

**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 JANUARY 24, 2017  
OPENING COMMENTS – 7:00 P.M.

COUNCIL VOTING ON NEW THIRD WARD COUNCILMAN  
SWEARING IN OF NEW COUNCILMAN

**GUEST: DR. RICHANNE MANKAY FROM DEFIANCE COLLEGE and DARRELL HANDY PRESIDENT/CEO OF DEFIANCE AREA CHAMBER OF COMMERCE UPDATE**

**FIRST READING: AN ORDINANCE VACATING PART OF THE ALLEY LYING PARALLEL TO WAYNE AND JEFFERSON STREETS AND THE INTERSECTING ALLEY LYING BETWEEN LOTS NUMBERED 4 AND 5 IN BLOCK 5 OF THE BOUTON & OTHERS ADDITION**

**FIRST READING: AN ORDINANCE CONSENTING TO THE IMPROVEMENT OF STATE ROUTE 15 WITHIN THE MUNICIPALITY, PLEDGING COOPERATION WITH THE DIRECTOR OF TRANSPORTATION IN THE COMPLETION OF THE PROPOSED WORK AND DECLARING AN EMERGENCY(Preliminary Legislation: DEF SR15-14.77—ODOT Project 96605)**

**FIRST READING: AN ORDINANCE AMENDING ORDINANCE 7521 PERTAINING TO THE VACATION OF ALLEYS ADJACENT TO THE FORMER BRICKELL SCHOOL GROUNDS**

**FIRST READING: AN ORDINANCE AUTHORIZING A CONTRACT WITH MEDICOUNT MANAGEMENT, INC. AND DECLARING AN EMERGENCY**

**FIRST READING: AN ORDINANCE AUTHORIZING A CONTRACT TO IMPROVE THE FIRE PREVENTION SYSTEMS AT 1441 QUALITY DRIVE AND DECLARING AN EMERGENCY**

**FIRST READING: AN ORDINANCE AUTHORIZING MONTHLY TRANSFERS OF FUNDS FOR THE CITY OF DEFIANCE, OHIO FOR THE YEAR ENDING DECEMBER 31, 2017**

**STUDY SESSION: NONE**

<b>LIAISON ASSIGNMENTS</b>	<b>TIME</b>	<b>DATE</b>	<b>AGENDA</b>
♣ <b>SEWER: KRUTSCH</b>	7:00 P.M.	Tuesday - JANUARY 2017	NO MEETING
♣ <b>STREETS &amp; SIDEWALK: WAXLER</b>	7:00 P.M.	Tuesday - JANUARY 2017	NO MEETING
♣ <b>UTILITIES, GAS &amp; LIGHTS: ORZOLEK</b>	7:00 P.M.	Tuesday - JANUARY 2017	NO MEETING
♣ <b>POLICE &amp; FIRE: LUNDBERG</b>	7:00 P.M.	Tuesday - JANUARY 2017	NO MEETING
♣ <b>TRAFFIC COMMISSION: LEONARD, Mayor, Cereghin, Shaffer, Wilkins, Warner, Orzolek, Hancock, Krutsch</b>	5:30 P.M.	2nd Tuesday - JANUARY 2017	NO MEETING
♣ <b>FINANCE: ENGEL</b>	7:00 P.M.	Tuesday - JANUARY 2017	NO MEETING
♣ <b>BUILDING AND LANDS: HANCOCK</b>	7:00 P.M.	Tuesday - JANUARY 2017	NO MEETING
♣ <b>WATER: LUNDBERG</b>	7:00 P.M.	Tuesday - JANUARY 2017	NO MEETING
♣ <b>ECONOMIC DEVELOPMENT:</b>	7:00 P.M.	Tuesday - JANUARY 2017	NO MEETING,
♣ <b>COMMUNITY INTERACTION:</b>	7:00 P.M.	Tuesday - JANUARY 2017	NO MEETING
♣ <b>BOARD OF CONTROL MEETING: MAYOR, Leonard, Williams, Lehner</b>	9:00 A.M.	Tuesdays and Thursdays	POSTED AT 631 PERRY STREET

# ORDINANCE NO. \_\_\_\_\_

## **AN ORDINANCE VACATING PART OF THE ALLEY LYING PARALLEL TO WAYNE AND JEFFERSON STREETS AND THE INTERSECTING ALLEY LYING BETWEEN LOTS NUMBERED 4 AND 5 IN BLOCK 5 OF THE BOUTON & OTHERS ADDITION**

