

ORDINANCE No. 7727

AN ORDINANCE AUTHORIZING A CONTRACT WITH THE STATE OF OHIO, DESIGNATING MAUMEE VALLEY PLANNING ORGANIZATION AS THE CITY'S AGENT TO IMPLEMENT A FLOOD MITIGATION ASSISTANCE PROGRAM PROJECT AND DECLARING AN EMERGENCY

WHEREAS, Resolution 2443, passed March 5, 2013, designated Maumee Valley Planning Organization as the City's agent for obtaining Federal Financial Assistance under the Disaster Relief Act or otherwise available from the President's Disaster Relief Fund; and,

WHEREAS, Maumee Valley Planning Organization filed an application with the Ohio Department of Public Safety, Emergency Management Agency, for an allocation of Flood Mitigation Assistance Program funds to enable the City to acquire and demolish a commercial structure to achieve objectives of the National Flood Insurance Reform Act of 1994; and,

WHEREAS, On June 4, 2015, the Ohio Emergency Management Agency notified the Mayor that the proposed Flood Mitigation Assistance Program project was approved for funding by the Federal Emergency Management Agency and that \$399,100.00 will be allocated for payment of 100% of anticipated project costs; and,

WHEREAS, Acceptance of the Federal financial assistance requires execution a "State-Local Grant Agreement" and that the City designate an agent to implement the project in conformity with all requirements of the agreement;

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

Section 1: All actions taken by Maumee Valley Planning Organization to prepare, file and encourage approval of the application for Flood Mitigation Assistance Program funds approved by the Ohio Emergency Management Agency on or about June 4, 2015, are ratified and confirmed.

Section 2: The Mayor is authorized to execute the "State-Local Grant Agreement" and deliver the executed agreement to the Ohio Emergency Management Agency.

Section 3: Maumee Valley Planning Organization is designated the City's Agent for administration of Flood Mitigation Assistance Program funds and is directed to undertake project activities and administer program funds in full compliance with all obligations of the "State-Local Grant Agreement", program guidelines and applicable regulations. Maumee Valley Planning Organization is further authorized to disclose such information pertaining to the project or administration of project funds as may be reasonably requested to any department, agency or instrumentality of the United States or State of Ohio.

Section 4: It is found and determined that all legislative actions pertaining to the adoption of this Resolution 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 5: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety or welfare of the community for the reason that the authorized "State-Local Grant Agreement" must be filed with the Emergency Management Agency within 30 days of notification of the award. 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 16 _____, 2015

Mike McCann

President of Council

Votes in Favor of Adoption: 7 _____

Votes Opposed to Adoption: 0 _____

Attest: Lisa Elders _____, Clerk

Approved: June 16 _____, 2015

Bob Armstrong

Mayor

ORDINANCE NO. 7728

AN ORDINANCE AUTHORIZING A COMMUNITY REINVESTMENT AREA AGREEMENT, ESTABLISHING A JOB CREATION INCENTIVE AWARD AND APPROPRIATING MONEY FOR USE BY THE COMMUNITY IMPROVEMENT CORPORATION TO FACILITATE REDEVELOPMENT OF VACANT INDUSTRIAL PROPERTY BY B & B MOLDED PRODUCTS, INC., AND DECLARING AN EMERGENCY

WHEREAS, B & B Molded Products, Inc., of Napoleon, Ohio, desires to expand its manufacturing capabilities by reconfiguration of production lines, purchase and installation of additional equipment and employment of additional personnel; and,

WHEREAS, the expanded manufacturing capacity will require relocation to an industrial building enclosing approximately 100,000 square feet of floor space; and,

WHEREAS, The building presently occupied by B & B Molded Products, Inc., encloses 55,000 square feet of manufacturing space and cannot be cost effectively enlarged; and,

WHEREAS, B & B Molded Products, Inc., has considered relocation to facilities located outside the State of Ohio but prefers to relocate to a structure within reasonable commuting distance of its existing Napoleon, Ohio, plant to minimize inconvenience to employees and prevent the loss of regional jobs resulting from the inability of some employees to relocate to more distant locations; and,

