
Memorandum

To: Mayor & Members of Council
From: Jon Bisher
Subject: General Information
Date: April 12, 2013

CALENDAR

AGENDA – *City Council* April 15th @ 7:00 pm

C. APPROVAL OF MINUTES

- April 1, 2013 Regular Council Meeting Minutes

E. REPORTS FROM COUNCIL COMMITTEES

1. **TECHNOLOGY AND COMMUNICATIONS COMMITTEE** – the Majority Report from the April 1st meeting is attached.
2. **ELECTRIC COMMITTEE** – the April 8th Majority Report is enclosed.

G. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **ORDINANCE NO. 018-13** an Ordinance Supplementing the Annual Appropriation Measure (Supplement No. 1). (*Suspension Requested*)
2. **RESOLUTION NO. 019-13** a Resolution Authorizing the City Manager to Enter into an Agreement with the Ohio Department of Transportation for the Purchase of Rock Salt; and Declaring an Emergency. (*Suspension Requested*)

J. GOOD OF THE CITY

1. *Recommendation to Approve April Electric Billing Determinants*
2. *Recommendation to Hire a Part-Time IT Person:* as reported out in E.1. above, this a recommendation from the Technology Committee.

Enclosed are Chad's Memorandums with his recommendation of award for items 3 and 4.

3. *Award of Bid for 2014 Model Year 108SD Conventional Chassis and Plow*
4. *Award of Bid for 2014 Model Year MS106 Conventional Chassis*
5. *Discussion Hiring an Executive Assistant vs. Hiring a Full-Time Clerk of Council* – Greg Heath has included a Memo on this item.
6. *Human Resources Position* – please see the attached Memorandum from Trevor.
7. *Setting a Special Council Meeting for 6:30 pm on Monday, May 6 in Conjunction with the Housing Council (four (4) Councilmembers Serve on Housing Council).*

RELATED ITEMS

1. Enclosed is a Memo from Tony Cotter with a recommendation from the Parks & Rec Board to re-evaluate the policy on acceptance of credit cards.
2. **AGENDA** – *City Tree Commission*; Monday, April 15th at 6:00 pm
3. **CANCELLATION** - *Parks & Rec Committee* meeting
4. **AGENDA** – *Civil Service Commission*; Tuesday, April 16th @ 4:30 pm
5. OML Bulletin/April 8, 2013

rd

Records Retention
CM-11 - 2 Years

March 2013							April 2013							May 2013						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
					1	2		1	2	3	4	5	6		1	2	3	4		
3	4	5	6	7	8	9	7	8	9	10	11	12	13	5	6	7	8	9	10	11
10	11	12	13	14	15	16	14	15	16	17	18	19	20	12	13	14	15	16	17	18
17	18	19	20	21	22	23	21	22	23	24	25	26	27	19	20	21	22	23	24	25
24	25	26	27	28	29	30	28	29	30					26	27	28	29	30	31	
31																				

 Calendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
31	1	2	3	4	5	6
BISHER - Vacation Greg Heath - Vacation	9:00 AM NIEDF Committee Meeting 7:00 PM City COUNCIL Meeting 8:00 PM Technology Committee Mtg. AV - Dan			BISHER - Off	BISHER - Off	
7	8	9	10	11	12	13
	6:30 PM Electric Committee BOPA Meeting	3:30 PM Preservation Commission Mtg. 4:30 PM BZA Meeting				
14	15	16	17	18	19	20
	6:00 PM City TREE Commission Meeting 7:00 PM City COUNCIL Meeting AV - Dan	4:30 PM Civil Service Commission Mtg.	AMP - Bisher	AMP - Bisher		
21	22	23	24	25	26	27
	6:30 PM Finance & Budget Committee Mtg. 7:30 PM Safety & Human Resources Committee Mtg. AV - Shery		6:30 PM Parks & Rec Board Meeting BISHER - VACATION	BISHER - VACATION	BISHER - VACATION	BISHER - VACATION
28	29	30	1	2	3	4
BISHER - VACATION	5th Monday-No Scheduled Meet Seasonal Cleanup	Seasonal Cleanup	Seasonal Cleanup	Seasonal Cleanup	Seasonal Cleanup	

CITY COUNCIL

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

MEETING AGENDA

Monday, April 15, 2013 at 7:00 PM

- A. Attendance** *(Noted by the Clerk)*
- B. Prayer & Pledge of Allegiance**
- C. Approval of Minutes:** April 1 *(In the absence of any objections or corrections, the minutes shall stand approved.)*
- D. Citizen Communication**
- E. Reports from Council Committees**
- 1. Technology & Communication Committee** *(Majority Report)* met on Monday, April 1 and:
 - a. Recommended hiring a part-time IT person
 - b. Made no recommendation on *Upgrades to City Website*
 - 2. Electric Committee** *(Majority Report)* met on Monday, April 8 and:
 - a. Recommended approval of April electric billing determinants
 - b. Untabled *Beneficial Use & Purchase Of Eastlake Power* but took no action at this time
 - 3. Water, Sewer, Refuse, Recycling & Litter Committee** and **Municipal Properties, Buildings, Land Use & Economic Development Committee** did not meet on April 8 due to lack of agenda items.
- F. Reports from Other Committees, Commissions and Boards** *(Informational Only-Not Read)*
- 1. Board of Public Affairs** met on Monday, April 8 with the following agenda items:
 - a. Review/Approval of electric billing determinants for April
 - b. Electric department report
 - c. Beneficial use and purchase of Eastlake power
 - 2. Board of Zoning Appeals** met on Tuesday, April 9 with the following agenda item:
 - a. BZA 13-01 923 W. Washington St.
 - 3. Planning Commission** did not meet on April 9 due to lack of agenda items.
 - 4. Preservation Commission** met on April 9 with the following agenda item:
 - a. NPC 13-01 712 Scott St.
 - 5. Tree Commission** met tonight with the following agenda items:
 - a. Tree Call Report
 - b. Spring Tree Programs
 - c. Arbor Day Observation
- G. Introduction of New Ordinances and Resolutions**
- 1. Ordinance No. 018-13** re: An Ordinance Supplementing the Annual Appropriation Measure (Supplement No. 1) for the year 2013 *(Suspension requested)*
 - 2. Resolution No. 019-13** A Resolution Authorizing the City Manager to enter into an Agreement with the Ohio Department of Transportation for the purchase of Rock Salt, and Declaring an Emergency *(Suspension requested)*
- H. Second Readings of Ordinances and Resolutions**
There are no second readings of Ordinances and Resolutions.
- I. Third Readings of Ordinances and Resolutions**
There are no third readings of Ordinances and Resolutions.
- J. Good of the City** *Any other business as may properly come before Council, including but not limited to:*
- 1. Discussion/Action:** Recommendation to approve April electric billing determinants as follows:
Generation Charge: Residential @ \$.06358; Commercial @ \$.07121; Large Power @ \$.04114; Industrial @ \$.04114; Demand Charge Large Power @ \$10.31; Industrial @ \$12.30; JV Purchased Cost: JV2 @ \$.02837; JV5 @ \$.02837
 - 2. Discussion/Action:** Recommendation to hire a part-time IT person
 - 3. Discussion/Action:** Award of bid for 2014 model year 108SD Conventional Chassis & Plow
 - 4. Discussion/Action:** Award of bid for 2014 model year MS106 Conventional Chassis
 - 5. Discussion/Action:** Hiring an Executive Assistant vs. hiring a full-time Clerk of Council
 - 6. Discussion/Action:** Human Resources position
 - 7. Discussion/Action:** Setting a Special Council Meeting for 6:30 pm on Monday, May 6 in conjunction with the

Housing Council (*Four Council members serve on Housing Council.*)

K. Executive Session (*As needed*)

L. 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.*)

M. 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, May 6, 2013 @ 8:00 PM)

2. Electric Committee (2nd Monday)

(Next Regular Meeting: Monday, May 13 @ 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, May 13 @ 7:00 PM)

4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday)

(Next Regular Meeting: Monday, May 13 @ 7:30 PM)

a. Updated Info from Staff on Economic Development (as needed)

5. Parks & Recreation Committee (3rd Monday)

(Next Regular Meeting: Monday, April 15 @ 8:00 PM.)

6. Finance & Budget Committee (4th Monday)

(Next Regular Meeting: Monday, April 22 @ 6:30 PM)

a. Mayor's Presentation on Spending Plan (Tabled)

b. Review of Income Tax Credit

7. Safety & Human Resources Committee (4th Monday)

(Next Meeting: Monday, April 22 @ 7:30 PM)

2013 Regular Meetings with Townships scheduled for July 22, November 25

8. Personnel Committee (As needed)

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

1. Board of Public Affairs (2nd Monday)

(Next Regular Meeting: Monday, May 13 @ 6:30 PM)

a. Review of Electric Billing Determinants

b. Electric Department Report

2. Board of Zoning Appeals (2nd Tuesday)

(Next Regular Meeting: Tuesday, May 14 @ 4:30 PM)

a. BZA 12-10 Item #1 (Tabled)

3. Planning Commission (2nd Tuesday)

(Next Regular Meeting: Tuesday, May 14 @ 5:00 PM)

4. Tree Commission (3rd Monday)

(Next Regular Meeting: Monday, May 20 @ 6:00 PM)

5. Civil Service Commission (4th Tuesday)

(Next Regular Meeting: Tuesday, April 23 @ 4:30 PM)

Special Meeting on Tuesday, April 16 @ 4:30 PM

a. Review of Applications for Police/Fire

b. Verify Applicants Eligible Credits

c. Pick a Test Document for Captains Test in June

d. Waive the Rules for Posting Dates for Captains Test

6. Parks & Recreation Board (Last Wednesday)

(Next Regular Meeting: Wednesday, April 24 @ 6:30 PM)

7. Privacy Committee (2nd Tuesday in May & November)

(Next Regular Meeting: Tuesday, May 14 @ 10:30 AM)

8. Records Commission (2nd Tuesday in June & December)

(Next Regular Meeting: Tuesday, June 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)

19. Dispatch Review Commission (As needed)

City of Napoleon, Ohio
CITY COUNCIL

Meeting Minutes

Monday, April 1, 2013 at 7:00 PM

PRESENT	
Council	Jeffrey Lankenau– President Pro-Tem, Travis Sheaffer, Patrick McColley, Christopher Ridley, Jason Maassel
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 Tony Cotter, Parks & Recreation Director Marty Crossland, Asst. Engineer Robert McColley, CIC Director Dan Wachtman, MIS Administrator Robert Weitzel, Police Chief
Others	News Media, NCTV, Robert Hastedt, Glenn Miller, Tom VonDeylen, Al Blackwood, Jake Adams
ABSENT	
Council	John Helberg, James Hershberger
Minutes Approved	Minutes of the March 18 Council meeting and the March 13 Special Council meeting stand approved as printed.
Citizen Communication	Chairman Pro-Tem Lankenau welcomed Henry County Commissioners Robert Hastedt, Glenn Miller & Tom VonDeylen. Hastedt said the Commissioners have been visiting all of the township, village and city councils. They are available to discuss any questions or concerns. Lankenau thanked the Commissioners for coming. Council will have ongoing discussions with them as the year goes on. Lankenau asked for questions/comments from those present. No response.
Reports From Committees	Parks & Recreation Committee did not meet on March 18 due to lack of agenda items. Finance & Budget Committee did not meet on March 25 due to lack of quorum. Safety & Human Resources Committee did not meet on March 25 due to lack of agenda items.
Introduction Of Resolution No. 016-13	President Pro-Tem Lankenau read by title Resolution No. 016-13 A Resolution authorizing Maumee Valley Planning Authority to file an application for CHIP funds; and declaring an emergency
Motion To Approve First Read	Motion: McColley Second: Maassel To approve first read of Resolution No. 016-13
Discussion	Hayberger said Mr. Davis from the Maumee Valley Planning Agency held two 2 public hearings here on this. This legislation authorizes the City to apply for CHIP funds. Suspension is requested since the deadline is this week.
Motion To Suspend The Rule	Motion: Sheaffer Second: Maassel To suspend the rule requiring three readings

<p>Passed Yea-5 Nay-0</p>	<p>Roll call vote on above motion: Yea- Lankenau, Ridley, Maassel, McColley, Sheaffer Nay-</p>
<p>Passed Yea-5 Nay-0</p>	<p>Roll call vote to pass Resolution No. 016-13 under suspension of the rule Yea- Lankenau, Ridley, Maassel, McColley, Sheaffer Nay-</p>
<p>Introduction Of Resolution No. 017-13</p>	<p>President Pro-Tem Lankenau read by title Resolution No. 017-13 A resolution in support of tax exempt financing; and declaring an emergency</p>
<p>Motion To Approve First Read</p>	<p>Motion: McColley Second: Ridley To approve first read of Resolution No. 017-13 A Resolution in support of tax exempt</p>
<p>Discussion</p>	<p>Bisher said the mantra in Washington is that there are too many tax breaks for the wealthy, and the wealthy buy tax exempt bonds. However, data shows that many funds (like PERS) buy tax-exempt bonds and small investors do too. When the City goes to markets, we go tax-exempt. If we had to compete with taxable financing, we would be at penalty for public purpose projects. We want our Senators and Representatives to understand the impact on communities. If we had to pay more for the water plant due to financing, it would increase rates. Large charity groups feel the same way. This legislation formally says we appreciate consideration from legislators to not take away tax-exempt financing. Congress is on spring break and this will be discussed when they return, so suspension is requested.</p>
<p>Motion To Suspend The Rule</p>	<p>Motion: Ridley Second: Maassel To suspend the rule requiring three readings</p>
<p>Passed Yea-5 Nay-0</p>	<p>Roll call vote on above motion: Yea- Lankenau, Ridley, Maassel, McColley, Sheaffer Nay-</p>
<p>Passed Yea-5 Nay-0</p>	<p>Roll call vote to pass Resolution No. 016-13 under suspension of the rule Yea- Lankenau, Ridley, Maassel, McColley, Sheaffer Nay-</p>
<p>No 2nd Or 3rd Readings</p>	<p>There were no second or third readings of Ordinances and Resolutions.</p>
<p>GOOD OF THE CITY <u>Discussion/Action</u> Reject All Bids: Scott St. Project</p>	<p>Hayberger said bids were opened March 27 for the Scott St Project. One bidder forgot a mandatory document. The initial reading was to give the bid to the second bidder. There were only two bidders. Since someone could sue us, Hayberger believes it is best to reject all bids and rebid the project. Bisher said there are four papers that are mandatory in our bid documents. There is now a fifth paper because of Federal mandates. The bidder that neglected to put it in put in their State EEOC approval, but that is not the form that was designated. This is key because case law speaks to the issue that if you leave something out of the bid and it doesn't change the price, it is considered non-material. The bid packet explicitly stated that the documents had to be there. Both sides are unhappy about this. It is not our practice to lightly reject all bids, but it is the best of the worst. Hayberger said we talked to Federal people about the form and they didn't know if it was required or not.</p>

**Motion To Reject
Bids And Re-Bid**

Motion: McColley Second: Ridley
To reject all bids and authorize the rebid of the Scott St. Project

Maassel asked if Council has the ability to accept the lowest and best bid. Bisher said there is strict criteria for this. McColley said as long as the lowest bid didn't spend money to bid, it is immaterial. Hayberger said this would be reviewed under *abuse of discretion* in the courts. Maassel said somebody did a complete packet and somebody didn't. Had the bids been reversed, it would have been fine. Hayberger said what is left out has to be material. Maassel asked if we are eliminating the chance of litigation by doing this. Bisher said he can almost guarantee litigation and delay of the project if we award the project to one bidder or the other now. The bid documents say we have authority to reject all bids.

