Sylvania City Council
January 6, 2014

7:30 p.m. Council Meeting
Agenda

1. Roll call.

2. Pledge of Allegiance to the United States of America led by Mrs. Westphal.

3. Additions to the agenda.

4. Approval of the meeting minutes:
   a. December 16, 2013
   b. January 3, 2014 (Will be brought to meeting on Monday.)

5. Service Director's report on Brint & McCord Road Intersection Improvement Project: and authorize the clerk to advertise for bids.

6. Proposed Ordinance 1-2014, Agreement with Board of Lucas County Commissioners, for the provision of Public Defender Services for 2014.

7. Proposed Ordinance 2-2014, Authorizing a lease between the City of Sylvania and the SAJRD for Burnham Park and Plummer Pool.

8. Proposed Ordinance 3-2014, Accepting an easement from Louisville Title Agency for the purpose of constructing a round-about at Brint & King Road Intersection.

9. Proposed Resolution 1-2014, Adopting a statement, indicating what services will be provided to the area proposed to be annexed.

10. Committee reports.

11. Committee referrals.

Information

A. Lucas County Commissioner's letter regarding Annexation Petition 2013-7.

4a.

Minutes of the Meeting of Council
December 16, 2013

The Council of the City of Sylvania, Ohio met in regular session on December 16, 2013 at 7:30 p.m. with Mayor Craig A. Stough in the chair. Roll was called with the following members present: Mike Brown, Katie Cappellini, Doug Haynam, Sandy Husman, Mark Luetke, Todd Milner, Mary Westphal (7) present;

Roll call: All present.

Mr. Milner led the Pledge of Allegiance to the United States of America.

Pledge of Alleg.

Mayor Stough stated that Council will now consider agenda item 3.

Requests were made for the following additions to the agenda:

16. Schedule of Special Meeting for Organization of City Council for new year.
17. Executive Session to address the proposed property purchase.

17a. Move agenda item #12 here.

18. Report on Brint/King Round-About project.
19. Retirement of Jim Moan, Director of Law.

Additions to the agenda.

Mr. Haynam moved, Mrs. Westphal seconded, to approve the agenda as amended; roll call vote being: Brown, Cappellini, Haynam, Husman, Luetke, Milner, Westphal, (7) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 4.

Mrs. Westphal presented the December 2, 2013 minutes. Mrs. Westphal moved, Mr. Luetke seconded, that since the Mayor, members of Council, and others had been furnished copies of these minutes prior to this meeting, Council dispense with the reading of these minutes at this time, and the journal of the minutes of the regular meeting of December 2, 2013 be approved; roll call vote being: Cappellini, Haynam, Husman, Luetke, Milner, Westphal, Brown (7) yeas; (0) nays. The motion carried.

Approval of the December 2 minutes.

Mayor Stough stated that Council will now consider agenda item 5.

Mayor Stough presented a commendation to the Sylvania Southview High School's Mock Trial Team for their 2013 Empire City Invitational World Championship.

Commendation to Southviews' Mock Trial Team…World Champions…"

Mayor Stough stated that Council will now consider agenda item 6.

James Moan, Director of Law reviewed the Sylvania Codified Ordinances addressing the feral cat issue. He stated the City Ordinances provide a pathway for this matter to be addressed. Service Director Aller provided an update of the results of the trapping, spay/neutering from Humane Ohio in this neighborhood. Bonnie Wheeler, 4626 Woodland Lane and Francis Camerote, 4607 Vicksburg Drive provided information on their position of this situation. Gretchen from Humane Ohio addressed Council to provide her contact information to receive updated information on this situation.

Feral Cat Issue.

Mayor Stough stated that Council will now consider agenda item 7.

Service Director Aller provided information regarding the Villas of Palisades Asphalt Surface Course. Aller requested a Resolution of Necessity be prepared. Mr. Milner moved, Mrs. Westphal seconded to request administration to prepare a Resolution of Necessity; roll call vote being: Cappellini, Haynam, Husman, Luetke, Milner, Westphal, Brown (7) yeas; (0) nays. The motion carried.

Villas at Palisades Asphalt Surface Course update.

Mayor Stough stated that Council will now consider agenda item 8.

Mr. Haynam presented and read aloud by title only, proposed Resolution 21-2013, a written copy of same having been previously furnished to each member of Council, "Adopting a statement, pursuant to Revised Code of Ohio 709.03(D), indicating what services will be provided to the area proposed to be annexed to the City of Sylvania by petition for annexation filed with the Board of Lucas County Commissioners; and declaring an emergency." Mr. Haynam moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Haynam, Husman, Luetke, Milner, Westphal, Brown, Cappellini, (7) yeas; (0) nays. The motion carried.

Resolution 21-2013, "... services to proposed annexed areas..."

Mr. Haynam moved, Mrs. Husman seconded, that Resolution 21-2013 be enacted as an emergency measure as declared therein; roll call vote being: Husman, Luetke, Milner, Westphal, Brown, Cappellini, Haynam, (7) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 9.

Mrs. Westphal presented and read aloud by title only, proposed Ordinance 94-2013, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to enter into an agreement on behalf of the City of Sylvania between the City of Sylvania and the Board of Lucas County Commissioners for the Suburban Court Services Program; agreeing to participate in funding a portion of the local share for suburban courts services; appropriating

Ordinance 94-2013, "...Suburban Court Services.... $25,000..."

$25,000 therefore; and declaring an emergency." Mrs. Westphal moved, Mr. Luetke seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Luetke, Milner, Westphal, Brown, Cappellini, Haynam, Husman, (7) yeas; (0) nays. The motion carried.

