

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 OCTOBER 10, 2023
OPENING COMMENTS – 7:00 P.M.

PUBLIC HEARING: NONE

SPECIAL GUEST: NONE

FIRST READING: AN ORDINANCE DIRECTING THE CITY ADMINISTRATOR TO SUBMIT A REVOLVING LOAN FUND WAIVER REQUEST FOR THE CONSTRUCTION OF THE “BICENTENNIAL ALLEY” OFF W. 2ND STREET AND DECLARING AN EMERGENCY

FIRST READING: AN ORDINANCE AUTHORIZING AND RATIFYING ADDITIONAL COMPENSATION TO RETIRED EMPLOYEES WHO HAVE REHIRED INTO THEIR PRIOR POSITIONS

FIRST READING: AN ORDINANCE AMENDING SECTION 921.03 OF THE CODIFIED ORDINANCES ESTABLISHING THE RATES TO BE CHARGED FOR WATER FURNISHED BY THE CITY FROM AND AFTER JANUARY 1, 2024, AND DECLARING AN EMERGENCY

FIRST READING: AN ORDINANCE AMENDING SUBSECTIONS (e) AND (f) OF CODIFIED ORDINANCE 925.10 ESTABLISHING THE RATES TO BE CHARGED FOR SEWER SERVICES FURNISHED BY THE CITY FROM AND AFTER JANUARY 1, 2024 AND DECLARING AN EMERGENCY

STUDY SESSION: NONE

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

LIAISON ASSIGNMENTS	TIME P.M.	DATE (2023)	AGENDA
COMMITTEE OF A WHOLE McMASTER	7:00	Tuesday - OCTOBER	NO MEETING
BUILDING & LANDS EURESTE	7:00	Tuesday - OCTOBER	NO MEETING
ECONOMIC DEVELOPMENT ENGEL	7:00	Tuesday - OCTOBER	NO MEETING
FINANCE & BUDGET HANCOCK	7:00	Tuesday - OCTOBER	NO MEETING
POLICE & FIRE KRUTSCH	7:00	Tuesday - OCTOBER	NO MEETING
PUBLIC RELATIONS MAST	7:00	Tuesday - OCTOBER	NO MEETING
PUBLIC UTILITIES, GAS & LIGHTS CORBITT	7:00	Tuesday - OCTOBER	NO MEETING
SEWER & SANITATION CORBITT	7:00	Tuesday - OCTOBER	NO MEETING
STREETS & SIDEWALKS MAST	7:00	Tuesday - OCTOBER	NO MEETING
WATERWORKS - SERVICE WAXLER	7:00	Tuesday - OCTOBER	NO MEETING
TRAFFIC COMMISSION: MACK. Mayor. Zeedyk. Shafer. Wilkins. Sprow. Waxler. Eureste. Krutsch	5:30	Tuesday - OCTOBER	NO MEETING
BOARD OF CONTROL MEETING: MAYOR. Mack. O'Donnell. Sprague	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 DIRECTING THE CITY ADMINISTRATOR TO SUBMIT
A REVOLVING LOAN FUND WAIVER REQUEST FOR THE
CONSTRUCTION OF THE "BICENTENNIAL ALLEY" OFF W. 2ND
STREET AND DECLARING AN EMERGENCY**

WHEREAS, the City plans to construct improvements on the alley ways between 505 and 509 W. 2nd Street in the downtown corridor in order to commemorate the Bicentennial; and,

WHEREAS, the City Engineer's estimate of the total cost of the project of \$175,000.00 exceeded the amount budgeted for 2023; and,

WHEREAS, the City has funds available in the Revolving Loan Fund ("RLF") for this project; and,

WHEREAS, Council finds that the improvement of these alley ways will enhance the pedestrian connectivity of 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 petition the Ohio Department of Development ("ODOD") for a waiver to apply up to \$175,000.00 from the Revolving Loan Fund to aid with the cost of the improvements to alley ways between 505 and 509 W. 2nd Street.

Section 2: The Council Clerk is instructed to issue a certified copy of this Ordinance with any offices, parties, and agencies in line with this action.

