

ORDINANCE NO. 7640

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF AYERSVILLE AVENUE, DOHONEY ROAD AND STANDLEY ROAD BETWEEN CERTAIN TERMINI AND THE ENTIRE LENGTH OF BARLOW COURT, SHAMROCK LANE, WOODLAWN DRIVE AND ZIMMERMAN COURT BY CONSTRUCTING SANITARY FORCE MAINS AND SEWERS, TOGETHER WITH CURB CONNECTIONS THEREFOR AND THE NECESSARY APPURTENANCES THERETO, WHERE SANITARY SEWERS AND CURB CONNECTIONS DO NOT NOW EXIST, PUMP STATIONS AND MANHOLES, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO AND REAL ESTATE OR INTERESTS THEREIN REQUIRED THEREFOR, AND DECLARING AN EMERGENCY.

BE it enacted by the Council of the Municipality of Defiance that:

Section 1. Levy of Special Assessments. The special assessments for the cost and expense of improving in the City of (i) Ayersville Avenue from the northwesterly line of lots and lands identified in the records of the Defiance County Auditor as Permanent Parcel No. J090031000501 southwesterly to the City's corporate limit, (ii) Dohoney Road from Standley Road southerly to the City's corporate limit, (iii) Standley Road from the westerly line of lots and lands identified in the records of the Defiance County Auditor as Permanent Parcel No. J040178000100 easterly to the City's corporate limit, and (iv) the entire length of Barlow Court, Shamrock Lane, Woodlawn Drive and Zimmerman Court by constructing sanitary force mains and sewers, together with curb connections therefor and the necessary appurtenances thereto, where sanitary sewers and curb connections do not now exist, pump stations and manholes, together with all necessary appurtenances thereto and real estate or interests therein required therefor, pursuant to Resolution No. 2420, enacted on August 2, 2011, amounting in total to \$2,071,431.48, which were filed and are on file with the Clerk of Council, are adopted and confirmed. Those special assessments are levied and assessed upon the lots and lands provided for in Resolution No. 2420 in the respective amounts set forth on the schedule of special assessments on file, which special assessments are not in excess of any statutory limitation.

Section 2. Determination of Proportionality of Special Assessments. This Council finds and determines that the special assessments are in the same proportion to the estimated special assessments as the actual cost of the improvement is to the estimated cost of the improvement as originally filed, after giving effect to the limitation set forth in Resolution No. 2420 that the special assessment for any benefitted parcel will not exceed the lesser of (A) \$25,000 or (B) 33⅓% of the actual value of a benefitted parcel, as enhanced by the improvement (such value determined as of the date of the enactment of this Ordinance).

Section 3. Annual Installments. The special assessment against each lot or parcel of land shall be payable in whole or in part in cash or by check within 30 days after the enactment of this Ordinance, or at the option of the owner in 20 annual installments, without interest. All payments in cash or by check shall be made to the Finance Director of the City. All special assessments remaining unpaid at the expiration of that cash payment period shall be certified by the Clerk of Council to the Defiance County Auditor as provided by law to be placed on the tax duplicate and collected as taxes are collected.

Section 4. Publication of Notice. The Clerk of Council shall cause a notice of the enactment of this Ordinance to be published once in a newspaper of general circulation in the City and shall keep on file in the office of the Clerk of Council the special assessments.

Section 5. Delivery of Ordinance to County Auditor. The Clerk of Council shall deliver or cause to be delivered a certified copy of this Ordinance to the Defiance County Auditor within 20 days after its enactment.

Section 6. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the enactment of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 7. Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 8. Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective so that the levy of the special assessments may be immediately effect to begin the cash payment period and so as to permit the certification of the unpaid special assessments to the County Auditor by the date established by law; wherefore, this Ordinance shall be in full force and effect immediately upon its enactment and approval by the Mayor.

Enacted: July 22, 2014

Mike McCann
President of Council

Approved: July 22, 2014

Attest: Lisa Elders
Clerk of Council

Bob Armstrong
Mayor

ORDINANCE NO. 7641

AN ORDINANCE AUTHORIZING THE AWARD OF A CONTRACT TO R. G. ZACHRICH CONSTRUCTION AND DECLARING AN EMERGENCY

WHEREAS, a water quality study performed by Poggemeyer Design Group, Inc. recommended installation aeration equipment in the Water Treatment Plant to inhibit formation of Trihalomethanes and provision was made for payment of estimated project costs in the 2014 annual budget; and,

WHEREAS, designs and specifications to aerate Clearwell #4 have been developed and approved for installation by the Ohio Environmental Protection Agency; and,

WHEREAS, bids to supply and install the specified equipment were properly solicited and R.G. Zachrich Construction of Defiance, Ohio, submitted the lowest responsive and responsible bid;

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 R.G. Zachrich Construction to construct and install improvements to Water Treatment Plant Clearwell #4 in accordance with the approved designs and specifications and at the bid price of \$110,389.00.

