using the ten (10) year intensity-duration-frequency curve. The initial time of concentration ( $T_c$ ) shall be not less than twenty (20) minutes.

The runoff coefficients (C) to be used shall be based on a weighted coefficient of runoff using the following ranges:

Type of Ground Cover or Development	Runoff Coefficient (C)
Concrete or Asphalt Pavements	0.90
Roof Areas	0.90
Gravel/ <u>Stone Areas Roadways</u>	0.50
Undeveloped Sites	0.20

Catch basin and curb inlet crossovers shall be twelve inch (12") nominal diameter and placed at no less than one percent (1%) slope.

Catch basins and curb inlets shall be constructed per the City of Napoleon Standard Construction Drawings.

Storm taps shall be provided for residential and commercial lots. Storm taps shall consist of a six inch (6") ~~wyete~~ connected to the storm sewer main and a six inch (6") PVC crossover extended to the right-of-way line for each building lot in a development. The location and the elevation of the storm tap at the right-of-way line shall be shown on the detailed plans. Storm taps shall be utilized as outlets for footer drains and sump pumps only. Downspouts shall outlet onto the ground surface. *(Amended – May 2, 2016 – Ordinance No. 009-16)*

Rear yard drainage shall be provided by means of drainage swales and/or catch basins located between lots.

Manholes shall be provided at intervals not to exceed four hundred feet (400'), at all changes in size, direction or grade, at the connection point between two (2) or more mainline sewers and at the upper terminus of the sewer.

A headwall with dump rock fill shall be provided at the outfall of a proposed storm sewer. Dump rock fill shall be ODOT Item 601.07 Type C.

The proposed outlet for the storm drainage system must be approved at the time of the preliminary plan. A method of on-site retention or detention of storm water shall be provided. Calculations for the sizing of a retention/detention pond or basin shall be based upon the following criteria: *(Amended – May 2, 2016 – Ordinance No. 009-16)*

**Any increase in the volume of storm water runoff caused by site development shall be controlled such that the post-development peak rate of discharge does not exceed that of pre-development for all twenty-four (24) hour storms between the two (2) year frequency and the critical storm for all undeveloped lots, as subsequently defined. In other words, when required, facilities shall be provided such that the volume of water equal to that produced under post-development conditions for the critical storm may be retained or detained on site while discharging at a rate not to exceed that produced by a two (2) year storm under pre-development conditions. Pre-development conditions assumes the project site all developments to be a grass lots. For parking or building additions to existing facilities, these rules apply to the**



proposed addition only, regardless of the runoff coefficient of the area affected by the addition. (Amended – May 2, 2016 – Ordinance No. 009-16)

The method by which the Owner or Engineer shall determine the changes in rates of runoff and runoff volumes is presented in Urban Hydrology for Small Watersheds (TR-55) as prepared by the US Department of Agriculture, Soil Conservation Service, Engineering Division and dated June, 1986. TR-55 is supplemented by the Ohio Supplement to Urban Hydrology for Small Watersheds.

To determine the critical storm for which control is required, the Owner or Engineer shall:

Calculate the storm water runoff for a two (2) year frequency, twenty-four (24) hour storm for undeveloped conditions ( $C = 0.20$ ) and post-development of the site. The maximum allowable runoff from the proposed site shall be pre-development runoff.

Subtract the pre-development runoff from the post-development runoff and divide by the pre-development runoff to determine the percent of increase.

Determine the critical storm frequency for which storm water control is required from the following table:

Storm Frequency Requirements		
Equal to or Greater Than (%)	Less Than (%)	Storm Frequency (Years)
--	20	2
20	50	5
50	100	10
100	250	25
250	500	50
500	--	100

Example (critical storm):

Development Area = 6.25 acres

Pre-development "C" = 0.20      Post-development "C" = 0.80 (Amended – August 7, 2006 – Ordinance No. 062-06)

2 year, 24 Hour Rainfall = 2.60 inches (Table OH-1, TR-55 Ohio Supplement)

$$Q2A = (0.20) * (2.60) * (6.25) = 3.25 \text{ CFS}$$

$$Q2B = (0.80) * (2.60) * (6.25) = 13.00 \text{ CFS}$$

$$(Q2B - Q2A) / (Q2A) = (13.00 - 3.25) / (3.25) = 3.0, \text{ or } 300\%$$

Therefore, the critical storm is the fifty (50) year frequency, twenty-four (24) hour storm. (Amended – May 2, 2016 – Ordinance No. 009-16)

Develop a unit hydrograph of the critical storm for the proposed development, including a horizontal line at the rate of allowable discharge (Q2A). Calculate the area beneath the curve and above the horizontal line. This will equate to the volume of retention or detention required.

**Rule 4.1.7**

**Traffic Control Devices**

The placement of all traffic control devices and signage in all phases of a development or subdivision shall be at the owner's or developer's expense until acceptance and in accordance with standards defined in the Manual Of Uniform Traffic Control Devices as on file with the City, or as otherwise directed by the City Engineer. *(Amended – August 7, 2006 – Ordinance No. 062-06) (Amended – October 16, 2006 – Ordinance No. 100-06)*



## **Rule 4.2 Sanitary Sewers**

### **Rule 4.2.1 GENERAL**

All sanitary sewers shall meet all of the requirements of the Ohio EPA and the City of Napoleon Standard Specifications for Construction.

### **Rule 4.2.2 SEWER EXTENSIONS**

If a development can be reasonably served by the extension of an existing sewer, as determined by the City Engineer, the Owner, Developer or their Agent may petition the City for the extension of said sewer. All extensions shall be to the farthest end of the development and shall be at the cost of the developer. (See also City of Napoleon Rules for Water and Sewer Service.) *(Amended – May 2, 2016 – Ordinance No. 009-16)*

### **Rule 4.2.3 LIFT STATIONS**

When a subdivision cannot be readily serviced by a sewer extension of an existing sanitary sewer by gravity flow, a lift station shall be required.

Lift stations shall be constructed at the cost of the Owner or Developer and shall be of the wet-well - dry-well type and shall include telemetering equipment.

The drawings and specifications for lift stations shall be submitted for approval with the detailed construction plans.

### **Rule 4.2.4 SANITARY SEWER SERVICES**

Sanitary sewers shall be a minimum of eight inches (8") in diameter and shall be constructed with six inch (6") diameter service connections to each proposed lot or unit within a development and shall be extended from the sanitary sewer main to the right-of-way line. A six inch (6") diameter cleanout shall be required at the right-of-way line. *(Amended – May 2, 2016 – Ordinance No. 009-16) (Amended – August 7, 2006 – Ordinance No. 062-06)*

Service connections shall be constructed at no less than one percent (1%) slope, not greater than three percent (3%) slope and shall outlet directly into the sewer main, not into manholes unless authorized by the City Engineer. *(Amended – August 7, 2006 – Ordinance No. 062-06)*

Manholes shall be provided at intervals not to exceed four hundred feet (400') , at all changes in size, direction or grade, at the connection point between two (2) or more mainline sewers and at the upper terminus of the sewer. *(Amended – May 2, 2016 – Ordinance No. 009-16)*

Where oversizing of the proposed sanitary sewers is required by the City, the City shall pay the incremental cost of oversizing, as determined by the City Engineer, prior to construction. The oversizing of sanitary sewers to reduce the slope of the sewer and compensate for grade concerns is prohibited.

Prior to commencing with construction, the City Engineer or Public Works Director shall receive one (1) copy of the Ohio EPA Permit to Install for the proposed sanitary sewers and an approved set of plans. Any construction

commencing prior to the City Engineer or Public Works Director receiving such documentation shall be subject to penalties as subsequently defined.

**Rule 4.3 Water Mains**

**Rule 4.3.1 GENERAL**

All water mains shall meet all of the requirements of the Ohio EPA and the City of Napoleon Standard Specifications for Construction.

**Rule 4.3.2 WATER MAIN EXTENSIONS**

If a development can be reasonably served by the extension of an existing water main, as determined by the City Engineer, the Owner, Developer or their Agent may petition the City for the extension of said water main. All extensions shall be to the farthest end of the development and shall be at the cost of the developer.

(See also City of Napoleon Rules for Water and Sewer Service.) (Amended – May 2, 2016 – Ordinance No. 009-16)

**Rule 4.3.3 WATER MAINS**

Water mains shall be a minimum of eight inches (8") in diameter. Six inch (6") diameter water mains shall only be allowed if justified by the City of Napoleon's water model. All costs for modeling the proposed waterline shall be paid by the developer regardless of the findings. (Amended – May 2, 2016 – Ordinance No. 009-16)

Service connections shall be installed by the contractor responsible for the installation of the respective water mains.

Service connections shall be provided for each building lot within a development and shall be extended from the water main to the right-of-way line with a curb valve and box installed at the right-of-way line. (Amended – May 2, 2016 – Ordinance No. 009-16)

Service connections shall be sized based upon the water fixture unit demand as determined by current building codes. However, no service connections shall be less than one inch (1") diameter, Type K copper.

Water mains shall be "looped", where possible.

Where oversizing of the proposed water mains is required by the City, the City shall pay the incremental cost of oversizing, as determined by the City Engineer, prior to construction.

Valves shall be located as follows:

1. The lesser of not more than every five hundred feet (500') or at all intersections for commercial and industrial developments;
2. The lesser of not more than every eight hundred feet (800') or at all intersections for residential developments;
3. At all connections to existing water mains; and
4. At the end of all dead end water mains. Plugs shall also be provided at dead ends.

Fire hydrants shall be located as follows:

1. Every three hundred feet (300') for commercial and industrial developments;
2. Every five hundred feet (500') for residential developments; and
3. At the end of all dead end water mains.

Prior to commencing with construction, the City Engineer or Public Works Director shall receive one (1) copy of the Ohio EPA Permit to Install for the proposed water mains and an approved set of plans. Any construction commencing prior to the City Engineer or Public Works Director receiving such documentation shall be subject to penalties as subsequently defined.



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## **RULE 5      CONSTRUCTION AND POST-CONSTRUCTION REQUIREMENTS**

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### **Rule 5.1      *Permits***

The Owner or Developer shall obtain all applicable permits, including but not limited to, the Ohio EPA Permit to Install for water mains and sanitary sewers and building permits from the proper authorities, which may be necessary to proceed with the construction of the improvements. An approved Notice of Intent (NOI) must be applied for as per requirements of the OhioEPA.

Prior to commencing with construction, the City Engineer or Public Works Director shall receive one (1) copy of the Ohio EPA Permit to Install for the proposed water mains and sanitary sewers along with an approved set of plans in .pdf format. Any construction commencing prior to the City Engineer or Public Works Director receiving such documentation shall be subject to penalties as subsequently defined. (*Amended – May 2, 2016 – Ordinance No. 009-16*)

### **Rule 5.2      *Restrictions on Plan Approval***

The Owner or Developer shall, unless an extension of time is requested in writing and granted by the City Engineer, commence with the construction of the proposed improvement within one (1) year of the date of approval of the detailed construction plans and specifications.

Any proposed changes or alternates to the plan after approval, but prior to construction, shall be subject to the complete review process, including resubmittal to all applicable agencies.

Any proposed changes to the approved plan once construction has commenced shall be brought to the attention of and reviewed by the City Engineer. Any such modifications to the approved plan without the proper notification to the City Engineer or Public Works Director shall be subject to penalties as subsequently defined.

### **Rule 5.3      *Construction***

The Owner or Developer shall pay all applicable inspection fees, as defined previously, **prior to commencing with construction.**

The Owner or Developer shall hire a qualified testing laboratory to provide testing services throughout construction including, but not limited to, compaction and concrete testing.

If the Owner or Developer opts to provide its own inspection services, the responsible inspector shall be a Professional Engineer registered in the State of Ohio or an agent thereof. The inspector shall provide the City with daily construction reports and shall inform the City a minimum of one (1) working day in advance of any testing procedure. The City shall maintain the right to reject any and all work performed.

**Rule 5.4      *As-Built Plans***

The Owner or Developer shall, within sixty (60) days after the completion of construction, submit one (1) set of electronic plans in .pdf format marked "AS-BUILT" to the City Engineer. *(Amended – May 2, 2016 – Ordinance No. 009-16)*

The Owner's or Developer's Engineer shall provide a notarized affidavit certifying that the completion of the work is in accordance with the approved plans. If any changes to the approved plans occurred, a list of these deviations shall be included with the certification. A sample affidavit is available from the office of the City Engineer.

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**RULE 6 VIOLATIONS AND PENALTIES**

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**Rule 6.1** *Violations and Penalties*

Criminal violations of the "City of Napoleon, Ohio Engineering Department Rules and Regulations" and associated penalties therefore, shall be pursuant to City Ordinance 30-98, as may be amended from time to time, or codified.

**Rule 6.2** *Revocation of Prior Approvals*

In addition to the criminal penalties specified in Rule 6.1 above, the City Manager may, for a violation of the "City of Napoleon, Ohio Engineering Department Rules and Regulations" or City Ordinance No. 30-98 as may be amended from time to time, or codified, (upon such finding by the City Manager after an informal hearing with the Owner, Developer or Agent thereof and the City Engineer, unless such hearing is waived), order the revocation of all prior approvals of the City and the City Engineer **or Public Works Director** relative to the property being developed. The failure to appear at a scheduled hearing after notice constitutes a waiver thereof. *(Amended – August 7, 2006 – Ordinance No. 062-06)*

**Rule 6.3** *EPA Notification*

Any work performed for the installation of sanitary sewers and/or water mains commenced without first obtaining the necessary permits or approvals of the Ohio EPA shall be reported directly to the Ohio EPA Northwest District Office.

**Rule 6.4** *Administrative Penalties for Failure to Meet Specifications*

If the Owner, Developer or Agent thereof, opts to provide their own inspection services and does not comply with the requirements of the "City of Napoleon, Ohio Engineering Department Rules and Regulations", the Owner, Developer or Agent shall be subject to Administrative Fines in the amount of fifty dollars (\$50.00) per day for each day that a violation exists, to be levied by the City Manager (upon a finding that the violation exists after an informal hearing with the Owner, Developer or Agent thereof and the City Engineer, unless such hearing is waived). Failure to appear at a scheduled hearing after notice constitutes a waiver thereof. All improvements completed during times when inspection does not meet the requirements of the "City of Napoleon, Ohio Engineering Department Rules and Regulations" will not be accepted by the City.



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## **RULE 7 ADMINISTRATIVE APPEALS**

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### ***Rule 7.1 Appeals in General***

Any decision of the City Manager in regard to the denial, suspension or revocation of a permit, as required by the "City of Napoleon, Ohio Engineering Department Rules and Regulations", or any finding or imposition of an administrative fine, as authorized by the "City of Napoleon, Ohio Engineering Department Rules and Regulations", or forfeiture of prior approvals of the City Engineer or Public Works Director may be appealed to the Municipal Properties, Buildings, Land Use & Economic Development Committee of Council, so long as the appeal is commenced in a timely manner. (Amended – May 2, 2016 – Ordinance No. 009-16)

A filing fee of thirty-five dollars (\$35.00), as may be amended from time to time, will be charged for all appeals to the Municipal Properties, Buildings, Land Use & Economic Development Committee of Council. However, this fee may be waived by the Finance Director in cases of indigence. Further, said fee will be returned if the appealing party prevails. (Amended – May 2, 2016 – Ordinance No. 009-16)

### ***Rule 7.2 Appeals from Decision of City Manager***

After a hearing by the City Manager, a decision or order shall be rendered and delivered by either personal service or mailed to the person who filed the appeal at the last known address by regular mail.

An appeal from a decision of the City Manager, after hearing, may be taken to the Municipal Properties, Buildings, Land Use & Economic Development Committee of Council, so long as a notice of appeal is filed in writing with the Finance Director within thirty (30) business days after mailing of the decision or order of the City Manager or thirty (30) business days after rendering the decision or order by personal service to the person who filed the appeal. (Amended – May 2, 2016 – Ordinance No. 009-16)

Appeals will not stay the decision or order of the City Manager as a result of his/her finding.

Appeals to the Municipal Properties, Buildings, Land Use & Economic Development Committee of Council will be held in a timely manner and will be informal in nature such that the rules of evidence shall not apply. (Amended – May 2, 2016 – Ordinance No. 009-16)

Such orders of the Municipal Properties, Buildings, Land Use & Economic Development Committee of Council will be considered final. (Amended – May 2, 2016 – Ordinance No. 009-16)

### ***Rule 7.3 Scope of Appeals***

The scope of all appeals to the Municipal Properties, Buildings, Land Use & Economic Development Committee of Council shall be limited to the question of whether the City Manager acted unreasonably, arbitrary or capricious in his/her decision. The Committee may, upon a finding that the City Manager acted unreasonable, arbitrary or capricious in his/her decision, merely remand the

subject of appeal to the City Manager for further consideration. *(Amended – May 2, 2016 – Ordinance No. 009-16)*



## **ORDINANCE NO. 034-22**

### **AN ORDINANCE CREATING THE NON-BARGAINING POSITION OF ASSISTANT OPERATIONS SUPERINTENDENT FOR THE CITY OF NAPOLEON, OHIO ON A TEMPORARY BASIS; AND DECLARING AN EMERGENCY**

**WHEREAS**, Council previously adopted Ordinance No. 053-21, creating a 2022 Classification Pay Plan for its non-bargaining employees; and,

**WHEREAS**, the Safety and Human Resources Committee met on May 23, 2022 and approved the creation of the temporary position of Assistant Operations Superintendent for the City of Napoleon, Ohio, effective from October 1, 2022 through May 31, 2023, and unanimously recommended said position be approved by Council; and,

**WHEREAS**, Council now desires to create the non-bargaining position entitled “Assistant Operations Superintendent” for the City of Napoleon, Ohio on a temporary basis effective from October 1, 2022 through May 31, 2023; **Now Therefore**,

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

Section 1. That, notwithstanding any Ordinance or Resolution to the contrary, the City of Napoleon, Ohio had previously established a new 2022 Position Classification Pay Plan for its non-bargaining employees, Ordinance No. 053-21 passed by Council on December 20, 2021.