**WHEREAS:** A Petition has been filed pursuant to Codified Ordinance 905.19, as amended by Ordinance No. 7843, to vacate a portion of the alley lying parallel to and between Wayne and Jefferson Streets in Block 5 of the Bouton & Others Addition; and,

**WHEREAS:** The aforesaid Petition also seeks vacation of the intersecting alley lying between Lots 4 and 5 in Block 5 of the Bouton & Others Addition; and,

**WHEREAS:** The Planning Commission Clerk properly determined that all owners of property abutting the parts of either alley proposed to be vacated have joined in the Petition and that, pursuant to Revised Code §723.06, notice of the Council's intent to vacate the alleys need not be published in accordance with Revised Code §723.07; and,

**WHEREAS:** Planning Commission conducted the public hearing required by Codified Ordinance 905.19 and objections from occupants of neighboring properties were heard; and,

**WHEREAS:** After due consideration of the information presented and the opinions of those appearing before the Commission in support of and opposition to allowance of the Petition, Planning Commission recommended that the vacation proposed by the Petition be granted; and,

**WHEREAS:** The City Engineer requested that the map appended to the Petition be supplemented by a survey and Vacation Plat prepared by a registered surveyor; and,

**WHEREAS:** all of the requested supplemental documents have been received; and,

**WHEREAS:** The City Engineer has determined that there are no municipal utilities within the portions of the alleys proposed to be vacated; and,

**WHEREAS:** The City Engineer has determined that there are public utility facilities within the portions of the alleys proposed to be vacated; and,

**WHEREAS:** Council, having granted neighboring property owners and the general public full opportunity to be heard at each of the three meetings at which this Ordinance has been read and considered, finds that there is good cause to vacate each of the alleys described by the Petition; and,

**WHEREAS:** Council further finds that the vacation will not be detrimental to the general interest;

**NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF DEFIANCE, THAT:**

**SECTION 1:** The full width of that part of the alley lying parallel to Wayne and Jefferson Streets in Block 5 of the Bouton & Others Addition north of the point of intersection with the northerly line of the south half of Lot 6, as more precisely described by the survey and Vacation Plat now on file in the Office of the City Engineer, is vacated pursuant to and in accordance with Ohio Revised Code Sections 723.04 and 723.08.

**SECTION 2:** The full width of the alley lying between Lots 4 and 5 in Block 5 of the Bouton & Others Addition, as more precisely described by the survey and Vacation Plat now on file in the Office of the City Engineer, is vacated pursuant to and in accordance with Ohio Revised Code Sections 723.04 and 723.08.

**SECTION 3:** Statutory easements conferred by Ohio Revised Code §723.041 for the operation and maintenance of public utility installations within the vacated portions of both alleys are acknowledged and hereby expressly reserved.

**SECTION 4:** The City Engineer is directed to record a copy of this Ordinance together with the Alley Vacation Plat, approved survey and such other documents as may be appropriate to demonstrate vacation of the alley in conformity with Revised Code §711.39. The City Engineer is further directed to certify all costs incurred, including, without

limitation, any sums due the surveyor for preparation of the description and plat, to the Finance Director for payment in accordance with Section 5 of this Ordinance.

**SECTION 5:** The City Finance Director is directed to pay all costs actually incurred to conduct these proceedings from the deposit and to refund any remaining balance of the deposit to the Petitioners.

**SECTION 6:** 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 conformity with law.

**SECTION 6:** This Ordinance shall be effective on the earliest date permitted by law.

Passed: \_\_\_\_\_, 2017

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Approved: \_\_\_\_\_, 2017

\_\_\_\_\_  
Mayor

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

## **AN ORDINANCE CONSENTING TO THE IMPROVEMENT OF STATE ROUTE 15 WITHIN THE MUNICIPALITY, PLEDGING COOPERATION WITH THE DIRECTOR OF TRANSPORTATION IN THE COMPLETION OF THE PROPOSED WORK AND DECLARING AN EMERGENCY**

(Preliminary Legislation: DEF SR15-14.77--ODOT Project 96605)

**WHEREAS**, the Department of Transportation has identified a need to replace the Clinton Street Bridge that carries State Route 15 over the Maumee River in Downtown Defiance; and,

**WHEREAS**, the Department of Transportation proposes to construct a shared use path under the replacement bridge for bicycle and pedestrian traffic that will connect with Defiance County Engineer project DEF CR 424-0.00; and,

**WHEREAS**, Council concurs with the Director's determination that replacement of the structure is necessary and that the related improvements to be included in the proposed work are beneficial to the City and its inhabitants;

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

**Section 1: Consent Statement:** The City of Defiance consents to the performance of all work proposed to be undertaken within the municipal corporation by the Director of Transportation as ODOT Project No. 96605.

