

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 5, 2016
Opening Comments – 7:00 p.m.

COUNCIL HOURS
TUESDAY APRIL 5, 2016
6:00 p.m.-6:45 p.m.

PUBLIC HEARING: PY 2016 CDBG, HOME, OHTF PROGRAMS

FIRST READING: AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO AMEND THE MAUMEE VALLEY SOUTH CHIP CONSORTIUM PARTNERSHIP AGREEMENT.

FIRST READING: AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO CONTRACT WITH WARD CONSTRUCTION CO.

FIRST READING: AN ORDINANCE AUTHORIZING A CONTRACT WITH SWAGER COMMUNICATIONS, INC. AND DECLARING AN EMERGENCY.

FIRST READING: AN ORDINANCE AUTHORIZING THE PURCHASE AND INSTALLATION OF A PAYROLL TIME KEEPING SYSTEM.

FIRST READING: A RESOLUTION DECLARING THE SERVICES TO BE PROVIDED TERRITORY PROPOSED FOR ANNEXATION, ESTABLISHING ZONING RESTRICTIONS PERTAINING THERETO AND DECLARING AN EMERGENCY.

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

STUDY SESSION: B & B MOLDED EMERGENCY SPECIAL IMPROVEMENT DISTRICT

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 5 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

Ordinance No. _____

**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO
AMEND THE MAUMEE VALLEY SOUTH CHIP CONSORTIUM
PARTNERSHIP AGREEMENT**

WHEREAS, Ordinance No. 7623, passed May 27, 2014, authorized an agreement between the City of Defiance, Defiance County, Paulding County and Maumee Valley Planning Organization establishing the Maumee Valley South CHIP Consortium to consolidate activities previously undertaken by the city and counties with Federal funds allocated to the State of Ohio for distribution to local units of general government in furtherance of Federal purposes established by the Housing and Community Development Act of 1974 and Cranston-Gonzales National Affordable Housing Act of 1990; and,

WHEREAS, Council finds that Section 8 of the agreement should be amended to clarify the authority vested in Maumee Valley Planning Organization to manage and administer activities undertaken by the Maumee Valley South CHIP Consortium on behalf of the City of Defiance and its governmental partners;

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 amendment to the *“Partnership Agreement Establishing the Maumee Valley South CHIP Consortium”* now on file in the office of the City Law Director and to deliver executed copies of the same to all interested parties and State officials.

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 duly convened in accordance with law.

Section 3: 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 CITY ADMINISTRATOR TO CONTRACT WITH WARD CONSTRUCTION CO.

WHEREAS, The City Engineer employed objective rating criteria to identify the streets to be resurfaced in the administration of the annual pavement maintenance program; and,

WHEREAS, Ward Construction Co., submitted the lowest responsive and responsible bid to perform the work;

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 Ward Construction Co., to repair and resurface all pavement sections identified by the bid solicitation in substantial conformity with the designs and material specifications therein recited, at the unit prices and on the contractual terms established by the bid received on March 22, 2016.

Section 2: The Finance Director is authorized to pay the base bid price of \$238,162.25 and all other costs incurred in accordance with the authorized contract from appropriated funds allocated for expenditure by Line 403-901-5-2-980-874 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 A CONTRACT WITH SWAGER COMMUNICATIONS, INC. AND DECLARING AN EMERGENCY

WHEREAS, the City of Defiance and Defiance County E-911 Communications Center maintain radio equipment on the Greenler Street water tower; and,

WHEREAS, efficient operation of the water distribution system requires that a larger elevated water storage tank be installed on municipal lands immediately adjacent to the existing Greenler Street water tower; and,

WHEREAS, the State of Ohio has agreed to finance construction of the enlarged water tower using funds appropriated for expenditure during the current biennium; and,

WHEREAS, construction of the enlarged water tower must begin on or about June 1, 2016, to assure completion of the work prior to expiration of the appropriation; and,

WHEREAS, construction of the enlarged water tower will obstruct radio transmissions to and from antennas mounted on the existing Greenler Street water tower necessitating that an antenna tower be erected to maintain radio communications that are essential to safe and efficient delivery of police, fire and emergency medical services; and,

WHEREAS, City officials solicited proposals to design, supply and install the required radio tower and Swager Communications, Inc., of Fremont, Indiana, was selected as the preferred vendor; and,

WHEREAS, City officials have negotiated an acceptable price for the needed design and construction services;

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 Swager Communications, Inc., to supply and install a communications tower conforming to the design and material specifications recited in the March 28, 2016, proposal and at the quoted price of \$106,670.00.

