

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 FEBRUARY 27, 2018
OPENING COMMENTS – 7:00 P.M.

SPECIAL GUEST: NONE
PUBLIC HEARING: NONE

SECOND READING: AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS, REQUIRING THE OWNER OF THE IMPROVEMENTS ON SUCH PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, AND RELATED AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY

FIRST READING: AN ORDINANCE ACCEPTING REAL PROPERTY ADJACENT TO THE PALMER DRIVE AND WOODHURST DRIVE INTERSECTION

FIRST READING: AN ORDINANCE APPROVING THE RESURFACING OF THE FIRE STATION FLOOR

FIRST READING: AN ORDINANCE AWARDED A CONTRACT FOR THE PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT AT HOLGATE AVENUE PARK

FIRST READING: AN ORDINANCE AUTHORIZING THE PURCHASE OF PLAYGROUND EQUIPMENT FOR THE BRONSON PARK SPLASH PARK TODDLER PLAYGROUND AND DECLARING AN EMERGENCY

FIRST READING: AN ORDINANCE AUTHORIZING THE PURCHASE OF A LARGE SHADE STRUCTURE FOR THE BRONSON PARK SPLASH PARK AND DECLARING AN EMERGENCY

CITIZEN CONCERNS: PLEASE STATE NAME & ADDRESS FOR THE RECORD

STUDY SESSION: NONE

LIAISON ASSIGNMENTS	TIME	DATE	AGENDA
♣SEWER: LUNDBERG	7:00 P.M.	Tuesday - FEBRUARY 2018	NO MEETING
♣STREETS & SIDEWALK: HANCOCK	7:00 P.M.	Tuesday - FEBRUARY 2018	NO MEETING
♣UTILITIES, GAS & LIGHTS: PLANT	7:00 P.M.	Tuesday - FEBRUARY 2018	NO MEETING
♣POLICE & FIRE: WAXLER	7:00 P.M.	Tuesday - FEBRUARY 2018	NO MEETING
♣TRAFFIC COMMISSION: LEONARD, Mayor, Cereghin, Shafer, Wilkins, Warner, Waxler, Eureste, Kruttsch	6:00 P.M.	Tuesday - FEBRUARY 2018	NO MEETING
♣FINANCE: LUNDBERG	7:00 P.M.	Tuesday - FEBRUARY 2018	NO MEETING
♣BUILDING AND LANDS: ENGEL	7:00 P.M.	Tuesday - FEBRUARY 2018	NO MEETING
♣WATER: KRUTSCH	7:00 P.M.	Tuesday - FEBRUARY 2018	NO MEETING
♣ECONOMIC DEVELOPMENT: EURESTE	7:00 P.M.	Tuesday - FEBRUARY 2018	NO MEETING
♣COMMUNITY INTERACTION:	7:00 P.M.	Tuesday - FEBRUARY 2018	NO MEETING
♣BOARD OF CONTROL MEETING: MAYOR, Leonard, Williams, Lehner	1:30 P.M. MONDAY 9:00 A.M. THURSDAY	MONDAY and THURSDAY	POSTED AT 631 PERRY STREET MEETINGS IN FRONT CONFERENCE ROOM

ORDINANCE NO. _____

AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS, REQUIRING THE OWNER OF THE IMPROVEMENTS ON SUCH PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, AND RELATED AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43, AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 (the “Act”) provide that this Council may describe public improvements to be made which directly benefit certain parcels, declare improvements with respect to such parcels of real property located in the City of Defiance (the “City”) to be a public purpose, thereby authorizing the exemption of those improvements from real property taxation for a period of time, and provide for the making of service payments in lieu of taxes by the owner of such parcels, and establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited; and

WHEREAS, the City desires to implement a tax increment financing program on the Parcels (as defined in Section 1) pursuant to the Act to enable the City to make or cause to be made public infrastructure improvements that will directly benefit the Parcels; and

WHEREAS, each of the Northeastern Local School District and Four County Joint Vocational School District has been notified of this Ordinance consistent with Ohio Revised Code Section 5709.83;

NOW, THEREFORE, BE IT ENACTED by the Council of the Municipality of Defiance, Ohio that:

Section 1. Parcels. The real property subject to this Ordinance is identified and depicted on Exhibit A (that area, as the parcels therein are consolidated or subdivided, is hereinafter referred to as the “Parcels”, with each individual parcel a “Parcel”, excluding the portions thereof to be part of public streets and other public improvements otherwise exempt from property taxation for their governmental use).

