

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 MARCH 14, 2017
OPENING COMMENTS – 7:00 P.M.

MAYOR MCCANN WILL SWEAR IN ASSISTANT POLICE CHIEF LEE MARTINEZ

PUBLIC HEARING: NONE

FIRST READING: AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONTRACT TO RICHLAND ROOFING TO REPLACE THE BRONSON PARK BATHHOUSE ROOF

FIRST READING: AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO PROCEED WITH IMPROVEMENTS TO STABILIZE THE RETAINING WALLS PROTECTING THE HISTORIC SITE OF FORT DEFIANCE

FIRST READING: AN ORDINANCE REPEALING ORDINANCE 7879 AND AMENDING RULE 6.1 AND RULE 12.1 OF THE RULES OF CONDUCT AND PROCEDURE

STUDY SESSION: NONE

LIAISON ASSIGNMENTS	TIME	DATE	AGENDA
♣SEWER: KRUTSCH	7:00 P.M.	Tuesday - MARCH 2017	NO MEETING
♣STREETS & SIDEWALK: WAXLER	7:00 P.M.	Tuesday - MARCH 2017	NO MEETING
♣UTILITIES, GAS & LIGHTS: ORZOLEK	7:00 P.M.	Tuesday - MARCH 2017	NO MEETING
♣POLICE & FIRE: LUNDBERG	7:00 P.M.	Tuesday - MARCH 2017	NO MEETING
♣TRAFFIC COMMISSION: LEONARD , Mayor, Cereghin, Shafer, Wilkins, Warner, Orzolek, Hancock, Krutsch	5:30 P.M.	2nd Tuesday - MARCH 2017	NO MEETING
♣FINANCE: ENGEL	7:00 P.M.	Tuesday - MARCH 2017	NO MEETING
♣BUILDING AND LANDS: HANCOCK	7:00 P.M.	Tuesday - MARCH 2017	NO MEETING
♣WATER: LUNDBERG	7:00 P.M.	Tuesday - MARCH 2017	NO MEETING
♣ECONOMIC DEVELOPMENT: PIERCE	7:00 P.M.	Tuesday - MARCH 2017	NO MEETING,
♣COMMUNITY INTERACTION: PIERCE	7:00 P.M.	Tuesday - MARCH 2017	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 AWARD A CONTRACT TO RICHLAND ROOFING TO REPLACE THE BRONSON PARK BATHHOUSE ROOF

WHEREAS, Funds are being raised to install a splash pad and other amenities on lands formally occupied by the Bronson Park swimming pool; and,

WHEREAS, Installation of the splash pad requires that the former bathhouse be restored for use as a changing area and public restroom; and,

WHEREAS, The roof covering the bathhouse is no longer watertight and must be replaced; and,

WHEREAS, The City Administrator obtained price quotations from three roofing contractors and Richland Company & Associates, d/b/a Richland Roofing, submitted the lowest cost proposal;

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 Richland Co. & Associates, d/b/a Richland Roofing, to remove and replace the roof covering the Bronson Pool Bathhouse in the manner described by the proposal dated March 6, 2017, and on the terms and conditions of service therein proposed.

Section 2: The Finance Director is authorized to pay the contract price of \$36,668.00 and such incidental expenses as may be incurred from Line 403-901-5-2-920.010 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 shall be effective on the earliest date permitted by law.

Passed: _____, 2017

President of Council

Attest: _____, Clerk

Approved: _____, 2017

Mayor

Ordinance No. _____

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO PROCEED WITH IMPROVEMENTS TO STABILIZE THE RETAINING WALLS PROTECTING THE HISTORIC SITE OF FORT DEFIANCE

WHEREAS, Retaining walls protect the site of Fort Defiance from river erosion that would otherwise alter the riverbanks that define the fort grounds; and,

WHEREAS, City officials engaged Mannik & Smith Group, Inc., to evaluate the cause of observed deterioration of the retaining walls and recommend appropriate action to preserve the walls that are essential to preservation of the historic site; and,

WHEREAS, Mannik & Smith Group, Inc. determined that the retaining walls are adversely affected by hydrostatic pressure and recommended that adjacent sidewalks be re-graded and reconstructed to divert surface drainage from the walls into existing storm drains; and,

