
Memorandum

:

To: Mayor and Members of City Council
cc: City Manager, Finance Director, City Law Director
From: Roxanne
Regarding: General Information
Date: May 18, 2018

CALENDAR

COUNCIL AGENDA

C. APPROVAL OF MINUTES:

May 7, 2018 Regular Council Meeting Minutes

E. REPORTS FROM COUNCIL COMMITTEES

G. INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 023-18**, an Ordinance Authorizing the Finance Director to make Appropriation Transfers from Respective Funds, Departments and Categories to other Funds, Departments and Categories pursuant to O.R.C. Section 5705.40 for the Fiscal Year Ending December 31, 2018 as listed in Exhibit "A"; and Declaring an Emergency. *(Suspension Requested)*
2. **Ordinance No. 025-18**, an Ordinance Supplementing the Annual Appropriation Measure (Supplement No. 2) for the Year 2018; and Declaring an Emergency. *(Suspension Requested)*
3. **Resolution No. 026-18**, a Resolution of the City of Napoleon, Ohio Authorizing and Directing the City Manager to Submit a Program Year 2018 Community Development Neighborhood Revitalization Grant Application for the Small Cities Community Development Block Grant (CDBG) Funds in Cooperation with the Henry County Commissioners to the Ohio Department of Developmental Services Agency; and Declaring an Emergency. *(Suspension Requested)*
4. **Resolution No. 030-18**, a Resolution Authorizing the Finance Director to Transfer Certain Fund Balances (Transfer No. 2) from Respective Funds to Other Funds per Section 5705.14 ORC on an as needed basis in Fiscal Year 2018, listed in Exhibit "A"; and Declaring an Emergency. *(Suspension Requested)*

H. SECOND READINGS OF ORDINANCES AND RESOLUTIONS

1. **Resolution No. 024-18**, a Resolution Authorizing the Approval and Execution of a First Amendment to the Power Sales Contract between the City of Napoleon, Ohio and American Municipal Power, Inc.

I. THIRD READING OF ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 021-18**, an Ordinance Imposing a Temporary Reduction and/or Temporary Elimination of Certain Residential Building Permit Fees; and Updating and Amending Certain Sections of the Codified Ordinances of the City of Napoleon, Ohio Regarding Enforcement of the Residential Code of Ohio.

J. GOOD OF THE CITY (Discussion/Action):

1. **Discussion/Action:** Approval of PSCAF Factor for May 2018: PSCAF three-month averaged factor \$0.01490 JV2 \$0.026532 and JV5 \$0.026532.
- *Note* the Resolution to establish a DORA (NORA) and the Ordinance to amend Section 505.14 are both ready should Council want to vote on any of these items Monday night.
2. **Discussion/Action:** Establishment of Designated Outdoor Refreshment Area (DORA).
3. **Discussion/Action:** on Amending Section 505.14 of the Codified Ordinances.
4. **Discussion/Action:** to Direct the Law Director to Draft Legislation Applying for OPWC Funding (Issue II Grant Money).
5. **Discussion/Action:** Adoption of the 2019 Tax Budget. (request Law Director to draft Legislation).
6. **Discussion/Action:** to set a Public Hearing for Monday, June 4, 2018 at 6:45 pm and Monday, June 18, 2018 at 6:45 pm on the Designated Outdoor Refreshment Area (DORA).
7. **Discussion/Action:** to Set a Public Hearing for Monday, June 4, 2018 at 6:55 pm on the 2019 Tax Budget.
8. **Discussion/Action:** Approval of Ottawa Oil Co., Inc. Liquor License.
9. **Discussion/Action:** Approval of Liquor License Transfer from Clark J. Hogan dba Hawks to JC Doughgirls LTD dba Hawks.

INFORMATIONAL ITEMS

1. The *Parks & Recreation Committee* meeting for May 21, 2018 has been canceled.
2. AGENDA – *Tree Commission* on Monday, May 21 at 6:00 pm
3. AGENDA – *Civil Service Commission* on Tuesday, May 22 at 4:30 pm
4. AMP Weekly Newsletter/May 11, 2018.

Records Retention - CM-11 - 2 Years

◀ April		May 2018						June ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat		
		1	2	3	4	5		
6	7 7:00 pm - City Council	8 10:30 am - Privacy Committee 4:30 pm - Board of Zoning Appeals 5:00 pm - Preservation Commission	9	10	11	12		
13	14 6:15 pm - Electric Comm. BOPA 7:00 pm - Municipal Properties/ED Committee	15	16	17	18	19		
20	21 6:00 pm - Tree Comm. 7:00 pm - City Council	22 4:30 pm - Civil Service Commission	23	24	25	26		
27	28 CITY OFFICES CLOSED  Memorial Day	29 6:30 pm - Finance & Budget Committee 7:30 pm - Safety & Human Resources Comm	30 11:00 am - Bid Opening 6:30 pm Parks & Rec Board Mtg.	31	JUNE 1 9:00 am Healthcare Cost Committee			

CITY COUNCIL

AGENDA

Monday, May 21, 2018 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)*
May 07, 2018 Council Meeting Minutes
- D. Citizen Communication**
- E. Reports from Council Committees**
 - 1. **Electric Committee** met on May 14, 2018; and
 - a. Accepted the BOPA Recommendation to Approve the PSCAF for May, 2018
 - 2. **Water, Sewer, Refuse, Recycling and Litter Committee** did not meet on May 14, 2018 due to lack of agenda items.
 - 3. **Municipal Properties, Building, Land Use and Economic Development Committee** met on May 14, 2018; and
 - a. Recommend Council Proceed with Establishment of the Napoleon Outdoor Refreshment Area (NORA) and directed the Law Director to draft Legislation.
 - b. Recommend Council Approve Amending Section 505.15 of the Codified Ordinances.
 - 4. **Parks and Rec Committee** did not meet earlier tonight due to lack of agenda items.
- F. Reports from Other Committees, Commissions and Boards** *(Informational Only-Not Read)*
 - 1. **Board of Zoning Appeals** met on May 8, 2018; and
 - a. Approved **BZA-18-02**, a Variance Request for 801 Kenilworth Avenue.
 - 2. **Preservation Commission** met on May 8, 2018; and
 - a. Approved **NPC-01**, Certificate of Appropriateness for Outlaw Smokehouse at 215 West Front Street.
 - 3. Due to lack of agenda items, the **Planning Commission** did not meet on May 8, 2018.
 - 4. **Tree Commission** met on May 21, 2018 with the agenda items:
 - a) Review Tree Call Reports.
 - b) Review Fall Removals List.
 - c) Review Fall Topsoil List.
- G. Introduction of New Ordinances and Resolutions**
 - 1. **Ordinance No. 023-18**, an Ordinance Authorizing the Finance Director to make Appropriation Transfers from Respective Funds, Departments and Categories to other Funds, Departments and Categories pursuant to O.R.C. Section 5705.40 for the Fiscal Year Ending December 31, 2018 as listed in Exhibit "A"; and Declaring an Emergency. *(Suspension Requested)*
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H. Second Readings of Ordinances and Resolutions

1. **Resolution No. 024-18**, a Resolution Authorizing the Approval and Execution of a First Amendment to the Power Sales Contract between the City of Napoleon, Ohio and American Municipal Power, Inc.

I. Third Readings of Ordinances and Resolutions

1. **Ordinance No. 021-18**, an Ordinance Imposing a Temporary Reduction and/or Temporary Elimination of Certain Residential Building Permit Fees; and Updating and Amending Certain Sections of the Codified Ordinances of the City of Napoleon Regarding the Enforcement of the Residential Code of Ohio.

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

1. **Discussion/Action:** Approval of PSCAF Factor for May 2018: PSCAF three-month averaged factor \$0.01490 JV2 \$0.026532 and JV5 \$0.026532.
2. **Discussion/Action:** Establishment of Designated Outdoor Refreshment Area (DORA).
3. **Discussion/Action:** on Amending Section 505.14 of the Codified Ordinances.
4. **Discussion/Action:** to Direct the Law Director to Draft Legislation Applying for OPWC Funding (Issue II Grant Money).
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6. **Discussion/Action:** to set a Public Hearing for Monday, June 4, 2018 at 6:45 pm and Monday, June 18, 2018 at 6:45 pm on the Designated Outdoor Refreshment Area (DORA).
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8. **Discussion/Action:** Approval of Ottawa Oil Co., Inc. Liquor License.
9. **Discussion/Action:** Approval of Liquor License Transfer from Clark J. Hogan dba Hawks to JC Doughgirls LTD dba Hawks.

K. Executive Session. *(matters that are required to be kept confidential under Federal, State, or other applicable law)*

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: June 4, 2018 @6:15 pm)
 - 2. Electric Committee (2nd Monday)**
(Next Regular Meeting: Monday, June 11, 2018 @6:15 pm)
 - a. Review of Power Supply Cost Adjustment Factor for June 2018
 - b. Status of Transmission Ownership.
 - c. Electric Department Report.
 - 3. Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday)**
(Next Regular Meeting: Monday, June 11, 2018 @7:00 pm)
 - 4. Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday)**
(Next Regular Meeting: Monday, June 11, 2018 @7:30 pm)
 - a. Discussion on Engineering Project Schedules.
 - b. Updated Information from Staff on Economic Development (as needed)
 - 5. Parks & Recreation Committee (3rd Monday)**
(Next Regular Meeting: Monday, June 18, 2018 @6:00 pm)
 - 7. Finance & Budget Committee (4th Monday)**
(Next Regular Meeting: Tuesday, May 29, 2018 @6:30 pm)
 - a. Municipal Tax Code (Tabled).
 - 8. Safety & Human Resources Committee (4th Monday)**
(Next Regular Meeting: Tuesday, May 29, 2018 @7:30 pm)
 - 9. Personnel Committee (as needed)**
- B. Items Referred or Pending in Other City Committees, Commissions & Boards**
- 1. Board of Public Affairs (2nd Monday)**
(Next Regular Meeting: Monday, June 11, 2018 @6:15 pm)
 - a. Review of Power Supply Cost Adjustment Factor for June 2018
 - b. Status of Transmission Ownership.
 - c. Electric Department Report
 - 2. Board of Zoning Appeals (2nd Tuesday)**
(Next Regular Meeting: Tuesday, June 12, 2018 @4:30 pm)
 - 3. Planning Commission (2nd Tuesday)**
(Next Regular Meeting: Tuesday, June 12, 2018 @5:00 pm)
 - 4. Tree Commission (3rd Monday)**
(Next Regular Meeting: Monday, July 16, 2018 @6:00 pm)
 - 5. Civil Service Commission (4th Tuesday)**
(Next Regular Meeting: Tuesday, May 22, 2018 @4:30 pm)
 - 6. Parks & Recreation Board (Last Wednesday)**
(Next Regular Meeting: Wed., May 30, 2018 @6:30 pm)
 - 7. Privacy Committee (2nd Tuesday in May & November)**
(Next Regular Meeting: Tuesday, November 13, 2018 @10:30 am)
 - 8. Records Commission (2nd Tuesday in June & December)**
(Next Regular Meeting: Tuesday, June 12, 2018 @4:00 pm)
 - 9. Housing Council.**
 - 10. Health Care Cost Committee**
(Next Meeting: Friday, June 1st at 9:00 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)**

Passed
Yea-7
Nay-0

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

AROUND the TABLE

Mazur

NCTV contract – there is \$18,000 in the budget, I know there were questions on the overall service, wanted to make sure before we enter back into a new contract everyone is okay or if there are any comments and/or modifications to let us know. Sheaffer stated, what percentage of the community actually has access to NCTV? We are only talking Spectrum customers that can receive it, is that 25% of the community, is it 10% of the community?

Harmon

Request an executive session for pending litigation.

Haase

I have been doing a drive around every Saturday morning to different sections of town, the street sweeper has been doing good so far.

Mires

I have been driving around too, it is nice to see people hanging out at Eddie J's on the sidewalk and Spengler's too, it looks nice where they added wood on top. On Saturday April 28th, myself, the City Manager and Ace went to Earth Day at Oakwood Park, we planted a tree by the first drive when you go in and I read the Proclamation for the Mayor.

Sheaffer

I would like to thank the crews, spring cleanup had a lot of stuff out and the rain did not help on one day they did a good job getting all the junk picked up as fast as they did.

Maassel

Maassel asked if we had any numbers on that yet, there was a lot out, a lot of big stuff was out. Rathge replied, we are not done yet, it was a record breaker, probably 25-35 tons over.
Congratulation to Christ United Methodist Church on Glenwood, they celebrated their 50th anniversary, it was a nice ceremony. Jim Hoops was there and presented a proclamation from the State House and I read a proclamation from the City, when Jim presented his it was in this nice folder, mine was in a cheap manila folder, can we explore a little nicer presentation maybe add the Napoleon logo on it?

Bialorucki

The alley next to Eddie J's have had issues with lack of drainage are they scheduled to go back out and do you have a plan?
Mazur said that is part of the downtown project.
Bialorucki thought the posts were closer to the parking lot than originally discussed. Mazur responded he thought that is where the business owner wanted then, they can be moved – now is the time.

Baer

No items.

Comadoll

No items.

Siclair

No items.

Heath

I handed out a memo on Workers Comp third party administrator, it is quite lengthy. Basically, OML changed the third party administrator, I am not sure what impact that will have on the City, my primary concern is on the renewal for 2019 we submitted our commitment to CompManagement prior to OML's announcement. I will get with the Law Director to find out what our action will be.

Bialorucki

Request an executive session to discuss personnel.

Motion to go into Executive Session for Pending Litigation

Motion: Haase Second: Mires
to go into Executive Session for Pending Litigation.

**Passed
Yea-7
Nay-0**

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

Motion to go into Executive Session for Economic Development

Motion: Mires Second: Haase
to go into Executive Session for Economic Development.

**Passed
Yea-7
Nay-0**

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

Motion to go into Executive Session for Personnel Compensation

Motion: Mires Second: Baer
To go into Executive Session for Personnel Compensation.

**Passed
Yea-7
Nay-0**

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

Council went into Executive Session at 8:17 p.m.

Motion to Come Out of Executive Session on Pending Litigation

Motion: Comadoll Second: Haase
to come out of Executive Session for Pending Litigation.

**Passed
Yea-7
Nay-0**

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

Council President Bialorucki reported no action was taken.

Motion to Come Out of Executive Session on Economic Development

Motion: Comadoll Second: Mires
to come out of Executive Session on Economic Development.

ORDINANCE NO. 023-18

AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO MAKE APPROPRIATION TRANSFERS FROM RESPECTIVE FUNDS, DEPARTMENTS AND CATEGORIES TO OTHER FUNDS, DEPARTMENTS AND CATEGORIES PURSUANT TO O.R.C. SECTION 5705.40 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2018 AS LISTED IN EXHIBIT "A"; AND DECLARING AN EMERGENCY

WHEREAS, the City appropriates funds by fund, department, and category of personal services and other; and,

WHEREAS, transfer from one appropriation item to another is necessary to provide appropriations for current expenses of the City; **Now Therefore**,

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

Section 1. That, pursuant to Section 5705.40 of the Ohio Revised Code, and this Ordinance, the Finance Director is hereby authorized and directed to transfer from one appropriation item to another, in the Fiscal Year ending December 31, 2018, as listed in Exhibit "A," attached hereto and made a part hereof.

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

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

Section 4. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to assure the prompt and efficient conduct of the municipal operations related to public peace, health or safety of the City; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

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. 023-18 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____.

