

NOTICE OF PROCEEDINGS
City Council of the City of Defiance, Ohio
Charles D. Beard Council Chambers
City Hall, 631 Perry Street, Defiance, OH 43512

REGULAR MEETING OF COUNCIL
TUESDAY MAY 22, 2018
OPENING COMMENTS – 7:00 P.M.
SWEARING-IN PATROLMAN MICHAEL TAYLOR

SPECIAL GUEST: DARRELL HANDY, CINDY MACK AND KRISTIE MACK – ALL GIVEN UPDATES

PUBLIC HEARING: NONE

SECOND AMENDED READING: AN ORDINANCE AMENDING RULE 8 OF THE CITY COUNCIL RULES OF CONDUCT AND PROCEDURE

FIRST READING: 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

FIRST READING: 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

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

FIRST READING: AN ORDINANCE AWARDED A CONTRACT FOR TREE REMOVAL TO GOLIATH TREE & LAWN SERVICES, LLC AND DECLARING AN EMERGENCY

FIRST READING: AN ORDINANCE AWARDED A CONTRACT TO WARD CONSTRUCTION FOR THE CONSTRUCTION OF GENEVA BOULEVARD AND DECLARING AN EMERGENCY

FIRST READING: 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

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

CITIZEN CONCERNS: NONE

STUDY SESSION: NUSIANCES

LIAISON ASSIGNMENTS	TIME	DATE	AGENDA
♣SEWER: LUNDBERG	7:00 P.M.	Tuesday - MAY 2018	NO MEETING
♣STREETS & SIDEWALK: HANCOCK	7:00 P.M.	Tuesday - MAY 2018	NO MEETING
♣UTILITIES, GAS & LIGHTS: PLANT	7:00 P.M.	Tuesday - MAY 2018	NO MEETING
♣POLICE & FIRE: WAXLER	7:00 P.M.	Tuesday - MAY 2018	NO MEETING
♣TRAFFIC COMMISSION: LEONARD , Mayor, Cereghin, Shafer, Wilkins, Sprow, Waxler, Eureste, Krutsch	5:00 P.M.	Tuesday - MAY 22 2018	DOWNTOWN PARKING & RALSTON AVENUE ROAD CLOSURE
♣FINANCE: LUNDBERG	7:00 P.M.	Tuesday - MAY 22 2018	UPDATES
♣BUILDING AND LANDS: ENGEL	7:00 P.M.	Tuesday - MAY 2018	NO MEETING
♣WATER: KRUTSCH	7:00 P.M.	Tuesday - MAY 2018	NO MEETING
♣ECONOMIC DEVELOPMENT: EURESTE	7:00 P.M.	Tuesday - MAY 2018	NO MEETING
♣COMMUNITY INTERACTION:	7:00 P.M.	Tuesday - MAY 2018	NO MEETING
♣BOARD OF CONTROL MEETING: MAYOR , Leonard, Williams, Lehner	1:30 P.M. MONDAY 9:00 A.M. THURSDAY	MONDAY and THURSDAY	POSTED AT 631 PERRY STREET MEETINGS IN FRONT CONFERENCE ROOM

Ordinance No. _____

AN ORDINANCE AMENDING RULE 8 OF THE CITY COUNCIL RULES OF CONDUCT AND PROCEDURE

WHEREAS, Council conducted a general study of Council Rules of Conduct and Procedure in open session; and,

WHEREAS, Council finds it necessary to amend the Rules on subject matter liaisons in order to facilitate more input from Members of Council and the public; and,

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

Section 1: Rule 8 of the Rules of Conduct and Procedure is hereby amended to provide (deleted text ~~stricken~~, newly added text underlined):

~~Rule 8: SUBJECT MATTER SPECIALIZATION~~

~~To facilitate an equitable allocation of duties and responsibilities among Members of Council and to promote development of specialized expertise within the Council, the President of Council shall designate one Member to oversee legislative activities with respect to each of the following areas of recurrent activity:~~

