

**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 AUGUST 9, 2016  
OPENING COMMENTS – 7:00 P.M.

COUNCIL HOURS  
TUESDAY AUGUST 9, 2016  
6:00 P.M. – 6:45 P.M.

*PUBLIC HEARING: NONE*

THIRD READING: AN ORDINANCE AMENDING SECTION 121.01 OF THE CODIFIED ORDINANCES.

FIRST READING: AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO AMEND A LEASE BETWEEN THE CITY AND DEFIANCE HOLDINGS, LLC, GRANT AN EASEMENT TO DEFIANCE HOLDINGS, LLC, AND DECLARING AN EMERGENCY.

FIRST READING: AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO CONTRACT FOR PAINTING OF PAVEMENT MARKINGS, PROJECT NO. 16-07.

FIRST READING: AN ORDINANCE ESTABLISHING A JOB CREATION INCENTIVE FOR CREDIT ADJUSTMENTS, INC.

FIRST READING: AN ORDINANCE AUTHORIZING AN AWARD OF CONTRACT TO HOHENBRINK EXCAVATING LLC AND DECLARING AN EMERGENCY.

FIRST READING: AN ORDINANCE AUTHORIZING AN AWARD OF CONTRACT TO MILLER CONTRACTING GROUP AND DECLARING AN EMERGENCY.

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 - AUGUST 2016	NO MEETING
♣STREETS & SIDEWALK: <b>WAXLER</b>	7:00 P.M.	Tuesday - AUGUST 2016	NO MEETING
♣UTILITIES, GAS & LIGHTS: <b>ORZOLEK</b>	7:00 P.M.	Tuesday - AUGUST 2016	NO MEETING
♣POLICE & FIRE: <b>LUNDBERG</b>	7:00 P.M.	Tuesday - AUGUST 2016	NO MEETING
♣TRAFFIC COMMISSION: LEONARD, Mayor, Cereghin, Tobias, Wilkins, Warner, Orzolek, Hancock, Krutsch	5:30 P.M.	2nd Tuesday - AUGUST 2016	NO MEETING
♣FINANCE: <b>ENGEL</b>	7:00 P.M.	Tuesday - AUGUST 2 2016	NO MEETING
♣BUILDING AND LANDS: <b>HANCOCK</b>	7:00 P.M.	Tuesday - AUGUST 2 2016	NO MEETING
♣WATER: <b>LUNDBERG</b>	7:00 P.M.	Tuesday - AUGUST 2016	NO MEETING
♣ECONOMIC DEVELOPMENT: <b>OBERLIN</b>	7:00 P.M.	Tuesday - AUGUST 2016	NO MEETING,
♣COMMUNITY INTERACTION: <b>OBERLIN</b>	7:00 P.M.	Tuesday - AUGUST 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 AMENDING SECTION 121.01 OF THE CODIFIED ORDINANCES

**WHEREAS**, Revision of the Council Rules has reduced the number of regularly scheduled meetings and increased the likelihood that Special Meetings will be required to conduct business previously handled in regular meeting; and,

**WHEREAS**, Council finds that Codified Ordinance 121.01 should be amended to prevent payment of additional compensation to Members as an unintended consequence of the Rule revision;

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

**Section 1:** Section 121.01 of the Codified Ordinances is amended to provide (deleted text stricken):

### 121.01 MEETINGS.

In addition to regular meetings of Council, special meetings of Council may be called as provided in the City Charter, provided that notice to the news media, as to the time, place and purpose of the meeting, is given, as provided by law. ~~For attendance at each special meeting, each Councilperson and the Clerk of Council shall receive extra compensation in the amount of forty dollars (\$40.00).~~ If the Council President or any Council member has more than four unexcused absences from any regular, study or special meeting during any calendar year, there shall be deducted from his or her annual salary forty dollars (\$40.00) for each unexcused absence over four. (Ord. 4599. Passed 1-7-86.)

**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 AMEND A LEASE BETWEEN THE CITY AND DEFIANCE HOLDINGS, LLC, GRANT AN EASEMENT TO DEFIANCE HOLDINGS, LLC, AND DECLARING AN EMERGENCY**

**WHEREAS**, by Lease dated November 29, 2010, the City granted Defiance Holdings, LLC, the right to install and maintain communications facilities on the municipal water tower located at 400 Carter Avenue; and,

**WHEREAS**, efficient operation of the municipal water utility requires that the water storage tower located at 400 Carter Avenue be abandoned and dismantled; and,

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

**WHEREAS**, the City Administrator recommends that the City lease undeveloped land within the boundaries of Diehl Park to Defiance Holdings, LLC, for use as a site upon which to erect and maintain a communications tower; and,

**WHEREAS**, use and occupancy of the proposed leasehold will require an easement for the installation, operation and maintenance of underground cables connecting the proposed communications tower to previously installed equipment;

**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 "Lease Agreement" between the City of Defiance and Defiance Holdings 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. The City Administrator is further authorized to execute and deliver all instruments necessary to create and convey the easements contemplated by the lease.

