
MEMORANDUM

TO: Mayor & Members of Council
FROM: Jon Bisher_{/rd}
SUBJECT: General Information
DATE: September 28, 2012

CALENDAR

Monday, October 1st

City Council Meeting at 7:00 pm

C. PROCEDURE TO FILL/APPOINT VACANT CITY COUNCIL POSITION, PURSUANT TO CITY CHARTER AND COUNCIL RULES

- Greg has included information on “*General Outline of City Council Procedures to Fill Vacancy on City Council, Elect Council President and President Pro-Tem, Reorganization of Standing Committees of Council*”.

I. APPROVAL OF MINUTES

M. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 061-12** an Ordinance Amending Portions of Ordinance No. 025-12, an Ordinance Hiring Trevor M. Hayberger, Napoleon City Law Director of Napoleon, Ohio; and Declaring an Emergency.
2. **Resolution No. 062-12** a Resolution to Join the Public Entities Pool of Ohio (PEP) for the Purpose of Entering into a Joint Self-Insurance Pool.
3. **Resolution No. 063-12** a Resolution Authorizing the Expenditure of Funds in Excess of \$25,000.00 for the Indiana Sanitary Sewer Replacement Project, that was not included in the Annual Master Bid Resolution No. 01-12; and Declaring an Emergency.

P. GOOD OF THE CITY

1. *Review of Compensation Ordinance for City Council* (Tabled)
 - a. Please see the enclosed Memorandum from Greg.
2. *Setting the Date and Time for Trick-or-Treat Night.*
 - a. Enclosed is a Memorandum from Tony Cotter with the Parks and Recreation Board’s recommendation for trick-or-treat night.
3. *Award of Bid for 2010 or Newer Hydraulic Digger Truck or Equivalent*
 - a. One (1) bid was received and as noted in the enclosed Memorandum, Dennie Clapp is recommending award to Altec.
4. *Approval of Change Order No. 1 (Final) for the Hobson Street Waterline Improvements (Phase 1) from E. Riverview Ave. to E. Washington St., an Increase of \$4,326.80*
 - a. We have enclosed the Change Order and a Memorandum from Chad.
5. *Approval of Plans and Specifications for the Indiana Avenue Sanitary Sewer Replacement Project*
 - a. The attached Memorandum from Chad explains this project. A copy of the plans and specs are on file with the Finance Director’s office.

6. *Approval of Change Order No. 2 (Final) for the 2012 Miscellaneous Street Improvements a Deduct of \$5,221.66*
 - a. A copy of the Change Order and Chad's Memorandum are enclosed.
7. *Lease Termination Agreement and General Release with Nextel*
 - a. This termination is for the property (water tank) located at 1850 Vocke Street.

INFORMATIONAL ITEMS

1. **CANCELLATIONS**
 - a. *Technology & Communications Committee*
2. **SPECIAL COUNCIL MEETING** in Conjunction with the Fulton County Commissioners; Tuesday, October 2nd at 7:00 pm
3. **FALL SEASONAL PICKUP** is the week of October 1st – 5th, the rules and regulations and daily pickup schedules are attached.
4. **AMP UPDATE**/September 21, 2012
5. **OML LEGISLATIVE BULLETIN**/September 24, 2012
6. **OML Conference Update**

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Records Retention
CM-11 - 2 Years

September 2012							October 2012							November 2012						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
						1	1	2	3	4	5	6				1	2	3		
2	3	4	5	6	7	8	7	8	9	10	11	12	13	4	5	6	7	8	9	10
9	10	11	12	13	14	15	14	15	16	17	18	19	20	11	12	13	14	15	16	17
16	17	18	19	20	21	22	21	22	23	24	25	26	27	18	19	20	21	22	23	24
23	24	25	26	27	28	29	28	29	30	31				25	26	27	28	29	30	
30																				

 Calendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
30	1	2	3	4	5	6
BISHER - VACATION	7:00 PM City COUNCIL Meeting Smartboard Operator - Dan Seasonal Cleanup - Fall	Seasonal Cleanup - Fall	Seasonal Cleanup - Fall BISHER - Vacation	Seasonal Cleanup - Fall BISHER - Vacation	Seasonal Cleanup - Fall BISHER - Vacation	BISHER - Vacation
7	8	9	10	11	12	13
BISHER - Vacation	6:30 PM Electric Committee BOPA Meeting 7:00 PM Water/Sewer Committee Meeting 7:30 PM Municipal Properties/ED Committee Meeting Smartboard Operator - Rox BISHER - Vacation	BISHER - Vacation				
14	15	16	17	18	19	20
	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL Meeting 8:00 PM Parks & Rec Committee Meeting Smartboard Operator - Dan					
21	22	23	24	25	26	27
	6:30 PM Finance & Budget Committee Meeting 7:30 PM Safety & Human Resources Committee Meeting Smartboard Operator - Sheryl AMP Fall Conference - Bisher	AMP Fall Conference - Bisher	AMP Fall Conference - Bisher	AMP Fall Conference - Bisher	VACATION - Day/Rox	
28	29	30	31	1	2	3
	5th Monday-No Scheduled Meet VACATION - Day/Rox					

City of Napoleon, Ohio

CITY COUNCIL

LOCATION: City Hall Offices, 255 West Riverview Avenue, Napoleon, Ohio

MEETING AGENDA

Monday, October 1, 2012 at 7:00 PM

- A. **Attendance** (*Noted by the Clerk*)
- B. **Prayer**
- C. **Procedure to Fill/Appoint vacant City Council position, pursuant to City Charter and Council Rules**
- D. **Oath of Office to Appointee** (Sworn in by Mayor Ronald A. Behm)
- E. **Procedure for Election of Council President and Council President Pro-Tem**
- F. **Seating Order of Council**
- G. **Reorganization of Standing Committees of Council**
- H. **Appointment of Personnel Committee**
- I. **Approval of Minutes:** September 17 Regular Meeting & September 25 Special Meeting (*In the absence of any objections or corrections, the minutes shall stand approved.*)
- J. **Citizen Communication**
- K. **Reports from Council Committees**
 - 1. **Finance & Budget Committee** met on Monday, September 24 and discussed, then tabled *Amusement License Fees on Gaming*
 - 2. **Safety & Human Resources Committee** did not meet on September 24 due to lack of agenda items.
 - 3. **Parks & Recreation Committee** (*Majority Report*) met in conjunction with the Parks & Recreation Board on Wednesday, September 26 and voted to accept the recommendation of the Parks & Recreation Board (regarding approval of the Napoleon Aquatic Club's plans to build a storage facility at the swimming pool) and to forward the plans to the Planning Commission, then to Council for approval.
- L. **Reports from Other Committees, Commissions and Boards** (*Informational Only-Not Read*)
 - 1. **Civil Service Commission** met on Tuesday, September 25 with the following agenda items:
 - a. Current Eligibility List for EMT/Firefighter
 - b. Testing for EMT/Firefighter and Patrolman
 - 2. **Parks & Recreation Board** met on Wednesday, Sept. 26 with the following agenda items:
 - a. Discussion/Action: Request by Napoleon Aquatic Club to Build a Storage Facility at the Swimming Pool
 - b. Discussion: Financial Reports from Golf Course & Swimming Pool
 - c. Discussion/Action: Rates and Fees
 - d. Discussion/Action: Trick or Treat Night Recommendation
- M. **Introduction of New Ordinances and Resolutions**
 - 1. **Ordinance No. 061-12:** An Ordinance amending portions of Ordinance No. 025-12, an Ordinance hiring Trevor M. Hayberger, Napoleon City Law Director of Napoleon, Ohio; and declaring an emergency
 - 2. **Resolution No. 062-12:** A Resolution to join the Public Entities Pool of Ohio (PEP) for the purpose of entering into a joint self-insurance pool
 - 3. **Resolution No. 063-12:** A Resolution authorizing the expenditure of funds in excess of \$25,000.00 for the Indiana Sanitary Sewer Replacement Project, which was not included in the Annual Master Bid, Resolution 01-12, and declaring an emergency
- N. **Second Readings of Ordinances and Resolutions**

There are no second readings of Ordinances and Resolutions.
- O. **Third Readings of Ordinances and Resolutions**

There are no third readings of Ordinances and Resolutions.
- P. **Good of the City** (*Any other business as may properly come before Council, including but not limited to:*)
 - 1. **Discussion/Action:** Review of Compensation Ordinance for City Council (Tabled)
 - 2. **Discussion/Action:** Setting the Date and Time for Trick or Treat Night
 - 3. **Discussion/Action:** Award of Bid for 2010 or Newer Hydraulic Digger Derrick Truck or Equivalent
 - 4. **Discussion/Action:** Approval of Change Order No. 1 (Final) Hobson Street Waterline Improvements (Phase I) from E. Riverview Ave. to E. Washington St. \$4,326.80

5. **Discussion/Action:** Approval of plans and specifications for the Indiana Avenue Sanitary Sewer Replacement Project.
 6. **Discussion/Action:** Approval of Change Order No. 2 (Final) 2012 Miscellaneous Street Improvements in the amount of -\$5,221.66
 7. **Discussion/Action:** Lease Termination Agreement and General Release with Nextel
- Q. Executive Session** *(As needed)*
- R. Approve Payment of Bills and Approve Financial Reports** *(In the absence of any objections or corrections, the payment of bills and financial reports shall stand approved.)*
- S. Adjournment**

Gregory J. Heath, Finance Director/Clerk of Council

A. Items Referred or Pending in Committees of Council

- 1. Technology & Communication Committee (1st Monday)**
(Next Regular Meeting: Monday, November 5 @ 8:00 PM)
- 2. Electric Committee (2nd Monday)**
(Next Regular Meeting: Monday, October 8 @ 6:30 PM)
 - a. Review of Electric Billing Determinants
 - b. Electric Department Report
- 3. Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday)**
(Next Regular Meeting: Monday, October 8 @ 7:00 PM)
 - a. Water Treatment Plant Evaluation (Tabled)
- 4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday)**
(Next Regular Meeting: Monday, October 8 @ 7:30 PM)
 - a. Updated Info from Staff on Economic Development (as needed)
 - b. Review of 2012 Projects
 - c. Review of 2013 Projects
- 5. Parks & Recreation Committee (3rd Monday)**
(Next Regular Meeting: Monday, October 15 @ 8:00 PM)
- 6. Finance & Budget Committee (4th Monday)**
(Next Regular Meeting: Monday, October 22 @ 6:30 PM)
 - a. Amusement License Fees on Gaming (Tabled)
- 7. Safety & Human Resources Committee (4th Monday)**
(Next Regular Meeting: Monday, October 22 @ 7:30 PM)
Next Meeting with Townships: November 26
- 8. Personnel Committee (As needed)**

B. Items Referred or Pending In Other City Commissions and Boards

- 1. Board of Public Affairs (2nd Monday)**
(Next Regular Meeting: Monday, October 8 @ 6:30 PM)
 - a. Review of Electric Billing Determinants
 - b. Electric Department Report
 - c. Lowering the Credit on Low Occupancy Bill
- 2. Board of Zoning Appeals (2nd Tuesday)**
(Next Regular Meeting: Tuesday, October 9 @ 4:30 PM)
- 3. Planning Commission (2nd Tuesday)**
(Next Regular Meeting: Tuesday, October 9 @ 5:00 PM)
- 4. Tree Commission (3rd Monday)**
(Next Regular Meeting: Monday, October 15 @ 6:00 PM)
- 5. Civil Service Commission (4th Tuesday)**
(Next Regular Meeting: Tuesday, October 23 @ 4:30 PM)
- 6. Parks & Recreation Board (Last Wednesday)**
(Next Regular Meeting: Wednesday, October 31 @ 6:30 PM)
- 7. Privacy Committee (2nd Tuesday in May & November)**
(Next Regular Meeting: Tuesday, November 13 @ 10:30 AM)
- 8. Records Retention Commission (2nd Tuesday in June & December)**
(Next Regular Meeting: Tuesday, December 11 @ 4:00 PM)
- 9. Housing Council (1st Monday of the month after the TIRC meeting)**
(Next Meeting: Monday, May 6, 2013? @ 6:30 PM)
- 10. Health Care Cost Committee (As needed)**
- 11. Preservation Commission (As needed)**
- 12. Infrastructure/Economic Development Fund Review Committee (As needed)**
- 13. Tax Incentive Review Council (As needed)**
- 14. Volunteer Firefighters' Dependents Fund Board (As needed)**
- 15. Lodge Tax Advisory & Control Board (As needed)**
- 16. Board of Building Appeals (As needed)**
- 17. ADA Compliance Board (As needed)**
- 18. NCTV Advisory Board (As needed)**

**General Outline of CITY COUNCIL PROCEDURES to -
Fill Vacancy on City Council
Elect Council President and President Pro-Tem
Reorganization of Standing Committees of Council**

Definitions:

CHARTER = Revised Charter of the City of Napoleon, Ohio, Approved by City Council in Ordinance No. 61-00, Passed July 3, 2000, and Adopted by Voters on November 7, 2000, Effective July 1, 2001.

CITY CODIFIED = Codified Ordinances of City of Napoleon, Ohio, Adopted and Approved by City Council, complete to June 1, 2012.

COUNCIL RULE = Rules and Regulations of City Council of the City of Napoleon, Ohio, as Adopted and Amended by City Council, last Amended by Ordinance No. 007-12, Passed January 16, 2012.

> FILING VACANCY ON CITY COUNCIL:

CHARTER – Section 2.02 Qualifications

(A) Eligibility. No person shall be eligible to be a Council member unless he or she has been a resident and qualified elector of the City for at least one (1) continuous year immediately prior to his or her filing for office or his OR HER appointment. Council members shall continue to be residents and qualified electors of the City during their terms of office. Except as provided by this Charter, no Council member shall hold any other elected public office or employment with the City. For the purpose of this section, "employment with the City" shall mean, employed by the City of Napoleon and being compensated from this Municipal Corporation's Treasury; and, "elected public office" shall mean, "elected public office of this Municipality".

(B) Judge of Qualifications. Council shall be the sole and final judge of the qualification of its members as well as the sole and final judge in determining if there has been a violation thereof. Any Council member who ceases to possess, or who violates, any of the qualifications set forth in this Section shall forfeit his or her office. The failure of any Council member to maintain these qualifications shall not render void or ineffective any ordinance, resolution or other action of Council taken during the time he or she was not so qualified.

