

RESOLUTION 1-15-R

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PROGRAMMATIC AGREEMENT FOR COORDINATION WITH THE OHIO HISTORIC PRESERVATION OFFICE FOR ADMINISTRATION OF PROGRAMS USING HUD ALLOCATED FUNDS WITH DELEGATED REVIEW RESPONSIBILITIES AUTHORIZED UNDER 24 CFR PART 58 AND DECLARING AN EMERGENCY.

WHEREAS, the City of Celina entered into a Programmatic Agreement with the Ohio Historic Preservation Office for the administration of programs using HUD allocated Funds on July 7, 2009; and

WHEREAS, an Amendment to said Programmatic Agreement was executed October 31, 2011, which updated stipulations to provide increased clarity, add exempt activities, insert required administrative provision and extended the expiration date until December 31, 2014; and

WHEREAS, the Ohio Historic Preservation Office has granted an extension of its terms until February 1, 2015, to allow for completion of the necessary notifications and local approvals; and

WHEREAS, the State Historic Preservation Office has drafted an Amendment to said Programmatic Agreement that will replace the existing Agreement in whole and extend the duration for an additional five years.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Celina, County of Mercer, State of Ohio.

SECTION ONE

THAT, the Mayor be and is hereby authorized to enter into a Programmatic Agreement for Coordination with the Ohio State Historic Preservation Office in the form as substantially shown in Exhibit A attached herewith and made a part hereof.

SECTION TWO

THAT, the City of Celina finds and determines that all formal actions of this City concerning and relating to the adoption of this Resolution were taken in an open meeting of the City of Celina and that all deliberations of this City and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION THREE

THAT, this Resolution shall be declared an emergency measure immediately necessary for the preservation of the public health, safety, and out of the necessity to execute the Agreement prior to the February 1, 2015 deadline. NOW, therefore, this Resolution shall

take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 12th day of January, 2015.



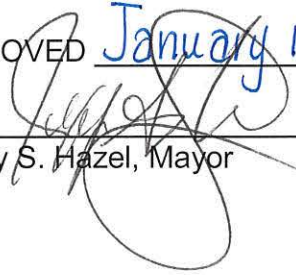
Jason D. King, President of Council

ATTEST:



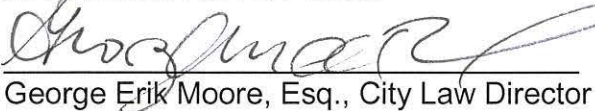
Joan S. Wurster, Clerk of Council

APPROVED January 12, 2015



Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik Moore, Esq., City Law Director

City of Celina, Ohio Programmatic Agreement (expires December 31, 2019)

PROGRAMMATIC AGREEMENT
for Coordination
between
City of Celina, Ohio
and the
Ohio State Historic Preservation Office
for the
Administration of Programs Using HUD Allocated Funds with Delegated Review
Responsibilities Authorized Under 24 CFR Part 58

WHEREAS, the U.S. Department of Housing and Urban Development (“HUD”) has allocated Community Development Block Grant (CDBG) and other funds to the State of Ohio Development Services Agency (“State”); and

WHEREAS, the State has awarded CDBG and other funds to City of Celina, Ohio (hereinafter referred to as “grantee”); and

WHEREAS, the funding sources covered by this Programmatic Agreement may include, but are not limited to CDBG, Home Investment Partnership (HOME), Economic Development Initiative (EDI), Emergency Shelter Grants, Supportive Housing, Housing Opportunities for Persons with AIDS (HOPWA), and Neighborhood Stabilization Program (NSP) Grants; and

WHEREAS, in accordance with 24 CFR Part 58, the grantee assumes responsibility for environmental review, decision-making, and actions that would otherwise apply to HUD under the National Environmental Policy Act (NEPA) and other provisions of law and this agreement coordinates the analysis and review of projects as provided under 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470), in order to meet the purposes and requirements of both statutes in a timely and efficient manner; and

WHEREAS, the grantee has determined that the undertakings it carries out using the above-listed HUD funding sources may affect properties that are listed in or eligible for listing in the National Register of Historic Places (“National Register”); and

WHEREAS, the grantee has consulted with the Ohio State Historic Preservation Officer (SHPO) regarding the development of this agreement pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (“NHPA”)(16 U.S.C. 470); and

WHEREAS, the grantee and the SHPO agree that by following the procedures outlined in this agreement, the grantee will be able to meet its obligations pursuant to 36 CFR Part 800 to take into account the effects of federally assisted projects on historic properties and provide the ACHP with an opportunity to comment.

NOW, THEREFORE, the grantee and the SHPO have agreed to carry out their respective responsibilities pursuant to Section 106 and Section 110(f) of the NHPA and the regulations at 36 CFR Part 800, in accordance with the following stipulations:

STIPULATIONS

I. Archaeology

In the event the grantee plans any ground disturbance as part of a rehabilitation, new construction, site improvement, or other undertaking, the grantee will consult with the SHPO to determine whether the undertaking will affect an archaeological property eligible for or listed in the National Register. This stipulation shall not be interpreted to include a limited subset of ground-disturbing activities that are exempt from review, as described in Stipulation II.B.2.

II. Exempt Activities

- A. If the grantee determines that an undertaking only involves buildings that are less than fifty years old, or if the undertaking includes only exempt activities (as defined by Stipulations II. B., II. C., and II. D), then the undertaking shall be deemed exempt from further review. Such undertakings will require no review under the terms of this agreement because these activities will generally not affect historic properties.
 1. This stipulation may include the demolition of buildings less than fifty years old, so long as the building has not previously been determined to be eligible for listing or listed in the National Register of Historic Places.
 2. The grantee will keep documentation of this decision to exempt specific undertakings in its files and compile a complete list of exempt undertakings annually, as required in Stipulation VIII.
- B. If the proposed undertaking falls within one of the following categories, the activities shall be deemed exempt:
 1. Non-Construction Work and Development, General Exclusions
 - a. Public service program that does not physically impact buildings or sites.
 - b. Architectural and engineering design fees and other non-construction fees and costs.

- c. Rental or purchase of equipment that does not physically impact buildings or sites.
- d. Temporary board-up, bracing, or shoring of a property, provided that it is installed without permanent damage to the building or site.
- e. Mortgage refinancing or purchasing of a property where no change in use, new construction, or rehabilitation will occur.
- f. Acquisition of vacant land when no subsequent redevelopment of the property is anticipated (including land banking).
- g. Acquisition of land with demolition or rehabilitation of buildings that are less than fifty years old (including land banking).
- h. Rehabilitation of mobile and manufactured homes.
- i. Loans used to fund rehabilitations of buildings less than fifty years old.

2. Site Work

- a. Repair, line painting, paving, resurfacing, and maintenance of existing streets, roads, alleys, parking lots, sidewalks, curbs, ramps, and driveways where no change in width, surfaces, or vertical alignment to drainage is to occur; the replacement in kind of concrete sidewalks where no change in width occurs.
- b. New curb cuts and simple accessibility improvements at roadway crossings to meet ADA requirements. Any improvements that require retaining walls or multiple levels shall be submitted for review.
- c. Maintenance and repair of existing landscape features, including planting, fences, retaining walls, and walkways.
- d. Installation of exterior lighting fixtures on poles outside of individual properties, including parking lots, sidewalks, and freestanding yard lights; installation of new or replacement lighting fixtures that are to be attached to a building less than fifty years old. This exemption is not meant to include street lighting that will serve multiple properties.
- e. Installation of emergency public warning sirens on existing poles and new poles; installation of emergency public warning sirens to a building less than than fifty years old.
- f. Within previously excavated trenches, the repair, maintenance, or replacement of existing residential water and sanitary sewer connections and lines. This exemption does not apply to the installation of water or sewer main lines, but only to connections between individual properties and existing public systems.
- g. Repair, in kind replacement, or reconstruction of existing catch basins.

