

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 NOVEMBER 7, 2023
OPENING COMMENTS – 7:00 P.M.

PUBLIC HEARING: NONE

SPECIAL GUEST: NONE

FIRST READING: AN ORDINANCE AMENDING SECTION 509.08 OF THE CODIFIED ORDINANCES OF THE CITY OF DEFIANCE, OHIO

FIRST READING: AN ORDINANCE AWARDED FIRST RESPONDERS IN THE FIRE DIVISION WITH RETENTION INCENTIVE GRANT FUNDS AND DECLARING AN EMERGENCY

FIRST READING: AN ORDINANCE AWARDED FIRST RESPONDERS IN THE POLICE DIVISION WITH RETENTION INCENTIVE GRANT FUNDS AND DECLARING AN EMERGENCY

FIRST READING: AN ORDINANCE AMENDING ORDINANCE NO. 8373 FOR THE DESIGN AND CONSTRUCTION OF THE EAST RIVER DRIVE WETLAND RESTORATION PROJECT AND DECLARING AN EMERGENCY

FIRST READING: AN ORDINANCE AUTHORIZING TRANSFERS OF FUNDS FOR THE CITY OF DEFIANCE, OHIO FOR THE YEAR ENDING DECEMBER 31, 2023

FIRST READING: AN ORDINANCE AUTHORIZING TRANSFERS OF FUNDS FOR THE CITY OF DEFIANCE, OHIO FOR THE YEAR ENDING DECEMBER 31, 2023

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 – NOVEMBER	NO MEETING
BUILDING & LANDS EURESTE	7:00	Tuesday - NOVEMBER	NO MEETING
ECONOMIC DEVELOPMENT ENGEL	7:00	Tuesday - NOVEMBER	NO MEETING
FINANCE & BUDGET HANCOCK	7:00	Tuesday – NOVEMBER	NO MEETING
POLICE & FIRE KRUTSCH	7:00	Tuesday - NOVEMBER	NO MEETING
PUBLIC RELATIONS MAST	7:00	Tuesday - NOVEMBER	NO MEETING
PUBLIC UTILITIES, GAS & LIGHTS CORBITT	7:00	Tuesday – NOVEMBER	NO MEETING
SEWER & SANITATION CORBITT	7:00	Tuesday – NOVEMBER	NO MEETING
STREETS & SIDEWALKS MAST	7:00	Tuesday - NOVEMBER	NO MEETING
WATERWORKS – SERVICE WAXLER	7:00	Tuesday – NOVEMBER	NO MEETING
TRAFFIC COMMISSION: MACK. Mayor. Zeedyk. Shafer. Wilkins. Sprow. Waxler. Eureste. Krutsch	5:30	Tuesday – NOVEMBER	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 AMENDING SECTION 509.08 OF THE CODIFIED ORDINANCES OF THE CITY OF DEFIANCE, OHIO

WHEREAS, Council desires to increase and diversify its industrial and manufacturing base in order to create and maintain economic opportunities for residents and taxpayers; and,

WHEREAS, the City desires to amend Section 509.08 Noise to reflect the necessities and realities of having a strong industrial economy;

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

Section 1: Section 509.08 of the Codified Ordinances of the City of Defiance, Ohio is hereby amended to provide (deleted text stricken, newly added text underlined):