Section 2. Public Improvements. This Council hereby designates the public infrastructure improvements described in Exhibit B (the “Public Improvements”) and any other public infrastructure improvements hereafter designated by ordinance as public infrastructure improvements made, to be made or in the process of being made by the City that directly benefit, or that once made will directly benefit, the Parcels.

Section 3. Property Tax Exemption. This Council hereby finds and determines that 75% of the increase in assessed value of each Parcel subsequent to the effective date of this Ordinance (which increase in assessed value is hereinafter referred to as the “Improvement” as defined in ORC 5709.40) is hereby declared to be a public purpose and will be exempt from taxation for a period commencing on the date an Improvement valued at a minimum of \$100,000 on that Parcel first appears on the tax list and duplicate were it not for the exemption granted in this Ordinance and ending on the earlier of (a) 10 years after such commencement or (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of the Act.

Section 4. Service Payments. As provided in ORC 5709.42, the owner of each Parcel is hereby required to make service payments in lieu of taxes with respect to the Improvement allocable to each Parcel to the County Treasurer on or before the final dates for payment of real property taxes. The service payments in lieu of taxes will be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and collected against

that Improvement if it were not exempt from taxation pursuant to Section 3, including any penalties and interest (collectively, the “Service Payments”), which Service Payments shall be deposited in the municipal public improvement tax increment equivalent fund established in Section 5 hereof. This Council authorizes the City Administrator, Finance Director, and Law Director, and other appropriate officers of the City, to provide such information and certifications, and execute and deliver or accept delivery of such instruments, as are necessary and incidental to collect those Service Payments, and to make such arrangements as are necessary and proper for payment of the Service Payments.

Section 5. Tax Increment Equivalent Fund. This Council hereby establishes pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, the Commerce Drive Public Improvement Tax Increment Equivalent Fund (the “Fund”), into which shall be deposited all of the Service Payments and any associated rollback payments and related interest and penalty payments distributed to the City with respect to the Improvements on the Parcels, by or on behalf of the County Treasurer as provided in Section 5709.42 of the Ohio Revised Code, and hereby provides that all of the moneys deposited in the Fund shall be used for any or all of the following purposes:

- (i) to pay any and all planning, engineering, acquisition, construction, installation, financing costs, and any and all other direct and indirect costs of the Public Improvements, including those costs set forth in Ohio Revised Code Section 133.15(B);
- (ii) to pay the interest on and principal of bonds or notes, and premium, if any, including refunding or additional bonds or notes or other obligations issued or loans entered into by the City, or other governmental entity to finance costs of the Public Improvements until such notes or bonds or other obligations or loans are paid in full, and to pay trustee and other costs related to servicing the obligations and providing and replenishing a reserve fund and to pay costs charged by the issuer of the obligations; and
- (iii) to reimburse the City, the State of Ohio or other governmental entity, or a private entity under contract with the City, for any funds used to pay costs of the Public Improvements, or to pay interest, principal, or premium, and related costs on any of the aforesaid notes, bonds, loans or other obligations, prior to receipt of Service Payments.

The Fund shall remain in existence so long as the Service Payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with said Section 5709.43.

Section 6. Filing and Reporting to State. Pursuant to Section 5709.40 of the Ohio Revised Code, the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of the Development Services Agency of the State of Ohio within fifteen days after its passage. On or before March 31 of each year that the exemption set forth in Section 3 hereof remains in effect, the Finance Director or any other appropriate official of this City shall prepare and submit to the Director of the Development Services Agency the status report required under Section 5709.40 of the Ohio Revised Code.

Section 7. Further Authorizations. The City Administrator is hereby authorized to enter into an agreement with the appropriate school district in accordance with Ohio Revised Code Section 5709.82 if the City Administrator and Law Director determine such an agreement to be consistent with the purposes and requirements of this Ordinance and otherwise in the best interests of the City, all of which shall be conclusively evidenced by the signing of the such agreement by those officials. The City Administrator, the Finance Director or other appropriate officer of the City is authorized and directed to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Ordinance.

