

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 APRIL 25, 2023  
OPENING COMMENTS - 7:00 P.M.

PUBLIC HEARING: NONE

SPECIAL GUEST: KIRSTIE MACK - EXECUTIVE DIRECTOR OF THE DDVB - TO DISCUSS UPCOMING BICENTENNIAL CELEBRATION EVENTS

SECOND READING: AN ORDINANCE VACATING THE RIGHT-OF-WAY BETWEEN LOT 6 AND PART OF LOTS 1 AND 2 IN HOLGATE'S ADDITION TO THE CITY OF DEFIANCE

FIRST READING: AN ORDINANCE AMENDING SECTION 151.04 OF THE CODIFIED ORDINANCES OF THE CITY OF DEFIANCE, OHIO

STUDY SESSION: NONE

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

LIAISON ASSIGNMENTS	TIME P.M.	DATE (2023)	AGENDA
COMMITTEE OF A WHOLE <b>McMASTER</b>	5:00	Tuesday - APRIL 25	RESIDENTIAL BUILDING STANDARDS
BUILDING & LANDS <b>EURESTE</b>	7:00	Tuesday - APRIL	NO MEETING
ECONOMIC DEVELOPMENT <b>ENGEL</b>	7:00	Tuesday - APRIL	NO MEETING
FINANCE & BUDGET <b>HANCOCK</b>	7:00	Tuesday - APRIL	NO MEETING
POLICE & FIRE <b>KRUTSCH</b>	7:00	Tuesday - APRIL	NO MEETING
PUBLIC RELATIONS <b>MAST</b>	7:00	Tuesday - APRIL	NO MEETING
PUBLIC UTILITIES, GAS & LIGHTS <b>CORBITT</b>	7:00	Tuesday - APRIL	NO MEETING
SEWER & SANITATION <b>CORBITT</b>	7:00	Tuesday - APRIL	NO MEETING
STREETS & SIDEWALKS <b>MAST</b>	7:00	Tuesday - APRIL	NO MEETING
WATERWORKS - SERVICE <b>WAXLER</b>	7:00	Tuesday - APRIL	NO MEETING
TRAFFIC COMMISSION: <b>MACK.</b> Mayor. Zeedyk. Shafer. Wilkins. Sprow. Waxler. Eureste. Krutsch	5:30	Tuesday - APRIL	NO MEETING
BOARD OF CONTROL MEETING: <b>MAYOR.</b> 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 VACATING THE RIGHT-OF-WAY BETWEEN LOT 6 AND PART OF LOTS 1 AND 2 IN HOLGATE'S ADDITION TO THE CITY OF DEFIANCE**

**WHEREAS**, the City received a petition to vacate the right-of-way between Lot 6 and part of Lots 1 and 2 in Holgate's Addition to the City of Defiance, Ohio; and,

**WHEREAS**, the Planning & Zoning Commission heard the petition at the March 20, 2023 public hearing and voted to recommend the right-of-way vacation to City Council; and,

**WHEREAS**, the subject right-of-way contains no public or private utilities; and,

**WHEREAS**, the adjoining property owners have executed an Easement Agreement for the ingress and egress to their respective properties and the maintenance and snow removal of the vacated right-of-way; and,

**WHEREAS**, Council finds good cause for vacating the right-of-way 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 north-to-south right-of-way between Lot 6 and part of Lots 1 and 2 in Holgate's Addition to the City of Defiance, Ohio (129 and 139 E. Sessions Avenue) is hereby vacated.

**Section 2:** The Law Director, or his designee, shall record a copy of this Ordinance to document the vacation of the public right-of-way lying between these parcels.

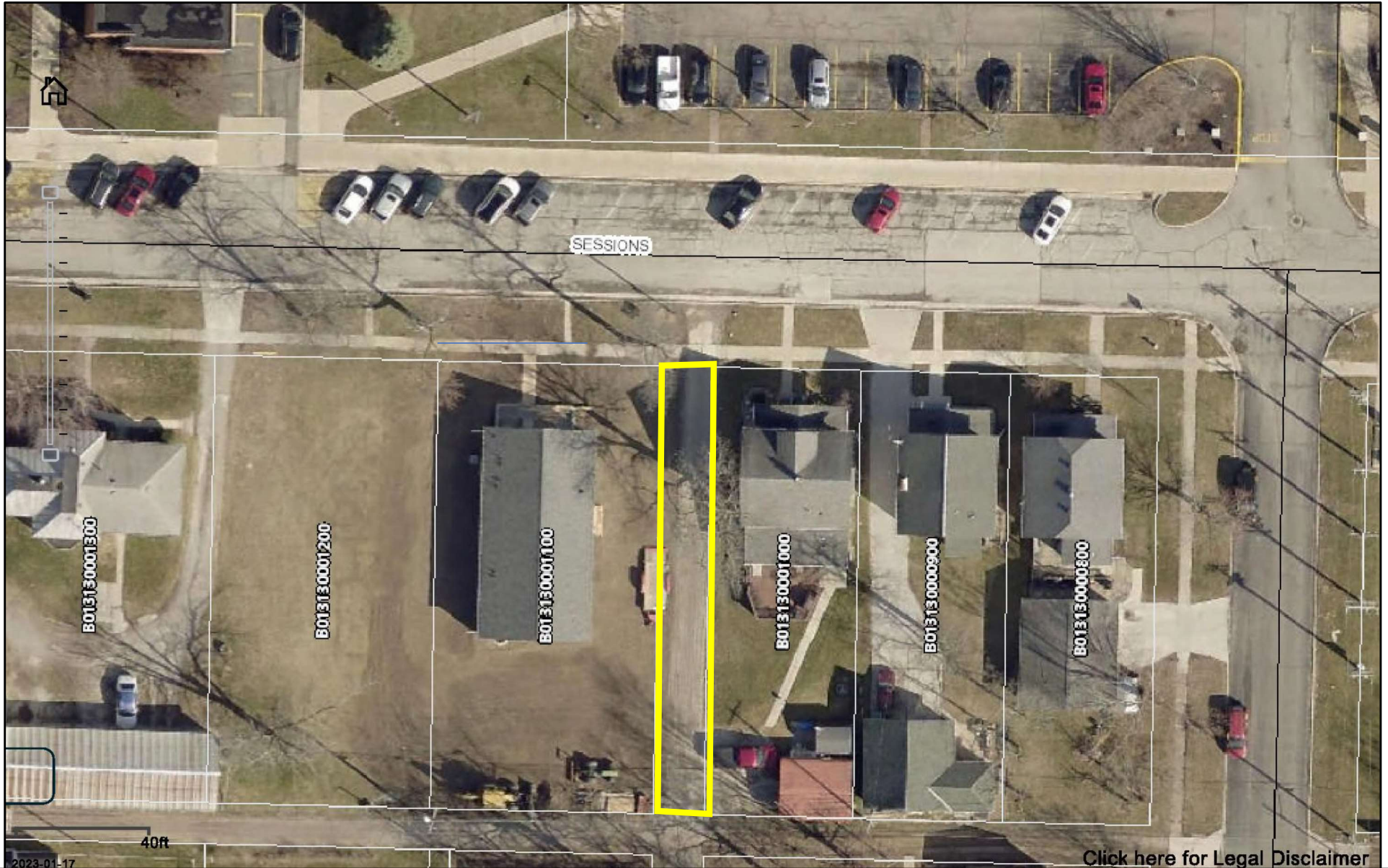
**Section 3:** It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session 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: \_\_\_\_\_, 2023 \_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_, Clerk

