

Ordinance No. 7549

AN ORDINANCE ESTABLISHING A JOB CREATION INCENTIVE FOR CLEMENS MOBILE WELDING, LLC

WHEREAS, Clemens Mobile Welding, LLC has proposed an investment of approximately \$1,200,000.00 to establish new production facilities that will expand employment in the City; and,

WHEREAS, Clemens Mobile Welding, LLC has requested that a job creation incentive be established pursuant to Chapter 191 of the Codified Ordinances; and,

WHEREAS, the Job Incentive Program Committee recommends that the requested incentive be created in the amount of \$9,000.00 per year for a period of 5 years upon creation and maintenance of not less than 20 eligible jobs generating an aggregate annual payroll of not less than \$800,000.00; and,

WHEREAS, Council concurs with the recommendation;

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

Section 1: \$9,000.00 shall be annually appropriated to the use of the Defiance County Community Improvement Corporation for a period of five years to fund a Job Creation Incentive Award hereby granted to Clemens Mobile Welding, LLC. The first annual payment shall be conditioned on the creation of not less than 20 eligible jobs generating an aggregate new annual payroll of not less than \$800,000.00. Payment of subsequent installments shall be conditioned on maintenance of the required number of positions and aggregate payroll during each year in which the incentive is paid.

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 12, 2013

Tim Holtsberry
President of Council

Attest: Lisa Elders, Clerk

Approved: November 12, 2013

Bob Armstrong
Mayor

Ordinance No. 7550

AN ORDINANCE AUTHORIZING THE SALE OF COINS DEACCESSIONED FROM THE COLLECTION OF THE ANDREW L. TUTTLE MEMORIAL MUSEUM

WHEREAS, property bequeathed to the municipality by Andrew L. Tuttle includes 20th century US and Canadian coins with an aggregate face value of \$923.00 and estimated bullion value of \$12,000; and,

WHEREAS, the Andrew L. Tuttle Memorial Museum Board has determined that the coins have no significant numismatic value and deaccessioned them from the collection; and,

WHEREAS, the Museum Board has recommended that the coins be sold as bullion and sale proceeds used to benefit the Andrew L. Tuttle Memorial Museum;

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

Section 1: Silver coins deaccessioned from the collection of the Andrew L. Tuttle Memorial Museum are declared to be municipal surplus. The City Historian is authorized to sell the coins at the spot market price offered for US and Canadian "junk silver" coins by any recognized coin or bullion exchange located in the State of Ohio. All sale proceeds shall be received and disbursed in the manner required by Codified Ordinance 165.02.

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 12, 2013

Tim Holtsberry
President of Council

Attest: Lisa Elders, Clerk

Approved: November 12, 2013

Bob Armstrong
Mayor

Ordinance No. 7551

AN ORDINANCE CONSENTING TO THE IMPROVEMENT OF STATE ROUTE 18 WITHIN THE MUNICIPALITY, PLEDGING COOPERATION WITH THE DIRECTOR OF TRANSPORTATION IN THE COMPLETION OF THE PROPOSED WORK AND DECLARING AN EMERGENCY
(Final Legislation: DEF 18-26.02--ODOT Project ID No. 87235)

WHEREAS, the Department of Transportation has identified a need to reconstruct the State Route 18 (E. Second Street) culvert bridging Preston Run; and,

WHEREAS, the City maintains sewage facilities in the right-of-way to be disturbed by the work; and,

WHEREAS, the aforesaid sewage facilities are aged and due for replacement; and,

WHEREAS, the Department of Transportation generously offered to replace the sewage facilities incident to construction of the proposed highway improvements; and,

WHEREAS, By Ordinance passed September 3, 2013, Council found that improvement of State Route 18 is necessary and that the proposed highway improvement will be beneficial to the City and its inhabitants; and,

WHEREAS, By Ordinance passed September 3, 2013, Council also agreed to assume and pay one hundred percent (100%) of the cost of sewage improvements incorporated into the highway improvement project; and,

WHEREAS, The Director of Transportation has caused detailed plans and specifications governing the proposed work to be prepared and estimates that costs attributable to the sewerage will total \$32,460.00; and,

WHEREAS, Council finds that it is in the public interest to proceed with the work on the terms proposed by the Director of Transportation;

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

Section 1: Consent Statement: The City of Defiance consents to the performance of all work proposed to be undertaken in accordance with the detailed plans and specifications now on file in the Office of the City Administrator and identified as ODOT Project ID No. 87235.

Section 2: Cooperation Statement: The City will participate in the project in the following manner:

- A. The Department of Transportation and Federal Highway Administration shall bear 100% of the necessary costs of the State highway project.
- B. The City of Defiance shall bear 100% of the cost to abandon and replace sanitary sewers in conformity with the plans and specifications now on file and 100% of the cost of any additional features or appurtenances included in the construction at the municipality's request that are determined by ODOT and/or the Federal Highway Administration to be unnecessary to the State highway project.

