

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 JULY 26, 2022
OPENING COMMENTS – 7:00 P.M.

PUBLIC HEARING: NONE

SPECIAL GUEST: JEFF & SARAH TACKETT

THIRD READING: AN ORDINANCE ACCEPTING THE ANNEXATION OF 52.371 ACRES OF LAND LOCATED IN DEFIANCE TOWNSHIP, DEFIANCE COUNTY, OHIO

FIRST READING: AN ORDINANCE RATIFYING THE ENGAGEMENT OF BRICKER & ECKLER AS SPECIAL COUNSEL FOR PREPARING A PROJECT DELIVERY CONTRACT AND DESIGN-BUILD PROCUREMENT FOR THE MAUMEE RIVER WATERLINE CROSSING CONSTRUCTION AND DECLARING AN EMERGENCY

FIRST READING: AN ORDINANCE AUTHORIZING THE PURCHASE OF FOUR VALVES FOR THE MAUMEE RIVER WATERLINE CROSSING AN DECLARING AN EMERGENCY

FIRST READING: AN ORDINANCE AWARDDING A CONTRACT FOR THE REPLACEMENT OF SIDEWALKS ON SOUTH CLINTON STREET AND DECLARING AN EMERGENCY

FIRST READING: AN ORDINANCE AUTHORIZING THE CREATION OF AN “OPIOID SETTLEMENT FUND” AND DECLARING AN EMERGENCY

FIRST READING: AN ORDINANCE APPROVING AND RATIFYING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DEFIANCE, OHIO AND A.F.S.C.M.E., LOCAL 2213 AND DECLARING AN EMERGENCY

STUDY SESSION: NONE

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

LIAISON ASSIGNMENTS	TIME P.M.	DATE (2022)	AGENDA
COMMITTEE OF A WHOLE McMASTER	7:00	Tuesday – JULY	NO MEETING
BUILDING & LANDS EURESTE	7:00	Tuesday - JULY	NO MEETING
ECONOMIC DEVELOPMENT ENGEL	7:00	Tuesday - JULY	NO MEETING
FINANCE & BUDGET HANCOCK	7:00	Tuesday – JULY	NO MEETING
POLICE & FIRE KRUTSCH	7:00	Tuesday - JULY	NO MEETING
PUBLIC RELATIONS MAST	7:00	Tuesday - JULY	NO MEETING
PUBLIC UTILITIES, GAS & LIGHTS CORBITT	7:00	Tuesday – JULY	NO MEETING
SEWER & SANITATION CORBITT	7:00	Tuesday – JULY	NO MEETING
STREETS & SIDEWALKS MAST	7:00	Tuesday - JULY	NO MEETING
WATERWORKS – SERVICE WAXLER	7:00	Tuesday – JULY	NO MEETING
TRAFFIC COMMISSION: MACK. Mayor. Zeedyk. Shafer. Wilkins. Sprow. Waxler. Eureste. Krutsch	5:30	Tuesday – JULY	NO MEETING
BOARD OF CONTROL MEETING: MAYOR. MACK. 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 ACCEPTING THE ANNEXATION OF 52.371 ACRES OF LAND LOCATED IN DEFIANCE TOWNSHIP, DEFIANCE COUNTY, OHIO

WHEREAS, Aaron L. Zimmerman, Trustee of the Aaron L. Zimmerman Trust filed a Petition seeking to annex 52.371 acres of land located in Section 36, Township 4 North, Range 4 East, Defiance Township, Defiance County, Ohio, into the City of Defiance; and,

WHEREAS, Council adopted Resolution No. 2526 consenting to the provision of all customary governmental and utility services on March 8, 2022; and,

WHEREAS, R.C. §709.04 requires the legislative authority of a municipality to accept or reject the petition for annexation within sixty (60) days of delivery of the resolution of the Board of County Commissioners approving annexation; and,

WHEREAS, sixty (60) days have elapsed since the Clerk of City Council received the resolution of the Board of Commissioners of Defiance County, Ohio and the Clerk of Council has made the Transcript of Proceedings and related documents available for public inspection in the manner and for the time required by law; and,

WHEREAS, Council finds that acceptance of the territory is in the best interests of the City and may further much needed residential development in the municipality;

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

Section 1: The Petition of Aaron L. Zimmerman, Trustee of the Aaron L. Zimmerman Trust to annex 52.371 acres of land located Section 36, Township 4 North, Range 4 East, Defiance Township, Defiance County, Ohio into the City of Defiance, Ohio, as approved by the Board of County Commissioners of Defiance County, Ohio, is hereby accepted. All municipal officials are authorized to execute such plats and other documents as may be appropriate to conclude the proceedings.

Section 2: The City Administration is authorized to construct and provide water and sanitary sewer services upon development of the territory.

