

Ordinance No. 8121

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: May 7 _____, 2019 David McMaster _____
President of Council

Attest: Lisa Elders _____, Clerk

Approved: May 7 _____, 2019 Michael McCann _____
Mayor

Ordinance No. 8122

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: May 7 _____, 2019 David McMaster _____
President of Council

Attest: Lisa Elders _____, Clerk

Approved: May 7 _____, 2019 Michael McCann _____
Mayor

ORDINANCE NO. 8123

AN ORDINANCE RATIFYING A PROFESSIONAL SERVICES CONTRACT FOR THE PLANNING ACTIVITIES RELATED TO WASTEWATER CONVEYANCE SYSTEMS AND DECLARING AN EMERGENCY

WHEREAS, the City partnered with the Community Improvement Corporation (“C.I.C.”), JobsOhio, and other local governments to solicit a major economic development opportunity outside of the western boundary; and,

WHEREAS, the City Administration was under pressure to submit concepts and preliminary opinions of costs for wastewater conveyance systems to the end user prior to the decision date; and,

WHEREAS, the City entered into a contract with Jones & Henry Engineers, Ltd. for this project; and,

WHEREAS, Jones & Henry Engineers, Ltd. did complete their proposed scope of services that included concepts and preliminary opinions of costs for wastewater conveyance systems; and,

WHEREAS, the final product provided the City with a detailed concept of the requirements to meet the demands of an economic development project of this scale; and,

WHEREAS, Council finds that the project supports the Connectivity and Economic Development Pillars of the Defiance Community Strategic Plan;

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

Section 1: The professional services agreement between the City of Defiance, Ohio and Jones & Henry Engineers, Ltd. in the amount of \$35,172.00 and on file in the office of the City Engineer is hereby ratified.

Section 2: The Finance Director shall pay the contract price from Section 1 from appropriated funds allocated by expenditure from Line 590-540-5-2-973.004 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 firm has already completed the professional design services and payment is now due. 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: May 7 _____, 2019

David McMaster
President of Council

Votes in Favor of Adoption: 7

Votes Opposed to Adoption: 0

Attest: Lisa Elders _____, Clerk

Approved: May 7 _____, 2019

Michael McCann
Mayor

Ordinance No. 8124

AN ORDINANCE AUTHORIZING THE NEGOTIATION FOR, AND ACQUISITION OF, REAL PROPERTY LOCATED AT 629 ARABELLA STREET

WHEREAS, Council adopted Resolution No. 2500 on June 12, 2018 in support of community efforts to save a “core downtown icon of rich history that faces imminent risk of demolition”; and,

WHEREAS, Community leaders from the respective Boards of Trustees at the Defiance Area Foundation and Justin F. Coressel Charitable Trust offered to guarantee up to \$300,000.00 in demolition funds to prevent the Defiance City School District or the City from incurring the cost to demolish the 1918 building; and,

WHEREAS, these foundations pledge to guarantee the aforementioned funds for sixty (60) months to find a development prospect for the property; and,

WHEREAS, Council takes special interest in the property located at 629 Arabella Street, Defiance, Ohio 43512 and identified by the Defiance County Auditor as part of Permanent Parcel Number B01-1022-0-001-00 in the lots between the Maumee and Auglaize Rivers. The City Administration will obtain a more particular survey and legal description of the property upon completion of a minor subdivision at a future date; and,

WHEREAS, the target property includes what is known as the “1918 Junior High School Building”, the football field, and gymnasium, but does not include the auditorium and the former middle school building located at 801 S. Clinton Street; and,

WHEREAS, the City desires to enter into a contract to purchase the real property for the amount of \$1.00; and,

WHEREAS, Council makes no guarantees to preserve the 1918 building, but finds that fee simple ownership of this property will give the community the ability to control a parcel at the heart of the City and attract uses that will bring economic and cultural vitality to the downtown;

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 negotiations and enter into a memorandum of understanding and a purchase agreement with the Defiance City School District Board of Education for part of Permanent Parcel Number B01-1022-0-001-00 at a purchase price of \$1.00.

Section 2: The City hereby offers to purchase the above-referenced property by general warranty deed from the Defiance City School District.

Section 3: The Finance Director is authorized to pay the purchase price from Section 1, plus any settlement charges, closing costs, recording fees, and title insurance premiums, from Line 403-901-5-2-979.036 of the 2019 annual budget.

Section 4: All municipal officers are authorized to take such actions as may be necessary or appropriate to secure marketable title to the real property and record the ownership interest of the municipality with the Recorder of Defiance County, Ohio.

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 or in Executive Session duly convened in accordance with law.