**Section 2: Cooperation Statement:** The City will participate in the project in the following manner:

- A. The Department of Transportation and Federal Highway Administration shall assume and bear 100% of the necessary costs to replace the bridge other than aesthetic enhancements. The City of Defiance shall assume and bear 100% of the costs attributed to said aesthetic enhancements.
- B. The City shall assume and pay 100% of the consultant costs for the shared use path and lookouts. The City shall bear 5% and the Department of Transportation and Federal Highway Administration shall bear 95% of the necessary costs to construct the shared use path and lookouts until all available funds from the Transportation Alternatives program have been exhausted. The City shall bear 100% of the cost to construct the shared use path and lookouts that exceed Transportation Alternatives program funding allocated to the project.

**Section 3: Utilities and Right-of-Way Statement:** The City agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The City understands that right-of-way costs include eligible utility costs and agrees that all utility accommodations, relocations and reimbursements will comply with 23 CFR 65 and the ODOT Utilities Manual as presently adopted.

**Section 4: Maintenance Statement:** Upon completion of the project, and unless otherwise agreed, the City shall: (1) provide adequate maintenance for the project in accordance with all applicable State and Federal law including, without limitation, Title 23, U.S.C. §116; (2) provide ample financial provisions, as necessary, for the maintenance of the project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

**Section 5: Authority to Sign:** The City Administrator is hereby empowered to enter into and execute such agreements with the Director of Transportation as may be necessary or appropriate to complete the above described project.

**Section 6:** 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 7:** This Ordinance is declared to be an Emergency Measure necessary to preserve public health, safety and welfare for the reason that municipal consent to proceed with the work must be filed with the Director of Transportation on or before January 31, 2017, in order for the City to participate in and benefit from the State Highway

Improvement project. As such, this Ordinance shall take immediate effect upon passage with the concurrence of not less than 5 Members of Council and approval of the Mayor.

\_\_\_\_\_  
President of Council

Passed: \_\_\_\_\_, 2017

Votes for Adoption: \_\_\_\_\_

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

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

Approved: \_\_\_\_\_, 2017

\_\_\_\_\_  
Mayor

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING ORDINANCE 7521 PERTAINING TO THE VACATION OF ALLEYS ADJACENT TO THE FORMER BRICKELL SCHOOL GROUNDS**

**WHEREAS:** A scrivener's error has been discovered in Ordinance 7521 pertaining to the vacation of alleys lying adjacent to Lots A, 17 and 23 in and of the Greenler Addition; and,

**WHEREAS:** Correction of the error is necessary to facilitate recording of the Vacation Plat prepared in accordance with the directions of Ordinance 7521;

NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF DEFIANCE, THAT:

**SECTION 1:** Section 1 of Ordinance 7521 is amended to provide (deleted text stricken, newly added text in italics):

The East-West Alley adjacent to Greenler Addition Lots A, 17 and ~~122~~ 23 and the northerly 55 feet of the intersecting North-South alley adjacent to Greenler Addition Lots 17 and ~~122~~ 23 are hereby vacated pursuant to and in accordance with §723.05 of the Revised Code.

**SECTION 2:** Except as expressly amended by Section 1, Ordinance 7521 is ratified and confirmed. The City Administrator is directed to record the Vacation Plat prepared in accordance with Ordinance 7521, Section 3, now on file in the office of the City Engineer. The City Administrator and Finance Director are directed to proceed with the assessment of costs and distribution of funds deposited to secure payment of costs in accordance with Ordinance 7521, Section 4.