Mrs. Westphal moved, Mr. Milner seconded, that Ordinance 94-2013 be enacted as an emergency measure as declared therein; roll call vote being: Milner, Westphal, Brown, Cappellini, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 10.

Ordinance 95-2013, "...Video Service Provider Fee ..."

Mr. Brown presented and read aloud by title only, proposed Ordinance 95-2013, a written copy of same having been previously furnished to each member of Council, "Determining the Video Service Provider Fee to be paid by a Video Service Provider offering video service in the City pursuant to a Video Service Authorization; authorizing the Director of Public Service to give notice to the Video Service Provider of the Video Service Provider Fee; and declaring an emergency." Mr. Brown moved, Mr. Haynam seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Westphal, Brown, Cappellini, Haynam, Husman, Luetke, Milner, (7) yeas; (0) nays. The motion carried.

Mr. Brown moved, Mrs. Westphal seconded, that Ordinance 95-2013 be enacted as an emergency measure as declared therein; roll call vote being: Brown, Cappellini, Haynam, Husman, Luetke, Milner, Westphal, (7) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 11.

Ordinance 96-2013, "...adjustments to appropriations ending 12/31/13...."

Mrs. Westphal presented and read aloud by title only, proposed Ordinance 96-2013, a written copy of same having been previously furnished to each member of Council, "to make certain adjustments to account allocations within the fund appropriations for the fiscal year ending December 31, 2013; and declaring an emergency." Mrs. Westphal moved, Mr. Luetke seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Cappellini, Haynam, Husman, Luetke, Milner, Westphal, Brown, (7) yeas; (0) nays. The motion carried.

Mrs. Westphal moved, Mr. Milner seconded, that Ordinance 96-2013 be enacted as an emergency measure as declared therein; roll call vote being: Haynam, Husman, Luetke, Milner, Westphal, Brown, Cappellini, (7) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 13 as item 12 was moved to agenda item 17a.

Mr. Haynam moved, Mrs. Westphal seconded, that no hearing be requested for the liquor permit for Andersons, Inc., d/b/a The Andersons, 7638 W. Sylvania Avenue, Sylvania, OH 43560; roll call vote being: Milner, Westphal, Brown, Cappellini, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

No objection to liquor permit for The Andersons.

Mayor Stough stated that Council will now consider agenda item 16.

Mr. Milner moved, Mr. Luetke seconded to schedule the special meeting for organization of City Council for the new year for Friday, January 3, 2014 at 8:00a.m.; roll call vote being: Milner, Westphal, Brown, Cappellini, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

Set Organization Meeting of Council… 1/3/14, 8:00a.m.

Mayor Stough stated that Council will now consider agenda item 18.

Service Director Aller provided information on the Brint/King round-about project stating that four bids were received with Geddis Paving being awarded the project. Construction will begin in June and have a 45 day construction period.

Brint/King Round-About update.

Mayor Stough stated that Council will now consider agenda item 17.

Mrs. Westphal moved, Mr. Luetke seconded to enter into Committee-of-the-Whole Executive Session for the purpose of addressing the proposed property purchase at 8:43p.m.; roll call vote being: Husman, Luetke, Milner, Westphal, Brown, Cappellini, Haynam, (7) yeas; (0) nays. The motion carried.

Executive Session… proposed purchase of property.

Mrs. Westphal moved, Mr. Haynam seconded to return from Executive Session to General Session of Council at 9:03 p.m.; roll call vote being: Husman, Luetke, Milner, Westphal, Brown, Cappellini, Haynam, (7) yeas; (0) nays. The motion carried.

Mr. Luetke moved, Mrs. Westphal seconded to referred the downtown parking review to the Economic Development Sub-Committee with a report back within 60 days; roll call vote being: Husman, Luetke, Milner, Westphal, Brown, Cappellini, Haynam, (7) yeas; (0) nays. The motion carried.

Mr. Kevin Armstrong, 6742 Maplewood stated the City should look at city-owned green space for parking. Ms. Melissa Dubiel, 6745 Maplewood stated this plan will de-value her property due to extra traffic in her backyard.

Mrs. Husman presented the second reading and read aloud by title only, proposed Ordinance 93-2013, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to enter into an offer to purchase a portion of the property located at 6719 and 6725 Maplewood Avenue, Sylvania, Lucas County, Ohio 43560, owned by Ruth Liaros, Trustee for the amount of $30,000; providing funds for said purchase; authorizing the payment of the purchase price; and declaring an emergency." Mrs. Husman moved, Mr. Luetke seconded, that Council dispense with the Third Reading of said Ordinance; roll call vote being: Husman, Luetke, Milner, Westphal, Brown, Haynam, (6) yeas; Cappellini, (1) nays. The motion carried.

Ordinance 93-2013, "...purchase property 6719 & 6725 Maplewood..."

Mrs. Husman moved, Mr. Westphal seconded, that Ordinance 93-2013 be enacted as an emergency measure as declared therein; roll call vote being: Luetke, Milner, Westphal, Brown, Haynam, Husman, (6) yeas; Cappellini,(1) nays. The motion carried.

Mayor Stough stated that all items on the agenda had been considered.

Mr. Haynam moved, Mrs. Westphal seconded, that this meeting adjourn; all present voting yea (7); (0) nays. The motion carried and the meeting adjourned 9:34 p.m.

Adjournment.

