



City of Napoleon, Ohio

P.O. Box 151 ~ 255 West Riverview Avenue
Napoleon, OH 43545
Telephone: (419) 592-4010 Fax: (419) 599-8393

Memorandum

To: Mayor and Members of City Council
From: Roxanne Dietrich, Executive Assistant to
Appointing Authority/Clerk of Council
cc: Joel L. Mazur-City Manager,
Billy D. Harmon-City Law Director,
Kelly O'Boyle-City Finance Director
Date: April 6, 2020
Subject: General Information

CALENDAR

CITY COUNCIL MEETING AGENDA

APPROVAL OF MINUTES

March 16, 2020 Regular Council Meeting Minutes

INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

1. **Resolution No. 012-20**, a Resolution Authorizing the City Manager to Enter into a Contract for the Purchase of Sodium Chloride in Cooperation with ODOT; and Declaring an Emergency. (Suspension Requested)
2. **Resolution No. 014-20**, a Resolution Authorizing City of Napoleon Participation in the NPPGov Cooperative Purchasing Program and Further Authorizing the Expenditure of Funds in Excess of \$25,000.00; and Declaring an Emergency
3. **Ordinance No. 015-20**, an Ordinance Supplementing the Annual Appropriation Measure (Supplement No. 1) for the Year 2020; and Declaring an Emergency (Suspension Requested)
4. **Resolution No. 016-20**, 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 2020, Listed in Exhibit "A;" and Declaring an Emergency (Suspension Requested)
5. **Ordinance No. 017-20**, an Ordinance authorizing the Finance Director to Make Appropriation Transfers (Transfer of Appropriation No. 1) from One Appropriation Line Item to Another Appropriation Line Item Pursuant to ORC. Section 5705.40 for the Fiscal Year Ending December 31, 2020 as Listed in Exhibit "A;" and Declaring an Emergency (Suspension Requested)

SECOND READINGS OF ORDINANCES AND RESOLUTIONS

1. **Resolution No. 010-20**, a Resolution Authorizing Contracts with the Townships of Napoleon, Harrison, Freedom, and the Village of Florida, and Henry County South Joint Ambulance District for Fire Service and/or Emergency Medical Service Commencing April 1, 2020; and Declaring an Emergency

2. **Ordinance No. 011-20**, an Ordinance Amending Ordinance No. 088-19 Regarding the Composition and Compensation of Certain City of Napoleon Position Classifications in and for the Year 2020; and Declaring an Emergency

THIRD READINGS OF ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 007-20**, an Ordinance Amending Certain Sections of Chapter 925 of the Codified Ordinances of the City of Napoleon, specifically Section 925.13 "Waste Collection Rates," and Section 925.16 "Purchase of Tags and Utility Payments," and Repealing Ordinance No.(s) 067-12 and 028-95

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

1. **Discussion/Action:** Recommendation of Award-Mini-Excavator for the Electric Department
- Dennie Clapp's Memo with his recommendation of award for the Electric Department mini-excavator is attached
2. **Discussion/Action:** Review of PC 20-05-Preliminary Plat of Development
- Option "G" map of the Goodville Property is included in the packet.
3. **Discussion/Action:** Acceptance of Ohio BWC Safety Intervention Grant to the Fire Department
- Enclosed is the letter from the Ohio Bureau of Workers' Compensation notifying Chief O'Brien of the grant award
4. **Discussion/Action:** Acceptance of 2020 Remote Technology Grant to Napoleon Municipal Court from The Supreme Court of Ohio
- The Grant Award Agreement from The Supreme Court of Ohio is enclosed as well as a copy of the application submitted by the Municipal Court
5. **Discussion/Action:** Acceptance of Donations to the Police and Fire Departments
-attached is a list of donations received for the Police and Fire Departments
6. **Discussion/Action:** Acceptance of Donation to the Parks and Rec Department from Boy Scout Troop 46 (Brandon Moll) in the Amount of \$142.31
- a copy of the check is enclosed
7. **Discussion/Action:** Appointments to the Tax Incentive Review Board
8. **Discussion/Action:** Regarding Amending Section 143.01 of the Codified Ordinances, Composition and Control of the City Fire/Rescue Department. *(direct Law Director to draft Legislation)*
9. **Discussion/Action:** Henry County Solid Waste Management District Solid Waste Management Plan Update Ratification *(refer to Committee)*
- attached is a copy of the letter we received from the Henry County Solid Waste Management District regarding ratification of the adopted Solid Waste Management Plan.

INFORMATIONAL ITEMS

1. Cancellation – Technology and Communications Committee

April 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
<i>March 29</i>	<i>March 30</i>	<i>March 31</i> 5:00 pm Special Planning Commission Meeting	1	2	3	4
5	6 7:00 pm City Council	7	8	9	10 Closed – GOOD FRIDAY	11
12 EASTER SUNDAY	13 6:15 pm Electric Comm. BOPA 7:00 pm Water/Sewer Committee 7:30 pm Muni Prop/ED Committee	14 4:30 pm Board of Zoning 5:00 pm Planning Commission	15	16	17	18
19	20 6:00 pm Tree Commission 6:00 pm Parks & Rec 7:00 pm City Council	21	22	23	24	25
26	27 6:30 pm Finance & Budget 7:30 pm Safety & Human Resources Comm. Mtg.	28 4:30 pm Civil Service	29 6:30 pm Park & Rec Board	30		

City of Napoleon, Ohio

CITY COUNCIL

MEETING AGENDA

Monday, April 06, 2020 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. Appointment to Vacant Council Seat**
- D. Swearing-In of New Councilmember**
- E. Approval of Minutes** (in the absence of any objections or corrections, the minutes shall stand approved)
March 16, 2020 Council Meeting Minutes.
- F. Citizen Communication**
- G. Reports from Council Committees**
 - 1. **Finance and Budget Committee** for March 23, 2020 was canceled at the direction of the Chair
 - 2. **Safety and Human Resources Committee** did not meet on March 23, 2020 due to lack of agenda items
 - 3. **Technology and Communication Committee** did not meet tonight due to lack of agenda items
- H. Reports from Other Committees, Commissions and Boards** (*Informational Only-Not Read*)
 - 1. **Civil Service Commission** meeting for Tuesday, March 24, 2020 was canceled due to lack of agenda items.
 - 2. **Park and Rec Board** scheduled for Wednesday, March 25, 2020 was canceled due to the Governor's Stay-at-Home Order
- I. Introduction of New Ordinances and Resolutions**
 - 1. **Resolution No. 012-20**, a Resolution Authorizing the City Manager to Enter into a Contract for the Purchase of Sodium Chloride in Cooperation with ODOT; and Declaring an Emergency. (*Suspension Requested*)
 - 2. **Resolution No. 014-20**, a Resolution Authorizing City of Napoleon Participation in the NPPGov Cooperative Purchasing Program and Further Authorizing the Expenditure of Funds in Excess of \$25,000.00; and Declaring an Emergency
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J. Second Readings of Ordinances and Resolutions

1. **Resolution No. 010-20**, a Resolution Authorizing Contracts with the Townships of Napoleon, Harrison, Freedom, and the Village of Florida, and Henry County South Joint Ambulance District for Fire Service and/or Emergency Medical Service Commencing April 1, 2020; and Declaring an Emergency
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L. Good of the City (Any other business as may properly come before Council, including but not limited to):

1. **Discussion/Action:** Recommendation of Award-Mini-Excavator for the Electric Department
2. **Discussion/Action:** Review of PC 20-05-Preliminary Plat of Development
3. **Discussion/Action:** Acceptance of Ohio BWC Safety Intervention Grant to the Fire Department
4. **Discussion/Action:** Acceptance of 2020 Remote Technology Grant to Napoleon Municipal Court from The Supreme Court of Ohio
5. **Discussion/Action:** Acceptance of Donations to the Police and Fire Departments
6. **Discussion/Action:** Acceptance of Donation to the Parks and Rec Department from Boy Scout Troop 46 (Brandon Moll) in the Amount of \$142.31
7. **Discussion/Action:** Appointments to the Tax Incentive Review Board
8. **Discussion/Action:** Regarding Amending Section 143.01 of the Codified Ordinances, Composition and Control of the City Fire/Rescue Department. (*direct Law Director to draft Legislation*)
9. **Discussion/Action:** Henry County Solid Waste Management District Solid Waste Management Plan Update Ratification (*refer to Committee*)

M. Executive Session (as may be needed)

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

O. Adjournment



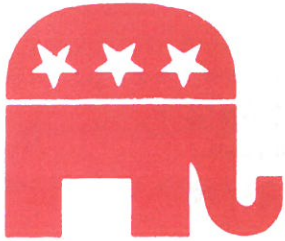
Roxanne Dietrich
Executive Assistant to Appointing Authority/Clerk of Council

A. ITEMS REFERRED OR PENDING IN COMMITTEES OF COUNCIL

1. **Technology & Communication Committee (1st Monday)**
(Next Regular Meeting: Monday, May 2, 2020 @6:15 pm)
2. **Electric Committee (2nd Monday)**
(Next Regular Meeting: Monday, April 13, 2020 @6:15 pm)
 - a. Review of Power Supply Cost Adjustment Factor for April 2020
 - b. Update on Substations
 - c. Electric Department Report
3. **Water, Sewer, Refuse, Recycling & Litter Committee (2nd Monday)**
(Next Regular Meeting: Monday, April 13, 2020 @7:00 pm)
 1. Update on Wastewater Treatment Plant Phase 1 Project (Tabled)
4. **Municipal Properties, Buildings, Land Use & Economic Development Committee (2nd Monday)**
(Next Regular Meeting: Monday, April 13, 2020 @7:30 pm)
5. **Parks & Recreation Committee (3rd Monday)**
(Next Regular Meeting: Monday, April 20, 2020 @6:00 pm)
6. **Finance & Budget Committee (4th Monday)**
(Next Regular Meeting: Monday, April 27, 2020 @6:30 pm)
7. **Safety & Human Resources Committee (4th Monday)**
(Next Regular Meeting: Monday, April 27, 2020 @7:30 pm)
8. **Personnel Committee (as needed)**

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

1. **Board of Public Affairs (2nd Monday)**
(Next Regular Meeting: Monday, April 13, 2020 @6:15 pm)
 - a. Review of Power Supply Cost Adjustment Factor for April 2020
 - b. Update on Substations
 - c. Electric Department Report
 - d. Update on Wastewater Treatment Plant Phase 1 Project
2. **Board of Zoning Appeals (2nd Tuesday)**
(Next Regular Meeting: Tuesday, April 14, 2020 @4:30 pm)
3. **Planning Commission (2nd Tuesday)**
(Next Regular Meeting: Tuesday, April 14, 2020 @5:00 pm)
4. **Tree Commission (3rd Monday)**
(Next Regular Meeting: Monday, April 20, 2020 at 6:00 pm)
5. **Civil Service Commission (4th Tuesday)**
(Next Regular Meeting: Tuesday, April 28, 2020 @4:30 pm)
6. **Parks & Recreation Board (Last Wednesday)**
(Next Regular Meeting: Wednesday, April 29, 2020 @6:30 pm)
7. **Privacy Committee (2nd Tuesday in May & November)**
(Next Regular Meeting: Tuesday, May 12, 2020 @10:30 am)
8. **Records Commission (2nd Tuesday in June & December)**
(Next Regular Meeting: Tuesday, June 09, 2020 @4:00 pm)
9. **Housing Council - Meets after the TIRC meeting**
(Next Meeting (tentative depends when TIRC meets): Monday, April 20, 2020 at 6:30 pm)
10. **Health Care Cost Committee (as needed)**
11. **Preservation Commission (as needed)**
12. **Napoleon Infrastructure/Economic Development Fund Review Committee [NIEDF] (as needed)**
13. **Tax Incentive Review Council (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)**



Henry County Republican Party

received
3-31-2020

March 27, 2020

Mr. Joseph Bialorucki
President, Napoleon City Council
255 Riverview Avenue
Napoleon, Ohio 43545

Mr. Bialorucki, this letter is to inform you and the other members of Napoleon City Council that the Napoleon City precinct members of the Henry County Republican Party Central Committee will not be meeting to select a person to recommend to the Council to fill the Council seat vacated by Jeff Mires. A meeting of the Committee members was scheduled for March 26 but the meeting location was changed twice due to circumstances of COVID 19. The 'Stay At Home' order from Ohio's Director of Health earlier this week stated all individuals are ordered to stay at home or their place of residence except as allowed by the Order and may leave their homes or place of residence only for Essential Activities. It also states all public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except as permitted by the Order.

After consulting with Henry County's Health Commissioner, it was determined a meeting of the Napoleon precinct members of the Henry County Republican Party Central Committee would not meet the definition of an 'Essential Activity' as defined in the Order. Therefore, the meeting of the members of the Henry County Republican Party Central Committee has been cancelled and will not be rescheduled at a later time.

One cover letter and resume was received from Molly Knepley and was forwarded on to the Committee members who did review her information. It was the consensus of the Committee members that had a meeting been held, Molly Knepley would have been recommended to fill the vacancy on Napoleon City council.

Phil Parsons, Secretary, Henry County Republican Party Central Committee

Molly Knepley

1125 Westchester Avenue | Napoleon, Ohio 43545 | (419) 438-6193 | mollyeickhoff@gmail.com

March 8, 2020

Republican Central Committee

1827 Oakwood Avenue

Napoleon, Ohio 43545

Dear Central Committee:

My name is Molly Knepley and I would like to apply for the open Napoleon City Council seat.

I have been a long-time member of this community and returned after collage as I was seeking out a great place that was safe and familiar to raise a family with good community and healthy school systems. I currently reside in the City with my husband, Joe, and three daughters, Tessa, Paige, and Sloane. We can often be found around town enjoying the programs that the city Parks and Recreation have developed or volunteering our time to cheer on the Napoleon Wildcats.

Recently, we were assisting the cheerleaders with painting area store front windows and I was in awe of what our community is willing to do for the greater good. Just in one day, I witnessed community members rallying behind their youth, business owners giving back to their community, and relationships being maintained and formed all at the same time. The best part is everyone enjoyed giving back to their community and this really excited me.

I also was witness to this while being a part of the Pool Commission Committee and the Pool Levy Committee. It was wonderful to see a community partner together for the greater good of its members. I learned a lot about the process of city government through this experience and campaigning for a ballot issue.

This experience has also taught me that it is important to maintain partnerships within the City of Napoleon to assist with growth and development. During the last census it was noted that the population for the city is aging. It is important for us, as a city, to increase desires for a younger generation to live in the city or visit the city for entertainment.

This is why I feel so strongly about developing our community and placing an emphasis on the importance of improved riverfront access, entertainment, growth, parks and recreations, and economic expansion. I appreciate your consideration for City Council and look forward to hearing from you.

Sincerely,

Molly Knepley

Molly Knepley

Seeking fulfillment of open City of Napoleon Council seat

1125 Westchester Avenue
Napoleon, Ohio 43545
(419) 438-6193
mollyeickhoff@gmail.com

EXPERIENCE

Pool Commission Committee

2019 - PRESENT

Currently reside on the pool commission committee to assist with planning for new Napoleon City pool.

Experiences include:

- Assisting with setting levy dollar amount to be placed on ballot
- Assisting with design work for pool facility
- Marketing for new pool
- Maintaining a project schedule and tasks
- Recipient the Parks and Recreation Service Award along with other members of the committee

Pool Levy Committee

2019

Completed campaigning for new pool levy which included:

- Budgeting and donations for the project
- Signage design and distribution
- Brochure design and distribution
- Social media correspondence
- Door to door campaigning
- Radio campaigning

Napoleon Aquatic Club

2020

Recently requested by coaching staff for attendance to Napoleon Aquatic Club board meetings for board position

Volunteering opportunities

- Assisting with fundraising
- Assisting with meets and training of new members for timing process during meets to ensure meets continue to run smoothly
- Assist with providing hospitality to coaches and officials

Napoleon Triathlon

Assisted with day of operations for registration of athletes and course management as well as setting up and tearing down of event.

SKILLS

Results oriented

Community focused

Training and Development

Collaborative team member

Multiple work related credentials and specialties that were sought out through continued education and drive to assist patients in this community

Quick Learner

Organization skills

AWARDS

Parks and Recreation Service Award - for efforts with the Pool Commission Committee and Pool Levy Committee

5 year service award at Henry County Hospital

Emanuel Lutheran Church, Napoleon

Volunteer opportunities to assist with church promotion via the Henry County Fair parade.

Education

The University of Findlay, Findlay, Ohio — *MOT, OTR/L*

August 2007 - May 2010

Master's degree in Occupational Therapy

Bachelor's degree in Health Sciences

Bowling Green State University, Bowling Green, Ohio — *Dietetics*

August 2003 - August 2007

Bachelor's degree in Dietetics

Napoleon High School, Napoleon, Ohio

2002 graduate

Professional Experiences

Henry County Hospital - Occupational Therapist

May 2011 - PRESENT

Majority of work experience in outpatient clinic focused on hand and upper limb diagnosis. Also assisted with oversight of occupational therapy assistants and occupational therapy students. On the selection committee and implementation for a new electronic documentation system. Also provides coordination with student fieldwork recipients and maintains healthy relationships with area schools for positive student experience.

