

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 FEBRUARY 23, 2021
OPENING COMMENTS – 7:00 P.M.

PUBLIC HEARING:

REZONING REQUEST-1076/1078 HOLGATE AVENUE, R-3, MEDIUM TO HIGH DENSITY RESIDENCE DISTRICT TO B-3, HIGHWAY AND GENERAL BUSINESS DISTRICT, CARMINE TREMANTE, NEIGHBORING PROPERTY OWNER

REZONING REQUEST-379-1196 MAUMEE RIVER CROSSING DRIVE, B-3, HIGHWAY AND GENERAL BUSINESS DISTRICT TO R-2, MEDIUM DENSITY RESIDENCE DISTRICT

SPECIAL GUEST: NONE

SECOND READING AS AMENDED: AN ORDINANCE AUTHORIZING THE USE OF CARES ACT FUNDING TO PROVIDE ECONOMIC ASSISTANCE TO THE DEFIANCE AREA YMCA AS AMENDED

FIRST READING: AN ORDINANCE AUTHORIZING A THREE-YEAR ELECTRIC AGGREGATION SERVICE AGREEMENT WITH ENERGY HARBOR AND DECLARING AN EMERGENCY

FIRST READING: AN ORDINANCE AUTHORIZING AN APPLICATION FOR THE 2021 COOPERATIVE BOATING FACILITY GRANT AND DECLARING AN EMERGENCY

FIRST READING: AN ORDINANCE AWARDED A CONTRACT FOR THE PURCHASE OF PLAYGROUND EQUIPMENT FOR BRONSON PARK

FIRST READING: AN ORDINANCE AWARDED A CONTRACT FOR THE INSTALLATION OF PLAYGROUND EQUIPMENT FOR BRONSON PARK

FIRST READING: AN ORDINANCE AMENDING THE DISTRICT MAP TO REZONE PROPERTY LOCATED AT THE RIVER'S EDGE CONDOMINIUM IN NOBLE TOWNSHIP FROM B-3, HIGHWAY AND GENERAL BUSINESS DISTRICT TO R-2, MEDIUM DENSITY RESIDENCE DISTRICT

FIRST READING: AN ORDINANCE AMENDING THE DISTRICT MAP TO REZONE PROPERTY LOCATED IN THE LOTS BETWEEN THE MAUMEE AND AUGLAIZE RIVER IN DEFIANCE TOWNSHIP FROM R-3, MEDIUM TO HIGH DENSITY RESIDENCE DISTRICT TO B-3, HIGHWAY AND GENERAL BUSINESS DISTRICT

STUDY SESSION: NONE

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

| LIAISON ASSIGNMENTS | TIME P.M. | DATE (2021) | AGENDA |
|---|-----------|--------------------|------------|
| BUILDING & LANDS KRUTSCH | 7:00 | Tuesday - FEBRUARY | NO MEETING |
| ECONOMIC DEVELOPMENT EURESTE | 7:00 | Tuesday - FEBRUARY | NO MEETING |
| FINANCE & BUDGET ENGEL | 7:00 | Tuesday - FEBRUARY | NO MEETING |
| POLICE & FIRE HANCOCK | 7:00 | Tuesday - FEBRUARY | NO MEETING |
| PUBLIC RELATIONS CORBITT | 7:00 | Tuesday - FEBRUARY | NO MEETING |
| PUBLIC UTILITIES, GAS & LIGHTS MAST | 7:00 | Tuesday - FEBRUARY | NO MEETING |
| SEWER & SANITATION WAXLER | 7:00 | Tuesday - FEBRUARY | NO MEETING |
| STREETS & SIDEWALKS EURESTE | 7:00 | Tuesday - FEBRUARY | NO MEETING |

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|--|--|------------------------|---|
| WATERWORKS – SERVICE ENGEL | 7:00 | Tuesday – FEBRUARY | NO MEETING |
| TRAFFIC COMMISSION: LEONARD. Mayor. Cereghin. Shafer. Wilkins. Sprow. Waxler. Eureste. Krutsch | 5:00 | Tuesday – FEBRUARY | 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 USE OF CARES ACT FUNDING TO PROVIDE ECONOMIC ASSISTANCE TO THE DEFIANCE AREA YMCA AS AMENDED