Clerk of Council

Mayor

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City Of Sylvania
DEPARTMENT OF PUBLIC SERVICE
KEVIN G. ALLER, PE DIRECTOR

January 6, 2014

To: The Mayor and Members of Sylvania City Council

Re: Brint Road & McCord Road Intersection Improvements Project

Dear Mr. Mayor and Council Members:

Construction drawings for the above-referenced project have been reviewed and are now complete and ready to be bid. This project will provide a traffic signal at the intersection of Brint Road and McCord Road. Other improvements include adding radii returns and pavement for the north leg approach to Lourdes University, intersection resurfacing and pedestrian ramp upgrades.

The estimated cost for this project is $184,574 with approximate funding levels as follows:

- $92,287 (50%) City
- $64,601 (35%) Ohio Public Works Commission
- $27,686 (15%) Lourdes University

We would request that the Clerk of Council be authorized to advertise for bids.

Sincerely,

Kevin G. Aller, P.E.
Director of Public Service

6730 MONROE STREET • SYLVANIA, OHIO 43560-1948 • (419) 885-8965 • FAX (419) 885-0486
www.cityofsylvania.com

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ORDINANCE NO. 1 -2014

AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO AN AGREEMENT, ON BEHALF OF THE CITY OF SYLVANIA, OHIO, WITH THE BOARD OF LUCAS COUNTY COMMISSIONERS, FOR THE PROVISION OF PUBLIC DEFENDER SERVICES TO THE SYLVANIA MUNICIPAL COURT FOR THE YEAR 2014; AND DECLARING AN EMERGENCY.

WHEREAS, the Board of Lucas County Commissioners created a public defender commission to contract for public defender services for the legal representation of indigent persons; and,

WHEREAS, the City of Sylvania desires to be included within the plan for appointment of counsel in the Sylvania Municipal Court; and,

WHEREAS, Ordinance No. 82-2005, passed December 19, 2005, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for providing public defender services to the Sylvania Municipal Court for the year 2006 at a cost of Twenty-Eight Thousand Dollars ($28,000.00); and,

WHEREAS, Ordinance No. 32-2008, passed April 7, 2008, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for the provision of public defender services to the Sylvania Municipal Court for the years 2007 and 2008 at a cost of Forty-Two Thousand Fifty Dollars ($42,050.00) per year; and,

WHEREAS, Ordinance No. 101-2009, passed October 5, 2009, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for the provision of public defender services to the Sylvania Municipal Court for the year 2009 at a cost of Forty-Two Thousand Fifty Dollars ($42,050.00); and,

WHEREAS, Ordinance No. 114-2009, passed November 2, 2009, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County

Commissioners for the provision of public defender services to the Sylvania Municipal Court for the year 2010 at a cost of Forty-Two Thousand Fifty Dollars ($42,050.00); and,

WHEREAS, Ordinance No. 6-2011, passed February 7, 2011, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for the provision of public defender services to the Sylvania Municipal Court for the year 2011 at a cost of Forty-Six Thousand Six Hundred Sixty-Five Dollars ($46,665.00); and,

WHEREAS, Ordinance No. 10-2012, passed January 18, 2012, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for the provision of public defender services to the Sylvania Municipal Court for the year 2012 at a cost of Forty-Six Thousand Six Hundred Sixty-Five Dollars ($46,665.00); and,

WHEREAS, Ordinance No. 38-2013, passed April 15, 2013, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for the provision of public defender services to the Sylvania Municipal Court for the year 2013 at a cost of Forty-Six Thousand Six Hundred Sixty-Five Dollars ($46,665.00); and,

WHEREAS, the Director of Law has received the proposed Agreement with the Board of Lucas County Commissioners for the provision of Public Defender services to the Sylvania Municipal Court for the year 2014; and,

WHEREAS, the proposed Agreement provides that the City will pay $46,665 for public defender services for 2014, which represents no increase over 2011, 2012 or 2013.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, _____ members elected thereto concurring:

SECTION 1. That the Mayor and Director of Finance be, and they hereby are authorized to enter into an Agreement with the Board of Lucas County Commissioners, in the form and substance of "Exhibit A" this Council hereby agreeing to appropriate the necessary funds for payment required under said Agreement.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this

council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the Agreement should be authorized immediately so that defendants appearing in Sylvania Municipal Court can continue to receive Public Defender services. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote dispensing with the second and third readings: Yeas _____ Nays _____

Passed, _____, 2014, as an emergency measure.

_____
President of Council

ATTEST:

_____
Clerk of Council

APPROVED AS TO FORM:

_____
Director of Law

APPROVED:

_____
Mayor

_____
Date

AGREEMENT

This Agreement is made this ____ day of _____, 20____, by and between the Lucas County Public Defender Commission and the City of Sylvania.

WHEREAS, the Board of Lucas County Commissioners (hereinafter referred to as "the County") has created a Public Defender Commission pursuant to Ohio Revised Code Section 120.13; and

WHEREAS, the County Public Defender Commission, pursuant to Sections 120.04 and 120.13 of the Ohio Revised Code, may contract for public defender services for the legal representation of indigent persons; and

WHEREAS, the City of Sylvania desires the services of the Lucas County Public Defender for every Monday-8: 30am - 12:30pm with 1 contract attorney and 4 interns, and Wednesday-8: 30am - 4:30pm, with 1 staff attorney and 1 contract attorney and 4 interns.

