

NOTICE OF PROCEEDINGS MEETING
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 3, 2019
OPENING COMMENTS – 7:00 P.M.

SPECIAL GUEST: NONE

PUBLIC HEARING: NONE

SECOND READING: AN ORDINANCE VACATING A PORTION OF GREENLEE AVENUE IN THE AUDITOR'S PLAT OF LOTS BETWEEN THE MAUMEE AND AUGLAIZE RIVERS

FIRST READING: AN ORDINANCE AUTHORIZING A CONSTRUCTION CONTRACT FOR SLOPE STABILIZATION AT THE WATER TREATMENT PLANT AND DECLARING AN EMERGENCY

FIRST READING: AN ORDINANCE ACCEPTING THE ANNEXATION OF 91.06 ACRES OF LAND LOCATED IN SECTION 12, NOBLE TOWNSHIP, DEFIANCE COUNTY, OHIO

FIRST READING: AN ORDINANCE DIRECTING THE CITY ADMINISTRATOR TO APPLY FOR A GRANT FROM THE OHIO PUBLIC WORKS COMMISSION TO ASSIST WITH THE COST TO IMPROVE THE CLEVELAND AND OTTAWA AVENUE INTERSECTION 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 - 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 VACATING A PORTION OF GREENLEE AVENUE IN THE AUDITOR'S PLAT OF LOTS BETWEEN THE MAUMEE AND AUGLAIZE RIVERS

WHEREAS, the City received a petition to vacate part of the Greenlee Avenue right-of-way adjacent to and adjoining Lot No. Seventy-Eight (78) in the Auditor's Plat of Lots between the Maumee and Auglaize Rivers; and,

WHEREAS, the Planning Commission heard the petition at the August 19, 2019 public hearing and voted unanimously to recommend the right-of-way vacation; and,

WHEREAS, the subject street is unimproved and unpaved with no public utilities located within the petitioned area. Toledo Edison has utility poles in the petitioned area and will retain an easement; and,

WHEREAS, Council finds good cause for vacating part of the street 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 16.51' Southwest to Northeast portion of Greenlee Avenue extending for approximately 223.5 feet adjacent to and adjoining Lot No. 78 in the Auditor's Plat of Lots between the Maumee and Auglaize Rivers, as more fully described and depicted by the plat, survey, 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 these parcels.

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: _____, 2019

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2019

Mayor

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A CONSTRUCTION CONTRACT FOR SLOPE STABILIZATION AT THE WATER TREATMENT PLANT AND DECLARING AN EMERGENCY

WHEREAS, a fifty-foot portion of the embankment on the west half of the Water Treatment Plant slid down the slope into the Maumee River at the confluence of the Tiffin River, thereby jeopardizing the plant and water mains; and,

WHEREAS, Council authorized a professional services contract for the slope stabilization design in Ordinance No. 8129 on May 28, 2019; and,

WHEREAS, the City opened competitive bids for the project based on the design specifications and Vernon Nagel, Inc. submitted the *lowest and best* bid in the amount of \$618,425.00; and,

WHEREAS, Council finds this project to be crucial to the preservation of critical infrastructure;

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 Vernon Nagel, Inc. to construct the slope stabilization at the water treatment plant according to the specifications of the City and on file with the City Engineer at the price of \$618,425.00, and may contract for any licensing or permitting fees.

Section 2: The Finance Director is authorized to pay the contract price of \$618,425.00 from appropriated funds allocated by expenditure from Line 591-537-5-2-980.880 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 slope stabilization is necessary to preserve critical water main infrastructure and the water treatment plant. 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

Ordinance No. _____

**AN ORDINANCE ACCEPTING THE ANNEXATION OF 91.06 ACRES OF
LAND LOCATED IN SECTION 12, NOBLE TOWNSHIP, DEFIANCE
COUNTY, OHIO**

WHEREAS, William Roehrs, successor trustee of the Roehrs Family Trust, filed a Petition seeking to annex 91.06 acres of land located in Section 12, Noble Township, Defiance County, Ohio, to the City of Defiance; and,

WHEREAS, R.C. §709.04 requires the legislative authority of a municipality to accept or reject the petition for annexation within sixty (60) days of delivery of the resolution of the board of county commissioners approving annexation; and,

WHEREAS, sixty (60) days have elapsed since the Clerk of City Council received the resolution of the Board of Commissioners of Defiance County, Ohio and the Clerk of Council has made the Transcript of Proceedings and related documents available for public inspection in the manner and for the time required by law; and,

WHEREAS, Council consents to the provision of no water or sanitary sewer services until further development occurs on the territory at a date to be determined; and,

WHEREAS, Council finds that acceptance of the territory is in the best interests of the City and may further the Economic Development Pillar of the Defiance Community Strategic Plan;

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

Section 1: The Petition of William Roehrs, Trustee of the Roehrs Family Trust, to annex 91.06 acres of land located in Noble Township into the City of Defiance, Ohio, as approved by the Board of County Commissioners of Defiance County, Ohio, is hereby accepted. All municipal officials are authorized to execute such plats and other documents as may be appropriate to conclude the proceedings.

Section 2: The City Administration is authorized to construct and provide water and sanitary sewer services upon development of the territory.

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: _____, 2019

President of Council

Attest: _____, Clerk

Approved: _____, 2019

Mayor

ORDINANCE NO. _____

AN ORDINANCE DIRECTING THE CITY ADMINISTRATOR TO APPLY FOR A GRANT FROM THE OHIO PUBLIC WORKS COMMISSION TO ASSIST WITH THE COST TO IMPROVE THE CLEVELAND AND OTTAWA AVENUE INTERSECTION AND DECLARING AN EMERGENCY

WHEREAS, the City Administration desires to make pedestrian and roadway improvements to the intersection of Cleveland Avenue and Ottawa Avenue; and,

WHEREAS, the project may qualify for funding in the amount of \$325,000.00 from the Ohio Public Works Commission ("OPWC"); and,

WHEREAS, the City received funding from other sources for this project, but requires more funding to afford the project; and,

WHEREAS, Council finds that the infrastructure improvements at this intersection promote the Connectivity Pillar of the Defiance Community Strategic Plan;

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

Section 1: The City Administrator is directed to make application to the OPWC for a grant of \$325,000.00 to be applied towards the total cost of the Cleveland Avenue and Ottawa Avenue intersection improvement project.

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 funding application is due to the Defiance County Engineer no later than September 6, 2019. 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