Maassel asked if someone does us wrong, can we say they can't bid anymore. Bisher said we had a contractor with MIEX who didn't do a good job. We couldn't exclude him from bidding on our projects but if he was the lowest bid, we could say he was not the best because we could document it from that project. McColley said there was a similar issue with a bid at the county and they got the same advice. The best way out is to reject all bids. Maassel asked if the bid was within the engineer's estimate. Bisher said it was. An addendum went out late. The new specs include that addendum. Maassel asked if they use the same language. Hayberger said No.

Passed
Yea-4
Nay-1

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

**Acceptance Of Scott St
Project Plans/Specs**

Hayberger said ODOT wants to check the plans/specs before we mail them. We hope to send them later this week.

**Motion To Accept
Plans/Specs**

Motion: McColley Second: Sheaffer
To accept the plans/specifications for the Scott St. Improvements Project subject to any changes that ODOT or FWHA require

Passed
Yea-5
Nay-0

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

**Recommendations
from NIEDF
Committee**

Rob McColley, Henry County CIC Director, said the Napoleon Infrastructure/Economic Development Fund (NIEDF) Review Committee met at 9:00 am today. They recommended approval of a combination \$10,000 loan and \$5,000 grant for purchase of a brick oven by Brick & Brew Pub. The oven weighs 10,000# and is not going to be removed unless it is done brick by brick. The committee felt this fit the description of infrastructure. They voted to recommend a loan of \$10,000 for 3 years at 2% interest to be executed after closing of other financing, and an additional \$5,000 grant at or after the loan.

McColley introduced Al Blackwood, one of the owners of Brick & Brew Pub. McColley asked when it will open. Blackwood said they are targeting June 1, 2013. The liquor license is in place. They are creating a menu of brick oven foods with heart-healthy emphasis (salads, sandwiches, flat bread pizzas, etc.) There will be no fried foods. They hired a local manager and his wife. They are sourcing locally. Lankenau wished Blackwood good luck with the venture.

**Motion To Accept
NIEDF
Recommendation Re:
Brick N Brew Pub**

**Passed
Yea-5
Nay-0**

Motion: Maassel Second: Ridley
To accept the recommendation of the NIEDF Committee regarding a \$10,000 loan for 3 years at 2% interest to be executed after closing of other financing, and an additional \$5,000 grant at or after the loan

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

McColley said the second grant request (from MWA Enterprises, Ltd.) is to be used toward off-site sewer and drainage improvements for expansion of a truck stop in the form of a service center for trucks and RVs. The \$30,000 will be paid when invoiced by Rupp/Rosebrock. Bisher said the grant is for up to \$30,000. If the cost is \$25,000, we pay \$25,000.

**Motion To Accept
NIEDF
Recommendation Re:
MWA Enterprises, Ltd**

**Passed
Yea-5
Nay-0**

Motion: Maassel Second: McColley
To accept the recommendation of the NIEDF Committee regarding a grant for up to \$30,000 for MWA Enterprises, Ltd. for off-site sewer and drainage improvements to expand a truck stop in the form of a service center for trucks and RVs

Ridley asked if this will create new jobs. McColley said according to the MWA Enterprises, Ltd. application, it should create 25 full-time jobs with a payroll of approximately \$670,000. The overall investment is \$1.3-\$1.4 million.

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

**Moratorium On Golf
Memberships**

**Motion To Remove
Moratorium**

**Passed
Yea-5
Nay-0**

Hayberger said Council put a moratorium on golf memberships during a joint meeting with the Parks & Recreation Board. We want to lift that moratorium now that the fees have been changed.

Motion: McColley Second: Ridley
To remove the moratorium on golf memberships

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

**1st Quarter Budget
Adjustments**

**Motion To Direct
Legislation**

**Passed
Yea-5
Nay-0**

Heath gave a detailed explanation of the 1st quarter budget adjustments (attached).

Motion: McColley Second: Ridley
To direct the Law Director to draft legislation approving the 1st quarter budget adjustments as presented

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

**Acceptance Of
Donation**

Bisher said there was a memo in the packet regarding a donation from the Napoleon Firemen's Association. Chief Bennett said this money will be used to purchase two "King Vision" endotracheal intubations systems for the ambulances.

Motion To Accept Donation	Motion: Ridley Second: Maassel To accept a donation from the Napoleon Firemen's Association
Passed Yea-5 Nay-0	Roll call vote on above motion: Yea- Lankenau, Ridley, Maassel, McColley, Sheaffer Nay-
Appointments of John Helberg and Travis Sheaffer To The TIRC	Heath said the Council President requested that this item be added to the agenda. The individuals to be appointed are okay with their appointment. The CIC requested that appointments be made no later than April 9.
Motion To Approve	Motion: McColley Second: Ridley To approve the appointments of John Helberg & Travis Sheaffer to the TIRC
Passed Yea-5 Nay-0	Roll call vote on above motion: Yea- Lankenau, Ridley, Maassel, McColley, Sheaffer Nay-
Appointment Of John Helberg To The Housing Council	Heath said Council President Helberg requested that this appointment be approved before the Housing Council meets in May. Helberg will replace former Council President Glenn Miller on the Housing Council.
Motion To Approve	Motion: Maassel Second: Sheaffer To approve the appointment of John Helberg to the Housing Council
Passed Yea-5 Nay-0	Roll call vote on above motion: Yea- Lankenau, Ridley, Maassel, McColley, Sheaffer Nay-
Appointment Of Anella Huff To Tree Commission	Mayor Behm requested approval of the appointment of Anella Huff to the Tree Commission. She is a member of a local garden club and is interested in serving.
Motion To Approve	Motion: McColley Second: Ridley To approve the appointment of Anella Huff to the Tree Commission
Passed Yea-5 Nay-0	Roll call vote on above motion: Yea- Lankenau, Ridley, Maassel, McColley, Sheaffer Nay-
<u>Good Of The City</u> (Cont.) Heath	Heath handed out financial reports that were not included in the packet. There was a question at the last meeting about budget billing. Our policy is that budget billing is typically at least 9,600 kWh per year. Heath handed out information from the public records law training he attended. An official certified copy of the certification is in Council's personnel files to meet the designation requirement of the ORC rule.
Ridley	Ridley – no items
Maassel	Maassel asked for an update on the meeting with the Commissioners. Mayor Behm said the sheriff, police, fire, Tracy Busch, and Jeff Rathge will meet as a technical working group due to their knowledge of tasks that need to be performed

operationally and report back in 30 days. This will give the Sheriff an idea of what he will need for a dispatch center and let the Commission know what the requirements will be along with the true cost.

Lankenau

Lankenau – no items

Mayor Behm

Mayor Behm spoke to the Mayors of Bryan and Celina. Both cities are about the same size as us and do not have a Human Resources (HR) person. They contract services for negotiations to a company that has someone available if there is a question. Celina uses a firm that Hayberger talked to, and another one does a lot of business in northwest Ohio. He would like to get moving on this fairly soon. His suggestion is to bring in representatives from these two companies and any other options to hear how they handle things. Hayberger said he planned to have an Excel spreadsheet for the next meeting. It may be difficult to get people here to talk that day, but he can present the information he has collected.

McColley

McColley – no items

Sheaffer

Sheaffer – no items

Hayberger

Hayberger – no items

Bisher

Bisher – no items

Approval Of Bills

Bills and reports stand approved as presented with no objections.

Motion To Adjourn

Motion: Ridley Second: Sheaffer
To adjourn the meeting.

Passed
Yea –5
Nay -0

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

Adjournment

Meeting adjourned at 7:47 PM.

Approved:
April 15, 2013

Jeffrey Lankenau, Council President Pro-Tem

Ronald A. Behm, Mayor

Gregory J. Heath, Finance Director/Clerk of Council

City of Napoleon

Technology & Communication Committee

Majority Report

The Technology & Communication Committee met on Monday, April 1, 2013, and:

- a.** Recommended hiring a part-time IT person
- b.** Made no recommendation on *Upgrades to City Website*

Jason Maassel, Chair

Christopher Ridley, Committee

Patrick McColley, Pro-Tem

City of Napoleon, Ohio

Electric Committee

Majority Report

The Electric Committee met on Monday, April 8, 2013, and:

1. Recommended approval of electric billing determinants for April 2013 as follows:
Generation Charge: Residential @ \$.06358; Commercial @ \$.07121; Large Power @ \$.04114; Industrial @ \$.04114; Demand Charge Large Power @ \$10.31; Industrial @ \$12.30; JV Purchased Cost: JV2 @ \$.02837; JV5 @ \$.02837
2. Removed *Beneficial Use and Purchase of Eastlake Power* from the table but took no action at this time

Travis Sheaffer, Acting Chair

Patrick McColley, Committee

Jason Maassel, Committee

ORDINANCE NO. 018-13

AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION MEASURE (SUPPLEMENT NO. 1) FOR THE YEAR 2013

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

Section 1. That, the annual appropriation measure passed in Ordinance No. 076-12 for the fiscal year ending December 31, 2013 shall be supplemented (Supplement No. 1) as provided in Exhibit "A", attached hereto and made a part hereof.

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

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

Section 4. That, this Ordinance provides for appropriations for the current expenses of the City; therefore, upon passage, this Ordinance shall take immediate effect, subject to the provisions of Article II, Sec. 2.15 of the Charter.

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. 018-13 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

SUMMARY TO ORDINANCE NO. 018-13

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

NOTICE

A copy of the complete text of Ordinance No. 018-13 is on file in the office of the City Finance Director/Clerk of Council and may be viewed or obtained during business hours of 7:30 AM to 4 PM, Monday through Friday, at the office of the Finance Director/Clerk of Council, the location being 255 West Riverview Avenue, Napoleon, Ohio. A copy of all or part of Ordinance No. 018-13 or any item mentioned in this notice may be obtained from the City Finance Director/Clerk of Council upon the payment of a reasonable fee therefore.

ORDINANCE NO. 018-13

AN Ordinance supplementing the annual appropriation measure (supplement No. 1) for the year 2013

In this Ordinance the City approves supplemental appropriations, which are described in the attached Exhibit A , for the 2013 Budget. This Summary was reviewed and approved as to form and correctness by Trevor M. Hayberger, Law Director.

2013 APPROPRIATION BUDGET - SUPPLEMENTAL BUDGET				
BUDGET SUMMARY BY FUND, DEPARTMENT AND CATEGORY				
<u>ORDINANCE No.</u> _____, <u>Passed</u>	=== 2013 1st Qt. BUDGET ADJUSTMENTS ===			2013
Proposed Appropriation Budget Adjustments	PERSONAL			FUND
CATEGORY ->	SERVICES	OTHER	TOTAL	TOTAL
100 GENERAL FUND				
1600 Information Systems/Administrative	\$14,440	-\$14,440	\$0	\$0
=====				
- Move Appropriations from Other to Personal Services to fund PT MIS position for 2013 +\$14,440 net \$-0-:				
Accounts - 100.1600.53300 Service Fees-Professional		-14,440		
Accounts - 100.1600.51100 Salary-Non Bargaining	12,180			
Accounts - 100.1600.51500 PERS	1,710			
Accounts - 100.1600.51600 Workers Compensation	370			
Accounts - 100.1600.51700 Medicare-City Share	180			
=====				
210 EMS TRANSPORT SERVICE FUND				
2200 Fire/Safety Services	\$0	\$10,000	\$10,000	\$10,000
=====				
- Additional for Refunds made on EMS Runs as processed from MED3000 +\$10,000:				
Accounts - 210.2200.59000 Refunds-Miscellaneous		10,000		
=====				
231 ED DOWNTOWN REVITALIZATION GRANT FUND				
3510 ED Downtown Revitalization	\$0	\$21,000	\$21,000	\$21,000
=====				
- Appropriate Funds from County Revolving Loan Fund (RLF) for Downtown Revitalization Project +\$21,000:				
NOTE: This was an Unappropriated Carryover from 2012.				
Accounts - 231.3510.53300 Service Fees-Professional		21,000		
=====				
400 CAPITAL IMPROVEMENT FUND				
2200 Fire/Safety Services	\$0	\$12,000	\$12,000	\$12,000
=====				
- Additional Funds to Replace Gasoline & Diesel Pump at Fire Station +\$12,000:				
Accounts - 400.2200.57200 Buildings & Improvements		12,000		
=====				
510 WATER REVENUE FUND				
6210 Water/Distribution System	\$0	\$5,900	\$5,900	\$5,900
=====				
- Appropriate Additional to Vehicle Maintenance for Major Engine Rebuild +\$5,900:				
Accounts - 510.6210.53510 Contract Maintenance-Vehicles		5,900		
=====				
519 WATER PLANT RENOVATION & IMPROVEMENT PROJECT FUND				
6200 Water/Treatment Plant Operations	\$29,600	-\$29,600	\$0	\$0
=====				
- Move Appropriations from Other to Personal Services to fund Pilot Study position for 2013 +\$29,600 net \$-0-:				
Accounts - 519.6200.53310 Service Fees-Eng.&Design		-29,600		
Accounts - 519.6200.51100 Salary-Non Bargaining	25,000			
Accounts - 519.6200.51500 PERS	3,500			
Accounts - 519.6200.51600 Workers Compensation	750			
Accounts - 519.6200.51700 Medicare-City Share	350			
=====				
523 OWDA SA DEBT RETIREMENT FUND				
8600 Special Assessment Debt Services (OWDA)	\$0	\$500	\$500	\$500
=====				
- Appropriate Additional for County Auditor Fees +\$500:				
Accounts - 523.8600.53410 County-Auditor Fees		500		
=====				
560 SANITATION (REFUSE) REVENUE FUND				
6400 Sanitation(Refuse)/Collection and Disposal	\$0	\$2,000	\$2,000	\$2,000
=====				
- Appropriate Additional for Direct Salary Reimbursement +\$2,000:				
Accounts - 560.6400.59160 Reimburse-Direct Salary & Wages		2,000		
=====				
* GRAND TOTAL - ALL FUNDS	\$44,040	\$7,360	\$51,400	\$51,400
=====				