- ~~1. City Buildings, Lands and Properties: Matters pertaining to the acquisition, utilization, maintenance and disposal of municipally owned real estate other than: public rights-of-way; lands primarily devoted to use by the Divisions of Streets, Water or Water Pollution Control; landfill sites and public parking facilities.~~
- ~~2. Finance and Budget: Matters pertaining to taxation and the budgeting of general revenues derived from taxation, fees, service charges, grants and loans other than: revenues derived from or devoted to operation of the Divisions of Streets, Water and Water Pollution Control and revenues derived from solid waste management activities.~~
- ~~3. Fire and Police: Matters pertaining to the personnel and equipment requirements of the Police and Fire Divisions and general laws, regulatory requirements, contracts, intergovernmental agreements and grants pertaining to the provision of Police, Fire, and Emergency Rescue services.~~
- ~~4. Gas, Lights and Public Utilities: Matters pertaining to the construction, maintenance and use of municipal facilities operated for, and regulation of commercial enterprises engaged in, the distribution of natural gas and electricity and provision of telephone and cable television services to inhabitants of the City and all matters relating to general laws, regulatory requirements and municipal contracts pertaining to the collection, treatment, recycling and disposal of solid wastes including intergovernmental relationships relating to ownership and control of land fill sites.~~
- ~~5. Sewers and Sanitation: Matters pertaining to the collection, treatment and disposal of sewage, industrial waste waters and storm water run-off including: the personnel requirements of and acquisition, utilization, maintenance and disposal of lands and equipment by the Water Pollution Control Division; budgeting of revenues derived from operation of the Water Pollution Control Division; general laws and regulatory requirements pertaining to the collection, treatment and disposal of storm water, sewage and other waste waters; and intergovernmental contracts, agreements, grants and loans affecting the operations and facilities of the Water Pollution Control Division.~~
- ~~6. Streets and Sidewalks: Matters pertaining to the acceptance, construction, extension, utilization, maintenance and vacation of streets, sidewalks, alleys, public parking facilities and other municipal lands primarily devoted to pedestrian or vehicular traffic; personnel and equipment requirements of the Division of Streets; budgeting of permissive tax and other highway revenues; general laws and regulatory requirements affecting the construction, maintenance and use of public transportation facilities and intergovernmental grant and loan programs providing financial assistance with costs incurred to maintain or improve highways, streets and other transportation facilities.~~
- ~~7. Water Works and Service: Matters pertaining to the treatment and distribution of potable water including the personnel requirements of and utilization, maintenance, acquisition and disposal of lands and equipment by the Water Division; budgeting of revenues derived from operation of the Water Division; general laws and regulatory requirements pertaining to the purification and distribution of potable water; and intergovernmental contracts, agreements, grants and loans affecting the operations and facilities of the Water Division.~~

~~8. Economic Development: Matters pertaining to the allowance of tax incentives to include, without limitation, legislative approval of proposed Enterprise Zone Agreements and the creation, enlargement, modification and termination of Community Reinvestment Areas; construction, enlargement or extension of water, sewer, street and other public infrastructure for the purpose of facilitating the creation of employment opportunities within the City; annexation of territory for the purpose of creating employment opportunities within the City; creation, termination and modification of intergovernmental agreements pertaining to the encouragement of industrial, commercial and residential development including, without limitation, the coordination of municipal economic development efforts with those of the Defiance County Economic Development Office, Defiance County Community Improvement Corporation, Defiance Area Chamber of Commerce, Defiance Development and Visitor's Bureau and Ohio Development Services Agency.~~

~~9. Public Relations: Matters relating to the establishment and use of social media and other forms of communication between Council and the public including the establishment and enforcement of policies to assure compliance with general laws pertaining to the preservation of public records created or received by use of municipal facilities to facilitate communication between the Council or individual Members of Council and citizens.~~

~~Each Member of Council shall serve in one such capacity and no Member shall be assigned to more than two. Before January 31 of each year following a year in which Municipal elections are held, the President shall propose the assignment of one Member to each area of specialized responsibility. The President shall consider all relevant factors including:~~

- ~~1. The expressed interest of Members of Council in the subjects of primary concern;~~
- ~~2. The experience of each Member; and,~~
- ~~3. The need to equalize the distribution of the work of Council among its Members.~~