- h. Replacement of utility meters on buildings in the same location as existing.
3. Exterior Rehabilitation
- a. Rebuilding of existing wheelchair ramps, or installation of new ramps on secondary building elevations where the building is not located on a corner lot.
 - b. Repair of porches, cornices, exterior siding, doors, windows, balustrades, stairs, or other trim as long as any new materials matches existing features in composition, design, color, texture, and other visual and physical qualities.
 - c. Foundation repair.
 - d. Exterior scraping with non-destructive means and painting of wood siding, features, and trim; exterior painting of masonry, if existing surfaces are already painted. This does not apply to the use of lead encapsulant paint. No abrasive cleaning is permitted for the removal of any building materials.
 - e. Caulking, reglazing, and weather-stripping.
 - f. Installation of screens and storm windows, provided that they:
 - i. Completely fill the original window opening.
 - ii. Match the meeting rail or other major divisions.
 - iii. Interior storms must not cause damage to the original interior trim.
 - iv. Interior storms must be designed to seal completely so as to protect the primary window from condensation.
 - g. Installation of storm doors, if they are undecorated and have a painted finish to match existing trim or the existing door.
 - h. Repair or replacement of asphalt, fiberglass, and asbestos shingle roof covering with the same materials as long as the shape of the roof is not changed.
 - i. Replacement of a flat roof not visible from a public right-of-way as long as the shape of the roof is not changed.
 - j. Repair or replacement of metal gutters and downspouts; and relining, repainting, and repair of box gutters. This does not apply to the replacement of box gutters.
4. Interior Rehabilitation
- a. Repair of existing basement floors or the installation of new basement floors.
 - b. Installation of attic insulation.
 - c. Repair of existing interior walls, floors, ceilings, decorative plaster, or woodwork, provided the work is limited to repainting, in-kind patching, refinishing, or repapering.

- d. Kitchen and bathroom remodeling if no walls, windows, or doors are removed or relocated so as to alter the floor plan.
 - e. Installation of new furnace, boiler or water heater; furnace cleaning or repair.
 - f. Installation or repair of all electrical, plumbing, heating, ventilation, and air conditioning systems as long as no alteration is made to structural features or decorative features.
 - g. Installation of new ceiling openings for attic access or pull-down stairs; removal and sealing up of obsolete pull-down stairs.
 - h. Asbestos abatement activities that do not involve removal or alteration of structural or decorative features.
 - i. Lead paint hazard abatement such as HEPA cleaning and HUD approved paint removal or stabilization. Any decorative features shall be treated with care and retained for re-installation after treatment.
- C. Activities defined in 24 CFR Section 58.34 of the “Environmental Review Procedures for Entities Assuming HUD Environmental Review Responsibilities, as amended” are exempt from review under this agreement.
- D. Activities defined in 24 CFR Section 58.35(b) of the “Environmental Review Procedures for Entities Assuming HUD Environmental Review Responsibilities, as amended” are exempt from review under this agreement.

III. Project Review

- A. If the grantee determines that an undertaking will involve any activities that are not exempt under Stipulation II, the grantee will, in accordance with 36 CFR Part 800, consult with the SHPO before starting the undertaking by submitting the following documentation to the SHPO:
- 1. Project location, including a map;
 - 2. Project description, including work write-ups, plans, or specifications, as appropriate;
 - 3. Color photographs of all elevations of the building or site;
 - 4. Date any buildings in the project area were built;
 - 5. Statement of whether any properties in the project area are listed in or eligible for listing in the National Register;
 - 6. If there are listed or eligible properties, a statement of whether and how the undertaking will affect the historic properties.
- B. This submission should include, and the SHPO will consider, the following information if it explains the grantee’s decisions regarding National Register eligibility and effect:
- 1. Condition assessments for various historic elements;
 - 2. An explanation of the goals of the undertaking;

3. Alternative treatments considered and cost estimates for each;
 4. Life cycle maintenance costs related to each alternative;
 5. Proposed measures to mitigate or minimize adverse effects;
 6. Available marketing studies; and
 7. Any other information that warrants consideration.
- C. At the discretion of the grantee, SHPO's Section 106 Project Summary Form can be used to satisfy Stipulation III A & B.
- D. The SHPO will respond, in accordance with 36 CFR Part 800, to the grantee within 30 days after receiving the project documentation by stating that:
1. The SHPO concurs with the grantee's decision about eligibility and effect;
 2. The SHPO disagrees with the grantee's decision about eligibility and effect; or
 3. The SHPO needs more information in order to concur or disagree with the grantee's decision about eligibility or effect.
- E. If the SHPO and the grantee agree that the undertaking will have no effect on properties that are listed in or eligible for listing in the National Register, the grantee will retain the SHPO's letter in its project file and the review process, in accordance with 36 CFR Part 800, will be complete.
- F. If the SHPO and the grantee agree that the undertaking will have an effect on properties that are listed in or eligible for listing in the National Register, the grantee will follow the standard process described in 36 CFR Part 800 to complete consultation.
- G. Any disagreements regarding the National Register eligibility of historic properties may be resolved through the grantee requesting a Determination of Eligibility from the Keeper of the National Register of Historic Places, as described in 36 CFR Part 63. Any disagreements regarding project effects shall be resolved as described in 36 CFR Part 800.6. The grantee or SHPO may elect to invite the ACHP to participate or provide its opinion, if they determine it to be appropriate.

IV. Technical Assistance and Educational Activities

Staff in the SHPO's Resource Protection and Reviews Department will provide technical assistance, consultation, and training of grantee staff as required by the grantee or as proposed by the SHPO in order to assist the grantee in carrying out the terms of this agreement. SHPO may also request that appropriate members of the grantee's staff should attend training specifically in the use and interpretation of this agreement, or the overall regulatory process described in 36 CFR Part 800.

V. Public Involvement and Participation

- A. In accordance with citizen participation requirements for State-administered HUD programs (24 CFR Section 570.486), the grantee will seek public input and notify the public of proposed actions.
 - 1. The grantee will, at a minimum, hold two public hearings to seek public comment regarding the planning and implementation of State-administered HUD programs. The first public hearing will address basic program parameters, and the second public hearing will provide specific information regarding proposed activities. Notice of both hearings will be published 10 days in advance in a newspaper of general circulation.
 - 2. The grantee will hold an additional public hearing if a State-administered HUD program is amended. The Amendment Public Hearing provides citizens with an opportunity to review and comment on a substantial change in the program. Notice of an Amendment Public Hearing will be published 10 days in advance in a newspaper of general circulation.
- B. The public notification procedures outlined in 24 CFR Part 58 for a Notice of Intent to Request Release of Funds (NOI/RROF) and Finding of No Significant Impact (FONSI) require the grantee to make information about individual projects available for public inspection, and to consider the views of the public and consulting parties in decision-making about individual projects
- C. For individual projects located in locally designated districts or those that may affect locally listed properties, the appropriate local review board will be presented with information regarding the proposed project for consideration as part of their regularly scheduled hearing, along with any project alternatives considered.

VI. Post Review Discovery

- A. In the event that historic properties are discovered or unanticipated effects on historic properties found after completion of the Section 106 process, the grantee will follow the process established at 36 CFR Part 800.13. In all cases of discovery or unanticipated effects, the grantee will contact SHPO as soon as practicable and provide sufficient information so that SHPO can make meaningful comments and recommendations.
- B. In the event that human remains are discovered during the development or construction of any project subject to this agreement, construction will cease in the area of the discovery. The grantee will contact SHPO and the County Sheriff and/or County Coroner within 48 hours. The grantee will also consult with SHPO, DSA and the County Sheriff and/or Coroner to develop and carry out a treatment plan for the care and disposition of human remains.
- C. When the human remains are determined to be of Native American Indian origin, the treatment plan will also be developed in consultation with appropriate federally recognized Native American Indian Tribes. The grantee may call upon

representatives of DSA and HUD for assistance in conducting meaningful and respectful discussions with tribal representatives.

VII. Dispute Resolution

Should any party to this agreement object at any time to any actions proposed or the manner in which the terms of this agreement are implemented, the grantee shall consult with such party to resolve the objection. If the grantee determines that such objection cannot be resolved, the grantee will:

- A. Forward all documentation relevant to the dispute, including the grantee's proposed resolution, to the ACHP. The ACHP shall provide the grantee with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the grantee shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. The grantee will then proceed according to its final decision.
- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the grantee may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the grantee shall prepare a written response that takes into account any timely comments regarding the dispute, and provide them and the ACHP with a copy of such written response.
- C. The grantee's responsibility to carry out all other actions subject to the terms of this agreement that are not the subject of the dispute remain unchanged.

