

Sylvania City Council
Tuesday, January 3, 2012

7:25 p.m. Organizational Meeting

**7:30 p.m. Council Meeting
Agenda**

1. Roll call.
2. Pledge of Allegiance to the United States of America led by Mayor Stough.
3. Additions to the agenda.
4. Approval of the December 19 meeting minutes.
5. Tom Ramsdell, the City's representative to the TARTA Board will be present to discuss current issues of the agency.
6. 2 MG elevated water tank;
 - a. Service Director's report on the bids received;
 - b. proposed Ordinance 1-2012, accepting the bid of CB & I Constructors, Inc., in the amount of \$2,712,000;
 - c. Service Director's report on construction engineering services;
 - d. proposed Ordinance 2-2012, accepting the proposal of Jones & Henry Engineers in the amount of \$181,000;
 - e. Service Director's report on the material and construction inspection services; and,
 - f. proposed Ordinance 3-2012, accepting the proposal of Dixon Engineering in the amount of \$27,702.
7. Centennial & Little Roads waterline;
 - a. Service Director's report on the waterline cost recovery; and,
 - b. proposed Ordinance 4-2012, establishing the Centennial and Little Roads Water Service Area and the frontage connection fee for the area.
8. Proposed Ordinance 5-2012, authorizing a lease of 5703 Main Street, Suite E to Biomaterialize LLC.
9. Proposed Ordinance 6-2012, authorizing a lease of 5725 Main Street to Lanell Tomaszewski, d/b/a The Limelite Boutique.
10. Proposed Ordinance 7-2012, authorizing the payment of Transportation Planning Assessments for 2012 in the amount of \$2,212 to TMACOG.

11. Proposed Resolution 1-2012, requesting an advance of funds from the County Auditor.
12. Committee reports.
13. Committee referrals.

Information

- A. Thursday, January 5, 2012, 7:25 a.m. - public hearing for the proposed issuance of Health Care Revenue Bonds on behalf of Rosary Care Center.
- B. Notice of the January 5, 2012 7:30 a.m. Committee-of-the-Whole meeting on the 2012 operating budget.
- C. Notice of the January 18 6:00 p.m. Economic Development sub-Committee meeting to see a program titled "Creating and Promoting a Cultural, Historical and Arts District for the City.
- D. "On the Move: 2007-2035 Transportation Plan - Update 2011" Summary from TMACOG.

Note: City Council's next regular meeting is Wednesday, January 18, 2012 at 7:30 p.m.

**PROCEDURE AND AGENDA RECOMMENDED BY THE
DIRECTOR OF LAW FOR THE 7:25 P.M., JANUARY 3, 2012
ORGANIZATIONAL MEETING OF COUNCIL**

1. Craig A. Stough, Mayor call the organization meeting of Council to order.
2. M. Scott Ramey, Judge of Sylvania Municipal Court to administer oath of office to those of the following Council Members-Elect who has not previously been sworn in: Douglas G. Haynam, Sandy Husman, Mark D. Luetke and Todd Milner (A written Oath of Office, to be provided, should also be signed by each, and the same subsequently filed with the Director of Finance).
3. Moved by _____ and seconded by _____ that Council hereby determines it is duly constituted of elected and qualified members consisting of V. Michael Brown, Katie Cappellini, Sandy Husman, Douglas G. Haynam, Mark D. Luetke, Todd Milner and Mary J. Westphal.
4. Moved by _____ and seconded by _____ that _____ is nominated for election as President of Council. (that nominations be closed and a unanimous ballot be cast in favor of _____ as President of Council). (Or if more than one person is nominated before nominations are closed the Clerk shall provide a ballot to each Member of Council present and the nominee receiving the greatest number of votes shall be deemed to be elected as President of Council).
5. Committee appointments by President of Council (if prepared to make) to be confirmed by Council.
6. Adjournment.

Minutes of the Meeting of Council
December 19, 2011

The Council of the City of Sylvania, Ohio met in regular session on Monday, December 19, 2011 at 7:30 p.m. with Mayor Craig A. Stough in the chair. Roll was called with the following members present: V. Michael Brown, Katie Cappellini, Doug Haynam, Sandy Husman, Mark Luetke, Todd Milner, Mary J. Westphal (7); absent:(0). Roll call: all present.

Mrs. Westphal 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: Additions to the agenda.
5a. Resolution 17-2011, intent to issue hospital revenue bonds.
6c. Ordinance 99-2011.
7a. Finance Committee report.
9a. Delete this item.

Mr. Haynam moved, Mrs. Husman 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.

Mr. Milner presented the December 5 minutes. Mr. Milner moved, Mr. Haynam 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 5, 2011 be approved as submitted, provided there are no amendments from other members of Council; roll call vote being: Cappellini, Haynam, Husman, Luetke, Milner, Westphal, Brown (7) yeas; (0) nays. The motion carried. Approval of the Dec. 5 minutes.

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

Town Crier Mike Lieber said he is representing the Sister City Commission. He reported that Woodstock, Ontario has not been an active participant in recent years, but the current Council is, and will be involved more. He also said the Sister City spends most of its time on the Fall Festival, which is not their job. A sub-committee is being set up for the event. Sister City Comm. report.

Mayor Stough stated that Council will now consider agenda item 5a., and Mr. Milner moved, Mrs. Westphal seconded, to excuse Mr. Haynam, at his request, due to a possible conflict with his law firm representing the applicant; roll call vote being: Husman, Luetke, Milner, Westphal, Brown, Cappellini (6) yeas; (0) nays. The motion carried. Haynam excused.

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Finance Director Scott Smith explained the resolution indicating intent to issue hospital revenue bonds for Rosary Care Center so they can take advantage of our debt service status. Bob Tracz, Vice-President of Finance, Sylvania Franciscan Health Services was present and gave an overview of the project. He also said they will be responsible for the debt service. Mr. Milner presented and read aloud by title only, proposed Resolution No. 17-2011, a written copy of same having been previously furnished to each member of Council, "A Resolution indicating intent to issue Hospital Revenue Bonds to assist Rosary Care Center in the financing of the acquisition, construction, equipping and improvement of hospital facilities; and declaring an emergency." Mr. Milner moved, Mr. Brown seconded, that Council dispense with the Second and Third Readings of said Resolution; roll call vote being: Luetke, Milner, Westphal, Brown, Cappellini, Husman (6) yeas; (0) nays. The motion carried.

Resolution 17-2011,
"..indicating
intent to issue
Hospital Revenue
Bonds... Rosary
Care Center..."

Mr. Milner moved, Mr. Luetke seconded, that Resolution No. 17-2011 be enacted as an emergency measure as declared therein; roll call vote being: Milner, Westphal, Brown, Cappellini, Husman, Luetke (6) yeas; (0) nays. The motion carried.

Mr. Smith said that a public hearing was required. Mr. Milner moved, Mr. Luetke seconded, to schedule the public hearing for the revenue bonds for Thursday, January 5, 2012 at 7:25 a.m., just prior to the Committee-of-the-Whole meeting, and to authorize the clerk to advertise for same; roll call vote being: Westphal, Brown, Cappellini, Husman, Luetke, Milner (6) yeas; (0) nays. The motion carried.

Public hearing set
for 7:25 a.m., Jan.
5, 2012.

Mayor Stough stated that Council will now consider agenda item 6, and Mr. Haynam returned.

Haynam returns.

Mr. Luetke presented and read aloud by title only, proposed Ordinance No. 96-2011, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to execute the Adoption Agreement for the City's 457(b) Deferred Compensation Plan; adopting the 457(b) Deferred Compensation Plan Document; and declaring an emergency." Mr. Luetke moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Brown, Cappellini, Haynam, Husman, Luetke, Milner, Westphal (7) yeas; (0) nays. The motion carried.

