

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

PUBLIC HEARING: NONE

SPECIAL GUEST: NONE

FIRST READING: AN ORDINANCE AUTHORIZING THE EXPANSION OF THE DEFIANCE OUTDOOR REFRESHMENT AREA MAKING CERTAIN FINDINGS AND DETERMINATIONS, AND ENACTING REGULATIONS TO THAT EFFECT

FIRST READING: AN ORDINANCE AMENDING ORDINANCE NOS. 8208 AND 8279 BY APPROVING A SECOND CHANGE ORDER TO AN ENGINEERING SERVICES CONTRACT AND DECLARING AN EMERGENCY

FIRST READING: AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY ON WEST RIVER DRIVE

FIRST READING: AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY ON DOMERSVILLE ROAD

FIRST READING: AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO CONTRACT FOR THE RESURFACING OF BRONSON PARK, KINGSBURY PARK, AND RIVERSIDE CEMETERY AND DECLARING AN EMERGENCY

FIRST READING: AN ORDINANCE AUTHORIZING A CONTRACT FOR THE 2021 STREET RESURFACING PROGRAM AND DECLARING AN EMERGENCY

STUDY SESSION: NONE

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

LIAISON ASSIGNMENTS	TIME P.M.	DATE (2021)	AGENDA
BUILDING & LANDS <b>KRUTSCH</b>	7:00	Tuesday - MARCH	NO MEETING
ECONOMIC DEVELOPMENT <b>EURESTE</b>	7:00	Tuesday - MARCH	NO MEETING
FINANCE & BUDGET <b>ENGEL</b>	7:00	Tuesday – MARCH	NO MEETING
POLICE & FIRE <b>HANCOCK</b>	7:00	Tuesday - MARCH	NO MEETING
PUBLIC RELATIONS <b>CORBITT</b>	7:00	Tuesday - MARCH	NO MEETING
PUBLIC UTILITIES, GAS & LIGHTS <b>MAST</b>	7:00	Tuesday – MARCH	NO MEETING
SEWER & SANITATION <b>WAXLER</b>	7:00	Tuesday – MARCH	NO MEETING
STREETS & SIDEWALKS <b>EURESTE</b>	7:00	Tuesday - MARCH	NO MEETING
WATERWORKS – SERVICE <b>ENGEL</b>	7:00	Tuesday – MARCH	NO MEETING
TRAFFIC COMMISSION: <b>LEONARD.</b> Mayor. Cereghin. Shafer. Wilkins. Sprow. Waxler. Eureste. Krutsch	5:00	Tuesday – MARCH	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 EXPANSION OF THE DEFIANCE OUTDOOR REFRESHMENT AREA, MAKING CERTAIN FINDINGS AND DETERMINATIONS, AND ENACTING REGULATIONS TO THAT EFFECT**

**WHEREAS**, Section 4301.82(D)(3)(b) of the Ohio Revised Code authorizes municipal corporations with a population of thirty-five thousand (35,000) or less to designate within their corporate limits outdoor refreshment areas for the purpose of complimenting the cultural and economic vitality of the designated area composed of one hundred fifty (150) or fewer contiguous acres; and,

**WHEREAS**, Outdoor refreshment areas allow individuals, subject to local time and place regulations, to possess and consume alcoholic beverages in designated places, provided that the beverage is purchased from qualified permitted premises within the area and in pre-approved containers; and,

**WHEREAS**, the Board of Directors, leadership, and members of the Defiance Development and Visitors' Bureau ("D.D.V.B.") petitioned Council for an expansion of the prior authorized outdoor refreshment area known as the Defiance Outdoor Refreshment Area ("D.O.R.A."). The petition reflects the nature and types of establishments that will be located within the area. The proposed area and land use is consistent with the B-2 Central Business District and the proposed hours of operation and rules will ensure the public health, safety, and welfare within the area; and,

**WHEREAS**, Council established the "Defiance Outdoor Refreshment Area" in Ordinance No. 8128 on May 14, 2019; and,

**WHEREAS**, Section 4301.82(B) expressly authorizes the expansion of an existing outdoor refreshment area under the same procedures that the municipal corporation utilized to create the D.O.R.A.; and,

**WHEREAS**, Section 4301.82(F)(1) of the Ohio Revised Code requires the legislative authority of a municipal corporation to establish requirements that it determines necessary to ensure the public health and safety within the area; and,

**WHEREAS**, Section 4301.82(F)(2) of the Ohio Revised Code requires the legislative authority of the municipal corporation to give notice of the proposed action in one (1) newspaper of general circulation in the municipal corporation; and,

**WHEREAS**, the outdoor refreshment area application ("application") as submitted includes the premises of the permit holders at the street addresses on Exhibit A, along with the permit holders located at the street addresses listed in Section 3.1 of the application, and meets the requirements of Section 4301.82(B)(1-5); and,

**WHEREAS**, Council finds that expansion of the D.O.R.A. promotes the Culture and Education and Perception Pillars of the Defiance Community Strategic Plan by enabling more establishments to take advantage of the benefits and by incorporating the downtown riverfront into the designated area;

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

**Section 1:** Pursuant to Section 4301.82 of the Ohio Revised Code, Council hereby expands designated the "Defiance Outdoor Refreshment Area" with the boundaries of the area, including the street addresses, described in the First Amendment to the Defiance Outdoor Refreshment Area attached hereto as Exhibit A and incorporated herein.

