

Ordinance No. 8138

AN ORDINANCE AMENDING ORDINANCE NO. 6606 BY EXPANDING THE GEOGRAPHIC SIZE OF THE AYERSVILLE AVENUE COMMUNITY REINVESTMENT AREA, CRA NO. 3

WHEREAS, Council established the Ayersville Avenue Community Reinvestment Area, CRA No. 3, in Ordinance No. 6606 on September 6, 2005 in order to encourage residential, commercial, and industrial development in an area of the City that had not experienced much investment from remodeling or new construction; and,

WHEREAS, R.C. §3735.661(A) allocates two amendments for the legislative authority of a municipal corporation to expand the geographic size of a community reinvestment area; and,

WHEREAS, the remodeling of existing buildings and construction of new structures in the expanded Community Reinvestment Area constitutes a public purpose that warrants temporary real property exemptions; and,

WHEREAS, Council finds that expansion of the Community Reinvestment Area furthers the Housing Pillar of the Defiance Community Strategic Plan by encouraging economic stability, maintaining real property, and increasing housing supply;

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

Section 1: Pursuant to the authority of R.C. §§3735.66 and 3735.661 and subject to approval by the Director of the Ohio Development Services Agency ("ODSA") in the manner provided by law, the Ayersville Avenue Community Reinvestment Area, CRA No. 3, is hereby expanded to include the following described area:

Bounded by the Auglaize and Maumee Rivers to the west and north, the centerline of SR 66 to the west, south to the city corporation limits, north along the city corporation limits until reaching the centerline of SR 15, where the boundary then follows the existing CRA 3 west along the centerline of Cleveland Avenue and north to the centerline of Karnes Avenue, then east along the railroad boundary of CRA 3 east to the centerline of Squires Avenue, north to the centerline of Hopkins Street, and east to the centerline of Buckeye Street, where the boundary continues west on the centerline of SR 18 then follows the Defiance City School District boundary north to the Maumee River to the point of beginning:

depicted as the red, cross-hatched area on the attached map attached to this Ordinance, marked "Exhibit A", and incorporated by reference.

Section 2: The area described and depicted by Section 1 of this Ordinance constitutes an area in which housing facilities or structures of historical significance are located and in which new construction or repair of existing facilities has been discouraged and is hereby added to the designated "Ayersville Avenue Community Reinvestment Area, CRA No. 3."

Section 3: Only residential, commercial, and/or industrial properties consistent with the applicable zoning regulations within the designated Community Reinvestment Area will be eligible for exemptions under this Program.

Section 4: All properties identified in Exhibit A and in the existing Ayersville Avenue Community Reinvestment Area, CRA No. 3 are eligible for the incentives at the classifications and percentage levels described in Ordinance No. 6606:

A. The percentage and term of the tax exemption to be granted on the increase in the assessed valuation resulting from improvements to commercial and industrial real property within the Ayersville Avenue Community Reinvestment Area shall be negotiated on a case-by-case basis in advance of construction or remodeling as required by R.C. §3735.67. The results of the negotiation as approved by Council shall be set forth in writing in an Exemption Agreement conforming to the requirements of R.C. §3735.671 and applicable regulations of the ODSA. Commencement of construction or remodeling prior to final approval of the Exemption Agreement shall disqualify the improved property from participation in the tax incentive program. The maximum allowable percentage and term of exemption for the construction of new industrial and commercial facilities shall be 100% for fifteen (15) years. The maximum allowable percentage and term of exemption for the rehabilitation or remodeling of existing industrial and commercial facilities shall be 100% for twelve (12) years.

B. 75% of the increase in the market value of any existing residential structure within the Ayersville Avenue Community Reinvestment Area that is attributable to the construction or installation of remodeling improvements shall be exempted from taxation upon certification by the Housing Officer that the improvements have been made in conformity with applicable building codes and all requirements of R.C. §§3735.65 through 3735.70 have been met. No exemption

shall be granted for any increase in market value resulting from improvements completed more than six months prior to the date on which the application for exemption is filed with the Housing Officer. The minimum expenditure required to qualify improvements for exemption shall be \$2,500.00 for the improvement of a one or two family dwelling and \$5,000.00 for the improvement of a dwelling containing three or more family units. The term of the exemption granted by this Section shall be five (5) years for one (1) and two (2) family dwellings and seven (7) years for dwellings containing three (3) or more family units.