Ordinance 96-
2011, "...execute
the Adoption
Agreement...
Deferred
Comp..."

Mr. Luetke moved, Mr. Milner seconded, that Ordinance No. 96-2011 be enacted as an emergency measure as declared therein; roll call vote being: Cappellini, Haynam, Husman, Luetke, Milner, Westphal, Brown (7) yeas; (0) nays. The motion carried.

Mr. Luetke presented and read aloud by title only, proposed Ordinance No. 99-2011, a written copy of same having been previously furnished to each member of Council,

Ordinance 99-
2011, "Amending

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“Amending Section 139-07 Leaves of Absence (a) Vacation Leave (8) and (9)(E) - Content and Coverage of the Compensation Plan of the Codified Ordinances of Sylvania, 1979, as amended; and declaring an emergency.” Mr. Luetke moved, Mrs. Husman 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.

Section 139.07...
Codified
Ordinances...”

Mr. Luetke moved, Mrs. Husman seconded, that Ordinance No. 99-2011 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 7.

Mr. Milner presented and read aloud by title only, proposed Ordinance No. 97-2011, 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, 2011; and declaring an emergency.” Mr. Milner 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.

Ordinance 97-
2011, “To make
certain adjust-
ments to account
allocations...”

Mr. Milner moved, Mrs. Westphal seconded, that Ordinance No. 97-2011 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.

Mr. Milner said the Finance Committee met on December 15 to consider cuts in the budget, and the Rosary Care Center bonds. The committee voted to have Council meet in Committee-of-the-Whole monthly to monitor the budget instead of the Finance Committee. The January 5 7:30 a.m. meeting will be the first Committee-of-the-Whole for the 2012 operating budget.

Finance Comm.
report.

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

Mr. Milner presented proposed Ordinance No. 98-2011, and proposed that City Council take a pay freeze, and be paid at the 2011 level in 2012. He then read the ordinance aloud by title only, a written copy of same having been previously furnished to each member of Council, “To make appropriations for current expenditures and other expenditures of the City of Sylvania, Ohio, for the fiscal year ending December 31, 2012; and declaring an emergency.” Mr. Milner moved, Mr. Luetke seconded, that Council dispense with the Second and Third Readings of said Ordinance, as amended;

Ordinance 98-
2011, “To make
appropriations..
fiscal year ending
December 31,
2012...”

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roll call vote being: Westphal, Brown, Cappellini, Husman, Luetke, Milner (6) yeas; Haynam (1) nay. The motion carried.

Mr. Milner moved, Mr. Luetke seconded, that Ordinance No. 98-2011, as amended, be enacted as an emergency measure as declared therein. There was discussion on steps Council will take to monitor the budget. Mr. Milner noted that instead of the Finance Committee meeting monthly, it will be Council in Committee-of-the-Whole. Mr. Haynam said he is voting against passage. He voted against the abandonment of the tax holiday in October. He argued that while revenues are being increased, cuts should be considered. Mr. Luetke noted that there have been budget amendments at the Finance Committee. The vote on the motion being: Brown, Cappellini, Husman, Luetke, Milner, Westphal (6) yeas; Haynam (1) nay. The motion carried.

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

Mayor Stough noted that the resolution appointing a member of the Zoning Board of Appeals has been withdrawn. Mr. Luetke said that city residents are invited to apply for the vacancy through January 10.

Vacant Zoning Board of Appeals seat.

Mr. Brown presented and read aloud by title only, proposed Resolution No. 14-2011, a written copy of same having been previously furnished to each member of Council, "Re-appointing Carol Lindhuber to the Zoning Board of Appeals; and declaring an emergency." Mr. Brown moved, Mr. Milner seconded, that Council dispense with the Second and Third Readings of said Resolution; roll call vote being: Cappellini, Haynam, Husman, Luetke, Milner, Westphal, Brown (7) yeas; (0) nays. The motion carried.

Resolution 14-2011, "Re-appointing Carol Lindhuber... Board of Appeals..."

Mr. Brown moved, Mrs. Husman seconded, that Resolution No. 14-2011 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.

Mr. Milner presented and read aloud by title only, proposed Resolution No. 15-2011, a written copy of same having been previously furnished to each member of Council, "Re-appointing Katie Cappellini to the Board of Trustees of Sylvania Area Joint Recreation District (SAJRD), she being a member of the Council of this appointing political subdivision for the full calendar year of 2012; and declaring an emergency." Mr. Milner moved, Mr. Brown seconded, that Council dispense with the Second and Third Readings of said Resolution; roll call vote being: Husman, Luetke, Milner, Westphal, Brown, Cappellini, Haynam (7) yeas; (0) nays. The motion carried.

Resolution 15-2011, "Re-appointing Katie Cappellini... SAJRD..."

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Mr. Milner moved, Mr. Luetke seconded, that Resolution No. 15-2011 be enacted as an emergency measure as declared therein; roll call vote being: Luetke, Milner, Westphal, Brown, Cappellini, Haynam, Husman (7) yeas; (0) nays. The motion carried.

Mrs. Cappellini presented and read aloud by title only, proposed Resolution No. 16-2011, a written copy of same having been previously furnished to each member of Council, "Re-appointing Bruce Groves to the Board of Trustees of Sylvania Area Joint Recreation District (SAJRD) for a three year term to expire on December 31, 2014; and declaring an emergency." Mrs. Cappellini moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Resolution; roll call vote being: Milner, Westphal, Brown, Cappellini, Haynam, Husman, Luetke (7) yeas; (0) nays. The motion carried.

Resolution 16-2011, "Re-appointing Bruce Groves... SAJRD ..."

Mrs. Cappellini moved, Mr. Luetke seconded, that Resolution No. 16-2011 be enacted as an emergency measure as declared therein; roll call vote being: Westphal, Brown, Cappellini, Haynam, Husman, Luetke, Milner (7) yeas; (0) nays. The motion carried.

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

Mr. Haynam moved, Mr. Milner seconded, to confirm Mayor Stough's re-appointment of Ken Marciniak to a three year term on the Municipal Planning Commission; roll call vote being: Westphal, Brown, Cappellini, Haynam, Husman, Luetke, Milner (7) yeas; (0) nays. The motion carried.

Mr. Haynam noted that two TARTA members will put their participation on the ballot. The City's representative to the TARTA Board of Trustees will be invited to City Council.

TARTA.

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 at 8:30 p.m.

Adjournment.

Clerk of Council

Mayor

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City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

December 28, 2011

To: The Mayor and Members of Sylvania City Council

Re: **2 MG Elevated Tank**

Dear Mr. Mayor and Council Members:

Bids were opened on the above-mentioned project on Wednesday, December 21, 2011. The list of bidders and their bids are as follows:

CB & I Constructors, Inc.	\$2,712,000.00
Landmark Structures Mgmt., Inc.	\$2,733,000.00

The estimated cost was \$3,850,000.00.

We would recommend that the bid of CB & I Constructors, Inc., 14109 S. Route 59, Plainfield, IL 60544 in the amount of \$2,712,000 be accepted and that they be awarded the contract for the construction of the 2 MG Elevated Tank.

Please call if you have any questions.