Flower Hospital - Occupational Therapist

September 2010- March 2012

Outpatient hospital setting with focus on assessments and treatments.. Supervision over 1 full time COTA and 2 part time COTAs.

City of Napoleon, Ohio
CITY COUNCIL MEETING MINUTES
Monday, March 16, 2020 at 7:00 pm

PRESENT

Councilmembers	Joseph D. Bialorucki-Council President, Daniel L. Baer-Council President Pro-Tem, Lori Siclair, Ken Haase, Jeff Comadoll
Mayor	Jason P. Maassel
City Manager	Joel L. Mazur
City Law Director	Billy D. Harmon
City Finance Director	Kelly O'Boyle
City Staff	David Mack- Chief of Police; Clayton O'Brien-Fire Chief
Admin. to Appointing Authority/Clerk of Council	Roxanne Dietrich
Others	News Media, Molly Knepley

ABSENT

Councilmember	Ross Durham
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CALL TO ORDER

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

APPROVAL OF MINUTES

Hearing no objections or corrections, the minutes from the March 02, 2020 City Council meeting were approved as presented.

CITIZEN COMMUNICATION

None.

REPORTS FROM COUNCIL COMMITTEES

Electric Committee on March 9, 2020 was canceled at the direction of the Chair.

Water, Sewer, Refuse, Recycling and Litter Committee for March 9, 2020 was also canceled at the direction of that Committee Chair.

Municipal Properties, Building, Land Use and Economic Development did not meet on March 9, 2020 due to lack of agenda items.

Parks and Rec Committee did not meet earlier this evening due to lack of agenda items.

INTRODUCTION OF NEW ORDINANCES AND RESOLUTIONS

Resolution No. 009-20 – Purchase of Two Police Department Vehicles

Council President Bialorucki read by title, Resolution No. 009-20, a Resolution Authorizing the Expenditure of Funds over \$25,000 for the Purpose of Purchasing Two Replacement Vehicles for the City of Napoleon Police Department and to Award said Purchase to Mathews Ford Oregon; and Declaring an Emergency.

Motion: Comadoll
to Approve First Read of Resolution No. 009-20

Second: Siclair

Mazur said as discussed at the last meeting, the replacement of two vehicles for the Police Department is scheduled in the budget. The price we received from Mathews Ford Oregon is lower than the state term contract price. Overall, the total cost is under budget. The request for suspension is due to the timing of when we have to give them notice that we are making this purchase. The deadline is before the next Council meeting. A determination if we want to make this purchase will need to be made now.

Motion: Comadoll
to suspend the rules requiring three readings of Resolution No. 009-20

Second: Haase

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

Nay-

Yea-5, Nay-0 – MOTION PASSED

Roll call vote to pass Resolution No. 009-20 under Suspension and Emergency

Yea-Haase, Comadoll, Siclair, Baer, Bialorucki

Nay-

Yea-5, Nay-0 – MOTION PASSED

Resolution No. 010-20 – EMS and Fire Contracts with Townships, Village of Florida and HCSJAD

Council President Bialorucki read by title, Resolution No. 010-20, a Resolution Authorizing Contracts with the Townships of Napoleon, Harrison, Freedom and the Village of Florida and Henry County South Joint Ambulance District for Fire Service and/or Emergency Medical Service Commencing April 1, 2020; and Declaring an Emergency.

Motion: Baer
to approve First Read of Resolution No. 010-20

Second: Comadoll

Mazur stated we met with the different ambulance districts and the surrounding townships to discuss the contracts that we have with them for EMS services we provide. This legislation is for approval of the renewed contracts.

Roll call vote to approve First Read of Resolution No. 010-20

Yea-Haase, Comadoll, Siclair, Baer, Bialorucki

Nay-

Yea-5, Nay-0 – MOTION PASSED

Ordinance No. 011-20 – Amendment to Position Classification Plan

Council President Bialorucki read by title Ordinance No. 011-20, an Ordinance Amending Ordinance No. 088-19 Regarding the Composition and Compensation of Certain City of Napoleon Position Classifications in and for the Year 2020; and Declaring an Emergency

Motion: Comadoll
to approve First Read of Ordinance No. 011-20

Second: Baer

Mazur said this ordinance would eliminate the Senior Engineering Tech/Zoning Administrator position and adjust the pay for the Zoning Administrator position. The pay is adjusted down from what it was previously as the duties of the Zoning Administrator have diminished now that we don't do building

inspections. Bialorucki asked about the other duties that were performed by this position are they dispersed amongst other employees? Mazur replied the Housing Officer is the City Manager. The Housing Officer was not added back into the Zoning Administrator position and was done before Tom Zimmerman left. Inspections are a big piece of this because of the certifications that are required to do building inspections. The building inspections are now handled by Wood County.

Roll call vote to approve First Read of Resolution No. 010-20

Yea-Haase, Comadoll, Siclair, Baer, Bialorucki

Nay-

Yea-5, Nay-0 – MOTION PASSED

SECOND READING OF ORDINANCES AND RESOLUTIONS

Ordinance No. 007-20 – Amending Number of Refuse Tags Allowed

Council President Bialorucki read by title Ordinance No. 007-20, an Ordinance Amending Certain Sections of Chapter 925 of the Codified Ordinances of the City of Napoleon, specifically Section 925.13 “Waste Collection Rates” and Section 925.16 “Purchase of Tags and Utility Payments” and Repealing Ordinance No.(s) 067-12 and 028-95

Motion: Comadoll

Second: Haase

to approve Second Read of Ordinance No. 007-20

Mazur reported this is second read that would add a bag to what residents put out at the curb every week without having to get a bag tag and increases the number of bags allowed to two bags. Bialorucki asked after this passes third read, would it take effect immediately, that following week or? Mazur responded we didn't set a date in the legislation. I did recommend to schedule it for May 4, 2020 to give enough time to give notifications. We could implement it immediately. Harmon commented there is no emergency clause on the legislation. Maassel noted then it will take thirty days after passed. Mazur said if it is passed on April 6, 2020 thirty days would put us at Maassel said that would be the first week in May. When is citywide spring cleanup scheduled for? Mazur said the week of May 11, 2020. We have the hydrant flushing that takes three weeks. Maassel suggested if spring cleanup is that week, then can we set this to start the week after. Just a thought, we can decide next time.

Roll call vote to approve Second Read of Ordinance No. 007-20

Yea-Haase, Comadoll, Siclair, Baer, Bialorucki

Nay-

Yea-5, Nay-0 – MOTION PASSED

THIRD READING OF ORDINANCES AND RESOLUTIONS

Ordinance No. 005-20 – ODOT Repair Project St. Rt. 108/US 24 Underpass

Council President Bialorucki read by title, Ordinance No. 005-20, an Ordinance Approving an ODOT Repair Project; and Declaring an Emergency.

Motion: Comadoll

Second: Haase

to pass Ordinance No. 005-20 on Third Read

Mazur stated this is third read on the ODOT repair project of the underpass on St. Rt. 108 and US 24 due to an accident. ODOT requires us to have legislation for them to work in our jurisdiction. The work is still scheduled for June that is the best information that we have right now.

Roll call vote to pass Ordinance No. 005-20 on Third Read

Yea-Haase, Comadoll, Siclair, Baer, Bialorucki

Nay-

Yea-5, Nay-0 – MOTION PASSED

Ordinance No. 006-20 – Codified Ordinance Replacement Pages

Council President Bialorucki read by title, Ordinance No. 006-20, an Ordinance Approving Current December 2019 Replacement Pages to the City of Napoleon Codified Ordinances

Motion: Haase

Second: Comadoll

to pass Ordinance No. 006-20 on Third Read

Mazur noted this is the third and final read of the replacement pages to the codified ordinances that the Walter Drane Company reviews for us twice per year.

Roll call vote to pass Ordinance No. 006-20 on Third Read

Yea-Haase, Comadoll, Siclair, Baer, Bialorucki

Nay-

Yea-5, Nay-0 – MOTION PASSED

GOOD OF THE CITY

Review/Approval of the Power Supply Cost Adjustment Factor for March, 2020 as PSCAF 3-Month Averaged Factor \$0.01668; JV2 -\$0.005426

Mazur reported the biggest thing is our usage is down compared to 2019, typically that is weather related. Because of that I'm surprised our power cost adjustable factor isn't higher; but, we have taken a few steps to minimize that. Typically, we see a little bit more fluctuation because in certain times of the year we are long on power. If you look at our usage, we are still doing pretty good. We are just lower than last year, which is not a good sign but it will probably be lower in February and March as well because of the mild temperatures.

Motion: Comadoll

Second: Siclair

to approve the Power Supply Cost Adjustment Factor for March, 2020 as PSCAF 3-Month Averaged Factor \$0.01668; JV2 -\$0.005426

Roll call vote on the above motion

Yea-Haase, Comadoll, Siclair, Baer, Bialorucki

Nay-

Yea-5, Nay-0 – MOTION PASSED

Recommendation from Planning Commission to Approve PC 20-01. Subdivision Replat-to Combine Two Parcels to Build a New Optometrist Office (Damira, LLC - Brian Bostelman).

Maassel reported Brian Bostelman was at the meeting on behalf of local optometrist who want to combine these two parcels at the corner of Independence and Oakwood. There's a lot of work going on there right now. The way the road does not currently look like that plat but if we ever change it, the building is ready for that change. It will be a quite large optometry office with all kinds of parking around it. None of that will interfere if we ever decide to move the road to curve like it is in that plan. The Planning Commission voted 3-0 to approve the combining of these two parcels and it is the right zoning for this kind of business. Comadoll asked do we know that there is a waterline that runs right through that big property? Mazur said we are aware of the utilities in the development and they have been working with our staff. There is an electric line that runs directly through the middle between those two properties. Comadoll added I think we have a buried valve in the corner someplace I think it's pretty close to a telephone box or something.

Motion: Comadoll
to approve PC 20-01

Second: Haase

Roll call vote to Approve PC 20-01
Yea-Haase, Comadoll, Sicclair, Baer, Bialorucki
Nay-
Yea-5, Nay-0 – MOTION PASSED

Recommendation from Planning Commission to Approve PC-20-02. Subdivision Replat to Combine Two Parcels to Build a Love's Truck Stop

Maassel stated out on American and Industrial Drive at the corner there's a large field that is one section. The other section is right beside it and those are the two parcels they want to combine to build the Love's Truck Stop. Love's is aware of our requirements for strengthening the infrastructure in that area to provide for truck traffic and they agree to do those things. The neighbor, Paul Martin and Sons, was at the meeting and his questions were answered. There were no objections raised for the two parcels to be combined. This the right zoning for this. They are combining the rectangle on the left and the big odd shaped piece on the right. The Planning Commission passed with a vote of 3-0.

Motion: Comadoll
to approve PC 20-02

Second: Baer

Roll call vote to Approve PC 20-02
Yea-Haase, Comadoll, Sicclair, Baer, Bialorucki
Nay-
Yea-5, Nay-0 – MOTION PASSED

Recommendation from Planning Commission to Approve PC 20-03. Alley Vacation at the end of Fair Street for Potential Residential Development (Kahle Design and Build)

Maassel stated at the end of Fair Street there is a house that has been purchased by Kahle Design. There is a paper alleyway at the end of that road that lays into what is now probably overgrown ground. Kahle has bought that one house and all the unused ground and wants to combine all those and put up eight buildings for sixteen condos and eight stand alone homes. Kahle would like to be able to vacate that paper alley in order to build across the alley. The alleyway is basically a paper alley that leads to nowhere. The resident that was here asking questions did not even realize there was a paper alley

there on her property. Planning Commission voted 3-0 with no one objecting in the audience. Siclair asked you said 16 units total? Maassel responded there will be 24 new places. Haase noted there will be 8 houses and 16 duplex condos.

Motion: Siclair
to approve PC 20-03

Second: Comadoll

Roll call vote to Approve PC 20-03
Yea-Haase, Comadoll, Siclair, Baer, Bialorucki
Nay-
Yea-5, Nay-0 – MOTION PASSED

Recommendation from Planning Commission to Approve PC 20-04. Conditional Use Permit at 2269 Scott Street to Build a Planned Commercial Development

Maassel reported between Walmart and the Farmers and Merchants State Bank and Taco Bell there is an empty spot. This building would basically cover that empty spot that currently exists. They want to put in a Stop 'N' Go that would have a gas station, a convenience store, and they may have a coffee shop right on the front of it. The plans are there for the conditional use and it does fit in with the zoning. The Planning Commission passed it 3-0. There wasn't issues with any of them. They are going to put it in the road and if they ever want to improve that, it will be improved to our specs. There will be a little bit of a different turn in and out of there off of Scott Street. It will kind of mirror what happens at Rite Aid, you can turn in right only so we don't have people coming out and colliding. Bialorucki asked if they have any idea when they are going to start? Maassel said he asked them when they are going to break ground and they hope to the fall of this year. At one time we named that Roundhouse Road. The kids were in junior high then and I hoped they could help us cut the ribbon; but, I think they now be in college and it might be a little harder to find them to help us cut the ribbon.

Motion: Comadoll
to approve PC 20-04

Second: Siclair

Roll call vote to Approve PC 20-04
Yea-Haase, Comadoll, Siclair, Baer, Bialorucki
Nay-
Yea-5, Nay-0 – MOTION PASSED

Appointments to Tax Review Board

Mazur said he has one name and was unable to find two names for Council. Ashley Bowen said that she would do it. So, we have to find two more people to appoint to this board. When do you think this board will be meeting for the first time? O'Boyle replied a person filed an appeal and they have sixty days before the hearing. Bialorucki noted we will get on that for the next meeting.

Purchasing Equipment through the NPPGov Cooperative Purchasing Contract for the Napoleon Aquatic Center

Mazur stated Cotter's Memo was in the packet. This is for the pool project. What we are planning on doing is using this NPPGov contract, that is a national purchasing contract. It is like a state bid contract only it's a national product. We will need legislation but I wanted to give a little explanation on what we are trying to do. If we bid this out and put it into the bid package, the general contractor usually adds five to ten percent, it is usually in the ten percent range that they add on for materials and supplies. It's

a general rule they go by. With the NNPgov contract, we would be able to purchase this on our own through that contract and actually save about three to five percent on the retail price. This will be for the slide and the main play feature. Right now the estimates we are getting back on this project are in the range of \$410,000 for both of them combined. Going through the NNPgov contract would allow us to realize a savings up to about an estimated \$60,000 total. Where if you have a \$410,000 retail price and we bid it out in the package and there's an adder for the general contractor that could be up to \$40,000. By going through this and purchasing it ourselves and saving 5% could be up to \$20,000, with a total difference of about \$60,000 savings that we could realize. That is the reason we are recommending this. We would request Council direct the Law Director to draft legislation to go through this because we feel that it is in the best interest of the City. Harmon added this is the second time we have bid on these coop programs. In my opinion, these coop programs are not the same as the state purchasing program through Ohio. Under 106.04 it does state when the City finds it in the best interest to eliminate competitive bidding to go with a specific contractor they can do so they just need to draft the Law Director to draft legislation. Maassel asked we are confident if we put this out for bid we will not get this number? Mazur said *correct*. The vendor that supplies these specific items would not bid on that stand alone. They have to be a general contractor and whoever that is would have to secure the materials for it. Comadoll asked do you think this is a good or bad idea? Harmon replied I think Council can use its powers under 106.04. When Cotter tells me it is cheaper to go this route, I believe him he is in charge of that department. This is not something I recommend doing very often, it is a power that Council has to eliminate competitive bidding in a situation where Council does find it in the best interest of the City to do so.

Motion: Comadoll
to direct the Law Director to draft legislation

Second: Haase

Roll call vote on the above motion:
Yea-Haase, Comadoll, Siclair, Baer, Bialorucki
Nay-
Yea-5, Nay-0 – MOTION PASSED

Bialorucki asked for Cotter to be available at the Council meeting in case we have some questions directly for him.

Approval to Enter into an Agreement for Professional Design Services with Peterman Associates for the American Road and Oakwood Avenue Improvements Project

Mazur reported as we have been going through the process for working with Love's, we discussed at budget time, the repaving and beefing up of American Road from Industrial to Oakwood and then the portion of Oakwood down to Freedom Drive and rolling that as one big project. This is to allow us to enter into a contract with Peterman to design the project. The negotiated price was \$112,000. This is all grant funded. We got \$200,000 from the Transportation Improvement District (TID), \$150,000 from Jobs E-Commerce and \$250,000 from 629 Funds through the RGP. Love's also secured a 503 through Maumee Valley Planning Organization and received \$500,000 from CDBG. We are planning on doing the project in two different phases. The total project cost is about Three Million Dollars. About half of the project maybe a little bit more would be from PetVet to Industrial Drive. Love's would cover any additional funds for their portion. As we talked about in the past, we are looking at establishing a TIF District. Setting up a TIF District for any improvements to the property is similar to a CRA except instead of being abated completely, funds would be collected and utilized to pay off the debt service for that portion of the project. We are looking at about 1.5 million dollars for the remainder of the project.

