

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 APRIL 23, 2019
OPENING COMMENTS – 7:00 P.M.

SPECIAL GUEST: BRIDGET FISCHER, MPH-EPIDEMIOLOGIST, DEFIANCE COUNTY HEALTH DEPARTMENT – 20 MIN PRESENTATION ON THE HEALTH EQUITY REPORT

PUBLIC HEARING: NONE

SECOND READING: AN ORDINANCE ESTABLISHING AN INCREASE IN COMPENSATION OF THE PRESIDENT AND MEMBERS OF CITY COUNCIL

SECOND READING: AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE MAYOR

FIRST READING: AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF THE DEFIANCE OUTDOOR REFRESHMENT AREA, MAKING CERTAIN FINDINGS AND DETERMINATIONS, AND ENACTING REGULATION TO THAT EFFECT

FIRST READING: AN ORDINANCE AUTHORIZING THE PURCHASE AND INSTALLATION OF WATER METERS AND ADVANCED METERING INFRASTRUCTURE AND DECLARING AN EMERGENCY

STUDY SESSION: NONE

CITIZEN CONCERNS: NAME & ADDRESS FOR THE RECORD (5 MINS)

COMMITTEE ASSIGNMENTS	TIME	DATE (2019)	AGENDA
▷SEWER: LUNDBERG , Krutsch, Plant	7:00 P.M.	Tuesday - APRIL	NO MEETING
▷STREETS & SIDEWALK: HANCOCK , Eureste, Krutsch	7:00 P.M.	Tuesday - APRIL	NO MEETING
▷UTILITIES, GAS & LIGHTS: PLANT , Waxler, Lundberg	7:00 P.M.	Tuesday – APRIL	NO MEETING
▷POLICE & FIRE: WAXLER , Hancock, Engel	7:00 P.M.	Tuesday - APRIL	NO MEETING
▷TRAFFIC COMMISSION: LEONARD , Mayor, Cereghin, Shafer, Wilkins, Sprow, Waxler, Eureste, Krutsch	5:00 P.M.	Tuesday - APRIL	NO MEETING
▷FINANCE: LUNDBERG , Hancock, Plant	7:00 P.M.	Tuesday – APRIL	NO MEETING
▷BUILDING AND LANDS: ENGEL , Eureste, Waxler	7:00 P.M.	Tuesday – APRIL	NO MEETING
▷WATER: KRUTSCH , Eureste, Engel	7:00 P.M.	Tuesday - APRIL	NO MEETING
▷ECONOMIC DEVELOPMENT: EURESTE , Krutsch, Waxler	7:00 P.M.	Tuesday – APRIL	NO MEETING
▷PUBLIC RELATIONS: PLANT , Lundberg, Hancock	7:00 P.M.	Tuesday – APRIL	NO MEETING
▷BOARD OF CONTROL MEETING: MAYOR , Leonard, O'Donnell, Lehner	1:30 P.M. MONDAY 9:00 A.M. THURSDAY	MONDAY and THURSDAY	POSTED AT 631 PERRY STREET MEETINGS IN FRONT CONFERENCE ROOM

▷2019 CHARTER REVIEW COMMITTEE: BEARD , Armstrong, Groff, Handy, Mack	5:30 P.M. FRONT CONFERENCE ROOM	APRIL 2019	
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Ordinance No. _____

AN ORDINANCE ESTABLISHING AN INCREASE IN COMPENSATION OF THE PRESIDENT AND MEMBERS OF CITY COUNCIL

WHEREAS, Council last enacted a salary increase for the President of Council and Members of Council on January 6, 2009 in Ordinance No. 7012; and,

WHEREAS, the above-mentioned ordinance established a schedule of pay increases, with the last increase taking effect on January 1, 2015 at the current salary level of \$6,000.00 per year; and,

WHEREAS, Council reaffirmed the salary of \$6,000.00 per year on December 16, 2014 in Ordinance No. 7685; and,

WHEREAS, the City has traditionally compensated the President of Council and Members of Council equally and in an amount sufficient to permit a year's service on the Council to be recognized as a year of credited service in the Ohio Public Employees' Retirement System ("OPERS"); and,