WHEREAS, The Ohio Development Services Agency approved a municipal request for permission to expend Community Development Block Grant moneys accumulated in the Revolving Loan Fund as a grant of federal assistance to enable the municipality to undertake the required work; and,

WHEREAS, Proposals to perform the work in conformity with plans and specifications now on file as Engineering Project No. 1608 were properly solicited; and,

WHEREAS, Schimmoeller Construction Company, Inc., submitted the only responsive and responsible bid;

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 Schimmoeller Construction Company, Inc. to furnish all labor, materials, fuel and equipment required to construct sidewalk and drainage improvements conforming to the plans and specifications on file as Engineering Project No. 1608 on the terms established by the accepted bid.

Section 2: The Finance Director is authorized to pay the contract price of \$38,452.50 and such incidental expenses as may be incurred in accordance with the authorized contract from Line 276-451-5-2-980.880 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 shall be effective on the earliest date permitted by law.

Passed: _____, 2017

President of Council

Attest: _____, Clerk

Approved: _____, 2017

Mayor

Ordinance No. _____

AN ORDINANCE REPEALING ORDINANCE 7879 AND AMENDING RULE 6.1 AND RULE 12.1 OF THE RULES OF CONDUCT AND PROCEDURE

WHEREAS, the Rules of Conduct and Procedure presently allow citizens to address matters that are not on the agenda before consideration of matters for which time has been properly reserved by others; and,

WHEREAS, this practice is inherently disruptive to the orderly conduct of business and frequently introduces subjects of discussion without prior notice to the public in a manner that is inconsistent with the intent and purpose of the Ohio Open Meetings Act; and,

WHEREAS, Ordinance 7879 was passed on December 13, 2016, to eliminate this practice by amending the Council Rules to alter the General Order of Business and require all persons desiring to address Council in open public meeting to reserve time on the agenda; and,

WHEREAS, The Board of Elections has notified the Finance Director that a Referendum Petition was signed by a sufficient number of Electors to delay enactment of Ordinance 7879 and require the conduct of an election; and,

WHEREAS, Council believes a majority of those who object to the enactment of Ordinance 7879 do not object to the reordering of the General Order Business proposed by that measure but only to the proposed requirement that persons seeking to address Council reserve time on the agenda; and,

WHEREAS, Council finds that it is not in the best interests of the community to incur costs associated with the conduct of an election and further finds that the orderly conduct of business requires that the changes to the General Order of Business proposed by Ordinance 7879 be implemented without delay;

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

Section 1: Ordinance 7879 is hereby repealed.

Section 2: Rule 6.1 of the Rules of Conduct and Procedure is hereby amended to provide (deleted text ~~stricken~~, newly added text underlined):

Rule 6.1 Regular Meeting Agenda

Not later than 2:00 o'clock PM on Friday of each week immediately preceding a week in which a Regular Meeting of Council is scheduled to be convened, the Clerk shall publish an Agenda of all pre-arranged business to be entertained by Council. The agenda shall be formatted in accordance with this Rule:

A. **Caption:**

The Agenda shall be captioned as follows:

Notice of Proceedings
City Council of the City of Defiance, Ohio
Charles D. Beard Council Chambers
City Hall, 631 Perry Street, Defiance, OH 43512

B. **Date and Time of the Regularly Scheduled Meeting of Council:**

Immediately following the Caption, the Agenda shall recite the date and time of the next Regularly Scheduled Meeting of Council in the following manner:

REGULAR MEETING OF COUNCIL
Tuesday [Month] [Date] [Year]
Opening Comments–7:00 p.m.

C. **Notice of Pre-Arranged Business:**

All business scheduled to be taken up at the Regular Meeting of Council to be held on the date recited in accordance with Paragraph B shall be itemized in the following order and manner:

1. ***Public Hearings:***
A brief description of each Public Hearing to be conducted in fulfillment of a statutory or regulatory requirement or to comply with a provision of the municipal Charter or Codified Ordinances. The description shall identify the subject to be addressed and the person or organization that is to present information to Council introduce the subject.

2. ***Matters of Public Interest***
A brief description of each subject to be presented with prior approval of the President of Council for the purpose of educating Council or the public about a matter of public interest that does not require legislative action. The description shall identify the subject to be addressed and the person or organization that is to introduce the subject.

