

NOTICE OF PROCEEDINGS
City Council of the City of Defiance, Ohio
Charles D. Beard Council Chambers
City Hall, 631 Perry Street, Defiance, OH 43512

REGULAR MEETING OF COUNCIL
TUESDAY NOVEMBER 22, 2016
OPENING COMMENTS – 7:00 P.M.

COUNCIL HOURS
TUESDAY NOVEMBER 22, 2016
NO COUNCIL HOURS

PUBLIC HEARING: Permanent Zoning of the following newly annexed area:
71.20 acres of land more or less. Subject Property is known as being part of the southwest fractional quarter (1/4) of Section No 7 and part of the northwest fractional quarter (1/4) of Section No. 18, T4N, R5E, Richland Township, Defiance County, Ohio (including adjacent rights of way). Recommended Zoning by City of Defiance Planning Commission is M-3 (Highway and General Business District).

SECOND READING: AN ORDINANCE PROVIDING FOR THE REORGANIZATION OF THE FINANCE DEPARTMENT AND ADJUSTING THE SALARIES OF MANAGERIAL PERSONNEL WITHIN THE DEPARTMENT.

SECOND READING: A RESOLUTION SUPPORTING THE ESTABLISHMENT OF MAUMEE RIVER WATER TRAIL AS A DESIGNATED WATER TRAIL BY THE OHIO DEPARTMENT OF NATURAL RESOURCES.

FIRST READING: AN ORDINANCE AUTHORIZING A CONTRACT WITH D & R DEMOLITION CORPORATION AND DECLARING AN EMERGENCY.

FIRST READING: AN ORDINANCE CONSENTING TO THE INSPECTION OF BRIDGES WITHIN THE MUNICIPALITY, PLEDGING COOPERATION WITH THE DIRECTOR OF TRANSPORTATION AND DECLARING AN EMERGENCY. (Preliminary Legislation: ODOT Project ID No. 102554)

FIRST READING: AN ORDINANCE AUTHORIZING A CONTRACT WITH J. RANCK ELECTRIC, INC. TO SUPPLY AND INSTALL IMPROVEMENTS TO CLINTON AND ARABELLA STREETS.

FIRST READING: AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS FOR THE CITY OF DEFIANCE, OHIO FOR THE YEAR ENDING DECEMBER 31, 2016.

STUDY SESSION: NONE

| LIAISON ASSIGNMENTS | TIME | DATE | AGENDA |
|--|--|---------------------------------------|---|
| ♣SEWER: KRUTSCH | SPECIAL COMMITTEE OF A WHOLE 5:00 -7:00 P.M. | Tuesday - NOVEMBER 22 2016 | BUDGET OVERVIEW |
| ♣STREETS & SIDEWALK: WAXLER | 7:00 P.M. | Tuesday - NOVEMBER 2016 | NO MEETING |
| ♣UTILITIES, GAS & LIGHTS: ORZOLEK | 7:00 P.M. | Tuesday - NOVEMBER 2016 | NO MEETING |
| ♣POLICE & FIRE: LUNDBERG | 7:00 P.M. | Tuesday - NOVEMBER 2016 | NO MEETING |
| ♣TRAFFIC COMMISSION: LEONARD , Mayor, Cereghin, Shafer, Wilkins, Warner, Orzolek, Hancock, Krutsch | 5:30 P.M. | 2nd Tuesday - NOVEMBER 2016 | NO MEETING |
| ♣FINANCE: ENGEL | SPECIAL COMMITTEE OF A WHOLE 5:00 -7:00 P.M. | SPECIAL Tuesday - NOVEMBER 22 2016 | BUDGET PROCESS: SEWER AND WATER BUDGET OVERVIEW |
| ♣BUILDING AND LANDS: HANCOCK | 7:00 P.M. | Tuesday - NOVEMBER 2016 | NO MEETING |
| ♣WATER: LUNDBERG | SPECIAL COMMITTEE OF A WHOLE 5:00 -7:00 P.M. | Tuesday - NOVEMBER 22 2016 | BUDGET OVERVIEW |
| ♣ECONOMIC DEVELOPMENT: OBERLIN | 7:00 P.M. | Tuesday - NOVEMBER 2016 | NO MEETING, |
| ♣COMMUNITY INTERACTION: OBERLIN | 7:00 P.M. | Tuesday - NOVEMBER 2016 | NO MEETING |
| ♣BOARD OF CONTROL MEETING: MAYOR , Leonard, Williams, Lehner | 9:00 A.M. | Tuesdays and Thursdays | POSTED AT 631 PERRY STREET |