None of the funds would come out of the Capital Funds. What we are looking at doing is borrowing from the state infrastructure bank and taking out a state infrastructure bank loan that has low interest rates for infrastructure. That would cash flow the project up front which would be 2021. We have to do the design then apply for the funds and then establish a TIF District. All these things take time is why we are having this discussion now. So, the next time the Municipal Properties Committee meets you can put this on that agenda unless you want to forego the committee process and just have establishment of a TIF District brought forward to full council since we don't have a chair for the Municipal Properties Committee right now. It doesn't have to be on the April 6, 2020 agenda it can be the following meeting which is April 20, 2020. Bialorucki said he is fine with putting it on the Council Agenda. Mazur continued that way I can get a little bit more packet materials out. This does require school board approval and there are two school districts, Liberty Center and Napoleon, in this area. So, establishing a TIF District with the terms that we are looking for would require approval from both school districts. We have spoken with both school districts and are actively engaged in conversation with them and both are very receptive to doing something like this to see this through. Bialorucki asked Mazur to explain the TIF District. Mazur said TIF stands for Tax Increment Financing. It is similar to how you have a CRA agreement. The Community Reinvestment Area (CRA) is a tax abatement for economic development set up and runs with the property. If a developer purchases property and then a CRA is granted for that property, the new owner still has to pay those taxes. Any improvements to that property that would create additional tax revenue would be abated. In the TIF case, you establish a district that covers multiple properties in an area and the improvements to those properties that increase tax revenue would be collected and then used to pay off the debt service of the infrastructure. The reason for having to borrow from another source is the state infrastructure bank seems to be the best source because 1) it is low-interest; 2) it doesn't count against our debt capacity; and, 3) you can defer payments for a short period of time for us to be able to collect on any improvements that are made. With Love's and some of the other improvements that are being made out there, there are revenues of a TIF District that could be had to pay off this. Again, we are looking at getting this designed and bid by the end of the year and started in the spring, if we can. Establishing a TIF District takes time especially when you have two school districts to work with and City Council. I have worked on a couple of projects that had TIF districts, but we haven't done one here so getting everybody familiarized with the process has been a big educational piece but it works. The program is designed for projects just like this. That is what we will be discussing five weeks from now. Baer asked when does Love's plan on starting their construction? Maassel said they didn't say. Mazur added they've been a little elusive in conversations with us but, all indicators are pointing to breaking ground in the spring for that one little portion I don't know about the site work. Comadoll stated his concern is Peterman's again. Mazur said this is a really good. Comadoll said I'm just saying the other engineering firms are going to say Napoleon is favoring them, that's the way it is looking to me because they got Park Street, the pool, the high school and now they are getting this. Mazur replied the team that reviews the Quality Based Selection process has scoring criteria that they use on all the proposals. It's a fair question. If you look at technical engineering projects for roads you are looking at 10%, this price for this project is \$112,000 so, I think that is more than fair. They have a track record with us and in this particular instance I think it is our best option.

Motion: Comadoll

Second: Haase

to Approve Entering into a Contract with Peterman Associates for Professional Design Services

Roll call vote on the above motion:

Yea-Haase, Comadoll, Siclair, Baer, Bialorucki

Nay-

Yea-5, Nay-0 – MOTION PASSED

First Quarter Budget Adjustments

Council President Bialorucki referred First Quarter Budget Adjustments to the Finance and Budget Committee.

CDBG Target of Opportunity Downtown Revitalization Grant (direct Law Director to draft legislation)
Mazur reported this is a grant application, I thought we talked about this during budget. We have some funding set aside for grant applications and this was one that was identified as a potential. We are working with Maumee Valley Planning Organization to apply for a grant from CDBG for Downtown Revitalization. The program has changed. The City received one back in 2014. The businesses can use it for their storefronts, there is a 50% match and there are a bunch of hoops that they have to jump through. They changed the criteria and you can only pick three buildings up to a certain amount of money. The three business owners that Maumee Valley Planning identified are: the Heller Building that's where Country Gourmet is and the four storefronts; Brick 'n Brew and the Edward Jones Building. These are all solid projects and want to move forward. It's a good fit for the program. The legislation may not need to come back at the next council meeting but, the grant program does require legislation. I'm following the guidance from Maumee Valley Planning to see when they think it is appropriate to have legislation come through.

Motion: Comadoll
to direct the Law Director to draft legislation

Second: Sicclair

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

Yea-5, Nay-0 – MOTION PASSED

ODOT Salt Contract Participation (direct Law Director to draft Legislation)

Mazur stated this comes up once a year. We will request suspension at the next meeting. For whatever reason, ODOT gave us one month. Baer asked since we have that building and we did not use a lot of salt this year does that reduce the amount we need for another year? Comadoll noted the more you have, the better you are. Mazur said years ago, back in my previous life, the utility department was criticized for purchasing too much salt at a time when we were not using salt. Then we had the most snow ever recorded in our area and we never ran out of salt but there were a lot of communities that did. When people are not using salt usually the prices are lower then, you just stock it. Bialorucki asked how are the prices right now? A couple of years ago we were at \$70. Mazur said and last year the price jumped. Bialorucki said so, where is it at now? Mazur said we will not know until we get the bid back. We have to tell them how much salt we want to buy and then they tell us how much it will cost. Bialorucki said the main reason for the question is, if we do have a decent amount and we do not necessarily need to buy it now and if the prices are higher than what they could be next year which obviously we don't know, do we buy a lot not knowing how much it is going to cost us? Mazur said salt is like a commodity. This allows us to get on their contract. The amount that Jeff Rathge recommended right now is 500 tons. Usually we have about 1700 tons on hand. Comadoll asked if salt is being used for the brine solution too? Mazur said we have the brine tanks but we actually purchase the brine from ODOT because it is easier and cheaper.

Motion: Baer
to direct the Law Director to draft Legislation

Second: Comadoll

Roll call vote on the above motion:
Yea-Haase, Comadoll, Sicclair, Baer, Bialorucki
Nay-
Yea-5, Nay-0 – MOTION PASSED

Around the Table

O-Boyle—We had the drive-thru only open today. If they are paying taxes they have to put their stuff in an envelope with their name on it, some people are trying to have their taxes done through the window but obviously it clogs up the line so they have them call in or they can do them online.

Comadoll-Coming up Scott Street heading south right under the underpass there's a manhole lid I don't know what's happened to it but when you hit it, it sounds like your vehicle is going to fall apart. It's been a week I don't know what did out there but something has happened to one of them lids. Mazur-Scott Street where? Comadoll-just up from the underpass south coming into town probably around the Dairy Queen area I don't know if they've done some survey work out there or what they pulled the lid. Maassel-I think a survey crew was out there last week.

Sicclair-I would like to say that I was proud of the girls' basketball team I'm super bummed about what happened. Thank-you to the Chiefs and to the City for trying to make it a special event. Who knows what the future holds but, it was fun while it lasted.

Baer-I'm going to tag onto what Mrs. Sinclair said, I think that's been a very neat accomplishment and I personally want to thank our City Manager and our City School Superintendent for the efforts they made to try to have this festival along with work from the police department and others. Hopefully we can still have, even though it may be a delayed, a celebration sometime in the spring to honor these young ladies. Thank-you for your efforts Mr. City Manager. Mazur-Thanks. I wanted to see what kind of celebration they wanted, if they want to have it at the school or if they want to do it downtown or have a parade. I'm not really sure what the plan is right now. Life is kind of on hold, so we'll wait and see.

Bialorucki-I want to thank Mazur and everyone else that has been working so hard with the all the changes here at the City Building. I'm sure Harmon and O'Boyle and all of the directors are putting their heads together to come up with some solutions to make it as easy as possible to perform duties and get things accomplished with a lot of changes. Appreciate all the hard work and effort you guys are putting into that. I think putting out messages and notifying people as quickly as you did is helping quite a bit as well so thank you for all the efforts. Both Chiefs thanks for everything you have done with the girls basketball team, escorting them in and out multiple times, I think that was awesome and really got a lot of buzz for the community. I think the girls really appreciated that a lot also.

Maassel-Laurie Sands has resigned from the Board of Zoning Appeals and the way the Charter reads somebody from the Planning Commission has to also serve on the Board of Zoning Appeals. Larry Vocke has volunteered and I would like to appoint him to the Board of Zoning Appeals.

Motion: Comadoll
to approve the Mayor's appointment of Larry Vocke to the Board of Zoning Appeals

Second: Baer

Roll call vote on the above motion:

Yea-Haase, Comadoll, Sicclair, Baer, Bialorucki

Nay-

Yea-5, Nay-0 – MOTION PASSED

Maassel continued-Speaking of the last time the girls came through town, I was at Five Corners, we were going to go straight and the car in front of me wasn't moving there's a green light and I laid on my horn I think I embarrassed the car to go through the intersection and I pulled up and that's when I heard the sirens and then I stopped. The next thing I know the girls are in front of me and I felt about two inches tall so whoever that person was in front of me I'm sorry for beeping my horn not knowing what was going on. I apologize. I talked to the Chair of the Republican Party, Steve Kryder today and as of now that meeting is still on for March 26 for Jeff Mires' replacement.

Request an Executive Session for Items to Remain Confidential due to the Competitive Nature of the Utility.

I have had two different churches reach out and ask if there is something they can do for the City. I talked with Pastor Marcis, Chief if any of your guys need Chaplains or anything like that he's ready to go. There are a lot of people rooting for us to make the right decisions. I think that is always nice to know that there are a lot of people that want us to succeed and are praying for us. There's a little comfort to know sometimes people are on our side. I think Mazur you did a great job trying to get messages out. Our next meeting isn't for three weeks is that too far? Do we need to meet again? Bialorucki-let's play it play by ear. If something comes up and we need to schedule a special meeting the way things are now we're not supposed to meet very often so we might as well just wait and when we need something, we'll set it up.

Haase-It was a lot of fun watching the girls play this year.

Harmon-the emergency order issued by the Attorney General for open meetings to justify interpretation have asked the OML for something more official to give us more coverage on the open meetings act. I would like to praise the state government for their proactive actions and reasonable response to potential emergency, they are doing the right thing by trying to limit these large meetings. As we get updates perhaps we can have special meeting, if need be, by telephone.

Mazur-Future committee, board and commission meetings I don't know how you feel about that unless there's something pressing. We have the quarterly budget adjustments which we usually do you at the end of the quarter and that's scheduled for next Monday. There's the Planning Commission meeting item that there's a little bit of urgency to it since it's a special meeting that was scheduled, I would still like to see us do that. Maybe we can do it through teleconference if we can as a trial run. I would say that if you do want to do that I would strongly encourage written comments and not have people coming in here. The whole point of the open meetings is to be transparent and not defraud the public or have a perception that we're defrauding the public. In these cases it's because of this emergency we're not trying to do that we are just trying to keep everybody away from public places and minimizing the risk of exposure. In talking with the Health Department today as we do every morning at 9:00 o'clock now, they are going to be doing some promotional items for mental health awareness. A lot of people are going to be kept inside with not much to do, kids are bouncing off the walls and we were going to do something to duck tale off of that as well. Promote our parks and open spaces and walking trails things for people to do outside. We are leaving the bathrooms open so people can wash their hands if they are out and about. There was a question about the golf course, I feel and staff feels that leaving the golf course open is a good thing. It's not congregating in large groups, it promotes an

outdoor activity, it's a wellness thing more than anything and it's a minimal exposure risk for people too. That is going to be my recommendation right now to keep people doing things but not necessarily the things where people congregate. Chief Mack put out some new procedures for the Police Department specific just today adjusting our lives and our operations to what is going on. We meet at 9:00 o'clock in the mornings, press conferences are usually 2:00 o'clock from the Governor's office and then the other information between we kind of react accordingly.

Comadoll-I want to say one thing, please don't steal the toilet paper in the park that's because it happened this weekend.

Bialorucki-I have two more things. First, the TIRC meeting is pushed back to April 9, 2020 and we also need to replace Jeff Mires as he is no longer a Councilman.

Motion: Comadoll Second: Sicclair
to appoint Joe Bialorucki to the TIRC Board replacing Jeff Mires.

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

Yea-5, Nay-0 – MOTION PASSED

Last Chief Mack, right before the meeting today I did see the Toledo Police put out a notice about a new scam all ready for the coronavirus. People are going door-to-door selling test kits to people. I don't know if you want to check into that, if you want to put something out there with everyone being afraid I'm sure there's going to be people that will buy it.

EXECUTIVE SESSION - Items to Remain Confidential due to the Competitive Nature of the Utility

Motion: Sicclair Second: Comadoll
to go into Executive Session for Items to Remain Confidential due to the Competitive Nature of the Utility

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

Yea-5, Nay-0 – MOTION PASSED

City Council went into Executive Session at 8:18 pm

OUT OF EXECUTIVE SESSION

Motion: Comadoll Second: Haase
to come out of Executive Session at 8:59 pm.

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

Yea-5, Nay-0 – MOTION PASSED

Council President Bialorucki reported no action was taken.

APPROVE FINANCIAL REPORTS AND PAYMENT OF BILLS

The financial reports and payment of bills stand approved

Motion: Comadoll Second: Siclair
to adjourn the City Council meeting at 9:01 pm.

Roll call vote on the above motion:
Yea-Haase, Comadoll, Siclair, Baer, Bialorucki
Nay-
Yea-5, Nay-0 – MOTION PASSED

Approved:

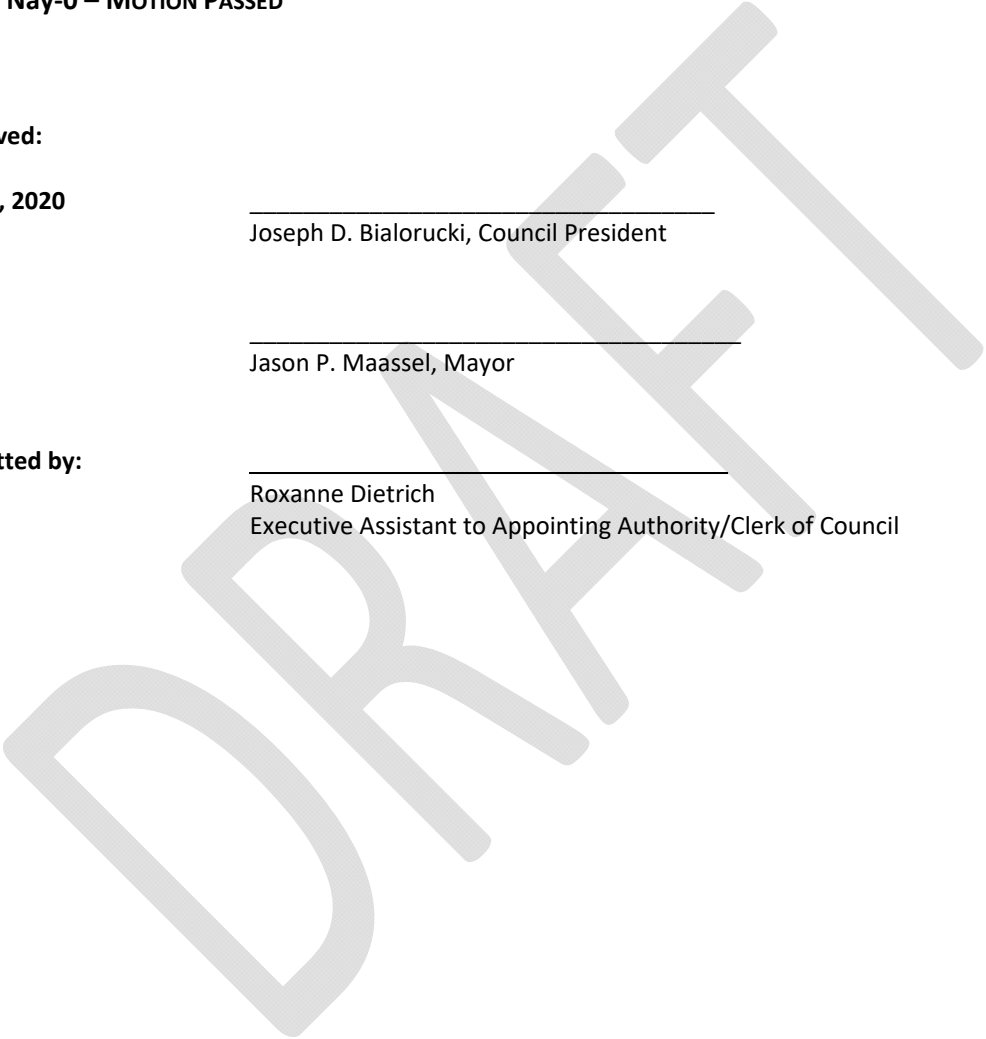
April 6, 2020

Joseph D. Bialorucki, Council President

Jason P. Maassel, Mayor

Submitted by:

Roxanne Dietrich
Executive Assistant to Appointing Authority/Clerk of Council





City of Napoleon, Ohio

Department of Public Works

255 West Riverview Avenue, P.O. Box 151

Napoleon, OH 43545

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

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

www.napoleonohio.com

Memorandum

To: Joel L. Mazur, City Manager
From: Chad E. Lulfs, P.E., P.S., Director of Public Works
cc: Mayor & Council
Kelly O'Boyle, Finance Director
Roxanne Dietrich, Clerk of Council
Jeff Rathge, Operations Superintendent
Date: April 2, 2020
Subject: Request for Participation in the O.D.O.T. Winter Contract for Road Salt

For the last several years the City of Napoleon has participated with O.D.O.T. in its bulk purchasing contract for road salt. To be included in O.D.O.T.'s contract, legislation must be passed. The Law Department has prepared the required legislation. The legislation must be submitted to O.D.O.T. by April 24, 2020. I am requesting that Council pass the prepared legislation under Emergency and Suspension of the Rules to allow us to meet this deadline.