Sincerely,

Kevin G. Aller, P.E.
Director of Public Service
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ORDINANCE NO. 1 -2012

**ACCEPTING THE BID OF CB & I CONSTRUCTORS, INC. AND
AWARDING THE CONTRACT FOR THE 2 MG ELEVATED WATER
TANK PROJECT TO SAME; AUTHORIZING THE EXPENDITURE FOR
THE IMPROVEMENTS IN THE AMOUNT OF \$2,712,000.00;
APPROPRIATING FUNDS THEREFORE; AND DECLARING AN
EMERGENCY.**

WHEREAS, plans for the new 2 MG Elevated Water Tank have been completed and are now on file with the Clerk of this Council; and,

WHEREAS, the Clerk of Council was authorized to advertise for bids at the November 21, 2011 Council meeting and thereafter the Clerk advertised for bids, and the bids were opened on December 21, 2011, and thereafter, the Director of Public Service, by report dated December 28, 2011, stated that the total estimate for the 2 MG Elevated Water Tank Project was \$3,850,000 and the following bids were received:

<u>BIDDERS</u>	<u>BID PRICE</u>
CB & I Constructors, Inc.	\$2,712,000.00
Landmark Structures Mgmt., Inc.	2,733,000.00

WHEREAS, the two (2) bids offered by the above bidders meet all of the City's specifications and the Director of Public Service, by report dated December 28, 2011, has recommended acceptance of the low bid of CB & I Constructors, Inc. and that the contract for the 2 MG Elevated Water Tank Project be awarded to same.

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

SECTION 1. That the bid of CB & I Constructors, Inc., 14109 S. Route 59, Plainfield, IL 60544, for said 2 MG Elevated Water Tank Project, in the amount of Two Million Seven Hundred Twelve Thousand Dollars (\$2,712,000.00), is hereby determined to be the best bid received and the same is hereby accepted.

SECTION 2. That the Mayor and Director of Finance be, and hereby are, authorized and directed to execute a contract with the bidder named in Section 1 above for the furnishing of such labor and materials in accordance with said bid.

SECTION 3. That to provide funds for said improvement project hereby authorized, there is hereby appropriated from the **WATER FUND** from funds therein not heretofore appropriated to **Account No. 701-7525-53002 – Water Tower Project**, the total sum of Two Million Seven Hundred Twelve Thousand Dollars (\$2,712,000.00).

SECTION 4. 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 5. 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 6. 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 bid of CB & I Constructors, Inc. should be accepted immediately so as to provide for the construction of the 2 MG Elevated Water Tank at the earliest possible time. 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, _____, 2012, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date



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City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

December 28, 2011

To: The Mayor and Members of Sylvania City Council

Re: **2 MG Elevated Tank**

Dear Mr. Mayor and Council Members

We have received a proposal from Jones & Henry Engineers, Ltd. to provide construction engineering services for the above-mentioned project. The proposal includes an engineer to review shop drawings, pay estimates, and project clarifications as well as an inspector to monitor the daily activities of the contractor to make sure that the work is in compliance with the construction plans and specifications.

Jones & Henry Engineers, Ltd. has provided construction engineering services on several similar projects. They will also provide shop drawings, coordination of testing and preparation of as-built drawings.

We would recommend that the proposal from Jones & Henry Engineers, Ltd. in an amount not to exceed \$181,000 be accepted.

Sincerely,

Kevin G. Aller, P.E.

Director of Public Service

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ORDINANCE NO. 2 -2012

ACCEPTING THE PROPOSAL OF JONES AND HENRY ENGINEERS, LTD. TO PROVIDE CONSTRUCTION ENGINEERING SERVICES FOR THE 2 MG ELEVATED WATER TANK; APPROPRIATING FUNDS THEREFORE IN AN AMOUNT NOT TO EXCEED \$181,000; AND DECLARING AN EMERGENCY.

WHEREAS, the Department of Public Service has solicited a proposal from Jones and Henry Engineers, Ltd. to provide construction engineering services for the 2 MG Elevated Water Tank; and,

WHEREAS, the proposal includes an engineer to review shop drawings, pay estimates and project clarifications as well as an inspector to monitor the daily activities of the contractor to ensure that the work is in compliance with the construction plans and specifications; and,

WHEREAS, the cost of the construction engineering services as outlined above is not to exceed One Hundred Eighty-One Thousand Dollars (\$181,000.00); and,

WHEREAS, Jones and Henry Engineers, Ltd. has provided construction engineering services on several similar projects and will also provide shop drawings, coordination of testing and preparation of as-built drawings; and

WHEREAS, the Director of Public Service, by report dated December 28, 2011, has recommended the acceptance of above proposal.

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

SECTION 1. That the proposal of Jones and Henry Engineers, Ltd. for an amount not to exceed the total sum of One Hundred Eighty-One Thousand Dollars (\$181,000.00) to provide construction engineering for the 2 MG elevated water tank, is hereby accepted.

SECTION 2. That the Director of Public Service shall promptly give notice to said consultant to proceed under the proposal hereby approved and accepted.

SECTION 3. That to provide funds for said engineering services hereby authorized, there is hereby appropriated from the **WATER FUND** from funds therein not heretofore appropriated to **Account No. 701-7525-53002 – Water Tower Project** the total sum of One Hundred Eighty-One Thousand Dollars (\$181,000.00).

SECTION 4. 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 5. 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 6. 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 City should provide for the construction engineering of the 2 MG Elevated Water Tank Project at the earliest possible time. 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, _____, 2012, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date



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City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

December 28, 2011

To: The Mayor and Members of Sylvania City Council

Re: 2 MG Elevated Tank

Dear Mr. Mayor and Council Members:

We have received a proposal from Dixon Engineering Inc. to provide material and construction inspection services for the above-mentioned project. The proposal includes an inspector to monitor steel materials, welding, abrasive blast cleaning, and coatings work to assure it is in compliance with the construction plans and specifications.

Dixon Engineering has provided inspection on several similar projects and has provided similar services on the City's existing elevated tank.

We would recommend that the proposal from Dixon Engineering, Inc. in an amount not to exceed \$27,702.00 be accepted.

Please call if you have any questions.

Sincerely,

Kevin G. Aller, P. E.

Director of Public Service

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ORDINANCE NO. 3-2012

ACCEPTING THE PROPOSAL OF DIXON ENGINEERING, INC. TO PROVIDE MATERIAL AND CONSTRUCTION INSPECTION SERVICES FOR THE 2 MG ELEVATED WATER TANK PROJECT; APPROPRIATING FUNDS THEREFORE IN THE AMOUNT OF \$27,702; AND DECLARING AN EMERGENCY.

WHEREAS, the Director of Public Service has received a proposal from Dixon Engineering, Inc. to provide material and construction inspection services for the 2 MG Elevated Water Tank Project; and,

WHEREAS, the proposal includes an inspector to monitor steel materials, welding, abrasive blast cleaning and coatings work to assure it is in compliance with the construction plans and specifications at a cost to the City of \$27,702; and,

WHEREAS, the Director of Public Service, in a report dated December 28, 2011, has recommended acceptance of the proposal of Dixon Engineering, Inc. to perform said inspection services.

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

SECTION 1. That the proposal of Dixon Engineering, Inc. for providing inspection services for the 2 MG Elevated Water Tank Project at a cost to the City of Twenty-Seven Thousand Seven Hundred Two Dollars (\$27,702.00), is hereby accepted.

SECTION 2. That the Director of Public Service shall promptly give notice to said consultant to proceed under the proposal hereby approved and accepted.

SECTION 3. That to provide funds for said consultant services hereby authorized, there is hereby appropriated from the **WATER FUND** from funds therein not heretofore appropriated to **Account No. 701-7525-53002 – Water Fund** the total sum of Twenty-Seven Thousand Seven Hundred Two Dollars (\$27,702.00).