Section 2. That, this Council desires to create a new position, pursuant to Article II, Section 2.14 of the Charter of the City of Napoleon, entitled “Assistant Operations Superintendent” for the City of Napoleon, Ohio.

Section 3. That, said position is hereby created and established in and for the City for the Napoleon and shall be considered a temporary, non-bargaining, full time regular employee having an hourly, non-exempt status. The Assistant Operations Superintendent shall not be entitled to any longevity pay.

Section 4. That, the base pay rate for the Assistant Operations Superintendent shall be set by this Ordinance No. 034-22, at thirty dollars (\$30.00) per hour, based on an eighty (80) hour pay period and shall be effective from October 1, 2022 through May 31, 2023.

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

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

Section 7. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for 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 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, 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. 034-22 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. 035-22

### AN ORDINANCE AMENDING A CERTAIN SECTION OF THE CITY OF NAPOLEON PERSONNEL CODE, SPECIFICALLY SECTION 197.06(B), “RESIDENCY REQUIREMENTS”

**WHEREAS**, the Safety and Human Resources Committee met in a regular meeting held on May 23<sup>rd</sup>, 2022, and reviewed a certain section of the City Personnel Code, specifically Section 197.06(b), regarding suggested changes presented by City staff, and recommended that the City should adopt the amended Personnel Code; and,

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

**WHEREAS**, City Council now desires to amend the Personnel Code of the City of Napoleon; **Now Therefore**,

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

Section 1. That, the City of Napoleon does hereby amend Chapter 197 of the Codified Ordinances of the City of Napoleon, Ohio as follows:

#### “CHAPTER 197

# ***PERSONNEL CODE***

## **City of Napoleon, Ohio**

<a href="#"><u>197.01</u></a>	Preamble.
<a href="#"><u>197.02</u></a>	Miscellaneous.
<a href="#"><u>197.03</u></a>	Employee records and discipline.
<a href="#"><u>197.04</u></a>	Employee relations.
<a href="#"><u>197.05</u></a>	Layoff and recall procedures.
<a href="#"><u>197.06</u></a>	Residency requirements.
<a href="#"><u>197.07</u></a>	City organization chart.
<a href="#"><u>197.08</u></a>	Preconditions for employment.
<a href="#"><u>197.09</u></a>	Promotions, assignments and transfers.
<a href="#"><u>197.10</u></a>	Hiring of seasonal and temporary workers.
<a href="#"><u>197.11</u></a>	Safety Committee.
<a href="#"><u>197.12</u></a>	Seniority.
<a href="#"><u>197.13</u></a>	Policy, procedures and work rules.
<a href="#"><u>197.14</u></a>	Hours of work and compensation.
<a href="#"><u>197.15</u></a>	Major paid benefits.
<a href="#"><u>197.16</u></a>	Paid leaves of absence.
<a href="#"><u>197.17</u></a>	Trauma leave.

- [197.18](#) Vacations.  
[197.19](#) Other leaves of absence.

#### **197.01 PREAMBLE**

(a) **Applicability, Purpose and Interpretation**

The term "Code" as used in this Chapter shall be interpreted to mean the "Personnel Code" unless its context clearly indicates otherwise and shall be considered part of the Administrative Code of the City of Napoleon, Ohio, whether codified or not.

Any resolution, ordinance, code or other similar instrument that refers to the "Personnel Code" shall be construed to mean this Code.

This Code supersedes and replaces all applicable federal and state laws, statutes, codes, policies, and all matters or issues pertaining to employee wages, benefits, and working conditions over which it has authority to supersede and replace. However, an ordinance or resolution of the city may supersede this code if the specific issue or issues addressed in the ordinance or resolution conflict with this code. a typical example of when this may occur is when a new hire negotiates terms different than this code, but it is not limited to just this example.

Further, this Code does not pertain to the position of Judge of the Napoleon Municipal Court which shall be controlled by the Ohio Revised Code, except for the benefits as authorized by Section [197.14](#)(i) concerning "Retirement Contribution Pickup" and as provided in [197.15](#) of this Code.

In the event that any provision of this Code and its application to any employee is held to be contrary to law by a court of competent jurisdiction, in areas of law that it may not be contrary, it shall be of no further force and effect, except to the extent permitted by law; but all other provisions and applications shall continue in full force and effect.

Any provision of a collective bargaining agreement shall govern matters covered herein only to the extent required by law. Nothing in this Code shall be construed as giving additional benefits to members of a bargaining unit that are not otherwise stated in the collective bargaining agreement.

(b) **Definitions**

Definitions for the purpose of this Code:

Any reference in this Code to "hire date", "date of employment", "anniversary date", "hired" and the like shall generally mean the first date of service following the most recent notice of hiring, unless the context clearly indicates otherwise.

**Active Pay Status** - Shall mean that an employee has received or is entitled to receive pay for one (1) of the following reasons when properly authorized in accordance with the terms of this Code: time worked whether at regular or overtime rates; sick leave; vacation leave; personal holiday; legal holiday; bereavement leave; or, compensatory time off. Active pay status shall exclude any unpaid time, unpaid leaves of absence, or unpaid separation from employment, whether authorized or unauthorized. The definition of active pay status as herein defined is intended to define active employment and is not intended nor shall it be construed as to supersede the requirements of earning overtime pay or compensatory time.

**Appointing Authority** - The directors of the city as provided by Charter, i.e. city manager, city finance director and city law director and may include other officers as authorized by the charter. Appointing authority may, when the text clearly indicates, mean the city council when the positions are appointed by council. Appointing authority may be others as designated by act of council or when delegated to others by the city manager, city finance director or city law director. Finally, for employees of the municipal court, the appointing authority shall be as provided by the Ohio Revised Code.

**Bargaining Unit** - Shall mean all employees of the City of Napoleon employed in a group of positions recognized by the City who are represented by an exclusive representative and whose terms of employment are covered by a collective bargaining agreement.

**Class** - A group of positions (or one (1) position) that:

- Have similar duties and responsibilities;
- Require like qualifications; and,
- Can be equitably compensated by the same salary range.

**Classified Service** - as defined in the Napoleon Civil Service Code and or Civil Service Rules of the City, the Charter, ordinance or other controlling law.

**Class Title** - The official designation or name of the class as stated in the class specification. It shall be used on all personnel records and actions. Working or office titles may be used for purposes of internal administration.

**Director(s)** - The city manager, city finance director, and city law director.

**Employee** - Unless the context otherwise indicates, employee shall mean any employee of the City.

**Employee, Full-Time Regular** - An employee hired to work for the City full-time, at least thirty (30) hours per week on a regular basis (normally 52 weeks per year) (except authorized leave). A full-time firefighter or EMT shall be considered full-

time if they work a twenty-four (24) hour duty day at least fifty-three (53) hours per week on a regular basis (normally fifty-two (52) weeks per year, except authorized leave); full time employees include both hourly and salary employees. For the purpose of this Code, the City Manager, City Law Director, City Finance Director and those other full-time positions appointed by Council shall be considered full-time regular employees of the City and be entitled to the benefits as provided to other full-time regular employees, except where specifically excluded or where the context of the section clearly indicates that such section is not applicable to the positions. Council members and the Mayor are not considered employees of any type for the purpose of this Code, except for purpose of public retirement benefits, workers compensation benefits and other benefits as specifically authorized by ordinance to be applicable to the Council or Mayor, or as may otherwise be required by law. For the purpose of this Code, board and commission members of the City are not considered employees of any type and are not entitled to benefits except unless specifically authorized for board and commission members by ordinance or as may otherwise be required by law.

**Employee, Part-Time** - An employee hired to work part-time, less than a regular thirty (30) hour work week (regardless of the number of weeks per year worked), for less than twelve (12) continuous months. Any reference to a summer, seasonal or intermittent employee shall mean part-time employee.

**Employee, Permanent Part-Time** - An employee hired to work part-time, less than a regular thirty (30) hour work week, for twelve (12) or more continuous months, unless for a specific assignment on a temporary basis.

**Employee, Temporary** - An employee that is hired for a period of time expected to be less than one hundred twenty days per rolling calendar year, or no later than on completion of a specific assignment is considered a temporary employee

**Grievance** - Shall mean an allegation by a full-time regular employee of the classified service for the City that there has been a breach, misinterpretation, or improper application of this Code (It is not intended that the grievance procedure be used to effect changes in this Code nor those matters which are controlled by the provisions of Federal or State laws and/or by the United States or Ohio Constitutions).

**Involuntary Departure** - Shall mean disciplinary termination or a firing of an employee.

**Legal Holiday** - Any City observed legal holiday, except President's Day.

**Non-Bargaining Employees** - Employees not a member of an officially recognized bargaining unit.

**Pay Period Normal** - Monday 12:00 a.m. through the following Sunday 11:59 p.m.

for two (2) consecutive weeks (biweekly), with exception of the Police Department which is Monday 7:00 a.m. through the following Monday 6:59 a.m. for two (2) consecutive weeks (biweekly).

**Perform The Job** - For the purposes of this Code, perform the job shall mean perform the essential functions of the job, with or without reasonable accommodation, without posing a direct threat to the health or safety of the employee or others.

**Physician** - Unless the context indicates otherwise physician shall mean a medical doctor of medicine or osteopathy licensed to practice medicine or surgery in the State of Ohio.

**Position** - A group of currently assigned duties and responsibilities requiring the full or any part-time or temporary employment of one (1) person. A position may be occupied or vacant.

**Residence** - The place where one actually lives or has his/her home; a person's dwelling or place of habitation; an abode; house where one's home is. Personal presence is required without intention of definite or early removal and with purpose to remain for an undetermined period (not a post office box or just a mailing address). Place of residence is the place as reasonably determined to qualify as a residence of an employee by the employee's appointing authority.

**Residency** - A term to describe residence requirements as required by the City for employment purposes.

**Resident** - Any person who occupies a residence within the City and its limits, having a present intent to remain within the City for a period of time.

**Shift Work** - Work in a department when at least three (3) separate and distinct shifts exist in a twenty-four (24) hour period.

**Statutory Holiday** - Any City observed legal holiday with exception of President's Day, or as defined in an approved bargaining agreement.

**Unclassified Service** - As defined in the Napoleon Civil Service Code or Civil Service Rules of the City, the charter, ordinance, resolution, or other controlling law.

(Ord. 015-12. Passed 3-5-12.)

## **197.02 MISCELLANEOUS**

### **(a) Extensions of Times and Deadlines**

Unless the context indicates otherwise, whenever a certain event is to occur on a date which is a Saturday, Sunday, or City legally observed holiday, or a certain deadline is to expire on a date which is Saturday, Sunday, or City legally observed holiday, the date upon which such event shall occur or such deadline shall expire shall be the first date thereafter which is not a Saturday, Sunday, or City legally observed holiday.

Unless the context indicates otherwise, in computing any period of time prescribed or allowed by this Code, the date of the act or event from which the designated period of time begins to run shall not be included.

**(b) Gender Reference**

All references to employees in this Code shall include both sexes, and wherever the male gender is used, it shall be interpreted to include male and female employees.

**(c) Personnel Policies to be Governed by Code**

It is the intent of city council that all of the City's personnel policies, guidelines, and procedures shall be governed by the charter and ordinances or resolutions duly passed by city council, unless otherwise authorized by council and except as otherwise authorized by this Code.

**(d) Prohibition Against Discrimination**

The provisions of the Code shall be applied to employees without discrimination as to age, sex, marital status, race, color, creed, religion, national origin, ancestry, union affiliation, handicap and/or disability.

**(e) Waiver in Case of an Emergency**

In cases of emergency declared by the President of the United States, the Governor of the State of Ohio, the Mayor, the City Manager, or the United States Congress or the Ohio General Assembly, such as, but not limited to acts of God and civil disorder, any or all portions of this Code may be temporarily suspended by the City.

**(f) Amendments to Existing Job Descriptions**

The City may amend existing job descriptions from time to time as needed for its operational purposes. The City will present a copy of the amended job description to any affected full-time regular employee at least seven (7) days before the new job description shall take effect. If such employee believes a violation of this Code has occurred as a result of any such revision to a job description, the full-time regular employee may file a grievance as provided for in this Code. During any grievance process, any employee affected by the proposed change in job



description shall use his/her best efforts to carry out his/her duties under the new job description (this Section is not applicable to any person or position defined an appointing authority or falling into the unclassified service).

## **197.03 EMPLOYEE RECORDS AND DISCIPLINE**

### **(a) Access to Personnel Service Records**

Employee service records shall only be accessible by the public to the extent required or permitted by law.

### **(b) Causes for Discipline**

#### **(1) Applicability and Overview**

Any employee may be disciplined for just or proper cause. Violations of any municipal ordinance, statutes or other law of any political subdivision or any state, and violations of any or all city policies, rules or regulations or lawful orders shall constitute just or proper cause. Finally, any violation contained in a collective bargaining agreement shall also constitute proper cause for discipline as it relates to collective bargaining employees.

#### **(2) Closure of Items Related to Discipline**

Employee's personal service record as it relates to discipline shall be marked closed for the purpose of progressive discipline in accordance with the following schedule; however, such shall be subject to the public records law:

- **Reprimands**

Any reprimand shall be closed from the record after one (1) year from the date of the reprimand, providing there is no intervening disciplinary action during the one (1) year period.

- **Suspensions Less Than Thirty (30) Days**

Any suspension of less than thirty (30) days shall be closed from the record after a period of two (2) years, providing there is no intervening disciplinary action during the two (2) year period.

- **Suspensions Longer Than Thirty (30) Days**

Any suspension of thirty (30) days or more shall be closed from the record after three (3) years, providing that there is no intervening disciplinary action during the three (3) year period.

(c) **Discipline Action as it Relates to Classified Employees**

Where the City deems appropriate, the City will apply a policy of progressive and corrective discipline, with the progressive steps as follows: oral reprimand; written reprimand; suspension; demotion; or, dismissal (this section is not applicable to those persons or positions considered the appointing authority or to other unclassified employees). This section is not to be construed as prohibiting suspension or dismissal without progressive discipline where the cause for such suspension or dismissal is deemed warranted by the City due to the nature or circumstances of the conduct involved.

(1) **Oral and Written Reprimands**

When it becomes necessary for a supervisor to reprimand a classified employee, it shall be done with discretion.

In the event that a supervisor finds it necessary to orally reprimand an employee and determines to keep a record of that oral reprimand, such employee shall be made aware that a record of such oral reprimand is being maintained in the City's files or records. Employees are not entitled to hearings for oral reprimands.

Classified Employees may appeal a written reprimand to a review officer designated by the Appointing Authority but may not appeal the disciplinary action to the Civil Service Commission. Such review shall be informal, and the rules of evidence shall not apply. A classified employee may thereafter submit a written statement to the appointing authority concerning the reprimand and outlining such employee's basis for concern, and a copy of such statement shall be appended to the copy of the reprimand in such employee's personal service record. Such statement must be filed within ten (10) days of the determination of the appointing authority to approve a reprimand.

The supervisor shall provide the classified employee with a copy of any written reprimand or any record of oral reprimand entered in such employee's file. The classified employee shall acknowledge receipt of same by signing and dating the original copy of such record.

(2) **Procedure for (Disciplinary) Suspension, Demotion, or Dismissal.**

Classified employees shall not be suspended, demoted, or dismissed for disciplinary reasons from duty without first being afforded the opportunity for a disciplinary review before the appointing authority or his/her designee, except that, where it is necessary to immediately relieve the employee from duty due to gross misconduct, a department head or his/her designee may temporarily suspend such employee for a period not to exceed seventy-two (72) hours, excluding Saturdays, Sundays, and holidays.

When a classified employee has been suspended without a disciplinary review, such

employee shall be afforded a disciplinary review before the appointing authority or his/her designee within seventy-two (72) hours, excluding Saturdays, Sundays, and holidays. The employee's pay status for the days which he/she was suspended shall be determined by the appointing authority or his/her designee at the disciplinary review.

When a classified employee is charged with a violation that is likely to result in such employee receiving a disciplinary suspension, demotion, or dismissal, the following shall apply:

- Except as provided above, the classified employee shall be given notice at least five (5) calendar days in advance of the disciplinary review and that notice shall advise such employee of the general nature of the suspected violation. The classified employee shall be advised in the notice of his/her right to be represented by counsel at such review.

Any disciplinary suspension, demotion, or dismissal may only be appealed as outlined in Section [197.03\(c\)\(3\)](#) below and in accordance with the Civil Service Rules. ("Appeals from Disciplinary Suspensions, Demotions and Dismissals")

### **(3) Appeals from Disciplinary Suspensions, Demotions and Dismissals**

Except for probationary employees, if a classified employee has been suspended for disciplinary reasons in excess of three (3) days or demoted or dismissed due to disciplinary reasons, he/she may file an appeal before the Civil Service Commission (hereinafter referred to as the commission).