Section 3: Contractual Authority: The authority previously granted the City Administrator to enter into such agreements with the Director of Transportation as may be necessary or appropriate to facilitate completion of ODOT Project No. 87235 is ratified and confirmed. Execution of the proposed contract now on file in the office of the City Administrator is expressly approved.

Section 4: Payment Authority: The Finance Director is directed to disburse \$32,460.00 from 2013 Budgetary Line 590-540-980-880 in payment of the City's estimated share of project costs.

Section 5: 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 6: This Ordinance is declared to be an Emergency Measure necessary to preserve public health, safety and welfare for the reason that municipal consent to proceed with the work must be filed with the Director of Transportation on or before November 27, 2013, in order for the City to participate in and benefit from the State Highway Improvement project. As such, this Ordinance shall take immediate effect upon passage with the concurrence of not less than 5 Members of Council and approval of the Mayor.

Tim Holtsberry
President of Council

Passed: November 12, 2013

Votes for Adoption: 7
Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: November 12, 2013

Bob Armstrong
Mayor

ORDINANCE NO. 7552

AN ORDINANCE AUTHORIZING AMENDMENT OF A CONTRACT BETWEEN THE CITY OF DEFIANCE AND STATE OF OHIO, DEPARTMENT OF TRANSPORTATION

WHEREAS, Ordinance 7351 authorized a contract with the State of Ohio, Department of Transportation, pertaining to local administration of Federal funds allocated to ODOT Project No. 92830; and,

WHEREAS, the scope of the work to be included in ODOT Project No. 92830 has been significantly changed by the municipality's determination not to proceed with proposed improvements to the intersection of South Clinton Street with elevated rail facilities operated by CSX Transportation; and,

WHEREAS, the Department of Transportation has revised project cost estimates to eliminate costs attributable to improvement of the rail crossing and reflect increases to the estimated cost of improvements proposed for installation south of the rail crossing; and,

WHEREAS, the Department of Transportation has allocated additional funds to Project No. 92830 and adjusted the relative amounts of State aid to be drawn from the Small Cities and Urban Paving programs; and,

WHEREAS, The Department of Transportation requests that the previously authorized and executed contract be amended to reflect the revised scope of work, altered cost estimates and modified grant structure;

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 amendment to ODOT Agreement 24877 now on file and to deliver the executed document to the Department of Transportation. The City Administrator is further authorized to perform all obligations of the Agreement in accordance with the terms of the Agreement. To the extent the Agreement requires contracts to be awarded in accordance with Federal law, Federal regulations or ODOT-approved procedures that differ from procurement processes established by Ordinance, the City Administrator is directed to employ the procurement procedures required by the Agreement and all contracts awarded in conformity with those procedures shall be valid and binding on the municipality. The City Administrator is further authorized to employ the services of ODOT approved consultants when required or permitted to do so by the terms of the approved Agreement.

Section 2: Municipal officials and employees are directed to comply with all ethical standards required by the approved Agreement and the City Administrator is directed to discipline employees for violation of those standards in the same manner as would be imposed for a violation of ethical standards established by Ordinance or municipal administrative policy.

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 12, 2013

Tim Holtsberry
President of Council

Votes in Favor of Adoption: 7

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: November 12, 2013

Bob Armstrong
Mayor

Ordinance No. 7553

AN ORDINANCE ACCEPTING THE ANNEXATION OF 12.456 ACRES OF LAND LOCATED IN SECTION 11, NOBLE TOWNSHIP, DEFIANCE COUNTY, OHIO

Whereas, Safran Defiance, LLC, Wyse-Beck Company and Kenneth J. Moninger filed a Petition seeking to annex 12.456 acres of land located in Section 11, Noble Township, Defiance County, Ohio, to the City of Defiance; and,

Whereas, By Resolution passed September 3, 2013, Council declared the services to be provided the territory upon annexation and consented to allowance of the Petition by the Board of County Commissioners; and,

Whereas, The Board of County Commissioners approved the Petition 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 municipality;

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

Section 1: The Petition of Safran Defiance, LLC, Wyse-Beck Company and Kenneth J. Moninger to annex 12.456 acres of land located in Section 11, Noble Township, Defiance County, Ohio, to the City of Defiance, as heretofore approved by the Board of County Commissioners of Defiance County, Ohio, is approved and the territory therein described is accepted. All municipal officials are authorized to execute such plats and other documents as may be appropriate to conclude the proceedings.