Gregory J. Heath, Clerk/Finance Director

FISCAL YEAR ENDING 2018- INTERIM BUDGET ADJUSTMENT				
2018 APPROPRIATION BUDGET - TRANSFER OF APPROPRIATIONS (NO. 1)				
<i>Appropriation Transfer No. 1 - Council Approved Budget Adjustment, Ord. No. 023-18, Passed / /2018</i>				
FROM/ TO	FUND DEPARTMENT/COST CENTER	= ACCOUNT CATEGORY =		APPROPRIATION CATEGORY'S NET CHANGE
		PERSONAL SERVICES	OTHER	
	100 GENERAL FUND			
FROM :	1700 Engineering/City Engineer	-50,000.00		** -50,000.00
TO :	1700 Engineering/City Engineer		50,000.00	** 50,000.00
		-----	-----	** -----
Total Appropriation Transfers-100 General Fund		-50,000.00	50,000.00	** 0.00
<i>- Move Funds in 1700 Eng./City Eng., FROM-Personal Services Cat., TO-Other Cat., for Contracted Engineering Servoces:</i>				
<i>Acct.From:</i>	<i>100-1700-51100 Salary-Non-Bargaining</i>	<i>-\$50,000</i>		
<i>Acct.To:</i>	<i>100-1700-53310 Serv.Fees-Professional Services</i>	<i>\$50,000</i>		

ORDINANCE NO. 025-18

AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION MEASURE (SUPPLEMENT NO. 2) FOR THE YEAR 2018; AND DECLARING AN EMERGENCY

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

Section 1. That, the annual appropriation measure passed in Ordinance No. 080-17, and supplemented by Ordinance No. 018-18, for the fiscal year ending December 31, 2018 shall be supplemented (Supplement No. 2) as provided in Exhibit "A" (two pages), attached hereto and made a part hereof.

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

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

Section 4. That, this Ordinance 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 because this Ordinance provides for appropriations for the current expenses of the City which are related to public peace, health or safety; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____

Joseph D. Bialorucki, 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. 018-18 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

2018 APPROPRIATION BUDGET - SUPPLEMENTAL BUDGET ADJUSTMENT				
BUDGET SUMMARY BY FUND, DEPARTMENT AND CATEGORY				
ORDINANCE No. <u>025</u> -18, Passed 05/21/2018 FUND/DEPARTMENT-1ST QUARTER ADJUSTMENT	2018 SUPPLEMENTAL BUDGET ADJUSTMENT			2018 FUND TOTAL
	PERSONAL SERVICES	OTHER	TOTAL	
400 CAPITAL IMPROVEMENT FUND				
5100 Service/Streets Maintenance and Properties	\$0	\$264,000	\$264,000	\$264,000
	=====	=====	=====	
503 ELECTRIC DEVELOPMENT FUND				
6110 Electric/Operations, Distribution System	\$0	\$1,968,000	\$1,968,000	\$1,968,000
	=====	=====	=====	
510 WATER REVENUE FUND				
9900 Transfer Accounts	\$0	\$443,000	\$443,000	\$443,000
	=====	=====	=====	
511 WATER DEPRECIATION RESERVE FUND				
6210 Water/Distribution System	\$0	\$443,000	\$443,000	\$443,000
	=====	=====	=====	
520 SEWER (WWT) UTILITY REVENUE FUND				
9900 Transfer Accounts	\$0	\$171,000	\$171,000	\$171,000
	=====	=====	=====	
521 SEWER (WWT) UTILITY REP. & IMP. FUND				
6310 Sewer(WWT)/Collection System	\$0	\$171,000	\$171,000	\$171,000
	=====	=====	=====	
* GRAND TOTAL - ALL FUNDS	\$0.00	\$3,460,000.00	\$3,460,000.00	\$3,460,000.00
	=====	=====	=====	=====

2018 APPROPRIATION BUDGET - SUPPLEMENTAL BUDGET ADJUSTMENT				
BUDGET SUMMARY BY FUND, DEPARTMENT AND CATEGORY				
ORDINANCE No. ____ -18, Passed 05/21/2018 FUND/DEPARTMENT-1ST QUARTER ADJUSTMENT	2018 SUPPLEMENTAL BUDGET ADJUSTMENT			2018
	PERSONAL SERVICES	OTHER	TOTAL	FUND TOTAL
400 CAPITAL IMPROVEMENT FUND				
5100 Service/Streets Maintenance and Properties	\$0	\$264,000	\$264,000	\$264,000
- 5100 Service/Streets Maint.&Prop. for Downtown Street Project,-Ph.II, 400 CIP Share - \$264,000:				
Accounts - 400.5100.57500 Street Improvement (f		\$264,000		
503 ELECTRIC DEVELOPMENT FUND				
6110 Electric/Operations, Distribution System	\$0	\$1,968,000	\$1,968,000	\$1,968,000
- 6110 Electric/Operations,Distribution System for Downtown Street Project,-Ph.II, Electric Share - \$18,000:				
Accounts - 503.6110.57600 Electric Improvements		\$18,000		
- 6110 Electric/Operations,Distribution System for Solar Project Debt Paydown to AMP - \$1,950,000:				
Accounts - 503.6110.57600 Electric Imps. (Solar P		\$1,950,000		
510 WATER REVENUE FUND				
9900 Transfer Accounts	\$0	\$443,000	\$443,000	\$443,000
- 9900 Transfer Accounts - Transfer Funds to 511 Fd. To Fund Downtown Str.Prj.-Ph.II, Water Share - \$443,000:				
Accounts - 510.9900.59835 TR-TO 511 Water Dep		\$443,000		
511 WATER DEPRECIATION RESERVE FUND				
6210 Water/Distribution System	\$0	\$443,000	\$443,000	\$443,000
- 6210 Water/Distribution System for Downtown Str.Prj.-Ph.II, Water Share - \$443,000:				
Accounts - 511.6210.57700 Water Improvements (\$443,000		
520 SEWER (WWT) UTILITY REVENUE FUND				
9900 Transfer Accounts	\$0	\$171,000	\$171,000	\$171,000
- 9900 Transfer Accounts - Transfer Funds to 521 Fd. To Fund Downtown Str.Prj.-Ph.II, Sewer Share - \$171,000:				
Accounts - 520.9900.59855 TR-TO 521 Sewer Dep		\$171,000		
521 SEWER (WWT) UTY.REP. & IMP. FUND				
6310 Sewer(WWT)/Collection System	\$0	\$171,000	\$171,000	\$171,000
- 6310 Sewer(WWT) Collection System for Downtown Str.Prj.-Ph.II, Sewer Share - \$171,000:				
Accounts - 521.6310.57800 Sewer Improvements		\$102,550		
Accounts - 521.6310.57900 Storm Sewer Improver		\$68,450		
* GRAND TOTAL - ALL FUNDS	\$0.00	\$3,460,000.00	\$3,460,000.00	\$3,460,000.00

RESOLUTION NO. 026-18

**A RESOLUTION OF THE CITY OF NAPOLEON, OHIO,
AUTHORIZING AND DIRECTING THE CITY MANAGER TO
SUBMIT A PROGRAM YEAR 2018 COMMUNITY
DEVELOPMENT NEIGHBORHOOD REVITALIZATION GRANT
APPLICATION FOR THE SMALL CITIES COMMUNITY
DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN
COOPERATION WITH THE HENRY COUNTY
COMMISSIONERS TO THE OHIO DEPARTMENT OF
DEVELOPMENTAL SERVICES AGENCY; AND DECLARING AN
EMERGENCY**

WHEREAS, the State of Ohio, Department of Developmental Services Agency provides financial assistance to local governments for the purpose of addressing local needs; and,

WHEREAS, the City of Napoleon desires to participate in the Program to receive financial assistance to undertake and carry out Community Development activities under the Small Cities Community Development Block Grant Neighborhood Revitalization Program; and,

WHEREAS, the Council of the City of Napoleon, Henry County, Ohio, must direct and authorize an official representative to act in connection with the application for the financial assistance and to provide such additional information as may be required; and,

WHEREAS, the Council of the City of Napoleon, Henry County, Ohio, must also designate an authorized representative to administer the funds as may be received from the Ohio Department of Developmental Services Agency in conformity with the program requirements; **Now Therefore**,

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

Section 1. That, this Council hereby approves filing an application for financial assistance under the Small Cities Community Development Block Grant Neighborhood Revitalization Program.

Section 2. That, this Council designates the City Manager of Napoleon, Ohio, as official representative of the City, for the purpose of participation in the State of Ohio, Department of Developmental Service Agency Small Cities Community Development Block Grant Neighborhood Revitalization Program.

Section 3. That, the City Manager shall provide all information and documentation required for submission of the application that is the subject of this Resolution.

Section 4. That, the City Manager is directed to execute any and all required documents in order to both accomplish the application filing and the receiving of said grant and/or program funds that are the subject of this Resolution.

Section 5. That, the City Manager is directed to administer any and all funds received from the Ohio Department of Developmental Services Agency pursuant to the application that is the subject of this Resolution, in conformity with all requirements of

the Small Cities Community Development Block Grant Neighborhood Revitalization Program as detailed in existing Federal and State regulations and any applicable amendments to those regulations that may hereafter be adopted.

Section 6. That, the City Manager may, unless otherwise prohibited by the terms of the grant, program, or Federal and State regulations, contract with a third party to administer such funds as referenced in Section 5 of this Resolution.

Section 7. That, this Council hereby understands and agrees that participation in the program will require compliance with program guidelines and assurances.

Section 8. 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 9. 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 10. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for timely filing of the application, an application that may result in funding to assist the citizens in public peace, health or safety; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to begin the application process in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: _____
Joseph D. Bialorucki, Council President

Approved: _____
Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

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. 026-18 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath, Clerk/Finance Director

RESOLUTION NO. 030-18

A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER CERTAIN FUND BALANCES (TRANSFER NO. 2) FROM RESPECTIVE FUNDS TO OTHER FUNDS PER SECTION 5705.14 ORC ON AN AS NEEDED BASIS IN FISCAL YEAR 2018, LISTED IN EXHIBIT "A"; AND DECLARING AN EMERGENCY

WHEREAS, the City is a charter municipality having those powers of self government as stated in Article I of its Charter; and

WHEREAS, in order to provide Fund Balances for approved expenditures in certain funds on an as needed basis, it is necessary to transfer funds from respective funds to other funds; Now Therefore,

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

Section 1. That, pursuant to Section 5705.14 of the ORC and this Resolution, the Finance Director is hereby authorized and directed to transfer monies, transfer number 2, among the various funds on an as needed basis in Fiscal Year 2018 as listed in Exhibit "A" attached hereto and made a part of this Resolution.

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

Section 3. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, only that portion shall be held invalid and the remainder shall remain valid.

Section 4. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to assure the prompt and efficient conduct of the municipal operations related to public peace, health or safety of the City; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

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. 030-18 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

2018 APPROPRIATION BUDGET - TRANSFER OF FUNDS

RESOLUTION No. -18, Passed / /2018

BUDGET REVIEW - 2018 TRANSFER OF FUNDS - 2

= TRANSFER AMOUNTS =

FUND NAME, FROM - TO, PURPOSE

FROM

TO

Account Numbers From & To

FROM: 510 WATER REVENUE FUND	\$435,000		<- 510.9900.59835 TR-TO 511 Water Deprtn.Fund
TO: 511 WATER DEPR. FUND		\$435,000	<- 511.0000.49900 Transfers-In
Purpose: Funding of Water Share of Downtown Street Project-Phase II.			

FROM: 520 SEWER (WWT) REVENUE FUND	\$171,000		<- 520.9900.59855 TR-TO 521 Sewer Rep.&Imp.Fund
TO: 521 SEWER REPLACEMENT & IMP. FUND		\$171,000	<- 521.0000.49900 Transfers-In
Purpose: Funding Reserves for Current and Future Capital Purchases.			

TOTALS - FROM

606,000

TOTALS - TO

606,000
=====

RESOLUTION NO. 024-18

A RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF A FIRST AMENDMENT TO THE POWER SALES CONTRACT BETWEEN THE CITY OF NAPOLEON, OHIO AND AMERICAN MUNICIPAL POWER, INC.

WHEREAS, the City of Napoleon (the "Municipality") is a member of the American Municipal Power, Inc. ("AMP", and formerly known as American Municipal Power-Ohio, Inc.), a non-profit corporation in the State of Ohio whose members are Ohio Municipal Corporations that own and operate electric utility systems; and,

WHEREAS, AMP exists for a public purpose, namely to assist the municipally-owned electric systems of the State of Ohio in obtaining and providing safe, reliable, and reasonably priced electric power for their citizens and customers; and,

WHEREAS, the City of Napoleon, Ohio owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and taxpayers; and

WHEREAS, in order to satisfy the electric power and energy requirements of its electric utility system, Municipality has heretofore purchased, economical, environmentally sound and reliable power and energy from, or arranged by, American Municipal Power, Inc. of which Municipality is a member; and

WHEREAS, in furtherance of such purpose and in accordance with Resolution No. 065-11, passed unanimously by City Council on October 17, 2011, Municipality, along with other members (collectively "Participants"), became a Participant in a solar project known as the "AMP Solar Project I"; and,

WHEREAS, AMP has developed, including, as appropriate, the financing, acquisition, construction, ownership and operation of the AMP Solar Project I and made other arrangements related thereto, which AMP and, in certain cases, the Project participants, have deemed necessary to enable AMP to fulfill its obligations thereunder to sell and transmit, or otherwise make available, electric capacity and energy to the Project participants pursuant to the AMP Solar Project I Power Sales; and

WHEREAS, the participants of the Power Sales Contract desire to create flexibility, by amending the Power Sales Contract, for a participant to prepay the debt-related revenue requirements associated with its project share so that, on a going-forward basis, such participant would pay a reduced Solar Project Rate, in a manner that results in no detrimental impact to the remaining participants or the Project; **Now Therefore**,

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

Section 1. That, the First Amendment to the Power Sales Contract between this Municipality and AMP, substantially in the form attached hereto, and on file with the Finance Director, including Appendices thereto, is approved, and the City Manager is hereby authorized to execute and deliver such First Amendment, with such changes as the City Manager may approve as neither inconsistent with this Resolution nor materially detrimental to the Municipality, his execution of the First Amendment to be conclusive evidence of such approval.

Section 2. That, the City Manager is hereby authorized to enter into the First Amendment to the Power Sales Contract, upon the effective date of 12:00 am, April 1st, 2018.

Section 3. That, the following definitions are added to Section 1 of the Power Sales Contract:

Financing Participant shall mean a Participant that, with respect to any Bonds, has not fully paid the relevant Financing Revenue Requirements. For avoidance of doubt, a Participant may be a Non-Financing Participant with respect to some Bonds, and a Financing Participant with respect to other Bonds.

Financing Revenue Requirements shall mean, for any Bonds, Section 5(A) Items (viii), (ix), (xi), and (xii) relevant to such Bonds.

Non-Financing Participant shall mean a Participant that, with respect to any Bonds, has fully paid the relevant Financing Revenue Requirements. For avoidance of doubt, a Participant may be a Non-Financing Participant with respect to some Bonds, and a Financing Participant with respect to other Bonds.