A classified employee may not waive a disciplinary review before the appointing authority and then subsequently file an appeal before the commission.

An appeal must be filed in writing within ten (10) calendar days after the appointing authority has determined to impose or uphold, whichever is later, a disciplinary suspension, demotion, or dismissal. Any appeal not submitted to the commission within such ten (10) calendar day time period shall be deemed settled on the basis of the determination given by the appointing authority at the disciplinary review.

### **(4) Powers, Duties and Limits of Authority of Commission**

The powers, duties, and limits of authority of the commission shall be as contained in City's Revised Code of General Ordinances and the Rules of the Civil Service Commission.

The decision of the commission may be appealed according to the Civil Service Rules to the Common Pleas Court of Henry County, Ohio.

Upon request, a copy of the work record shall be furnished to the classified employee.

**(5) Scheduling of Disciplinary Reviews**

Disciplinary reviews called for in this Section may be scheduled at the discretion of the department head or appointing authority, whichever is applicable, taking into consideration the employee's work shift and subsequent appropriate rest time.

**(d) Discipline Action for Unclassified Employees**

**(1) Unclassified**

Pursuant to [Article V](#), Section [5.01](#) (D) of the Charter, when not otherwise established in the Charter, council may determine that certain positions and employees in the civil service of the city are classified and that others are unclassified; nevertheless, at minimum, the department heads of the police department and fire department (i.e. chief of each department) shall be subject to civil service review for suspension in excess of three (3) days and/or dismissal.

**(2) Prior to Suspension or Termination**

All compensated unclassified employees shall be given an opportunity to be heard by the authority that appointed them prior to suspension without pay or involuntary termination; however, no finding of cause need be made prior to suspending or terminating an unclassified employee. Such opportunity to be heard may be conducted in executive session when before the council unless objected to by council or the person who is the subject of the suspension or involuntary termination. The act of suspension or involuntary termination shall be in open meeting when involving the city manager, finance director or law director or any clerk of council.

**(3) Board Members or Commissions of the City**

Section [197.03](#)(d) is not applicable to members of boards or commissions of the City, the mayor, elected or appointed members of council.

(Ord. 015-12. Passed 3-5-12.)

**197.04 EMPLOYEE RELATIONS.**

**(a) Employee Discussion**

In the interest of sound and harmonious employee relations, a discussion process

may be established whereby, upon request by the City or employee, employees may meet and confer with members of the appointing authority (city manager, city finance director or city law director) as may be appropriate, to discuss work related issues and matters as governed by this Code.

### **Limitations**

Such discussions are not intended, nor are they in any way to be interpreted or otherwise construed, to effect changes or revisions in this Code, but are solely intended for the purpose of discussing general information of interest to the City and its employees in accordance with the provision of this Chapter. Neither the City nor its employees shall be obligated to act upon any issue or matter raised during such discussions.

#### **(b) Purpose of Meetings**

The purpose of such meetings shall be limited to:

- Discuss the administration of this Code.
- Notify employees of changes made by the City which affect employees.
- Discuss matters of potential grievances which have not been filed.
- Disseminate general information of interest to the City and employees.
- Give employees the opportunity to share the view of employees and/or make suggestions on subjects of interest to such employees.
- Discuss ways to increase productivity and improve efficiency.
- Consider and discuss health and safety matters relating to such employees.

(Ord. 44-01. Passed 5-21-01.)

#### **(c) Exit Interviews**

When requested in writing, upon any employee's resignation or retirement, he/she shall be afforded the opportunity for an interview with the appointing authority and/or his/her designee. The purpose of this interview shall be to allow the employee to express reasons for resignation and/or his/her views on the operation of his/her department.

(Ord. 44-01. Passed 5-21-01.)

#### **(d) Grievance Procedure**



## **(1) Applicability and Overview**

This Section is not applicable to those persons or positions defined as the appointing authority or other unclassified employees.

It is the intent of the City that this grievance procedure be the sole and exclusive grievance and appeal procedure for classified employees, and any other grievance and appeal procedures shall not be applicable.

Grievances and appeals related to disciplinary matters shall be handled in accordance with the herein established grievance procedures. This Section is limited to grievances related to all other issues regarding wages, benefits, and terms and conditions of employment, excluding disciplinary action(s).

## **(2) Information Required in Grievances**

All grievances must contain the following information to be considered and must be filed using the grievance form:

- Aggrieved employee's name and signature.
- Aggrieved employee's classification.
- Date grievance was filed in writing.
- Date and time grievance occurred.
- Where grievance occurred.
- Description of incident giving rise to the grievance.
- Articles and sections of law or policies violated.
- Description of actions that will resolve the grievance.

## **(3) Limitations**

All grievances must be processed at the proper step in the progression in order to be considered at the subsequent steps. An inadequacy of the grievance form may be corrected and resubmitted so long as done within five (5) calendar days from date of return.

Such employee may withdraw a grievance at any point by submitting in writing a statement to that effect, or by permitting the time requirements at any step to lapse without further appeal.

The time limits provided for herein shall be strictly adhered to. Any grievance not initially submitted or appealed to the next step within the specified time limits shall be deemed invalid or resolved based upon the City's last answer, as the case may be (an untimely grievance is void and an untimely appealed grievance is resolved based on the last answer); provided however, that any grievance not answered by the City within the stipulated time limits may be advanced by the employee to the next step in the grievance procedure. All time limits on grievances may be extended upon mutual consent of the City and employee affected.

If an emergency occurs, rights of grievance under this Code may be suspended. Upon the termination of any emergency should valid grievances exist, they shall be processed in accordance with the provisions outlined in the grievance procedure of this Code and shall proceed from the point in the grievance procedure to which they (the grievances) had properly progressed, prior to the emergency.

#### **(4) Method of Processing Grievances**

The following procedure shall be followed:

##### **A. Step 1 - Review by Immediate Supervisor**

In order for a grievance to receive consideration under this procedure, the grievant must identify the grievance to the employee's immediate supervisor, in writing, within twelve (12) calendar days of the employee having, through the exercise of reasonable diligence, knowledge of the occurrence of the incident giving rise to the grievance. The employee's immediate supervisor shall investigate and provide an appropriate answer within six (6) calendar days following the day on which the employee's immediate supervisor was presented the grievance.

##### **B. Step 2 - Review by Department Head**

If the grievance is not resolved in Step 1, and the supervisor is not the department head, then the employee may, within six (6) calendar days of the supervisor's response, take up the grievance with his department head. The department head shall investigate and respond to the grievant within six (6) calendar days after receiving the Step 1 reply.

##### **C. Step 3 - Review by Appointing Authority**

Where the grievance is filed with a member of the appointing authority, due to the absence of an immediate supervisor or department head position in that department and is not resolved accordingly, another member of the appointing authority shall be appointed to hear said grievance and render a decision in accordance with the

provisions of this Step 3.

**(5) Scheduling of Grievance Hearings**

Grievance hearings called for in this Chapter may be scheduled at the discretion of the department head or appointing authority, whichever is applicable, taking into consideration the grievant's work shift.

**(6) Who May Bring Grievance**

A grievance may be brought by any employee, except: the appointing authorities, unclassified employees and employees covered by a collective bargaining agreement. Where a group of such employees desire to file a grievance involving a situation affecting each employee in the same manner, one (1) employee selected by such group may process the grievance as a class action grievance, provided each such employee desiring to be included in the class action grievance, signs said grievance and the grievance is filed in a timely manner. For the purpose of this Section timely manner shall be within seven (7) days after notice is received.

**197.05 LAYOFF AND RECALL PROCEDURES**

**(a) Applicability**

This Section is not applicable to those persons or positions defined as the appointing authority or other unclassified employees. Further, no employee who is a member of a bargaining unit may displace a non-bargaining unit employee for the purpose of this Chapter.

When the City determines that a reduction in full-time work force or job abolishment is necessary, full-time regular employees shall be laid off in accordance with the provisions of this Chapter. Part-time, permanent part-time, or temporary employees may be laid off at any time without notice, or right of recall. (Ord. 74-00. Passed 8-7-00.)

**(b) Layoff Notification Requirements**

In the event of a long term layoff, full-time regular employees shall be notified twenty-one (21) calendar days in advance of the effective date of the layoff. Such employees will be notified of the City's decision to implement any short term layoff (lasting seventy-two (72) hours or less) as soon as possible.

**(c) Priority of Employees Laid Off**

In the event of a layoff, whether long term or short term, full-time regular

employees will be laid off in accordance with their departmental seniority by job classification (last hired, first laid off). Such employee with the least departmental seniority in the department and job title which is designated for layoff shall be notified of the layoff and shall have the right to displace another employee at the same classification or lower classification series within the department who has less total City seniority, provided that the initially laid off employee is qualified to perform the work of the new position. Any employee displaced by this procedure shall have the right to displace another employee by the same procedure. This process may continue until the least senior employee is laid off.

**(d) Recall**

**(1) No New Hire Before Recall**

Vacancies and/or newly created positions shall be filled first by those full-time regular employees on lay off provided they are qualified to fill the new positions or vacancies, unless such laid off employee refuses a recall to the position to be filled or fails to respond to a recall notice in a timely manner.

**(2) Recall Period**

Employees who are laid off are subject to recall from lay off for a period of three hundred sixty five (365) days from date of lay off. After that time they shall be deemed to be permanently separated from City service, and no longer on layoff.

**(3) Priority of Recall**

A recall from layoff shall be based on departmental seniority by job classification (last laid off, first recalled). Notice of recall from a long term layoff shall be by certified or registered mail. If certified or registered mail is returned as undeliverable, the City shall be deemed to have fulfilled its obligations by mailing the recall notice to the last mailing address provided by the employee by regular U.S. Mail.

**(4) Response Time to Recall Notices**

In the case of long term layoff, the employee shall have fourteen (14) calendar days following the date of mailing the recall notice to notify the City of his/her intention to return to work, and shall have ten (10) calendar days following notification to the City of his/her intent to return to work in which to report for duty, unless a different day for returning to work is otherwise mutually agreed.

**197.06 RESIDENCY REQUIREMENTS**

- (a) Except as otherwise provided herein, all employees of the City are required to

reside within Henry County, Ohio, or within an adjacent county thereto within this State.

~~(b) — Paid part-time employees of the Fire/Rescue Department that are firefighters or emergency medical technicians or the like, or a combination thereof, and paid part-time employees of the Police Department, not to be construed as solely volunteer personnel, are required to reside within fifteen (15) miles of the Henry County Courthouse. The herein mentioned radii shall be construed as a straight line and not as driven miles.~~ All other paid part-time employees of the City, regardless of paid part-time class, are exempt from the residency requirements of the City. Nothing herein shall be construed as to provide for grandfathering as it relates to residency should a part-time employee obtain full-time employee status; further, dual employees, meaning for the purpose of this provision, employees working in two (2) capacities of the City, one full-time and one paid part-time, shall meet the most restrictive residency requirement.

(c) Unless otherwise exempted, any employee of the City ~~employed after the effective date of this section~~ shall meet residency requirements within 365 days of employment with the City, except that the City Manager, City Finance Director and City Law Director shall meet residency requirements within 180 days of employment with the City.

~~(d) — For purpose of continuing employment with the City, notwithstanding any other provision, policy, rule, resolution or ordinance, except the provision found in paragraph (f) hereof, full-time regular employees (salary or hourly) employed by the City on or prior to April 16, 2007, regardless of probation status, shall have 180 days to meet the residency requirements of the City; moreover, full-time regular employees (salary or hourly) employed by the City after April 16, 2007, but before the effective date of this section, regardless of probation status, shall have 365 days from the effective date of this section to meet the City's established residency requirements.~~

(e d) The appointing authority as appropriate, shall suspend from service any employee who fails to meet residency requirements as required by this section, until such time as the employee has met City residency requirements. In the event the suspension exceeds two (2) weeks in duration, the employee may be dismissed from the City service.

(f e) Unless otherwise prohibited by law, this section shall not be construed as to limit the enforceability of any residency provision found in a collective bargaining agreement between the City and a collective bargaining unit; further, nothing herein shall be construed as to limit the ability of an appointing authority of the City to require residency of its volunteers.

~~(Ord. 095-07. Passed 11-19-07~~ Ord. 0 -22. Passed xx-xx-22.)

## **197.07 CITY ORGANIZATION CHART**



**(a) City Manager to Maintain Chart**

The city manager shall maintain an organization chart of all full-time positions in the City service. Amendments to this chart may be made only after approval by motion of council.

**(b) Position Classification Plan**

**(1) Administration**

The city manager shall be responsible for administering the position classification plan. The city manager may assign other employees under manager's authority to assist him/her in this activity.

**(2) Allocation of New Position**

The director of his/her department or designee shall complete or have completed a position description covering the duties and responsibilities of each proposed position. The city manager shall allocate the position to one (1) of the classes in the position classification plan. If a suitable class does not exist, he/she shall establish a new class and allocate the position to it.

(Ord. 44-01. Passed 5-21-01.)

**(3) Allocation Appeals**

If an employee has facts which indicates to him/her that his/her position is improperly allocated, he/she may request the city manager to review the allocation of this position. Such request shall be submitted in writing and shall contain a statement of justification.

**(4) Amendments to The Position Classification Plan**

Each time it appears desirable to establish a new class of positions or to abolish a current class of positions, the city manager shall effect such a change by issuing an amendment to the position classification plan. Notice of such change shall be circulated to the mayor, council, city law director, city finance director, and all department heads.

**(5) Interpretation of Class Specifications**

The class specifications are descriptive and not restrictive. They are intended to indicate the kinds of positions which shall be allocated to the classes established. In a series of classes, such as the engineering classes, the specifications for all classes should be reviewed as a unit.

**(6) Maintenance of the Plan**

Maintenance of the organizational plan shall be in accordance with subsections (b)(6)A to (b)(6)E, both subsections inclusive.

**A. On Vacancy of Position**

Each time a vacancy occurs, a position description shall be completed and submitted to the city manager for a review of the allocation of the position. This requirement may be waived by the city manager in cases where changes in the duties and responsibilities of a position have been minimal.

**B. On Reorganization of Department**

Each time a department is reorganized, position descriptions for all affected employees shall be submitted to the city manager for his/her review.

**C. On Request of City Manager**

The city manager may require department heads or supervisors under his/her authority to submit position descriptions on a periodic basis, or any time he/she has reason to believe that there has been a change in the duties and responsibilities of one (1) or more positions. The city manager may request other directors, and the directors shall furnish upon request of the city manager, position descriptions on a periodic basis, or any time he/she has reason to believe that there has been a change in the duties and responsibilities of one (1) or more positions. (Ord. 44-01. Passed 5-21-01.)

**D. On Establishment of Any Class**

Each time a new class is established, a class specification shall be written and incorporated into the existing plan. The class title shall be added to the schematic list of titles. Likewise, an abolished class shall be deleted from the position classification plan by removing the class specification and eliminating the class title from the schematic list of titles.

**E. Biennial Review**

The city manager is responsible to conduct a general review of the position classification plan at least once every two (2) years.

**(7) Official Copy of the Position Classification Plan**

The city manager shall be responsible for maintaining an official copy of the

position classification plan. The official copy shall include regulations for administration, schematic list of class titles and class specifications, plus all amendments thereto. A copy of the official plan shall be available for inspection by the public under reasonable conditions during business hours.

**(8) Position Vacancies, Maximum Number of Employees**

The employment positions set forth in the plan indicate the various types and kinds of work which the City expects to require. Under normal operations, some positions may be filled only occasionally or intermittently, and others may not be filled at all. The presence of an employment position or job classification in this plan does not imply or require that the City shall keep such position or job filled at all times or at any particular time, nor maintain any particular number or quota of employees in any position or job classification.

**197.08 PRECONDITIONS FOR EMPLOYMENT**

**(a) Age Requirements for Police and Fire Departments**

No police officer shall be hired who is younger than twenty-one (21) years of age. No fire or rescue person shall be hired who is younger than eighteen (18) years of age. There shall be no maximum age limit for officers of the police, fire or rescue divisions.

**(b) Character, Criminal Records**

The City shall not employ any person who has been convicted of a felony, nor employ any person otherwise prohibited from holding a position in public service.

**(c) No Political or Religious Tests**

Consideration of political or religious opinions as a test for employment or promotion in any position of the City service shall not be practiced. Membership in any organization shall not be required of any employee.

**(d) Physical Examinations**

Full-time employment with the City of Napoleon shall be contingent, and part-time, permanent part-time or temporary employment may be contingent on passing a physical examination by a physician designated by the City, at the City of Napoleon's expense, after an offer of employment, to determine that employees are physically capable of performing the essential job duties.

**(e) Probationary Period**

All newly appointed classified employees shall serve a probationary period of one (1) year. An employee shall not receive credit toward completion of the probationary period for absence from work for any approved time off in excess of five (5) work days.

Newly hired classified employees shall have no seniority during their probationary period. Upon completion of the probationary period, their seniority date shall be the original date of current appointment for the purpose of: (1) determining the employee's entitlement to all fringe benefits; and (2) determining the employee's continuous service date.

Probationary employees are only entitled to benefits such as health, overtime, compensatory time, paid leave, retirement pickup and other such similar type benefits when and as provided elsewhere in this code for non-probationary employees, unless otherwise stated. What is considered a similar type benefit shall be at the sole determination of the appointing authority.  
(Ord. 093-08. Passed 12-15-08.)

