

# ORDINANCE NO. 7976

## AN ORDINANCE AUTHORIZING A CONTRACT WITH SMITH PAVING & EXCAVATING, INC. FOR STREETScape IMPROVEMENTS AND DECLARING AN EMERGENCY

**WHEREAS**, the Ohio Development Services Agency approved a request for permission to expend Community Development Block Grant moneys accumulated in the Revolving Loan fund as a grant of federal assistance to construct downtown streetscape improvements along Third Street between Clinton Street and the first alley to the east; and,

**WHEREAS**, the City previously constructed streetscape improvements along Second Street and Clinton Street; and

**WHEREAS**, the architectural firm, Beckett & Raeder, Inc. designed the proposed improvements to match the prior streetscape improvements on Second Street and Clinton Street; and,

**WHEREAS**, the City solicited bids to perform the proposed work and Smith Paving & Excavating, Inc. submitted the lowest *responsive* and responsible bid in the amount of \$149,015.25;

**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 contract with Smith Paving & Excavating, Inc. to furnish all labor, materials, fuel, and equipment required to construct streetscape improvements detailed by the design and material specifications on file as "City Project Number 1616" at the price and on the terms of service established by the accepted bid.

**Section 2:** The Finance Director is authorized to pay the price of \$149,015.25 and such incidental expenses as may be incurred in accordance with the authorized contract from Line 276-451-5-2-980.880 of the 2018 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 by facilitating execution of the contract within sixty (60) days of opening bids. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than five Members of Council and approval of the Mayor.

Passed: January 9 \_\_\_\_\_, 2018

David McMaster \_\_\_\_\_  
President of Council

Votes in Favor of Adoption: 6 \_\_\_\_\_

Votes Opposed to Adoption: 0 \_\_\_\_\_

Attest: Lisa Elders \_\_\_\_\_, Clerk

Approved: January 9 \_\_\_\_\_, 2018

Michael McCann \_\_\_\_\_  
Mayor

# Ordinance No. 7977

## **AN ORDINANCE AUTHORIZING A CONTRACT WITH EMNET, LLC TO INSTALL ADDITIONAL DETECTION EQUIPMENT FOR COMBINED SEWER OVERFLOWS**

**WHEREAS**, the United States Environmental Protection Agency requires communities within the Great Lakes watershed to report the occurrence of any combined sewer overflow within four hours pursuant to the Consolidated Appropriations Act of 2016; and,

**WHEREAS**, the Ohio Environmental Protection Agency mandated that Ohio municipalities comply with this federal regulation; and,

**WHEREAS**, the City contracted with EmNet, LLC to install data collection equipment for combined sewer overflows in Ordinance No. 7903 on April 4, 2017; and,

**WHEREAS**, additional overflow detection meters and transducers will enable the City to view overflow events in real time and to make accurate and timely reports of combined sewer overflows to the Ohio Environmental Protection Agency and to the public; and,

**WHEREAS**, EmNet, LLC is the most qualified firm to provide this combined sewer overflow detection service;

**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 contract with EmNet, LLC to perform all services and to supply all hardware and software described by the September 29, 2017 proposal at the quoted price of \$85,351.05.

**Section 2:** The Finance Director is authorized to pay the contract price and any incidental expenses incurred in accordance with the terms of the proposal from Line 589-540-977-050 of the 2018 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 shall be effective on the earliest date permitted by law.

Passed: January 9, 2018

David McMaster  
President of Council

Attest: Lisa Elders, Clerk

Approved: January 9, 2018

Michael McCann  
Mayor

# Ordinance No. 7978

## AN ORDINANCE AUTHORIZING THE OHIO DEPARTMENT OF TRANSPORTATION TO REPLACE THE STATE ROUTE 281 GUARDRAIL

**WHEREAS**, the Department of Transportation has identified the need to replace the guardrail on State Route 281 between Deerwood Court and the Maumee River bridge; and,

**WHEREAS**, a portion of the project is within the City limits requiring City Council approval; and,

**WHEREAS**, the Department of Transportation owns an existing right-of-way at the proposed project site;

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

**Section 1: Consent Statement:** The City of Defiance consents to the performance of all work proposed to be undertaken within the municipal corporation by the Director of Transportation as ODOT Project No. 103736.

**Section 2: Cooperation Statement:** The City will cooperate with the Director of Transportation in the following manner:

- A. The Department of Transportation and the Federal Highway Administration shall assume and bear 100% of the necessary costs of the State's guardrail replacement project.
- B. In the event that the City requests certain features or appurtenances to be included within the State's guardrail replacement project's design and construction, and which features and appurtenances are determined by the State to be unnecessary for the State project, then the City shall contribute 100% of the cost of those items.