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 12, 2013

Tim Holtsberry
President of Council

Attest: Lisa Elders, Clerk

Approved: November 12, 2013

Bob Armstrong
Mayor

Ordinance No. 7554

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A CONTRACT WITH THE DEFIANCE SOIL & WATER CONSERVATION DISTRICT

WHEREAS, Ordinance 6988, passed October 8, 2008, authorized the City Administrator to enter into a 5-year contract with the Defiance Soil and Water Conservation District pursuant to which the District agreed to provide the City with the services of an Urban Storm Water Specialist and otherwise assist the municipality with the development, implementation and enforcement of a Storm Water Management (MS-4) Program conforming to regulatory requirements promulgated by the U.S. and Ohio Environmental Protection Agencies; and,

WHEREAS, the Defiance Soil & Water Conservation District has offered to renew the expiring agreement for 1 year without change to the financial terms; and,

WHEREAS, the Defiance Soil & Water Conservation District is uniquely qualified to assist the municipality with achievement of regulatory compliance because it not only possesses significant expertise in the general field of storm water management but also possesses detailed knowledge of local topography, soil characteristics and groundwater migration patterns; and,

WHEREAS, affiliation with the Defiance Soil & Water Conservation District will enable the City to achieve regulatory compliance at a substantially reduced cost by permitting the municipality to benefit from State contributions to the payment of Soil & Water Conservation District expenses;

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 "Memorandum of Understanding between the Defiance Soil & Water Conservation District and the City of Defiance, Defiance County, Ohio" now on file in the Office of the City Law Director.

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 12, 2013

Tim Holtsberry
President of Council

Attest: Lisa Elders, Clerk

Approved: November 12, 2013

Bob Armstrong
Mayor

ORDINANCE No. 7555

**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:

247 - Probation Services Fund			
Operating	\$	8,500.00	
TOTAL - Probation Services Fund			\$ 8,500.00
596 - Refuse Collection Fund			
Operating	\$	5,000.00	
TOTAL - Refuse Collection Fund			\$ 5,000.00
793 - Fire Damage/Repair/Removal Fund			
Operating	\$	4,000.00	
TOTAL - Fire Damage/Repair/Removal Fund			\$ 4,000.00
GRAND TOTAL - ALL FUNDS			\$ 17,500.00

RECAPITULATION OF APPROPRIATIONS

247	Probation Services Fund	\$	8,500.00
596	Refuse Collection Fund	\$	5,000.00
793	Fire Damage/Repair/Removal Fund	\$	4,000.00
GRAND TOTAL - ALL FUNDS			\$ 17,500.00

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: November 12, 2013

Attest: Lisa Elders, Clerk

Votes Approving Adoption: 7

Votes Opposing Adoption: 0

Approved: November 12, 2013

By: Bob Armstrong, Mayor

**CITY OF DEFIANCE - FY 2013
SUPPLEMENTAL APPROPRIATIONS ORDINANCE**

October 11, 2013

Members of Council,

Below are the specific line items associated with the amending appropriation ordinance. If you have any questions, please contact me.

\$8,500 of additional funding in the Probation Services Fund for computer tablets and software for Probation Officer field work.

\$5,000 in the Refuse Collection Fund to cover higher than anticipated reimbursements to Werlor for trash collection services; offset by higher than anticipated revenue.

\$4,000 in the Fire Damage Repair & Removal Fund to permit the refund of insurance monies received in relation to a dwelling fire on Jackson Street.

Thanks,



John W. Lehner
Finance Director
City of Defiance

Fund No.	Dept No.	Account No.	Account Name	Amount	Department
247	137	730006	Equipment	8,500	
TOTAL - Probation Services Fund				<u>8,500</u>	
596	528	840200	Refuse Contract/Werlor	5,000	
TOTAL - Refuse Collection Fund				<u>5,000</u>	
793	338	964000	Refund	4,000	
TOTAL - Fire Damage/Repair/Removal Fund				<u>4,000.00</u>	
GRAND TOTAL - ALL FUNDS				<u><u>17,500.00</u></u>	

ORDINANCE No. 7556

**AN ORDINANCE AUTHORIZING THE TRANSFER
OF FUNDS FOR THE CITY OF DEFIANCE, OHIO FOR THE
YEAR ENDING DECEMBER 31, 2013,
AND DECLARING AN EMERGENCY.**

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	\$ 17,500	Police Pension Fund #732
General Fund #101	\$ 14,166	Fire Pension Fund #733
WPC Fund #590	\$ 31,733	General Fund #101
WPC Fund #590	\$ 18,333	Utilities Billing Office Fund #585
WTP Fund #591	\$ 27,416	General Fund #101
WTP Fund #591	\$ 18,333	Utilities Billing Office Fund #585
Refuse #596	\$ 4,000	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 12, 2013

Votes Approving Adoption: 7

Votes Opposing Adoption: 0

Attest: Lisa Elders, Clerk

Approved: November 12, 2013

By: Bob Armstrong, Mayor