

Ordinance No. 7563

AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF DEFIANCE, OHIO, DURING THE PERIOD OF JANUARY 1, 2014 THROUGH DECEMBER 31, 2014.

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

Section 1: That, to provide for the current expenses and other expenditures of the City of Defiance, State of Ohio, during the period of January 1, 2014 through December 31, 2014, the following sums be, and are hereby set aside and appropriated as follows, to wit:

GENERAL FUND - 101			
101 - COUNCIL			
Salaries, Wages and Benefits	\$	76,225.00	
Operating	\$	28,940.00	
TOTAL - COUNCIL			\$ 105,165.00
136 - MUNICIPAL COURT			
Salaries, Wages and Benefits	\$	676,325.00	
Operating	\$	78,300.00	
TOTAL - MUNICIPAL COURT			\$ 754,625.00
145 - COUNTY LAW LIBRARY			
Operating	\$	30,000.00	
TOTAL - COUNTY LAW LIBRARY			\$ 30,000.00
171 - MAYOR			
Salaries, Wages and Benefits	\$	152,085.00	
Operating	\$	11,680.00	
TOTAL - MAYOR			\$ 163,765.00
172 - CITY ADMINISTRATOR			
Salaries, Wages and Benefits	\$	122,640.00	
Operating	\$	101,503.00	
TOTAL - CITY ADMINISTRATOR			\$ 224,143.00
180 - DEVELOPMENT DEPARTMENT			
Salaries, Wages and Benefits	\$	-	
Operating	\$	109,000.00	
TOTAL - DEVELOPMENT DEPARTMENT			\$ 109,000.00
201 - FINANCE DEPARTMENT			
Salaries, Wages and Benefits	\$	279,905.00	
Operating	\$	61,620.00	
TOTAL - FINANCE DEPARTMENT			\$ 341,525.00
205 - COUNTY & STATE CHARGES			
Operating	\$	65,600.00	
TOTAL - COUNTY & STATE CHARGES			\$ 65,600.00
210 - LAW DEPARTMENT			
Salaries, Wages and Benefits	\$	293,935.00	
Operating	\$	21,395.00	
TOTAL - LAW DEPARTMENT			\$ 315,330.00
220 - CIVIL SERVICE			
Salaries, Wages and Benefits	\$	7,095.00	
Operating	\$	10,980.00	
TOTAL - CIVIL SERVICE			\$ 18,075.00

265 - BUILDINGS & LAND			
Salaries, Wages and Benefits	\$	76,365.00	
Operating	\$	433,944.00	
TOTAL - BUILDINGS & LAND			\$ 510,309.00
276 - CEMETERY			
Salaries, Wages and Benefits	\$	171,600.00	
Operating	\$	46,315.00	
TOTAL - CEMETERY			\$ 217,915.00
371 - BUILDING INSPECTION			
Salaries, Wages and Benefits	\$	116,855.00	
Operating	\$	15,050.00	
TOTAL - BUILDING INSPECTION			\$ 131,905.00
447 - ENGINEERING			
Salaries, Wages and Benefits	\$	419,965.00	
Operating	\$	19,630.00	
TOTAL - ENGINEERING			\$ 439,595.00
730 - INSURANCE POOL			
Operating	\$	273,025.00	
TOTAL - INSURANCE POOL			\$ 273,025.00
751 - PARKS & RECREATION			
Salaries, Wages and Benefits	\$	347,975.00	
Operating	\$	231,290.00	
TOTAL - PARKS & RECREATION			\$ 579,265.00
753 - INCOME TAX DEPARTMENT			
Salaries, Wages and Benefits	\$	61,125.00	
Operating	\$	181,835.00	
TOTAL - INCOME TAX DEPARTMENT			\$ 242,960.00
966 - POLICE & FIRE TRANSFER OUT			
Operating	\$	3,689,163.00	
TOTAL - POLICE & FIRE TRANSFER OUT			\$ 3,689,163.00
967 - POLICE PENSION TRANSFER OUT			
Operating	\$	250,000.00	
TOTAL - POLICE PENSION TRANSFER OUT			\$ 250,000.00
968 - FIRE PENSION TRANSFER OUT			
Operating	\$	220,000.00	
TOTAL - FIRE PENSION TRANSFER OUT			\$ 220,000.00
TOTAL - GENERAL FUND			\$ 8,681,365.00
201 - POLICE & FIRE FUND			
301 - POLICE DEPARTMENT			
Salaries, Wages and Benefits	\$	2,612,563.00	
Operating	\$	449,060.00	
TOTAL - POLICE DEPARTMENT			\$ 3,061,623.00
336 - FIRE DEPARTMENT			
Salaries, Wages and Benefits	\$	1,871,360.00	
Operating	\$	190,970.00	
TOTAL - FIRE DEPARTMENT			\$ 2,062,330.00
TOTAL - POLICE & FIRE FUND			\$ 5,123,953.00
202 - STATE HIGHWAY IMPROVEMENT FUND			
Operating	\$	62,000.00	
TOTAL - STATE HIGHWAY IMPROVEMENT FUND			\$ 62,000.00

