

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 SEPTEMBER 25, 2018
OPENING COMMENTS – 7:00 P.M.

SPECIAL GUEST: NONE
PUBLIC HEARING: NONE

FIRST READING: AN ORDINANCE AUTHORIZING THE SALE OF MUNICIPAL PROPERTY LOCATED AT 1601 BALTIMORE STREET

FIRST READING: AN ORDINANCE AUTHORIZING RENEWAL OF A CONTRACT WITH DEFIANCE COUNTY FOR REIMBURSEMENT OF EXPENSES INCURRED TO PROVIDE LEGAL SERVICES TO INDIGENT DEFENDANTS PROSECUTED IN MUNICIPAL COURT UNDER MUNICIPAL COURT UNDER MUNICIPAL ORDINANCES

FIRST READING: AN ORDINANCE AUTHORIZING A CONTRACT FOR THE DESIGN AND BIDDING SERVICES FOR AN ULTRAVIOLET DISINFECTION SYSTEM AT THE WATER POLLUTION CONTROL PLANT AND DECLARING AN EMERGENCY

FIRST READING: AN ORDINANCE AWARDED A CONTRACT FOR DRAINAGE IMPROVEMENTS AND DECLARING AN EMERGENCY

FIRST READING: AN ORDINANCE VACATING AN ALLEY IN THE SOUTH DEFIANCE AND HEIDEPERIEM ADDITIONS BETWEEN THE MAUMEE AND AUGLAIZE RIVERS

FIRST READING: AN ORDINANCE VACATING AL ALLEY IN THE COLLEGE HILL ALLOTMENT

FIRST READING: A RESOLUTION EXPRESSING SUPPORT FOR THE ENTERPRISE ZONE AGREEMENT BETWEEN THE BOARD OF COMMISSIONERS OF DEFIANCE COUNTY, OHIO, FORT WINCHESTER INVESTMENT PARTNERS, LLC, AND DECKED, LLC

CITIZEN CONCERNS: NAME & ADDRESS FOR THE RECORD (5 MINS)
STUDY SESSION: CURRENT ORDINANCE REGARDING THE PLACEMENT OF SPEED HUMPS & SPEED BUMPS IN PUBLIC STREETS AND ALLEYS. POLICIES, LIABILITY...

COMMITTEE ASSIGNMENTS	TIME	DATE (2018)	AGENDA
▷SEWER: LUNDBERG , Krutsch, Plant	7:00 P.M.	Tuesday - SEPTEMBER	NO MEETING
▷STREETS & SIDEWALK: HANCOCK , Eureste, Krutsch	7:00 P.M.	Tuesday - SEPTEMBER	NO MEETING
▷UTILITIES, GAS & LIGHTS: PLANT , Waxler, Lundberg	7:00 P.M.	Tuesday – SEPTEMBER	NO MEETING
▷POLICE & FIRE: WAXLER , Hancock, Engel	7:00 P.M.	Tuesday - SEPTEMBER	NO MEETING
▷TRAFFIC COMMISSION: LEONARD , Mayor, Cereghin, Shafer, Wilkins, Sprow, Waxler, Eureste, Krutsch	5:00 P.M.	Tuesday - SEPTEMBER	NO MEETING
▷FINANCE: LUNDBERG , Hancock, Plant	7:00 P.M.	Tuesday – SEPTEMBER	NO MEETING
▷BUILDING AND LANDS: ENGEL , Eureste, Waxler	7:00 P.M.	Tuesday – SEPTEMBER	NO MEETING
▷WATER: KRUTSCH , Eureste, Engel	7:00 P.M.	Tuesday - SEPTEMBER	NO MEETING
▷ECONOMIC DEVELOPMENT: EURESTE , Krutsch, Waxler	7:00 P.M.	Tuesday – SEPTEMBER	NO MEETING
▷PUBLIC RELATIONS: PLANT , Lundberg, Hancock	7:00 P.M.	Tuesday – SEPTEMBER	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 AUTHORIZING THE SALE OF MUNICIPAL PROPERTY
LOCATED AT 1601 BALTIMORE STREET**

WHEREAS, the property described and attached hereto as "Exhibit A" is no longer needed for any municipal purpose; and,

WHEREAS, the City advertised for bids for the property once a week for five consecutive weeks in a newspaper of general circulation within the municipal corporation pursuant to §721.03, Ohio Revised Code; and,

WHEREAS, the City held an auction for the subject property on September 8, 2018 at 1601 Baltimore Street with Larry Plummer serving as auctioneer and Let It Ride Properties, Ltd. submitted the highest bid in the amount of \$121,000.00 for the entire property; and,

WHEREAS, Council finds that the sale of the property for the bid amount is in the best interests of the City and may promote economic development along Baltimore Street;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, two-thirds of the members thereof concurring that:

Section 1: The sale of the property described in "Exhibit A" to Let It Ride Properties, Ltd. is hereby authorized and the bid accepted for the amount of \$121,000.00.