WHEREAS, the United States Congress passed the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) in response to the COVID-19 pandemic of 2020, and

WHEREAS, the CARES Act made federal funds available to the municipal government to mitigate economic harm inflicted by the pandemic, and

WHEREAS, CARES Act guidelines provide that eligible expenditures may include those related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures in response to the pandemic, and

WHEREAS, the Defiance Area YMCA has requested assistance to alleviate the economic hardship it has faced in its Child Care Program due to local business closures, local layoffs, and more parents working from home, and

WHEREAS, Council finds that allocation of \$30,000 to the use of the YMCA’s Child Care Program will help sustain its operation and is in keeping with the above stated federal objectives;

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

Section 1. The Finance Director is authorized to make payment to the Defiance Area YMCA in the amount of \$30,000 from available CARES Act funding in the City’s Local Coronavirus Relief Fund (Fund 230), and said funds are hereby appropriated for that purpose.

Section 2. The YMCA is to use said funds in direct support of its Child Care Program, and representatives of the YMCA are asked to attend a future meeting of the Council to report on the specific ways the funds were used to help sustain it.

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 in full force and effect from and after the earliest date permitted by law.

Passed: _____, 2021 _____
President of Council

Votes in Favor of Adoption: _____
Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2021 _____
Mayor

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A THREE-YEAR ELECTRIC AGGREGATION SERVICE AGREEMENT WITH ENERGY HARBOR AND DECLARING AN EMERGENCY

WHEREAS, R.C. §4928.20(A) authorizes the legislative authority of a municipal corporation to adopt an ordinance that aggregates the retail electrical loads located, respectively, within the municipal corporation and enter into service agreements to facilitate for those loads the sale and purchase of electricity; and,

WHEREAS, the current electric aggregation service agreement with Energy Harbor (formerly First Energy Solutions) expires on April 30, 2021; and,

WHEREAS, the City's electric aggregation consultant, Palmer Energy Company, negotiated a three-year proposal with Energy Harbor at a discounted rate of \$0.0479 per kilowatt-hour for both residential and commercial customers; and,

WHEREAS, the current electricity market is in flux and difficult to predict, creating an advantage for municipalities to enter into long-term service agreements; and,

WHEREAS, Council finds this rate to be competitive and that prompt execution of a service agreement is necessary in order to secure this rate for City residents and businesses;

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 an electric aggregation service agreement with Energy Harbor for a term not to exceed three years at a rate of \$0.0479 per kilowatt-hour for residential and commercial customers pursuant to R.C. §4928.20(A).

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 immediate entry of a service agreement is essential before electricity rates change. 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: _____, 2021

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2021

Mayor

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AN APPLICATION FOR THE 2021 COOPERATIVE BOATING FACILITY GRANT AND DECLARING AN EMERGENCY

WHEREAS, the State of Ohio, through the Ohio Department of Natural Resources ("ODNR") Waterways Safety Fund, administers financial assistance to promote public boating access; and,

WHEREAS, the City of Defiance plans to repave the reservoir parking lot in 2022; and,

WHEREAS, Council desires financial reimbursement under the Cooperative Boating Facility Grant Program;

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

Section 1: Council approves of the filing of an application for Cooperative Boating Facility Grant financial assistance up to the full cost of the project.

Section 2: The City Administrator is directed to file and execute an application with ODNR, to provide all information and documentation required to be eligible for possible financial assistance, and to execute any grant agreements with ODNR should the City obtain the grant.

Section 3: Council agrees that it has and will obligate the funds required to satisfactorily complete the project under the terms and conditions of the Cooperative Agreement if ODNR accepts the project for financial assistance.

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 ODNR accepts and awards grant applications on a rolling basis. Prompt submission of the application will increase the chances of an award. 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: _____, 2021

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2021

Mayor

Ordinance No. _____

**AN ORDINANCE AWARDED A CONTRACT FOR THE PURCHASE OF
PLAYGROUND EQUIPMENT FOR BRONSON PARK**

WHEREAS, an appropriation of \$55,043.00 is necessary for the purchase of new playground equipment for Bronson Park; and,

WHEREAS, the City met the competitive bidding requirement contained in Section 151.03 of the Codified Ordinances of Defiance, Ohio through the State of Ohio Cooperative Purchasing Program, of which the proposed vendor, Landscape Structures, Inc. is a participant; and,

WHEREAS, Council finds that the purchase of new playground equipment for Bronson Park is necessary to replace aging and outdated equipment and improve the quality of life for residents;

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 Landscape Structures, Inc. for the purchase of playground equipment in the amount of \$55,043.00 and according to the specifications from the proposal dated February 5, 2021.

