

Ordinance No. 7507
**AN ORDINANCE LEVYING A TAX OF 3/10 OF 1.0% ON INCOME
FOR THE PURPOSE OF PROVIDING REVENUE TO SUPPORT THE
FIRE AND POLICE DIVISIONS**

WHEREAS, the City experienced a decline in general tax revenues that has persisted since 2008; and,

WHEREAS, the municipal government adjusted to reduced revenues by eliminating personnel and other measures that reduced annual operating expenses by approximately 14%; and,

WHEREAS, Council finds that the Police and Fire Divisions are significantly understaffed as a result of the aforesaid budget reductions and further finds that current staffing levels are inadequate to maintain essential public safety services for a prolonged period of time; and,

WHEREAS, the General Assembly recently repealed the Ohio Estate Tax resulting in an additional and significant loss of revenue to the municipality; and,

WHEREAS, the General Assembly intends to reduce State Income Tax rates and offset the resulting reduction in State revenues by reducing State aid to municipalities and other political subdivisions; and,

WHEREAS, Council finds that it cannot reduce expenditures by the amounts required to offset anticipated reductions in State funding without further reducing appropriations for operation of the Fire and Police Divisions to a point that will endanger public safety; and,

WHEREAS, Council finds that the levy of an additional tax on income is necessary to provide for operational expenses of the Fire and Police Divisions;

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

Section 1: For the 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, an additional tax of 3/10ths of 1% (0.30%) is hereby levied on all net profits, salaries, wages, commissions and other compensation subject to tax pursuant to Chapter 181 of the Codified Ordinances.

Section 2: The 3/10ths of 1% (0.30%) tax on income levied by Section 1 of this Ordinance shall be collected in addition to all taxes presently levied by Chapter 181 of the Codified Ordinances.

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: Subject to approval of the Electors in the manner prescribed by law, the tax levied by Section 1 of this Ordinance shall take effect and be collected on and after January 1, 2014.

Passed: June 4 _____, 2013 Tim Holtsberry _____
President of Council

Attest: Tim Holtsberry _____, Acting Clerk

Approved: June 4 _____, 2013 Bob Armstrong _____
Mayor

ORDINANCE NO. 7508

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO CONTRACT WITH BURGESS & NIPLE, INC. AND DECLARING AN EMERGENCY

WHEREAS, The City applied for a received a grant of funds from the Ohio Public Works Commission to replace deteriorated water lines on St. Paul, Tacoma, Front, East Seneca, Osceola, and Minneapolis Streets, Johnson Circle, Biede Avenue and Washington Avenue; and,

WHEREAS, City officials solicited Statements of Qualifications from interested design firms and ranked the respondents in accordance with statutory procedures; and,

WHEREAS, Burgess and Niple, Inc., of Columbus, Ohio, was first ranked and negotiations have resulted in a proposed contract to perform the professional engineering and design work necessary to the project on acceptable financial terms;

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

Section 1: The City Administrator is authorized to enter into the proposed contract with Burgess & Niple, Inc., for design of multiple water line replacements now on file in the office of the City Engineer.

Section 2: The Finance Director is authorized to pay costs arising under the approved contract, presently estimated to be \$59,170.00, from the Water Distribution Fund, 2013 Budgetary Line Item: 591-538-5-2-980.882.

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 replacement of the deteriorated water mains is necessary to assure dependable water supplies will be available if needed for fire suppression and immediate engagement of the design firm is necessary to assure completion of the construction within the time allowed by the Ohio Public Works Commission. 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: June 4, 2013

Tim Holtsberry
President of Council

Votes in Favor of Adoption: 6

Votes Opposed to Adoption: 0

Attest: Tim Holtsberry, Acting Clerk

Approved: June 4, 2013

Bob Armstrong
Mayor

ORDINANCE NO. 7509

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN AND DECLARING AN EMERGENCY

WHEREAS, Federal financial assistance to local units of government is conditioned on a commitment by the recipient to provide relocation assistance, as described in 24 CFR 570.488, to each low- and moderate-income household displaced by the demolition of housing or conversion of a low- and moderate-income dwellings to another use as a direct result of the federally-assisted activities; and,

WHEREAS, the City routinely makes a commitment to provide the required relocation assistance in every Ordinance authorizing application to be made for Federal Community Development Block Grant assistance; and,

WHEREAS, The Anti-displacement and Relocation Assistance Plan is required to be reviewed and re-adopted at 5 year intervals;

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

Section 1: The Anti-displacement and Relocation Assistance Plan now on file in the office of the Mayor is hereby approved and adopted. The Mayor is directed to execute the Plan and Certification of Adoption and deliver the same to the Ohio Department of Development and such other federal and state agencies as may from time to time request the same.

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 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 Certificate of Adoption must be filed with the Ohio Department of Development by June 20, 2013, to preserve the municipality's eligibility for Community Development Block Grant assistance. 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: June 4, 2013 Tim Holtsberry
President of Council

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

Attest: Tim Holtsberry, Acting Clerk

Approved: June 4, 2013 Bob Armstrong
Mayor

Ordinance No. 7510
**AN ORDINANCE AUTHORIZING SETTLEMENT OF A
CONTRACTUAL DISPUTE AND AUTHORIZING THE CITY
ADMINISTRATOR TO CONTRACT FOR THE REPAIR OF THE DIEHL
PARK BASKETBALL COURTS**

WHEREAS, by Ordinance passed March 12, 2013, Council authorized an award of contract to "The Courtsmiths" to reconstruct the Diehl Park basketball courts; and,

WHEREAS, upon commencement of the work, subsurface conditions were encountered that justify allowance of a change order and adjustment of the contract price; and,

WHEREAS, the City Administrator and The Courtsmiths disagree as to the amount of the appropriate price adjustment; and,

WHEREAS, K & M Asphalt Sealing Maintenance, Inc., was the second lowest bidder and has confirmed its willingness to perform the contract at the price originally bid; and,

WHEREAS, the price originally bid by K & M Asphalt Sealing Maintenance, Inc., is substantially less than the adjusted price demanded by The Courtsmiths; and,

WHEREAS, The Courtsmiths has agreed to release the City from all obligations of the awarded contract provided the City reimburses it for certain mobilization charges actually incurred and presently estimated to be in the aggregate amount of \$1,200.00;

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

Section 1: The Law Director is authorized to reimburse The Courtsmiths for mobilization expenses of up to \$1,500.00 upon receipt of satisfactory proof that such expenses were actually incurred and to prepare and execute such documents as may be appropriate to settle all contract disputes between the City and The Courtsmiths.

Section 2: The City Administrator is authorized to award K & M Asphalt Sealing Maintenance, Inc., a contract to reconstruct the Diehl Park basketball courts in conformity with designs and specifications detailed in the proposal dated January 30, 2013, and at the quoted price of \$19,800.00.

Section 3: The Finance Director is directed to pay all costs incurred pursuant to the authority of Sections 1 & 2 of this Ordinance from 2013 Budget Line 794-751-980.880.

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 shall be effective on the earliest date permitted by law.

Passed: June 4, 2013 Tim Holtsberry
President of Council

Attest: Tim Holtsberry, Acting Clerk

Approved: June 4, 2013 Bob Armstrong
Mayor

