

ORDINANCE NO. 7445

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO PURCHASE DE-ICING EQUIPMENT AND DECLARING AN EMERGENCY

WHEREAS, the City has traditionally relied on rock salt to control ice on public streets and sidewalks; and,

WHEREAS, experience elsewhere suggests that salt solutions may be more effective and less costly than rock salt; and,

WHEREAS, it is prudent to evaluate the effectiveness of liquid de-icing solutions on a small scale before incurring significant expense to adapt street and highway maintenance equipment to use liquid anti-icing agents; and,

WHEREAS, price quotes were solicited for the equipment required to adapt one pick-up truck for use as a demonstration platform from which to evaluate the effectiveness of liquid anti-icing agents and W.A. Jones Truck Bodies and Equipment submitted the lowest cost proposal;

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

Section 1: The City Administrator is authorized to purchase one all season anti-ice unit conforming to the product specifications detailed in Quotation Number MACQ2884 from W.A. Jones Truck Bodies and Equipment at the quoted price of \$9,245.00

Section 2: The Finance Director is authorized to pay the authorized purchase price from 2012 budget line 204-446-5-2-935.002.

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 duly convened in accordance with law.

Section 4: This Ordinance is necessary to preservation of the health, safety and welfare of the community for the reason that the primary purpose of the authorized purchase is to evaluate the cost-effectiveness of liquid anti-icing agents prior to adaptation of equipment to dispense such agents during the winter of 2013-14. Meaningful evaluation of the technology requires that the unit acquired for experimental use be available throughout the 2012-13 winter season and an anticipated delivery delay of 5 to 7 weeks following placement of the order necessitates that the equipment be purchased immediately to assure delivery before the onset of winter. As such, this Ordinance is declared to be an Emergency Measure and shall be effective immediately upon passage by an affirmative vote of not less than 5 Members of Council and approval of the Mayor.

Passed: November 20, 2012

Tim Holtsberry

President of Council

Votes in Favor of Adoption: 6

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: November 28, 2012

Bob Armstrong

Mayor

ORDINANCE No. 7446

**AN ORDINANCE AUTHORIZING THE TRANSFER
OF FUNDS FOR THE CITY OF DEFIANCE, OHIO FOR THE
YEAR ENDING DECEMBER 31, 2012.**

Whereas, the Council of the City of Defiance has previously provided for the transfer of funds in the annual appropriation ordinance; and

Whereas, the City Finance Director has determined that it is necessary to transfer a portion of the appropriated funds in order to meet current expenses and other expenditures of the City:

Now, therefore, be it enacted by the Council of the City of Defiance, Defiance County, Ohio:

Section 1: The following amounts shall be transferred:

<u>FUND FROM</u>	<u>AMOUNT</u>	<u>FUND TO</u>
General Fund #101	\$ 18,337	Police Pension Fund #732
General Fund #101	\$ 15,837	Fire Pension Fund #733
WPC Fund #590	\$ 20,275	General Fund #101
WPC Fund #590	\$ 18,000	Utilities Billing Office Fund #585
WTP Fund #591	\$ 23,738	General Fund #101
WTP Fund #591	\$ 18,000	Utilities Billing Office Fund #585
Refuse #596	\$ 2,000	Utilities Billing Office Fund #585

Section 2: It is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and that all deliberations that resulted in such formal action being taken, including all deliberations conducted by Committees of the Council, were conducted in meetings open to the public duly convened in compliance with law.

Section 3: This Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Tim Holtsberry
President of Council

Passed: November 20, 2012

Votes Approving Adoption: 6

Votes Opposing Adoption: 0

Attest: Lisa Elders, Clerk

Approved: November 28, 2012

By: Bob Armstrong, Mayor

ORDINANCE NO. 7449

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO PURCHASE COMPUTER HARDWARE AND SOFTWARE TO MONITOR MOTOR FUEL USE AND APPORTION COSTS

WHEREAS, the City purchases motor fuel in bulk and dispenses it from tanks that rely on computerized systems to confirm that fuel is being dispensed to municipal vehicles and allocate costs among operating divisions in proportion to usage; and,

WHEREAS, the hardware and software used to monitor and record the withdrawal of fuel from municipal storage facilities is obsolete and unreliable; and,

WHEREAS, the City Administrator recommends that up-grades to the monitoring system be purchased from and installed by Reliable Oil Equipment, Inc. to assure compatibility with existing equipment supplied by that vendor;

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

Section 1: The City Administrator is authorized to purchase computer hardware, software and installation services conforming to the product specifications and service agreements detailed in the October 29, 2012, proposal on the terms therein recited.

