

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 8, 2016
Opening Comments – 7:00 p.m.

COUNCIL HOURS
TUESDAY MARCH 8, 2016
6:00 p.m.-6:45 p.m.

PUBLIC HEARING: NONE

THIRD 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 CHANGE TO PREVIOUSLY AWARDED CONTRACTS PERTAINING TO THE WIDENING OF SOUTH CLINTON STREET AND DECLARING AN EMERGENCY.

FIRST READING: AN ORDINANCE AUTHORIZING THE PURCHASE OF PLAYGROUND EQUIPMENT FOR INSTALLATION AT DIEHL PARK.

FIRST READING: AN ORDINANCE AMENDING ORDINANCE NO. 7774 PASSED DECEMBER 22, 2015 TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF DEFIANCE, OHIO, DURING THE PERIOD OF JANUARY 1, 2016 THROUGH DECEMBER 31, 2016.

FIRST READING: A RESOLUTION APPROVING THE USE OF MUNICIPAL EQUIPMENT TO CONSTRUCT IMPROVEMENTS AT HOSPICE CENTER.

STUDY SESSION: NONE

LIAISON ASSIGNMENTS	TIME	DATE	AGENDA
♣SEWER: KRUTSCH	7:00 P.M.	Tuesday - MARCH 2016	NO MEETING
♣STREETS & SIDEWALK: WAXLER	7:00 P.M.	Tuesday - MARCH 2016	NO MEETING
♣UTILITIES, GAS & LIGHTS: ORZOLEK	7:00 P.M.	Tuesday - MARCH 2016	NO MEETING
♣POLICE & FIRE: LUNDBERG	7:00 P.M.	Tuesday - MARCH 2016	NO MEETING
♣TRAFFIC COMMISSION: LEONARD, Mayor, Cereghin, Tobias, Wilkins, Warner, Orzolek, Hancock, Krutsch	5:30 P.M.	2 nd Tuesday - MARCH 2016	NO MEETING
♣FINANCE: ENGEL	7:00 P.M.	Tuesday - MARCH 2016	NO MEETING
♣BUILDING AND LANDS: HANCOCK	7:00 P.M.	Tuesday - MARCH 2016	NO MEETING
♣WATER: LUNDBERG	7:00 P.M.	Tuesday - MARCH 2016	NO MEETING
♣ECONOMIC DEVELOPMENT: OBERLIN	7:00 P.M.	Tuesday - MARCH 2016	NO MEETING,
♣COMMUNITY INTERACTION: OBERLIN	7:00 P.M.	Tuesday - MARCH 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 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 CHANGE TO PREVIOUSLY AWARDED CONTRACTS PERTAINING TO THE WIDENING OF SOUTH CLINTON STREET AND DECLARING AN EMERGENCY

WHEREAS, the Ohio Department of Transportation awarded grants providing funding for approximately 80% of the anticipated cost to widen portions of State Route 111, South Clinton Street, in accordance with designs and material specifications on file as ODOT Project Identification No. 92830 and City Engineering Project Number 1603; and,

WHEREAS, Ordinance 7789, passed February 2, 2016, authorized an award of contract to Helms & Sons Excavating to construct the highway improvements in conformity with the approved plans and specifications then on file and an award of a contract to DGL Consulting Engineers to provide project oversight, inspection and testing services needed to administer the construction contract; and,

WHEREAS, Council finds that aged water transmission mains and service connections located within the right of way of South Clinton Street should be replaced concurrently with construction of the authorized highway improvements to minimize the risk that newly installed pavements will suffer damage resulting from the need to open the street to repair foreseeable failures in the water distribution system and further finds that the water system improvements can be most cost effectively installed by Helms & Sons Excavating during the course of construction of the highway improvements;

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

Section 1: The City Administrator is authorized to issue a Change Order modifying the contract previously awarded to Helms & Sons Excavating pursuant to Ordinance 7789 to provide for concurrent installation of improvements to the municipal water distribution system at a cost to be computed in accordance with unit prices recited in the Change Order but not to exceed \$450,000 without further authorization by Ordinance.