Section 2: The Finance Director is authorized to pay the purchase price and any additional costs that may be incurred in accordance with the authorized contract from appropriated Capital Improvement, Water Pollution Control and Water funds allocated for expenditure by Lines 403-901-52-850-006, 590-540-52-980-880 and 591-537-52-980-880 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 or in Executive Session duly convened in accordance with law.

Section 4: This Ordinance is declared to be an emergency measure necessary to preserve the health and safety of the community for the reason that construction of the antenna tower must begin immediately to assure completion of the work prior to commencement of construction of the adjacent water tower which must begin on or about June 1, 2016, to comply with State financing requirements. 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 AND INSTALLATION OF A PAYROLL TIME KEEPING SYSTEM

WHEREAS, The Board of Control recommends the purchase of electronic clocks and use of appropriate software to automate the collection and reporting of employee attendance to reduce administrative costs and data entry errors associated with the preparation of biweekly payrolls; and,

WHEREAS, the Finance Director has evaluated competing payroll systems and recommends adoption of the automated timekeeping and payroll system offered by F&E Payment Pros of Northfield, Ohio; and,

WHEREAS, Council made adequate provision for the anticipated purchase and implementation of an automated timekeeping and payroll system in the 2016 annual budget;

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

Section 1: The City Administrator is authorized to purchase all electronic time clocks, software, hardware and implementation services described by F&E Payment Pros quotation #ky151007r1 at the prices and on the terms of service therein proposed.

Section 2: The Finance Director is authorized to pay the initial purchase price of \$21,775.00 from General, Police & Fire, Water and Water Pollution Control funds allocated to the purchase by 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

RESOLUTION No. _____

A RESOLUTION DECLARING THE SERVICES TO BE PROVIDED TERRITORY PROPOSED FOR ANNEXATION, ESTABLISHING ZONING RESTRICTIONS PERTAINING THERETO AND DECLARING AN EMERGENCY

Whereas, Westrick Family Farm, LLC, Fort Winchester Investment Partners, LLC, Ohio Gas Company and ANR Pipeline Company have filed a Petition seeking to annex 71.207 acres of land located in Sections 7 and 18, Richland Township, Defiance County, Ohio, to the City of Defiance; and,

Whereas, Revised Code Section 709.023(C) requires Council to adopt a Resolution declaring the services to be provided the territory upon annexation, providing for the maintenance of public roads segmented or divided by the annexation and providing for the establishment of appropriate buffers in the event municipal zoning of the territory permits uses that are incompatible with neighboring uses permitted by township zoning regulations;

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

Section 1: The City of Defiance consents to approval of the aforesaid Petition by the Board of County Commissioners and will maintain any street or road divided or segmented by the annexation.

Section 2: Immediately upon annexation, all lands described by the Petition will be provided all customary general governmental and utility services in the same manner and on the same terms and conditions as are applicable to the provision of like-kind services to other lands within the territorial boundaries of the municipality.

Section 3: In the event land within the annexation territory is accorded a municipal zoning designation that permits the land to be used in a manner that is clearly incompatible with the uses permitted by township zoning of adjacent lands, Council will provide for the establishment of a buffer conforming to the requirements of Ohio Revised Code Section 709.23(C) in the Ordinance establishing the municipal zoning district.

Section 4: It is found and determined that all legislative actions pertaining to the adoption of this Resolution and all deliberations that affected or influenced all such legislative acts, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

Section 5: This Resolution is declared to be an emergency measure necessary to the preservation of the health, safety and welfare of the community for the reason that statutory law requires this Resolution to be promptly filed with the Board of County Commissioners. 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 Approving Adoption: _____

Votes Opposing Adoption: _____

Attest: _____, Clerk

Approved: _____, 2016

Mayor

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