
Memorandum

REMINDER to:

TO: Mayor and City Council
cc: City Manager, Finance Director, City Law Director
FROM: Roxanne
SUBJECT: General Information
DATE: November 3, 2017



CALENDAR

COUNCIL AGENDA

C. APPROVAL OF MINUTES: October 16, 2017 Regular Meeting Minutes.

G. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 067-17**, an Ordinance Amending the Allocation of Funds as found in Sections 193.11 and 194.013 of the Codified Ordinances of the City of Napoleon, Ohio; and Declaring an Emergency. (*Suspension Requested*)
2. **Ordinance No. 068-17**, an Ordinance Amending Various Sections of the Rules and Regulations of City Council for the City of Napoleon, Ohio.
 - a. A copy of the Council Rules and Regulations is attached to this Ordinance.
3. **Resolution No. 069-17**, a Resolution Authorizing the City Manager to Execute any and all Documents Necessary to Acquire 1.47 acres of Land located within the City of Napoleon, Ohio; and Declaring an Emergency. (*Suspension Requested*)
4. **Ordinance No. 070-17**, an Ordinance Amending Chapter 1301, Section 1301.01, "Adoption," of Part 13 of the Codified Code of the City of Napoleon, Ohio, the Residential Code of Ohio for 1, 2, and 3 Family Dwellings and establishing the City of Napoleon, Ohio Building Department; and Declaring an Emergency (*Suspension Requested*)
5. **Ordinance No. 071-17**, an Ordinance Authorizing a Request to the Ohio Board of Building Standards to Certify the City of Napoleon, Ohio for Enforcement of the Residential Code of Ohio with the Condition that the Wood County, Ohio Residential Building Department Exercise Enforcement Authority and Accept and Approve Plans and Specifications, and make Inspections, and Authorizing an Agreement for such Enforcement between the City of Napoleon, Ohio and Wood County, Ohio; and Declaring an Emergency. (*Suspension Requested*)

H. SECOND READINGS OF ORDINANCES AND RESOLUTIONS - None

I. THIRD READINGS OF ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 059-17**, an Ordinance Prohibiting Medical Marijuana Cultivation, Processing, Testing, Packing, Storage and Retail Distribution within the City of Napoleon, Ohio.

J. GOOD OF THE CITY (*Any other business as may properly come before Council, including but not limited to*):

1. **Discussion/Action:** Award of bid for the 2017 Recycling Processing Contract.
 - a. The enclosed Memorandum from Chad shows the bid results and his recommendation of award.
2. **Discussion/Action:** Approval of Specifications and Bid Documents for the Water Treatment Plant and Wastewater Treatment Plant Chemicals FY2018.
 - a. This is the annual bid for chemicals for the Water Treatment and Wastewater Treatment Plants.
3. **Discussion/Action:** Change Order No. 1 (Final) for the Park Street Improvements Project – Phase 2, an Increase of \$29,938.84 to Bryan Excavating, LLC.
 - a. As noted on the attached Memorandum from Chad, this is the Final Change Order o close out the project that has been completed.

L. Approve Payment of Bills and Approve Financial Reports

MISCELLANEOUS INFORMATION

1. Canceled
 - Technology and Communications Committee Meeting
2. Other Meeting Agendas
 - Friday, November 10th at 8:00 am – Special Meeting with City Council and the Finance and Budget Committee
 - Saturday, November 11th at 8:00 am – Special Meeting with City Council and the Finance and Budget Committee

➤ A copy of Friday and Saturday's schedule is included in your packet.
3. Press Release: Curbside Leaf Pickup
4. TMACOG November Newsletter

Records Retention - CM-11 - 2 Years

NOVEMBER 2017

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
			11:00 am Bid Opening/Recycling			
5	6	7	8	9	10	11
	7:00 pm - Council				8:00 am Joint Special Mtg. City Council and Finance & Budget Comm.	8:00 am Joint Special Mtg. City Council and Finance & Budget Comm.
12	13	14	15	16	17	18
	6:30 pm - Electric Committee & BOPA	10:00 am Healthcare Cost Committee				
	7:00 pm Water/Sewer Comm.	10:30am Privacy Comm.				
	7:30 pm – Municipal Properties ED Comm.	4:00 pm-Civil Service				
		4:30 pm - BZA				
		5:00 pm - Planning Commission				
19	20	21	22	23	24	25
	6:00 pm Parks & Rec Committee			<i>Thanksgiving Day</i>		
	6:00pm-Tree Commission			OFFICES CLOSED		
	6:15 pm –Adhoc Comm Strategic Vision					
	7:00 pm-City Council					
26	27	28	29	30		
	6:30 pm – Finance & Budget Committee	4:30 pm Civil Service Comm.	6:30 pm Park & Rec Board			
	7:30 pm – Safety & Human Resources					

CITY COUNCIL

MEETING AGENDA

Monday, November 06, 2017 at 7:00 pm

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

A. Attendance *(Noted by the Clerk)*

B. Prayer and Pledge of Allegiance

C. Approval of Minutes *(in the absence of any objections or corrections, the minutes shall stand approved)*

1. October 16, 2017 Regular City Council Meeting Minutes

D. Citizen Communication

E. Reports from Council Committees

1. **Finance and Budget Committee** met on October 23, 2017; and
 - a. Reviewed the: 2018 Debt Schedules, Estimated Revenue Listings, and Proposed Salary and Fringe Benefits Schedules
2. **Safety and Human Resources Committee** did not meet on October 23, 2017 due to lack of agenda items.
3. **Technology Committee.**

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

1. **Healthcare Cost Committee** met on October 20, 2017.
2. **Civil Service Commission** met on October 24, 2017; and
 - a. Approved for the Fire Captain Promotional Exam waiving the Civil Service Rule requiring Applicants to have three (3) years of cumulative service as a full-time Firefighter/Paramedic and require applicants to have completed their probationary period prior to testing.
 - b. Set a Special Service Commission meeting for Tuesday, November 14, 2017 at 4:00 pm to review Applications for Fire Captain.
 - c. Set the Fire Captain Promotional Testing for Saturday, February 3, 2018 at 9:00 am.
3. **Parks and Rec Board**
 - a. Recommended Implementation of a new Corporate Rate Membership for the Golf Course.
 - b. Recommended to Raise the Rates for the Rotary/Oberhaus Shelterhouse \$20.00 Across the Board and \$5.00 Across the Board for the Ritter Park Shelterhouse.
 - c. Approved and Recommended to City Council the Parks and Recreation Draft 2018 Budget.

G. Introduction of New Ordinances and Resolutions

1. **Ordinance No. 067-17**, an Ordinance Amending the Allocation of Funds as found in Sections 193.11 and 194.013 of the Codified Ordinances of the City of Napoleon, Ohio; and Declaring an Emergency. *(Suspension Requested)*
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H. Second Readings of Ordinances and Resolutions

I. Third Readings of Ordinances and Resolutions

1. **Ordinance No. 059-17**, an Ordinance Prohibiting Medical Marijuana Cultivation, Processing, Testing, Packing, Storage and Retail Distribution within the City of Napoleon, Ohio.

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

1. **Discussion/Action:** Award of bid for the 2017 Recycling Processing Contract.
2. **Discussion/Action:** Approval of Specifications and Bid Documents for the Water Treatment Plant and Wastewater Treatment Plant Chemicals FY2018.
3. **Discussion/Action:** Change Order No. 1 (Final) for the Park Street Improvements Project – Phase 2, an Increase of \$29,938.84 to Bryan Excavating, LLC.

K. Executive Session *(as may be 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: November 6, 2017 @6:15 pm)

2. Electric Committee (2nd Monday)

(Next Regular Meeting: Monday, November 13, 2017 @6:30 pm)

- a. Review of Power Supply Cost Adjustment Factor for November, 2017
- b. Transmission Operator for Northside Substation
- c. Electric Vehicle Rebate (Tabled)
- d. Electric Department Report

3. Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday)

(Next Regular Meeting: Monday, November 13, 2017 @7:00 pm)

- a. Review Utility Promissory Note (January 08, 2018).

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

(Next Regular Meeting: Monday, November 13, 2017 @7:30 pm)

- a. Downtown Improvements
- b. Updated Information from Staff on Economic Development (as needed)

5. Parks & Recreation Committee (3rd Monday)

(Next Regular Meeting: Monday, November 20, 2017 @6:00 pm)

6. Ad Hoc Committee on Organizational Health and Strategic Vision (3rd Monday)

(Next Regular Meeting: Mon., November 20, 2017 at 6:15 pm)

- a. Discussion on Mission and Strategic Vision.

7. Finance & Budget Committee (4th Monday)

(Next Regular Meeting: Monday, November 27, 2017 @6:30 pm)

- a. Special Joint Meeting with City Council, Friday, November 10th, 2017 @8:00 am
 - i. Review of 2018 Budget
- b. Special Joint Meeting with City Council, Saturday, November 11, 2017 @8:00 am
 - i. Review of 2018 Budget

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

(Next Regular Meeting: Monday, November 27, 2017 @7:30 pm/Joint Meeting with Townships)

9. Personnel Committee (as needed)

10. Ad-hoc Committee on Council Rules (as needed)

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

1. Board of Public Affairs (2nd Monday)

(Next Regular Meeting: Monday, November 13, 2017 @6:30 pm)

- a. Review of Power Supply Cost Adjustment Factor for November, 2017
- b. Discussion on Transmission Operator for Northside Substation
- c. Electric Vehicle Rebate (Tabled)
- d. Electric Department Report
- e. Review Utility Promissory Note (January 08, 2018).

2. Board of Zoning Appeals (2nd Tuesday)

(Next Regular Meeting: Tuesday, November 14, 2017 @4:30 pm)

3. Planning Commission (2nd Tuesday)

(Next Regular Meeting: Tuesday, November 14, 2017 @5:00 pm)

- a. Public Hearing for Conditional Use Permit as Planned Commercial Development at 1875 Oakwood Ave. in the Oakwood Plaza.

4. Tree Commission (3rd Monday)

(Next Regular Meeting: Monday, November 20, 2017 @6:00 pm)

5. Civil Service Commission (4th Tuesday)

(Next Regular Meeting: Tuesday, November 28, 2017 @4:30 pm; Special Meeting on Tuesday, Nov. 14, 2017 at 4:00 pm)

6. Parks & Recreation Board (Last Wednesday)

(Next Regular Meeting: Wed., November 29, 2017 @6:30 pm)

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

(Next Regular Meeting: Tuesday, November 14, 2017 @10:30 am)

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

(Next Regular Meeting: Tuesday, December 12, 2017 @4:00 pm)

9. Housing Council (1st Monday of the month after the TIRC meeting)

10. Health Care Cost Committee (Next Meeting: Tuesday, November 14, 2017 at 10:00 am)

11. Preservation Commission (as needed)

12. Napoleon Infrastructure/Economic Development Fund Review Committee (NIEDF) (as needed)

13. Tax Incentive Review Council (as needed)

14. Volunteer Firefighters' Dependents Fund Board (as needed)

15. Volunteer Peace Officers' Dependents Fund Board (as needed)

16. Lodge Tax Advisory & Control Board (as needed)

17. Board of Building Appeals (as needed)

18. ADA Compliance Board (as needed)

19. NCTV Advisory Board (as needed)

CITY COUNCIL

MEETING MINUTES

MONDAY, OCTOBER 16, 2017 AT 7:00 PM

PRESENT

Council

Travis Sheaffer-Council President, Joseph D. Bialorucki-Council President Pro-Tem, Jeff Comadoll, Dan Baer, Rita Small, Jeff Mires, Lori Sicclair

Mayor

Jason P. Maassel

City Manager

Joel Mazur

Law Director

Billy D. Harmon

Asst. Finance Director

Chris Peddicord

City Staff

Dave Mack, Chief of Police

Clayton O'Brien, Fire Chief

Dave Pike, WWTP Superintendent

Recorder/Records Clerk

Roxanne Dietrich

Others

Newsmedia, NCTV, Jerry Tonjes

ABSENT

Prayer

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

Police Lieutenant Sworn In

Greg Smith, the new Police Lieutenant, was sworn in by Mayor Maassel.

