

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 JUNE 6, 2017
OPENING COMMENTS – 7:00 P.M.

SPECIAL GUEST: NONE

PUBLIC HEARING: NONE

SECOND READING: AN ORDINANCE AUTHORIZING A CONTRACT WITH STRAND ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING AND CONSULTATIVE SERVICES

SECOND READING: A RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR FUNDING FROM THE OHIO DEPARTMENT OF TRANSPORTATION THROUGH THE DEFIANCE COUNTY TRANSPORTATION IMPROVEMENT DISTRICT

FIRST READING: AN ORDINANCE ESTABLISHING THE “HELPING HANDS” PROGRAM

FIRST READING: AN ORDINANCE AMENDING ORDINANCE 6296 PERTAINING TO THE COMPENSATION OF THE CLERK OF THE CIVIL SERVICE COMMISSION

FIRST READING: AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL ESTATE LOCATED AT 633 OTTAWA AVENUE AND APPROPRIATING MONEYS FOR THAT PURPOSE

FIRST READING: AN ORDINANCE AMENDING THE DISTRICT MAP TO REZONE LANDS LOCATED AT 1743 AND 1743 ½ EAST SECOND STREET

FIRST READING: AN ORDINANCE AMENDING THE DISTRICT MAP TO REZONE 35.795 ACRES OF LAND LOCATED ADJACENT TO STATE ROUTE 66

CITIZEN CONCERNS: PLEASE STATE NAME & ADDRESS FOR THE RECORD

STUDY SESSION: NONE

LIAISON ASSIGNMENTS	TIME	DATE	AGENDA
♣SEWER: KRUTSCH	7:00 P.M.	Tuesday - JUNE 2017	NO MEETING
♣STREETS & SIDEWALK: WAXLER	7:00 P.M.	Tuesday - JUNE 2017	NO MEETING
♣UTILITIES, GAS & LIGHTS: ORZOLEK	7:00 P.M.	Tuesday - JUNE 2017	NO MEETING
♣POLICE & FIRE: LUNDBERG	7:00 P.M.	Tuesday - JUNE 2017	NO MEETING
♣TRAFFIC COMMISSION: LEONARD, Mayor, Cereghin, Shafer, Wilkins, Warner, Orzolek, Hancock, Krutsch	5:30 P.M.	2 nd Tuesday - JUNE 2017	NO MEETING
♣FINANCE: ENGEL	7:00 P.M.	Tuesday - JUNE 2017	NO MEETING
♣BUILDING AND LANDS: HANCOCK	7:00 P.M.	Tuesday - JUNE 2017	NO MEETING
♣WATER: LUNDBERG	7:00 P.M.	Tuesday - JUNE 2017	NO MEETING
♣ECONOMIC DEVELOPMENT: PIERCE	7:00 P.M.	Tuesday - JUNE 2017	NO MEETING
♣COMMUNITY INTERACTION: PIERCE	7:00 P.M.	Tuesday - JUNE 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 A CONTRACT WITH STRAND ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING AND CONSULTATIVE SERVICES

WHEREAS, nutrient loading of the upper Maumee River encourages development of cyanobacteria colonies that can contaminate river water to such a degree that it cannot be purified for human consumption using conventional methods; and,

WHEREAS, more precise monitoring of nutrient levels in the upper Maumee River is essential to minimize the risk of cyanobacteria “algal blooms” occurring in the municipal reservoir; and,

WHEREAS, such monitoring can be achieved by enlisting the aid of officials responsible for the management of public lands located upstream of the City of Defiance; and,

WHEREAS, the City is uniquely positioned to contribute to Federal, State and regional efforts to reduce nutrient loading in the Maumee River by reason of the municipality’s location at the confluence of the upper Maumee River with the Tiffin River and Auglaize River, said three streams contributing an estimated 85% of all agricultural nutrients entering Lake Erie via the lower Maumee River; and,

WHEREAS, the City is uniquely positioned to contribute to Federal, State and regional efforts to reduce nutrient loading in the Maumee River by reason of the municipal government’s ownership of flood plain lands bordering all three streams and City officials on-going cooperation with environmental scientists affiliated with the University of Toledo to identify municipally-owned locations that may be suitable for research and experimental treatment facilities; and,

WHEREAS, City officials require technical assistance to develop a watershed-based framework to encourage regional efforts to reduce non-point source pollution of the Maumee River, selected Strand and Associates, Inc., as the most qualified consultant to provide the required services and negotiated appropriate terms for the performance of the required services on a time and expense basis subject to a maximum cost of \$25,000.00;

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 Strand and Associates, Inc., to perform all services described by the “*Proposal for Development of a Phosphorous Reduction Framework Document*” on the terms of service and at the prices therein recited.