CEL

RESOLUTION NO. 012-20

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

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

WHEREAS, the City of Napoleon hereby relies upon this Resolution No. 012-20 as a written agreement to participate in the Ohio Department of Transportation's (ODOT) annual winter road salt bid (018-21) in accordance with Ohio Revised Code 5513.01(B), and hereby agrees to all terms and conditions as noted below in regard to the City's participation in the ODOT winter road salt contract; **Now Therefore**,

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

Section 1. That, intending to be legally bound, the City Manager of the City of Napoleon, Ohio, is given the authority in the name of the City of Napoleon, Ohio, to participate in the Ohio Department of Transportation's Contract for Sodium Chloride (winter contract 018-21) and this Council agrees as follows:

- A. The City of Napoleon hereby agrees to be bound by all terms and conditions established by ODOT in the winter road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and,
- B. The City of Napoleon hereby acknowledges that upon the Director of ODOT's signing of the winter road salt contract, it shall effectively form a contract between the awarded salt supplier and the City of Napoleon; and,
- C. The City of Napoleon agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT winter road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the City of Napoleon's participation in the winter road salt contract; and,
- D. The Political Subdivision's electronic order for Sodium Chloride (Road Salt) will be the amount the City of Napoleon agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and,
- E. The City of Napoleon hereby agrees to purchase a minimum of ninety percent (90%) of its above-requested salt quantities from its awarded salt supplier during the contract's effective period; and,
- F. The City of Napoleon hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT winter salt contract; and,

G. The City of Napoleon acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Friday, April 24, 2020 by 12:00pm. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the City of Napoleon's participation request. Furthermore, it is the sole responsibility of the City of Napoleon to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive the City of Napoleon's participation agreement and/or the City of Napoleon's request to rescind its participation agreement.

Section 2. That, the City Manager and/or the City Manager's representative are authorized to fill out and submit any and all necessary documentation to effectuate the intent of this legislation, including the ODOT prescribed form, and that the City of Napoleon agrees to the above terms and conditions regarding participation on the ODOT winter salt contract.

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

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

Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for the timely purchase of Sodium Chloride, needed for placement on streets in winter months for safe travel; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to begin the purchasing 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:

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 012-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2020; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Roxanne Dietrich, Clerk of Council

RESOLUTION NO. 014-20

A RESOLUTION AUTHORIZING CITY OF NAPOLEON PARTICIPATION IN THE NPPGOV COOPERATIVE PURCHASING PROGRAM AND FURTHER AUTHORIZING THE EXPENDITURE OF FUNDS IN EXCESS OF \$25,000.00; AND DECLARING AN EMERGENCY

WHEREAS, Section 106.04 of the City of Napoleon Codified Ordinances provides that “when the City may otherwise be required by the laws of Ohio, ordinance or resolution, to make any purchase or contract of any type of property or services, or contract for purchases or services by competitive bid, the proposal process, or qualified base selection process, Council may eliminate the necessity therefor in the best interest of the City, as determined in the sole discretion of Council by a majority vote of the current members of Council[;]” and,

WHEREAS, the City of Napoleon Recreation Department desires to purchase necessary materials for its Napoleon Aquatic Center; and,

WHEREAS, the aforementioned materials can be purchased utilizing the NPPGov Cooperative Purchasing Program; and,

WHEREAS, the Council believes it is in the best interest of the City of Napoleon to eliminate the necessity for competitive bidding in this instance; **Now Therefore**,

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

Section 1. That, the City of Napoleon authorizes the City Manager on behalf of the City of Napoleon to participate in the NPPGov Cooperative Purchasing Program contract for the purchase of machinery, materials, supplies or other articles for which the Department has need pursuant to City of Napoleon Codified Ordinances Section 106.04.

Section 2. That, the City Manager is hereby authorized to agree on behalf of the City of Napoleon to be bound by all of the terms and conditions of the NPPGov Cooperative Purchasing Program.

Section 3. That, the City Manager is hereby authorized on behalf of the City of Napoleon to directly pay vendors, under each such contract of the NPPGov Cooperative Purchasing Program in which the City of Napoleon participates, for items it receives pursuant to the contract.

Section 4. That, the City of Napoleon authorizes the expenditure of funds in excess of \$25,000 for the purchase of the necessary machinery, materials, supplies or other articles for its Napoleon Aquatic Center, utilizing the NPPGov Cooperative Purchasing Program. Further, Council finds it to be in the best interest of the City to eliminate the necessity for competitive bidding.

Section 5. That, the City Manager is authorized and directed to enter into the aforementioned contract(s).

Section 6. 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 7. 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 8. 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; 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 purchase 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:

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 014-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2020; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Roxanne Dietrich, Clerk of Council

ORDINANCE NO. 015-20

AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION MEASURE (SUPPLEMENT NO. 1) FOR THE YEAR 2020; 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. 082-19 for the fiscal year ending December 31, 2020 shall be supplemented (Supplement No. 1) as provided in Exhibit "A" (one page), 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. Further, the Emergency Clause is necessary to be in effect at the earliest possible time to allow for proper payment of current expenses, and for further reasons as stated in the Preamble hereof.

Passed: _____
Joseph D. Bialorucki, Council President

Approved: _____
Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 015-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2020; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Roxanne Dietrich, Clerk of Council

2020 APPROPRIATION BUDGET - SUPPLEMENTAL #1

ORDINANCE No. 015-20

<u>Supplemental-1st Quarter #1</u>	<u>PERSONAL SERVICES</u>	<u>OTHER</u>	<u>TOTAL</u>	<u>2020 FUND TOTAL</u>
277 Probation Officer Grant Fund				
277.1810.51100 Salary -Non-Bargaining	\$32.55		\$32.55	\$32.55
<i>Reason: Amount left over on the grant from 2019 year-end</i>				
400 Capital Improvement Fund				
400.2200.57000 Machinery and Equipment		\$41,817.22		
400.1800.53400 Contract Services		\$23,300.00		
TOTAL			\$65,117.22	\$65,117.22
<i>Reason: BWC Grant up front payment and Court Remote Tech Grant</i>				
510 Water Revenue Fund				
510.6210.53300 Serv. Fees -Professional		\$12,000.00	\$12,000.00	\$12,000.00
<i>Reason: Help offset sludge disposal costs associated with new amount of water</i>				
532 Williams Pump Station Impr. Fund				
532.6310.57800 Sanitary Sewer Improvements		\$1,400,000.00	\$1,400,000.00	\$1,400,000.00
<i>Reason: State is paying contractor direct -originally thought it would be shown only on our fixed assets/amend revenue est to match (in & out)</i>				
TOTAL FUNDS	\$32.55	\$1,477,117.22	\$1,477,149.77	\$1,477,149.77

RESOLUTION NO. 016-20

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 2020, 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 2020 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. Further, the Emergency Clause is necessary to transfer the funds 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:

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 016-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2020; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Roxanne Dietrich, Clerk of Council

2020 TRANSFER OF FUNDS - No. 2

Resolution No. 016-20
Passed April 6, 2020

FROM:	TO:	AMOUNT
221.4300.59300	503.0000.48000	\$506,250
<i>Transfers to All Funds</i>	<i>Note Proceeds</i>	

Purpose: Payback from Pool Note - \$500K plus 6 months of 2.5% interest

ORDINANCE NO. 017-20

AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO MAKE APPROPRIATION TRANSFERS (TRANSFER OF APPROPRIATION 1) FROM ONE APPROPRIATION LINE ITEM TO ANOTHER APPROPRIATION LINE ITEM PURSUANT TO O.R.C. SECTION 5705.40 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020 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, 2020, 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. Further, the Emergency Clause is necessary to be in effect at the earliest possible time to allow for proper payment of current expenses, and for further reasons as stated in the Preamble hereof.

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 069-19 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2020; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Roxanne Dietrich, Clerk of Council

FISCAL YEAR ENDING 2020- TRANSFER OF APPROPRIATION (No. 1)

Ordinance Number: 017-20

Passed: April 6, 2020

	<u>PERSONAL SERVICES</u>	<u>OTHER</u>
Fund 221 Napoleon Aquatic Center		
FROM : 221.4300.57200 Buildings & Improvements		(32,310.13)
TO : 221.4300.51100 Salary -Non-Bargaining	22,245.89	
221.4300.51500 PERS	3,211.81	
221.4300.51600 Workers Comp	100.00	
221.4300.51700 Medicare -City Share	352.43	
221.4300.56000 Miscellaneous Operating Costs	6,400.00	
 <i>Reason: Estimated salary costs associated with the pool project and HC Auditor fees from Levy (estimated for full year)</i>		
Total Transfer of Appropriation	----- 32,310.13	----- (32,310.13)

RESOLUTION NO. 010-20

A RESOLUTION AUTHORIZING CONTRACTS WITH THE TOWNSHIPS OF NAPOLEON, HARRISON, FREEDOM, AND THE VILLAGE OF FLORIDA, AND HENRY COUNTY SOUTH JOINT AMBULANCE DISTRICT FOR FIRE SERVICE AND/OR EMERGENCY MEDICAL SERVICE COMMENCING APRIL 1, 2020; AND DECLARING AN EMERGENCY

WHEREAS, the Townships of Napoleon, Harrison, and Freedom and the Village of Florida desire to enter into a contract with the City for Fire and Emergency Medical Rescue Services as authorized in Section 9.60 and Section 505.44 of the Ohio Revised Code; and,

WHEREAS, the Henry County South Joint Ambulance District of Henry County, Ohio, desires to enter into a contract with the City for Emergency Medical Services as authorized in Section 9.60 of the Ohio Revised Code; **Now Therefore**,

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

Section 1. That, the City Manager is authorized to enter a contract with Napoleon Township, Harrison Township, Freedom Township, and the Village of Florida, all of which are in Henry County, Ohio, for Fire Services and Emergency Medical Services, including billing services related thereto; the terms and conditions having been approved by this Council in the form as currently on file in the office of the City Finance Director. The City Manager is authorized to make non-material changes to the contracts as deemed appropriate by the City Manager and approved as to form and correctness by the City Law Director; further, the contracts shall be effective April 1, 2020.

Section 2. That, the City Manager is authorized to enter into a contract with the Henry County South Joint Ambulance District of Henry County, Ohio, for Emergency Medical Services, including billing services related thereto; the terms and conditions having been approved by this Council in the form as currently on file in the office of the City Finance Director. The City Manager is authorized to make non-material changes to the contracts as deemed appropriate by the City Manager and as approved as to form and correctness by the City Law Director; further, the contracts shall be effective April 1, 2020.

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

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

Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for emergency services to be rendered in a timely manner, emergency services also utilized by the City inhabitants when needed outside the City's jurisdictional boundaries; 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 reason for the Emergency Clause is the fact that this Resolution is necessary to authorize the Contracts with the Townships, the Village of Florida and the Henry County South Joint Ambulance District to be in force 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:

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 010-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2020; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Roxanne Dietrich, Clerk of Council

ORDINANCE NO. 011-20

**AN ORDINANCE AMENDING ORDINANCE NO. 088-19
REGARDING THE COMPOSITION AND COMPENSATION OF
CERTAIN CITY OF NAPOLEON POSITION CLASSIFICATIONS
IN AND FOR THE YEAR 2020; AND DECLARING AN
EMERGENCY**

WHEREAS, Council previously adopted Ordinance No. 088-19, creating a 2020 Classification Pay Plan for its non-bargaining employees; and,

WHEREAS, Council now desires to amend Ordinance No. 088-19 to amend the composition of City staff and the pay scales for certain positions; and,

WHEREAS, Exhibit "A," attached hereto and incorporated herein, reflects the changes to be made; and,

WHEREAS, Council desires to make said amendments effective on the pay period starting March 2, 2020; **Now Therefore**,

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

Section 1. That, notwithstanding any Ordinance or Resolution to the contrary, the City of Napoleon, Ohio, (the "City") had previously established a new 2020 Position Classification Pay Plan ("Pay Plan") for its non-bargaining employees, passed by Council on January 6, 2020.

Section 2. That, effective beginning March 2, 2020 the amendments listed in Exhibit "A," attached hereto and incorporated herein, shall be made.

Section 3. That, effective beginning March 2, 2020 the base hourly rate of the position of Zoning Administrator is hereby amended, and the pay is set as expressed in Exhibit "A."

Section 4. That, the duties of the Zoning Administrator are currently defined in a job description which is hereby approved; said job description is currently on file with the City of Napoleon, Ohio Human Resources Department.

Section 3. That, this Ordinance allows the terms and conditions of these pay amendments to be retroactively applied, the same being hereby approved as it so exists.

Section 4. That, no position mentioned in this Ordinance shall receive longevity benefit unless specified in this City's adopted longevity plan unless otherwise specifically provided for herein, or except as may be permitted by the City's longevity policy.

Section 5. That, Ordinance No. 088-19 is hereby amended as herein listed effective March 2, 2020.

Section 6. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

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

Section 8. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for proper payment of wages to employees, proper payment being essential to the harmony of the necessary workforce; therefore, provided the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to be in effect at the earliest possible time to allow for proper processing of wages to employees, this being essential to the harmony of the necessary workforce, and for further reasons as stated in the Preamble hereof.

Passed: _____
Joseph D. Bialorucki, Council President

Approved: _____
Jason P. Maassel, Mayor

VOTE ON PASSAGE ____ Yea ____ Nay ____ Abstain

Attest:

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 011-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2020; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Roxanne Dietrich, Clerk of Council

EXHIBIT "A"

(BASE HOURLY RATE)

Title	A	B	C	D
Clerk-Typist II	\$12.28	\$14.13	\$15.17	\$16.27
Receptionist	\$13.89	\$15.93	\$17.08	\$18.36
Administrative Assistant	\$16.92	\$19.53	\$20.97	\$22.58
Front Desk Administrator	\$12.28	\$13.86	\$14.54	\$15.37
Service Building Secretary	\$12.28	\$13.86	\$14.54	\$15.37
Senior Service Building Secretary	\$15.26	\$17.51	\$18.82	\$20.32
Executive Assistant to Appointing Authority	\$20.55	\$21.90	\$23.31	\$24.79
Executive Assistant/Paralegal to Law Director	\$24.79	\$27.08	\$29.08	\$31.09
Account Clerk I	\$12.28	\$13.86	\$14.54	\$15.36
Account Clerk II	\$15.26	\$17.51	\$18.83	\$20.32
Utility Billing Administrator	\$17.33	\$19.95	\$21.37	\$25.38
Senior Account Clerk	\$16.92	\$19.53	\$20.98	\$24.80
Records Clerk/Recorder	\$15.26	\$17.51	\$18.82	\$20.31
Accounts Payable Clerk	\$15.26	\$17.51	\$18.82	\$21.37
Tax Administrator	\$17.33	\$19.95	\$21.37	\$25.38
Engineering Technician	\$18.61	\$21.37	\$22.89	\$24.56
Senior Engineering Technician	\$22.10	\$25.45	\$27.24	\$29.22
Senior Engineering Technician/Zoning Administrator	\$22.10	\$25.45	\$27.24	\$32.15
Staff Engineer	\$20.54	\$23.68	\$25.45	\$27.33
Licensed Staff Engineer	\$27.80	\$29.90	\$32.16	\$35.96
Construction Inspector	\$24.17	\$27.77	\$29.76	\$32.70
Senior Electric Engineering Technician	\$22.10	\$25.45	\$27.24	\$29.22
Electrical Construction/Maintenance Inspector	\$26.80	\$30.84	\$33.07	\$35.45
Zoning Administrator	\$24.18 20.54	\$27.77 23.68	\$29.77 25.45	\$31.91 27.33
Assistant Water Superintendent	\$29.67	\$30.77	\$32.46	\$34.16
Chief Water Treatment Operator	\$22.10	\$25.45	\$27.24	\$30.80
Chief Wastewater Treatment Operator	\$22.10	\$25.45	\$27.24	\$30.80
Police Lieutenant	\$0.00	\$32.31	\$33.84	\$35.53
Deputy Court Clerk	\$16.40	\$17.86	\$19.16	\$20.53
Chief Probation Officer	\$19.82			\$21.90
IT Specialist	\$18.24	\$20.18	\$22.13	\$24.08

EXHIBIT “B”

(BASED ON AN 80 HOUR PAY PERIOD)

