

# Ordinance No. 7736

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

Whereas, Ordinance 7677, passed November 25, 2014, accepted the annexation of a territory encompassing 0.636 acres of land comprised of the West 37.67 feet of Lot 57, the entirety of Lot 58 and the East 8.33 feet of Lot 59 in and of the Saunders-Snyder Addition located in Section 30, Richland Township, Defiance County, Ohio, to the City of Defiance; and,

Whereas, Planning Commission studied the existing uses of land adjacent to the territory and recommended that all land within the territory be permanently Zoned B-3, Highway and General Business to accord the territory the district designation that most closely conforms to the existing use of the developed property within the territory; and,

Whereas, Council conducted a public hearing as required by law and concurs with the recommendation of the Planning Commission; and,

Whereas, Council finds that the recommended zoning is sufficiently compatible with land uses permitted by township zoning of neighboring properties as to not 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 by Ordinance 7677 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: August 25, 2015

Mike McCann  
President of Council

Attest: Lisa Elders, Clerk

Approved: August 25, 2015

Bob Armstrong  
Mayor

# Ordinance No. 7737

## AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR A GRANT OF STATE CAPITAL IMPROVEMENT PROGRAM FUNDS TO ASSIST THE MUNICIPALITY WITH THE COST OF STREET IMPROVEMENTS AND DECLARING AN EMERGENCY

WHEREAS, the City Engineer has identified segments of Elliott Road, Precision Way, Jackson Street and Downs Street as needing repair; and,

WHEREAS, the estimated cost of the necessary improvements is \$650,000; and,

WHEREAS, the municipality requires financial assistance to complete the necessary work; and,

WHEREAS, the County Engineer has offered to participate in the cost to effect repairs of Elliott Road; and,

WHEREAS, the proposed improvements are eligible for funding under guidelines established for the State Capital Improvement Program;

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

Section 1: The City Administrator is authorized to make application to the Ohio Public Works Commission for a grant of State Capital Improvement Program funds to offset a portion of the costs to be incurred by the municipality to effect repairs and resurface:

Elliott Road between the intersections of Carpenter Road and State Route 66;

Precision Way between the Napoleon, Defiance and Western Railroad and southerly municipal corporation limit;

Jackson Avenue between the intersections of Canal and Linden Streets;

Downs Street between the intersections of Clinton Street and Jefferson Avenue;

and is further authorized to execute and deliver such contracts, agreements, program compliance covenants and other documents as may be necessary or appropriate to secure the requested funding.

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 preserve the health, safety and welfare of the community for the reason that the application authorized by this Ordinance must be submitted by September 4, 2015, to receive consideration 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: August 25, 2015

Mike McCann  
President of Council

Votes in Favor of Adoption: 6

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: August 25, 2015

Bob Armstrong  
Mayor

# ORDINANCE NO. 7738

## AN ORDINANCE AUTHORIZING THE PURCHASE OF EMERGENCY MEDICAL EQUIPMENT AND APPROPRIATING MONEY FOR THAT PURPOSE

WHEREAS, application was made to the United States Department of Homeland Security, Federal Emergency Management Agency, for an award of funds from the Assistance to Firefighters Grant program to underwrite the cost to purchase various items of necessary equipment and provide essential training; and,

WHEREAS, the Federal Emergency Management Agency approved the application and awarded the City \$72,293.00 to be expended for specified purposes; and,

WHEREAS, one purpose for which Federal funds have been awarded is to pay 95% of the \$28,560.80 cost to replace a Physio-Control LifePak 12 with a Physio-Control LifePak, 15 thereby enabling the municipality to upgrade its emergency medical capabilities and replace aging equipment at a cost of \$1,428 in local funds;

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

Section 1: The City Administrator is authorized to purchase one LifePak 15 v-4 and all accessory equipment itemized by the August 3, 2015, quotation (Physio-Control quotation number 00005851) from Physio-Control, Inc., of Redmond, Washington at the quoted price of \$28,560.80 established by State Term Contract 800252.

Section 2: The Finance Director is authorized to pay the authorized purchase price from the Fire and Rescue Trust Fund, 2015 budgetary line 792-336-5-2-730-005, and a supplemental appropriation in the amount of \$28,560.80 is hereby made for that purpose.