VIII. Monitoring

- A. Within 30 days after the end of each calendar year that this agreement is in force, the grantee will submit to the SHPO a list of undertakings exempted from review under Stipulation II of this agreement.
 1. For each exempted undertaking the list will include the building address, the age of the building or its date of construction, and a description of each activity undertaken. The description shall include a list of the work done as well as how the work was done, such as: window sash repaired and repainting.
 2. The grantee should also include in their submission three (3) random samples of individual projects, with copies of the information that was available to support the project's consideration under the terms of this agreement.
- B. If the grantee did not exempt any undertakings from review under the terms of this agreement during the calendar year, it still must inform the SHPO of the lack of exemptions by letter notification.

IX. Definitions

The definitions provided in the National Historic Preservation Act and the regulations at 36 CFR Part 800 apply to terms used throughout this agreement, such as “historic property” and “effect.”

X. Amendment & Duration

This agreement will continue in full force until December 31, 2019 and may be reviewed for modifications, termination, or renewal before this date has passed. At the request of either party, this agreement may be reviewed for modifications at any time. This PA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

XI. Emergencies

- A. In the event that the grantee determines that a project must be completed on an emergency basis due to an imminent threat to life or property or in response to a natural disaster or emergency, the grantee may set aside the timeline established in Stipulation III to facilitate expedited review by the SHPO.
1. The grantee shall notify the SHPO in advance by phone of its intention to submit a project for emergency review.
 2. The grantee will submit a request for an expedited review time of five business days, including the following documentation:
 - a. Cover letter describing the nature of the emergency and the proposed treatment. Emergency nature of review shall be noted in bold in reference line.
 - b. The address of the property and the nature of the emergency
 - c. Recent photographs of the property
 - d. A signed copy of any local order compelling immediate action
 - e. An Ohio Historic Inventory Form or other documentation regarding the National Register eligibility of the affected property
 3. The SHPO shall promptly notify the grantee of its concurrence with the grantee’s effect determination or may request additional information to complete the review. SHPO may recommend to grantee that resolution of adverse effects requiring the execution of a Memorandum of Agreement is necessary, but may agree to grantee’s recommendation to defer completion of such an agreement until the necessary emergency actions have been taken.

Execution of this PA by the grantee and SHPO and implementation of its terms evidence that the grantee has taken into account the effects of its undertakings on historic properties and afforded the ACHP an opportunity to comment.

SIGNATORIES:

Date

Mark J. Epstein, Deputy State Historic Preservation Officer for
Resource Protection and Review Ohio State Historic
Preservation Office

Date

Concurring party (or parties):

Date

RESOLUTION 2-15-R

A RESOLUTION RATIFYING AND CONFIRMING THE RENEWAL OF THE EXISTING AGREEMENT WITH THE MERCER COUNTY COMMISSIONERS FOR INDIGENT DEFENSE SERVICES IN CELINA MUNICIPAL COURT FROM JANUARY 1, 2015 THROUGH DECEMBER 31, 2015.

WHEREAS, the City of Celina recognizes its responsibility under the laws of the State of Ohio and of the United States of America to provide legal counsel to indigent persons charged with a violation of a City ordinance for which the penalty or any possible adjudication includes the potential loss of liberty; and

WHEREAS, Mercer County Commissioners adopted a program for the Municipality, whereby individual attorneys are assigned on a case by case basis for indigent defendants who qualify; and

WHEREAS, the Mercer County Commissioners pursuant to Ohio Revised Code §120.33 may enter into a contract with a municipal corporation under which the municipal corporation shall reimburse the County for counsel appointed to represent indigent persons charged with a violation of an ordinance of the municipal corporation; and

WHEREAS, these contracts must contain terms in conformance with Ohio Administrative Code 120-1-09 and the parties must follow the Ohio Public Defender Commission standards and guidelines and the limits of the County Maximum Fee Schedule for Appointed Counsel in order for Mercer County to obtain reimbursement for indigent defense costs pursuant to Ohio Revised Code §120.33 and §120.35, and pay the City of Celina it's appropriate share; and

WHEREAS, Council adopted Ordinance 5-14-O, which authorized the Mayor and Auditor to execute an Agreement with the Mercer County Commissioners for Indigent Defense Services from January 1, 2014 through December 31, 2014; and

WHEREAS, the City of Celina and the Mercer County Commissioners desire to exercise the renewal option for an additional year upon proper Resolution of each entity agreeing to the one year extension and proper appropriation of funding for the new year.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Celina, County of Mercer, State of Ohio.

SECTION ONE

THAT, Council hereby ratifies and confirms the renewal of the existing Agreement with the Mercer County Commissioners for indigent defense services in Celina Municipal Court for municipal code violations from January 1, 2015 through December 31, 2015.

SECTION TWO

NOW, therefore, this Resolution shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 9th day of February, 2015.



Jason D. King, President of Council

ATTEST:

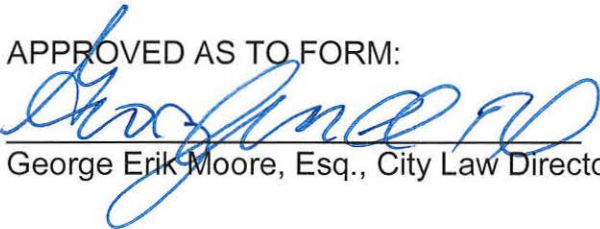


Joan S. Wurster, Clerk of Council

APPROVED February 9, 2015


Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik Moore, Esq., City Law Director

RESOLUTION 3-15-R

A RESOLUTION AUTHORIZING THE SALE BY INTERNET AUCTION DURING CALENDAR YEAR 2015 OF MUNICIPALLY OWNED PERSONAL PROPERTY WHICH IS NOT NEEDED FOR PUBLIC USE, OR WHICH IS OBSOLETE OR UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED, PURSUANT TO OHIO REVISED CODE SECTION 721.15(D).

WHEREAS, this Resolution is being promulgated in accordance with and pursuant to Ohio Revised Code Section 721.01, et. seq.; and

WHEREAS, this Council is required to adopt a Resolution expressing its intent to sell municipally owned property by internet auction, including a description of how the auctions will be conducted, specifying the number of days for bidding, and stating the general terms and conditions of sale; and

WHEREAS, City Administration recommends GovDeals, Inc. as the City's contracted representative to conduct auctions on its behalf; and

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Celina, County of Mercer, State of Ohio.

SECTION ONE

THAT, during calendar year 2015, municipally owned personal property which is not needed for public use, or which is obsolete or unfit for the use for which it was acquired may be sold at internet auction, pursuant to Ohio Revised Code Section 721.15(D).

SECTION TWO

THAT, any said auction sales shall be conducted under the authority and direction of the City of Celina Safety-Service Director, such person currently being Thomas J. Hitchcock, whose office is located at 225 N. Main Street, Celina, Ohio, 45822 and telephone number is 419-586-6464.

SECTION THREE

THAT, any such internet auction sales shall be conducted by way of GovDeals.com internet auction services, whose office is located at 5907 Carmichael Place, Montgomery, Alabama 36117 and telephone number is 800-613-1056, pursuant to the rules and regulations promulgated and in effect for those sales organizations, however, the sales fees to be paid by the City of Celina to such internet auction service shall in no event exceed the amount of eight (8%) per cent of the accepted auction bid.

SECTION FOUR

THAT, in connection with each such contemplated internet auction sale, bidding shall remain open for not less than ten (10) calendar days, including Saturdays, Sundays and legal holidays.

SECTION FIVE

THAT, in connection with each such contemplated internet auction sale, the terms of payment shall be cash, payment in full on or before the date of delivery to the successful bidder; further, the successful bidder shall be solely responsible for all acts and expenses associated with the delivery of such item(s) so purchased.

SECTION SIX

NOW, therefore, this Resolution shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 9th day of February, 2015.