Approval of Minutes

Hearing no objections or corrections, the special meeting and regular meeting minutes of October 2, 2017 stand approved as presented.

Citizen Communication

Nicole Diemer of 1227 Dodd Street thanked the City for fixing their road, it is very nice; however, we have an issue why there is a need for a sidewalk on the north side of Dodd Street. The reason we are asking is the sidewalk only goes to certain point which is our neighbors' driveway and stops if it was to keep going, it would go downhill to the creek. My children play in our front yard and where the sidewalk is to go it would divide the front yard, she presented a petition to Council.

The Mayor asked what the house number is where the sidewalk would end, Nicole answered 1235 Dodd. The City Manager said he would talk to the City Engineer and after Staff reviews your request, we will get back with you. Nicole said the letter stated the sidewalks had to be in by the end of October or we will be fined, everyone has been checking prices, we wanted to know the reason behind it, no one walks down Dodd Street but the neighbors. The Mayor thanked Nicole for coming and informed her Staff would look at the situation and get back with her.

George Schmidt of 206 Lagrange Street stated the proposed sidewalks would impact his side yard, to put the sidewalk where it is to be would be only 20' from a window on the side of my house. I bring up one point to consider, fair and equal treatment of citizens in this community, we have a sidewalk on Dodd Street that works well the issue a street was rebuild and we need to put in a sidewalk because of a policy is not much of a reason, our policy should be safety of people using the streets and sidewalks. If that was the case I can suggest many more miles in this town where people are walking everyday down the middle of a road, look at the other side of the

Council President Sheaffer reported personnel was discussed in Executive Session and no action was taken.

Council came out of Executive Session at 8:26 pm.

Approval of Bills

The bills and reports stand approved as presented with no objections.

Motion to Adjourn

Motion: Small Second: Siclair
to adjourn the City Council meeting.

Passed

Yea-7

Nay-0

Roll call vote on the above motion:
Yea-Sheaffer, Comadoll, Baer, Siclair, Mires, Small, Bialorucki
Nay-

Adjournment

The City Council meeting was adjourned at 8:29 pm.

Approved:

November 6, 2017

Travis Sheaffer, Council President

Jason P. Maassel, Mayor

Christine Peddicord, Assistant Finance Director

ORDINANCE NO. 067-17

AN ORDINANCE AMENDING THE ALLOCATION OF FUNDS AS FOUND IN SECTIONS 193.11 AND 194.013 OF THE CODIFIED ORDINANCES OF THE CITY OF NAPOLEON, OHIO; AND DECLARING AN EMERGENCY

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

Section 1. That, Section 193.11 of the Codified Ordinances of Napoleon, Ohio, shall be amended and enacted as follows:

“193.11 ALLOCATION OF FUNDS.

(a) Effective January 1, 2018, the funds collected under the provisions of this chapter shall be deposited in the “General Fund equivalent” of the City for municipal income taxes and shall be disbursed in the following order:

(1) Such part thereof as shall be necessary to defray all costs of collecting this tax and all costs of administering and enforcing the provisions of this chapter and the rules and regulations adopted by Council in connection therewith.

(2) Not more than sixty two percent (62%) of the net available tax receipts received annually may be used to defray operating expenses of the City.

(3) At least thirty eight percent (38%) of the net available tax receipts received annually shall be set aside and used for capital improvements including, but not limited to, development and construction of storm sewers and street improvements; for public buildings, parks, and playgrounds; and for equipment necessary for the Police, Fire, Street, Traffic, and Safety Departments.

(b) Effective January 1, 2019 and thereafter, the funds collected under the provisions of this chapter shall be deposited in the “General Fund equivalent” of the City for municipal income taxes and shall be disbursed in the following order:

(1) Such part thereof as shall be necessary to defray all costs of collecting this tax and all costs of administering and enforcing the provisions of this chapter and the rules and regulations adopted by Council in connection therewith.

(2) Not more than fifty percent (50%) of the net available tax receipts received annually may be used to defray operating expenses of the City.

(3) At least fifty percent (50%) of the net available tax receipts received annually shall be set aside and used for capital improvements including, but not limited to, development and construction of storm sewers and street improvements; for public buildings, parks, and playgrounds; and for equipment necessary for the Police, Fire, Street, Traffic, and Safety Departments.”

Section 2. That, Section 193.11 of the Codified Ordinances of Napoleon, Ohio, as existed prior to the enactment of this Ordinance, is repealed effective December 31, 2017 at 11:59 PM.

Section 3. That, Section 194.013 of the Codified Ordinances of Napoleon, Ohio, shall be amended and enacted as follows:

“194.013 ALLOCATION OF FUNDS.

(A) Effective January 1, 2018, the funds collected under the provisions of this Chapter shall be deposited in the “General Fund equivalent” of the City for municipal income taxes and shall be disbursed in the following order:

(1) Such part thereof as shall be necessary to defray all costs of collecting this tax and all costs of administering and enforcing the provisions of this Chapter and the rules and regulations adopted by Council in connection therewith.

(2) Not more than sixty two percent (62%) of the net available tax receipts received annually may be used to defray operating expenses of the City.

(3) At least thirty eight percent (38%) of the net available tax receipts received annually shall be set aside and used for capital improvements including, but not limited to, development and construction of storm sewers and street improvements; for public buildings, parks, and playgrounds; and for equipment necessary for the Police, Fire, Street, Traffic, and Safety Departments.

(B) Effective January 1, 2019 and thereafter, the funds collected under the provisions of this chapter shall be deposited in the “General Fund equivalent” of the City for municipal income taxes and shall be disbursed in the following order:

(1) Such part thereof as shall be necessary to defray all costs of collecting this tax and all costs of administering and enforcing the provisions of this chapter and the rules and regulations adopted by Council in connection therewith.

(2) Not more than fifty percent (50%) of the net available tax receipts received annually may be used to defray operating expenses of the City.

(3) At least fifty percent (50%) of the net available tax receipts received annually shall be set aside and used for capital improvements including, but not limited to, development and construction of storm sewers and street improvements; for public buildings, parks, and playgrounds; and for equipment necessary for the Police, Fire, Street, Traffic, and Safety Departments.”

Section 4. That, Section 194.013 of the Codified Ordinances of Napoleon, Ohio, as existed prior to the enactment of this Ordinance, is repealed effective December 31, 2017 at 11:59 PM.

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

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

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

take effect to meet the intent of the law; 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: _____

Travis B. Sheaffer, Council President

Approved: _____

Jason P. Maassel, 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. 067-17 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

ORDINANCE NO. 068-17

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

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

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

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

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

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

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

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

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

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

Section 4. That, this Ordinance shall be in full force and effect at the earliest time permitted by law.

Passed: _____

Travis B. Sheaffer, Council President

Approved: _____

Jason P. Maassel, 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. 068-17 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

RULES
AND
REGULATIONS
OF
CITY COUNCIL

CITY OF NAPOLEON, OHIO

#CRR-2001

HISTORY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amended – October XX, 2017 – Ordinance No. 0XX-17

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RULE 1 MEETINGS, PLACE, TIME OF CONVEYING, QUORUM, ORDER OF BUSINESS

Rule 1.1 Place of Meetings

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

Rule 1.2 Public Meetings

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

Rule 1.3 Regular Meetings

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

Rule 1.4 Special Meetings

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

Rule 1.5 Emergency Meetings

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

Rule 1.6 Adjournment

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

Rule 1.7 Quorum

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

Rule 1.8 Order Of Business

Rule 1.8.1 The Clerk

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

Rule 1.8.2 Prayer

Rule 1.8.3 Pledge of Allegiance

Rule 1.8.4 Minutes

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

Rule 1.8.5 Citizen Communication

Rule 1.8.6 Report from Committees

Rule 1.8.7 Second Reading Of Ordinances And Resolutions

Rule 1.8.8 Third Reading Of Ordinances And Resolutions

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

Rule 1.8.10 Adjournment

Rule 1.8.11 Introduction Of Items By The Presiding Officer

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

Rule 1.8.12 Payment Of Bills

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

Rule 1.9 Council Agenda

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

Rule 1.10 Agenda for the Organizational Meeting

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

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

RULE 2 OFFICERS AND EMPLOYEES OF COUNCIL

Rule 2.1 Presiding Officer

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

Rule 2.2 Votes Necessary for Election of Officers and Employees

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

Rule 2.3 Roll Call Votes

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

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

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

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

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

Rule 2.5 Seating Order for Council

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

COUNCIL SEATING ORDER

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

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

Rule 2.6 City Clerk

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

Rule 2.6.1 Title of All Ordinance and Resolutions

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

Rule 2.6.2 Preambles

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

Rule 2.6.3 Ordinances and Resolutions

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

Rule 2.6.4 The Minutes

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

Rule 2.6.5 Cumulative Subject Index

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

RULE 3 COMMITTEES

Rule 3.1 Standing Committees of Council

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

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

Rule 3.1.8 The Appointment of Standing Committees

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

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

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

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

Rule 3.2 Committee Meetings

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

Rule 3.3 Committee Rules

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

Rule 3.4 Committee Reports

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

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

Rule 3.5 Ad Hoc Committees

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

Rule 3.6 Committee Members

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

Rule 3.7 Council Members Ad Hoc Members of Committees

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

Rule 3.8 Joint Sessions Of Committees, Boards, Commissions

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

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

Rule 3.9 Personnel Committee

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

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

Rule 3.10 Audit Committee

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

RULE 4 DUTIES OF MEMBERS

Rule 4.1 Duties, Privileges, and Decorum of Members

Rule 4.1.1 Attendance

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

Rule 4.1.2 Duty To vote

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

Rule 4.1.3 Recording Votes

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

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

Rule 4.2 Right of Floor

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

Rule 4.3 Time Limits for Speaking

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

Rule 4.4 Member Called to Order

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

Rule 4.5 Appeal from Ruling of Chair

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

Rule 4.6 Reading from Written Matter

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

Rule 4.7 Personal Privilege

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

RULE 5 MOTIONS

Rule 5.1 Motions in General

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

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

Rule 5.2 Purpose and Form Of Motions

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

Rule 5.3 Precedence of Motions

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

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

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

Rule 5.4 Questions

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

Rule 5.5 Motion to Lay On The Table

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

Rule 5.6 Reconsideration by Motion Of Council

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

Rule 5.7 Reconsideration by Order of Mayor

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

RULE 6 ORDINANCES AND RESOLUTIONS

Rule 6.1 Character of Ordinance or Resolution

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

Rule 6.2 Ordinances and Resolutions

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

Rule 6.2.1 Presiding Officer to Present Legislation

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

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

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

Rule 6.2.2 Law Director Review

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

Rule 6.3 Passage Requirements/Suspension of Rules/Emergency Clause

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

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

Rule 6.4 Signing and Delivery to Mayor; Veto

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

Rule 6.5 Publishing of Ordinance and Resolutions

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

Rule 6.6 A Resolution Enacting Clause May Be

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

or

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

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

Rule 6.7 An Ordinance Enacting Clause May Be

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

or

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

or

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

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

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

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

Rule 6.9 Form and Amendments

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

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

Rule 6.10 Reference to Committee Regarding Legislation

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

Rule 6.11 Committee Referrals

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

Rule 6.12 Relieving Committee

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

Rule 6.13 Advance Production of Ordinances and Resolutions

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

Rule 6.14 Ordinances Appropriating Money

No money shall be appropriated except by ordinance or resolution.