Section 2: The City Administrator is directed to enter into a contract with Let It Ride Properties, Ltd. for the sale of the property at the bid price.

Section 3: The auctioneer fee, owner's title insurance policy, attorney's fees, and recording costs are further authorized to be paid from the sale proceeds.

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: _____, 2018 _____
President of Council

Attest: _____, Clerk

Approved: _____, 2018 _____
Mayor

“EXHIBIT A”

Legal Description – Parcel 1

Situated in the City of Defiance, County of Defiance and State of Ohio and known as:

Being known as Lots Numbered 16, 17, 18, 19 and 20, a 12 foot vacated alley and a portion of vacated Cherry Street (60 foot right of way) and a portion of vacated Locust Street (60 foot right of way) all located in the First Addition to West Defiance, City of Defiance, Section 27, Township 4 North, Range 4 East, Defiance Township, Defiance County, Ohio, and being more particularly described as follows:

Commencing at a monument box found at the intersection of the centerline of Baltimore Avenue (60 foot right of way) and the centerline of vacated Pine Street (60 foot right of way); THENCE South 04 degrees 22' 56" East, on the centerline of Pine Street, 30.00 feet to a mag nail set; THENCE North 85 degrees 37' 04" East, on the southerly line of Baltimore Avenue, 297.37 feet to a 5/8-inch capped iron pin set and the POINT OF BEGINNING; THENCE continuing North 85 degrees 37' 04" East, on the southerly line of Baltimore Avenue, 326.63 feet to a capped iron pin set on the centerline of vacated Cherry Street, (60 foot right of way); THENCE South 04 degrees 22' 56" East, on the centerline of vacated Cherry Street, 133.12 feet to a 5/8-inch capped iron pin set on the northerly right of way line of the CSX Railroad, (measured 49.50 feet from the Base Line of said railroad); THENCE South 85 degrees 31' 55" West, on the northerly right of way line of railroad, 326.63 feet to a 5/8-inch capped iron pin set; THENCE North 04 degrees 22 minutes 56 seconds West, 133.62 feet to the point of beginning.

The parcel herein described contains 43,560 square feet of land. Also subject to all other legal highways and easements of record.

The basis of bearings is Ohio North coordinates.

Thomas J. Henry, Registered Surveyor No. 6787, prepared this description.

Property Address: 1601 Baltimore Avenue, Defiance, OH 43512

Parcel ID #: B01-2101-0-014-00 (split)

Legal Description – Parcel 2

Situated in the City of Defiance, County of Defiance and State of Ohio and known as:

Being known as Lots Numbered 21, 22, 23 and a part of Lot Number 24, a 12 foot vacated alley and a portion of vacated Locust Street (60 foot right of way) all located in the First Addition to West Defiance, City of Defiance, Section 27, Township 4 North, Range 4 East, Defiance Township, Defiance County, Ohio, and being more particularly described as follows:

Commencing at a monument box found at the intersection of the centerline of Baltimore Avenue (60 foot right of way) and the centerline of vacated Pine Street (60 foot right of way); THENCE South 04 degrees 22' 56" East, on the centerline of Pine Street, 30.00 feet to a mag nail set; THENCE North 85 degrees 37' 04" East, on the southerly line of Baltimore Avenue, 127.88 feet to a railroad spike set and the POINT OF BEGINNING; THENCE continuing North 85 degrees 37' 04" East, on the southerly line of Baltimore Avenue, 169.49 feet to a 5/8-inch capped iron pin set; THENCE South 04 degrees 22' 56" East, 133.62 feet to a 5/8-inch capped iron pin set on the northerly right of way line of the CSX Railroad, (measured 49.50 feet from the Base Line of said railroad); THENCE South 85 degrees 31' 55" West, on the northerly right of way line of railroad, 169.49 feet to a 5/8-inch capped iron pin set; THENCE North 04 degrees 22' 56" West, 133.87 feet to the point of beginning.

The parcel herein described contains 22,669 square feet of land.

Subject to an easement to the City of Defiance recorded in Deed Volume 226, Page 455. Also subject to all other legal highways and easements of record.

The basis of bearings is Ohio North Coordinates.

Thomas J. Henry, Registered Surveyor No. 6787, prepared this description.