SECTION 4. 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 5. 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 6. 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 City should provide for the inspection of the 2 MG Elevated Water Tank Project at the earliest possible time. 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, _____, 2012, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date



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City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

December 29, 2011

To: Mayor and Members of City Council

**Re: Centennial & Little Roads Waterline
Cost Recovery**

Dear Mayor and Council Members:

The construction of the above waterline was completed in June, 2011. The project extended along Little Road westerly from Quarryside Drive to Centennial Road; northerly along Centennial Road to Fossil Park Drive; westerly along Fossil Park Drive to an easement along the eastern edge of City-owned property; and northerly to Sylvania-Metamora Road.

The properties along Little Road and Centennial Road receive a benefit from the waterline's location. Accordingly, I have created a cost recovery roster and map showing those properties receiving such benefit and the corresponding value of that benefit. Please note that the property owners will only pay these costs should they choose to connect to the waterline. The cost will rise annually as indicated to allow the city to recover it's financing costs as well.

Please call if you have any questions.

Sincerely,

Kevin G. Aller, P. E.
Director of Public Service
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ORDINANCE NO. 4 -2012

ESTABLISHING THE CENTENNIAL AND LITTLE ROADS WATER SERVICE AREA AND THE FRONTAGE CONNECTION FEE FOR THE AREA; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADJUST THE FRONTAGE CONNECTION FEE TO REFLECT ACTUAL CONSTRUCTION COSTS; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ESTABLISH A LATERAL CONNECTION FEE FOR THOSE WHO ARE PERMITTED TO TAP DIRECTLY INTO THE CENTENNIAL AND LITTLE ROADS WATERLINE; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Sylvania has constructed a waterline along Centennial and Little Roads to serve the area described on the attached "Exhibit A"; and,

WHEREAS, the area benefitted by said sanitary sewer construction has street frontage totaling 440 linear feet, and all of said benefitted area is outside of the City of Sylvania, Ohio, in Sylvania Township, and within the City of Sylvania Water Service Area, as that term is defined in the Water Agreement, as amended, between Lucas County and the City of Sylvania, Ohio; and,

WHEREAS, the Director of Public Service has determined the unpaid portion of the project costs of said waterline allocable to said benefitted area to be Four Hundred Twenty-One Thousand Eight Hundred Eighty-Two and 40/100 Dollars (\$421,882.40) as shown on the attached "Exhibit B" and has calculated the benefit to properties not connected to the Sylvania Water System within said service area to be \$48.18 per front foot; and,

WHEREAS, a service area should be established and the basis for the connection fee should be determined, by this Council, for those properties in the service area, that may, in the future, request to tap into the Sylvania Water System.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sylvania, Lucas

County, Ohio, _____ members elected thereto concurring:

SECTION 1. That the area as shown on said "Exhibit A" attached hereto is hereby established as the Centennial and Little Roads Water Service Area.

SECTION 2. That the connection fee cost recovery schedule, as set forth on "Exhibit B," is hereby adopted as the cost recovery fee schedule applicable to all area within the cost recovery service area established by Section 1 hereof, for all connections therein to Sylvania's water system.

SECTION 3. No connections within said area shall be made to the Sylvania Water System unless the applicable connection fee is first paid to the City of Sylvania.

SECTION 4. That the Director of Public Service is hereby authorized to increase or decrease the cost recovery fee amount proportionately to the extent the actual construction costs are less than or more than the estimated construction costs and the Director of Public Service is hereby further authorized to propound rules to implement this Ordinance.

SECTION 5. That this Ordinance shall be recorded in the Office of the Recorder of Lucas County, Ohio.

SECTION 6. 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 7. 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 8. 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 this Ordinance should be effective forthwith so that the public will promptly know the costs for connecting to the Sylvania Water System within the Service Area hereby established. 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, _____, 2012, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

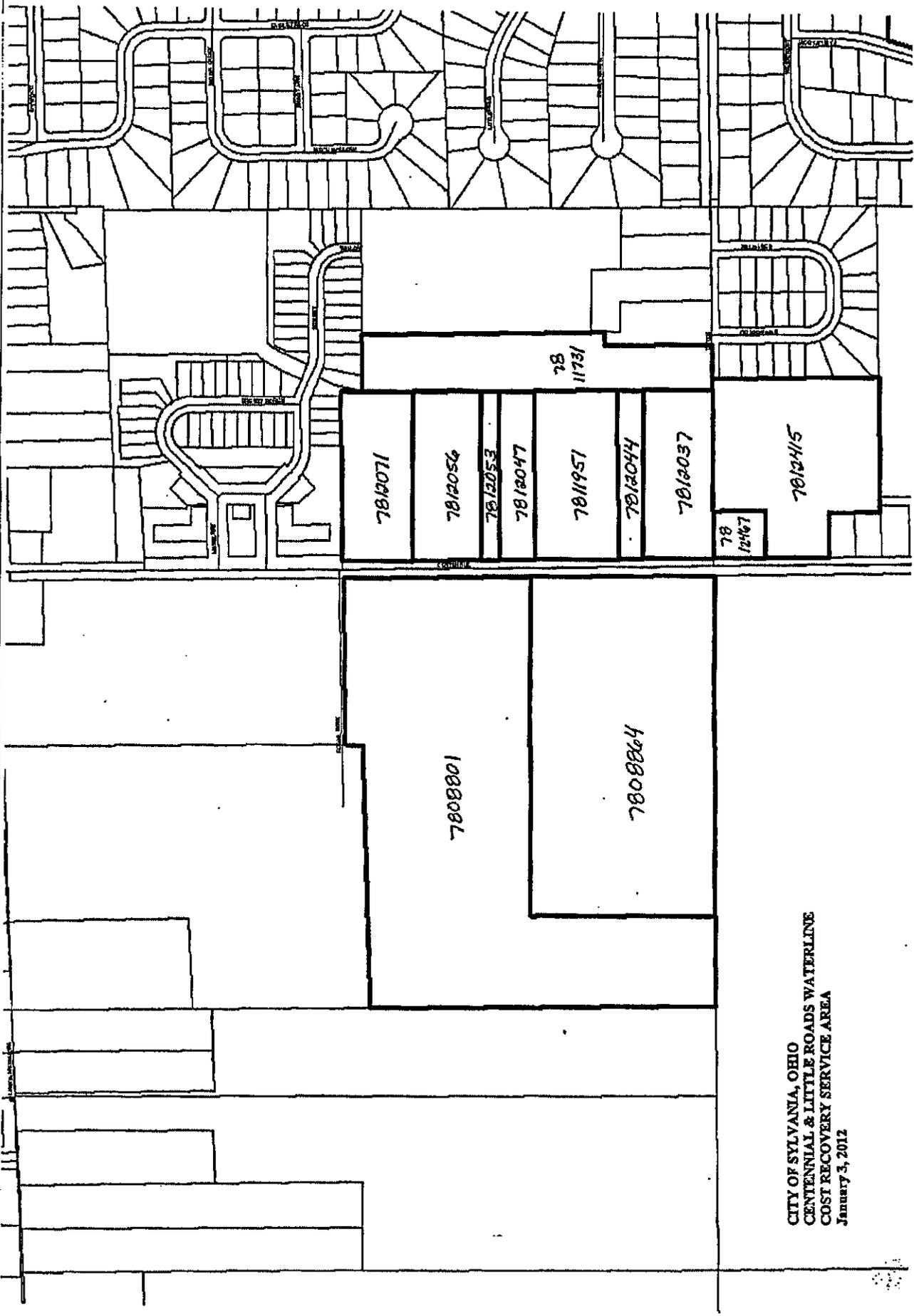
Clerk of Council

Director of Law

APPROVED:

Mayor

Date



CITY OF SYLVANIA, OHIO
CENTENNIAL & LITTLE ROADS WATERLINE
COST RECOVERY SERVICE AREA
January 3, 2012

"Exhibit A"

**CENTENNIAL AND LITTLE ROADS
WATERLINE COST RECOVERY**

- I. **Benefitted Area:** See Attached "Exhibit A."
Area contains 86.2 Ac. ±

- II **Cost:**
The cost of the Centennial and Little Roads Waterline is shown on the attached.

