

**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 6, 2021  
OPENING COMMENTS – 7:00 P.M.

PUBLIC HEARING: NONE

SPECIAL GUEST: NONE

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

FIRST READING: AN ORDINANCE AUTHORIZING A CONTRACT FOR THE RECONSTRUCTION OF THE OTTAWA AVENUE AND CLEVELAND AVENUE INTERSECTION AND DECLARING AN EMERGENCY

FIRST READING: AN ORDINANCE AUTHORIZING A CONTRACT FOR THE CONSTRUCTION OF PICKLEBALL COURTS AT KINGSBURY PARK AND DECLARING AN EMERGENCY

FIRST READING: AN ORDINANCE DIRECTING THE CITY ADMINISTRATOR TO SUBMIT A REVOLVING LOAN FUND WAIVER REQUEST FOR THE DEMOLITION OF THE STRUCTURE ON THE 100 BLOCK OF CLINTON STREET AND DECLARING AN EMERGENCY

FIRST READING: AN ORDINANCE AUTHORIZING A CONTRACT FOR CONTINUED MONITORING OF FLOW METERS THROUGHOUT THE CITY SEWER SYSTEM

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 - APRIL	NO MEETING
ECONOMIC DEVELOPMENT <b>EURESTE</b>	7:00	Tuesday - APRIL	NO MEETING
FINANCE & BUDGET <b>ENGEL</b>	7:00	Tuesday - APRIL	NO MEETING
POLICE & FIRE <b>HANCOCK</b>	7:00	Tuesday - APRIL	NO MEETING
PUBLIC RELATIONS <b>CORBITT</b>	7:00	Tuesday - APRIL	NO MEETING
PUBLIC UTILITIES, GAS & LIGHTS <b>MAST</b>	7:00	Tuesday - APRIL	NO MEETING
SEWER & SANITATION <b>WAXLER</b>	7:00	Tuesday - APRIL	NO MEETING
STREETS & SIDEWALKS <b>EURESTE</b>	7:00	Tuesday - APRIL	NO MEETING
WATERWORKS – SERVICE <b>ENGEL</b>	7:00	Tuesday - APRIL	NO MEETING
TRAFFIC COMMISSION: <b>LEONARD.</b> Mayor. Cereghin. Shafer. Wilkins. Sprow. Waxler. Eureste. Krutsch	5:00	Tuesday - APRIL	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 AUTHORIZING A CONTRACT FOR THE RECONSTRUCTION OF THE OTTAWA AVENUE AND CLEVELAND AVENUE INTERSECTION AND DECLARING AN EMERGENCY**

**WHEREAS**, the City identified the necessity for improving the intersection of Ottawa Avenue (State Route 15) and Cleveland Avenue due to the dangers of a two-way stop; and,

**WHEREAS**, Vernon Nagel, Inc. of Napoleon, OH submitted the lowest and best bid of \$2,421,699.17 for the project, along with alternate bids for lighting improvements; and,

**WHEREAS**, the proposed project includes a roundabout intersection and pedestrian upgrades that connect the Spring Meadows and East Side neighborhoods to other points of interest in the City; and,

**WHEREAS**, Council finds it necessary to maintain City streets and resurface additional streets to provide a reliable transportation network for 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 Vernon Nagel, Inc. to complete the Cleveland Avenue Ottawa Avenue Intersection Roundabout Project No. 1526 according to the specifications on file with the City Engineer and according to the successful bid, including alternate bids, dated March 9, 2021 and at the total price of \$2,421,699.17.

**Section 2:** The Finance Director is authorized to pay the contract price from Section 1 from appropriated funds allocated by expenditure from the following budgetary line items of the 2021 annual budget:

- \$2,137,933.17 from Line 403-901-52-978105; and
- \$283,766.00 from Line 591-538-52-980880.