WHEREAS, the General Assembly increased the one-year service credit in the OPERS Traditional and Combined pension plans to \$660.00 per month, or \$7,920.00 per year, effective January 1, 2018; and,

WHEREAS, Section 2.07 of the Charter of the City of Defiance, Ohio provides that Council may only change the salary of its Members commencing with the terms of office of Members of Council elected at the next regular Municipal election by ordinance on or before the filing deadline for declaration of candidacy for election to Council; and,

WHEREAS, Council finds that aligning the salaries of its Members with the OPERS one-year service credit will encourage public service and enable Members to preserve their pension amounts;

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

Section 1: The annual salary of the President of Council and each Member of Council shall be \$7,920.00, effective at the commencement of the term of office after the next regular Municipal election for each Council seat.

Section 2: The annual salaries thereafter shall increase or decrease automatically in accordance with the one-year OPERS service credit level established by the Ohio General Assembly.

Section 3: If any provision of this Ordinance is held illegal or unenforceable, such provision shall be severed and inoperable, and the remainder of this Ordinance shall remain operative with a salary for the President and Members of Council set at \$7,920.00 per year.

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: _____, 2019

President of Council

Attest: _____, Clerk

Approved: _____, 2019

Mayor

Ordinance No. _____

AN ORDINANCE ESTABLISHING THE COMPENSATION OF THE MAYOR

WHEREAS, Section 3.03 of the Charter of the City of Defiance, Ohio provides Council with the authority to fix the salary schedule of the Mayor and make any change not later than the first day of January *immediately preceding* the commencement of a new term of office; and,

WHEREAS, Council set the current salary of \$55,630.00 to take effect January 1, 2011 in Ordinance No. 6749 on December 5, 2006; and,

WHEREAS, Mayoral salary historically equaled the combined salary of the President of Council and seven Members of Council;

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

Section 1: During the term of office commencing January 1, 2024, the annual salary of the Mayor shall be \$63,360.00 or the total combined salary of the President of Council and Seven Members of Council, whichever is greater.

Section 2: In addition to salary, the Mayor shall receive a travel allowance or City car as provided by Codified Ordinance 129.03.

Section 3: If any provision of this Ordinance is held illegal or unenforceable, such provision shall be severed and inoperable, and the remainder of this Ordinance shall remain operative with a salary for the Mayor set at \$63,360.00 per year.

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: _____, 2019 _____
President of Council

Attest: _____, Clerk

Approved: _____, 2019 _____
Mayor

Ordinance No. _____

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF THE DEFIANCE OUTDOOR REFRESHMENT AREA, MAKING CERTAIN FINDINGS AND DETERMINATIONS, AND ENACTING REGULATIONS TO THAT EFFECT

WHEREAS, Section 4301.82(D)(3)(b) of the Ohio Revised Code authorizes municipal corporations with a population of thirty-five thousand (35,000) or less to designate within their corporate limits outdoor refreshment areas for the purpose of complimenting the cultural and economic vitality of the designated area composed of one hundred fifty (150) or fewer contiguous acres; and,

WHEREAS, Outdoor refreshment areas allow individuals, subject to local time and place regulations, to possess and consume alcoholic beverages in designated places, provided that the beverage is purchased from qualified permitted premises within the area and in pre-approved containers; and,

WHEREAS, the Board of Directors, leadership, and members of the Defiance Development and Visitors' Bureau ("D.D.V.B.") petitioned Council for an establishment of an outdoor refreshment area known as the Defiance Outdoor Refreshment Area ("D.O.R.A."). The petition reflects the nature and types of establishments that will be located within the area. The proposed area and land use is consistent with the B-2 Central Business District and the proposed hours of operation and rules will ensure the public health, safety, and welfare within the area; and,

WHEREAS, Section 4301.82(F)(1) of the Ohio Revised Code requires the legislative authority of a municipal corporation to establish requirements that it determines necessary to ensure the public health and safety within the area; and,

WHEREAS, Section 4301.82(F)(2) of the Ohio Revised Code requires the legislative authority of the municipal corporation to give notice of the proposed action once a week for two (2) consecutive weeks in one (1) newspaper of general circulation in the municipal corporation; and,

WHEREAS, the outdoor refreshment area application ("application") as submitted includes the premises of the permit holders at the street addresses on Exhibit A, along with the permit holders located at the street addresses listed in Section 3.1 of the application, and meets the requirements of Section 4301.82(B)(1-5); and,

WHEREAS, Council finds that approval of the D.O.R.A. promotes the Culture and Education Pillar of the Defiance Community Strategic Plan;

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

Section 1: Pursuant to Section 4301.82 of the Ohio Revised Code, there is hereby established and designated the Defiance Outdoor Refreshment Area with the boundaries of the area, including the street addresses, described in the application attached hereto as Exhibit A and incorporated herein.