Section 4. That, Section 5(C) of the Power Sales Contract is deleted in its entirety and replaced with the following:

(C) The rates and charges to each of the Participants under this Contract, as set forth on the Rate Schedule, shall be a uniform PSR to the Points of Delivery, provided that: (i) each Participant which has had capacity and energy made available hereunder at a Secondary Point of Delivery shall be responsible for the cost of Supplemental Transmission Service or other services related to such delivery and, if not paid to a third party transmission entity by the Participant, the Participant shall be charged an additional amount equal to the additional cost to AMP, if any, of delivery to such Secondary Point of Delivery, including any state and local taxes incurred as a result of such delivery or sale, as set forth on the Rate Schedule; (ii) amounts, if any, respecting reactive power requirements or power factor standards as set forth in Section 10 hereof shall be charged an additional amount equal to such cost; and (iii) the Financing Revenue Requirements for any Bonds shall not be payable by any Non-Financing Participant with respect to such Bonds.

Section 5. That, the following language is added to Section 15 of the Power Sales Contract:

(B) With respect to any Bonds issued or to be issued, a Participant may elect to become a Non-Financing Participant, provided, however, that no such election may materially adversely affect the security afforded by the provisions of this Contract for the payment of the principal, interest, and premium, if any, on the Bonds, except as, and to the extent, permitted by the Trust Indenture. In order to become a Non-Financing Participant with respect to any Bonds outstanding, a Participant must fully pay the Financing Revenue Requirements then outstanding with respect to such Bonds, as

reasonably determined by AMP. In furtherance of Section 22 of this Contract, prior to becoming a Non-Financing Participant with respect to any Bonds, the Participant shall furnish to AMP an opinion, substantially in the form of Appendix A attached hereto, of counsel retained by such Participant and acceptable to AMP.

Section 6. That, A Participant’s election to become a Non-Financing Participant shall not modify, in any way, such Participant’s obligations to pay Revenue Requirements, including Financing Revenue Requirements, in connection with any Step Up Power purchased by such Participant.

Section 7. That, all other terms and conditions of the Power Sales Contract shall remain in full force and effect.

Section 8. 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 9. 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 10. That, if any section, subsection, paragraph, clause or provision or any part thereof of this Resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Resolution shall be unaffected by such adjudication and all the remaining provisions of this Resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

Section 11. That, shall be in full force and effect at the earliest time permitted by law.

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

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. 024-18 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

FIRST AMENDMENT TO
POWER SALES CONTRACT REGARDING THE
AMERICAN MUNICIPAL POWER SOLAR PROJECT I
AMONG AMERICAN MUNICIPAL POWER, INC. AND
EACH OF THE PARTICIPANTS, INCLUDING
THE _____ OF _____, OHIO

This First Amendment to Power Sales Contract is entered into as of April 1, 2018 by and between American Municipal Power, Inc. (“AMP”) on the one hand, and the Participants (as hereinafter defined), on the other hand.

WHEREAS, AMP and each of the Participants listed therein (the “Participants”, and together with AMP, the “Parties”) entered into a Power Sales Contract regarding the American Municipal Power, Inc. Solar Project I dated as of October 1, 2011 (the “Power Sales Contract”);

WHEREAS, Section 5(C) of the Power Sales Contract requires, among other things, that rates and charges to each of the Participants be a uniform Solar Project Rate to the Points of Delivery, as such terms are defined therein; and

WHEREAS, the Participants wish to create the flexibility, by amending the Power Sales Contract, for a Participant to prepay the debt-related Revenue Requirements associated with its Project Share so that, on a going-forward basis, such Participant would pay a reduced Solar Project Rate, in a manner that results in no detrimental impact to the remaining Participants or the Project.

NOW THEREFORE, the Parties agree as follows:

1. The following definitions are added to Section 1 of the Power Sales Contract:

Financing Participant shall mean a Participant that, with respect to any Bonds, has not fully paid the relevant Financing Revenue Requirements. For avoidance of doubt, a Participant may be a Non-Financing Participant with respect to some Bonds, and a Financing Participant with respect to other Bonds.

Financing Revenue Requirements shall mean, for any Bonds, Section 5(A) Items (viii), (ix), (xi), and (xii) relevant to such Bonds.

Non-Financing Participant shall mean a Participant that, with respect to any Bonds, has fully paid the relevant Financing Revenue Requirements. For avoidance of doubt, a Participant may be a Non-Financing Participant with respect to some Bonds, and a Financing Participant with respect to other Bonds.

2. Section 5(C) of the Power Sales Contract is deleted in its entirety and replaced with the following:

(C) The rates and charges to each of the Participants under this Contract, as set forth on the Rate Schedule, shall be a uniform PSR to the Points of Delivery, provided that: (i) each Participant which has had capacity and energy made available hereunder at a Secondary Point of Delivery shall be responsible for the cost of Supplemental Transmission Service or other services related to such delivery and, if not paid to a third party transmission entity by the Participant, the Participant shall be charged an additional amount equal to the additional cost to AMP, if any, of delivery to such Secondary Point of Delivery, including any state and local taxes incurred as a result of such delivery or sale, as set forth on the Rate Schedule; (ii) amounts, if any, respecting reactive power requirements or power factor standards as set forth in Section 10 hereof shall be charged an additional amount equal to such cost; and (iii) the Financing Revenue Requirements for any Bonds shall not be payable by any Non-Financing Participant with respect to such Bonds.

3. The following language is added to Section 15 of the Power Sales Contract:

(B) With respect to any Bonds issued or to be issued, a Participant may elect to become a Non-Financing Participant, provided, however, that no such election may materially adversely affect the security afforded by the provisions of this Contract for the payment of the principal, interest, and premium, if any, on the Bonds, except as, and to the extent, permitted by the Trust Indenture. In order to become a Non-Financing Participant with respect to any Bonds outstanding, a Participant must fully pay the Financing Revenue Requirements then outstanding with respect to such Bonds, as reasonably determined by AMP. In furtherance of Section 22 of this Contract, prior to becoming a Non-Financing Participant with respect to any Bonds, the Participant shall furnish to AMP an opinion, substantially in the form of Appendix A attached hereto, of

counsel retained by such Participant and acceptable to AMP.

4. A Participant's election to become a Non-Financing Participant shall not modify, in any way, such Participant's obligations to pay Revenue Requirements, including Financing Revenue Requirements, in connection with any Step Up Power purchased by such Participant.

5. All other terms and conditions of the Power Sales Contract shall remain in full force and effect.

[signature page follows]

IN WITNESS WHEREOF, the duly authorized representatives of the Parties have caused this First Amendment to Power Sales Contract to be executed as of the date first written above.

_____ OF _____, OHIO

APPROVED AS TO FORM:

By: _____

By: _____

Title: _____

AMERICAN MUNICIPAL POWER, INC.

APPROVED AS TO FORM:

By: _____

By: _____

Marc S. Gerken, PE
President/CEO

Rachel Gerrick
SVP and General Counsel for
Corporate Affairs

DRAFT

[TO BE RECEIVED FROM COUNSEL TO EACH NON-FINANCING PARTICIPANT]

[LETTERHEAD OF ATTORNEY FOR PARTICIPANT]

[DATE]

Rachel Gerrick
American Municipal Power, Inc.
Senior Vice President and General Counsel for Corporate Affairs
1111 Schrock Road
Columbus, Ohio 43229

Re: Legal Opinion Pertaining to AMP Solar Project I

I am an attorney admitted to practice in the State of Ohio and I have acted as counsel to the _____ of _____, Ohio (the “Participant”), which has entered into a Power Sales Contract regarding the American Municipal Power Solar Project I (as amended, the “PSC”) between the Participant, American Municipal Power, Inc. (“AMP”) and other political subdivision members of AMP, and have acted as such in connection with the Participant’s action to become a Non-Financing Participant.

In so acting, I have examined the following to the extent necessary to render this opinion:

- (a) The PSC, including the First Amendment to the PSC;
- (b) The laws and constitution of the State of Ohio;
- (c) Any relevant ordinance and/or charter provisions of the Participant;
- (d) Outstanding instruments relating to bonds, notes or other indebtedness of, or relating to, the Participant’s electric utility system;
- (e) The opinion dated _____ given by [me/ prior counsel to the Participant] relating to the PSC (the “Original Opinion”).

Based on such examination and having regard to applicable legal principles, I am of the opinion that:

1. The governing body which has the requisite authority to authorize an appropriate officer of the Participant to take action to become a Non-Financing Participant under the PSC (the “Action”) is the _____ of the _____ of

_____, Ohio. The _____ duly approved the Action by legislative action duly and lawfully adopted at a meeting or meetings duly called and held pursuant to any necessary public notice at which any necessary quorums were present and acting throughout. Such legislative action has become effective.

2. The Action does not contravene in any material respect any applicable resolution, ordinance or charter provision, or any order, injunction, judgment, decree, rule or regulation of any court or administrative agency having jurisdiction over the Participant or its property or, in any material respect, result in a breach or violation of any of the terms and provisions of, or constitute a default under, any bond ordinance, trust agreement, indenture, mortgage, deed of trust or other agreement to which the Participant is a party or by which it or its property is bound and relating to the Participant's electric utility system.

3. Except to the extent, if any, set forth below, to the best of my knowledge after due inquiry, there is no litigation or other proceedings pending or threatened against the Participant in any court, regulatory agency or other tribunal of competent jurisdiction (either local, State or Federal) questioning the creation, organization or existence of the Participant or its municipal electric utility system or the validity, legality or enforceability of the PSC or the Participant's Action.

4. To the best of my knowledge after due inquiry, there exist no facts or circumstances which would invalidate the opinions provided in the Original Opinion, as of the date thereof.

With respect to the existence of (i) litigation, (ii) instruments relating to outstanding bonds, notes or other indebtedness, (iii) orders, injunctions, judgments, or decrees of any court or administrative agency having jurisdiction over the Participant or its property and (iv) bond ordinances, trust agreements, indentures, mortgages, deed of trusts or other agreements, in each case relating to the Participant's electric utility system and for purposes of the opinions expressed in paragraphs 2, 3 and 4 above, I have relied upon written representations of the appropriate officers of the Participant and/or the Utility Governing Body or the attached opinion of other counsel.

Very truly yours,

ORDINANCE NO. 021-18

AN ORDINANCE IMPOSING A TEMPORARY REDUCTION AND/OR TEMPORARY ELIMINATION OF CERTAIN RESIDENTIAL BUILDING PERMIT FEES; AND UPDATING AND AMENDING CERTAIN SECTIONS OF THE CODIFIED ORDINANCES OF THE CITY OF NAPOLEON REGARDING THE ENFORCEMENT OF THE RESIDENTIAL CODE OF OHIO

WHEREAS, the City of Napoleon Municipal Properties, Buildings, Land Use and Economic Development Committee met on March 12, 2018 and, in order to increase economic development within the City, determined it appropriate to temporarily waive and/or reduce certain City fees for new construction of residences commencing July 1, 2018 and continuing through December 31, 2019; and,

WHEREAS, upon recommendation of the City Municipal Properties, Buildings, Land Use and Economic Development Committee, this Council deems it prudent to temporarily waive and/or reduce certain City fees for new construction of residences commencing July 1, 2018 and ending December 31, 2019; and,

WHEREAS, Ordinance No. 071-17, passed by City Council on November 6, 2017, authorized a request by 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;

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

Section 1. That, this Ordinance does hereby amend Section 1325 of Part 13 of the City of Napoleon, Ohio Codified Ordinances as listed below does temporarily impose a moratorium and waive or reduce the City fees for new construction of residences as listed in Rule 3.2.7 of the City of Napoleon, Ohio Engineering Department Rules and Regulations; as listed in Section 1105.02 of Part 11 of the City of Napoleon, Ohio Codified Ordinances; and, as listed in Section 931.10 of Part 9 of the City of Napoleon, Ohio Codified Ordinances, commencing July 1, 2018 and ending December 31, 2019.

Section 2. That, the amendments to be made to Section 1325 of Part 13 of the City of Napoleon, Ohio Codified Ordinances, as set forth by this Ordinance include the following:

“1325.01 BOARD OF BUILDING APPEALS.

The administration of this chapter shall be the responsibility of the Board of Building Appeals and the Zoning Administrator or the Building Inspector, and when the chapter so provides, the Board of Zoning Appeals. Moreover, the Board of Building Appeals shall have those powers and duties as provided for in Chapter 177 of the Administrative Code and all other ordinances or resolutions of the City.

(Ord. 54-01. Passed 6-4-01.)

1325.02 REGISTRATION FOR BUILDING CONTRACTORS.

(a) It shall be unlawful for any person, firm, or corporation to act or engage in the business of building construction, repair, removal, alteration, or demolition for others

within the City unless they have registered as a contractor, or specialty contractor as defined in §715.27(F) the Ohio Revised Code, with the City Building Engineering Department; however, the owner of a building may carry on any of the work governed by the Building Code without such certificate of registration, provided that the owner shall obtain a permit for any such work and shall call for inspection as provided herein.

(b) There shall be an annual fee of twenty-five dollars (\$25.00) for the certificate of registration and the contractor or specialty contractor shall post such bond and certificate of commercial liability insurance as the City Building Engineering Department may require; moreover, such contractor or specialty contractor shall provide proof of Workers' Compensation insurance, proof of registration with the City's Income Tax Department, and when the work to be performed is for commercial establishments, evidence of holding a valid and unexpired license under Chapter 4740 of the Ohio Revised Code. No bonding, proof of liability insurance or local testing shall be required of contractors, including specialty contractors, that hold a valid and unexpired license with the State of Ohio under Chapter 4740 of the Ohio Revised Code.

(Ord. 06-02. Passed 1-7-02.)

1325.03 DEMOLITION; PERMIT REQUIRED.

(a) Any demolition or removal of buildings or structures within the City shall require a permit.

(b) Permits to remove or demolish a building or structure shall be granted by the Building Inspector of the City. No permit shall be granted until the following requirements are met, unless a requirement is otherwise deemed unnecessary by the Building Inspector and waived in writing by the Building Inspector:

(1) A notice of application shall have been given to the owners of lots adjoining the lot from which the building or structure is to be removed or demolished.

(2) The owner or agent of the building or structure shall notify all utilities having service connections within the building or structure for the purpose of obtaining written releases stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner.

(3) A certificate shall be obtained from the Henry County Department of Health, stating that the building or structure either has no rats, pigeons, or vermin, or that the building or structure shall be exterminated by a commercial exterminator prior to demolition or removal work.

(4) Every contractor for the removal of asbestos, toxic chemicals, and/or hazardous materials from the demolition or removal site shall produce for inspection by the Building Inspector of the City true and complete certified copies of:

A. Any and all licenses issued therefor by the Ohio Department of Health;

B. Any and all licenses issued for the disposal site thereof by the Ohio

Environmental Protection Agency;

C. Any and all tests for or of asbestos, toxic chemicals, and/or hazardous materials at the demolition or removal site; and

D. Any and all compliances required by the Federal Occupational Safety and Health Administration.

E. Prior to the removal of any asbestos, toxic chemicals, and/or hazardous materials from the demolition or removal site, every such contractor shall certify in writing that he has made an inspection of the demolition or removal site and a listing of

any and all asbestos, toxic chemicals, and/or hazardous materials found at such site. Every such contractor shall remove and dispose of all such asbestos, toxic chemicals, and/or hazardous materials from the demolition or removal site in the manner required by the Ohio Environmental Protection Agency. To assure compliance with these provisions, the Building Inspector of the City may require of every such contractor such additional information and documentation as he may reasonably request from time to time.