**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 CONSTRUCTION OF PICKLEBALL COURTS AT KINGSBURY PARK AND DECLARING AN EMERGENCY**

**WHEREAS**, the City desires to convert the tennis courts at Kingsbury Park into courts dedicated for the game of Pickleball; and,

**WHEREAS**, the City solicited a bid from the Maumee Bay Turf Center to convert these courts for \$110,874.00; and,

**WHEREAS**, the vendor is a member of the TIPS-USA cooperative purchasing program, thereby satisfying the competitive bidding requirements contained in §151.03(a) of the Codified Ordinances of Defiance, Ohio; and,

**WHEREAS**, private fundraisers contributed approximately \$70,000.00 in donations for this facility; and,

**WHEREAS**, Council finds that this project will support the Health and Wellness Pillar of the Defiance Community Strategic Plan by enhancing recreational opportunities 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 award a contract to Maumee Bay Turf Center to install six (6) Pickleball Courts at Kingsbury Park at the total price of \$110,874.00 according to the quote on file in the office of the City Engineer.

**Section 2:** The Finance Director is authorized to pay the total contract price from Section 1 from appropriated funds allocated by expenditure from Line 403-901-52-978040 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 the City and the private donors wish to complete construction of the facility during the 2021 construction season. Any delay would risk the timely completion of this project. 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 DIRECTING THE CITY ADMINISTRATOR TO SUBMIT A REVOLVING LOAN FUND WAIVER REQUEST FOR THE DEMOLITION OF THE STRUCTURE ON THE 100 BLOCK OF CLINTON STREET AND DECLARING AN EMERGENCY**

**WHEREAS**, the City plans to demolish the structure on the 100 block of Clinton Street; and,

**WHEREAS**, the architect's estimate to demolish the structure was more expensive than anticipated due to the need for a parapet wall to support the existing wall of the neighboring business; and,

**WHEREAS**, the architect's estimate for the entire project is a total cost of \$280,973.00; and,

**WHEREAS**, the Ohio Emergency Management Agency ("OEMA") demolition grant will not cover the full cost of this demolition;

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

**Section 1:** The City Administrator is directed to petition the Ohio Development Services Agency ("ODSA") for a waiver to apply up to \$100,000.00 from the Revolving Loan Fund to aid with the cost of demolition of the structure on the 100 block of Clinton Street.

**Section 2:** The Council Clerk is instructed to issue a certified copy of this Ordinance with any offices, parties, and agencies in line with this action.

**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 time is of the essence to bid the project and demolish the structure during the 2021 construction season. 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 A CONTRACT FOR CONTINUED MONITORING OF FLOW METERS THROUGHOUT THE CITY SEWER SYSTEM**

**WHEREAS**, the City contracted with Emnet for continued monitoring of flow meters within the City sewer system most recently in Ordinance No. 8207 on March 10, 2021; and,

**WHEREAS**, Xylem Vue acquired Emnet recently and is now the company responsible for Emnet equipment; and,

**WHEREAS**, the City has sensor sites throughout the area within its boundaries; and,

**WHEREAS**, Xylem Vue submitted a quote to continue these monitoring and maintenance services for ten (10) months for \$51,978.00; and,

**WHEREAS**, real time reports from this system will aid the City Administration in negotiations with the Ohio Environmental Protection Agency ("OEPA") on the new Integrated Watershed Improvement Plan; and,

**WHEREAS**, Council finds that this expenditure promotes the Health and Wellness Pillar of the Defiance Community Strategic Plan and may prevent the City from incurring additional penalties from the OEPA;

**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 ten-month contract with Xylem Vue to provide monitoring and data management services, including maintenance visits throughout the contract period and cellular service to ten (10) level sensor sites, described by the March 30, 2021 quote and on file in the office of the Law Director at the quoted price of \$51,978.00.

**Section 2:** The Finance Director shall pay the contract price from Section 1 from appropriated funds allocated by expenditure from Line 589-540-52-977050 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