Title	BOTTOM	TOP
Assistant to the City Engineer	\$2,765.90	\$3,191.43
City Engineer	\$3,244.62	\$3,936.09
Public Works Director	\$3,936.09	\$4,712.67
Golf Course & Grounds Superintendent	\$1,970.71	\$2,649.04
Parks & Recreation Director/Cemetery	\$1,785.92	\$3,103.96
Assistant Finance Director	\$2,947.21	\$3,421.21
Electrical Engineer	\$3,069.34	\$3,574.61
Electric Distribution Superintendent	\$3,129.33	\$3,854.88
IT Administrator	\$1,930.71	\$2,868.11
Human Resources Director	\$2,201.26	\$3,340.50
Municipal Court Bailiff		\$1,378.03
Municipal Court Clerk	\$1,865.60	\$2,086.70
Assistant Fire Chief	\$2,180.81	\$3,191.43
Fire Chief	\$2,712.71	\$3,581.41
Operations Superintendent	\$2,250.36	\$3,191.43
Water Superintendent	\$2,463.78	\$3,320.51
Wastewater Superintendent	\$2,463.78	\$3,320.51
Chief of Police	\$2,860.00	\$3,687.79

EXHIBIT “C”

(BASE HOURLY RATE)

Title	Bottom	Top
Front Desk Administrator (Part Time)	\$9.88	\$13.50
Legal Clerk (Temporary)	\$14.21	\$22.82
Probationary/Trainee Fire Fighter/EMT	\$8.79	\$13.40
All Fire/Rescue Department (Part Time)	\$12.59	\$17.47
Deputy Court Clerk (Part Time)	\$10.95	\$15.04
Deputy Court Bailiff (Part Time)		\$14.40
Probation Officer PIIG Grant		\$16.28
Construction Inspection (Temporary)	\$13.28	\$14.23
Construction Engineer (Temporary) Engineering Dept.	\$40.30	\$43.19
Income Tax/Collection Clerk (Part Time)	\$9.88	\$17.43
Lifeguard (Seasonal)	\$8.79	\$14.76
Seasonal Laborer - Other	\$8.79	\$14.76
Recreation Worker (Seasonal)	\$8.79	\$14.76
Parks Maintenance Worker (Seasonal)	\$8.79	\$14.76
Golf Course Clubhouse Attendant (Seasonal)	\$8.79	\$14.76
Senior Center Fitness Coordinator (Part Time)	\$8.79	\$14.76
Code Enforcement Inspector	\$19.15	\$29.79
Adjunct EMS Instructor for the Fire Department (Part		\$20.45
Adjunct Fire Instructor for the Fire Department (Part		\$20.45

ORDINANCE NO. 007-20

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 925 OF THE CODIFIED ORDINANCES OF THE CITY OF NAPOLEON, SPECIFICALLY SECTION 925.13 “WASTE COLLECTION RATES,” AND SECTION 925.16 “PURCHASE OF TAGS AND UTILITY PAYMENTS,” AND REPEALING ORDINANCE NO.(S) 067-12 AND 028-95

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

Section 1. That, Section 925.13 of the Codified Ordinances of the City of Napoleon, Ohio shall be hereby amended and enacted as follows:

“925.13 WASTE COLLECTION RATES.

(a) The following rates are established as a monthly base fee as it relates to City bag refuse service, and shall be charged to each subscriber utilizing or mandated to utilize the City’s bag refuse service. Commercial use of residential type recycling service is permitted in accordance with paragraph (c). Nothing in this provision shall be construed as mandating the City to provide refuse service outside its corporate limits.

Inside Corporate Limits	Outside Corporate Limits
\$18.00	\$24.30

(b) Each subscriber to the City’s bag refuse service will be permitted to have ~~one~~ **two (2)** bags of garbage or refuse, per week, at no additional cost (without necessity of a tag), as part of the established monthly fee paid by all City bag refuse subscribers; thereafter, there will be a charge of \$2.00 per tag that shall be affixed to the outside of each bag after the first ~~one~~ **two (2)** bags as provided for in Section 925.07. Tags may be purchased at the office of the City Utilities Department or at other locations as may be designated.

(c) Commercial recycling service when provided by the City, in or outside the corporation limits, shall be at the rate of \$18.00 per month for up to six residential type recycling bins with additional bins, up to ten in total, at the rate of \$1.00 per month for each additional bin over six. Levels of service shall be established on an annual basis.

(d) Low occupancy: The City will allow residential customers to request a partial credit on the monthly refuse charge provided the residential customer demonstrates and/or proves that no garbage was generated during the entire month and/or billing cycle. Proof will be in the form of a sworn affidavit signed and notarized by the residential customer stating the reason for non- generation of garbage and requesting a partial credit for the period of the billing cycle. Refuse charge will remain on the monthly bill and requests must be made after each billing cycle, and no later than sixty (60) days after the utility bill “billing due date” for which the request of is being made. Proof will be subject to verification by the Refuse Collection Department in operations. Additionally, the customer’s utility account will be checked for consumption history of electric, water, and sewer. If consumption history is minimal for electric and there is neither water nor sewer consumption during the time period of the billing the request will be approved. However, if there is average or normal consumption history for electricity or there is water or sewer usage the request will not be approved. Approved requests will

be credited to customer account on the next earliest possible billing. However, the customer will not receive any credit for special sanitation services as established in Section 925.17(b). The customer's affidavit is only valid for six (6) months and must be renewed thereafter. Affidavit forms will be provided upon request. (Ord. 067-12. Passed 11-19-12.)”

Section 2. That, Section 925.13 of the Codified Ordinances of Napoleon, Ohio, as existed prior to the enactment of this Ordinance, is repealed upon the effective date of this Ordinance.

Section 3. That, Section 925.16 of the Codified Ordinances of the City of Napoleon, Ohio shall be hereby amended and enacted as follows:

“PURCHASE OF TAGS AND UTILITY PAYMENTS.

(a) Tags shall be purchased in advance from the Utilities Department of the City or their designated agent and, when required, shall be firmly affixed to the bag containing the garbage or refuse. If no tag is found affixed at time of scheduled collection (except for the ~~one~~ two (2) weekly bags of garbage or refuse that is allowed at no additional charge by the City), the garbage or refuse will not be collected.

(b) If a customer makes payment on or before the due date of a bill to an agent designated or authorized by the public utility to accept payment, the payment shall not be considered past due regardless of whether or not it is received in the company offices by the due date.

(ORC. 4905.775) (Ord. 28-95. Passed 4-3-95.)”

Section 4. That, Section 925.16 of the Codified Ordinances of Napoleon, Ohio, as existed prior to the enactment of this Ordinance, is repealed upon the effective date of this Ordinance.

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

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

Section 5. That, this Ordinance shall be in full force and effect at the earliest time permitted by law.

Passed: _____

Joseph D. Bialorucki, Council President

Approved: _____

Jason P. Maassel, Mayor

VOTE ON PASSAGE _____ Yea _____ Nay _____ Abstain

Attest:

Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 007-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, 2020; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Roxanne Dietrich, Clerk of Council



CITY OF NAPOLEON, OHIO

ELECTRIC DEPARTMENT

PO Box 151, 1775 INDUSTRIAL DR.

NAPOLEON, OH 43545

PHONE: (419) 599-1891 FAX: (419) 592-4379

INTEROFFICE MEMORANDUM

TO: Joel Mazur, City Manager
FROM: Dennis P. Clapp, Superintendent
SUBJECT: Bid Award for Mini Excavator
DATE: April 3, 2020
CC: Mayor, City Council, Finance Director

I am pleased to advise that Meyer Equipment Company has been awarded the bid for the Electric Department's Mini Excavator. Their successfully submitted bid on Wednesday, March 25, 2020 in the amount of \$39,850.00 has been considered acceptable by our legal department. The amount approved in the 2020 Budget was \$50,000.00.

Sincerely,
Dennis P. Clapp

Electric Superintendent
Dennis P. Clapp
DCLAPP@NAPOLEONOHIO.COM

GOODVILLE PROPERTY REPLAT OPTION "G"

REVISED 02-21-2020

U.S. Rt. 24

Westmoreland Ave.

C-3 ZONING

RETENTION LOT 29
0.72 Ac.

R-3 ZONING

Lynne Ave.

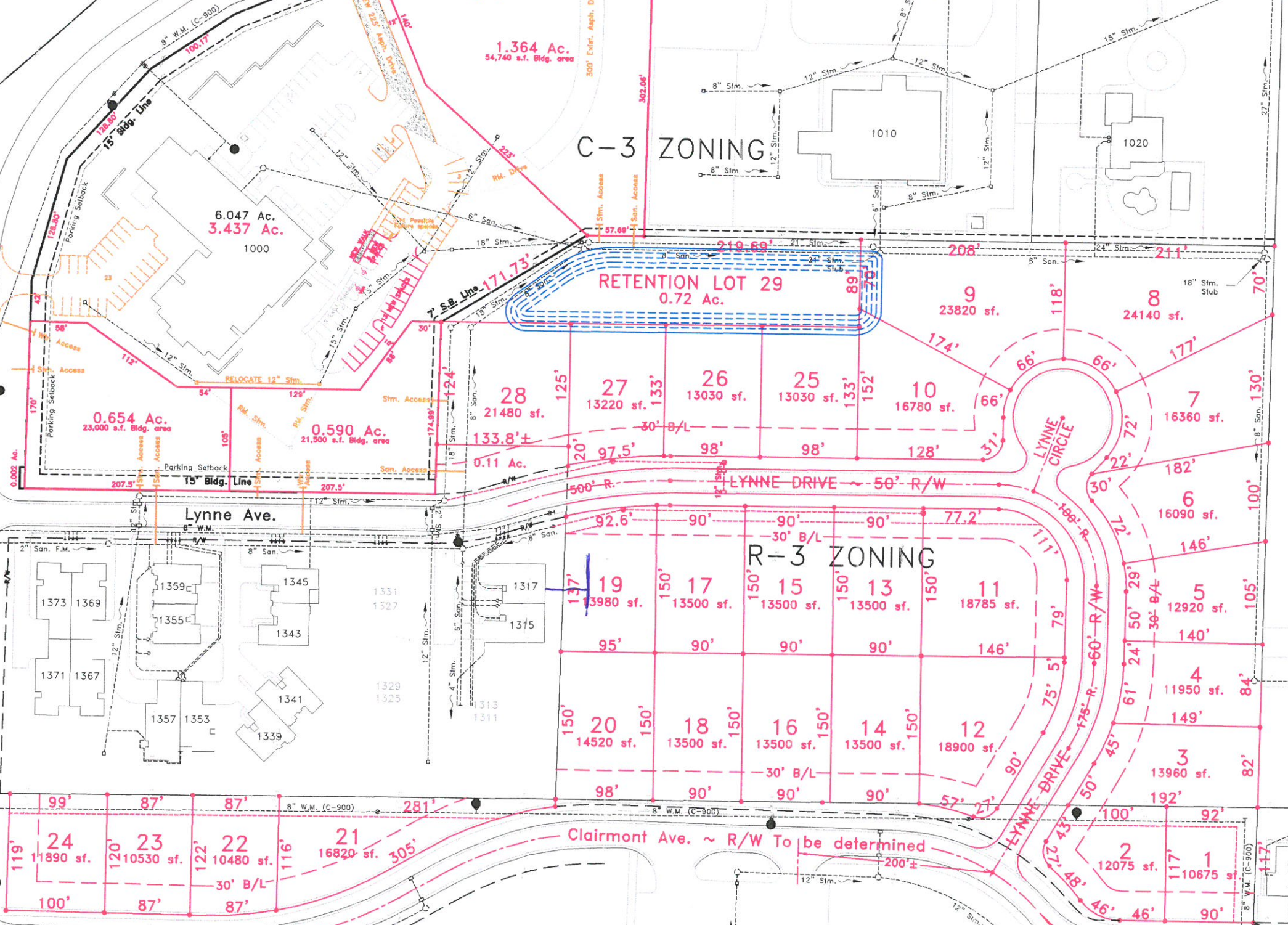
LYNNE DRIVE ~ 50' R/W

Westmoreland Ave.

Clairmont Ave.

Clairmont Ave. ~ R/W To be determined

Clairmont Ave.





**Bureau of Workers'
Compensation**

13430 Yarmouth Drive
Pickerington, OH 43147

Governor **Mike DeWine**
Administrator/CEO **Stephanie McCloud**

www.bwc.ohio.gov
1-800-644-6292
Fax: 1-866-336-8352

March 27, 2020

Clayton O'Brien
City of Napoleon
255 West Riverview Ave, PO Box 151
Napoleon, Ohio 43545

Policy number: 33505502
Application number: 841061955

Dear Clayton O'Brien:

Congratulations! We have approved City of Napoleon's application for the safety intervention grant project requesting \$40,000.00. You may now make your purchase. Your obligation of the total project of \$57,817.22 is \$17,817.22. The following equipment is approved under this grant award as detailed in the attached approved grant budget:

- Power Load
- Power Cot
- Strong Arm.

You may expect to receive your award within six weeks from the date of this letter. If you enrolled in electronic funds transfer, you may expect the direct deposit into the account specified on your vendor information form.

Your deadline to **purchase and implement** the approved intervention is within 90 days after the date on the grant check or electronic fund transfer (EFT).

You must complete the action steps as listed below

- ◇ **Purchase and implement** the approved intervention equipment within 90 days after the date on the grant check or electronic fund transfer (EFT).
- ◇ Forward itemized invoice(s) pertaining to **all approved equipment purchased** showing either "Stamped" Paid in Full or "Typed" Paid in Full within 120 days of receiving BWC grant check or electronic fund transfer (EFT).
- ◇ Contact the BWC Division of Safety & Hygiene consultant who signed your application for a follow-up visit.
- ◇ On the safety grants progress look-up page on the BWC website you can log in and view important dates that remind you when reporting information is needed. This includes implementation date, proof of spending, annual case study, and 2-year report.

Please see the enclosed *Employer Action Steps* for details on the above items.

Employers participating in the BWC SIG program as of July 1, 2013, may be eligible to apply for up to \$40,000 per eligibility cycle as outlined in the grant application. Based on review of your payroll information for the last full year, your eligibility cycle is 5 years. For employers who previously received grant funds, the eligibility cycle will begin on the date of the earliest check date.

After distribution of the grant funds for this request, you have \$0.00 available in your current eligibility cycle.

BWC stands ready to assist you with your safety needs. If you would like to speak with a Division of Safety & Hygiene consultant or have questions about the SIG program, please call 1-800-644-6292, and listen to the options.

Sincerely,

A handwritten signature in black ink, appearing to read "Bernard J. Silkowski". The signature is fluid and cursive, with the first name being the most prominent.

Bernard J. Silkowski
Superintendent
Division of Safety & Hygiene

Enclosure

cc: BWC Finance Division
BWC Field Operations
Gogley, Chad
File

Employer Action Steps

Steps	Action steps	Date completed
1	Purchase and implement the approved intervention. Your deadline to <u>purchase and implement the intervention</u> is within 90 days after the date on the grant check or electronic fund transfer (EFT).	
2	<p>Within 120 days after the date of the grant check or EFT, you must provide BWC with the following:</p> <ul style="list-style-type: none"> ◇ A copy of the original approved budget; ◇ Itemized invoice(s) pertaining to all approved equipment purchased showing either “Stamped” Paid in Full or “Typed” Paid in Full within 90 days of receiving BWC grant check or electronic fund transfer (EFT). ◇ Copies of the front and back of all canceled check(s) or online bank statements issued that demonstrate that you paid all invoices associated with the intervention in full, and all BWC and employer contributions were fully used in the manner intended. <p>Upload your proof of spending documentation via our BWC Website (www.bwc.ohio.gov). On the Ohio BWC website go to the Safety grants progress look-up. You'll need to select the appropriate application number, and then Proof of Spending.</p> <p>IRS 1099 requirement – All grant recipients will be issued a 1099 for their BWC paid grant funds. This does not preclude employers from providing BWC proof of spending verification for the use of the grant funds within 120 days after the date of the grant check as described above.</p> <p>Note: The issuance of a 1099 does not preclude BWC from seeking administrative, civil and/or criminal sanctions if you do not reimburse the bureau all unused grant money and/or funds deemed misappropriated.</p>	
3	Contact the Division of Safety & Hygiene consultant who signed your application once you implement your intervention. The consultant will visit your workplace and complete a post-intervention survey on site. The consultant will then submit the completed survey to the SIG program coordinator.	
4	After you begin using the intervention input your implementation date on the <i>Important Dates Page</i> at the <i>Safety Grant Progress Look-up</i> page through our Web site at bwc.ohio.gov . From the homepage click <i>Safety services, Safety Grants, Safety Intervention Grants</i> , and then <i>Safety Grant Progress Look-up</i> .	
5	Submit one-year case study including Cost Benefit Analysis (CBA). This should be submitted within 30 days of the one-year reporting period. On the Ohio BWC website go to the Safety grants progress look-up. You'll need to select the appropriate application number, and then Annual case study . Answer the questions and click Submit when finished.	
6	Program is completed upon submission of the 2-year report.	

(Note: Employers who fail to adhere to the regulations, terms and/or conditions of the SIG program may be required to reimburse us, up to the full amount of the grant, and may face civil and/or criminal sanctions.)

Section VI: Budget for application number 841061955

Step 1: Please provide the proposed budget for the project.