204 - STREET CONSTRUCTION, MAINTENANCE & REPAIR FUND			
Salaries, Wages and Benefits	\$	664,065.00	
Operating	\$	231,450.00	
TOTAL - STREET CONSTRUCTION, MAINTENANCE & REPAIR FUND			\$ 895,515.00
245 - INDIGENT DRIVERS ALCOHOL TREATMENT FUND			
Operating	\$	20,000.00	
TOTAL - INDIGENT DRIVERS ALCOHOL TREATMENT FUND			\$ 20,000.00
247 - PROBATION SERVICES FUND			
Operating	\$	29,440.00	
TOTAL - PROBATION SERVICES FUND			\$ 29,440.00
249 - PROBATION GRANT FUND			
Salaries, Wages and Benefits	\$	28,347.38	
Operating	\$	-	
TOTAL - PROBATION GRANT FUND			\$ 28,347.38
250 - COURT COMPUTERIZATION FUND			
Operating	\$	90,000.00	
TOTAL - COURT COMPUTERIZATION FUND			\$ 90,000.00
256 - SPECIAL PROJECT FUND			
Operating	\$	160,000.00	
TOTAL - SPECIAL PROJECT FUND			\$ 160,000.00
257 - OVI SPECIAL PROJECT FUND			
Operating	\$	5,000.00	
TOTAL - OVI SPECIAL PROJECT FUND			\$ 5,000.00
260 - CABLE T.V. FUND			
Operating	\$	210,000.00	
TOTAL - CABLE T.V. FUND			\$ 210,000.00
273 - HOUSING REHABILITATION FUND			
Operating	\$	416,000.00	
TOTAL - HOUSING REHABILITATION FUND			\$ 416,000.00
276 - REVOLVING LOAN FUND			
Operating	\$	500,000.00	
TOTAL - REVOLVING LOAN FUND			\$ 500,000.00
278 - DOWNTOWN REVITALIZATION FUND			
Operating	\$	300,000.00	
TOTAL - DOWNTOWN REVITALIZATION FUND			\$ 300,000.00
279 - MICRO REVOLVING LOAN FUND			
Operating	\$	24,000.00	
TOTAL - MICRO REVOLVING LOAN FUND			\$ 24,000.00
286 - RIVERSIDE CEMETERY ENHANCEMENT FUND			
Operating	\$	2,800.00	
TOTAL - RIVERSIDE CEMETERY ENHANCEMENT FUND			\$ 2,800.00
403 - CAPITAL IMPROVEMENT FUND			
Operating	\$	1,864,933.00	
TOTAL - CAPITAL IMPROVEMENT FUND			\$ 1,864,933.00
585 - UTILITIES BILLING OFFICE FUND			
Salaries, Wages and Benefits	\$	374,049.00	
Operating	\$	149,800.00	
TOTAL - UTILITIES BILLING OFFICE FUND			\$ 523,849.00