**Section 2:** The Council of the City of Defiance, Ohio, for the purpose to ensure the public health and safety within the area, finds that the following conditions are identified in Exhibit A and incorporated herein:

1. The number, spacing, and type of signage designating the area;
2. The hours of operation for the area;
3. The number of personnel needed to ensure public safety in the area;
4. A sanitation plan that will maintain the appearance and public health of the area; and
5. The number of personnel needed to execute the sanitation plan.

**Section 3:** All beer and intoxicating liquor within the expanded area shall be served solely in new, unused official D.O.R.A. cups.

**Section 4:** Council gave notice of the establishment of the D.O.R.A. by publication in one (1) newspaper of general circulation in the municipal corporation prior to adoption of this Ordinance pursuant to Section 4301.82(F)(2) of the Ohio Revised Code.

**Section 5:** The Clerk of Council shall provide notice of the public health and safety requirements to the Ohio Department of Commerce, Division of Liquor Control and to the investigative unit of the Ohio Department of Public Safety pursuant to Section 4301.82(F)(3) of the Ohio Revised Code

**Section 6:** The area shall encompass no fewer than four (4) qualified liquor permit holders identified in Section 3.1 of Exhibit A by business name, address, liquor permit type, and liquor permit number.

**Section 7:** The hours of operation of the D.O.R.A. contained in Section 4.0 of Exhibit A may be limited during special events.

**Section 8:** The sanitation plan contained in Section 6.0 of Exhibit A will help maintain the appearance and public health of the area and is hereby approved pursuant to Section 4301.82(F)(1)(e-f).

**Section 9:** The Buildings and Lands Liaison to Council shall meet with the City Administration in regularly scheduled meetings to review the security requirements of the D.O.R.A. and to ensure the maintenance of public health and safety.

**Section 10:** 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 11:** 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 ORDINANCE NOS. 8208 AND 8279 BY APPROVING A SECOND CHANGE ORDER TO AN ENGINEERING SERVICES CONTRACT AND DECLARING AN EMERGENCY**

**WHEREAS**, Council approved the award of an engineering services contract to Strand Associates, Inc. ("Strand") in Ordinance No. 8208 on March 10, 2020 in order to help the City prepare its Integrated Watershed Improvement Plan ("IWIP") submission to the Ohio Environmental Protection Agency ("OEPA") by November 1, 2021; and,

**WHEREAS**, Council approved an amendment to that engineering services contract to include asset risk ranking in the IWIP submission in Ordinance No. 8279 on February 2, 2021; and,

**WHEREAS**, the submission of a satisfactory IWIP is necessary to comply with the Second Amended Consent Order that the City entered into with OEPA on February 28, 2020; and,

**WHEREAS**, Strand identified the need for model scenarios to evaluate the use of CSO control alternatives to reduce overflows; and,

**WHEREAS**, the comparison of the model scenarios with recent flow monitoring data will aid the City in improving water quality; and,

**WHEREAS**, the change order request for this addition to the engineering services contract is for an additional \$55,000.00;

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

**Section 1:** The total amount approved for expenditure in Section 1 of Ordinance Nos. 8208 and 8279 is hereby amended to reflect a total cost of \$485,300.00.

**Section 2:** The City Administrator is directed to execute the proposed change order with Strand on file with the City Engineer in the amount of \$55,000.00.

**Section 3:** The Finance Director is authorized to pay the change order amount of \$55,000.00 from Line 589-540-52-977015 of the 2021 annual budget.

**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 time is of the essence to assemble the data for the November 1, 2021 IWIP submission deadline. 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 THE ACQUISITION OF REAL PROPERTY ON WEST RIVER DRIVE

**WHEREAS**, the City desires to acquire four parcels identified as permanent parcel nos. B01-3123-0-005-00, B01-3123-0-004-00, B01-3124-0-021-00, and B01-3124-0-020-00 along the north bank of the Maumee River on West River Drive; and,

**WHEREAS**, Section 3.01 of the City Charter gives Council the authority to purchase property; and,

**WHEREAS**, the current owner of the four parcels offered to sell the property for \$20,000.00; and,

**WHEREAS**, Council finds that the acquisition of this property will enable the City to further develop the riverfront west of the Purple Heart Bridge and afford more recreational and conservational benefits to residents and visitors;

**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 the owner of 0.52 acres of real property located at West River Drive and identified as permanent parcel nos. B01-3123-0-005-00, B01-3123-0-004-00, B01-3124-0-021-00, and B01-3124-0-020-00 for a purchase price of \$20,000.00.

**Section 2:** The conveyance of a general warranty deed from the real property owner is hereby accepted.

**Section 3:** The Finance Director is authorized to pay the purchase price in Section 1, plus any of its share of settlement charges, closing costs, title insurance premiums, and prorated real property taxes to the date of closing from Line 403-901-52-979036 of the 2021 annual budget.