## **197.09 PROMOTIONS, ASSIGNMENTS AND TRANSFERS**

### **(a) General**

The City has exclusive control of promotion, assignment and transfer of all employees. Unless otherwise provided, when an employee is in the competitive civil service, such employee will be required to competitively test for promotion.

In assigning of employees to special positions, duties, or assignments, the City will offer to the extent possible, these positions, duties, or assignments to all qualified personnel and the City shall consider the following criteria in determining who shall serve in the available position, duty, or assignment and each criteria will be given the weight deemed appropriate by the appointing authority as it relates to the position, duty, or assignment:

- Experience;
- Specialized training;
- Job evaluations;
- Seniority (City and departmental);
- Physical & mental capabilities that are essential to the job duties;
- Current title; and
- Impact of the assignment upon other operations of the City.

### **(b) Probationary Periods for Transfers and Promotions: Noncompetitive**

If a full-time regular employee in the classified service is promoted or transfers voluntarily from one (1) department to another, in a non-competitive position,

he/she shall be subject to a thirty (30) calendar day probationary period. The employee shall have ten (10) working days in which to voluntarily return to his/her former position. The City may return the employee to his/her former position at any time during the probation period.

If a full-time regular employee in the classified service is involuntarily transferred from one (1) department to another, in a noncompetitive position, he/she shall be subject to a probationary period of one hundred and eighty (180) days. If he/she should be unsuccessful in his/her new position he/she may be laid off if no other suitable position exists within the City.

(c) **Transfers Within City**

If a full-time regular employee of the classified service voluntarily transfers to another department within the City, such employee will lose all departmental seniority rights previously earned in his/her pre-transfer department, and will be placed at the bottom of the seniority list of the department to which he/she has transferred.

In the case of non-disciplinary involuntary transfers to another City position, such employee will retain all seniority rights which he/she would have had if he/she had not been transferred.

(d) **Vacancies in the City**

(1) Except in the case of rehire, where the City's policy on rehire shall control, when a non-competitive classified vacancy occurs in a position within the City, the appointing authority shall, when practical, cause to be posted such position for a period of at least ten (10) business days and first consider employees within the department division and then the department where the vacancy exists and next consider employees generally within the City's services. "First consider" shall mean, with all other things being equal, the person within the division or department where the vacancy exists shall be given the utmost consideration for filling the vacancy. "Employee" as used in the context of this provision includes, full-time regular, permanent part time, part time, and temporary employees. The City appointing authority may hire from outside the City services, without necessity of posting, when deemed by the appointing authority it not practical to post or fill the position by transfer. Only when posted within the City services may an employee apply for the position by proper filing of a transfer application therefor. If such employee is granted the position applied for, such position shall be considered a voluntary transfer.

(2) A person serving in a paid part-time position with the City's Fire and Rescue Department and who applied for a vacant position by transfer may accept the new position that is the subject of the transfer without vacating his or her current paid part-time position, unless otherwise determined by an affected appointing authority.



(3) Nothing in this section shall be construed as to prohibit the appointing authority from simultaneously posting the position within the City services and advertising outside the City services; moreover, nothing in this section shall be construed as to prohibit the appointing authority from not filling the position by transfer when a more qualified person is available outside the City services who is ready, willing and able to accept the position.

(4) When a vacant position is posted internally, an interview should be afforded to employees of the City meeting the minimum qualifications that have properly applied for the vacant position.

(5) In the case of original appointment or promotion within the competitive classified positions, civil service examinations and procedures shall apply to the extent required.

**(e) Step Increases When Transferred.**

When an employee is involuntarily transferred from one position to another, any step increase eligibility shall be on the employee's original hire anniversary date as if the employee was not transferred. If any employee makes a voluntary transfer, an employee must complete probation within the new classification prior to being eligible for any step increase, such eligibility being on the employee's original hire anniversary date. In the event that the voluntary transfer employee's original hire anniversary date passes while an employee is on probation, then the step increase eligibility shall be immediate upon completing probation and said employee will be eligible for an additional step increase at the employee's next immediate original hire anniversary date. Finally, in the event that an employee returns to his/her prior classification and missed a step increase in that prior classification, he/she shall be placed in the step as if never vacating the position effective on the date of such occurrence. Any increase shall be subject to successful performance evaluation. Nothing in this provision shall be construed as requiring any step increase.

(Ord. 51-05. Passed 8-1-05.)

## **197.10 HIRING OF SEASONAL AND TEMPORARY WORKERS**

### **Restrictions**

If a laid off employee is hired as a part-time, permanent part-time, or temporary employee he/she shall be paid the rate and shall receive only those benefits, if any, allowed for such position. Such employment shall not constitute a "recall" within the meaning nor subject to the provisions of Section [197.05](#).

(Ord. 74-00. Passed 8-7-00.)

## **197.11 SAFETY WORK GROUP**

A safety work group made up of those members that serve in or under the

Department of Management as deemed appropriate by the City Manager shall be established by the City Manager. this is not a board or committee of City Council and is not a “public body” as defined in orc 121.22. The purpose of the Safety Committee is to discuss safety policies and procedures for City operations for the approval of the City Manager, which, upon approval shall have the full force and effect of any other rule or regulation established by the City.

An employee within the Department of Management may be required to be a member of and to participate in the City’s Safety Work Group.

Enforcement of safety policies so established will be the same as for any other work rule established by the City. (Ord. 015-12. Passed 3-5-12.)

## **197.12 SENIORITY**

Except as may otherwise specifically be provided for in this Code, seniority shall be computed on the basis of an employee's uninterrupted length of continuous service with the City. For the purpose of this section, all paid leaves are considered uninterrupted continuous service; moreover, unpaid leaves as follows, shall not be considered an interruption of continuous service: suspensions, military leave during the time a person is eligible for reinstatement, injury leave for injuries occurring on duty, FMLA leave and pregnancy/temporary disability leave. An employee who is laid off and then is properly reinstated to City service within one year from the date of the layoff is credited with continuous service time for the period spent in layoff status. Likewise, up to a maximum of six months will be credited for time spent on an approved unpaid leave of absence, except when the leave of absence is for outside employment, including self-employment, then the employee shall receive no credit during the leave. Nothing in this section shall be construed as superseding or modifying provisions of this Code and policies of the City concerning how probationary periods are calculated. Department seniority when transfers are involved are controlled by Section [197.09\(c\)](#).

(Ord. 13-04. Passed 3-1-04.)

## **197.13 POLICY, PROCEDURES AND WORK RULES**

### **(a) Policies and Procedures**

The city manager, city finance director, and city law director, as appropriate, are authorized to establish work rules and policies not inconsistent with this Code without council approval. Any policy or procedure manual so established shall be distributed to all affected full-time regular employees before taking effect, and copies shall be made available for review of affected part-time, permanent part-time, or temporary employees.

(Ord. 74-00. Passed 8-7-00.)

(b) **Establishment of Work Rules**

Work rules may be established by department heads, subject to approval of the appointing authority.

(c) **Complaints of Non-Uniform Application of Rules**

Any complaint involving the non-uniform application of work rules, policies and procedures or any complaint involving a conflict between the terms of this Code and work rules, policies and procedures may be resolved through the grievance procedure.

(d) **Employees to Observe Rules**

This Section shall not be interpreted in any manner to relieve an employee of his/her responsibilities to follow the established uses, rules, and procedures necessary to preserve the good order and discipline of the City whether or not such rules and procedures have been reduced to writing. New employees shall be informed of all written work rules, policies and procedures in existence at the earliest possible time, and no later than sixty (60) days following their date of hire.

(e) **Notification of Rule Changes**

Copies of changes in existing work rules, shall be provided to employees six (6) calendar days before they are to take effect unless an emergency is declared by the appointing authority that is promoting the rule change.

(Ord. 44-01. Passed 5-21-01.)

(f) **Rules to be Interpreted Uniformly**

Work rules shall be interpreted and applied uniformly to all similar employees under similar circumstances.

**197.14 HOURS OF WORK AND COMPENSATION**

(a) **Work Week For Employees**

The standard normal work week for full-time regular employees shall be forty (40) hours, (except that certain fire department personnel work a fifty-three (53) hour work week) exclusive of lunch or other meal periods (except employees of the Police and Fire Departments as well as employees of the Water Treatment Department and the Wastewater Treatment Department are inclusive of lunch or meal period). The City will use its best efforts to schedule employees' days off such that the days off are contiguous.

This section is intended to define the normal hours of work in effect at the time of execution of this Code, and shall not be construed as a guarantee of work per day or per week.

The work week is considered to be from Monday 12:00 a.m. through the following Sunday 11:59 p.m. with exception of the Police Department which is Monday 7:00 a.m. through the following Monday 6:59 a.m.

**(b) Longevity Pay Plan**

May be paid as established by separate legislation.

**(c) Overtime – Hourly Paid Employees**

**(1) Applicability**

This Section is not applicable to those persons or positions defined as the appointing authority or other salary status employees. For all hourly employees, including fire and rescue personnel, work performed means, actually worked and does not include leave of any type.

**(2) Advance Approval Required to Work Overtime**

Any overtime hours must be authorized in advance by the appropriate supervisor.

**(d) Compensatory Time**

With approval of the department head or appointing authority, employees, except Police Lieutenants and Assistant Chiefs of the Fire/Rescue Department, that are eligible for overtime pay may have the option of overtime pay or compensatory time off in lieu of overtime pay for hours worked in an overtime status to a maximum accumulation of sixty (60) hours at any one time, regardless of carryover. Police Lieutenants and Assistant Chiefs of the Fire/Rescue Department that are eligible for overtime pay may have the option of overtime pay or compensatory time off in lieu of overtime pay for hours worked in an overtime status to a maximum of one hundred (100) hours at any one time, regardless of carryover. Any accumulated balance of unused compensatory time shall be paid off on the first pay period in December, unless otherwise permitted to be carried over by the applicable department head or appointment authority.

Employees shall not be eligible for compensatory time credit for any hours for which they were otherwise compensated.

**(1) Rate of Credit of Compensatory Time**

Compensatory time shall be credited at the appropriate overtime rate (either one and one half rate or double rate) for each hour of authorized overtime worked.

**(2) Submission in Writing**

All requests for credit of compensatory time must be submitted in writing during the pay period in which the overtime was worked. Such request shall show the date and time when compensatory time was earned.

**(3) Rules for taking Compensatory Time Off**

Compensatory time off shall be subject to advance approval by the employee's department head or appointing authority. Not less than one (1) hour of compensatory time shall be taken off on any one (1) day.

**(4) Conversion to Overtime Pay**

Any employee shall be permitted to transform accumulated compensatory hours into overtime payment, in minimum blocks of eight (8) hours, upon seven (7) days notice to the payroll department of the City. The seven (7) day notice requirement shall be waived in the case of termination of employment with the City.

**(5) Minimum Call-out Time**

Except as provided in the Section below entitled "Court Appearance Time", when an employee is required to and does report back to work at a time not contiguous to his regular scheduled work shift-he/she shall be guaranteed a minimum of one (1) hour pay. However, additional callouts during any one (1) hour callout period will not result in additional guaranteed one (1) hour minimum pay (no pyramiding).

**(6) Court Appearance Time**

Any employee, who is required to return to work in order to make a City related court appearance at a time not contiguous to the beginning or end of his/her shift, shall be paid for a minimum of three (3) hours time at the appropriate overtime rate. If the employee is held beyond the minimum three (3) hour period, he/she shall be compensated at the appropriate overtime rate to the nearest one-quarter (1/4) hour for the time his/her presence is required for such court appearance.

If the employee is normally scheduled to work between the hours of 7:00 p.m. and 7:00 a.m. and spends more than five (5) hours in court, he/she shall not be required to work, if scheduled that day. He/she may instead charge eight (8) hours to sick leave, provided he/she notifies the current supervisor at least two (2) hours prior to the beginning of his/her shift of his/her intention not to report for work under the provisions of this Section.



## **(7) Actual Call-out Time**

Actual call-out time shall be defined as the time between the following limits:

- The earlier of the time of arrival at the work site, or the time of arrival at the appropriate work facility, and
- The time of departure from the work site or from the appropriate work facility whichever is later.

If an employee is called back to work again after leaving from an earlier call-out he/she shall be deemed to have been called out again.

## **(8) Overtime - Basic Rate**

All work performed in excess of the regular forty (40) hour work week, shall be overtime and shall be compensated at the rate of time and one half (1-1/2) times the employee's regular rate of pay, except as provided below.

## **(9) Requirement to be Available to Work Overtime**

It is an essential aspect of employment with the City that all employees make themselves available for overtime work. Employees who do not make themselves available and/or who otherwise refuse to work overtime on a regular or repeated basis or during emergencies (declared or otherwise) when requested to do so, and who do not have a bona fide reason for such unavailability and/or refusal, may be subject to disciplinary action, including dismissal.

## **(10) Part-time, Permanent Part-Time, Temporary Employees (Overtime)**

For part-time, permanent part-time or temporary firefighters and emergency medical technicians (EMT's) to be eligible for overtime, such employee must work in excess of one hundred and six (106) hours for a bi-weekly pay period (work period) (fourteen (14) days).

For part-time, permanent part-time or temporary employees (not firefighters or EMT's) to be eligible for overtime, the employee must perform work in excess of forty (40) hours in a work week-except that any employee working in a City amusement or recreational establishment (example: public pool, golf course) that is open less than seven (7) months is exempt from any overtime rate of pay.

## **(11) Full-time Non Bargaining Firefighters or EMTs.**

For full-time firefighters and emergency medical technicians (EMTs) who are not in the collective bargaining unit, and work a twenty-four (24) duty day, to be eligible for overtime, such employee must perform work in excess of fifty-three

(53) hours per week or in excess of the regular twenty-four (24) hour duty day. When such employee is required to report back to work at a time not contiguous to his/her regularly scheduled duty day, thus necessitating additional travel to and from work, he/she shall be guaranteed a minimum of one (1) hour pay, (two (2) hours pay when so reporting back to work occurs between the hours of midnight and 5:00 a.m.), at his/her overtime rate for each call back to work.

For the purpose of this section, the term "report back" shall be defined as a specific and actual time that the employee returns to work only.

(e) **Overtime - Salaried employees**

(1) **Applicability**

This section is applicable to those persons or positions defined as the appointing authority and other employees that may be exempted from being paid the overtime rate pursuant to the provisions of the Fair Labor Standards Act.

(2) **General**

In the case of salaried positions of managerial and professional employees, it is implicit in the nature of their positions that time beyond the normal work schedule may often be necessarily spent on the job for which no additional compensation is permitted.

(3) **Salaried Employees**

Salaried employees are required to work the hours necessary to complete the work tasks. Although expected to work a normal forty (40) hour week, it is also understood that such employee may work less or more hours without deduction or additional compensation. Any abuse of this provision shall be determined by the council when dealing with appointees of council and determined by the appointing authority when dealing with salaried employees under their authority, as deemed appropriate by such authority.

(f) **Paid Lunch Periods**

If the City determines that an hourly employee is required to remain at the work site for the entire length of a period of eight (8) hours or more, then the employee shall be permitted a one-half (1/2) hour paid lunch break during said period, provided the employee shall make him/herself available to respond to work demands during the lunch period if the need arises. Refusal to respond to work demands during lunch period if the need arises will be subject to discipline, including dismissal.

(g) **Pay Plan**

**(1) Administration**

The appointing authority shall be responsible for administering the pay plan for his/her respective department. Each appointing authority shall be responsible for making arrangements to ensure that the administration of the plan for all employees within his/her respective department is on an equitable basis.

**(2) Interpretation**

The appointing authority shall be responsible for interpreting the application of the plan to all pay questions which are not specifically covered by this regulation, using the principles expressed herein as a policy guide.

**(3) New appointees**

A new employee shall normally be paid the minimum rate of pay for his/her class. Exceptions may be granted in the following cases upon the written prior approval of the appointing authority.

**A. Appointments of Individuals With Less Than Minimum Qualifications**

The minimum rate of each class is based upon the assumption that a new employee meets the minimum qualifications stated in the class specification. If it becomes necessary to appoint a new employee of lesser qualifications, he/she should be started below the minimum rate of the class.

**B. Appointments of Individuals With More Than Minimum Qualifications**

If a new employee more than meets the minimum qualifications and will not accept appointment at the minimum rate of the class, he/she may be appointed at a higher step. Cases should be thoroughly analyzed and measured against objective standards as determined by the appointing authority.

**(4) Pay Changes - Promotions, Transfers, Demotions and Reallocations**

**A. Promotions to Higher Class**

When an employee is promoted to a position in a higher class, his/her base pay shall be increased to the minimum rate for the higher class. In the case of overlapping ranges, the promoted employee shall be increased to the step immediately above his/her present base pay.

**B. Transfers Voluntary**

An employee who voluntarily transfers into another position shall so transfer at the

current minimum base pay rate of the position into which the employee transfers, unless experience, skill, and position constitute being transferred at a higher pay rate, as shall be solely determined by the appointing authority.

**C. Demotions**

When an employee is demoted to a lower class position, he/she shall be paid at a rate which is within the approved range for the lower class position. The rate of pay shall be set by the appointing authority.

**D. Reallocations Downward**

When an employee's position is reallocated to a lower class of positions (non-disciplinary), the employee shall be permitted to continue at his/her present rate (except in event of general service wide reductions), but such employee shall not be entitled to any base pay increase by any mechanism whatsoever, until and unless the sum of the base rate of pay for the reallocated position in the newly established level and class of the employee, plus any longevity pay entitlements of the employee applied to the base pay of the new level and class would become greater than the actual present pay rate of the employee.