NOW, THEREFORE, IT IS HEREBY AGREED:

1. That this contract will be in effect from January 1, 2014 to December 31, 2014.

2. The City of Sylvania will pay the Board of Commissioners Forty-Six Thousand Six Hundred Sixty Five and 00/100 Dollars ($46,665) for 2014. The City of Sylvania shall deposit with Lucas County in June, 2014 one-half (1/2) of the annual contracted amount and will pay twenty-five percent (25%) of the annual amount on September 1, 2014 and November 1, 2014 to cover the necessary expenses and cost of counsel to represent indigents charged with violations of municipal ordinances of the City of

Sylvania, which could result in the indigent's loss of liberty upon conviction.

3. The Lucas County Public Defender Commission (LCPDC) agrees that it will require the Public Defender to furnish, upon request, to the City, on a quarterly basis, a list of criminal charges filed. Said list shall include the name of the indigent for whom representation was provided, the violation or violations with which the indigent had been charged, and the Municipal Court case number of said charge.

4. The LCPDC, at the City's request, agrees to review with the City, Public Defender operations and budget.

5. It is further agreed that the contract shall be reviewed each year after July 1 and after October 1 in light of any standards that may be imposed by the State Public Defender Commission and to determine whether the advances called for under the contract are sufficient or insufficient for the purposes intended.

6. The City of Sylvania and the Judge of the Sylvania Municipal Court agrees to coordinate Public Defender days for the Sylvania Municipal Court with the Executive Director of the Toledo Legal Aid Society and the Judges of the Maumee and Oregon Municipal Courts.

7. The Sylvania Municipal Court agrees to furnish the LCPDC its latest completed annual report with a breakdown of cases by jurisdiction, which may be used as a factor for future public defender contracts.

8. All reimbursement to the City of Sylvania from the Lucas County Commissioners shall be pursuant to the provisions under the Ohio Revised Code and

the percentage established by the State Public Defender's Office.

9. Reimbursement by the City of Sylvania for representation of such indigent persons may be by a contractual amount or a fee schedule, however, in either event such reimbursement shall not exceed the fee schedule in effect and adopted by the Lucas County Commissioners.

10. This Agreement shall provide for conformity with the standards of indigency and other rules and standards established by the Ohio public defender commission and the state public defender.

11. Pursuant to OAC 120-1-12(7), this contract provides that the public defender office shall compensate its staff employees, subcontractors and retained forensic experts at rates commensurate with their training, experience and responsibilities, and compensation paid to persons doing similar work in public agencies in the jurisdiction.

CITY OF SYLVANIA, OHIO

By _____
Mayor

By _____
Director of Finance

By _____
Director of Law

LUCAS COUNTY PUBLIC DEFENDER COMMISSION

_____
Jeffrey J. Madrzykowski, Chairman
On behalf of the entire Lucas County Public Defender Commission
By Resolution

APPROVED BY THE BOARD OF COUNTY COMMISSIONERS, LUCAS COUNTY, OHIO

Resolution Number _____

Adopted _____

APPROVED AS TO FORM BY STATE OF OHIO PUBLIC DEFENDER COMMISSION

By _____

Date _____

APPROVED AS TO FORM:
Julia R. Bates, Prosecuting Attorney

By: _____
Assistant Prosecuting Attorney

Date: _____

ORDINANCE NO. __2__-2014

AUTHORIZING A LEASE BETWEEN THE CITY OF SYLVANIA, AS LESSOR, AND THE SYLVANIA AREA JOINT RECREATION DISTRICT, AS LESSEE, FOR BURNHAM PARK AND PLUMMER POOL; DETERMINING SAID CITY OWNED PROPERTY NOT TO BE NEEDED FOR MUNICIPAL PURPOSES DURING THE TIME OF PROPOSED LEASE; AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO SIGN SUCH A LEASE ON BEHALF OF THE CITY OF SYLVANIA; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Sylvania is the owner of certain real estate on Maplewood Avenue known as Burnham Park and Plummer Pool; and,

WHEREAS, the Sylvania Area Joint Recreation District has proposed to operate and maintain Burnham Park and Plummer Pool for use by the general public for park recreation and related swimming and pool recreation; and,

WHEREAS, the proposed Lease is for an initial term of five (5) years and a copy of the proposed Lease is attached hereto as "Exhibit A."

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, _____ members elected thereto concurring:

SECTION 1. That the City of Sylvania owns the property on which Burnham Park and Plummer Pool are located, which is hereby determined not to be needed for municipal purposes for a period of five (5) years so as long as the activities conducted on said premises are compatible with recreation activities.

SECTION 2. That, the municipal property described in Section 1 hereof is hereby authorized to be leased by the City of Sylvania as Lessor, to the Sylvania Area Joint Recreation District as Lessee, or to such other Lessee for the term of five (5) years.

SECTION 3. That rent for the property shall be One Dollar ($1.00) per year for the five (5) year term.

SECTION 4. That the Mayor and Director of Finance of this City be, and they hereby are, authorized and directed to accept the terms of the Lease on behalf of the City of Sylvania, Ohio, as Lessor, as authorized in Section 2 hereof for the property described in Section 1 hereof.

SECTION 5. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 7. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare of the City of Sylvania and for the further reason that the lease for the property should be entered into immediately. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote dispensing with the second and third readings: Yeas _____ Nays _____

Passed, _____, 2014, as an emergency measure.