(c) A certificate of insurance shall be filed with the Building Inspector which shall provide for bodily injury liability for not less than \$500,000 per person and \$1,000,000 per incident, and property damage liability in the sum of \$2,000,000. Liability insurance shall not be required under the following conditions:

(1) Demolition is being done by the owner as the prime contractor; provided, the owner must hold title to the land and building or structure.

(2) Demolition is being done by a governmental agency.

(d) Demolition or removal of any building or structure shall be completed within 90 days from the time the permit is issued. Additional time may be granted if a written letter is submitted to the Building Inspector explaining circumstances.

(e) For purposes of this section, "**completion of demolition or removal**" means that the vacant lot shall be filled, graded, and maintained in conformity to the existing lot grade. The lot shall be maintained free from the accumulation of rubbish and all other unsafe or hazardous conditions which endanger the life or health of the public; and provisions shall be made to prevent the accumulation of water or damage to any foundations on the premises or the adjoining property.

(f) Additional requirements, unless otherwise deemed unnecessary by the Building Inspector and waived in writing by the Building Inspector:

(1) During demolition, portable fire extinguishers shall be readily available.

(2) Fences. Every operation located 5 feet or less from the street lot line shall be enclosed with a fence not less than 8 feet high to prevent entry of unauthorized persons. When located more than 5 feet from the street lot line, a fence or other approved barrier shall be erected when required by the Building Inspector. All fences shall be of adequate strength to resist wind pressure.

(3) Material shall not be dropped by gravity or thrown outside the exterior walls of a building during demolition or removal. Wood or metal chutes shall be provided for this purpose and any material which in its removal will cause an excessive amount of dust shall be wet down to prevent the creation of a nuisance.

(g) Any building or structure demolished or removed shall have the sanitary and storm sewers capped in an approved method and shall be inspected by the Building Inspector prior to backfilling.

(h) The cost of permits shall be as follows:

(1) Demolition permit.

A. One hundred dollars (\$100.00).

(2) Moving of building. The fee for a building permit for the removal of a building or structure from one lot to another or to a new location on the same lot shall be as follows:

A. One hundred dollars (\$100.00)

(3) Small buildings. There shall be no permit fee imposed for demolition or moving of buildings of 200 square feet or less. This does not constitute a waiver of any of the

provisions of this section, such as a waiver of the requirement to obtain a permit or the right to inspect the site.

(i) In the event that work is being performed without proper permits when required, the fees contained in this schedule shall triple. If it is necessary for the Building Inspector to make more than two inspections of a particular phase demolition or removal, an additional reinspection fee of twenty-five dollars (\$25.00) shall be charged. (Ord. 007-09. Passed 2-16-09.)

1325.04 PERMIT FEES.

Fees for all building construction, when a permit is required, shall be paid to the Wood County, Ohio Building Inspection Department as required. ~~as herein provided. In the event that work is being performed without proper permits when required, the fees contained in this schedule shall triple. In regard to residential construction or repair, if through negligence or poor workmanship on the part of the installer or contractor it is necessary for the Building Inspector to make more than two inspections of a particular phase of installation or construction, an additional reinspection fee of twenty-five dollars (\$25.00) shall be charged. A one percent (1%) surcharge shall be added to all fees established herein as required by Ohio law on all permits issued as it related to the City's adopted Residential Building Code.~~

~~(a) Building Permits. New construction, additions and alterations:
Residential fees based on gross floor area including garage and basement, but not including crawl areas.~~

— New Dwellings:	
— Base fee	————— \$50.00
— Fee per sq. ft.	————— .10
— Additions and Alterations:	
(Attached or part of the dwelling)	
— Base fee	————— 25.00
— Fee per sq. ft.	————— .05
— Exterior Coverings and Appurtenances:	
— Siding or roofing	————— 25.00
— Windows or doors	————— 25.00
(Regardless of number)	
— Decks	————— 25.00
— Sheds or garages over 200 sq. ft.	————— 25.00
— Electrical Permits:	
— Rough and/or final inspection	————— 25.00
— Add for each circuit	————— 3.00
— Service and/or service change only	————— 25.00
— Plumbing Permits:	
— Rough and/or final inspection	————— 25.00
— Add for each fixture	————— 3.00
— Replace water heater	————— 25.00
— Heating Permits:	
— Rough and/or final inspection	————— 25.00
— Replace furnace or boiler	————— 25.00

~~(b) Manufactured Home Fees (other than industrial units)~~

Building permits	50.00
Electrical permits	25.00
Plumbing permits	25.00

~~(c) Commercial Permit Fees (a three percent (3%) surcharge will be added to the fees listed herein pursuant to Ohio law):~~

Commercial base fee	100.00
Each additional review	150.00
Fee per sq. ft.	.065
Fee per sq. ft. (R-4 only)	.02
Certificate of Occupancy/per unit	
(For all but R-1 and R-2)	50.00
Plumbing Permits:	
Rough and final inspection	70.00
Each fixture	10.00

~~Exception: Use Group R residential occupancies shall be the fee listed below multiplied by the number of dwelling units to be served.~~

Rough and final inspection	\$20.00
Each fixture	3.00
Replace hot water heater	30.00

~~(d) To the extent permitted by law, in the event that fees established by another governmental entity that has been contracted by the City to perform commercial inspection services are greater than those contained in this section, then the fees of the other governmental entity shall control over what is stated in this Code. (Ord. 007-09- Passed 2-16-09.)~~

1325.05 UNSAFE BUILDINGS TO BE REMOVED OR REPAIRED.

No insurance company doing business in the State shall pay a claim of a named insured for fire damage to a structure located within the City where the amount recoverable for the fire loss to the structure under all insurance policies exceeds \$5,000 and is greater than or equal to 60% of all fire insurance policy monetary limitations unless there is compliance with the following procedures:

(a) When the loss agreed to between the named insured or insureds and the insurance company or insurance companies equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building or structure, the insurance company or companies in accordance with Ohio R.C. 715.26(F) shall transfer from the insurance proceeds to the Finance Director in the aggregate amount of \$2,000 for each \$15,000, and each fraction of that amount, of a claim; or, if at the time of a proof of loss agreed to between the named insured or insureds and the insurance company or companies, the named insured or insureds have submitted a contractor's signed estimate of the costs of removing, repairing, or securing the building or other structure, shall transfer from the insurance proceeds the amount specified in the estimate.

(1) Such transfer of proceeds shall be on a pro rata basis by all companies insuring the building or structure. Policy proceeds remaining after the transfer to the City may be disbursed in accordance with the policy terms.

(2) The named insured or insureds may submit a contractor's signed estimate of the costs of removing, repairing, or securing the building or other structure after the transfer, and the Finance Director shall return the amount of the fund in excess of the estimate to the named insured or insureds, provided that the City has not commenced to remove, repair, or secure the building or other structure.

(b) Upon receipt of proceeds by the City as authorized by this section the Finance Director shall place the proceeds in a separate fund to be used solely as security against the total cost of removing, repairing, or securing incurred by the City pursuant to Ohio R.C. 715.261.

(1) When transferring the fund as required in this section, an insurance company shall provide the City with the name and address of the named insured or insureds, whereupon the City shall contact the named insured or insureds, certify that the proceeds have been received by the City, and notify them that the following procedures will be followed:

A. The fund shall be returned by the Finance Director to the named insured or insureds when repairs, removal or securing of the building or other structure have been completed no later than 60 days after the required proof is received by the Finance Director, provided that the City has not incurred any costs for those repairs, removal, or securing.

B. If the City has incurred any costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund, and if excess funds remain, the City shall transfer, no later than 60 days after all such costs have been paid, the remaining funds to the named insured or insureds after repair, rebuilding, or removal has been completed.

(2) Nothing in this section shall be construed to limit the ability of the City to recover any deficiency under Ohio R.C. 715.261.

(3) Nothing in Ohio R.C. 3929.86(C) and (D), shall be construed to prohibit the City and the named insured or insureds from entering into an agreement that permits the transfer of funds to the named insured or insureds if some other reasonable disposition of the damaged property has been negotiated.

(Ord. 052-07. Passed 7-2-07.)

1325.06 STREET NUMBERS FOR STRUCTURES.

(a) The ~~Building Inspector~~ Public Works Director or assignee is authorized to assign, change, and reassign, if necessary, street numbers to all structures, residential, commercial, and industrial, located within the boundaries of the City.

(b) Street numbers shall be assigned, changed, and reassigned in accordance with the system prepared and adopted by the ~~Building Inspector~~ Public Works Director or assignee on file in the ~~Building Engineering Department~~. The ~~Building Inspector~~ Public Works Director or assignee may consult with the local U.S. Postmaster as necessary in preparing the street number system. (1978 Code 150.31)

1325.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed upon each day during or upon which a violation occurs or continues.

(1978 Code 150.99).”

Section 3. That, Part 13 of the City of Napoleon, Ohio Codified Ordinances shall be amended as listed above pursuant to the passage of this legislation and pursuant to the passage of Ordinance No. 071-17 on November 6, 2017, authorizing the enforcement authority of the Ohio Residential Building Code of Ohio as well as acceptance and approval of plans and specifications, and authority to make inspections to the Wood County, Ohio Residential Building Department, thus the fees shall be paid to the Wood County, Ohio Building Inspection Department as required by said Department.

Section 4. That, the fees to be waived or reduced as listed in Rule 3.2.7 of the City of Napoleon, Engineering Department Rules and Regulations, as set forth by this Ordinance, include the following:

“Rule 3.2.7 Fees

The City Engineering Department shall not charge a fee to the owner or developer to cover the cost of reviewing the Preliminary and Final Construction Plans, the Preliminary and Final Plat and Construction Inspection and Testing.

Construction Plans

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

City Inspection

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

Inspection Fees Due and Payable

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

Section 5. That, the amendments to be made and the fees to be waived or reduced as listed in Section 1105.02 of the City of Napoleon, Engineering Department Rules and Regulations, as set forth by this Ordinance, include the following:

“1105.02 ESTABLISHMENT OF CONTROL; FEES.

(a) Administration - General. In addition to Council's administrative powers as it relates to this Planning and Zoning Code, this Planning and Zoning Code shall be administered by:

- (1) The Zoning Administrator;
- (2) The Board of Zoning Appeals;
- (3) Preservation Commission; and,
- (4) The Planning Commission.

(b) Zoning Administrator. This Planning and Zoning Code shall be administered and enforced by the Zoning Administrator who shall be subject to provisions of the City's Administrative Code establishing his or her powers and duties.

(c) Public Hearing Fee Schedule.

(1) Forms and fees. Applications and petitions filed pursuant to the provisions of this Planning and Zoning Code shall be filed on the forms provided by the Zoning Administrator, with any necessary exhibits or documents, and shall be accompanied by the filing fees herein specified, which shall be paid to the City and no part of which shall be returnable to the petitioner, applicant, or appellant.

(2) Fee payments. Until all applicable fees have been paid in full, no action shall be taken on any application or petition.

(3) Fee schedule for new developments or renovations, not including new residential developments. The table below shall reflect the City's fee schedule:

PETITION, APPLICATION, PERMIT OR APPEAL

FILING FEE FOR NEW DEVELOPMENTS OR RENOVATIONS, NOT INCLUDING NEW RESIDENTIAL DEVELOPMENTS

Certificate of Zoning	\$ 25.00
Certificate of Completion	\$ 25.00
Amendment/rezoning	\$125.00
Variance	\$125.00
Conditional use	\$125.00
Administrative appeal	\$ 50.00
Board of Zoning Appeals hearing	\$125.00
Approval of an outline development plan	\$125.00
Approval of the preliminary plan for development plan	\$125.00
Approval of final plan for development plan	\$125.00
Approval of any changes in or amendments to changes in preliminary plan	\$125.00
Fence permit	\$ 25.00
Shed or garage permit (under 200' sq. ft. detached)	\$ 25.00
Pool permit	\$ 25.00
Minor subdivision exception review	\$ 25.00
Letter of zoning	\$ 25.00
Application for Preservation Commission	\$ 25.00
Satellite antenna/microwave receiving antenna or microwave relay equipment permit	\$125.00

(4) Fee schedule for new residential development. The table below shall reflect the City's fee schedule:

PETITION, APPLICATION, PERMIT OR APPEAL

FILING FEE FOR NEW RESIDENTIAL DEVELOPMENT ONLY

Certificate of Zoning	\$ 25.00
Certificate of Completion	\$ 25.00
Amendment/rezoning	\$125.00
Variance	\$125.00
Conditional use	\$125.00
Administrative appeal	\$ 50.00
Board of Zoning Appeals hearing	\$125.00
Approval of an outline development plan	\$125.00
Approval of the preliminary plan for development plan	\$125.00
Approval of final plan for development plan	\$125.00
Approval of any changes in or amendments to —changes in preliminary plan	\$125.00
Fence permit	\$ 25.00
Shed or garage permit (under 200' sq. ft. detached)	\$ 25.00
Pool permit	\$ 25.00
Minor subdivision exception review	\$ 25.00
Letter of zoning	\$ 25.00
Application for Preservation Commission	\$ 25.00
Satellite antenna/microwave receiving antenna or microwave relay equipment permit	\$125.00

(45) Subdivision fee schedule.

- A. ~~The base fee for processing, plat examination charge, and publication notice for a two-lot subdivision shall be \$75.00.~~
- B. ~~The fee for subdivisions of more than two lots shall be \$75.00 plus \$5.00 per lot.~~
- C. ~~The fee for making reproducible plats shall be \$12.00 per sheet.~~
- D. The fee for making a reproducible file copy of the plat and recording the approved subdivision plat with the County Recorder shall be \$12.00 per page, plus applicable recording fees or as otherwise established by the Henry County Recorder, whichever is greater.
- E. ~~The fee for an exception review shall be \$25.00. (See Section 1105.06)~~

(d) Plat Recording.

- (1) No plat or replat of a subdivision of land located within the City shall be recorded by the County Recorder, until it has been approved by the Council in accordance with the regulations of this Planning and Zoning Code.
- (2) Construction of streets, sewers, water lines, or other public utilities shall not be permitted until the procedures set forth in Section 1105.08 have been accomplished.
- (3) Building permits shall not be issued nor shall any construction work be started until the subdivision has been finally approved by the Council and the plat has been recorded in the office of the County Recorder.

(e) Certificate of Zoning.

- (1) Certificate required. No land shall be occupied or used, and no building hereafter erected, reconstructed, or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a certificate of zoning has been issued

by the Zoning Administrator, stating that the use is in compliance with all provisions of this Planning and Zoning Code.

(2) Change in use. No change shall be made in the use of land or the use of any building or part thereof now or hereafter erected, reconstructed, or structurally altered without a certificate of zoning having been issued by the Zoning Administrator. Certificate for change in a use shall not be issued unless the premises is in conformity with the provisions of this Planning and Zoning Code.

(3) Applied for coincidentally. A certificate of zoning shall be applied for coincidentally with the application for a building permit and shall be issued after notification by the applicant thereof that the lawful erection, reconstruction, or structural alteration of such building or other improvement of the land has been completed, and an inspection of the premises has been made and approved by the Zoning Administrator.

(4) Record of certificates. A record of all certificates of zoning and occupancy shall be kept on file in the office of the Zoning Administrator and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

(5) Excavation. No building permit shall be issued for excavation or for the erection, reconstruction, or structural alteration of any building before application has been made for a certificate of zoning.”