Ordinance No. _____

AN ORDINANCE PROVIDING FOR THE REORGANIZATION OF THE FINANCE DEPARTMENT AND ADJUSTING THE SALARIES OF MANAGERIAL PERSONNEL WITHIN THE DEPARTMENT

WHEREAS, resignation of the Utility Billing Manager/Income Tax Commissioner requires that the responsibilities of that office be reallocated among Finance Department personnel; and,

WHEREAS, the City Finance Director recommends that a second Account Supervisor position be established and that significant duties previously performed by the Utility Billing Manager/Income Tax Commissioner be assigned to each of the two Account Supervisors; and,

WHEREAS, the Civil Service Commission approved modification of the Account Supervisor job description to accurately reflect the added responsibilities to be assumed by employees appointed to that position; and,

WHEREAS, the established salary for the position of Account Supervisor is inadequate to fairly compensate the position as redefined by the amended job description; and,

WHEREAS, the position of Finance Clerk has traditionally been a salaried position exempt from overtime wage requirements of the Federal Fair Labor Standards Act; and,

WHEREAS, recent changes to Regulations administered by the U.S. Department of Labor require that the salary of the Finance Clerk be increased to preserve the exemption of that position from federal wage hour and overtime compensation requirements;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: An additional Account Supervisor Position is hereby established within the Finance Department.

Section 2: Effective October 17, 2016, the annual salary of the Account Supervisor primarily responsible for management of utility billing activities is increased to \$49,290.00.

Section 3: Effective October 24, 2016, the annual salary of the Account Supervisor primarily responsible for management of income tax assessment and collection activities is increased to \$49,290.00.

Section 4: Effective on the date of passage of this Ordinance, the annual salary of the Finance Clerk is increased to \$49,290.00.

Section 5: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

Section 6: This Ordinance shall be effective on the earliest date permitted by law.

Passed: _____, 2016

President of Council

Attest: _____, Clerk

Approved: _____, 2016

Mayor

RESOLUTION No. _____

**A RESOLUTION SUPPORTING THE ESTABLISHMENT OF THE
MAUMEE RIVER WATER TRAIL AS A DESIGNATED WATER TRAIL
BY THE OHIO DEPARTMENT OF NATURAL RESOURCES**

WHEREAS, Designation of a waterway as a Water Trail by the Ohio Department of Natural Resources enables the State of Ohio to provide financial assistance to public agencies, communities and organizations desiring to promote tourism and encourage eco-friendly public use of the designated waters for historical, cultural, educational, and recreational activities; and,

WHEREAS, The Toledo Metroparks and Defiance County Soil and Water Conservation District have proposed the establishment of a Maumee River Water Trail in accordance with the criteria and guidelines for approval established by the Ohio Department of Natural Resources; and,

WHEREAS, Water Trail designation requires a cooperative effort by the public agencies, communities and organizations that may become eligible for financial assistance from the Ohio Department of Natural Resources by reason of the designation; and

WHEREAS, The Defiance County Metroparks, Village of Antwerp, Village of Waterville and City of Perrysburg have endorsed the proposed designation;

Now therefore, be it Resolved by the Council of the Municipality of Defiance, Ohio, that:

Section 1: The City of Defiance hereby supports the establishment of the proposed Maumee River Water Trail as a means of promoting regional tourism and eco-friendly public use of the Maumee River for historical, cultural, educational and recreational activities.

