

Ordinance No. 7511
**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR
TO SUBMIT AN APPLICATION TO THE OHIO DEVELOPMENT
SERVICES AGENCY FOR AN AWARD OF COMMUNITY
DEVELOPMENT ALLOCATION PROGRAM FUNDS AND DECLARING
AN EMERGENCY**

WHEREAS, Small Cities Community Development Block Grant funds have been made available by Congressional appropriations to achieve stated objectives of Title I of the Housing & Community Development Act of 1974; and,

WHEREAS, The City desires to participate in the FY 2013 Community Development Allocation Program to undertake and carry out eligible Community Development Activities that are not affordable without Small Cities Community Development Block Grant assistance;

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

Section 1: The City Administrator is designated official representative of the City of Defiance with respect to all matters relating to the application for Small Cities Community Development Block Grant assistance authorized by this Ordinance.

Section 2: The City Administrator is authorized and directed to:

- a) Prepare and file all documents necessary to make application to the Ohio Development Services Agency for an award of Small Cities Community Development Block Grant assistance through the Fiscal Year 2013 Community Development Allocation Program;
- b) Certify that the City will replace all occupied and vacant occupiable low/moderate income dwelling units demolished or converted to a use other than as low/moderate income housing as a direct result of activities assisted with funds awarded pursuant to the application as required by 24 CFR 570.496(a);
- c) Enter into such contracts with, and provide such certifications to, the Ohio Development Services Agency as may be appropriate to assure that Title I funds awarded pursuant to allowance of the application are received and expended in full compliance with all requirements of the Housing & Community Development Act of 1974 and applicable Federal and State regulations; and,
- d) Carry out all programs and activities set forth in the Community Development Block Grant application in conformity with program guidelines and applicable regulations.

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 the preservation of the health, safety and welfare of the community for the reason that the application authorized by this Ordinance must be filed by June 20, 2013, to be considered timely and eligible for funding by the Development Services Agency. 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 11, 2013 Tim Holtsberry
President of Council

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

Attest: Lisa Elders, Clerk

Approved: June 11, 2013 Bob Armstrong
Mayor

Ordinance No. 7512

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO SUBMIT AN APPLICATION TO THE OHIO DEVELOPMENT SERVICES AGENCY FOR AN AWARD OF COMMUNITY DEVELOPMENT DOWNTOWN REVITALIZATION COMPETITIVE PROGRAM FUNDS AND DECLARING AN EMERGENCY

WHEREAS, Small Cities Community Development Block Grant funds have been made available by Congressional appropriations to achieve stated objectives of Title I of the Housing & Community Development Act of 1974; and,

WHEREAS, The City desires to participate in the FY 2013 Community Development Downtown Revitalization Competitive Program to undertake and carry out eligible Community Development Activities that are not affordable without Small Cities Community Development Block Grant assistance;

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

Section 1: The City Administrator is designated official representative of the City of Defiance with respect to all matters relating to the application for Small Cities Community Development Block Grant assistance authorized by this Ordinance.

Section 2: The City Administrator is authorized and directed to:

- a) Prepare and file all documents necessary to make application to the Ohio Development Services Agency for an award of Small Cities Community Development Block Grant assistance through the Fiscal Year 2013 Community Development Downtown Revitalization Competitive Program;
- b) Certify that the City will replace all occupied and vacant occupiable low/moderate income dwelling units demolished or converted to a use other than as low/moderate income housing as a direct result of activities assisted with funds awarded pursuant to the application as required by 24 CFR 570.496(a);
- c) Enter into such contracts with, and provide such certifications to, the Ohio Development Services Agency as may be appropriate to assure that Title I funds awarded pursuant to allowance of the application are received and expended in full compliance with all requirements of the Housing & Community Development Act of 1974 and applicable Federal and State regulations; and,
- d) Carry out all programs and activities set forth in the Community Development Block Grant application in conformity with program guidelines and applicable regulations.

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 the preservation of the health, safety and welfare of the community for the reason that the application authorized by this Ordinance must be filed by June 20, 2013, to be considered timely and eligible for funding by the Development Services Agency. 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 11, 2013 Tim Holtsberry
President of Council

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

Attest: Lisa Elders, Clerk

Approved: June 11, 2013 Bob Armstrong
Mayor

RESOLUTION No. 2447

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

Whereas , On May 30, 2013, the City received notice of the filing of a Petition by Harvest Life, Inc., seeking to annex 5.559 acres of land located in Defiance Township, Defiance County, Ohio, to the City of Defiance; and,

Whereas , Revised Code Section 709.03(D) requires Council to adopt a Resolution declaring the services to be provided the territory proposed for annexation and to file the same with the Clerk of the Board of County Commissioners not later than the 20th day preceding the date on which the Board of County Commissioners is scheduled to conduct hearings on 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 for Annexation now pending before the Board of County Commissioners.

Section 2: Upon annexation, the lands described by the Petition will be provided all customary general governmental 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.

Section 3: Potable water will be supplied to the premises at rates established by general Ordinance for non-resident consumers purchasing like quantities upon installation of all necessary connections to the water distribution main fronting the annexation territory in conformity with general regulations and at Petitioner's expense. Potable water will be supplied to the premises at rates established by general Ordinance for in-city consumers purchasing like quantities upon completion of the annexation proceeding. The rate change will take effect on the first day of the first billing cycle beginning after completion of the annexation proceedings.

Section 4: The territory will not be furnished waste water collection, treatment or disposal services until a collection main is extended across the frontage of any parcel to be served as required by general Ordinance. The cost to install public sewers and drainage facilities will be subject to assessment in accordance with general law. Connections to any mains that may be extended to the annexation territory shall be installed in conformity with general regulations then in effect and at the consumer's expense. Wastewater collection, treatment and disposal services will thereafter be furnished to such properties at rates established by general Ordinance for in-city consumers discharging like-kind wastes to public sanitary facilities.

Section 5: Annexed properties supplied with potable water pursuant to Section 3 will be subject to inspection to verify compliance with applicable provisions of the Ohio Basic Building Code, EPA Regulations, Ohio Fire Code, general Ordinances and other general laws pertaining to:

- (1) elimination of potential cross-connections between the municipal water distribution system and existing facilities for the distribution of water supplied from other sources;
- (2) collection and disposal of waste water;
- (3) fire detection and suppression; and,
- (4) property maintenance.

Deficiencies shall be remedied at the property owner's expense within a reasonable period following inspection as determined in accordance with the applicable regulation.

Section 6: 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 7: 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 8: 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: June 11, _____, 2013

Tim Holtsberry

President of Council

Votes Approving Adoption: 6

Votes Opposing Adoption: 0

Attest: Lisa Elders _____, Clerk

Approved: June 11, _____, 2013

Bob Armstrong

Mayor