**2013 APPROPRIATION BUDGET - SUPPLEMENTAL BUDGET
BUDGET SUMMARY BY FUND, DEPARTMENT AND CATEGORY**

ORDINANCE No. 018-13, Passed 04/15/2013				
==== 2013 1st Qt. BUDGET ADJUSTMENTS ===				2013
Proposed Appropriation Budget Adjustments	PERSONAL			FUND
CATEGORY ->	SERVICES	OTHER	TOTAL	TOTAL
100 GENERAL FUND				
1600 Information Systems/Administrative	\$14,440	-\$14,440	\$0	\$0
	=====	=====	=====	
210 EMS TRANSPORT SERVICE FUND				
2200 Fire/Safety Services	\$0	\$10,000	\$10,000	\$10,000
	=====	=====	=====	
231 ED DOWNTOWN REVITALIZATION GRANT FUND				
3510 ED Downtown Revitalization	\$0	\$21,000	\$21,000	\$21,000
	=====	=====	=====	
400 CAPITAL IMPROVEMENT FUND				
2200 Fire/Safety Services	\$0	\$12,000	\$12,000	\$12,000
	=====	=====	=====	
510 WATER REVENUE FUND				
6210 Water/Distribution System	\$0	\$5,900	\$5,900	\$5,900
	=====	=====	=====	
519 WATER PLANT RENOVATION & IMPROVEMENT PROJECT				
6200 Water/Treatment Plant Operations	\$29,600	-\$29,600	\$0	\$0
	=====	=====	=====	
523 OWDA SA DEBT RETIREMENT FUND				
8600 Special Assessment Debt Services (OWDA)	\$0	\$500	\$500	\$500
	=====	=====	=====	
560 SANITATION (REFUSE) REVENUE FUND				
6400 Sanitation(Refuse)/Collection and Disposal	\$0	\$2,000	\$2,000	\$2,000
	=====	=====	=====	
* GRAND TOTAL - ALL FUNDS	\$44,040	\$7,360	\$51,400	\$51,400
	=====	=====	=====	=====

APPROPRIATION BUDGET REQUEST- ADDITIONAL REQUEST SHEET

ADDITIONAL REQUESTS

(Additional Requests for Personal Services and Other Expenses, DO NOT Forward Totals)

FUND # and NAME:	<u>100</u>	<u>GENERAL FUND</u>	<u>FY 2013</u>	Round Request to
DEPT# and NAME:	<u>1600</u>	<u>INFORMATION SYSTEMS/ADMINISTRATION</u>		Nearest \$10
	<small>FUND #</small>	<small>DEPARTMENT #</small>	<small>ACCOUNT #</small>	<small>ACCOUNT DESCRIPTION</small>

LIST ADDL.REQ.FOR PERSONAL SERVICES AND OPERATIONAL ITEMS, CIP ITEMS LIST ON THE CIP FORM, BUD-05.					2013 BUDGET	
A	ACCT# and NAME:	FUND #	DEPARTMENT #	ACCOUNT #	ACCOUNT DESCRIPTION	\$ REQUESTED
	<u>100</u>	<u>1600</u>	<u>51100</u>	<u>Salaries-Non-Bargaining</u>		
1 -	<u>Permanent Part-Time MIS Position</u>					
2 -	Estimated Salary	\$15.00 / hour	X	29	Hrs/Week X 28 Weeks	\$12,180
3 -	Totals ROUNDED TO NEAREST \$10.					
4 -	COMPUTATION FOR 2013 BUDGET ONLY, FROM JUNE 10TH THROUGH DECEMBER 20TH.					
5 -						
TOTAL - ADDITIONAL REQUEST ITEM --> (DO NOT Forward to Summary Sheet)						\$12,180
B	<u>100</u>	<u>1600</u>	<u>51500</u>	<u>PERS</u>		
1 -						
2 -	PERS - \$12,180 X 14.00%					\$1,710
3 -	Totals ROUNDED TO NEAREST \$10.					
4 -	COMPUTATION FOR 2013 BUDGET ONLY, FROM JUNE 10TH THROUGH DECEMBER 20TH.					
5 -						
TOTAL - ADDITIONAL REQUEST ITEM --> (DO NOT Forward to Summary Sheet)						\$1,710
C	<u>100</u>	<u>1600</u>	<u>51600</u>	<u>Workers Compensation</u>		
1 -						
2 -	Workers Compensation - \$12,180 X 3.00%					\$370
3 -	Totals ROUNDED TO NEAREST \$10.					
4 -	COMPUTATION FOR 2013 BUDGET ONLY, FROM JUNE 10TH THROUGH DECEMBER 20TH.					
5 -						
TOTAL - ADDITIONAL REQUEST ITEM --> (DO NOT Forward to Summary Sheet)						\$370
D	<u>100</u>	<u>1600</u>	<u>51700</u>	<u>Medicare-City Share</u>		
1 -						
2 -	Medicare - \$12,180 x 1.45%					\$180
3 -	Totals ROUNDED TO NEAREST \$10.					
4 -	COMPUTATION FOR 2013 BUDGET ONLY, FROM JUNE 10TH THROUGH DECEMBER 20TH.					
5 -						
TOTAL - ADDITIONAL REQUEST ITEM --> (DO NOT Forward to Summary Sheet)						\$180
GRAND TOTAL - ADDITIONAL REQUEST -->						\$14,440

APPROPRIATION BUDGET REQUEST- ADDITIONAL REQUEST SHEET

ADDITIONAL REQUESTS

(Additional Requests for Personal Services and Other Expenses, DO NOT Forward Totals)

FUND # and NAME:	<u>100</u>	<u>GENERAL FUND</u>	<u>2014 and Beyond</u>	Round Request to
DEPT# and NAME:	<u>1600</u>	<u>INFORMATION SYSTEMS/ADMINISTRATION</u>		Nearest \$10
	<small>FUND #</small>	<small>DEPARTMENT #</small>	<small>ACCOUNT #</small>	<small>ACCOUNT DESCRIPTION</small>

LIST ADDL.REQ.FOR PERSONAL SERVICES AND OPERATIONAL ITEMS, CIP ITEMS LIST ON THE CIP FORM, BUD-05.					2013 BUDGET	
A	ACCT# and NAME:	FUND #	DEPARTMENT #	ACCOUNT #	ACCOUNT DESCRIPTION	\$ REQUESTED
	<u>100</u>	<u>1600</u>	<u>51100</u>	<u>Salaries-Non-Bargaining</u>		
1 -	<u>Permanent Part-Time MIS Position</u>					
2 -	Estimated Salary	\$15.00 / hour	X	29	Hrs/Week X 52 Weeks	\$22,620
3 -	Totals ROUNDED TO NEAREST \$10.					
4 -	COMPUTATION FOR ANNUAL PROJECTED BUDGET ONLY, FULL YEAR.					
5 -						
TOTAL - ADDITIONAL REQUEST ITEM --> (DO NOT Forward to Summary Sheet)						\$22,620
B	<u>100</u>	<u>1600</u>	<u>51500</u>	<u>PERS</u>		
1 -						
2 -	PERS - \$22,620 X 14.00%					\$3,170
3 -	Totals ROUNDED TO NEAREST \$10.					
4 -	COMPUTATION FOR ANNUAL PROJECTED BUDGET ONLY, FULL YEAR.					
5 -						
TOTAL - ADDITIONAL REQUEST ITEM --> (DO NOT Forward to Summary Sheet)						\$3,170
C	<u>100</u>	<u>1600</u>	<u>51600</u>	<u>Workers Compensation</u>		
1 -						
2 -	Workers Compensation - \$22,620 X 3.00%					\$680
3 -	Totals ROUNDED TO NEAREST \$10.					
4 -	COMPUTATION FOR ANNUAL PROJECTED BUDGET ONLY, FULL YEAR.					
5 -						
TOTAL - ADDITIONAL REQUEST ITEM --> (DO NOT Forward to Summary Sheet)						\$680
D	<u>100</u>	<u>1600</u>	<u>51700</u>	<u>Medicare-City Share</u>		
1 -						
2 -	Medicare - \$22,620 x 1.45%					\$330
3 -	Totals ROUNDED TO NEAREST \$10.					
4 -	COMPUTATION FOR ANNUAL PROJECTED BUDGET ONLY, FULL YEAR.					
5 -						
TOTAL - ADDITIONAL REQUEST ITEM --> (DO NOT Forward to Summary Sheet)						\$330
GRAND TOTAL - ADDITIONAL REQUEST -->						\$26,800

RESOLUTION NO. 019-13

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO
ENTER INTO A CONTRACT FOR THE PURCHASE OF SODIUM
CHLORIDE IN COOPERATION WITH ODOT; AND
DECLARING AN EMERGENCY**

WHEREAS, Section 5513.01(B) of the Ohio Revised Code provides the opportunity for Counties, Townships, Municipal Corporations, Port Authorities, Regional Transit Authorities, State Colleges/Universities and County Transit Boards to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, material, supplies, or other articles; Now Therefore,

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

Section 1. That, intending to be legally bound, the City Manager of the City of Napoleon, Ohio, is given the authority in the name of the City of Napoleon, Ohio, to participate in the Ohio Department of Transportations Contract for Sodium Chloride and this Council agrees as follows:

- 1) To purchase an estimated salt tonnage, indicated in contract, exclusively from the vendor awarded rock salt contract for the County in which said political subdivision (Napoleon, Ohio) is located.
- 2) To be bound by the terms and conditions of the contract.
- 3) To be responsible for payment for the quantities purchased under the contract.
- 4) To be responsible for resolving disputes arising out of participation in the contact and, to the extent allowable under Ohio law, hold the Director of Transportation and the Ohio Department of Transportation harmless for any claim and dispute arising out of participation in the contract pursuant to Ohio Revised Code Section 5513.01(b).

Section 2. That, the Clerk of this Council and/or City Manager is authorized to fill out the ODOT prescribed form that is attached as Exhibit "A" to this Resolution.

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

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

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

placement on streets in winter months for safe travel; 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 Resolution No. _____ 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

SUMMARY TO RESOLUTION 019-13

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

NOTICE

A copy of the complete text of Resolution 019-13 is on file in the office of the City Finance Director and may be viewed or obtained during business hours of 7:30 AM to 4:00 PM, Monday through Friday, at the office of the Finance Director, the location being 255 West Riverview Avenue, Napoleon, Ohio. A copy of all or part of Resolution 019-13 or any item mentioned in this notice may be obtained from the City Finance Director upon the payment of a reasonable fee therefore.

Resolution 019-13

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE PURCHASE OF SODIUM CHLORIDE IN COOPERATION WITH ODOT; AND DECLARING AN EMERGENCY

In this legislation the City Napoleon authorizes the City Manager to enter into a contract with ODOT for the purchase of sodium chloride (rock salt). This Summary was approved as to form and correctness by Trevor Hayberger, Law Director.

OHIO DEPARTMENT OF TRANSPORTATION - Office of Contracts, Purchasing Services
Cooperative Purchasing Program - Sodium Chloride (Rock Salt)

DATE SUBMITTED: _____

RESOLUTION/ORDINANCE as adopted for sodium chloride/rock salt requirements for purchase. Effective period: twelve months from date of award, inclusive, or on an effective date as determined by the Director at the time of bid.

Whereas, Section 5513.01(B) of the Ohio Revised Code provides the opportunity for Political Subdivisions including Counties, Townships, Municipal Corporations, Port Authorities, Regional Transit Authorities, State Colleges/Universities and County Transit Boards and others to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, material, supplies, or other articles;

Now Therefore, Be it Ordained, Intending to Be Legally Bound That _____
(Agent)

Hereby Requests Authority in The Name of City of Napoleon, Ohio
(Political Subdivision)

To participate in the Ohio Department of Transportation's Contract for Rock Salt and Agrees:

- 1) To purchase an estimated salt tonnage, indicated below, exclusively from the vendor awarded the rock salt contract for the county in which said political subdivision is located;

018 NOTE: By executing this agreement and providing an estimated tonnage the Political Subdivision recognizes that Contract 018 will contain a min/max tonnage provision, as determined by the Director at the time of bid but will not exceed 80/120% respectively, for which the Political Subdivision will be responsible.

- 2) To be bound by the terms and conditions of the contract;
- 3) To be responsible for payment directly to the vendor for the quantities purchased under the contract; and
- 4) To be responsible for resolving all disputes arising out of participation in the contract and agree to release the Director of Transportation and the Ohio Department of Transportation from liability for all loss or damage, and from any and every claim or damage resulting from or arising out of participation in the contract pursuant to Ohio Revised Code Section 5513.01(b).

MINIMUM ORDER = 1 TRUCKLOAD / 22 TONS WITHOUT PILER OR 200 TONS WITH PILER

018 Salt Winter Use Contract – 80/120% (Min/Max Tonnage)		
STOCKPILE LOCATIONS	STOCKPILE CAPACITY	TONS REQUIRED (ESTIMATED)
1775 Industrial Drive, Napoleon, Ohio, 43545	150 Tons	500 Tons

OHIO DEPARTMENT OF TRANSPORTATION - Office of Contracts, Purchasing Services
Cooperative Purchasing Program - Sodium Chloride (Rock Salt)
Continued

Participating Political Subdivisions are intended beneficiaries under this contract and are real parties in interest with the capacity to sue and be sued in their own name without joining the state of Ohio, Ohio Department of Transportation. By signing and returning this agreement, you will be bound to participate in this contract during the upcoming winter season, upon award of the contract to a successful vendor. A participating Political Subdivision cannot change its position during this contract period. Termination of participation is effective upon the expiration date of the contract. Failure of a Political Subdivision to purchase its requirements from the awarded vendor or comply with the terms of this contract may invalidate participation for the following winter season.