ATTEST:

_____
President of Council

_____
Clerk of Council

APPROVED:

_____
Mayor

APPROVED AS TO FORM:

_____
Director of Law

_____
Date

REAL PROPERTY LEASE

Between

CITY OF SYLVANIA

and

SYLVANIA AREA JOINT RECREATION DISTRICT

THIS AGREEMENT made this ____ day of _____, 2014, by and between the City of Sylvania, an Ohio municipal corporation, hereinafter referred to as CITY and the Sylvania Area Joint Recreation District, an recreation district duly established under Ohio Revised Code Section 755.14(C), hereinafter referred to as SAJRD.

WITNESSETH:

WHEREAS, the CITY is a municipal corporation and a political subdivision duly organized and existing under the constitution and laws of the State of Ohio and a charter adopted pursuant to such constitution and laws; and,

WHEREAS, SAJRD is a recreation district duly established on March 28, 1988 and existing under Section 755.14(C) of the Revised Code of the State of Ohio; and,

WHEREAS, the CITY is the owner of certain real estate located on Maplewood Avenue known as Burnham Park and Plummer Pool.

NOW, THEREFORE, in consideration of the promises set forth herein, and for and on behalf of their successors and assigns, the parties agree that the CITY hereby leases to SAJRD for recreational purposes as hereinafter set forth, the real estate described on "Exhibit A," for the sum of One Dollar ($1.00) per year and other valuable consideration, said premises of value at least equal to that amount, on the following terms and conditions:

1. Purpose. Said property is leased to SAJRD to be operated and maintained for use by the general public for park recreation and related swimming and pool recreation.

2. Term. This Lease shall initially be in effect for a period of sixty (60) months from January 1, 2014 through December 31, 2018. Thereafter, for 3 successive terms of five (5) years each unless THE CITY, SAJRD or its successor, twelve (12) months prior to the commencement of any said five (5) year terms, shall give to the other written notice of cancellation of this agreement. The written notice to THE CITY shall be addressed and delivered to 6730 Monroe St., Sylvania, Ohio 43560. The written notice to SAJRD shall be addressed and delivered to 7060 Sylvania Avenue, Sylvania, Ohio 43560.

3. Assignment. SAJRD shall not assign this Lease without the prior written consent of the CITY, nor shall SAJRD use or permit the use of said property for other than park and/or pool related recreation purposes as hereinabove stated.

4. Property Taxes. Currently, the property is tax exempt for real property taxes, if any status is changed as a result of SAJRD's operation, SAJRD shall be responsible for payment of real property taxes resulting from its operation.

5. Warranty. The CITY will provide a warranty for items where the cost to repair the item is $2,000 or more for a five year period on a declining scale as follows.

Repairs or replacements that cost in excess of $2,000.00 from:	CITY will reimburse SAJRD:
January 1, 2014 thru December 31, 2014	80% of cost
January 1, 2015 thru December 31, 2015	60% of cost
January 1, 2016 thru December 31, 2016	40% of cost
January 1, 2017 thru December 31, 2017	20% of cost

Thereafter, SAJRD shall be responsible for 100% of repair and/or replacement costs.

6. Maintenance. SAJRD will be responsible for all operation, care and maintenance of the property, except as it relates to the water tower and cellular company cabinets, the City of Sylvania Water Department building in the southeast corner of the property and snow and ice removal in the parking areas. SAJRD will provide grass cutting and landscaping for the entire site, including around the water tower and cellular company cabinets and the City of Sylvania Water Department building. The CITY will continue to maintain and operate those specific areas and also provide for snow and ice removal in the parking areas. SAJRD shall also be responsible for all utility bills and pool maintenance expenses, with the exception that the CITY will provide water at no cost to fill the pool one time at the beginning of the season during the initial term of this Agreement.

7. Tree Maintenance. The CITY will assist SAJRD with tree maintenance requirements as requested and will provide this service at no cost to SAJRD. SAJRD will provide CITY a detailed plan to remove and trim trees (using the Recreation District's Maintenance team as a consultant and the CITY's Tree Department for removal and trimming) to help improve aesthetics & usability of the park.

8. Security/Life Guards. SAJRD will be responsible for any and all necessary security and/or life guards that may be required as a result of the use of the property for pool and park recreation.

9. Admission Fees. Any and all admission fees shall be collected and retained by SAJRD. Any additional revenue or fees generated by the improvements to the property shall also be collected and retained by SAJRD.

10. Insurance. SAJRD shall maintain general liability insurance on the property, the minimum limits of which shall be One Million Dollars ($1,000,000.00) per occurrence, and One Million Dollars ($1,000,000.00) in the aggregate.

11. Indemnification. SAJRD shall hold the CITY harmless from any and all claims and demands by any person or persons arising from the failure of SAJRD to perform any obligation of this Lease and arising from any occurrence during SAJRD's use of said property. SAJRD shall maintain the CITY as an additional insured on SAJRD's liability insurance policy for said property provided SAJRD's insurer is agreeable to same.
The CITY shall hold SAJRD harmless from and against any and all claims and demands by any person or persons arising from the failure of the CITY to perform any obligation arising under this Lease Agreement.

12. Non-discrimination. SAJRD agrees that it will refrain from all discriminatory actions based on race, sex or religion in dealing with patrons or employees at the Property.

13. Cancellation. Either party may terminate this Lease upon twelve (12) months written notice to the other party. Notice of cancellation by SAJRD shall be sent to: Clerk of Council, City of Sylvania, 6730 Monroe St., Sylvania, OH 43560. Notice of cancellation by the City shall be sent to: SAJRD, 7060 Sylvania Avenue, Sylvania, Ohio 43560.