RULE 7 DEPARTMENT HEADS

Rule 7.1 Attendance of Department Heads

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

Rule 7.2 Clerk's Report on Pending Measures

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

Rule 7.3 Approval of Mayor's Appointments

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

RULE 8 COUNCIL CHAMBER AND RULES

Rule 8.1 Use of Council Chamber

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

Rule 8.2 Rules, Suspension, Amendment, and Other

Rule 8.2.1 Suspension of Rules

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

Rule 8.2.2 Amendment of Rules

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

Rule 8.2.3 Other Rules

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

Rule 8.2.4 Executive Session

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

1) Personnel

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

2) Property

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

Exhibit A to Ordinance No. 068-17

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

3) Court Action

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

4) Collective Bargaining

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

5) Confidential Matters

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

6) Security Arrangements

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

7) Protect Utility

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

8) Economic Development

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

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

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

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

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

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

Rule 8.3 Presumption of Validity

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

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

RULE 9 COUNCIL BUSINESS EXPENDITURES/COMPUTERS

Rule 9.1 Expenditure of Funds by Council Members

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

Rule 9.2 Travel Expenses

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

Rule 9.3 Information Technology Usage

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

Rule 9.4 Internet Access

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

Rule 9.5 Business Meeting Expenditures

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

RULE 10 GENERAL AND MISCELLANEOUS RULES

Rule 10.1 Continuity of Legislative Authority

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

Rule 10.2 Council Action

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

Rule 10.3 Expectations of Council – Decorum - Removal

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

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

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

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

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

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

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

Rule 10.4 Anonymous Complaints against City Employees and Personnel

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

RESOLUTION NO. 069-17

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO ACQUIRE 1.47 ACRES OF LAND LOCATED WITHIN THE CITY OF NAPOLEON, OHIO; AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon desires to acquire a certain 1.47 acres of land located within the City of Napoleon, Ohio; and,

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

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

Section 1. That, the City of Napoleon authorizes the City Manager to enter into any and all documents necessary for the acquisition of one and forty seven one hundredths (1.47) acres of land which is located within the City of Napoleon.

Section 2. That, the properties listed are identified as at the location of Marco Drive, Napoleon, Henry County, Ohio; Parcel Number 41-119361.0400 and Parcel Number 41-119361.0500, consisting of one and forty seven one hundredths (1.47) acres of land in total.

Section 3. That, the paper street previously named Marco Drive was renamed Roundhouse Road, authorized by the passage of Ordinance No. 007-15 by unanimous vote of Council, dated March 2, 2015.

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

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

Section 6. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for the City to enter into economic development; 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: _____

Travis B. Sheaffer, Council President

Approved: _____

Jason P. Maassel, 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. 069-17 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

ORDINANCE NO. 070-17

AN ORDINANCE AMENDING CHAPTER 1301, SECTION 1301.01, "ADOPTION," OF PART 13 OF THE CODIFIED CODE OF THE CITY OF NAPOLEON, OHIO, THE RESIDENTIAL CODE OF OHIO FOR 1, 2, AND 3 FAMILY DWELLINGS AND ESTABLISHING THE CITY OF NAPOLEON, OHIO BUILDING DEPARTMENT; AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon, Ohio recently reviewed the City of Napoleon Codified Ordinances in an effort to keep up to date with current regulations; and,

WHEREAS, the City of Napoleon, Ohio deems it desirable to amend the previously adopted Residential Code of Ohio to include current changes; and,

WHEREAS, the citizens of the City of Napoleon, Ohio require the establishment of local enforcement of said building codes; and,

WHEREAS, the State of Ohio requires the establishment of a Building Department prior to the exercise of enforcement authority by the Wood County Building Inspection Department; and,

WHEREAS, City Council now desires to establish said Building Department for the City of Napoleon, Ohio; and,

WHEREAS, this Council has considered all recommendations, now deems appropriate that the City of Napoleon, Ohio Codified Ordinances amend and adopt the Residential Code of Ohio for 1, 2, and 3 Family Dwellings, which shall be implemented until amended by this Council; **Now Therefore**,

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

Section 1. That, the Residential Code of Ohio for 1, 2, and 3 Family Dwellings is hereby amended and adopted as the Building Code of the City of Napoleon, Ohio for all construction within the jurisdiction of such code.

Section 2. That Part XIII, Building Code, Section 1301.01 of the City of Napoleon Codified Ordinances shall be amended to read as follows:

1301.01 Adoption

There is hereby amended and adopted by this Municipality, the most recent edition of the Residential Code of Ohio (RCO) as adopted by the Ohio Board of Building Standards, Department of Industrial Relations, and as published in Division 4101:8 of the Ohio Administrative Code (OAC).

Section 3. That, Part XIII, Building Code, Section 1301.01 of the City of Napoleon Codified Ordinances, as existed prior to the enactment of this Ordinance, is hereby repealed and replaced in its entirety.

Section 4. That, the City of Napoleon, Ohio Building Department is hereby established.

Section 5. That, said Department shall have full authority to enforce all laws, statutes, and regulations as provided and authorized in the Ohio Revised Code 3781.06 and the Ohio Administrative Code 4101:8 pursuant to the Certification approved by and Certification Rule adopted by the Ohio Board of Building Standards.

Section 6. That, the citizens of the City of Napoleon, Ohio need this service as soon as possible, and therefore this matter is declared an Emergency.

Section 7. That, it is found and determined that all formal action of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon, Ohio.

Section 8. That, unless otherwise stated, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 9. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for the timely creation of said necessary Building Department; moreover, this must timely take effect to meet the intent of the law; 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: _____

Travis B. Sheaffer, Council President

Approved: _____

Jason P. Maassel, 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. 070-17 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

ORDINANCE NO. 071-17

AN ORDINANCE AUTHORIZING A REQUEST TO THE OHIO BOARD OF BUILDING STANDARDS TO CERTIFY THE CITY OF NAPOLEON, OHIO FOR ENFORCEMENT OF THE RESIDENTIAL CODE OF OHIO WITH THE CONDITION THAT THE WOOD COUNTY, OHIO RESIDENTIAL BUILDING DEPARTMENT EXERCISE ENFORCEMENT AUTHORITY AND ACCEPT AND APPROVE PLANS AND SPECIFICATIONS, AND MAKE INSPECTIONS, AND AUTHORIZING AN AGREEMENT FOR SUCH ENFORCEMENT BETWEEN THE CITY OF NAPOLEON, OHIO AND WOOD COUNTY, OHIO; AND DECLARING AN EMERGENCY

WHEREAS, the City of Napoleon, Ohio desires to enforce the Residential Code of Ohio for the purpose of providing uniform standards and requirements for the erection, construction, repair, alteration, and maintenance of buildings specified in Section 3781.06 of the Ohio Revised Code; and,

WHEREAS, the City of Napoleon, Ohio seeks to obtain the authority for enforcement of the provisions of the Residential Code of Ohio through certification by the Ohio Board of Building Standards pursuant to Section 3781.10(E) of the Ohio Revised Code, with the condition that the Wood County, Ohio Residential Building Department exercise the enforcement authority and accept and approve plans and specifications, and make inspections in accordance with the Residential Code of Ohio; and,

WHEREAS, the said Board of Building Standards has certified the Wood County, Ohio Building Department to exercise enforcement authority in accordance with the Residential Code of Ohio, effective upon the passage of this Ordinance, as set forth in said Board's certification rule; and,

WHEREAS, it is necessary in accordance with the law to administer and enforce the Residential Code of Ohio within the limits of the City of Napoleon, Ohio; and,

WHEREAS, it is necessary that an agreement be entered into between the City of Napoleon, Ohio and Wood County, Ohio for the enforcement of the Residential Code of Ohio within the limits of said City of Napoleon, Ohio; **Now Therefore**,

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

Section 1. That, Ohio Administrative Code 4101:8, Residential Code of Ohio, as promulgated by the Ohio Board of Building Standards, shall apply and be enforced within the City of Napoleon, Ohio.

Section 2. That, this Ordinance shall be in full force and effect from and after the earliest period permitted by law following promulgated of the Residential Code of Ohio by the Board of Building Standards through the certification process, adoption, and effective date of certification issued by the Ohio Board of Building Standards.

Section 3. That, the City Manager of the City of Napoleon, Ohio is hereby authorized and directed to sign and submit an application to the Ohio Board of Building

Standards requesting said Board to certify the City of Napoleon, Ohio for enforcement of the Residential Code of Ohio with the condition that the Wood County, Ohio Residential Building Department exercise the enforcement authority as necessary in accordance with the Residential Code of Ohio within the limits of said City of Napoleon, Ohio, and to enter into an agreement with the Wood County, Ohio Residential Building Department for such purpose.

Section 4. The City of Napoleon, Ohio through its City Manager is hereby authorized and directed to enter into an agreement with said Wood County, Ohio Residential Building Department for the enforcement of the Residential Code of Ohio within the limits of said City of Napoleon, Ohio whereby the Wood County Residential Building Department will exercise all enforcement authority and accept and approve plans and specifications and make inspections necessary within said City of Napoleon, Ohio in accordance with the provisions of the Residential Code of Ohio.

Section 5. That, the terms of said agreement shall grant to the Wood County, Ohio Residential Building Department full authority to do all things necessary to administer and enforce the Residential Code of Ohio within the limits of the City of Napoleon, Ohio and in consideration therefore to allow the Wood County, Ohio Residential Building Department to retain all permit and inspection fees authorized by the State of Ohio for such purposes.

Section 6. That, the Legislature Authority of said City of Napoleon, Ohio further agrees to hold the Wood County, Ohio Residential Building Department harmless for all claims or causes of action of every kind and nature arising from the acts of the Wood County, Ohio Residential Building Department, its agents, employees, and representatives in the administration and enforcement of said codes.

Section 7. That, it is found and determined that all formal action of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon, Ohio.