Political subdivisions will be required to submit a new participation agreement form every year, indicating storage capacity and stating salt needs for the contract period.

(Authorized Signature and Title) (Date)

(Print Exactly as Signed Above)

Henry

(County Location)

City of Napoleon

(Political Subdivision)

255 W. Riverview Avenue

(Street) PO Box 151
(P.O. Box)

Napoleon Ohio 43545

(City) (State) (Zip plus 4)

Jeffrey H. Rathge 419-599-1891

(Contact Name Responsible for Ordering Salt) (Phone Number)

jrathge@napoleonohio.com

(E-Mail Address)

Note: This Participation Agreement must be received by the Ohio Department of Transportation, Office of Contracts, Purchasing Services prior to the mailing of the Invitation to bid.

Upon receipt of the agreement each political subdivision will get added to a list that will be maintained on the Office of Contracts web site. This list will be updated daily on the Contracts web site located at ->

<http://www.dot.state.oh.us/Divisions/ContractAdmin/Contracts/Purchase/salt.doc>

Email the completed resolution to contracts.purchasing@dot.state.oh.us.

APPROPRIATION BUDGET REQUEST- ADDITIONAL REQUEST SHEET

DO NOT Forward Totals to Account Summary



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
Greg Heath, Finance Director
Jeff Rathge, Operations Superintendent
Date: April 15, 2013
Subject: Award of Bid for Large Dump Truck/Snow Plow

On Wednesday, April 10, 2013, bids were opened and read aloud for the above referenced project. One (1) bid was submitted and read as follows:

Stoops Freightliner

Base Bid = \$150,790.00

Trade In Allowance = \$8,000.00

Net Total Bid = \$142,790.00

The available budget amount for this unit is \$145,000.00. **Having reviewed the submitted bid, it is my recommendation that Council award Stoops Freightliner the contract for the Large Dump Truck/Snow Plow in the amount of \$142,790.00.** If you have any questions or require additional information, please contact me at your convenience.

CEL



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
Greg Heath, Finance Director
Jeff Rathge, Operations Superintendent
Date: April 15, 2013
Subject: Award of Bid
Refuse Truck Chassis & Packer Unit

On Wednesday, April 10, 2013, bids were opened and read aloud for the above referenced project. One (1) bid was submitted and read as follows:

Stoops Freightliner	\$144,080.00
---------------------	--------------

The available budget amount for this unit is \$150,000.00. **Having reviewed the submitted bid, it is my recommendation that Council award Stoops Freightliner the contract for the Refuse Truck & Packer Unit in the amount of \$144,080.00.** If you have any questions or require additional information, please contact me at your convenience.

CEL



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: April 12, 2013

TO: Members of City Council
Ronald A. Behm, Mayor
Jon A. Bisher, City Manager
Trevor Hayberger, Law Director

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

SUBJECT: Agenda Item – **Hiring an Executive Assistant vs. hiring a full-time Clerk of Council**

The City Charter of Napoleon under Section 2.10 Council Employees states “*Council shall appoint a Clerk of Council ... whom shall serve at the pleasure of Council ...*” In the Codified Ordinances of the City, under Section 137.01 Department of Finance it states in “(d) Specific Powers and Duties. *The Finance Director shall have the following power, authority, and perform the following duties: ... (20) To be the Clerk of Council ...*”

At certain times, I have approached City Council regarding the Clerk of Council duties assigned to the Finance Director. I have asked if City Council wanted to continue this assignment, or if City Council wanted to consider a separate Clerk of Council. This historically has occurred during the City Council Bi-Annual Reorganization, or whenever there is a vacancy in the position of the Records Clerk/Recorder position.

In October, 2012, during the 2013 Budget Review process, I was informed by Ms. Barb Nelson, Records Clerk/Recorder, of her intention to retire by December 31, 2012. I informed Council President and it was discussed during the 2013 Budgetary Reviews. No changes or actions were taken because prior to December 31, 2012, Ms. Nelson approached me and stated if she could get more flexible hours she would be willing to stay one more year. We were able to change her position Title from *Records Clerk/Recorder* to an *Executive Assistant to the Appointing Authority* with no increase in pay; however, that change allowed for flexible hours and met her request. She agreed to work until approximately November, 2013, and retire at that time.

With Ms. Nelson’s pending retirement, I am again approaching City Council on what their desire is with the Clerk of Council position. I see two (2) options for City Council to consider:

- One option is to create a separate Clerk of Council Position and remove those listed duties from the Finance Director as currently assigned in City Code Section 137.01 (d) (20).
- The other option is to leave those listed duties as is and Not remove them from City Code Section 137.01 (d)(20), and direct the Finance Director to refill the Records Clerk/Recorder (Executive Assistant to the Appointing Authority) position prior to the retirement of Ms. Nelson.

(Clerk of Council – Continued Next Page)

(Clerk of Council – Continued)

Whatever direction City Council choses to take, there are some considerations you should keep in mind if you establish a separate Clerk of Council, or if you stay with the current Records Clerk/Recorder setup:

- The duties assigned require a Full Time Person.

The base duties of this position includes attending and taking minutes for all City Council, Council Committees, Commissions, and Boards meetings. There are currently thirty one (31) established City Council, Council Committees and Commissions, and Boards.

- The duties assigned require a person with Flexible Scheduling.

The thirty one (31) City Council, Council Committees and Commissions, and Boards meet at varying dates, times, and locations, throughout the year. As you are well aware, these meeting can last from just a few minutes too many hours covering multiple days (Exp. Annual Budget Review).

- The duties assigned require a person with good Listening and Organizational Skills.

One of the primary duties is to take and type minutes, and this is very time consuming. Keeping up with the ongoing processes of a meeting requires good listening and organizational skills.

- The duties assigned require a person with Office and Records Keeping Skills.

In addition to taking and typing minutes, the duties include preparing the Agenda, Publishing the Agenda, and preparing and cleaning up the meeting location. The duties also include maintenance of Public Records and responding to Records Requests.

In addition to those listed above, there are many other important functions of the job. My main point here is to stress there is plenty of work to easily justify a Full Time Position.

Finally, should City Council decide to leave the duties of Clerk of Council assigned to the Finance Director pursuant to City Code Section 137.01 (d) (20), and then I am fine with the current setup and arrangement. Based on the assumption that City Council will continue the currently assigned duties, I am requesting the following:

- To start rotating in as backup to the Records Clerk/Recorder current City full time or part time employees that may have an interest in this position. We currently do cover the Records Clerk/Recorder with personnel from the Finance Department. My plan would be to expand the pool to other interested City Employees so backup training can begin. This will require some additional overtime; I do have that already included in my budget.
- The most important, is to employ Barb's Full Time replacement up to sixty (60) days prior to her retirement. If the final retirement date is on or before November 1, 2013, then I would like to have someone ready to come aboard by September 1, 2013. This would require a budgetary adjustment prior to the end of the year.

I look forward to discussing this item with Council. Should you have any questions regarding this item or And information listed herein, please let me know.



CITY OF NAPOLEON, OHIO

LAW DEPARTMENT MEMORANDUM

255 W. RIVERVIEW AVENUE, PO BOX 151

NAPOLEON, OH 43545

PHONE: 419.592.3503 - FAX: 419.592.4723

TO: City Council and Mayor
FROM: Trevor M. Hayberger, City Law Director
CC: Dr. Jon Bisher, City Manager; Gregory J. Heath, City Finance Director
DATE: Friday, April 12, 2013
SUBJECT: Human Resource Position

BACKGROUND:

At the end of November, 2012, Gloria Mikolajczak retired from the City. Gloria was the sole human resource employee, thus leaving the City without a Human Resource Director for the last 5 months. In that time, the essential duties of a human resource employee have been spread among several employees, primarily Sheryl Rathge of the Law Department, and Mary Thomas of the Finance Department.

OPTIONS:

There are several options the City can choose from, including but not limited to:

1. Hire a Full-time Human Resource Director:

Current salary range as established by the Annual Pay Ordinance is \$52,745.00 to \$76,170.00. For example, using a salary of \$65,000.00 per year plus roll ups the total would be \$90,500.00.

If the City chooses to reduce the salary range to \$40,000.00 to \$56,000.00 there could be considerable savings. For example, using a salary of \$48,000.00 per year plus roll ups the total would be \$70,350.00 ("Exhibit A").

Pros:

- * On staff person readily available for issues that arise.
- * Person is familiar with the operation of the City and its employees.
- * Employees comfortable coming to the HR Director with questions, concern, or complaints.

Cons:

City Law Director
Trevor M. Hayberger
thayberger@napoleonohio.com

Executive Assistant
Sheryl K. Rathge
srathge@napoleonohio.com

* Council is concerned that a full time person is not necessary.

2. Job Share a Full-time HR Director with another Agency:

Due to the City's geographical complexities it was difficult to find agencies that would be logically compatible. This option was proposed to the Henry County Commissioners who rejected a draft contract and indicated that they are not interested at this time to job share with the City regarding HR.

Pros: Can provide all the services of a full-time person and spread the cost among other agencies.

Cons: No local agency was found to be interested in job sharing at this time.

3. Hire a part time HR Director:

Pros: Similar pros as full-time and less expensive.

Cons: Question the quality or person available for this part-time position.

4. Outsource the functions of the HR Director:

A. Clemons and Nelson:

i. Option 1: Consultation "Exhibit B"

a. \$90.00/hour for Consultant

b. \$125.00/hour for Senior Consultant

c. \$140.00/hour for manager

d. \$150.00/hour for Director/Vice-President/President

e. IRS rate mileage for travel (no hourly rate will be charged)

f. \$175.00 monthly retainer (includes routine telephone consultation)

g. Flat fee to be determined for special projects

ii. Option 2: Person on site 1 day/week "Exhibit C"

a. \$3,250.00/ month for Onsite Services Retainer Rates (does not include retainer fee)= \$39,000.00/year* (would be more because monthly rate is based on a four week month)

b. \$4,870.00/ month for Onsite Services Non-Retainer Rate= \$58,440.00/year

iii. Option 3: Person on site 2 days/week "Exhibit C"

a. \$6,470.00.00/ month for Onsite Services Retainer Rates (does not include retainer fee) = \$77,640.00/year

b. \$9,710.00/ month for Onsite Services Non-Retainer Rate= \$116,520.00

iv. Option 4: Person on site 3 days/week "Exhibit C"

a. \$9,690.00.00/ month for Onsite Services Retainer Rates (does not include retainer fee)= \$116,280.00/year

b. \$14,550.00/ month for Onsite Services Non-Retainer Rate
=\$174,600.00/year

Pros: Very experienced company.

Cons: Not clear if the "consultants" are attorneys and options 2-4 are costly.

City Law Director
Trevor M. Hayberger
thayberger@napoleonohio.com

Executive Assistant
Sheryl K. Rathge
srathge@napoleonohio.com

B. Ennis, Roberts, and Fischer: “Exhibit D”

- i. \$230.00/hour for attorneys
- ii. \$195.00/hour for junior associates
- iii. \$100.00/hour for paralegal and clerk services
- iv. Travel costs are ½ of hourly rate
- v. No mention of retainer fee

Pros: Very experienced firm.

Cons: Office is located in Cincinnati.

C. JK Evans and Associates: “Exhibit E”

- i. \$125.00/hour without a retainer
- ii. Onsite meetings are charged a minimum of 3 hours
- iii. No charge for travel cost only charged an agreed upon mileage fee

Pros: Not enough information to form an opinion

Cons: Not enough information to form an opinion

D. Plante Moran: Could not get back with us with a proposal until next week.

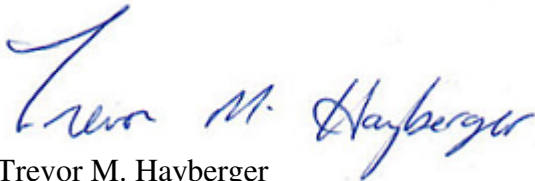
E. HR on Demand: I was just made aware of this service but not able to obtain any information prior to the meeting.

5. Continue without HR Director:

Pros: In short term saves money.

Cons: In the long term could cost more money because of litigation, additionally the current practice is not acceptable without additional compensation for the Law Department.

Respectfully submitted,



Trevor M. Hayberger
Law Director

City Law Director
Trevor M. Hayberger
thayberger@napoleonohio.com

Executive Assistant
Sheryl K. Rathge
srathge@napoleonohio.com

APPROPRIATION BUDGET REQUEST- ADDITIONAL REQUEST SHEET

ADDITIONAL REQUESTS

(Additional Requests for Personal Services and Other Expenses, DO NOT Forward Totals)

FUND # and NAME: 100 General Fund
DEPT# and NAME: 1300 City Manager/Administration

Nearest \$10

LIST ADDL.REQ.FOR PERSONAL SERVICES AND OPERATIONAL ITEMS, CIP ITEMS LIST ON THE CIP FORM, BUD-05.						2013 BUDGET
						\$ REQUESTED
A	ACCT# and NAME:	<u>100</u>	<u>1300</u>	<u>51100</u>	<u>SALARY-NON-BARGAINING</u>	
1 -						
2 -	HR Administrator		\$23.08 / Hour	2080 Hours	(Rounded)	\$48,010
3 -						
4 -						
5 -						
TOTAL - ADDITIONAL REQUEST ITEM --> (DO NOT Forward to Summary Sheet)						\$48,010
B	ACCT# and NAME:	<u>100</u>	<u>1300</u>	<u>51500</u>	<u>PERS</u>	
1 -	Income Tax Administrator		\$48,010 X PERS Rate	14.00%	(Rounded)	\$6,720
2 -						
3 -	ACCT# and NAME:	<u>100</u>	<u>1300</u>	<u>51600</u>	<u>WORKERS COMPENSATION</u>	
4 -	Income Tax Administrator		\$48,010 X Workers Comp. Rate	3.00%	(Rounded)	\$1,440
5 -						
TOTAL - ADDITIONAL REQUEST ITEM --> (DO NOT Forward to Summary Sheet)						\$8,160
C	ACCT# and NAME:	<u>100</u>	<u>1300</u>	<u>51700</u>	<u>MEDICARE</u>	
1 -						
2 -	Income Tax Administrator		\$48,010 X Medicare Rate	1.45%	(Rounded)	\$700
3 -						
4 -						
5 -						
TOTAL - ADDITIONAL REQUEST ITEM --> (DO NOT Forward to Summary Sheet)						\$700
D	ACCT# and NAME:	<u>100</u>	<u>1300</u>	<u>51710</u>	<u>HEALTH INSURANCE</u>	
1 -	Income Tax Administrator Health		\$993 / Month	times (X)	12 (Rounded)	\$11,920
2 -	Income Tax Administrator Ded.		\$125 / Month	times (X)	12 (Rounded)	\$1,500
3 -						
4 -	ACCT# and NAME:	<u>100</u>	<u>1300</u>	<u>51750</u>	<u>LIFE INSURANCE</u>	
5 -	Income Tax Administrator Life Ins.		\$5 / Month	times (X)	12 (Rounded)	\$60
TOTAL - ADDITIONAL REQUEST ITEM --> (DO NOT Forward to Summary Sheet)						\$13,480
TOTAL - ADDITIONAL REQUEST-->						\$70,350

Exhibit A

DO NOT Forward Totals to Account Summary (Subject to Approval by City Manager and City Council)

MANAGEMENT CONSULTANT AGREEMENT

The City of Napoleon, Ohio, hereinafter called the "Client," and Clemans, Nelson & Associates, Inc., hereinafter called the "Consultant," shall hereby agree to the following terms and conditions for a period of one (1) year commencing on the date of execution written below, subject to renewal or termination by the parties as provided herein.