**E. Reinstated Employees**

A reinstated employee shall be paid at a base pay within the approval range for the position to which he/she is reinstated. The appointing authority will establish the rate of pay.

**F. Rates for Classes to be Established by Ordinance**

The class plan rates of pay for each class of positions prescribed in the position classification plan for the City shall be changed by and rates of pay for new classes of positions shall be established by council in the form of ordinances, or amendments thereto which provide for such rates.

**(h) Rest Periods**

Hourly employees may schedule with department head up to two (2) fifteen (15) minute rest periods during each work day which is scheduled to last eight (8) hours or more. Each rest period shall be taken at the work site, and shall in no circumstances exceed fifteen (15) minutes in length from the time productive work ceases until it begins again. Rest periods shall not be scheduled or taken in the first one and one half (1-1/2) hours of the work day.

**(i) Retirement Contribution Pick-Up**

May be established by the City in separate legislation.

**(j) Salaries and Wages**

Executive and management officers and employees' salaries for the following executive and management officers and employees shall be established by ordinance or resolution:

- City Manager
- City Finance Director
- City Law Director

**(k) Total Remuneration**

The salary or hourly rate, plus reimbursement for expenses incurred by approved use of private automobile on City business, uniform allowance, official travel expense, and any special provisions outlined in this pay plan shall be the total remuneration for any employee. [Except as otherwise provided herein, no employee covered by this plan shall receive pay from the City in addition to that authorized under the schedules provided in the pay plan for services rendered by him/her, either in the discharge of his/her duties, or any additional duties which may be imposed upon him/her or which he/she may undertake or volunteer to perform.]

**(l) Shift Differential Pay - Non-Bargaining Hourly Employees in the Police Department**

Non-bargaining hourly employees in the Police Department working between the hours of 3:00 p.m. and 11:00 p.m. (2nd shift) shall receive shift premium pay at the rate of two and one quarter (2-1/4%) percent of their rate of pay for those hours worked. Those non-bargaining hourly employees in the Police Department working between the hours of 11:00 p.m. and 7:00 a.m. (3rd shift) shall receive shift premium pay at the rate of two percent (2%) of their rate of pay for those hours worked (whether that be regular time, overtime, or acting time pay for either shift). (Ord. 093-08. Passed 12-15-08.)

**197.15 MAJOR PAID BENEFITS**

**(a) Hospital and Medical Benefits**

**(1) Applicability**

This section (Major Paid Benefits) applies to all members or officers of the appointing authority and other full-time regular employees, both classified and unclassified; specifically exempt from this section are members of city council, the mayor, and, except as herein provided, the judge of the municipal court. Section [197.15\(d\)](#) (Pensions) applies to members of council and the mayor. The judge of

the municipal court shall receive City shared contributions towards benefits as contained in this Section [197.15](#) to the extent permitted by law. Unless specifically authorized for part-time, permanent part-time or temporary employees by this Code or other controlling law, such part-time, permanent part-time or temporary employees are not eligible for major benefits, paid leave, or any other benefits described in this Code.

**(2) Scope of Health Benefits**

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

**(b) Life Insurance**

A death benefit, for non-bargaining employees, in the amount of thirty thousand dollars (\$30,000) shall be paid, under the terms of an insurance policy, to the designated beneficiary of a full-time regular employee of the City upon his/her death, providing such death occurs after the employee has completed thirty (30) days from the date of employment and the first of the month thereafter. Each employee shall furnish the City with a beneficiary designation. In the event the employee has failed to designate a beneficiary then the benefit shall be made to his/her estate, upon the application of the legal representative. The City will provide a certificate of insurance to each employee.

**(c) Leaves of Absence - Continuation of Premiums**

Upon the written request of an employee on leave of absence, the City will continue the employee's coverage under the group life and health insurance plans, and will pay its share of the premiums for such plans in accordance with the provisions of this section for a maximum of thirty (30) days, except as otherwise provided in Section [197.19\(g\)](#) of this code and except as otherwise provided by law that supersedes this code. On the first day of the month following the commencement of the employee's leave of absence, the employee will then and thereafter be solely responsible for the payment of all subsequent such premiums.

**(d) Pension Funds**

Employees shall be provided coverage under the Public Employees Retirement - System or Police and Fireman's Disability and Pension Fund as appropriate.

**(e) Severance Pay**



Upon retirement, death, resignation, or termination, employees shall be paid for all, if any accumulated but unpaid vacation, holidays, regular pay and overtime pay, or compensatory time due and owed to them as of their last date of employment. In case of death, the above payments shall be made to the employee's estate or designated survivor(s).

(f) **Unemployment Compensation/Workers Compensation**

Employees shall be provided unemployment compensation coverage and workers compensation as required by law. (Ord. 093-08. Passed 12-15-08.)

**197.16 PAID LEAVES OF ABSENCE**

(a) **Applicability**

The provisions of this chapter shall apply only to employees who are full-time regular employees unless otherwise expressly applied to other than full-time regular employees. This chapter (Paid Leaves of Absence) shall also expressly apply to members or officers of the appointing authority and other full-time regular unclassified employees, excluding elected officials. Nothing in this provision (a) shall be construed as prohibiting the limiting or restricting of applicability of a leave policy to "key employees" as may be provided in a specific policy.

(b) **Applications for Time Off and Scheduling of Time Off**

The following guidelines will be followed when applying for and authorizing time off. Vacation, holidays, personal holidays, and compensatory time are considered time off. Any and all combinations of the above may be used when applying for time off.

Number of Days Off	Minimum Notice
less than 5	7 days
5 plus	35 days

To reserve vacation time, employees must apply for their vacations by November 25th of the year prior to the year the vacations will be taken and priority for time off within the above categories will be determined by departmental seniority from an employee's most recent employment date. With regard to any vacation application received after November 25th, priority for time off within the above categories will be determined by departmental seniority from an employee's most recent employment date only when employees apply for vacation on the same calendar day. Advanced application for vacation may be made so long as the employee will have credited the requested hours at the time the employee's vacation

is to commence; however, an employee may not, in advance, lock in vacation dates for multiple years.

Exceptions to minimum notice may be permitted subject to the approval of the appropriate supervisor.

Authorization of time off is subject to availability of personnel, and the recognized City objective of minimizing overtime paid.

**(c) Bereavement Leave**

**(1) General**

A full-time regular employee may be granted a leave of absence with pay to attend the funeral of a member of his/her immediate family. Such leave of absence will be granted between the day of death until and including the day of the funeral, not to exceed three (3) calendar days and shall not be charged against the employee's accumulated sick leave.

Immediate family, for the purposes of this Section, shall be defined as the employee's grandparents, brother, sister, father, father-in-law, mother, mother-in-law, spouse, child, stepchild, grandchild, or legal guardian.

A full-time regular employee shall be granted a one (1) day leave of absence with pay to attend the funeral of his/her spouse's brother, sister and grandparents, or the employee's son-in-law, daughter-in-law, aunt and uncle.

In the event of the death of any other relative of an employee, the employee shall, upon request, be excused for one (1) day to attend the funeral, with such leave day being deducted from the employee's accumulated vacation, compensatory time, personal holiday, or sick leave balance at the employee's discretion. Alternatively, the employee may elect to take an unpaid leave day.

**(2) Additional Bereavement Leave**

Additional leave may be granted, at the discretion of the department head, or appointing authority whichever is applicable, for travel or such other related purposes, with such additional leave days being deducted from the employee's accumulated vacation, compensatory time, personal holiday, or sick leave balance at the employee's discretion. Alternatively, the employee may elect to take the leave unpaid.

**(3) Notification Requirements for Bereavement Leave**

The employee must notify his/her supervisor of the purpose of his/her absence as

soon as possible but not later than one (1) hour prior to his/her scheduled starting time on the employee's first day of such absence from scheduled duty. The employee may be asked to provide to the department head, or appointing authority, whichever is applicable, verification of the death, relationship, and funeral date.

**(d) Personal Holidays**

Except as herein provided, each employee shall be entitled to five (5) personal holidays per calendar year to be taken on any work day chosen by the employee and approved in advance by the employee's supervisor or the appointing authority, whichever is applicable. During the first calendar year of employment, the number of personal holidays, or portion thereof, shall be prorated based upon the month in which the employee is hired. An employee hired on December 1 or later shall have no personal holidays for that year. Personal holidays must be taken prior to the last day of the last complete pay period of the calendar year or they will be lost. Personal holidays from year to year cannot be accumulated.

For officers of the police department, any holidays banked shall be taken prior to the last day of the last complete pay period in November, or they will be converted to eight (8) hours cash payment on the first pay of December.

Instead of what has been stated above, the Assistant Chief of the fire/rescue department shall be entitled to five (5) personal days or one hundred twenty (120) hours each calendar year.

**(e) Sick Leave**

**(1) Crediting of Sick Leave**

Except as otherwise provided, sick leave credit shall be earned at the rate of 0.0575 hours for each hour of service only in active pay status, up to a maximum yearly accumulation of one hundred twenty (120) hours. Unused sick leave credit shall accumulate from year to year without limit. Effective September 1, 2000, of the non-full-time regular status employees, only permanent part-time employees shall earn sick leave credit and at the same rate as full-time regular employees; however, any other part-time or temporary employee that received such benefit prior to September 1, 2000 shall retain the same until such time is otherwise exhausted.

The Assistant Chief of the fire/rescue department may accumulate a maximum of one hundred ninety-two (192) sick leave hours each calendar year; however, in no event shall the Assistant Chief of the fire/rescue department accumulate more than three thousand six hundred (3,600) total hours.

**(2) Retention of Sick Leave**

An employee who formerly worked for another public agency shall be given credit for any accumulated but unused sick leave provided that the employee was hired by the city within ten (10) years of the date on which the employee was last terminated from public service, and further provided that deduction from such sick leave credit shall be made for any payment or credit given by the previous agency in lieu of taking sick leave.

Unless otherwise provided by a specific ordinance or resolution of council pertaining to employment or previously authorized by the City, the sick leave so credited (transferred) may be used only to extend sick leave coverage while in the employment of the City, and only after all sick leave earned at the City has been exhausted; further, unless otherwise provided, such credited (transferred) sick leave may not be used in computing sick leave payout at retirement or additional (sick leave conversion) vacation leave purposes.

This provision shall not narrow or reduce the amount of sick leave credit received, nor shall it narrow or reduce a current sick leave balance, a sick leave conversion right or sick leave payout, as was previously authorized, of any person who is employed by the City at the time of this Code enactment.

**(3) Expiration of Sick Leave**

If illness or disability continues beyond the time covered by earned sick leave, the employee may be granted further leave in accordance with the City's FMLA policy, or other applicable leave policies, subject to qualification.

**(4) Charging of Sick Leave**

Sick leave shall be charged in minimum units of one-quarter (1/4) hour. An employee shall be charged for such leave only for days upon which he/she would otherwise have been scheduled to work. Sick leave payment shall not exceed the normal scheduled work day or work week earnings.

**(5) Uses of Sick Leave**

Sick leave shall be granted to an employee who qualifies for sick leave only upon approval of the City and for the following reasons:

Illness or injury of the employee that requires time off from work.

Illness or injury to a member of an employee's immediate family when care or attendance by the employee is necessary requiring time off from work.

Medical, dental or optical examination or treatment of an employee or a member of his/her immediate family which requires the employee to take time off work, and

which cannot be scheduled during non-working hours or, when a member of the immediate family of an employee is afflicted with a contagious disease that requires the care and attendance of the employee or when, through exposure to a contagious disease the presence of the employee at his/her job would jeopardize the health of others.

For the purpose of this section, immediate family shall include the employee's father, mother, spouse, child, without regard to residency and will include a stepchild if in the employee's residence. The immediate family provisions contained herein shall be for a limited period of time (not to exceed three (3) consecutive days per week) to enable the employee to secure other arrangements for the care of the member of his/her immediate family, except as may be approved by the employee's appointing authority in unusual and exceptional circumstances.

\* Notwithstanding any other provision in this section, pregnancy, childbirth and other related medical conditions and temporary disability requiring the necessity of an employee to take time off work, will be considered, subject to qualification, under the FMLA and pregnancy and temporary disability policies of the City. In cases where any other leave qualifies, the applicable leave policy shall control in accordance with the City's Employment Policy Manual.

#### **(6) Evidence Required for Sick Leave Usage**

Any employee requesting sick leave shall be required to furnish a satisfactory written signed statement to justify the use of sick leave.

If medical attention is required, a certificate stating the nature of the illness from a physician shall be required to justify the use of sick leave. Falsification of either a written, signed statement, or a physician's certificate may be grounds for disciplinary action including dismissal.

#### **(7) Notification by Employee**

When an employee is unable to report to work, he/she shall notify his/her immediate supervisor, or other designated person, one (1) hour before the time he/she is scheduled to report to work on each day of absence, unless emergency conditions make it impossible, or other arrangements have been made in advance with the supervisor.

#### **(8) Abuse of Sick Leave**

Employees failing to comply with sick leave rules and regulations shall not be paid for the period of time missed from work. Application for sick leave with intent to defraud will result in denial of pay to cover the day(s) in question and may result in disciplinary action up to and including dismissal. If pay has been received for sick leave for which there was no entitlement, the City shall have the right to recover

from the employee any money wrongly paid.

Sick leave shall not be paid to any employee for time off of work which results from any action within the control of the employee such as intentional self-inflicted wounds, use of illegal drugs, alcoholic beverages, or injury sustained while committing a felony or other criminal action. This provision shall not apply to sick leave used for the purposes of participating in bona fide drug treatment, alcohol treatment, or mental health treatment programs.

**(9) Physician Statement**

Employees on sick leave on more than three (3) consecutive working days shall be required to furnish a certificate from a physician notifying the City that the employee is unable to perform the job, and may be required to present a like certificate from a physician upon the employee's return to work indicating his/her fitness and ability to perform the job.

In addition, employees shall also be required to furnish a certificate from a physician for each illness of less than three (3) days duration, for each occasion which exceeds any one (1) of the following calendar year limits:

Two (2) occasions per employee for the employee's illness, for which no physician's certificate was presented and/or two (2) occasions per family member, for which no physician's certificate was presented; however, the total occasions per calendar year shall not exceed four (4).

Exceptions may be made to the limits listed above in certain circumstances, and only upon advance written approval of the department head or the appointing authority, whichever is applicable.

Employees may be required to furnish a certificate from a physician for each illness of less than three (3) days duration, for each occasion which is less than any one (1) of the calendar year limits shown above, if the City has reasonable suspicion that sick leave abuse is occurring or will occur.

Where sick leave is requested to care for a member of the immediate family, the City may require a physician's certificate to the effect that the presence of the employee is necessary to care for the ill person.

**(10) Physical Examination**

The City may require an employee to take an examination, conducted by a physician, to determine the employee's physical or mental capability to perform the job. If determined incapable of doing so as a result of such examination, the employee may be placed on paid leave of absence, unpaid leave of absence, or



disability separation. The cost of such examination shall be paid by the City.

**(11) Sick-Leave Payout**

Unless otherwise provided or modified by a specific ordinance or resolution of Council pertaining to employment, or unless otherwise declined by the employee, or otherwise deferred by the employee in anticipation of rehire by the City, any employee who retires or otherwise departs service, other than an involuntary departure, after ten (10) years of continuous service with the City or who dies in service after five (5) years of continuous service with the City, except part-time permanent employees, shall be compensated for accumulated but unused sick leave at the time of retirement or death in the form of a lump sum payment at the rate of:

- One (1) day's pay for every four (4) days of accumulated but unused sick leave up to nine hundred sixty (960) hours; the remaining time shall be at the rate of one (1) day's pay for every three (3) days of accumulated but unused sick leave.
- Such lump sum payment shall reduce to zero (i.e., eliminate) the employee's sick leave credit.

An employee's "daily base rate" or "day's pay" shall be figured by dividing the employee's annual base rate at the time of retirement or voluntary departure by 2080 hours and multiplying that base hourly rate figure by eight (8) hours.

The death benefit payment shall be made to the beneficiary designated by the employee in writing on a form provided by the City. In the event that there is no such valid designation, the payment shall be made to the employee's estate upon application of the legal representative thereof.

In the case of sick leave payout being deferred in anticipation of rehire by the City, the sick leave reconciliation shall be made as provided for in this section. A rehired employee shall be entitled to use all or part of the deferred sick leave so long as it is used in accordance with use of sick leave policies of the City. Any deferred sick leave amount may be demanded for payment by the earner of the sick leave at any time in accordance with the sick leave payout schedule, so long as the sick leave is not used or otherwise transferred to another governmental entity. In any event, full reconciliation and settlement of deferred sick leave payout shall be completed not later than twenty-four (24) months after last employment with the City.

**(12) Sick Leave Conversion**

An employee with a sick leave balance in excess of nine hundred and sixty (960) hours may use a portion of such excess sick leave as vacation time by converting three (3) sick leave days for each one (1) day of vacation time. An employee may convert up to a maximum of fifteen (15) such excess sick leave days per calendar

year. However, such conversion shall not be permitted if payment of overtime to another employee becomes necessary as a result. This provision is subject to the provisions contained in Section 197.18 of this Code (Vacations).