Section 6. That, the amendments to be made and the fees to be waived or reduced as listed in Section 931 of Part 9 of the City of Napoleon, Ohio Codified Ordinances, as set forth by this Ordinance, include the following:

“931.10 SANITARY SEWER TAP FEES.

(a) A sanitary sewer tap fee (service connection fee) shall be charged for each connection to the City's sanitary sewer system as follows: (This fee does not cover any labor and material required. Any such labor or materials is a separate charge based on actual cost.)

(b) Charges as contained in this section are applicable and shall be charged for all tributary parcels now in the City to which a sanitary sewer has not been assessed and also for all parcels hereafter annexed to the City. This charge is also applicable and shall be made for all new buildings, major additions, or alterations; to buildings causing increased sewage discharge; any land use causing the discharge of sewage into the sewage system; and any change in sewage flow distribution ordered by the City Manager when the redistribution of sewage flow requires the construction of a new trunk line sewer and a new service connection thereto.

(1) For Lots with single-family dwellings, two family dwellings, or three family dwellings, the sanitary sewer tap charge shall be based upon a minimum of ~~eighty-seven dollars~~ (\$870.00) per 7,200 square feet of land exclusive of dedicated streets, or a charge of eighty-seven dollars (\$87.00) per additional dwelling unit location, whichever is greater. Anything over the first 7,200 square feet of land shall be ~~on a pro-rata basis.~~ charged twelve dollars (\$12.00) per one thousand (1,000) square feet. However, there shall be a cap to the sewer tap charge as follows:

- A. Single-family dwellings maximum charge is ~~\$150~~60.00;
- B. Two family dwellings maximum charge is ~~\$300~~200.00;
- C. Three family dwellings maximum charge is ~~\$450~~350.00.

(2) For manufactured homes courts, the sanitary sewer tap charge shall be based upon a minimum of ~~eighty-seven dollars~~ (\$870.00) per 7,200 square feet of land exclusive of dedicated streets, ~~and~~ or a charge of eighty-seven dollars (\$87.00) per additional dwelling unit location. ~~whichever is greater. Anything over the first 7,200 square feet of land shall be on a pro rata basis.~~

(3) For all other developments of any kind, excluding commercial or industrial, the sanitary sewer tap charge shall be based upon a minimum of eighty-seven dollars (\$87.00) per 7,200 square feet of land, exclusive of dedicated streets, or a charge of eighty-seven dollars (\$87.00) per dwelling unit location, whichever is greater. Anything over the first 7,200 square feet of land shall be on a pro rata basis.

(4) All commercial or industrial uses: the sanitary sewer tap charge shall be six hundred (\$600.00) dollars.

(5) All sanitary sewer tap fees outside the corporation limits shall be ~~increased fifty percent (50%) from what is stated in the provision~~ one hundred and fifty dollars (\$150.00).

(c) Inspection fees for sanitary sewer taps shall be as follows:

- (1) Single-family and duplex residential: \$60.00
- (2) Multifamily residential, commercial, and industrial fifty feet in length or less: \$100.00
- (3) Multifamily residential, commercial, and industrial fifty-one feet in length or more: \$100.00, plus an additional \$10.00 for each fifty foot increment over and above the initial fifty foot length.
- (4) Inspection fees outside the corporation limits shall be increased by fifty percent (50%) of the rates established in this inspection fee section.”

Section 7. That, this these amendments and this moratorium shall become effective at 12:01 a.m. on July 1, 2018, following the passage of this Ordinance by City Council, and shall remain in effect until 11:59 p.m. on December 31, 2019 and, thereafter, upon a majority vote of City Council, may be continued in effect, if City Council finds such continuance is necessary to allow sufficient time for the Municipal Properties, Buildings, Land Use and Economic Development Committee or other City departments, committees, or commissions to complete the research and recommendation of what action, if any, the City of Napoleon should take to safeguard the public health, safety and welfare through the provision of waiving said building fees to increase economic development within the City.

Section 8. That, this Council considered the following criteria in making its decision to amend as set forth above:

a. Upon the passage of Ordinance No. 071-17, the City if Napoleon, Ohio obtained the authority of 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; and,

b. The Community Improvement Corporation (CIC) acting as an agent for and on behalf of the City of Napoleon, Ohio has suggested construction of residential homes as an avenue to increase economic development for the City.

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

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

Section 11. That, this Ordinance shall be in full force and effect on the dates and times as given above.

Passed: _____
Joseph D. Bialorucki, 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. 021-18 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. 029-18

**AN ORDINANCE AMENDING SECTION 505.14 OF THE
CODIFIED CODE TO PROHIBIT DANGEROUS AND VICIOUS
DOGS FROM BEING ON SIDEWALKS USED BY THE GENERAL
PUBLIC; REPEALING CERTAIN SECTIONS OF ORDINANCE
NO. 051-09**

WHEREAS, City Council recently reviewed the City's Codified Ordinances in an effort to keep up to date with current regulations; and,

WHEREAS, on February 21, 2012, Ohio House Bill 14 took effect removing pit bulls from the State's definition of vicious dogs; **Now Therefore**,

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

Section 1. That, Section 505.14 of the Napoleon Codified Code shall be amended and enacted as follows:

505.14 DANGEROUS AND VICIOUS DOGS.

(a) As used in this section:

(1) A. "Dangerous dog" means a dog that, without provocation, and subject to subsection (a)(1)B. hereof, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person, while that dog is off the premises of its owner, keeper or harbinger and not under the reasonable control of its owner, keeper, harbinger or some other responsible person, or not physically restrained or confined in a locked pen which has a top, locked fenced yard or other locked enclosure which has a top.

B. "Dangerous dog" does not include a police dog that has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.

(2) "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

(3) "Police dog" means a dog that has been trained, and may be used, to assist one or more law enforcement officers in the performance of their official duties.

(4) A. "Vicious dog" means a dog that, without provocation and subject to subsection (a)(4)B. hereof, meets any of the following:

1. Has killed or caused serious injury to any persons;
2. Has caused injury, other than killing or serious injury to any person, or has killed another dog;

~~3. — Belongs to a breed that is commonly known as a pit bull dog. The ownership, keeping or harboring of such a dog shall be prima facie evidence of the ownership, keeping or harboring of a vicious dog.~~

B. "Vicious dog" does not include either of the following:

1. A police dog that has killed or caused serious injury to any person or that has caused injury, other than killing or serious injury, to any person

while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties;

2. A dog that has killed or caused serious injury to any person while a person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper or harbinger of the dog.

~~C. "Pit bull" as used herein includes, but is not limited to, any American Pit Bull Terrier, any Bull Terrier, any Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier, Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier, Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier.~~

(5) "Without provocation" means that a dog was not teased, tormented or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.

(b) Except when a dangerous or vicious dog is lawfully engaged in hunting or training for the purpose of hunting and is accompanied by the owner, keeper, harbinger, or handler of the dog, no owner, keeper or harbinger of a dangerous or vicious dog shall fail to do either of the following:

(1) While that dog is on the premises of the owner, keeper or harbinger, securely confine it at all times in a building, in a locked pen which has a top, locked fenced yard or other locked enclosure which has a top, except that a dangerous dog may, in the alternative, be tied with a leash or tether so that the dog is adequately restrained;

(2) While that dog is off the premises of the owner, keeper or harbinger, keep it on a chain-link leash or tether that is not more than six feet in length and additionally do at least one of the following:

A. Keep that dog in a locked pen which has a top, locked fenced yard or other locked enclosure which has a top;

B. Have the leash or tether controlled by a person who is of suitable age and discretion or securely attach, tie or affix the leash or tether to the ground or stationary object or fixture so that the dog is adequately restrained and station such a person in close enough proximity to that dog so as to prevent it from causing injury to any person;

C. Muzzle that dog.

(c) No owner, keeper or harbinger of a vicious dog shall fail to obtain liability insurance with an insurer authorized to write liability insurance in this State providing coverage in each occurrence, subject to a limit, exclusive of interest and costs, of not less than one hundred thousand dollars (\$100,000) because of damage or bodily injury to or death of a person caused by the vicious dog. The failure to furnish a copy of the liability insurance policy to a Dog Warden or a law enforcement officer that has authority to enforce Section 505.14 within ten (10) days of request by such Dog Warden or law enforcement officer shall be prima facie evidence that the insurance does not exist.

(d) No owner, keeper, or harbinger of a dangerous or vicious dog shall NEGLIGENTLY permit said animal, when within the city, in a public park, public parking lot, or upon any public sidewalk, or upon other public property that is owned,

leased, or controlled by the local, state, or federal government, or upon any private sidewalk or parking lot that is placed for use by the general public, unless the dog is muzzled and on a chain-link leash or tether that is not more than six (6) feet in length, except that such dangerous or vicious dog may be transported in a motor vehicle when meeting the minimum requirements of Section 505.14(b)(2).

(e) If a violation of subsection (b) hereof involves a dangerous dog, whoever violates that subsection is guilty of a misdemeanor of the fourth degree on a first offense and of a misdemeanor of the third degree on each subsequent offense. Additionally, the court may order the offender to personally supervise the dangerous dog that he owns, keeps or harbors, to cause that dog to complete dog obedience training, or to do both, and the court may order the offender to obtain liability insurance pursuant to subsection (c) hereof. The court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the Dog Warden or the Humane Society.

(f) If a violation of subsection (b) hereof involves a vicious dog, whoever violates that subsection is guilty of one of the following:

(1) A misdemeanor of the first degree on a first offense. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the Dog Warden or the Humane Society.

(2) In the event the vicious dog kills or causes serious injury to a person while violating subsection (b), then the charge should be filed pursuant to Section 955.22 of the Ohio Revised Code as a felony.

(g) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the first degree.

(h) Whoever violates subsection (d) hereof is guilty of a misdemeanor of the fourth degree.

(i) ~~Except when an offense involves a pit bull,~~ Whenever an alleged violation of Section 505.14 comes to the attention of the official with authority to enforce Section 505.14, as it relates to a dangerous or vicious dog as herein defined, not being properly insured, restrained or confined, he or she shall promptly investigate prior to the filing of a criminal charge. Should the official, after such investigation, believe that a violation does exist, or believe that the dog is dangerous or vicious, he or she shall promptly notify the owner, keeper, or harbinger in the manner prescribed in this section to appear before the City Manager or the City Manager's designee at a date, time and place certain to determine the question as to whether or not the dog is dangerous or vicious as defined in Section 505.14 of the Codified Ordinances.

(1) The investigator shall cause a written report concerning the dangerous or vicious dog to be filed with the City Manager along with any photographs and evidence thereof stating his or her findings.

(2) Notice shall be deemed to be properly served if a copy thereof is:

A. Delivered to the owner, keeper or harbinger of the dog by either personal or residential service or by certified mail; or,

B. If the certified letter is returned showing that the letter was not delivered, when a copy thereof is posted in a conspicuous place at the residence of the owner, keeper, or harbinger of the dog.

C. Notice of the hearing shall be in substantially the following form:

NOTICE OF HEARING

You are hereby notified that you as an owner, keeper or harbinger of an alleged dangerous or vicious dog, as defined in Section 505.14 of the Codified Ordinances of the City are ordered to appear on _____ at ___ M. at the location of _____ . Failure to appear may result in favor of the official alleging the dog is dangerous or vicious.

Dated this _____ day of _____.

/s/ _____
(TITLE OF SIGNER)

A copy of the foregoing notice was served on _____ on the _____ day of _____, _____.

(MANNER OF SERVICE)

/s/ _____
(PERSON SERVING)

D. At the time and place specified in the notice, the City Manager or his or her designee shall hear the matter. The formal rules of evidence shall not apply; however, the hearing shall be recorded. The owner, keeper or harbinger of the dog in question shall have the right to appear in person or by counsel. At the conclusion of the hearing, the City Manager or his or her designee shall make a determination whether or not, by preponderance of the evidence, the dog in question is dangerous or vicious as defined in Section 505.14 of the Codified Ordinances. Service of the decision is deemed completed when the decision is either delivered in person or by regular U.S. mail, proof of mailing required, to the owner, keeper or harbinger or representative of the dog in question, or by posting the order in a conspicuous place on, in or about the residence of the owner, keeper or harbinger. The decision shall be deemed final subject to an appeal filed within ten (10) days from service of the decision to the owner, keeper or harbinger of the dog in question or his or her representative. Appeals shall be taken to the Common Pleas Court of Henry County, Ohio.

Section 2. That, Section 505.14 of the Codified Code as existed prior to the enactment of this Ordinance is repealed.

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

Section 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further,

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

Section 5. That, upon passage, this Ordinance shall take effect at the earliest time permitted by law.

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

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. 029-18 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

FINANCE DEPARTMENT

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545-0151

Telephone: (419) 599-1235 Fax: (419) 599-8393

www.napoleonohio.com

Memorandum

To: Members of City Council
Jason P. Maassel, Mayor
Joel L. Mazur, City Manager
Billy D. Harmon, City Law Director

From: Gregory J. Heath, Finance Director/Clerk of Council ^{JH}
cc: Chris Peddicord, Assistant Finance Director

Date: May 7, 2018

Subject: 2019 Tax Budget

Pursuant to ORC 5705.08 the Fiscal Officer is to certify to City Council any amounts necessary to provide payment for final judgements (if any) into 2019. As of the Date of this memo, No Final Judgements were outstanding to the City, so no certification is required for 2019.

Pursuant to ORC 5705.28 the Fiscal Officer is to present the proposed 2019 Tax Budget in its tentative form for consideration and study to City Council. (Please SEE ATTACHED the 2019 Tax Budget) The 2019 Tax Budget includes only the information related to the City's Inside 10 Mill Tax Levies. In addition, pursuant to ORC 5705.30 two (2) copies have been placed on file in the Finance Department.

A Public Hearing is requested to be set for Monday, June 4, 2018 at 6:55 PM for the purpose of reviewing the 2019 Tax Budget.

I am also requesting City Council to direct the Law Director to Draft Legislation Adopting the 2019 Tax Budget for June 4, 2018.

Attachments

2019 TAX BUDGET

Henry County, Ohio
 Office of **NAPOLEON CORP**, May 23, 2018

To the County Auditor:

The Council of Said ^{City} ~~Village~~ hereby submits its annual Budget for the year commencing January 1st, 2019 for consideration of the county budget Commission pursuant to Section 5705.30 of the Revised Code.

