

**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 4, 2022  
OPENING COMMENTS – 7:00 P.M.

**SWEAR-INS**  
**COUNCIL PRESIDENT – DAVID McMASTER**  
**AT-LARGE – JOE EURESTE, STEVE WAXLER AND JILL KRUTSCH**

**PUBLIC HEARING:** Permanent rezoning of the following area:

Parcel number: I06-0023-0-002-00 located is part of the East half of the Southwest corner, Section 14, Town Four North, Range Four East in Noble Township, Defiance County, Ohio (including adjacent rights of way). Existing zoning classification for said lot is O-R “Office-Residential”. Recommended rezoning by the City of Defiance Planning Commission is B-3 “Highway and General Business District”.

**SPECIAL GUEST:** NONE

**FIRST READING:** AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A LEASE AGREEMENT FOR SURPLUS AGRICULTURAL LAND ADJACENT TO THE WATER POLLUTION CONTROL PLANT

**FIRST READING:** AN ORDINANCE AUTHORIZING THE LAW DIRECTOR TO EXECUTE THE PARTICIPATION AGREEMENT FOR A SETTLEMENT WITH JOHNSON & JOHNSON AND DECLARING AN EMERGENCY

**FIRST READING:** AN ORDINANCE AWARDDING A CONTRACT FOR THE CITY OF DEFIANCE, OHIO COMPREHENSIVE PLAN

**FIRST READING:** AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A LEASE AGREEMENT FOR SURPLUS AGRICULTURAL LAND ADJACENT TO THE MUNICIPAL RESERVOIR

**STUDY SESSION:** NONE

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

LIAISON ASSIGNMENTS	TIME P.M.	DATE (2022)	AGENDA
BUILDING & LANDS <b>KRUTSCH</b>	7:00	Tuesday - JANUARY	NO MEETING
ECONOMIC DEVELOPMENT <b>EURESTE</b>	7:00	Tuesday - JANUARY	NO MEETING
FINANCE & BUDGET <b>ENGEL</b>	7:00	Tuesday – JANUARY	NO MEETING
POLICE & FIRE <b>HANCOCK</b>	7:00	Tuesday - JANUARY	NO MEETING
PUBLIC RELATIONS <b>CORBITT</b>	7:00	Tuesday - JANUARY	NO MEETING
PUBLIC UTILITIES, GAS & LIGHTS <b>MAST</b>	7:00	Tuesday – JANUARY	NO MEETING
SEWER & SANITATION <b>WAXLER</b>	7:00	Tuesday – JANUARY	NO MEETING
STREETS & SIDEWALKS <b>EURESTE</b>	7:00	Tuesday - JANUARY	NO MEETING
WATERWORKS – SERVICE <b>ENGEL</b>	7:00	Tuesday – JANUARY	NO MEETING
TRAFFIC COMMISSION: <b>LEONARD.</b> Mayor. Cereghin. Shafer. Wilkins. Sprow. Waxler. Eureste. Krutsch	5:30	Tuesday – JANUARY	NO MEETING
BOARD OF CONTROL MEETING: <b>MAYOR.</b> 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 CITY ADMINISTRATOR TO ENTER INTO A LEASE AGREEMENT FOR SURPLUS AGRICULTURAL LAND ADJACENT TO THE WATER POLLUTION CONTROL PLANT**

**WHEREAS**, the City owns 37.1 acres of surplus property adjacent to the Water Pollution Control Plant that it has historically leased as farm land; and,

**WHEREAS**, the City has no immediate plans to improve this property or use it for non-agricultural municipal use in the immediate future; and,

**WHEREAS**, Council finds that retainage of fee simple ownership of this property for potential future use is in the public interest; and,

**WHEREAS**, the City Administrator caused advertisement for the lease of the property once per week for five consecutive weeks in the local newspaper of general circulation pursuant to Section 721.03, Ohio Revised Code; and,

**WHEREAS**, Kenny Theisen submitted the highest bid at \$5,550.00 per annum for three years;

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

**Section 1:** The City Administrator is authorized to lease the 37.1 acres of tillable land adjacent to the water storage reservoir to Kenny Theisen for a period of three years according to the terms established by the accepted proposal, to wit: cash rent of \$5,550.00 in 2022, 2023, and 2024.

**Section 2:** Council, by two-thirds vote, approves of the terms of the aforementioned lease agreement in their entirety.