**(f) Legal Holidays**

**(1) Effects of Vacations and Days Off on City Observed Legal Holidays**

When one (1) of the City observed legal holidays falls within an eligible employee's approved vacation period or scheduled day off, he/she shall be entitled to holiday pay for the legal holiday in lieu of his/her vacation pay. Those employees who work "shift work" may elect to receive the pay, to bank the holidays, or to bank the vacation day. Except for salary employees, shift work employees who work on any of the herein City observed legal holidays listed shall have the option of electing one (1) of the following when applied for in writing by the employee to the payroll department prior to the next scheduled pay period following the holiday:

Receive eight (8) hours holiday pay plus one and one-half (1-1/2) times their regular rate of pay for all time worked, except in the case of the Assistant Chief of the fire department position(s) which shall receive 11.2 hours holiday pay plus one and one-half (1-1/2) times his/her regular rate of pay for all time worked.

Receive an additional banked holiday (to be taken off prior to the ending of the next to last full pay period of the current fiscal year) plus receive one and one-half (1-1/2) times their regular rate of pay for all time worked. If the additional banked holiday is not taken off by the end of the next to last full pay period of the year it shall be paid in cash for eight (8) hours at straight time (except for the positions of Assistant Chief of the fire/rescue department which shall be 11.2 hours) rate payable the first pay in December of the current fiscal year.

**(2) Observance Days**

For employees who have a regular work schedule other than Monday to Friday, the observance of the holiday shall be on the day of such City observed legal holiday. For those employees whose regular schedule is Monday to Friday, City observed legal holidays that fall on a Saturday will be observed on Friday, and City observed legal holidays that fall on Sunday will be observed on Monday.

**(3) Schedule of Observed Legal Holidays**

The following are the paid City observed legal holidays:

January 1, Good Friday (being the Friday immediately prior to Easter Sunday), Memorial Day (being the last Monday in May), July 4th, Labor Day (being the first Monday in September), Thanksgiving (being the fourth Thursday in November), December 25th, and an additional floating holiday as specified below:

If December 25th is Sunday, then December 25th will be recognized on December 26th and an employee shall also receive December 27th as the additional floating holiday.

If December 25th is Monday, then an employee shall also receive December 26th as the additional floating holiday.

If December 25th is Tuesday, then an employee shall also receive December 24th as the additional floating holiday.

If December 25th is Wednesday, then an employee shall also receive the day after Thanksgiving as the additional floating holiday.

If December 25th is Thursday, then an employee shall also receive December 26th as the additional floating holiday.

If December 25th is Friday, then an employee shall also receive December 24th as the additional floating holiday.

If December 25th is Saturday, then December 25th will be recognized on December 24th and an employee shall also receive December 23rd as the additional floating holiday.

In addition to what has been stated herein, President's Day shall be considered a legal holiday for the Assistant Chief of the fire/rescue department position(s); regardless, President's Day shall not be construed as a legal holiday for the City for any other purpose.

#### **(4) Failure to Work on Holiday**

To become eligible for holiday pay, the employee must work the full last scheduled work day prior to, and the full next scheduled work day after, each of the City observed legal holidays listed unless the employee was otherwise in active pay status.

Employees who are scheduled to work on a designated City observed legal holiday and do not report for work on the holiday shall not be entitled to holiday pay unless their reason for not reporting would ordinarily constitute an acceptable excuse under the applicable provisions of this Code.

(Ord. 093-08. Passed 12-15-08.)

#### **197.17 TRAUMA LEAVE**

Applicability: This Chapter is applicable to full-time regular employees of the classified service.

If a full-time regular employee in the classified service, while acting in his/her official capacity, is involved in an incident resulting in death or permanent disfigurement or disability to a person, or witnesses the death or permanent disfigurement or disability of a fellow employee, or witnesses the death of a person due to the application of deadly force by another, that employee shall receive trauma leave upon request of the employee to relieve the stress which has resulted from such incident.

The duration of such trauma leave shall be approved by the appointing authority. However, under no circumstances shall such trauma leave exceed thirty (30) days.

While on such trauma leave, the employee shall receive his/her normal rate of pay for such days, and they shall not be charged to his/her sick leave or any other accumulated but unused leave time.

Prior to his/her return to work, the City shall require the employee to take an examination, conducted by a physician, to determine if the affect of the trauma is relieved to the extent that the employee is both physically and mentally capable to perform the essential duties of the job. If determined incapable of doing so as a result of such examination, the employee may be placed on paid leave of absence, unpaid leave of absence, or disability separation. The cost of such examination shall be paid by the City.

(Ord. 44-01. Passed 5-21-01.)

## **197.18 VACATIONS**

### **(a) Entitlement Restrictions**

Except as otherwise provided in Section [197.18\(h\)](#), full-time regular employees are entitled to vacation with pay after one (1) year of continuous service in the most recent employment with the City and will be due only upon the completion of the first year of said employment, calculated from hire date. The amount of vacation leave to which an employee is entitled is based upon length of service and calculated and earned on a biweekly basis as follows:

Full-time regular employees (except Assistant Chief of the fire/rescue department positions)

<u>Years of Service</u>	<u>Annual Hours</u>	<u>Bi-Weekly Accrual Hours</u>
0 year but less than 6 years	80 hours	3.077 hours/each normal pay

6 years but less than 12	120 hours	4.616 hours/each normal pay
12 years or more	160 hours	6.154 hours/each normal pay

Full-time Assistant Chiefs of the fire/rescue department positions:

0 year through 1	48 hours	1.85 hours/each normal pay
2 years through 8	120 hours	4.62 hours/each normal pay
9 years through 15	192 hours	7.385 hours/each normal pay
16 years or more	240 hours	9.231 hours/each normal pay

(b) **Effect of Time Spent on Authorized Leave of Absence**

Time spent on any authorized leave of absence, whether paid or unpaid, shall be counted in determining length of service for purposes of vacation eligibility.

(c) **Scheduling of Vacations**

Vacations will be arranged to give consideration to the desire of the employee in accordance with a procedure established by the employee's department head which will not interfere with City operations.

(d) **Vacations to be Taken During Year After Earned**

Except for the first year of service, accrued vacation leave may be taken by an employee at any time after accrual and entitlement, subject to the minimum increments established, so long as properly scheduled in accordance with other provisions of this Code, policy manual or work rule.

An employee shall not allow his/her total vacation time to exceed his/her maximum accrual entitlement for any employment year (considered for the purpose of this Section as being from the employee's anniversary date to the employee's next anniversary date) without prior approval from the appointing authority. for the purpose of this Section, the twelve month span of time between employee's anniversary date is an employment year.

This provision is applicable to accrued vacation as a result of sick leave conversion which is authorized in Section [197.16\(e\)\(12\)](#) of this Code. When carryover is requested by a department director, such approval may be by the council president, with notification to the body of council, or merely by the body of council.

(e) **Vacation Forfeiture**

Employees shall forfeit their right to take or to be paid for any vacation leave to their credit which is in excess of any authorized balance; moreover, any vacation time accrued in the first year of service shall be forfeited if any employee fails to complete one (1) year of continuous service.

**(f) Accrual**

Vacation leave is accrued only while on active pay status, excluding overtime and in accordance with Section 197.18(a).

**(g) Lump Sum Payment of Vacation**

In the event an employee is denied the opportunity to schedule and take accrued vacation leave due to operational needs of the City, or in the event an employee fails to schedule and take accrued vacation leave due to the operational needs of the City, the appointing authority may authorize a year-end lump sum payment to the employee in an amount not to exceed the monetary value of the employee's annual vacation accrual as provided in Section 197.18(a). In the case of a department director, lump sum payment may be approved by the council president, with notification to the body of council, or merely by the body of council.

**(h) Prior Service Credit.**

**A.** Except as otherwise provided for in separate legislation, and except as otherwise specifically excluded by a collective bargaining agreement under Ohio R.C. 4117, to determine prior service for the purpose of computing the amount of vacation leave for an employee first employed on or after July 5, 1987 by the City of Napoleon, the employee shall have only his or her prior service with the City of Napoleon counted. Those employees (not elected officials) who were employed by the City of Napoleon prior to July 5, 1987 shall have all their public service with the State of Ohio or any of its political subdivisions credited pursuant to Ohio R.C. 9.44 (A). An employee who has retired in accordance with the provisions of any retirement plan offered by the State of Ohio and who is employed by the State of Ohio or any political subdivision of said State on or after June 24, 1987, shall not have his or her prior service with the State of Ohio or any political subdivision of said State counted for the purpose of computing vacation leave. (Ord. 059-13. Passed 11-18-13.)

**B.** Except as may be otherwise provided for by separate legislation, employees entitled to prior service credit for purpose of computing vacation leave shall have their anniversary date deferred to their most recent date of employment with the City of Napoleon for purposes of: (1) vacation use or, (2) any use or forfeiture policy regarding vacation.

**C.** Elected officials are not entitled to prior service credit for purpose of calculating vacation benefit, if any. (Ord. 093-08. Passed 12-15-08.)

## **197.19 OTHER LEAVES OF ABSENCE**

### **(a) Leave of Absence In General**

#### **(1) Application**

The provisions of this Chapter shall apply only to full-time regular employees. This Chapter shall, unless otherwise stated, also apply to members or officers of the appointing authority, except members of city council and the mayor.

#### **(2) Authorization of unpaid leave**

The authorization of a leave of absence without pay is a matter of administrative discretion. The City shall decide in each individual case if a leave of absence is to be granted, within the limitations of this Code.

#### **(3) Sick Leave Credit and Vacation Credit**

An employee on leave of absence without pay does not earn sick leave or vacation credit. However, the time spent on authorized unpaid leave of absence is to be counted in determining length of service for purpose of calculating vacation eligibility or other purposes where seniority is a factor, unless otherwise stated to the contrary in other applicable ordinance or resolution.

#### **(4) Falsification of Leave**

Any leave of absence obtained through false representation, deceit, or fraud may be cause for disciplinary action up to and including dismissal.

#### **(5) Reinstatement From Leave**

Upon completion of a leave of absence, the employee is to be returned to the position formerly occupied, or to a similar position if the employee's former position no longer exists. Any replacement in the position while an employee is on leave is to be on a temporary basis.

### **(b) Court Leave**

Court leave with pay will be granted to an employee who is summoned and required to appear for jury duty by the United States, the State of Ohio, or a political subdivision during regular working hours. Court leave with pay will be granted to any employee subpoenaed and required to appear as a plaintiff, defendant, or witness in a criminal or civil matter related to City business so long as the action in controversy is not a controversy between the City and the employee so appearing.



Employees will not be entitled to court leave when appearing in court for criminal or civil cases being heard in connection with the employee's personal matters, such as traffic court, divorce proceedings, custody, appearing as directed with juvenile, etc. Such absences may be charged to leave without pay, vacation or other accumulated compensable time upon approval of the employee's supervisor.

Employees shall honor any subpoena issued to them including those for Worker's Compensation and Unemployment Compensation.

Employees are expected to report for work if, after court or jury duty responsibilities are met, two (2) hours or more of the employee's regularly scheduled shift remains.

All moneys received as compensation, unless jury duty was served totally outside of regular working hours, shall be turned over to the City.

(c) **Temporary Disability Leave**

Temporary disability leave shall be considered, subject to qualification, under the pregnancy and temporary disability leave policy of the City as contained in the City's Employment Policy Manual.

(d) **Injury Leave**

Injury leave shall be considered, subject to qualification, under worker's compensation or the FMLA or pregnancy and temporary disability leave policies of the City as contained in the City's Employment Policy Manual.

(e) **Reinstatement after Injury or after Leave Due to Injury**

(1) **General.**

An employee who is absent due to Injury Leave as defined in the Section (Injury Leave), or who has been separated from service due to injury or physical disability incurred in the performance of duty, will be considered for reinstatement only through the reinstatement application process, provided that such application shall be filed not later than the earliest of the following:

- Twenty four (24) months after the injury occurred; or,
- Twelve (12) months after leave from service under the provisions of this Chapter; or,
- The date of service eligibility retirement.

**(2) Payment of Accumulated Sick Leave after Injury**

Except for part-time, permanent employees, any employee who is permanently separated from City service due to a service related disability compensated by the Ohio Bureau of Workers Compensation or the appropriate Retirement System Fund, as a result of a bodily injury received in the line of duty, shall receive a lump sum payment for one-half (1/2) of his/her accumulated but unused sick leave. Such lump sum payment shall reduce the employee's sick leave credit to zero. If the one-half (1/2) lump sum payment has not been made before the employee dies, the designated beneficiary of any employee who dies as a proximate result of such an injury shall receive payment for the full balance of the accumulated but unused sick leave.

**(f) Military Leave**

All employees who are members of the Ohio National Guard, the Ohio Defense Corps, the Naval Militia, or members of other reserve components of the Armed Forces of the United States are entitled to leave of absence from their respective duties without loss of pay for such time not to exceed a total of thirty-one (31) days in any one (1) calendar year. If while on active duty the employee's total gross wages are less than what they earn in City employment, the City will pay the employee the salary difference. If while on active duty the employee's total gross military wages are equal to or greater than what they earn in gross wages through City employment, the employee will not receive any salary reimbursement from the City.

- The employee is required to submit to his/her supervisor an order or statement from the appropriate military commander as evidence of such duty. There is no requirement that the service be in one (1) continuous period of time. The maximum number of hours for which payment may be made in any one (1) calendar year under this provision is one hundred seventy six (176) hours. Compensation received for the above purposes, not to exceed one hundred seventy six (176) hours, shall be submitted to the city finance director upon return from such duty, or as soon as possible. The city finance director will give the employee a receipt for the same.
- Employees who have worked for the City for at least thirty (30) calendar days will be granted a leave of absence without pay to be inducted or to otherwise enter military service. They are not paid for such leave unless they are members of reserve components as specified in the first paragraph of this Section.
- An appointment may be made to fill a vacancy created when an employee enters military service. However, if the person filling such a vacancy also enters military service he/she may be reinstated to the position after completion of service only if the first employee (the original incumbent) fails to apply to reinstatement within ninety (90) days of discharge or made written waiver of all rights to the

position.

- An employee who voluntarily re-enlists while on active duty or a commissioned officer who voluntarily enters into extended duty beyond that required upon accepting a commission, is not eligible for reinstatement.
- Employees who are members of the Ohio National Guard will be granted emergency leave for mob, riot, flood, civil defense, or similar duties when so ordered by the Governor or assist civil authorities. Such leave will be without pay if it exceeds authorized paid military leave for the year. This leave will cover the official period of the emergency.
- Except for veterans that voluntarily re-enlist while on active duty or who voluntarily enters into extended duty beyond that required, a veteran separated or discharged under honorable conditions must in order to be reinstated, make application for re-employment to the former position within ninety (90) days from the date of release from service, or within ninety (90) days after release from hospitalization due to in service injury or illness which has not exceeded a period of more than one (1) year.

The following procedure will apply:

- A copy of a discharge or certificate of service must accompany all requests for reinstatement or reappointment;
- If a proper copy of discharge or certification is in order, reinstatement shall be accomplished within thirty (30) days after application is received by the appointing authority;
- Any change in classification or pay range which would have accrued to the position if the employee had been on the job shall apply.

**(g) Unpaid Personal Leave**

Any unpaid personal leave of absence requested must be submitted to the department head and approved by the appointing authority or his/her designated representative at least three (3) working days prior to the start of such leave. Unless otherwise specified, unpaid personal leave of absence is without benefits. Unpaid personal leave of absence, if approved, shall not exceed thirty (30) day intervals, and unless otherwise specified, shall be granted or denied at the discretion of the appointing authority or his/her designated representative.

Unpaid personal leaves of absences will generally not be granted for the purpose of working elsewhere, which includes self-employment.

**(h) Family and Medical Leave (FMLA)**

FMLA leave shall be as contained in the City's Employment Policy Manual.  
(Ord. 13-04. Passed 3-1-04.)”

Section 2. That, it is found and determined that all formal action of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 21.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon, Ohio.

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

Section 4. That, this Ordinance 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 Ordinance No. 035-22 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*



OHIO DEPARTMENT OF TRANSPORTATION  
Mike DeWine, Governor Jack Marchbanks, Ph.D., Director

District 2  
317 East Poe Rd., Bowling Green, OH 43402-1330  
419-353-8131  
transportation.ohio.gov

July 14, 2022

Chad Lulfs, P.E., P.S.  
City of Napoleon  
255 W. Riverview Ave  
Napoleon, Ohio 43545

RE: **HEN SR 110 0.94 Resurfacing, PID 94321**

Dear Mr. Lulfs:

In order for ODOT to construct the project within the City limits, legislation needs to be enacted. To accomplish that, transmitted herewith are two copies of a consent legislation. The project is currently scheduled for May 25, 2023 sale.

If acceptable, please present this legislation to your City Council for enactment. Note that the appropriate official designated as the contractual officer should sign in that capacity in the lower section of page 3.

Upon enactment, please return all copies of the legislation, all with original signatures and affixed with your City's seal to this office. If your City has no seal, please include a letter indicating that fact with the legislation. We will return one original to you once we obtain our Director's signature.

ODOT would like to receive the enacted legislations by no later than October 28, 2022 to maintain the scheduled sale date for the project.

If you have any questions, please give me a call. My phone number is 419-373-4438.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Christopher Hibbett'.