589 - SEWER CAPITAL IMPROVEMENT FUND			
Operating	\$	1,095,500.00	
TOTAL - SEWER CAPITAL IMPROVEMENT FUND			\$ 1,095,500.00
590 - WATER POLLUTION CONTROL FUND			
540 - SEWER PLANT			
Salaries, Wages and Benefits	\$	1,278,985.00	
Operating	\$	10,098,436.00	
TOTAL - SEWER PLANT			\$ 11,377,421.00
541 - STORMWATER			
Salaries, Wages and Benefits	\$	75,285.00	
Operating	\$	7,000.00	
TOTAL - STORMWATER			\$ 82,285.00
TOTAL - WATER POLLUTION CONTROL FUND			\$ 11,459,706.00
591 - WATER TREATMENT PLANT FUND			
537 - WATER TREATMENT PLANT			
Salaries, Wages and Benefits	\$	807,155.00	
Operating	\$	3,887,705.00	
TOTAL - 537 - WATER TREATMENT PLANT			\$ 4,694,860.00
538 - WATER DISTRIBUTION			
Salaries, Wages and Benefits	\$	561,765.00	
Operating	\$	1,885,500.00	
TOTAL - 538 - WATER DISTRIBUTION			\$ 2,447,265.00
TOTAL - WATER TREATMENT PLANT FUND			\$ 7,142,125.00
596 - REFUSE COLLECTION FUND			
Operating	\$	960,000.00	
TOTAL - REFUSE COLLECTION FUND			\$ 960,000.00
704 - HOTEL / MOTEL TAX FUND			
873 - GENERAL OPERATING			
Salaries, Wages and Benefits	\$	18,495.00	
Operating	\$	73,600.00	
TOTAL - 873 - GENERAL OPERATING			\$ 92,095.00
901 - VISITORS BUREAU			
Operating	\$	120,000.00	
TOTAL - 890 - VISITORS BUREAU			\$ 120,000.00
TOTAL - HOTEL / MOTEL TAX FUND			\$ 212,095.00
707 - MUSEUM TRUST FUND			
Operating	\$	3,000.00	
TOTAL - MUSEUM TRUST FUND			\$ 3,000.00
711 - CEMETERY TRUST FUND			
Operating	\$	2,800.00	
TOTAL - CEMETERY TRUST FUND			\$ 2,800.00
732 - POLICE PENSION FUND			
Operating	\$	352,500.00	
TOTAL - POLICE PENSION FUND			\$ 352,500.00
733 - FIRE PENSION FUND			
Operating	\$	332,500.00	
TOTAL - FIRE PENSION FUND			\$ 332,500.00

770 - UTILITY DEPOSIT TRUST FUND			
Operating	\$	30,000.00	
TOTAL - UTILITY DEPOSIT TRUST FUND			\$ 30,000.00
780 - LAW ENFORCEMENT TRUST FUND			
Operating	\$	12,000.00	
TOTAL - LAW ENFORCEMENT TRUST FUND			\$ 12,000.00
786 - HEALTH TRUST FUND			
Operating	\$	2,432,000.00	
TOTAL - HEALTH TRUST FUND			\$ 2,432,000.00
794 - PARKS & RECREATION TRUST FUND			
Operating	\$	17,000.00	
TOTAL - PARKS & RECREATION TRUST FUND			\$ 17,000.00
852 - SPECIAL ASSESSMENT DEBT FUND			
Operating	\$	127,189.00	
TOTAL - SPECIAL ASSESSMENT DEBT FUND			\$ 127,189.00
GRAND TOTAL - ALL FUNDS			\$ 43,115,617.38