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 time is of the essence to submit the waiver request to ODOD so that the agency can approve the waiver before the end of 2023. 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: _____, 2023

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2023

Mayor

Ordinance No. _____

AN ORDINANCE AUTHORIZING AND RATIFYING ADDITIONAL COMPENSATION TO RETIRED EMPLOYEES WHO HAVE REHIRED INTO THEIR PRIOR POSITIONS

WHEREAS, Art. II, §12 of the Charter delegates Council with the authority to “fix the number of employees in the various departments of the City *and fix the rate of their compensation...*”; and,

WHEREAS, §§147.11 and 147.13(e) of the Codified Ordinances of Defiance, Ohio set forth the allowable sick leave and vacation benefits for City employees, respectively; and,

WHEREAS, prior arrangements permitted three employees to retire and rehire into the City under vacation, sick, and accrual benefits that exceed the limits contained in these ordinances; and,

WHEREAS, Council finds that these three employees relied on the promised benefits in their decision to continue their employment with the City and that revoking these benefits would impose undue hardship on them and that providing this additional compensation is equitable and just;

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

Section 1: The current, retired and rehired employees in the positions of Assistant Chief of Police, Administrative Secretary in the Division of Police, and Administrative Secretary in the Division of Parks and Recreation may defer the payout of their accrued, but unused, sick leave, vacation, holidays, and compensatory time until the date of their final separation from City employment.

Section 2: The aforementioned employees shall maintain their current balances of sick leave, vacation, holidays, and compensatory time earned at the time of their respective retirement dates.

Section 3: The aforementioned employees shall retain their ranks, pay levels, and seniority within their positions after their retirement and rehire dates.

Section 4: The aforementioned employees shall retain their years of service for purposes of overall seniority, healthcare, and other City benefits, and for purposes of vacation leave accrual. These employees may continue to accrue vacation at these levels.

Section 5: Upon separation, these employees shall be entitled to payouts of accrued, but unused, sick leave, vacation, holidays, and compensatory time at these rates but subject to the accrual limits contained in §§147.11(b) and 147.13(c), respectively.

Section 6: The compensation provided by this ordinance is limited to these specific employees occupying the positions listed above. No compensation or accrual of benefits in excess of that permitted in Chapter 147 of the Codified Ordinances shall be afforded to any employee in the future *absent express legislative authorization from Council*.

Section 7: 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 8: This Ordinance shall be effective on the earliest date permitted by law.

Passed: _____, 2023 _____
President of Council

Attest: _____, Clerk

Approved: _____, 2023 _____
Mayor

Ordinance No. _____

AN ORDINANCE AMENDING SECTION 921.03 OF THE CODIFIED ORDINANCES ESTABLISHING THE RATES TO BE CHARGED FOR WATER FURNISHED BY THE CITY FROM AND AFTER JANUARY 1, 2024, AND DECLARING AN EMERGENCY.

WHEREAS, revenues generated by the sale of water at the rates established in 2019 by Ordinance No. 7884 are presently insufficient to support the operation and maintenance of the Water Treatment Works and meet debt service obligations becoming due in the upcoming year,

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

921.03 RATE SCHEDULE.

(a) A monthly charge is hereby levied and assessed on each lot, parcel of land, building or other premises equipped with one or more operable service connections to the municipal water distribution system through which potable water is or may be supplied to the premises for any purpose other than fire suppression. Such charge shall be the sum of all Commodity charges computed in accordance with the applicable cost rate schedule for metered and unmetered bulk water set forth in subsection (b) of this Section and all Readiness-to-Serve charges established for the service connection or connections to the premises by the applicable schedule set forth in subsection (c) of this Section.

(b) The cost rate schedule for metered water furnished to all properties, the Ayersville Water and Sewer District, the Brunersburg Water District, the Lake Christy Meadows Water Utility, and unmetered bulk water furnished for transport, and for which invoices are issued during the following periods shall be:

- 1) January 1, 2024 through December 31, 2024:
\$59.57 per 1,000 cubic feet
- 2) January 1, 2025 through December 31, 2025:
\$60.59 per 1,000 cubic feet
- 3) January 1, 2026 through December 31, 2026:
\$61.71 per 1,000 cubic feet
- 4) January 1, 2027 through December 31, 2027:
\$62.82 per 1,000 cubic feet

