

ORDINANCE NO. 8437

**AN ORDINANCE AUTHORIZING A CONTRACT FOR THE
INSTALLATION OF PLAYGROUND EQUIPMENT FROM PENCHURA,
LLC AND DECLARING AN EMERGENCY**

WHEREAS, Council authorized the purchase of playground equipment from Penchura, LLC and Landscape Structures, Inc. in Ordinance Nos. 8429 and 8430 on August 9, 2022; and,

WHEREAS, the City Planner obtained a quote from Penchura, LLC of Brighton, MI for the playground installation at the price of \$64,900.00; and,

WHEREAS, Council finds that the vendor is a sole source provider uniquely qualified to perform the work because of its ability to construct the playground structures and preserve the warranty for the products;

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

Section 1: The City Administrator is directed to award a contract to Penchura, LLC to construct and install the playground structures at Kingsbury Park according to the specifications of the proposal and at the quoted price of \$64,900.00.

Section 2: The Finance Director is authorized to pay the contract price from appropriated funds allocated by expenditure from Line 403-901-52-955012 of the 2022 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 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 the quoted price is only valid for thirty days before it is subject to increase. 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: September 6, 2022

David M. McMaster
President of Council

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

Attest: Lisa Elders, Clerk

Approved: September 6, 2022

Michael McCann
Mayor

ORDINANCE NO. 8438

AN ORDINANCE APPROVING AND RATIFYING AN EXEMPTION APPLICATION AND AGREEMENT FOR A TAX INCENTIVE IN COMMUNITY REINVESTMENT AREA NO. 4 BETWEEN THE CITY OF DEFIANCE, OHIO AND TESSENDERLO KERLEY, INC. AND DECLARING AN EMERGENCY

WHEREAS, Council established Community Reinvestment Area ("CRA") No. 4 in Ordinance No. 6606 on September 6, 2005 to encourage investments to construct and improve buildings within the designated area by exempting the value of new improvements from ad valorem property taxation for a designated period of time; and,

WHEREAS, Council expanded CRA No. 4 in Ordinance No. 8273 on January 5, 2021; and,

WHEREAS, Tessengerlo Kerley, Inc. ("TKI") submitted an application outlining a plan to construct a new fertilizer production facility and spend \$30 million on land acquisition and improvements, including the value of machinery, equipment, furniture, and fixtures, inside CRA No. 4 while employing seventeen (17) people at an annual payroll of \$1.1 million; and,

WHEREAS, the Board of Education of the Defiance City School District and the Four County Career Center Board of Education approved the exemption agreement on August 10, 2022 and August 18, 2022, respectively, pursuant to Section 3735.671(A)(1), Ohio Revised Code; and,

WHEREAS, Council finds that the proposed exemption furthers the Economic Development Pillar of the Defiance Community Strategic Plan by converting vacant land into productive use that generates revenue;

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

Section 1: The Housing Officer is hereby directed to grant the exemption application of TKI for a CRA No. 4 ninety percent (90%) tax exemption on real property improvements for fifteen years in accordance with the terms of the Community Reinvestment Area Exemption Agreement attached hereto as "Exhibit A."

Section 2: The attached Community Reinvestment Area Exemption Agreement between the City of Defiance, Ohio, and TKI is approved and all municipal officials are authorized to execute the same.

Section 3: The Clerk of Council is hereby directed to transmit a certified copy of this Ordinance, along with the Tax Incentive Request, to the Defiance County Auditor, Ohio Department of Development and other appropriate state and local officials including without limitation the Defiance City School District and the Four County Career Center School District.

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 the applicant desires to begin construction on this facility as soon as possible and CRA documentation approval is a prerequisite to construction. 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: September 6, 2022

David McMaster
President of Council

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

Attest: Lisa Elders, Clerk

Approved: September 6, 2022

Michael McCann
Mayor

ORDINANCE NO. 8439

AN ORDINANCE DIRECTING THE CITY ADMINISTRATOR TO APPLY FOR A GRANT FROM THE OHIO PUBLIC WORKS COMMISSION TO ASSIST WITH THE REPLACEMENT COSTS FOR THE WATER LINES AND SURFACE OF THE DARBYSHIRE DRIVE AREA AND DECLARING AN EMERGENCY

WHEREAS, the water lines along Bassard Drive, Glenwood Drive, Mayo Drive, and part of Darbyshire Drive between Bassard Drive and Glenwood Drive are in need of complete replacement; and,

WHEREAS, the City intends to resurface these streets as part of its 2023 resurfacing program in conjunction with these waterline replacements; and,

WHEREAS, the project may qualify for funding in the amount of \$325,000.00 from the Ohio Public Works Commission ("OPWC"); and,

WHEREAS, the City requires outside funding for this project in order to make it viable; and,

WHEREAS, Council finds that the infrastructure improvements at this intersection promote 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 make application to the OPWC for a grant of \$325,000.00 to be applied towards the total cost of the Darbyshire area waterline and surface replacement.

Section 2: The City Administrator is authorized to enter into any contracts or agreements as may be necessary and appropriate for obtaining this financial assistance.

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 the funding application is due to the Defiance County Engineer no later than September 9, 2022. 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: September 6, 2022

David McMaster
President of Council

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

Attest: Lisa Elders, Clerk

Approved: September 6, 2022

Michael McCann
Mayor