

Ordinance No. 7542

AN ORDINANCE AUTHORIZING THE PURCHASE OF LAND

WHEREAS, Resolution 2443 accepted a grant of Federal Flood Hazard Mitigation Program funds to acquire lands within the flood plain, demolish structures located thereon and preserve the acquired lands for public use; and,

WHEREAS, Resolution 2443 designated Maumee Valley Planning Organization as the City's agent to administer the granted funds in accordance with program guidelines and Federal and State regulatory requirements; and,

WHEREAS, Maumee Valley Planning Organization negotiated a purchase agreement pertaining to land located at 215 East First Street and identified by Auditor's Permanent Parcel Number B01-4142-0042-00; and,

WHEREAS, ratification of the purchase contract and acceptance of title to the lands described therein must be confirmed by Ordinance;

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

Section 1: The proposed Purchase Agreement pertaining to lands identified by Auditor's Permanent Parcel Number B01-4142-0042-00 is approved, ratified and confirmed. All municipal officials are authorized to perform such acts as are within their customary duties and reasonably necessary to perform the municipality's contractual obligations and assure compliance with program guidelines and regulatory requirements with respect to the approved purchase. Without limiting the authority conferred by this Section:

- a. The Law Director is authorized to accept and record the deed to be delivered pursuant to the approved contract; and,
- b. The Finance Director is directed to pay the contract purchase price of \$55,000.00 and all transactional expenses incurred in accordance with program guidelines from appropriately budgeted program funds.

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: October 22, 2013

Tim Holtsberry
President of Council

Attest: Lisa Elders, Clerk

Approved: October 22, 2013

Bob Armstrong
Mayor

Ordinance No. 7543

AN ORDINANCE AUTHORIZING THE PURCHASE OF LAND

WHEREAS, Resolution 2443 accepted a grant of Federal Flood Hazard Mitigation Program funds to acquire lands within the flood plain, demolish structures located thereon and preserve the acquired lands for public use; and,

WHEREAS, Resolution 2443 designated Maumee Valley Planning Organization as the City's agent to administer the granted funds in accordance with program guidelines and Federal and State regulatory requirements; and,

WHEREAS, Maumee Valley Planning Organization negotiated a purchase agreement pertaining to land located at 121 Auglaize Street and identified by Auditor's Permanent Parcel Number B01-4142-004-100; and,

WHEREAS, ratification of the purchase contract and acceptance of title to the lands described therein must be confirmed by Ordinance;

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

Section 1: The proposed Purchase Agreement pertaining to lands identified by Auditor's Permanent Parcel Number B01-4142-004-100 is approved, ratified and confirmed. All municipal officials are authorized to perform such acts as are within their customary duties and reasonably necessary to perform the municipality's contractual obligations and assure compliance with program guidelines and regulatory requirements with respect to the approved purchase. Without limiting the authority conferred by this Section:

- a. The Law Director is authorized to accept and record the deed to be delivered pursuant to the approved contract; and,
- b. The Finance Director is directed to pay the contract purchase price of \$64,000.00 and all transactional expenses incurred in accordance with program guidelines from appropriately budgeted program funds.

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: October 22, 2013

Tim Holtsberry
President of Council

Attest: Lisa Elders, Clerk

Approved: October 22, 2013

Bob Armstrong
Mayor

Ordinance No. 7544

AN ORDINANCE AUTHORIZING THE PURCHASE OF LAND

WHEREAS, Resolution 2443 accepted a grant of Federal Flood Hazard Mitigation Program funds to acquire lands within the flood plain, demolish structures located thereon and preserve the acquired lands for public use; and,

WHEREAS, Resolution 2443 designated Maumee Valley Planning Organization as the City's agent to administer the granted funds in accordance with program guidelines and Federal and State regulatory requirements; and,

WHEREAS, Maumee Valley Planning Organization negotiated a purchase agreement pertaining to land located at 204 Auglaize Street and identified by Auditor's Permanent Parcel Number B01-4142-0045-00; and,

WHEREAS, ratification of the purchase contract and acceptance of title to the lands described therein must be confirmed by Ordinance;