- C. 75% of the assessed value of any residential structure constructed in the Ayersville Avenue Community Reinvestment Area shall be exempted from taxation upon certification by the Housing Officer that the structure has been constructed in conformity with applicable building codes and all requirements of R.C. §§3735.65 through 3735.70 have been met. No exemption shall be granted for any structure completed more than six months prior to the date on which the application for exemption is filed with the Housing Officer. The term of the exemption granted by this Section shall be five (5) years for one (1) and two (2) family dwellings and seven (7) years for dwellings containing three (3) or more family units.

Section 5: This proposal is a public/private partnership intended to promote and expand conforming uses in the designated area. As part of the project, the City intends to undertake supporting public improvements in the designated area.

Section 6: Within the combined new boundaries of the Community Reinvestment Area, the percentage of the tax exemption on the increase in the assessed valuation resulting from improvements to commercial and industrial real property and the term of those exemptions shall be negotiated on a case-by-case basis in advance of construction or remodeling occurring according to the rules outlined in R.C. §3735.67 and pursuant to the terms and conditions in Ordinance No. 6606. The results of the negotiation as approved by this Council will be set in writing in an Exemption Agreement as outlined in R.C. §3735.671.

Section 7: For residential property, a tax exemption on the increase in the assessed valuation resulting from the improvements as described in R.C. §3735.67 shall be granted upon application by the property owner and certification thereof by the Housing Officer for the same time periods and exemption percentages as set forth in Ordinance No. 6606.

Section 8: If remodeling qualifies for an exemption, during the period of the exemption, the exempted percentage of the dollar amount of the increase in market value of the structure shall be exempt from real property taxation. If new construction qualifies for an exemption, during the period of the exemption, the exempted percentage of the structure shall not be considered an improvement on the land on which it is located for the purpose of real property taxation.

Section 9: All exemptions from taxation granted industrial and commercial properties by this Ordinance are conditioned upon the compliance of the benefitted property owner with the State application and fee requirements of R.C. §3735.672(C) and timely payment of annual local monitoring fees which shall be equal to 1% of the amount of taxes exempted under the Exemption Agreement, subject to a minimum fee of \$500.00 and a maximum fee of \$2,500.00 unless superseded by express provision of the Exemption Agreement.

Section 10: All provisions contained in Ordinance No. 6606 not inconsistent with this Ordinance shall remain in full force and effect and shall apply to *all* of the boundaries of this First Amended Ayersville Avenue Community Reinvestment Area, CRA No. 3.

Section 11: The Clerk is hereby directed to submit this Ordinance to the *Crescent News* with instructions to publish this Ordinance in its entirety once per week for two consecutive weeks immediately following passage and approval by the Mayor pursuant to R.C. §3735.66. The Clerk is further directed to provide proof of publication to the Law Director upon receipt of the same from the *Crescent News*.

Section 12: Upon receipt of proof of publication of this Ordinance in the manner required by law, the Law Director shall petition the Director of the ODSA to confirm the findings contained herein and approve the expansion of the Ayersville Avenue Community Reinvestment Area, CRA.No. 3.

Section 13: 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 14: This Ordinance shall be effective on the earliest date permitted by law.