14. Return of Property. SAJRD shall cease the use of the property at the end of the agreed term if not renewed or at the end of the renewal term in as good condition as the property is, reasonable wear, tear and unavoidable casualty excepted. It is agreed that any improvements added or made shall remain with the property.

15. Miscellaneous. This Agreement represents the entire agreement between the parties with respect to the matters set forth herein. This Agreement shall be construed and enforced in accordance with the laws of the State of Ohio. This Agreement may be executed in one complete copy hereof.

During the existence of this agreement or any renewal or extension thereof, CITY shall not assign or otherwise dispose of its interest in this agreement or its real estate described on Exhibit A without the written consent of SAJRD or any successor in interest to SAJRD.

16. Resolutions and Ordinances. The City has authorized this Agreement and the signing thereof by Ordinance No. ___-2014, passed _____, 2014 by the Council of the City of Sylvania. SAJRD has authorized this Agreement and the signing thereof by Resolution 8-2013 adopted December 17, 2013.

Signed in duplicate by THE CITY, this _____ day of _____, 2014 and by SAJRD, this ____ day of _____, 2014.

APPROVED AS TO FORM:

_____
Leslie B. Brinning, Director of Law

CITY OF SYLVANIA, LESSOR

By_____
Craig A. Stough, Mayor

By_____
Toby Schroyer, Director of Finance

WITNESSES:

_____

_____

SAJRD, LESSEE

By_____

By_____

STATE OF OHIO)
) SS:
COUNTY OF LUCAS)

Before me, a Notary Public in and for said County and State, this day personally appeared the Sylvania Area Joint Recreation District, a recreation district duly established and existing under Ohio Revised Code Section 755.14(C) by _____, its _____ and _____, its _____, who acknowledged that they executed the within instrument and further acknowledged that such signing was their free act and deed both individually and in their respective capacities as such officers, and the free act and deed of said municipal corporation this ___ day of _____, 2013.

_____
Notary Public

8

ORDINANCE NO. __3__-2014

ACCEPTING AN EASEMENT FROM LOUISVILLE TITLE AGENCY FOR N.W. OHIO, INC., TRUSTEE, FOR THE PURPOSE OF CONSTRUCTING A ROUNDABOUT AT THE BRINT ROAD AND KING ROAD INTERSECTION; PROVIDING FOR COMPENSATION IN THE AMOUNT OF $23,750; AND DECLARING AN EMERGENCY.

WHEREAS, Lucas County is constructing a roundabout at the Brint Road and King Road intersection to provide for better traffic flow and safety at the intersection; and,

WHEREAS, Resolution No. 11-2013, passed September 3, 2013, declared it necessary and declared Council's intent to appropriate certain property for the Brint and King Roundabout Project from Louisville Title Agency for N.W. Ohio, Inc., Trustee; and,

WHEREAS, Ordinance No. 76-2013, passed October 7, 2013, appropriated an easement to the City of Sylvania in and to certain real estate in connection with the Brint and King Roundabout Project and appropriated and authorized the expenditure of $23,750 for same; and,

WHEREAS, the City of Sylvania filed a Complaint against the Louisville Title Agency for N.W. Ohio, Inc., Trustee on October 9, 2013 to appropriate the easement, however, the Director of Public Service remained in negotiation with the beneficial owner of the property; and, WHEREAS, the City of Sylvania has obtained the necessary easement from Louisville Title Agency for N.W. Ohio, Inc., Trustee, which easement has been executed and tendered to City of Sylvania, a copy of which are attached hereto as "Exhibit A"; and,

WHEREAS, Louisville Title Agency for N.W. Ohio, Inc., Trustee is entitled to receive payment of just compensation, in the form of the fair market value of the easement, after an appraisal of those rights and with the opportunity to be present at the time of the making of such

appraisal and inspection, which appraisal is so completed and an offer of full appraisal amount made prior to their executing and delivering to this City said Easement for Highway and Utility Purposes.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, _____ members elected thereto concurring:

SECTION 1. That the Easement for Highway and Utility Purposes as so executed, tendered and delivered, as described on "Exhibit A" be, and the same hereby is, accepted from Louisville Title Agency for N.W. Ohio, Inc., Trustee, the grantor of said easement.

SECTION 2. That the real estate conveyed by said Highway and Utility Purposes, identified on the attached "Exhibit A" be and the same hereby is, dedicated for street purposes to become a part of the Brint and King Roundabout Project.

SECTION 3. That the Director of Law shall cause said Easement to be recorded and thereafter to be filed with the Director of Finance, and to be maintained by him as a part of the records of this City.

SECTION 4. That the Director of Law shall file the necessary pleadings with the Lucas County Court of Common Pleas to dismiss the lawsuit and request the payment of $23,750 to Louisville Title Agency for N.W. Ohio, Inc., Trustee from the funds deposited with the Lucas County Clerk of Courts on the filing of this lawsuit.

SECTION 5. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 7. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the construction of the Brint and King Roundabout should proceed without further delay. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and

approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote dispensing with the second and third readings: Yeas _____ Nays _____

Passed, _____, 2014, as an emergency measure.

_____
President of Council

ATTEST:

_____
Clerk of Council

APPROVED AS TO FORM:

_____
Director of Law

APPROVED:

_____
Mayor

_____
Date

EASEMENT FOR HIGHWAY
AND UTILITY PURPOSES

KNOW ALL MEN BY THESE PRESENTS:

That Louisville Title Agency for NW Ohio, Inc., Trustee, the Grantor, in consideration of Twenty Three Thousand Seven Hundred Fifty and No/100 Dollars ($23,750.00), and other good and valuable considerations, to it paid by the **The City Of Sylvania, Ohio** the Grantee, does hereby grant, bargain, sell, convey, and release to the said Grantee, its successors and assigns forever, an easement for public highway, drainage, sewer, and public utility purposes, in, over, and through the following described real property:

Brint & King Roundabout
Parcel 4-SHV

See attached Exhibit "A"

TO HAVE AND TO HOLD said easement rights, with the privileges and rights herein set forth, belonging to the Grantee, its successors and assigns forever.