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

Passed: May 7, 2019 David McMaster
President of Council

Attest: Lisa Elders, Clerk

Approved: May 7, 2019 Michael McCann
Mayor

ORDINANCE NO. 8125

AN ORDINANCE AUTHORIZING A CONTRACT FOR REPAIR OF THE BACK-UP GENERATOR AT THE ELLIOTT ROAD LIFT STATION AND DECLARING AN EMERGENCY

WHEREAS, the back-up generator at the Elliott Road lift station that receives sewage from Christy Meadows in Defiance County to the City Water Pollution Control Plant is in need of repair; and,

WHEREAS, the emergency generator ensures that the pump station remains operational in the event of a power outage; and,

WHEREAS, Schweller Electric Company of Paulding, Ohio submitted the lowest repair quote in the amount of \$24,264.00; and,

WHEREAS, Council finds that immediate repair is necessary for the health and wellness of the community;

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 Schweller Electric Company in the amount of \$24,264.00 for the emergency back-up generator repair according to the quote dated April 2, 2019.

Section 2: The Finance Director shall pay the cost of the contract authorized by Section 1 from appropriated funds allocated by expenditure from Line 590-540-5-2-935.030 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 immediate repair will prevent health and environmental concerns from a sewage back-up. 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: May 7, 2019 David McMaster
President of Council

Votes in Favor of Adoption: 7
Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: May 7, 2019 Michael McCann
Mayor

ORDINANCE NO. 8126

AN ORDINANCE AUTHORIZING A CONTRACT FOR RAPID SMALL-SCALE COLUMN TESTING OF DRINKING WATER AND DECLARING AN EMERGENCY

WHEREAS, the City is implementing a Granular Activated Carbon (“G.A.C.”) system to better filter algal toxins and total trihalomethanes (“TTHMs”) and comply with heightened standards set by the Ohio Environmental Protection Agency (“O.E.P.A.”); and,

WHEREAS, Council awarded a professional design contract for the G.A.C. project in Ordinance No. 8033 on June 12, 2018 and hopes to acquire additional loan funding for the G.A.C. project; and,

WHEREAS, Calgon Carbon Company submitted a proposal to conduct the rapid small-scale column testing (“R.S.S.T.”) simulation at a cost of \$28,860.00; and,

WHEREAS, Council finds that taking steps to improve the quality of the drinking water will promote the health and wellness of the community;

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 Calgon Carbon Company for an R.R.S.T. simulation according to the proposal on file in the office of the City Engineer in an amount not to exceed \$28,860.00.

Section 2: The Finance Director shall pay the cost of the contract authorized by Section 1 from appropriated funds allocated by expenditure from Line 591-537-5-2-980.880 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 O.E.P.A. will place the City under findings and orders to minimize TTHMs if the City does not commence the project in a timely fashion. 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: May 7, 2019 David McMaster
President of Council

Votes in Favor of Adoption: 7
Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: May 7, 2019 Michael McCann
Mayor

Ordinance No. 8127

AN ORDINANCE AUTHORIZING THE CREATION OF A “COURT TECHNOLOGY GRANT FUND” AND DECLARING AN EMERGENCY.

WHEREAS, the Supreme Court of Ohio, under the Ohio Courts Technology Initiative, has awarded a grant of \$11,420.00 to the Defiance Municipal Court for the purchase of new and enhanced security equipment for the court facility, and

WHEREAS, the City Finance Department requires a mechanism to clearly and exclusively record all activities associated with the grant award,

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

Section 1. There is hereby created the “Court Technology Grant Fund”.

Section 2. The Finance Director is authorized make expenditures from the Court Technology Grant Fund up to \$11,420.00 in the current fiscal year, which is hereby appropriated 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 duly convened in accordance with law.

Section 4. This Ordinance is hereby declared to be an emergency measure necessary to preserve the public health, welfare and safety of the residents of the City of Defiance, and further to properly account for grant activity occurring during the entire grant period, which includes the current month. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than five members of Council and approval of the Mayor.

Passed: May 7 _____, 2019

David McMaster _____
President of Council

Attest: Lisa Elders _____, Clerk

Approved: May 7 _____, 2019

Michael McCann _____
Mayor

RESOLUTION No. 2506

A RESOLUTION SUPPORTING THE DEFIANCE COUNTY CANAL ROAD SHOULDER ENHANCEMENT PROJECT

WHEREAS, Defiance County seeks funding from the Ohio Department of Transportation (“O.D.O.T.”) to resurface and widen the shoulder of Canal Road from Ball Road in Defiance Township to Jackson Road in the City; and

WHEREAS, a portion of these proposed improvements will occur on City-owned right-of-way; and

WHEREAS, Defiance County will provide design services and pay for all construction costs beyond the amount of grant funding available if the county receives the O.D.O.T. grant award; and

WHEREAS, funding for this project would provide increased connectivity for all methods of transportation and improve the surface of the designated Buckeye and North Country Trails; and

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

Section 1: The City of Defiance hereby supports the Canal Road shoulder enhancement project as a means to enable community mobility and the use of recreational trails in the area.

Section 2: Council further authorizes access to City right-of-way along canal road in the designated project area for the purpose of completing the proposed shoulder enhancement.

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 or in Executive Session duly convened in accordance with law.

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

Passed: May 7, 2019 David McMaster
President of Council

Attest: Lisa Elders, Clerk

Approved: May 7, 2019 Michael McCann
Mayor