Section 2: The Finance Director is authorized to pay the contract price and such contingent expenses as may be encountered during the course of construction from appropriated funds allocated to the project by Line 591-537-5-2-980-880 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 of the community for the reason that Trihalomethanes have been identified as a potential threat to human health necessitating that reduction strategies be implemented as quickly as possible to minimize health risks and assure compliance with regulatory 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: July 22, 2014

Mike McCann
President of Council

Votes in Favor of Adoption: 7

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: July 22, 2014

Bob Armstrong
Mayor

Ordinance No. 7642

AN ORDINANCE AUTHORIZING AMENDMENT OF A CONTRACT BETWEEN THE CITY OF DEFIANCE AND DEFIANCE TOWNSHIP

WHEREAS, Emergency Medical Services are provided to unincorporated locations within Defiance Township pursuant to a contract between the City and township dated March 20, 2012; and,

WHEREAS, municipal Electors enacted an additional income tax to provide adequate funds to equip, staff and operate the Fire Division; and,

WHEREAS, an increase in the "readiness to serve" portion of the contractual fee paid by Defiance Township is necessary to assure that municipal and township residents proportionally contribute to the cost of maintaining emergency medical response capabilities;

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

Section 1: The proposed amendment to the March 20, 2012, contract between the City of Defiance and Defiance Township, as drafted by the City Law Director, approved for execution by the County Prosecutor and now on file, is approved and all municipal officials are authorized to execute the same upon acceptance of the agreement by Resolution of the Board of Township Trustees of Defiance Township.

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: July 22 _____, 2014

Mike McCann

President of Council

Attest: Lisa Elders _____, Clerk

Approved: July 22 _____, 2014

Bob Armstrong

Mayor

Ordinance No. 7643

AN ORDINANCE ACCEPTING THE ANNEXATION OF 2.783 ACRES OF LAND LOCATED IN RICHLAND TOWNSHIP, DEFIANCE COUNTY, OHIO

Whereas, A Petition has been filed seeking to annex 2.783 acres of land comprised of Lots 1 and 2 of the Riverview Addition, a part of Lot 20 and the entirety of Lots 21, 22, 23 and 24 of the Riverview Extension, all lands located within the vacated right-of-way of Elmwood Drive and adjacent lands located in Richland Township, Section 19, Defiance County, Ohio; and,

Whereas, By Resolution passed April 29, 2014, 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 to annex 2.783 acres of land located in Richland Township, as approved by the Board of County Commissioners on May 5, 2014, 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: July 22 _____, 2014

Mike McCann _____
President of Council

Attest: Lisa Elders _____, Clerk

Approved: July 22 _____, 2014

Bob Armstrong _____
Mayor

Ordinance No. 7644

AN ORDINANCE ACCEPTING THE ANNEXATION OF 17.893 ACRES OF LAND LOCATED IN SECTION 28, DEFIANCE TOWNSHIP, DEFIANCE COUNTY, OHIO

Whereas, a Petition seeking to annex 17.893 acres of land comprised of Lots 1-30 in and of the Green Acres and Green Acres Extension subdivisions located in Defiance Township, Section 28, was filed on or about January 29, 2014, and amended on or about February 13, 2014; and,

Whereas, By Resolution passed February 18, 2014, Council consented to allowance of the Amended 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 properly conducted all hearings required by law and approved the Petition by Resolution adopted on or about April 21, 2014; and,

Whereas, 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 to annex 17.893 acres of land located in Section 28, Defiance Township, Defiance County, Ohio, as approved by the Board of County Commissioners on or about April 21, 2014, is approved and the territory therein described is accepted on the terms recited in Resolution 2463. 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: July 22 _____, 2014

Mike McCann

President of Council

Attest: Lisa Elders _____, Clerk

Approved: July 22 _____, 2014

Bob Armstrong

Mayor

ORDINANCE No. 7645

**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:

101-General Fund			
101-Council			
Operating	\$	4,500.00	
TOTAL - 101-Council			\$ 4,500.00
180-Development			
Operating	\$	3,100.00	
TOTAL - 180-Development			\$ 3,100.00
205-County & State Charges			
Operating	\$	12,500.00	
TOTAL - 205-County & State Charges			\$ 12,500.00
210-Law Department			
Salary & Wages	\$	2,200.00	
TOTAL - 210-Law Department			\$ 2,200.00
276-Cemetery			
Operating	\$	1,400.00	
TOTAL - 276-Cemetery			\$ 1,400.00
447-Engineering			
Operating	\$	2,500.00	
TOTAL - 447-Engineering			\$ 2,500.00
TOTAL - General Fund			\$ 26,200.00
201-Police & Fire Fund			
336-Fire Department			
Operating	\$	28,350.00	
TOTAL - 336-Fire Department			\$ 28,350.00
203-Permissive Tax Fund			
Operating	\$	5,000.00	
TOTAL - 203-Permissive Tax Fund			\$ 5,000.00
204-SCMR Fund			
Salary & Wages	\$	7,000.00	
TOTAL - 204-SCMR Fund			\$ 7,000.00
249-Probation Grant Fund			
Salary & Wages	\$	27,339.00	
TOTAL - 249-Probation Grant Fund			\$ 27,339.00
589-Sewer Capital Improvement Fund			
Operating	\$	4,843.00	
TOTAL - 589-Sewer Capital Improvement Fund			\$ 4,843.00
590-Water Pollution Control Fund			
540-Sewer Plant			
Operating	\$	17,652.00	
TOTAL - 540-Sewer Plant			\$ 17,652.00