23. ***Legislative Actions:***
The caption of each proposed Ordinance and Resolution to be considered shall be presented in full and the status of each item as a First, Second or Third reading shall be noted. A proposed Ordinance or Resolution that has been previously amended shall be identified as being before Council for a Second or Third Amended reading.

34. ***Study Session Items:***
A brief description of each subject for which ~~Council time~~ time has been reserved ~~time~~ for the discussion of legislative proposals with respect to which no Ordinance or Resolution has yet been introduced. The description shall identify the subject to be addressed, and identify the Member of Council or municipal officer that is to introduce the subject for discussion.

5. ***Citizens' Concerns:*** Persons in attendance and desiring to speak to an issue that does not appear on the agenda shall be afforded an opportunity. ~~Rule 12.1 (12).~~

Section 3: Rule 12.1 of the Rules of Conduct and Procedure is hereby amended to provide (deleted text ~~stricken~~, newly added text underlined):

Rule 12.1: General Order of Business, Regular Meetings

The general Order of Business at all Regular Meetings of Council shall be:

1. **Determination of the presence of a quorum:** The Clerk, or in the absence of the Clerk, President of Council or other presiding officer, shall record the names of the Members present and Members absent from the Meeting and determine the presence of a quorum. In the absence of a quorum, no action shall be taken except upon such matters as may be required to compel the attendance of absent Members or adjourn the meeting. In the event a quorum is present, the President shall announce that fact. Any Member may make a *Motion to Excuse an Absent Member* or Members following announcement of the determination that a quorum is present.

2. **Pledge of Allegiance** all persons in attendance shall stand and recite the Pledge of Allegiance to the Flag of the United States.

3. **Approval of Minutes:** In accordance with Rule 7.3(A), the President or other presiding officer shall inquire if any Member present desires to make a *Motion to Correct the Minutes*. If no such Motion is made, all proposed Minutes distributed to Council with the Agenda for the Meeting shall stand approved. If a Motion is made, Council shall proceed in accordance with Rule 7.3(B) before proceeding with other business.

4. **Specialization Reports:** Each Member shall be afforded an opportunity to report on activities undertaken within the area of subject matter specialization to which he or she has been assigned pursuant to Rule 8 and make such recommendations for further Council action with respect to such matters as he or she deems appropriate.

5. **Reading of Correspondence:** The President or other presiding officer shall announce the receipt of correspondence addressed to Council since the most recent Regular Meeting and may read the communication, summarize the

contents of the communication or make copies of the correspondence available to interested Members. The entire text of received correspondence shall be publicly read at the request of any Member.