Jason D. King, President of Council

ATTEST:



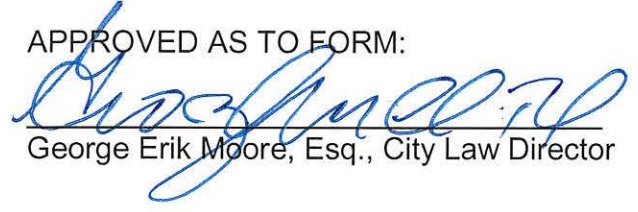
Joan S. Wurster, Clerk of Council

APPROVED February 9, 2015.



Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik Moore, Esq., City Law Director

RESOLUTION 4-15-R

Number Skipped

RESOLUTION 5-15-R

A RESOLUTION AUTHORIZING THE CITY OF CELINA TO SUBMIT A GRANT APPLICATION TO THE FY 2014 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM FOR THE PURCHASE OF A FIRE PREVENTION SAFETY TRAILER AND DECLARING AN EMERGENCY.

WHEREAS, the Homeland Security Office of State and Local Government Coordination and Preparedness announced the application period for the Assistance to Firefighters Grants, FY 2014 Fire Prevention and Safety Grants opens March 16, 2015; and

WHEREAS, the Fire Prevention and Safety Grants support projects that address fire prevention and safety with the primary goal to reach high-risk target groups including children and seniors; and

WHEREAS, the Celina Fire Department wishes to submit an application to the FY 2014 Fire Prevention and Safety Grants for the acquisition of a Fire Prevention Safety Trailer for a total estimated cost of Sixty Seven Thousand Two Hundred Ten Dollars (\$67,210.00); and

WHEREAS, the grant application includes matching funds which the City of Celina is responsible to provide if a grant is awarded.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Celina, County of Mercer, State of Ohio.

SECTION ONE

THAT, the Fire Chief be and is hereby authorized to file a FY 2014 Fire Prevention and Safety Grant application with the U.S. Department of Homeland Security, Assistance to Firefighters Grant Program, for the acquisition of a Fire Prevention Safety Trailer for funds in an amount not to exceed Sixty Three Thousand Eight Hundred Fifty Dollars (\$63,850.00).

SECTION TWO

THAT, the City Council commits to providing the City of Celina's share of the 5% matching funds needed for qualification of said grant in an amount not to exceed Three Thousand Three Hundred Sixty Dollars (\$3,360.00).

SECTION THREE

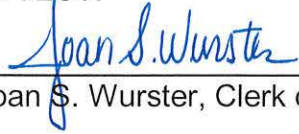
THAT, Council declares this to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare, and out of the necessity to meet the April 17, 2015 grant application submittal deadline. NOW, therefore, this Resolution shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 30th day of March, 2015.



Jason D. King, President of Council

ATTEST:



Joan S. Wurster, Clerk of Council

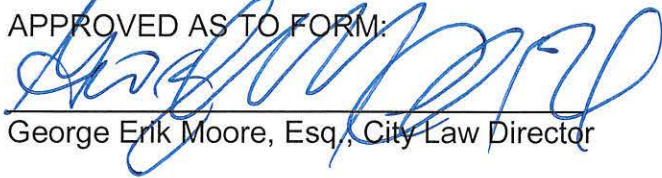
APPROVED


March 20

, 2015

Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George Erik Moore, Esq., City Law Director

RESOLUTION 6-15-R

A RESOLUTION APPOINTING A REPRESENTATIVE AND AN ALTERNATE FROM THE CITY OF CELINA TO THE OHIO PUBLIC WORKS INTEGRATING DISTRICT 13 BOARD.

WHEREAS, Ohio Revised Code Chapter 164.04, Division A6 defines membership to the District 13 Ohio Public Works Integrating Committee; and

WHEREAS, a representative and an alternate from the City of Celina need to be appointed by Council action for a new three year term to the District 13 Integrating Committee; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Celina, County of Mercer, State of Ohio:

SECTION ONE

THAT, Thomas J. Hitchcock, Safety-Service Director is hereby appointed to serve as Celina's representative on the Ohio Public Works Integrating District 13 Committee from May 1, 2015 to April 30, 2018.

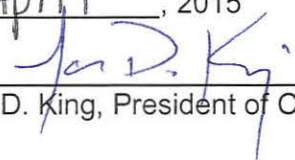
SECTION TWO

THAT, Joe Wolfe, Public Works Superintendent, is hereby appointed to serve as Celina's alternate in the absence of the representative on the Ohio Public Works Integrating District 13 Committee from May 1, 2015 to April 30, 2018.

SECTION THREE

NOW, therefore, this Resolution shall take effect and be in force immediately upon its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 29th day of April, 2015

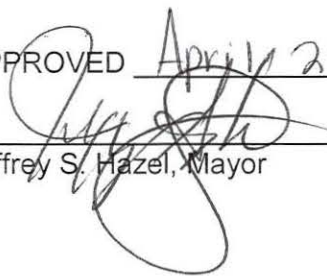


Jason D. King, President of Council

ATTEST:



Joan S. Wurster, Clerk of Council

APPROVED April 27, 2015


Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:



George E. Moore, City Law Director

RESOLUTION 7-15-R

A RESOLUTION TO SUPPORT THE TENTATIVE AWARD OF CONTRACTS FOR THE GRAND LAKE INDUSTRIAL PARK ELEVATED WATER STORAGE TANK PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, the City of Celina, Ohio wishes to construct a new 1 million gallon elevated storage tank in the Grand Lake Industrial Park and demolish the existing 250,000 gallon water tank on Grand Lake Road; and

WHEREAS, the Grand Lake Industrial Park Elevated Storage Tank Project will be funded through an Ohio Environmental Protection Agency (EPA) Water Supply Revolving Loan Account (WSRLA) zero-interest loan; and

WHEREAS, the City of Celina received bids on April 30, 2015 for the proposed Grand Lake Industrial Park Elevated Storage Tank Project and received a low bid for construction of the 1 million gallon elevated storage tank in the amount of \$2,278,000.00 from Landmark Structures 1, L.P. and a low bid for the demolition of the existing 250,000 gallon water tank on Grand Lake Road in the amount of \$15,760.00 from Iseler Demolition, Inc.; and

WHEREAS, the project Engineer, Access Engineering Solutions, has reviewed the bids and recommended awarding the contracts to the aforementioned low bidders.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Celina, County of Mercer, State of Ohio:

SECTION ONE

THAT, the City of Celina supports the tentative award of the contract for construction of the proposed 1 million gallon Grand Lake Industrial Park Elevated Water Storage Tank to Landmark Structures 1, L.P. contingent upon successful award of financing through the Ohio Environmental Protection Agency Water Supply Revolving Loan Account.

SECTION TWO

THAT, the City of Celina supports the tentative award of the contract for demolition of the existing 250,000 Gallon Water Tank on Grand Lake Road to Iseler Demolition, Inc. contingent upon successful award of financing through the Ohio Environmental Protection Agency Water Supply Revolving Loan Account.

SECTION THREE

THAT, Council declares this to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare, and out of the necessity to tentatively award the project contracts at the earliest date allowable. NOW, therefore, this Resolution shall

take effect and be in force immediately upon its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 18th day of May, 2015

Jason D. King
Jason D. King, President of Council

ATTEST:

Joan S. Wurster
Joan S. Wurster, Clerk of Council

APPROVED May 18, 2015
Jeffrey S. Hazel
Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:

George E. Moore
George E. Moore, City Law Director

RESOLUTION 8-15-R

**A RESOLUTION APPROVING AND RECOMMENDING KARI R. FOX
BE EMPLOYED AS THE CLERK OF COUNCIL OF THE CITY OF
CELINA, and DECLARING AN EMERGENCY.**

WHEREAS, there is currently a vacancy in the Council Clerk ("Clerk") for the City Council of Celina due to the recent retirement of Ms. Joan Wurster; and

WHEREAS, the Clerk keeps the records of the legislative authority ("Council") and performs such other duties as required by law, and is an integral part of any legislative body; and

WHEREAS, pursuant to Ordinance 52-12-O passed by the Celina City Council on December 12, 2012, upon the Council approving and recommending that an individual be employed as the Clerk of Council, the President of Council is authorized, from time to time, to enter into Employment Agreements with any such individual; and

WHEREAS, the Celina Administration recommends to the Celina City Council that Kari R. Fox, the current Administrative Assistant for the City of Celina, be approved and recommended to the President of the Celina City Council as the Clerk of Council through and including December 31, 2015.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Celina, County of Mercer, State of Ohio.