~~The President's proposed assignments shall be submitted to Council at the first Regular Meeting following preparation of the proposal by the President. Unless disapproved by a majority of Council, expressed by Roll Call Vote upon a Motion to reject the President's proposal, the assignments shall be confirmed and shall remain in effect for the balance of the bi-annual legislative session unless sooner amended by Council. In the event a majority of Council affirmatively disapproves the President's proposal, the President shall submit an alternative proposal at each succeeding Regular Meeting of Council until a proposal is accepted by Council.~~

~~The Member designated with respect to each area of specialized interest shall serve as the primary liaison between Council and Administrative officers and between Council and the Public with respect to matters relating to that subject. The Member shall investigate complaints and concerns brought to Council's attention and evaluate proposals made by Administrative officers or the public pertaining to the establishment, modification or termination of existing programs or Divisional operations. The designated Member shall periodically report to Council regarding status of matters within the area of specialized interest to which he or she has been assigned and may request a Study Session be convened to permit consideration of such matters by Council.~~

Rule 8: SUBJECT MATTER SPECIALIZATION

Rule 8.1: Standing Committees

The following standing Committees of Council are established to make inquiry into the areas of legislative concern assigned to each Committee:

- A. City Buildings, Lands and Properties: Matters pertaining to the utilization, maintenance, acquisition and disposal of municipally owned real estate except lands utilized by the Divisions of Water and Water Pollution Control, land fill sites, and lands devoted primarily to facilities for pedestrian and vehicular travel or parking.
- B. Finance and Budget: Matters pertaining to taxation and budgeting of municipal revenues derived from general taxation, grants, loans and other sources except sewer and water use charges and grants, loans and other revenues derived from or devoted exclusively to the operations of the Water and Water Pollution Control Divisions.
- C. Fire and Police: Matters pertaining to the personnel requirements of and the utilization, maintenance, acquisition, and disposal of equipment by the Police and Fire Divisions and intergovernmental contracts, agreements, grants and general laws affecting the performance of Police, Fire, and Emergency Rescue services.
- D. Gas, Lights and Public Utilities: Matters pertaining to the construction, maintenance and use of facilities for, or regulating commercial enterprises engaged in, the generation and distribution of natural gas and electricity or the provision of telephone and cable television services to inhabitants of the City and to the Municipal government; contracts involving the collection and disposal of garbage and refuse within the City; City-County relationships regarding

ownership and control of land fill sites; and inquiries into intergovernmental contracts, agreements, grants and general laws affecting the collection, treatment and disposal of garbage and refuse and other solid wastes.

- E. Sewers and Sanitation: Matters pertaining to the collection, treatment and disposal of sewage including the personnel requirements of and utilization, maintenance, acquisition and disposal of lands and equipment by the Water Pollution Control Division; budgeting of revenues charged by or received for the operation of the Water Pollution Control Division; and inquiries into intergovernmental contracts, agreements, grants, and general laws affecting the collection, treatment, and disposal of sewage.
- F. Streets and Sidewalks: Matters pertaining to the utilization, vacation, maintenance, extension, and improvement of streets, sidewalks, alleys, parking lots, and other municipal resources devoted to pedestrian and vehicular travel or parking and intergovernmental contracts, agreements, grants, and general laws affecting the construction, maintenance, and use of such public facilities.
- G. Water Works and Service: Matters pertaining to the treatment and distribution of potable water including the personnel requirements of and utilization, maintenance, acquisition, and disposal of lands and equipment by the Water Division; budgeting of revenues charged by or received for the operation of the Water Division; and intergovernmental contracts, agreements, grants, and general laws affecting the treatment and distribution of water.
- H. Economic Development: Matters pertaining to the allowance of tax incentives to include, without limitation: legislative approval of proposed Enterprise Zone Agreements and the creation, enlargement, modification of, or termination of Community Reinvestment Areas; construction, enlargement, or extension of water, sewer, street, and other public infrastructure for the purpose of facilitating industrial, distribution, research and development, commercial, retail, or residential development; annexation of additional territory for the purpose of facilitating industrial, distribution, research and development, commercial, retail, or residential development; creation, termination, or modification of joint economic development districts; intergovernmental affairs pertaining to the encouragement of industrial, distribution, research and development, commercial, retail, or residential development.
- I. Public Relations: Matters relating to the establishment and use of social media and other forms of communication between Council and the public including the establishment and enforcement of policies to assure compliance with general laws pertaining to the preservation of public records created or received by use of municipal facilities for communication between Council and individual Members of Council and citizens.

