

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 AUGUST 28, 2018
OPENING COMMENTS – 7:00 P.M.

SPECIAL GUEST: NONE
PUBLIC HEARING: NONE

FIRST READING: AN ORDINANCE ESTABLISHING A JOB CREATION INCENTIVE PROGRAM FOR C.B.S. BORING AND MACHINE CO., INC.

FIRST READING: AN ORDINANCE ESTABLISHING A JOB CREATION INCENTIVE PROGRAM FOR JOHNS MANVILLE

FIRST READING: AN ORDINANCE DIRECTING THE CITY ADMINISTRATOR TO APPLY FOR A GRANT FROM THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND LOCAL TRANSPORTATION IMPROVEMENT FUNDS TO ASSIST WITH THE COST TO RECONSTRUCT KARNES AVENUE AND DECLARING AN EMERGENCY

FIRST READING: AN ORDINANCE VACATING AN ALLEY IN THE NORTH DEFIANCE ADDITION

FIRST READING: AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE DEFIANCE CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY

CITIZEN CONCERNS: NAME & ADDRESS FOR THE RECORD (5 MINS)
STUDY SESSION: NONE

COMMITTEE ASSIGNMENTS	TIME	DATE (2018)	AGENDA
▷SEWER: LUNDBERG , Krutsch, Plant	6:00 P.M.	Tuesday - AUGUST 14	LONG TERM CONTROL PLAN (LTCP) UPDATE
▷STREETS & SIDEWALK: HANCOCK , Eureste, Krutsch	7:00 P.M.	Tuesday - AUGUST	NO MEETING
▷UTILITIES, GAS & LIGHTS: PLANT , Waxler, Lundberg	7:00 P.M.	Tuesday – AUGUST	NO MEETING
▷POLICE & FIRE: WAXLER , Hancock, Engel	7:00 P.M.	Tuesday - AUGUST	NO MEETING
▷TRAFFIC COMMISSION: LEONARD , Mayor, Cereghin, Shafer, Wilkins, Sprow, Waxler, Eureste, Krutsch	5:00 P.M.	Tuesday - AUGUST	NO MEETING
▷FINANCE: LUNDBERG , Hancock, Plant	7:00 P.M.	Tuesday – AUGUST	NO MEETING
▷BUILDING AND LANDS: ENGEL , Eureste, Waxler	7:00 P.M.	Tuesday – AUGUST	NO MEETING
▷WATER: KRUTSCH , Eureste, Engel	7:00 P.M.	Tuesday - AUGUST	NO MEETING
▷ECONOMIC DEVELOPMENT: EURESTE , Krutsch, Waxler	7:00 P.M.	Tuesday – AUGUST	NO MEETING
▷PUBLIC RELATIONS: PLANT , Lundberg, Hancock	7:00 P.M.	Tuesday – AUGUST	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

Ordinance No. _____

AN ORDINANCE ESTABLISHING A JOB CREATION INCENTIVE PROGRAM FOR C.B.S. BORING AND MACHINE CO., INC.

WHEREAS, C.B.S. Boring and Machine Co., Inc. intends to expand its plant in the City of Defiance, Ohio to produce passenger framing modules for the Chevrolet Corvette mid-engine edition; and,

WHEREAS, the company will increase employment at the facility by thirty (30) to forty (40) new positions; and,

WHEREAS, the Job Creation Incentive Program Committee recommends that the requested incentive be created in the amount of \$7,500.00 per year for a period of five (5) years upon creation and maintenance of not less than thirty (30) eligible jobs generating an aggregate annual payroll of not less than \$725,000.00 within three (3) years of this award; and,

WHEREAS, Council finds that the recommendation complies with Chapter 191 of the Codified Ordinances of Defiance, Ohio;

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

Section 1: \$7,500.00 shall be annually appropriated to the use of the Defiance County Community Improvement Corporation for a period of five (5) years to fund a Job Creation Incentive Award hereby granted to C.B.S. Boring and Machine Co., Inc. The first annual payment shall be conditioned on the creation of not less than thirty (30) eligible jobs generating an aggregate new annual payroll of not less than \$725,000.00 within three (3) years of this award. Payment of subsequent installments shall be conditioned on maintenance of the required number of positions and aggregate payroll during each year in which the incentive is paid.

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 or in Executive Session duly convened in accordance with law.