Passed: July 2, 2019

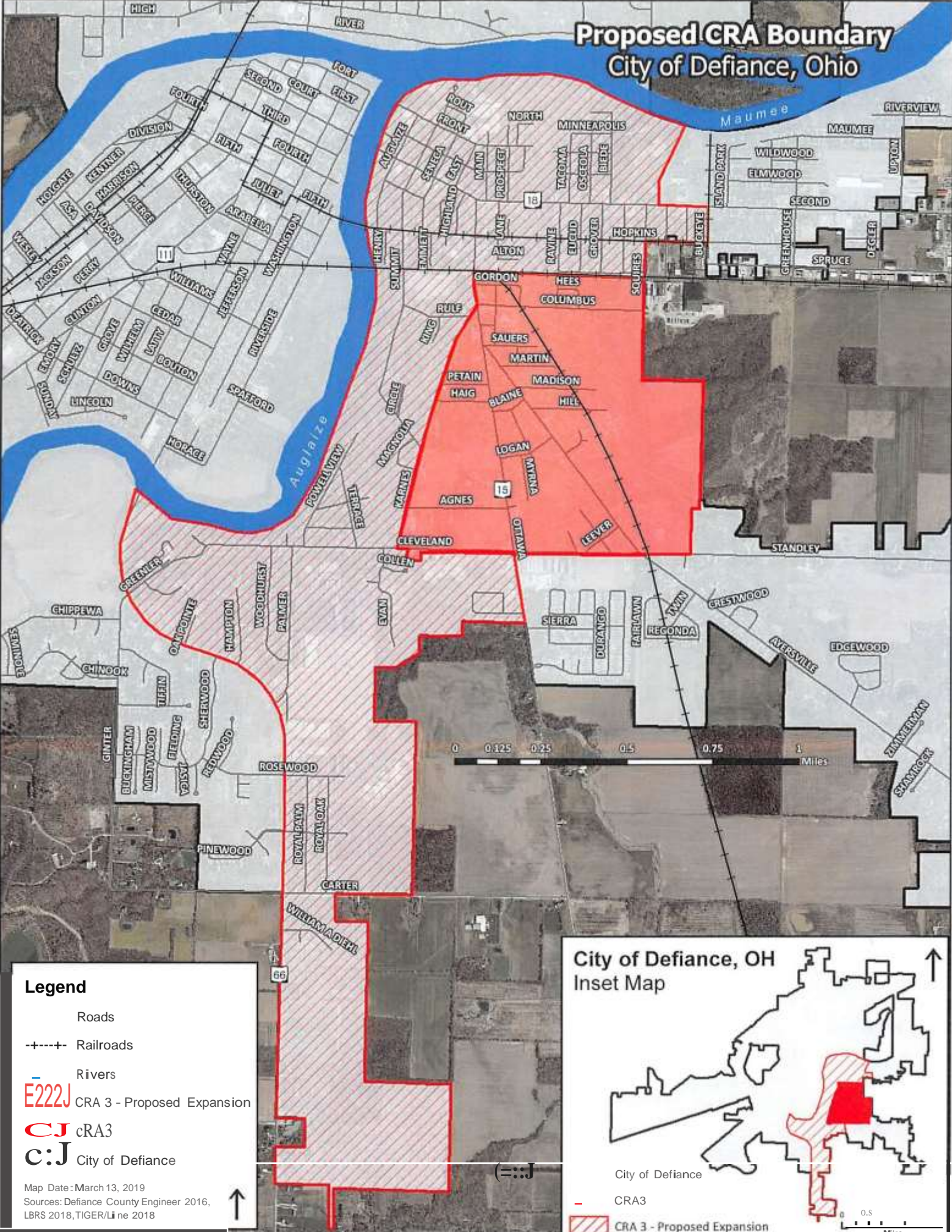
David McMaster
President of Council

Attest: Lisa Elders, Clerk

Approved: July 2, 2019

Michael McCann
Mayor

Proposed CRA Boundary City of Defiance, Ohio



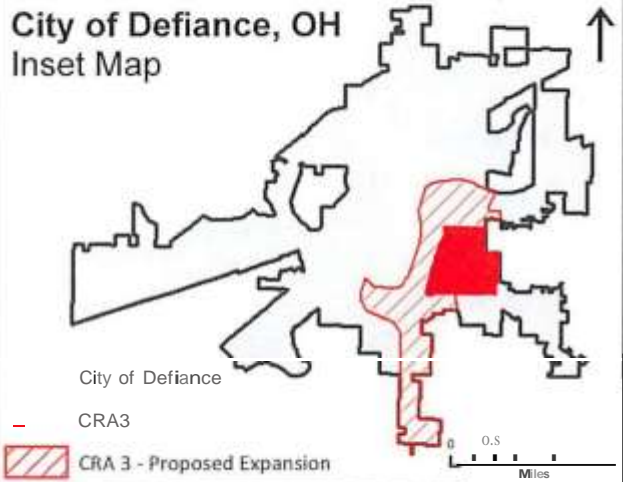
Legend

- Roads
- Railroads
- Rivers
- CRA 3 - Proposed Expansion
- cRA3
- City of Defiance