Section 8. That, unless otherwise stated, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 9. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for the timely creation of said necessary Building Department; moreover, this must timely take effect to meet the intent of the law; 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: _____

Travis B. Sheaffer, Council President

Approved: _____

Jason P. Maassel, 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. 071-17 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

ORDINANCE 059-17

AN ORDINANCE PROHIBITING MEDICAL MARIJUANA CULTIVATION, PROCESSING, TESTING, PACKING, STORAGE, AND RETAIL DISTRIBUTION WITHIN THE CITY OF NAPOLEON, OHIO

WHEREAS, on May 25, 2016, the Ohio General Assembly passed Substitute House Bill 523 (“H.B. 523”), which allows individuals with a qualifying medical condition, on the recommendation of a physician, to apply to the State, and upon approval of their application receive an identification card allowing them to obtain, possess, and use medical marijuana for the treatment of said condition; and

WHEREAS, H.B. 523 was signed into law by Ohio Governor John Kasich and thereafter became effective on September 9, 2016; and

WHEREAS, pursuant to home rule authority found in Article XVIII of the Constitution of the State of Ohio, the City Charter, and the Ohio Revised Code, municipalities have the inherent power to enact planning, zoning and business regulation laws that further the health, safety, welfare, comfort and peace of the citizens of the municipality, including restricting, prohibiting and/or regulating certain business uses; and

WHEREAS, ORC § 3796.29, enacted by H.B. 523, affirms that municipalities may adopt restrictions, including prohibiting or limiting the number of cultivators, processors, or retail dispensaries of medical marijuana within their corporation limits; and

WHEREAS, H.B. 523 provides that the Ohio Department of Commerce, the Board of Pharmacy, and the State Medical Board shall adopt rules establishing standards and procedures for the medical marijuana control program; and

WHEREAS, these state boards have published their proposed rules governing operation of marijuana dispensaries, cultivators, and processors, the issuance of certificates to physicians wishing to recommend medical marijuana to patients, and the registration of patients and caregivers wishing to purchase medical marijuana pursuant to these recommendations; and

WHEREAS, these proposed rules are in the process of completing the state’s agency rule review; and

WHEREAS, the City has studied these proposed rules; and

WHEREAS, marijuana (cannabis) remains classified as a Schedule I controlled substance under the Federal Controlled Substances Act, rendering the manufacture, distribution, dispensation, and the possession of marijuana with intention to manufacture, distribute, or dispense, a crime under federal law; and

WHEREAS, a consequence of the continued prohibition of marijuana by the Federal government is that financial services providers such as banks and credit card companies are unable to do business with marijuana enterprises because it is illegal under Federal law to transmit funds known to have been derived from marijuana; and

WHEREAS, the unbanked status of marijuana businesses results in the businesses and their customers carrying significant amounts of cash; and

WHEREAS, the presence of large amounts of cash invites opportunity for robbery, theft, money laundering, tax evasion, and other crimes constituting threats to the public health, safety, and welfare; and

WHEREAS, due to the above threats to public health, safety, and welfare, having reviewed the State’s rules and Federal law’s continued classification of marijuana (cannabis) as a Schedule I drug, the City of Napoleon determines that cultivation, processing, testing, and retail dispensing of marijuana for medical purposes, or otherwise, shall not be a permitted use within this City;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Napoleon, Henry County, State of Ohio, _____ of the elected members concurring, that:

SECTION 1. That Part VII , Business Regulation Code, shall be amended by enacting Chapter 747, Medical Marijuana, to read as follows:

CHAPTER 747 – MEDICAL MARIJUANA

747.01 DEFINITIONS

(a) “Marijuana” has the same meaning as marihuana as defined in section 3719.01 of the Ohio Revised Code.

(b) “Medical marijuana” means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.

(c) “Medical marijuana-related business or home occupation” means a business or home occupation use, involving in whole or in part, the cultivation, processing, distribution, and/or wholesale or retail sale of medical marijuana on the premises. This definition shall specifically include, but is not limited to, dispensaries of medical marijuana; facilities for the cultivation, packing, transportation, processing, storage, and/or sale of medical marijuana; and bakeries or kitchens producing edible forms of medical marijuana or products containing the same.

747.02 CULTIVATION, PROCESSING, TESTING, PACKING, STORAGE, OR RETAIL DISPENSING OF MEDICAL MARIJUANA PROHIBITED

(a) The cultivation, processing, testing, packing, storage, or retail dispensing of medical marijuana within the City of Napoleon is hereby prohibited.

(b) No medical marijuana-related business or home occupation may be established, operated, or maintained within the City of Napoleon, nor shall any provision of the Planning and Zoning Code be construed to permit the use of any property for that purpose. This prohibition shall apply to all zoning districts within the City.

747.99 PENALTY

Whoever violates Section 747.02 is guilty of a misdemeanor of the first degree. Each day of violation shall constitute a separate offense.

SECTION 2. That Part XI, Planning and Zoning Code, shall be amended by enacting Section 1127.22, Cultivation, Processing, Testing, Packing, Storage, or Retail Dispensing of Medical Marijuana Prohibited in All Districts, to read as follows:

1127.22 CULTIVATION, PROCESSING, TESTING, PACKING, STORAGE, OR RETAIL DISPENSING OF MEDICAL MARIJUANA PROHIBITED IN ALL DISTRICTS.

(a) The cultivation, processing, testing, packing, storage, or retail dispensing of medical marijuana shall be a prohibited use in all zoning districts within the City of Napoleon.

(b) Use of property in violation of this section shall constitute a nuisance.

(c) In addition to other penalties provided by law, the Director of Law shall be authorized to institute civil proceedings in a court of competent jurisdiction to enjoin violations of this Section; for monetary damages arising from violations of this Section; and to take all actions necessary to secure enforcement of any injunction and collect upon any damage award, judgment, or fine in contempt levied in relation to a violation of this Section.

SECTION 3. Council hereby finds that all deliberations and votes taken in relation to this Ordinance were done in a public meeting in accordance with Section 121.22 of the Ohio Revised Code.

SECTION 4. The provisions of this Ordinance are severable, and if any one or more should be found unenforceable for any reason, the remaining provisions shall remain in full force and effect.

SECTION 5. This ordinance shall take effect at the earliest opportunity allowed by law.

Passed: _____

Travis B. Sheaffer, Council President

Approved: _____

Jason P. Maassel, 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. 059-17 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director



City of Napoleon, Ohio

Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

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

www.napoleonohio.com

Memorandum

To: Joel L. Mazur, City Manager
From: Chad E. Lulfs, P.E., P.S., Director of Public Works
cc: Mayor & City Council
Greg Heath, City Finance Director
Jeff Rathge, Operations Superintendent
Date: November 2, 2017
Subject: 2017 Recycling Processing Contract –
Recommendation of Award

On Wednesday, November 1, 2017, bids were opened and read aloud for the above referenced project. One bid was submitted and read as follows:

Werlor Waste Control & Recycling, Inc. \$45.00/ton (\$27,000.00)

The Engineer's Estimate for this project is \$45.00/ton (\$27,000.00). This contract is for 3 years.

Having reviewed the submitted bid, it is my recommendation that Council award Werlor Waste Control & Recycling, Inc. the 2017 Recycling Processing Contract in the amount of \$45.00/ton (\$27,000.00). 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

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Memorandum

To: Joel L. Mazur, City Manager
From: Chad E. Lulfs, P.E., P.S., Director of Public Works
cc: Mayor & City Council
Greg Heath, City Finance Director
Date: March 20, 2017
Subject: Park Street Improvements ~ Phase 2 (L.T.C.P.
Project No. 17C & 11E ~ Partial) – Change Order
No. 1 – Final

The City of Napoleon's Department of Public Works requests approval Change Order No. 1 – Final for the above referenced project in the amount of \$29,938.94. The increase in cost is primarily due to the additional costs for the replacement of a manhole and the installation of an additional long sanitary sewer service. Also, additional work was done to remove severe slopes between the new curb and the front of several residences. Although this increased the cost of the project, we remain approximately \$70,000 below the budget for this project.

To cover these additional costs and to close out this project, I request that Council approve Change Order No. 1 – Final in the amount of \$29,938.94.

CEL

FINAL CHANGE ORDER

November 1, 2017

NAME of PROJECT - Park Street Improvements - Phase 2

CONTRACTOR - Bryan Excavating, LLC

City Contract No. 2017-13

		ESTIMATED	ACTUAL	QUANTITY		UNIT	AMOUNT	AMOUNT
ITEM	DESCRIPTION	QUANTITY	QUANTITY	DIFF.	UNIT	PRICE	DECREASE	INCREASE
ROADWAY								
1	Clearing and Grubbing	1.00	1.00	0.00	LS	\$4,000.00	\$0.00	\$0.00
2	Tree and Stump Removal - 12" - 24" Diameter	8.00	11.00	3.00	EA	\$500.00		\$1,500.00
3	Tree and Stump Removal (24" - 36")	4.00	4.00	0.00	EA	\$900.00	\$0.00	\$0.00
4	Flagpole Removed and Reset	1.00	0.00	-1.00		\$700.00	-\$700.00	
5	Concrete Curb Removal	50.00	50.00	0.00		\$4.50	\$0.00	\$0.00
6	Concrete Pavement and Walk Removal	320.00	320.00	0.00		\$3.40	\$0.00	\$0.00
7	Roadway and Driveway Excavation and Embankment	2,200.00	2237.00	37.00		\$11.00		\$407.00
8	Roadway Excavation - Undercutting Contingency	220.00	263.00	43.00		\$9.00		\$387.00
9	Full Depth Pavement Sawing	500.00	477.50	-22.50		\$3.20	-\$72.00	
10	Subgrade Compaction	4,250.00	3975.00	-275.00		\$1.70	-\$467.50	
11	Subgrade Stabilization Fabric	4,250.00	4762.00	512.00		\$1.10		\$563.20
12	6" Aggregate Base (ODOT 304 - 2 Lifts)	2.00	0.00	-2.00		\$36.00	-\$72.00	
13	8" Aggregate Base (ODOT 304 - 2 Lifts)	975.00	903.00	-72.00		\$40.30	-\$2,901.60	
14	12" Aggregate Base (ODOT 304 - 2 Lifts) Undercutting	220.00	263.00	43.00		\$36.00		\$1,548.00
15	3" Asphalt Concrete Base (ODOT 301 PG64-22)	320.00	334.04	14.04		\$140.00		\$1,965.60
16	1½" Asphalt Concrete Intermediate Course (ODOT 448 Type 2 Medium, PG64-22)	160.00	154.21	-5.79		\$142.00	-\$822.18	
17	1½" Asphalt Concrete Surface Course (ODOT 448 Type 1 Medium, PG64-22)	160.00	169.34	9.34		\$157.00		\$1,466.38
18	8" Plain Portland Cement Concrete Pavement with 6" Crushed Aggregate Base	50.00	51.00	1.00		\$76.00		\$76.00
19	6" Plain Portland Cement Concrete Pavement with 6" Crushed Aggregate Base	675.00	698.07	23.07		\$65.00		\$1,499.55
20	6" Concrete Walk with 4" Stabilized Crushed Aggregate Base (ODOT 411)	50.00	368.00	318.00		\$6.50		\$2,067.00
21	4" Concrete Walk with 4" Stabilized Crushed Aggregate Base (ODOT 411)	1,000.00	773.00	-227.00		\$5.60	-\$1,271.20	
22	Handicap Ramp with ADA Truncated Dome Detectable Warnings	6.00	6.00	0.00		\$340.00	\$0.00	\$0.00
23	Type 2 Concrete Curb	2,350.00	2322.50	-27.50		\$18.50	-\$508.75	
24	Type 6 Concrete Curb	100.00	53.75	-46.25		\$18.50	-\$855.63	
25	6" Corrugated Polyethylene Tubing with Filter Stock (including All Fittings and No. 8 Stone Fill)	2,350.00	2317.50	-32.50		\$10.40	-\$338.00	
26	Removal/Replacement/Re-erection of Ground Mounted Signs	10.00	10.00	0.00		\$250.00	\$0.00	
27	Removal/Replacement/Re-erection of Mailboxes	21.00	0.00	-21.00		\$250.00	-\$5,250.00	
28	18" Wide Stop Bar (Layout)	35.00	40.00	5.00		\$3.80		\$19.00

