

Ordinance No. 7823

AN ORDINANCE ACCEPTING THE ANNEXATION OF 71.207 ACRES OF LAND LOCATED IN SECTIONS 7 AND 18, RICHLAND TOWNSHIP, DEFIANCE COUNTY, OHIO

WHEREAS, Westrick Family Farm, LLC, Fort Winchester Investment Partners, LLC, Ohio Gas Company and ANR Pipeline Company have filed a Petition seeking to annex 71.207 acres of land located in Sections 7 and 18, Richland Township, Defiance County, Ohio, to the City of Defiance; and,

WHEREAS, By Resolution passed April 5, 2016, Council consented to allowance of the Petition by the Board of County Commissioners and declared the services to be provided the territory upon annexation; and,

WHEREAS, The Board of County Commissioners approved the Petition and the Clerk of Council has made the Transcript of Proceedings and related documents available for public inspection in the manner and for the time required by law; and,

WHEREAS, Council finds that acceptance of the territory is in the best interests of the municipality;

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

Section 1: The Petition of Westrick Family Farm, LLC, Fort Winchester Investment Partners, LLC, Ohio Gas Company and ANR Pipeline Company to annex 71.207 acres of land located in Richland Township, as approved by the Board of County Commissioners of Defiance County, Ohio, is hereby approved and the territory therein described is accepted. All municipal officials are authorized to execute such plats and other documents as may be appropriate to conclude the proceedings.

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 shall be effective on the earliest date permitted by law.

Passed: June 14, 2016

Michael Ketcham
President of Council

Attest: Michael Ketcham, Clerk

Approved: June 14, 2016

Michael McCann
Mayor

ORDINANCE NO. 7824

AN ORDINANCE AWARDING A CONTRACT TO HELMS & SONS EXCAVATING, INC., AND DECLARING AN EMERGENCY

WHEREAS, Council previously authorized expansion of Riverside Cemetery by the establishment of 892 burial lots on lands formerly occupied by the Tecumseh baseball field; and,

WHEREAS, Poggemeyer Design Group was engaged to design the improvements and adequate provision was made in the 2016 annual budget to pay anticipated construction costs; and,

WHEREAS, City forces are presently installing water distribution and drainage facilities in accordance with the plans and specifications developed by Poggemeyer Design Group; and,

WHEREAS, The services of a contractor are required to cost effectively install driveway pavements providing access to the newly established burial lots and to reconstruct and resurface existing pavements connecting to the newly installed driveways; and,

WHEREAS, Bids to supply the materials, equipment, fuel and labor required to construct and improve the driveways in accordance with the approved designs and specifications were properly solicited and Helms & Sons Excavating, Inc., was determined to be the lowest responsive and responsible bidder;

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 in the base amount of \$79,777.00 to Helms & Sons Excavating, Inc., to construct and improve driveway surfaces within Riverside Cemetery in accordance with the designs and material specifications on file as "Riverside Cemetery Phase III Expansion", Engineering Project No. 1601, on the terms and conditions of service established by the accepted bid.

Section 2: The Finance Director is authorized to pay all sums becoming due in accordance with the contract authorized by Section 1 from Line 403-901-5-2-978-051 of the 2016 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 the authorized contract must be immediately awarded to assure completion of construction during the 2016 summer construction season as the available inventory of accessible burial lots is insufficient to meet anticipated demand. 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 14, 2016

Michael Ketcham
President of Council

Votes in Favor of Adoption: 7

Votes Opposed to Adoption: 0

Attest: Michael Ketcham, Clerk

Approved: June 14, 2016

Michael McCann
Mayor

Ordinance No. 7825

AN ORDINANCE AUTHORIZING APPLICATION TO THE OHIO DEVELOPMENT SERVICES AGENCY FOR AN AWARD OF CDBG ALLOCATION PROGRAM FUNDS AND DECLARING AN EMERGENCY

WHEREAS, The Ohio Development Services Agency allocates Small Cities Community Development Block Grant funds to assist local units of government with the cost of Community Development Activities undertaken to achieve Federal objectives of the Housing & Community Development Act of 1974; and,

WHEREAS, The City desires to participate in the FY 2016 CDBG Community Development Allocation Program to undertake program eligible activities that are not affordable without Small Cities Community Development Block Grant assistance; and,

WHEREAS, Council acknowledges that acceptance of Federal assistance obligates the municipality to administer the granted funds in accordance with program guidelines and to maintain public facilities and conduct programs in accordance with Federal requirements;

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 municipal government with respect to all matters relating to the application for and administration of Small Cities Community Development Block Grant funds requested or received pursuant to the authority of this Ordinance. In that capacity, the City Administrator is authorized to contract with the Ohio Development Services Agency for such Title I Housing & Community Development Act assistance as may be available through the FY 2016 Community Development Allocation Program and is empowered to:

- a) Prepare and file all documents necessary to make application to the Ohio Development Services Agency for a grant of Community Development Allocation Program assistance;
- b) Provide such certifications and assurances as may be requested to assure that Title I funds are received and expended in full compliance with the Housing & Community Development Act of 1974 and Regulations promulgated pursuant thereto including, without limitation, 24 CFR 570.496(a);
- c) Provide such certifications and assurances as may be requested to assure that municipal facilities are constructed and maintained and municipal programs are operated in conformity with anti-discrimination Regulations applicable to the municipality by reason of its acceptance of Federal financial assistance; and,
- d) Carry out all programs and activities described by the authorized Community Development Block Grant application in conformity with program guidelines and applicable regulations.

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 promptly filed with the Ohio Development Services Agency in order to be considered timely and eligible for funding. 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 14, 2016 Michael Ketcham
President of Council

Votes in Favor of Adoption: 7
Votes Opposed to Adoption: 0

Attest: Michael Ketcham, Clerk

Approved: June 14, 2016 Michael McCann
Mayor