

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 JANUARY 14, 2020
OPENING COMMENTS – 7:00 P.M.

SPECIAL GUEST: BOB KROEGER, NATIONAL DEPUTY CHIEF OF STAFF AND CHRIS HAYNES PAST DEPARTMENT OF OHIO COMMANDER, NATIONAL COUNCIL MEMBER, CHIEF OF STAFF FOR STATE COMMANDER DAN FAULKNER (PROCLAMATIONS)

PUBLIC HEARING: NONE

SECOND READING AS AMENDED: AN ORDINANCE AUTHORIZING THE PURCHASE OF FIRE PROTECTION EQUIPMENT AND DECLARING AN EMERGENCY AS AMENDED

FIRST READING: AN ORDINANCE AMENDING THE DISTRICT MAP TO REZONE RECENTLY ANNEXED TERRITORY LOCATED AT THE CORNER OF ELLIOTT ROAD AND CARPENTER ROAD FROM M-1, RESTRICTED INDUSTRIAL DISTRICT TO M-3, GENERAL INDUSTRIAL DISTRICT

FIRST READING: AN ORDINANCE AMENDING ORDINANCE NO. 8159, AUTHORIZING THE ACQUISITION OF REAL PROPERTY ADJACENT TO THE PLANNED OTTAWA AVENUE AND CLEVELAND AVENUE INTERSECTION IMPROVEMENTS, AND DECLARING AN EMERGENCY

STUDY SESSION: NONE

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

COMMITTEE ASSIGNMENTS	TIME P.M.	DATE (2020)	AGENDA
BUILDING & LANDS KRUTSCH. Eureste. Mast	7:00	Tuesday - JANUARY	NO MEETING
ECONOMIC DEVELOPMENT EURESTE. Krutsch. Waxler	7:00	Tuesday - JANUARY	NO MEETING
FINANCE & BUDGET ENGEL. Corbitt. Hancock	7:00	Tuesday – JANUARY	NO MEETING
POLICE & FIRE HANCOCK. Corbitt. Waxler	7:00	Tuesday - JANUARY	NO MEETING
PUBLIC RELATIONS CORBITT. Hancock. Mast	5:00	Tuesday - JANUARY	NO MEETING
PUBLIC UTILITIES, GAS & LIGHTS MAST. Engel. Hancock	7:00	Tuesday – JANUARY	NO MEETING
SEWER & SANITATION WAXLER. Corbitt. Engel	7:00	Tuesday – JANUARY	NO MEETING
STREETS & SIDEWALKS EURESTE. Krutsch. Mast	7:00	Tuesday - JANUARY	NO MEETING
WATERWORKS – SERVICE ENGEL. Krutsch. Waxler	7:00	Tuesday – JANUARY	NO MEETING
TRAFFIC COMMISSION: LEONARD. Mayor. Cereghin. Shafer. Wilkins. Sprow. Waxler. Eureste. Krutsch	7:00.	Tuesday – JANUARY	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 PURCHASE OF FIRE PROTECTION EQUIPMENT AND DECLARING AN EMERGENCY AS AMENDED

WHEREAS, the Fire Department is looking to replace older self-contained breathing apparatus and related equipment that has exceeded its shelf life; and,

WHEREAS, Fire Safety Services, Inc. of Huntsville, Ohio has the necessary equipment available at a price of \$130,434.45; and,

WHEREAS, the City is proposing to borrow funds to purchase this equipment from Republic First National at an annual percentage rate of 3.98%; and,

WHEREAS, Council finds that this lease arrangement will help maintain effective safety services for City of Defiance residents in an affordable manner;

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 Fire Safety Services, Inc. for the acquisition of self-contained breathing apparatus equipment at the price of \$130,434.45 with a \$26,089.89 down payment.

Section 2: The City Administrator is directed to enter into a financing agreement with Republic First National in the amount of \$104,344.56 and at an annual percentage rate of 3.98%.

Section 3: The Finance Director is authorized to pay the purchase price from Section 1 and borrow the net amount from Section 2 from funds allocated by expenditure from Line 403-901-5-2-975.036 of the 2020 annual budget.