		ESTIMATED	ACTUAL	QUANTITY		UNIT	AMOUNT	AMOUNT
ITEM	DESCRIPTION	QUANTITY	QUANTITY	DIFF.	UNIT	PRICE	DECREASE	INCREASE
29	Decorative Crosswalks (Layout)	300.00	360.00	60.00		\$6.40		\$384.00
30	3" Topsoil Hauled and Placed	275.00	468.00	193.00		\$40.00		\$7,720.00
31	Fertilizer, Seeding and Mulching	3,300.00	4632.04	1332.04		\$1.10		\$1,465.24
32	Construction Layout Stakes	1.00	1.00	0.00		\$7,600.00	\$0.00	
33	Maintaining Traffic	1.00	1.00	0.00		\$6,200.00	\$0.00	
34	Mobilization	1.00	1.00	0.00		\$5,400.00	\$0.00	
35	Storm Water Pollution Prevention Plan	1.00	1.00	0.00		\$5,400.00	\$0.00	
SANITARY SEWER								
36	6" PVC ASTM D3034 SDR-35 Sanitary (Type B)	140.00	94.50	-45.50		\$46.00	-\$2,093.00	
37	6" PVC ASTM D3034 SDR-35 Sanitary (Type C)	5.00	50.50	45.50		\$33.00		\$1,501.50
38	8" PVC ASTM D3034 SDR-35 Sanitary (Type B)	285.00	294.00	9.00		\$94.60		\$851.40
39	12" PVC ASTM D3034 SDR-35 Sanitary (Type B)	5.00	8.00	3.00		\$200.00		\$600.00
40	6" on 8" PVC Wye (Heavy Duty)	4.00	4.00	0.00		\$80.00	\$0.00	
41	6" 22½ Degree PVC Bend (Heavy Duty)	8.00	3.00	-5.00		\$32.00	-\$160.00	
42	6" 45 Degree PVC Bend (Heavy Duty)	8.00	14.00	6.00		\$30.50		\$183.00
43	8" x 10" PVC Eccentric Reducer	1.00	1.00	0.00		\$135.00	\$0.00	
43A	PVC Coupler (Heavy Duty)-(All Sizes)	6.00	4.00	-2.00		\$83.00	-\$166.00	
44	10" PVC Plug	2.00	0.00	-2.00		\$66.00	-\$132.00	
45	12" PVC Plug	4.00	2.00	-2.00		\$80.00	-\$160.00	
46	6" Cleanout (with Inverted Cap)	4.00	6.00	2.00		\$300.00		\$600.00
47	6" Cleanout with Brass Lid	2.00	1.00	-1.00		\$350.00	-\$350.00	
48	Flexible Coupling with Stainless Steel Bands (All Sizes)	7.00	6.00	-1.00		\$37.00	-\$37.00	
49	Sanitary Sewer Abandoned and Grouted (All Sizes)	460.00	237.00	-223.00		\$4.20	-\$936.60	
50	Sanitary Manhole Adjusted to Grade	4.00	5.00	1.00		\$250.00		\$250.00
51	Sanitary Manhole Removed	3.00	4.00	1.00		\$700.00		\$700.00
52	48" Diameter Sanitary Manhole with Standard Cone	1.00	1.00	0.00		\$3,900.00	\$0.00	
53	48" Diameter Sanitary Drop Manhole with Standard Cone	2.00	2.00	0.00		6300	\$0.00	
54	Sanitary Manhole Casting with Gasketed Lid Marked "SANITARY SEWER"	2.00	3.00	1.00		400		\$400.00
55	Sanitary Sewer Televising	285.00	254.00	-31.00		4	-\$124.00	
STORM SEWER								
56	6" PVC ASTM D3034 SDR-35 (Storm) Type B	375.00	345.50	-29.50		45.60	-\$1,345.20	
57	6" PVC ASTM D3034 SDR-35 (Storm) Type C	5.00	88.50	83.50		30.00		\$2,505.00
58	8" PVC ASTM D3034 SDR-35 (Storm) Type B	30.00	0.00	-30.00		51.50	-\$1,545.00	
59	12" PVC ASTM D3034 SDR-35 (Storm) Type B	460.00	527.50	67.50		56.00		\$3,780.00
60	15" PVC ASTM D3034 SDR-35 (Storm) Type B	10.00	30.00	20.00		93.00		\$1,860.00
61	6" on 12" Concrete Inserta Tee	3.00	4.00	1.00		360.00		\$360.00
62	6" on 12" PVC Inserta Tee	2.00	2.00	0.00		360.00	\$0.00	
63	6" on 15" Concrete Inserta Tee	1.00	1.00	0.00		360.00	\$0.00	
64	8" on 15" Concrete Inserta Tee	1.00	2.00	1.00		425.00		\$425.00
65	12" on 24" Concrete Inserta Tee	1.00	1.00	0.00		620.00	\$0.00	
66	12" on 27" Concrete Inserta Tee	1.00	2.00	1.00		620.00		\$620.00
67	12" x 12" x 12" PVC Tee	3.00	3.00	0.00		700.00	\$0.00	

		ESTIMATED	ACTUAL	QUANTITY		UNIT	AMOUNT	AMOUNT	
ITEM	DESCRIPTION	QUANTITY	QUANTITY	DIFF.	UNIT	PRICE	DECREASE	INCREASE	
68	6" 45 Degree PVC Bend	5.00	11.00	6.00		22.00		\$132.00	
69	6" PVC Plug	13.00	16.00	3.00		12.00		\$36.00	
70	12" PVC Plug	1.00	1.00	0.00		80.00	\$0.00		
71	Flexible Coupling with Stainless Steel Bands (All Sizes)	12.00	12.00	0.00		55.00	\$0.00		
72	Catch Basin Removed	14.00	15.00	1.00		400.00		\$400.00	
73	Storm Manhole Removed	1.00	1.00	0.00		860.00	\$0.00		
74	Storm Manhole Adjusted to Grade	6.00	7.00	1.00		400.00		\$400.00	
75	2-2 Catch Basin (including Bike Safe Grate)	10.00	10.00	0.00		1200.00	\$0.00		
76	2' x 3' Curb Inlet (including Casting and Bike Safe Grate)	9.00	9.00	0.00		2000.00	\$0.00		
77	48" Diameter Storm Manhole (Doghouse)	2.00	2.00	0.00		2000.00	\$0.00		
78	Storm Manhole Casting with Vented Lid Marked "STORM SEWER)	2.00	2.00	0.00		370.00	\$0.00		
WATERLINE									
79	4" AWWA C900 (Class 150 and DR18) Type B	20.00	7.00	-13.00		64.00	-\$832.00		
80	6" AWWA C900 (Class 150 and DR18) Type B	5.00	3.50	-1.50		51.50	-\$77.25		
81	8" AWWA C900 (Class 150 and DR18) Type B	1300.00	1356.00	56.00		46.42		\$2,599.52	
82	8" AWWA C900 (Class 150 and DR18) Type C	5.00	35.50	30.50		32.50		\$991.25	
83	1" on 8" Tapping Saddle with Corp Stop	18.00	20.00	2.00		166.00		\$332.00	
84	1" Curb Valve with Box Assembly, Complete (including Connection to Existing - All)	18.00	20.00	2.00		445.00		\$890.00	
85	4" MJ Valve with Valve Box, Complete	1.00	1.00	0.00		900.00	\$0.00		
86	6" MJ Valve with Valve Box, Complete	1.00	1.00	0.00		1200.00	\$0.00		
87	8" MJ Valve with Valve Box, Complete	5.00	5.00	0.00		1580.00	\$0.00		
88	8" on 8" Tapping Valve with Valve Box, Complete	1.00	1.00	0.00		4900.00	\$0.00		
89	4" 45 Degree MJ Bend	2.00	2.00	0.00		350.00	\$0.00		
90	8" 45 Degree MJ Bend	6.00	6.00	0.00		600.00	\$0.00		
91	6" x 4" MJ Reducer	1.00	2.00	1.00		200.00		\$200.00	
92	8" x 8" x 6" MJ Tee	1.00	1.00	0.00		700.00	\$0.00		
93	8" x 8" x 8" MJ Tee	2.00	2.00	0.00		760.00	\$0.00		
94	8" MJ Plug	1.00	0.00	-1.00		135.00	-\$135.00		
95	4" Hymax Coupling	1.00	0.00	-1.00		240.00	-\$240.00		
96	6" Hymax Coupling	1.00	0.00	-1.00		300.00	-\$300.00		
97	8" Hymax Coupling	1.00	0.00	-1.00		340.00	-\$340.00		
98	1" Type "K" Copper Service Line	850.00	861.50	11.50		26.80		\$308.20	
99	Remove Existing Fire Hydrant	1.00	1.00	0.00		460.00	\$0.00		
100	Fire Hydrant and Valve Assembly with Storz Connection (Complete)	3.00	3.00	0.00		5600.00	\$0.00		
ADDITIONAL WORK									
101A	Extra Labor and Equipment - Sanitary MH and Service	0.00	14.00	14.00		727.00		\$10,178.00	
							Subtotals:	-\$22,231.91	\$52,170.84
							TOTAL DIFFERENCE:		\$29,938.94



City of Napoleon, Ohio

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

www.napoleonohio.com

Memorandum

To: City Council, Mayor, City Law Director, City Manager, Department Supervisors, Newsmedia
From: Gregory J. Heath, Finance Director/Clerk of Council *GJH*
Date: November 2, 2017
Subject: Technology and Communications Committee – Cancellation

The regularly scheduled meeting of the Technology and Communications Committee for Monday, November 6, 2017 at 6:15 pm has been CANCELED due to lack of agenda items.

2017 BUDGET REVIEW SCHEDULE WITH CITY COUNCIL

Friday, November 10th

8:45	Municipal Court/ Judge Rosebrook
9:15	CIC
9:30	Law Department/ Billy Harmon
9:45	Human Resources/ Morgan Druhot
10:00	Engineering/Public Works- Chad Lulfs/Jeff Rathge
11:30	Parks & Rec/ Tony Cotter
11:45	MIS/IT
Noon	Fill in (Finance, City Manager, 1900 Accts, or other funds)/Lunch
1:30	Henry County Chamber/ Joel Miller
2:00	Water Treatment Plant/ Scott Hoover
3:30	Fill in (Finance, City Manager, 1900 Accts, or other funds)

Saturday, November 11th

8:00	Waste Water Treatment Plant/ Dave Pike
9:30	Electric/ Dennie Clapp or Mike Dietrich
10:30	Fire Department/ Chief Clayton O'Brien
11:30	Police Department/ Chief Dave Mack

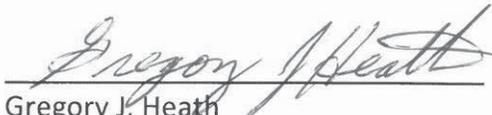
City of Napoleon, Ohio

SPECIAL MEETING
of the
FINANCE AND BUDGET COMMITTEE
in Joint Session with
CITY COUNCIL

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

Special Meeting Agenda
Friday, November 10, 2017 at 8:00 am

- 1) Review of the 2018 Budget Proposals.
- 2) Any matters that may properly come before Council.
- 3) Adjournment.