CHARTER – Section 2.08 Vacancies

If a vacancy occurs on Council and within thirty (30) days thereafter, those Central Committee members living in the City, from the same political party as the vacated member at the time of his or her election or appointment to Council, may recommend to Council a person to fill the vacancy for the unexpired term. If a person is so recommended, he or she shall not become a Council member unless approved by Council. If no person is so recommended by such Central Committee members or if a person so recommended is not approved by Council, Council may select another replacement within fifteen (15) days. If Council fails to select another replacement within fifteen (15) days, the Mayor shall select a replacement. If the person to be replaced was an independent at the time of his or her election or appointment, the replacement shall be selected by Council; but, if Council fails to select a replacement within thirty (30) days after the vacancy occurs, the Mayor shall select a replacement. If a vacancy date cannot be determined with a reasonable degree of certainty, then the vacancy date shall be as concluded by approved motion of Council.

CITY CODIFIED - 121.02 COUNCIL ELIGIBILITY; QUALIFICATIONS; POWERS AND DUTIES.

(a) Eligibility. No person shall be eligible to be a Council member unless he or she has been a resident and qualified elector of the City for at least one continuous year immediately prior to his or her filing for office or his or her appointment. Council members shall continue to be residents and qualified electors of the City during their terms of office. Except as provided by the Charter, no Council member shall hold any other elected public office or employment with the City. For the purpose of this section, "employment with the City" shall mean, employed by the City of Napoleon and being compensated from this Municipal Corporation's treasury; and, "elected public office" shall mean, "elected public office of this Municipality".

(b) Judge of Qualifications. Council shall be the sole and final judge of the qualification of its members as well as the sole and final judge in determining if there has been a violation thereof. Any Council member who ceases to possess, or who violates, any of the qualifications set forth in this Section shall forfeit his or her office. The failure of any Council member to maintain these qualifications shall not render void or ineffective any ordinance, resolution or other action of Council taken during the time he or she was not so qualified.

(Filing of Council Vacancy – Continued Next Page)

(Filing of Council Vacancy – Continued)

(c) **Vacancies.** Vacancies in Council shall be filled in accordance with Article II, Sec. 2.08 of the Charter.

COUNCIL RULE – 2.2 Votes Necessary For Election Of Officers And Employees

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

COUNCIL RULE – 2.3 Roll Call Votes

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

Action Steps By City Council – Appointment of Vacant Council Position

Central Committee Presented Name:

1 – Meeting process turned over to Clerk of Council for Filling of Council Vacancy, Election of President and President Pro-tem of Council.

2 – Clerk of Council shall present, if any, the recommended person (Name) from the Central Committee to fill the vacancy for the unexpired term on Council. (*CHARTER 2.08*)

3 – If a Name is given, Clerk of Council shall request a Motion (1st) and a Second (2nd) on said Name.

4 – If received, a **Yes** or **No** VOTE shall be taken on the Name given; each Council Person should respond **Yes** or **No**. Vote Order will follow Seniority Order. A majority vote of all current members of Council is required to fill the position. A majority vote is four (4) Yes. (*COUNCIL RULE 2.2*)

NOTE: - Seniority Order is the elected or appointed seniority on council (number of total consecutive years served on city council from the latest appointment or election date with no break in service, and then alphabetically by last name order for those with equal number of years).

Current Order is as follows:

> Sheaffer, Travis	18+ Years
> Helberg, John	12+ Years
> Hershberger, Jim	5+ Years
> Lankenau, Jeff	3+ Years
> McColley, Patrick	<1 Year
> Ridley, Chris	<1 Year

5 – If Name Approved with a Majority Vote, the person is Appointed to the Council position. (*COUNCIL RULE 2.2*)

6 – Mayor shall be requested to give Oath of Office to Newly Appointed Council person.

7 – Newly Appointed Council Person will be seated with Council.

(The Following Process is Only Needed if No Name is given from the Central Committee, or if it is Not Approved!)

If Central Committee Presents No Name or it is NOT APPROVED then:

1 – Clerk of Council shall request from each member of Council a Name of the Candidate of their choice to fill the vacancy for the unexpired term on Council. (*COUNCIL RULE 2.3*)

**NOTE: - Requests for Names will follow Seniority Order previously listed.
Council Members may Pass on giving a Name.**

2 – If a Name is given, Clerk of Council shall request a Motion (1st) and a Second (2nd) on said Name. If received, that that Name shall become eligible for such office or position. (*COUNCIL RULE 2.3*)

(Filing of Council Vacancy – Continued Next Page)

(Filing of Council Vacancy – Continued)

3 – A **Yes** or **No** VOTE shall be taken on **each Name given**; each Council Person should respond **Yes** or **No**. Vote Order will follow Seniority Order. A majority vote of all current members of Council is required to fill the position. (*COUNCIL RULE 2.2*)

NOTE: - **Currently a Majority Vote of all Council is Four (4) Yes Votes.**
- **In case of a Tie Vote among multiple Names a Re-Vote will be taken until a clear Majority Vote is received.**

Example: Three Names are given - Name “A” receives 4 Yes and 2 No; Name “B” receives 4 Yes and 2 No; and Name “C” receives 3 Yes and 3 No. Based on this example Name “C” did not receive a Majority Vote and will no longer be considered. For Names “A” and “B” a Re-Vote will be taken until a clear Majority Vote is received.

4 – The Name with the Majority Vote is Appointed to the Vacated Council position. (*COUNCIL RULE 2.2*)

5 – Mayor shall be requested to give Oath of Office to Newly Appointed Council person.

6 – Newly Appointed Council Person will be seated with Council.

> ELECTING NEW COUNCIL PRESIDENT AND PRESIDENT PRO-TEM:

CHARTER – Section 2.04 President of Council

(A) **President & President Pro-Tem.** At the organizational meeting, but in no event later than January 15th next following the organizational meeting, Council shall elect one (1) of its members to serve as President of Council (hereinafter called "the Council President") and one of its members as President Pro-Tem of Council (hereinafter called "the Council President Pro-Tem"), each of whom shall, except in case of death, resignation, recall, removal or forfeiture of office, serve for a term of two (2) years or until his or her successor is elected and qualified. The Council President Pro-Tem shall be cloaked with all power and authority of the Council President in any absence of the Council President, except that he or she shall not possess the power and authority of the Mayor when the Council President is in the dual capacity of Acting Mayor and Council President.

COUNCIL RULE – 2.2 Votes Necessary For Election Of Officers And Employees

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

COUNCIL RULE – 2.3 Roll Call Votes

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

Action Steps By City Council – Election of Council President

1 – Clerk of Council shall request from each member of Council a Name of the Candidate of their choice to fill the position President of Council. (*COUNCIL RULE 2.3*)

(Election of Council President and President Pro-Tem – Continued Next Page)

(Election of Council President and President Pro-Tem – Continued)

NOTE: - Requests for Names will be in Seniority Order and then Alphabetic Order. Order is as follows:

> Sheaffer, Travis 18+ Years
> Helberg, John 12+ Years
> Hershberger, Jim 5+ Years
> Lankenau, Jeff 3+ Years
> McColley, Patrick <1 Year
> Ridley, Chris <1 Year
> Appointed Person <1 Year

Council Members may Pass on giving a Name.

2 – If a Name is given, Clerk of Council shall request a Motion (1st) and a Second (2nd) on said Name. If received, that that Name shall become eligible for such office or position. (*COUNCIL RULE 2.3*)

3 – A **Yes** or **No** VOTE shall be taken on **each Name given**; each Council Person should respond **Yes** or **No**. **Members should not Abstain if their Name is stated**. Vote Order will follow Seniority Order. A majority vote of all current members of Council is required to fill the position. In the case of a Tie-Vote the winner shall be decided by the flip of a coin, unless another method is approved by majority vote of all the current members of Council. (*COUNCIL RULE 2.2*)

NOTE: - A Majority Vote of all Council is Four (4) Yes Votes.

- In case of a Tie Vote among multiple Names a flip of a coin will be made, unless another method is approved by majority vote of all the current members of Council.

Example: Three Names are given - Name “A” receives 4 Yes and 2 No; Name “B” receives 4 Yes and 2 No; and Name “C” receives 3 Yes and 3 No. Based on this example Name “C” did not receive a Majority Vote and will no longer be considered. For Names “A” and “B” a flip of a coin will be made, unless another method is approved by majority vote of all the current members of Council.

4 – The Name with the Majority Vote is Appointed Council President. (*COUNCIL RULE 2.2*)

Action Steps By City Council – Election of Council President Pro-Tem

1 – Clerk of Council shall request from each member of Council a Name of the Candidate of their choice to fill the position Council President Pro-Tem. (*COUNCIL RULE 2.3*)

NOTE: - Same Order as listed for Council President.

Council Members may Pass on giving a Name.

2 – If a Name is given, Clerk of Council shall request a Motion (1st) and a Second (2nd) on said Name. If received, that that Name shall become eligible for such office or position. (*COUNCIL RULE 2.3*)

3 – A **Yes** or **No** VOTE shall be taken on **each Name given**; each Council Person should respond **Yes** or **No**. **Members should not Abstain if their Name is stated**. Vote Order will follow Seniority Order. A majority vote of all current members of Council is required to fill the position. In the case of a Tie-Vote the winner shall be decided by the flip of a coin, unless another method is approved by majority vote of all the current members of Council. (*COUNCIL RULE 2.2*)

4 – The Name with the Majority Vote is Appointed Council President Pro-Tem. (*COUNCIL RULE 2.2*)

> REORGANIZATION OF STANDING COUNCIL & PERSONNEL COMMITTEES:

CHARTER – Section 2.04 President of Council

(B) Appointment to Standing Committee. The Council President shall select and appoint the standing committees of Council, subject to approval by Council. If Council fails to act by January 31st next following the organizational meeting, the selections and appointments by the Council President shall become effective. The Council President may appoint him or herself to standing committees as well as other committees, boards and commissions, subject to Council approval when required.

COUNCIL RULE – 3.6 Committee Members

Upon approved motion of Council, Committee Members (except the Mayor as a Committee Member on a committee he or she is required to serve on pursuant to the City’s Charter) at any time may be removed from any committee they are currently serving and be placed on a substitute committee.

(Reorganization of Standing Committees of Council – Continued Next Page)

(Reorganization of Standing Committees of Council – Continued)

CHARTER – Section 2.11 Standing Committees of Council

The following standing committees of Council are established by this Charter: Finance and Budget; Safety and Human Resources; Electric; Water, Sewer, Refuse, Recycling and Litter; Parks and Recreation; Technology and Communication; and, Municipal Properties, Buildings, Land Use and Economic Development. Each standing committee shall consist of three (3) Council members. Each Council member shall serve as chairperson of one (1) standing committee and shall serve on two (2) other standing committees. Each committee shall be governed by the rules and regulations of Council. Each committee shall investigate and study matters referred to it for consideration and shall report its findings and recommendations to Council as a whole. The Mayor shall serve as an ad hoc member of both the Finance and Budget Committee, and the Municipal Properties, Buildings, Land Use and Economic Development Committee, with full voting rights in both committees. In the event there is a lack of a quorum at any standing committee meeting, the most senior member of Council who is not a member of the committee present at the commencement of the meeting may act and continue to act as a pro-tem standing committee member thereto, with full voting rights therein, until such regular standing committee member arrives.

CHARTER – Section 2.12 Personnel Committee

A Personnel Committee, consisting of the Mayor and two (2) Council members appointed by the Council President, such appointments being subject to approval of Council, is established by this Charter. The Personnel Committee shall, when a vacancy exists for the office of City Manager, City Finance Director or City Law Director due to death, resignation, or removal, investigate and subsequently recommend in writing one (1) or more suitable persons for appointment. The members of the Personnel Committee shall select one (1) of its members as chairperson. All recommendations of the Personnel Committee shall be presented by the Mayor to Council as a whole.

COUNCIL RULE – 3.1 Standing Committees Of Council

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

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

Each standing committee shall consist of three (3) Council members. Each Council member shall serve as chairperson of one (1) standing committee and shall serve on two (2) other standing committees. Each committee shall be governed by the rules and regulations of Council. Each committee shall investigate and study matters referred to it for consideration and shall report its findings and recommendations to Council as a whole. The Mayor shall serve as an ad hoc member of both the Finance and Budget Committee, and the Municipal Properties, Buildings, Land Use and Economic Development Committee, with full voting rights in both committees. In the event there is a lack of a quorum at any standing committee meeting, the most senior member of Council who is not a member of the committee present at the commencement of the meeting may act and continue to act as a pro-tem standing committee member thereto, with full voting rights therein, until such regular standing committee member arrives.

Action Steps By City Council – Standing Committees of Council and Personnel Committee

- 1 – Meeting process turned over to President of Council for Appointing Standing Committees of Council and Personnel Committee.
- 2 – The Council President shall select and appoint the standing committees of Council, subject to approval by Council. (*CHARTER 2.04 (B)*)
- 3 – Council Members may make a motion to be removed from any committee they are currently serving and be placed on a substitute committee (or in this instance request a reorganization of Standing Committees of Council). (*COUNCIL RULE 3.6*)

(Reorganization of Standing Committees of Council – Continued Next Page)

(Reorganization of Standing Committees of Council – Continued)

4 – Pursuant to City Charter, The council president shall select and appoint the standing committees, subject to approval of council. However, pursuant to Council Rules, prior to selection or appointment to the standing committees, the Council President may allow in an open council meeting for members of Council to request committee appointments. Council President shall be asked if he/she will allow this procedure. (*COUNCIL RULE 3.1*)

5 – If allowed by Council President, requests for the chair of each committee will be selected first, and then each seat thereafter, in the following manner. Requests made shall be in accordance with elected or appointed seniority on council (number of total consecutive years served on city council from the latest appointment or election date with no break in service, and then alphabetically by last name order for those with equal number of years). After the chair requests are completed, the members in accordance with seniority shall be given the opportunity to select a non-chair position of the standing committees; thereafter, junior members in reverse order shall be allowed to request remaining open seats on the standing committees. (*COUNCIL RULE 3.1*)

NOTE: - Requests will be in Seniority Order and then Alphabetic Order for Chair and 2nd Seat.

Order is as follows:

> Sheaffer, Travis	18+ Years
> Helberg, John	12+ Years
> Hershberger, Jim	5+ Years
> Lankenau, Jeff	3+ Years
> McColley, Patrick	<1 Year
> Ridley, Chris	<1 Year
> Appointed Person	<1 Year

NOTE: - Requests will be in Reverse Seniority Order and then Reverse Alphabetic Order for 3rd Seat.