Section 4: The City Administrator is authorized to list the old fire safety equipment for public auction on GovDeals.

Section 5: 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 6: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety or welfare of the community for the reason that possession of functional self-contained breathing equipment is essential for the protection of firefighters and residents, alike. 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: _____, 2020

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2020

Mayor

Ordinance No. _____

AN ORDINANCE AMENDING THE DISTRICT MAP TO REZONE RECENTLY ANNEXED TERRITORY LOCATED AT THE CORNER OF ELLIOTT ROAD AND CARPENTER ROAD FROM M-1, RESTRICTED INDUSTRIAL DISTRICT TO M-3, GENERAL INDUSTRIAL DISTRICT

WHEREAS, Council authorized the annexation of the territory described in "Exhibit A" in Ordinance No. 8154 dated September 3, 2019; and,

WHEREAS, Section 1169.05(E) of the Codified Ordinances of Defiance, Ohio requires newly annexed territory to receive the most restrictive zoning designation for the type of use shown on the most recently adopted land use plan; and,

WHEREAS, the City Planning Commission caused proper notice of the requested change from M-1, Restricted Industrial District to M-3, General Industrial District to be published and served as required by law, considered the merits of the request in open public meeting, and recommended that the requested change be granted; and,

WHEREAS, Council convened a properly advertised Public Hearing on January 7, 2020 to consider the recommendation of the Planning Commission and heard no objections to the proposed zoning change; and,

WHEREAS, Council concurs with the recommendation of the Planning Commission and finds the map amendment to aid the parcel in achieving its highest and best use;

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

Section 1: All property identified by Permanent Parcel Numbers I130012001500 and I130012001504 is hereby zoned M-3, General Industrial District.

Section 2: The Clerk of the Planning Commission and the Zoning Commissioner are directed to change the District Map as required to implement the change in zoning district designation enacted by this Ordinance.

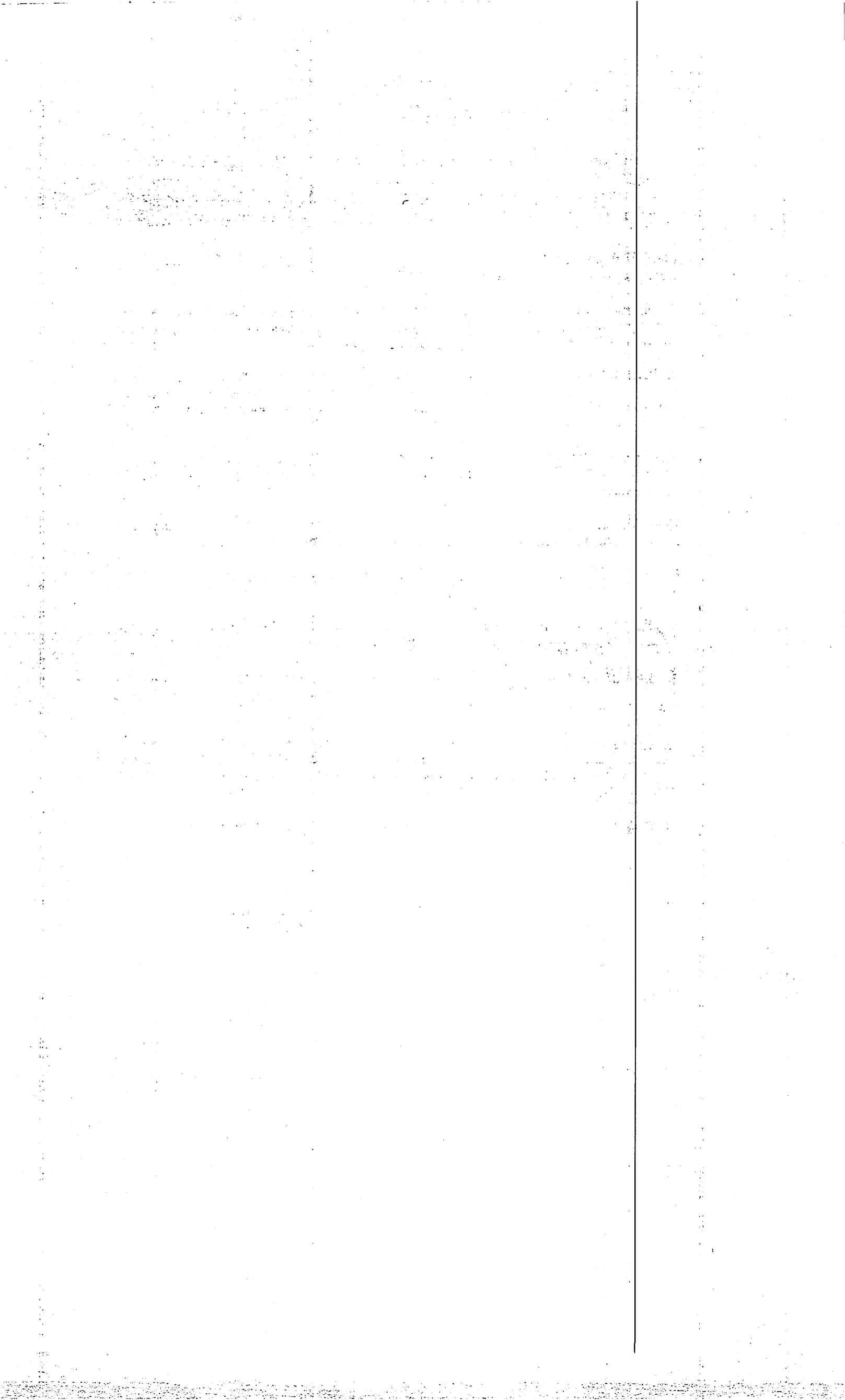
Section 3: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