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

RECEIVED

**PETITION FOR EXPEDITED TYPE 2 ANNEXATION
PURSUANT TO ORC §709.021 AND §709.023
OF 52.371 ACRES IN DEFIANCE TOWNSHIP
TO THE CITY OF DEFIANCE, OHIO
SUBMITTED TO THE
DEFIANCE COUNTY BOARD OF COMMISSIONERS**

FEB 23 2027

DEFIANCE COUNTY BOARD
OF COMMISSIONERS

The undersigned, being owners of the territory within the area hereinafter described consisting of 52.371 acres in Defiance Township, Defiance County, Ohio, adjacent and contiguous to the City of Defiance, Ohio, do hereby respectfully submit this petition to the Defiance County Board of Commissioners to request the annexation of the territory to the City of Defiance, Ohio, under the special procedure provided for annexation in the Ohio Revised Code Sections 709.021 and 709.023 ("Petition").

1. Attached to this Petition, and made part hereof, is an accurate legal description of the perimeter of the territory proposed for annexation, marked as Exhibit A.
2. Attached to this Petition, and made part hereof, is an accurate plat map showing the boundaries of the territory proposed for annexation, marked as Exhibit B.
3. Attached to this Petition, and made part hereof, is the parcel list of the territory proposed for annexation, marked as Exhibit C.
4. Attached to this Petition, and made part hereof, is a list of the parcels adjacent to the territory for annexation, marked as Exhibit D.

The undersigned petitioner hereby designates Kyle D. Tucker, attorney at law, who is located at One Seagate, 27th Floor, P.O. Box 10032, Toledo, Ohio 43699-0032, as agent, as required by Section 709.02 of the Ohio Revised Code. The agent is hereby authorized to make any amendments and/or deletion that in his absolute and complete discretion is necessary or proper under the circumstances then existing, and in particular to make such amendment in order to correct any discrepancy or mistake noted by the Defiance County Engineer in his/her examination of the plat or map and description attached to this petition, to the Board of Commissioners for Defiance County, Ohio, on, before, or after the date set for hearing on this Petition. Further, the agent is authorized to make any amendment and/or deletion that in his absolute and complete discretion is necessary or proper under the circumstances then existing and do any and all things essential thereto and to take any action necessary for obtaining the granting of this petition, without further expressed consent of the petitioners. Further, the agent is authorized to withdraw this

Petition on, before, or after the date set for hearing on this Petition that action in his absolute and complete discretion is necessary to protect the interests of the sole owner of the territory described in Exhibit A. The agent's contact information is as follows:

Kyle D. Tucker, Esq.
One Seagate, 27th Floor
P.O. Box 10032
Toledo, Ohio 43699-0032
kdtucker@eastmansmith.com
419-247-1588

WAIVER OF RIGHT TO APPEAL

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.

Aaron L. Zimmerman, Trustee of the Aaron L. Zimmerman Trust

By: *Aaron L. Zimmerman, Trustee*
Aaron L. Zimmerman, Trustee

Date: 2-22-2022

Amanda N. Zimmerman, Trustee of the Amanda N. Zimmerman Trust

By: *Amanda N. Zimmerman, Trustee*
Amanda N. Zimmerman, Trustee

Date: 2/22/2022

Gerald A. Zimmerman, Successor Trustee of the Mary F. Zimmerman Trust

By: *Gerald A. Zimmerman, Successor Trustee*
Gerald A. Zimmerman, Successor Trustee

Date: 2-23-22

Exhibit A

Part of the East Half of the East Half of the Southwest Quarter, together with part of the Southeast Quarter, all in Section 36, Township 4 North, Range 4 East, Defiance County, Ohio, being more particularly described as follows, to-wit:

Commencing at the Southwest corner of said Section 36, being marked by a 1 inch diameter bar in a monument box; thence South 88 degrees 59 minutes 51 seconds East (GPS grid bearing and basis of all bearings in this description), on and along the South line of said Southwest Quarter, being within the right-of-way of Carter Road, a distance of 1989.73 feet to a survey nail at the Southwest corner of the East Half of the East Half of said Southwest Quarter, this being the true point of beginning; thence South 88 degrees 59 minutes 51 seconds East, continuing on and along the South line of said Southwest Quarter and within said right-of-way, a distance of 663.20 feet to a 1 inch diameter bar in a monument box at the South Quarter corner of said Section 36; thence South 88 degrees 59 minutes 51 seconds East, on and along the South line of said Southeast Quarter and within said right-of-way, a distance of 1707.61 feet to a survey nail at the point of intersection of said South line with the centerline of State Road #15; thence North 08 degrees 49 minutes 31 seconds West on and along said centerline, a distance of 1014.88 feet to a survey nail; thence North 88 degrees 59 minutes 51 seconds West and parallel with the South lines of said Southwest and Southeast Quarters, a distance of 2191.84 feet to a #5 rebar on the West line of the East Half of the East Half of said Southwest Quarter; thence South 01 degrees 19 minutes 54 seconds West, on and along said West line, a distance of 1000.00 feet to the true point of beginning, containing 52.371 acres of land, subject to legal rights-of-ways for Carter Road and State Road #15, and subject to all easements of record.