509.08 NOISE.

- (a) Definitions. As used in this section:
- (1) "Acceleration" means the time rate of change of velocity.
 - (2) "Ambient noise" means the all-encompassing noise associated with a given environment, usually being a composite of sounds from many sources.
 - (3) "ANSI" means the American National Standards Institute or its successor bodies.
 - (4) "Construction noise" means the noise emanating from construction activities as described in subsection (j) hereof.
 - (5) "Critical construction equipment" means the construction equipment required to operate twenty-four hours a day to protect the health and safety of the public and the workmen.
 - (6) "Cycle" means the complete sequence of values of a periodic quantity that occurs during a period, referred to as cycles per second or Hertz.
 - (7) "dbA" means the A weighted sound pressure level obtained by the use of metering characteristics in the A weighted network, specified in ANSI S1.4-1971 or in a later approved revision thereof.
 - (8) "Decibel" (db) means a unit of measure, on a logarithmic scale to the base ten, of the ratio of the magnitude of a particular sound pressure to a standard reference pressure which, for the purposes of this section, shall be twenty micronewtons per square meter (MN/ m2).
 - (9) "Displacement" means the magnitude of the motion.
 - (10) "Emergency work" means work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger, or work by private or public utilities when restoring utility services or protecting them from imminent danger.
 - (11) "Fixed source" means a machine or device capable of creating a noise level at the property upon which it is regularly located, including, but not limited to, air conditioning and refrigeration apparatus, industrial and commercial process machinery, fans, etc.
 - (12) "Impulsive sound" means a noise characterized by brief excursions of sound pressure, which noise significantly exceeds the ambient noise, the duration of a single impulse of which is less than one second, and which requires, for accurate measurements, a specifically designed instrumentation.
 - (13) "Impulsive vibration" means vibration resulting from an impact source, e.g. blasting or pile driving.
 - (14) "Motor vehicle" includes, but is not limited to, automobiles, trucks, motorcycles, minibikes, go-carts and snowmobiles.
 - (15) "Noise" means any undesired sound.
 - (16) "Noise level." See "Sound level."
 - (17) "Particle velocity" means the time rate of change of displacement.
 - (18) "Sound" means an oscillation in pressure in air.
 - (19) "Sound analyzer" means a device for measuring a specific band pressure level or pressure spectrum level of a sound as a function of frequency.
 - (20) "Sound level" means the A weighted sound pressure level, in decibels, measured by the use of metering characteristics and frequency weighting specified in ANSI S1.4-1971, Specification for Sound Level Meters.
 - (21) "Sound level meter" means an instrument, including a microphone, an amplifier, an output meter and frequency weighting networks, for the measurement of noise and sound levels in a specified manner. The meter must satisfy the applicable requirements for a Type 2 sound level meter as defined in ANSI S1.4-1971, or the most recent revision.
 - (22) "Sound pressure level" means, in decibels, twenty times the logarithm to the base ten of the ratio of the magnitude of a particular sound pressure to a standard reference pressure which, for purposes of this section, shall be twenty micronewtons per square meter (MN/m2).
 - (23) "Stead state vibration" means continuous earthborne oscillations.
 - (24) "Unnecessary, excessive or offensive noise" means any sound or noise conflicting with the criteria, standards or levels set forth in this section for permissible noise. In the absence of specific noise levels, it means a noise level which exceeds the fixed source noise level for the zone, as set forth in subsection (m)(1) hereof, by ten dbA or more, when measured at the nearest property line.
 - (25) "Zoning districts" means those districts established by the Zoning Code.

(b) Generally. No person shall make or continue, or cause to be made or continued, any unnecessary, excessive or offensive noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the City.

(c) Musical Instruments; Radios. No person shall operate or cause or permit to be operated any musical instrument, radio, phonograph, television set or other instrument or device capable of producing noise in such a manner or with such volume as to create unnecessary, excessive or offensive noise which annoys or disturbs the peace, quiet, comfort or repose of the neighboring inhabitants, particularly between the hours of 9:00 p.m. and 7:00 a.m. of the following day.

(d) Pools. No person shall make or continue, or cause to be made or continued, at any swimming pool, unnecessary, excessive or offensive noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, particularly between the hours of 9:00 p.m. and 7:00 a.m. of the following day.

(e) Animals. Barking or howling animals shall be regulated as provided in Section 505.09.

(f) Schools, Hospitals and Churches. No person shall create any unnecessary, excessive or offensive noise on any street, sidewalk or property adjacent to any school, institution of learning or church while any of the same is in use, or adjacent to any hospital at any time, provided that conspicuous signs are displayed in such street, sidewalk or public place indicating the presence of a school, institution of learning, church or hospital.

(g) Loading and Unloading. No person shall create loud and excessive noise in connection with the loading or unloading of any vehicle, or the opening or destruction of bales, boxes, crates and containers. If any noise, for any duration, of seven dbA over the fixed source noise level for the zone, as set forth in subsection (m)(l) hereof, when measured at the property line of the property affected by the noise emission, occurs between the hours of 9:00 p.m. and 7:00 a.m. of the following day, then this fact in itself shall be conclusive that the noise is unnecessary and excessive.

(h) Homeowner's Outdoor Equipment.