Section 4: This Ordinance shall be effective on the earliest date permitted by law.

Passed: _____, 2020 _____
President of Council

Attest: _____, Clerk

Approved: _____, 2020 _____
Mayor



"Exhibit A"
91.060 ACRES

Situated as being part of the South Half of the Southeast Quarter and part of the Northeast Quarter of the Southeast Quarter of Section 12, Town 4 North, Range 4 East, Noble Township, Defiance County, Ohio, and more particularly described as follows:

Beginning at a Monument box found marking the Southeast corner of the Southeast Quarter of Section 12 and the POINT OF BEGINNING;

Thence North $87^{\circ}04'41''$ West along the South line of the Southeast Quarter of Section 12 (Elliott Road / TR 53) a distance of 688.80 feet to a point marking the Southeast corner of a 0.078 acre tract of land as recorded in Official Record Volume 286, Page 564 (Tract 2) of the Defiance County Deed Records;

Thence North $02^{\circ}55'19''$ East along the East line of said 0.078 acre tract a distance of 264.59 feet to a point on the centerline of a ditch marking the Northeast corner of said tract;

Thence South $58^{\circ}29'34''$ West along said centerline and the North line of said 0.078 acre tract and a 1.095 acre tract of land as recorded in Official Record Volume 286, Page 564 (Tract 1) of the Defiance County Deed Records a distance of 467.98 feet to a point on the South line of the Southeast Quarter of Section 12;

Thence North $87^{\circ}04'41''$ West along said South line (Elliott Road / TR 53) a distance of 1,239.00 feet to a point marking the Southeast corner of a 5 acre tract of land as recorded in Official Record Volume 327, Page 218 of the Defiance County Deed Records;

Thence North $01^{\circ}10'53''$ East along the East line of said 5 acre tract a distance of 1,317.44 feet to a point marking the Northeast corner of said 5 acre tract on the South line of the Northwest Quarter of the Southeast Quarter of Section 12, also being on the South line of a 112.797 acre tract of land as recorded in Deed Volume 274, Page 938 of the Defiance County Deed Records (referenced by a 5/8 inch rebar with ID cap found lying 0.40 feet North of said point) and passing a point at 30.00 feet (referenced by a 5/8 inch rebar found lying 0.15 feet East of said point);