- III. **Cost Recovery Fee**
The Cost Recovery Fee, including interest will be as shown on the attached.

Interest will be computed using the multipliers shown on the attached where n = number of years from January 1, 2012 to the date of payment of the cost recovery charge

"Exhibit B"

CITY OF SYLVANIA, OHIO
CENTENNIAL & LITTLE ROADS WATERLINE
COST RECOVERY ROSTER
January 3, 2012

Parcel	Owner	Number	Street	Legal	Frontage	Acreage	Cost Recovery
7808801	FRANCE STONE CO	5875	CENTENNIAL RD	6 9 7 NE 1/4 AC E 1/2 EXC W 1 AC N 2 AC & EXC N 21.50 AC S 43.50	709	30.01 ac	\$34,161.10
7808884	FRANCE STONE CO	5501	CENTENNIAL RD	6 9 7 NE 1/4 IN CENTENNIAL RD S 22 AC E 1/2 EXC PT	689	21.50 ac	\$33,197.46
7812467	MILESTONE INVESTMENTS LTD AN OHIO LLC	5392	CENTENNIAL RD	6 9 8 SW 1/4 COR 1 SQ ACRE IN NW	209	0.67 ac	\$10,070.06
7812415	MILESTONE INVESTMENTS LTD AN OHIO LLC	5340	CENTENNIAL RD	6 9 8 SW 1/4 AC SQ IN NW COR & EXC .78 AC IN N 1/2 NW 1/4 EXC 1	501	8.41 ac	\$24,139.23
7812037	AHMED FETEH UDDIN	5440	CENTENNIAL RD	6 9 8 NW 1/4 S 284 FT W 860 FT	264	3.27 ac	\$12,720.07
7812044	LAGORE AMY	5610	CENTENNIAL RD	6 9 8 NW 1/4 344.03 FT FRT BY 85.92 FT REAR W N 80.03 FT FRT S	80	1.15 ac	\$3,854.57
7811851	SYLVANIA DEMOCRATIC CLUB	5578	CENTENNIAL RD	6 9 8 NW 1/4 860 FT EXC N 14.03 FT FRT S N 330 FT S 880 FT W	313	4.51 ac	\$15,080.89
7812047	GEORGAKOPOULOS AFRODITE K	5808	CENTENNIAL RD	6 9 8 NW 1/4 660 FT EXC PT IN CENTENNIAL RD N 132 FT S 792 FT W	132	1.85 ac	\$6,360.04
7812053	GEORGAKOPOULOS AFRODITE K	5630	CENTENNIAL RD	6 9 8 NW 1/4 660 FT EXC PT IN CENTENNIAL RD N 71 FT S 863 FT W	71	.88 ac	\$3,420.93
7812056	AMERICAN 1ST TITLE AGENCY INC TRUSTEE	5540	CENTENNIAL RD	6 9 8 NW 1/4 W 680 FT EXC PT IN CENTENNIAL RD N 259 FT S 1122 FT	259	3.75 ac	\$12,479.16
7812071	DIEHN JOSEPH W, VFW POST	5580	CENTENNIAL RD	6 9 8 NW 1/4 W 660 FT EXC PT IN CENTENNIAL RD N 284 FT S 1386 FT	264	3.82 ac	\$12,720.07
7811731	NEUMAN HOWARD JEFFREY & MARIANNE A TRUSTEES	8210	LITTLE RD	6 9 8 NW 1/4 884.08 FT FRT S 1320 FT EXC E 53.33 E 224.05 FT FRT W	171	6.30 ac	\$8,239.14

Interest Factors: Cost Recovery x (# below)							
1/1/2013	1.034	1/1/2023	1.444	Total Construction Cost:		\$421,882.40	
1/1/2014	1.069	1/1/2024	1.494	Total Footage Pipe Installed:		4,378	
1/1/2015	1.108	1/1/2025	1.544	Cost per Foot of Pipe Installed:		\$96.36	
1/1/2016	1.143	1/1/2026	1.597	Cost per Benefitted Front Foot:		\$48.18	
1/1/2017	1.182	1/1/2027	1.651				
1/1/2018	1.222	1/1/2028	1.707				
1/1/2019	1.264	1/1/2029	1.765				
1/1/2020	1.307	1/1/2030	1.825				
1/1/2021	1.351	1/1/2031	1.887				
1/1/2022	1.397	1/1/2032	1.952				

ORDINANCE NO. 5 -2012

AUTHORIZING A LEASE BETWEEN THE CITY OF SYLVANIA, AS LESSOR, AND BIOMATERIALIZE, LLC, AS LESSEE, OF 5703 N. MAIN STREET, SYLVANIA, OHIO TO BE USED AS OFFICE SPACE; DETERMINING SAID CITY OWNED PROPERTY NOT TO BE NEEDED FOR MUNICIPAL PURPOSES DURING THE TIME OF THE PROPOSED LEASE; AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO SIGN SUCH A LEASE ON BEHALF OF THE CITY OF SYLVANIA, OHIO; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Sylvania is the owner of the real estate at 5703 N. Main St., Suite E, Sylvania, Ohio located in the Maplewood Marketplace; and,

WHEREAS, Kris Aalto, Managing Partner of Biomaterialize, LLC, has proposed to lease Suite E at 5703 N. Main Street, Sylvania, Ohio, for twelve (12) months, commencing January 1, 2012 and terminating on December 31, 2012, with rent of One Thousand Eighty-Two Dollars (\$1,082.00) per month and a copy of said 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 building located at 5703 N. Main Street, Sylvania, Ohio, which is hereby determined not to be needed for municipal purposes for a period of one year (1) so long as the activities conducted on said premises are compatible with future development of the Historical Museum and the Historical Village.

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 Biomaterialize, LLC, as Lessee, or to such other Lessees as may be designated by the Sylvania Historical Village Commission for the term of twelve (12) months with base rental for the first year of One Thousand Eighty-Two Dollars (\$1,082.00) per month, with the rent payable on the first day of each month in advance and with the lease containing other customary provisions for such a lease as are approved by the Director of Law.

SECTION 3. That the Mayor and Director of Finance be, and they hereby are, authorized to enter into a 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 4. 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 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 5. 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, Sections 11(c) and 12, of the Charter of this City.

SECTION 6. 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. 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, _____, 2012, as an emergency issue.

ATTEST:

President of Council

APPROVED AS TO FORM:

Clerk of Council

APPROVED:

Director of Law

Mayor

Date

BUSINESS PROPERTY LEASE

THIS AGREEMENT is made at Sylvania, Ohio, this _____ day of _____, 2011, by and between the City of Sylvania, an Ohio municipality (hereinafter "Lessor") and Biomaterialize, LLC. ("Lessee").

In consideration of the promises set forth herein, and for and on behalf of their heirs, successors, Administrators, Executors and Assigns the parties agree that:

The Lessor hereby leases to the Lessee the following described premises located in the City of Sylvania, County of Lucas, and State of Ohio:

Approximately One Thousand Eighty Two (1,082 +/-) square feet (plus or minus) of offices located at Suite E in the Maplewood Market, 5703 N. Main St., Sylvania, Ohio 43560.