Approved: \_\_\_\_\_, 2023 \_\_\_\_\_  
Mayor



**ITEM 2:** ALLEY VACATION REQUEST  
**PROJECT LOCATION:** 129-139 EAST SESSIONS AVENUE, DEFIANCE, OH 43512  
**APPLICANT:** TOM THOMAS, 129 EAST SESSIONS AVENUE, DEFIANCE, OH 43512

*Description:*

The alley between 129 and 139 East Sessions Avenue, located in Holgate's Addition between Lot 6 and part of Lots 1 &2, City of Defiance, Noble Township, Defiance County, OH. Applicant is requesting this alley be vacated. Alley runs north to south up to the east-west alley crossing.

# Ordinance No. \_\_\_\_\_

## AN ORDINANCE AMENDING SECTION 151.04 OF THE CODIFIED ORDINANCES OF THE CITY OF DEFIANCE, OHIO

**WHEREAS**, the City Administration desires to sell obsolete personal property that no longer has any viable use for the City in an expeditious manner; and,

**WHEREAS**, Council desires to amend this ordinance to enable the City Administration to sell excess personal property at the best price for the City in the manner proscribed by Section 151.04(b) of the Codified Ordinances of Defiance, Ohio;

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

**Section 1:** Section 151.04 of the Codified Ordinances of the City of Defiance, Ohio is hereby amended to provide (deleted text stricken, newly added text underlined):

### 151.04 SALE OF SURPLUS PERSONAL PROPERTY.

(a) ~~An ordinance of record~~ Approval by the Board of Control shall be required to authorize the sale of personal property, ~~having an estimated value of four thousand dollars (\$4,000). The Department Head responsible for the management of personal property having an estimated value of less than four thousand dollars (\$4,000) may sell the same upon concurrence of the~~ The Board of Control shall determine that the asset to be sold is not needed for Municipal purposes. Any determination by the Board of Control to authorize the sale of surplus property shall be documented in the minutes of the meeting at which the action is taken.

(b) Unless otherwise ~~provided~~ directed by an ordinance adopted ~~the Board of Control~~ in accordance with subsection (a), a Department Head authorized to sell surplus property may do so by:

(1) Sale to the highest bidder at public auction following advertisement of the date, time and place at which such auction is to be conducted;

(2) Sale in accordance with the terms of a written contract awarded to the highest responsive and responsible bidder submitting a sealed bid in response to an advertised solicitation of proposals to purchase the items to be sold;

(3) Trade-in allowance pursuant to the terms of a written contract awarded in conformity with Section 721.15(B) of the Ohio Revised Code;

(4) Sale to the United States, State of Ohio or a political subdivision of the State of Ohio in accordance with the terms of a written contract authorized by general laws.

(5) Sale by internet auction conducted in conformity with the following requirements:

A. All sales shall be conducted at www.govdeals.com in accordance with the terms and conditions of online sales appended to the contract between the City of Defiance and GovDeals, Inc., dated April 13, 2010, and such amendments thereto as may be in effect on the date an item is listed for sale;

B. The listing agreement for each item to be sold shall provide that bids will be accepted for a period of 10 days or such longer period as the Department Head may specify.

C. Notice of each auction shall be published on the home page of the City of Defiance website prior to commencement of the auction and at all times during which bids may be submitted for the item offered for sale. The Notice shall contain a brief description of the item offered for sale, the beginning and ending dates of the period during which bids will be accepted and a link to the www.govdeals.com page at which a complete description of the item and terms and conditions of sale are published and at which bids to purchase the item may be submitted.

(c) Advertisements required by this section shall be published once per week for two consecutive weeks in a newspaper of general circulation in the City. Additional advertisement may be authorized by the Board of Control.

**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.

Attest: \_\_\_\_\_, Clerk

Approved: \_\_\_\_\_, 2023

\_\_\_\_\_  
Mayor