Map Date: March 13, 2019
 Sources: Defiance County Engineer 2016,
 LBRS 2018, TIGER/Line 2018



City of Defiance, OH Inset Map



- City of Defiance
- CRA3
- CRA 3 - Proposed Expansion

Ordinance No. *1s, 1p1J*

AN ORDINANCE IMPLEMENTING SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE ESTABLISHING AND DESCRIBING THE BOUNDARIES OF THE AYERSVILLE AVENUE COMMUNITY REINVESTMENT AREA. CRA#3, DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM, CREATING AN AYERSVILLE AVENUE COMMUNITY REINVESTMENT HOUSING COUNCIL AND PROVIDING FOR ANNUAL REVIEW OF ALL AYERSVILLE AVENUE COMMUNITY REINVESTMENT AREA TAX EXEMPTIONS BY THE TAX INCENTIVES REVIEW COUNCIL

WHEREAS, Council desires to pursue all reasonable and legitimate incentive measures to assist and encourage residential, commercial and industrial development in specific areas of the City that have not enjoyed investment from remodeling or new construction; and

WHEREAS, A survey was conducted by the Maumee Valley Planning Organization in accordance with the standards of Ohio Revised Code Section 3735.66 to evaluate housing conditions in the southeast quadrant of the City; and,

WHEREAS, The aforesaid housing survey documents the existence of substandard housing throughout the area hereinafter described by Section 1 of this Ordinance; and,

WHEREAS, Council finds that there are a number of deteriorated commercial and industrial uses, old industrial facilities and parcels of vacant industrially-zoned lands interspersed throughout the area hereinafter described by Section 1 of this Ordinance; and,

WHEREAS, Council finds that improved maintenance of existing structures and the construction of new structures in the area to be included in the proposed Community Reinvestment Area would encourage economic stability, improve real estate values, generate new employment opportunities and promote the general economic welfare of the community; and,

WHEREAS, The remodeling of existing structures and construction of new structures in a designated Community Reinvestment Area constitutes a public purpose for which exemptions from real property taxation may be granted; and,

WHEREAS, Council finds that creation of a Community Reinvestment Area and the allowance of exemptions from real property taxation is necessary to economic revitalization of the area;

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

Section 1: Pursuant to the authority of Ohio Revised Code 3735.66, and subject to approval by the Director of the Ohio Department of Development in the manner provided by law, the "Ayersville Avenue Community Reinvestment Area, CRA No. 3" is hereby established in the following described area:

Beginning at the point of intersection of the westerly right-of-way line of Ayersville Avenue (State Route 15) and the southerly right-of-way line of the CSX Transportation Railroad; *thence* southeasterly on and along the westerly right-of-way line of Ayersville Avenue to the point of intersection with the northerly right-of-way line of Kames Avenue; *thence*, Southwesterly on and along the northerly and westerly right-of-way line of Kames Avenue to the point of intersection with the southerly right-of-way line of Cleveland Avenue; *thence* East on and along the southerly right-of-way line of Cleveland Avenue a distance of 383 feet to a point: *thence*.

South and at a 90 degree angle from the southerly right-of-way line of Cleveland Avenue a distance of 1,325.7 feet to the southerly corporation line of the City of Defiance, Ohio; thence, East on and along the southerly corporation line of the City of Defiance, Ohio, a distance of 655 feet to a point; thence, North on and along the southerly corporation line of the City of Defiance, Ohio, a distance of 223.91 feet to a point; thence, continuing North and on the same bearing as the above said easterly corporation line of the City of Defiance, Ohio, to a point 520 feet south of the southerly right-of-way line of Cleveland Avenue; thence, East on a fine 520 feet south of and parallel to the southerly right-of-way line of Cleveland Avenue to the point of intersection of said line with the easterly right-of-way line of Ayersville Avenue; thence, Northwesterly on and along the easterly right-of-way line of Ayersville Avenue to the point of intersection with the southerly right-of-way line of Cleveland Avenue; thence, East on and along the southerly right-of-way line of Cleveland Avenue to the point of intersection with the easterly corporation line of the City of Defiance, Ohio; thence, North on and along the easterly corporation line of the City of Defiance, Ohio, to the point of intersection with the southerly right-of-way line of the CSX Transportation Road; thence, West on and along the southerly line of the CSX Transportation Railroad to the point of Beginning:

depleted as the cross-hatched area on the map attached to this Ordinance, marked •Exhibit E• and by this reference incorporated herein.