RECAPITULATION OF APPROPRIATIONS

101	General Fund	\$ 8,681,365.00
201	Police & Fire Fund	5,123,953.00
202	State Highway Improvement Fund	62,000.00
204	Street Construction, Maintenance & Repair Fund	895,515.00
245	Indigent Drivers Alcohol Treatment Fund	20,000.00
247	Probation Services Fund	29,440.00
249	Probation Grant Fund	28,347.38
250	Court Computerization Fund	90,000.00
256	Special Project Fund	160,000.00
257	OVI Special Project Fund	5,000.00
260	Cable T.V. Fund	210,000.00
273	Housing Rehabilitation Fund	416,000.00
276	Revolving Loan Fund	500,000.00
278	Downtown Revitalization Fund	300,000.00
279	Micro Revolving Loan Fund	24,000.00
286	Riverside Cemetery Enhancement Fund	2,800.00
403	Capital Improvement Fund	1,864,933.00
585	Utilities Billing Office Fund	523,849.00
589	Sewer Capital Improvement Fund	1,095,500.00
590	Water Pollution Control Fund	11,459,706.00
591	Water Treatment Plant Fund	7,142,125.00
596	Refuse Collection Fund	960,000.00
704	Hotel / Motel Tax Fund	212,095.00
707	Museum Trust Fund	3,000.00
711	Cemetery Trust Fund	2,800.00
732	Police Pension Fund	352,500.00
733	Fire Pension Fund	332,500.00
770	Utility Deposit Trust Fund	30,000.00
780	Law Enforcement Trust Fund	12,000.00
786	Health Care Trust Fund	2,432,000.00
794	Parks & Recreation Trust Fund	17,000.00
852	Special Assessment Debt Fund	127,189.00
GRAND TOTAL - ALL FUNDS		\$ 43,115,617.38

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 10, 2013

Attest: Lisa Elders, Clerk

Votes Approving Adoption: 6

Votes Opposing Adoption: 0

Approved: December 10, 2013

By: Bob Armstrong, Mayor

Ordinance No. 7564

AN ORDINANCE ACCEPTING THE ANNEXATION OF 6.000 ACRES OF LAND LOCATED IN SECTION 11, NOBLE TOWNSHIP, DEFIANCE COUNTY, OHIO

Whereas, Short North Properties and Joyce Knoll filed a Petition seeking the annexation of 6.000 acres of land located in Noble Township, Section 11, to the City of Defiance; and,

Whereas, By Resolution passed September 3, 2013, Council consented to allowance of the Petition by the Board of County Commissioners and declared the services to be provided the territory upon annexation; 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 Short North Properties and Joyce Knoll to annex 6.000 acres of land located in Section 11, Noble Township, Defiance County, Ohio, as 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: December 10, 2013

Tim Holtsberry
President of Council

Attest: Lisa Elders, Clerk

Approved: December 10, 2013

Bob Armstrong
Mayor

Ordinance No. 7565

AN ORDINANCE ACCEPTING THE ANNEXATION OF 1.000 ACRE OF LAND LOCATED IN SECTION 12, NOBLE TOWNSHIP, DEFIANCE COUNTY, OHIO

Whereas, Lewis Allen filed a Petition seeking to annex 1.000 acre of land located in Noble Township, Section 12, to the City of Defiance; and,

Whereas, By Resolution passed September 3, 2013, Council consented to allowance of the Petition by the Board of County Commissioners and declared the services to be provided the territory upon annexation; 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 Lewis Allen to annex 1.000 acre of land located in Section 12, Noble Township, Defiance County, Ohio, as 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: December 10, 2013

Tim Holtsberry
President of Council

Attest: Lisa Elders, Clerk

Approved: December 10, 2013

Bob Armstrong
Mayor

Ordinance No. 7566

AN ORDINANCE ACCEPTING THE ANNEXATION OF 1.243 ACRES OF LAND LOCATED IN SECTION 30, RICHLAND TOWNSHIP, DEFIANCE COUNTY, OHIO

Whereas, Strait Family, LLC, filed a Petition seeking to annex 1.243 acres of land located in Richland Township, Section 30, to the City of Defiance; and,

Whereas, By Resolution passed September 3, 2013, Council consented to allowance of the Petition by the Board of County Commissioners and declared the services to be provided the territory upon annexation; 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 Strait Family, LLC, to annex 1.243 acres of land located in Section 30, Richland Township, Defiance County, Ohio, as 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: December 10, 2013

Tim Holtsberry
President of Council

Attest: Lisa Elders, Clerk

Approved: December 10, 2013

Bob Armstrong
Mayor

Ordinance No. 7567

AN ORDINANCE ACCEPTING THE ANNEXATION OF 2.263 ACRES OF LAND LOCATED IN SECTION 30, RICHLAND TOWNSHIP, DEFIANCE COUNTY, OHIO