Property Address: Baltimore Avenue, Defiance, OH 43512

Parcel ID #: B01-2101-0-014-00 (split)

Legal Description – Parcel 3

Situated in the City of Defiance, County of Defiance and State of Ohio and known as:

Being known as Lot Number 25, a part of Lot Number 24, a 12 foot vacated alley and a portion of vacated Pine Street (60 foot right of way) all located in the First Addition to West Defiance, City of Defiance, Section 27, Township 4 North, Range 4 East, Defiance Township, Defiance County, Ohio and being more particularly described as follows:

Commencing at a monument box found at the intersection of the centerline of Baltimore Avenue (60 foot right of way) and the centerline of vacated Pine Street (60 foot right of way); THENCE South 04 degrees 22' 56" East, on the centerline of Pine Street, 30.00 feet to a mag nail set and the POINT OF BEGINNING; THENCE North 85 degrees 37' 04" East, on the southerly line of Baltimore Avenue, 127.88 feet to a railroad spike set; THENCE South 04 degrees 22' 56" East, 133.87 feet to a 5/8-inch capped iron pin set on the northerly right of way line of the CSX Railroad, (measured 49.50 feet from the Base Line of said railroad); THENCE South 85 degrees 31' 55" West, on the northerly right of way line of railroad, 127.88 feet to a 5/8-inch capped iron pin set on the centerline of vacated Pine Street; THENCE North 04 degrees 22' 56" West, on the centerline of vacated Pine Street, 134.06 feet to the point of beginning.

The parcel herein described contains 17,132 square feet of land.

Subject to an easement to the City of Defiance recorded in Deed Volume 226, Page 455. Also subject to all other legal highways and easements of record.

The basis of bearings is Ohio North Coordinates.

Thomas J. Henry, Registered Surveyor No. 6787, prepared this description.

Property Address: Baltimore Avenue, Defiance, OH 43512

Parcel ID #: B01-2101-0-014-00 (split)

Ordinance No. _____

**AN ORDINANCE AUTHORIZING RENEWAL OF A CONTRACT WITH
DEFIANCE COUNTY FOR REIMBURSEMENT OF EXPENSES
INCURRED TO PROVIDE LEGAL SERVICES TO INDIGENT
DEFENDANTS PROSECUTED IN MUNICIPAL COURT UNDER
MUNICIPAL ORDINANCES**

WHEREAS, the State Public Defender allocates funds to Defiance County for payment of expenses incurred to provide legal services to indigent persons charged with offenses punishable by incarceration; and,

WHEREAS, a 2012 agreement between the City and County has enabled the County to allocate a portion of the funds received from the State Public Defender to payment of expenses incurred to provide constitutionally-required legal services to persons prosecuted for offenses proscribed by municipal ordinance; and,

WHEREAS, this agreement can be renewed annually by Ordinance of Council and Resolution of the Board of County Commissioners; and,

WHEREAS, on September 10, 2018, the Board of Commissioners of Defiance County, Ohio adopted a Resolution authorizing renewal of the agreement for calendar year 2019;

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

Section 1: The agreement between the City of Defiance and County of Defiance entitled, "Agreement for Indigent Defense Services in Municipal Court (Assigned Counsel)" is hereby extended without modification for the period beginning January 1, 2019, and ending December 31, 2019.

Section 2: The City Finance Director is authorized to receive and disburse funds in accordance with the agreement during calendar year 2019.

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 AUTHORIZING A CONTRACT FOR THE DESIGN AND BIDDING SERVICES FOR AN ULTRAVIOLET DISINFECTION SYSTEM AT THE WATER POLLUTION CONTROL PLANT AND DECLARING AN EMERGENCY

WHEREAS, the City desires to eliminate the use of chlorine gas for disinfection at the Water Pollution Control Plant in favor of a safer alternative; and,

WHEREAS, the City received statements of qualifications from two firms and selected Jones & Henry Engineers, LTD. for the design and bid project at the cost of \$176,000.00; and,

WHEREAS, the ultraviolet system could be in place and eliminate the need for chlorine gas by May 20, 2020; and,

WHEREAS, Council finds that an ultraviolet system will provide City residents with healthier and more sustainable infrastructure;

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

Section 1: The City Administrator is directed to award a contract to Jones & Henry Engineers, LTD. for professional services, including survey, design, and final bidding services in conformity with the plans and specifications established by the City and on file with the City Engineer at the quoted price of \$176,000.00.