Section 2: It is found and determined that all legislative actions pertaining to the adoption of this Resolution were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

Section 3: This Resolution shall be effective on the earliest date permitted by law.

Passed: _____, 2016

President of Council

Attest: _____, Clerk

Approved: _____, 2016

Mayor

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING A CONTRACT WITH D & R
DEMOLITION CORPORATION AND DECLARING AN EMERGENCY**

WHEREAS, the City has received a grant of funds from the Federal Emergency Management Agency and a supplemental grant of funds from the Ohio Emergency Management Agency to acquire and demolish flood prone structures in furtherance of Federal Flood Hazard Mitigation Program objectives; and,

WHEREAS, the City has acquired lands located at 202 Summit Street and 203 Auglaize Street and is obligated by the terms of the grant to demolish all structures located on those lands before December 31, 2016; and,

WHEREAS, the City solicited proposals to demolish the structures and dispose of the debris in accordance with all applicable Federal and State statutory and regulatory requirements and D & R Demolition Corporation submitted the lowest priced proposal;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: The City Administrator is authorized to award a contract to D & R Demolition Corporation to perform all services described by the solicitation on the terms of service established by the accepted proposal submitted for competitive review on or about November 7, 2016, and at the price therein quoted of \$19,500.00.

Section 2: The Finance Director and Maumee Valley Planning Organization are authorized to pay all costs arising under the terms of the authorized contract from Federal Hazard Mitigation Grant Program (FEMA-4002-DR-OH) funds administered by Maumee Valley Planning Organization pursuant to Resolution 2443, passed March 5, 2013.

Section 3: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

Section 4: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the community for the reason that all work authorized by this Ordinance must be completed by December 16, 2016, to assure compliance with the terms and conditions of the Federal grant. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than 5 Members of Council and approval of the Mayor.

Passed: _____, 2016

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2016

Mayor

Ordinance No. _____

AN ORDINANCE CONSENTING TO THE INSPECTION OF BRIDGES WITHIN THE MUNICIPALITY, PLEDGING COOPERATION WITH THE DIRECTOR OF TRANSPORTATION AND DECLARING AN EMERGENCY

(Preliminary Legislation: ODOT Project ID No. 102554)

WHEREAS, the City is obligated to periodically inspect vehicular bridges that are not maintained by the County Engineer or Ohio Department of Transportation; and,

WHEREAS, the Department of Transportation has established a voluntary program to assist municipalities by contracting with qualified consultants to perform the required inspection services at State expense; and,

WHEREAS, Council desires to participate in the program and expresses gratitude to the Department of Transportation for relieving the municipality of a burdensome obligation;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: Consent Statement: The City of Defiance consents to the performance of all work proposed to be undertaken within the municipality as ODOT Project ID No. 102554.

Section 2: Cooperation Statement: The City will participate in the project in the following manner:

- A. The Department of Transportation shall assume and bear 100% of the cost of Bridge Inspection Program Services requested by the City and agreed to by the State. Eligible Bridge Inspection Services are described in the *Consultant's Scope of Services Task Order Contract* now on file in the office of the City Engineer and incorporated herein by reference.
- B. The City of Defiance shall pay 100% of the cost of any service or feature that is not included in the *Consultant's Scope of Services* to be performed under the State Contract.

Section 3: Utilities and Right-of-Way Statement: The City agrees that all right-of-way required for the described project will be made available in accordance with current State and Federal regulations.

Section 4: Authority to Sign: The City Administrator is authorized to enter into and execute such agreements with the Director of Transportation as may be appropriate to secure municipal participation in the program.

Section 5: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

Section 6: This Ordinance is declared to be an Emergency Measure necessary to preserve the safety and welfare of the community for the reason that municipal consent to proceed with the work must be filed with the Director of Transportation prior to the award of State contracts in order for the City to participate in and benefit from the State inspection program. As such, this Ordinance shall take immediate effect upon passage with the concurrence of not less than 5 Members of Council and approval of the Mayor.