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

Passed: _____, 2018 _____
President of Council

Attest: _____, Clerk

Approved: _____, 2018 _____
Mayor

Ordinance No. _____

AN ORDINANCE ESTABLISHING A JOB CREATION INCENTIVE PROGRAM FOR JOHNS MANVILLE

WHEREAS, Johns Manville plans to expand its facility along Commerce Drive with a \$50 million investment; and,

WHEREAS, the company will increase employment at the facility by twenty-four (24) new positions; and,

WHEREAS, the Job Creation Incentive Program Committee recommends that the requested incentive be created in the amount of \$13,000.00 per year for a period of ten (10) years upon creation and maintenance of not less than twenty-four (24) eligible jobs generating an aggregate annual payroll of not less than \$1,565,640.00; and,

WHEREAS, Council finds that the recommendation complies with Chapter 191 of the Codified Ordinances of Defiance, Ohio;

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

Section 1: \$13,000.00 shall be annually appropriated to the use of the Defiance County Community Improvement Corporation for a period of ten (10) years to fund a Job Creation Incentive Award hereby granted to Johns Manville. The first annual payment shall be conditioned on the creation of not less than twenty-four (24) eligible jobs generating an aggregate new annual payroll of not less than \$1,565,640.00 within two (2) years of this award. Payment of subsequent installments shall be conditioned on maintenance of the required number of positions and aggregate payroll during each year in which the incentive is paid.

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 or in Executive Session duly convened in accordance with law.

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

Passed: _____, 2018 _____
President of Council

Attest: _____, Clerk

Approved: _____, 2018 _____
Mayor

ORDINANCE NO. _____

AN ORDINANCE DIRECTING THE CITY ADMINISTRATOR TO APPLY FOR A GRANT FROM THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND LOCAL TRANSPORTATION IMPROVEMENT FUNDS TO ASSIST WITH THE COST TO RECONSTRUCT KARNES AVENUE AND DECLARING AN EMERGENCY

WHEREAS, Karnes Avenue between Ottawa Avenue and Summit Street is in need of repair and improved pedestrian connections; and,

WHEREAS, the State Capital Improvement and Local Transportation Improvement Programs both provide financial assistance to local governments for capital improvements to public infrastructure; and,

WHEREAS, the City may qualify for a grant of \$325,000.00 to apply towards the total project cost; and,

WHEREAS, Council finds that the infrastructure improvement to Karnes Avenue is a priority need for the City and is a qualified project under the Ohio Public Works Commission ("OPWC") programs; and,

WHEREAS, the estimated cost to complete the proposed Karnes Avenue reconstruction is \$883,143.00;

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

Section 1: The City Administrator is authorized to make application to the OPWC for a grant of State Capital Improvement Program funds and Local Transportation Improvement Program funds to offset \$325,000.00 of the estimated \$883,143.00 cost to be incurred to reconstruct Karnes Avenue.

Section 2: The City Administrator is authorized to enter into any contracts or agreements as may be necessary and appropriate for obtaining this financial assistance.

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 grant application is due on September 7, 2018. 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: _____, 2018

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2018

Mayor

Ordinance No. _____

AN ORDINANCE VACATING AN ALLEY IN THE NORTH DEFIANCE ADDITION

WHEREAS, the City received a petition to vacate the alley between Ridge Street and Van Buren Street at Lots 16, 17, 18, and 19 of the North Defiance Addition; and,

WHEREAS, the City Planning Commission recommended vacation of the alley at the August 20, 2018 meeting; and,

WHEREAS, the City has never developed, paved, or installed utilities in the subject alley; and,

WHEREAS, Council finds that there is good cause for vacating the alley and that the requested vacation will not be detrimental to the public interest pursuant to Section 905.19(a) of the Codified Ordinances of Defiance, Ohio;

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

Section 1: The alley lying between Ridge Street and Van Buren Street and adjacent to Lots 16, 17, 18, and 19 of the North Defiance Addition, as more fully described and depicted by the survey now on file in the office of the City Law Director, is hereby vacated.

Section 2: The City Law Director is directed to record a copy of this Ordinance to document the vacation of all public rights of way lying between the East line of Ridge Street and the West line of Van Buren Street adjacent to Lots 16, 17, 18, and 19 in and of the North Defiance Addition.

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 shall be effective on the earliest date permitted by law.

Passed: _____, 2018

President of Council

Attest: _____, Clerk

Approved: _____, 2018

Mayor

ORDINANCE NO. _____

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE DEFIANCE CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council;

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

Section 1: That the ordinances of the City of Defiance, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2018 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

Section 2: That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

Traffic Code

- 333.01 Driving Under the Influence. (Amended)
- 337.28 Use of Sunscreening, Nontransparent and Reflectorized Materials. (Amended)

General Offenses Code

- 513.09 Controlled Substance or Prescription Labels. (Amended)
- 529.07 Open Container Prohibited. (Amended)
- 529.08 Hours of Sale or Consumption. (Amended)
- 537.15 Temporary Protection Order. (Amended)

Section 3: That the complete text of the sections of the Codified Ordinances listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. The listing above of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

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, where conducted in Public Session duly convened in accordance with law.

Section 5: That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the City and its inhabitants for the reason that there exists an imperative necessity for the earliest publication and distribution of current Replacement Pages to the officials and residents of the City, so as to facilitate administration, daily operation and avoid practical and legal entanglements. As such, this Ordinance shall be effective upon passage by a 3/4th majority of Council and approval of the Mayor.

President of Council

Approved: _____

Passed: _____

Attest: _____, Clerk

Mayor