Section 8. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the enactment of this Ordinance were taken in an open meeting of this Council or committees,

and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 9. Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 10. Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to induce the redevelopment of the Parcels and the construction of needed Public Improvements; wherefore, this Ordinance shall be in full force and effect immediately upon its enactment and approval by the Mayor.

Enacted: _____

President of Council

Approved: _____

Attest: _____
Clerk of Council

Mayor

EXHIBIT A

The Parcels as defined in this Ordinance consist of the following parcels (or, with respect to Permanent Parcel Number J050018000600, the portion of such parcel located south of U.S. 24), each located in the City of Defiance, Defiance County, Ohio, and all as further depicted as the area outlined in yellow on the attached map:

Permanent Parcel Numbers

J120018001700

J120018000902

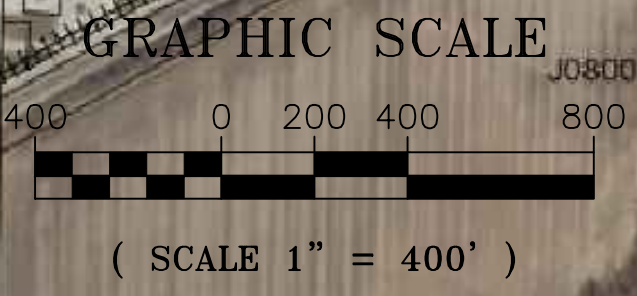
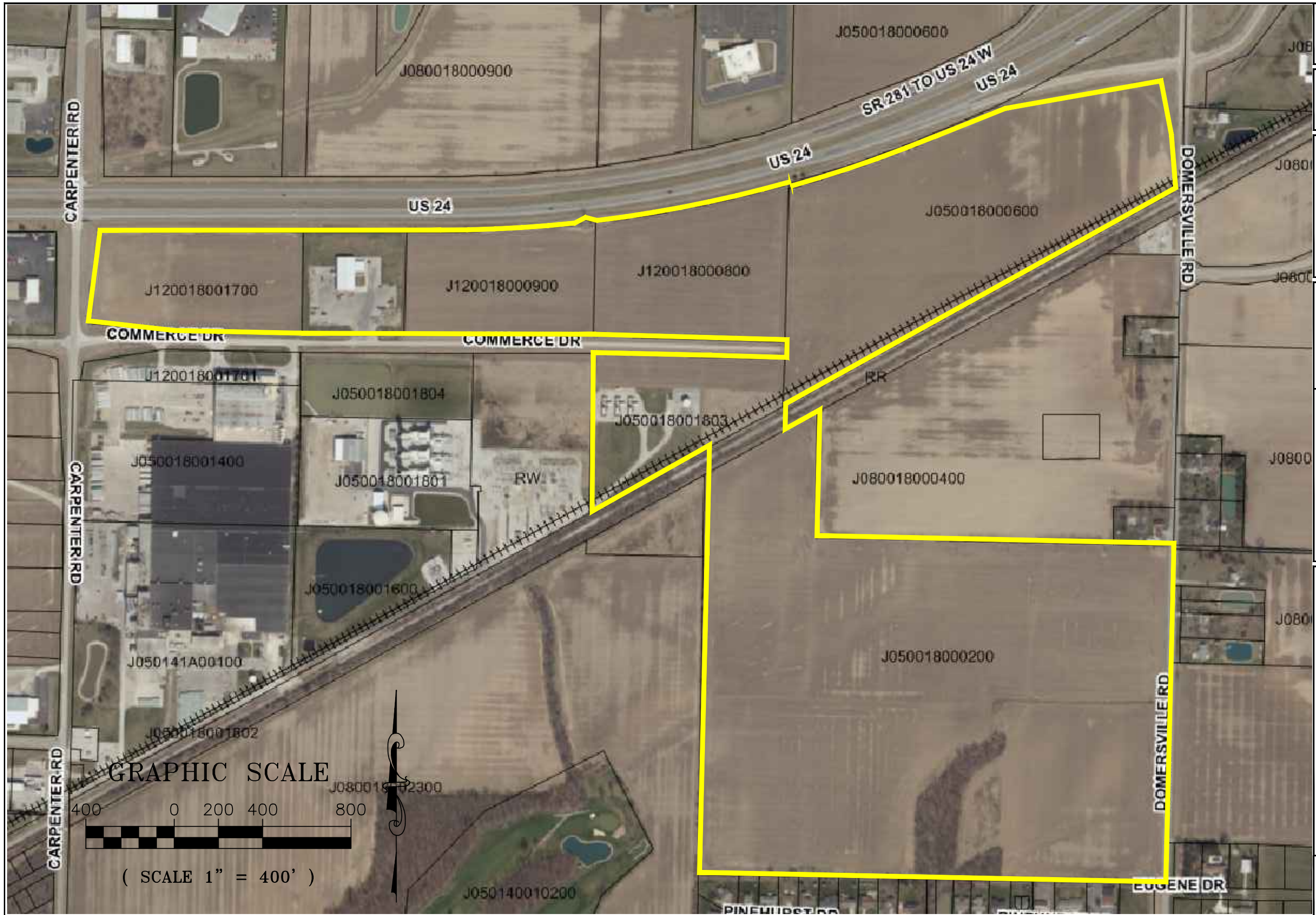
J120018000900