(1) No person shall operate engine or motor powered lawn or maintenance tools intended for use in residential areas, typically capable of being used by homeowners (such as power mowers, garden tools, riding tractors, power saws and edgers) which create a noise that exceeds the fixed source noise level for the zone, as set forth in subsection (m)(l) hereof, at the property line of the property affected by the noise emission, except between the hours of 8:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 9:00 p.m. on weekends and legal holidays.

(2) Homeowner's outdoor equipment must have mufflers, where applicable, in good working condition.

(3) Snow blowers and snow plows are exempted from the time requirements of this subsection when removing snow and ice.

(i) Vehicle and Nonstationary Source Repairs. No person within any residential area shall repair, rebuild or test any motor vehicle or nonstationary source in such a manner as to cause unnecessary, excessive or offensive noise. If the noise is seven dbA over the fixed source noise level, as set forth in subsection (m)(1) hereof, for more than five minutes out of sixty minutes, then this fact in itself shall be conclusive that the noise is loud and excessive.

(j) Construction.

(1) No person shall use any pile driver, shovel, hammer derrick, hoist tractor, roller or other mechanical apparatus operated by fuel or electric power in building or construction operations between the hours of 10:00 p.m. and 6:00 a.m. of the following day within a residential area or within 500 feet of a school or hospital, except for temporary conditions approved by the City Administrator or the Building and Zoning Commissioner.

(2) No person shall perform any construction or repair work on any structure or building, or perform any excavation or roadwork, which work entails the use of any power-operated construction type device, in such a manner that the noise created thereby substantially exceeds the noise customarily and necessarily attendant to the reasonable and efficient performance of such equipment.

(3) No sound level of any piece of construction equipment manufactured twenty-four months after the effective date of this section, with the exception of impulsive sound, and the critical construction equipment, shall exceed ninety dbA when measured at the property line or at a distance of not less than fifty feet from the equipment, when operating at the boundary line of the construction project within a residential area or within 500 feet of a school or hospital. Impulse related activities, such as pile driving-type equipment, pavement breaker-type equipment, other than hand held, and blasting, shall be regulated by subsection (p) hereof.

(k) Exemptions. The following uses and activities are exempt from noise level regulations:

(1) Noises of safety signals, warning devices and emergency pressure relief valves;

(2) Noises resulting from any authorized emergency or public safety vehicle, when responding to an emergency call or acting in time of emergency;

(3) Noises resulting from authorized public activities, such as parades, fireworks, sports events, musical productions and other activities which have the approval of the department of the City which has been given responsibility over the same by Council; and

(4) Noises resulting from sports events authorized by the Board of Education or by private schools, colleges or universities.

(l) Motor Vehicles.

(1) No person shall operate, within the speed limits specified in this subsection, a motor vehicle of a type subject to registration at any time or under any condition of load, acceleration or deceleration in such manner as to exceed the following noise limits for the category of motor vehicle, based on a distance of not less than fifteen feet from the centerline of travel.

<u>Type of Vehicle</u>	<u>Noise limit in relation to posted speed limit</u>	
	<u>35 mph or less</u>	<u>Over 35 mph</u>
A. Trucks and buses: any motor vehicle with a manufacturer's GVW rating of 10,000 lbs. or more	86 dbA	90 dbA
B. Passenger cars, light trucks and buses under 10,000 lbs.	76 dbA	82 dbA
C. Motorcycles	82 dbA	86 dbA

D. Noise from snowmobiles, minibikes, go-carts and other off-highway vehicles shall not exceed eighty-two dbA when measured at a distance of not less than fifteen feet from the centerline of travel.

(2) No person in charge or control of any vehicle shall:

A. Make with such vehicle, or with any device connected therewith, any excessive noise to annoy the public, unnecessarily race his or her motor while running idle, or open the muffler on any vehicle, upon the streets of the City;

B. Sound any horn or signal device on any vehicle for any unnecessary and excessive period of time, except as a danger signal;

C. Operate any vehicle in a manner, such as by rapid acceleration, turning, backing or starting and stopping the vehicle, so as to cause unreasonable or excessive noise from the contact of any tire of the vehicle upon the surface where the vehicle is being operated; or

D. Permit any loud speaker or other electronic device used to produce music or other sounds within the vehicle to be operated at a volume that can be heard by a person using normal hearing faculties at a distance of fifty feet from the vehicle. Unaided auditory detection of reverberating or rhythmic bass tones from a distance of 50 or more feet from a vehicle identified as the source of such sound shall be sufficient to establish that the equipment used to produce those tones is being operated at a volume prohibited by this section notwithstanding that particular words, phrases or melodies may not be plainly audible at that distance.