Section 2: The Finance Director is authorized to pay the costs of the contract authorized by Section 1 from Line 590-540-5-2-973.004 of the 2018 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 design work must be complete as soon as possible in order to meet the May 20, 2020 completion goal. 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 AWARDING A CONTRACT FOR DRAINAGE IMPROVEMENTS AND DECLARING AN EMERGENCY

WHEREAS, the City identified six (6) locations along City rights-of-way that require drainage improvements, including Perry Street, Palmer Drive, the intersection of Moss Street and Hilton Avenue, part of South Jackson Street, Legion Field, and Diehl Park; and,

WHEREAS, the City solicited proposals to perform the work pursuant to the plans and specifications established for the project and Shining Surface Drainage submitted the lowest *responsive* and responsible bid in the amount of \$28,675.00; and,

WHEREAS, Council appropriated and allocated adequate funds to pay the contract price and anticipated contingent expenses of the project by the 2018 annual budget;

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 Shining Surface Drainage to construct the drainage improvements in conformity with the plans and specifications established by the City and on file with the City Engineer as Project No. 1809 at the quoted price of \$28,675.00.

Section 2: The Finance Director is authorized to pay the costs of the contract authorized by Section 1 from Line 594-541-5-2-980.880 of the 2018 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 construction will help control flooding in the six (6) areas of the City identified by Project No. 1809. 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 SOUTH DEFIANCE AND HEIDEPERIEM ADDITIONS BETWEEN THE MAUMEE AND AUGLAIZE RIVERS

WHEREAS, the City received a petition to vacate the alley at 1223 Emory Street between Lot 262 of the South Defiance Addition, Lot 8 of the Heideperiem Addition, and part of Lot 107 of the Auditor's Plat of Lots between the Maumee and Auglaize Rivers; and,

WHEREAS, the City Planning Commission recommended vacation of the alley at the September 17, 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 12.75' Northwest to Southeast alley lying between Lot 262 of the South Defiance Addition, Lot 8 of the Heideperiem Addition, and part of Lot 107 of the Auditor's Plat of Lots between the Maumee and Auglaize Rivers, as more fully described and depicted by the plat and legal description now on file in the office of the Law Director, is hereby vacated.

Section 2: The Law Director is directed to record a copy of this Ordinance to document the vacation of all public rights of way lying between Lot 262 of the South Defiance Addition, Lot 8 of the Heideperiem Addition, and part of Lot 107 of the Auditor's Plat of Lots between the Maumee and Auglaize Rivers.

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 VACATING AN ALLEY IN THE COLLEGE HILL ALLOTMENT

WHEREAS, the City received a petition to vacate the east/west alley adjacent to the properties located at 150 Grand Avenue and 860 McKinley Street and between Lot 14 and Lots 15, 16, and 17 of the College Hill Allotment in the City of Defiance; and,

WHEREAS, the City Planning Commission recommended vacation of the alley at the September 17, 2018 meeting; and,

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

WHEREAS, a private utility pole provides electric services to each property, for which purpose the parties will continue to permit ingress and egress by the utility provider; 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 east/west alley lying between Lot 14 and Lots 15, 16, and 17 of the College Hill Allotment in the City of Defiance, as is more fully described in the Alley Vacation Petition on file with the Law Director is hereby vacated.

Section 2: The Law Director is directed to record a copy of this Ordinance to document the vacation of all public rights of way lying between Lot 14 and Lots 15, 16, and 17 of the College Hill Allotment in 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 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

RESOLUTION No. _____

**A RESOLUTION EXPRESSING SUPPORT FOR THE ENTERPRISE
ZONE AGREEMENT BETWEEN THE BOARD OF COMMISSIONERS OF
DEFIANCE COUNTY, OHIO, FORT WINCHESTER INVESTMENT
PARTNERS, LLC, AND DECKED, LLC**

WHEREAS, DECKED, LLC, located in Ketchum, Idaho, desires to open a manufacturing and distribution facility in Defiance, Ohio; and

WHEREAS, Ft. Winchester Investment Partners, LLC, the property owner, desires to provide leasehold improvements to their building located at 25401 Elliott Road, Defiance and lease this building to DECKED, LLC; and

WHEREAS, DECKED, LLC pledges to create twenty-four (24) new jobs within three (3) years within the City; and

WHEREAS, an Ohio Enterprise Zone tax exemption agreement between the Board of Commissioners of Defiance County, Ohio, DECKED, LLC, and Ft. Winchester Investment Partners, LLC will support this business endeavor through reduced occupancy costs; and

WHEREAS, Council finds that the agreement aligns with the economic development pillar of the Defiance Community Strategic Plan.

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

Section 1: Council hereby expresses support for the DECKED, LLC and Ft. Winchester Investment Partners, LLC joint project and the enterprise zone agreement which will accompany the project.

Section 2: 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 3: This Resolution shall be effective on the earliest date permitted by law.

Passed: _____, 2018

President of Council

Attest: _____, Clerk

Approved: _____, 2018

Mayor