J120018000800

J050018000200

J080018000700

J050018000600



MSB	01-26-16
DATE	
BY	
CHK'D	
DATE	
BY	
DATE	

DATE	
DATE	
DATE	
DATE	



City of Defiance
 Engineering Division
 Defiance, Ohio 43512
 Phone: 419-784-2249
 Fax: 419-784-5443
 www.cityofdefiance.com

COMMERCE DRIVE - EAST
T.I.F. EXHIBIT

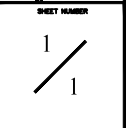


EXHIBIT B

DESCRIPTION OF THE PUBLIC IMPROVEMENTS

The Public Improvements consist of the following:

- The construction of an extension of Commerce Drive, together with all water and sewer lines, utilities (including the provision of gas, electric and communication services), sidewalks, lighting and all other related improvements, including any intersection improvements and traffic signalization and signage.
- Continued maintenance of those streets and water and sewer lines;
- Land acquisition of the property (in aid of industry and commerce) and of any property or interests in property needed for Public Improvements.
- Storm water management and flood remediation improvements on public and private property.
- All other public street, park, walkway, parking and utility improvements in and around the Parcels.

Ordinance No. _____

AN ORDINANCE ACCEPTING REAL PROPERTY ADJACENT TO THE PALMER DRIVE AND WOODHURST DRIVE INTERSECTION

WHEREAS, street improvements to the Palmer Drive and Woodhurst Drive intersection are necessary to accommodate the increased traffic volume around the new school building; and,

WHEREAS, the acquisition of additional property from three adjacent property owners is required to complete the intersection improvements; and,

WHEREAS, Section 715.01 of the Ohio Revised Code authorizes a municipal corporation to acquire property by purchase through a duly-enacted ordinance or resolution by the City Council; and,

WHEREAS, Robert W. Vogel, Jr. and Lana J. Vogel conveyed 0.003 acres of land to the City by quitclaim deed on February 9, 2018; and,

WHEREAS, Beatrice S. Gonzales conveyed 0.0002 acres of land to the City by quitclaim deed on February 12, 2018; and,

WHEREAS, the City of Defiance Board of Education conveyed 0.264 acres of land to the City by quitclaim deed on November 27, 2017; and,

WHEREAS, the City paid the property owners a combined total of \$1,110.87 for the real property; and,

WHEREAS, the City of Defiance Board of Education will fund the entire cost of the intersection improvements;

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

Section 1: The quitclaim deeds from Robert W. Vogel, Jr. and Lana J. Vogel, Beatrice S. Gonzales, and the City of Defiance Board of Education are hereby accepted.

Section 2: All municipal officers are authorized to take such actions as may be necessary or appropriate to secure marketable title to the real property described in the quitclaim deeds.

Section 3: The City Law Director shall record the above-referenced quitclaim deeds with the Defiance County Recorder.

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 or in Executive Session duly convened in accordance with law.

Section 5: This Ordinance shall be effective on the earliest date permitted by law.

Passed: _____, 2018

President of Council

Attest: _____, Clerk

Approved: _____, 2018

Mayor

Ordinance No. _____

AN ORDINANCE APPROVING THE RESURFACING OF THE FIRE STATION FLOOR

WHEREAS, the fire station requires a new Epoxy/Rexthane floor coating; and,

WHEREAS, firefighters rely on the traction and integrity of the floor when responding to emergencies; and,

WHEREAS, the Epoxy/Rexthane floor coating offers a slip-resistant surface when the floor is wet; and,

WHEREAS, the Fire Department selected Pro Floor Design, Inc. as the preferred vendor for preparation and application of the coating at a cost of \$27,621.12;

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

Section 1: The City Administrator is directed to award a contract to Pro Floor Design, Inc. to prepare and apply the Epoxy/Rexthane coating at the fire station based on the price of \$27,621.12 specified in the quotation dated February 9, 2018.