Section 1: The area described and depleted by Section 1 of this Ordinance constitutes an area in which housing facilities or structures of historical significance are located and in which new construction or repair of existing facilities has been discouraged and said area is hereby designated •Ayersville Avenue Community Reinvestment Area, CRA No. 3•.

Section 3: Only residential, commercial and industrial properties consistent with the land use regulations pertaining to the zoning district in which they are sited shall be eligible for tax exemptions authorized by this Ordinance.

Section 4: The percentage and term of the tax exemption to be granted on the increase in the assessed valuation resulting from improvements to commercial and industrial real property within the Ayersville Avenue Community Reinvestment Area shall be negotiated on a case-by-case basis in advance of construction or remodeling as required by Revised Code Section 3765.67. The results of the negotiation as approved by Council shall be set forth in writing in a Community Reinvestment Area Agreement conforming to the requirements of Revised Code Section 3765.671 and applicable regulations of the Ohio Department of Development. Commencement of construction or remodeling prior to final approval of the Community Reinvestment Area Agreement shall disqualify the improved property from participation in the tax incentive program. The maximum allowable percentage and term of exemption for the construction of new industrial and commercial facilities shall be 100% for 15 years. The maximum allowable percentage and term of exemption for the rehabilitation or remodeling of existing industrial and commercial facilities shall be 100% for 12 years.

Section 5: 75% of the increase in the market value of any existing residential structure within the Ayersville Avenue Community Reinvestment Area that is attributable to the construction or installation of remodeling improvements shall be exempted from taxation upon certification by the Housing Officer that the improvements have been made in conformity with applicable building codes and all requirements of Revised Code Sections 3735.65 through 3735.70 have been met. No exemption shall be granted for any increase in market value resulting from improvements completed more than six months prior to the date on which the application for exemption is filed with the Housing Officer. The minimum expenditure required to qualify improvements for exemption shall be \$2,500.00 for the improvement of a one or two family dwelling and \$5,000.00 for the improvement of a dwelling containing three or more family units. The term of the exemption granted by this Section shall be 5 years for one and two family dwellings and 7 years for dwellings containing three or more family units.

Section 6: 75% of the assessed value of any residential structure constructed in the Ayersville Avenue Community Reinvestment Area shall be exempted from taxation upon application by the Housing Officer that the structure has been constructed in conformity with applicable building codes and all requirements of Revised Code sections 3735.65 through 3735.70 have been met. No exemption shall be granted for any structure completed more than six months prior to the date on which the application for exemption is filed with the Housing Officer. The term of the exemption granted by this Section shall be 5 years for one and two family dwellings and 7 years for dwellings containing three or more family units.

Section 7: All exemptions from taxation granted industrial and commercial properties by this Ordinance are conditioned upon the benefited property owner's compliance with the State application and fee requirements of Revised Code Section 3735.672(C) and timely payment of annual local monitoring fees which shall be equal to 1% of the amount of taxes exempted under the Community Reinvestment Area Agreement, subject to a minimum fee of \$500.00 and a maximum fee of \$2,500.00 unless superseded by express provision of the Community Reinvestment Area Agreement.

Section 8: The Building and Zoning Commissioner is hereby designated as the Housing Officer to administer the provisions of this Ordinance in conformity with the requirements of Revised Code Sections 3735.65 through 3735.70.