591-Water Treatment Plant Fund			
537-Water Treatment Plant			
Operating	\$	65,000.00	
TOTAL - 537-Water Treatment Plant			\$ 65,000.00
792-Fire & Rescue Trust Fund			
Operating	\$	2,200.00	
TOTAL - 792-Fire & Rescue Trust Fund			\$ 2,200.00
GRAND TOTAL - ALL FUNDS			\$ 183,584.00

RECAPITULATION OF APPROPRIATIONS

101	General Fund	\$	26,200.00
201	Police & Fire Fund	\$	28,350.00
203	Permissive Tax Fund	\$	5,000.00
204	SCMR Fund	\$	7,000.00
249	Probation Grant Fund	\$	27,339.00
589	Sewer Capital Improvement Fund	\$	4,843.00
590	Water Pollution Control Fund	\$	17,652.00
591	Water Treatment Fund	\$	65,000.00
792	Fire & Rescue Trust Fund	\$	2,200.00
GRAND TOTAL - ALL FUNDS			\$ 183,584.00

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.

Mike McCann
President of Council

Passed: July 22 _____, 2014

Attest: Lisa Elders _____, Clerk

Votes Approving Adoption: 7

Votes Opposing Adoption: 0

Approved: July 22 _____, 2014

By: Bob Armstrong _____, Mayor

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

July 18, 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:

\$4,500 in the Council budget for annual codification expenses. Previously, funding was moved from this line item to cover unbudgeted costs of furnishing the Council Chambers.

\$3,100 in the Development budget for pre-employment screening services related to new Police & Fire employees (drug screening and psych evaluations).

\$12,500 in County & State Charges for unanticipated property taxes on recently acquired City-owned property. Application for tax-exempt status will be completed for all applicable properties.

\$2,200 for unanticipated personnel costs in the Law Department (vacation cash-out).

\$1,400 in the Cemetery budget for indigent burials; the number of requests has exceeded a typical year.

\$2,500 in Engineering for printer and maintenance costs associated with new plotters/copiers.

Other Funds:

\$28,350 in the Fire Department to appropriate grant funds received for rescue supplies (\$4,250); unanticipated vehicle maintenance expenses (\$7,600); and radios and personal protective equipment for new hires (some equipment was originally budgeted, others were not).

\$5,000 of additional funding for traffic signal maintenance in the Permissive Tax Fund.

\$7,000 in the Streets Department for overtime expenses; most of the original budget was used early in the year for snow removal.

\$27,339 in the Probation Grant Fund to account for the first half of FFY 2015 grant funding.

\$4,843 and \$17,652 in the Sewer Capital Fund and Water Pollution Control Fund, respectively, to cover higher than anticipated interest costs on outstanding debt. This is partly due to an acceleration of the initial payment date on two OWDA loans (LTCP).

\$65,000 in the Water Plant budget to cover the maintenance expense on two "lime slakers", previously approved.

\$2,200 in the Fire & Rescue Trust Fund for additional equipment expenses on the newly acquired grass truck.

Thanks,



John W. Lehner
Finance Director
City of Defiance

Fund No.	Dept No.	Account No.	Account Name	Amount	Division
101	101	811000	Codification	4,500	Council
101	180	723005	Risk Management Safety	3,100	Development
101	205	803000	County Auditor Fees	12,500	County & State Charges
101	210	709500	Vacation Conversion	2,200	Law
101	276	723018	Indigent Burial	1,400	Cemetery
101	447	935002	Equip. Maint. & Repair	2,500	Engineering

TOTAL - General Fund				<u>26,200</u>	
201	336	730008	Rescue Supplies	4,250	Fire
201	336	735003	Vehicle Maintenance	7,600	Fire
201	336	735011	Personal Protective Equipment	5,500	Fire
201	336	935012	Radio Contract	<u>11,000</u>	Fire
TOTAL - Police & Fire Fund				28,350	
203	901	980003	Signal Maintenance	<u>5,000</u>	
TOTAL - Permissive Tax Fund				5,000	
204	446	709000	Overtime	<u>7,000</u>	Streets
TOTAL - SCMR Fund				7,000	
249	198	702005	NB Non-Supervisory	20,378	
249	198	718001	Healthcare	6,665	
249	198	720000	FICA/Medicare	<u>296</u>	
TOTAL - Probation Grant Fund				27,339	
589	540	999044	Note Interest	<u>4,843</u>	
TOTAL - Sewer Capital Improvement Fund				4,843	
590	540	999044	Note Interest	<u>17,652</u>	
TOTAL - Water Pollution Control Fund				17,652	
591	537	735007	Equipment Repair	<u>65,000</u>	Plant
TOTAL - Water Treatment Fund				65,000	
792	336	955007	Vehicle Purchase	<u>2,200</u>	
TOTAL - Fire & Rescue Trust Fund				2,200	
 GRAND TOTAL - ALL FUNDS				 <u><u>183,584</u></u>	