Reverse Order is as follows:

> Appointed Person	<1 Year
> Ridley, Chris	<1 Year
> McColley, Patrick	<1 Year
> Lankenau, Jeff	3+ Years
> Hershberger, Jim	5+ Years
> Helberg, John	12+ Years
> Sheaffer, Travis	18+ Years

6 – Once selected a Motion and Vote by Council is needed to complete Committee Assignments.

7 – President of Council shall Appoint two (2) members of Council to the Personnel Committee, subject to Approval of Council.

HENRY COUNTY REPUBLICAN PARTY

On September 25, 2012, the Henry County Republican Central Committee recommended Jason Maassel to Napoleon City Council to fill the unexpired term created by the resignation of Glenn Miller.

Sandy Kurtz
Henry County Republican Secretary

CITY COUNCIL

Meeting Minutes

Monday, September 17, 2012 at 7:00 PM

PRESENT

Council

John Helberg – President ProTem, Travis Sheaffer, James Hershberger, Jeffrey Lankenau, Patrick McColley, Christopher Ridley

Mayor

Ronald A. Behm

City Manager

Dr. Jon A. Bisher

Law Director

Trevor M. Hayberger

Finance Director/Clerk

Gregory J. Heath

Recorder

Barbara Nelson

City Staff

Robert Bennett, Fire Chief

Dennis Clapp, Electric Superintendent

Roxanne Dietrich, Executive Assistant

Chad Lulfs, City Engineer

Glenn Miller, Interim CIC Director

Amy Rosebrook, Municipal Court Judge

Robert Weitzel, Police Chief

News Media, Keith Engler, Boy Scouts

Others

ABSENT

Council

None

Call To Order

President ProTem Helberg called the meeting to order at 7:00 PM with the Lord's Prayer.

Minutes Approved

Minutes of the September 4, 2012, Council meeting stand approved with no objections.

Citizen

Communication

Glenn Miller, former Council President, said he submitted his resignation letter from the CIC Board to Mayor Behm. Miller could not be at the last meeting when he submitted his resignation to Council due to a previous commitment. He has thoroughly enjoyed the years working with Council. It was a good journey, but there was an opportunity that he felt could use his abilities to fill a different role. He will see where it goes after the first Tuesday of November. Council members haven't agreed on every issue, but they do agree to do the best thing for the City. When you own your own business, you can change your destiny from day to day, but being part of a larger group means you have to work together. He accomplished what he set out to do, but not as quickly as he would have liked. Miller thanked Council and looks forward to working with them in a different capacity. There are exciting things coming. Helberg said everyone appreciates Miller's work. Miller has mentored Helberg for many years. The City prospered from Miller's knowledge. Helberg wished Miller good luck with whatever he does. Hershberger thanked Miller, saying he has done a wonderful job and has always been a gentleman. Miller thanked Hershberger for being a good friend. Miller looks forward to seeing Council in the future. (Applause.)

Collection of Court Fines

Helberg moved the agenda to Item J.1. The Honorable Amy C. Rosebrook, Napoleon Municipal Court Judge, said she made collecting fines and costs for court a priority over the past year. It was one year in July since she took office. She will do a count of what the court collected as opposed to years prior. The report will be from October 2011 thru September 2012. Criminal cases are up and traffic cases are down. There have been hundreds of thousands of dollars waiting to be collected. The

judge's staff has worked hard to collect fines. This requires more man hours for clerks to stand at the window taking payments.

We are looking at ways to do things better. The Ohio Attorney General (OAG) started a program in 2012 to collect unpaid fines and court costs for government entities. The Judge would like to enter into an agreement with OAG to create another tool in her arsenal. She does not want to forward everything to OAG, but a lot of cases have been out there for over 10 years sitting on shelves. Chief Weitzel has outstanding bench warrants on people that we can't find. She would like to forward those types of cases to OAG for collection. It doesn't cost us anything to have OAG collect for us. Typically, using a collection agency, 40% of what is collected is paid to the collection agency. OAG doesn't charge us anything for collecting and we get 100 cents on the dollar. Any fees they have are passed on to the debtor owing the money.

We could at our option have interest accrued from the date the collection is referred to the OAG. They would work on it for 150 days. If they can't collect, they will forward it to a third party collection agent certified with the State. Their expenses are again passed on to the defendant debtor. Judge Rosebrook believes some types of cases should be paid locally. Skip tracing is a tool the OAG has to find people. A social security number allows OAG to attach a State income tax refund as well as any lottery proceeds. We would create a bank account for OAG to deposit into weekly. We are in the process of getting a list of cases into a format they can process, and developing criteria for referral. We will also start assessing a fee (probably \$25-\$30) for extended payment agreements beginning October 1, 2012.

Once referred, the OAG has the case. Chief Weitzel raised the issue of whether people should be picked up on 10-year-old bench warrants. Once referred to OAG, Judge Rosebrook would request that those bench warrants be recalled. That helps clear out our old case docket and the chief's as well. Once a case is referred to OAG, all payments have to go down there. This is a good program. She would like to see what we can collect by sending them to OAG.

Mayor Behm asked if the court can go back to collecting in-house if they do this for one year and it is not successful. Judge Rosebrook said she can choose what to refer to OAG. She can send 5 or 500 or 5,000 cases. She can also send written notice to say she wants a case back and they will send it back to her for collection. McColley asked if this will work for utility bills. Judge Rosebrook said the statute specifically excepted utilities. OAG wants approval from her funding authority, which is City Council. She and Hayberger looked at a sample agreement and can tweak it. Bisher said Council can pass a resolution giving the Judge authority to sign paperwork.

**Motion To Draft
Legislation Giving
Judge Authority To
Sign OAG Paperwork**

Passed
Yea-5
Nay-0
Abstain-1

Motion: Sheaffer Second: McColley
To direct the Law Director to draft legislation giving the Municipal Court Judge the authority to sign paperwork with the Ohio Attorney General regarding collection of court fees and fines

Roll call vote on above motion:
Yea- Ridley, Helberg, Hershberger, McColley, Sheaffer
Nay-
Abstain - Lankenau

Lankenau abstained because he has a client who is a certified collection agent. Judge Rosebrook would like to have something in place by January 1, 2013. One of the

Third Read Of Ordinance No. 056-12

President ProTem Helberg read by title Ordinance No. 056-12 An Ordinance amending Chapter 939 of the Codified Ordinances of the City of Napoleon (Electric rates) to establish Section 939.05 Net Metering

Motion To Pass On Third Read

Motion: Ridley Second: Sheaffer
To pass Ordinance No. 056-12 on third read

Discussion

Bisher said this legislation went through BOPA, but not Electric Committee. Council read it twice and Electric looked at it last Monday. This is the third read. It was reported out as is, but there were some suggestions made. Hayberger said there were concerns about assessing personal load. Bisher and Clapp tried to figure out how to do that. We added to C.1.a. *as determined by the City of Napoleon Electric Department* to cover this. Council can pass the legislation as is, or amend it with the issues that were discussed at the Committee meeting.

Bisher said we are saying *Electric Department* because we have a meter on the Armory and can tell how much power we are selling to them and how much they are dumping on us. Clapp said one meter will have two sending units on it measuring how much power goes to it and comes from it. The other meter will show what the solar panels are putting out.

Hayberger said there was some concern about having annual renewals of contracts. The revised legislation includes the change for automatic renewal. Bisher said we really need the first change, but the annual renewal is optional. Ridley asked if the load percentage means a person can never have a "0" on their electric bill. Bisher said the hardware on the roof can only be 75% of the bill and they only get 50% of that. McColley said they still get charged transmission and distribution costs. Hayberger said this was amended so people can't make money on it. This would be second read if we make changes, but Council could still suspend the rule and be done with it.

Motion To Amend Ordinance No. 056-12

Motion: Sheaffer Second: McColley
To amend Ordinance No. 056-12 with the changes presented by the Law Director including:

(C)1.a. adding *as determined by the City of Napoleon's Electric Department*
(H) Length of Term. *Contracts under this scheduled shall be automatically renewed on January 1st of each year, unless either the consumer or the City provides written notice to terminate the agreement within ten (10) calendar days of the renewal.*

Passed
Yea-6
Nay-0

Roll call vote on above motion:
Yea- Ridley, Helberg, Hershberger, McColley, Sheaffer, Lankenau
Nay-

Motion To Suspend The Rule

Motion: Sheaffer Second: Hershberger
To suspend the rule requiring three readings

Passed
Yea-6
Nay-0

Roll call vote on above motion:
Yea- Ridley, Helberg, Hershberger, McColley, Sheaffer, Lankenau
Nay-

Passed
Yea-6
Nay-0

Roll call vote to pass Ordinance No. 056-12 under suspension of the rule
Yea- Ridley, Helberg, Hershberger, McColley, Sheaffer, Lankenau
Nay-

GOOD OF THE CITY

Discussion/Action

**Motion To Approve
Billing Determinants**

Motion: McColley Second: Hershberger
To accept the recommendation for approval of September electric billing determinants as follows:
Generation Charge: Residential @ \$.07189; Commercial @ \$.08454; Large Power @ \$.05045; Industrial @ \$.05045; Demand Charge Large Power @ \$9.37; Industrial @ \$9.60; JV Purchased Cost: JV2 @ \$.03055; JV5 @ \$.03055

**Passed
Yea-6
Nay-0**

Roll call vote on above motion:
Yea- Ridley, Helberg, Hershberger, McColley, Sheaffer, Lankenau
Nay-

**Motion To Untable
Recommendation To
Grant An Exception....**

Motion: McColley Second: Hershberger
To remove *Recommendation to grant an exception to the owner of 804 W. Washington waiving the tap fee for two years from the table*

**Passed
Yea-6
Nay-0**

Roll call vote on above motion:
Yea- Ridley, Helberg, Hershberger, McColley, Sheaffer, Lankenau
Nay-

**Motion To Take No
Action**

Motion: Lankenau Second: Ridley
To take no action on the recommendation to grant an exception to the owner of 804 W. Washington

**Passed
Yea-6
Nay-0**

Roll call vote on above motion:
Yea- Ridley, Helberg, Hershberger, McColley, Sheaffer, Lankenau
Nay-

**Lowering The Credit On
Low Occupancy Bill
Referred To BOPA**

Bisher said the Water, Sewer, Refuse, Recycling & Litter Committee recommended lowering the credit from \$18 to \$13 for the low occupancy bill, but the Board of Public Affairs was not in session at that time. They need to look at it since it is a rate. Heath said this will come back to Council after BOPA addresses it. President Pro-Tem Helberg referred *Lowering the Credit on Low Occupancy Bill* to the Board of Public Affairs.

**Award Of Bid For
Sanitary Sewer
Improvements From
Scott St East To
VanHyning Creek**

Lulfs said bids were opened on Wednesday, September 12 for the Sanitary Sewer Improvements From Scott St East To VanHyning Creek Project. One bid was received and it was from Vernon Nagel, Inc. in the amount of \$168,155. The published Engineer's Estimate for this project is \$175,000. Lulfs recommended awarding the bid to Vernon Nagel, in the amount of \$168,155.

**Motion To Award
Bid To Vernon
Nagel, Inc.**

Motion: Hershberger Second: Lankenau
To award the bid for the Sanitary Sewer Improvements from Scott St East to VanHyning Creek Project to Vernon Nagel, Inc. in the amount of \$168,155

**Passed
Yea -6
Nay -0**

Roll call vote on above motion:
Yea- Ridley, Helberg, Hershberger, McColley, Sheaffer, Lankenau
Nay-

**Review Of
Compensation
Ordinance For City
Council**

Heath said in preparing for the 2013 budget, it came to his attention that we are not setting up payment to Council and the Mayor correctly, based on the way Resolution No. 081-10 was written. Heath didn't understand that it included a language change. The legislation says Council should be paid on a monthly basis instead of semi-

Republican Central Committee. Lankenau said a meeting is set for Tuesday, September 25. Mayor Behm said he made reference to it on the radio. The Central Committee has or will put an ad in the paper to ask interested candidates to submit their resume to Sandy Kurtz. The meeting is at 7:00 PM in the Heller Room at the hospital. The Mayor asked Steve Kryder to invite Council members to this meeting to meet prospective candidates. Helberg said Council should get a recommendation from the Cental Committee at their first meeting in October.

Mayor Behm

Mayor Behm reported that Glenn Miller resigned from the CIC Board.

Motion To Accept G. Miller's Resignation

Motion: Ridley Second: Sheaffer
To accept Glenn Miller's resignation from the CIC Board

Passed
Yea -6
Nay -0

Roll call vote on above motion:
Yea- Ridley, Helberg, Hershberger, McColley, Sheaffer, Lankenau
Nay-

Mayor Behm would like to appoint John Helberg to the CIC Board.

Motion To Appoint Helberg to CIC Board

Motion: Sheaffer Second: Lankenau
To approve the Mayor's appointment of John Helberg to the CIC Board

Passed
Yea -5
Nay -0
Abstain - 1

Roll call vote on above motion:
Yea- Ridley, Helberg, Hershberger, McColley, Sheaffer, Lankenau
Nay-
Abstain - Helberg

Mayor Behm read a proclamation declaring September 2012 to be Yellow Ribbon Youth Suicide Awareness & Prevention Month.

McColley

McColley – no items

Sheaffer

Sheaffer – no items

Lankenau

Lankenau said the Kidz Kingdom Upkeep Committee reports that Kidz Kingdom is low on mulch. Bisher said the City just put \$4,000 worth of mulch in there. It is a special material, not regular mulch. It took two truckloads at \$2,000 per load.

Hayberger

Hayberger – no items

Bisher

Bisher thanked Hershberger for his work on the Employee Appreciation Picnic. He does it all. Hershberger said almost everyone thanked him for the picnic.

New Building For Pool From Napoleon Aquatic Club Referred To P&R Committee

Bisher said he met with Cotter and Lulfs today. The Aquatic Club wants to put up a building at the pool. Bisher asked that this be referred to the Parks & Recreation Committee. It will be for storage of their materials in summer and our things in winter. They are willing to put the building up and Council would need to accept it. They want to start it this fall. President ProTem Helberg referred *New Building for Pool from the Napoleon Aquatic Club* to the Parks & Recreation Committee.