Parcel No: Part of B11-0036-0-005-00 (split)
Property Address: 0 State Route 15

Exhibit C

Parcel List of the Territory Proposed for Annexation

Parcel No.	Owner	Property Address	Mailing Address
Part of B110036000500	AARON L. ZIMMERMAN, TRUSTEE OF THE AARON L. ZIMMERMAN TRUST; AMANDA N. ZIMMERMAN, TRUSTEE OF THE AMANDA N. ZIMMERMAN TRUST; AND GERALD A. ZIMMERMAN, SUCCESSOR TRUSTEE OF THE MARY F. ZIMMERMAN TRUST	ST RT 15	26519 STANDLEY ROAD DEFIANCE, OH 43512

Exhibit D

List of Parcels Adjacent to the Territory Proposed for Annexation

Parcel No.	Owner	Property Address	Mailing Address
B014183009100	BOARD OF EDUCATION OF THE DEFIANCE CITY SCHOOL DISTRICTS	CARTER	801 CLINTON ST. DEFIANCE, OH 43512
B110001000300	RUBY B. HAMMERSMITH	CARTER	799 CHIPPEWA DR. DEFIANCE, OH 43512
B110001000303	AMANDA SEIBERT	457 CARTER RD. DEFIANCE, OH 43512	457 CARTER RD. DEFIANCE, OH 43512
B110001000200	RUBY B. HAMMERSMITH	CARTER	799 CHIPPEWA DR. DEFIANCE, OH 43512
B110001000100	FIRST CHURCH OF GOD MINISTRIES INC	561 CARTER RD.	561 CARTER RD. DEFIANCE, OH 43512
B110001000101	FIRST CHURCH OF GOD MINISTRIES INC	561 CARTER RD.	561 CARTER RD. DEFIANCE, OH 43512
B110001001800	JONATHAN D. & GERTRUDE M. HAHN	645 CARTER RD. DEFIANCE, OH 43512	15863 SPONSELLER RD. DEFIANCE, OH 43512
B110001001901	JOHN M. SEIBERT, ET AL.	ST RT 15	13125 STATE ROUTE 15 DEFIANCE, OH 43512
B110036000300	JEFFREY S. BEHLKE, TRUSTEE F/B/O ET AL.	ST RT 15	1771 OTTAWA AVE. DEFIANCE, OH 43512
Part of B110036000500	AARON L. ZIMMERMAN, TRUSTEE OF THE AARON L. ZIMMERMAN TRUST; AMANDA N. ZIMMERMAN, TRUSTEE OF THE AMANDA N. ZIMMERMAN TRUST; AND GERALD A. ZIMMERMAN, SUCCESSOR TRUSTEE OF THE MARY F. ZIMMERMAN TRUST	ST RT 15	26519 STANDLEY ROAD DEFIANCE, OH 43512

ORDINANCE NO. _____

AN ORDINANCE RATIFYING THE ENGAGEMENT OF BRICKER & ECKLER AS SPECIAL COUNSEL FOR PREPARING A PROJECT DELIVERY CONTRACT AND DESIGN-BUILD PROCUREMENT FOR THE MAUMEE RIVER WATERLINE CROSSING CONSTRUCTION AND DECLARING AN EMERGENCY

WHEREAS, the City identified the need to replace a sixteen-inch waterline that crosses the Maumee River from the approximate area of Biede Avenue to the intersection of Carpenter Road and E. River Drive; and,

WHEREAS, the hiring of a law firm experienced in preparing the Design-Build request for proposals and contract documents and fielding questions during project delivery is necessary to reduce errors and conflicts during construction of this technical project; and,

WHEREAS, Council finds that this engagement will ensure that the City obtains bid documents and project delivery in a manner that avoids costly design defects and delays;

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

Section 1: In accordance with Codified Ordinance §§151.02 and 151.03(e), Council hereby ratifies and confirms the engagement contract for legal services with Bricker & Eckler now on file in the office of the Law Director according to the proposed fees at a fixed fee of \$20,000.00 for preparing the draft contract documents and at a rate of \$390.00 per hour to address any disputes or issues *after* the selection process and during or after construction. These fees are *not to exceed* \$40,000.00 absent further legislation.