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

Section 1: The proposed Purchase Agreement pertaining to lands identified by Auditor's Permanent Parcel Number B01-4142-0045-00 is approved, ratified and confirmed. All municipal officials are authorized to perform such acts as are within their customary duties and reasonably necessary to perform the municipality's contractual obligations and assure compliance with program guidelines and regulatory requirements with respect to the approved purchase. Without limiting the authority conferred by this Section:

- a. The Law Director is authorized to accept and record the deed to be delivered pursuant to the approved contract; and,
- b. The Finance Director is directed to pay the contract purchase price of \$60,500.00 and all transactional expenses incurred in accordance with program guidelines from appropriately budgeted program funds.

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: October 22, 2013

Tim Holtsberry
President of Council

Attest: Lisa Elders, Clerk

Approved: October 22, 2013

Bob Armstrong
Mayor

ORDINANCE No. 7545

**AN ORDINANCE AMENDING ORDINANCE NO. 7469 PASSED
DECEMBER 20, 2012 TO MAKE APPROPRIATIONS FOR
CURRENT EXPENSES AND OTHER EXPENDITURES OF
THE CITY OF DEFIANCE, OHIO, DURING THE PERIOD OF
JANUARY 1, 2013 THROUGH DECEMBER 31, 2013.**

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, 2013 through December 31, 2013, Ordinance No. 7469 is hereby amended by appropriation changes to the following accounts:

101 - General Fund			
145 - County Law Library			
Operating	\$	11,000.00	
TOTAL - County Law Library			\$ 11,000.00
751 - Parks & Recreation			
Operating	\$	12,900.00	
TOTAL - Parks & Recreation			\$ 12,900.00
TOTAL - General Fund			\$ 23,900.00
202 - State Highway Improvement Fund			
Operating	\$	3,175.00	
TOTAL - State Highway Improvement Fund			\$ 3,175.00
403 - Capital Improvements Fund			
Operating	\$	1,235,861.00	
TOTAL - Capital Improvements Fund			\$ 1,235,861.00
793 - Fire Damage/Repair/Removal Fund			
Operating	\$	8,000.00	
TOTAL - Fire Damage/Repair/Removal Fund			\$ 8,000.00
GRAND TOTAL - ALL FUNDS			\$ 1,270,936.00

RECAPITULATION OF APPROPRIATIONS

101	General Fund	\$	23,900.00
202	State Highway Improvements Fund	\$	3,175.00
403	Capital Improvements Fund	\$	1,235,861.00
793	Fire Damage/Repair/Removal Fund	\$	8,000.00
GRAND TOTAL - ALL FUNDS			\$ 1,270,936.00

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: October 22, 2013

Attest: Lisa Elders , Clerk

Votes Approving Adoption: 7

Votes Opposing Adoption: 0

Approved: October 22 , 2013

By: Bob Armstrong , Mayor

RESOLUTION No. 2461

A RESOLUTION DECLARING THE SERVICES TO BE PROVIDED TERRITORY PROPOSED FOR ANNEXATION, ESTABLISHING ZONING RESTRICTIONS PERTAINING THERETO AND DECLARING AN EMERGENCY

Whereas, David J. and Judith K. Scott have filed a Petition seeking to annex a part of Lot 38 and a part of Lot 39 in and of the Saunders-Snyder Addition comprising a total of 0.332 acres of land located in Section 30, Richland Township, Defiance County, Ohio, to the City of Defiance; and,

Whereas, Revised Code Section 709.023(C) requires Council to adopt a Resolution declaring the services to be provided the territory upon annexation and file the same with the Board of County Commissioners within 20 days following the filing of the Petition;

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

Section 1: The City of Defiance consents to approval of the aforesaid Petition by the Board of County Commissioners and will maintain any street or road divided or segmented by the annexation.

Section 2: Lands described by the Petition will be provided all customary general governmental and utility services in the same manner and on the same terms and conditions as are applicable to the provision of like-kind services to other lands within the territorial boundaries of the municipality. In-City rates for water and sewer services furnished to existing consumers located within the territory will take effect on the first day of the first billing cycle beginning after the effective date of the annexation. Billing and payment dates previously established for each consumer will not be altered and charges accrued during the billing cycle in which the annexation takes effect will not be prorated to the date on which the annexation takes effect.

