

**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 MARCH 1, 2016  
Opening Comments – 7:00 p.m.

COUNCIL HOURS  
TUESDAY MARCH 1, 2016  
6:00 p.m.-6:45 p.m.

PUBLIC HEARING: NONE

SECOND READING: AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO AMEND AN EXISTING LEASE BETWEEN THE CITY OF DEFIANCE AND DEFIANCE HOLDINGS, LLC AND DECLARING AN EMERGENCY.

FIRST READING: AN ORDINANCE AUTHORIZING A CONTRACT WITH POGGEMEYER DESIGN GROUP, INC. TO DESIGN IMPROVEMENTS TO CLINTON AND ARABELLA STREETS AND SUPERVISE THE AWARD AND EXECUTION OF CONSTRUCTION CONTRACTS.

FIRST READING: AN ORDINANCE AUTHORIZING THE PURCHASE OF TWO 2016 POLICE CRUISERS.

FIRST READING: A RESOLUTION EXPRESSING SUPPORT FOR REALIGNMENT OF STATE ROUTES 2 AND 66 BETWEEN U.S. ROUTE 6 AND THE OHIO TURNPIKE.

STUDY SESSION: NONE

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

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO AMEND AN EXISTING LEASE BETWEEN THE CITY OF DEFIANCE AND DEFIANCE HOLDINGS, LLC AND DECLARING AN EMERGENCY**

**WHEREAS**, By Lease dated 29 November, 2010, the City granted Defiance Holdings, LLC, the right to occupy space on municipal water towers located at 363 Greenler Street and 400 Carter Avenue as mounting sites for Communications Facilities operated by Defiance Holdings, LLC and related corporate entities; and,

**WHEREAS**, the term of the tenancy is 10 years subject to early termination in the event the City elects to discontinue use of any structure identified in the Lease for municipal utility or governmental purposes; and,

**WHEREAS**, efficient operation of the municipal water utility requires that the water storage facility located at 363 Greenler Street be replaced by the erection of a larger elevated storage tank and further requires that the water storage facility located at 400 Carter Avenue be abandoned and dismantled; and,

**WHEREAS**, the parties engaged in good faith negotiations regarding relocation of the affected Communications Facilities as required by Article 3 of the Lease; and,

**WHEREAS**, Defiance Holdings, LLC, has agreed to erect antenna towers to provide satisfactory locations on which to mount all communications equipment presently installed on the existing water storage towers, including municipal equipment essential to maintenance of emergency and other governmental communications, at no cost to the City in exchange for permission to site the towers on neighboring public lands and a 21 year extension of the original term of the Lease;

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

**Section 1:** The City Administrator is authorized to execute the proposed "*Addendum to Lease Agreement*" now on file in the office of the Law Director and to perform all obligations imposed on the municipal government by the terms of that agreement.

**Section 2:** 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 3:** This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the community for the reason that State financing of the water storage tower to be constructed at 363 Greenler Street is contingent on substantial completion of the work by June 30, 2017, necessitating that construction begin no later than June 1, 2016. Erection of the water tower will interfere with operation of municipal radio equipment installed on the existing Greenler Street water tower jeopardizing police, fire and emergency medical communications. Construction of the antenna tower to be erected by subsidiaries of Defiance Holdings, LLC must, therefore, be completed before June 1, 2016, necessitating that the authorized agreement be immediately executed to facilitate the filing of applications to the Federal Communications Commission and Federal Aviation Administration for issuance of required regulatory permits. 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 AUTHORIZING A CONTRACT WITH POGGEMEYER DESIGN GROUP, INC. TO DESIGN IMPROVEMENTS TO CLINTON AND ARABELLA STREETS AND SUPERVISE THE AWARD AND EXECUTION OF CONSTRUCTION CONTRACTS**

**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 has approved redirection of surplus CDBG funds from the Industrial Revolving Loan Fund to the municipality to enable completion of the downtown revitalization project as originally conceived; and,

**WHEREAS**, A qualifications-based selection process was properly employed to select Poggemeyer Design Group, Inc., as the most qualified consultant to design the improvements to be installed between Fifth Street and Arabella Street based on the firm's prior service as design engineer for project phases I and II; and,

**WHEREAS**, Acceptable terms of engagement have been negotiated with Poggemeyer Design Group, Inc., in accordance with statutory requirements;

**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 Poggemeyer Design Group, Inc., to perform all engineering, design and related services detailed in the September 14, 2015, proposal on the terms and conditions of service therein recited and at a cost of \$25,250.

**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 403-901-5-2-979-101 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 PURCHASE OF TWO 2016 POLICE CRUISERS

**WHEREAS**, Two police cruisers are scheduled for replacement in 2016; and,

**WHEREAS**, The City Administrator solicited proposals to supply two wheel drive sedans, four or all wheel drive sedans and four or all wheel drive utility vehicles from all interested local new car dealers; and,

**WHEREAS**, The City Administrator and Chief of Police have concluded that the Police Department will be best served by purchase of one front wheel drive sedan and one four wheel drive utility vehicle; and,

**WHEREAS**, Estle Chevrolet-Cadillac submitted the lowest priced proposal to supply the desired sedan and Mark Moats Ford submitted the lowest priced proposal to supply the desired utility vehicle;

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

**Section 1:** The City Administrator is authorized to purchase one 2016 Chevrolet Impala automobile conforming to the product specifications submitted with the accepted proposal from Estle Chevrolet-Cadillac at the quoted price of \$21,716.

**Section 2:** The City Administrator is authorized to purchase one 2016 Ford utility vehicle conforming to the product specifications submitted with the accepted proposal from Mark Moats Ford, Inc., at the quoted price of \$26,885.

**Section 3:** Upon delivery of the newly purchased vehicles, the City Administrator is authorized to sell not more than two police cruisers no longer deemed appropriate for law enforcement use as municipal surplus pursuant to Codified Ordinance 151.04.

**Section 4:** The Finance Director is authorized to pay the authorized purchase price from appropriated funds allocated for the purchase of replacement cruisers by Line 403-901-976-054 of the 2016 annual budget.

**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 shall be effective on the earliest date permitted by law.

Passed: \_\_\_\_\_, 2016

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_, Clerk

Approved: \_\_\_\_\_, 2016

\_\_\_\_\_  
Mayor

RESOLUTION No. \_\_\_\_\_

**A RESOLUTION EXPRESSING SUPPORT FOR REALIGNMENT OF  
STATE ROUTES 2 AND 66 BETWEEN U.S. ROUTE 6 AND THE OHIO  
TURNPIKE**

**WHEREAS**, The Village of Archbold, Ohio, has proposed that State Route 2 and State Route 66 be realigned to alleviate traffic congestion in the village business district and expedite connections to the Ohio Turnpike from U.S. Route 6; and

**WHEREAS**, The Department of Transportation has granted TRAC program funding to evaluate the proposal; and

**WHEREAS**, Establishment of a more direct and less congested highway route between U.S. Route 6 and the Ohio Turnpike will benefit municipal economic development efforts by expediting the shipment of goods from the City of Defiance to the Ohio Turnpike and destinations accessed from the Interstate Highway system;

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

**Section 1:** The City Council of the City of Defiance, Ohio, finds that improvement of County Roads adjacent to the Village of Archbold to enable realignment of State Routes 2 and 66 to bypass the downtown business district of Archbold, Ohio, and provide a more expeditious route for the shipment of goods from Defiance to the Ohio Turnpike will benefit the City of Defiance and does, therefore, encourage the Ohio Department of Transportation to proceed with the proposed improvements and highway realignment.

**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