Section 2: The City Administrator is authorized to compensate DGL Consulting Engineers for project oversight, inspection and testing services that are necessitated solely by the installation of water distribution improvements authorized by Section 1. The authorized compensation shall be computed in accordance with the terms of service recited in the contract awarded to pursuant to Ordinance 7789 and shall be in addition to payments authorized by that Ordinance.

Section 3: The Finance Director is authorized to pay all costs incurred in accordance with Sections 1 and 2 of this Ordinance from appropriated water funds allocated for expenditure by Line 591-538-5-2-980-880 of the 2016 annual budget.

Section 4: 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 5: This Ordinance is declared to be an emergency measure necessary to preserve the health and safety of the community for the reason that the Change Order authorized by Section 1 must be immediately executed to avoid delay in the commencement of street improvements authorized by Ordinance 7789 and to assure completion of the highway improvements within the time allowed by the grants awarded by the Department of Transportation. 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 THE PURCHASE OF PLAYGROUND EQUIPMENT FOR INSTALLATION AT DIEHL PARK

WHEREAS, the City applied for and received a grant of NatureWorks Program funds from the Ohio Department of Natural Resources to purchase and install playground equipment at Diehl Park; and,

WHEREAS, on March 2, 2016, the Ohio Department of Natural Resources approved the product specifications and installation plans and confirmed that the City will be eligible for reimbursement of \$48,745.00 expended to complete the project as designed;

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

Section 1: The City Administrator is authorized to contract with David Williams & Associates, Inc., of Alliance, Ohio, to supply playground equipment conforming to the product descriptions detailed in the February 23, 2016, price quotation numbered #41985 and relating to Project Identification #P17741. The authorized purchase shall be made through the U.S. Communities Government Purchasing Alliance pursuant to the authority of Codified Ordinance 131.02 and without competitive bidding.

Section 2: The Finance Director is authorize to pay the approved purchase price of \$53,381.72 from appropriated funds allocated to the project by Line 403-901-5-2-978-050 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 AMENDING ORDINANCE NO. 7774 PASSED
DECEMBER 22, 2015 TO MAKE APPROPRIATIONS FOR
CURRENT EXPENSES AND OTHER EXPENDITURES OF
THE CITY OF DEFIANCE, OHIO, DURING THE PERIOD OF
JANUARY 1, 2016 THROUGH DECEMBER 31, 2016.**

WHEREAS, the City Finance Director has determined that additional appropriations are necessary to provide for expenditures; and

WHEREAS, that in addition to approving the expenditure of all public funds, Council must approve the appropriation of all public funds;

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

Section 1: That, to provide for expenses of the City of Defiance, State of Ohio, during the period of January 1, 2016 through December 31, 2016, Ordinance No. 7774 is hereby amended by appropriation changes to the following accounts:

249-Probation Grant Fund		
Operating	\$	12,442.00
TOTAL - 249-Probation Grant Fund		\$ 12,442.00
590-Water Pollution Control Fund		
Operating	\$	62,833.00
TOTAL - 590-Water Pollution Control Fund		\$ 62,833.00
591-Water Fund		
Operating	\$	1,599,967.00
TOTAL - 591-Water Fund		\$ 1,599,967.00
704-Hotel/Motel Tax Fund		
Operating	\$	1,870.00
TOTAL - 704-Hotel/Motel Tax Fund		\$ 1,870.00
793-Fire Damage Repair/Removal Fund		
Operating	\$	12,000.00
TOTAL - 793-Fire Damage Repair/Removal Fund		\$ 12,000.00
GRAND TOTAL - ALL FUNDS		\$ 1,689,112.00

RECAPITULATION OF APPROPRIATIONS

249	Probation Grant Fund	\$	12,442.00
590	Water Pollution Control Fund	\$	62,833.00
591	Water Fund	\$	1,599,967.00
704	Hotel/Motel Tax Fund	\$	1,870.00
793	Fire Damage Repair/Removal Fund	\$	12,000.00
GRAND TOTAL - ALL FUNDS			\$ 1,689,112.00

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

**CITY OF DEFIANCE - FY 2016
SUPPLEMENTAL APPROPRIATIONS ORDINANCE**

March 4, 2016

Members of Council,

Below are the specific line items associated with this week's amending appropriation ordinance. If you have any questions, please contact me.