**Section 3: Maintenance Statement:** Upon completion of the project, and unless otherwise agreed, the City shall maintain the existing right-of-way and keep it free of obstructions.

**Section 4: Authority to Sign:** The City Administrator is hereby empowered to enter into and execute such agreements with the Director of Transportation as may be necessary or appropriate to complete the above-described project.

**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: January 9, 2018

David McMaster  
President of Council

Attest: Lisa Elders, Clerk

Approved: January 9, 2018

Michael McCann  
Mayor

# Ordinance No. 7979

## AN ORDINANCE PERTAINING TO THE COMPENSATION OF NON-BARGAINING PERSONNEL DURING CALENDAR YEAR 2018 AND DECLARING AN EMERGENCY

**WHEREAS**, Codified Ordinance 147.20 requires Council to annually review the compensation of non-bargaining personnel; and,

**WHEREAS**, Council finds that the salary established for the Engineering Technician I warrants adjustment because of his growth in knowledge and experience since hiring, and as the holder of the position is earning less than the 25<sup>th</sup> percentile within his range while current Engineering Technician IIIs are earning above the 25<sup>th</sup> percentile within their range, and,

**WHEREAS**, Council finds that the salary established for the Zoning Commissioner/ Residential Building Official warrants adjustment as the holder of the position has earned certification as an Electrical Safety Inspector, mitigating the need to contract those services from outside sources, and,

**WHEREAS**, Council previously approved a collective bargaining agreement that accords Members of the City's A.F.S.C.M.E Local 2213 a 2.00% pay increase for 2018, and Council finds that equivalent adjustments should be made to the compensation of non-bargaining personnel to maintain wage parity between unionized and non-unionized employees;

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

**Section 1:** Effective January 1, 2018, the annual salary of the Engineering Technician I in the Engineering Division shall be \$36,503.

**Section 2:** Effective January 1, 2018, the annual salary of the Zoning Commissioner/ Residential Building Official in the Engineering Division shall be \$58,479.

**Section 3:** Effective January 1, 2018, the base rate of pay or salary of each full-time and permanent part-time municipal employee assigned to a non-bargaining unit position and not in a probationary status on December 31, 2017 shall be 102.00% of that individual's base rate or salary on December 31, 2017.

**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 administrative efficiency requires that wage adjustments enacted by this Ordinance take effect at the same time as wage adjustments made through collective bargaining. 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: January 9, 2018      David McMaster  
President of Council

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

Attest: Lisa Elders, Clerk

Approved: January 9, 2018      Michael McCann  
Mayor

ORDINANCE No. 7980

**AN ORDINANCE AUTHORIZING MONTHLY TRANSFERS  
OF FUNDS FOR THE CITY OF DEFIANCE, OHIO FOR THE  
YEAR ENDING DECEMBER 31, 2018.**

**Whereas**, the Council of the City of Defiance has previously provided for the transfer of funds in the annual appropriation ordinance; and

**Whereas**, the City Finance Director has determined that it is necessary to transfer a portion of the appropriated funds each month in order to meet current expenses and other expenditures of the City:

**Now, therefore**, be it enacted by the Council of the City of Defiance, Defiance County, Ohio:

**Section 1:** That the following amounts shall be transferred on a monthly basis for the period January, 2018 through September, 2018:

<u>FUND FROM</u>	<u>AMOUNT</u>	<u>FUND TO</u>
General Fund #101	\$ 337,500	Police & Fire Fund #201
General Fund #101	\$ 22,500	Police Pension Fund #732
General Fund #101	\$ 20,833	Fire Pension Fund #733
WPC Fund #590	\$ 35,058	General Fund #101
WPC Fund #590	\$ 25,000	Utilities Billing Office Fund #585
WTP Fund #591	\$ 31,733	General Fund #101
WTP Fund #591	\$ 25,000	Utilities Billing Office Fund #585
Refuse #596	\$ 4,625	Utilities Billing Office Fund #585

**Section 2:** That the amounts necessary for transfer in the months of October, November and December, 2018, upon the further recommendation by the City Finance Director, will be considered during those months.

**Section 3:** It is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and that all deliberations that resulted in such formal action being taken, including all deliberations conducted by Committees of the Council, were conducted in meetings open to the public duly convened in compliance with law.

**Section 4:** This Ordinance shall be in full force and effect from and after the earliest date permitted by law.

Passed: January 9, 2018

David McMaster  
President of Council

Votes Approving Adoption: 6

Votes Opposing Adoption: 0

Attest: Lisa Elders, Clerk

Approved: January 9, 2018

Michael McCann  
Mayor