Gregory J. Heath

Village Fiscal Officer

City

 County Auditor

Gregory J. Heath,
Finance Director/Clerk of Council
City of Napoleon, Ohio

 County Treasurer

 County Prosecuting Attorney

Schedule A

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES

City of Napoleon, Ohio		Amount approved by Budget commission Inside 10 M Limitation	Amount to be derived from Levies Outside 10 M Limitation	County Auditor's	
City Tax Valuation: \$151,096,730				Inside 10 M Limit	Outside 10 M Limit
FUND	Mills				
1. General Fund	2.0	\$ 302,193			
4. Road and Bridge Fund					
5. Cemetery Fund					
9. Police District Fund	0.6	\$ 90,658			
10. Fire District Fund	0.3	\$ 45,329			
11. Road District Fund					
12. Park Levy Fund					
14. Miscellaneous Funds					
15. General Bond Retirement Fund					
20. Special Levy Funds					
21. Capital Equipment Fund					
28. Ambulance and Emergency Medical Services Fund					

TOTAL \$ 438,180

SCHEDULE B

LEVIES OUTSIDE 10 MILL. LIMITATION, EXCLUSIVE OF DEBT LEVIES

FUND	Max. Rate Authorized to be Levied	County Auditor's Est. of Yield of Levy (Carry to Schedule A, Collumn II)	
GENERAL FUND:			
Current Expense Levy authorized by voters on 20			
not to exceed 5 years.			
SPECIAL LEVY FUNDS:			
Levy authorized by voters on 20			
not to exceed 5 years			
Levy authorized by voters on 20			
not to exceed 5 years			
Levy authorized by voters on 20_____			
not to exceed years			
Levy authorized by voters on 20_____			
not to exceed years			
Levy authorized by voters on 20_____			
not to exceed years			
Levy authorized by voters on 20_____			
not to exceed years			

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

66036540030 PERMIT NUMBER		N TYPE	OTTAWA OIL CO INC 330 S PERRY ST NAPOLEON OHIO 43545	
ISSUE DATE				
04 27 2018				
FILING DATE				
C2 PERMIT CLASSES				
35 TAX DISTRICT	088	A	B93601 RECEIPT NO.	

FROM **05/04/2018**

PERMIT NUMBER		TYPE		
ISSUE DATE				
FILING DATE				
PERMIT CLASSES				
TAX DISTRICT			RECEIPT NO.	



MAILED **05/04/2018**

RESPONSES MUST BE POSTMARKED NO LATER THAN. **06/04/2018**

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING. **A N 6603654-0030**
REFER TO THIS NUMBER IN ALL INQUIRIES

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF NAPOLEON CITY COUNCIL
PO BOX 151
NAPOLEON OHIO 43545

Commerce Division of Liquor Control : Web Database Search

OWNERSHIP DISCLOSURE INFORMATION

This online service will allow you to obtain ownership disclosure information for issued and pending retail liquor permit entities within the State of Ohio.

Searching Instructions

Enter the known information and click the "Search" button. For best results, search only ONE criteria at a time. If you try to put too much information and it does not match exactly, the search will return a message "No records to display".

The information is sorted based on the Permit Number in ascending order.

To do another search, click the "Reset" button.

	SEARCH CRITERIA
Permit Number	6603654
Permit Name / DBA	
Member / Officer Name	

Search Reset Main Menu

Member/Officer Name	Shares/Interest	Office Held
Permit Number: 6603654; Name: OTTAWA OIL CO INC; DBA: ; Address: 10305 SR 224 OTTAWA 45875		
DALE KRUSE	264.00	SECRETARY
JANEL KRUSE	144.00	
KAY E BURKHOLDER	80.00	
KEVIN ELLERBROCK	24.00	PRESIDENT
RICK STECHSCHULTE	80.00	VICE PRES.
TOM STECHSCHULTE	80.00	
Permit Number: 66036540126; Name: OTTAWA OIL CO INC; DBA: DBA VAN WERT PARTY MART; Address: 1042 S WASHINGTON ST VAN WERT 45891		
DALE KRUSE	264.00	SECRETARY
JANEL KRUSE	144.00	
KAY BURKHOLDER	80.00	
KEVIN ELLERBROCK	0.00	PRESIDENT
RICK STECHSCHULTE	80.00	VICE PRES.
TOM STECHSCHULTE	80.00	

- Ohio.Gov
- Ohio Department of Commerce

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
 8606 TUSSING ROAD, P.O. BOX 4005
 REYNOLDSBURG, OHIO 43068-9005
 (614)844-2360 FAX(614)844-3166

TO

4179255		TRFO	JCDOUGHGIRLS LTD DBA HAWKS 402 E WASHINGTON ST NAPOLEON OHIO 43545
PERMIT NUMBER		TYPE	
06 01 2018			
ISSUE DATE			
05 07 2018			
FILING DATE			
C2 D1			
PERMIT CLASSES			
35 088 A	F20320		
TAX DISTRICT	RECEIPT NO.		

FROM **05/09/2018**

39033290005			CLARK J HOGAN DBA HAWKS 402 E WASHINGTON ST NAPOLEON OHIO 43545
PERMIT NUMBER		TYPE	
06 01 2018			
ISSUE DATE			
05 07 2018			
FILING DATE			
C2 D1			
PERMIT CLASSES			
35 088			
TAX DISTRICT	RECEIPT NO.		



MAILED **05/09/2018**

RESPONSES MUST BE POSTMARKED NO LATER THAN. **06/11/2018**

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING. **A TRFO 4179255**
 REFER TO THIS NUMBER IN ALL INQUIRIES

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
 THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

**CLERK OF NAPOLEON CITY COUNCIL
 PO BOX 151
 NAPOLEON OHIO 43545**

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OWNERSHIP DISCLOSURE INFORMATION

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The information is sorted based on the Permit Number in ascending order.

To do another search, click the "Reset" button.

	SEARCH CRITERIA
Permit Number	<input type="text" value="4179255"/>
Permit Name / DBA	<input type="text"/>
Member / Officer Name	<input type="text"/>

[Search](#)[Reset](#)[Main Menu](#)

Member/Officer Name	Shares/Interest	Office Held
Permit Number: 4179255; Name: JCDOUGHGIRLS LTD; DBA: DBA HAWKS; Address: 402 E WASHINGTON ST NAPOLEON 43545		
CHERYL WEIDEMAN	MANAGE MEM	VICE PRES.
JENNIFER KELLER	MANAGE MEM	PRESIDENT

- [Ohio.Gov](#)
- [Ohio Department of Commerce](#)

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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 *GH*
Date: May 18, 2018
Subject: Parks & Recreation Committee – Cancellation

The regularly scheduled meeting of the Parks and Recreation Committee for Monday, May 21, 2018 at 6:00 pm has been CANCELED due to lack of agenda items.

City of Napoleon, Ohio

TREE COMMISSION

MEETING AGENDA

Monday, May 21, 2018 at 6:00 pm

LOCATION: City Building, 255 West Riverview Avenue, Napoleon, Ohio

1. Call to Order.
2. Approval of Minutes: April 16, 2018 *(In the absence of any objections or corrections, the Minutes shall stand approved.)*
3. Review Tree Call Reports.
4. Review Fall Removals List.
5. Review Fall Topsoil List.
6. Any Other Matters to Come Before the Commission.
7. Adjournment.



Gregory J. Heath
Finance Director/Clerk of Council

TREE COMMISSION

Meeting Minutes

Monday, April 16, 2018 at 6:00 pm

PRESENT

Commission Members
City Staff
Records Clerk/Recorder

Jim Fitzenreiter-Chair, Ed Clausing, Larr Etzler, Jeff Mires (Council Representative)
Marty Crossland, Chad E. Lulfs, Aaron Deblin
Roxanne Dietrich

ABSENT

Commission Members

Kyle Moore, Dave Volkman

Call to Order

Chairman Fitzenreiter called the meeting to order at 6:05 pm.

Approval of Minutes

Hearing no objections or corrections, the minutes of the March 19, 2018 meeting stand approved as presented.

Review Tree Call Reports

Crossland did not have any new calls to report.
Fitzenreiter mentioned there is the ongoing list of addresses we are to check out and report on at the May meeting.

Finalize Arbor Day Celebration

The Arbor Day Celebration will be on Saturday, April 28, 2018 at 10:00 am at Oakwood Park.

Spring Plantings Update

The spring plantings are done except for the four (4) trees that are to be planted at Wayne Park and the Arbor Day tree, these will be done next week. There were thirty-four trees planted with most of the plantings being on Hobson Street.

Spring Removals Update

Crossland reported all the trees have been removed, there are nine (9) stumps left to be taken care of. The contractor has until either April 28 or May 5 to complete the work I will have to check the contract. Most of the stumps are fairly easy to get to except the one in the alley behind Beckham, an extension to the completion time due to the weather can be granted, we try not to extend the date too far.

Any Other Matters

Crossland informed the Commission he is leaving Napoleon for a job in Goodyear, Arizona. Either Aron Deblin, the Construction Inspector or my boss Chad Lulfs, will be attending the Tree Commission meetings. Lulfs stated he and Aron will work out who attends the meetings, I will handle most of the contractual items with Aron addressing the field items. Mires thanked Marty for his service on the Tree Commission and at the City and wished him the best.

Crossland said he sent a letter to Byrde Thielman; but, has not heard back from her yet. Fitzenreiter asked if anyone needs to follow-up if we don't hear back from her. Crossland said she was informed the tree she wanted was too costly and a difficult species, some other tree options were given to her or she can plant what she wants on her property.

Crossland said he put the tree watering list together and gave it to the Parks Department guys hopefully they remember to pull the bags off in the Fall, I pulled quite a few bags off myself this winter. We try to water the new trees around two

City of Napoleon, Ohio

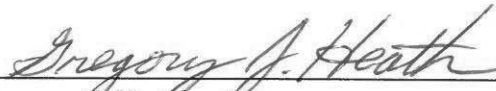
CIVIL SERVICE COMMISSION

Meeting Agenda

Tuesday, May 22, 2018 at 4:30 pm

Location: Council Chambers, 255 West Riverview Avenue, Napoleon, OH

1. Approval of Minutes: April 24, 2018 (*in the absence of any objections or corrections, the minutes shall stand approved*)
2. Set Dates for Receiving Applications through the National Testing Network for Both the Firefighter/Paramedic and Police Officer Positions.
3. Set the Date for Police Officer Physical Fitness Test.
4. Determination of Credits and How the Credits Are to be Applied for Both the Firefighter/Paramedic and Police Officer Positions.
5. Any other matters to come before the Commission.
6. Adjournment.



Gregory J. Heath
Finance Director/Clerk of Council

AMP Update for May 11, 2018

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

05/11/18 04:00 PM

To: rdietrich@napoleonohio.com

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



AMP files protest to PJMs proposed capacity market change

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

On May 7, AMP filed a protest to PJM Interconnection L.L.C.'s (PJM) proposed changes to its Reliability Pricing Model (RPM), PJM's resource adequacy construct. Within the past several years, there has been growing concern over the effect of state subsidies, such as nuclear zero emission credits, on wholesale capacity markets. As a result, in August 2016, AMP called for PJM stakeholders to examine this issue leading to the creation of the Capacity Construct Public Policy Senior Task Force. Following over a year of stakeholder debate in the Task Force, ultimately no proposed solution could secure the necessary super-majority of PJM stakeholder support in order to file at FERC.

Despite the lack of PJM stakeholder support for any single proposal, PJM filed their proposal for Capacity Repricing, which was soundly rejected by stakeholders, and also filed a version of the PJM Independent Market Monitor's (IMM) MOPR-Ex proposal, which received the most support of the potential solutions.

AMP argued in its protest that both Capacity Repricing and MOPR-Ex are bad market designs that would unnecessarily raise prices and have not been demonstrated to be just and reasonable. PJM's Capacity Repricing proposal would implement a two-stage clearing process whereby the lowest offers (even subsidized) would clear for the purpose of being designated as having a capacity commitment from PJM. Then, the subsidized resources would have their offers re-priced at a level PJM determines is competitive without the subsidy. The higher clearing price is the market clearing price for all resources that received a capacity designation from the first stage. The PJM IMM's MOPR-Ex proposal is similar except that it re-prices offers from subsidized capacity resources before the market clears - resulting in the potential failure to clear of the re-priced offers from subsidized resources. While AMP is pleased that both proposals recognize the long-standing business models of public power as not counting as subsidized resources, ultimately both of these proposals would further complicate RPM, move it further away from market principles and create barriers to truly competitive results.

In its protest, AMP also highlighted its bilateral contracting proposal presented during the PJM task force discussions. AMP's proposal would allow for municipalities and load-serving entities to meet their capacity obligations through bilateral arrangements and contain a capacity auction to satisfy any residual needs not met through those arrangements.

FERC may now determine which proposal PJM should move forward with or, as requested by AMP and others, reject both and send PJM back to the stakeholder process to further develop a single option or the status quo.

AMP's comments can be accessed [here](#). Please contact me at lmcalister@amppartners.org or Kristin Rothery at krothey@amppartners.org should you have questions regarding this matter.

AMP Annual Services Guide now available

By Holly Karg - director of media relations and communications

The 2018 Amplifier Annual Services Guide (ASG) is now available on the [member extranet](#). Amplifier is AMP's flagship publication and the ASG provides a detailed overview of AMP, including projects, programs and contact information for board and staff. The popular guide is referred to throughout the year by elected and appointed decision makers in AMP member communities, as well as by AMP consultants, AMP staff, vendors and officials of public power entities across the nation.

Amplifier advances the interests of AMP and its member communities by providing positive technical and human interest content covering a broad spectrum of industry topics. It helps keep its readers current on important industry trends.

As part of AMP's sustainability efforts, the Amplifier magazine is available electronically, as is the case with all of our publications. If you would like to receive Amplifier in an electronic format only, please contact me at hkarg@amppartners.org or 614.540.6407.



Blue Ridge Power Agency recognizes Tim Taylor

By Alice Wolfe - general manager, Blue Ridge Power Agency

On April 12, the Board of Directors of the Blue Ridge Power Agency (BRPA) recognized Tim Taylor for his 15 years of service as the board president. Taylor, in his role as town manager for Richlands, has served as a board member since the BRPA was founded in 1988. On Jan. 1, 2002, he stepped into the role of president, where he continued to serve until June 30, 2017.

During Taylor's tenure, he led the BRPA through the replacement of long-term power supply contracts, created a collegial atmosphere that fostered open, productive networking and discussion, and oversaw collaboration with other consumer-owned utilities and organizations within the Commonwealth of Virginia and across the nation. As town manager, he has many demands on his time, but he has remained committed to the BRPA and continues to serve as a board member.



Tim Taylor, left, receives Senate Joint Resolution No. 183 from Durwin Joyce. Photo by Jim Talbert, Richlands News-Press



Tim Taylor receives a plaque from Alice Wolfe.
Photo by Jim Talbert, Richlands News-Press

AMP has surplus materials available from hydro and gas turbine projects

Combined hydro project surplus materials

AMP has an inventory of leftover construction related items from the hydro plant buildout including backup diesel generators, cable and wiring, conduit, conduit fittings, copper piping and various other electrical and mechanical items. The majority of materials are located at the Smithland Hydro Plant. We are currently making plans to liquidate this surplus material. If any members are interested in potentially purchasing some of the items, the full list of materials can be obtained by emailing Phil Meier at pmeier@amppartners.org. We respectfully request that all inquiries be submitted no later than June 1.

AMP gas turbine project surplus materials

AMP has surplus materials associated with the AMP CT project including a Frame 5 combustion turbine, generator (associated with the Frame 5), associated inlet and exhaust parts, as well as various other items. The majority of materials are located at the Bowling Green AMP CT plant. We are currently making plans to liquidate this surplus material. If any members are interested in potentially purchasing some of the items, the full list of materials can be obtained by emailing Willey Sandell at wsandell@amppartners.org. We respectfully request that all inquiries be submitted no later than June 1.

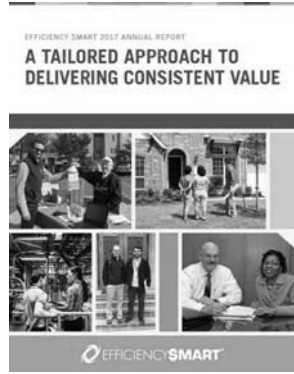
Efficiency Smart Annual Report available

By Steven Nyeste - communications project manager, Efficiency Smart

The 2017 Efficiency Smart Annual Report is now available. The publication reflects on how Efficiency Smart can provide expertise and guidance to communities and deliver value to municipal electric customers. The report includes overall Efficiency Smart achievements in 2017 and select highlights.