(c) The Readiness-to-Serve charge levied and assessed by subdivision (a) of this Section is levied on each water service connection through which potable water is or may be supplied to assessed premises for any purpose other than fire protection, and the amount levied on each service connection to properties inside and outside the corporate limits of the City for which invoices are issued during the following periods shall be:

- 1) January 1, 2024 through December 31, 2024:

Diameter of water supply line	Property Location	
	<u>In City</u>	<u>Outside City</u>
¾"	17.57	52.71
1"	29.17	87.51
1¼"	46.74	140.22
1½"	58.51	175.53
2"	93.65	280.95
3"	204.87	614.61
4"	351.40	1054.20
6"	731.97	2195.91
8"	1054.20	3162.60
- 2) January 1, 2025 through December 31, 2025:

Diameter of water supply line	Property Location	
	<u>In City</u>	<u>Outside City</u>
¾"	20.98	62.94
1"	34.83	104.49
1¼"	55.81	167.43
1½"	69.87	209.61
2"	111.83	335.49

3"	244.63	733.89
4"	419.60	1258.80
6"	874.03	2622.09
8"	1258.80	3776.40

3) January 1, 2026 through December 31, 2026:

Diameter of water supply line	Property Location	
	<u>In City</u>	<u>Outside City</u>
¾"	24.20	72.60
1"	40.18	120.54
1¼"	64.38	193.14
1½"	80.59	241.77
2"	128.99	386.97
3"	282.18	846.54
4"	484.00	1452.00
6"	1008.18	3024.54
8"	1452.00	4356.00

4) January 1, 2027 through December 31, 2027:

Diameter of water supply line	Property Location	
	<u>In City</u>	<u>Outside City</u>
¾"	25.83	77.49
1"	42.88	128.64
1¼"	68.71	206.13
1½"	86.02	258.06
2"	137.68	413.04
3"	301.18	903.54
4"	516.60	1,549.80
6"	1076.08	3,228.24
8"	1549.80	4,649.40

Section 2. The rates provided herein shall be applied to all water bills issued on or after January 1, 2024.

Section 3. Ordinance No. 7884 shall remain in full force and effect and nothing contained in this ordinance shall be deemed to effect any amendment or repeal of the rates herein established or to impair the collection of any obligation incurred under Codified Ordinance 921.03 prior to January 1, 2024.

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 is hereby declared to be an emergency measure necessary to preserve the public health, safety and welfare of the community for the reason that immediate implementation of the water rates established by this Ordinance is necessary to preserve the solvency of the Municipal Water Works and assure the collection of adequate funds to meet debt service obligations becoming due in the upcoming year. 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: _____, 2023 _____
 President of Council

Attest: _____, Clerk

Approved: _____, 2023 _____
 Mayor

Ordinance No. _____

AN ORDINANCE AMENDING SUBSECTIONS (e) AND (f) OF CODIFIED ORDINANCE 925.10 ESTABLISHING THE RATES TO BE CHARGED FOR SEWER SERVICES FURNISHED BY THE CITY FROM AND AFTER JANUARY 1, 2024, AND DECLARING AN EMERGENCY.

WHEREAS, revenues generated by the sale of sewer services at the rates established in 2019 by Ordinance No. 7883 are presently insufficient to support the operation and maintenance of the Waste Water Treatment Works and meet debt service obligations becoming due in the upcoming year,

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

(e) Readiness to Serve Charges. Each lot, parcel of land, building or other premises that does not meter discharges to the municipal sewage system as authorized by subsection (b) hereof and that has a source of water for use in the production of sanitary wastewater or waste that requires treatment under OEPA standards to ensure the preservation of the public health, safety and welfare, whether the water is purchased from the Municipal Waterworks or acquired from other sources, shall be assessed a readiness-to-serve charge based upon the capacity of the water distribution facilities located on the premises. Where water is supplied to the premises by the Municipal Water Division or by another public water utility, the capacity of the distribution system shall be determined from the size of the service line and meter. Where the property is supplied water from springs, cisterns, wells, ponds, rivers or other sources, the amount purchased or pumped shall be metered or otherwise reliably determined by a method approved by the Superintendent of Water Pollution Control and, if the quantity is determined other than by metering, a charge levied based upon the size of meter that would be necessary to deliver an equivalent volume to the premises at the rate at which such water is used on the premises. Where the premises are supplied with water from more than one source, the readiness-to-serve charge shall be assessed upon each source save and except for water supplied to exempt facilities in accordance with subsection (d) hereof. The readiness-to-serve charge assessed by this section during each of the time periods specified in subsection (e)(1) to (5) inclusive shall be:

The Readiness-to-Serve charge levied by this subsection for sewer connections to properties inside and outside the corporate limits of the City and for which invoices are issued during the following periods shall be:

- 1) January 1 through December 31, 2024:
 Diameter of water supply line
 (or equivalent water supply)
 less than or equal to:

	Property Location	
	<u>In City</u>	<u>Outside City</u>
¾"	28.35	85.05
1"	47.07	141.21
1¼"	75.42	226.26
1½"	94.41	283.23
2"	151.11	453.33
3"	330.57	991.71
4"	567.00	1701.00
6"	1181.07	3543.21
8"	1701.00	5103.00

- 2) January 1 through December 31, 2025:
 Diameter of water supply line
 (or equivalent water supply)
 less than or equal to:

	Property Location	
	<u>In City</u>	<u>Outside City</u>
¾"	28.40	85.20
1"	47.15	141.45
1¼"	75.55	226.65
1½"	94.58	283.74
2"	151.38	454.14
3"	331.15	993.45
4"	568.00	1704.00
6"	1183.15	3549.45
8"	1704.00	5112.00

- 3) January 1 through December 31, 2026:

Diameter of water supply line
(or equivalent water supply)
less than or equal to:

	Property Location	
	<u>In City</u>	<u>Outside City</u>
¾"	28.50	85.50
1"	47.31	141.93
1¼"	75.81	227.43
1½"	94.91	284.73
2"	151.91	455.73
3"	332.31	996.93
4"	570.00	1710.00
6"	1187.31	3561.93
8"	1710.00	5130.00

4) January 1 through December 31, 2027:
Diameter of water supply line
(or equivalent water supply)
less than or equal to:

	Property Location	
	<u>In City</u>	<u>Outside City</u>
¾"	28.53	85.59
1"	47.36	142.08
1¼"	75.89	227.67
1½"	95.01	285.03
2"	152.07	456.21
3"	332.66	997.98
4"	570.60	1711.80
6"	1188.56	3565.68
8"	1711.80	5135.40

(f) Commodity Charge. Each lot, parcel of land, building or other premises discharging sanitary wastewater or other wastes to the municipal sewage collection system shall be assessed a Commodity charge based on measured flow. For premises that are not equipped with facilities to meter the quantities discharged to the sewer, the volume of water used in and upon the premises as metered or otherwise determined in accordance with subsections (c) and (d) hereof shall be deemed to be the amount of wastewater produced and discharged to the sewage collection system.

The Commodity Charge levied by this subsection on each property discharging sanitary waste water or other wastes to the municipal sewage collection system and for which invoices are issued during the following periods shall be:

- 1) January 1, 2024 through December 31, 2024:
\$5.41 per 100 cubic feet
- 2) January 1, 2025 through December 31, 2025:
\$5.48 per 100 cubic feet
- 3) January 1, 2026 through December 31, 2026:
\$5.54 per 100 cubic feet
- 4) January 1, 2027 through December 31, 2027:
\$5.59 per 100 cubic feet

Section 2. The rates provided herein shall be applied to all sewer bills issued on or after January 1, 2024.

Section 3. Ordinance No. 7883 shall remain in full force and effect and nothing contained in this ordinance shall be deemed to effect any amendment or repeal of the rates herein established or to impair the collection of any obligation incurred under Codified Ordinance 925.10 prior to January 1, 2024.

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 is hereby declared to be an emergency measure necessary to preserve the public health, safety and welfare of the community for the reason that immediate implementation of the sewer service rates established by this Ordinance is necessary to preserve the solvency of the Municipal Waste Water Works and assure the collection of adequate funds to meet debt service obligations becoming due in the upcoming year. 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: _____, 2023 _____
President of Council

Attest: _____, Clerk

Approved: _____, 2023 _____
Mayor