6. **Council Concerns:** Each Member of Council shall be afforded an opportunity to comment upon any matter of public business or concern that is not on the Agenda and may, with approval of the President, request that such matter be referred to the Member designated to make inquiries into the subject pursuant to Rule 8 or to the appropriate Department Head for investigation or other action. Members desiring to be heard on a matter of Personal Privilege not related to a specific item of business on the Agenda may seek recognition at this time. Members desiring to be heard on a matter of Personal Privilege related to a specific item of business on the Agenda may seek recognition at this time or at the time the Agenda item is raised for discussion or other action.
7. **Reports of Administrative Officers:** The Mayor and each Department Head in attendance shall be afforded an opportunity to report to Council regarding the activities of his or her office and shall respond to such questions relating to departmental operations as may be presented by Members of Council.
8. ~~Citizen Concerns: At the discretion of the President or other presiding officer, any person in attendance may be recognized and permitted to speak briefly to a subject that is not on the published meeting Agenda. The presiding officer shall determine whether the subject raised is appropriate for discussion without prior advertisement of Council's intent to consider the matter presented. In the event the presiding officer determines that the subject is not appropriate for substantive discussion at the current meeting, the person raising the issue shall be informed of appropriate actions to be taken to reserve time for discussion of the issue on the Agenda to be published in advance of a future meeting. A determination by the presiding officer that the subject presented is inappropriate for discussion in the absence of advance notice to the public of Council's intent to consider the subject shall not be subject to appeal and the determination shall be binding on all other persons in attendance desiring to comment on the matter raised. A person granted the floor to address one or more issues not on the Agenda shall be accorded such time as the presiding officer deems appropriate, not to exceed five minutes. The time allowed may be extended by majority concurrence to a Motion duly made and seconded proposing that the speaker be granted additional time. All persons granted the floor to comment on issues that are not on the published Agenda shall comply with all standards of conduct and decorum established by these Rules.~~
Public Hearings: Persons who have pre-arranged to conduct a public hearing in the presence of Council shall be recognized and permitted to speak for the time allotted by the Agenda. Citizens, Members of Council, public officials and municipal employees desiring to comment upon each matter presented shall be recognized and permitted to speak in accordance with the standards of conduct and decorum established by these Rules. The time reserved for each presentation may be extended at the discretion of the presiding officer to accommodate such discussion. In the event more than one public hearing is scheduled for the same meeting, the hearings shall be conducted in the order in which they appear on the Agenda.
9. ~~Introduction of Persons Appearing Before Council Matters of Public Interest: Persons who have pre-arranged to present a matter of concern public interest to the Council or to conduct a public hearing in the presence of Council shall be recognized and permitted to speak for the time allotted by the Agenda. Citizens, administrative officials and Members of Council, public officials and municipal employees desiring to comment upon each matter presented shall be recognized and permitted to speak in accordance with the standards of conduct and decorum established by these Rules. The time reserved for each presentation may be extended at the discretion of the presiding officer to accommodate such discussion. In the event more than one issue of public interest is scheduled for the same meeting, the subjects shall be entertained in the order in which they appear on the Agenda.~~
10. **Legislative Action on Ordinances and Resolutions:** Proposed Ordinances shall be read by caption only unless Council, upon Motion and concurrence of a majority of the Members present, determines that the entire text of the proposed legislation shall be read. Ordinances assigned for third reading shall be disposed

of prior to consideration of Ordinances assigned for second reading. Ordinances assigned for second reading shall be disposed of prior to consideration of Ordinances assigned for first reading. All Ordinances shall be disposed of before consideration of any Resolution.

11. **Study Session:** Presentation and formal discussion, deliberation and debate of matters requiring a concurrence of Council prior to preparation of legislation. The subject of discussion shall be introduced by the Member of Council or administrative official identified by the agenda. Citizens, Members of Council, public officials and municipal employees desiring to comment upon each matter presented shall be recognized and permitted to speak in accordance with the standards of conduct and decorum established by these Rules. The time reserved for each presentation may be extended at the discretion of the presiding officer to accommodate such discussion. In the event more than one proposed legislative initiative is scheduled for consideration, the subjects shall be entertained in the order in which they appear on the Agenda.

12. **Citizen Concerns:** At the discretion of the President or other presiding officer, any person in attendance may be recognized and permitted to speak briefly to a subject that is not on the published meeting Agenda. The presiding officer shall determine whether the subject raised is appropriate for discussion without prior advertisement of Council's intent to consider the matter presented. In the event the presiding officer determines that the subject is not appropriate for substantive discussion at the current meeting, the person raising the issue shall be informed of appropriate actions to be taken to reserve time for discussion of the issue on the Agenda to be published in advance of a future meeting. A determination by the presiding officer that the subject presented is inappropriate for discussion in the absence of advance notice to the public of Council's intent to consider the subject shall not be subject to appeal and the determination shall be binding on all other persons in attendance desiring to comment on the matter raised. A person granted the floor to address one or more issues not on the Agenda shall be accorded such time as the presiding officer deems appropriate, not to exceed five minutes. The time allowed may be extended by majority concurrence to a Motion duly made and seconded proposing that the speaker be granted additional time. All persons granted the floor to comment on issues that are not on the published Agenda shall comply with all standards of conduct and decorum established by these Rules.

123. **Adjournment.**

Section 4: All provisions of the Rules of Conduct and Procedure not expressly amended by Section 1, Section 2 or Section 3 of this Ordinance are ratified, confirmed and shall remain in full force and effect.

Section 5: 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 6: This Ordinance shall be effective on the earliest date permitted by law.

Passed: _____, 2017

President of Council

Attest: _____, Clerk

Approved: _____, 2017

Mayor