SECTION ONE

THAT, the Council of the City of Celina, Ohio hereby approves and recommends that the President of City Council enter into an Employment Agreement with Kari R. Fox to retain her services as Clerk of Council, in a form similar to the document which is attached hereto as Exhibit "A", which is fully incorporated herein by reference.

SECTION TWO

THAT, this Resolution shall be declared an emergency measure immediately necessary for the preservation of the public peace, safety, and welfare, such emergency arising out of the necessity to ensure that the Clerk's duties are fully and timely performed. Now, therefore, this Resolution shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 22 day of June, 2015.




Jason D. King, President of Council

ATTEST:



Kari R. Fox, Acting Clerk of Council

APPROVED June 22, 2015.



Jeffrey S. Hazel, Mayor

DRAFTED BY:


George Erik Moore, Esq., City Law Director

CELINA CITY CLERK OF COUNCIL
EMPLOYMENT AGREEMENT WITH
KARI R. FOX

THIS EMPLOYMENT AGREEMENT was made and entered into this ____ day of _____, 20__ by and between the City of Celina, Ohio Council, acting by and through its President, and Kari R. Fox, for the purpose of establishing the annual salary and duties for the position of Celina City Clerk of Council.

WHEREAS, the President of the Celina City Council (hereinafter "Council") is authorized by Celina City Council to enter into this Employment Agreement with Kari R. Fox (hereinafter "Council Clerk") for the position of the Celina City Clerk of Council.

NOW, THEREFORE, BE IT AGREED BETWEEN THE CELINA CITY COUNCIL AND KARI R. FOX:

SECTION ONE. This Agreement shall remain in full force and effect, retroactive to June 15, 2015 through December 31, 2015, or until terminated by the Council or the Council Clerk.

SECTION TWO. That, Kari R. Fox is being appointed in an "at-will position" as the Clerk of Council for the City of Celina; and

SECTION THREE. That, Council agrees to pay Council Clerk an annual salary of Four Thousand Five Hundred Dollars (\$4,500.00) to be paid in quarterly installments, on a pro-rata basis with any other individual who has served or may serve as Council Clerk during the year 2015 (including previous Council Clerk Ms. Joan Wurster) commencing on June 15, 2015, in accordance with the Ordinance 46-12-O passed by Celina City Council January 1, 2001.

SECTION FOUR. That, the Council Clerk's duties are attached hereto as Exhibit "1" and incorporated herein by reference.

SECTION FIVE. That, as the Council Clerk is an appointed, at-will position, should the Council Clerk choose to resign, the Council Clerk shall give a Sixty Day (60) notice of resignation to the Council.

SECTION SIX. That, this Agreement shall remain in force and affect retroactive to June 15, 2015 through December 31, 2015 , and be renewable annually by a majority vote of Council.

Kari Fox

(Clerk of Council)

Jason D. King

Jason D. King, President of Council

Approved as to Form:
George Erik Moore

George Erik Moore, Esq., City Law Director

Duties of the Clerk of the Celina City Council

Effective January 01, 2013

(As known through Ordinance 51-12-O, passed _____.)

I. General Duties

The Clerk of the Celina City Council (“clerk”) shall keep the records of the legislative authority and perform such other duties as are required by ordinance or resolution

The clerk shall notify the Mercer County Board of Elections of all vacancies caused by death, resignation, or otherwise in the elective offices of the City of Celina. Such notification shall be made in writing and filed not later than ten (10) calendar days after the vacancy occurs with the Mercer County Board of Elections.

The clerk shall notify the Mercer County Board of Elections of all changes in the boundaries of the City of Celina. Such notification shall be made in writing and contain a plat clearly showing all boundary changes and shall be filed with the Mercer County Board of Elections within thirty (30) calendar days after such change occurs.

II. Specific Duties**A. Duties prior to each Regular Council Meeting:**

- a. By no later than Thursday before a Regular Council Meeting:
 - i. Pick up agenda materials from City Administrative Assistant at the Celina Municipal Utilities building (225 N. Main St., Celina, OH).
- b. By no later than Thursday morning before a Regular Council Meeting:
 - i. Type agenda for Monday’s Regular Council Meeting, and have to Administrative Assistant by noon on that same Thursday before a Regular Council Meeting.
- c. By no later than by noon on that same Thursday before a Regular Council Meeting:
 - i. Provide a copy (via email) of the agenda to the Administrative Assistant, who will make the necessary copies for distribution.
 - ii. Provide a copy (via email) of the minutes to the Administrative Assistant from the previous Council meetings (including Regular meetings, Special Meetings, Emergency Meetings, and Committee meetings), who will make the necessary copies for distribution.
 - iii. Post one copy of the agenda at City Hall on the 1st floor bulletin board.
 - iv. Post one copy of the agenda at the Celina Utilities Building on the 1st floor bulletin board.
 - v. Post one copy of the agenda at the Library.

B. Duties for all Meetings of Council

- a. Arrive fifteen minutes prior to the scheduled start time to open doors. The key may be obtained at the Celina Police Department.
- b. Take minutes of all Council of the Whole meetings (except for executive sessions), Committee Meetings, Sub-committee Meetings, and any other official meetings of the Council. All committee meeting minutes will need to be turned in as soon as possible to the Administrative Assistant, ideally by the close of business the following day.
- c. Obtain signatures of Council President, Mayor, and City Law Director on any legislation passed that evening (exception: If a piece of legislation is amended, the Administrative Assistant will need to first amend the original copy before signatures are obtained)
- d. Non-original signed copies of passed legislation: Administrative Assistant receives one (1) copy.
- e. Clean up table after meeting.
- f. Ensure the council chambers and any other facilities used are locked at the conclusion of meeting.

C. Duties after all Meetings of Council

- a. Before noon on the Tuesday following the meeting deliver to the Daily Standard a list of legislative action passed (titles only).
- b. Call Administrative Assistant and advise as to what legislation was passed and/or needs amended.
- c. Call Administrative Assistant and advise as to any Committee Meetings, Special Meetings, and the like, which the Council has scheduled.
- d. Email minutes from the prior meeting to the Administrative Assistant, who will proofread them for, and correct any grammatical and/or Scribner's errors. The Administrative Assistant will print and prepare copies of all minutes for all council packets. (Note: If a Special Meeting or Emergency Meeting of Council is held, the minutes from such meeting(s) will not be read and voted upon until the next Regular Council Meeting).
- e. File the "Clerk's copies" of the passed legislation in the clerk's file (8 ½" x 11"). File the second original copy (8 ½" x 11") (double folded with the title of the legislation and legislative number typed on the outside) with the City Auditor's office for placement in the legislative vault. File the third original copy (11" x 15", or as otherwise modified in the future) in a binder provided by the Administrative Assistant. (All three of these copies of the legislation contain

original signatures.) (This procedure applies to both Resolutions and Ordinances.)

- f. On the original (largest) copy of the Ordinance or Resolution, type the following:

I, _____ (name), Clerk of the Council of the City of Celina, Ohio, hereby certify that the foregoing is a true and accurate copy of _____ (Ordinance number / Resolution number) passed by the Council upon _____ (date) and approved by the Mayor on _____ (date), and which was duly published according to the law in the Daily Standard newspaper on _____ (date), and _____ (date).

(Name), Clerk of Celina City Council

Date

- g. The clerk will check the Daily Standard for printed notice of passage of Ordinances and Resolutions. Ordinances and Resolutions need to be published twice by title only. (The dates published can be entered later since the Auditor receives a copy of the affidavit from the Daily Standard. The date of legislation passed will be different for each meeting.)
- h. After the minutes are read and approved by the Council, type a copy upon 11" x 15" paper for the binder. Type at the end of the minutes:

(Name), Council President

(Name), Clerk of Celina City Council

I, _____ (name), Clerk of the Council of the City of Celina, Ohio, hereby certify that the foregoing is a true and correct copy of the minutes of _____ (date) and were approved by the Council on _____ (date).

