

# Ordinance No. 7613

## AN ORDINANCE AMENDING ORDINANCE 7594 TO CORRECT A SCRIVENER'S ERROR

WHEREAS, Ordinance 7594 authorized the purchase of a pick-up truck through the Ohio Department of Administrative Services Cooperative purchasing program; and,

WHEREAS, Ordinance 7594 contains a typographic error;

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

Section 1: Section 1 of Ordinance 7594 is amended to provide (deleted text ~~struck~~ corrected text in Italics::

Section 1: The City Administrator is authorized to purchase one 2014 Ford F-350 regular cab, four wheel drive, pick-up truck pursuant to State of Ohio, Department of Administrative Services, Co-Operative Purchasing Contract RS901514 and at the State price of ~~\$21,170.00~~ \$24,170.00. The delivered vehicle shall conform to the product description detailed in the price quotation received from Walt Sweeney Ford, Government Sales Department, dated February 13, 2014.

Section 2: Except as amended by Section 1, Ordinance 7594 is ratified and confirmed and shall remain in full force and effect.

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: April 29 \_\_\_\_\_, 2014

Mike McCann  
\_\_\_\_\_  
President of Council

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

Approved: April 29 \_\_\_\_\_, 2014

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

# Ordinance No. 7614

## AN ORDINANCE AUTHORIZING THE PURCHASE OF THREE 2015 FORD ALL WHEEL DRIVE UTILITY VEHICLES FOR USE AS POLICE CRUISERS

WHEREAS, Three police cruisers are scheduled for replacement in 2014; and,

WHEREAS, The City Administrator solicited bids to supply two wheel drive sedans, four or all wheel drive sedans and four or all wheel drive sport utility vehicles from local dealers and the Ohio Department of Administrative services; and,

WHEREAS, Upon review of the received bids, a pursuit rated sport utility vehicle can be purchased for \$2,015 per vehicle more than a similarly equipped sedan and past experience demonstrates that the larger size, greater interior room and higher ground clearance of a utility vehicle mitigates liability risks, affords a longer service life and lower maintenance expenses and is statistically associated with reduced workers' compensation costs; and,

WHEREAS, The advantages afforded by utility vehicles justifies the marginally higher price; and,

WHEREAS, Of the three bids received to supply four or all-wheel drive sport utility vehicles, only one bid proposed to supply a pursuit rated vehicles;

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

Section 1: The City Administrator is authorized to purchase three 2015 pursuit rated utility vehicles from Mark Moats Ford of Defiance, Ohio, conforming to the specifications recited in the accepted bid and at a total cost of \$79,800.00..

Section 2: The Finance Director is authorized to pay the purchase price from appropriated Capital funds allocated for the purchase of replacement cruisers by Line 976.054 of the 2014 Capital 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 shall be effective on the earliest date permitted by law.

Passed: April 29 \_\_\_\_\_, 2014

Mike McCann \_\_\_\_\_  
President of Council

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

Approved: April 29 \_\_\_\_\_, 2014

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

# Ordinance No. 7615

## AN ORDINANCE AUTHORIZING A CONTRACT WITH OZ TIRE & EQUIPMENT LTD AND DECLARING AN EMERGENCY

WHEREAS, Resolution 2443, passed March 5, 2013, accepted a grant of Federal and State Flood Hazard Mitigation Program funds to acquire flood prone lands, demolish repetitive flood loss structures and preserve the vacant ground for public use; and,

WHEREAS, The City is obligated by the terms of the grant to demolish all structures located on the acquired properties within specified time requirements; and,

WHEREAS, Remedial actions required to eliminate asbestos hazards in advance of demolition have been completed at the direction of the City's designated agent, Maumee Valley Planning Organization; and,

WHEREAS, Proposals to supply all labor, material, equipment and fuel required to demolish the structures in accordance with program requirements have been properly solicited and OZ Tire & Equipment LTD, submitted the lowest priced responsive and responsible proposal in the amount of \$17,900.00;

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

Section 1: As agent for the municipality, Maumee Valley Planning Organization is authorized execute a contract with OZ Tire & Equipment LTD, to demolish structures located at 200 and 202 East Second Street and dispose of the debris in accordance with the terms of the solicitation, accepted proposal and all applicable Federal, State and municipal regulations.