Section 2: The Finance Director shall pay this flat fee and any additional billable hour costs incurred in accordance with the agreement authorized by Section 1 from Line 591-538-52-980880 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 is declared to be an emergency measure necessary to preserve the health, safety, or welfare of the community for the reason that immediate commencement of the project is necessary in order to complete the construction of this critical infrastructure as soon as possible. This crossing serves much of the north side of the City. 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 AUTHORIZING THE PURCHASE OF FOUR VALVES FOR THE MAUMEE RIVER WATERLINE CROSSING AND DECLARING AN EMERGENCY

WHEREAS, the City identified the need to replace a sixteen-inch waterline that crosses the Maumee River from the approximate area of Biede Avenue to the intersection of Carpenter Road and E. River Drive; and,

WHEREAS, the City desires to secure materials early in the project due to global supply chain shortages and the uncertainty of obtaining components; and,

WHEREAS, the City Water Distribution Superintendent solicited quotes from four vendors and Ferguson Waterworks of Holland, OH submitted the sole quote of \$33,800.00; and,

WHEREAS, Council finds that the preorder of critical components will help the City complete this waterline crossing in a timely and cost-effective fashion;

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 Ferguson Waterworks in the amount of \$33,800.00 for the delivery of four (4) 16" valves for the planned waterline crossing conforming to the plans and specifications established by the sole quote on file in the Office of the Water Distribution Superintendent.

Section 2: The Finance Director is authorized to pay the costs of the valves authorized by Section 1 from Line 591-538-52-980880 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 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 complete this waterline crossing that is critical to the continued functioning of the City waterworks. 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 AWARDDING A CONTRACT FOR THE REPLACEMENT OF SIDEWALKS ON SOUTH CLINTON STREET AND DECLARING AN EMERGENCY

WHEREAS, Council approved the inclusion of a total replacement of the sidewalk between Bassard Drive and Power Dam Road in the 2022 annual budget; and,

WHEREAS, the City Engineer solicited bids to perform the work pursuant to the plans and specifications for the project and Fenson Contracting, LLC of Fort Jennings, OH submitted the lowest and best and only bid in the amount of \$274,650.00; and,

WHEREAS, Council finds that this project will enhance the connectivity along a major corridor of the south side of the municipality;

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 Fenson Contracting, LLC to construct the sidewalk improvements along S. Clinton Street between Bassard Drive and Power Dam Road in conformity with the plans and specifications on file with the City Engineer as Project No. 2121 at the lowest and best bid of \$274,650.00.

Section 2: The Finance Director is authorized to pay the contract price from Section 1 from Line 403-901-52-980001 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 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: _____, 2022

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2022

Mayor

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CREATION OF AN "OPIOID SETTLEMENT FUND" AND DECLARING AN EMERGENCY

WHEREAS, Council previously adopted Ordinance No. 8327 on August 10, 2021 authorizing the Law Director to execute a participation agreement with the State of Ohio and other Ohio local governments for a settlement with McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation and Ordinance No. 8368 on January 4, 2022 authorizing the Law Director to execute the same for a settlement with Johnson & Johnson for damages related to the production and distribution of pharmaceutical opioids; and,

WHEREAS, the State of Ohio has established the OneOhio Plan to administer the proper allocation of settlement proceeds to participating communities, including the City of Defiance; and,

WHEREAS, the City Finance Department requires a mechanism to clearly and exclusively record all activities associated with the settlement award;

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

Section 1: The "Opioid Settlement Fund" is hereby created and numbered 231 for budgetary purposes.

Section 2: The Finance Director shall deposit all proceeds from the settlement to the "Opioid Settlement Fund" created by Section 1 of this Ordinance.

Section 3: Moneys shall not be appropriated for expenditure from the Opioid Settlement Fund for any purpose other than is consistent with the "Approved Purposes" definition in the OneOhio memorandum of understanding.

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 [] 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 APPROVING AND RATIFYING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DEFIANCE, OHIO AND A.F.S.C.M.E. LOCAL 2213 AND DECLARING AN EMERGENCY

WHEREAS, the City Administration and A.F.S.C.M.E. Local 2213 held discussions over the last few months on a new three-year labor contract;

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

Section 1: The Mayor, President of Council, City Administrator, and all other appropriate officials and agents of the City are authorized to enter into and execute the proposed Collective Bargaining Agreement between the City and A.F.S.C.M.E. Local 2213 pertaining to the period August 1, 2022, to July 31, 2025, on the terms accepted by the A.F.S.C.M.E. Local 2213 membership on or about July 14, 2022.

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 the existing contract between the City and A.F.S.C.M.E. Local 2213 expires on July 31, 2022 and timely approval is necessary to comply with the statutory duty of the City to negotiate in good faith. 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