(Note: You may only use the safety intervention grant to purchase ergonomic, safety and/or industrial hygiene equipment. You may not use safety intervention grant for recouping the cost of any prior and/or ongoing interventions or for rented or leased equipment. In addition, you may not use safety intervention grant to pay for salaries, wages, internal labor, or any cost associated with preparing the application. You must make all grant purchases and implement the intervention equipment within 90 days after the date on the BWC grant check or the electronic fund transfer. Note all itemized expenses associated with the project. Indicate exact costs, do not round figures. All budgets MUST have vendor price quotes attached for each individual item.) All discounts and/or equipment trade-ins must be subtracted from the project total prior to determining the grant match. No erasures or white-out permitted on this page.

Item	Quantity	Cost	Total
Power Load	1	\$25025.30	\$25025.30 ✓
Power Cot	1	\$19391.92	\$19391.92 ✓
StrongArm	2	\$6700.00	\$13400.00 ✓
		Freight	\$0.00
		Tax	\$0.00
		Discount	\$0.00
		Total budget	\$57817.22

Approved
MAR 27 2020

Safety Grant Program

Step 2: To determine the grant amount you are requesting, please complete the formula below.

Total amount of project (A) \$57817.22

Total amount supplied by BWC, Either \$40,000 or less, or remaining funds in eligibility cycle ((Ax3)/4=B) \$40000.00

Total amount supplied by the employer (A-B) \$17817.22

Do you have ownership, partnership or any other affiliation with the vendor of the equipment being purchased? If yes, please explain.
No

Are you planning to finance your portion of the grant project? N If yes, you must provide a copy of the loan agreement with your receipt documentation once you receive the grant funds and make your purchase.

Submitted Document(s)

Name of the duly representative (please print) Joel L. Mazur

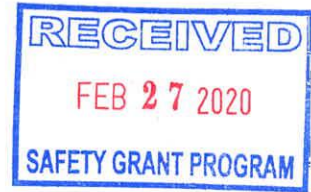
Signature of duly authorized representative *Joel L. Mazur*

Title City Manager

Employer name: NAPOLEON

BWC policy: 33505502

Date: 02/21/2020



The Supreme Court of Ohio

Grant Award Agreement

This Grant Award Agreement (“Agreement”) is entered into by the Supreme Court of Ohio (“Court”) and Napoleon Municipal Court (“Recipient”) as follows:

Section 1. Purpose

The purpose of this Agreement is to set out the duties and responsibilities of the parties for the 2020 Remote Technology Grant project (“Project”). The Project shall be implemented pursuant to application number 134 submitted by the Recipient (“Application”) in response to the *2020 Remote Technology Grant Opportunity* (“Opportunity”). A copy of the Application and Opportunity are attached at Appendices A and B and are incorporated as though fully rewritten herein to the extent they are not inconsistent with this Agreement.

Section 2. Term

This Agreement shall be effective from the date of the last signature below through November 30, 2020.

Section 3. Responsibilities of the Court

The Court agrees to pay the Recipient \$23,300.00 for the purpose of completing the Project pursuant to the terms and conditions set forth in this Agreement.

Section 4. Responsibilities of Recipient

A. The Recipient agrees to develop, implement, and maintain the Project pursuant to the terms and conditions set forth in this Agreement.

B. The Recipient agrees to confirm purchases made with Project grant funds by providing proof of final payment to the Court’s Grant Administrator at the email address provided below no later than December 31, 2020, or 30 days after receipt of funds, whichever occurs last. The Recipient agrees to provide photographs of the Project, if requested by the Court.

C. The Recipient shall reimburse the Court for Project grant funds received that are spent in violation of applicable law or the provisions of this Agreement, as determined by a qualified auditor.

D. All purchases or upgrades made with Project grant funds shall be completed, installed, operational, and in use by November 30, 2020, unless the Court gives express written consent extending this deadline.

E. The Recipient shall ensure that all equipment, software, or materials purchased for the Project are and remain the property of the Recipient unless the Court is notified and gives express written consent to the sale, donation, or other disposal of the equipment, software, or materials. The Court maintains a right of first refusal. If any equipment, software, or materials purchased for the Project are owned by the Court, at the conclusion of the grant the Court will transfer ownership of it to the Recipient.

F. The Court reserves the right to request the reimbursement of all distributed Project grant funds if Recipient fails to comply with the requirements of this Agreement.

G. The Recipient agrees to participate in on-going monitoring for quality, evaluation, and documentation of the Project by the Court as required by funding restrictions or otherwise deemed necessary by the Court.

H. The Recipient shall maintain adequate supporting records that are consistent with generally accepted accounting practices and the Recipient's purchasing policies and practices.

I. The Recipient shall provide the Court with an audit report conducted in accordance with Government Accounting Standards. The audit report shall be provided within six months following the close of the Recipient's fiscal year during the term of this Agreement. If such audit report is not available for the Recipient through its local governing authority, the Court may require the audit be completed by a certified public accountant. Costs for audit reports performed by a certified public accountant not required by the Recipient's local governing authority, but that are necessary to provide assurance to the Court that generally accepted accounting principles have been followed, may not be charged to the grant. A copy of the Court's *Guidelines for Audit of Grant Award Funds* is attached as Appendix C.

Section 5. Use of Grant Funds

A. The Recipient agrees that there shall be no substantial variance from its use of grant funds as submitted in its Application and approved by the Court, without prior written approval by the Court.

B. Project grant funds shall be expended for only one-time costs, with any resulting maintenance or ongoing support costs being the responsibility of the Recipient.

C. The Recipient agrees to notify the Court if the Recipient encounters difficulties in the performance of or is unable to proceed with the grant activities. Under these conditions, the Court may terminate the grant and require the return of unexpended funds.

D. The Recipient agrees that any grant funds not spent or committed for the grant activities shall be returned to the Court within 60 days of the expiration of this Agreement.

E. Project grant funds shall not be expended to support any political campaign or attempt to affect the political opinion of the general public or any segment thereof or to communicate with any member of the public or employee of the Recipient who may participate in the formulation of

legislation, other than through making available the results of nonpartisan analysis, study, and research.

Section 6. Payment Process

- A. The Court will distribute Project grant funds to the Recipient on a one-time payment basis.
- B. Project grant funds shall not be made for an expense unless it is specified in this Agreement or has been approved in advance by the Court.
- C. Project grant funds shall be disbursed to the Recipient no later than 30 days from the effective date of this Agreement.

Section 7. Entire Agreement

This Agreement and all materials incorporated by reference herein constitute the understanding between the parties. Where there is a conflict between the terms of this Agreement and the incorporated documents, this Agreement shall control.

Section 8. Changes and Modifications

Any changes or modifications to this Agreement that might affect the Project as originally proposed shall be submitted to the Court, in writing, for prior approval. Proposed changes shall be reviewed under the same considerations, policies, and goals as the original Opportunity. All changes and modifications shall be in writing, signed by the parties, and appended to this Agreement.

Section 9. Termination of Agreement

The Recipient shall be in default under this Agreement if the Recipient fails to timely perform or observe any of its obligations under this Agreement or withdraws from the Project and does not remedy the failure or withdrawal within five business days of the receipt of written notice by the Court of such default. If this Agreement is terminated, the Recipient shall reimburse the Court for the entire distributed award amount. If the Court terminates this Agreement, it shall be responsible for reimbursing the Recipient for all expenses incurred by the Recipient prior to the date on which the Recipient receives written notice of termination.

Section 10. Resolution of Disputes

The Court and the Recipient recognize that litigation can be an expensive, resource-consuming process for resolving disputes. Therefore, the Court and the Recipient agree that if any controversy or dispute arises out of or relates to this Agreement or the Project, they shall attempt in good faith to settle the dispute through mediation. The Court and the Recipient shall attempt to mutually agree as to the provider of neutral services and complete mediation within thirty days.

Section 11. Law, Forum, and Venue

This Agreement shall be construed and interpreted, and the rights of the parties shall be determined in accordance with, the laws of the State of Ohio. All actions arising out of this Agreement shall be instituted in a court of competent subject matter jurisdiction in Franklin County, Ohio.

Section 12. Severability

Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be effective and valid under applicable law, but if any provision of this Agreement is held to be prohibited by or invalid under applicable law, such provision shall be ineffective only to the extent of such prohibition or invalidity, without invalidating the remainder of this Agreement.

Section 13. Responsibility for Claims

The Recipient shall indemnify and hold the Court harmless from liability for any injury or damage to third parties occurring during performance of activities pursuant to this Agreement, to the extent such injury or damage is caused by the Recipient's negligence or willful misconduct.

Section 14. Certification of Funds

The Court represents that it has adequate funding available to reimburse the Recipient under the provisions of this Agreement. However, the Court may terminate this Agreement should its appropriations or other revenues be reduced or, if applicable, the grant funds used to support the Project are reduced or terminated.

Section 15. Applicable Policies

With respect to activities associated with the Project, the Recipient is subject to the Court's policies on equal employment opportunity, discrimination and sexual harassment, and drug-free workplace. Copies of these policies are attached as Appendix D.

Section 16. Assignment

The Recipient may not assign any rights, duties, or obligations described in this Agreement without the written approval of the Court.

Section 17. Access to Records

The Recipient shall allow the Court and its authorized representatives access to all records kept pursuant to the Project for the purpose of any audit and examination relative to this Agreement.

Section 18. Original Copies of Agreement

This Agreement shall be executed in two originals with each party retaining an original copy.

Section 19. Contacts

The Court's contact with regard to this Agreement is:

Linda Flickinger, Grant Administrator
The Supreme Court of Ohio
65 South Front Street
Columbus, Ohio 43215
614.387.9522
Linda.Flickinger@sc.ohio.gov

The Recipient's contact with regard to this Agreement is:

Ashley Bowen
Napoleon Municipal Court
1819 Oakwood Ave. PO Box 502
Napoleon, Ohio 43545
419.592.2851
Abowen@napoleonohio.com

The parties have executed this Agreement as of the date(s) noted below.

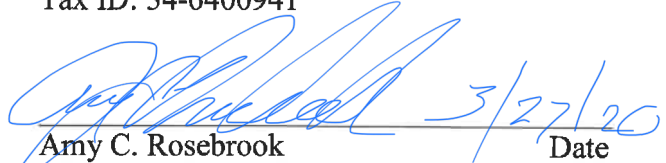
THE SUPREME COURT OF OHIO

NAPOLEON MUNICIPAL COURT

Tax ID: 34-6400941

 Stephanie E. Hess 03.27.2020

Stephanie E. Hess, Esq. Date
Deputy Administrative Director
Supreme Court of Ohio

 Amy C. Rosebrook 3/27/20

Amy C. Rosebrook Date
Administrative Judge

APPENDIX A

Recipient Application

Remote Technology Grant Application for FY2020

COURT INFORMATION

Court Name	<input type="text" value="NAPOLEON MUNICIPAL COURT"/>	County	<input type="text" value="HENRY"/>		
Administrative Judge Name	<input type="text" value="AMY C. ROSEBROOK"/>				
Address	<input type="text" value="1819 OAKWOOD AVE PO BOX 502"/>	City	<input type="text" value="NAPOLEON"/>	Zip	<input type="text" value="43545"/>
Project Contact	<input type="text" value="ASHLEY BOWEN"/>			Phone	<input type="text" value="419-592-2851"/>
Project Contact email	<input type="text" value="ABOWEN@NAPOLEONOHIO.COM"/>			FEIN	<input type="text" value="34-6400941"/>
Payee Name	<input type="text" value="NAPOLEON MUNICIPAL COURT"/>	Amount Requested	<input type="text" value="\$23,300.00"/>		

PROJECT INFORMATION (select answer from drop down list where coded)

This application is for Video Conferencing Equipment

This application is to support Remote Access

Applications may encompass both Video Conference Equipment and support for Remote Access. If so, select both boxes.

Currently using video conferencing?

If video conferencing now, is equipment adequate?

If not video conferencing now, why not?

What specific uses do you plan for video conferencing?

The Napoleon Municipal Court is currently utilizing video conferencing for arraignments and pretrials for incarcerated offenders through our local jail. Our probation department is looking to utilize video conferencing within our department as well to enhance our abilities to supervise eligible offenders. Video conferencing would be utilized through a program called Ohio Community Supervision System provided by StepMobile. This software would allow our court to implement further video conferencing for eligible offenders, such as low risk offenders, which is estimated at 70%, who experience transportation issues, loss of work, etc. Video conferencing will also be utilized to contact treatment providers with the offender. This will allow the offenders to maintain compliance with probation as well as reporting through check-in video conferencing. Video conferencing would be used to complete probation contacts and presentence investigations with incarcerated offenders to eliminate travel costs, as well as completing own recognizance bond requirements with offenders involved in pending court cases whom are required to check in. OCSS would be utilized for video conferencing with other jails to complete arraignments/pretrials to eliminate the need to transport offenders.

What specific uses do you plan for remote access?

With remote access capability, this would allow probation the ability to complete field work/home visits in a more effective manner with assisting those offenders with transportation issues. Remote access will be utilized for staff to conduct an interview remotely with an offender by using the client portal on their phone or computer. OCSS will be used to quickly provide the ability to quickly offender information through a check-in/self-report feature. This would facilitate remote access for our court.

ACKNOWLEDGEMENTS (select yes or no from drop down list)

This application has been approved for submission by the Administrative Judge of the applicant.

I understand that if an award is made to fund this project, the court may be required to provide a W-9 and be registered though Ohio Shared Services Supplier Registration portal within five (5) business days of the award notification.

SUBMISSION INSTRUCTIONS:

SUBMIT application with quote attached to: Grants@sc.ohio.gov no later than **5:00 PM April 30, 2020**. If your submission is 15MG or larger, send an email requesting assistance to submit your application and attachment. **CONFIRMATION:** An email will be sent to the Project Contact within one business day to confirm the application was received by the Supreme Court of Ohio.

StepMobile

A Software Design Company

QUOTE

StepMobile, LLC.

18 W. Fourth Street
 Mansfield, Ohio 44902
 (419) 755-6700
 david@gostepmobile.com

QUOTE NO. 2291
 DATE March 25, 2020
 CUSTOMER ID
 EXPIRATION DATE May 24, 2020

TO Ashley Bowen, Probation Officer
 Napoleon Municipal Court
 1819 Oakwood Avenue
 Napoleon, Ohio 43545
 419-592-2851 ext. 4

SALESPERSON	JOB	PAYMENT TERMS	DUE DATE
David Rose	OCSS	See Attached Documentation	

QUANTITY	DESCRIPTION	UNIT PRICE	LINE TOTAL
1 ea.	OCSS Training and Go-Live Proposal	\$ 5,000.00	\$ 5,000.00
1 ea.	OCSS Document Generation Proposal	\$ 4,000.00	\$ 4,000.00
1 ea.	OCSS Data Conversion Benchmark	\$ 8,000.00	\$ 8,000.00
1 ea.	OCSS Wall Mouny Check In Kiosk	\$ 3,500.00	\$ 3,500.00
1 year	OCSS Annual Premium Support	\$ 1,575.00	\$ 1,575.00
1 year	OCSS Kiosk Support	\$ 225.00	\$ 225.00
			\$ -
			\$ -
			\$ -

Quotation prepared by: 

SUBTOTAL	\$ 22,300.00
DISCOUNT	-
TOTAL	\$ 22,300.00

To accept this quotation, sign here and return: _____

THANK YOU FOR YOUR BUSINESS!



Probatum Technologies, Inc.
P.O. Box 358
Wheelersburg, OH 45694

Phone: (614) 957-7500
Fax: (866) 236-0519

e-mail: rick.warner@probatum.com

QUOTE

Date: March 26, 2020
Quote Number: 20200326-1

To:

Napoleon Municipal Court
P.O. Box 502
Napoleon, OH 43545
Attention: Ashley Bowen

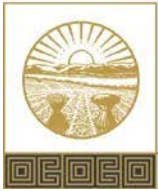
<u>Description</u>	<u>Unit Price</u>	<u>Item Total</u>
Probatum Hosted Case Management OCSS Conversion Support Services 2 Conversions - Trial and Final*		\$1,000.00

*Additional Conversions \$500 each

Quote Total: \$1,000.00

APPENDIX B

The Court's Opportunity



**2020 REMOTE TECHNOLOGY
GRANT OPPORTUNITY
One-Time Funding**

Open through April 30, 2020 or until funds are exhausted

Section 1. Overview

The Supreme Court of Ohio (Court) is announcing a special one-time funding opportunity focused on the purchase of equipment necessary to quickly facilitate remote access for local Ohio courts. This funding opportunity is due to the emergency need caused by the COVID-19 pandemic. Priority will be given to video conferencing equipment requests.

Section 2. Scope of Grant

The grant will fund new equipment and installation to implement video conferencing and other forms of remote access for courts throughout Ohio. This funding shall be used to address equipment gaps where the lack of adequate technology is a barrier to the efficient, effective, or safe administration of justice. The lack of technology to implement video arraignments is an example of a barrier. A number of service providers are offering video conferencing services for little or no charge on a temporary basis during this pandemic, but courts do not have the resources to purchase equipment and quickly adjust to this emergency.

Section 3. Period of Grant.

The project period is estimated to be six months, beginning on or about April 30, 2020 and ending on or about November 30, 2020.

Section 4. Eligibility.

Any court of appeals, common pleas court (or any division therein), municipal court, or county court in Ohio is eligible to apply. Courts are eligible to submit one application for funding consideration. Mayor's courts are not eligible applicants.