Whereas, Indoor Auto Mart, Kenneth VanStreader and George Taylor filed a Petition seeking the annexation of 2.263 acres of land located in Richland Township, Section 30, to the City of Defiance; and,

Whereas, By Resolution passed September 3, 2013, Council consented to allowance of the Petition by the Board of County Commissioners and declared the services to be provided the territory upon annexation; 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 Indoor Auto Mart, Kenneth VanStreader and George Taylor to annex 2.263 acres of land located in Section 30, Richland Township, Defiance County, Ohio, as 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: December 10, 2013

Tim Holtsberry
President of Council

Attest: Lisa Elders, Clerk

Approved: December 10, 2013

Bob Armstrong
Mayor

Ordinance No. 7568

AN ORDINANCE ESTABLISHING PERMANENT ZONING OF LANDS NEWLY ANNEXED TO THE CITY

WHEREAS, Harvest Life, Inc., filed a Petition seeking to annex 5.559 acres of land located in Defiance Township, Section 29, to the City of Defiance; and,

WHEREAS, By Ordinance passed September 3, 2013, the City accepted the territory effective October 4, 2013; and,

WHEREAS, Planning Commission completed a review of the existing land uses within and in the immediate vicinity of the annexed territory and recommended that all lands within the annexation territory be zoned B-3, Highway and General Business, as that designation most closely conforms to the existing use of the annexed lands and adjacent properties; and,

WHEREAS, Council conducted a public hearing as required by law and concurs with the Planning Commission's recommendation; and,

WHEREAS, Council further finds that B-3 zoning is sufficiently compatible with land uses permitted by township zoning of neighboring lands as not to require the establishment of a buffer zone;

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

Section 1: All lands annexed to the City of Defiance on Petition of Harvest Life, Inc. and consisting 5.559 acres of land, more or less, located in Defiance Township, Section 29, are Zoned B-3, Highway and General Business.

Section 2: The Zoning Commissioner is directed to make all changes to the District Map required to implement this Ordinance.

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: December 10, 2013

Tim Holtsberry
President of Council

Attest: Lisa Elders, Clerk

Approved: December 10, 2013

Bob Armstrong
Mayor

Ordinance No. 7569

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT FOR TECHNICAL ASSISTANCE WITH MAUMEE VALLEY PLANNING ORGANIZATION AND CONFIRMING THE DELEGATION OF CERTAIN ADMINISTRATIVE DUTIES TO THE NORTHWESTERN OHIO COMMUNITY ACTION COMMISSION

WHEREAS, the City desires assistance in the administration of funds available under the Small Cities Community Development Block Grant program, specifically: Community Housing Improvement Program Grants Numbered A-C-13-2BD-1 and A-C-13-2BD-2; and,

WHEREAS, the City has traditionally engaged Maumee Valley Planning Organization to render technical advice and administrative 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; and,

WHEREAS, Maumee Valley Planning Organization has delegated certain administrative functions relating to the administration of said grants to Northwestern Ohio Community Action Commission and it is desirable that the authority of the non-profit agency to act on municipality's behalf be documented;

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 "Agreement for Technical Assistance" between the City of Defiance and Maumee Valley Planning Organization pertaining to Community Development Block Grants Numbered A-C-13-2BD-1 and A-C-13-2BD-2.

Section 2: The City Administrator is further authorized to execute the proposed "Administrative Services Agreement for Homelessness Prevention Activity" between the City of Defiance and Northwestern Ohio Community Action Commission pertaining to services to be carried out in connection with the administration of Community Housing Improvement Program Grant A-C-13-2BD-1, and to deliver the contract to Maumee Valley Planning Organization.