Special Meeting Of P&R Committee With P&R Board: 9/26/12 At 6:30 PM

McColley called a special meeting with Parks & Recreation Board for Wednesday, September 26 at 6:30 PM.

Bisher said the solar ribbon cutting is this Friday at 11 am at the Yard Waste Site. It will take approximately ½ hour and then everyone will move to Isofoton for a luncheon and tours through the factory.

Joint Special Council Meeting with the Henry County Republican Party Central Committee (HCR) held for the Purpose of Appointing a Public Official

Minutes

Tuesday, September 25, 2012 at 7:00 PM

in the Heller Room at the Henry County Hospital

PRESENT:

City Council: John Helberg, Jeff Lankenau, Pat McColley, Travis Sheaffer

City Mayor: Ron Behm

City Law Director: Trevor Hayberger

Republican Central Committee: Steve Kryder (chairman), Sandy Kurtz, Jeff Lankenau (also listed above), Martha Young, Lori Behnfeldt, Judy Myers

City Council Candidates: Jason Maassel, Keith Engler

Others: Northwest Signal reporter Aaron Auzins

CALL TO ORDER:

HCR meeting called to order at 7:00 PM

Council meeting called to order at 7:00 PM

Pledge of Allegiance

INTRODUCTIONS:

Introduction of members of HCR members

Introduction of Council members, Mayor and Staff

Introduction of others

Introduction of Council Candidates

Candidate Keith Engler - speech

Candidate Jason Maassel - speech

EXECUTIVE SESSION:

HCR motions to go into executive session with City Council @ 7:15PM

City Council motions to go into executive session with HCR for the purpose of discussing the appointment of a public official: Motion – McColley, second – Lankenau;

Yea – McColley, Lankenau, Sheaffer, Helberg; Nay – none

Council takes a brief break while HCR remains in executive session.

HCR motions to come out of executive sessions @ 7:30PM

City Council motions to come out of executive session @ 7:30 PM: Motion – Sheaffer, second – McColley;

Yea – McColley, Lankenau, Sheaffer, Helberg; Nay – none

No action taken.

VOTING:

HCR Chairman, Steve Kryder calls for a paper ballot vote by the Republican Central Committee members.

HCR Chairman, Steve Kryder collects, counts and announces that Jason Maassel is the lead vote recipient for the vacant City Council seat from the Republican Central Committee members.

ADJOURNMENT:

City Council motions to adjourn the Special Council meeting; Motion – McColley, second – Sheaffer;
Yea – McColley, Lankenau, Sheaffer, Helberg; Nay – none

HCR adjourns meeting.

APPROVED:

October 1, 2012

John A. Helberg, Council President Pro-Tem

Ronald A. Behm, Mayor

Gregory J. Heath, Finance Director/Clerk of Council

DRAFT

ORDINANCE NO. 061-12

AN ORDINANCE AMENDING PORTIONS OF ORDINANCE NO. 025-12, AN ORDINANCE HIRING TREVOR M. HAYBERGER, NAPOLEON CITY LAW DIRECTOR OF NAPOLEON, OHIO; AND, DECLARING AN EMERGENCY

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

Section 1. That, this Council appoints Trevor M. Hayberger, to the full time regular employment position of Napoleon City Law Director, effective April 2, 2012.

Section 2. That, effective April 2, 2012, Mr. Hayberger's bi-weekly salary shall be \$2,307.69, (prorated as necessary according to City pay periods). Upon satisfactory performance review, as undertaken by and determined by the Personnel Committee, on or about October 2, 2012, such bi-weekly salary shall increase to ~~\$2,384.61~~ **\$2,461.53**. ~~Upon satisfactory performance review, as undertaken by and determined by the Personnel Committee, on or about January 1, 2013, such bi-weekly salary shall increase to \$2,461.53.~~ Mr. Hayberger shall thereafter be subject to continued annual performance reviews by the Personnel Committee or City Council and, after each satisfactory review, said salary may be increased by an amount determined by Council.

Section 3. That, notwithstanding any other provision of the City's Personnel Code, the City's Employment Policy Manual, and Section 1 of this Ordinance, the City Law Director, during the course of employment, shall have his professional license fees and local and state bar membership fees paid by the City as well as continuing education fees required for maintaining his license to practice law.

Section 4. That, benefits for the City's Law Director shall accrue and be in accordance with Chapter 197 of the Codified Ordinances (Personnel Code) and the applicable provisions of the City's Employment Policy Manual "PM2001-1" for full time regular employees, both as may be amended from time to time.

Section 5. That, Section 5 of Ordinance No. 098-11 is repealed.

Section 6. 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 7. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 8. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the

earliest possible time to allow for effective legal services to be rendered to the City, including those legal services related to public peace, health or safety; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____
John A. Helberg, Council President

Approved: _____
Ronald A. Behm, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 061-12 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

RESOLUTION NO. 062-12

A RESOLUTION TO JOIN THE PUBLIC ENTITIES POOL OF OHIO (PEP) FOR THE PURPOSE OF ENTERING INTO A JOINT SELF-INSURANCE POOL

WHEREAS, the City of Napoleon desires to become a member of the Public Entities Pool of Ohio (PEP); and,

WHEREAS, a resolution is required to become a member of PEP; Now Therefore,

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

Section 1. That, the City of Napoleon, Ohio, shall join and become a member of Public Entities Pool of Ohio (PEP) upon the effective date of this Resolution. The City of Napoleon understands that, as a member of PEP, it will have access to all programs, services, and benefits that are available to other members under the current governing documents of PEP.

Section 2. That, the City Manager and/or City Finance Director of Napoleon, Ohio, are hereby authorized and directed to execute all documents on behalf of the City of Napoleon, Ohio, and to do all other things necessary and consistent with this Resolution to effectuate its purpose.

Section 3. That the effective date for this participation is December 1st, 2012.

Section 4. That, this Council authorizes participation until such time that the City decides to withdraw from PEP.

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

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

Section 7. That, this Resolution shall take effect at the earliest time permitted by law.

Passed: _____

John A. Helberg, Acting Council President

Approved: _____

Ronald A. Behm, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 062-12 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

RESOLUTION NO. 063-12

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS IN EXCESS OF \$25,000.00 FOR THE INDIANA SANITARY SEWER REPLACEMENT PROJECT, WHICH WAS NOT INCLUDED IN THE ANNUAL MASTER BID, RESOLUTION 01-12, AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon has become aware, during the Oberhaus Interceptor I/I Reduction Study, that significant deterioration of the sanitary sewer pipe exists for a portion of Indiana Avenue between Ohio Street and Oakdale Drive, in the City of Napoleon;

WHEREAS, said deterioration requires immediate replacement to avoid failure of the sanitary sewer pipe; and,

WHEREAS, this Project was not included in the annual Master Bid List, Resolution 01-12, and that this cost of this project exceeds \$25,000.00; and,

WHEREAS, this Project will be competitively bid; Now Therefore,

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

Section 1. That, the expenditure of funds in excess of \$25,000.00 is hereby authorized as a proper public expenditure for the replacement of the sanitary sewer main for portions of Indiana Avenue, City of Napoleon, Ohio.

Section 2. That, the funds necessary to meet the intent of this Resolution will be taken from the Sanitary Sewer Improvements Fund, specifically from the budget line item for "Sanitary Sewer Emergency Repairs."

Section 3. That this Project shall be competitively bid.

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

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

Section 6. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to expeditiously eliminate a condition related to public peace, health or safety accessible to our citizens; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____
John A. Helberg, Acting Council President

Approved: _____
Ronald A. Behm, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 063-12 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director



CITY OF NAPOLEON, OHIO

255 West Riverview Avenue • PO 151 • Napoleon, Ohio 43545-0151
Gregory J. Heath, Director of Finance/Clerk of Council
phone (419) 599-1235 fax (419)-599-8393
Web Page: www.napoleonohio.com
E-mail: gheath@napoleonohio.com

DATE: October 1, 2012

TO: Members of City Council
Ronald A. Behm, Mayor
Dr. Jon A. Bisher, City Manager
Trevor M. Hayberger, City Law Director
Mary Thomas, Senior Account Clerk (Payroll)

FROM: Gregory J. Heath, Finance Director/Clerk of Council *GH*

SUBJECT: Council Compensation – Pay Frequency and Other Issues

On the Monday, September 17, 2012, Council Agenda, Council discussed an item under Good of the City, Discussion/Action: Review of Compensation Ordinance for City Council. This item covered Ordinance No. 081-10, passed 11/15/2010. It was tabled for additional information.

I am providing the following information for your review and consideration:

- Council Members and the Mayor elected and taking office on January 1, 2012, have been paid to date based on the incorrect frequency of the prior Council and Mayor. In the case of Council Members they have been setup and paid to date on a semi-annual basis, the Mayor on a biweekly basis, both have been paid the correct dollar amounts for the frequency used. However, according to Ordinance No. 081-10, these individuals should have been paid in equal amounts on a monthly basis. Starting in October 2012, the pay frequency shall be adjusted to match the language of equal amounts on a monthly basis.
- Council Members elected and/or appointed to a position that took office on January 1, 2010, are permitted to be paid on a monthly or a semi-annual basis. Currently, all of these Council Members are receiving their pay on a semi-annual basis. Unless otherwise requested by these individuals, the City will continue to pay these persons on a semi-annual basis.
- As directed by Council, the Law Director is reviewing if changes to pay frequency, without changes to actual pay, can be made and not violate State Law regarding compensation of Elected Officials.
- Finally, for your information and consideration, the recent changes to the PERS laws passed by the Ohio Legislature, and signed by the Governor, will go into effect in early 2013. As part of this bill, the monthly minimum earnings to receive one (1) year full service credit in the PERS retirement system has been increased to \$600/Month, or \$7,200 Annually. Amounts below the \$600 will be pro-rated based on actual monthly pay. Currently, City Council Members are paid \$4,663.26 Annually, or only \$388.61/Month, falling below new \$600 full service credit threshold. If Council wants to consider raising the paid compensation to meet this minimum standard for future elected City Council Members that will take office on January 1, 2014, Council will need to take action this year and have it effective before January 1, 2013.

Please let me know if you have any questions.

City of Napoleon Parks and Recreation Department

255 West Riverview Avenue Napoleon, Ohio 43545
(419) 592-4010 (419) 592-8955 (fax)
tcotter@napoleonohio.com

Memorandum

To: *Jon A. Bisher, City Manager*
From: *Tony Cotter, Director of Parks and Recreation*
Date: *Friday, September 28, 2012*
Subject: *Trick or Treat Night Recommendation*

At its September meeting, the Parks and Recreation Board has recommended that Trick or Treat night in Napoleon be held on Wednesday, October 31st from 6:00 – 7:30 p.m. Please place this on the next regularly scheduled City Council meeting for their approval.

City of NAPOLEON - Electric Department

1775 Industrial Dr., P.O. Box 151, Napoleon, OH 43545

Phone: 419/599-1891 Fax: 419/592-4379



Electric Superintendent
Dennis P. Clapp

**Electric Construction
Supervisor**
Greg Kuhlman

**Distribution Services
Supervisor**
Mike Dietrich

Substation Specialist
Todd Wachtman

Memorandum

To: Dr. Jon A. Bisher, City Manager
From: Dennis P. Clapp, Electric Distribution Superintendent
Cc: Mayor & City Council
Greg Heath, City Finance Director
Date: Friday, September 28, 2012
Subject: Hydraulic Digger Derrick Truck

On Wednesday, September 26, 2012, bids were opened and read aloud for the above referenced project.

One (1) bid was submitted and read as follows:

Altec Nuevo \$145,000.00

The available budget amount for this unit is \$150,000.00. **Having reviewed the submitted bid, it is my recommendation that Council award Altec Nuevo the contract for 2010 Hydraulic Digger Derrick Truck in the amount of \$145,000.00.** If you have any questions or require additional information, please contact me at your convenience.

DPC

**CITY OF NAPOLEON OHIO
 BID SUMMARY SHEET**

Project Name: 2010 or Newer Hy- draulic Digger Derrick Truck or Equivalent	VENDOR				
	(A)	(B)	(C)	(D)	(E)
DATE OPENED September 26, 2012 TIME: 11:00 AM	Altec NUECO 1730 Vanderbilt Rd. Birmingham, AL 35234				
OPENED BY: Greg Heath					
BIDDER QUALIFICATION					
BID BOND	X				
NON COLLUSION AFFIDAVIT	X				
CORPORATE RESOLUTION					
PROPERTY TAX					
CERTIFICATION - ORC 3517.13					
HOMELAND SECURITY FORM					
	2010 Altec DM47-BR mounted on an Inter- national 4300 Chassis				
BASE BID	\$145,000.00				
TOTAL CONTRACT PRICE	\$145,000.00				



City of Napoleon, Ohio

Engineering Department

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

Chad E. Lulfs, P.E., P.S., City Engineer

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

www.napoleonohio.com

Memorandum

To: Henry County Commissioners
Dr. Jon A. Bisher, City Manager

From: Chad E. Lulfs, P.E., P.S., City Engineer

cc: Mayor & City Council
Greg Heath, Finance Director
Niki Warnke, Maumee Valley Planning

Date: October 1, 2012

Subject: Hobson Street Waterline Improvements – Phase I
Change Order No. 1 - Final

The above referenced project has been completed and final quantities have been tabulated. Change Order No. 1 – Final is 4,326.80. The final project cost is \$26,776.80. I request that Council & the Henry County Commissioners approve Change Order No. 1 – Final to allow us to close out this project.

CEL

CHANGE ORDER

No. 1 (FINAL)

PROJECT

Hobson Street Waterline Improvements
(Phase 1) from E. Riverview Ave. to E.
Washington St.

DATE OF ISSUANCE

September 24, 2012

OWNER

City of Napoleon
255 W. Riverview Ave., P.O. Box 151
Napoleon, OH 43545

Henry County Commissioners
1853 Oakwood Avenue
Napoleon, OH 43545

CONTRACTOR

Vernon Nagel, Inc.
O-154 Co. Rd. 11C
Napoleon, Ohio 43545

ENGINEER

Chad E. Lulfs, P.E., P.S.
City Engineer

CONTRACT FOR: Hobson Street Waterline Improvements (Phase 1)

You are hereby directed to proceed promptly with the following change(s):

DESCRIPTION: Contract Work Completed, Final Adjustments of Quantities

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 \$4,326.80

If the Change involves an Increase, the estimated amount is not to be exceeded without further authorization.