Section 2: The Council of the City of Defiance, Ohio, for the purpose to ensure the public health and safety within the area, finds that the following conditions are identified in Exhibit A and incorporated herein:

1. The number, spacing, and type of signage designating the area;
2. The hours of operation for the area;
3. The number of personnel needed to ensure public safety in the area;
4. A sanitation plan that will maintain the appearance and public health of the area;
and
5. The number of personnel needed to execute the sanitation plan.

Section 3: All beer and intoxicating liquor within the area shall be served solely in new, unused official D.O.R.A. cups.

Section 4: Council gave notice of the establishment of the D.O.R.A. by publication once a week for two (2) consecutive weeks in one (1) newspaper of general circulation in the municipal corporation prior to adoption of this Ordinance pursuant to Section 4301.82(F)(2) of the Ohio Revised Code.

Section 5: The Clerk of Council shall provide notice of the public health and safety requirements to the Ohio Department of Commerce, Division of Liquor Control and to the investigative unit of the Ohio Department of Public Safety pursuant to Section 4301.82(F)(3) of the Ohio Revised Code

Section 6: The area shall encompass no fewer than four (4) qualified liquor permit holders identified in Exhibit A by business name, address, liquor permit type, and liquor permit number.

Section 7: The hours of operation of the D.O.R.A. contained in Exhibit A may be limited during special events.

Section 8: The sanitation plan contained in Exhibit A will help maintain the appearance and public health of the area and is hereby approved pursuant to Section 4301.82(F)(1)(e-f).

Section 9: The Buildings and Lands Committee of Council shall meet with the City Administration in regularly scheduled meetings to review the security requirements of the D.O.R.A. and to ensure the maintenance of public health and safety.

Section 10: 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 11: This Ordinance shall be effective on the earliest date permitted by law.

Passed: _____, 2019 _____
President of Council

Attest: _____, Clerk

Approved: _____, 2019 _____
Mayor

Ordinance No. _____

AN ORDINANCE AUTHORIZING THE PURCHASE AND INSTALLATION OF WATER METERS AND ADVANCED METERING INFRASTRUCTURE AND DECLARING AN EMERGENCY

WHEREAS, the existing water meters, reading equipment, and supporting software that the City has used for the last fifteen (15) years, and currently uses, are nearing the end of their shelf life; and,

WHEREAS, a transition to an Advanced Metering Infrastructure (“AMI”) system will enable the City Utilities and Billing Office to read water usage data in real-time from a central location and eliminate the need to drive by customer properties; and,

WHEREAS, Council approved the issuance of \$2,160,000.00 in bonds to finance this project in Ordinance No. 8115 on March 26, 2019; and,

WHEREAS, Ferguson provided an estimate for the purchase and installation of the AMI system at \$2,080,000.00 on file in the office of the Finance Director; and,

WHEREAS, Council finds that the implementation of an AMI system advances the Connectivity Pillar of the Defiance Community Strategic Plan by identifying water leaks in real-time and providing for greater accuracy in billing based on actual water usage;

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

Section 1: The City Administrator is directed to enter into a contract with Ferguson for the purchase and installation of an AMI system and corresponding equipment at the quoted price of \$2,080,000.00.

Section 2: The Finance Director shall pay the contract price from Section 1 from appropriate funds allocated by expenditure from Line 585-539-5-2-972.042 of the 2019 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 project requires scheduling as soon as possible in order to start the three-month installation process and complete it this summer. Council already approved borrowing the funds for this project and commencement shall occur forthwith. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than five (5) Members of Council and approval of the Mayor.

Passed: _____, 2019

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2019

Mayor