Section 2: The Finance Director is directed to pay the cost of the contract authorized by Section 1 of this Ordinance from appropriated funds allocated for expenditure by Line 201-336-5-2-740-000 of the 2018 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 shall be effective on the earliest date permitted by law.

Passed: _____, 2018

President of Council

Attest: _____, Clerk

Approved: _____, 2018

Mayor

Ordinance No. _____

**AN ORDINANCE AWARDDING A CONTRACT FOR THE PURCHASE AND
INSTALLATION OF PLAYGROUND EQUIPMENT AT HOLGATE
AVENUE PARK**

WHEREAS, the City purchased new playground equipment through the equipment manufacturer's grant funding program in Ordinance No. 7959 dated November 14, 2017; and,

WHEREAS, Council finds that the purchase of additional equipment is necessary to improve Holgate Avenue Park; and,

WHEREAS, an appropriation of \$22,472.49 is necessary for the purchase and installation of all of the playground equipment; and,

WHEREAS, DWA Recreation, Inc., the equipment manufacturer, is also able to install the equipment and save the City from hiring a new contractor for installation;

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

Section 1: The City Administrator is authorized to enter into a contract with DWA Recreation, Inc. for the installation of the purchased playground equipment in the amount of \$22,472.49 and according to the specifications from the proposal dated February 5, 2018.

Section 2: The Finance Director is authorized to pay the purchase price from appropriated funds allocated for expenditure by Line 403-901-5-2-920009 of the 2018 annual budget and a supplemental appropriation in the amount of \$22,473.00 is hereby made to line 403-901-5-2-920009 of the 2018 annual budget for that purpose.

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 shall be effective on the earliest date permitted by law.

Passed: _____, 2018

President of Council

Attest: _____, Clerk

Approved: _____, 2018

Mayor

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE PURCHASE OF PLAYGROUND EQUIPMENT FOR THE BRONSON PARK SPLASH PARK TODDLER PLAYGROUND AND DECLARING AN EMERGENCY

WHEREAS, the City plans to install a playground for toddlers as part of the Bronson Park Splash Park project; and,

WHEREAS, the City selected DWA Recreation, Inc. as the best supplier of this playground equipment based on design and price; and,

WHEREAS, the Defiance Police Officers' Association donated \$25,000.00 for this specific purchase due to the police theme of the equipment;

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

Section 1: The City Administrator is directed to purchase the police-themed playground equipment detailed in the proposal dated February 16, 2018 from DWA Recreation, Inc. at the quoted price of \$147,655.58.

Section 2: The Finance Director is authorized to pay the purchase price from appropriated funds allocated for expenditure by Line 405-901-52-980880 of the 2018 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, safety or welfare of the community for the reason that the City Administration must order this playground equipment as soon as possible in order to meet the Memorial Day Weekend target opening date. 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: _____, 2018 _____
President of Council

Votes in Favor of Adoption: _____
Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2018 _____
Mayor

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE PURCHASE OF A LARGE SHADE STRUCTURE FOR THE BRONSON PARK SPLASH PARK AND DECLARING AN EMERGENCY

WHEREAS, the City plans to include a 30' x 30' shade structure for residents to enjoy at the Bronson Park Splash Park; and,

WHEREAS, the City Administration selected DWA Recreation, Inc. as the supplier of the structure based on design and price; and,

WHEREAS, the construction and installation of the shade structure will cost an estimated \$24,721.00;

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

Section 1: The City Administrator is directed to pay for the shade structure and installation on the terms specified in the proposal dated February 9, 2018 at the quoted price of \$24,721.00.

Section 2: The Finance Director is directed to pay the purchase price from appropriated funds allocated for expenditure by Line 405-901-52-980880 of the 2018 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, safety or welfare of the community for the reason that the installation must occur in the early spring in order to meet the Memorial Day Weekend target opening date. 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: _____, 2018

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2018

Mayor