**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: \_\_\_\_\_, 2022

\_\_\_\_\_  
President of Council

Votes in Favor of Adoption: \_\_\_\_\_

Votes Opposed to Adoption: \_\_\_\_\_

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

Approved: \_\_\_\_\_, 2022

\_\_\_\_\_  
Mayor

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE LAW DIRECTOR TO EXECUTE THE PARTICIPATION AGREEMENT FOR A SETTLEMENT WITH JOHNSON & JOHNSON AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Defiance, Ohio is a municipal corporation formed and organized pursuant to the Constitution and laws of the State of Ohio; and,

**WHEREAS**, the people of the State of Ohio and its communities have been harmed by the actions of certain entities within the pharmaceutical industry concerning opioid production and distribution; and,

**WHEREAS**, the State of Ohio, through its Attorney General, and certain local governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Johnson & Johnson accountable for the damage; and,

**WHEREAS**, the State of Ohio, through its Governor and Attorney General, and its local governments share a common desire to abate and alleviate the impacts of that damage; and,

**WHEREAS**, the State and its local governments, subject to completing formal documents effectuating the parties' agreements, have drafted a Participation Agreement regarding a potential settlement and resolution of this dispute, including the allocation of damages; and,

**WHEREAS**, Council wishes to agree to the material terms of the proposed Participation Agreement with the Settling Distributors (the "Proposed Settlement");

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

**Section 1:** Council hereby accepts the Participation Agreement on behalf of the City of Defiance, Ohio pursuant to its terms.

**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 is declared to be an emergency measure necessary to preserve the health, safety, or welfare of the community for the reason that Council desires the prompt pursuit of available funds to assist in abating the opioid epidemic throughout Ohio. 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: \_\_\_\_\_, 2022 \_\_\_\_\_  
President of Council

Votes in Favor of Adoption: \_\_\_\_\_  
Votes Opposed to Adoption: \_\_\_\_\_

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

Approved: \_\_\_\_\_, 2022 \_\_\_\_\_  
Mayor

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

**AN ORDINANCE AWARDED A CONTRACT FOR THE CITY OF  
DEFIANCE, OHIO COMPREHENSIVE PLAN**

**WHEREAS**, Council recognizes the need to adopt a comprehensive plan that balances the need for economic growth with the long-term aesthetic goals of the City; and,

**WHEREAS**, Section 151.04(e) of the Codified Ordinances of Defiance, Ohio exempts expenditures for professional and technical services from competitive bidding, provided that the City follows the qualifications-based selection process; and,

**WHEREAS**, City staff followed the above-referenced process and recommended Reveille, Ltd. as the most qualified firm based upon pre-established criteria and negotiated the contract price of \$149,500.00; and,

**WHEREAS**, Council finds that completion of this comprehensive plan will enable the City to modernize and update certain Codified Ordinances and implement a plan of action;

**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 the contract for professional services for the development of a comprehensive plan and for consulting services for the update of the Planning & Zoning Code with Reveille, Ltd. at the negotiated price of \$149,500.00 and according to the terms and specifications on file in the office of the Law Director.

**Section 2:** The Finance Director is authorized to pay the contract price from Section 1 from appropriated funds allocated by expenditure from Line 403-901-52-980872 of the 2022 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 shall be effective on the earliest date permitted by law.

Passed: \_\_\_\_\_, 2022

\_\_\_\_\_  
President of Council

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

Approved: \_\_\_\_\_, 2022

\_\_\_\_\_  
Mayor

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

**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A LEASE AGREEMENT FOR SURPLUS AGRICULTURAL LAND ADJACENT TO THE MUNICIPAL RESERVOIR**

**WHEREAS**, the City owns 98.9 acres of surplus property adjacent to the water storage reservoir that it has leased historically as farm land; and,

**WHEREAS**, the City has no immediate plans to improve this property or use it for non-agricultural municipal use in the immediate future; and,

**WHEREAS**, Council finds that retainage of fee simple ownership of this property for potential future use is in the public interest; and,

**WHEREAS**, the City Administrator caused advertisement for the lease of the property once per week for five consecutive weeks in the local newspaper of general circulation pursuant to Section 721.03, Ohio Revised Code; and,

**WHEREAS**, Singer Farms, LLC submitted the highest bid at \$15,000.00 per annum for three years;

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

**Section 1:** The City Administrator is authorized to lease the 98.9 acres of tillable land adjacent to the water storage reservoir to Singer Farms, LLC for a period of three years according to the terms established by the accepted proposal, to wit: cash rent of \$15,000.00 in 2022, 2023, and 2024.

**Section 2:** Council, by two-thirds vote, approves of the terms of the aforementioned lease agreement in their entirety.

**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.

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Votes in Favor of Adoption: \_\_\_\_\_

Votes Opposed to Adoption: \_\_\_\_\_

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

Approved: \_\_\_\_\_, 2022

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Mayor