

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 APRIL 12, 2016
Opening Comments – 7:00 p.m.

COUNCIL HOURS
TUESDAY APRIL 12, 2016
6:00 p.m.-6:45 p.m.

PUBLIC HEARING: NONE

SECOND READING: A RESOLUTION SUPPORTING THE DETERMINATION OF THE CITY ADMINISTRATOR TO SEEK ASSISTANCE FROM THE OHIO DEPARTMENT OF TRANSPORTATION.

FIRST READING: AN ORDINANCE AUTHORIZING A COMMUNITY REINVESTMENT AREA AGREEMENT BETWEEN THE CITY OF DEFIANCE AND B & B REALTY HOLDINGS, LLC AND DECLARING AN EMERGENCY.

FIRST READING: A RESOLUTION APPROVING A PETITION AND AUTHORIZING THE FILING OF ARTICLES OF INCORPORATION TO CREATE AN ENERGY SPECIAL IMPROVEMENT DISTRICT.

STUDY SESSION: NONE

LIAISON ASSIGNMENTS	TIME	DATE	AGENDA
♣SEWER: KRUTSCH	7:00 P.M.	Tuesday - APRIL 2016	NO MEETING
♣STREETS & SIDEWALK: WAXLER	7:00 P.M.	Tuesday - APRIL 2016	NO MEETING
♣UTILITIES, GAS & LIGHTS: ORZOLEK	7:00 P.M.	Tuesday - APRIL 2016	NO MEETING
♣POLICE & FIRE: LUNDBERG	7:00 P.M.	Tuesday - APRIL 2016	NO MEETING
♣TRAFFIC COMMISSION: LEONARD , Mayor, Cereghin, Tobias, Wilkins, Warner, Orzolek, Hancock, Krutsch	5:30 P.M.	2 nd Tuesday - APRIL 2016	NO MEETING
♣FINANCE: ENGEL	7:00 P.M.	Tuesday - APRIL 2016	NO MEETING
♣BUILDING AND LANDS: HANCOCK	7:00 P.M.	Tuesday - APRIL 26 2016	CEMETERY RATES
♣WATER: LUNDBERG	7:00 P.M.	Tuesday - APRIL 2016	NO MEETING
♣ECONOMIC DEVELOPMENT: OBERLIN	7:00 P.M.	Tuesday - APRIL 2016	NO MEETING,
♣COMMUNITY INTERACTION: OBERLIN	7:00 P.M.	Tuesday - APRIL 2016	NO MEETING
♣BOARD OF CONTROL MEETING: MAYOR , Leonard, Williams, Lehner	9:00 A.M.	Tuesdays and Thursdays	POSTED AT 631 PERRY STREET

RESOLUTION No. _____

A RESOLUTION SUPPORTING THE DETERMINATION OF THE CITY ADMINISTRATOR TO SEEK ASSISTANCE FROM THE OHIO DEPARTMENT OF TRANSPORTATION

WHEREAS, The intersection of State Route 15 (Ottawa Avenue) with Cleveland Avenue is the 10th highest crash location in the five county planning region comprised of Defiance, Fulton, Henry, Paulding and Williams Counties; and,

WHEREAS, One in four collisions at the intersection results in personal injury to one or more occupants of the involved vehicles due to an extraordinarily high incidence of “angle” crashes; and,

WHEREAS, Low cost improvements installed by the City to reduce the frequency and severity of collisions at the intersection have proven to be inadequate; and,

WHEREAS, Establishment of manufacturing facilities by B & B Molded Products, Inc., and expansion of public school facilities by the Defiance City School District will aggravate the safety hazard by increasing vehicular, pedestrian and bicycle traffic through the intersection; and,

WHEREAS, Council further finds that the municipal government lacks the necessary financial resources to design and construct the required highway improvements without State assistance; and,

WHEREAS, The City Administrator has determined to seek financial and technical assistance from the Ohio Department of Transportation; and,

WHEREAS, The City Administrator has provided Council with conceptual drawings depicting proposals for improvement of State Route 15 that are worthy of further consideration; and,

WHEREAS, City officials convened a public meeting on March 31, 2016, for the sole purpose of soliciting public opinion regarding the need for improvements to State Route 15 and relative merit of design alternatives;

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

Section 1: Council expresses concurrence with the City Administrator’s determination to make application to the Ohio Department of Transportation for assistance with the design and construction of improvements to State Route 15 in the vicinity of the intersection of Ottawa Avenue and Cleveland Avenue and does hereby endorse, ratify and confirm all actions heretofore taken by the City Administrator to secure such assistance. The City Administrator is authorized to take such future actions as may be necessary or appropriate to prepare and file formal applications for such assistance.