Section 5. Priority Considerations and Evaluation Criteria.

Funding priority shall be given to eligible projects on a first-come, first-served basis. Funding is limited and applicants shall be awarded based on the order in which their applications are received and that meet eligibility requirements.

(A) Project considerations:

The grant is for new equipment meeting basic necessary remote access needs, with a priority objective of reducing in-person arraignments and other proceedings, and for facilitating remote access for local courts as quickly as possible. This may include purchase of video

conferencing equipment where no equipment is available or where equipment is inoperable or inadequate.

Ineligible

- This grant will not support the purchase of cell phones, tablets, or wireless services.
- This grant will not support reimbursement for prior purchases.

Required Attachments

A quotation from a proposed vendor(s) for costs associated with the project must be attached to the application at the time of submission. The required format for this quote is a PDF.

(B) Evaluation criteria

The following are the evaluation factors for project consideration.

To what extent does the project:

- (1) Enable video conferencing or remote access as quickly as possible?
- (2) Demonstrate a reasonable utilization of funding for the project proposed?

Each project submission will be reviewed to ensure it meets the minimum requirements as detailed and is accompanied by a complete application and quote documentation. Applications which meet the requirements will be moved to final Court approval and immediate funding. Funds will be awarded to eligible projects until available funds are exhausted or through applications received by April 30, 2020.

Section 6. Terms and Conditions.

(A) Rights of the Court

The Court shall reserve the right to refuse to fund applicants, propose different funding amounts from the application in appropriate circumstances, and decline to fund any applicants at the Court's discretion.

Furthermore, the Court shall reserve the right to terminate a grant agreement and recoup any funds that are not being spent as intended to efficiently complete the applicant's proposal. The Court may conduct site visits to observe and evaluate grant programs.

The Court shall reserve the right to audit any recipient to ensure compliance with the terms set forth in the application or grant agreement.

(B) Requirements of receiving applicants

Successful applicants shall be required to do the following, as applicable:

- (1) Utilize program funds to implement the project as proposed;
- (2) Meet all stated objectives of the grant award;
- (3) Execute a Grant Award Agreement with the Court. A sample Grant Award Agreement is available at Appendix A;
- (4) Provide confirmation to the Court of equipment purchase, or purchase order being issued with grant funds, within 30 days after receipt of grant funds;
- (5) Provide confirmation of project completion, installation, operation, and active use within six months after the grant agreement is executed;
- (6) Provide to the Court, upon request, any activity and financial reports related to the Grant;
- (7) Utilize funds for one-time equipment costs only. Ongoing costs or resulting maintenance costs are the responsibility of the receiving court;
- (8) Utilize funds for authorized purposes only (e.g. funds may not be used to purchase tablets, cellular phones, or other mobile devices);
- (9) Notify the Court in writing immediately of a decision to decline the grant award.

(C) Promotional materials and news releases

Successful applicants may be included in future outreach and promotional materials, as determined by the Court. Additionally, news releases and articles released throughout the program period by the Court may include informal updates about the program, as applicable.

Section 7. Submission of Grant Applications.

The application and instructions are available at the **Court's website at: <http://sc.ohio.gov/grants>**. All Remote Technology Grant Applications must be received at Grants@sc.ohio.gov **no later than April 30, 2020**. Each applicant court will receive a confirmation of submission by email within one business day of submission. No paper or fax submissions will be considered.

A quotation from the vendor(s) for costs associated with the project proposal must be attached to the application at the time of submission. The required format for this quote is a PDF.

Courts are eligible to submit one application for funding consideration. **Courts are not eligible to receive more than one award during this one-time grant opportunity.**

Applications must be submitted in Excel. Applications shall be accepted **until 5:00 p.m. on April 30, 2020**. Funding notifications will take place on an ongoing basis as applications are processed and approved or not approved for funding.

Section 8. Reporting Requirements.

(A) General

Upon request, receiving courts will provide confirmation of equipment purchase, or purchase order being issued with grant funds, within 30 days after receipt of grant funds.

Following procurement, installation, and implementation of the equipment, the receiving court must provide written notification and documentation of paid expenses to the Court. All

projects must be operational and in active use within six months after the Grant Agreement is executed.

(B) Failure to comply

Failure to comply with reporting requirements or other aspects of the grant agreement, could result in the termination of the award and reimbursement of grant funds to the Court.

Section 9. Contact Information.

For questions or technical support, please contact Linda Flickinger, Grant Administrator by email at Grants@sc.ohio.gov or call 614-387-9522.

Section 10. Applicable Policies.

Applicant courts seeking grants from the Supreme Court of Ohio are subject to the Court's policies on Equal Employment Opportunity, Discrimination and Sexual Harassment, and Drug-Free Workplace. The Court's policies are available at Appendix B.

APPENDIX C

The Court's Guidelines for Audit of Grant Award Funds

GUIDELINES FOR AUDIT OF GRANT AWARD FUNDS

1. Purpose: These Guidelines are established to provide for the audit of organizations receiving General Revenue Funds through the Supreme Court of Ohio (“Court”) pursuant to grant award agreements. They are intended to identify the policies and practices an organization follows for determining the proper and effective use of public funds rather than to prescribe detailed procedures for the conduct of an audit.

2. Authority. These Guidelines are adopted pursuant to the Supreme Court’s authority as an independent branch of Ohio government and as the grantor of any grant award funds through General Revenue Funds allocated to the Court by the Ohio General Assembly. These Guidelines have not been adopted as rules pursuant to Article IV, Section 5 of the Ohio Constitution.

3. Audit Objectives. Recipients are subject to conditions of fiscal, project, and general administration responsibility. Accordingly, the objective of an audit is to review the recipient’s administration of such funds. The purpose of an audit of such include the following:

(a) Internal controls. An audit may determine whether the recipient has established an accounting system integrated with adequate internal fiscal and management controls to provide full accountability for revenues, expenditures, assets, and liabilities. This system should provide reasonable assurance that the recipient is managing Court financial assistance programs in compliance with applicable laws and regulations.

(b) Documentation. An audit may determine whether the recipient has provided full accountability by requiring complete documentation of expenditures. Timesheets, if applicable to the agreement, should be signed and indicate what work was performed. Invoices should include the vendor name, date, and amount of purchase, description of material or service provided, and signature of approving recipient authority. Descriptive receipts should be obtained for all expenditures. All documentation must be compiled in an orderly fashion so that a proper matching of expenses to the time period audited can be performed and a review of the accounting system can proceed in a timely manner.

(c) Financial reports. An audit may determine whether the recipient has prepared financial reports which are presented fairly, in accordance with generally accepted accounting principles, contain accurate and reliable financial data, and are presented in accordance with the terms of applicable agreements. The financial data must be actual data rather than budgeted data.

(d) Expenditure of funds. An audit may determine whether the recipient has expended funds in accordance with the terms of applicable agreements and those provisions of law or regulations that could have a material effect on the reporting of the grant funds expended.

4. Audit Reporting Requirements. Independent auditors should follow the requirements prescribed in OMB Circulars A-133, Audits of States, Local Governments, and Non-Profit Organizations. Cost allowability guidelines can be found in OMB Circular A-87, State and Local

Units of Government. For purposes of the Court's audit requirements, an audit conducted in accordance with "Government Auditing Standards" (The Yellow Book) is acceptable.

(a) **Notice to management.** If an auditor becomes aware of illegal acts or other irregularities, prompt notice shall be given to recipient management officials above the level of involvement. The recipient, in turn, shall promptly notify the Court of the illegal acts or irregularities and of proposed actions to be taken.

(b) **Notice of law enforcement officials.** The Court has the right to inform law enforcement agencies or prosecuting authorities, as appropriate, of any known violations of the law within their respective area of jurisdiction for violations committed by the recipient.

(c) **Charge of cost for audit.** Audit costs for audits not required by the recipient for purposes other than to meet the conditions of the agreement with the Court are not to be charged to the grant given by the Court.

5. Disallowance of Expenditures. Expenditures which are found to be non-allowable by the Court will be disallowed. The recipient will be required to submit a revised reporting of expenditures to the Court. The recipient will be responsible for accounting for the total project costs and, if unable to do so, will have to refund the disallowed amount to the Court if the Court pays for the cost directly.

6. Due Dates for Audit Reports. Audits are due to the Court no later than six months after the close of the recipient's fiscal year during the term of the grant award agreement.

7. Audit Compliance. The Court reserves the right to determine recipient compliance by a number of methods to include visiting the recipient, upon reasonable notice provided by the Court, to permit inspection of any records, documents, and books, and being able to make copies and take notes from such documents as deemed necessary.

8. Top Audit Findings. The top findings the Court considers in violation of the agreement are:

- Untimely reporting as required by the agreement;
- Lack of documentation;
- Lack of appropriate approval;
- Inaccurate reporting to include charging expenditures on a budgeted basis rather than actual basis;
- Commingling of funds;
- Excess cash on hand;

- Unallowable costs;
- Inappropriate changes to expenditures;
- Inadequate timesheet documentation, if applicable;
- Conflicts of interest.

9. Materiality. The Court recognizes that the cost of conducting an audit may outweigh the benefit of the grant when there is a small grant award agreement. Such consideration will be given when deciding whether to conduct an audit for a recipient who otherwise would not have a copy of its local government audit. If the Court believes the recipient has complied with all conditions of the agreement and there are no audit findings presumed to be in violation of the agreement, generally accepted accounting principles, or applicable laws, a special audit may not be required.

10. Failure to Comply. Failure to have audits performed as required by the Court or failure to respond timely to the Court's inquiries regarding audit findings may result in the Court withholding new grants and/or withholding grant funds.

11. Effective Date. These Guidelines for Audit of Grant Award Funds are adopted effective June 1, 2003.

APPENDIX D

The Court's EEO, Discrimination, and Drug-free Workplace Policies

Administrative Policy 5. Equal Employment Opportunity.

This policy is intended to establish consistent standards and expectations regarding the application of all applicable federal and state laws, rules, and regulations prohibiting discrimination in the workplace to every employee and applicant for a position of employment with the Supreme Court.

(A) Equal Employment Opportunity. The Court is committed to equal employment opportunity for all qualified individuals without regard to race, color, religion, gender, sexual orientation, national origin, ancestry, age, citizenship, marital status, veteran's status, or non-disqualifying disability and shall engage in employment practices and decisions, including recruitment, hiring, working conditions, compensation, training, promotions, transfers, retention of employment, and other terms, benefits, and privileges of employment that are based upon job-related criteria and qualifications.

(B) Equal Employment Opportunity Plan. The Administrative Director and the Director of Human Resources shall prepare and annually review an equal employment opportunity plan to assure the employment practices and decisions of the Court are consistent with the objectives and requirements of this policy.

(C) Distributions and Postings. Each position description created for a position of employment with the Court pursuant to Adm. P. 15 (Position Management), each position vacancy announcement circulated pursuant to Adm. P. 6 (Employment Process), all requests for proposals, and any other solicitations for employment with or to provide goods and services to the Court shall reference this policy and that the Court is an equal opportunity employer.

(D) Application of Policy. This policy applies to current employees and applicants for positions of employment with the Court.

Effective Date: July 1, 2003

Amended: September 1, 2007

Administrative Policy 24. Discrimination and Harassment.

This policy is intended to establish consistent standards and expectations for the development, promotion, and maintenance of a workplace at the Supreme Court that is free from the effects of discrimination and harassment.

(A) Prohibited Activity. No employee shall engage in or be subject to a prohibited discriminatory practice or harassment, including sexual harassment.

(1) Prohibited discriminatory practice. For the purpose of this policy, a “prohibited discriminatory practice” means a decision relating to either the recruitment, hiring, working conditions, compensation, training, promotion, transfer, or retention of employees or the selection of vendors to provide goods or services, when the decision is made with regard to race, color, religion, gender, sexual orientation, national origin, ancestry, age, citizenship, marital status, veteran’s status, or non-disqualifying disability.

(2) Harassment. For the purpose of this policy, “harassment” means conduct based on race, color, religion, gender, sexual orientation, national origin, ancestry, age, citizenship, marital status, veteran’s status, or non-disqualifying disability that unreasonably interferes with a person’s work performance or creates an intimidating, hostile, or offensive work environment for a person. It involves unwelcome or unwanted conduct, including verbal and non-verbal communications, when the conduct consists of one or more of the following:

- Using racially derogatory words, phrases, or epithets;
- Demonstrations of a racial or ethnic nature, such as a use of gestures, pictures, or drawings which would offend a particular racial or ethnic group;
- Comments about a person’s skin color or other racial or ethnic characteristics;
- Making disparaging remarks about a person’s gender that are not sexual in nature;
- Negative comments about a person’s religious beliefs or lack of religious beliefs;
- Expressing negative stereotypes regarding a person’s birthplace or ancestry;
- Negative comments regarding a person’s age when referring to a person 40 years of age or older;
- Derogatory or intimidating references to a person’s mental or physical impairment.

(3) Sexual harassment. For the purpose of this policy, “sexual harassment” means conduct based upon sex that unreasonably interferes with a person’s work performance or creates an intimidating, hostile, or offensive work environment for a person. It involves unwelcome or unwanted conduct, including verbal and non-verbal communications and physical contact, when the conduct consists of one or more of the following:

- Making submission to a sexual advance or request for sexual favor an explicit or implicit term or condition of employment;
- Making submission to or rejection of a sexual advance or request for sexual favor a basis for employment decisions affecting the person to whom the harassment is directed;
- Making sexual innuendo, using sexually vulgar or explicit language, making sexually suggestive comments or sounds, telling jokes of a sexual nature, or making sexual propositions or threats;
- Displaying or disseminating sexually suggestive objects, books, magazines, computer software, internet websites, e-mail, graphic commentaries, photographs, cartoons, or pictures;
- Touching, pinching, leering, making obscene gestures, brushing against the body, or engaging in sexual intercourse or sexual assault;

(B) Reporting an incident. An employee who believes to have been subject to or observed any prohibited discriminatory practice or harassment by a Justice, other employee, Court appointee, person who conducts business with the Court, or visitor should report it immediately to any member of Senior Staff, the Director of Human Resources, the Administrative Director, or, if the subject of the prohibited discriminatory practice or harassment is an employee and the incident did not involve that employee’s immediate supervisor, to the employee’s immediate supervisor. Any of these persons to whom an incident is reported shall promptly notify the Director of Human Resources.

(C) Investigation and written report. Upon receiving a report of an alleged prohibited discriminatory practice or harassment involving an employee, Court appointee, person who conducts business with the Court, or visitor, the Director of Human Resources, or the director’s designee, shall immediately and thoroughly investigate the incident and prepare a written report. The report shall contain the findings of the investigator and, if the investigator believes a violation of paragraph (A) of this policy has occurred, a recommendation for corrective action or sanction pursuant to paragraph (F) of this policy. The report shall be provided to the parties involved.

If the alleged prohibited discriminatory practice or harassment involves a Justice, the Director of Human Resources shall notify the Administrative Director, who shall report the allegation to the Chief Justice for whatever action the Court considers appropriate.

(D) Determination of incident.

(1) **Agreement of the parties.** If the parties involved agree with the findings and recommended corrective action contained in the written report, the Director of Human Resources shall obtain the signature of each party on the report within five business days after it is provided to them. The Director of Human Resources shall promptly provide a copy of the signed report to the Administrative Director for review. Absent extraordinary circumstances demonstrated in the report, the Administrative Director shall approve its immediate implementation.

(2) **Formal hearing.** If any party involved does not agree with the findings or recommended corrective action contained in the written report or if the Administrative Director believes extraordinary circumstances are demonstrated in the report, within five business days after receiving the report the Administrative Director shall take appropriate action, including appointment of a hearing officer to conduct a formal hearing on the matter.

(E) Conflicts.

(1) **Director of Human Resources.** If a party or witness to an incident reported under this policy is the Director of Human Resources, the Administrative Director shall designate another member of the Court staff to perform the duties of the Director of Human Resources as required by this policy.

(2) **Administrative Director.** If a party or witness to an incident reported under this policy is the Administrative Director, the Chief Justice shall perform the duties of the Administrative Director as required by this policy.

(3) **Chief Justice.** If a party to an incident reported under this policy is the Chief Justice, the next most senior Justice shall perform the duties of the Chief Justice as required by this policy.

(F) Corrective Action. An employee who is found to have violated paragraph (A) of this policy shall be subject to appropriate corrective action as set forth in Adm. P. 21 (Corrective Actions).

(G) Confidentiality. The Court shall make every reasonable effort to protect the privacy of the parties in the process. Parties and witnesses shall maintain confidentiality with respect to a complaint or report. However, the Court cannot ensure that complaints or reports will be kept strictly confidential.

(H) Distribution of Policy. All requests for proposals and solicitations for employment and to provide goods or services shall reference this policy and the Court's prohibition against discrimination and harassment in the workplace.

Effective Date: July 1, 2003

Amended: September 1, 2007; April 1, 2009

Administrative Policy 22. Alcohol and Drug Free Workplace.

This policy is intended to establish consistent standards and expectations for the development, promotion, and maintenance of a workplace at the Supreme Court that is free from the influence of alcohol and drugs.

