

# Ordinance No. 8057

## AN ORDINANCE AMENDING CODIFIED ORDINANCE 141.01 PERTAINING TO THE COMPOSITION OF THE FIRE DIVISION AND DECLARING AN EMERGENCY

**WHEREAS**, the Federal Emergency Management Agency (“FEMA”) administers the Staffing for Adequate Fire and Emergency Response (“SAFER”) Grant Program to increase the number of trained firefighters in local communities;

**WHEREAS**, the City of Defiance is the recipient of the SAFER Grant for the next three years that will increase staffing levels for the Fire Division; and,

**WHEREAS**, Council finds it necessary to amend Codified Ordinance 141.01 in order to account for the increased staffing levels;

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

**Section 1:** Section 141.01 of the Codified Ordinances is hereby amended to provide (deleted text ~~stricken~~, newly added text underlined):

### ~~141.01 COMPOSITION.~~

~~In addition to the City Administrator, the Chief of the Fire Division, the minute and call men as may be appointed by the Chief and emergency fire fighters as may be appointed by the Mayor, the Fire Division shall be composed of the following officers and other members:~~

- ~~—(a) One Assistant Chief;~~
- ~~—(b) Three captains;~~
- ~~—(c) Three lieutenants; and~~
- ~~—(d) Fifteen firefighters.~~

### 141.01 COMPOSITION.

In addition to the City Administrator, the Chief of the Fire Division, the part-time and auxiliary firefighters as may be appointed by the Chief and emergency firefighters as may be appointed by the Mayor, the Fire Division shall be composed of the following officers and other members:

- (a) One Assistant Chief;
- (b) One Battalion Chief (city-wide safety);
- (b) Three captains;
- (c) Three lieutenants; and
- (d) Twenty-one firefighters.

**Section 2:** The Fire Chief is directed to accept the SAFER Grant Award from FEMA on behalf of the City.

**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 City must increase staffing as soon as possible to afford adequate firefighter training before the Clinton Street bridge closure. Training opportunities will not be available after the separation of the Fire Division on either side of the Maumee River. 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 11, 2018 David McMaster  
President of Council

Votes in Favor of Adoption: 6  
Votes Opposed to Adoption: 1

Attest: Lisa Elders, Clerk

Approved: September 11, 2018 Michael McCann  
Mayor

# ORDINANCE NO. 8058

## AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO CONTRACT FOR THE REPAIR OF DESIGNATED SIDEWALKS AND DECLARING AN EMERGENCY

**WHEREAS**, the City Engineer has identified twenty-six (26) locations at which sidewalks have been uplifted and damaged by the growth of adjacent municipally-maintained trees; and,

**WHEREAS**, budgetary provision was made to repair or replace sidewalk pavement in accordance with specifications prepared by the City Engineer; and,

**WHEREAS**, bids to perform the necessary work were properly solicited and J&N Builders submitted the lowest responsible and responsible proposal in the base amount of \$23,612.75; and,

**WHEREAS**, Council finds that this expenditure promotes infrastructure, and safety, which are key pillars 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 award a contract to J&N Builders to supply all labor, materials, equipment and fuel required to construct sidewalk improvements at all locations identified by and in accordance with the plans and specifications on file as City Engineering Project No. 1808 at the cost of \$23,612.75 and on the terms and conditions of service established by the accepted bid.

**Section 2:** The Finance Director is authorized to pay all sums becoming due in accordance with the authorized contract from Line 403-901-5-2-980.001 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 immediate commencement of the work is necessary to ensure pedestrian safety and minimize litigation risk to the City. 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 11, 2018      David McMaster  
President of Council

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

Attest: Lisa Elders, Clerk

Approved: September 11, 2018      Michael McCann  
Mayor

# ORDINANCE NO. 8059

## AN ORDINANCE AWARDING A CONTRACT TO REFORESTATION & WILDLIFE SERVICES FOR THE REMOVAL OF UNDESIRABLE VEGETATION AND INVASIVE SPECIES INCLUDING, BUT NOT LIMITED TO, AILANTHUS ALTISSIMA, VITIS SPECIES, LONICERA SPECIES, TOXICODENDRON RADICANS, MORUS SPECIES, GLEDITSIA SPECIES, EUONYMUS SPECIES, ULMUS PUMILA, ACER NEGUNDO, PHALARIS ARUNDINACEA, LYTHRUM SALICARIA, AMBROSIA TRIFIDA, ARCTIUM SPECIES, AND CIRSIUM ARVENSE AT KINGSBURY PARK AND DECLARING AN EMERGENCY

**WHEREAS**, Kingsbury Park suffers an unrelenting invasion of vegetation which obstructs the view of the Maumee and Auglaize Rivers; and,

**WHEREAS**, funding from the Great Lakes Restoration Initiative ("GLRI") Maumee Riverbank Stabilization Grant may be available to pay for all or part of this project; and,

**WHEREAS**, bids to perform the necessary work were solicited and Reforestation & Wildlife Services submitted the lowest *responsive* and responsible bid; and,

**WHEREAS**, Council finds that an enhanced view of the waterscape at Kingsbury Park will beautify the City for residents and visitors;

**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 Reforestation & Wildlife Services to provide all equipment, labor, and materials to remove the above-described invasive species in accordance with the plans and specifications on file with the MS4 Coordinator at the cost of \$43,047.00 and on the terms and conditions of service established by the accepted bid.

**Section 2:** The Finance Director is authorized to pay all sums becoming due in accordance with the authorized contract from Line 403-901-5-2-978.032 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 project must commence immediately in order to remain eligible for GLRI Maumee River Stabilization Grant funding. 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 11, 2018      David McMaster  
President of Council

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

Attest: Lisa Elders, Clerk

Approved: September 11, 2018      Michael McCann  
Mayor