**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 immediate execution of the authorized lease is required to facilitate the filing of applications with the Federal Communications Commission and Federal Aviation Administration for necessary regulatory permits and to enable commencement of construction before the onset of winter. 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 CITY ADMINISTRATOR TO CONTRACT FOR PAINTING OF PAVEMENT MARKINGS, PROJECT NO. 16-07

Whereas, Bids were properly solicited to supply labor, equipment, fuel and materials to refresh center lines, edge lines, lane lines and channel lines on public streets throughout the city in accordance with plans and material specifications on file as Engineering Division Project No. 16-07 and Zimmerman Paint Contractors Company of Fremont, Ohio, submitted the lowest responsive and responsible bid in the amount of \$45,816.80;

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 Zimmerman Paint Contractors Company. to apply pavement markings conforming to the plans and specifications established by the solicitation and on terms and conditions of performance established by the accepted bid.

SECTION 2: The Finance Director is directed to pay costs of the contract authorized by Section 1 from line 202-901-5-2-980-882 of the 2016 annual budget.

SECTION 3: It is found and determined that all legislative acts pertaining or relating to the enactment of this Ordinance were taken in public session and that all deliberations of Council, including all deliberations of the committees of Council, that affected or influenced any such legislative act, 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

Votes in Favor of Adoption: \_\_\_\_\_

Votes Opposed to Adoption: \_\_\_\_\_

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

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

\_\_\_\_\_  
Mayor

# Ordinance No. \_\_\_\_\_

## AN ORDINANCE ESTABLISHING A JOB CREATION INCENTIVE FOR CREDIT ADJUSTMENTS, INC.

**WHEREAS**, Credit Adjustments, Inc., d/b/a BA Technologies has proposed to construct a corporate headquarters building that will significantly expand employment in the City; and,

**WHEREAS**, Credit Adjustments, Inc., has requested that a job creation incentive be established pursuant to Chapter 191 of the Codified Ordinances; and,

**WHEREAS**, the Job Incentive Program Committee recommends that the requested incentive be created in the amount of \$50,000.00 per year for a period of 10 years upon creation and maintenance of not less than 120 eligible jobs generating an aggregate annual payroll of not less than \$4,617,600.00; and,

**WHEREAS**, Council concurs with the recommendation;

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

**Section 1:** \$50,000.00 shall be annually appropriated to the use of the Defiance County Community Improvement Corporation for a period of ten years to fund a Job Creation Incentive Award hereby granted to Credit Adjustments, Inc. The first annual payment shall be conditioned on the creation of not less than 120 eligible jobs generating an aggregate new annual payroll of not less than \$4,617,600.00. Payment of subsequent installments shall be conditioned on maintenance of the required number of positions and aggregate payroll during each year in which the incentive is paid.

**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 AN AWARD OF CONTRACT TO HOHENBRINK EXCAVATING LLC AND DECLARING AN EMERGENCY**

**WHEREAS**, Segments of Rosewood Avenue have structurally failed and must be replaced; and,

**WHEREAS**, Bids were properly solicited to supply all labor, materials, fuel and equipment required to reconstruct the street in conformity with designs and material specifications on file as Engineering Project 1513; and,

**WHEREAS**, Hohenbrink Excavating, LLC, submitted the lowest responsive and responsible bid in the amount of \$448,992.45;

**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 Hohenbrink Excavating, LLC, to supply all labor, materials, fuel and equipment required to reconstruct Rosewood Avenue in substantial conformity with the designs and material specifications on file as Engineering Project 1513 and at the price and on the terms and conditions of service established by the accepted bid.

**Section 2:** The Finance Director is authorized to pay the contract price and all other costs incurred in accordance with the contract authorized by Section 1 from Line 403-901-5-2-978-102 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 is declared to be an emergency measure necessary to preserve the health, safety or welfare of the community for the reason that immediate commencement of the work is required to assure completion prior to the onset of winter conditions. 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 AN AWARD OF CONTRACT TO MILLER CONTRACTING GROUP AND DECLARING AN EMERGENCY**

**WHEREAS**, the Ohio Environmental Protection Agency awarded the City a Surface Water Improvement Fund Grant in the amount of \$150,000 to offset anticipated costs of \$400,000 to construct and install a bio-retention facility on the grounds of Diehl Park; and,

**WHEREAS**, Ordinance 7680, passed December 2, 2014, authorized the engagement of Tetra Tech, Inc., to design the bio-retention facility; and,

**WHEREAS**, bids were properly solicited to supply all labor, materials, fuel and equipment necessary to construct and install the improvements in accordance with designs and material specifications prepared by Tetra Tech, Inc.; and,

**WHEREAS**, Miller Contracting Group, Inc., submitted the lowest responsive and responsible bid in the amount of \$373,740.50;

**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 Miller Contracting Group, Inc., to supply all labor, materials, fuel and equipment required to construct the Diehl Park Bio-Retention improvements in substantial accordance with the designs and material specifications on file as Engineering Project 1516 and at the price and on the terms and conditions of service established by the accepted bid.

**Section 2:** The Finance Director is authorized to pay the contract price and all other costs incurred in accordance with the contract authorized by Section 1 from Line 589-009-5-2-977-100 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 is declared to be an emergency measure necessary to preserve the health, safety or welfare of the community for the reason that immediate commencement of the work is required to assure completion prior to the onset of winter conditions and within the time allowed by the terms of the Surface Water Improvement Fund 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