Efficiency Smart's 2017 Annual Report is available in digital format and can be viewed [here](#).

For more information regarding Efficiency Smart's services, visit www.energysmart.org or call 877.889.3777.



APRIL OPERATIONS DATA

	April 2018	April 2017
Fremont Capacity Factor	88%	54%
Prairie State Capacity Factor	47%	44%
Meldahl Capacity Factor	16%	40%
Cannelton Capacity Factor	8%	39%
Smithland Capacity Factor	0%	N/A
Greenup Capacity Factor	10%	23%
Willow Island Capacity Factor	36%	56%
Belleville Capacity Factor	39%	63%
Blue Creek Wind Capacity Factor	34%	38%
JV6 Wind Capacity Factor	24%	27%
Napoleon Solar Capacity Factor	15%	15%
Bowling Green Solar Capacity Factor	27%	27%
Avg. A/D Hub On-Peak Rate	\$40/MWh	\$33/MWh
<ul style="list-style-type: none"> * Fremont capacity factor based on 675 MW rating. * PS capacity factor based on 1,582 MW rating and was on a planned outage in April 2017 and 2018. * Meldahl capacity factor based on 105 MW rating. * Cannelton capacity factor based on 87.6 MW rating. * Smithland capacity factor based on 76.2 MW rating. * Greenup capacity factor based on 70 MW rating. * Willow Island capacity factor based on 44.2 MW rating. * Belleville capacity factor based on 42 MW rating. * Solar capacity factor based on 3.54 MW rating. 		

Energy markets update

By Jerry Willman - assistant vice president of energy marketing

The June 2018 natural gas contract increased \$0.077/MMBtu to close at \$2.814 yesterday. The EIA reported an injection of 89 Bcf for the week ending May 4, which was in alignment with market expectations. The injection was stronger than the 49 Bcf build reported for the same period last year as well as the 5-year average injection of 75 Bcf.

On-peak power prices for 2018 at AD Hub closed yesterday at \$35.52/MWh which was \$.20/MWh higher for the week.

On Peak (16 hour) prices into AEP/Dayton hub				
Week ending May 11				
MON	TUE	WED	THU	FRI
\$35.19	\$34.50	\$36.42	\$38.50	\$39.05
Week ending May 4				
MON	TUE	WED	THU	FRI
\$37.13	\$38.76	\$44.17	\$43.67	\$40.66
AEP/Dayton 2019 5x16 price as of May 10 — \$35.52				
AEP/Dayton 2019 5x16 price as of May 3 — \$35.32				

AFEC weekly update

By Jerry Willman

The AMP Fremont Energy Center remained online every day this week and operated near its maximum base output during the off-peak hours and in duct fire range during the peak hours. Duct firing operated for 113 hours this week. The plant generated at an 86 percent capacity factor (based on 675 MW rating).

Annual AMP blood drive benefits American Red Cross

By Beth Lander - director of human resources

Staff and friends at AMP headquarters once again helped save lives through an AMP blood drive to benefit the American Red Cross. The annual May drive produced 27 productive units - exceeding the Red Cross' goal for AMP's event. Approximately 36,000 units of red blood cells are needed in the U.S. every day, and one unit/pint can potentially save up to three lives. Please visit www.redcrossblood.org for more information.



Save the date

July 17

Member Outing &
Project Update Dinner

Rattlesnake Ridge &
Crowne Plaza Hotel

More details to come.

For more information, contact Charles Willoughby
cwilloughby@amppartners.org
614.540.1036



Shelby student awarded AMP scholarship

By Jodi Allalen - member events and programs coordinator

Hannah Hendrickson was presented with a Lyle B. Wright Scholarship by Harry Phillips, AMP director of marketing, on May 7. The one-time scholarship is presented to a student whose household receives electricity from an AMP member community.

Hendrickson, a student from Shelby High School, will attend Dennison University to pursue a degree in psychology. She is involved in a number of school and community activities, including Big Brothers and Big Sisters.

AMP finds Hannah to be a talented student with a promising future. Please join us in congratulating Hannah and wishing her great luck with her future endeavors.



Register now for Webinars

An internet connection and a computer are all you need to educate your staff. Individual webinars are \$99 or sign up for a series at a discounted rate. Register today at www.PublicPower.org under Education & Events. Non-members can enter coupon code **AMP** to receive the member rate.

- Electric Utility 101 Series: Keeping Pace with Utility Trends and Technologies **May 4**
- Rating Agency Webinar Series: Maintaining or Improving Your Utility's Bond Rating **May 22**
- Use Public Power Insurance Data to Improve Your Risk Profile **June 5**

Recorded webinars are also available for purchase. Visit www.PublicPower.org under Shop.



Classifieds

Members interested in posting classifieds in Update may send a job description with start and end advertisement dates to zhoffman@amppartners.org. There is no charge for this service.

Montpelier seeks bids for sale of garbage truck, dumpsters

The Village of Montpelier is seeking sealed bids for the sale of the following items:

- 2012 McNeilus 17-yard rear loader/packer garbage truck with an international truck chassis in very good condition, inside and out. It also has most of the equipment set-up for rear garbage collection

in the Tidy Totes containers.

- Six - six-yard, rear-load dumpsters
- Five - four-yard, rear-load dumpsters
- One - three-yard, rear-load dumpster with wheels

The bid should include all items listed above, as the village is not entertaining bids on separate items. **There is a \$30,000 minimum reserve, and the Village of Montpelier reserves the right to refuse any and all bids.**

For questions, additional specifications or if you would like to look at the items, contact Street Superintendent Dennis Bishop at 419.485.1526. Sealed bids must be received by 4:30 p.m. on May 30 and will be publicly opened on May 31 at 9 a.m. at the Montpelier Town Hall. Please drop off or mail sealed bids to the Clerk of Council, c/o Kevin Brooks, Garbage Truck/Dumpsters, 211 N. Jonesville St., P.O. Box 148, Montpelier, OH 43543.

Bryan seeking assistant power production superintendent

This position works hand-in-hand with the power production superintendent in the environmental reporting and compliance, and the implementation of policies and procedures in all functions of the daily, weekly and annual activities and the proper operational functions and maintenance of the power plant, Auglaize Hydroelectric Plant, substations and other related facilities and equipment. The assistant also assumes the responsibilities of the power production superintendent during the superintendent's absence. This position reports to the power production superintendent.

This position requires at a minimum, a bachelor degree in electrical engineering with experience in operating and maintaining a municipal power plant; experience in electrical maintenance, including system design and control systems; plumbing and mechanical maintenance; or an equivalent combination of education and experience, which provide the knowledge, skills and ability needed to direct the operation of municipal generation plants.

View complete details and requirements for this vacancy at www.cityofbryan.net. Applicants may send resumes by May 15 to the Human Resources Department, Bryan Municipal Utilities, 841 E. Edgerton St., Bryan, OH 43506 or to humanresources@cityofbryan.com.

Village of Pemberville seeks electric distribution lineworker

The Village of Pemberville is seeking applicants for the position of electric distribution lineworker. The lineman will be responsible for delivering reliable electric service to customers by performing inspections, maintenance, operations and construction work on substations, transmission, distribution and streetlight systems within the village to the level that their training dictates. Having or obtaining a CDL is required, as is mechanical knowledge and knowing how to operate equipment including but not limited to: bucket truck, digger derrick, backhoe, wood chipper, chain saws and dump truck; with a willingness to follow all current and future safety practices and maintain equipment. Wage is negotiable. Applications are available on the [village website](#). Please submit a resume and application to the Village of Pemberville, 155 Main St., P.O. Box 109, Pemberville, OH 43450.

City of Hamilton seeks applicants for two positions

Director of utility operations

The City of Hamilton is seeking applicants for the position of director of utility operations. This position is responsible for professional and administrative work in the planning, organization, direction, supervision and coordination of the operations and activities of the City's Department of Utility Operations. The Department of Utility Operations consists of electric power transmission and distribution, hydroelectric plant operations, fossil power plant operations, water production and wastewater reclamation

facilities. This position reports directly to the executive director of infrastructure, but extensive leeway is granted for the exercise of independent judgement in directing the Department of Utility Operations. Direct and indirect supervision is exercised over professional, managerial/supervisory, technical and clerical personnel.

Applicants must possess a bachelor's degree in business administration or engineering, with five years of professional experience in public electric utility management, including supervisory experience. A master's degree in business administration or engineering, as well as a valid registration as a professional engineer in the state of Ohio or other equivalent certification from another state is preferred.

Applications must be completed by May 18 at 11:59 p.m., EST. To view the job description or to apply, click [here](#).

Business analyst

The City of Hamilton is seeking applicants for the position of business analyst. This position is responsible for professional, administrative work in the business division of the Infrastructure Department. The nature of the work performed requires that an employee in this class establish and maintain cooperative working relationships with directors and supervisory personnel in other city departments and divisions. This position is also responsible for assisting the utility business manager with various tasks with the business division (assisting in the preparation of infrastructure budgets, assisting with complex financial and utility rate analyses). This position is notified by the supervisor the objectives for and methodologies to use to enforce standards and orders, develop new policies or to propose improvements to existing policies and standards.

Applicants must possess a bachelor's degree in business administration, finance, accounting, math, engineering or other closely related fields, as well as one year of experience in one or more of the following fields: accounting, utility/code enforcement, finance, business administration, public administration, economics, mathematics or engineering. Three years of experience in one or more of these fields is preferred.

Applications must be completed by May 17 at 11:59 p.m., EST. To view the job description or to apply, click [here](#).

Village of Minster seeks applicants for three positions

Wastewater superintendent

The Village of Minster is seeking a qualified candidate for the position of wastewater superintendent. The potential candidate will be responsible for the continuous operation and maintenance of a Class III

wastewater treatment facility. Successful candidate should have a minimum of a high school degree supplemented by specialized academic training in the areas of chemistry and biology and specialized training in the operation of a wastewater treatment facility. A degree in science or engineering preferred; experience in a superintendent position preferred; with a minimum of five years of experience operating a biological treatment process facility; a valid Ohio Class III Wastewater Treatment certificate; knowledge of the Ohio EPA's rules and regulations regarding wastewater treatment; a valid driver's license.

For information about the position and to download an application, visit, www.minsteroh.com. To apply, send resume, application with at least three references to: Village Administrator, Village of Minster, P.O. Box 1, Minster, OH 45865. Applications will be accepted until the position is filled.

Water superintendent

The Village of Minster is seeking a qualified candidate for the position of water treatment superintendent. The potential candidate is responsible for the continuous operation and maintenance of a Class I water supply works and the delivery of safe, clear and sufficient water to the community. Successful candidate should have a minimum of a high school degree supplemented by specialized academic training in the areas of chemistry and biology and specialized training in the operation of a water treatment facility. A degree in science or engineering preferred; experience in a superintendent position preferred; a valid Ohio Class I Water Supply certificate. A minimum of five years of experience in a Class I facility; a valid driver's license; knowledge of the Ohio EPA's rules and regulations regarding water treatment.

For information about the position and to download an application, visit, www.minsteroh.com. To apply, send resume, application with at least three references to: Village Administrator, Village of Minster, P.O. Box 1, Minster, OH 45865. Applications will be accepted until the position is filled.

Wastewater/water superintendent

The Village of Minster is seeking a qualified candidate for the position of wastewater superintendent/water superintendent. The potential candidate will be responsible for the continuous operation and maintenance of a Class III wastewater treatment facility and a Class I water treatment facility. Successful candidate should have a minimum of a high school degree supplemented by specialized academic training in the areas of chemistry, science and biology and specialized training in the operation of a water treatment facility and a wastewater treatment facility. A degree in science or engineering preferred; experience in a superintendent position preferred; with a minimum of five years of experience in a Class I water facility and a Class III wastewater facility; valid Ohio Class I Water Supply certificate and an Ohio Class III Wastewater Treatment certificate; a valid driver's license; knowledge of the Ohio EPA's rules and regulations regarding water and wastewater treatment.

For information about the position and to download an application, visit, www.minsteroh.com. To apply, send resume, application with at least three references to: Village Administrator, Village of Minster, P.O. Box 1, Minster, OH 45865. Applications will be accepted until the position is filled.

Opportunities available at AMP

AMP is seeking applicants for the following positions:

Administrative assistant - finance

Generation optimization specialist

For complete job descriptions, please visit the [AMP careers page](#).

American Municipal Power, Inc.

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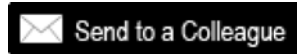
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Legislative Bulletin

May 18, 2018

OML UPDATE AT-A-GLANCE

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

- The Ohio House of Representatives have failed to elect an interim speaker. Ohio representatives were slated to select someone to serve as the Speaker of the House until the new General Assembly begins in January of 2019. However, disagreements have stalled the vote and resulted in the House cancelling session this week.
- According to *Governing* magazine, Ohio's local governments have experienced budget cuts at three times the national average. Arizona is the only state whose local governments have experienced larger budget cuts than Ohio.
- Republican Shane Wilkin has been selected as the newest member of the Ohio House of Representatives and will be sworn in the next time the House meets for session. Wilkin will replace Cliff Rosenberger as the representative for the 91st House district.

SOVEREIGN IMMUNITY BILL IS AMENDED, VOTED OUT OF COMMITTEE

This week, a bill regarding when a political subdivision can apply sovereign immunity in the event of a vehicle collision was amended and subsequently voted out of committee. HB 419, sponsored by Rep. Henne (R - Clayton), would modify the defense to the liability of a member of a police or fire department or emergency medical service of a political subdivision for the negligent operation of a motor vehicle in response to an emergency by requiring that the vehicle has its lights and sirens simultaneously activated.

During its fourth hearing before the House Civil Justice Committee, an amendment was adopted which redefines an "emergency call" within the language, in addition to removing the requirement that the vehicle have deployed its lights and sirens at the time of the accident. The definition of "emergency call" is now "a call to duty involving any reported or observed inherently dangerous situations that demand an immediate response of the part of a peace officer." The bill was then voted unanimously out of committee.

We appreciate that Rep. Henne and his office have worked extensively on this language with the Ohio Municipal League and has taken into advisement the concern our members expressed regarding the initial version of the bill language. The League will continue to report on this bill as it moves through the legislative process.

NEW LEGISLATION OF MUNICIPAL INTEREST INTRODUCED

Here is the new legislation introduced this week of interest to municipalities:

- HB 654 - LOCAL GOVERNMENT FUNDING. Sponsored by Rep. Smith (D - Euclid) and Rep. Boggs (D - Columbus), this bill would make a supplemental appropriation under the budget of the Auditor of State to make disbursements to political subdivisions appearing on the Auditor of State's fiscal caution, fiscal watch, or fiscal emergency list during the FY 2018-FY 2019 biennium.
- HB 656 - LAW ENFORCEMENT DATABASE. Sponsored by Rep. Sheehy (D - Oregon), this bill would require the Attorney General to create and operate a database of information regarding law enforcement officers who have been terminated from employment, or resigned in lieu of termination, and require law enforcement agencies to access the database for the sole purpose of determining eligibility of those officers for employment.

