

ORDINANCE NO. 8021

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO CONTRACT FOR THE COMPLETE RECONSTRUCTION OF AGNES STREET FROM KARNES AVENUE TO OTTAWA AVENUE AND DECLARING AN EMERGENCY

WHEREAS, Agnes Street, between Karnes Avenue and Ottawa Avenue, is in need of a complete reconstruction including subgrade reconstruction, new asphalt surface, storm water and ditch improvements, new driveway approaches, and re-aligning and widening the ends of the street; and,

WHEREAS, the City solicited proposals to perform the work pursuant to the plans and specifications established for the project and Gerken Paving submitted the lowest *responsible* and responsive bid in the amount of \$249,532.39;

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 to Gerken Paving to reconstruct Agnes Street between Karnes Avenue and Ottawa Avenue in conformity with the plans and specifications established by the City and on file with the City Engineer at the quoted price of \$249,532.39.

Section 2: The Finance Director is authorized to pay the costs of the contract authorized by Section 1 from Line 403-901-5-2-980.874 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 so that the City can award the contract within the timeline for the project and to coordinate with the contractor's schedule to avoid delays in the completion of the project. 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: May 22 _____, 2018

David McMaster

President of Council

Votes in Favor of Adoption: 6

Votes Opposed to Adoption: 0

Attest: Lisa Elders _____, Clerk

Approved: May 22 _____, 2018

Michael McCann

Mayor

ORDINANCE NO. 8022

AN ORDINANCE AMENDING CHAPTER 927 OF THE CODIFIED ORDINANCES OF THE CITY OF DEFIANCE, OHIO PERTAINING TO THE REGULATION AND USE OF STORM DRAINAGE FACILITIES

WHEREAS, the City is undertaking a process of preventing untreated sewage and wastewater from entering the Maumee and Auglaize Rivers through the storm drains; and,

WHEREAS, the Ohio Environmental Protection Agency (“OEPA”) issued a National Pollutant Discharge Elimination System Storm Water Discharge Permit (“NPDES Permit”) to the City that authorizes the discharge of pollutants to waters of the United States or the State of Ohio; and,

WHEREAS, the OEPA conducted a periodic audit of the Municipal Separate Storm Sewer System (“MS4”) and required several changes to the existing Storm Water Drainage Facilities codified ordinance;

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

Section 1: Section 927.04 “Prohibited Discharges” of the Codified Ordinances of Defiance, Ohio is hereby amended to provide (deleted text stricken, newly added text underlined):

927.04 Prohibited Discharges

a) Except as provided in Subdivision d) of this Section, the discharge of any substance or material other than uncontaminated storm water to the MS4 is prohibited.

b) No person shall purposely, knowingly, recklessly or negligently cause or permit any substance or material to be discharged from land over which that person has control to the MS4 in violation of this Section.

c) ~~The~~ occurrence of any discharge prohibited by this Section is declared to be a public nuisance and shall be abated in accordance with the provisions of this Chapter or, at the City Administrator’s election, in accordance with general laws and Ordinances pertaining to the abatement of nuisances. ~~The~~ City Law Director is authorized to commence such legal proceedings as may be appropriate to abate such nuisances.

d) Overflow to storm drains, ditches and other MS4 facilities for the conveyance of surface water and infiltration of subsurface MS4 facilities by the following substances is permitted by these Regulations and shall not be deemed a public nuisance:

- 1) uncontaminated potable water released from the municipal water distribution system or other source of potable water;
- 2) water derived from the occurrence of natural processes including: surface and subsurface flows within riparian habitats and wetlands, rising ground water and water emanating from natural springs;
- 3) uncontaminated stream flows diverted from a natural or human made water course provided all required permits are obtained prior to excavation or placement of fill;
- 4) uncontaminated pumped ground water;
- 5) water employed in fire fighting activities;
- 6) water emanating from foundation or footing drains and crawl space dewatering pumps other than active groundwater dewatering systems;
- 7) air conditioning condensate that is unmixed with water from a cooling

tower, emissions scrubber or other source of pollutants;

- 8) water runoff resulting from the use of potable water, pumped ground water or pumped river water for landscape irrigation, ~~or non-commercial washing of vehicles~~ individual residential car washing, or car wash fundraisers for charitable purposes;
- 9) ~~water from swimming pools that contains no contaminants other than allowable concentrations of chemicals approved for use in swimming pools intended for human use~~ dechlorinated swimming pool discharges;
- 10) water colored by dyes introduced to evaluate flows through a plumbing system provided written notice of the discharger's intent to conduct dye testing is filed with the City Administrator prior to commencement of the tests;
- 11) water, contaminated water or other substance or material that is discharged in full compliance with all requirements of an NPDES permit, permit waiver or discharge order issued to the discharger by the Environmental Protection Agency provided that any discharge to a facility owned, operated or maintained by the municipality is approved in writing by the City Administrator prior to use of that facility; and
- 12) any discharge of non-storm water for which the City Administrator has granted written authorization, provided the discharge is in full compliance with all requirements of the authorization. The City Administrator shall not authorize the discharge of any substance other than water or of water that is contaminated or that emanates from a source containing pollutants in the absence of a finding that immediate discharge of the contaminated or potentially contaminated water or other substance is necessary to protect public health or public safety.

Section 2: All provisions of Chapter 927 of the Codified Ordinances of Defiance, Ohio not expressly amended by Section 1 of this Ordinance are ratified, confirmed and shall remain in full force and effect.