The Consultant, in consideration of the covenants and promises set forth hereinafter, certifies, covenants, and agrees to perform in the following manner, to wit:

Provide to the Client on a priority basis, such management and/or fiscal consulting services in labor, employment, and other areas as might be requested throughout the duration of this Agreement.

IN CONSIDERATION of the foregoing covenants and promises, the Client agrees to pay the Consultant a retainer of ONE HUNDRED SEVENTY-FIVE DOLLARS (\$175.00) per month for a period of one (1) year from the effective date of this contract to cover brief telephone consultation as provided below, and to pay the Consultant at the applicable rates for professional services:

Consultant	\$ 90.00 per hour
Senior Consultant.....	\$125.00 per hour
Manager	\$140.00 per hour
Director/Vice-President/President	\$150.00 per hour

Actual clock hours shall include only those hours spent in consultation and those hours of work integral to such consultation, including but not limited to preparation, research, analysis, writing, advice, and meetings with or on behalf of the Client. The parties may also agree on a flat fee for training or other special projects. The Consultant will not charge the Client an hourly rate for portal-to-portal travel time. A minimum of four (4) hours will be billed for each on-site visit by the Consultant. No professional service hours shall be charged for brief telephone consultations requiring no in-office or on-site follow-up.

The Client further agrees to pay the Consultant the mileage rate as established by the Director of the Internal Revenue Service for travel from the Consultant's headquarters or a regional office, whichever is applicable, necessary meal expense, actual overnight lodging expenses if required, and other ordinary and necessary business expenses.

The Consultant shall not unlawfully discriminate against any employee or applicant for employment because of race, color, religion, creed, national origin, sex, age, military status, or disability. Nor shall amounts paid under this Agreement exceed any applicable statutory limit. The Consultant is not a law firm and this Agreement does not create an attorney/client relationship.

This Agreement shall automatically be renewed for successive one (1) year periods on its anniversary date unless either party provides written notice to the other party, during the last thirty (30) days of any annual contract period, of their desire to terminate the Agreement. The Client shall be notified in writing, not less than sixty (60) days prior to the anniversary date of the Agreement, of any general increase in the Consultant's rates, which shall not become effective until the effective date the contract renews or the date a new contract is signed.

Invoices setting forth these charges shall be submitted as accrued on a monthly basis, payable upon receipt.

CERTIFICATION OF COMPLIANCE WITH O.R.C. 3517.13:

By signing this Agreement, the undersigned representative of Clemans, Nelson & Associates, Inc. certifies on behalf of the Consultant corporation that all of the following persons, if applicable, are in compliance with applicable provisions of division (J) of Ohio Revised Code Section 3517.13 with respect to all public officials of any Ohio political subdivision with whom the Consultant is hereby contracting:

- A. each owner of more than twenty percent of the corporation or business trust;
- B. each spouse of each owner of more than twenty percent of the corporation or business trust.

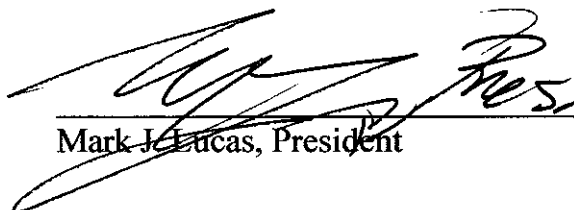
The undersigned authorized representative of the Consultant certifies such compliance on and since April 4, 2007 and on any date after April 4, 2007 that the Client and the Consultant enter into this Agreement. If the Consultant's representative or any Officer of the Consultant becomes aware of noncompliance with O.R.C. Section 3517.13(J) between the time the Consultant's representative signs this Agreement and the time the Client fully executes and enters into this Agreement, the Consultant shall so notify the Client – and unless and until the Client receives such notice, the Client may rely on this certification when entering into this Agreement. This certification is a part of this Agreement.

IN WITNESS WHEREOF, the parties hereunto set forth their hand as of the _____ day
of _____, 2013 (date of execution).

CITY OF NAPOLEON

CLEMANS, NELSON & ASSOCIATES,
INC.

Jon Bisher, City Manager



Mark J. Lucas, President

APPROVED AS TO FORM

Trevor M. Hayberger, Law Director

CERTIFICATE OF AVAILABILITY OF FUNDS

It is hereby certified that the amount required to meet the obligations of this contract in the fiscal year in which the contract has been made has been lawfully appropriated for the purposes of the contract and is in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances, obligations, or certificates now outstanding.

Gregory J. Heath, Fiscal Officer

Date

Exhibit C

CITY OF NAPOLEON

**PROPOSAL TO PROVIDE
ON-SITE CONSULTING SERVICES**

**DATE SUBMITTED:
March 19, 2013**

Prepared by:

**Wendy Schimmoeller, Consultant
CLEMANS, NELSON & ASSOCIATES, INC.
417 North West Street
Lima, Ohio 45801-4237
(419) 227-4945
FAX (419) 229-8617
www.clemansnelson.com**

INTRODUCTION

Clemans Nelson has a wealth of experience in recruiting/staffing, compensation administration, performance assessment and improvement, staff development, and employee relations services in an on-site capacity. Clemans Nelson has undertaken many such projects and can provide the same professional service to the City of Napoleon.

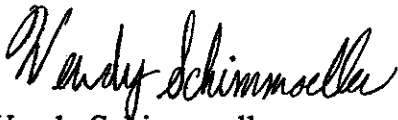
In this proposal, we have included the following:

1. An introduction of the services to be provided;
2. A synopsis of the methodology we propose to utilize for the duration of service, including “client input” and “specific results” you can expect;
3. Estimated cost, including consulting time and reasonable and necessary expenses; and
4. Profile information on our firm.

The reason I have submitted this proposal is to offer the city an alternative to the traditional method of delivering human resource services without the high cost of hiring a full-time human resource person, with a full salary, benefits, pension, and other similar rollups. Clemans Nelson has provided similar services to Williams County, Lucas Metropolitan Housing Authority, Allen Metropolitan Housing Authority, the City of Fremont, City of Lima, and Fair Haven with great success. I would appreciate the opportunity for a meeting to discuss this opportunity in more detail.

Respectfully submitted,

CLEMANS, NELSON & ASSOCIATES, INC.



Wendy Schimmoeller
Consultant

SERVICES TO BE PROVIDED

MANAGEMENT OF PROJECTS

Clemans Nelson will assign a consultant to the City of Napoleon to deliver those human resources services proposed herein. The remainder of the firm's staff will also be available as needed. Any disagreement regarding the consultant assigned will be resolved to the client's satisfaction.

LABOR/MANAGEMENT ISSUES

1. The consultant will advise the City of Napoleon regarding contract interpretation, disciplinary actions, and response to grievances or prepare written grievance answers for the City of Napoleon and represent the city in labor/management meetings, disciplinary hearings, grievance hearings (up to arbitration hearings), etc.
2. The consultant will conduct policy manual training as needed.
3. The consultant will meet with union representatives to discuss issues related to assisting in contract compliance, safety, health insurance, etc.
4. The consultant will meet with all elected officials and city departments to assist in the day to day human resource needs.

RECRUITMENT AND STAFFING

1. The consultant will assist the City of Napoleon elected officials and administrators in the recruitment, selection, and hiring of new employees. This will be done in accordance with state and federal law.
2. The consultant will assist the City of Napoleon in the investigation of any Equal Employment Opportunity Commission and Ohio Civil Rights Commission charges, with the exception of persons like Pete Nevada who actually prepares the client responses to EEOC and OCRC and defends the city and account managers responsible for appropriate compilation of OCRC requested materials.

COMPENSATION AND ADMINISTRATION

1. The consultant will review existing compensation plans and make recommendations to ensure they are internally equitable, externally competitive,

and consistent with current statutes, case law, and other administrative requirements.

2. The consultant will review the compensation plan annually to ensure that it remains current and that it continues to meet the goals and objectives of the City of Napoleon.

PERFORMANCE ASSESSMENT AND IMPROVEMENT

1. The consultant will review any existing performance evaluation systems and make recommendations.
2. The consultant will provide training to administrators to ensure that performance evaluations and employee improvement plans are conducted fairly and consistently in all areas.

CONSULTATIONS

1. The consultant will inform the City of Napoleon of changing developments in federal and state regulations affecting labor relations or employment and make recommendations for compliance.
2. The consultant will remain available to provide telephone or on-site consultations to the City of Napoleon regarding labor relations matters and personnel matters pertaining to non-bargaining unit employees.

ADDITIONAL SERVICES

Clemans Nelson will provide any other personnel or human resource management services requested by the client, but not included in this proposal, at our reduced retainer rates or an agreed upon flat fee amount.

SERVICES EXCLUDED FROM THIS PROPOSAL

Specific services specifically not covered by this proposal are arbitrations, SPBR representation, and negotiations.

METHODOLOGY

METHOD

Clemans Nelson will assign a qualified consultant on-site as requested by the client to manage the city's human resource needs. The on-site consultant will assist the city in complying with employment and human resource requirements, coordinate management of the city's personnel system, and ensure that the other services as provided herein are properly delivered.

The consultant will be regularly assigned to be on-site to coordinate and deliver personnel services as needed. The consultant would also be responsible for scheduling other consultants, with expertise in a particular category, to be on-site during selected periods to deliver the other specialized services.

CLIENT INPUT

The client will provide a work location (office space), desk, telephone, file cabinet, access to a copier and fax machine, and provide support to the assigned on-site consultant. The client will also ensure the availability of a computer terminal for use by the consultant as needed while on-site.

RESULT

The city will have regular access to a qualified consultant to answer questions. The city will have an individual on-site to manage the city's personnel system and maintain required recordkeeping, investigate accidents, and monitor the city's overall compliance with related regulations.

ADDITIONAL SERVICES

Clemans Nelson will provide arbitrations, and other personnel or labor relations services at the reduced retainer rates.

CLEMANS NELSON STAFF PROFILE

GENERAL STAFF CHARACTERISTICS

Clemans Nelson is 100% employee-owned. Consequently, every employee in the firm takes a strong interest in providing top quality client service.

Clemans Nelson employs 30-35 management consultants and support staff with complementary skills and backgrounds.

Among our consulting staff are former business and government executives, and other professionals with experience in education, labor relations, civil rights, UC, WC, tax, insurance, personnel, and other areas.

All Clemans Nelson consultants, managers, and principals, including the CEO, work regularly with clients on projects in order to stay current and ensure delivery of state-of-the-art consulting services.

REPRESENTATIVE CLEMANS NELSON CONSULTANTS

Mark J. Lucas, Sr., Esq. serves as Clemans Nelson's CEO. He has extensive experience in labor negotiation and arbitration, business management, organizational and operational analysis, strategic planning, employee relations, and state and local civil service compliance. He received his J.D. from The Ohio State University College of Law and a B.A. in business administration and political science at Adrian College.

E. Pete Nevada, Esq. is Clemans Nelson's Director of Research and Development with over 27 years experience in unemployment compensation, Equal Employment Opportunity compliance, Ohio Civil Rights compliance and representation, supervisory training, and policy development. He is also experienced in labor negotiation and arbitration, as well as litigation consultation. Mr. Nevada is a graduate of The Ohio State University College of Law and received his undergraduate degree from Marietta College. He formerly served as Deputy Director of the Ohio Bureau of Employment Services and as an Assistant Attorney General.

Patrick A. Hire is a Regional Manager with Clemans Nelson, has over 15 years experience in personnel and labor relations issues in the public sector. Mr. Hire's experience includes labor relations, arbitrations, mediations, continuous improvement process, contract negotiations, and contract interpretation. He is also experienced in agency/facility organizational and operational analysis, civil service compliance, federal statute compliance, EEO complaints, State Employment Relations Board complaints, and

policy development. Mr. Hire received his B.A. in Comprehensive Social Studies from Bluffton College and received his Master of Business Administration with a specialization in Public Administration from the University of Findlay.

Fred J. Lord, a Senior Consultant with Clemans Nelson, assists clients in general management consulting services, labor relations, and regulatory compliance. He has over ten (10) years experience in public sector employment with five (5) years of experience in public sector management. Fred is experienced in organizational and operational analysis, civil service, regulatory compliance and policy development. Fred received his B.S. in Organizational Leadership from Wright State University, and received his Master of Business Administration with a concentration in Innovation and Change from Wright State University.

Catherine Kouns Born, a Senior Consultant with Clemans Nelson, assists clients in general management consulting services, labor relations and regulatory compliance. She has over 20 years communications and marketing consulting experience. Cat is also experienced in personnel management and training, risk management and policy development. Ms. Kouns Born received her B.S. in Speech Communications and Theatre Arts from Eureka College, a M.S. in Communications from Illinois State University and her Master of Business Administration from Bluffton University.

Wendy M. Schimmoeller has been with Clemans Nelson for 13 years and is a Consultant working with clients on various employment and human resource management issues and developing personnel systems components. She has an Associate Degree from Rhodes State and is attending The Ohio State University majoring in Business Administration. Wendy is a member of the Lima Society for Human Resource Management (LSHRM), Golden Key International Honour Society, Alpha Beta Gamma, and Phi Theta Kappa Honor Society.