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: August 25, 2015

Mike McCann  
President of Council

Votes in Favor of Adoption: 6

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: August 25, 2015

Bob Armstrong  
Mayor

# ORDINANCE NO. 7739

## AN ORDINANCE AUTHORIZING A CONTRACT WITH BOCKRATH & ASSOCIATES, LLC AND DECLARING AN EMERGENCY

WHEREAS, The municipality owns surplus land fronted by Latchaw Drive and desires to subdivide the parcel for sale as individual lots to promote business development and create employment opportunities, stabilize and enhance real estate values, generate property and income tax revenues, and encourage economic development beneficial to the municipality and its residents; and,

WHEREAS, The City Engineer has surveyed the parcel to establish appropriate boundaries for the individual lots to be created by subdivision and platting of the acreage; and,

WHEREAS, a qualifications based selection process was properly employed to select Bockrath & Associates as the most qualified consultant to perform a topographic survey and design sewerage improvements necessary to prepare the land for development; and,

WHEREAS, elevation data produced by the topographic survey demonstrates that improvements to the existing collection system will be required to enable installation of sewers serving the municipal grounds to be subdivided and adjacent lands; and,

WHEREAS, Bockrath & Associates, LLC has proposed to undertake design of the additional facilities in accordance with terms and conditions of service detailed in a contract proposal dated August 6, 2015, and now on file in the office of the City Administrator and at a cost of not more than \$45,350.00;

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

Section 1: The City Administrator is authorized to engage Bockrath & Associates to perform all services itemized by the August 6, 2015, contract proposal at the prices therein quoted and is authorized to execute the proposed contract now on file and deliver the same to Bockrath & Associates, LLC without modification of the terms therein recited.

Section 2: The Finance Director is authorized to pay all costs and expenses incurred in accordance with the authorized contract from line 590-540-5-2-980-880 of the 2015 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 and welfare of the community for the reason that prompt commencement of the authorized work is required to enable the City to honor an existing agreement to sell land and develop estimates of the cost to construct necessary improvements prior to adoption of the 2016 annual budget. 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: August 25, 2015

Mike McCann  
President of Council

Votes in Favor of Adoption: 6

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: August 25, 2015

Bob Armstrong  
Mayor

# ORDINANCE NO. 7740

## AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO CONTRACT FOR PAINTING OF PAVEMENT MARKINGS, PROJECT NO. 15-07

Whereas, Bids were properly solicited to supply labor, equipment, fuel and materials to refresh center lines, edge lines, lane lines and channel lines on public streets throughout the city in accordance with plans and material specifications on file as Engineering Division Project No. 15-07 and A & A Safety, Inc. of Amelia, Ohio, submitted the lowest responsive and responsible bid in the amount of \$48,427.80;

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 A & A Safety, Inc. to apply pavement markings conforming to the plans and specifications established by the solicitation and terms and conditions of performance established by the accepted bid.

SECTION 2: The Finance Director is directed to pay costs of the contract authorized by Section 1 from 2015 budgetary line item: 202-901-5-2-980-882.

SECTION 3: It is found and determined that all legislative acts pertaining or relating to the enactment of this Ordinance were taken in public session and that all deliberations of Council, including all deliberations of the committees of Council, that affected or influenced any such legislative act, 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: August 25, 2015

Mike McCann  
President of Council

Votes in Favor of Adoption: 6

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: August 25, 2015

Bob Armstrong  
Mayor

# Ordinance No. 7741

AN ORDINANCE AMENDING THE DISTRICT MAP TO REZONE LANDS LOCATED AT 1320 OTTAWA AVENUE AND 494 CLEVELAND AVENUE FROM B-1, NEIGHBORHOOD BUSINESS DISTRICT, TO M-2, LIMITED INDUSTRIAL DISTRICT

WHEREAS, The owner of lands located at the intersection of Ottawa and Cleveland Avenues and identified by Permanent Parcel Number B014164003300 has filed a petition seeking to change to the Zoning District designation assigned to the premises from B-1, Neighborhood Business District, to M-2, Limited Industrial District; and,

WHEREAS, The Planning Commission caused proper notice of the requested change to be published and served as required by law, considered the merits of the request in open public meeting and recommended that the requested change be granted; and,

WHEREAS, On August 11, 2015, Council convened a properly advertised Public Hearing to consider the Recommendation of the Planning Commission and no objections to the proposed zoning change were presented; and,

WHEREAS, Council concurs with the Recommendation of the Planning Commission;

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

Section 1: All lands identified by Permanent Parcel Number B014164003300 are hereby Zoned M-2, Limited Industrial District.