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: December 10, 2013

Tim Holtsberry
President of Council

Attest: Lisa Elders, Clerk

Approved: December 10, 2013

Bob Armstrong
Mayor

ORDINANCE NO. 7570

AN ORDINANCE AUTHORIZING A CONTRACT WITH THE MANNIK & SMITH GROUP PERTAINING TO ODOT PROJECT I.D. NO. 92830 AND DECLARING AN EMERGENCY

WHEREAS, Ordinance 7522, passed August 6, 2013, approved changes to the scope of the South Clinton Street Improvement Project, Ohio Department of Transportation Project 92830, approved the estimated cost of the project and directed that a contract be awarded to the Mannik & Smith Group to design the proposed improvements; and,

WHEREAS, It will be necessary to acquire right-of-way in the manner required by Federal Regulations; and,

WHEREAS, Mannik & Smith Group has proposed to engage West Erie Realty Solutions, Ltd, as a subcontractor to carry out all right-of-way acquisition activities and assure compliance with Federal regulatory requirements; and,

WHEREAS, The proposed cost of the services is unchanged from the estimated amount approved by Ordinance 7522;

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 the Mannik & Smith Group to perform all right-of-way acquisition services detailed in the proposal submitted by West Erie Realty Solutions, Ltd., now on file and at a cost of \$117,625.00.

Section 2: The Finance Director is authorized to pay all costs arising under the approved contract from 2013 budgetary line 403-901-5-2-979.062.

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 the preservation of the health, safety and welfare of the community for the reason that the contract hereby authorized is supplemental to the contract previously approved by Ordinance 7522 and must be promptly awarded to assure completion of the work within time periods required by grants previously awarded by the Department of Transportation. 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 10, 2013

Tim Holtsberry
President of Council

Votes in Favor of Adoption: 6

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: December 10, 2013

Bob Armstrong
Mayor

Ordinance No. 7571

AN ORDINANCE AUTHORIZING THE SALE OF LANDS LOCATED IN ENTERPRISE INDUSTRIAL PARK, DIRECTING THE CITY FINANCE DIRECTOR TO DISBURSE ALL ACCUMULATED MONEYS IN THE URBAN REDEVELOPMENT TAX INCREMENT EQUIVALENT FUND TO THE COMMUNITY IMPROVEMENT CORPORATION AND DECLARING AN EMERGENCY

WHEREAS, Ordinance 4350 declared certain lands in the vicinity of Atlantic and Pacific streets to be blighted, authorized acquisition of those lands for redevelopment as an industrial park and exempted improvements constructed thereon from ad valorem taxation for a period of 30 years beginning January 1, 1983, and ending December 31, 2012; and,

WHEREAS, Pursuant to the authority of Ordinance 4350, parcels located in Enterprise Industrial Park were leased to manufacturing facilities pursuant to agreements that fixed the annual rent at the amount that would otherwise have been payable in taxes; and,

WHEREAS, Ordinance 4350 established an Urban Redevelopment Tax Increment Equivalent Fund and directed that all moneys received as rent in lieu of taxes be deposited to that fund; and,

WHEREAS, Ordinance 4350 further provided that all disbursements from the Urban Redevelopment Tax Increment Equivalent Fund be made pursuant to Resolution of Council and further provided that such expenditures, "shall be used exclusively for the purpose of promoting industrial or commercial development, directly or indirectly, by the construction of related public improvements, or any other development related purpose"; and,

WHEREAS, All costs incurred to install public improvements within Enterprise Industrial Park have been fully paid with funds drawn from the Urban Redevelopment Tax Increment Fund or from general tax receipts allocated to that purpose by prior acts of Council; and,

WHEREAS, an inconsistency exists between Ordinance 4350 and Enterprise Industrial Park land leases executed after 1983 in that the Ordinance exempted said lands from taxation only until December 31, 2012, but the leases provide that rents are to be paid in lieu of taxes for a period of 30 years from the date of execution of each lease; and,

WHEREAS, Council finds that it was never the government's intent to require tenants of lands located in Enterprise Industrial Park to pay both taxes and rent in lieu of taxes for the same year of occupancy; and,

WHEREAS, Council further finds that statutes pertaining to tax increment financing districts have been amended to limit the amount of tax that can be diverted from non-municipal taxing agencies and that continued collection of rents paid in lieu of taxes in accordance with the literal terms of leases executed prior to the enactment of these amendments would unjustly enrich the City of Defiance at the expense of the Defiance City School District and other taxing entities; and,