Passed: _____, 2016

Votes for Adoption: _____
Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2016

President of Council

Mayor

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A CONTRACT WITH J. RANCK ELECTRIC, INC. TO SUPPLY AND INSTALL IMPROVEMENTS TO CLINTON AND ARABELLA STREETS

WHEREAS, CDBG funded improvements to the downtown business district included the installation of decorative lighting from the Maumee River Bridge to Triangle Park; and,

WHEREAS, the scope of the project was reduced to accommodate CDBG funding limitations resulting in elimination of improvements south of Fifth Street; and,

WHEREAS, the Ohio Development Services Agency approved the redirection of surplus CDBG Industrial Revolving Loan Fund moneys to the municipality to enable completion of the downtown revitalization project as originally conceived; and,

WHEREAS, Ordinance 7800 was thereafter adopted authorizing the engagement of Poggemeyer Design Group, Inc., to design the improvements to be installed between Fifth and Arabella Streets and supervise the solicitation of bids and execution of awarded construction contracts; and,

WHEREAS, bids to supply and install the improvements were properly solicited and Poggemeyer Design Group, Inc., has recommended that the contract be awarded to J. Ranck Electric, Inc., as the lowest responsive and responsible bidder;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: The City Administrator is authorized to award a contract to J. Ranck Electric, Inc. to supply all labor, materials, fuel and equipment necessary to construct and install all improvements identified as Engineering Project No. 1609 in substantial conformity with the designs and materials specifications incorporated into the bid solicitation and, subject to the terms and conditions of service established by the accepted bid, at the bid price of \$167,178.14.

Section 2: The Finance Director is authorized to pay the contract price and all incidental expenses incurred in accordance with the terms of the authorized contract from line 276-451-5-2-980-880 of the 2016 annual budget.

Section 3: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

Section 4: This Ordinance shall be effective on the earliest date permitted by law.

Passed: _____, 2016
_____ President of Council

Attest: _____, Clerk

Approved: _____, 2016
_____ Mayor

ORDINANCE No. _____

AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS FOR THE CITY OF DEFIANCE, OHIO FOR THE YEAR ENDING DECEMBER 31, 2016.

Whereas, the Council of the City of Defiance has previously provided for the transfer of funds in the annual appropriation ordinance; and

Whereas, the City Finance Director has determined that it is necessary to transfer a portion of the appropriated funds in order to meet current expenses and other expenditures of the City:

Now, therefore, be it enacted by the Council of the City of Defiance, Defiance County, Ohio:

Section 1: The following amounts shall be transferred for the month of November, 2016:

| <u>FUND FROM</u> | <u>AMOUNT</u> | <u>FUND TO</u> |
|-------------------|---------------|------------------------------------|
| General Fund #101 | \$ 320,833 | Police & Fire Fund #201 |
| General Fund #101 | \$ 24,166 | Police Pension Fund #732 |
| General Fund #101 | \$ 23,333 | Fire Pension Fund #733 |
| WPC Fund #590 | \$ 36,366 | General Fund #101 |
| WPC Fund #590 | \$ 17,083 | Utilities Billing Office Fund #585 |
| WPC Fund #590 | \$ 30,000 | SCMR Fund #204 |
| WTP Fund #591 | \$ 34,066 | General Fund #101 |
| WTP Fund #591 | \$ 17,083 | Utilities Billing Office Fund #585 |

Section 2: It is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and that all deliberations that resulted in such formal action being taken, including all deliberations conducted by Committees of the Council, were conducted in meetings open to the public duly convened in compliance with law.

Section 3: This Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Passed: _____, 2016 _____
President of Council

Votes Approving Adoption: _____

Votes Opposing Adoption: _____

Attest: _____, Clerk

Approved: _____, 2016 _____
Mayor