FLOOR ACTION FOR BILLS OF MUNICIPAL INTEREST

Here are the bills that were voted before entire legislative chambers this week:

- HB 133 - DISASTER RELIEF. Sponsored by Rep. Ryan (R - Newark), this bill would create the Disaster Relief Act to exempt out-of-state disaster businesses and qualifying out-of-state employees from certain taxes and laws with respect to disaster work on critical infrastructure performed in this state during a declared disaster. During its fifth hearing before the Senate Ways and Means Committee, no testimony was heard on this bill. An amendment was adopted that changes the calculation of interest payments for underpaid estimated taxes so that it mirrors federal law. The bill was then unanimously voted out of committee. That same afternoon, the bill proceeded before the full Senate where it was voted on unanimously once again. The bill will now head to the desk of the Governor for his signature.
- SB 268 - THEFT IN OFFICE. Sponsored by Sen. Wilson (R - Maineville), this bill would expand the increased penalties for theft in office based on the amount of property or services stolen and to include as restitution certain audit costs of the entity that suffered the loss involved in the offense. During its fourth hearing before the Senate Government Oversight and Reform Committee, the bill was voted unanimously out of committee. It then proceeded before the full Senate, where it was unanimously passed again. The League's Executive Director Kent Scarrett offered written testimony in support of the bill, which you can read [HERE](#) .

LEGISLATION OF MUNICIPAL INTEREST: COMMITTEE RECAP

Here are the bills that received hearings in committees this week:

- HB 575 - VOLUNTEER TAX CREDITS. Sponsored by Rep. Keller (R - Middletown) and Rep. Rezabek (R - Clayton), this bill would grant income tax credits to persons who serve as volunteer firefighters or emergency medical service technicians. During sponsor testimony in the House Ways and Means Committee, the representatives sponsoring the bill explained how the legislation allows volunteer firefighters and EMTs to receive a refundable tax credit annually based on their years of service. The bill sponsored say the bill is a means of compensating the time and resources volunteer firefighters spend training and responding to fires. The League is supportive of this legislation.

- HB 276 - THREATENING UTILITY WORKERS. Sponsored by Rep. Rezabek (R - Clayton) and Rep. Greenspan (R - Westlake), this bill would expand the offense of aggravated menacing to prohibit threatening a utility worker with intent to obstruct the operation of a utility. During its second hearing before the Senate Judiciary Committee, proponents from the Utility Workers Union of America, Ohio Municipal Electric Association and the Ohio Gas Association testified in support of the bill, citing the need to protect utility workers who face threats as they respond to emergency situations involving utilities. The League is supportive of this bill.

- HB 425 - POLICE BODY CAMERAS. Sponsored by Rep. Antani (R - Miamisburg) and Rep. Craig (D - Columbus), this bill would provide that specified portions of peace officers' body-worn camera recordings and the infrastructure record of a public school are not public records for purposes of the Public Records Law. During its second hearing before the House Government Accountability and Oversight Committee, a substitute bill was adopted which, among other changes, prohibits disclosing a video depicting or identifying a child, expands the bill to apply to law enforcement dashboard cameras as well and uses language from Ohio's public records laws so the bill also applies to the State Highway Patrol. The ACLU of Ohio and the Columbus Department of Public Safety testified in support of the bill. The League is neutral on this legislation.

- SB 296 - LAW ENFORCEMENT BENEFITS. This bill, sponsored by Sen. LaRose (R - Hudson) and Sen. Hottinger (R - Newark), this bill would revise the payments that surviving family members receive from the Ohio Public Safety Officers Death Benefit Fund and permit surviving spouses and children to participate in the health, dental, and vision benefits offered to state employees as if the survivors were employees of this state. During its first hearing before the Senate Finance Committee, the bill's sponsors explained how the bill extends the length of time families of deceased officers' full benefits, as well as increases the length of time they are eligible for healthcare from the state. The League is looking into this bill.

- SB 299 - WATER IMPROVEMENTS. Sponsored by Sen. Gardner (R - Bowling Green) and Sen. O'Brien (D - Bazetta), this bill would allow equipment for the protection and preservation of Lake Erie to be purchased with proceeds from the Parks and Recreation Improvement Fund, and to appropriate funds for projects enhancing water quality in the Western Lake Erie Basin. During its first hearing before the Senate Finance Committee,

the bill's sponsors explained that the legislation is not a mandate, but rather an authorization allowing General Revenue Funds and capital funding to be spent to reduce phosphorus levels in Lake Erie. Proponents for the bill, including the Oho Environmental Council Action Fund and The Nature Conservancy in Ohio, testified in support of this bill. The League is supportive of this legislation.

- HB 263 - OUTDOOR DINING AREAS. Sponsored by Rep. Lanese (R- Grove City), this 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 first hearing before the Senate Health, Human Services and Medicaid Committee, the bill's sponsor explains how the bill allows individual restaurants and bars to decide whether or not to allow dogs on patios, rather than public health offices. The League is neutral on this legislation.

- SB 210 - AUXILIARY CONTAINERS. This bill, sponsored by Sen. Coley (R - Liberty Township), would authorize a person to use an auxiliary container for any purpose, to prohibit a municipal corporation from imposing a tax or fee on auxiliary containers, and to clarify that the existing anti-littering law applies to auxiliary containers. During its third hearing before the Senate Health, Human Services and Medicaid Committee, an amendment was adopted into the bill which extends this ban to charter counties and home rule townships. The amendment was accepted with 7 yes votes, with 2 no votes from the Democratic legislators on the committee. Opponent testimony was heard from members of the Ohio Chapter Sierra club, saying the bill's prevention of allowing local communities to pass laws would threaten "local democracy, silence the voices of the people, and hinder economic growth and development." The Surfrider Foundation also testified in opposition to the bill. The Ohio Manufacturers' Association submitted written proponent testimony. The League's Executive Director Kent Scarrett, offered written opponent testimony, which you can read [HERE](#) .

- HB 228 - STAND-YOUR-GROUND GUN LAWS. Sponsored by Rep. Johnson (R - McDermott) and Rep. LaTourette (R - Chagrin Falls), this bill would assign to the prosecution the burden of disproving a self-defense or related claim, expand the locations at which a person has no duty to retreat before using force under both civil and criminal law, and modify the Concealed Handgun Licensing Law regarding a licensee's duty to keep the licensee's hands in plain sight, the penalties for illegally carrying a concealed firearm or improperly handling firearms in a motor vehicle, and the posting of warning signs regarding the possession of weapons on specified premises. During its sixth hearing in the House Federalism and Interstate Relations Committee, Buckeye Firearms submitted written proponent testimony while the bill's opponents testified against the bill, including the League of Women Voters of Ohio and the Ohio Municipal League. You can read Executive Director Kent Scarrett's opposition testimony [HERE](#) .

- HB 543 - COUNTY PROSECUTORS. Sponsored by Rep. Perales (R - Beavercreek) and Rep. Hambley (R - Brunswick), this bill would allow a county prosecuting attorney to enter into a contract with a regional airport authority, port authority, or regional planning

commission to be its legal adviser. During its third hearing before the House State and Local Government Committee, no testimony was given. The League is neutral on this legislation.

- HB 530 - LODGING TAX. This bill, sponsored by Rep. Hambley (R - Brunswick) and Rep. Arndt (R - Port Clinton), would authorize local elected officers that have levied a hotel lodging excise tax, or a designee of such officers to simultaneously hold the position of officer or member of the board of trustees of a convention and visitors' bureau without constituting incompatible offices. During its fourth hearing before the House State and Local Government Committee, written testimony was submitted asking for more oversight of visitors' bureaus. The League is neutral on this legislation.

- HB 585 - FIREARM LAWS. Sponsored by Rep. Henne (R - Clayton) this bill would expand the definition of dangerous ordnance to include armor piercing ammunition and expand the definition of an automatic firearm to include any device within the federal definition of machine gun; create additional conditions under which an individual may not possess a firearm or dangerous ordnance and eliminate the process by which an individual may apply for relief from a weapons disability; generally prohibit a person from buying, purchasing, obtaining, or furnishing a firearm on behalf of a third party; provide for the entry of protection orders into the federal NCIC database and LEADS; and provide for the issuance by a court of an extreme risk protection order. During its second hearing before the House State and Local Government Committee, the bill was amended to clarify which felonies would result in charges for a resident who owns a firearm while under disability. The amendment also changes the law establishing how residents under disability can apply for relief, as the original bill eliminated that procedure. Proponents testified in support of the bill, including Fred Guttenberg, the father of Jaime Guttenberg, a 14-year-old girl who was one of the 17 people killed during the February 14th shooting at Marjory Stoneman Douglas High School in Parkland, FL. Other proponents included the National Alliance on Mental Illness in Ohio, Moms Demand Action for Gun Sense in American and former Senate President Tom Neihaus, testifying as a member of Governor Kasich's task force on gun violence. The League is neutral on this legislation.

- HB 343 -PROPERTY VALUES. Sponsored by Rep. Merrin (R - Monclova Township), this bill would require local governments that contest property values to formally pass an authorizing resolution for each contest and to notify property owners. During its first hearing before the Senate Ways and Means Committee, the sponsor explained that the bill's goal is to ensure elected officials authorize property value contests. The League is neutral on this legislation.

- HB 351 - MILITARY EXEMPTIONS. Sponsored by Rep. Perales (R - Beaver Creek) and Rep. Butler (R - Oakwood), this bill 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. During its second hearing before the Senate Ways and Means Committee, Lt. Brian Beamer of the U.S. Public Health Service testified in support of the bill. The League is neutral on this legislation.

- SB 288 - FIREARM LAWS. This bill, sponsored by Sen. Eklund (R - Chardon) and Sen. Kunze (R - Hilliard), would expand the definition of dangerous ordnance to include armor piercing ammunition and expand the definition of an automatic firearm to include any device within the federal definition of machine gun; create additional conditions under which an individual may not possess a firearm or dangerous ordnance and eliminate the process by which an individual may apply for relief from a weapons disability; generally prohibit a person from buying, purchasing, obtaining, or furnishing a firearm on behalf of a third party; provide for the entry of protection orders into the federal NCIC database and LEADS; and provide for the issuance by a court of an extreme risk protection order. During its first hearing before the Senate Government Oversight and Reform Committee, the bill's sponsors spoke to the bill. It is companion legislation to HB 585. The League is neutral on this legislation.
- HB 34 - PUBLIC NOTICES. Sponsored by Rep. Hambley (R - Brunswick) and Rep. Ryan (R - Newark), this bill would authorize certain state agencies, local governments, and other boards, commissions, and officers to deliver certain notices by ordinary mail and electronically instead of by certified mail. During its third hearing before the Senate Government Oversight and Reform Committee, no testimony was given on this bill. The League is supportive of this legislation.
- HB 554 - DESIGN CONTRACTS. Sponsored by Rep. Seitz (R - Cincinnati), this bill would regulate the use of indemnity provisions in professional design contracts related to public improvements. During its second hearing before the House Civil Justice Committee, proponents including a risk manager and the American Council of Engineering Companies of Ohio testified in support of the bill, saying it would benefit not only architectural and engineering firms but also public entities throughout the state as well. The League is neutral on this legislation.

OML REGIONAL CONFERENCES COMING SOON

This week, the Ohio Municipal League held the first Regional Conference in Athens for municipal leaders across the southeastern region of Ohio. Over the next few months, the OML will be holding regional conferences throughout the state to bring important elements of our Annual Conference right to the doorstep of the local leaders who serve Ohio's cities and villages.

The goal of these Regional Conferences is to provide an opportunity for League members prevented from attending our three-day Annual Conference held in downtown Columbus by either distance or time constraints but know it is important to receive the timely information and access to resources that the conference provides. In an attempt to reach our members unable to

attend the Annual Conference, we have put together a single day program of general session topics with presentations by featured speakers who are experts in their municipal sectors.

The regional conferences are an invaluable opportunity for municipal officials statewide to have the ability to be presented with critical information directly related to the success of their own communities, as well as connect and network with other local leaders in their area. This opportunity is not limited to League members who cannot come to Columbus but is a great opportunity for all municipal and local government officials to refresh their skill sets and get the most recent information on critical topics.

Registration information including the conference agenda can be accessed [HERE](#).

The dates and locations for the remaining three Regional Conferences are as follows:

Southwest: Friday, June 8th at the Manor House Banquet Center in Mason.

Northeast: Friday, June 29th at the Pro Football Hall of Fame in Canton.

Northwest: Friday, August 17th at the Hancock Hotel in Findlay.

We encourage you to sign up as soon as possible, as space will be limited, and we look forward to seeing you there!

COMMITTEE SCHEDULE FOR THE WEEK OF MAY 20, 2018

Tuesday, May 22, 2018

HOUSE FINANCE

Tue., May. 22, 2018, 10:00 AM, Hearing Room 313
Rep. Smith: 614-466-1366

HB643** LAKE ERIE PRESERVATION EQUIPMENT (ARNDT S, PATTERSON J) To allow equipment for the protection and preservation of Lake Erie to be purchased with proceeds from the Parks and Recreation Improvement Fund and to appropriate funds for projects enhancing water quality in the Western Lake Erie Basin.

Second Hearing, All Testimony

HOUSE WAYS AND MEANS

Tue., May. 22, 2018, 10:00 AM, Hearing Room 121
Rep. Schaffer: 614-466-8100

HB575** TAX CREDIT-VOLUNTEER FIREFIGHTER/EMS (KELLER C, REZABEK J) To grant income tax credits to persons who serve as volunteer firefighters or emergency medical service technicians.

Second Hearing, Proponent Testimony

Wednesday, May 23, 2018

HOUSE FINANCE

Wed., May. 23, 2018, 9:00 AM, Hearing Room 313
Rep. Smith: 614-466-1366

HB643** LAKE ERIE PRESERVATION EQUIPMENT (ARNDT S, PATTERSON J) To allow equipment for the protection and preservation of Lake Erie to be purchased with proceeds from the Parks and Recreation Improvement Fund and to appropriate funds for projects enhancing water quality in the Western Lake Erie Basin.

Third Hearing, All Testimony

Thursday, May 24, 2018

SENATE PUBLIC UTILITIES

Thu., May. 24, 2018, 9:00 AM, Senate Finance Hearing Room
Sen. Beagle: 614-466-6247

Governor's appointments:

- John Igoe, Christopher Ferruso and Dasmine Wright to the Public Benefits Advisory Board

HB422** MUNICIPAL WATER-WORKS ACQUISITIONS (GINTER T, ROGERS J) To govern acquisitions of municipal water-works and sewage disposal system companies by certain larger nonmunicipal water-works or sewage disposal system companies.

Second Hearing, Proponent Testimony

CHECK MONDAY FOR ANY CHANGES TO THE COMMITTEE SCHEDULE

Up Coming Meetings & Events

Regional Summer Conference Series	May 18, June 8, June 29, August 17	<u>Registration Information</u>
OML/OMAA Webinar Updates on ADA,FMLA, Title VII Accommodation...	May 17, 2018 10:00 am ~ 11:00 am	<u>Registration Information</u>
Mayors Association Annual Conference	June 13 ~ 15, 2018 Akron, Ohio	<u>Registration Information</u>

Ohio Municipal League

Legislative Inquires:

Kent Scarrett, Executive Director

Edward Albright, Deputy Director

Ashley Brewster, Director of Communications

Rachel Massoud, Legislative Advocate

Website/Bulletin Issues:

Zoë Wade, Office Manager