Section 9: An Ayersville Avenue Community Reinvestment Area Housing Council shall be created consisting of two members appointed by the Mayor, two members appointed by the Council and one member appointed by the Planning Commission. A majority of the members shall then appoint two additional members who shall be residents of the Ayersville Avenue Community Reinvestment Area. All members shall serve for a term of three years. Any unexpired term resulting from a vacancy shall be filled in the manner in which the initial appointment was made. The Ayersville Avenue Community Reinvestment Area Housing Council shall annually inspect all properties within the Ayersville Avenue Community Reinvestment Area to which an exemption has been granted and shall hear and determine all appeals brought pursuant to Revised Code Section 3735.70.

Section 10: The Tax Incentive Review Council, heretofore established, shall annually review taxpayers' compliance with all agreements granting exemptions from taxation pursuant to the authority of this Ordinance in the manner required by law and in accordance with the Tax Incentive Review Council's established procedures for review of fiscal obligations arising from the administration of the municipality's existing Community Reinvestment Areas and other tax incentive programs. The Tax Incentive Review Council shall annually report its recommendations to Council regarding continuance, modification or termination of each agreement granting an exemption pursuant to the authority of this Ordinance based upon the Tax Incentive Review Council's evaluation of the performance of obligations arising under the agreement. The Tax Incentive Review Council shall also annually report its findings to Council regarding the effectiveness of the tax exemptions granted by this Ordinance and such recommendations as it may have for the repeal or amendment of this Ordinance.

Section 11: Council hereby reserves the power to re-evaluate the designation of the Ayersville Avenue Community Reinvestment Area after December 31, 2006, and may, at its discretion at any time thereafter, direct the Housing Officer to decline to accept new applications for exemption.

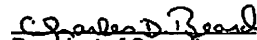
Section 12: The Clerk is hereby directed to submit this Ordinance to the *Defiance Crescent News* with instructions to publish the Ordinance in its entirety once per week for two consecutive weeks immediately following passage and approval by the Mayor, the second printing to occur not later than the 15th day following approval by the Mayor. The Clerk is further directed to provide proof of publication to the Law Director upon receipt of the same from the *Defiance Crescent News*.

Section 13: Upon receipt of proof of publication of this Ordinance in the manner required by law, the Law Director is directed to petition the Director of the Ohio

Department of Development to continue the findings contained herein and approve establishment of the Ayersville Avenue Community Reinvestment Area.

Section 14: 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.

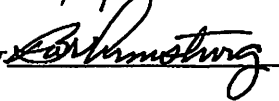
Section 15: This Ordinance shall take effect on and after the earliest date allowed by law or the date on which the findings contained herein are confirmed by the Director of the Ohio Department of Development, whichever shall last occur.


