

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 24, 2023  
OPENING COMMENTS – 7:00 P.M.

PUBLIC HEARING: NONE

SPECIAL GUEST: CIC EXECUTIVE DIRECTOR ERIKA WILLITZER – MONTHLY UPDATE

FIRST READING: AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT, AND ENTER INTO A COOPERATIVE AGREEMENT FOR THE CARPENTER ROAD WATER TOWER PAINTING PROJECT BETWEEN THE CITY OF DEFIANCE AND THE OHIO WATER DEVELOPMENT AUTHORITY AND DECLARING AN EMERGENCY

FIRST READING: AN ORDINANCE AUTHORIZING A CONTRACT FOR THE CARPENTER ROAD WATER TOWER PAINTING PROJECT AND DECLARING AN EMERGENCY

FIRST READING: AN ORDINANCE CONSENTING TO IMPROVEMENTS TO STATE ROUTE 66, STATE ROUTE 281, AND STATE ROUTE 18 WITHIN THE MUNICIPAL BOUNDARIES BY THE OHIO DEPARTMENT OF TRANSPORTATION, AUTHORIZING NECESSARY REIMBURSEMENT AGREEMENTS, AND DECLARING AN EMERGENCY

FIRST READING: AN ORDINANCE APPROVING CURRENT REPLACEMENT PAGES TO THE DEFIANCE CODIFIED ORDINANCES 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 <b>McMASTER</b>	5:00- 7:00	Tuesday – OCTOBER 24	JOINT FINANCE/WATER/SEWER – DISCUSS 2023 CAPITAL PROJECT PRIORITIES
BUILDING & LANDS <b>EURESTE</b>	7:00	Tuesday - OCTOBER	NO MEETING
ECONOMIC DEVELOPMENT <b>ENGEL</b>	7:00	Tuesday - OCTOBER	NO MEETING
FINANCE & BUDGET <b>HANCOCK</b>	7:00	Tuesday – OCTOBER	NO MEETING
POLICE & FIRE <b>KRUTSCH</b>	7:00	Tuesday - OCTOBER	NO MEETING
PUBLIC RELATIONS <b>MAST</b>	7:00	Tuesday - OCTOBER	NO MEETING
PUBLIC UTILITIES, GAS & LIGHTS <b>CORBITT</b>	7:00	Tuesday – OCTOBER	NO MEETING
SEWER & SANITATION <b>CORBITT</b>	7:00	Tuesday – OCTOBER	NO MEETING
STREETS & SIDEWALKS <b>MAST</b>	7:00	Tuesday - OCTOBER	NO MEETING
WATERWORKS – SERVICE <b>WAXLER</b>	7:00	Tuesday – OCTOBER	NO MEETING
TRAFFIC COMMISSION: <b>MACK.</b> Mayor. Zeedyk. Shafer. Wilkins. Sprow. Waxler. Eureste. Krutsch	5:30	Tuesday – OCTOBER	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 AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT, AND ENTER INTO A COOPERATIVE AGREEMENT FOR THE CARPENTER ROAD WATER TOWER PAINTING PROJECT BETWEEN THE CITY OF DEFIANCE AND THE OHIO WATER DEVELOPMENT AUTHORITY AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Defiance ("City") will perform painting and maintenance on the existing Carpenter Road water tower; and,

**WHEREAS**, the City desires to obtain a loan from the Ohio Water Development Authority ("OWDA") to finance the costs of construction of the project on the terms set forth in the Cooperative Agreement; and,

**WHEREAS**, the OWDA has indicated its willingness to make a loan for that purpose and on those terms;

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

**Section 1:** The Cooperation Agreement on the Carpenter Road water tower painting project with the OWDA is hereby approved under the provisions, terms, and conditions set forth in the "Cooperative Agreement for State Planning Project" attached hereto as "Exhibit A" and the City Administrator and Finance Director are authorized to execute that agreement.

**Section 2:** The City Administrator is authorized to execute any corollary or ancillary documents in support of the financing for this project.