1. PARKING: No on-site parking is provided for tenants. Tenant shall encourage its employees to refrain from using the angled parking located on Maplewood Avenue directly across from the Maplewood Market between Becker Place and the Railroad Tracks during normal business hours.

2. TERM: This lease shall be for the term of 12 months, commencing on the 1st day of January, 2012 and terminating on the 31st day of December, 2012.

3. RENT: Lessee shall pay as total rent the sum of Twelve Thousand Nine Hundred Eighty Four Dollars (\$12,984) in equal monthly installments of One Thousand Eighty Two Dollars (\$1,082) per month, commencing on the 1st day of January, 2012. If rent is not paid by the 5th day of the month, a \$50 late charge will be assessed.

4. SECURITY DEPOSIT: Lessee shall not be required to deposit a security deposit.

5. CONDITION OF PREMISES: Lessee does hereby accept the premises in the condition they may be in at the commencement of the lease. Subject to all defects therein, whether concealed or otherwise, except hidden defects known to Lessor and unknown to Lessee which would not be discoverable through a reasonable inspection by Lessee, Lessee agrees to release and forever discharge Lessor from and all damages of every kind and nature arising hereunder. Lessee shall further indemnify and hold Lessor harmless from any and all damages of every kind and nature arising hereunder. Lessee shall further indemnify and hold Lessor and the premises (and improvements thereon) harmless from all liens and all liabilities in any way arising out of the use or condition of the premises and the improvements thereon by the Lessee.

6. USE OF PREMISES: The leased premises are to be used as offices and related purposes, and for no other purpose. Lessor specifically agrees to any other lawful purpose consistent therewith. Lessee shall not undertake any activity that should be a risk to health and safety; or increase the insurance premiums beyond the normal expense for a standard business office. Lessee's business activities shall not violate any federal, state or local ordinance or law.

7. RESPONSIBILITIES OF LESSOR:

- a) Maintain and keep in proper repair any common areas not exclusively under the control of Lessee.
- b) Lessor will provide snow removal.

8. RESPONSIBILITIES OF THE LESSEE:

- a) Not attach, paint or inscribe any signs or structures on the roof or exterior walls of the building without written consent of Lessor which consent shall not be unreasonably withheld. Exterior sign must be approved in advance.
- b) Permit Lessor or agents of Lessor at reasonable times to enter the premises to examine the condition thereof and make such repairs or improvements necessary for the safety and preservation of the premises, or to exhibit the premises to prospective purchasers or tenants.
- c) Hold Lessor harmless from any and all claims and demands by any person arising from the failure of Lessee to perform any obligation hereof.
- d) Not assign or transfer this lease or sublet the premises without the written consent of Lessor, which consent shall not be unreasonably withheld.
- e) Repair all damage caused by the negligence of Lessee, its invitees or employees to the leased premises.
- f) Lessee shall be responsible for making any repairs to the interior of the leased premises and will hold Lessor harmless from any and all liens, claims and damages by reason of any repairs or improvements which may be made by Lessee.
- g) Surrender the premises at the end of the lease term in as good condition as the premises are, reasonable wear and tear, and unavoidable casualty excepted.

9. FIXTURES AND INTERIOR ALTERATIONS: Lessee shall make no changes in the construction of the building or any substantial alteration to the building interior without the written consent of the Lessor. All improvements affixed to the property and installed by Lessee shall be deemed permanent fixtures and the property of Lessor, unless otherwise agreed in writing by the parties.

10. UTILITY AND OTHER OPERATING EXPENSES: The party set forth below shall be responsible for the charges set forth, until Lessee shall surrender possession of the premises:

Lessee shall pay electrical charges.

Lessee shall pay heat charges.

Lessee shall pay for water and sewer charges.

Lessor shall pay real estate taxes and assessments.

Lessor shall pay outside building liability insurance.

Lessee shall pay building contents insurance coverage and carry and pay for public liability inside premises insurance on which Lessor shall be named as additional insured.

11. DAMAGE TO PREMISES DURING LEASE TERM: In case the premises hereby leased shall be partially damaged by fire, but not rendered untenable, the same shall be repaired with all proper speed at the expense of the Lessor. If the damage shall be so extensive

that said premises are rendered unfit for occupancy by Lessee and if said damage can be repaired within a period of 60 days from the occurrence of said damage, then this lease shall continue in force, and it is expressly agreed between Lessor and Lessee if Lessor shall elect to repair the premises then the rent shall cease from the time of the occurrence and shall be again payable from the date when such repairs are completed. If the damage cannot be repaired within 120 days, then this lease may be canceled by either party.

12. HOLDOVER TENANCY: Should Lessee, with the express or implied consent of Lessor, continue to hold and occupy the premises after the expiration of the term of this lease such holding over beyond the term and the acceptance of rent by Lessor, shall operate and be construed as creating a tenancy from month to month, and not for any other term whatsoever. If the Lessor has a reasonable belief that Lessee has abandoned the premises, then the landlord may re-enter and take possession of the premises and utilize such remedies to which he is entitled in law or equity.

13. INSURANCE: Lessee shall maintain liability insurance in the minimum amount of \$1,000,000 per person and \$1,000,000 per accident. Lessee shall not do or permit anything to be done in said premises, or bring or keep anything therein which will in any way increase the rate of fire insurance on said building; or obstruct or interfere with the rights of other tenants, or which conflict with the laws relating to fires, or with the regulations of the Fire Department or with any insurance policy upon said building or any part thereof, or conflict with any of the rules and ordinances of the Board of Health or Building Inspection Department or which would in any other way be considered illegal. In the event that any use by Lessee conflicts with any insurance policy upon the building or in any part thereof, or increases the rate of fire, hazard, liability insurance, Lessee shall pay to Lessor the amount of any increased insurance premiums, if Lessor is responsible for payment of said premiums.

14. WAIVER OF SUBROGATION: Lessor agrees to cause each insurance policy carried by Lessor insuring the demised premises against loss by fire or other causes covered by the standard extended coverage endorsement, to be written in a manner so as to provide that the insurance company waives all right of recovery by way of subrogation against Lessee for any loss or damage caused by fire or any of the risks enumerated in the standard extended covered by any such policy. Lessee shall not be liable to the Lessor or any other party for any loss or damage caused by fire or any of the risks enumerated in the standard extended coverage endorsement. Lessee agrees to cause each insurance policy carried by Lessee insuring Lessee's property against loss by fire or causes covered by the standard extended coverage endorsement, to be written in a manner so as to provide that the insurance company waives all right of recovery by way of subrogation against Lessor for any loss or damage covered by such policy. Lessor shall not be liable to the Lessee or any other party for any loss or damage caused by fire or any of the risks enumerated in the standard extended coverage endorsement.

15. SUBORDINATION: Lessor shall have the right at any time, and from time to time, to place upon the building and/or land on which the premises are a part, or upon any underlying leasehold estate, a mortgage or mortgages which shall be wholly prior to the right of Lessee under this lease, and Lessee will, upon demand, execute any and all instruments deemed

necessary by Lessor to effectuate subordination of this Lease to such mortgage.

16. APPROPRIATION OR CONDEMNATION BY GOVERNMENTAL AUTHORITY: If the premises shall be appropriated or condemned by governmental authorities, each party shall be entitled to seek its respective remedy as provided by law.