WHEREAS, Adequate manufacturing space exists in the vacant industrial structure formerly occupied by the Compo Corporation at 1250 Ottawa Avenue, Defiance, Ohio; and,

WHEREAS, 1250 Ottawa Avenue is located within Community Reinvestment Area #3 created by Ordinance 6606, passed September 6, 2005, and approved by the Director of Development on or about October 24, 2005; and,

WHEREAS, B & B Molded Products, Inc., has conditionally obligated itself to purchase the land and buildings at 1250 Ottawa Avenue, Defiance, Ohio, and to renovate the structures at an estimated cost of \$2,500,000; and,

WHEREAS, B & B Molded Products' contractual purchase obligations are contingent on the City of Defiance entering into a Community Reinvestment Area Agreement exempting 90% of the increase in valuation resulting from the proposed improvements from taxation for a period of 10 years; and,

WHEREAS, B & B Molded Products, Inc., and City of Defiance, have jointly applied to the Director of Development for a waiver of statutory restrictions that must be granted prior to execution of the proposed Community Reinvestment Area Agreement; and,

WHEREAS, B & B Molded Products, Inc., and City of Defiance, have properly notified the City of Napoleon that the aforesaid waiver has been requested; and,

WHEREAS, The Board of Education of the Defiance City School District has adopted a Resolution supporting the allowance of the proposed tax exemption and encouraging Council to pass the necessary enabling Ordinance; and,

WHEREAS, B & B Molded Products, Inc., has requested that a job creation incentive be established pursuant to Chapter 191 of the Codified Ordinances; and,

WHEREAS, the Job Incentive Program Committee recommends that the requested incentive be created in the amount of \$40,000.00 per year for a period of 10 years upon creation and maintenance of not less than 102 eligible jobs generating an aggregate annual payroll of not less than \$3,650,000; and,

WHEREAS, Council concurs with the recommendations of the Job Incentive Program Committee; and,

WHEREAS, The Community Improvement Corporation of Defiance County has agreed to provide B & B Molded Products, Inc., with a Business Development Loan and to provide the company with relocation assistance; and,

WHEREAS, The commitments made by the Community Improvement Corporation of Defiance County are contingent on the sufficiency of the CIC's available funds; and,

WHEREAS, The Community Improvement Corporation of Defiance County will require additional capital to honor the incentive commitments;

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

Section 1: Upon receipt of the necessary waiver from the Director of the Ohio Development Services Agency, the Mayor is authorized to execute the proposed Community Reinvestment Area Agreement between the City of Defiance and B & B Molded Products, Inc., and to deliver the same to B & B Molded Products, Inc.

Section 2: \$40,000.00 shall be annually appropriated to the use of the Defiance County Community Improvement Corporation for a period of 10 years to fund a Job Creation Incentive Award hereby granted to B & B Molded Products, Inc. The first annual payment shall be conditioned on the creation of not less than 102 eligible jobs generating an aggregate annual payroll of not less than \$3,650,000. Payment of subsequent installments shall be conditioned on maintenance of the required number of positions and aggregate payroll during each year in which the incentive is paid.

Section 3: Upon execution and delivery of the Community Reinvestment Area Agreement authorized by Section 1, the City Finance Director is directed to disburse \$275,000 to the Community Improvement Corporation of Defiance County as an additional municipal contribution to the capitalization of the CIC. Payment shall be made through 2015 budgetary line 704-873-5-2-979-020 and a supplemental appropriation of lawfully available unencumbered funds in the amount of \$275,000 is hereby made to budgetary line 704-873-5-2-979-020 for that purpose.

Section 4: 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 or in Executive Session duly convened in accordance with law.

Section 5: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety or welfare of the community for the reason that immediate action is required to enable B & B Molded Products, Inc., to close the real estate purchase transaction. 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 16, 2015

Mike McCann
President of Council

Votes in Favor of Adoption: 7

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: June 16, 2015

Bob Armstrong
Mayor