Estimated Increase/Decrease in

CONTRACT TIME _____ days

If the Change involves an Increase, the estimated time is not to be exceeded without further authorization.

Recommended

CITY of NAPOLEON

Accepted

VERNON NAGEL, INC.

Contractor

Chad E. Lulfs, P.E., P.S.; City Engineer

by: _____

Authorized

Henry County Commissioners

Original Contract Prior to this Change Order	\$22,450.00
Increase / Decrease Resulting from this Change Order	\$4,326.80
Current Contract Price, Including this Change Order	\$26,776.80

FINAL CHANGE ORDER

NAME of PROJECT - Hobson Street Waterline Improvements (Phase I) from E. Riverview Ave. to E. Washington St.

CONTRACTOR - Vernon Nagel, Inc.

ITEM	DESCRIPTION	ESTIMATED QUANTITY	ACTUAL QUANTITY	QUANTITY DIFF.	UNIT	UNIT PRICE	AMOUNT DECREASE	AMOUNT INCREASE
1	Clearing and Grubbing	1.00	1.00	0.00	LS	\$100.00		
2	Concrete Curb Removed & Replaced-All Types	10.00	12.00	2.00	LF	\$40.00		\$80.00
3	Asphalt Pavement with Concrete Base Removed & Replaced	40.00	50.55	10.55	SY	\$80.00		\$844.00
4	Existing Valve Box Removed	2.00	2.00	0.00	EA	\$250.00		
5	Existing 6" Waterline Cut & Plugged (Grouted Shut)	2.00	2.00	0.00	EA	\$500.00		
6	10" on 12" Tapping Sleeve, Valve & Box Assembly	1.00	1.00	0.00	EA	\$4,800.00		
7	6" 45 Degree M.J. Bend	1.00	1.00	0.00	EA	\$300.00		
8	10" 45 Degree M.J. Bend	2.00	2.00	0.00	EA	\$600.00		
9	12" x 6" M.J. Reducer	1.00	1.00	0.00	EA	\$600.00		
10	6" Solid Sleeve	1.00	1.00	0.00	EA	\$300.00		
11	6" AWWA C900 (Class 150 & DR18), Type B	10.00	14.00	4.00	LF	\$50.00		\$200.00
12	10" AWWA C900 (Class 150 & DR18), Type B	65.00	73.50	8.50	LF	\$50.00		\$425.00
13	Topsoil (3")	5.00	5.00	0.00	CY	\$40.00		
14	Fertilizer, Seeding & Mulching	60.00	60.00	0.00	SY	\$5.00		
15	Construction Layout Stakes	1.00	1.00	0.00	LS	\$700.00		
16	Mobilization	1.00	1.00	0.00	LS	\$2,500.00		
17	Maintaining Traffic	1.00	1.00	0.00	LS	\$2,500.00		
18	Storm Water Pollution Prevention Plan	1.00	1.00	0.00	LS	\$100.00		
ADDITIONAL WORK								
1a	Credit for 20LF of 10" C-900 PVC Pipe	0.00	-20.00	-20.00	LF	\$10.70	-\$214.00	
2a	10" MJ Gate Valve	0.00	1.00	1.00	EA	\$1,656.00		\$1,656.00
3a	3 Piece Valve Box	0.00	1.00	1.00	LS	\$178.25		\$178.25
4a	1.5 Hours Downtime for Ex. WL to Shut Down and Additional Flagging	0.00	1.00	1.00	LS	\$1,157.55		\$1,157.55
Subtotals:							-214.00	\$4,540.80
TOTAL DIFFERENCE:								\$4,326.80



City of Napoleon, Ohio

Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

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

www.napoleonohio.com

Memorandum

To: Dr. Jon A. Bisher, City Manager
From: Chad E. Lulfs, P.E., P.S., Director of Public Works
cc: Mayor & City Council
Gregory J. Heath, Finance Director
Date: October 1, 2012
Subject: Indiana Avenue Sanitary Sewer Replacement Project

Through the course of the Oberhaus Interceptor I/I Reduction Study, a section of sanitary sewer pipe on Indiana Avenue between Ohio Street and Oakdale Drive was found that is in need of immediate replacement. The existing 10" & 12" pipe is concrete. Chemical reactions between various sewer gases and the concrete have severely deteriorated the existing concrete pipe to very near failure conditions.

I am requesting that Council approve the replacement of this concrete sanitary sewer with approximately 270 l.f. of new 10" PVC sanitary sewer. My Estimate of Construction is \$41,000.00. All funds for this project would be taken from the 521.6310.57800 (Sanitary Sewer Improvements) fund. Specifically, these funds would be from the budget line item for "Sanitary Sewer Emergency Repairs" portion of the budget.

Because this project was not included in the master ordinance for capital improvement projects for 2012, special legislation has been prepared by the Law Department in the event that this project is approved. I request that Council approve the plans and specifications for this project and allow us to move forward with the replacement of this sanitary sewer. I strongly recommend that Council approve this project.

CEL



City of Napoleon, Ohio

Engineering Department

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

Chad E. Lulfs, P.E., P.S., City Engineer

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

www.napoleonohio.com

Memorandum

To: Dr. Jon A. Bisher, City Manager
From: Chad E. Lulfs, P.E., P.S., City Engineer
cc: Mayor & City Council
Greg Heath, Finance Director
Date: October 1, 2012
Subject: 2012 Miscellaneous Street Improvements
Change Order No. 2 - Final

The above referenced project has been completed and final quantities have been tabulated. Change Order No. 2 – Final is -\$5,221.66. The final project cost is \$289,015.34. I request that Council approve Change Order No. 2 – Final to allow us to close out this project.

CEL

CHANGE ORDER

No. 2 (FINAL)

PROJECT

2012 Miscellaneous Street Improvements

DATE OF ISSUANCE

September 18, 2012

OWNER

City of Napoleon
255 W. Riverview Ave., P.O. Box 151
Napoleon, OH 43545

CONTRACTOR

Gerken Paving, Inc.
9072 County Road 424
Napoleon, Ohio 43545

ENGINEER

Chad E. Lulfs, P.E., P.S.
City Engineer

CONTRACT FOR: 2012 Miscellaneous Street Improvements

You are hereby directed to proceed promptly with the following change(s):

DESCRIPTION: Contract Work Completed, Final Adjustments of Quantities

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 (\$5,221.66)

If the Change involves an Increase, the estimated amount is not to be exceeded without further authorization.

Estimated Increase/Decrease in

CONTRACT TIME days

If the Change involves an Increase, the estimated time is not to be exceeded without further authorization.

Recommended

CITY of NAPOLEON

Accepted

GERKEN PAVING, INC.

Contractor

Chad E. Lulfs, P.E., P.S.; City Engineer

by: _____

Authorized

Dr. Jon A. Bisher; City Manager

Original Contract Prior to this Change Order

\$294,237.00

Increase / Decrease Resulting from this Change Order

-\$5,221.66

Current Contract Price, Including this Change Order

\$289,015.34

FINAL CHANGE ORDER

NAME of PROJECT - 2012 Miscellaneous Street Improvements

CONTRACTOR - Gerken Asphalt Paving

ITEM	DESCRIPTION	ESTIMATED QUANTITY	ACTUAL QUANTITY	QUANTITY DIFF.	UNIT	UNIT PRICE	AMOUNT DECREASE	AMOUNT INCREASE
HALEY AVENUE (W. Washington to Woodlawn Avenue)								
1	Cold Planing (0" to 2" Deep)	4,300.00	4,187.34	-112.66	SY	\$2.00	-\$225.32	
2	Tack Coat @ 0.05 GAL/SY	220.00	280.00	60.00	GAL	\$2.00		\$120.00
3	1/2" Asphalt Scratch Course	135.00	145.19	10.19	TON	\$80.00		\$815.20
4	2" Asphalt Concrete Surface (ODOT 448 Type 1 Medium, PG64-22)	480.00	440.89	-39.11	TON	\$76.00	-\$2,972.36	
5	Storm Manhole Adjusted to Grade (Reuse Existing Casting)	2.00	2.00	0.00	EA	\$850.00		
6	Storm Manhole Adjusted to Grade with New Casting & Lid Marked "STORM SEWER"	4.00	10.00	6.00	EA	\$1,000.00		\$6,000.00
7	Water Valve Adjust to Grade	3.00	0.00	-3.00	EA	\$58.00	-\$174.00	
8	24" Stop Bar	45.00	15.00	-30.00	LF	\$3.00	-\$90.00	
9	Centerline Stripe, Double Yellow	0.04	0.04	0.00	MI	\$15,000.00		
10	Railroad Symbol Marking	2.00	2.00	0.00	EA	\$200.00		
11	Maintaining Traffic	1.00	1.00	0.00	LS	\$1,200.00		
12	Mobilization	1.00	1.00	0.00	LS	\$900.00		
W. CLINTON STREET (Haley Avenue to Woodlawn Avenue)								
1	Cold Planing (0" to 2" Deep)	5,450.00	5,425.00	-25.00	SY	\$2.00	-\$50.00	
2	Tack Coat @ 0.05 GAL/SY	285.00	320.00	35.00	GAL	\$2.00		\$70.00
3	1/2" Asphalt Scratch Course	180.00	179.15	-0.85	TON	\$80.00	-\$68.00	
4	2" Asphalt Concrete Surface (ODOT 448 Type 1 Medium, PG64-22)	625.00	580.17	-44.83	TON	\$76.00	-\$3,407.08	
5	Storm Manhole Adjusted to Grade (Reuse Existing Casting)	1.00	1.00	0.00	EA	\$850.00	\$0.00	
6	Storm Manhole Adjusted to Grade with New Casting & Lid Marked "STORM SEWER"	3.00	3.00	0.00	EA	\$1,000.00	\$0.00	
7	Water Valve Adjust to Grade	1.00	1.00	0.00	EA	\$58.00	\$0.00	
8	24" Stop Bar	75.00	69.00	-6.00	LF	\$3.00	-\$18.00	
9	Centerline Stripe, Double Yellow	0.05	0.05	0.00	MI	\$15,000.00	\$0.00	
10	Parking Stalls, Single White	110.00	92.00	-18.00	LF	\$1.00	-\$18.00	
11	Crosswalk	550.00	542.00	-8.00	LF	\$2.00	-\$16.00	
12	Replacement of Traffic Signal Loop Detector	1.00	1.00	0.00	EA	\$1,600.00	\$0.00	
13	Maintaining Traffic	1.00	1.00	0.00	LS	\$1,200.00	\$0.00	
14	Mobilization	1.00	1.00	0.00	LS	\$900.00	\$0.00	
WEBSTER STREET (W. Clinton Street to W. Washington Street)								
1	Cold Planing (0" to 2" Deep)	2,000.00	2000.00	0.00	SY	\$2.00	\$0.00	
2	Tack Coat @ 0.05 GAL/SY	105.00	185.00	80.00	GAL	\$2.00		\$160.00

ITEM	DESCRIPTION	ESTIMATED QUANTITY	ACTUAL QUANTITY	QUANTITY DIFF.	UNIT	UNIT PRICE	AMOUNT DECREASE	AMOUNT INCREASE
3	2" Asphalt Concrete Surface (ODOT 448 Type 1 Medium, PG64-22)	235.00	242.68	7.68	TON	\$76.00		\$583.68
4	4" Concrete Walk with 4" Stabilized Crushed Aggregate Base (ODOT 411)	30.00	37.80	7.80	SY	\$70.00		\$546.00
5	Handicap Ramp with ADA Truncated Dome Detectable Warning Strip	1.00	1.00	0.00	EA	\$300.00	\$0.00	
6	Remove and Replace Type 6 Curb	10.00	10.15	0.15	LF	\$40.00		\$6.00
7	24" Stop Bar	30.00	24.00	-6.00	LF	\$3.00	-\$18.00	
8	Parking Stalls, Single White	1,150.00	1008.00	-142.00	LF	\$1.00	-\$142.00	
9	Handicapped Parking Space with Wheelchair Symbol	3.00	3.00	0.00	EA	\$200.00	\$0.00	
10	Maintaining Traffic	1.00	1.00	0.00	LS	\$900.00	\$0.00	
11	Mobilization	1.00	1.00	0.00	LS	\$900.00	\$0.00	
WEBSTER STREET (W. Washington Street to W. Main Street)								
1	Cold Planing (0" to 2" Deep)	1,775.00	1,775.00	0.00	SY	\$2.00	\$0.00	
2	Tack Coat @ 0.05 GAL/SY	90.00	140.00	50.00	GAL	\$2.00		\$100.00
3	2" Asphalt Concrete Surface (ODOT 448 Type 1 Medium, PG64-22)	210.00	182.88	-27.12	TON	\$76.00	-\$2,061.12	
4	Remove and Replace Type 6 Curb	110.00	106.79	-3.21	LF	\$40.00	-\$128.40	
5	Remove and Replace 6" Plain Portland Cement Concrete Including 6" Stone Base (ODOT 304)	8.00	9.25	1.25	SY	\$75.00		\$93.75
6	24" Stop Bar	35.00	28.00	-7.00	LF	\$3.00	-\$21.00	
7	Crosswalk	250.00	273.00	23.00	LF	\$2.00		\$46.00
8	Parking Space, Single White	675.00	675.00	0.00	LF	\$1.00	\$0.00	
9	Handicapped Parking Space with Wheelchair Symbol	1.00	1.00	0.00	EA	\$200.00	\$0.00	
10	Maintaining Traffic	1.00	1.00	0.00	LS	\$900.00	\$0.00	
11	Mobilization	1.00	1.00	0.00	LS	\$900.00	\$0.00	
OAKWOOD PARK PARKING LOT (Entrance Drive)								
1	Cold Planing (0" to 1-3/4" Deep)	65.00	72.00	7.00	SY	\$10.00		\$70.00
2	1" Asphalt Scratch Course	200.00	163.04	-36.96	TON	\$80.00	-\$2,956.80	
3	Pavement Overlay Fabric, Including Asphalt Tack (PG64-22 @ 0.30 GAL/SY)	3,100.00	3,100.00	0.00	SY	\$2.50	\$0.00	
4	2" Asphalt Concrete Surface (ODOT 448 Type 1 Medium, PG64-22)	350.00	327.10	-22.90	TON	\$76.00	-\$1,740.40	
5	Berm Shoulders, Compacted (ODOT 411 Stone)	175.00	162.05	-12.95	TON	\$22.00	-\$284.90	
6	Maintaining Traffic	1.00	1.00	0.00	LS	\$900.00	\$0.00	
7	Mobilization	1.00	1.00	0.00	LS	\$900.00	\$0.00	
OAKWOOD PARK PARKING LOT (South Parking Lot)								
1	Pavement Overlay Fabric, Including Asphalt Tack (PG64-22 @ 0.30 GAL/SY)	2,420.00	2,420.00	0.00	SY	\$2.50	\$0.00	
2	2" Asphalt Concrete Surface (ODOT 448 Type 1 Medium, PG64-22)	275.00	290.72	15.72	TON	\$76.00		\$1,194.72