WHEREAS, In consultation with municipal officials and Council, the Community Improvement Corporation has established a City of Defiance Business Development Loan Program to provide direct loans to businesses seeking to create or expand industrial, warehousing and/or headquarter facilities within the municipality; and,

WHEREAS, Council finds that expenditure of moneys received and to be received as rent in lieu of taxes that would otherwise have accrued through December 31, 2012, by disbursement of those funds to the Community Improvement Corporation to capitalize the aforesaid Business Development Loan Program will promote industrial or commercial development in the manner required by Ordinance 4350;

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

Section 1: In accordance with the express terms of Ordinance 4350, the Finance Director is instructed to provide the Auditor of Defiance County with appropriate notices and such supplemental information as may be reasonably requested to extinguish all Tax Increment Financing tax exemptions granted municipally-owned lands within Enterprise Industrial Park effective January 1, 2013.

Section 2: The Finance Director is further instructed to collect all amounts due as rent payable in lieu of taxes accrued through December 31, 2012, from each tenant occupying municipally-owned lands within Enterprise Industrial Park.

Section 3: Upon receipt of rents due as and for second half 2012 taxes payable in 2013, the Law Director is directed to convey each leasehold to the tenant at the purchase price and in accordance with other terms of sale established by the purchase option contained within each lease notwithstanding that such lease may provide that such option is to be exercised on or after a later date.

Section 4: The Finance Director is directed to disburse all funds presently held in the Urban Redevelopment Tax Increment Equivalent Fund and all funds to be received into that fund pursuant to Section 2 or Section 3 of this Ordinance to the Community Improvement Corporation to be used exclusively for the purpose of capitalizing the City of Defiance Business Development Loan Program.

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 the preservation of the health, safety and welfare of the community for the reason that immediate action is required to assure that real estate taxes accrued during calendar year 2013 are properly levied before December 31, 2013. 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 10 _____, 2013

Tim Holtsberry _____
President of Council

Attest: Lisa Elders, Clerk

Approved: December 10 _____, 2013

Bob Armstrong _____
Mayor

Ordinance No. 7572

AN ORDINANCE CREATING THE POLICE AND FIRE FUND (FUND NUMBER 201) AND DECLARING AN EMERGENCY

WHEREAS, Ordinance 7507, passed June 4, 2013, levied an additional tax of 3/10ths of 1% (0.30%) on all net profits, salaries, wages, commissions and other compensation subject to tax pursuant to Chapter 181 of the Codified Ordinances for the special and limited purpose of providing funds for the operation of the Department of Service and Safety, Division of Fire, and Department of Service and Safety, Division of Police; and,

WHEREAS, the Electors approved the levy by a majority of the votes cast at the General Election conducted November 5, 2013; and,

WHEREAS, it is necessary to create a special purpose fund to receive all revenues generated by collection of the newly enacted tax and assure that future expenditures of those revenues honor the special and limited purpose for which the tax was enacted;

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

Section 1: The "Police and Fire Fund" is hereby created and numbered Fund 201 for budgetary purposes.

Section 2: The Finance Director shall deposit all revenues generated by the collection of taxes levied by Ordinance 7507 to the Police & Fire Fund created by Section 1 of this Ordinance.

Section 3: Moneys shall be not appropriated for expenditure from the Police and Fire for any purpose other than payment of operational expenses of the Police and Fire Divisions of the Department of Service and Safety. All expenditures of appropriated funds shall be authorized by the City Administrator, Board of Control or Ordinance of Council in accordance with general ordinances in effect at the time the expenditure is disbursed.

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 duly convened in accordance with law.

Section 5: 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 the special purpose fund established by this Ordinance must be immediately created to assure proper accounting of the receipt and expenditure of revenues generated by collection of the newly enacted tax. 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 10, 2013 Tim Holtsberry
President of Council

Votes in Favor of Adoption: 6
Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: December 10, 2013 Bob Armstrong
Mayor