(Name), Clerk of Celina City Council

- i. At the end of each calendar year, provide to the Administrative Assistant letter-sized copies of the approved and signed minutes of all meetings, including committee meetings, from that calendar year.
- j. Prepare a Certificate of Compliance for each meeting for the City Law Director to sign. Store in clerk's file. An example is as follows:

CERTIFICATE OF COMPLIANCE WITH ORDINANCE NUMBER 3-76-O, AN ORDINANCE ESTABLISHING AND ADOPTING RULES TO PROVIDE FOR NOTIFICATION OF MEETINGS OF PUBLIC BODIES OF THE CITY OF CELINA, OHIO, TO THE PUBLIC AND THE NEWS MEDIA.

I, _____ (name), Clerk of Council of the city of Celina, Ohio, do hereby certify that I have, to the best of my knowledge, fully complied with the Rules of Notification for this meeting of the Council of the city of Celina, Ohio, held this _____ day of _____, 20_____.

Signed _____
_____ (name), Clerk of Council

STATE OF OHIO)
) SS:
MERCER COUNTY)

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY APPEARED THE ABOVE NAMED _____ (name), KNOWN TO ME TO BE THE PARTY DESCRIBED HEREIN AND WHO EXECUTED THE SAME OF HER OWN FREE ACT AND DEED, FOR THE USES AND PURPOSES HEREIN MENTIONED.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY HAND AND AFFIXED MY OFFICIAL SEAL AT CELINA, OHIO, THIS _____ DAY OF _____, 2012.

_____ name (City Law Director)

Notary Public

- k. Liquor Control requests are to be placed on the agenda for the next meeting. The required date the form is required to be returned to the Ohio Department of Liquor Control is listed upon each such item. After (if) approval by the Council, sign, date and copy the form. Mail the original back to the Ohio Department of Liquor Control, and keep a copy in the clerk's file for records purposes.

If items need certified and sealed, unless these pages are provided by the State of Ohio, the clerk shall use the Mayor's Seal (which is stored in the Administrative Assistant's office) and the clerk will type a certification page, in a form as follows, as appropriate for the particular need:

CERTIFICATE

The undersigned certifies that the foregoing is a true and correct copy of Ordinance No. _____ adopted by the Council of the City of Celina, Ohio on _____.

Date

(name), Clerk of Council

RECEIPT

The undersigned hereby acknowledges receipt of a certified copy of the foregoing Ordinance.

Date

Date

- Or -

CERTIFICATE OF COPY
STATE OF OHIO

The City of Celina, Mercer County, Ohio

I, _____ (name), as Clerk of the City of Celina, Ohio, do hereby certify that the foregoing is a true and correct copy of _____ (resolution / ordinance), adopted by the legislative Authority of the said City of Celina on the _____ day of _____, 20____, that the publication of such Ordinance has been made and certified of record according to law.

IN WITNESS WHEREOF, I have hereunto subscribed my name this _____ day of _____, 20____.

(name) Clerk of Council
City of Celina, Ohio.

1. If the clerk's signature is required on letters, you will receive a call from the Safety-Service Director's office. (Often there is not much advance notice in these cases.)

Prepared (As draft no. 7) by:

George Erik Moore, Esq.

City Law Director

November 19, 2012 after a Committee of the Whole meeting of the same date

RESOLUTION 9-15-R

A RESOLUTION DECLARING THE NECESSITY OF BOTH (1) AMENDING THE PURPOSE AND (2) AMENDING THE DURATION OF CELINA ORDINANCE 55-10-O ENACTED JANUARY 1, 2011 PROVIDING FOR THE EXISTING HALF-PERCENT (1/2%) SUPPLEMENTAL INCOME TAX, WHICH LEVYING AND COLLECTION BEGAN JANUARY 1, 2011, IN ADDITION TO THE ONE PERCENT (1%) TAX ON INCOME LEVIED AND COLLECTED AS OF DECEMBER 31, 2010, AND SUBMITTING SAME TO THE ELECTORS OF THE CITY OF CELINA, OHIO, AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Celina, County of Mercer, State of Ohio to-wit:

SECTION ONE

THAT, Section 5705.07 of the Ohio Revised Code requires that such an income tax in excess of one percent shall not be levied without first having been approved by a majority of the electors on the question at a general, primary, or special election.

SECTION TWO

THAT, during the November 2, 2010 election, the majority of electors (voters) of the City of Celina, Ohio, approved of "an increase of one-half of one percent levy on income for the operational expenses, capital equipment purchases and capital improvements in support of the City's Safety Departments of Fire and Police for a period of seven (7) years, beginning January 1, 2011" (the "existing half-percent (1/2%) supplemental income tax").

SECTION THREE

THAT, the funds generated by the one percent (1%) tax on income are insufficient to fund necessary repairs to city streets, curbs, sidewalks, alleys, and for items and materials which are incidental and related to any such public right-of-way improvements within the City.

SECTION FOUR

THAT, the funds generated by the "existing half-percent (1/2%) supplemental income tax" described in section two (2) herein are currently unable to be spent on these necessary repairs to city streets, curbs, sidewalks, alleys, and for items and materials which are incidental and related to any such public right-of-way improvements within the City.

SECTION FIVE

THAT, in order to help fund these necessary repairs to city streets, curbs, sidewalks, alleys, and for items and materials which are incidental and related to any such public right-of-way improvements within the City, it is necessary to both (1) amend the purpose and (2) amend the duration of said existing supplemental tax on income at the rate of one-half of one percent, the collection of which began January 1, 2011, in addition to the one percent which was levied and collected as of December 31, 2010, as follows: "which [said Ordinance 55-10-O] currently provides the City the authority to use these funds for the purposes of: operational expenses in support of the City's Safety Departments of Fire and Police, and for capital equipment purchases and capital improvements in support of the City's Safety Departments of Fire and Police, be amended to also provide the City the authority to use these funds for the additional purposes of making public right-of-way improvements to City streets, curbs, sidewalks, alleys, and for items and materials which are incidental and related to any such public

Draft #4

July 19, 2015

right-of-way improvements within the City, for an amended duration of time for a period of seven (7) years, beginning January 1, 2016”.

SECTION SIX

THAT, attached hereto as Exhibit "A" is a copy of the proposed Ordinance enacting said existing supplemental tax, which is fully incorporated herein by reference.

SECTION SEVEN

THAT, attached hereto as Exhibit "B" is a copy of the proposed ballot language for an "Amendment of the Purpose and Amendment of the Duration" of the "existing half-percent (1/2%) supplemental income tax", which is fully incorporated herein by reference, which the Council of the City of Celina desires to submit to the electors of the City at the General Election to be held on November 3, 2015, as provided by law.

SECTION EIGHT

THAT, the Clerk is hereby directed to certify a copy of this Resolution to the Board of Elections of Mercer County, Ohio, in order that the same may be submitted to the electors of the City at the General Election to be held on November 3, 2015, as provided by law.

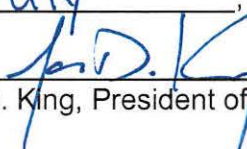
SECTION NINE

THAT, upon the commencement of the amended duration of time regarding the "existing half-percent (1/2%) supplemental income tax" pertaining to Celina Ordinance 55-10-O, as set forth in Section Five herein, namely January 1, 2016, the proceeds from said amended Celina Ordinance 55-10-O shall be placed in Restricted Funds by the Auditor.