17. REMEDIES IN EVENT OF DEFAULT BY LESSEE: If the rent, or any part thereof, shall at any time be in arrears and unpaid with or without demand being made therefor, or if Lessee shall fail to keep and perform and observe any of the conditions of this lease, or if Lessee shall be adjudicated a Bankrupt or shall make an assignment for creditors, or if the interest of the Lessee herein shall be sold under execution or other legal process, it shall be lawful for Lessor to enter into the premises the same as if this lease had not been made and thereupon this lease, and everything herein contained on the part of said Lessor to be performed, shall cease and be void without prejudice, however, to the right of the Lessor to recover from Lessee all rent due up to the time of such entry. In case of such default and entry by Lessor, Lessor may re-let the premises for the remainder of the term for the highest rent obtainable and may recover from Lessee any deficiency between the amount obtained and the amount owed by the Lessee.

No waiver by Lessor of any default or breach by Lessee of any obligation shall be construed to be a waiver of the rights of Lessor to any remedy resulting from a future default or breach by Lessee of any of Lessee's obligations.

All notices and payments shall be made to Lessor at the following address:

Joy Armstrong
The Sylvania Historical Village
5717 Main Street
Sylvania, Ohio 43560

and for notices only a copy to:

James E. Moan
Director of Law
City of Sylvania
4930 Holland-Sylvania Road
Sylvania, Ohio 43560

All notices to Lessee shall be addressed as follows:

Kris Aalto, Managing Member
Biomaterialize, LLC.
5624 Fairview
Sylvania, OH 43560

Witness as to City:

CITY OF SYLVANIA (Lessor)

By: _____
Craig A. Stough, Mayor

By: _____
Scott Smith
Director of Finance

STATE OF OHIO)
)
COUNTY OF LUCAS) ss:

Before me appeared Craig A. Stough, Mayor and Scott Smith, Director of Finance on behalf of the City of Sylvania, a Municipal Corporation, Lessor, who acknowledged that the execution of this lease was their free act and deed, and the free act and deed of said Municipal Corporation this ____ day of _____, 2011.

Notary Public

ORDINANCE NO. 6 -2012

AUTHORIZING A LEASE BETWEEN THE CITY OF SYLVANIA, AS LESSOR, AND LANELL TOMASZEWSKI, d/b/a THE LIMELITE BOUTIQUE, AS LESSEE, OF 5725 N. MAIN STREET, SYLVANIA, OHIO, FOR THE PURPOSE OF RETAIL SALES OF BOUTIQUE TYPE ITEMS AND SERVICES; DETERMINING SAID CITY OWNED PROPERTY NOT TO BE NEEDED FOR MUNICIPAL PURPOSES DURING THE TIME OF THE PROPOSED LEASE; AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO SIGN SUCH A LEASE ON BEHALF OF THE CITY OF SYLVANIA, OHIO; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Sylvania is the owner of the real estate at 5725 N. Main Street, Suite B, Sylvania, Ohio located in the Sylvania Historical Village; and,

WHEREAS, Ordinance No. 33-2010, passed April 19, 2010, authorized a lease between the City of Sylvania and Amy Longsdorf-Gueli, d/b/a The Limelite Boutique for a term of twelve months; and,

WHEREAS, Lanell Tomaszewski, the current owner of The Limelite Boutique, has proposed to lease 5725 N. Main Street, Sylvania, Ohio, for twelve (12) months, commencing January 1, 2012 and terminating on December 31, 2012, with rent of Two Hundred Eighty Dollars (\$280.00) per month and a copy of said 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 building located at 5725 N. Main Street, Sylvania, Ohio, which is hereby determined not to be needed for municipal purposes for a period of one year (1) so long as the activities conducted on said premises are compatible with future development of the Historical Museum and the Historical Village.

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 Lanell Tomaszewski, as Lessee, or to such other Lessees as may be designated by the Sylvania Historical Village Commission for the term of twelve (12) months with base rental for the first year of Two Hundred Eighty Dollars (\$280.00) per month, with the rent payable on the first day of each month in advance and with the lease containing other customary provisions for such a lease as are approved by the Director of Law.

SECTION 3. That the Mayor and Director of Finance be, and they hereby are, authorized to enter into a 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 4. 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 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 5. 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, Sections 11(c) and 12, of the Charter of this City.

SECTION 6. 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. 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, _____, 2012, as an emergency issue.

ATTEST:

President of Council

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

BUSINESS PROPERTY LEASE

THIS AGREEMENT is made at Sylvania, Ohio, this ____ day of _____, 2011, by and between the City of Sylvania, an Ohio municipality (hereinafter "Lessor") and Lanell Tomaszewski doing business as The Limelite Boutique hereinafter ("Lessee").

In consideration of the promises set forth herein, and for and on behalf of their heirs, successors, administrators, executors and assigns the parties agree that the Lessor hereby leases to the Lessee the building located at 5725 N. Main Street located in the City of Sylvania, County of Lucas, and State of Ohio. (Herein after referred to as the "Leased Premises") Said building contains approximately Two Hundred Thirty One (231 +/-) square feet (plus or minus).

The terms and conditions agreed to between the Lessor and the Lessee are as follows:

1. PARKING: The City of Sylvania owned lot adjacent and contiguous to the Leased Premises shall be the primary non-exclusive parking area for Lessee and Lessee's customers and invitees. The Sylvania Historical Village and Heritage Center Museum Public Parking lot at 5727 N. Main Street, is available for Lessee and Lessee's customers parking use when not occupied or in use by Lessor, the Sylvania Historical Village or Museum or other lessees of Lessor.

2. TERM: This lease shall be for the term of 12 months, commencing on the 1st day of January, 2012 (Commencement Date) and terminating on the 31st day of December, 2012, after which Lessee will have the option to renew this lease for an additional 12 months.

3. RENT: Lessee shall pay as rent the total sum of Three Thousand Three Hundred Sixty Dollars (\$3,360) as rent in equal installments of \$280 monthly commencing on the 1st day of January, 2012. If rent is not paid by the 5th day of the month, a \$50 late charge will be assessed. Rent for the optional renewal period will be Three Thousand Three Hundred Sixty (\$3,360) payable in equal installments of \$280.

4. SECURITY DEPOSIT: Lessee shall deposit the sum of one month's rent (\$280) as security for Lessee's obligations under the terms of this lease.

5. CONDITION OF PREMISES: Unless otherwise specified herein, Lessee does hereby accept the premises in the condition they may be in at the commencement of the lease. Subject to all defects therein, whether concealed or otherwise, except hidden defects known to Lessor and unknown to Lessee which would not be discoverable through a reasonable inspection by Lessee and to release and forever discharge Lessor from and all damages of every kind and nature arising hereunder. Lessee shall further indemnify and hold lessor from any and all damages of every kind and nature arising hereunder. Lessee shall further indemnify and hold Lessor and the premises (and improvements thereon) harmless from all liens and all liabilities in any way arising out of the use or condition of the premises and the improvements thereon by the Lessee. Notwithstanding the foregoing, Lessor agrees to complete all modifications and improvements to premises previously agreed to between the parties.

6. USE OF PREMISES: The leased premises are to be used for retail sales of boutique type items and services

7. RESPONSIBILITIES OF LESSOR:

a.) Maintain and keep in proper repair any common areas not exclusively under the control of Lessee.

b.) Lessor is responsible for the maintenance and repair of the heating and air conditioning units.