The Grantor, for itself, its successors and assigns, retains the right of ingress and egress across the attached described property.

The Grantor claims title by instrument recorded in 01-0627-B11 of Deeds, Lucas County, Ohio, Records.

The Grantor hereby covenants that it is the true and lawful owner of said premises and are well seized of the same, and have good right and full power to grant, bargain, sell and convey the easement rights in the manner aforesaid, and that the premises so conveyed are clear, free, and unencumbered (except zoning restrictions, mortgages, and easements of record), and that it will warrant and defend the same against all claims whatsoever..

IN WITNESS WHEREOF, the Grantor, Louisville Title Agency for NW Ohio, Inc., Trustee, by JOHN W. MARSH, its CEO, has hereunto set MY hand this 16TH day of DECEMBER, 2013.

Louisville Title Agency for NW
Ohio Inc., Trustee

JOHN W. MARSH
CEO

STATE OF

}SS

COUNTY OF

Before me, a Notary Public, in and for said County and State, personally appeared Louisville Title Agency for NW Ohio Inc., Trustee, by JOHN W. MASON, its CEO, who acknowledged the signing thereof to be HIS voluntary act and deed for the purpose therein mentioned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year aforesaid.

NOTARIAL SEAL STATE OF OHIO

KARLA G. JUERGENS
Notary Public - State of Ohio
My Commission Expires Aug. 1, 2018

Notary Public Karla G. Juergens

Accepted by the City of Sylvania City Council
by Ordinance No. _____ on
_____, 2013.

Craig A. Stough
Mayor

Toby Schroyer
Director of Finance

This instrument prepared by the
Lucas County Engineer R/W Dept.

EXHIBIT "A"

Brint Road and King Road Intersection Roundabout
Parcel ~ 4-SHV

That part of Northeast quarter (1/4) of Section seventeen (17), Town nine (9) South Range six (6) East in Sylvania Township, Lucas County, Ohio, being bounded and described as follows:

Beginning at stone found in a monument box at the northeast corner of Section 17, Town 9 South, Range 6 East and being the intersection of the centerline of Brint Road with the centerline of King Road, and being station 10+00.00 on the Brint Road baseline and station 110+00.00 on the King Road baseline;

Thence South 0° 49' 51" East, along the east line of Section 17 and also being the centerline of King Road, a distance of 200.00 feet, to a point at station 108+00.00;

Thence South 89° 10' 09" West, a distance of 30.00 feet, to the intersection of the existing westerly right-of-way line of King Road and a bar set, at a point 30.00 feet left of station 108+00.00 ;

Thence North 16° 46' 35" West, a distance of 72.80 feet, to a set bar at a point 50.00 feet left of station 108+70.00;

Thence North 31° 47' 46" West, a distance of 93.33 feet, to a set bar at a point 98.02 feet left of station 109+50.03;

Thence North 58° 48' 22" West, a distance of 37.74 feet, to the intersection of the southerly right-of-way line of Brint Road and a bar set, at a point 30.00 feet right of station 8+70.00 of the Brint Road baseline;

Thence North 0° 48' 41" West, a distance of 30.00 feet, to the intersection of the north line of Section 17, at a point at station 8+70.00;

Thence North 89° 11' 19" East, along the north line of Section 17, and also being the centerline of Brint Road, a distance of 130.00 feet, back to the POINT OF BEGINNING.

Said described tract containing 0.342 acre (14,902 square feet), of which 0.027 acre (9000 square feet) are in the existing right-of-ways of King Road and Brint Road.

Part of Auditors Parcel No. 82-93531.

Prior deed reference is 01-0627-B11 & B12.

This description was prepared by Dennis Pritscher, P.S. #7190, of the Lucas County Engineers Office, in January 2013, based on drainage improvement plans prepared in this office.

The basis of bearings is Grid North, state plane coordinate system, Ohio, north zone (3401), NAD83(2007).

All "set bars" are 5/8" diameter x 30" long iron bars with 2" diameter aluminum I.D. caps stamped "Lucas County Engineers Office".

1-31-13

Dennis J. Pritscher, P.S. #7190 Date

9

RESOLUTION NO. __1__-2014

ADOPTING A STATEMENT, PURSUANT TO REVISED CODE OF OHIO 709.03 (D), INDICATING WHAT SERVICES WILL BE PROVIDED TO THE AREA PROPOSED TO BE ANNEXED TO THE CITY OF SYLVANIA BY PETITION FOR ANNEXATION FILED WITH THE BOARD OF LUCAS COUNTY COMMISSIONERS; AND DECLARING AN EMERGENCY.