Aaron K. Weare, Esq. serves as a Senior Consultant for Clemans Nelson. A graduate of Ohio Northern University's Claude Pettit College of Law where he earned his J.D. Aaron has experience working with the Ohio Attorney General's Employment Section where he worked with discrimination cases and cases at the State Personnel Board of Review. Aaron gained experience in supervision and personnel as the Sports Editor of The Murray State News. Aaron obtained his B.S. in Advertising and Real Estate from Murray State.

Matthew B. Baker, Esq. is the Manager of Administrative Practices with Clemans Nelson and Associates, Inc. He has extensive experience in public sector labor negotiations, contract administration, and grievance arbitration with a concentration in employee discipline. Mr. Baker was formerly an Associate with a large Ohio law firm where his practice concentration was in labor and employment law. He received his

Bachelor of Arts Degree in Political Science, *summa cum laude* from Salisbury University, and his Juris Doctorate from The Ohio State University, Moritz College of Law.

Other staff profiles are available on request.

FINANCIAL BENEFITS TO THE CITY OF NAPOLEON

Clemans Nelson takes pride in its primary objective to provide its clients with management consulting services which will alleviate major personnel problems and costly litigation.

We believe our clients will generally experience fewer law suits, administrative agency findings, labor disputes, arbitrations, and State Personnel Board of Review appeals because of our philosophy to look at our client's long-term human resources needs. Because Clemans Nelson is a diverse management consulting firm, capable of handling both human resource and labor relations issues, we are better able to ensure that one does not conflict with the other. This approach reduces the client's overall cost for management consulting services.

Our rate also allows the City of Napoleon to budget its cost for management consulting services and eliminate spikes in such cost during high activity periods such as during negotiations. This contractual relationship also permits our clients to seek our advice before an issue becomes more serious without having to be concerned about increasing the monthly invoice.

For the fee included in this proposal, Clemans Nelson will in essence be the city's Human Resource Director. This would include all elected officials and city departments regardless of their location or appointing authority status.

**CLEMANS NELSON REPRESENTATIVE
PUBLIC SECTOR CLIENTS**

Listed below are a few of our representative clients, most of whom have employed our firm on a retainer basis for several years.

City of Celina, Ohio	Athens County, Ohio
City of Centerville, Ohio	Auglaize County, Ohio
City of East Liverpool, Ohio	Darke County, Ohio
City of Eaton, Ohio	Fayette County, Ohio
City of Franklin, Ohio	Hamilton County, Ohio
City of Fremont, Ohio	Jefferson County, Ohio
City of Galion, Ohio	Knox County, Ohio
City of Greenville, Ohio	Lorain County, Ohio
City of Lima, Ohio	Medina County, Ohio
City of Milford, Ohio	Miami County, Ohio
City of St. Marys, Ohio	Monroe County, Ohio
City of Tipp City, Ohio	Preble County, Ohio
City of Toronto, Ohio	Sandusky County, Ohio
City of Upper Arlington, Ohio	Tuscarawas County, Ohio
City of Upper Sandusky, Ohio	Union County, Ohio
City of Van Wert, Ohio	Warren County, Ohio
City of Wapakoneta, Ohio	Wayne County, Ohio
City of Nappanee, Indiana	Williams County, Ohio
Village of Ada, Ohio	Wyandot County, Ohio
Village of North Baltimore, Ohio	Grant County Sheriff, Indiana
Village of Stryker, Ohio	

CLEMANS, NELSON AND ASSOCIATES, INC. RATES

ONE (1) DAY PER WEEK OPTION

The consultant will be on-site for at least eight (8) hours per day, one (1) day per week to provide personnel services; however, the client shall be billed for six (6) hours of time spent on site.

ONSITE SERVICES RETAINER RATES — does not include monthly retainer fee

Four (4) On-sites per Month:

Consultant Time Costs	\$3,000.00
Reasonable and Necessary Expenses	<u>\$ 250.00</u>
TOTAL COST PER MONTH	\$3,250.00

ONSITE SERVICES NON-RETAINER RATES

Four (4) On-sites per Month:

Consultant Time Costs	\$3,360.00
Travel Time Costs (four (4) trips — round trip)	\$1,260.00
Reasonable and Necessary Expenses	<u>\$ 250.00</u>
TOTAL COST PER MONTH	\$4,870.00

*based on four (4) week month

CLEMANS, NELSON AND ASSOCIATES, INC. RATES

TWO (2) DAYS PER WEEK OPTION

The consultant will be on-site for at least eight (8) hours per day, two (2) days per week to provide personnel services; however, the client shall be billed for six (6) hours of time spent on site.

ONSITE SERVICES RETAINER RATES — does not include monthly retainer fee

Eight (8) On-sites per Month:

Consultant Time Costs	\$6,000.00
Reasonable and Necessary Expenses	<u>\$ 470.00</u>
TOTAL COST PER MONTH	\$6,470.00

ONSITE SERVICES NON-RETAINER RATES

Eight (8) On-sites per Month:

Consultant Time Costs (\$105 per hour for 48 hours)	\$6,720.00
Travel Time Costs (eight (8) trips — round trip)	\$2,520.00
Reasonable and Necessary Expenses	<u>\$ 470.00</u>
TOTAL COST PER MONTH	\$9,710.00

*based on four (4) week month

CLEMANS, NELSON AND ASSOCIATES, INC. RATES

THREE (3) DAYS PER WEEK OPTION

The consultant will be on-site for at least eight (8) hours per day, three (3) days per week to provide personnel services; however, the client shall be billed for six (6) hours of time spent on site.

ONSITE SERVICES RETAINER RATES — does not include monthly retainer fee

Twelve (12) On-sites per Month:

Consultant Time Costs	\$9,000.00
Reasonable and Necessary Expenses	<u>\$ 690.00</u>
TOTAL COST PER MONTH	\$9,690.00

ONSITE SERVICES NON-RETAINER RATES

Twelve (12) On-sites per Month:

Consultant Time Costs	\$10,080.00
Travel Time Costs (twelve (12) trips — round trip)	\$3,780.00
Reasonable and Necessary Expenses	<u>\$ 690.00</u>
TOTAL COST PER MONTH	\$14,550.00

*based on four (4) week month

Exhibit D



Ennis Roberts Fischer Co., L.P.A.
Attorneys at Law

Phone: (513) 421-2540
Fax: (513) 562-4986

1714 West Galbraith Road
Cincinnati, Ohio 45239-4812

URL: www.erflegal.com

William M. Deters II
Direct Dial No. 513-674-3444
E-mail: wmdeters@erflegal.com

April 1, 2013

VIA E-MAIL (rbehm@napoleonohio.com)

Mayor Ron Behm
City of Napoleon
255 West Riverview
Napoleon, OH 43545

Re: *Submission of Proposal to Provide Legal Services*

Dear Ron:

Pursuant to our phone call today, you have asked Ennis Roberts & Fischer to submit a proposal to provide legal services to the City of Napoleon. Specifically, you have asked ERF to work in consultation with your City Manager and Law Director in providing legal services in regards to the negotiations with the Fire Fighters Union, the Police FOP Union and the Non-Uniformed AFSCME Union. You have also asked us to provide a proposal to work in consultation with those same individuals on general human resource issues and employment matters.

Attached you will find a proposal which details general information about ERF, its billable rates, and range of services. The proposal is more comprehensive than what you requested, but I thought it important that the City of Napoleon was advised as to our expertise and available services. Also, as we have discussed, our firm has worked extensively in northwest Ohio representing school districts and the City of Bryan over the course of the last 30 years. Please feel free to check the referrals we have included, as well as checking with school districts in Henry County about our level of service and our commitment to clients.

Once you have reviewed this information, if you have any questions, do not hesitate to contact my office. If Council wishes to meet with myself or other members of the firm before making a decision, we are happy to facilitate that meeting.

Very truly yours,

ENNIS, ROBERTS & FISCHER

By: /s/ William M. Deters II
William M. Deters II

cc: C. Bronston McCord III, Esq.



Ennis Roberts Fischer Co., L.P.A.
Attorneys at Law

Phone: (513) 421-2540
Fax: (513) 562-4986

1714 West Galbraith Road
Cincinnati, Ohio 45239-4812

URL: www.erflegal.com

**ENNIS, ROBERTS & FISCHER PROPOSAL TO THE
CITY OF NAPOLEON FOR LEGAL SERVICES**

1. Information Regarding Attorneys and Law Firm.

A. Principal Office:

1714 West Galbraith Road
Cincinnati, Ohio 45239

B. Type of Organization:

Legal Professional Association

C. Description of Legal Services:

Comprehensive legal services for cities, townships, school districts
and political subdivisions in the State of Ohio.

D. Partners:

William M. Deters II (#0065203)
C. Bronston McCord III (#0067787)

Mr. Deters and Mr. McCord have been licensed attorneys since 1995. Mr. Deters would be assigned as the primary attorney for the City of Napoleon. Mr. Deters has represented the City of Harrison, Whitewater Township and the Western Joint Ambulance District since January 1, 1995. Mr. Deters has been the City of North College Hill Director of Law since January 1, 2012. Mr. Deters has served as Municipal Prosecutor for the City of Harrison since January, 1995 and the Law Director since January, 2000. Mr. Deters has also provided legal services to the Harrison Township Board of Trustees.

A copy of Mr. Deters' resume' is also attached.

Mr. Deters was instrumental in negotiating and creating the first Joint Economic Development District (JEDD) and Annexation Agreement in Hamilton County in 2006 between the City of Harrison and Harrison Township. Mr. Deters has extensive experience in all matters related to the representation and legal needs of Ohio municipalities. Mr. Deters also is experienced in labor relations to include collective bargaining and grievance matters with the FOP, IAFF, and non-uniformed municipal/township employee unions.

E. Of Counsel:

J. Michael Fischer. Mr. Fischer has been a licensed attorney since 1970. Mr. Fischer is a former partner/principal shareholder of the firm.

F. Associates:

Gary T. Stedronsky	(#0079866)
Jeremy J. Neff	(#0082246)
Ryan M. LaFlamme	(#0084205)
Erin Wessendorf-Wortman	(#0085635)
Pamela A. Leist	(#0082091)

Mr. Stedronsky has been a licensed attorney since 2005. Mr. Neff has been a licensed attorney since 2007. Mr. LaFlamme has been a licensed attorney since 2008. Mrs. Wessendorf-Wortman has been a licensed attorney since 2009. Ms. Leist has been a licensed attorney since 2007.

2. Professional Liability Insurance.

A. Coverage limits:	\$1,000,000.00
B. Carrier:	Westchester Insurance Company Lawyers Professional Liability Insurance
C. Deductible:	\$25,000.00

3. **Awards.**

With more than forty years of focused practice tending to the needs and legal representation of public sector clients, the amount of significant contributions, major cases, awards, publications and public speaking engagements are too numerous to list. Members of our firm are consistently asked to participate as professional speakers and are highly involved in professional organizations supporting the interests of political subdivisions in the State of Ohio.

4. **Approach to Legal Services.**

ERF's approach to legal representation is one of "preventative maintenance." The firm is convinced that the best approach to contain legal costs is to take a proactive approach in order to, if at all possible, avoid the issues from the start. This requires careful and calculated decision making by well informed clients. It requires the training of administrators and access to legal counsel at a reasonable cost.

5. **Administration of Legal Services.**

Mr. William M. Deters II would be assigned as the primary attorney for the City of Napoleon. However, the City of Napoleon would have access to all of the firm's attorneys and resources at any time at the City's discretion.

6. **Delivery of Services.**

ERF would consider the City of Napoleon a primary client due to the City's size and legal service needs. Therefore, ERF would be happy to discuss the best possible arrangement and compensation structure that is mutually agreeable to both the City and ERF.

ERF's "full service" hourly rate is \$230.00 per hour for attorneys, \$195.00 per hour for junior associates, and \$100.00 per hour for paralegal and clerk services. ERF charges ½ of the applicable hourly rate for travel. Construction project representation can also be addressed through a negotiated flat fee based on the scope of the individual project.

7. **List of General and Specific Services.**

Although, we understand that the City of Napoleon has reached out to us related to labor and employment needs, ERF can also offer our public sector municipal clients a full range of legal services to meet our municipal clients' needs. These include, but are not limited to, the following services which the firm has been actively engaged in on behalf of municipalities over the course of the last thirty years working closely with city administrators and law directors:

A. Labor and Employment Matters:

1. Collective bargaining
2. Grievance representation
 - a. Mediation
 - b. Arbitration
3. EEOC representation
4. Daily work with administrators and H.R. Professionals regarding employee discipline, leave provisions, performance evaluations, etc.
5. Performance evaluation training
6. Layoffs
7. Representation before the Ohio State Employment Relations Board regarding unfair labor practice charges and representation matters
8. Health insurance matters
 - a. Negotiations of rates with health insurance companies
 - b. Plan design changes to contain costs
 - c. Negotiation of these matters with union representation
9. General human resource consultation and services

B. Real Estate/Taxes:

1. Purchase and sale of real estate
2. Annexation matters/Annexation Agreement
3. Tax increment financing/incentive districts
4. Joint Economic Development Districts
5. Deeds, easements, licensing
6. Lease agreements
7. Development agreements
8. Enterprise Zones

9. Community Reinvestment Areas
10. Foreign Trade Zones
11. Board of Revision

C. Open Records/Open Meetings:

1. General advice
2. Training
3. Policy development
4. Litigation
5. Response to public records requests

D. General Contract Matters:

1. Negotiations
2. Drafting, amending, reviewing

E. Zoning/Land Use/Planning/Building:

1. General advice
2. Appearance at proceedings
3. Representation in court
4. Land use planning, Board of Zoning Appeals
5. Variances

F. Legislation:

1. Consultation with trustees and administration on legislation matters and policy matters
2. Drafting and amending legislation and policy

G. General Liability Protection:

1. Liability insurance review and consultation
2. Risk assessment, management and protection
3. Representation in litigation and collaboration with insurance defense counsel

H. Liaison with Law Enforcement and Fire Protection

8. **Public Sector References.**

Mayor Doug Johnson, City of Bryan, Ohio, (419) 633-2602

Mayor Joel McGuire, City of Harrison, Ohio (513) 276-9552

Former Mayor Daniel J. Gieringer, City of Harrison, Ohio (513) 200-1169

Mayor Dan Brooks, City of North College Hill, Ohio (513) 324-2622

Mark Fitzgerald, City Manager, City of North College Hill, Ohio
(513) 939-4917

Gary Foust, Police Chief, City of North College Hill, Ohio (513) 383-5476

Deborah Acra, Councilperson, City of Harrison, Ohio (513) 367-2656

Charles Lindsey, Police Chief, City of Harrison, Ohio (513) 200-1170

Rob Hursong, Fire Chief, City of Harrison, Ohio (513) 200-1177

Hubert Brown, Board of Trustee President, Whitewater Township, Ohio
(513) 383-3303

Alex Triantafilou, Magistrate, City of Harrison, Ohio (513) 977-8446

9. **Accessibility.**

ERF attorneys strive to be as accessible as possible to their clients through the use of technology by utilizing mobile phones, text messaging, mobile e-mails and mobile voicemail messages. We consider ourselves part of our clients' administrative teams and want to help our clients achieve success by providing comprehensive, well-reasoned, practical, and cost effective legal advice. ERF's goal is to decipher the law and provide clients practical advice on "exactly" what real world options are available to you to accomplish the City's goals.