**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 execution of the Cooperative Agreement is required to become eligible for OWDA financing. 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 A CONTRACT FOR THE CARPENTER ROAD WATER TOWER PAINTING PROJECT AND DECLARING AN EMERGENCY**

**WHEREAS**, the City Administration identified the need to repaint and perform repairs at the Carpenter Road water tower after receiving a Notice of Violation from the Ohio Environmental Protection Agency ("OEPA") on October 5, 2022; and,

**WHEREAS**, the City Engineer solicited bids for the project and O&J Coatings, Inc. of Hurst, TX submitted the lowest and best bid of \$922,200.00; and,

**WHEREAS**, Council finds this project necessary for the maintenance of critical water infrastructure;

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

**Section 1:** The City Administrator is directed to award a contract to O&J Coatings, Inc. to complete the Carpenter Road Water Tower Painting Project No. 2315 according to the specifications on file with the City Engineer and according to the successful bid dated September 26, 2023 and at the total price of \$922,200.00.

**Section 2:** The Finance Director is authorized to pay the contract price from Section 1 from appropriated funds allocated by expenditure from Line 591-537-52-980880 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 R.C. §153.12(A) requires the award of a contract within sixty days after the date on which the bids are opened or the delay invalidates the entire bid proceedings. 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 CONSENTING TO IMPROVEMENTS TO STATE ROUTE 66, STATE ROUTE 281, AND STATE ROUTE 18 WITHIN THE MUNICIPAL BOUNDARIES BY THE OHIO DEPARTMENT OF TRANSPORTATION, AUTHORIZING NECESSARY REIMBURSEMENT AGREEMENTS, AND DECLARING AN EMERGENCY**

**WHEREAS**, the Ohio Department of Transportation ("ODOT") plans to pave State Route 66 from Sessions Avenue to Elliott Road, State Route 281 from E. 2nd Street to the eastbound ramp of U.S. 24, and State Route 18 on the overlap section of State Route 281 during the construction year 2024; and,

**WHEREAS**, ODOT is seeking City participation on this project that would allocate a portion of the construction costs within the municipal boundaries to the City; and,

**WHEREAS**, the estimated costs for the City share of these improvements is \$320,000.00 with final costs to be determined; and,

**WHEREAS**, Council finds that the ODOT proposal assist with maintaining a reliable transportation infrastructure network within the municipal boundaries;

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

**Section 1:** Council gives consent to the Director of Transportation to complete the above-described project within its boundaries.

**Section 2. Cooperation Statement:** Council shall cooperate with the Director of Transportation in the above-described project as follows:

ODOT and the Federal Highway Administration ("FHWA") shall assume and bear 100% of the necessary costs of the State's highway improvement project except for areas inside city corporation limits, where ODOT will be responsible for 80% of the following costs associated with the project, including: paving of asphalt, milling the existing pavement, maintenance of traffic, mobilization, painting of longitudinal pavement markings (centerline and edge lines) and construction engineering costs. The City will be responsible for the matching 20% of the costs for these items, as well as 100% of the construction and construction engineering costs for the following items, if they are deemed necessary: auxiliary pavement markings (stop bars, pedestrian crossings, railroad markings, turn arrows, etc.), handicap curb ramps, curbs, sidewalks and partial and/or full depth pavement repairs. In the event that Council requests certain features or appurtenances to be included within the State highway improvement project's design and/or construction, and which features and appurtenances are determined by the State and FHWA to be not necessary for the State's project, Council shall contribute 100% of the cost of those items.

**Section 3. Utilities & Rights-of-Way Statement:** Council agrees that all right-of-way required (if applicable) for the described project will be acquired and/or made available in accordance with current State and Federal regulations. Council also understands that right-of-way costs include eligible utility costs.

Council agrees that all utility accommodations, relocations and reimbursements will comply with the current provisions of 23 CFR 65 and the ODOT Utilities Manual.

**Section 4. Maintenance:** Upon completion of the project, and unless otherwise agreed, the City shall: (1) provide adequate maintenance for the project in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S. Code, Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

**Section 5. Authority to Sign Agreements:** The City Administrator is hereby empowered on behalf of the City to enter into agreements with the Director of Transportation necessary to complete the above-described project.