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 COMMUNITY REINVESTMENT AREA AGREEMENT BETWEEN THE CITY OF DEFIANCE AND B & B REALTY HOLDINGS, LLC AND DECLARING AN EMERGENCY

WHEREAS, Ordinance 6606, passed September 6, 2005, established Community Reinvestment Area #3 to encourage investments to construct and improve buildings within the designated area by exempting the value of new improvements from ad valorem property taxation for a designated period of time; and,

WHEREAS, B & B Realty Holdings, LLC acquired lands formerly occupied by the Compo Corporation with the intent to renovate vacant buildings and restore them to productive use; and,

WHEREAS, B & B Realty Holdings, LLC was induced to purchase the property by assurances that 90% of the increase in valuation resulting from the proposed improvements would be exempted from taxation for a period of 10 years; and,

WHEREAS, the Board of Education approved allowance of the proposed tax exemption by Resolution duly adopted prior to acquisition of the real estate by B & B Realty Holdings, LLC; and,

WHEREAS, final plans and specifications for the improvements have been completed and it is necessary that the Community Reinvestment Area Agreement between the City and B & B Realty Holdings be formally adopted so that work may proceed in a timely manner without jeopardizing the validity of the promised tax exemptions;

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

Section 1: the *Community Reinvestment Area Agreement Between the City of Defiance, Ohio, and B & B Realty Holdings, LLC* now on file with the Clerk of Council is approved and all municipal officials are authorized to execute the same.

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 or welfare of the community for the reason that immediate execution of the agreement is necessary to enable B & B Realty Holdings, LLC to proceed with work that must be completed by early summer, 2016, to prepare facilities for employment of municipal residents. 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

RESOLUTION No. _____

A RESOLUTION APPROVING A PETITION AND AUTHORIZING THE FILING OF ARTICLES OF INCORPORATION TO CREATE AN ENERGY SPECIAL IMPROVEMENT DISTRICT

WHEREAS, Chapter 1710 of the Ohio Revised Code empowers property owners to petition the municipality for creation of an Energy Special Improvement District; and,

WHEREAS, Pursuant to Ohio Revised Code §1710.02, B&B Realty Holdings, LLC has filed a proper Petition entitled: *Petition for Creation of Energy Special Improvement District and for Special Assessments for Special Energy Improvement Projects* (the "Petition"), (2) an initial plan entitled: *City of Defiance, Ohio Energy Special Improvement District Plan* (the "Plan"), and (3) *Articles of Incorporation of the City of Defiance, Ohio Energy Special Improvement District, Inc.* (the "Articles"); and

WHEREAS, the Petition asks Council to create the City of Defiance, Ohio, Energy Special Improvement District to be administered by an Ohio not-for-profit corporation organized in accordance with the Articles of Incorporation and Chapter 1702 of the Revised Code; and,

WHEREAS, the Petition and Articles provide for governance of City of Defiance, Ohio, Energy Special Improvement District, Inc., in conformity with Ohio Revised Code Chapter 1710 including, without limitation, §1710.04; and,

WHEREAS, the proposed Plan adequately identifies the special energy improvement project to be undertaken on the lands described by the Petition and adequately describes the special assessments that will be required to secure repayment of loans incurred to pay project costs; and,

WHEREAS, Council undertook a study of the proposal in open meeting on April 5, 2016, and finds that establishment of the Energy Special Improvement District will complement economic development initiatives undertaken by the City to promote the general welfare of the community and better ensure public health and safety by protecting water and other natural resources; and,

WHEREAS, Council further finds that the proposed special energy improvement project need not be exclusively owned by the municipality to achieve the municipal purposes for which the Energy Special Improvement District is created;

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

Section 1: The Petition of B & B Realty Holdings, LLC and accompanying operational plan are approved. The Clerk of Council is directed to file the proposed Articles of Incorporation and a certified copy of this Resolution with the Ohio Secretary of State. The City Law Director is authorized to approve such alterations to the Articles as may be requested by the Secretary of State to secure acceptance of the document.

Section 2: Upon creation of City of Defiance, Ohio, Energy Special Improvement District, Inc., the Member of Council serving as liaison for Economic Development shall serve on the Board of Directors.

Section 3: 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 7: This Resolution shall be effective on the earliest date permitted by law.

Passed: _____, 2016

President of Council

Attest: _____, Clerk

Approved: _____, 2016

Mayor