We would welcome the opportunity to meet with you and the City to further discuss our services. If you have any questions, please feel free to contact us.

Very truly yours,

ENNIS, ROBERTS & FISCHER

By: /s/ William M. Deters II
William M. Deters II

By: /s/ C. Bronston McCord III
C. Bronston McCord III

WILLIAM M. DETERS II
6314 Blueberry Hill Drive
Cincinnati, Ohio 45248
(513) 347-0266

EDUCATION:

Legal:

Salmon P. Chase College of Law
Northern Kentucky University
Juris Doctor May 1995
GPA: 3.49, Cum Laude, Class Rank #3, Appointed to Order of Curia

Honors/Activities:

Law Review, Moot Court Board, Vice-President of Student Bar Association, Commonwealth Scholarship for Legal Studies, W. Jack Grosse Moot Court Competition Semi-Finalist, John G. Tomlin Torts Award, Kentucky Defense Counsel Torts Award, Negotiable Instruments Award, Products Liability Award, Labor Law Award.

Undergraduate:

Ohio University
Bachelor of Science in Journalism with an emphasis on public relations and management.
GPA: 3.5, Summa Cum Laude

Honors/Activities:

Dean's Scholarship, Hazel Memorial Scholarship, Ohio National Guard Scholarship, Army R.O.T.C. Distinguished Military Science Graduate, Treasurer of Sigma Chi Fraternity, Ohio University Boxing Club.

MILITARY:

1986-1999

Commissioned as 2nd Lieutenant in the United States Army Reserve in June 1989. Promoted to Captain in 1998. Served as Tank Platoon Leader, Armored Scout Platoon Leader, Armored Cavalry Troop Executive Officer and Armor Company Commander.

EMPLOYMENT:

1992-
Present

Enns, Roberts & Fischer, Cincinnati, Ohio. Partner. Extensive experience in representing school districts and government entities in labor relations, Ohio Open Records and Sunshine Law, real estate, and zoning matters. Regularly counsels clients on all issues relating to school law in Ohio to include residency issues, discipline issues, special education issues, construction issues, security labor and employment issues. Serves as the Law Director and Municipal Prosecutor for the City of Harrison, Ohio; Law Director for the City of North College Hill; Law Director for Whitewater Township, Hamilton County, Ohio and Law Director for the Western Joint Ambulance District, Hamilton County, Ohio. Member and former Chair of the Executive Committee of the Ohio Council of School Board Attorneys, and the Cincinnati Bar Association's Local Government Law Committee.

1996-01

Northern Kentucky University, Chase College of Law, Highland Heights, Kentucky. Adjunct Law Professor (School Law, Legal Writing).

1991-02

U.S. Army, Ft. Knox, Kentucky. Active duty for attendance at Armor Officer Basic Course, Scout Platoon Leader's Course, Armor Officer Advanced Course, and Nuclear Biological and Chemical Warfare Course.

PERSONAL INTERESTS:

Cycling, Athletics, American History

Exhibit E

Good morning Mayor Behm:

Thank you for calling yesterday, and inquiring about our HR services. I have 34 years in the HR consulting business, the last 24 years with my own firm. As you know I currently work with Henry County, and have worked with the county since about 1980. We value long term working relationships with our clients by providing quality, individualized and dependable service. We appreciate the opportunity to be considered for fulfilling the City's HR function.

Per your request, below is a broad description of the category of services that we provide, and how each is billed. More specific services are described on our website.

Telephone & E-Mail Consultation

Telephone and e-mail consultation to address the City's personnel and labor relations questions and issues are provided on an hourly basis. Consultation covers any area of HR including:

- compliance with applicable state and federal laws, and application to practical situations
- labor contract administration
- interpretation and application of City policy to questions and practical situations
- disciplinary matters
- any other human resource management or labor relations question, issue or need.

Hourly telephone and e-mail consultation is provided at rate of \$125 per hour, billed in quarter hour increments. Importantly, there is no retainer fee under this arrangement. The City pays for telephone and e-mail consultation only when, and if it is used.

Labor Contract Negotiations

Labor contract negotiations are also provided on an hourly basis, at the rate of \$125 per hour, billed in quarter hour increments. Again, there is no retainer fee but a 3 hour onsite minimum is required when meeting in Napoleon. We do not charge for time spent traveling to and from Napoleon, nor do we charge for lodging, meals, and other travel costs, other than for miles traveled at an agreed upon mileage rate.

Projects

The City may request that JK Evans & Associates LLC develop an HR program, such as a policy manual, performance assessment and improvement plan, compensation program, training or other HR programs. These are provided on a set project cost basis. The cost for these type of programs are quoted individually in consideration of the scope of the project and the methodology that best meets the needs, preferences and budget of the City. When an HR program is requested to be developed, we would provide a proposal for the specific service. There are no cost overruns for services quoted, and again, there is no retainer fee. In addition, there are no travel costs or expenses, except as described in the section above titled Labor Contract Negotiations.

Research and Reports

If research is required for making appropriate recommendations, we would so inform you [or other persons you delegate approval authority] of the need to conduct research. Before proceeding, we would give the City an estimate of the time needed for research and/or writing a report, and you [or your designee] would have the option to approve or disapprove. These services are cost at our normal hourly rate.

If you're interested, I'd suggest that we can meet at your office, at no cost or obligation to the City, so you can get to know me. It's important that you and your department heads be comfortable with the consultant you select. It would also allow me an opportunity to get to know you and the City, and together we can further define how contracting out your HR function can best meet your needs. In the meantime, please feel free to check out our newly designed website at www.jkevansandassociates.com.

Thanks again for the inquiry. Please feel free to contact me if you have any questions. Hope to meet you soon.

Jim

Jim Evans, SPHR

JK Evans & Associates LLC

507 Main Street, Suite 204

Zanesville OH 43701

1-800-331-3974

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: *April 04, 2013*
Subject: *Parks and Recreation Board Recommendation – Re-Evaluate Policy on
Accepting Credit Cards*

At its March meeting, the issue of accepting credit cards for recreation program fees was discussed. Recently, City Council adopted a policy to accept credit cards for the payment of fees and to add a conveyance fee to cover costs associated with the transaction. The convenience fee charged by our current credit card processing company was established at \$3.00. This fee is added to the rate charged to the participant. The processing company deposits the appropriate payment amount with the City and the conveyance fee is retained by the company.

Concerns were raised by the Parks and Recreation Board that the \$3.00 conveyance fee is unreasonable based on the amount charged to the participant. Currently, recreation program participation fees are \$20.00 for a resident and \$30.00 for a non-resident so the additional conveyance fee equates to a 15% and 10% surcharge respectively. Most board members believe that this additional fee is unnecessary since the number of credit card transactions is relatively small. This fee also discourages online registration.

Eliminating the conveyance fee would mean that the transaction fee charged for credit card usage would be paid by the City. Typical transaction fees on credit card payments average approximately 3% of the total amount collected. Since this is the first year that recreation program fees are being charged, an accurate measure of the frequency of credit card use compared to other methods of payment is unavailable. We do, however, process payments with credit cards at the Golf Course and our records in 2012 indicate that approximately thirty-five percent (35%) of our customers paid with either a debit or credit card. Using that percentage and applying it to the revenue we expect to collect from recreation program fees (projected at \$23,000), we could estimate the total amount of payments through credit cards would equal approximately \$8,000. In this case, the total cost of accepting credit cards associated with \$8,000 worth of transactions would be approximately \$240. Most board members believe that this relatively small amount should be paid by the City as a “cost of doing business”.

The Board has recommended that following the Spring program registration period, City Council should re-evaluate their current policy regarding credit card acceptance and consider eliminating conveyance fees for recreation program payments. By eliminating the conveyance fee, a simple card swipe terminal could be used at the front counter. Currently, the receptionist must input customer information and account numbers into the processor’s website to process payment. With a card swipe terminal, the need for staff input of personal information would be eliminated.

I would ask that this recommendation be brought to City Council for their consideration. If you would like additional information, please let me know.

cc.: Greg Heath, Finance Director

City of Napoleon, Ohio

TREE COMMISSION

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

Meeting Agenda

Monday, April 15, 2013 at 6:00 PM

- I. **Approval of Minutes** (In the absence of any objections or corrections, the minutes shall stand approved.)
- II. **Tree Call Report**
- III. **Spring Tree Programs**
- IV. **Arbor Day Observation**
- V. **Any Other Matters to Come before the Commission**

Gregory J. Heath, Finance Director/Clerk of Council

City of Napoleon, Ohio
TREE COMMISSION

Meeting Minutes
Monday, March 18, 2013 at 6:00 PM

PRESENT	
Commission	David Volkman - Chair, Bill Rohrs, Kirk Etzler, Jason Maassel
City Staff	Marty Crossland
Recorder	Barbara Nelson
ABSENT	
Members	Ron Bahler
Others	Mayor Ronald Behm
Call To Order	Chairman Volkman called the meeting to order at 6:00 pm.
Approval Of Minutes	Minutes from February 18, 2013, stand approved as printed.
Tree Call Report	<p>Crossland said there are no new tree calls, but one changed. The tree at 915 Welsted was removed by construction crews. There is a pine tree dying at 900 Welsted and one at 854 Welsted from this year's construction. There is a large maple at the corner of Welsted and Robinwood damaged from installing a water service. All removals have been painted.</p> <p>Etzler said a resident at 1031 Highland reported a maple by the old alleyway with a limb leaning over the power lines. A neighbor there had two trees taken down and asked if they would be replaced. Crossland said we are replacing ash trees, but it will take time with 150 trees to replace. We will not replant trees on streets that will have construction projects within the next couple of years.</p> <p>Rohrs asked if there have been any more questions about Woodlawn. Crossland said someone asked for trees a couple years ago, but wanted them behind the sidewalk. The Law Director at the time said this would be spending public funds on private property. If we keep the tree in the right of way, it's legal but it would have to be something small. Pear trees got in power lines there. Volkman said Stephanie Miller looked at this too. Crossland said the waterline is between the right of way line and the sidewalk. The south side of the street may be different. Houses sit further back there.</p>
Spring Programs	Crossland spoke to Jared Saylor about the 28 trees and 45 stumps to be removed. He gave an estimate of \$5,425, but doesn't know when he can start. Crossland is waiting for Arbor Day activities to be set before scheduling plantings.
Arbor Day Observation	<p>Etzler spoke with Principal Dietrich at the Middle School about celebrating Arbor Day on Friday, April 26. Dietrich will get Student Council members for this. Etzler told him it would be for a couple hours after lunch at the Bloomfield House. He hasn't heard back from Boy Scouts & Girl Scouts about Saturday, April 27. Both have big camparees that weekend. Etzler will be with the Scouts and cannot be at the Arbor Day planting.</p> <p>Etzler also contacted Dr. Fogo and Principal Wilde at the high school. Seniors have to have service hours and St. Paul confirmation kids need them too. They may be interested in participating. Maassel said most seniors should be done earning those hours by now. Volkman said most confirmants have their hours too, but it will be good for schools and churches to know for future reference.</p>

Maassel said Friday, April 26 sounds good, with the kids from Central. Etzler said the Mayor or Maassel can give a speech. Pat McColley did a great job last year. Volkman suggested planning for Friday and not Saturday. Those present agreed. Crossland said we will need 5 kids. Etzler will confirm with the school for 5-6 kids at 12:00 or 12:30 pm, or whenever lunch ends on April 26. Crossland said they cannot wear open-toed shoes.

Any Other Matters

Maassel said planting trees is a good idea for community service hours for groups. Etzler said we could get CCNO volunteers or people who need community service hours for the courts. They just need someone to oversee them. Maassel asked if we get a deal on planting from the nursery. Crossland said we usually get a deal on quantity. When you add in labor, it costs between \$150 and \$200 per tree. Maassel said we don't want to take business away from a local nursery. Crossland said we buy 40-50 trees at a time from the largest nursery in northwest Ohio. If we plant the trees, we do not get the one year warranty on them.

Crossland ordered 125 of the 20-gallon tree gator bags from Kurtz Hardware at \$18.99 apiece. They will be delivered next week. We will label them so people know they belong to the City.

Tree City USA Awards are in Whitehouse this year on April 18. The cost is \$20 per person. Anyone who wants to attend should let Crossland know ASAP. Registrations must be in by April 4.

Volkman asked Mayor Behm about finding a new member for the Tree Commission. Mayor Behm said there is a conflict with a City employee serving on the Commission. He is contacting a local Garden Club to see if they will recommend someone.

Motion To Adjourn

Motion: Maassel Second: Rohrs
To adjourn the meeting at 6:40 pm

Passed
Yea- 4
Nay- 0

Roll call vote on above motion:
Yea-Rohrs, Etzler, Maassel, Volkman
Nay-

Date:

David Volkman, Chair

Memorandum

To: Parks & Recreation Committee, Council, Mayor, City Manager,
City Law Director, City Finance Director, Department Supervisors,
Media

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

Date: 4/8/2013

Re: Parks & Recreation Committee Meeting Cancellation

The regular Parks & Recreation Committee meeting scheduled for Monday, April 15 at 8:00 PM has been canceled due to lack of agenda items.