Section 2: The Finance Director is authorized to pay the purchase price from appropriated funds allocated for expenditure by Line 403-901-5-2-978050 of the 2021 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: _____, 2021

President of Council

Attest: _____, Clerk

Approved: _____, 2021

Mayor

Ordinance No. _____

AN ORDINANCE AWARDDING A CONTRACT FOR THE INSTALLATION OF PLAYGROUND EQUIPMENT FOR BRONSON PARK

WHEREAS, an appropriation of \$28,618.00 is necessary for the installation of new playground equipment for Bronson Park; and,

WHEREAS, Penchura, L.L.C. of Brighton, MI submitted a proposal to install the newly-purchased playground equipment, including the cost of freight, for \$28,618.00; and,

WHEREAS, Councils finds that the installation of the new playground equipment for Bronson Park will improve the health and wellness and quality of life for City residents;

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 Penchura, L.L.C. for the installation of playground equipment in the amount of \$28,618.00 and according to the specifications from the proposal dated February 5, 2021.

Section 2: The Finance Director is authorized to pay the purchase price from appropriated funds allocated for expenditure by Line 403-901-5-2-978050 of the 2021 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: _____, 2021

President of Council

Attest: _____, Clerk

Approved: _____, 2021

Mayor

Ordinance No. _____

**AN ORDINANCE AMENDING THE DISTRICT MAP TO REZONE
PROPERTY LOCATED AT THE RIVER'S EDGE CONDOMINIUM IN
NOBLE TOWNSHIP FROM B-3, HIGHWAY AND GENERAL BUSINESS
DISTRICT TO R-2, MEDIUM DENSITY RESIDENCE DISTRICT**

WHEREAS, the property owner of the addresses at 379 through 1196 Maumee River Crossing Drive and identified by Permanent Parcel Numbers on the survey attached as "Exhibit A" filed a petition seeking a zoning map amendment from B-3, Highway and General Business District to an R-2, Medium Density Residence District; and,

WHEREAS, the Planning Commission caused proper notice of the requested change 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 February 23, 2021 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 parcels in achieving their 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 the permanent parcel numbers identified in "Exhibit A" is hereby zoned R-2, Medium Density Residence 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.