(m) Fixed Source Noise Levels.

(1) No person shall operate any fixed machinery or equipment or similar mechanical device in any manner so as to create any noise which would cause the noise level measured at the property line of the property affected by the noise emission to exceed the applicable fixed noise level set forth in this section. Noise limits shall not exceed the following, unless the person has filed an application for a variance in accordance with this section:

<u>Zoning District</u>	<u>Time Period</u>	<u>Sound Level (dbA)</u>
SR, R-1, R-2, R-3, R-4	10 p.m. to 7 a.m.	55
	7 a.m. to 10 p.m.	60
B-1, B-2, B-3, B-4, AO	10 p.m. to 7 a.m.	60
	7 a.m. to 10 p.m.	65
M-1, M-2, M-3	anytime	70 <u>85</u>

(2) If the measurement location is on a boundary between two zoning districts, the lower sound level shall apply.

(3) Subsection (m)(1) hereof shall not be applicable to emergency signaling devices required by law, nor to any standby equipment operated only in emergency situations, provided that such standby equipment does not emit noise at a level in excess of seventy-five dbA when measured at the property line of the property whereon it is located.

(n) Waste Disposal Services.

(1) No person authorized to engage in waste disposal services or garbage collection shall provide such services so as to create unnecessary noise. For the purpose of this section, noise emitted by equipment shall not be deemed unnecessary or without justification if the person engaged in such services has, to the extent reasonably feasible in the judgment of the Building and Zoning Commissioner, incorporated available sound-deadening devices into equipment used in rendering those services.

(2) Notwithstanding the foregoing, no person authorized to engage in waste disposal services or garbage loading shall operate compacting equipment or similar mechanical devices in any manner so as to create any noise exceeding the following levels when measured at a distance of fifty feet from the equipment when within 500 feet of a residential zone, unless the person has filed an application for a variance in accordance with this section:

A. On or after a date one year after the effective date of this section.

9:00 p.m. to 7:00 a.m., 80 dbA

7:00 a.m. to 9:00 p.m., 87 dbA

B. On or after a date forty-eight months after the effective date of this section.

9:00 p.m. to 7:00 a.m., 80 dbA

7:00 a.m. to 9:00 p.m., 82 dbA

C. Impulsive sounds must not exceed the levels specified in subsection (n)(2)A. or B. hereof by more than five dbA.

(o) Amplified Sound. No person, other than personnel of law enforcement agencies, governmental agencies or utilities services, or permittees duly authorized by the City Administrator, shall install, use or operate within the City a loudspeaker or sound amplifying equipment in a fixed or movable position, or mounted upon any sound truck, for purposes of giving instructions, directions, talks, addresses or lectures, or for transmitting music to persons or assemblages of persons in or upon any public street, alley, sidewalk, park, place or other public property, except when installed, used or operated in compliance with the following provisions:

(1) In residential zones and within 500 feet thereof:

A. No fixed or movable sound amplifying equipment shall be installed, operated or used for commercial purposes at any time, except as otherwise authorized by this section.

B. The operation or use of sound amplifying equipment for noncommercial purposes, except when used for regularly scheduled operative functions by any school, or for the usual and customary purposes of any church, is prohibited between the hours of 9:00 p.m. and 8:00 a.m. of the following day.

(2) In all other zones, except such portions thereof as may be included within 500 feet of any residential zone:

A. The operation or use of sound amplifying equipment for commercial purposes is prohibited between the hours of 9:00 p.m. and 8:00 a.m. of the following day.

B. The operation or use of sound amplifying equipment for noncommercial purposes is prohibited between the hours of 9:00 p.m. and 8:00 a.m. of the following day.

(3) The only sounds permitted shall be music or human speech, or both.

(4) Sound emanating from sound amplifying equipment shall be limited in volume, tone and intensity so that the sound shall not be audible at a distance in excess of 200 feet from the sound equipment.

