

Ordinance No. 7491
**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY
ADMINISTRATOR TO APPLY TO THE OHIO DEVELOPMENT SERVICES
AGENCY FOR COMMUNITY HOUSING IMPROVEMENT PROGRAM FUNDS
AND DECLARING AN EMERGENCY**

WHEREAS, the Ohio Development Services Agency (ODSA) is authorized to provide financial assistance to units of general local government for Community Development activities undertaken in accordance with Title I of the Housing and Community Development Act of 1974; and

WHEREAS, the Housing and Community Development Act requires each participating unit of local government to provide satisfactory assurance that it has:

1. provided citizens with adequate information concerning the amount of funds available, range of community development and housing activities that may be undertaken and other aspects and requirements of the program;
2. held two public hearing to obtain the views of citizens regarding community development and housing needs; and,
3. provided citizens with adequate opportunity to participate in the development of the application prior to submission of the application; and,

WHEREAS, Council has a general knowledge of the proposed uses of the funds and is cognizant of the conditions imposed on community development activities undertaken with federal financial assistance under Title I, including those prohibiting discrimination because of race, color, creed, sex or national origin; and,

WHEREAS, Council has conducted two public hearings on the proposed program and made information concerning the program available to the general public through mass media and other sources and desires to make funds available for community development activities undertaken in accordance with the Act;

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

Section 1: The City Administrator is authorized to apply for Community Development Block Grant Funds for housing rehabilitation purposes and, in furtherance thereof, to:

1. contract with the Ohio Development Services Agency for financial assistance under Title I of the Housing and Community Development Act of 1974, as amended to date;
2. certify that the City will replace all occupied and vacant occupiable low/moderate income dwelling units demolished or converted to another use as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as described in 24 CFR 570.496(a); and,
3. execute and carry out all programs and activities set forth in the Community Housing Improvement Grant Application.

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 Department Services Agency regulations require that the authority granted by this Ordinance be exercised within 30 days to permit timely filing of the authorized application. 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 26, 2013

Tim Holtsberry
President of Council

Attest: Tim Holtsberry, Acting Clerk

Approved: March 26, 2013

Bob Armstrong
Mayor

ORDINANCE NO. 7492

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO CONTRACT WITH M-TECH COMPANY AND KEY GOVERNMENT FINANCE, INC. TO SUPPLY A JOHNSON STREET SWEEPER AND DECLARING AN EMERGENCY

WHEREAS, the City's street sweeper is aged, has been disabled by recent mechanical failure and requires immediate replacement; and,

WHEREAS, the City Administrator determined that it will be cost-effective to lease rather than purchase the required equipment; and,

WHEREAS, the City Administrator further determined that it will be cost effective to recondition the municipally-owned International truck chassis on which the existing street sweeper is mounted rather than install the leased equipment on a new vehicle; and,

WHEREAS, the needed equipment is available from M-Tech Company at prices established by the Ohio Department of Administrative Services Co-operative Purchasing Program, State Term Schedule 235, effective April 2, 2013; and,

WHEREAS, M-Tech Company has arranged to sell the equipment as customized to the city's order to Key Government Finance, Inc. for lease to the City at a finance rate of 2.77%;

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

Section 1: The City Administrator is authorized to Lease a Johnston VT650 Pure Vacuum Sweeper, all accessory equipment and all installation services described by the by M-Tech Company proposal dated March 14, 2013, from Key Government Finance, Inc. for a period of 5 years at a cost of \$34,712.90 per year as detailed in the proposal dated March 18, 2013.

Section 2: The Finance Director is authorized to pay the first annual lease installment from Line 403.901.978.093 of the 2013 annual budget and to pay the 2014, 2015, 2016 and 2017 installments from monies appropriated 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 is declared to be an emergency measure necessary to preserve the health, safety and welfare of the community for the reason that the present inability to efficiently remove debris from the streets endangers the effectiveness of the storm water collection system and the estimated time required to remove the existing vacuum, recondition the truck chassis and install the replacement unit is 6 weeks, necessitating that work begin immediately to minimize risks of flooding and water borne illness. 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 26, 2013

Tim Holtsberry
President of Council

Votes in Favor of Adoption: 6

Votes Opposed to Adoption: 0

Attest: Tim Holtsberry, Acting Clerk

Approved: March 26, 2013

Bob Armstrong
Mayor

ORDINANCE NO. 7493

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR AN AWARD OF ALTERNATIVE TRANSPORTATION PROGRAM FUNDS AND DECLARING AN EMERGENCY

WHEREAS, the Department of Transportation administers Transportation Enhancement Funds appropriated by Congress for allocation to local units of government in accordance with Ohio Alternative Transportation Program guidelines; and,

WHEREAS, the City Administrator submitted a Letter of Interest to the Department of Transportation proposing to construct Phase 1 of a multi-phased project to create a pedestrian and bicycle facility linking the downtown commercial district to recreational facilities located on the municipal water reservoir grounds to improve public lands formerly occupied by the Miami and Erie Canal; and,

WHEREAS, the municipality lacks the financial resources to construct the proposed improvements at an estimated cost of \$476,700 without financial assistance; and,

WHEREAS, the Ohio Department of Transportation has invited the City to apply for an award of up to 80% of the estimated construction cost;

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

Section 1: The City Administrator is authorized to prepare and file an application for Alternative Transportation Program funds seeking an award of \$381,360.00 to construct the above described improvements.

Section 2: In the event the application authorized by Section 1 is approved for funding, the City Administrator is authorized to execute and deliver such contracts between the City and Director of Transportation as may be appropriate to enable the municipality to secure the needed financial assistance and proceed with the project.

Section 3: In the event the application authorized by Section 1 is approved for funding, Council pledges to appropriate \$95,340.00 for payment of 20% of the estimated construction cost and to appropriate such additional moneys as may be required to pay 100% of all construction costs incurred in excess of the amount provided by the Ohio Department of Transportation and 100% of all costs incurred for design, environmental, and right-of-way activities. Appropriations required by this Section shall be made from 2014 Capital Improvement Funds, Transient Guest Tax Revenues and other legally available moneys.

Section 4: Upon project completion, the City shall: 1) provide adequate maintenance of the improvements in accordance with 23 USC §116 and other applicable State and Federal laws; 2) provide ample funds for maintenance of the improvements; 3) maintain the right-of-way free of obstructions; and 4) hold the right-of-way inviolate for public highway purposes.

Section 5: 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 6: This Ordinance is declared to be an emergency measure necessary to the health, safety and welfare of the community for the reason that the authorized application must be filed by May 1, 2013. 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 26, 2013 Tim Holtsberry
President of Council

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

Attest: Tim Holtsberry, Acting Clerk

Approved: March 26, 2013 Bob Armstrong
Mayor