Christopher Hibbett  
District 2 LPA Liaison



# 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](http://www.napoleonohio.com)

## Memorandum

**To:** Joel L. Mazur, City Manager  
**From:** Chad E. Lulfs, P.E., P.S., Director of Public Works  
**cc:** Mayor & City Council  
Kevin Garringer, City Finance Director  
Jeff Rathge, Operations Superintendent  
Marrisa Hull, Clerk of Council  
Roxanne Dietrich, Executive Assistant  
**Date:** July 12, 2022  
**Subject:** 2022 Miscellaneous Street Improvements ~ Change Order No. 1 (Glenwood Avenue)

The City of Napoleon's Department of Public Works requests approval of Change Order No. 1 for the above referenced project. Change Order No. 1 includes the milling and resurfacing of Glenwood Avenue from the northerly edge of the Railroad to the southerly edge of Woodlawn Avenue. All appropriate street striping will be performed at the completion of the paving.

The Estimated Cost for this work is \$88,778.00, however, the final cost will be based on the unit prices bid for the work.

*CEL*

# CHANGE ORDER

No. 1

**PROJECT**

2022 Miscellaneous Street Improvements Project

**DATE OF ISSUANCE**

July 19, 2022

**OWNER**

City of Napoleon  
255 W. Riverview Ave., P.O. Box 151  
Napoleon, OH 43545

**CITY ENGINEER**

Chad E. Lulfs, P.E., P.S.

**CONTRACTOR**

Gerken Asphalt Paving, Inc.  
9072 County Road 424  
Napoleon, OH 43545

**CONTRACT FOR:** 2022 Miscellaneous Street Improvements

You are hereby directed to proceed promptly with the following change(s):

**DESCRIPTION:** Additional Work as Described in the Attached Exhibit "A"

Attachments (List Documents Supporting Change)

If a claim is made that the above change(s) have affected Contract Price or Contract Time, any claim for a Change Order based thereon will involve one of the following methods of determining the effect of the change(s).

Method of Determining Change In

**CONTRACT PRICE**

- ☐ Time and Materials  
☒ Unit Prices  
☐ Cost Plus Fixed Fee  
☐ Other

Method of Determining Change In

**CONTRACT TIME**

- ☐ Contractor's Records  
☐ Engineer's Records  
☐ Other

Estimated Increase/~~Decrease~~ in

CONTRACT PRICE \$88,778.00

If the Change involves an Increase, the estimated amount is not to be exceeded without further authorization.

**PROJECT COMPLETION TIME**

If the Change involves an Increase, the estimated time is not to be exceeded without further authorization.

*Recommended*

**CITY of NAPOLEON**

*Accepted*

**GERKEN ASPHALT PAVING, INC.**

Contractor

\_\_\_\_\_  
Chad E. Lulfs, P.E., P.S.; City Engineer

by \_\_\_\_\_

*Approved*

\_\_\_\_\_  
Joel Mazur, City Manager

Original Contract Prior to this Change Order

\$398,918.50

Increase / ~~Decrease~~ Resulting from this Change Order

\$88,778.00

Current Contract Price, Including this Change Order

\$487,696.50





# 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](http://www.napoleonohio.com)

## Memorandum

**To:** Joel L. Mazur, City Manager  
**From:** Chad E. Lulfs, P.E., P.S., Director of Public Works  
**cc:** Mayor & City Council  
Kevin Garringer, City Finance Director  
Jeff Rathge, Operations Superintendent  
Marrisa Hull, Clerk of Council  
Roxanne Dietrich, Executive Assistant  
**Date:** July 12, 2022  
**Subject:** 2022 Miscellaneous Street Improvements ~ Change Order No. 2 (Lynne Avenue)

The City of Napoleon's Department of Public Works requests approval of Change Order No. 2 for the above referenced project. Change Order No. 2 includes the overlaying of a 1-1/2" layer of surface asphalt on Lynne Avenue from Glenwood Avenue to the easterly dead-end of Lynne Avenue. All appropriate street striping will be performed at the completion of the paving.

The Estimated Cost for this work is \$44,196.50, however, the final cost will be based on the unit prices bid for the work.

CEL

# CHANGE ORDER

No. 2

## PROJECT

2022 Miscellaneous Street Improvements Project

## DATE OF ISSUANCE

July 19, 2022

## OWNER

City of Napoleon  
255 W. Riverview Ave., P.O. Box 151  
Napoleon, OH 43545

## CONTRACTOR

Gerken Asphalt Paving, Inc.  
9072 County Road 424  
Napoleon, OH 43545

## CITY ENGINEER

Chad E. Lulfs, P.E., P.S.

**CONTRACT FOR:** 2022 Miscellaneous Street Improvements

You are hereby directed to proceed promptly with the following change(s):

**DESCRIPTION:** Resurfacing Lynne Avenue (Glenwood to Easterly Dead-end, see Exhibit "A")

Attachments (List Documents Supporting Change)

If a claim is made that the above change(s) have affected Contract Price or Contract Time, any claim for a Change Order based thereon will involve one of the following methods of determining the effect of the change(s).

Method of Determining Change In

### CONTRACT PRICE

- ☐ Time and Materials  
☒ Unit Prices  
☐ Cost Plus Fixed Fee  
☐ Other

Estimated Increase/~~Decrease~~ in

CONTRACT PRICE \$44,196.50

If the Change involves an Increase, the estimated amount is not to be exceeded without further authorization.

*Recommended*

**CITY of NAPOLEON**

\_\_\_\_\_  
Chad E. Lulfs, P.E., P.S.; City Engineer

Method of Determining Change In

### CONTRACT TIME

- ☐ Contractor's Records  
☐ Engineer's Records  
☐ Other

## PROJECT COMPLETION TIME

If the Change involves an Increase, the estimated time is not to be exceeded without further authorization.

*Accepted*

**GERKEN ASPHALT PAVING, INC.**

Contractor

by \_\_\_\_\_

*Approved*

\_\_\_\_\_  
Joel Mazur, City Manager

Original Contract Prior to this Change Order	\$487,696.50
Increase / <del>Decrease</del> Resulting from this Change Order	\$44,196.50
Current Contract Price, Including this Change Order	\$531,893.00



# 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](http://www.napoleonohio.com)

## Memorandum

**To:** Joel L. Mazur, City Manager  
**From:** Chad E. Lulfs, P.E., P.S., Director of Public Works  
**cc:** Mayor & City Council  
Kevin Garringer, City Finance Director  
Jeff Rathge, Operations Superintendent  
Marrisa Hull, Clerk of Council  
Roxanne Dietrich, Executive Assistant  
**Date:** July 12, 2022  
**Subject:** 2022 Miscellaneous Street Improvements ~ Change Order No. 3 (Parking Lot at E. Clinton Street & Monroe Street)

The City of Napoleon's Department of Public Works requests approval of Change Order No. 3 for the above referenced project. Change Order No. 3 includes the overlaying of a 1-1/2" layer of surface asphalt on the parking lot located at the northerly corner of the intersection of E. Clinton Street & Monroe Street. The northerly corner of the parking lot will have the curb removed, raised, and the asphalt replaced full depth to correct a drainage issue.

The Estimated Cost for this work is \$31,472.50, however, the final cost will be based on the unit prices bid for the work.

*CEL*

# CHANGE ORDER

No. 3

## PROJECT

2022 Miscellaneous Street Improvements Project

## DATE OF ISSUANCE

July 19, 2022

## OWNER

City of Napoleon  
255 W. Riverview Ave., P.O. Box 151  
Napoleon, OH 43545

## CONTRACTOR

Gerken Asphalt Paving, Inc.  
9072 County Road 424  
Napoleon, OH 43545

## CITY ENGINEER

Chad E. Lulfs, P.E., P.S.

**CONTRACT FOR:** 2022 Miscellaneous Street Improvements

You are hereby directed to proceed promptly with the following change(s):

**DESCRIPTION:** Resurfacing Parking Lot at Monroe Street and East Clinton Street

Attachments (List Documents Supporting Change)

If a claim is made that the above change(s) have affected Contract Price or Contract Time, any claim for a Change Order based thereon will involve one of the following methods of determining the effect of the change(s).

Method of Determining Change In

### CONTRACT PRICE

- ☐ Time and Materials  
☒ Unit Prices  
☐ Cost Plus Fixed Fee  
☐ Other

Method of Determining Change In

### CONTRACT TIME

- ☐ Contractor's Records  
☐ Engineer's Records  
☐ Other

Estimated Increase/~~Decrease~~ in

CONTRACT PRICE \$31,472.50

If the Change involves an Increase, the estimated amount is not to be exceeded without further authorization.

### PROJECT COMPLETION TIME

If the Change involves an Increase, the estimated time is not to be exceeded without further authorization.

*Recommended*

**CITY of NAPOLEON**

*Accepted*

**GERKEN ASPHALT PAVING, INC.**

Contractor

\_\_\_\_\_  
Chad E. Lulfs, P.E., P.S.; City Engineer

by \_\_\_\_\_

*Approved*

\_\_\_\_\_  
Joel Mazur, City Manager

Original Contract Prior to this Change Order	\$531,893.00
Increase / <del>Decrease</del> Resulting from this Change Order	\$31,472.50
Current Contract Price, Including this Change Order	\$563,365.50

## AMP Update for July 8, 2022

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

Fri 7/8/2022 5:29 PM

To: Roxanne Dietrich <rdietrich@napoleonohio.com>



**July 8, 2022**

### **June 2022: Highest prices since 1999**

*By Mike Migliore – vice president of power supply and marketing*

While the Polar Vortex of January 2014 had been the high mark for power prices since 1999, June 2022 prices edged out January 2014 as the month with the highest PJM power prices in the 21st century. The temperatures in June 2022 were above normal in western PJM but below normal in the east. There were 221 hours in June (31 percent of hours) above \$100/megawatt hour (MWh) with a maximum AEP/Dayton Hub day-ahead price of \$377/MWh during the afternoon peak hours of June 15. For the month, real-time locational marginal pricing (LMP) averages finished \$4.60/MWh above day-ahead LMPs. Real-time prices were lower than day-ahead prices in 62 percent of the hours, but the overall monthly difference was caused by a spike in real-time prices between 3 and 6 p.m. on June 13. During these three hours, PJM's load jumped above their forecast with the generation shortage pushing real-time prices to an average of \$1,933/MWh during that period.

<b>Average Daily Rate Comparisons</b>			
	<b>June 2022 \$/MWh</b>	<b>May 2022 \$/MWh</b>	<b>June 2021 \$/MWh</b>
<b>A/D Hub 7x24 Price</b>	<b>\$87.90</b>	<b>\$77.63</b>	<b>\$32.32</b>
<b>PJM West 7x24 Price</b>	<b>\$85.98</b>	<b>\$79.26</b>	<b>\$30.89</b>
<b>A/D to AMP-ATSI Congestion/Losses</b>	<b>-\$2.74</b>	<b>-\$1.00</b>	<b>-\$0.48</b>
<b>A/D to Blue Ridge Congestion/Losses</b>	<b>-\$0.40</b>	<b>\$1.17</b>	<b>-\$0.59</b>
<b>A/D to PJM West Congestion/Losses</b>	<b>-\$1.92</b>	<b>\$1.63</b>	<b>-\$1.43</b>
<b>PJM West to PP&amp;L Congestion/Losses</b>	<b>-\$13.55</b>	<b>-\$8.52</b>	<b>-\$2.71</b>
<b>MISO to A/D Hub Congestion/Losses</b>	<b>\$4.48</b>	<b>\$5.42</b>	<b>\$1.52</b>

## **PJM installed capacity auction clears lower than expected**

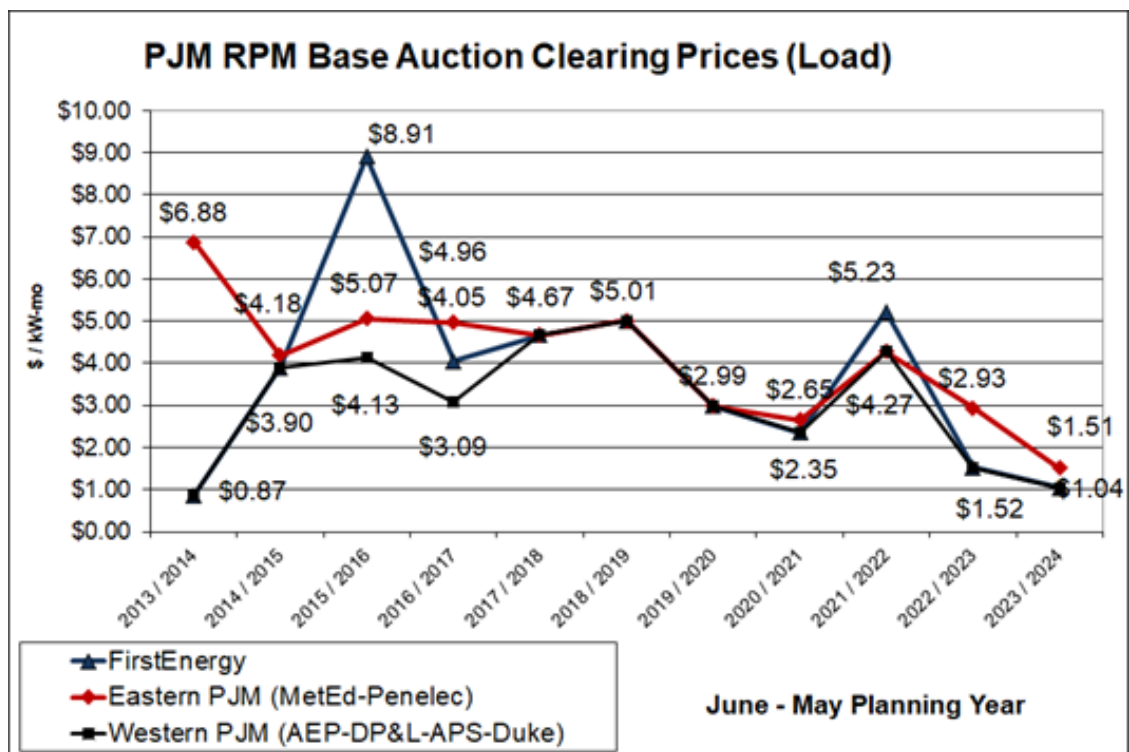
*By Peter Canepa – power supply planning engineer*

Traditionally, each May, PJM runs an installed capacity auction to contract with generators and curtailable loads to be on call to perform when PJM's load is in danger of exceeding the amount of available generation. This normal process, however, has been disrupted several times, awaiting decisions from FERC. PJM recently ran the auction, previously delayed since December 2021, to acquire installed capacity for the June 2023 through May 2024 planning year.

The auction for most of AMP members cleared at \$1.04/kilowatt-month (kW-mo), which is the second lowest price seen since 2013 and 32 percent lower than last year's base price of \$1.53/kW-mo. The Mid-Atlantic Area Council region (PPL, Penelec and MetED) cleared constrained at \$1.52/kW-mo. PJM attributed the decrease in prices to a significant increase in new generation, the elimination of the net cost of new-entry offer cap and a reduction in the number of units subject to the minimum offer price rule that lowered offer prices.

On the supply side for June 2023–May 2024 planning year, 3,734 megawatts (MWs) of new generation came online, compared to 1401.3 MWs in the 2021-2022 auction. This is the second year in a row where these trends have taken place; the 2022-2023 auction saw similarly high levels of new generators. This new generation offered into the market brought the clearing price for capacity down.

The auction for June 2024–May 2025 is currently scheduled for December 2022.



## Energy market update

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

The August 2022 natural gas contract increased \$0.787/MMBtu to close at \$6.297 yesterday. The EIA reported an injection of 60 Bcf for the week ending July 1, which was below market expectations of 73 Bcf. Last year was an injection of 25 Bcf and the five-year average was 60 Bcf. Storage is now 2,311 Bcf, 10.1 percent below a year ago and 12.2 percent below the five-year average.

On-peak power prices for 2023 at AD Hub closed yesterday at \$75.20/MWh, which was \$5.90/MWh higher for the week.



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

### Week ending July 8

MON	TUE	WED	THU	FRI
\$85.06	\$117.04	\$121.60	\$108.70	\$90.64

### Week ending July 1

MON	TUE	WED	THU	FRI
\$86.69	\$72.85	\$99.51	\$107.29	\$111.34

### Week ending July 9, 2021

MON	TUE	WED	THU	FRI
\$45.52	\$61.36	\$51.36	\$39.62	\$36.81

AEP/Dayton 2023 5x16 price as of July 7 — \$75.20

AEP/Dayton 2023 5x16 price as of June 30 — \$69.30

## AFEC weekly update

By Jerry Willman

The AMP Fremont Energy Center (AFEC) was in 2x1 configuration for the week. Duct firing operated for 66 hours this week. The plant cycled offline overnight Friday and Sunday through Tuesday based on PJM economics. For the week, the plant generated at a 68.5-percent capacity factor (based on 675-MW rating).



## AMP to hold Brownbag Service webinar on July 12: Transportation and Economic Development Funding Opportunities

By Erin Miller – assistant vice president of energy policy and sustainability

In partnership with The Ferguson Group (TFG), AMP will hold the second Brownbag webinar on July 12 from 1 to 1:45 p.m., focusing on transportation and economic development funding opportunities. TFG will provide an overview of select federal grant programs and offer tips on how to successfully compete for grant funding.

Speakers will include:

- Zach Israel, principal and manager of legislative affairs, TFG
- Heidi Schott, director of grant services, TFG
- Matt Watkins, grant consultant, TFG

For those unable to attend, a recording of the webinar will be available on the [Member Extranet](#) (login required). The event is free for AMP's members. If you would like to register for the webinar, please contact me 614.540.1019 or [emiller@amppartners.org](mailto:emiller@amppartners.org).