(A) Alcohol. The purchase, service, and use of alcohol involve health and safety issues for an employee, and liability risks and public perception concerns for the Court. The Court's policy on alcohol depends on the location and circumstances of an event and the work status of the employee.

(1) Location and circumstances. Generally, alcohol shall not be served or used at a Court sponsored event or at the workplace. In limited circumstances, the Court may allow the service and use of alcohol at a Court sponsored event, including an event at the workplace, but only if alcohol is provided by a properly licensed third party vendor and upon the prior approval of the Administrative Director.

(2) Purchase at Court expense prohibited. Alcohol shall not be purchased at Court expense, regardless of the location or circumstances involved.

(3) Employee on duty. An employee who is on duty shall not purchase, serve, or use alcohol, regardless of the location or circumstances involved.

(4) Employee off duty. An employee who is off duty shall not serve alcohol at a Court sponsored event, regardless of the location or circumstances of the event. An employee who is off duty may purchase and use alcohol at a Court sponsored event approved by the Administrative Director pursuant to paragraph (A)(1) of this policy, including an event at the workplace.

These prohibitions shall be read in conjunction with the requirements and guidance of OJC Reg. 14 (Alcohol; Intoxicating Liquor).

(B) Controlled Substances and Illegal Drugs. An employee shall not unlawfully manufacture, distribute, dispense, possess, or use a controlled substance or purchase, transfer, use, or possess any illegal drugs or prescription drugs that are illegal, either at the workplace or any other location. A controlled substance includes any drug listed in Section 812, Title 21 U.S. Code and federal regulations adopted pursuant to federal law. This prohibition shall be read in conjunction with the requirements and guidance of OJC Reg. 15 (Controlled Substances).

The Court shall notify any federal agency from which it has received a grant when an employee has been convicted of a violation of any state or federal criminal drug statute. The notice shall be provided within ten days after receiving notice from the employee of the conviction or after receiving other actual notice of the conviction.

(C) Alcohol and Drug Testing.

(1) Circumstances requiring testing. The Administrative Director, or the director's designee, upon the recommendation of the Director of Human Resources, or the director's

designee, and sufficient cause shown, may require an employee to undergo an alcohol or drug test under the following circumstances:

- When there is reasonable cause to suspect that the employee may be intoxicated or under the influence of a controlled substance not prescribed by the employee's physician;
- When the employee is involved in a significant incident in which the employee or another person has a reportable and recordable injury or in which documented property damage has occurred;
- Pursuant to the specifications and provisions of a counseling, employee assistance, or rehabilitative program to which the employee has been referred as a result of a previous corrective action pursuant to Adm. P. 21 (Corrective Actions).

(2) Refusal to submit to testing. An employee who refuses to consent or submit to an alcohol or drug test when required under this policy shall be subject to corrective action pursuant to Adm. P. 21 (Corrective Actions).

(3) Confidentiality. Confidentiality concerning alcohol or drug test results shall be maintained to the extent provided by law, and an employee shall have the opportunity to refute the results of any alcohol or drug test.

(D) Corrective Actions. An employee who is found to have violated this policy is subject to appropriate corrective action pursuant to Adm. P. 21 (Corrective Actions).

(E) Employee Assistance and Rehabilitation. If an employee is convicted of a violation of any state or federal statute proscribing the abuse of alcohol or the possession or sale of a controlled substance, or if an employee has a confirmed positive alcohol or drug test, the Court may require the employee to participate in and satisfactorily complete an alcohol or drug assistance or rehabilitation program as a prerequisite to continued employment or as part of a corrective action.

Effective Date: January 1, 2004

Amended: April 1, 2009



CITY OF NAPOLEON

2020 COVID-19 DONATION LISTS



3/19	Wal*Mart – Subs / Salads	3/20	Campbell Soup – 2 Pallets of food & drink
3/19	Richard Luzny - \$300 Check – Given to Union	3/20	Eric Rubio – Large Tub of Cleaning Wipes
3/23	Jimmy & Paul Dunkin – 10 Pizza Coupons & \$100 for any extra food	3/23	Wildcat Nutrition – 2 baskets of health snacks and protein shakes
3/23	Gabe Pollock, Edward Jones Downtown - \$500 Gift Card to Wal*Mart	3/23	George’s Furniture – 2 beds, Chris Chamberlin
3/23	St Paul’s Lutheran Church – Youth Center for 2 nd Rescue Squad	3/24	Concentric Contractor (419-420-7334) - 500 Gloves - Latex
3/26	PD/FD-Wendy Cramer of McClure dropped off two handmade cloth masks (in a SUPER cute LEO print!) today. She asked how many more we needed. I expressed my appreciation and I told her she would be contacted if we needed more. Her TX is 419-601-0834	3/26	Walmart donated 6 containers of Lysol Wipes to PD

DONATION FROM
BOY SCOUT TROOP
46
BRANDON MOLL

ACADIA NATIONAL PARK

**BSAC BOY SCOUT TROOP 46
EAGLE PROJECT**

647

56-7085/2412

March 8, 2020

Date

Pay to the
Order of

City of Napoleon

\$ 142.31

One hundred forty-two & 31/100

Dollars



Security
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www.nationalparks.org



FIRST FEDERAL BANK
NAPOLEON, OH 43545

For Eagle Project



Brandon Moll

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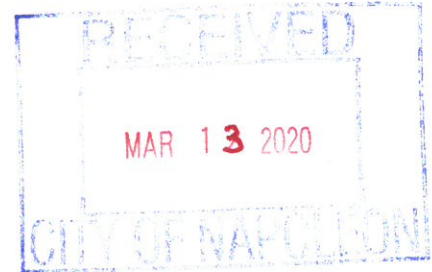
Michael Imbrock, Coordinator
solidwaste@henrycountyohio.com
(419) 256-7343

**Henry County
Solid Waste
Management District**

Henry County Landfill
PO Box 96, L-622 Twp. Rd 11
Malinta, OH 43535

March 9, 2020

City of Napoleon
Attn: City Council
255 W. Riverview
Napoleon, OH 43545



Re: **Henry County Solid Waste Management District (District)
Solid Waste Management Plan Update Ratification**

Dear Council Members:

Enclosed you will find a copy of the adopted Solid Waste Management Plan for the Henry County Solid Waste Management District (District). The development of the solid waste plan is a requirement of Ohio law. Every solid waste management district in Ohio must periodically revise and update their solid waste management plan.

As required by Ohio law, the District prepared a draft solid waste plan and submitted to Ohio EPA for their initial review on April 25, 2019 and received comments and suggestions from Ohio EPA on May 31, 2019. After making changes to the solid waste plan per Ohio EPA comments, the District held a thirty day public comment period from January 13, 2020 to February 11, 2020 and a public hearing was held on February 12, 2020 for interested residents, businesses, or political jurisdictions to provide comments on the Plan Update. No comments were received during this process. On February 12, 2020, the District's Policy Committee adopted the Plan Update. Once the Policy Committee adopts the Plan Update, Ohio law requires the District to deliver a copy to the County Commissioners and the legislative authority of each municipal corporation and township that are under the District's jurisdiction for their approval.

The District has chosen to deliver the plan electronically via a link on the District's website as a PDF file. For any community without internet access, please contact the District for an electronic copy of the Solid Waste Plan on a CD. The link below is where you will find the entire solid waste plan and all appendices by clicking on "2020-2034 Henry County Solid Waste Plan."

<https://www.henrycountyohio.com/landfill.htm>

Enclosed with this mailing is a short summary of the Solid Waste Plan that should be distributed to all voting elected officials in your jurisdiction (i.e. 3 trustees, 9 council members, etc.).

The District has chosen the ratification period to be **March 16, 2020 until June 13, 2020**. **Within ninety days** of receiving a copy of the draft plan, the Board of County Commissioners and the legislative authority of each municipal corporation and township in the District shall approve or disapprove the draft plan by ordinance or resolution to the District. The District

determines that the Plan has been ratified when a combination of municipal corporations and townships with a combined population comprising 60 percent of the District has approved the Plan. That combination must include the approval of the County Commissioners and the municipal corporation having the largest population within the District (City of Napoleon).

Because of the 90-day timeframe which cannot be extended, we would appreciate your immediate attention to this request. Failure to vote is treated like a "no" vote for the ratification process.

A sample resolution is attached for your convenience. Any resolution used by your political subdivision must follow the language listed in the sample document. Please mail your resolution or ordinance approving or disapproving the Plan to (a self-addressed and postage-paid envelope has been included for your convenience):

Mr. Michael Imbrock
District Coordinator
Henry County Solid Waste Management District
P.O. Box 96
Malinta, OH 43535

Phone/Fax: (419) 256-7343
Email: solidwaste@henrycountyohio.com

We look forward to hearing from you between March 16, 2020 and June 13, 2020. Resolutions approving or disapproving the plan enacted outside of the time period stated above cannot be counted toward the ratification of the solid waste plan. Please do not hesitate to contact me if you have any questions regarding the ratification process or the solid waste plan update document. Thank you.

Sincerely,



Michael Imbrock
District Coordinator

Enclosure

Resolution/Ordinance No. _____

A RESOLUTION/ORDINANCE TO ADOPT THE SOLID WASTE MANAGEMENT PLAN
FOR THE HENRY COUNTY SOLID WASTE MANAGEMENT DISTRICT

WHEREAS; the _____ (county, city, village, township) is located within the jurisdiction of the Henry County Solid Waste Management District (District).

WHEREAS, the District Policy Committee prepared and adopted a final draft of the Solid Waste Management Plan in accordance with Ohio Revised Code Sections 3734.53 3734.54 and 3734.55.

WHEREAS; the District has provided a copy of the Draft Final Solid Waste Management Plan for ratification to each of the legislative authorities of the District.

WHEREAS; the _____ (name of county, city, village, township) must decide whether it approves of said Solid Waste Management Plan within ninety days of receipt (March 16, 2020 – June 13, 2020) of the Final Draft Plan.

NOW, Therefore, Be It Resolved by the _____ (commissioners, council, or trustees) of _____ (county, city, village, township):

1. The _____ (county, city, village, township) either (please indicate):
 - a. _____ approves the District Solid Waste Management Plan; or
 - b. _____ disapproves the District Solid Waste Management Plan
2. If the plan is ratified (60% approval by local jurisdictions, county commissioner approval, and City of Napoleon approval), the parties agree to pass any and all lawful and appropriate resolutions and ordinances, and to do all things necessary and proper to authorize and allow for the lawful implementation of the contingent funding and the supplemental funding portions of the plan when if the contingencies manifest; and
3. The Clerk is hereby directed to send the District a copy of this resolution to the attention of Mr. Michael Imbrock, District Coordinator, Henry County Solid Waste Management District, P.O. Box 96, Malinta, OH 43535; and
4. That it is found and determined that all formal actions of this _____ (Board, council or trustees) concerning and relating to the passage of this resolution/ordinance were adopted in an open meeting of this _____ (Board, council or trustees) and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including Sections 121.22 of the Ohio Revised Code.

Approved: _____ Date: _____ OR

Disapproved: _____ Date: _____

Signature of Appropriate Officer: _____

Henry County Solid Waste Management District



Introduction

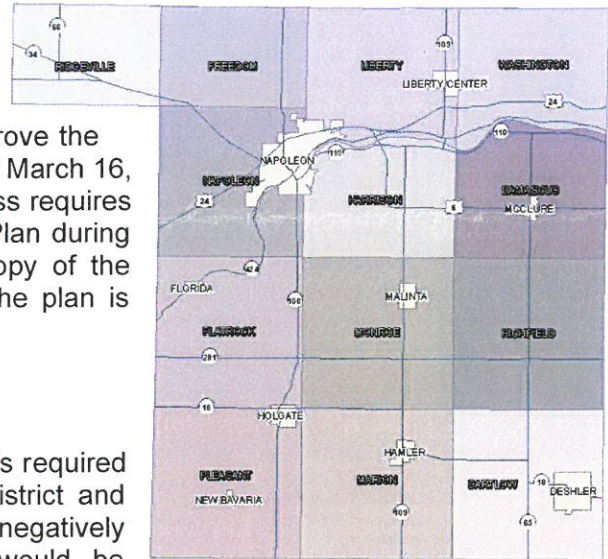
The Henry County Waste Management District (District) will submit its updated Solid Waste Management Plan to all cities, villages, and townships in Henry County for approval. This approval process, also known as ratification, is the final step before the District seeks final approval from Ohio EPA to implement this new Plan.

Your Community's Responsibility – Plan Ratification

Each community within Henry County will be asked to approve the District's Solid Waste Management Plan during the period of March 16, 2020 through June 13, 2020 (ratification period). The process requires each community to review a copy of the Plan, act on the Plan during the ratification period (90 days) and submit a certified copy of the resolution or legislation to the District. Failure to act on the plan is considered by the State of Ohio to be a negative vote.

What if the Plan is Not Ratified?

If local ratification does not occur, the Director of Ohio EPA is required by state statute to prepare a Solid Waste Plan for the District and order the District to implement the state's plan. This could negatively affect the District because local control of our Plan would be relinquished to Ohio EPA. The Plan you will vote on was developed through a local planning process and contains the recommendations, programs, and initiatives from the District's Policy Committee. These programs and initiatives will provide for a cost effective and environmentally sound solid waste management system for Henry County and are designed to enhance and expand recycling opportunities and recycling participation. The District urges communities to learn more about the Solid Waste Management Plan in order to make an informed decision.



Executive Summary of Solid Waste Management Plan

The following executive summary of the Solid Waste Plan has been created for elected officials in Henry County to demonstrate how the District's Solid Waste Plan benefits each community. The District offers a wide variety of programs and initiatives that offer real value to its communities. The District provides programs in solid waste management programming for hard to manage materials such as household hazardous waste, batteries, scrap tires, and electronics. The District also operates a highly successful education and awareness program and other effective solid waste management programs.

Solid Waste Disposal Capacity

This demonstration is one of the fundamental requirements of the Solid Waste Plan. The District conducted a regional capacity analysis and has demonstrated that there is sufficient disposal capacity for all solid waste generated by District residents, businesses, and industry for the planning period (2020-2034).

Goals

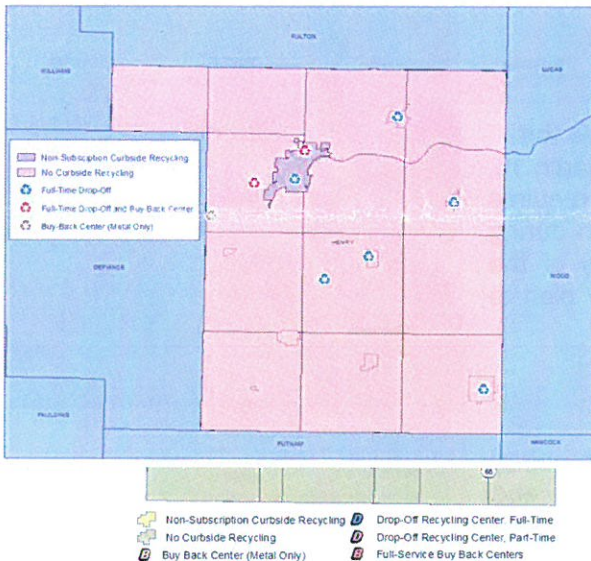
The District meets or exceeds all of the State Solid Waste Management Plan goals as required by Ohio EPA. The District has demonstrated that 36% of the residential/commercial sector waste stream and 80% of the industrial sector waste stream has been recycled. The goal is 25% for the residential/commercial sector and 50% for the industrial sector.

Financing the Plan

The District will finance the updated Solid Waste Plan through the continued reliance on a contract fee, which is \$5.00 per ton for all in-District solid waste disposed at 17 designated facilities. The District is not projecting any increase in the contract fee throughout the planning period (2020-2034).

Residential Recycling Programs

The District promotes and supports numerous residential recycling programs and offers special collection services to maximize diversion of solid waste from landfills. The following programs were offered:



- Curbside Recycling Program – **732 tons recycled**
- Recycling Drop Off Programs – **652 tons recycled**
- Lead-Acid Battery Mgmt. – **62 tons recycled**
- Electronics Management – **30 tons recycled**
- Scrap Tire Management – **129 tons recycled**
- Yard Waste Management – **2,289 tons**



Commercial / Industrial Recycling Programs

- Commercial Recycling – **6,274 tons recycled**
- Industrial Recycling – **37,339 tons recycled**

Residential/Commercial Recycling, Education and Awareness Programs

- Curbside Recycling
- Drop-Off Recycling
- Yard Waste Management
- Household Hazardous Waste Management
- Lead-Acid Battery Management
- Electronics Recycling
- Scrap Tire Management
- Market Development Support
- Education and Awareness
- Industrial Sector Data Collection
- Litter Collection
- Volume Based Rate Support
- District Facilities



For more information, contact the District at 419-256-7343



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Memorandum

To: Mayor & City Council, City Manager, City Law Director, Finance Director, Department Supervisors, News media
From: Roxanne Dietrich, Executive Assistant to Appointing Authority/Clerk of Council
Date: April 3, 2020
Subject: Technology and Communications Committee – Cancellation

The regularly scheduled meeting of the **Technology and Communications Committee** for Monday, April 06, 2020 at 6:15 pm has been CANCELED due to lack of agenda items.