WHEREAS, on December 9, 2013, this Council received notice from James E. Moan that he was the authorized agent for the petitioners of the territory sought to be annexed by the City of Sylvania to the City of Sylvania filed with the Board of Commissioners of Lucas County, Ohio on November 22, 2013; and,

WHEREAS, pursuant to the Revised Code of Section 709.03 (D) this Council is required to adopt a statement indicating what services, if any, the City of Sylvania will provide to the territory proposed for annexation upon annexation.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Sylvania, Lucas County, Ohio, _____ members elected thereto concurring:

SECTION 1. That upon annexation to the City of Sylvania the territory proposed to be annexed by said annexation petition will be provided, by the City of Sylvania, with the following services:

a. Domestic garbage, trash and refuse generated on the premises of each residential property will be removed and disposed of once a week;

b. Police protection will be furnished by the City of Sylvania;

c. Street shade trees will be sprayed, trimmed, planted, removed and their leaves and branches disposed of as a part of the City tree program;

d. Green yard waste pickup will be provided for residential property on a bi-weekly basis during the months of March through November;

e. Curbside recycling will be provided bi-weekly for single-family residential units;

f. Storm drainage facilities will be regularly and routinely cleaned and cleared;

g. The minimum sanitary sewer system value and capital connection charge for future connections will be reduced from $940 to a charge of $430 or less;

h. The maximum sanitary sewer system value and capital connection charge for future connections will be reduced from $202,100 to a charge of $92,450;

i. The territory described in the petition is within the Sylvania Water and Sewer District;

j. Snow plowing will be provided for public streets;

k. Street sweeping will be provided for public streets;

l. Site plan, preliminary and final plat review and approvals will be provided.

m. The above services will be provided within six months after the date of the granting of the annexation petition.

n If a street or highway will be divided or segmented by the boundary line between the township and the municipal corporation as to create a road maintenance problem, the municipal corporation to which annexation is proposed has agreed as a condition of the annexation to assume the maintenance of that street or highway or to otherwise correct the problem. As used in this section, "street" or "highway" has the same meaning as in section 4511.01 of the Revised Code.

o. If the municipal zoning permits uses in the annexed territory that the municipal corporation determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining within the township from which the territory was annexed, the legislative authority of the municipal corporation will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township. For the purposes of this section, "buffer" includes open space, landscaping, fences, walls, and other structured elements; streets and street rights-of-way; and bicycle and pedestrian paths and sidewalks.

SECTION 2. That the Clerk of this Council shall file with the Board of Commissioners of Lucas County, Ohio a certified copy of this Resolution and shall also provide petitioners with a certified copy of this Resolution.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That the Clerk of Council is hereby directed to post a copy of this Resolution in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 5. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that this Resolution should be effective immediately so that it will be effect and served upon the Board of Commissioners of Lucas County, Ohio. Provided this Resolution receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise,

shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

Vote dispensing with the second and third readings: Yeas_____ Nays_____

Passed, _____, 2014 as an emergency measure.

_____
President of Council

ATTEST:

_____
Clerk of Council

APPROVED AS TO FORM:

_____
Director of Law

APPROVED:

_____
Mayor

_____
Date

LUCAS COUNTY

A

Board of County Commissioners
Carol Contrada
President
Tina Skeldon Wozniak
Pete Gerken

Jody L. Balogh
Clerk of the Board

December 20, 2013

Ms. Sharon Bucher
Clerk of Council
City of Sylvania
6730 Monroe Street
Sylvania, OH 43560

Re: Annexation Petition 2013-7
Portion of Sylvania Township to the City of Sylvania (1.304± Acres)

Dear Ms. Bucher:

Enclosed is a copy of Resolution No. 13-1076, accepting the filing of the above-referenced annexation petition. The hearing date for this annexation is tentatively set for Tuesday, February 25, 2014, at 10:00 a.m., One Government Center, First Floor, Commissioners' Chambers, Toledo, Ohio.

If you need additional information, please feel free to contact me.

Sincerely,

Jody L. Balogh

Jody L. Balogh, Clerk

/jlb
enc.

Date: December 17, 2013 **Resolution No. 13-1076**

Title: Accepting the Filing of Annexation Petition No. 2013-7, Portion of Sylvania Township to the City of Sylvania (Parcels 78-11924 and 78-11944, 1.304 acres)

Department/Agency: Commissioners

Contact: Jody L. Balogh, Clerk

Summary/Background: There was filed with this Board on December 10, 2013, a petition for the annexation by a majority of the owners of approximately 1.304 acres of land, more or less, of real estate in Sylvania Township to the City of Sylvania by James A. Moan, Esq., agent for the petitioners. The petitioners requested that the territory be annexed pursuant to the annexation procedures contained in R.C. 709.02

Budget Impact: N/A

Statutory Authority/ORC: 709.02

Commissioner Gerken offered the following resolution:

WHEREAS, in consideration of the above, NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners, Lucas County, Ohio, that:

Section 1. This Board acknowledges receipt of the petition, with a deposit of $150.00 to be placed into account 8040-8035-418160. The clerk of this Board is directed to enter said petition upon the journal of this Board.

Section 2. This Board's December 17, 2013, meeting is the first available regular session of the Board since the filing of the petition.

Section 3. This Board hereby sets the hearing date of **February 25, 2014, at 10:00 a.m.**, in the Commissioners' Hearing Room, First Floor, One Government Center, Toledo, Ohio.

Section 4. The petition, legal description and map are hereby referred to the Lucas County Engineer to determine that there is an accurate legal description of the perimeter of the territory proposed to be annexed, and a map or plat of the territory.

Section 5. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in a meeting open to the public in compliance with the law.

Section 6. This resolution shall be in full force and effect from and immediately upon its adoption.

Action Taken:

Commissioner Gerken voted yes
Commissioner Skeldon Wozniak voted yes
Commissioner Contrada voted yes

Jody L. Balogh, Clerk