Section 2: The Finance Director is authorized to pay the authorized purchase price of \$13,548.07 from appropriated and appropriately budgeted Capital Improvement Funds.

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 duly convened in accordance with law.

Section 4: This Ordinance shall be effective on the earliest date permitted by law.

Passed: November 20, 2012 Tim Holtsberry
President of Council

Attest: Lisa Elders, Clerk

Approved: November 28, 2012 Bob Armstrong
Mayor

Ordinance No. 7450

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE DEFIANCE CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY

WHEREAS, certain provisions of the Codified Ordinances must be amended to conform to State law as required by the Ohio Constitution; and,

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and,

WHEREAS, the City has entered into a contract with the Walter H. Drane Company to prepare and publish the necessary revisions to the Codified Ordinances which is before Council;

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

Section 1: That the ordinances of the City of Defiance, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2012 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

Section 2: That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law:

Traffic Code

301.031	Beacon; Hybrid Beacon. (Added)
301.161	Highway Traffic Signal. (Added)
301.17	Intersection. (Amended)
301.181	Median. (Added)
301.26(b)	Private Road or Driveway. (Added)
301.361	Shared-Use Path. (Added)
301.45	Traffic. (Amended)
301.46	Traffic Control Device. (Amended)
301.47	Traffic Control Signal. (Amended)
303.01	Compliance With Order of Police Officer. (Amended)
303.041	Emergency, Public Safety and Coroner's Vehicles Exempt. (Amended)
303.99	General Traffic Code Penalty. (Amended)
313.03	Traffic Signal Indications. (Amended)
313.04	Lane-Use Control Signal Indications. (Amended)
313.05	Special Pedestrian Control Signals. (Amended)
313.06	Flashing Traffic Signals. (Repealed)
331.12	U-Turns Restricted. (Amended)
333.10	Texting While Driving Prohibited. (Added)
335.032	Electronic Wireless Communication Device Prohibited. (Added)
335.07	Driving Under License Suspension or Restriction. (Amended)
335.072	Driving Under Financial Responsibility Law Suspension or Cancellation. (Amended)
335.074	Driving Under License Forfeiture of Child Support Suspension. (Amended)
337.01	Driving Unsafe Vehicles. (Amended)
337.09	Lights on Parked or Stopped Vehicles. (Amended)
337.18	Motor Vehicle and Motorcycle Brakes. (Amended)
337.23	Limited Load Extension on Left Side of Passenger Vehicle. (Amended)
337.29	Bumper Heights. (Amended)
339.01	Oversize or Overweight Vehicle on State Routes. (Amended)
339.03	Maximum Width, Height and Length. (Amended)
339.06	Vehicles Transporting Explosives. (Amended)
339.07	Towing Requirements. (Amended)
339.08	Loads Dropping or Leaking. (Amended)
341.05	Commercial Drivers' Criminal Offenses. (Amended)

General Offenses Code

501.11	Organizational Criminal Liability. (Amended)
505.13	Dangerous Wild Animals and Restricted Snakes. (Amended)
505.14	Dangerous Dogs. (Amended)

513.12 Drug Paraphernalia. (Amended)
 513.121 Marihuana Drug Paraphernalia. (Added)
 529.021 Purchase by Minors. (Amended)
 529.04 Liquor Consumption in Motor Vehicle. (Amended)
 529.07 Open Container Prohibited. (Amended)
 533.08 Procuring. (Amended)
 533.09 Soliciting. (Amended)
 545.05 Petty Theft. (Amended)
 549.10 Possessing Replica Firearms in School. (Amended)

Fire Prevention Code

1511.05 Open Burning; Recreational Fires; Portable Outdoor Fireplaces.
 (Amended)

Section 3: That the complete text of the sections of the Codified Ordinances listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. The listing above of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

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 hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the City and its inhabitants for the reason that there exists an imperative necessity for the earliest publication and distribution of current Replacement Pages to the officials and residents of the City, so as to facilitate administration, daily operation and avoid practical and legal entanglements. As such, this Ordinance shall be effective upon passage by a 3/4th majority of Council and approval of the Mayor.