SECTION TEN

THAT, this Resolution shall be declared an emergency measure immediately necessary for the preservation of the public health, safety, and welfare and for the further reason that the filing deadline with the Mercer County Board of Elections ninety (90) days before said General Election, namely 4:00 p.m., August 5, 2015. NOW, THEREFORE, this Resolution shall take effect and be in force immediately upon its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 28 day of July, 2015



Jason D. King, President of Council

ATTEST:



Kari R. Fox, Clerk of Council

APPROVED _____, 2015



Jeffrey S. Hazel, Mayor

DRAFTED BY:



George Erik Moore, City Law Director

Draft #4
July 19, 2015
"Exhibit A" to Draft Resolution #4 dated July 19, 2015

ORDINANCE ____-15-O

AN ORDINANCE BOTH (1) AMENDING THE PURPOSE AND (2) AMENDING THE DURATION OF CELINA ORDINANCE 55-10-O ENACTED JANUARY 1, 2011 PROVIDING FOR THE EXISTING HALF-PERCENT (1/2%) SUPPLEMENTAL INCOME TAX (THE "AMENDED TAX"), WHICH LEVYING AND COLLECTION BEGAN JANUARY 1, 2011, IN ADDITION TO THE ONE PERCENT (1%) TAX ON INCOME WHICH WAS LEVIED AND COLLECTED AS OF DECEMBER 31, 2010, REQUIRING THE FILING OF RETURNS AND FURNISHING OF INFORMATION; IMPOSING ON EMPLOYERS THE DUTIES OF COLLECTING THE "AMENDED TAX" AT THE SOURCE AND PAYING THE SAME TO THE CITY OF CELINA; PROVIDING FOR THE ADMINISTRATION, COLLECTION, AND ENFORCEMENT OF SAID "AMENDED TAX"; DECLARING VIOLATION THEREOF TO BE A MISDEMEANOR AND IMPOSING PENALTIES THEREFORE, AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of Celina, Ohio desires to both (1) amend the purpose and (2) amend the duration of Celina Ordinance 55-10-O, passed November 8, 2010, which levied a tax on income at the rate of one-half of one percent effective January 1, 2011, in addition to the one percent on income which was levied and collected as of December 31, 2010, with said Ordinance being in effect for a period of seven (7) years, beginning January 1, 2011 and ending December 31, 2017; and

WHEREAS, Section 5705.07 of the Ohio Revised Code requires that any such income tax in excess of one percent, regardless of the purpose for which it is levied and collected, shall not be levied without first having been approved by a majority of the electors on the question at a general, primary, or special election; and

WHEREAS, the Council of the City of Celina submitted such Ordinance to the electors for their approval as required by Ohio Revised Code Section 5705.07 at the general election held on November 3, 2015, and said Ordinance and tax was approved by a majority of the voters.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio to-wit:

SECTION ONE

THAT, the purpose of this ordinance is to both (1) amend the purpose and (2) amend the duration of Celina Ordinance 55-10-O, passed November 8, 2010, in order to provide funds via a tax on income at the rate of one-half of one percent, in addition to the one percent which was levied and collected as of December 31, 2010, as follows: "which [said Ordinance 55-10-O] currently provides the City the authority to use these funds for the purposes of: operational expenses in support of the City's Safety Departments of Fire and Police, and for capital equipment purchases and capital improvements in support of the City's Safety Departments of Fire and Police, be amended to also provide the City the authority to use these funds for the additional purposes of making public right-of-way improvements to City streets, curbs, sidewalks, alleys, and for items and materials which are incidental and related to any such public right-of-way improvements within the City, for an amended duration of time for a period of seven (7) years, beginning January 1, 2016".

Draft #4
July 19, 2015
"Exhibit A" to Draft Resolution #4 dated July 19, 2015

SECTION TWO

THAT, an annual income tax for the both (1) the amended purpose and (2) the amended duration as specified in Section One of this Ordinance (the "amended tax") shall be imposed at the rate of five-tenths of one percent per annum in addition to the one percent which was levied and collected as of December 31, 2010.

SECTION THREE

THAT, said Celina Ordinance 55-10-O, passed November 8, 2010, is hereby both (1) amended as to its purpose, and (2) amended as to its duration as specified in Section One of this Ordinance (the "amended tax"), and said "amended tax" approved herein shall be levied, collected, and paid with respect to the salaries, wages, commissions, and other compensation on and after January 1, 2016, and with respect to the net profits of businesses, professions or other activities earned on or after January 1, 2016. Provided, however, that where the fiscal year of the business, profession or other activity differs from the calendar year, the "amended tax" shall be applied to that part of the net profits for the fiscal year as shall be earned on or after January 1, 2016, to the close of the taxpayer's fiscal year. Thereafter, the taxpayer shall report on its fiscal year basis.

SECTION FOUR

THAT, except for the allocation of funds for this "amended tax" as set forth above, all of the Sections of Chapter 181 of the Code of Ordinances of the City of Celina pertaining to the Income Tax shall apply to the tax levied under this Ordinance.

SECTION FIVE

THAT, the Income Tax Rules and Regulations adopted by the City of Celina pursuant to Chapter 181 of the Celina Code of Ordinances shall apply to the "amended tax" income tax levied under this Ordinance.

SECTION SIX

THAT, this Ordinance shall continue to be effective as the levy of taxes is concerned through December 31, 2022 and insofar as the collection of taxes levied in the aforesaid period and action or proceedings for collection of any tax so levied or enforcing any provisions of this Ordinance are concerned and shall continue effective until all said taxes levied in the aforesaid period are fully paid and any and all suits and transactions for the collection of said taxes or for the punishment of violations of this Ordinance shall have been terminated. Provided, however, that annual returns for the year ending December 31, 2022 shall be filed on or before April 15th of the following year and any tax shown due thereon for part of the year ending December 31, 2022 that is unpaid and collected under the provisions hereof, shall be paid on said date except in those cases in which the time for filing returns and/or payment of the tax due has been extended in accordance with the rules and regulations.

SECTION SEVEN

THAT, the Auditor is hereby authorized and directed to create Restricted Funds, prior to January 1, 2016, for all proceeds collected in accordance with the "amended tax".

Draft #4
July 19, 2015
"Exhibit A" to Draft Resolution #4 dated July 19, 2015

SECTION EIGHT

THAT, Council declares this to be an emergency measure immediately necessary for the preservation of the public peace, safety and welfare, for the further reason for the tax to be effective as of January 1, 2016. NOW, therefore, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this _____ day of _____, 2015

Jason D. King, President of Council

ATTEST:

Kari R. Fox, Clerk of Council

APPROVED _____, 2015

Jeffrey S. Hazel, Mayor

DRAFTED BY:

George Erik Moore, City Law Director

Draft #4
July 19, 2015
"Exhibit B" to Draft Resolution #4 dated July 19, 2015

Draft ballot language for an "Amendment of the Purpose and Amendment of the Duration" of the existing half-percent (1/2%) supplemental income tax.

Issue: "Amendment of the Purpose and Amendment of the Duration of the existing supplemental one-half of one percent levy on income enacted January 1, 2011"

"Shall Celina Ordinance 55-10-O, providing for the existing supplemental one-half of one percent levy on income enacted January 1, 2011, which currently provides the City the authority to use these funds for the purposes of: operational expenses in support of the City's Safety Departments of Fire and Police, and for capital equipment purchases and capital improvements in support of the City's Safety Departments of Fire and Police, be amended to also provide the City the authority to use these funds for the additional purposes of making public right-of-way improvements to City streets, curbs, sidewalks, alleys, and for items and materials which are incidental and related to any such public right-of-way improvements within the City, for an amended duration of time for a period of seven (7) years, beginning January 1, 2016, be passed?

FOR THE INCOME TAX

AGAINST THE INCOME TAX"

RESOLUTION 10-15-R

A RESOLUTION APPROVING AND RECOMMENDING JOAN S. WURSTER BE EMPLOYED AS THE CLERK OF COUNCIL OF THE CITY OF CELINA, AND DECLARING AN EMERGENCY.

WHEREAS, there is an anticipated upcoming vacancy in the Council Clerk ("Clerk") position for the City Council of Celina involving the current Clerk, Ms. Kari Fox; and

WHEREAS, the Clerk keeps the records of the legislative authority ("Council") and performs such other duties as required by law, and is an integral part of any legislative body; and

WHEREAS, pursuant to Ordinance 52-12-O passed by the Celina City Council on December 12, 2012, upon the Council approving and recommending that an individual be employed as the Clerk of Council, the President of Council is authorized, from time to time, to enter into Employment Agreements with any such individual; and

WHEREAS, the Celina Administration recommends to the Celina City Council that Joan S. Wurster, a former Administrative Assistant and Clerk for the City of Celina, be approved and recommended to the President of the Celina City Council as the Clerk of Council commencing September 1, 2015.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Celina, County of Mercer, State of Ohio.