ITEM	DESCRIPTION	ESTIMATED QUANTITY	ACTUAL QUANTITY	QUANTITY DIFF.	UNIT	UNIT PRICE	AMOUNT DECREASE	AMOUNT INCREASE
3	4" Concrete Walk with 4" Stabilized Crushed Aggregate Base (ODOT 411)	12.00	12.00	0.00	SY	\$70.00	\$0.00	
4	Catch Basin Adjusted to Grade (Reuse Existing Casting)	1.00	0.00	-1.00	EA	\$850.00	-\$850.00	
5	Parking Stalls, Single White	1,275.00	1,125.00	-150.00	LF	\$1.00	-\$150.00	
6	Handicapped Parking Space with Wheelchair Symbol	4.00	4.00	0.00	EA	\$200.00	\$0.00	
7	Maintaining Traffic	1.00	1.00	0.00	LS	\$900.00	\$0.00	
8	Mobilization	1.00	1.00	0.00	LS	\$900.00	\$0.00	
1a	Change Order No. 1	0.00	1.00	1.00	LS	\$364.37		\$364.37
Subtotals:							-\$15,391.38	\$10,169.72
TOTAL DIFFERENCE:								-\$5,221.66

LEASE TERMINATION AGREEMENT
AND
GENERAL RELEASE

This LEASE TERMINATION AGREEMENT AND GENERAL RELEASE (the "Agreement") is made as of _____, 2012, by and between Nextel West Corp., a Delaware corporation ("Nextel") and City of Napoleon, a municipal corporation ("Owner") with reference to the following facts, understandings and intentions:

RECITALS

A. Owner owns certain property located at 1850 Vocke Street, Napoleon, Ohio ("Owner's Property"). Nextel, as lessee or tenant (or successor in interest to the lessee or tenant), and Owner, as lessor or landlord (or successor in interest to the lessor or landlord), are parties to that Water Tank User Agreement dated as of September 9, 2005 (the "Lease") whereby Owner leases to Nextel a portion of Owner's Property, as further described in the Lease (the "Site").

B. Nextel uses the Site for a communications facility that, pursuant to the Lease, may include among other things, an antenna tower or pole and foundation, utility lines, transmission lines, an air conditioned equipment room or shelter and pad, cable wiring, conduit runs, radios and other electronic equipment, transmitting and receiving antennas and microwave dishes, batteries and other power sources (possibly including a generator and pad), related fixtures and supporting equipment, and structures therefor (collectively, the "Communications Facility").

C. By letter dated July 26, 2012, as permitted by the terms of the Lease, Nextel notified Owner of Nextel's election to terminate the Lease, effective as of October 12, 2012 ("Notice"). Owner acknowledges that Nextel's written Notice was properly given and effective.

D. Nextel and Owner are willing to so terminate the Lease, pursuant to the provisions of this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties agree as follows:

1. **Date of Termination; Final Payment.**

a. The Lease is hereby canceled and terminated effective at 11:59 p.m. on October 12, 2012 ("Termination Date"). From and after the Termination Date, neither Owner



nor Nextel will have any further rights or obligations under the Lease, and Nextel will have no further right or interest with respect to the Site.

b. In full and final payment of any and all sums due or owing by Nextel to Owner under the Lease or otherwise in connection with Owner's Property or the Site, Nextel will pay Owner a one-time payment of Fifteen Thousand Five Hundred Fifty Two and 00/100 Dollars (\$15,552 which includes a radios-only incentive of \$15,000 and the prorated rent for October 1-October 12, 2012 in the amount of \$552) (the "Final Payment") within ten (10) business days after Owner provides Nextel with: (i) a fully executed Site Acceptance (as defined below); and (ii) if required by Nextel because the entity to whom rent is delivered (as set up in Nextel's rent payment system) is different than the entity defined above as Owner, a fully executed W-9 Form (with the Tax ID Number and signature of the entity defined above as Owner).

2. Vacation and Surrender of the Site; Site Acceptance.

a. Owner and Nextel have expressly agreed that, on or before the Termination Date, Nextel will vacate and surrender the Site to Owner in its current "AS-IS" condition, except that Nextel will remove from the Site the following (the "Removed Equipment"):

Nextel's radios (base radios, ISCs, rectifiers, AC-DC power plants, racks, controller, DC power, and related support hardware) and back-up batteries; and

Any hazardous materials Nextel has at the Site.

Nextel will have no further obligation (notwithstanding anything to the contrary contained in the Lease or otherwise) to remove the Communications Facility (all of which will be deemed abandoned by Nextel and accepted by Owner) or otherwise repair or restore the Site or any other portion of Owner's Property.

b. Upon Nextel's vacation of the Site, Owner and Nextel will each execute duplicate originals of the "Site Acceptance and Release" in the form attached hereto as Exhibit A ("Site Acceptance"). Owner's execution of the Site Acceptance will constitute conclusive evidence and proof that Nextel has vacated and surrendered the Site to Owner in the condition required by the Lease and this Agreement, and that any portion of the Communications Facility (and any other equipment or property) remaining on Owner's Property will be deemed abandoned by Nextel and accepted by Owner, on the terms set forth therein.

3. Release of Obligations. Except for Owner's and Nextel's respective rights to enforce the provisions of this Agreement and the Site Acceptance, effective as of the Termination Date, Owner and Nextel, for themselves and their respective parent, subsidiary and related

corporations, partners, affiliates, heirs, successors and assigns, do each hereby release and forever discharge each other and their present and former directors, officers, shareholders, managers, agents, trustees, beneficiaries, attorneys and employees (the "Released Parties") from all obligations, damages, losses, costs, expenses and liabilities whether known or unknown, contingent or direct, liquidated or unliquidated, and from any claims, demands, judgments, actions or suits of any kind (collectively, "Claims") which they may have against one another arising out of or relating to the Lease, and the use and occupancy of Site, the Communications Facility and/or Owner's Property, including without limitation, any attorneys' fees incurred in connection therewith. Each party acknowledges the possibility that the other party may have unknown Claims against the other arising out of or related to the Lease, and the use and occupancy of Site, the Communications Facility and/or Owner's Property, and that by signing this Agreement, each party expressly waives such Claims. The parties further acknowledge that the consideration for this mutual release takes into account the possibility of such further Claims.

4. Voluntary Agreement. The parties have read this Agreement and the releases contained herein and, on advice of counsel, have freely and voluntarily entered into this Agreement with full understanding of its terms.

5. Recitals. The above recitals are an integral and substantive part of this Agreement and are incorporated herein.

6. Attorneys' Fees. If either party commences an action against the other party arising out of or in connection with this Agreement, the prevailing party will be entitled to recover attorneys' fees and expenses from the other.

7. Successors. This Agreement will be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors and assigns.

8. Counterparts. This Agreement may be executed in any number of duplicate originals or counterparts, each of which will be deemed to be an original, and all of which taken together will constitute one and the same agreement. The parties agree that their signatures may be delivered by fax or email.

9. Governing Law. The validity, interpretation, construction and performance of this Agreement will be controlled by and construed under the laws of the state in which the Site is located.

IN WITNESS WHEREOF, the parties have executed this Lease Termination Agreement and General Release as of the date and year first above written.

"OWNER"

City of Napoleon,
a municipal corporation

By: _____

"NEXTEL"

Nextel West Corp.,
a Delaware corporation

By:  _____

Name: _____
Title: _____

Name: Mathias Vallette
Title: Real Estate Manager

Exhibit A

SITE ACCEPTANCE and RELEASE

This SITE ACCEPTANCE and RELEASE is made as of _____, 2012, by and between Nextel West Corp., a Delaware corporation ("Nextel") and City of Napoleon, a municipal corporation ("Owner") with reference to the following facts, understandings and intentions:

A. Owner and Nextel are parties to that LEASE TERMINATION AGREEMENT and GENERAL RELEASE dated _____, 2012 (the "Agreement"), that terminated a Lease for a Site on Owner's Property located at 1850 Vocke Street, Napoleon, Ohio (Nextel Site #OH4356), all terms of which are incorporated herein. Capitalized terms used but not defined herein have the meanings set forth in the Agreement.

B. Nextel used the Site for a communications facility that may have included, among other things, an antenna tower or pole and foundation, utility lines, transmission lines, an air conditioned equipment room or shelter and pad, cable wiring, conduit runs, radios and other electronic equipment, transmitting and receiving antennas and microwave dishes, batteries and other power sources (possibly including a generator and pad), related fixtures and supporting equipment, and structures therefor (collectively, the "Communications Facility").

C. Nextel removed some or all of the Communications Facility and restored the Site and Owner's Property to the condition required by the Lease and the Agreement, and Nextel vacated and surrendered the Site to Owner. The parties now desire to execute this Site Acceptance and Release, pursuant to the Agreement.

NOW, THEREFORE, in consideration of the foregoing, the provisions set forth below, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, Owner hereby acknowledges that Nextel has restored the Site and Owner's Property to the condition required by the Lease and the Agreement, and Nextel vacated and surrendered the Site to Owner on or before the Termination Date as required by the Agreement. Owner acknowledges that any portion of the Communications Facility (and any other equipment or property) remaining on Owner's Property shall be deemed abandoned by Nextel (collectively, the "Abandoned Property"), and Owner accepts any such Abandoned Property in its present condition "AS-IS", "WHERE-IS" and "WITH ALL FAULTS", and without any representations, warranties, promises, covenants or guaranties whatsoever, express, implied, oral, written, statutory or otherwise (including, without limitation, no warranties of merchantability, marketability, profitability, fitness for a particular purpose or conformity to models or materials), and Owner fully and forever releases Nextel and the Released Parties from all Claims and any and all liability whatsoever in connection therewith, and agrees to indemnify, defend and hold Nextel and the Released Parties harmless from and against all Claims and any and all losses, costs, liabilities, damages, claims, actions and causes of action (including attorneys' fees and court costs) arising out of or relating in any way to any such Abandoned Property.

Executed on _____, 2012

"OWNER"

"NEXTEL"

City of Napoleon,
a municipal corporation

Nextel West Corp.,
a Delaware corporation

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

Memorandum

To: Technology and Communication Committee, Council, Mayor, City Manager, City Law Director, City Finance Director, Department Supervisors, Media

From: Gregory J. Heath, Finance Director/Clerk of Council

Date: 9/21/2012

Re: Technology and Communication Committee Meeting Cancellation

The October 1, 2012, meeting of the Technology and Communication Committee has been CANCELED due to lack of agenda items.

City of Napoleon, Ohio

CITY COUNCIL

in conjunction with the

Fulton County Commissioners

LOCATION:

Fulton County Administration Building
2nd Floor - Conference Room
152 S. Fulton St
Wauseon, Ohio 43567

Special Meeting Agenda

Tuesday, October 2, 2012 at 7:00 PM

- A. Discussion/Action: Summary of Regional Water Supply Study
- B. Any other matters to come before Council

Gregory J. Heath, Finance Director/Clerk of Council

SCHEDULE FOR FALL SEASONAL PICK UP

October 1 through October 5, 2012

The following General Rules and Regulations shall be effective for the October 1 – October 5, 2012 fall Seasonal Clean Up:

1. MATERIALS MUST BE IN CONTAINERS AND KEPT DRY.
2. NO CONTAINERS LARGER THAN THIRTY (30) GALLONS, OR WEIGHING MORE THAN 50 LBS.
3. ALL UNMARKED CONTAINERS WILL BE CONSIDERED AS LEFT FOR DISPOSAL.
4. ALL MATERIAL MUST BE COVERED DURING RAIN OR STRONG WIND TO AVOID WETNESS AND BLOWING.
5. ALL BUILDING MATERIAL SHALL NOT BE LARGER THAN FOUR FEET (4') IN LENGTH AND THREE FEET (3') WIDE . ALL LOOSE ITEMS MUST BE BOXED OR BAGGED. THE WEIGHT OF SUCH CONTAINERS SHALL NOT EXCEED 50 LBS. CARPETING OR PADDING SHALL BE IN ROLLS NO WIDER THAN FOUR FEET (4') AND TIED WITH A CORD.
6. NO MATERIAL SHALL CONTAIN NAILS THAT HAVE NOT BEEN BENT OVER.
7. IT IS PROHIBITED TO HAVE ROCKS, BRICKS, CONCRETE BLOCKS OR PLASTER WEIGHING IN EXCESS OF 50 LBS.
8. IT IS PROHIBITED TO MIX REGULARLY SCHEDULED REFUSE WITH MATERIAL SCHEDULED FOR THIS PICK UP
9. IT IS PROHIBITED TO PLACE FOR PICKUP BRUSH, LIMBS, OR OTHER YARD WASTE MATERIAL.
10. IT IS PROHIBITED TO PLACE FOR PICK UP LIQUID WASTE, INCLUDING BUT NOT LIMITED TO: PAINT, HOUSEHOLD CHEMICALS, USED MOTOR OIL, ANTIFREEZE, AND TAR. HOUSEHOLD CHEMICAL CONTAINERS AND PESTICIDES MUST BE RINSED PRIOR TO PLACEMENT FOR PICKUP AND WHEN APPLICABLE, IN ACCORDANCE WITH PRODUCT LABELING INSTRUCTIONS (TRIPLE RINSE FOR PESTICIDES).
11. PAINT CANS OR TAR BUCKETS MUST HAVE THE LIDS REMOVED AND REMAINING PAINT OR TAR COMPLETELY DRY. PAINT WILL BE ACCEPTED IN THE FOLLOWING WAYS: (i) WOOD OR CARDBOARD MAY BE PAINTED TO USE UP THE REMAINING PAINT; OR, (ii) CAT LITTER OR FLOOR DRY MAY BE USED TO MAKE THE PAINT A THICK PASTE; THEREAFTER, SO LONG AS THE CONTAINER IS DRY, THE MATERIAL MAY BE INCLUDED FOR PICKUP.
12. ALL REFRIGERATORS AND/OR FREEZERS MUST HAVE THE DOORS REMOVED AND THE CONTENTS EMPTIED PRIOR TO PLACEMENT FOR PICKUP.
13. WHITEWARE SHALL BE TAGGED IN ACCORDANCE WITH APPROVED TAGS AND AMOUNTS AS ESTABLISHED BY THE CITY. TAGS FOR REFRIGERATORS AND/OR FREEZERS MUST BE ON THE UNIT AND NOT ON THE REMOVED DOOR.
14. ANY ITEMS NOT PROPERLY TAGGED OR PLACED FOR PICKUP, IN A MANNER THAT APPEARS TO BE INTENDED FOR PICKUP, SHALL BE DEEMED AUTHORIZED BY PICKUP AND WILL BE TREATED BY THE CITY AS A "SPECIAL PICKUP" WITH CHARGES BEING ACCORDINGLY ASSESSED.
15. ***MATERIAL OR OTHER ITEMS PLACED FOR PICK UP SHALL BE AT THE CURB NO MORE THAN FIVE (5) DAYS IN ADVANCE OF THE SUBSCRIBER'S SCHEDULED SEASONAL PICK UP DAY. ITEMS PLACED AT THE CURB EARLIER THAN FIVE (5) DAYS IN ADVANCE OF THE SCHEDULED PICK UP DAY WILL BE TREATED BY THE CITY AS A "SPECIAL PICKUP" WITH CHARGES BEING ASSESSED TO THE SUBSCRIBER OR PERSON RESPONSIBLE FOR PLACEMENT.***