**Section 6:** 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 7:** This Ordinance is declared to be an emergency measure necessary to preserve the health, safety, or welfare of the community for the reason that Council desires to expedite these highway improvements and enter into the proposed consent agreement with ODOT as soon as possible. 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 APPROVING CURRENT REPLACEMENT PAGES TO THE DEFIANCE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY

**WHEREAS**, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and,

**WHEREAS**, various statutes of a general and permanent nature have been passed by the Ohio General Assembly which should be included in the Codified Ordinances; and,

**WHEREAS**, the City has heretofore entered into a contract with the American Legal Publishing to prepare and publish such revision which is before Council;

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

**Section 1:** The ordinances of the City of Defiance, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2023 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

**Section 2:** The following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law:

### Traffic Code

- 303.081 Impounding Vehicles on Private Residential or Agricultural Property. (Amended)
- 303.082 Private Tow-Away Zones. (Amended)
- 303.083 Impounding Vehicles on Public Property. (Amended)
- 303.09 Leaving Junk and Other Vehicles on Private or Public Property Without Permission or Notification. (Amended)
- 303.991 Committing an Offense While Distracted Penalty. (Amended)
- 331.35 Occupying Travel Trailer, Fifth Wheel Vehicle or Manufactured or Mobile Home While in Motion. (Amended)
- 333.01 OVI; Willful Misconduct; Speed. (Amended)
- 333.03 Maximum Speed Limits; Assured Clear Distance Ahead. (Amended)
- 333.10 Electronic Wireless Communication Device Use Prohibited While Driving. (Amended)
- 335.07 Driving Under Suspension or License Restriction. (Amended)
- 335.071 Driving Under OVI Suspension. (Amended)
- 335.072 Driving Under Financial Responsibility Law Suspension or Cancellation; Driving Under a Nonpayment of Judgment Suspension. (Amended)
- 335.073 Driving Without Complying With License Reinstatement Requirements. (Amended)
- 335.074 Driving Under License Forfeiture or Child Support Suspension. (Amended)
- 337.10 Lights, Emblems, and Reflectors on Slow-Moving Vehicles, Farm Machinery, Agricultural Tractors, and Animal-Drawn Vehicles. (Amended)
- 337.16 Number of Lights; Limitations on Flashing, Oscillating or Rotating Lights. (Amended)
- 337.22 Windshield and Windshield Wiper; Sign or Poster Thereon. (Amended)
- 341.01 Commercial Drivers Definitions. (Amended)
- 351.04 Parking Near Curb; Handicapped Locations on Public and Private Lots and Garages. (Amended)

### General Offenses Code

- 501.01 General Provisions and Penalty Definitions. (Amended)
- 501.99 Penalties for Misdemeanors. (Amended)
- 505.071 Cruelty to Companion Animals. (Amended)
- 505.12 Coloring Rabbits or Baby Poultry; Sale or Display of Poultry. (Amended)
- 509.04 Disturbing a Lawful Meeting. (Amended)
- 509.12 Impeding Public Passage of an Emergency Service Responder. (Added)
- 513.01 Drug Abuse Control Definitions. (Amended)

General Offenses Code (Cont.)

- 513.03 Drug Abuse; Controlled Substance Possession or Use. (Amended)
- 513.04 Possessing Drug Abuse Instruments. (Amended)
- 513.12 Drug Paraphernalia. (Amended)
- 513.121 Marihuana Drug Paraphernalia. (Amended)
- 517.08 Raffles. (Amended)
- 521.06 Nonsmoking Areas in Places of Public Assembly. (Amended)
- 521.07 Spreading Contagion. (Added)
- 525.05 Failure to Report a Crime, Injury or Knowledge of Death. (Amended)
- 525.15 Assaulting Police Dog or Horse or an Assistance Dog. (Amended)
- 529.02 Sales to and Use By Underage Persons; Securing Public Accommodations. (Amended)
- 529.07 Open Container Prohibited. (Amended)
- 533.01 Obscenity and Sex Offenses Definitions. (Amended)
- 533.06 Voyeurism. (Amended)
- 533.08 Procuring; Engagement in Sexual Activity for Hire. (Amended)
- 537.03 Assault. (Amended)
- 537.06 Menacing. (Amended)
- 537.07 Endangering Children. (Amended)
- 537.15 Temporary Protection Order. (Amended)
- 545.05 Misdemeanor Theft. (Amended)
- 549.02 Carrying Concealed Weapons. (Amended)
- 549.04 Improperly Handling Firearms in a Motor Vehicle. (Amended)
- 549.10 Possessing Replica Firearm in School. (Amended)

**Section 3:** The complete text of the sections of the Codified Ordinances listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. The listing above of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

**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 there exists an imperative necessity for the earliest publication and distribution of current Replacement Pages to the officials and residents of the City, so as to facilitate administration, daily operation, and avoid practical and legal entanglements. 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