Gregory J. Heath
Finance Director/Clerk of Council

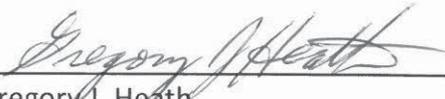
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City of Napoleon, Ohio

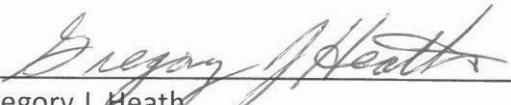
SPECIAL MEETING
of
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FINANCE AND BUDGET COMMITTEE

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

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Gregory J. Heath
Finance Director/Clerk of Council

City of Napoleon, Ohio

SPECIAL MEETING
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- 3) Adjournment.



Gregory J. Heath
Finance Director/Clerk of Council

City of NAPOLEON, Ohio
Operations Department
1775 Industrial Dr., P.O. Box 151, Napoleon, OH 43545
Phone: 419/599-1891 Fax: 419/592-4379



Operations Superintendent
Jeffrey H. Rathge

Water Distribution Foreman
Brian Okuley

Streets/Sewer Foreman
Roger Eis

Refuse/Recycling Foreman
Perry Hunter

Head Mechanic
Tony Kuhlman

Press Release

2017 CURBSIDE LEAF PICK UP

The City of Napoleon will begin curbside leaf pick up on Monday, November 13, through and including Friday, November 17, 2017. There will be no specific schedule for the pickup of bagged leaves; *only those who have received a letter of confirmation for vacuuming services will be scheduled – no other residents are permitted to rake their leaves to the curb.*

Residents should have bagged leaves at the curb by 7:00 a.m. Monday, November 13; leaves to be vacuumed should be at the curb by 7:00 a.m. of their scheduled day.

The City would also like to remind residents that leaves may be deposited at the 1722 Oakwood Ave. facility in loose (bulk) form on the existing grass, leaves and vegetative pile.

AMP Update for October 27, 2017

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

10/27/17 05:00 PM

To: rdietrich@napoleonohio.com

Having trouble viewing this email? [Click here to view web page version](#)



AMP filed comments on DOE's Grid Resilience Pricing Proposal for Coal and Nuclear Generation

By Lisa McAlister, senior vice president and general counsel for regulatory affairs

This week AMP, along with hundreds of others, filed comments on a Notice of Proposed Rulemaking (NOPR) process at the Federal Energy Regulatory Commission (FERC) on a rule proposed by the Department of Energy (DOE) Secretary. As proposed by the DOE, the rule would compensate resources that provide "resilience" benefits to the grid their fully allocated costs, perhaps in addition to the energy and capacity revenue from participation in wholesale markets. The current NOPR limits resilience resources to those generation resources that can provide energy and ancillary reliability services, have a 90-day fuel supply on site, are compliant with all environmental regulations, and are not subject to rate regulation at the state or local level. In effect, this limits the rule's applicability to a few coal and nuclear resource owners.



AMP filed comments this week expressing its concern with both the truncated process and the content of the NOPR. If FERC complies with the timeframe set out by the DOE, a final rule along with tariff filings by RTOs would be required by the early first quarter of 2018, which is not enough time to fully evaluate a rule that would make such sweeping changes to existing market structures. AMP argued that while more study on the impacts of losing baseload coal and nuclear could be valuable, requiring customers to pay a handful of coal and nuclear generators billions for an undefined benefit is unjust, unreasonable and contrary to law. AMP also voiced concerns regarding the discriminatory nature of the rule as it would exclude generation resources like Prairie State who are under a cost-of-service ratemaking structure as opposed to the competitive market structure elected by the resources that would now get guaranteed cost recovery, but would also allocate the costs of subsidizing eligible resources to load who may already be paying for the same benefits from other generating units, like Prairie State and the hydropower projects. AMP is reviewing the other comments filed on the NOPR, which are mostly critical of the DOE's proposal, and will file reply comments addressing any concerns with the few that recommend FERC adopt the proposed rule or take other action detrimental to AMP and its Members. AMP's initial comments are available on the member extranet regulatory filings page. For more information, please contact Lisa McAlister at lmcalister@amppartners.org or Kristin Rothery at krothey@amppartners.org.

APPA's Distributed Energy Resources and Public Power Report is available online

By Erin Miller, director of energy policy and sustainability

The American Public Power Association (APPA) released a new report for members: Distributed Energy Resources and Public Power: Considerations for the Community-Owned Utility of the Future. The report reviews the latest distributed energy resource (DER) related technologies, rate design case studies and state initiatives.

The DER landscape continues to evolve. The APPA report represents a snapshot of recent industry developments. Specific topics featured in the report include:

- Rate design
- Solar market
- Community solar
- Energy storage
- Microgrids
- Electric vehicles
- Blockchain
- Utility of the future considerations

The report also looks at recent statewide regulatory and legislative developments, and provides summaries of major statewide initiatives such as the New York Reforming the Energy Vision proceeding, Minnesota's e21 Initiative and others. The report is available on APPA's [product store](#). AMP members can download the report at no cost.

Find more information and reports related to DERs and how to prepare your utility for the future, visit the APPA [Public Power Forward initiative page](#) and AMP's Member Extranet [Focus Forward Page](#) (log-in required).

AMP members attend OTCO water/wastewater workshop

Thirty-six individuals from 10 member communities attended the Operator Training Committee of Ohio (OTCO) Water/Wastewater Community Members Workshop in Bowling Green on Friday, Oct. 20 to obtain Ohio EPA approved contact hours. The following topics were presented by Mike Maringer, manager municipal development, with Quasar Energy Group and Tansurhee Courlas with Ohio EPA Operator Certification:

- Basic Electricity - OTCO-B12848-OM
- Procedures for Jar Testing - OTCO-B12849-OM
- Product Manufactured by Water and Wastewater - OTCO-B12850-OM
- Water Recycling and Reuse - OTCO-B12843-OM
- Ohio EPA Operator Certification Update - OEPA-B8824025-OM

Energy markets update

By Jerry Willman - assistant vice president of energy marketing

The November 2017 natural gas contract decreased \$0.029/MMBtu to close at \$2.890 yesterday. The EIA reported an injection of 64 Bcf for the week ending Oct. 20 was in-line with market expectations of 65 Bcf. Current weather forecasts are calling for above normal temperatures for the majority of November.

On-peak power prices for 2018 at AD Hub closed yesterday at \$36.30/MWh which was \$.06/MWh higher for the week.

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

Week ending Oct. 27

MON	TUE	WED	THU	FRI
\$31.82	\$33.93	\$33.58	\$31.47	\$29.64

Week ending Oct. 20

MON	TUE	WED	THU	FRI
\$33.86	\$34.50	\$31.17	\$31.93	\$29.70

AEP/Dayton 2018 5x16 price as of Oct. 26 — \$36.30

AEP/Dayton 2018 5x16 price as of Oct. 19 — \$36.24

AFEC weekly update

By Jerry Willman

Fremont remained in outage this week for its planned fall maintenance outage.

Minster fourth graders learn the dangers of electricity

By Jim Eberly, AMP OSHA safety coordinator

AMP recently joined the Minster Electric Department and met with Minster fourth graders, sharing with them Hazard Hamlet. Hazard Hamlet is an electrical display that is used to explain the dangers of electricity to elementary school children.



Overhead and underground distribution seminar

The overhead and underground distribution seminar covers the related topics of grounding and lightning protection for overhead and underground distribution.

Participants will learn about the purpose and principles of grounding as well as the practices required to accomplish grounding that complies with NESC requirements. Participants will also learn about the theory

of lightning surges, and the principles and practices of insulation coordination and application of lightning arresters. Instruction methods will include presentations, video clips, a check-up quiz and problems, group discussion and time for questions/answers.

This course is presented at a practical level appropriate for distribution engineers, designers, construction/operations personnel and other utility professionals with formal education who wish to increase their understanding of electric utility distribution. Some familiarity with electrical theory and power distribution equipment is helpful, but not necessary.

Date: Nov. 16 - 17
Class times: Nov. 16 - noon to 4:00 p.m.
Nov. 17 - 8:00 a.m. to noon
Location: AMP Headquarters, Columbus
Class length: Two days

For registration, please contact Jennifer Flockerzie at jflockerzie@amppartners.org or 614.540.0853.

Meter School

Meters are an essential part of municipal electric utilities. This course will cover safety in metering, basic terminology, principles of instrument transformers, metering math, troubleshooting, installation and wiring methods, and hands-on meter wiring. The session is geared towards those who work in operations and is taught by Anixter.

Date: Nov. 7-9
Location: Coldwater, Mich
Class length: Three days
Size: Total minimum attendance required is 20
Cost: \$250

For registration, please contact Jennifer Flockerzie at jflockerzie@amppartners.org or 614.540.0853.

Register now for Webinars

An internet connection and a computer are all you need to educate your entire staff for just \$99. Register today at www.PublicPower.org/Academy and click on webinars. Non-members enter coupon code **AMP** to receive the member rate.

- From Procurement to Recovery: Understanding the FEMA Grant Process Webinar Series
FEMA Basics for the Municipal Utility **Nov. 14**
- Workforce Webinar Series
Game Changers and Gaps in the Energy Workforce Pipeline **Nov. 15**
- Customer Engagement Webinar Series
Using Online Customer Engagement Strategies to Improve Satisfaction and Program Participation **Nov. 16**



Classifieds

St. Clairsville seeks municipal water and wastewater departments superintendent

The City of St. Clairsville, Ohio has an immediate opening for the position of Water and Wastewater Superintendent. The superintendent is responsible for all operations in both Departments. The position is administrative, and a strong management skill set is required.

The water plant is a Class III, Surface Water Treatment facility. The main wastewater plant is a Class II RBC operation. The City operates an additional small treatment plant, 13 wastewater pumping stations, and a full distribution-collection crew in support of the systems. The superintendent reports to the Director of Public Services (DOPS).

An Ohio Class III license is required for water and a Class II for wastewater (or equivalent). Salary for this position is dependent upon qualifications and experience but is expected to range from \$60,000 to \$75,000 annually. A generous benefits package is provided. Post-secondary education and degree is preferred, but not required. For a complete position description, call DOPS' office at 740-695-0156.

Deadline to apply: Nov. 9, 2017.

Submit a resume fully detailing qualifications and experience along with references to: DOPS, PO Box 537, St. Clairsville, OH 43950; or by email to rmertz@stclairsville.com

St. Clairsville, the county seat of Belmont County, provides a very stable working environment in a progressive and very livable small city. Situated in the rugged hills near the Ohio River, the City is about an hour from Pittsburgh, PA, and is part of the Wheeling, WV-OH Metropolitan Statistical Area, which offers many opportunities. The City has received numerous awards related to its amenities and quality of life.