The City shall require the use of City *Refuse Tags* to cover the disposal cost of the following items:

- | | |
|-------------------------|--------|
| 1. Whiteware with Freon | 5 tags |
| 2. Air Conditioner | 5 tags |
| 3. Passenger Car Tire | 1 tag |
| 4. Semi-Truck Tire | 4 tags |
| 5. Tractor Tire | 6 tags |

*The City of Napoleon, in cooperation with Zack's Recycling, will again accept used **computers, printers, and keyboards** as part of this year's "fall seasonal clean up". Please set the equipment out apart from your regular material. A separate truck, which picks up recyclable materials, will stop and collect the electronics for proper recycling. **Monitors are to be placed with regular pick up items.***

ALL RULES AND REGULATIONS, ALONG WITH ANY ACCESSED CHARGES, WILL BE ENFORCED. All materials are to be at the curb by 7:00 a.m. the morning of your pick up. Return trips will not be made for items set out late.

Any questions regarding the guidelines should be directed to the City of Napoleon Operations Department at 599-1891.

Monday, October 1, 2012

Arden Court
Avon Place
Becca Lane
Bordeaux Drive
Briarcliff Drive
Buckeye Lane
Capri Drive
Chesterfield Drive
Cripple Creek Court
Duquesne Drive
Erie Street
Garden Street
Glenwood Avenue (from Riverview to Washington)
Haley Avenue (from Riverview to Washington)
Hilltop Lane
Hurst Drive
Jahns Road
Joliette Drive
Lafayette Drive
Lemans Drive
Martha Lane
Neward Drive
Norton Avenue (from Washington to Park)
Orchard Lane
Orwig Lane
Park Court
Park Lane
Park Place
Park Street
Robinwood Avenue
Rohm Drive
Sedward Drive
Sheffield Avenue (from Riverview to Washington)
Strong Street
Sycamore Lane
Thershan Drive
Vincennes Drive
Vine Street
Wayne Park Drive
Webster Street (from Washington to Main)
Welsted Street
West Main Street
West Front Street
West Riverview Avenue
West Washington Street
Williamsburg Avenue

Tuesday, October 2, 2012

Bauman Place
Becklee Drive
Carey Street
Collingwood Drive
Depot Street
Derome Drive
Detroit Avenue
Dodd Street
East Riverview Avenue (from Scott to Enterprise)
East Clinton (from Perry to Riverview)
East Washington Street (from Monroe to Hobson)
Enterprise Avenue
Fair Street
Fillmore Street
Freedom Drive
Hobson Street (from Riverview to Oakwood)
Hudson Street
Independence Court
Independence Drive
Industrial Drive
Ken James Court
Kolbe Street
Lagrange Street (from Willard to Dodd)
Lakeview Drive
Lamar Lane
Maple Street
Monroe Street (from Fillmore to Riverview)
North Street
North Perry Street
Northcrest Circle
Northcrest Drive
Norwood Drive
Oakwood Avenue
Ohio Street (from Willard to Scott)
Old Creek Drive
Railroad Street
Reynolds Street
Rye Street
Scott Street
Shelby Street
Stevenson Street
Union Street
Valleybrook Estates
Vocke Street
W. Clinton Street (from Scott to Perry)
Willard Street
Yeager Street

Wednesday, October 3, 2012

Bales Road
Briarheath Avenue
Broadmoor Avenue
Chelsea Avenue
Clairmont Avenue
Glenbrook Court
Glenwood Estates
Glenwood Avenue (from Washington to Harmony)
Haley Avenue (from Washington to Woodlawn)
Harmony Drive
High Street
Highland Avenue
Indiana Avenue
Kenilworth Avenue
Lagrange Street (from Indiana to Willard)
Leonard Street
Lumbard Street
Lynne Avenue
Melody Lane
Michigan Avenue
North Sheffield Avenue
North Harmony Drive
Norton Avenue (from Washington to Clinton)
Oakdale Avenue
Ohio Street (from Glenwood to Willard)
Richmar Lane
Romain Avenue
Taylor Drive
Tyler Street
Webster Street (from Clinton to Washington)
West Clinton Street (from Scott to Sheffield)
Westchester Avenue
Westmont Avenue
Westmoreland Avenue
Westwood Avenue
Woodlawn Avenue
Woodlawn Court

Thursday, October 4, 2012

Appian Avenue
Bavarian Village
Beckham Street
Brownell Street
Cambridge Street
Cliff Street
Daggett Drive
East Washington Street (from Hobson to the Wastewater Plant)
East Barnes Avenue
East Front Street
East Graceway Drive
East Main Street
East Maumee Avenue
Euclid Avenue
Fairview Drive
Fifth Street
First Street
Fourth Street
Hobson Street (from Riverview to Front)
Huddle Road
Jefferson Street
Last Street
Maumee Valley Mobile Home Park
Maumee Lane
Meekison Street
Monroe Street (from Riverview to Front)
Moorings Drive
Moser Drive
Oak Street
Oxford Street
Pontious Place
Raymond Street
Rohrs Street
Second Street
Short Street
South Perry Street
Spruce Street
Stout Street
Third Street
Walnut Street
Wayne Street
West Maumee Avenue
West Graceway Drive
West Barnes Avenue

Friday, October 5, 2012

Catch-up Day!!!



Update

A weekly newsletter presented by AMP President/CEO Marc Gerken

September 21, 2012



Cutting the ribbon Sept. 21 to celebrate the Napoleon Solar Facility coming on-line last month are (from left): David Mustine, JobsOhio general manager; Elizabeth Bostdorff, district representative for Congressman Bob Latta (R-Bowling Green); State Rep. Lynn Wachtmann (R-Napoleon); State Sen. Cliff Hite (R-Findlay); Napoleon Mayor Ron Behm; Michael Peck, Isofoton North America chairman; Marc Gerken, AMP president/CEO; and Craig Butler, assistant policy director for the office of Gov. John Kasich.

AMP unveils cutting-edge solar facility

By Marc Gerken – president and chief executive officer

A ribbon cutting celebration for one of the largest solar projects in the state of Ohio was held Sept. 21 at the Napoleon Solar Facility.

Developed and owned by AMP, the 3.54 MW project has more than 17,000 panels. The site produced its first megawatt-hours of sunshine-driven power in August.

Along with myself, speakers at the ribbon cutting were: Napoleon Mayor Ron Behm; David Mustine, JobsOhio general manager; Craig Butler, assistant policy director for the office of Gov. John Kasich; State Rep. Lynn Wachtmann (R-Napoleon); State Sen. Cliff Hite (R-Findlay); Elizabeth Bostdorff, office of Congressman Bob Latta (R-Bowling Green); and Michael Peck of Isofoton, North America.

The Napoleon Solar Facility continues AMP's role as a regional leader in developing and deploying renewable generation. The work was completed on schedule and under the original capital budget approved by the AMP Board of Trustees.

The ribbon cutting celebration included tours of the Isofoton Manufacturing Facility, which is located near the solar site. Isofoton, a Spanish-based solar manufacturer, supplied the panels for the project.

The Napoleon Solar Facility further diversifies AMP's member power supply portfolio, which already includes natural gas, advanced coal, hydro, wind and landfill gas, as well as wholesale market purchases.

Cuyahoga Falls set to celebrate Public Power Week with Energy Expo

By Karen Ritchey – manager of communication programs

Since its creation in 1986 by the American Public Power Association and its members, Public Power Week is always the first full week in October. The 2012 Public Power Week will be held Oct. 7-13.

This year marks the 26th anniversary of the country-wide program, celebrating the importance of public power to local citizens and other key publics, including state and national officials. Public Power Week provides an opportunity to communicate the advantages of community-owned electric utilities.

The Cuyahoga Falls Electric System will celebrate Public Power Week with an Energy Expo from 10 a.m. to 7 p.m. Oct. 11 at the Cuyahoga Falls Library. The expo will feature energy efficiency displays, electrical demonstrations and a raffle. Free refreshments, residential energy conservation kits and informational kits with energy-efficiency light bulbs will be available.

And on Oct. 12, an Efficiency Smart Bill Pay Giveaway will take place from 9 a.m. to 3 p.m. in the Cuyahoga Falls Utility Billing office.

[Efficiency Smart](#) is a comprehensive energy efficiency program administered for AMP by the Vermont Energy Investment Corporation. The program provides a wide range of energy efficiency and implementation services for subscribing AMP member utilities.

We would like to hear how your community is celebrating Public Power Week. Please contact me at kritchey@amppartners.org or 614.540.0933 to share photos and information about your Public Power Week celebration.

AMP responds to IEEFA report, points out study's deficiencies

By Jolene Thompson – senior vice president/OMEA executive director

AMP has responded to the Institute for Energy Economics & Financial Analysis (IEEFA) "study" on Prairie State Energy Campus (PSEC).

On Sept. 20, AMP CEO/President Marc Gerken distributed to PSEC participants a 13-page memo (with two attachments) that counters, point by point, the misleading and erroneous information contained in IEEFA's "study."

The memo and its attachments may be found on the Member Extranet.

AMP to launch new consumer publication in October

By Krista Selvage – manager of publications

Plans are under way to launch AMP's new consumer publication, *Public Power Connections*.

The quarterly publication is on schedule to be distributed to members during Public Power Week, Oct. 7-13.

The goal of *Public Power Connections* is to help AMP member customers and electric systems better understand the electric industry and the benefits of public power. It will also cover how to use electricity more efficiently and safely.

AMP conducted a survey last year of its members to gauge the interest in producing a publication for end-use customers, and the survey results showed a strong interest. AMP formerly produced *Public Power News*, a quarterly print newspaper for subscribing members.

For easy distribution to customers or to print, a new issue of *Public Power Connections* will be available in PDF format each quarter and provided to all AMP members for their use locally. We will also make the articles and information in the publication available for easy incorporation into existing consumer publications developed by AMP members.

Please contact me with questions or comments about the upcoming consumer publication at 614.540.6407 or kbselvage@amppartners.org

PJM Installed Capacity markets to be discussed at conference

By Mike Migliore – assistant vice president of power supply planning and transmission

Attendees at the 2012 AMP/OMEA Conference are invited to a session on Capacity Markets, Demand Response and Load Management. The program will be offered from 10:45 to 11:30 a.m. and 2:15 to 3 p.m. Oct. 23.

I will explain the PJM Installed Capacity markets (RPM), and how generation resources provide a capacity benefit to participating members.

I will also discuss PJM's demand response program and financial incentives for AMP members and their customers for reducing electric load, or operating back-up generation during times of peak demand.

Please join me Oct. 23 to learn more about these topics.

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

Week ending Sept. 21

MON	TUE	WED	THU	FRI
\$34.00	\$34.25	\$32.25	\$32.00	\$33.00

Week ending Sept. 14

MON	TUE	WED	THU	FRI
\$33.50	\$41.00	\$48.50	\$51.25	\$41.50

AEP/Dayton 2012 5x16 price as of Sept. 21 — \$39.70

AEP/Dayton 2012 5x16 price as of Sept. 14 — \$40.04

Elmore completes LED street lighting project

By Buck Stoiber – superintendent, Elmore Board of Public Affairs

The Village of Elmore recently completed a LED street lighting project thanks to a Department of Energy grant, supported by Congresswoman Marcy Kaptur, which paid nearly half of an \$88,000 project.

The village teamed up with Midwest Circuits out of Ferndale, Michigan for 55 old-fashioned post top lights and a dozen colonial styles for a subdivision. American Lighting (Power Line Supply) supplied 134 cobra head LED street lights that were installed throughout the village.

Many thanks to the Department of Energy for their contribution and many thanks to Julia Blankenship, manager of energy policy and sustainability at AMP, for walking village officials through the grant process.



Photo courtesy of the Village of Elmore

New LED street lighting illuminates Main Street in the Village of Elmore. The LED street lighting project was made possible by a grant from the Department of Energy.

AFEC weekly update

By Craig Kleinhenz – manager of power supply planning

This week's weather and power markets looked like a repeat of last week. Fremont ran at a weekly capacity factor of 77 percent and was scheduled on line all 168 hours of the week.

The spread between on-peak market prices and AFEC dispatch costs shrunk slightly this week with base generation costs being \$9 cheaper than on-peak day ahead prices. Duct burners were on 30 percent of the hours during the week.

Fremont will begin its planned nine-day fall maintenance outage on Sept. 22.

August Operations Statistics				
	Fremont Output	Belleville Output	JV6 Wind Output	Avg. A/D Hub On-Peak Rate
August 2012	76%	40%	8%	\$37.00/MWh
August 2011	N/A	61%	7%	\$47.12/MWh

*Fremont load factor based on 675 MW rating

Energy market prices see retraction

By Craig Kleinhenz

After last week's smaller than expected injection of natural gas into storage, things returned to normal this week.