(5) Except as provided in subsection (o)(2) hereof, no sound amplifying equipment shall be operated upon any property adjacent to and within 200 feet of any hospital grounds or any school or church building while in use.

(p) Vibration.

(1) Steady state vibration shall not exceed 0.20 inches per second peak particle velocity, or its equivalent in displacement or acceleration, in any one of the three mutually perpendicular components of motion: vertical, longitudinal or transverse.

(2) Impulsive vibration shall not exceed 4.0 inches per second peak particle velocity, or its equivalent in displacement or acceleration, on any one of the three mutually perpendicular components of motion, except blasting or pile driving, which shall not exceed 2.0 inches per second peak particle velocity.

(3) All vibration recordings shall be made on the ground adjacent to the closest structure that is neither owned nor leased by the contractor.

(4) Traffic shall be excluded from this section.

(q) Inspections.

(1) The Building and Zoning Commissioner of the City or other member of his or her staff may enter at any reasonable time, with reasonable notice, into or upon any private or public property, except the administrative offices of any person, for the purposes of inspection and investigation of any condition or equipment which the Building and Zoning Commissioner has reasonable cause to believe is causing unnecessary noise in violation of any of the provisions of subsections (a) through (p) hereof.

(2) The Building and Zoning Commissioner or other member of his or her staff may inspect at any reasonable time and in a reasonable manner, with reasonable notice, any record relating to the use of equipment which creates or may create unnecessary noise.

(3) No person shall refuse entry, nor obstruct, delay, prevent or in any way interfere with the Building and Zoning Commissioner or other member of his or her staff while carrying out an inspection or in the performance of his or her duties. If such right of entry is unreasonably denied, then the Building and Zoning Commissioner is authorized to obtain a search warrant.

(r) Variances.

(1) The Building and Zoning Commissioner may grant individual variances beyond the limitations prescribed by this section whenever it is found, upon presentation of adequate proof, that compliance with any of the provisions of this section, or with any regulation or order of the Building and Zoning Commissioner with respect to this section, would impose unreasonable hardship. In granting a variance, the Building and Zoning Commissioner may impose such conditions as the policies of this section may require.

(2) Any variance granted pursuant to this section shall be granted for ~~such period of time, not exceeding one year, as is specified by the Building and Zoning Commissioner at the time of the grant of the variance, and upon the condition that the person who receives the variance shall make periodic progress reports as the Building and Zoning Commissioner shall specify. The variance may be extended for periods up to six months by affirmative action of the Building and Zoning Commissioner, but only if satisfactory progress has been shown a perpetual duration unless the Building and Zoning Commissioner determines, in writing, that a variance for a more definite time period is warranted.~~ The Building and Zoning Commissioner may, in the case of construction, grant a variance for the duration of the project, and a contract letting agency, public or private, may apply for this variance.

(3) If requested by the petitioner or if deemed desirable by the Building and Zoning Commissioner, a public hearing shall be held prior to the issuance of any variance for the purpose of allowing any person to present evidence with respect to the requested variance. Notice of the hearing shall be promulgated by the Building and Zoning Commissioner in the form of a news release at least ten days prior to the hearing.

(4) The petition shall be accompanied by a fee of twenty-five dollars (\$25.00).

(5) Governmental agencies are exempted from the payment of fees.

(s) Test Procedures.

(1) Test procedures to determine whether or not maximum noise levels are exceeded in subsections (g), (h), (i), (m) and (o) hereof shall be in substantial conformity with ANSI Standard S1.4-1971; ANSI Standard S1.12-1976; ANSI Standard S1.11-1966; ANSI Standard S1.5-1963; IEC Standard 179-1965; IEC Standard 225-1966; SAE Recommended Practice J184; and such other standards that may be approved by the Federal government, the State government or Council.

(2) Test procedures to determine whether or not maximum noise emitted by motor vehicles in use meets the noise limits stated in subsection (l)(1) hereof shall be in substantial conformity with standards and recommended practice established by the Society of Automotive Engineers, Inc., including SAE Standard J986a; SAE Standard J366b; Recommended Practice J184; and such other standards that may be approved by the Federal government, the State government or Council.

