

RESOLUTION No. 2459

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

Whereas, St. Paul's United Methodist Church, Carol Price and the Bastress Family Limited Partnership have filed a Petition seeking to annex 5.922 acres of land located in Section 11 and 1.00 acres of land located in Section 12, Noble 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. The City of Defiance further represents that an Annexation Agreement exists between the City and Noble Township, a copy of which is attached hereto, which constitutes consent to the annexation by Noble Township. The City will honor the Annexation Agreement notwithstanding that the Petition has been filed pursuant to O.R.C, §709.023 rather than O.R.C, §709.022 and will maintain any street or road divided or segmented by the annexation in accordance with the agreement.

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: September 17, 2013

Tim Holtsberry
President of Council

Votes Approving Adoption: 6

Votes Opposing Adoption: 0

Attest: Lisa Elders, Clerk

Approved: September 17, 2013

Bob Armstrong
Mayor

ORDINANCE NO. 7535

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

WHEREAS, The City committed to construct parking facilities adjacent to the Defiance Public Library as the municipality's contribution to the Federally-funded, "Phase II Downtown Building and Streetscape Revitalization Project" and as the municipality's contribution to facility improvements undertaken by the public library; and,

WHEREAS, The City was awarded \$124,200.00 in Community Development Block Grant formula allocations for Federal Fiscal Years 2011 and 2012 to pay 100% of the anticipated costs of the project; and,

WHEREAS, Appropriate plans and specifications have been developed for the parking facility and bids to construct the same have been solicited, received and evaluated in the manner required by law; and,

WHEREAS, R.G. Zachrich Construction of Defiance, Ohio, submitted the lowest responsive and responsible bid in the amount of \$93,004.06;

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 parking facilities in substantial conformity with the plans and specifications on file as Engineering Project 1306.

Section 2: The Finance Director is authorized to pay all costs arising under the approved contract from 2013 Budgetary Line Item 403-901-5-2-974.034.

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 authorized work must be completed by December 31, 2013, to avoid forfeiture of Federal Community Development Block Grant funds awarded to the municipality for Federal Fiscal Year 2011 and allocated to payment of the anticipated costs of construction by the 2013 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: September 17, 2013

Tim Holtsberry

President of Council

Votes in Favor of Adoption: 7

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: September 17, 2013

Bob Armstrong

Mayor

ORDINANCE NO. 7536

AN ORDINANCE AUTHORIZING THE CITY FINANCE DIRECTOR TO PAY TRI-STATE TOOL & HOIST INC. FOR EMERGENCY REPAIR SERVICES AND DECLARING AN EMERGENCY

WHEREAS, A 200 horse power Kingsbury Lift Station pump failed necessitating immediate repair to preserve the operational capability of the Water Pollution Control Division; and,

WHEREAS, An invoice has been received for work satisfactorily performed by Tri-State Tool & Hoist, Inc., on an emergency basis;

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

Section 1: The City Finance Director is authorized to disburse the sum of \$22,865.00 from 2013 Budgetary Line 590-540-5-2-935030 in payment of Tri-State Tool & Hoist, Inc., Invoice #10975.

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 necessary repair services were furnished on net 30 day terms necessitating immediate payment to avoid the imposition of interest and finance charges and to preserve the municipality's credit reputation and access to emergency services when required in the future. 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: September 17, 2013

Tim Holtsberry

President of Council

Votes in Favor of Adoption: 7

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: September 17, 2013

Bob Armstrong

Mayor