Section 2: The Finance Director is authorized to pay all costs arising under the terms of the authorized contract from appropriated funds allocated for expenditure by line 590-541-5-2-973-004 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

RESOLUTION No. _____

**A RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION
FOR FUNDING FROM THE OHIO DEPARTMENT OF
TRANSPORTATION THROUGH THE DEFIANCE COUNTY
TRANSPORTATION IMPROVEMENT DISTRICT**

WHEREAS, the Ohio Department of Transportation has set aside monies for installation of improvements proposed by registered Transportation Improvement Districts; and,

WHEREAS, Installation of an industrial parkway conforming to plans and specifications on file in the office of the City Engineer entitled, "*Latchaw Connector Road*" is required to realize economic development opportunities made possible by improvement of US Route 24 and improvement of the US Route 24/State Route 15 interchange; and,

WHEREAS, the Ohio Department of Transportation has committed Jobs & Commerce and Section 629 program funds to construction of the desired road; and,

WHEREAS, additional financial assistance is required to install the improvements; and,

WHEREAS, the Defiance County Transportation Improvement District has identified installation of the proposed connector road as a priority project necessary to the achievement of District objectives;

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

Section 1: The City Administrator is directed to submit an application to the Ohio Department of Transportation for an award of Transportation Improvement District Funds to assist the municipality and Defiance County Transportation Improvement District with costs to install transportation improvements conforming to the plans and specifications on file in the office of the City Engineer entitled, "*Latchaw Connector Road*".

Section 2: Council acknowledges that acceptance of funds awarded pursuant to the application authorized by Section 1 will obligate the City to comply with all applicable regulations of the Department of Transportation including, but not limited to, Transportation Improvement District program guidelines.

Section 3: 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 4: This Resolution shall be effective on the earliest date permitted by law.

Passed: _____, 2017

President of Council

Attest: _____, Clerk

Approved: _____, 2017

Mayor

Ordinance No. _____

AN ORDINANCE ESTABLISHING THE “HELPING HANDS” PROGRAM

WHEREAS, The Defiance Area Foundation desires to establish a program pursuant to which municipal utility consumers may voluntarily choose to contribute money to the Defiance Area Foundation for the support of charitable organizations providing services to people residing in the geographic area served by municipal water and wastewater utilities through the municipal utilities billing office; and,

WHEREAS, the proposed “*Defiance Area Foundation Donor Advised Fund Agreement with the City of Defiance*” was approved by the Defiance Area Foundation on April 27, 2017;

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

Section 1: The Mayor and President of Council are authorized to execute the proposed “*Defiance Area Foundation Donor Advised Fund Agreement with the City of Defiance*” now on file in the office of the City Law Director and deliver the same to the Defiance Area Foundation.

Section 2: All municipal officers are authorized to take such actions as may be necessary or appropriate to establish and operate the Donor Advised Fund in the manner provided by the “*Defiance Area Foundation Donor Advised Fund Agreement with the City of Defiance*”.

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 AMENDING ORDINANCE 6296 PERTAINING TO THE COMPENSATION OF THE CLERK OF THE CIVIL SERVICE COMMISSION

WHEREAS, the salary of the Clerk of the Civil Service Commission was most recently established by Section 1 of Ordinance 6296, passed May 28, 2002; and,

WHEREAS, the Human Resources Manager has determined that the salary is inadequate to attract qualified candidates for appointment to the position; and,

WHEREAS, Council finds that past failures to periodically adjust the salary of the Clerk of the Civil Service Commission coincident with salary adjustments accorded other non-bargaining personnel has resulted in an unjustified disparity in the compensation provided municipal employees performing analogous duties;

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

Section 1: Beginning June 1, 2017, the annual salary of the Clerk of the Civil Service Commission shall be increased from \$3,450.00 per annum to \$5,000.00 per annum. The salary hereby established shall be subject to change during the Clerk's continuance in office without regard for the commencement or expiration of any term of office to which the Clerk may be appointed. All future Ordinances providing for a general adjustment in the compensation of municipal employees not represented by a collective bargaining agent shall be applicable to the Clerk unless otherwise expressly provided by that Ordinance.