President of Council

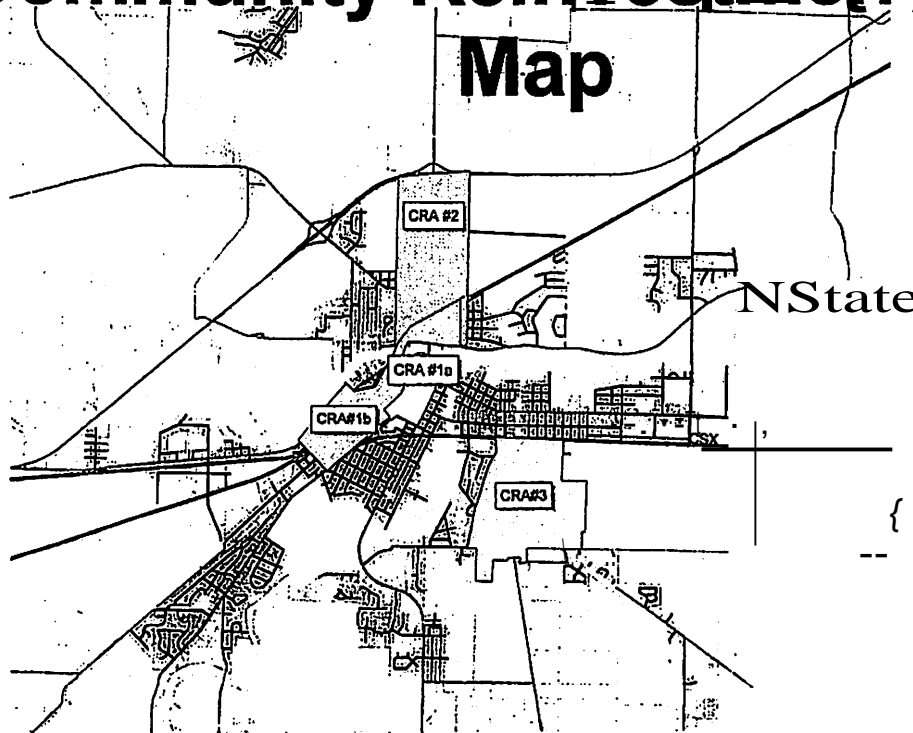
Passed: J. , 2005

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Approved: L.....!:{p - 2005

By  , Mayor

City of Defiance Community Reinvestment Area Map



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Roads.shp

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Owners.shp



Ordinance No. 8139

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT WITH ENTERPRISE FLEET MANAGEMENT FOR VEHICLE REPLACEMENTS

WHEREAS, the City currently has an aging vehicle fleet with rising operating expenses; and,

WHEREAS, Enterprise Fleet Management offers a municipal lease program that will allow the City to replace its entire fleet with more fuel efficient vehicles over a five-year period; and,

WHEREAS, Enterprise Fleet Management agrees to purchase the existing vehicles from the City as part of the replacement of each vehicle; and,

WHEREAS, competitive bidding for the leased vehicles will occur at the state level pursuant to the Ohio Cooperative Purchasing Act and §131.02 of the Codified Ordinances of Defiance, Ohio; and,

WHEREAS, Council finds that this arrangement will add a level of cost savings and sustainability to municipal operations;

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

Section 1: The City Administrator is authorized to enter into a master equity lease agreement, and any ancillary documents, with Enterprise FM Trust for the purpose of fleet management vehicle leasing at an initial cost not to exceed \$145,000.00.

Section 2: The Finance Director is authorized to pay the price in Section 1, along with any incidental expenses and transactional fees, in accordance with the master lease agreement from the operating budgets of each applicable City division.

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 or in Executive Session duly convened in accordance with law.

Section 4: This Ordinance shall be effective on the earliest date permitted by law.

Passed: July 2 _____, 2019

David McMaster

President of Council

Attest: Lisa Elders _____, Clerk

Approved: July 2 _____, 2019

Michael McMaster

Mayor

Ordinance No. 8140

AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL PROPERTY LOCATED AT 1440 QUALITY DRIVE AND APPROPRIATING FUNDS FOR THAT PURPOSE

WHEREAS, the City seeks to acquire property to construct a storage facility for road salt; and,

WHEREAS, the City Administration identified a one-acre parcel across Quality Drive from the Street Division building that would provide part of the necessary space for this facility; and,

WHEREAS, the target property is located at 1440 Quality Drive, Defiance, Ohio 43512 and is identified by the Defiance County Auditor as Permanent Parcel Number 801-1107-0-045-00; and,

WHEREAS, the City desires to enter into a contract to purchase the real property for the amount of \$25,000.00; and,

WHEREAS, Council finds that fee simple ownership of this property will assist the City with snow and ice removal from the streets and will further the Connectivity Pillar of the Defiance Community Strategic Plan;

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

Section 1: The City Administrator is directed to enter into a contract with the owner of the real property located at 1440 Quality Drive and identified as Permanent Parcel Number 801-1107-0-045-00 at a purchase price of \$25,000.00.

Section 2: The conveyance of a general warranty deed from the real property owner is hereby accepted.

Section 3: The Finance Director is authorized to pay the purchase price of \$25,000.00, plus all settlement charges, closing costs, title insurance premiums, and prorated real property taxes to the date of closing from Line 403-901-5-2-978.098 of the 2019 annual budget for which a supplemental appropriation in that amount is hereby made.

Section 4: All municipal officers are authorized to take such actions as may be necessary or appropriate to secure marketable title to the real property and record the ownership interest of the municipality with the Recorder of Defiance County, Ohio.

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 or in Executive Session duly convened in accordance with law.

Section 6: This Ordinance shall be effective on the earliest date permitted by law.