## ***Amplifier* features profile on the City of Marshall**

*By Zachary Hoffman – manager of communications and publications*

The most recent edition of *Amplifier* features a Member Profile on the City of Marshall and the Marshall Electric Department. You can read the full story [here](#) on the *Amplifier* [website](#).

If you have questions about the new *Amplifier* website or need help subscribing for email alerts, please contact me at 614.540.1011 or [zhoffman@amppartners.org](mailto:zhoffman@amppartners.org).

## **Members encouraged to join SEPA Working Groups**

*By Erin Miller*



As a member of AMP, you have unlimited access to Smart Electric Power Alliance (SEPA) content and guidance, including SEPA Working Groups. These groups bring stakeholders together to work on industry-related topics and challenges that may be relevant to your utility or community. AMP participates in several of these groups.

Current SEPA Working Groups include:

- Community Solar Working Group
- Cyber-Physical Resiliency Task Force
- Cybersecurity Working Group
- Electric Vehicle Working Group
- Electromagnetic Interoperability Issues Subgroup
- Energy IOT Task Force
- Energy Services Interface Task Force
- Energy Storage Working Group
- EV Subcommittee — Distribution Planning
- EV Subcommittee — Fleet Electrification
- EV Subcommittee — Managed Charging/V2G
- EV Subcommittee — Rates, Incentives and Tariffs
- Grid Arch Ontology Working Party
- Grid Architecture Working Group
- Interoperability Profile Task Force
- Microgrids Working Group
- Reference Interoperability Procurement Language Task Force
- SEPA DER Interoperability Profile Template Project Group
- Technical Working Group
- Testing and Certification Working Group
- Transactive Energy Working Group

To see more detailed descriptions of these Working Groups, better understand the commitment associated with participation or to sign up for group(s), visit the [SEPA Working Groups page](#) of the [SEPA website](#) (login required). If you have questions or need assistance logging in, please contact Tom Bishop of the SEPA Membership Team at [tbishop@sepapower.org](mailto:tbishop@sepapower.org).

**Focus Forward — Technical Requirements for  
Behind the Retail Meter Solar and Solar+Batteries**



## webinar scheduled for July 14

By Erin Miller

On July 14, Focus Forward will host the *Technical Requirements for Behind the Retail Meter Solar and Solar+Batteries* webinar from 10 to 11 a.m. Based on a recommendation from the Focus Forward Advisory Council, AMP, in partnership with Power Engineers, Inc., is developing a supplemental guidance manual to the [Focus Forward Member Toolkit](#), located on the [Member Extranet](#) (login required). The guidance manual will outline technical requirements and drawings for residential and commercial solar and solar+battery installations. Representatives from Power Engineers will share the draft manual and seek member feedback during the webinar.

Members will also learn more about AMP's new peak shaving offering, the Community Energy Savings: Smart Thermostat Program. Approved in April 2022 by the Board of Trustees, AMP is offering a new subscription-based program using a distributed energy resource management system to manage enrolled connected devices during peak events. Customers who agree to allow their thermostats to be adjusted during peak events receive a one-time \$55 enrollment incentive. Customers may use almost any Wi-Fi enabled thermostat of their choosing. Approximately 1 kilowatt (kW) of savings is projected for each enrolled thermostat per event. There is no first-year cost for Members who enroll before December 2022; years 2 through 5 will cost \$80/thermostat enrolled/year.

There is no cost to register for the webinar. If you would like to register or would like additional information, please contact me 614.540.1019 or [emiller@amppartners.org](mailto:emiller@amppartners.org).

## AMP to hold regional safety meeting in Hamilton on July 20

By Jennifer Flockerzie – manager of technical services logistics

AMP will hold a regional safety meeting in the City of Hamilton on July 20 from 8 a.m. to 2 p.m. The meeting is available at no charge but will be limited to 50 attendees. Lunch will be included for those who register. Please [register here](#) before July 18.

The meeting will cover the following topics:

- Distribution underground safety applications
- Proper personal protective equipment
- Lock to lock rubber gloves
- Cover-up applications
- Underground residential distribution (URD) switching techniques
- Proper equipment uses
- Phasing sticks with URD adapters
- Troubleshooting outage scenario URD transformer change-out

The meeting will also include a simulated scenario in which a lineworker encounters a blown bayonet fuse in a URD transformer. The scenario covers replacement of the bayonet fuse, isolation, testing and grounding of URD primary cables and the replacement of the transformer.

A Schedule to the Master Services Agreement for Participation in Safety and Training Programs must be filled out and returned prior to the meeting. To obtain a master service agreement, contact me at 614.540.0853 or [jflockerzie@amppartners.org](mailto:jflockerzie@amppartners.org).

If you have questions about the meeting, please contact Scott McKenzie, director of member training and safety, at 614.540.6386 or [smckenzie@amppartners.org](mailto:smckenzie@amppartners.org).

## Seeking nominations for the 2022 AMP Annual Awards

An easy way to create local awareness about the benefits of public power and to celebrate the great work of your utility and its employees is to submit your system for consideration for one or more of the [AMP Annual Awards](#). Recipients



will be recognized at the AMP Annual Conference (Sept. 26-28 at the Hilton Columbus at Easton in Columbus, Ohio), as well as through media releases and on social media.

AMP is currently seeking nominations for the following AMP Awards:

<a href="#"><u>Electric System Sustainability Award</u></a>	(more than one award may be given)
<a href="#"><u>Hard Hat Safety Award</u></a>	(more than one award may be given)
<a href="#"><u>Innovation Award</u></a>	(one award for each of four categories)
<a href="#"><u>Public Power Promotion Award</u></a>	(more than one award may be given)
<a href="#"><u>Safety Award</u></a>	(more than one award may be given)
<a href="#"><u>Seven Hats Award</u></a>	(one award given each year)
<a href="#"><u>Service Distinction Award</u></a>	(more than one award may be given)
<a href="#"><u>System Improvement Award</u></a>	(one award for each of four categories)

All AMP award nominations will be accepted electronically through the [AMP Awards Program page](#) of the [AMP website](#).

The deadline for nomination submissions is July 22. If you have questions, please contact Amanda Smithey, member events and program manager, at 614.540.6403 or [asmithey@amppartners.org](mailto:asmithey@amppartners.org).

## OMEA 2021 Annual Report now available

*By Brian Hickman – director of government affairs*

The Ohio Municipal Electric Association's (OMEA) 2021 Annual Report is now available on the [Annual Reports page](#) of the [AMP website](#). I encourage you to share the [link](#) to the report with your colleagues, community leaders and customers.



If you have any questions or need additional information, please contact me at 614.540.6406 or [bhickman@amppartners.org](mailto:bhickman@amppartners.org).

## Badge and identification (ID) security

*Article provided by KnowBe4*

You have probably seen employees wearing security badges at their organization's offices. Can you think of how many different organizations' badges you can recognize? Can you recall the details of the badges you have seen?



There are several different details on badges that cybercriminals look for, such as an employee's picture, employee's name and the color of the badge. As technology has advanced and image editing software has become more popular, cybercriminals can use these details to easily replicate the look of security badges.

Within hours, cybercriminals could recreate your badge with their own names and pictures. They can then use the badge to gain access to your organization's offices or buildings.

### How to protect your security badge or ID

It is important that you are responsible for your security badge and that you practice proper badge use. If your organization has a formal policy about proper badge use, please refer to that policy.

Follow the tips below to protect your security badge or ID:

- Wear your badge at all times when you are inside of your organization's offices or buildings.
- Do not wear your badge while you are in a public place. When you wear your badge in a public place, you are also showing people where you work. If cybercriminals know your name and where you work, they can target you or your organization.
- If you have lost your badge or believe your badge has been stolen, immediately report it as missing.
- Never let other people use your badge, even if they have forgotten their own badge at home.

Next time you leave for a lunch break or leave your office, put your badge in your pocket or purse so that other people can't easily read the information on your badge.

*KnowBe4 is the world's largest integrated platform for security awareness training combined with simulated phishing attacks.*

## Focus Forward 2022 Webinar Series

To register, contact Erin Miller, assistant vice president of energy policy and sustainability, at 614.540.1019 or by email at [emiller@amppartners.org](mailto:emiller@amppartners.org).

### July 14, 10 a.m.

Technical Requirements for behind the retail meter solar and solar+batteries

### November 9, 10 a.m.

Federal funding opportunities for grid modernization, resilience, and maximizing distributed energy resources



The Focus Forward Advisory Council has identified these topics to help educate and inform AMP's members about emerging industry trends and to prepare for further integration of distributed energy resources.

## AMP TECHNICAL AND SAFETY TRAINING WEBINAR SCHEDULE

In an effort to provide all members with high-quality training opportunities, AMP is continuing to offer trainings in a webinar format. Please see the schedule below; we will continue to update it as needed.

### July 26

Oops, It Happened Again  
Instructor: Steven Mutchler

### Aug. 19

Fire Prevention at Work and Home  
Instructor: Sandi Sherwood

### Sept. 6

Fall Safety Tips  
Instructor: Kyle Weygandt

### Oct. 11

24/7 Preparedness  
Instructor: Kyle Weygandt



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







## Classifieds

Members interested in posting classifieds in *Update* may send a job description with start and end advertisement dates to [zhoffman@amppartners.org](mailto:zhoffman@amppartners.org). There is no charge for this service.

### City of Newark seeks distribution engineer

The City of Newark is seeking candidates for the position of distribution engineer in the Electric Department. This position is responsible for the design, review and inspection of electrical infrastructure; development plan review; and other engineering-related tasks. The work will require performing engineering calculations that may include structural analysis of poles, guying, cable pulling, fault currents, placement of protective devices, development of bills of materials, and estimating costs. A bachelor's degree in electrical engineering is required and an engineer intern certification is preferred. Candidates must be able to understand and follow difficult and complex instructions.

Upon hire, the successful candidate will earn a salary in the range of \$89,122 to \$100,328, commensurate with prior experience and certifications. The position comes with excellent fringe benefits and professional development opportunities. More information on salary progression and benefits can be found [here](#).

Interested individuals can review a full job description online and must complete an application [here](#) by July 29, 4 p.m. EOE.

### City of Columbus to offer competitive examination for power line cable worker trainee

The City of Columbus Department of Public Utilities is seeking applicants for the position of power line cable worker trainee. To apply, one must first take the open competitive examination. Applications may be submitted to the Civil Service Commission by applying online at [www.columbus.gov/civilservice/](http://www.columbus.gov/civilservice/) by July 26.

The power line cable worker trainee position will assist with the installation, repair and replacement of components of the electrical distribution system. To qualify for the exam, candidates must verify completion of the 12th grade and six months of experience in electrical utility or power distribution work. A certificate of high school equivalence (GED) may be accepted in lieu of the 12th school grade requirement. Successful completion of a formal training program

in the general principle of electricity or power distribution may substitute for the required experience.

By the completion of probationary period, the successful candidate must possess a valid Class A commercial motor vehicle operator's license allowing operation of vehicles with air brakes. Salary range is \$22.61-\$27.97 per hour. Contact the Civil Service Commission Applicant and Employees Services unit at 614.645.8301 with questions regarding this position.

The City of Columbus is an equal opportunity employer.

## **City of Hubbard to offer competitive examination for utilities lineworker trainee**

The City of Hubbard has scheduled a competitive examination for the position of utilities lineworker trainee on Aug. 8 at 6 p.m. (doors open at 5:30 p.m.) in the Hubbard Municipal Building's Senior Center. Applications must be made on the regular application form obtainable from the Mayor's Office at the City of Hubbard Administration Building, 220 W. Liberty St, Hubbard, OH 44425. Applications may be obtained and filed during the period of June 27 through Aug. 3, 3 p.m. Late applications will not be accepted.

Applicants must be a U.S. Citizen or persons who have legally declared their intentions of becoming U.S. citizens or who possess a valid permanent resident ID card (ORC 124.22 & ORC 124.23). The successful candidate must be able to work with and assist higher-class utility workers, as an on-the-job trainee, in the servicing, repair and maintenance of the city's electrical systems, including, but not limited to, installing, removing and repairing poles, anchors, towers, conductors and other related equipment. The trainee must be able to perform routine shop work; operate power-driven tools; place and maintain barricades; act as a safety worker when directing traffic around work or when poles are being hauled; load, unload and move poles, line, materials, equipment and tools; work in a safe manner and keep shop and job sites clean and orderly.

This is a class 3, trainee 1 position with a beginning hourly rate of \$15.33 per hour, based on the tier system specified in the collective bargaining agreement between the City of Hubbard and the American Federation of State, County and Municipal Employees Ohio Council 8, AFL-CIO, Local 1256.

To see the full examination notice, [click here](#).

## **City of Bowling Green seeks applicants for two positions**

### **Law director/city attorney**

The City of Bowling Green is seeking applicants for the position of law director/city attorney. This executive, salaried, exempt, unclassified position provides legal advice and opinions to the mayor, council and city department heads; represents the city in court actions; provides legal advice and opinions regarding the conduct of city business; conducts research of existing statutes, ordinances and court decisions; attends council meetings for the purpose of providing legal advice; represents the city during court actions and other matters of litigation; monitors the work of the city prosecutor and assistant prosecutors, and other assigned personnel; prepares contracts and other legal instruments involving city operations; prepares records, reports and other documentation; reviews financial data and participates in the investment of city funds; attempts to settle, adjust or compromise on claims involving accuracy and compliance with established standards; serves as a member of the city's records commission; and performs other related duties as assigned. Work is performed indoors and involves night and/or weekend meetings; incumbent typically works alone.

The successful applicant must have a juris doctor; license to practice law in the state of Ohio; seven to ten years of relevant experience; or any combination of education, training and work experience that provides the required skill sets to perform the essential functions of the job. This is an unclassified position that serves at the pleasure of the mayor. The city's application is also available online [here](#) or in the Department of Human Resources, 304 N Church St, Bowling Green, OH 43402. Resumes alone are unacceptable. Copies of the complete job description will



be provided, but it is also available online [here](#). The city considers applicants for positions without regard to a person's actual or perceived, race, immigration status, source of income, color, religion, gender/sex, pregnancy, national origin, age, marital status, sexual orientation, creed, ancestry, disability, political ideology, veteran status, military status, gender expression, gender identity, family status, physical characteristics, HIV-status, genetic information or any other legally protected status. You may reach the Department of Human Resources by phone at 419.354.6200 or email at [humanresources@bgohio.org](mailto:humanresources@bgohio.org). The deadline to submit an application is July 11, 4:30 p.m. This position pays \$99,000 to \$112,000 per year.

### **Arborist**

The City of Bowling Green is seeking applicants for the position of arborist. This salaried, exempt position is responsible for planning, organizing and directing all activities related to the acquisition, planting, maintaining, removing of trees on City properties and rights of way and removal of certain private property trees that are determined to be a menace to public property or welfare. The arborist provides support to the Bowling Green Tree Commission and management of the city's urban trees and assists other departments in related activities; works primarily at the community level, provides technical guidance and supervises urban forestry activities; develops, administers plans/procedures including policies, objectives, long- and short-term maintenance schedules and yearly tree acquisition and planning program(s); coordinates all activities with the Tree City USA program; establishes a removal/replacement policy for public trees; writes and administers an urban forestry plan; serves as liaison and coordinator between city departments and neighborhood associations and other groups regarding the urban forestry plan and other tree service activities; plans, organizes and directs the work activities of employees engaged in tree/shrub maintenance; creates electrical line clearance work plans; maintains and enforces the city's tree ordinances and tree care policies; analyzes data and compiles reports; maintains the budget; prepares and presents educational opportunities; attends committee meetings; and performs other related tasks as assigned. This position requires a bachelor's degree in urban forestry, arboriculture, forest management horticulture, agriculture or other related field required and three years of administrative experience in forestry, tree care and maintenance. Must possess a valid Ohio driver's license; must be able to drive, and must obtain International Society of Arboriculture certification within six months of hire. A copy of the job description will be provided to applicants but is also available [here](#). Employees accrue vacation leave and sick leave per city ordinances. Employees can participate in group medical, dental and vision coverage, first of the month following employment; information is available [here](#). Retirement benefits are through the Ohio Public Employees Retirement System: [www.opers.org](http://www.opers.org).

Interested persons must complete an application packet that is available either by visiting the Department of Human Resources, 304 North Church Street, Bowling Green, OH 43402 or by accessing the online application [here](#). Resumes may be included but will not substitute for a completed application packet. Application materials must be returned to the Department of Human Resources by one of the following methods: By email to [humanresources@bgohio.org](mailto:humanresources@bgohio.org); by fax to 419.352.1262 or by U.S. Mail or hand-delivery to the address above. Office hours are Monday through Friday, 8 a.m. to 4:30 p.m. The city considers applicants for positions without regard to a person's actual or perceived, race, immigration status, source of income, color, religion, gender/sex, pregnancy, national origin, age, marital status, sexual orientation, creed, ancestry, disability, political ideology, veteran status, military status, gender expression, gender identity, family status, physical characteristics, HIV-status, genetic information or any other legally protected status. The deadline to submit an application is Aug. 1, 4:30 p.m. This position pays \$74,000 to \$78,000 per year.

## **Opportunities available at AMP**

AMP is seeking applicants for the following positions:

- Assistant vice president of accounting
- Plant operator - Smithland
- Senior engineer - system protection and control
- Senior transmission planning engineer
- Transmission engineer
- Transmission project manager

For complete job descriptions, please visit the [AMP careers page](#).