(3) Test procedures to determine whether or not maximum noise emitted by engine powered equipment in use meets the noise limit state in subsection (j) and subsection (n)(2) hereof shall be in substantial conformity with standards and recommended practice established by the Society of Automotive Engineers, Inc., including SAE Standard J952b; SAE Recommended Practice J184; and such other standards that may be approved by the Federal government, the State government or Council.

(t) Conflicts. The noise levels established by subsections (a) through (p) hereof shall be preempted by Federal requirements set forth in the Federal Noise Control Act if the two laws are in conflict with each other.

(u) Penalty. Whoever violates any of the provisions of this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. Citations shall be issued to a person present at the time of the alleged offense.

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: _____, 2023

President of Council

Attest: _____, Clerk

Approved: _____, 2023

Mayor

ORDINANCE NO. _____

AN ORDINANCE AWARDDING FIRST RESPONDERS IN THE FIRE DIVISION WITH RETENTION INCENTIVE GRANT FUNDS AND DECLARING AN EMERGENCY

WHEREAS, the American Rescue Plan Act ("ARPA") authorizes retention bonuses to first responders for their service during the COVID-19 pandemic; and,

WHEREAS, Section 2.12 of the Charter authorizes Council to "fix the number of employees and the rate of their compensation...";

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

Section 1: Twenty-one employees of the Fire Division listed on a document in the Office of the Chief of the Fire Division shall receive an additional \$3,809.52 in compensation payable from the ARPA – Ohio First Responder Wellness, Recruitment, Retention & Resiliency Grant and the Ohio Emergency Management Authority First Responder Retention Incentives Grant.

Section 2: Five additional employees listed on a document in the Office of the Chief of the Fire Division shall receive \$4,000.00 in compensation payable from the above-referenced ARPA grants.

Section 3: The Finance Director is authorized to pay the purchase price from Sections 1 and 2 from funds allocated by expenditure from Line 201-336-51-600010 of the 2023 annual budget.

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 declared to be an emergency measure necessary to preserve the health, safety, or welfare of the community for the reason that the ARPA grant deadline requires prompt payment no later than thirty (30) days of receipt of the funds or on November 24, 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 AWARDDING FIRST RESPONDERS IN THE POLICE DIVISION WITH RETENTION INCENTIVE GRANT FUNDS AND DECLARING AN EMERGENCY

WHEREAS, the American Rescue Plan Act ("ARPA") authorizes retention bonuses to first responders for their service during the COVID-19 pandemic; and,

WHEREAS, Section 2.12 of the Charter authorizes Council to "fix the number of employees and the rate of their compensation...";

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

Section 1: Each officer in the Police Division listed on a document in the Office of the Chief of the Police Division shall receive an additional \$4,000.00 in compensation payable from the ARPA – Ohio First Responder Wellness, Recruitment, Retention & Resiliency Grant and the Ohio Emergency Management Authority First Responder Retention Incentives Grant.

Section 2: The Finance Director is authorized to pay the purchase price from Section 1 from funds allocated by expenditure from Line 201-301-51-600010 of the 2023 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 ARPA grant deadline requires prompt payment no later than thirty (30) days of receipt of the funds or on November 24, 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 AMENDING ORDINANCE NO. 8373 FOR THE DESIGN AND CONSTRUCTION OF THE EAST RIVER DRIVE WETLAND RESTORATION PROJECT AND DECLARING AN EMERGENCY

WHEREAS, Council authorized a design-build contract for preconstruction services for the East River Drive Wetland Restoration Project No. 2110 in Ordinance No. 8373 on January 11, 2022; and,

WHEREAS, Council authorized a change order to allocate more funding for the design and preconstruction phase of the project in Ordinance No. 8444 on September 27, 2022; and,

WHEREAS, Council desires to appropriate additional funding for the construction phase of this design-build project with Biohabitats, Inc.; and,

WHEREAS, the Ohio Department of Natural Resources ("ODNR") will cover the adjusted cost for this project in full through the H2Ohio Program;

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

Section 1: Council hereby amends Section 1 of Ordinance No. 8373 to obligate an additional \$877,924.24 in funding for the construction of the East River Drive Wetland Restoration Project No. 2110 according to the specifications of the Change Order on file in the office of the City Engineer.

Section 2: The City Administrator is authorized to execute and deliver all contracts, agreements, change orders, program compliance covenants, and any other documents necessary to effect this Change Order.