**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 conformity with law.

**SECTION 4:** This Ordinance shall be effective on the earliest date permitted by law.

Passed: \_\_\_\_\_, 2017

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Approved: \_\_\_\_\_, 2017

\_\_\_\_\_  
Mayor

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING A CONTRACT WITH MEDICOUNT MANAGEMENT, INC. AND DECLARING AN EMERGENCY**

**WHEREAS**, The City has traditionally relied on the services of Medicount Management, Inc., to provide EMS Billing Services; and,

**WHEREAS**, The existing contract between the City and Medicount Management, Inc., is expiring; and,

**WHEREAS**, Provisions of the existing Contract require amendment to conform the agreement to patient privacy and other legal and regulatory requirements; and,

**WHEREAS**, The proposed contract modifications do not affect the financial terms on which services have been and will continued to be rendered to the municipality;

**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 *Client Services Agreement* between the City of Defiance, Ohio, and Medicount Management, Inc., including, without limitation, Exhibits A through E thereof, now on file in the office of the City Law Director. All prior actions taken by the City Administrator in connection with revision of the terms of agreement and execution of contract documents are ratified and confirmed.

**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 is declared to be an emergency measure necessary to preserve the health, safety or welfare of the community for the reason that immediate execution and delivery of the approved documents is necessary to assure uninterrupted service and continuous cash flow from EMS operations that are essential to the maintenance of those operations. 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: \_\_\_\_\_, 2017

\_\_\_\_\_  
President of Council

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

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

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

Approved: \_\_\_\_\_, 2017

\_\_\_\_\_  
Mayor

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING A CONTRACT TO IMPROVE THE  
FIRE PREVENTION SYSTEMS AT 1441 QUALITY DRIVE AND  
DECLARING AN EMERGENCY**

**WHEREAS**, The municipality purchased industrial facilities at 1441 Quality Drive to house multiple Divisions of the Department of Service and Safety in an effort to reduce operational costs through consolidation of labor and equipment; and,

**WHEREAS**, The sprinkler system at 1441 Quality Drive must be reconfigured to comply with Ohio Building Code requirements applicable to the changed occupancy designation; and,

**WHEREAS**, Armor Fire Protection, Inc. designed and installed the existing fire detection and suppression systems and submitted a responsive and responsible proposal to design the required modifications and supply all materials and labor necessary to adapt the systems to applicable building code requirements; and,

**WHEREAS**, The alternate supplier of fire protection services invited to bid for the work declined to submit a proposal;

**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 Armor Fire Protection, Inc. to supply the design services, labor and materials detailed in the January 18, 2017, proposal now on file in the office of the City Administrator and at the quoted price of \$28,200.00.

**Section 2:** The Finance Director is authorized to pay all costs incurred in accordance with the contract authorized by Section 1 from Line 591-538-5-2-727-010 of the 2017 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 welfare of the community for the reason that occupancy of the structure at the earliest possible time is necessary to maximize the operational cost benefits to be achieved from purchase of the building. 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 MONTHLY TRANSFERS OF FUNDS FOR THE CITY OF DEFIANCE, OHIO FOR THE YEAR ENDING DECEMBER 31, 2017.**

**Whereas**, the Council of the City of Defiance has previously provided for the transfer of funds in the annual appropriation ordinance; and

**Whereas**, the City Finance Director has determined that it is necessary to transfer a portion of the appropriated funds each month in order to meet current expenses and other expenditures of the City:

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

**Section 1:** That the following amounts shall be transferred on a monthly basis for the period January, 2017 through September, 2017:

<u>FUND FROM</u>	<u>AMOUNT</u>	<u>FUND TO</u>
General Fund #101	\$ 335,416	Police & Fire Fund #201
General Fund #101	\$ 24,166	Police Pension Fund #732
General Fund #101	\$ 24,166	Fire Pension Fund #733
WPC Fund #590	\$ 39,033	General Fund #101
WPC Fund #590	\$ 20,833	Utilities Billing Office Fund #585
WTP Fund #591	\$ 34,183	General Fund #101
WTP Fund #591	\$ 20,833	Utilities Billing Office Fund #585
Refuse #596	\$ 4,750	Utilities Billing Office Fund #585

**Section 2:** That the amounts necessary for transfer in the months of October, November and December, 2017, upon the further recommendation by the City Finance Director, will be considered during those months.

**Section 3:** 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 4:** This Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Passed: \_\_\_\_\_, 2017

\_\_\_\_\_  
President of Council

Votes Approving Adoption: \_\_\_\_\_

Votes Opposing Adoption: \_\_\_\_\_

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

Approved: \_\_\_\_\_, 2017

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Mayor