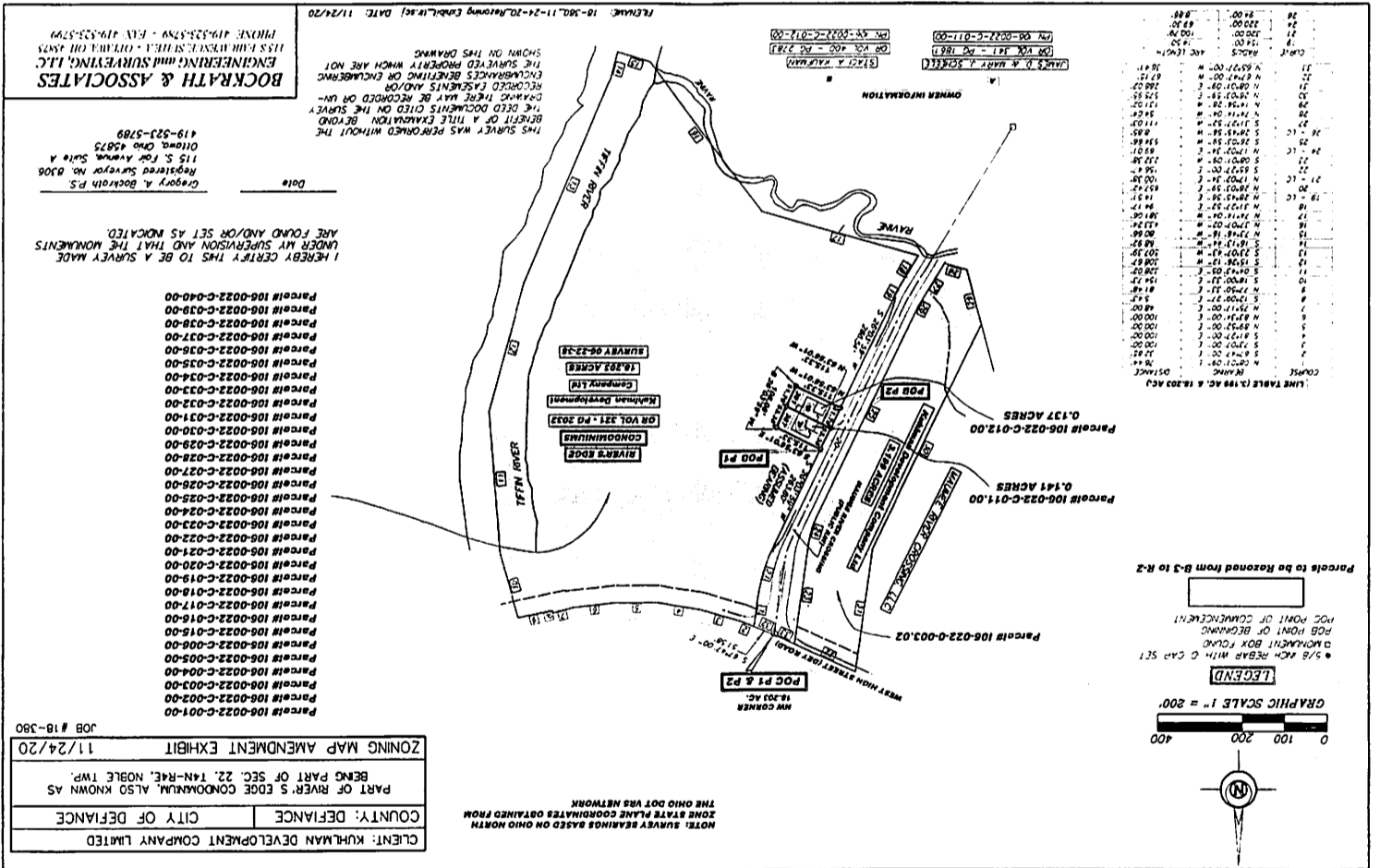
Passed: _____, 2021

President of Council

Attest: _____, Clerk

Approved: _____, 2021

Mayor



Ordinance No. _____

AN ORDINANCE AMENDING THE DISTRICT MAP TO REZONE PROPERTY LOCATED IN THE LOTS BETWEEN THE MAUMEE AND AUGLAIZE RIVER IN DEFIANCE TOWNSHIP FROM R-3, MEDIUM TO HIGH DENSITY RESIDENCE DISTRICT TO B-3, HIGHWAY AND GENERAL BUSINESS DISTRICT

WHEREAS, the property owner of the addresses at 1076 and 1078 Holgate Avenue and Permanent Parcel Numbers B01-1054-00-0900-00 and B01-1054-00-0800-00 filed a petition seeking a zoning map amendment from an R-3, Medium to High Density Residence District to a B-3, Highway and General Business District; and,

WHEREAS, the Planning Commission caused proper notice of the requested change 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 February 23, 2021 to consider the recommendation of the Planning Commission and heard public comment to the proposed zoning change; and,

WHEREAS, Council concurs with the recommendation of the Planning Commission and finds the map amendment to aid the parcels in achieving their 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 B01-1054-00-0900-00 and B01-1054-00-0800-00 is hereby zoned B-3, Highway and General Business 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: _____, 2021

President of Council

Attest: _____, Clerk

Approved: _____, 2021

Mayor



ITEM 2: REZONING REQUEST
PROJECT LOCATION: 1076/1078 HOLGATE AVENUE, DEFIANCE, OH 43512.
APPLICANT: JENNIFER LOOSE, 926 HOLGATE AVENUE, DEFIANCE, OH 43512

Parcel numbers: B01-1054-00-0900-00 and B01-1054-00-0800-00 located in lots between Maume and Auglaize Lot 22 PT S PT of Defiance Township, Defiance County, OH. Applicant is requesting to rezone this area from R-3: Medium to High Density Residence District to B-3: Highway and General Business District.