Section 3: The Finance Director shall pay the contract price from Section 1 from appropriated funds allocated by expenditure from Line 589-540-52-980880 of the 2023 annual budget.

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 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 execution of this contract will enable the contractor to commence fall planting before the winter and, thereby, meet grant requirements. 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 TRANSFERS
OF FUNDS FOR THE CITY OF DEFIANCE, OHIO FOR THE
YEAR ENDING DECEMBER 31, 2023.**

Whereas, the Council of the City of Defiance has previously provided for the transfer of funds in the annual appropriation ordinance; and

Whereas, the City Finance Director has determined that it is necessary to complete the following transfers in order to meet current expenses and other expenditures of the City:

Now, therefore, be it enacted by the Council of the City of Defiance, Defiance County, Ohio:

Section 1: That the following amounts shall be transferred for the months of October, 2023

<u>FUND FROM</u>	<u>AMOUNT</u>	<u>FUND TO</u>
General Fund #101	\$ 397,250	Police & Fire Fund #201
General Fund #101	\$ 12,363	Splash Pad Trust Fund #405
General Fund #101	\$ 33,333	Police Pension Fund #732
General Fund #101	\$ 30,000	Fire Pension Fund #733
General Fund #101	\$ 13,709	Commerce Drive Fund #768
WPC Fund #590	\$ 46,808	General Fund #101
WPC Fund #590	\$ 1,666	SCMR Fund #204
WPC Fund #590	\$ 33,677	Utilities Billing Office Fund #585
WPC Fund #590	\$ 20,833	Sewer Capital Improvement Fund #589
WTP Fund #591	\$ 41,841	General Fund #101
WTP Fund #591	\$ 33,677	Utilities Billing Office Fund #585
Refuse #596	\$ 5,516	Utilities Billing Office Fund #585
Hotel Tax Fund #704	\$ 4,166	Splash Pad Trust Fund #405

Section 2: It is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and that all deliberations that resulted in such formal action being taken, including all deliberations conducted by Committees of the Council, were conducted in meetings open to the public duly convened in compliance with law.

Section 3: This Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Passed: _____, 2023

President of Council

Votes Approving Adoption: _____

Votes Opposing Adoption: _____

Attest: _____, Clerk

Approved: _____, 2023

Mayor

ORDINANCE No. _____

**AN ORDINANCE AUTHORIZING TRANSFERS
OF FUNDS FOR THE CITY OF DEFIANCE, OHIO FOR THE
YEAR ENDING DECEMBER 31, 2023.**

Whereas, the Council of the City of Defiance has previously provided for the transfer of funds in the annual appropriation ordinance; and

Whereas, the City Finance Director has determined that it is necessary to complete the following transfers in order to meet current expenses and other expenditures of the City:

Now, therefore, be it enacted by the Council of the City of Defiance, Defiance County, Ohio:

Section 1: That the following amounts shall be transferred for the month of November, 2023.

<u>FUND FROM</u>	<u>AMOUNT</u>	<u>FUND TO</u>
General Fund #101	\$ 397,250	Police & Fire Fund #201
General Fund #101	\$ 12,363	Splash Pad Trust Fund #405
General Fund #101	\$ 33,333	Police Pension Fund #732
General Fund #101	\$ 30,000	Fire Pension Fund #733
General Fund #101	\$ 13,709	Commerce Drive Fund #768
WPC Fund #590	\$ 46,808	General Fund #101
WPC Fund #590	\$ 1,666	SCMR Fund #204
WPC Fund #590	\$ 33,677	Utilities Billing Office Fund #585
WPC Fund #590	\$ 20,833	Sewer Capital Improvement Fund #589
WTP Fund #591	\$ 41,841	General Fund #101
WTP Fund #591	\$ 33,677	Utilities Billing Office Fund #585
Refuse #596	\$ 5,516	Utilities Billing Office Fund #585
Hotel Tax Fund #704	\$ 4,166	Splash Pad Trust Fund #405

Section 2: It is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and that all deliberations that resulted in such formal action being taken, including all deliberations conducted by Committees of the Council, were conducted in meetings open to the public duly convened in compliance with law.

Section 3: This Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Passed: _____, 2023

President of Council

Votes Approving Adoption: _____

Votes Opposing Adoption: _____

Attest: _____, Clerk

Approved: _____, 2023

Mayor