Electric apprentice position available in Clyde Civil Service examination scheduled

A Civil Service examination for the position of Electric Apprentice for Clyde Light & Power in the City of Clyde, Ohio, will be held at 5 p.m. on Nov. 13, 2017 in the basement of the Clyde Municipal Building, 222 N. Main Street, Clyde, Ohio.

Applicants must have completed secondary education or general education degree (GED). Must have experience in public contact work, some experience in general labor or installation and maintenance tasks related to electric line work; or equivalent combination of education, training and experience. Must possess or be able to obtain a valid Ohio Class A Commercial Driver's License; must possess or be able to obtain CPR and First Aid certifications; must be able to obtain City prescribed Journeyman Certification within required timeframe; a four (4) year training program with AMP-Ohio and the Northwest Lineman College.

If applicable, Military Discharge Records (DD-214 Form) must also accompany the application. Applications may be obtained at the Clyde Municipal Building beginning Wednesday, Oct. 18, 2017 at 9 a.m. and be returned no later than noon on Wednesday, Nov. 8, 2017. The City of Clyde is an equal opportunity employer.

Arcanum seeks water/wastewater operator 1

The Village of Arcanum Utility Department is now accepting applications to fill a vacancy for water/wastewater operator 1. Duties include operating and maintaining electrical generation facilities, monitoring water/sewer facilities, and performing physical labor within the Village Utility Department as needed.

Requirements include a high school education, Water Supply License and Wastewater Works License 1, a valid Ohio driver's license, and possess a class B CDL endorsement or obtain within 6 months of employment.

Applications are available at the City Building located at 104 W. South Street, Arcanum, Ohio 45304 or www.villageofarcanum.com. Job applications are not kept on file beyond six months, so any previous applicants are encouraged to re-apply. EOE.

Bowling Green seeks wastewater plant operator

(Pay Grade 5 -: \$20.40 - \$26.06 per hour) (WITH A CLASS III OEPA CERTIFICATION: Grade 6: \$21.42 - \$27.35)

Hourly position responsible for oversight of the operation of the wastewater treatment plant, ensuring effluent quality and proper/efficient plant operation. Oversees plant operations; checks equipment; performs lab tests; monitors plant via computer and plant walk through rounds; performs maintenance duties; operates trucks and other equipment; removes Biosolids (hauls sludge); collects samples; attends training; prepares /maintains documentation; performs custodial tasks and other related duties as assigned. Works both indoors & outdoors; works alone; irregular work schedules; must be available to work shift work, weekends, and holidays. High school diploma or equivalent; Ohio Environmental Protection Agency (OEPA) Wastewater Treatment Certifications preferred; valid Class A Commercial Driver's License required or must be able to obtain within 6 months of hire; must obtain a Class I OEPA Wastewater Treatment Certification within three (3) years of hire; 3 - 5 years of relevant experience. Applicants must complete an application packet that is available on-line or in the Personnel Department, 304 N. Church St, Bowling Green, OH 43402-2399. (Résumés alone are unacceptable.) Copies of the complete job description will be provided to applicants. For more information call the Personnel Department at (419)354-6200. E-mail address: BGPersonnel@bgohio.org. For more information/access the on-line application: <http://www.bgohio.org/departments/personnel-department/employment-opportunities>. Deadline for making application is 4:30 p.m. Nov. 20, 2017. AA/EEO

Lineworker position available in Bradner

The Village of Bradner is seeking applications for a qualified full-time electrical line utility worker; responsible for operation and routine maintenance of the village electrical distribution system.

Must possess a high school diploma or GED and a valid class B, CDL license with air brake or obtain six months after hire date. Knowledge of overhead distribution lines and underground primary distribution lines required. Water and waste water experience helpful. May require pole climbing and operation and use of bucket truck.

Position requires response within 30-minute time period to call-out emergencies, and 24/7 carry of village-issued cell phone for troubleshooting and emergencies, including holidays and weekends.

Position requires various duties to include but not limited to: water distribution repairs, assist in wastewater treatment plant, tree trimming power lines, road maintenance and snow removal, park and pool maintenance, lawn care and other general maintenance as required. Above duties will require working in all weather conditions. Twice monthly Board Meeting attendance is also required.

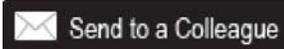
Applications may be obtained at the Town Hall (located at 130 N. Main St. Bradner, OH) on weekdays from 8:30 a.m. to 5:00 p.m. or at www.bradnerohio.org. Candidates should return applications with resume and supporting documentation that would be helpful for consideration of employment to the attention of James Smith, Board of Public Affairs President. They can be mailed to PO Box 599 Bradner, OH 43406 or emailed to kkaminski@bradnerohio.org.

Operations Manager position available in Bryan

Bryan Municipal Utilities is currently accepting applications for an Operations Manager. This position reports to the Director of Utilities. The position oversees and administers all of the operational functions and components of the Communications Department, Electric Transmission and Distribution Department, Power Plant Department, Water Distribution, Water Supply and Treatment Departments, Utilities Engineering Department and the general office within Bryan Municipal Utilities. Responsible for overall management of projects, environmental reporting and compliance and the implementation of policies and procedures in all utilities functions.

A job description with qualifications may be downloaded from www.cityofbryan.net.

[Join Our Mailing List](#)



Legislative Bulletin

OML UPDATES: AT-A-GLANCE

November 3, 2017

Here are the top three things you need to know this week:

- Ohio's Controlling Board have approved \$264 million for funding for Ohio's Medicaid Funding. The approval of those funds will trigger \$630 million in Federal matching funds and will ensure 3 million Ohioans will not lose Medicaid coverage next spring.
- OML's Annual Conference 2017 was a great success! The conference hosted 202 registrants and featured 53 exhibitors, 11 workshops and 4 general sessions. Our thanks to all who participated!
- Infrastructure: since 2013, 26 states have either adjusted or increased their gas tax. Some of these states include Indiana, Michigan, Kentucky, Pennsylvania, West Virginia, Tennessee, and New York.

RACHEL MASSOUD HIRED AS NEW LEGISLATIVE ADVOCATE

The Ohio Municipal League announces with great pleasure the hiring of Rachel Massoud as Legislative Advocate.

Rachel was born and raised in Cincinnati. She attended DePauw University and graduated Magna Cum Laude with her Bachelor's Degree in Political Science, and Phi Beta Kappa honors. Prior to joining the Ohio Municipal League, Rachel gained experience at the municipal, county, and state levels of government, most recently serving as the Senior Legislative Aide for Senator Bill Coley. During her time at the Ohio Senate, Rachel was responsible for Senator Coley's policy portfolio and managed the Senate Government Oversight and Reform committee. She is eager to use her knowledge to work on municipal policy and foster productive relationships between the Ohio's state and municipal governments.

"Our staff is back up to full strength and Rachel has hit the ground running," said Kent Scarrett, Executive Director of the Ohio Municipal League. "We are happy to have Rachel join us from the Senate and we are confident we have hired the very best."

PIPING MATERIALS PREEMPTION BILL'S AMENDMENT LANGUAGE MAKES BILL WORSE

The House State and Local Government Committee was packed on Wednesday morning with those eager to testify on HB 121. The bill, sponsored by Rep. Edwards (R - Nelsonville), is a costly preemption of local government decision making. As written, the bill would require a public authority to consider all piping materials that meet the engineering specifications for a state-funded water or waste water project.

In the original draft of the bill the language mandated that a municipality "shall consider all piping materials for the construction, development, maintenance, rebuilding, improvement, repair, or operation of a water or waste water project." As OML lobbyist Brian Barger pointed out in his opponent testimony, which you can read [HERE](#), the bill assumes that, A) material suppliers know what is best for a local community; B) local officials are ignorant as to the materials available to them; C) those local officials do not care if a project is more expensive; and D) local officials have to be forced to consider alternatives.

"This bill," said Barger, "will provide a solution to a problem that does not exist at the cost of increased litigation and liability exposure."

During its fifth hearing, Rep. Edwards offered an amendment that reads, "No public authority shall prohibit the use of reasonable piping materials, based on sound engineering principles, in the construction, development, maintenance, rebuilding, or improvement of a water waste water projects that is funded whole or in part with state funds." The amendment was adopted 9 to 6.

Barger pointed out that nearly every word in this amendment is a "money word" for lawyers. Particularly phrases like "reasonable piping materials" and "sound engineering principles" have little to no real meaning when codified, exposing municipalities across Ohio to time-consuming and costly litigation for no reason.

Many opponents spoke in opposition to the bill, which was not voted on during that committee hearing. We will continue to track the progress of this bill (and its companion in the Senate, SB 95) and we urge you to call your legislators to inform them of the unnecessary damage this bill would have on public entities across the state.

OML ATTENDS REGION 4 MIDWEST MUNICIPAL LEAGUE CONFERENCE

Last week, OML's legislative and legal staff were in Indianapolis, IN, attending a conference for the NLC's Region 4 Midwest Municipal Leagues. OML joined municipal leagues from Michigan, Wisconsin, Indiana, Minnesota and Missouri for workshops and round-table discussions Wednesday through Friday. The leagues heard presentations on common legislative issues, discussed best practices, and networked while sharing with one another what works and what doesn't for their state for municipal league reference.

The days spent at the conference were productive ones and OML returned to Ohio with ideas and borrowed best practices from the discussions. We appreciate Accelerate Indiana Municipalities for hosting the conference and we are excited to begin implementing new measures to better work with the legislature and serve our cities and villages.

OML HOLDS ANNUAL CONFERENCE THIS WEEK

This past week, OML held our annual conference at the Columbus Renaissance Hotel. Members from across the state gathered to meet and talk with vendors, participate in workshops and hear from featured speakers as part of our general sessions. Attendees to the Women in Government breakfast heard from Rep. Teresa Fedor (D - Toledo), who spoke on the importance of public servant-hood and leaving a better Ohio for our children, and those who attended our luncheon heard from Cal Thomas, a renown syndicated op-ed columnist who contextualized current events from a Washington perspective.

We are grateful to those who presented on topics like the municipal net profit centralized collection law, telecom regulation, infrastructure and the opioid addiction. We hope our members left feeling more equipped to do their jobs after workshops about cyber security, economic development and risk reduction in employment policies.

OML thanks everyone who came to the conference. We look forward to seeing you next year!

MUNICIPAL BILLS IN COMMITTEE HEARINGS: RECAP

Here are the bills affecting municipalities that received committee hearings this week:

HB 323 - GARBAGE COLLECTION FEES. The bill, sponsored by Rep. Patterson (D - Jefferson), would authorize all municipal corporations that charge a garbage collection fee to certify unpaid amounts to the county auditor, who must enter the fees on the property tax list to be collected in the same manner as real property taxes. Rep. Patterson spoke to the bill's correction of an oversight in Ohio law, as we have previously reported on in the bulletin.

HB 312 - CREDIT CARDS. Sponsored by Rep. Schuring (R - Canton) and Rep. Greenspan (R - Westlake), the bill would regulate the use of credit cards and debit cards by political subdivisions. The bill was amended during its 5th hearing in the House Government Accountability and Oversight Committee to, among other things, change compliance officer responsibilities and modify reporting requirements. The bill was then voted out of committee.