**Section 4:** All municipal officers are authorized to take such actions as may be necessary or appropriate to secure marketable title to the real property and record the ownership interest of the municipality with the Recorder of Defiance County, Ohio.

**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 shall be effective on the earliest date permitted by law.

Passed: \_\_\_\_\_, 2021 \_\_\_\_\_  
President of Council

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

Approved: \_\_\_\_\_, 2021 \_\_\_\_\_  
Mayor

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

## AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY ON DOMERSVILLE ROAD

**WHEREAS**, the City desires to purchase 44.54 acres on Domersville Road and identified as permanent parcel no. J05-0019-A-001-01 in an attempt to incorporate this property into its Integrated Watershed Improvement Plan ("IWIP") approved by the Ohio Environmental Protection Agency ("OEPA"); and,

**WHEREAS**, Governor Mike DeWine created the H2Ohio program and the Ohio General Assembly appropriated funds for local governments to acquire strategic properties, the conservation of which will help reduce phosphorous runoff and prevent harmful algal blooms in the Maumee River Watershed; and,

**WHEREAS**, the Ohio Department of Natural Resources ("ODNR") administers this program and will reimburse the City for the full cost of this acquisition; and,

**WHEREAS**, the property owner offered to sell the property at \$5,000.00 per acre for a total of \$222,700.00; and,

**WHEREAS**, Section 3.01 of the City Charter gives Council the authority to purchase property; and,

**WHEREAS**, Council finds that acquisition of this property will aid the City in its watershed-based approach to improving the quality of its rivers and natural resources;

**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 the owner of 44.54 acres of real property located at Domersville Road and identified as permanent parcel no. J05-0019-A-001-01 for a purchase price of \$222,700.00, contingent upon full execution of a Grant Agreement with ODNR and funding from the H2Ohio program.

**Section 2:** The conveyance of a general warranty deed from the real property owner is hereby accepted.

**Section 3:** The Finance Director is authorized to pay the purchase price in Section 1, plus any of its share of settlement charges, closing costs, title insurance premiums, and prorated real property taxes to the date of closing, from Line 590-540-52-980880 of the 2021 annual budget for which a supplemental appropriation is hereby made.

**Section 4:** All municipal officers are authorized to take such actions as may be necessary or appropriate to secure marketable title to the real property and record the ownership interest of the municipality with the Recorder of Defiance County, Ohio.

**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 shall be effective on the earliest date permitted by law.

Passed: \_\_\_\_\_, 2021 \_\_\_\_\_  
President of Council

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

Approved: \_\_\_\_\_, 2021 \_\_\_\_\_  
Mayor

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

**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO CONTRACT FOR THE RESURFACING OF BRONSON PARK, KINGSBURY PARK, AND RIVERSIDE CEMETERY AND DECLARING AN EMERGENCY**

**WHEREAS**, Bronson Park, Kingsbury Park, and Riverside Cemetery require routine maintenance that includes repair and replacement of portions of the sidewalks and driveways; and,

**WHEREAS**, the lowest and best bid was submitted by Ward Construction Co. of Leipsic, Ohio on March 9, 2021 at the price of \$225,166.45; and,

**WHEREAS**, Council finds that this resurfacing project will promote the Culture and Education and Health and Wellness Pillars of the Defiance Community Strategic Plan by encouraging the use and accessibility of City parks and the cemetery;

**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 Ward Construction Co. to resurface the asphalt at Bronson Park, Kingsbury Park, and Riverside Cemetery and to provide other services in conformity with the methods and materials established by the successful bid dated March 9, 2021 and at the bid price of \$225,166.45.

**Section 2:** The Finance Director is authorized to pay the costs of the contract authorized by Section 1 from the following line items of the 2021 annual budget:

- Line 403-901-52-978061: \$132,290.95
- Line 403-901-52-978081: \$92,875.50

**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 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 A CONTRACT FOR THE 2021 STREET RESURFACING PROGRAM AND DECLARING AN EMERGENCY**

**WHEREAS**, the City identified the necessity for the periodic resurfacing of select streets in 2021; and,

**WHEREAS**, Gerken Paving, Inc. of Napoleon, OH submitted the lowest and best bid of \$790,313.12 for the project; and,

**WHEREAS**, the successful bidder submitted alternate bids for the resurfacing of the four additional streets of Perry Street, First Street, Second Street, and Fifth Street apart from the planned annual resurfacing totaling another \$331,181.70; and,

**WHEREAS**, Council finds it necessary to maintain City streets and resurface additional streets to provide a reliable transportation network for its 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 award a contract to Gerken Paving, Inc. to complete the 2021 City Street Resurfacing Project No. 2101 according to the specifications on file with the City Engineer and according to the successful bid dated March 2, 2021 at the total price of \$1,121,494.82.

**Section 2:** The Finance Director is authorized to pay the contract price from Section from appropriated funds allocated by expenditure from Line 403-901-52-980874 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 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 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