The amount of natural gas injected into storage this week was near the five-year average. The departure of hot weather has most likely signaled the end of the summer cooling season. This has led both natural gas and power prices to see a decline this week.

October natural gas prices closed down \$0.22/MMBtu to end at \$2.82/MMBtu, giving back most of last week's gains. Power saw a smaller decrease as 2013 on-peak electric prices at AD Hub finished yesterday down \$0.37/MWh from last week, closing at \$39.70/MWh.

Staff updates 2012 online Member Directory

By Bethany Kiser – manager of electronic publications/website

Updates have been made to the 2012 AMP Member Directory.

These latest updates reflect changes to officials in member communities, AMP staffing, and the addition of new Municipal Electric Partners.

The online format allows us to make changes in a timely manner, and provide the most up-to-date contact information and statistics we have available to our employees and member communities. It is also in line with the sustainability goals established by AMP's Board of Trustees.

As a reminder, the directory is located on the Member Extranet section of the [AMP website](#) (login required). On that web page, you will also find a Word document that details all the changes made since the last directory update.

For more information, please contact me at 614.540.0945 or bkiser@amppartners.org.

Sustainability Report available

By Julia Blankenship – manager of energy policy and sustainability

AMP's 2011 Report on Sustainability, "Walking the Talk," is now available online and in print. The 28-page, four-color publication looks at AMP's 2011 accomplishments involving the three legs of the sustainability stool – economy, environment and society.

Helping illustrate AMP's commitment to its sustainability principles are case studies highlighting successful efforts in local economic development, renewable generation, forestry carbon offset, and education outreach.

To read the report, visit the [Annual Reports page](#) on AMP's website. The report is also being mailed to recipients of Amplifier magazine. A limited number of additional copies are available for use by member communities for informational programs and events.

Contact Greg Grant at ggrant@amppartners.org or 614.540.1067.

Update Classifieds

Lebanon is accepting applications for power plant mechanic

The City of Lebanon is accepting applications for the position of power plant mechanic in the Electric Department.

Position requires the successful candidate to have a minimum of five years documented experience in power plant equipment operation or heavy equipment maintenance/repair. Experience in electric utility substation operation and maintenance is desired, but not required.

Position responsibilities include operation and maintenance of electric generating equipment, operation and maintenance of electric substations, and metal fabrication.

Successful candidate must have a high school diploma or

equivalent, a valid Class A Commercial Drivers License, or the ability to obtain one within six months, excellent customer service and communication skills, computer skills, be team orientated and have the physical ability to lift 50 pounds and carry 50 pounds for a distance of 100 yards.

Hourly pay rate is \$19.68 - \$26.55 DOQ. The City offers excellent benefits and retirement. Applications may be obtained at the Lebanon City Building, 50 S. Broadway, Lebanon OH 45036 or downloaded at www.lebanonohio.gov and returned to the Personnel Dept. Applications accepted until position is filled. The City requires post-offer, pre-employment drug screen, physical and background check. EOE.

see CLASSIFIEDS Page 4



Painesville seeks city manager

City Manager: competitive, DOQ, excellent benefits. The County Seat of Lake County, a full service city located east of Cleveland on the Grand River seeks a professional manager with vision and excellent leadership skills.

Current manager retiring after 15 years of service, two managers in last 40 years. Council-Manager form since 1919; seven council members elected to four-year terms select the Council President. Painesville values its small town character and historic downtown, provides high quality water, sewer and electric service, superior police and fire service and a growing park and recreation system; a pro-business community that actively engages in economic development. Total budget of more than \$81 million, 259 FT employees.

Graduate degree in public administration, planning or related field, 10 years government experience with five years in management position, experience in electric utility desired. Demonstrated experience in economic development and redevelopment, with vision and respect for traditional community. Record of excellent communication skills at City Hall and in the community. Strong budget and financial skills.

Interested applicants should visit www.painesville.com for details on candidate qualifications, requirements for submission of resume and selection process. Electronic submittals only to cmrecruitment@painesville.com by Oct. 19. EOE

Wellington issues notice to bidders for sewer machine

The Village of Wellington will be receiving sealed bids at the Clerk's Office, third floor of the Town Hall, Wellington, Ohio 44090 until noon Sept. 28 for the sale of a 1995 Sreco Sewer Machine, self contained, with 2,148 hours. 1,000 gallon capacity, 2500 PSI, 5-year-old Myers pump, power washing hose and reel, 800 feet of hose, can be fitted onto a truck or trailer.

Each bid shall be accompanied by a certified check or bid bond payable to the Village of Wellington in an amount equal to the bid price as a guarantee that if the bid is accepted a contract will be entered into and its performance guaranteed.

Each bid shall set forth in full the name and address of each interested person therein and shall include estimated time for delivery after award on contract, warranties, if any, and a statement as to the availability of replacement items to maintain proper operation.

The Village of Wellington reserves the right to reject any or all bids and to waive informality of bids in favor of the municipality. Contact Karen Shaw, finance director, at 440.647.4626.

Hamilton seeks asst. electric power systems superintendent

This position assists in the supervision and operation of the city's electric transmission and distribution system and generating facilities. Experience directing high voltage switching operations is desired. High school diploma or GED is strongly preferred. Advanced education up to Bachelor's Degree in Electrical Engineering is desired. Possession of a valid driver license is required. Salary: \$67,142 to \$86,091/year.

Submit one detailed resume (Word or PDF only) or applica-

tion and driver's license by 5 p.m. Sept. 27 in person or via regular U.S. mail or fax or email to: Civil Service Dept., Hamilton Municipal Building, 345 High St. - first floor, Hamilton, OH 45011; email: cspersonnel@ci.hamilton.oh.us; fax: 513.785.7037.

Specify interest in ASST ELEC PWR SYSTS SUPT. Visit the employment link at www.hamilton-city.org for more details. An EOAAE.

Village of Woodville is in need of Class II water operator

Immediate opening, applicant must have Class II water license, along with a background in water treatment/distribution and three years' experience preferred. A Class B CDL (Commercial Driver's License) is required or must be willing to obtain one.

Applicant should be highly motivated and have good mechanical ability; must be willing to live within a reasonable distance of the village.

Applications for this position may be obtained online at www.villageofwoodville.com or at the Municipal Building, 530 Lime Street between 9 a.m. to 4 p.m. Applications must be returned by Sept. 28.

Questions may be directed to Village Administrator Keith Kruse at utilities@villageofwoodville.com or 419.849.3031.

American Municipal Power
1111 Schrock Road,
Columbus, Ohio 43229
614.540.1111 • FAX 614.540.1113
www.amppartners.org



2012 OML Bulletins

September 24, 2012

REPRESENTATIVE GROSSMAN HOLDS MUNICIPAL INCOME TAX UNIFORMITY INTERESTED PARTY MEETING

Last week at the Statehouse, Representative Cheryl Grossman (R-Grove City) convened a sixth interested party meeting, hosting representatives of the Municipal Income Tax Uniformity Coalition and a select number of municipal tax administrators and OML staff, in an effort to continue the dialogue surrounding areas of the municipal income tax that need greater standardization. The meeting, which included Representative Mike Henne (R-Vandalia), addressed areas which are sure to be components of legislation we anticipate being introduced in the near future. Although a vast amount of time and effort has been expended by all parties involved in vetting the very technical and critical issues involved in the topic, we still are working to reach some level of understanding between the groups on areas that continue to remain divisive such as the treatment of Net Operating Losses Carry Forward (NOL's) and the current 12-day occasional entrant rule; the definition of Residency and pass-through incomes and the future role the State will play in local taxing policies, among others. The next meeting has been scheduled for October 12th at which time we expect the ball to be advanced a little further down the field towards a bill.

REPRESENTATIVE BECK TO HOST FOURTH MUNICIPAL INCOME TAX UNIFORMITY INTERESTED PARTY MEETING

House Ways and Means Committee Chairman Rep. Peter Beck (R-Mason) will be holding a fourth interested party meeting October 10th at the Sampson Gardens Building, 1291 Conneaut Avenue in Bowling Green, Ohio. The meeting will be held from 10:30 a.m. to 2:30 p.m. Chairman Beck's Legislative Aide, Emily Gillis, is asking to please email your attendance to her at Emily.Gillis@ohr.state.oh.us so she can get an idea of how many may be joining the discussion.

As with prior interested meetings held by Chairman Beck, the topics that are presented for discussion include all of the areas of the municipal income tax which are currently non uniform in treatment and some areas that are currently uniform that parties feel need to be "fine tuned". We need to emphasize, again, what an important opportunity this and future Interested Party meetings are for our municipal leaders who may not have an opportunity to travel to the Statehouse when legislation is introduced later this year, but want a chance to share with our policy makers the importance of addressing these calls for greater uniformity through a "balanced approach" so as to protect the revenue generated through the locally supported municipal income tax which funds the basic services Ohio residents and businesses depend upon every day.

We know Chairman Beck has appreciated the level of participation thus far by the municipal officials who have attended and contributed to his information gathering sessions and we hope

our municipal leaders in the northwestern part of our state will find time in their busy schedules to attend the October 10th Bowling Green meeting. Please feel free to contact the OML offices if you have any questions about the event.

SENATE TO TURN ATTENTION TO MUNICIPAL INCOME TAX UNIFORMITY IN NOVEMBER

Senate President Tom Niehaus (R-New Richmond) announced in a memo late last week to OML and members of the Municipal Income Tax Uniformity Coalition that the Ohio Senate is interested in turning their attention to municipal income tax uniformity legislation when the Senate reconvenes after the November 6th elections, commonly referred to as the “Lame Duck” session. In the message from the President’s office this past Thursday, Senate President Niehaus wrote that he is encouraged to hear of productive discussions among interested parties and that, “it is my hope that these meetings will result in a recommended solution that the General Assembly can act of before the end of the year.” Senate President Niehaus went on to share that Senate Ways and Means Committee Chairman Senator Tim Schaffer (R-Lancaster) “is prepared to hold hearings as part of the process.”

Although the OML continues to reach-out to members of the Ohio Senate to educate them on conversations on-going as part of the House initiated interested party meetings, this is the first official indication that the Ohio Senate leadership is supportive of making these consequential changes to municipal income tax procedures this year.

If you have not already been talking with your state Senator about the importance of protecting the integrity of the current municipal income tax and that any changes should be made in a balanced manner, please consider making those contacts with your member of the Ohio Senate because it is shaping-up to be a very busy November and December on this topic.

SUB.AM.HB50 EXPECTED TO MOVE THROUGH OHIO SENATE

This past week, we have learned that Sub.Am.HB50 a bill being carried by Rep. Kirk Schuring (R-Canton) which was originally drafted to effect changes to the TYPE II 100% agreed to Annexation procedures, will receive hearings in the Senate Ways and Means Committee and is expected to be voted on by the full Senate, when the legislature returns following the November elections.

As we have reported to you earlier in the year, the House Local Government Committee made numerous and significant changes to the original legislative proposal and produced a bill that was approved by a majority of Ohio House members and assigned to the Senate Ways and Means Committee because it had become a bill affecting tax policy and not one dealing with annexation, per se. You can find a copy of the bill’s analysis [HERE](#).

We will be sure to alert our members when the Senate Ways and Means Committee begins hearings on HB50.

Fw: Ohio Municipal League Annual Conference Update!

From: "Gregory J Heath" <gheath@napoleonohio.com>
To: "Roxanne Dietrich" <rdietrich@napoleonohio.com>

09/28/12 01:18 PM

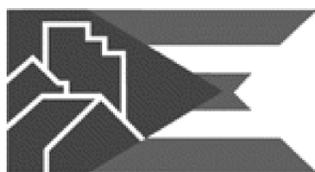
-----Original Message-----

From: "Ohio Municipal League" <ajoos@omloho.org>
To: gheath@napoleonohio.com
Date: 09/27/2012 05:06 PM
Subject: Ohio Municipal League Annual Conference Update!

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Ohio Municipal League
Our Cities and Villages ★ Bringing Ohio to Life

Ohio Municipal League Annual Conference Information

September 27, 2012

Update!!! New Agenda Posted for OML Annual Conference!

I wanted to take this moment to remind you that registration is up and running for the OML Annual Conference taking place at the Columbus Renaissance Hotel November 1-2, 2012.

There is a change in the Tentative Agenda however. NLC has suspended their Leadership Training Academy due to some reorganization. Instead, we have scheduled a SPECIAL CRISIS MANAGEMENT workshop given by Bruce Hennes of Hennes Communications. Please refer to our website [Here](#) for the updated information ~ Check back often as more details will be posted as they come in!

The Hotel reservations close October 10th so please make sure to reserve your room [HERE](#).

If you need further information, please contact us at 614-221-4349 or via email at info@omloho.org

If you have already registered, we thank you and we look forward to seeing you all at the OML Annual Conference!

Quick Links

[Ohio Municipal League](#)

[2012 Schedule of Meetings](#)

[Join Our Mailing List!](#)

Fw: Coming to Toledo - GreenTown

From: "Gregory J Heath" <gheath@napoleonohio.com>
To: "Roxanne Dietrich" <rdietrich@napoleonohio.com>

09/28/12 01:36 PM

-----Original Message-----

From: tmacog <public.info@tmacog.org>
To: gheath@napoleonohio.com
Date: 09/28/2012 11:36 AM
Subject: Coming to Toledo - GreenTown

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Toledo Metropolitan Area Council of Governments



GreenTown Toledo-Lucas County will be an event for northwest Ohio and southeast Michigan communities to learn how the triple-bottom line of sustainability (economy, environment, and society) will keep our region a great place to live and do business.

The program blends local accomplishments with leaders from other midwest communities who will share their experiences.

The program sessions include:

LiveWell Toledo Lucas County

- LIVE WITH TOLEDO-LUCAS COUNTY
- Lake Erie: Our Shared Future
- Sustainability and Community Planning
- Green Economy, Green Living
- Green Building, Fresh Energy
- Local Food
- Green Outdoors

For the Lake Erie program, TMACOG's Matt Horvat, John Kusnier of the Davey Resource Group will lead a presentation and a panel on the recovery of the Ottawa River-from a long history of pollution to remediation to its recent restoration. TMACOG will also have an exhibit on high-speed passenger rail.

View the Toledo-Lucas County GreenTown [flier](#), and see the complete agenda [here](#) .
And register [here](#). There is a reduced cost for non-profit and government employees and special rates for educators. Some pre-conference events (Oct. 25) are free.

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