Rule 8.2: Temporary Committees

Council may, from time to time, establish a committee to investigate any matter over which Council has investigative authority or to consider any legislation that, in the opinion of a majority of the Members, requires special expertise. Such committee shall be established by Motion approved by a Majority of Council. Proceedings shall be conducted in accordance with all rules generally pertaining to the conduct of Committees of Council.

Rule 8.3: Appointments to Committees

Rule 8.3(A): Composition of Committees

Three (3) Members of Council shall be appointed to each standing Committee, at least (1) one of whom shall be elected by Ward and one (1) of whom shall be elected At-Large. One (1) Member assigned to each Committee shall be designated to Chair proceedings of the Committee. No Member shall Chair the same Committee for more than four (4) consecutive years nor serve on the same Committee for more than six (6) consecutive years.

Rule 8.3(B): Duties to Serve on Committees

Each Member of Council shall serve on not less than two (2) Committees. No Member shall serve on more than four (4) Committees. Each Member of Council shall be designated the Chairperson of at least one (1) Committee. No Member shall chair more than three (3) Committees.

Rule 8.3(C): Assignment of Members to Committees

The Economic Development Committee shall consist of the Chairperson of the Finance, Sewer & Sanitation, and Water Works & Service Committees. Before January 31 of each year following a year in which Municipal elections are held, the President shall propose a Schedule of Regular Committee Meetings together with a proposal for the composition of each Committee other than the Economic Development Committee. In proposing the assignment of individual Members to Committees the President shall consider all relevant factors including:

1. The expressed interest of Members of Council in the subjects of primary concern to each Committee;

2. The experience of each Member including prior Committee service;
3. The need to equalize the distribution of the work of Council among its Members;
4. The need to assign Members to Committees which do not have conflicting meeting schedules.

The President's proposed Committee assignments and meeting times shall be submitted to Council at the first Regular Meeting following preparation of the proposal by the President. Unless disapproved by a majority of Council, expressed by Roll Call Vote upon a Motion to reject the President's proposal, the Committee assignments and Schedule of Regular Committee Meetings shall be posted and distributed in accordance with Rule 8 and shall remain in effect for the balance of the bi-annual legislative session unless sooner amended by Council. In the event a majority of Council affirmatively disapproves the President's proposal, the President shall submit an alternative proposal at each succeeding Regular Meeting of Council until a proposal is accepted by Council.

Rule 8.4: Powers and Functions of Committees

Rule 8.4(A): Investigatory Powers of Committees

Within the areas of responsibility assigned by Rule 8.1, each standing Committee shall have the authority to exercise the powers vested in Council by Paragraphs 5, 6, 7, 8 and 9, of Section 2.12 of the Charter of the City of Defiance.

Rule 8.4(B): Required Functions of Committees

Committees shall make appropriate inquiries and informed recommendations to Council regarding the adoption, rejection, or amendment of pending legislation and regarding proposals for the introduction of new legislation when requested to do so by Council.

Rule 8.4(C): Permitted Functions of Committees

Each Committee may, on its own initiative or at the request of the Mayor, make such inquiries into the functioning of Municipal Departments and Divisions as it deems necessary to the discharge of its responsibilities and may introduce such legislative proposals to Council as it deems appropriate based upon the conclusions drawn from such inquiries.

Rule 8.4(D): Limitations of Committee Authority

The function of each Committee is to permit study of matters of legislative concern by Members of Council interested and experienced in the subjects entrusted to the Committee. Committees may authorize the Law Director to prepare appropriate legislation for introduction to Council and may make recommendations to Council regarding the approval, amendment, or rejection of any legislation pending before Council. However, no Bill shall be amended in Committee.