Passed: November 20, 2012 Tim Holtsberry
 President of Council

Attest: Lisa Elders, Clerk

Approved: November 28, 2012 Bob Armstrong
 Mayor

Ordinance No. 7451

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT FOR TECHNICAL ASSISTANCE WITH THE MAUMEE VALLEY PLANNING ORGANIZATION

WHEREAS, the City desires assistance in the administration of funds available under the Small Cities Community Development Block Grant program, specifically: Grant Number A-F-12-2BD-1; and,

WHEREAS, the City has traditionally engaged the Maumee Valley Planning Organization to render technical advice, assistance and services in connection with activities financed by the expenditure of funds granted to the municipality pursuant to the Small Cities Community Development Block Grant program;

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

Section 1: The City Administrator is authorized to execute the proposed "*Agreement for Technical Assistance*" pertaining to Community Development Block Grant A-F-12-2BD-1 now on file in the office of the City Administrator and to deliver the executed contract to the Maumee Valley Planning Organization.

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 duly convened in accordance with law.

Section 3: This Ordinance shall be effective on the earliest date permitted by law.

Passed: November 20, 2012 Tim Holtsberry
President of Council

Attest: Lisa Elders, Clerk

Approved: November 28, 2012 Bob Armstrong
Mayor

RESOLUTION No. 2440
A RESOLUTION DIRECTING THE CITY ADMINISTRATOR TO SUBMIT
AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT
FUNDS AND DECLARING AN EMERGENCY

WHEREAS, the Revolving Loan Committee has recommended that the City apply to the Ohio Department of Development for an award of Small Cities Community Development Block Grant funds to undertake and carry out community development activities proposed by Estle Real Estate Holdings LLC, d.b.a. Estle Auto Mart; and,

WHEREAS, all required public hearings have been conducted and Council has been adequately informed of the proposed development activities and of the need for publicly assisted financing to enable Estle Real Estate Holdings, LLC, d.b.a. Estle Auto Mart, to undertake the project; and,

WHEREAS, Council finds that the proposed activities will create well paying employment opportunities that are badly needed in the community; and,

WHEREAS, Council further finds that the municipal Revolving Loan Fund lacks sufficient capital to make the necessary development loan without an award of Community Development Block Grant funds by the Ohio Department of Development; and,

WHEREAS, Council acknowledges that receipt of Community Development Block Grant funds requires compliance with Federal and State constitutional, statutory and regulatory requirements forbidding unlawful discrimination and with Economic Development Program guidelines and assurances. Council agrees that all municipal activities shall be conducted in compliance with Federal and State law and that all Economic Development Program funds received will be administered in accordance with applicable regulations and all program guidelines and assurances.

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

Section 1: The City Administrator is designated as the City's official representative with respect to all activities relating to the application for and administration of Small Cities Community Development Block Grant funds awarded by the Ohio Department of Development to assist the City with development activities proposed by Estle Real Estate Holdings, LLC, d.b.a. Estle Auto Mart, Inc.

Section 2: The City Administrator is directed to submit an application for Small Cities Community Development Block Grant funds. The City Administrator is further authorized to provide the Ohio Department of Development with all additional information as may be requested in support of the application for Economic Development Program funds.

Section 3: The City Administrator is directed to administer all funds awarded pursuant to approval of the authorized application in strict conformity with applicable statutes, regulations and program guidelines and is further authorized to disclose such information as may be requested by the Department of Development to demonstrate municipal compliance with legal and regulatory requirements and program guidelines.

Section 4: It is found and determined that all legislative actions pertaining to the adoption of this Resolution 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 duly convened in accordance with law.

Section 5: Timely receipt of the requested funds being essential to the success of the economic development project, this Resolution declared to be an Emergency Measure necessary to the welfare of the community and shall be effective immediately upon passage with the concurrence of five Members of Council and approval of the Mayor.

Passed: November 20, 2012 Tim Holtsberry
President of Council

Attest: Lisa Elders, Clerk

Approved: November 28, 2012 Bob Armstrong
Mayor