General Fund: None.

Other Funds:

\$12,442 in the Probation Grant Fund to reflect additional 2016 grant dollars awarded for equipment and operating expenditures in the Municipal Court.

\$62,833 in the Sewer Fund related to bond issuance costs. These expenses are offset by proceeds of the recent bond sale used to payoff ongoing and outstanding notes.

\$1,599,967 in the Water Fund to account for the payoff of 2005 bonds recently refunded, as well as related issuance costs. All costs are offset by bond proceeds built-in to the sale.

\$1,870 for the Tuttle Museum to reflect recent donations that were given for specified purchases -- namely, a vertical glass display case and curtains/blinds for the three large first floor windows.

\$12,000 in the Fire Damage Repair & Removal Fund to permit the refund of insurance monies received for a dwelling fire on Hopkins Street. This money was appropriated in 2015, but due to complications with the property, the refund was delayed.

Thanks,

John W. Lehner
Finance Director
City of Defiance

Fund No.	Dept No.	Account No.	Account Name	Amount	Division
249	198	727000	Operating Supplies	700.00	
249	198	730006	Equipment	4,000.00	
249	198	937600	Program Expense	7,742.00	
TOTAL - Probation Grant Fund				12,442.00	
590	540	973004	Professional Services	62,833.00	
TOTAL - Water Pollution Control Fund				62,833.00	
591	537	835009	Professional Services	44,967.00	
591	537	999027	2005 Refin Principal	1,555,000.00	
TOTAL - Water Fund				1,599,967.00	
704	873	727000	Operating Supplies	1,870.00	Museum
TOTAL - Hotel/Motel Tax Fund				1,870.00	
793	338	964000	Refund	12,000.00	
TOTAL - Fire Damage Repair/Removal Fund				12,000.00	
GRAND TOTAL - ALL FUNDS				1,689,112.00	

RESOLUTION No. _____

A RESOLUTION APPROVING THE USE OF MUNICIPAL EQUIPMENT TO CONSTRUCT IMPROVEMENTS AT THE HOSPICE CENTER

WHEREAS, the Community has been enhanced by the Defiance Hospice In-Patient Center and end of life care provided municipal and area residents; and,

WHEREAS, construction of the Defiance Hospice In-Patient Center was funded by charitable contributions; and,

WHEREAS, a proposal has been made to enhance the grounds of the Hospice Center by installation of a Veterans' Flag Plaza to honor patients who served in the Armed Forces; and

WHEREAS, The Hospice Center has received charitable donations to pay for all materials required to install the Veterans' Flag Plaza; and,

WHEREAS, municipal employees, individually and through their unions, donated funds to establish the Defiance Hospice In-Patient Center and have previously volunteered labor to assist with the construction of improvements to beautify the grounds; and,

WHEREAS, municipal employees have expressed a desire to volunteer labor to assist with the installation of the proposed veterans' memorial; and,

WHEREAS, encouraging municipal employees from different operating divisions to work collaboratively on a volunteer project is beneficial to employee development, workforce morale and general municipal operations; and,

WHEREAS, the City Administrator has determined that municipal equipment can be employed to assist municipal employee-volunteers with installation of the veterans' memorial without adversely affecting municipal operations or incurring significant public expense;

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

Section 1: The City Administrator is authorized to employ municipal equipment to install a Veterans' Flag Plaza and related landscaping on the grounds of the Defiance Hospice In-Patient Center. Use of the equipment shall be restricted to properly trained municipal employees participating in the project as volunteers during the operators' off-duty hours.

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