City of Napoleon, Ohio

CIVIL SERVICE COMMISSION

LOCATION: City Hall, 255 West Riverview Avenue, Napoleon, OH 43545

Special Meeting Agenda

Tuesday, April 16, 2013 at 4:30 PM

1. Approval of Minutes from March 26 (In the absence of any objections or corrections, the minutes shall stand approved.)
2. Review and Approve Eligible Applicants for Police/Fire Test on May 11, 2013
3. Verify Applicants' Eligible Credits for Police/Fire Test
4. Pick a Test Document for the Captains Test in June
5. Waive the Rules for Posting Dates for Captains Test
6. Any Other Matters to come before the Commission

Gregory J. Heath, Finance Director/Clerk of Council

City of Napoleon, Ohio
CIVIL SERVICE COMMISSION

Meeting Minutes

Tuesday, March 26, 2013 at 4:30 PM

PRESENT

**Members
City Staff**

David Meekison - Chair, Ellsworth Mitchell
Robert Bennett, Fire Chief
Dr. Jon A. Bisher, City Manager
Trevor Hayberger, Law Director
Sheryl Rathge, Executive Assistant
Robert Weitzel, Police Chief

Recorder

ABSENT

Kristi Rhoads
Mike Flory

Call To Order

Chairperson Meekison called the meeting to order at 4:35pm.

Approval Of Minutes

Minutes of the January 29, 2013, meeting stand approved with no objections.

**Special Request From
Individual On Current
Eligible List**

Patrick Lannon, presently serving in Afghanistan, will not be returning to Ohio until mid July. In February Mr. Lannon wrote a letter to Mr. Heath asking to take the exam.

Hayberger says we sent him a letter on March 13th letting him know he had to fill out an application but we haven't heard from him. The deadline is March 29, 2013 as of right now.

Meekison says it seems premature to rule on this because he still has time to get the application in.

Chief Weitzel wanted the committee to know that Lannon is an auxiliary officer and he is a good hard worker.

Hayberger thinks if there was ever a reason to give an extension this would be it. The problem is that he won't be back until well after the test is over.

Chief Bennett thinks there might be security issues with questions and answers on the test.

Chief Weitzel asks if we can suspend Lannon's time on the eligible list as it relates to the time of his deployment.

Bisher says he thinks it's been done before for either fire or police personnel.

We just suspend the time he was gone as unemployable time. Bisher can almost guarantee Lannon's not getting extra time to study.

Meekison agrees with Chief Weitzel and legally agrees with the City Manager.

Our Committee has a great deal of discretion in the decisions that we make.

But if we allow Patrick Lannon to take the test in July our discretion could be challenged.

Hayberger wants to be clear that we are not carrying him through?

Meekison said we are not considering the time that he was deployed.

Chief Bennett says we are just extending his expiration date.

Meekison says this is true. Who will be sending the letter on behalf of the Civil Service Commission?

Chief Weitzel wants to be sure that he will be on the new list for the time of his deployment.

Meekison asks if the Law Director will be sending the letter.

Hayberger will put the letter together and the Clerk of the Commission can be the one to sign and mail it.

Motion To Notify Patrick Lannon In Writing Of Commission Decision

Passed
Yea- 2
Nay- 0

Request For Promotional Exam For Fire Captain

Motion That Promotional Exam For Fire Capt Be Held On 7/27/13 at 6pm In Council Chambers

Passed
Yea- 2
Nay- 0

Any Other Matters

Motion To Change Deadline for Advertised Police & Fire Exam From Good Friday Until 4/1/2013 at 4pm. & Post On Both City Bldg Doors

Passed
Yea- 2
Nay- 0

Motion To Adjourn

Motion: Meekison Second: Bisher
To notify Patrick Lannon in writing that we will not consider the time he is deployed and he shall remain on the old list.

Roll call vote on above motion:
Yea – Meekison, Mitchell
Nay-

Chief Bennett states that a Captain has taken another position with another company. Would like to conduct a test to establish a list.
Bisher says we'd like to run the testing with the police lieutenant test.
Chief Bennett asked what the date is of that test. Rathge said it's on June 27, 2013.
Bisher said it's a little different than the officer tests. The board meets and there's a written exam. There's no physical test.
Chief Bennett says there are interviews and a simulator.
Mitchell asked if we could run the tests at the same time as police.
Chief Bennett told him that's what they were asking.
Meekison states that the police lieutenant testing is set for June 27, 2013 at 6pm. He's unsure if there was a location set because he wasn't here last meeting. Bisher says it's scheduled for here (in council chambers) and it still could be because there's enough room.

Motion: Meekison Second: Mitchell
To have the Promotional Exam for Fire Captain be held at the same time as Police Lieutenant in City Council Chambers on Thursday, June 27th at 6pm

Roll call vote on above motion:
Yea – Meekison, Mitchell
Nay-

Hayberger says it's been brought to our attention that the deadline for applications is this Friday which is Good Friday. We're wanting to extend the deadline to Monday, April 1, 2013 at 4pm.
Bisher, with permission of the Committee, would like to hang a sign on the door stating they can either wait until Monday to turn in the application or go to the police station and hand it into dispatch.

Motion: Meekison Second: Mitchell
To change the deadline for the advertised police & fire exam from good Friday until Monday April 1, 2013 at 4pm. There shall be a sign hung on both doors at the City building.

Roll call vote on above motion:
Yea – Meekison, Mitchell
Nay-

Motion: Meekison Second: Mitchell
To adjourn the meeting at 4:56 pm

Passed
Yea- 2
Nay- 0

Roll call vote on above motion:
Yea – Meekison, Mitchell
Nay-

Date Signed: _____

David Meekison, Chair

DRAFT

Fw: Ohio Municipal League Legislative Bulletin

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

04/08/13 07:44 AM

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

From: "Ohio Municipal League" <ajoos@omlohio.org>
To: gheath@napoleonohio.com
Date: 04/05/2013 01:25 PM
Subject: Ohio Municipal League Legislative Bulletin



Ohio Municipal League

April 5, 2013

LEGISLATURE RETURNS NEXT WEEK

The Ohio legislature's Spring Break recess is coming to a close and Legislators from across the state will be returning next week to Capital Square to resume work on wide ranging legislative proposals introduced so far including the work that continues through the dissecting and offering of alternative proposals to the Governor's proposed state operating budget, HB 59. There are a number of bills that the league is following including HB 5, the municipal income tax uniformity measure and HB 69, the red light/speed control camera bill among many others. We expect these two particular bills to receive more committee attention when the General Assembly returns and up until they break for summer recess, sometime after the two-year, state-operating budget has been passed.

While the legislature was on their official Spring Break, state legislative work never rests and while on break, the Governor signed HB 51, the \$7.6 billion dollar transportation budget that includes items such as raising the speed limit from 65 to 70 mph on Ohio's rural interstates and creates the newly named Ohio Turnpike and Infrastructure Commission which will begin issuing \$1.5 billion in toll-backed bonds to fund Ohio Department of Transportation road and bridge projects.

Other provisions of the budget include:

- * Extending the maximum length of certain vehicles on public roadways from 40 feet to 50 feet.
- * Reducing the \$20 late fee for motor vehicle registrations to \$10 and increase the 7-day grace period to 30 days.

- * Changing turnpike commissioners' terms from three years to five years.
- * Permitting vehicles fueled by compressed natural gas to exceed gross vehicle weight limits and axle load limits by 2,000 pounds without penalty.
- * Allowing license plates to be made of aluminum, plastic, or other materials.
- * Permitting the Department of Public Safety to spend up to \$250,000 each fiscal year on staffing for travel information centers near state borders.
- * Creating a task force to study ODOT funding needs and issue a report to the legislature by December of 2014.

METH LAB REMEDIATION LEGISLATION SEEKS MUNICIPAL INPUT

In late February, Sens. Frank LaRose (R-Fairlawn) and Bill Beagle (R-Dayton) jointly introduced SB 22, legislation that would provide for the remediation of real property on which an illegal methamphetamine manufacturing laboratory (meth labs) has been discovered. A copy of the bill's legislative analysis can be found [HERE](#). The bill Sponsor's explained the legislation is needed to set-up clear, statewide rules and procedures for the purpose of establishing a condemnation procedure for residential properties that have been involved in the production of methamphetamine and to establish a notification chain by law enforcement of the property owner. The bill has received one hearing in the Senate Medicaid, Health and Human Services Committee. As a result of meetings league staff has participated in with the Sponsors of the legislation and other interested party groups, we are seeking the assistance of our members to help resolve several drafting issues that need addressed as the legislation evolves.

There are three main areas that are creating some difficulty in resolving how changes should be made. The areas that remain unresolved that we are seeking input on include: which jurisdiction should oversee the condemnation, remediation, and certification of satisfactory clean-up locations; issues pertaining to when a property is sold and notifications to buyers; and what law enforcement agency have proper jurisdiction.

To try and help establish the best legislative product to address this growing statewide problem, we would very much appreciate our member's feedback in three areas:

1. What is your general impression of the legislation?
2. What is the experience of your community in dealing with meth lab clean-ups?
3. What recommendations could you provide on how meth lab clean-ups should be handled.

We appreciate your time and attention to this important legislative issue that affects too many municipalities across Ohio. Please direct your comments and experiences to Josh Brown by email at jbrown@omlOhio.org or by phone at league offices (614)221-4349 or 1(800)561-3597.

OHIO ASSOCIATION OF PUBLIC SAFETY DIRECTORS TO HOLD SPRING CONFERENCE

The Ohio Association of Public Safety Directors (OAPSD) has announced the date and agenda for their upcoming annual OAPSD Spring Conference. The daylong meeting which will include lunch will take place Friday, May 3rd from 8:30am to 3:30pm and will be held at the Embassy Suites, in Columbus. The program agenda and registration information can be found [HERE](#). There is no registration fee for current OAPSD members and members are encouraged to bring with them other members of their administration who may be interested in receiving the latest updates on 911 emergency management issues; critical updates from Ohio's BCI state investigation unit; police and fire leadership opportunities in addition to pertinent statewide legal updates. Guests of OAPSD members registration costs are \$10 while those public safety officials not currently OAPSD members registration rate is \$75.00. Plan on joining us on May 3rd with fellow municipal safety force leaders as we get together to get up to speed on what is happening statewide and to network with other local safety professionals.

OHIO MAYOR'S ASSOCIATION ANNUAL CONFERENCE APPROACHING

In addition to all the other upcoming OML conferences and seminars, we want to remind our members of the upcoming annual Ohio Mayor's Association Conference, which will be held June 6-7th in downtown Canton, at the McKinley Grand Hotel. Canton's Mayor William Healy II is developing a diverse and exciting two day program with registration and agenda specifics to follow. Please circle June 6-7th on your calendars and plan on joining us in Canton!

The following is the legislative committee schedule that has been released so far, for next week. If there are additional committee notices released later today or Monday, that relate to municipal issues, we will be sure to alert our members. We hope everyone was a safe and Spring-like weekend.

PRELIMINARY COMMITTEE SCHEDULE FOR THE WEEK OF APRIL 7, 2013

Tuesday, April 9, 2013

HOUSE STATE AND LOCAL GOVERNMENT Rep. Blair: 614-466-6504
Tue., Apr. 9, 2013, 2:30 PM, Hearing Room 121

HB6 AUDIT PROCEDURE-POLITICAL SUBDIVISIONS (THOMPSON A, GREEN D) To create an agreed-upon procedure audit for certain eligible political subdivisions and to eliminate the Auditor of State's exemption from filing a rule summary and fiscal analysis with proposed rules.

Third Hearing, All Testimony, POSSIBLE VOTE

NONCHARTERED VILLAGE MEMBERS (ANIELSKI M) To allow the question of reducing the number of members of the legislative authority of a nonchartered village to be submitted to the electors on the date of any special election and to correct the numerical designation of members eligible to be elected.

HB73

Second Hearing, Proponent Testimony

RECORDS MAINTENANCE - COUNTY RECORDERS (BRENNER A, GERBERRY R) To modernize and make other changes regarding how the county recorder's office maintains records.

HB72

Second Hearing, Proponent Testimony

HOUSE FINANCE AND APPROPRIATIONS Rep. Amstutz: 614-466-1474

Tue., Apr. 9, 2013, 3:00 PM, Hearing Room 313

BIENNIAL BUDGET (AMSTUTZ R) To make operating appropriations for the biennium beginning July 1, 2013, and ending June 30, 2015; to provide authorization and conditions for the operation of state programs.

HB59

Eighth Hearing, No Testimony, SUBSTITUTE BILL

SENATE STATE GOVERNMENT OVERSIGHT AND REFORM Sen. Burke: 614-466-8049

Tue., Apr. 9, 2013, 4:00 PM, South Hearing Room

GAMBLING LAW (HUFFMAN M) To permit the Bureau of Criminal Identification and Investigation to investigate criminal activity related to the Gambling Law, to make changes related to schemes of chance, and to require certifications related to the conduct of a sweepstakes.

HB7

First Hearing, Sponsor Testimony

AUDIT PROCEDURE-POLITICAL SUBDIVISIONS (PETERSON B) To create an agreed-upon procedure audit for certain eligible political subdivisions and to eliminate the Auditor of State's exemption from filing a rule summary and fiscal analysis with proposed rules.

SB67

First Hearing, Sponsor Testimony

Wednesday, April 10, 2013

HOUSE FINANCE AND APPROPRIATIONS Rep. Amstutz: 614-466-1474

Wed., Apr. 10, 2013, 9:00 AM, Hearing Room 313

BIENNIAL BUDGET (AMSTUTZ R) To make operating appropriations for the biennium beginning July 1, 2013, and ending June 30, 2015; to provide authorization and conditions for the operation of state programs.

HB59

Ninth Hearing, All Testimony

Thursday, April 11, 2013

HOUSE FINANCE AND APPROPRIATIONS Rep. Amstutz: 614-466-1474
Thu., Apr. 11, 2013, 9:00 AM, Hearing room 313

BIENNIAL BUDGET (AMSTUTZ R) To make operating appropriations for the biennium
HB59 beginning July 1, 2013, and ending June 30, 2015; to provide authorization and conditions
for the operation of state programs.

Tenth Hearing, All Testimony

Friday, April 12, 2013

HOUSE FINANCE AND APPROPRIATIONS Rep. Amstutz: 614-466-1474
Fri., Apr. 12, 2013, 9:00 AM, Hearing Room 313

BIENNIAL BUDGET (AMSTUTZ R) To make operating appropriations for the biennium
HB59 beginning July 1, 2013, and ending June 30, 2015; to provide authorization and conditions
for the operation of state programs.

Eleventh Hearing, All Testimony

PLEASE CHECK OUR WEBSITE MONDAY MORNING FOR THE FINAL COMMITTEE SCHEDULE

[Ohio Municipal League](#)

Legislative Inquires: [Edward Albright, Director of Legislative Affairs](#)
[Kent Scarrett, Director of Communications](#)
[Josh Brown, Legislative Advocate](#)

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