

# ORDINANCE NO. 7465

## AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONTRACT TO FORT DEFIANCE SERVICE MASTER, INC. AND DECLARING AN EMERGENCY

**WHEREAS**, mold colonies have been observed in the heating and air conditioning ducts of the Municipal Building that may create an occupational health hazard for employees assigned to that structure; and,

**WHEREAS**, Fort Defiance Service Master, Inc., has proposed to clean the ducts at a cost of \$10,966.02;

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

**Section 1:** The City Administrator is authorized to award a contract to clean all heating and air conditioning ducts within the Municipal Building to Fort Defiance Service Master, Inc. at the prices quoted in the proposal dated December 12, 2012.

**Section 2:** The Finance Director is authorized to pay costs arising under the authorized contract from available capital funds appropriated by the 2012 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 duly convened in accordance with law.

**Section 4:** This Ordinance is declared to be an emergency measure necessary to the preservation of the health, safety and welfare of the community for the reason that prompt action to remove mold from the 324 Perry Street structure is necessary to eliminate a potential occupational health hazard and preserve the value of the structure. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than 5 Members of Council and approval of the Mayor.

Passed: December 18, 2012

Tim Holtsberry  
President of Council

Votes in Favor of Adoption: 7

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: December 18, 2012

Bob Armstrong  
Mayor

Ordinance No. 7466  
AN ORDINANCE SUSPENDING THE COLLECTION OF  
CERTAIN SEWER CHARGES DURING CALENDAR YEAR 2013 AND  
DECLARING AN EMERGENCY

**WHEREAS**, Codified Ordinance 925.10(e) assesses a readiness-to-serve charge upon each lot and parcel of land that is connected to the sewage collection system; and,

**WHEREAS**, Codified Ordinance 925.10(e)(4) provides for an increase in the readiness-to-serve charges to be collected on and after January 1, 2013; and,

**WHEREAS**, The aforesaid increase was enacted to assure adequate revenues to service debt incurred to construct improvements required by the Combined Sewer Overflow Long Term Control Plan; and,

**WHEREAS**, The Ohio Environmental Protection Agency has agreed to suspend enforcement of a Consent Order obligating the municipality to install improvements scheduled for construction in 2012 and 2013; and,

**WHEREAS**, Suspension of previously mandated construction activities will postpone the need to incur a portion of the debt anticipated at the time Codified Ordinance 925.10(e)(4) was enacted and, thereby, reduce the need for revenue to meet debt service obligations in 2013;

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

**Section 1:** During the period January 1, 2013, through December 31, 2013, readiness-to-serve charges assessed to properties in each property class enumerated in Section 925.10(e)(4) of the Codified Ordinances shall be collected in the amount assessed against properties of the same class by Section 925.10(e)(2). Payment of the difference between the amounts assessed by Section 925.10(e)(4) for collection in 2013 and the amounts assessed by Section 925.10(e)(2) for collection in 2011 shall be, and is hereby, waived.

**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 and welfare of the community for the reason that this Ordinance must take effect by December 31, 2012, to prevent collection of unwarranted sewer use charges. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than 5 Members of Council and approval of the Mayor.

Passed: December 18, 2012      Tim Holtsberry  
President of Council

Votes in Favor of Adoption: 7  
Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: December 18, 2012      Bob Armstrong  
Mayor

ORDINANCE No. 7467

**AN ORDINANCE AMENDING ORDINANCE NO. 7329 PASSED  
DECEMBER 13, 2011 TO MAKE APPROPRIATIONS FOR  
CURRENT EXPENSES AND OTHER EXPENDITURES OF  
THE CITY OF DEFIANCE, OHIO, DURING THE PERIOD OF  
JANUARY 1, 2012 THROUGH DECEMBER 31, 2012,  
AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City Finance Director has determined that additional appropriations are necessary to provide for expenditures; and

**WHEREAS**, that in addition to approving the expenditure of all public funds, Council must approve the appropriation of all public funds;

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

**Section 1:** That, to provide for expenses of the City of Defiance, State of Ohio, during the period of January 1, 2012 through December 31, 2012, Ordinance No. 7329 is hereby amended by appropriation changes to the following accounts:

<b>249 - PROBATION GRANT</b>		
Operating	\$ 610.45	
<b>TOTAL - PROBATION GRANT</b>		<b>\$ 610.45</b>
<b>273 - HOUSING REHABILITATION FUND</b>		
Operating	\$ (415,000.00)	
<b>TOTAL - HOUSING REHABILITATION FUND</b>		<b>\$ (415,000.00)</b>
<b>278 - DOWNTOWN REVITALIZATION GRANT FUND</b>		
Operating	\$ (6,294.10)	
<b>TOTAL - DOWNTOWN REVITALIZATION GRANT FUND</b>		<b>\$ (6,294.10)</b>
<b>GRAND TOTAL - ALL FUNDS</b>		<b>\$ (420,683.65)</b>

**RECAPITULATION OF APPROPRIATIONS**

249	Probation Grant Fund	\$ 610.45
273	Housing Rehabilitation Fund	\$ (415,000.00)
278	Downtown Revitalization Grant Fund	\$ (6,294.10)
<b>GRAND TOTAL - ALL FUNDS</b>		<b>\$ (420,683.65)</b>

**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: December 18, 2012

Attest: Lisa Elders, Clerk

Votes Approving Adoption: 7

Votes Opposing Adoption: 0

Approved: December 18, 2012

By: Bob Armstrong, Mayor