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: May 22 _____, 2018 David McMaster
President of Council

Attest: Lisa Elders _____, Clerk

Approved: May 22 _____, 2018 Michael McCann
Mayor

ORDINANCE NO. 8023

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR A NATURE WORKS GRANT FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES AND DECLARING AN EMERGENCY

WHEREAS, the State of Ohio, through the Ohio Department of Natural Resources (“ODNR”), administers grants for public recreation through the “NatureWorks” grant program; and,

WHEREAS, the grant provides up to seventy-five percent (75%) of reimbursement assistance for the acquisition, development, and rehabilitation of recreation areas; and,

WHEREAS, the City is acquiring the real property located on Lots forty-six (46), forty-seven (47), forty-eight (48), forty-nine (49), and fifty (50) in the subdivision of lots between Ottawa Avenue and Karnes Road, commonly known as “Compo Park”; and,

WHEREAS, the City plans to apply the grant funding towards a new shelter house on the property;

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

Section 1: The City Administrator is hereby directed to execute and file an application with ODNR and to provide all information and documentation required to become eligible for possible funding assistance.

Section 2: The City Administrator is further authorized to execute and deliver all contracts, agreements, program compliance covenants, and other documents as may be appropriate to secure grant funding from ODNR should the City become the recipient of the grant.

Section 3: Council agrees to obligate the funds required to satisfactorily complete the proposed project in the amount of \$31,278.00 and become eligible for reimbursement under the terms of the grant program.

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 grant application is due no later than June 1, 2018. 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: May 22, 2018

David McMaster
President of Council

Votes in Favor of Adoption: 6

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: May 22, 2018

Michael McCann
Mayor

ORDINANCE NO. 8024

AN ORDINANCE AWARDING A CONTRACT FOR TREE REMOVAL TO GOLIATH TREE & LAWN SERVICES, LLC AND DECLARING AN EMERGENCY

WHEREAS, trees located on public lands and in public rights-of-way are regularly pruned or removed by the municipality to preserve the health, safety, and welfare of City residents; and,

WHEREAS, a solicitation was made for proposals to perform the required tree services and Goliath Tree and Lawn Service submitted the lowest *responsive* and responsible bid in the amount of \$23,625.00; and,

WHEREAS, all contracts in excess of fifteen thousand dollars (\$15,000.00) require council approval by Ordinance;

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 to Goliath Tree and Lawn Services, LLC to prune or remove all trees identified by the bid solicitation for the 2018 Tree Contract A at the price established by the accepted bid.

Section 2: The Finance Director is authorized to pay the contract price of \$23,625.00 and any incidental costs that may be incurred in accordance with the authorized contract from General Funds allocated to the Division of Parks & Recreation by 2018 Budgetary Line Item 101-751-5-2-941.001.

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 trees to be removed present a safety risk to City residents. 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: May 22, 2018 David McMaster
President of Council

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

Attest: Lisa Elders, Clerk

Approved: May 22, 2018 Michael McCann
Mayor

ORDINANCE NO. 8025

AN ORDINANCE AUTHORIZING A CONTRACT WITH ALL EXCAVATING AND DEMOLITION FOR DEMOLITION OF THE STRUCTURE AT 620 BLAINE STREET, DEFIANCE, OHIO AND DECLARING AN EMERGENCY

WHEREAS, grant funding is available from a Community Development Block Grant (“CDBG”) Revolving Loan Fund waiver to demolish blighted structures that constitute a public nuisance; and,

WHEREAS, the City Nuisance Abatement Board (“NAB”) declared the structure located at 620 Blaine Street to be a public nuisance requiring demolition on December 14, 2017; and,

WHEREAS, the City solicited proposals to demolish the structure and dispose of the debris in accordance with all applicable Federal and State statutory and regulatory requirements and ALL Excavating and Demolition submitted the lowest *responsive* and responsible bid;

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 to ALL Excavating and Demolition to perform all services described by the solicitation on the terms of service established by the accepted proposal submitted for competitive review on or about May 2, 2018 and at the price of \$17,997.47.

Section 2: The Finance Director is authorized to pay all costs arising under the terms of the authorized contract from Line 276-451-5-2-990.017 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 for the reason that the structure constitutes a public nuisance that is a hazard to the health and safety of the community. Demolition is necessary as soon as possible to prevent further dumping of waste on the property or an injury. 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: May 22, 2018

David McMaster
President of Council

Votes in Favor of Adoption: 6

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: May 22, 2018

Michael McCann
Mayor

ORDINANCE NO. 8026

AN ORDINANCE AUTHORIZING THE PURCHASE OF A REPLACEMENT SQUAD AMBULANCE AND DECLARING AN EMERGENCY

WHEREAS, the City intends to replace a 2009 model ambulance with a 2018 Ford F-550 four-by-four vehicle; and,

WHEREAS, the City has found a quote from the State Term Schedule (“STS”) from Horton Emergency Vehicle Group in the amount of \$200,942.00; and,

WHEREAS, the Ohio Department of Administrative Services procured the item at a competitive rate through the Cooperative Purchasing Program;

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

Section 1: The City Administrator is authorized to contract for the assembly of one 2018 Ford-550 four-by-four ambulance and all accessory equipment specified by the Horton Emergency Vehicles quotation numbered QUO0000002457 through the Ohio Department of Administrative Services Cooperative Purchasing Program (State Term Schedule 233) and at the quoted price of \$200,942.00.

Section 2: The Finance Director is authorized to pay the contract price from funds allocated for the replacement of Squad 210 by Line 403-901-5-2-975-044 of the 2018 annual budget.

Section 3: Upon delivery and acceptance of the replacement ambulance, the City Administrator is authorized to sell Squad 210 as municipal surplus in accordance with Codified Ordinance 151.04(b).

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 a modern, functioning ambulance is essential for rapid and reliable emergency response. 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: May 22, 2018

David McMaster
President of Council

Votes in Favor of Adoption: 6

Votes Opposed to Adoption: 0

Attest: Lisa Elders, Clerk

Approved: May 22, 2018

Michael McCann
Mayor