Section 2: The City Finance Director is authorized to pay costs incurred in accordance with the authorized contract from line 403-901-5-2-979-111 of the 2014 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 preserve the health, safety or welfare of the community for the reason that the work to be undertaken pursuant to the authorized contract must be completed by June 3, 2014, to comply with grant requirements. 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: April 29, 2014

Mike McCann  
President of Council

Votes in Favor of Adoption: 7

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: April 29, 2014

Bob Armstrong  
Mayor

ORDINANCE No. 7616

**AN ORDINANCE AMENDING ORDINANCE NO. 7563 PASSED  
DECEMBER 10, 2013 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.**

**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, 2014 through December 31, 2014, Ordinance No. 7563 is hereby amended by appropriation changes to the following accounts:

<b>203 - Permissive Tax Fund</b>		
Operating	\$ 25,000.00	
<b>TOTAL - 203 - Permissive Tax Fund</b>		<b>\$ 25,000.00</b>
<b>403-Capital Improvements Fund</b>		
Operating	\$ 895,595.86	
<b>TOTAL - 403-Capital Improvements Fund</b>		<b>\$ 895,595.86</b>
<b>793-Fire Damage Repair &amp; Removal Fund</b>		
Operating	\$ 11,600.00	
<b>TOTAL - 793-Fire Damage Repair &amp; Removal Fund</b>		<b>\$ 11,600.00</b>
<b>GRAND TOTAL - ALL FUNDS</b>		<b>\$ 932,195.86</b>

**RECAPITULATION OF APPROPRIATIONS**

203	Permissive Tax Fund	\$ 25,000.00
403	Capital Improvements Fund	\$ 895,595.86
793	Fire Damage Repair & Removal Fund	\$ 11,600.00
<b>GRAND TOTAL - ALL FUNDS</b>		<b>\$ 932,195.86</b>

**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.

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Mike McCann  
President of Council

Passed: April 29, 2014

Attest: Lisa Elders, Clerk

Votes Approving Adoption: 7  
Votes Opposing Adoption: 0

Approved: April 29, 2014

By: Bob Armstrong, Mayor

**CITY OF DEFIANCE - FY 2014  
SUPPLEMENTAL APPROPRIATIONS ORDINANCE**

April 25, 2014

Members of Council,

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

**General Fund:**

None.

**Capital Improvements Fund:**

The item below is for a project that was in progress at the end of 2013, for which funding needs to be re-authorized to complete:

\$895,595.86 to carry forward the unexpended balance of the FEMA Grant Flood Hazard Mitigation Program. 87.5% of this amount is offset by projected Federal and State grant revenues.

**Other Funds:**

\$25,000 in the Permissive Tax Fund for traffic signal maintenance. This is normally budgeted here, but was not included in the original 2014 budget request in anticipation of preserving these funds for S. Clinton St. widening debt expense, should that become necessary. If needed at all, debt payments from Permissive Tax will not be needed until 2016, at the earliest.

\$11,600 in the Fire Damage Repair & Removal Fund to permit the refund of insurance monies received for a dwelling fire on Perry Street.

Thanks,

John W. Lehner  
Finance Director  
City of Defiance

Fund No.	Dept No.	Account No.	Account Name	Amount	Division
203	901	980003	Signal Maintenance	25,000.00	
<b>TOTAL - Permissive Tax Fund</b>				<b>25,000.00</b>	
403	901	979111	Hazard Mitigation	895,595.86	
<b>TOTAL - Capital Improvements Fund</b>				<b>895,595.86</b>	
793	338	964000	Refund	11,600.00	
<b>TOTAL - Fire Damage/Repair /Removal Fund</b>				<b>11,600.00</b>	
<b>GRAND TOTAL - ALL FUNDS</b>				<b>932,195.86</b>	

## RESOLUTION No. 2470

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

Whereas, GMK, Inc., Strait Family, LLC, and Hahn Properties, LLC have filed a Petition seeking to annex 2.783 acres of land located in Lot 1 & 2 of Riverview Addition and part of Lot 20 and Lots 21-24 of Riverview Extension and part of vacated Elmwood Drive, and part of Section 19, 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: April 29, 2014

Mike McCann  
President of Council

Votes Approving Adoption: 7

Votes Opposing Adoption: 0

Attest: Lisa Elders, Clerk

Approved: April 29, 2014

Bob Armstrong  
Mayor