Passed: July 2 _____, 2019

David McMaster _____
President of Council

Attest: Lisa Elders _____, Clerk

Approved: July 2 _____, 2019

Michael McCann _____
Mayor

Ordinance No. 8141

AN ORDINANCE AMENDING THE DISTRICT MAP TO REZONE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF W. ROSEWOOD AVENUE AND S. JEFFERSON AVENUE FROM R-3, MEDIUM TO HIGH DENSITY RESIDENTIAL TO 8-3, HIGHWAY AND GENERAL BUSINESS DISTRICT

WHEREAS, the property owner Sherwood Forest NE, Lot 1 in the City of Defiance, Ohio at the southwest corner of W. Rosewood Avenue and S. Jefferson Avenue and identified by Permanent Parcel Number B01-4167-F-001-00 filed a petition seeking a zoning map amendment from R-3, Medium to High Density Residential to B-3, Highway and General Business District; and,

WHEREAS, the Planning Commission caused proper notice of the requested change to be published and served as required by law, considered the merits of the request in open public meeting, and recommended that the requested change be granted; and,

WHEREAS, Council convened a properly advertised Public Hearing on June 25, 2019 to consider the recommendation of the Planning Commission and heard no objections to the proposed zoning change; and,

WHEREAS, Council concurs with the recommendation of the Planning Commission and finds the map amendment to aid the parcel in achieving its highest and best use;

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

Section 1: All property identified by Permanent Parcel Number 801-4167-F-001-00 is hereby zoned B-3, Highway and General Business District.

Section 2: The Clerk of the Planning Commission and the Zoning Commissioner are directed to change the District Map as required to implement the change in zoning district designation enacted by this Ordinance.

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 or in Executive Session duly convened in accordance with law.

Section 4: This Ordinance shall be effective on the earliest date permitted by law.

Passed: July 2, 2019

David McMaster

President of Council

Attest: Lisa Elders, Clerk

Approved: July 2, 2019

Michael McCann

Mayor

ORDINANCE NO. 8142

AN ORDINANCE AUTHORIZING A CONTRACT FOR CONSTRUCTION OF INFLOW REDUCTION IMPROVEMENTS IN THE VICINITY OF RALSTON AVENUE AND CARTER AVENUE AND DECLARING AN EMERGENCY

WHEREAS, Council awarded a professional design contract for inflow reduction improvements in the vicinity of Ralston Avenue and Carter Avenue to Burgess & Niple in Ordinance No. 8087 on December 11, 2018; and,

WHEREAS, the opinion for probable costs of this project was an estimated \$2,134,324.00; and,

WHEREAS, portions of the project are eligible for loan funds with a zero percent interest rate from the Water Pollution Control Loan Fund ("WPCLF") administered by the Ohio Environmental Protection Agency ("OEPA"); and,

WHEREAS, the City opened competitive bids for the project on June 25, 2019 and Vernon Nagel, Inc. submitted the *lowest and best* bid in the amount of \$1,775,127.40; and,

WHEREAS, Council finds that this project will improve City infrastructure and overall water quality by preventing more Combined Sewer Overflows ("CSOs") from this area;

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

Section 1: The City Administrator is directed to enter into a contract with Vernon Nagel, Inc. to construct the inflow reduction improvements to Groups 9.1 and 9.3 according to the specifications of the City and on file with the City Engineer at the above-quoted price, contingent upon receipt of OEPA WPCLF financing for eligible portions of the project.

Section 2: The Finance Director is authorized to pay the contract price from Section 1 from appropriated funds allocated by expenditure from the 2019 annual budget in the following manner:

- I. \$276,736.00 from Line 591-538-5-2-980.880;
- II. \$1,394,561.90 from Line 589-009-5-2-977.100; and
- III. \$103,829.50 from Line 204-446-5-2-980.880.

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 or in Executive Session duly convened in accordance with law.

Section 4: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety, or welfare of the community for the reason that R.C. §153.12(A) requires the award of a contract within sixty days after the date on which the bids are opened or the delay invalidates the entire bid proceedings. This project is part of the Long Term Control Plan for the City and any delay exposes the City to potential civil penalty. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than five (5) Members of Council and approval of the Mayor.

Passed: July 2, 2019 David McMaster
President of Council

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

Attest: Lisa Elders, Clerk

Approved: July 2, 2019 Michael McCann
Mayor