Section 3: In the event land within the annexation territory is accorded a municipal zoning designation that permits the land to be used in a manner that is clearly incompatible with the uses permitted by township zoning of adjacent lands, Council will provide for the establishment of a buffer conforming to the requirements of Ohio Revised Code Section 709.23(C) in the Ordinance establishing the municipal zoning district.

Section 4: It is found and determined that all legislative actions pertaining to the adoption of this Resolution and all deliberations that affected or influenced all such legislative acts, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

Section 5: This Resolution is declared to be an emergency measure necessary to the preservation of the health, safety and welfare of the community for the reason that statutory law requires this Resolution to be promptly filed with the Board of County Commissioners. 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: October 22, 2013

Tim Holtsberry
President of Council

Votes Approving Adoption: 7

Votes Opposing Adoption: 0

Attest: Lisa Elders, Clerk

Approved: October 22, 2013

Bob Armstrong
Mayor

Ordinance No. 7546

AN ORDINANCE AUTHORIZING A CONTRACT WITH DEFIANCE COUNTY PERTAINING TO REIMBURSEMENT OF MUNICIPAL EXPENSES INCURRED TO PROVIDE LEGAL SERVICES TO INDIGENT DEFENDANTS PROSECUTED IN MUNICIPAL COURT FOR OFFENSES PROSCRIBED BY MUNICIPAL ORDINANCE

WHEREAS, the State Public Defender allocates funds to Defiance County for payment of expenses incurred to provide legal services to indigent persons charged with offenses punishable by incarceration; and,

WHEREAS, a long standing agreement between the City and County has enabled the County to allocate a portion of the funds received from the Public Defender to the City in reimbursement of expenses incurred to provide constitutionally required legal services to persons prosecuted for offenses proscribed by municipal ordinance; and,

WHEREAS, the aforesaid agreement was most recently revised in 2013 to conform to model forms proscribed by the Public Defender; and,

WHEREAS, the agreement provides that it can be annually renewed by Ordinance of Council and Resolution of the Board of County Commissioners; and,

WHEREAS, by Resolution adopted October 14, 2013, the Board of County Commissioners approved renewal of the agreement for calendar year 2014;

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

Section 1: The agreement between the City of Defiance and County of Defiance entitled, "Agreement for Indigent Defense Services in Municipal Court (Assigned Counsel)" is hereby extended from January 1, 2014, through December 31, 2014. The City Finance Director is authorized to receive and disburse funds in accordance with the agreement during calendar year 2014.

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: October 22, 2013

Tim Holtsberry
President of Council

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

Attest: Lisa Elders, Clerk

Approved: October 22, 2013

Bob Armstrong
Mayor

Ordinance No. 7547

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO CONTRACT WITH EMNET FOR THE PERFORMANCE OF A FEASIBILITY ANALYSIS

WHEREAS, The Ohio Environmental Protection Agency has agreed to suspend enforcement of a Consent Order requiring the City to construct and install improvements to the sewer system to enable the City to evaluate the efficacy and cost effectiveness of the mandated controls and propose less costly alternatives; and,

WHEREAS, EmNet, LLC, of South Bend, Indiana, has proposed to conduct a feasibility study to determine whether the installation of automated flow controls to maximize use of existing storage capacity within the collection system affords a cost effective alternative to construction of new collection, transmission and storage facilities; and,

WHEREAS, installation of automated flow controls has proven to be cost effective in other communities;

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

Section 1: The City Administrator is authorized to execute and deliver the proposed contract engaging EmNet, LLC to perform a feasibility study to determine the applicability and return on investment achievable by installation of Real Time Decision Support Systems to reduce the frequency and volume of combined sewer overflows.

Section 2: The Finance Director is authorized to pay the contract price of \$38,861.00 from 2013 budgetary line 589-540-5-2-973.004.

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: October 22 _____, 2013

Tim Holtsberry _____
President of Council

Attest: Lisa Elders _____, Clerk

Approved: October 22 _____, 2013

Bob Armstrong _____
Mayor