Section 2: Section 2 of Ordinance 6296 is ratified and confirmed and shall remain in full force and effect. Nothing in this Ordinance shall affect the accrual or payment of compensation for service as Clerk of the Civil Service Commission during the period beginning June 1, 2002, and ending May 31, 2017, as previously established by Ordinance 6296.

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 PURCHASE OF REAL ESTATE LOCATED AT 633 OTTAWA AVENUE AND APPROPRIATING MONEYS FOR THAT PURPOSE

WHEREAS, The Law Director has negotiated a contract for the purchase of lands identified by Permanent Parcel Number B014148001100 at a cost of \$45,000; and,

WHEREAS, Said lands are immediately adjacent to municipally-owned lands on which a 1,000,000 gallon elevated water storage tank is presently being constructed and are desired to assure safe and efficient operation of the water facilities; and,

WHEREAS, The proposed Contract expressly provides that it shall not take effect until passage of the necessary authorizing Ordinance by Council;

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

Section 1: The proposed, "*Contract to Purchase and Sell Real Estate*" executed by the City Law Director subject to ratification by Council on May 24, 2017, and pertaining to lands identified by Permanent Parcel Number B014148001100 is hereby ratified and confirmed.

Section 2: All municipal officers are authorized to take such actions as may be necessary or appropriate to secure marketable title to the lands identified by Permanent Parcel Number B014148001100 in accordance with the terms and conditions of the Contract authorized by Section 1 of this Ordinance.

Section 3: The Finance Director is authorized to pay the purchase price of \$45,000 and all transactional costs, including title insurance premiums, from Line 591-538-5-2-980-880 of the 2017 annual budget and a supplemental appropriation of funds is hereby made for that purpose the amount of \$50,000.

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: _____, 2017

President of Council

Attest: _____, Clerk

Approved: _____, 2017

Mayor

Ordinance No. _____

AN ORDINANCE AMENDING THE DISTRICT MAP TO REZONE LANDS LOCATED AT 1743 AND 1743½ EAST SECOND STREET

WHEREAS, The Planning Commission recommended that all lands described by a Petition pertaining to lands identified by Permanent Parcel Number J040030001800 be re-zoned from B-3, Highway and General Business, to R-2, Medium Density Residence District, in accordance with the property owner's Petition; and,

WHEREAS, Council conducted a Public Hearing on May 23, 2017, to review and consider the recommendation of the Planning Commission in the manner required by statute and general Ordinance and no objections to the proposed change to the District Map were raised; and,

WHEREAS, Council concurs with the recommendation of the Planning Commission;

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

Section 1: All lands described by the Petition for District Map Amendment seeking to change the District designation pertaining to Parcel Number J040030001800 are hereby Zoned R-2, Medium Density Residence District.

Section 2: The Clerk of the Planning Commission is directed to make all necessary changes to the District Map needed to accurately reflect the change in District designation effected by this Ordinance.

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 from and after the earliest date permitted by law.

President of Council

Passed: _____, 2017

Attest: _____, Clerk

Approved: _____, 2017

Mayor

Ordinance No. _____

AN ORDINANCE AMENDING THE DISTRICT MAP TO REZONE 35.795 ACRES OF LAND LOCATED ADJACENT TO STATE ROUTE 66

WHEREAS, The Planning Commission recommended that all lands described by a Petition pertaining to lands identified by Permanent Parcel Numbers B014184000200 and B110001000703 be re-zoned from S-1, Special District, to A-1, Agricultural, in accordance with the property owner's Petition; and,

WHEREAS, Council conducted a Public Hearing on May 23, 2017, to review and consider the recommendation of the Planning Commission in the manner required by statute and general Ordinance and no objections to the proposed change to the District Map were raised; and,

WHEREAS, Council concurs with the recommendation of the Planning Commission;

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

Section 1: All lands described by the Petition for District Map Amendment seeking to change the District designation pertaining to Parcels Numbered B014184000200 and B110001000703 are hereby Zoned A-1, Agricultural.

Section 2: The Clerk of the Planning Commission is directed to make all necessary changes to the District Map needed to accurately reflect the change in District designation effected by this Ordinance.

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 from and after the earliest date permitted by law.

President of Council

Passed: _____, 2017

Attest: _____, Clerk

Approved: _____, 2017

Mayor