Rule 8.5: Conduct of Committee Meetings

Rule 8.5(A): Quorum Requirement

Two Members of a Committee shall constitute a quorum for the transaction of business, provided, however, that no meeting of a Committee shall be conducted in the absence of the Member designated to Chair the Committee without the express consent of the Committee Chair. In the event the members of a Committee conduct a meeting in the absence of the Chair and with the approval of the Chair, the designated Chairperson shall endorse his or her approval to the Minutes of the meeting prior to the filing of the Minutes with the Clerk.

Rule 8.5(B): Rules of Conduct and Decorum

The Rules of Conduct and Decorum prescribed for proceedings before Council apply to all meetings of Committees of Council. Unless absent, the designated Chairperson of each Committee shall preside at meetings of the Committee and may exercise all powers vested in the President of Council for the purpose of insuring that meetings are conducted in an orderly fashion.

Rule 8.5(C): Order of Business

Each Committee may establish such general Orders of Business as are deemed necessary by the Membership. Committees shall, at a minimum, establish the existence of a quorum prior to the transaction of business and comply with the requirements of Rule 7 pertaining to the recording, approval, and filing of Minutes of Committee proceedings.

Rule 8.5(D): Proposals Regarding Legislation to be by Motion

All proposals to recommend the introduction, adoption, amendment, or rejection of an Ordinance or Resolution to Council shall be presented by Motion and determined by Roll Call Vote.

Rule 8.5(E): Presiding Officer in Absence of Committee Chair

In the event the designated Chairperson of a Committee is absent from a Meeting of the Committee, the Members present shall select a Member to preside over the

meeting and discharge the duties of the Committee Chair. The selection of such Member shall be reflected in the minutes but need not be established by formal Motion or Roll Call Vote.

Rule 8.5(F): Voting by Committee Chair
In all matters decided by Roll Call Vote in Committee, the Chair, or member performing the duties of the Chair, shall vote last.

Section 2: All provisions of the Rules of Conduct and Procedure 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: _____, 2018

President of Council

Attest: _____, Clerk

Approved: _____, 2018

Mayor

ORDINANCE NO. _____

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: _____, 2018 _____
President of Council

Votes in Favor of Adoption: _____
Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2018 _____
Mayor

ORDINANCE NO. _____

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, perm it 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 municipally 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: _____, 2018 _____
President of Council

Attest: _____, Clerk

Approved: _____, 2018 _____
Mayor

ORDINANCE NO. _____

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: _____, 2018

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2018

Mayor

ORDINANCE NO. _____

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: _____, 2018
_____ President of Council

Votes in Favor of Adoption: _____
Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2018
_____ Mayor

ORDINANCE NO. _____

AN ORDINANCE AWARDING A CONTRACT TO WARD CONSTRUCTION FOR THE CONSTRUCTION OF GENEVA BOULEVARD AND DECLARING AN EMERGENCY

WHEREAS, Credit Adjustments Inc. plans to construct a new headquarters building for its operations within the City limits as part of a planned development; and,

WHEREAS, this development requires infrastructure, including, but not limited to, streets, water lines, and sewer lines; and,

WHEREAS, funding for the project is available from the Ohio Development Services Agency ("ODSA"), Ohio Department of Transportation ("ODOT"), and the Defiance County Transportation Improvement District; and,

WHEREAS, a solicitation was made for the project and Ward Construction submitted the lowest *responsive* and responsible bid in the amount of \$450,806.50;

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 Ward Construction to perform all tasks specified by the City and on file with the City Engineer at the price quoted above.

Section 2: The Finance Director is authorized to pay the contract price of \$450,806.50 and any incidental costs that may be incurred in accordance with the authorized contract from Line 403-901-5-2-978.102 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 §153.12 of the Ohio Revised Code requires that municipalities award a contract for construction services within sixty (60) days after the date on which the bids are opened. Failure to adhere to this timeline invalidates the entire bid proceedings. The opening of bids occurred on April 24, 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: _____, 2018

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2018

Mayor

ORDINANCE NO. _____

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: _____, 2018 _____
President of Council

Votes in Favor of Adoption: _____
Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2018 _____
Mayor

ORDINANCE NO. _____

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: _____, 2018

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2018

Mayor