Section 2: The Clerk of the Planning Commission and the Zoning Commissioner are directed to change the District Map as required to implement the change in Zoning District Designation enacted by 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: August 25 \_\_\_\_\_, 2015

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

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

Approved: August 25 \_\_\_\_\_, 2015

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

ORDINANCE No. 7742

**AN ORDINANCE AMENDING ORDINANCE NO. 7684 PASSED  
DECEMBER 16, 2014 TO MAKE APPROPRIATIONS FOR  
CURRENT EXPENSES AND OTHER EXPENDITURES OF THE  
CITY OF DEFIANCE, OHIO, DURING THE PERIOD OF  
JANUARY 1, 2015 THROUGH DECEMBER 31, 2015.**

**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, 2015 through December 31, 2015, Ordinance No. 7684 is hereby amended by appropriation changes to the following accounts:

<b>101-General Fund</b>			
<b>276-Cemetery</b>			
Salaries, Wages & Benefits	\$	12,000.00	
<b>TOTAL - 276-Cemetery</b>			<b>\$ 12,000.00</b>
<b>751-Parks &amp; Recreation</b>			
Salaries, Wages & Benefits	\$	4,000.00	
<b>TOTAL - 751-Parks &amp; Recreation</b>			<b>\$ 4,000.00</b>
<b>TOTAL - General Fund</b>			<b>\$ 16,000.00</b>
<b>202-State Highway Improvement Fund</b>			
Operating	\$	10,000.00	
<b>TOTAL - 202-State Highway Improvement Fund</b>			<b>\$ 10,000.00</b>
<b>704-Hotel/Motel Tax Fund</b>			
Operating	\$	8,840.00	
<b>TOTAL - 704-Hotel/Motel Tax Fund</b>			<b>\$ 8,840.00</b>
<b>GRAND TOTAL - ALL FUNDS</b>			<b>\$ 34,840.00</b>

**RECAPITULATION OF APPROPRIATIONS**

101	General Fund	\$	16,000.00
202	State Highway Improvement Fund	\$	10,000.00
704	Hotel/Motel Tax Fund	\$	8,840.00
<b>GRAND TOTAL - ALL FUNDS</b>			<b>\$ 34,840.00</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.

Passed: August 25, 2015

Mike McCann  
President of Council

Votes Approving Adoption: 6

Votes Opposing Adoption: 0

Attest: Lisa Elders, Clerk

Approved: August 25, 2015

Bob Armstrong  
Mayor

Abstract of  
City of Defiance, Ohio  
Ordinance No. 7743

This is a summary of Ordinance No. 7743, enacted by the Council of the City of Defiance on August 25, 2015, providing for the issuance and sale of \$1,145,000 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of improving and expanding the municipal sanitary sewerage system by constructing and improving pump stations, force mains and sanitary sewers, together with all incidental work and related appurtenances thereto and acquiring any real estate or interests therein required therefor.

The bonds anticipated by the notes are to be dated the first day of the month in which the notes mature, and to bear interest at the estimated rate of 6% per year and to mature in 20 annual installments. The notes will bear interest at a rate not to exceed 4% per year, and will be dated the date of issuance and mature not later than 12 months from that date. The ordinance provides for sale of the notes to the original purchaser designated by the Finance Director in a certificate of award, at a purchase price of not less than par and authorizes the Finance Director to determine the principal amount of and interest rate (subject to the 4% maximum) on the notes. The ordinance provides for the manner of payment of the notes, their form and signing and the application of the proceeds, and provides assurances of the City relating to the federal income tax status of the interest on the notes. The ordinance also provides for the levy of a tax within the ten-mill limitation imposed by law on all the taxable property in the City while the notes are outstanding, and that the notes will be general obligations of the City, the full faith and credit and general property taxing power of which are pledged for the payment of principal and interest.

The complete text of the ordinance may be obtained or viewed at the office of the Clerk of Council. The ordinance was declared to be an emergency measure.





**CERTIFICATE OF COPY  
ORIGINAL ON FILE**

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**The State of Ohio, Defiance County, ss.**

I, Lisa Elders, Clerk of the Council of the City of Defiance within and for the County, and in whose custody the Files and Records of said Council are required by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original Resolution 2479

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now on file, that the foregoing has been compared by me with said original document, and that the same is a true and correct copy thereof.

WITNESS my signature, this 25 day of August, 2015  
Year

Lisa Elders  
Clerk of Council

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**Council of the City of  
Defiance**  
Defiance County, Ohio.  
2479

**RESOLUTION**  
**ACCEPTING THE AMOUNTS AND**  
**RATES AS DETERMINED BY THE**  
**BUDGET COMMISSION AND**  
**AUTHORIZING THE NECESSARY**  
**TAX LEVIES AND CERTIFYING**  
**THEM TO THE COUNTY AUDITOR.**

Adopted 8-25, 2015  
Lisa Elders  
Clerk

Received

Filed August 25, 2015  
Defiance Co. Auditor  
County Auditor

By \_\_\_\_\_  
Deputy