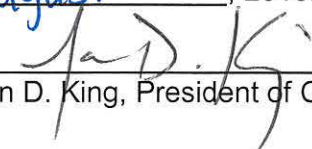
SECTION ONE

THAT, the Council of the City of Celina, Ohio hereby approves and recommends that the President of City Council enter into an Employment Agreement with Joan S. Wurster to retain her services as Clerk of Council, in a form similar to the document which is attached hereto as Exhibit "A", which is fully incorporated herein by reference.

SECTION TWO

THAT, this Resolution shall be declared an emergency measure immediately necessary for the preservation of the public peace, safety, and welfare, such emergency arising out of the necessity to ensure that the Clerk's duties are fully and timely performed. Now, therefore, this Resolution shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 31 day of August, 2015.



Jason D. King, President of Council

ATTEST:



Kari R. Fox, Clerk of Council

APPROVED August 31, 2015.



Jeffrey S. Hazel, Mayor

DRAFTED BY:



George Erik Moore, Esq., City Law Director

CELINA CITY CLERK OF COUNCIL
EMPLOYMENT AGREEMENT WITH
JOAN S. WURSTER

THIS EMPLOYMENT AGREEMENT was made and entered into this ____ day of _____, 20____ by and between the City of Celina, Ohio Council, acting by and through its President, and Joan S. Wurster, for the purpose of establishing the annual salary and duties for the position of Celina City Clerk of Council.

WHEREAS, the President of the Celina City Council (hereinafter "Council") is authorized by Celina City Council to enter into this Employment Agreement with Joan S. Wurster (hereinafter "Council Clerk") for the position of the Celina City Clerk of Council.

NOW, THEREFORE, BE IT AGREED BETWEEN THE CELINA CITY COUNCIL AND JOAN S. WURSTER:

SECTION ONE. This Agreement shall remain in full force and effect, from September 1, 2015 through December 31, 2015, or until terminated by the Council or the Council Clerk.

SECTION TWO. That, Joan S. Wurster is being appointed in an "at-will position" as the Clerk of Council for the City of Celina; and

SECTION THREE. That, Council agrees to pay Council Clerk an annual salary of Four Thousand Five Hundred Dollars (\$4,500.00) to be paid in quarterly installments, on a pro-rata basis with any other individual who has served or may serve as Council Clerk during the year 2015 (including previous Council Clerk Ms. Kari Fox, as well as previous employment of Joan S. Wurster in this position earlier in calendar year 2015) commencing on September 1, 2015, in accordance with the Ordinance 46-12-0 passed by Celina City Council on _____.

SECTION FOUR. That, the Council Clerk's duties are attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION FIVE. That, as the Council Clerk is an appointed, at-will position, should the Council Clerk choose to resign, the Council Clerk shall give a Sixty Day (60) notice of resignation to the Council.

SECTION SIX. That, this Agreement shall remain in force and effect from September 1, 2015 through December 31, 2015 , and shall be renewable annually by a majority vote of Council with the approval of the Clerk.

(Clerk of Council)

Jason D. King, President of Council

Approved as to Form:

George Erik Moore, Esq., City Law Director

RESOLUTION 11-15-R

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES FOR THE CITY OF CELINA AS DETERMINED BY THE MERCER COUNTY BUDGET COMMISSION, AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR, AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of Celina in accordance with the provision of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1, 2016; and

WHEREAS, the Budget Commission of Mercer County, Ohio, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within, the ten mill tax limitation; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Celina, Mercer County, Ohio, that the amounts and rates, as determined by the Mercer County Budget Commission in its certification, be and the same are hereby accepted.

SECTION ONE

THAT, there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

Summary of Amounts Required from General Property Tax Approved by Budget Commission and County Auditor's estimated tax rates:

<u>Inside 10 M. Limitation</u>	<u>Outside 10 M Limitation</u>	<u>Estimated Rate</u>
General Fund \$274,475 (Includes Co-op Agreement w/ Jefferson \$23,654)		1.70 inside rate
Police Pension \$ 48,437		0.30 inside rate
Fire Pension \$ 48,437		0.30 inside rate

SECTION TWO

THAT, this Resolution shall be declared an emergency measure immediately necessary for the preservation of the public peace, safety, and welfare, such emergency arising out of the necessity to file this Resolution with the Mercer County Auditor.

NOW, therefore, this Resolution shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 14th day of September, 2015



Jason D. King, President of Council

ATTEST:


Joan S. Wurster, Clerk of Council

APPROVED September 14, 2015


Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:


George E. Moore, Esq., City Law Director

RESOLUTION 12-15-R

A RESOLUTION ACCEPTING THE LOCAL GOVERNMENT FUND AMOUNT AND RATE AS DETERMINED BY THE MERCER COUNTY BUDGET COMMISSION, AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of Celina is eligible to receive monies from the Local Government Fund created by the State of Ohio.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Celina, Mercer County, Ohio.

SECTION ONE

THAT, the amounts and rates as determined by the Budget Commission in its certification, be and the same are hereby accepted.

SECTION TWO

THAT, the Mercer County Budget Commission intends to distribute these funds, and that the Council of the City of Celina shall accept the amounts and rates as follows for the 2016 budget year:


Local Government \$204,139.00 48.57%

SECTION THREE

THAT, this Resolution shall be declared an emergency measure immediately necessary for the preservation of the public peace, safety, and welfare, such emergency arising out of the necessity to file this Resolution with the Mercer County Auditor.

NOW, therefore, this Resolution shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 14th day of September 2015



Jason D. King, President of Council

ATTEST:

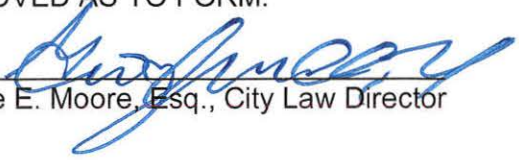


Joan S. Wurster, Clerk of Council

APPROVED September 14, 2015


Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:


George E. Moore, Esq., City Law Director

RESOLUTION 13-15-R

A RESOLUTION AUTHORIZING THE CITY OF CELINA TO SUBMIT A GRANT APPLICATION TO THE 2015 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM FOR THE PURCHASE OF SELF CONTAINED BREATHING APPARATUS AND DECLARING AN EMERGENCY.

WHEREAS, the Federal Emergency Management Agency (FEMA) has announced the application period for the Assistance to Firefighters Grant Program FY 2015. The 2015 Assistance to Firefighters Grant Program will be open December 7, 2015 to January 15, 2016; and

WHEREAS, the Assistance for Firefighters Grant Program supports projects that addresses safety equipment for firefighters, with the primary goal to reduce injury and prevent death among firefighters; and

WHEREAS, the Celina Fire Department wishes to submit an application to the FY 2015 Assistance Firefighters Grant Program for the acquisition of eighteen (18) Self Contained Breathing Apparatus; and

WHEREAS, a five percent (5%) match is required to be eligible to receive these grant funds.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Celina, County of Mercer, State of Ohio.

SECTION ONE

THAT, the Fire Chief be and is hereby authorized to file a FY 2015 Assistance Firefighters Grant Program application with the Federal Emergency Management Agency for the acquisition of Self Contained Breathing Apparatus in an amount not to exceed One Hundred Seventeen Thousand Four Hundred Fifty Dollars (\$117,450).

SECTION TWO

THAT, the City Council commits to providing the City of Celina share of the 5% matching funds needed to qualify for said grant in an amount not to exceed Five Thousand Eight Hundred and Seventy Three Dollars (\$5,873).

SECTION THREE

THAT, Council declares this to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare, and out of the necessity to meet the January 15, 2016 grant application submittal deadline. NOW, therefore, this Resolution shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this 14th day of December, 2015

Jason D. King
Jason D. King, President of Council

ATTEST:

Joan S. Wurster
Joan S. Wurster, Clerk of Council

APPROVED December 14, 2015
Jeffrey S. Hazel
Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:

George Erik Moore
George Erik Moore, Esq., City Law Director