HB 351 - NOAA & PHS TAX EXEMPTION. This bill, which would require municipal corporations to exempt from taxation the military pay of members of the commissioned corps of the National Oceanic and Atmospheric Administration and Public Health Service, is sponsored by Rep. Perales (R - Beavercreek) and Rep. Butler (R - Oakwood). The legislation heard sponsor testimony during its first hearing in the House Ways and Means Committee, during which Rep. Perales explained the minimal impact on municipalities do to the fact that the bill would only apply to approximately 70 Ohio taxpayers.

HB 343 - PROPERTY VALUES. This bill would require local governments that contest property values to formally pass an authorizing resolution for each contest and to notify property owners and is sponsored by Rep. Merrin (R - Monclova Township). During its second testimony in the House Ways and Means Committee, proponents from apartment, housing and real estate associations, spoke to the inconveniences complaints cause to their businesses operations. During questioning, a proponent noted not all municipalities across Ohio handle property tax complaints in the manner the bill addresses and that their issue lies with the few cities that do.

HB 371 - PROPERTY TAX. This bill, also sponsored by Rep. Merrin. (R - Monclova Township) would exempt from property taxation the increased value of land subdivided for residential development until construction commences or the land is sold. During its second hearing in the House Ways and Means Committee, proponents from the Home Builder's Association decried the decline in housing starts in Ohio.

HB 263 - OUTDOOR DINING - DOGS. Sponsored by Rep. Lanese (R - Grove City). The bill would generally allow an owner, keeper, or harbinger of a dog to take the dog in an outdoor dining area of a retail food establishment or food service operation. During its fourth hearing in the House Economic Development Committee, Rep. Lanese told the committee a substitute bill was being prepared for consideration next week that would place a host of restrictions in the bill, including clarifying the language does not affect service dogs, requiring dogs on patios to remain on non-retractable leashes, and allowing patrons to ask that those with unruly dogs leave.

HB 221 - HOME INSPECTOR BOARD. This bill, sponsored by Rep. Hughes (R - Upper Arlington), would require the licensure of home inspectors and to create the Ohio Home Inspector Board to regulate the licensure and performance of home inspectors. During its fourth hearing in the House Economic Development, Commerce and Labor Committee, a substitute bill was accepted that changed the education requirements, allowed inspectors to be grandfathered in and limited realtor liability.

HB 361 - LOCAL ELECTIONS. This bill, sponsored by Rep. Merrin (R - Monclova Township), permit local tax-related proposals to appear only on general and primary election ballots and not on an August special election ballot and to modify the information conveyed in election notices and ballot language for property tax levies. During its second hearing, the bill heard proponent testimony in the House Government Accountability and Oversight Committee. The bill would prevent municipalities from using a vital option in balancing their budgets and could force them to instead raise credits, while eliminating a key opportunity to adequately educate voters on a tax levy.

HB 291 - EMPLOYEE DISHONESTY INSURANCE. Sponsored by Rep. Wiggam (R - Wooster), this bill would authorize counties, townships, and municipal corporations to purchase an employee dishonesty and faithful performance of duty insurance policy, instead of a bond, for protection from loss due to the fraudulent or dishonest actions of, and the failure to perform a duty prescribed by law by, an officer, official, employee, or appointee for which a bond is required by law. During its third hearing in the House State and Local Government Committee, the bill was amended to extend the option to insure to joint self-insurance pools while expanding the list of government positions that are insurable. The OML has submitted testimony in support of this bill, which you can read [HERE](#).

INTRODUCED: NEW MUNICIPAL LEGISLATION

Here are the bills introduced this week that would have an impact on Ohio municipalities:

SB 225 - BROADBAND DEVELOPMENT GRANTS. Sponsored by Sen. Schiavoni (D - Boardman) and Sen. Eklund (R - Munson Township), this bill would create the Ohio Broadband Development Grant Program with an appropriation of \$50 million to the Development Services Agency.

HB 393 - OIL AND GAS BRINE SALES. This bill, sponsored by Rep. DeVitis (R - Green) and Rep. O'Brien (D - Warren) would authorize a person to sell brine derived from an oil and gas operation that is processed as a commodity for use in surface application in deicing, dust suppression, and other applications.

COMMITTEE SCHEDULE FOR THE WEEK OF NOVEMBER 5, 2017

Tuesday, November 7, 2017

SENATE FINANCE

Sen. Oelslager: 614-466-0626

Tue., Nov. 7, 2017, 2:30 PM, Senate Finance Hearing Room

SB187 DELINQUENT MUNICIPAL INCOME TAXES (EKLUND J, WILSON S) To allow municipal corporations to charge delinquent taxpayers the costs of collecting municipal income taxes regardless of whether the costs are incurred before or after a judgment is entered against the taxpayer.

First Hearing, Sponsor Testimony

Wednesday, November 8, 2017

SENATE WAYS AND MEANS

Sen. Eklund: 614-644-7718

Wed., Nov. 8, 2017, 9:00 AM, South Hearing Room

SB209 PROPERTY TAX EXEMPTIONS-TIF (COLEY W, EKLUND J) To modify the conditions that determine the relative priority of property tax exemptions when a parcel subject to a tax increment financing arrangement concurrently qualifies for another exemption.

First Hearing, Sponsor Testimony

SB181 UNPAID MUNICIPAL GARBAGE FEES (O'BRIEN S, YUKO K) To authorize all municipal corporations that charge a garbage collection fee to certify unpaid amounts to the county auditor, who must enter the fees on the property tax list to be collected in the same manner as real property taxes.

Second Hearing, Proponent Testimony

PLEASE CHECK OUR WEBSITE MONDAY MORNING FOR AN UPDATED COMMITTEE SCHEDULE

[Ohio Municipal League](#)

Legislative Inquires:

[Kent Scarrett, Executive Director](#)

[Edward Albright, Deputy Director](#)

[Ashley Brewster, Director of Communications](#)



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FEATURES



Michigan and Ohio's Agricultural Actions for Clean Water in the Western Lake Erie Basin

Wednesday, November 15, 2017, 12:30 p.m. - 4 p.m.
at La-Z-Boy Center, Monroe County Community College
 ...[read more](#)

TMACOG Nominations Invited



Fifty years ago, the very first TMACOG leaders were nominated and elected to serve. In 2018, members are invited to continue this record of regional influence by serving on a council or committee where their talents and interests will be of most influence.

Nominations for councils, committees, board of trustees, and leadership are now being accepted. Active member participation ensures that TMACOG remains focused on issues that are important for the quality of life in our region. Final committee assignments and election of TMACOG leadership takes place at the General Assembly in January.

Click [here](#) to review a complete list of committees and councils on which you may serve. Anyone may serve on a council or committee and TMACOG needs people with a variety of skills and interests.

Upcoming Events

Student Watershed Watch – Student Summit

Friday, November 3, 9 a.m. – 1 p.m.
 University of Toledo, Scott Park Campus
 Contact [Kari Gerwin](#). 419.241.9155

Nutrient Bus Tour

Hosted by the region's Soil & Water Conservation Districts
 Tuesday, November 14, 9 a.m. – 4:30 p.m. Meet at 1387 SR 590 in Gibsonburg
 Contact [Shelli Stockmeister](#) for details

TMACOG Tech: Michigan and Ohio's Agricultural Actions for Clean Water in the Western Lake Erie Basin

Wednesday, November 15, 12:30 - 4 p.m.
 Monroe Community College
 1555 S. Raisinville Rd. Monroe, MI
 Contact: [Joy Minarcin](#). 419.241.9155

TMACOG General Assembly

Monday, January 29, 2018 8 a.m. - 1 p.m.
 Holiday Inn French Quarter, Perrysburg
 Contact: [Jennifer Allen](#). 419.241.9155

TMACOG Tech: Sunshine Laws

Please indicate your willingness to actively participate in TMACOG by simply completing and returning the [committee participation form](#) no later than Friday, December 1, 2017.

If you have questions about participation on councils or committees, please contact TMACOG President [Tim W. Brown](#), 419.241.9155.

Certification Training

Friday, April 6, 2018

8:45 a.m. - 12:15 p.m.

Owens Community

College, Perrysburg

Contact: [Jennifer Allen](#),

419.241.9155

TRANSPORTATION

Freight Committee Tour: Aviation Trainees in Demand



A unique career center at Toledo Public Schools is graduating students who can walk directly into high-paying transportation jobs in the military or in industry, and who can choose from jobs around the world. In many cases, the three-year TPS Aviation Center graduates students with a high school degree, a two-year college associate's degree, and two FAA licenses. And it's all free...[read more](#)

Complete Streets Policy

TMACOG's Complete Streets Policy scored 88 out of a possible 100 in the newest report of the National Complete Streets Coalition which looks at all such policies in the U.S. That ranks it among the very best programs in the country and is the second highest score among regional metropolitan planning organization (MPO) policies. TMACOG is the MPO for Lucas and Wood counties. Complete Streets Policies describe streets that are accessible and safe for people of all ages, mobility, and modes of transportation. Policies are evaluated based on ten ideal elements which include performance measures and design criteria.

TMACOG completed its policy in 2014. It is now part of planning programs including the Transportation Improvement Program (the TIP). Projects submitted to the TIP committee for TMACOG-managed funding must include a completed Complete Streets checklist that indicates that the project sponsor has ensured that all users have been considered. Additionally, points are awarded to project sponsors that have their own Complete Streets policy.

The TMACOG Complete Streets [Policy](#) and implementation [Toolkit](#) are posted on this [webpage](#) of the TMACOG website.

Gas Cap Testing and Replacement Report



One driver who got in line to have his gas cap inspected was eager to participate in the 2017 Gas Cap Testing and Replacement program. He was well aware that he had a wad of rags where a gas cap should be. He knew that he was polluting the air, not to mention wasting lots of gasoline and creating a fire hazard. He left with a new, free, gas cap installed...[read more](#)

WATER QUALITY



Student Watershed Watch

Student Watershed Watch & Student Summit

On testing days in early October, more than 500 students from 17 schools spread out to area waterways in the first part of the Student Watershed Watch (SWW) program. In 2016, about 330 students participated. "Teachers are telling us that the algae problems in Lake Erie have created urgency in water quality studies," said TMACOG Water Quality Planner Kari Gerwin...[read more](#)

TMACOG Training Certified



TMACOG was recently certified as an Approved Training Provider by the Ohio EPA. Meetings of the Public Water Supply and Wastewater committees will be able to include training opportunities and official contact hours for operators at those facilities and professional development credits for professional

engineers. These training opportunities will be available at no cost for TMACOG members. In addition, TMACOG provides an annual training event for all water/wastewater operators and professional engineers at a reduced cost for TMACOG members.

Committee meetings are posted on the TMACOG calendar [here](#). For questions about training opportunities, contact TMACOG Water Quality Planner [Kris Barnswell](#) at 419.241.9155.

Stormwater Management in Central Toledo



Elected officials, neighbors, and interested citizens joined a bus tour of the Junction Avenue neighborhood September 29. They saw “blooms on Blum,” part of a greening plan on Blum street, heard about plans for a possible new City of Toledo park at Junction and Nebraska, and learned about a large sewer replacement program on Tecumseh and nearby streets...[read more](#)

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