Thence along the perimeter of said 112.797 acre tract the following two (2) courses:

South $87^{\circ}03'29''$ East along the South line of the Northwest Quarter of the Southeast Quarter of Section 12 a distance of 991.30 feet to a 1/2 inch rebar with ID cap found marking the Southeast corner of the Northwest Quarter of said Southeast Quarter;

North $00^{\circ}58'22''$ East along the West line of the East Half of the Southeast Quarter of Section 12 a distance of 851.31 feet to a point on the centerline of a ditch, also being the Southwest corner of a 17.868 acre tract of land as recorded in Official Record Volume 408, Page 1320 of the Defiance County Deed Records;

Thence along the centerline of said ditch and the South line of said 17.868 acre tract the following seven (7) courses:

South $75^{\circ}41'58''$ East a distance of 47.42 feet to a point;
South $78^{\circ}35'54''$ East a distance of 100.43 feet to a point;
South $69^{\circ}55'07''$ East a distance of 562.42 feet to a point;
South $75^{\circ}57'36''$ East a distance of 60.12 feet to a point;
North $86^{\circ}54'35''$ East a distance of 125.21 feet to a point;
North $82^{\circ}31'23''$ East a distance of 82.34 feet to a point;
North $79^{\circ}41'57''$ East a distance of 394.55 feet to a point on the East line of the Southeast Quarter of Section 12;

Thence South $01^{\circ}16'54''$ West along said East line (Carpenter Road / TR 166) a distance of 2,084.68 feet to the POINT OF BEGINNING, said tract containing 91.060 acres of land, more or less.

Subject to all legal highways, easements, and restrictions of use whether apparent and/or of record and is from an actual field survey performed in June, 2018, under the supervision of Ohio Professional Surveyor Gregory A. Bockrath, Ohio Surveyor No. 8306.

Note: The bearings used in this description are on an assumed meridian assuming the South line of the Southeast Quarter of Section 12 (Elliott Road / TR 53) to be North $87^{\circ}04'41''$ West and are for the purpose of angle determination only.

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 8159, AUTHORIZING THE ACQUISITION OF REAL PROPERTY ADJACENT TO THE PLANNED OTTAWA AVENUE AND CLEVELAND AVENUE INTERSECTION IMPROVEMENTS, AND DECLARING AN EMERGENCY

WHEREAS, Council authorized the acquisition of real property on this parcel in Ordinance No. 8159 on September 24, 2019; and,

WHEREAS, the City Administration learned that the prior owner, AONE Holding, Inc. conveyed the property by general warranty deed to BAPASWAMI1938, LLC prior to closing, thereby forcing the City negotiator to renegotiate with the new owner; and,

WHEREAS, the current owner, BAPASWAMI1938, LLC agreed to convey 0.204 acres in fee simple absolute, a temporary easement of 0.008 acres, a temporary easement of 0.018 acres, and a temporary easement of 0.005 acres for the purchase price of \$47,625.00; and,

WHEREAS, the owner has agreed to allow the City to remove a monument sign for consideration of \$1,000.00; and,

WHEREAS, Council finds that the acquisition of these property interests is necessary to improve connectivity in the City;

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

Section 1: The easements and general warranty deed from the aforementioned property owner is hereby accepted at the price of \$47,625.00.

Section 2: The City Administrator is directed to enter into an Agreement for Removal of Improvements with the property owner.

Section 3: The Finance Director is authorized to pay the costs of these acquisitions authorized by Section 1 from Line 403-901-5-2-978.105 of the 2020 annual budget.

Section 4: Ordinance No. 8159 dated September 24, 2019 is hereby amended to reflect the current owner, BAPASWAMI1938, LLC, and updated cost.

Section 5: All municipal officers are authorized to take such actions as may be necessary or appropriate to secure marketable title to the real property described in the easements and warranty deed.

Section 6: The Law Director shall record the above-referenced conveyance and easements with the Defiance County Recorder.

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 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 secure the property within the timeframe of the ODOT Safety 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: _____, 2020

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2020

Mayor