



# Ordinance No. 7488

## AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO PURCHASE SELF CONTAINED BREATHING APPARATUS FOR USE BY THE FIRE DEPARTMENT AND DECLARING AN EMERGENCY

**WHEREAS**, the 2013 budget made provision for the replacement of six Self Contained Breathing Apparatus for use by the Fire Division; and,

**WHEREAS**, all Fire Departments in Defiance County use SCBA equipment manufactured by MSA to insure the interoperability of equipment delivered to a fire scene by supporting agencies in the event of a multi-alarm fire requiring mutual aid; and,

**WHEREAS**, Fire Safety Services, Inc. of Huntsville, Ohio, is the single source supplier of SCBA equipment manufactured by MSA;

**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 Fire Safety Services, Inc., to supply six Self Contained Breathing Apparatus and related accessories conforming to the product specifications detailed in the February 11, 2013, proposal and at the quoted price of \$42,375.30.

**Section 2:** The Finance Director is authorized to pay all costs arising under the authorized contract from Line 403-901-5-2-975-036 of the 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 immediate replacement of aged equipment is essential to assure firefighter safety. 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: March 19 \_\_\_\_\_, 2013

Tim Holtsberry \_\_\_\_\_  
President of Council

Attest: Lisa Elders \_\_\_\_\_, Clerk

Approved: March 19 \_\_\_\_\_, 2013

Bob Armstrong \_\_\_\_\_  
Mayor

# Ordinance No. 7489

## AN ORDINANCE DIRECTING THE MAYOR TO EXECUTE AND DELIVER A DEED CONVEYING LAND AND IMPROVEMENTS TO THE KOESTER JOINT FAMILY TRUST

**WHEREAS**, Ordinance 4350, passed May 17, 1983, established the "Atlantic and Pacific Urban Renewal and Industrial Area", declared all lands within the boundaries of the Atlantic and Pacific Urban Renewal and Industrial Area "blighted", approved a plan for blight removal and redevelopment of the area as an industrial area and established an Urban Redevelopment Tax Increment Equivalent Fund in accordance with Chapter 5709 of the Ohio Revised Code as then enacted; and,

**WHEREAS**, In accordance with the approved redevelopment plan, Ordinance 4350 authorized the Service-Safety Director to enter into long term leases with industrial developers and expressly provided that those leases contain an option granting the lessee an assignable and irrevocable right to purchase the leased real estate for nominal consideration upon satisfactory performance of the lessee's obligations as recited in the lease; and,

**WHEREAS**, Ordinance 4398, passed February 7, 1984, authorized the Mayor to enter into a lease conforming to the requirements of Ordinance 4350 with K & R Investments; and,

**WHEREAS**, the purchase option contained in the Lease authorized by Ordinance 4398 was assigned by K&R Investments to John M. (Jack) Koester with municipal consent expressed by Ordinance 5209 and by John M. (Jack) Koester to the Koester Joint Family Trust with municipal consent expressed by Ordinance 6726; and,

**WHEREAS**, the Koester Joint Family Trust has properly exercised the purchase option and Council finds that all conditions precedent to the exercise of that option have been fulfilled;

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

**Section 1:** All actions heretofore taken in connection with the Lease appearing of record in Volume 15, pages 73-121 of the Lease Record of Defiance County, Ohio, are hereby ratified and confirmed.

**Section 2:** The City Law Director is directed to prepare and the Mayor is directed to execute and deliver a Limited Warranty Deed conveying the lands described by the aforesaid Lease to the Koester Joint Family Trust upon receipt of the Option Price of One Dollar (\$1.00).

**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: March 19, 2013

Tim Holtsberry  
President of Council

Attest: Lisa Elders, Clerk

Approved: March 19, 2013

Bob Armstrong  
Mayor

# Ordinance No. 7490

## AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO CONTRACT WITH POGGEMEYER DESIGN GROUP FOR THE PERFORMANCE OF A WATER DISTRIBUTION ANALYSIS AND DECLARING AN EMERGENCY

**WHEREAS**, public health regulations have imposed increasingly stringent limits on trihalomethanes in potable water; and,

**WHEREAS**, compliance with the regulations will require significant capital expenditures to reduce the amount of time water is detained in the distribution system following chlorination; and,

**WHEREAS**, detailed information regarding the circulation of water within the distribution system is necessary to evaluate the relative effectiveness of alternate infrastructure improvements and assure that capital expenditures will be effective to maintain regulatory compliance;

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

**Section 1:** The City Administrator is authorized to contract with Poggemeyer Design Group, Inc. for the performance of all services described by PDG Proposals Numbered 52-2013/2026 and 03-2013/2075.

**Section 2:** The Finance Director is directed to pay costs arising under the authorized contracts from appropriated funds allocated to that purpose by line 591-538-5-2-980.880 of the 2013 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 preserve the health, safety and welfare of the community for the reason that the data to be collected and analyzed pursuant to the authority of this Ordinance is immediately needed to evaluate the City's present compliance with Environmental Protection Agency regulations and enable the City to timely design, finance and install infrastructure improvements needed to assure continuing compliance with regulatory requirements promulgated to minimize public health hazards. 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: March 19, 2013

Tim Holtsberry  
President of Council

Votes in Favor of Adoption: 6

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: March 19, 2013

Bob Armstrong  
Mayor