8. RESPONSIBILITIES OF THE LESSEE:

a.) Not attach, paint or inscribe any signs or structures on the roof or exterior walls of the building without written consent of Lessor which consent shall not be unreasonably withheld. Exterior sign must be approved in advance and must comply with local laws and ordinances.

b.) Permit Lessor or agents of Lessor at reasonable times to enter the premises to examine the condition thereof and make such repairs or improvements necessary for the safety and preservation of the premises, or to exhibit the premises to prospective purchasers or tenants.

c.) Hold Lessor harmless from any and all claims and demands by any person arising from the failure of Lessee to perform any obligation hereof.

d.) Not assign or transfer this lease or sublet the premises without the written consent of Lessor, which consent shall not be unreasonably withheld.

e.) Repair all damage caused by the negligence of Lessee, its invitees or employees to the leased premises.

f.) Lessee shall be responsible for making any repairs to the interior of the leased premises and will save and hold Lessor harmless from any and all liens, claims and damages by reason of any repairs or improvements which may be made by Lessee. Lessee will promptly remove any liens placed on the property due to Lessee's acts or inaction.

g.) Surrender the premises at the end of the lease term in as good condition as the premises are, reasonable wear and tear, and unavoidable casualty excepted.

h.) Keep the entrance ways and sidewalks free and clear of snow, ice and other obstructions to travel and passage.

i.) Abide by the rules and regulations of the Lessee and Sylvania Historical Village.

9. FIXTURES AND INTERIOR ALTERATIONS: Lessee shall make no changes in the construction of the building or any substantial alteration to the building interior including any changes in electrical fixtures that add usage without the written consent of the Lessor. All improvements installed by Lessee, except for portable partitions and trade fixtures shall be deemed permanent fixtures and the property of Lessor, unless otherwise agreed in writing by the parties.

10. UTILITY AND OTHER OPERATING EXPENSES: Beginning on the Commencement Date of the lease the party set forth below shall be responsible for the charges set forth, until Lessee shall surrender possession of the premises:

Lessee shall pay water and sewer charges.

Lessee shall pay heat charges.

Lessor shall pay electrical charges.

Lessor shall pay real estate taxes and assessments.

Lessor shall pay outside building liability insurance.

Lessee shall pay building contents insurance coverage and carry and pay for public liability inside premises insurance on which Lessor shall be named as additional insured.

11. DAMAGE TO PREMISES DURING LEASE TERM: In case the premises hereby leased shall be partially damaged by fire, but not rendered untenable, the same shall be repaired with all proper speed at the expense of the Lessor. If the damage shall be so extensive that said premises are rendered unfit for occupancy by Lessee and if said damage can be repaired within a period of 90 days from the occurrence of said damage, then this lease shall continue in force, and it is expressly agreed between Lessor and Lessee, if Lessor shall elect to repair the premises then the rent shall cease from the time of the occurrence and shall be again payable from the date when such repairs are completed. If the damage will take more than 90 to repair, then this lease may be canceled by either party providing the other party with five days advance written notice of the party's intent to terminate the lease.

12. HOLDOVER TENANCY: Should Lessee, with the express or implied consent of Lessor, continue to hold and occupy the premises after the expiration of the term of this lease such holding over beyond the term and the acceptance of rent by Lessor, shall operate and be construed as creating a tenancy from month to month, and not for any other term whatsoever. If the Lessor has a reasonable belief that Lessee has abandoned the premises, then the landlord may re-enter and take possession of the premises and utilize such remedies to which he is entitled in law or equity.

13. INSURANCE: Lessee shall maintain liability insurance in the minimum amount of \$1,000,000 per person and \$1,000,000 per accident. Said coverage shall be reviewed annually and if increased coverage is required or requested by Lessor then the Lessee shall be responsible for payment of any increase in the cost thereof. Lessee shall not do or permit anything to be done in said premises, or bring or keep anything therein which will in any way increase the rate of insurance on said building; or obstruct or interfere with the rights of other tenants, or which conflict with the laws relating to safety, fire code, building code, zoning code or with the

regulations of the local fire, police or health department or with any insurance policy upon said building or any part thereof, or conflict with any of the rules and ordinances of the local board of health or building inspection department or which would in any other way be considered illegal. In the event that any use by Lessee conflicts with any insurance policy upon the building or in any part thereof, or increases the rate of insurance, then in that event, the Lessee shall pay to Lessor the amount of any increased insurance premiums.

14. WAIVER OF SUBROGATION: Lessor agrees to cause each insurance policy carried by Lessor insuring the demised premises against loss by fire or other causes covered by the standard extended coverage endorsement, to be written in a manner so as to provide that the insurance company waives all right of recovery by way of subrogation against Lessee for any loss or damage caused by fire or any of the risks enumerated in the standard extended covered by any such policy. Lessee shall not be liable to the Lessor or any other party for any loss or damage caused by fire or any of the risks enumerated in the standard extended coverage endorsement. Lessee agrees to cause each insurance policy carried by Lessee insuring Lessee's property against loss by fire or causes covered by the standard extended coverage endorsement, to be written in a manner so as to provide that the insurance company waives all right of recovery by way of subrogation against Lessor for any loss or damage covered by such policy. Lessor shall not be liable to the Lessee or any other party for any loss or damage caused by fire or any of the risks enumerated in the standard extended coverage endorsement.

15. SUBORDINATION: Lessor shall have the right at any time, and from time to time, to place upon the building and/or land on which the premises are a part, or upon any underlying leasehold estate, a mortgage or mortgages which shall be wholly prior to the right of Lessee under this lease, and Lessee will, upon demand, execute any and all instruments deemed necessary by Lessor to effectuate subordination of this Lease to such mortgage.

16. APPROPRIATION OR CONDEMNATION BY GOVERNMENTAL AUTHORITY: If the premises shall be appropriated or condemned by governmental authorities, each party shall be entitled to seek its respective remedy as provided by law.

17. REMEDIES IN EVENT OF DEFAULT BY LESSEE: If the rent, or any part thereof, shall at any time be in arrears and unpaid with or without demand being made therefor, or if Lessee shall fail to keep and perform and observe any of the conditions of this lease, or if Lessee shall be adjudicated a Bankrupt or shall make an assignment for creditors, or if the interest of the Lessee herein shall be sold under execution or other legal process, it shall be lawful for Lessor to enter into the premises the same as if this lease had not been made and everything therein contained in the lease on the part of said Lessor to be performed, shall cease and be void without prejudice, however, to the right of the Lessor to recover from Lessee all rent due up to the time of such entry. In case of such default and entry by Lessor. Lessor may re-let the premises for the remainder of the term for the highest rent obtainable and may recover from Lessee any deficiency between the amount obtained and the amount owed by the Lessee.

No waiver by Lessor of any default or breach by Lessee of any obligation shall be construed to be a waiver of the rights of Lessor to any remedy resulting from a future default or breach by Lessee of any of Lessee's obligations.

All notices and payments shall be made to Lessor at the following address:

**Scott Smith
Director of Finance
City of Sylvania
6730 Monroe Street
Sylvania, OH 43560**

All notices to Lessee shall be addressed as follows:

**Lanell Tomaszewski
7265 Whiteford Center Rd., Apt. #509
Ottawa Lake, MI 49267**

This agreement contains the entire agreement of the parties.

The undersigned Lessee understand that they are jointly and severally responsible for this lease agreement.

The undersigned authorized representative of the Lessee and Lessor agree to the terms and conditions of the lease agreement.

Witness as to City:

As to both

As to both

LESSOR: CITY OF SYLVANIA

By: _____
Craig A. Stough, Mayor

By: _____
Scott Smith, Director of Finance

STATE OF OHIO)
COUNTY OF LUCAS) ss:

Before me appeared Craig A. Stough, Mayor and Scott Smith, Director of Finance on behalf of the City of Sylvania, a Municipal Corporation, Lessor, who acknowledged that the execution of this lease was authorized by the City of Sylvania and was a free act and deed, and the free act and deed of said Municipal Corporation this ____ day of _____, 2011.

Notary Public

Witnesses as to Lessee:

Lessee:

Lanell Tomaszewski

STATE OF OHIO)

ss:

COUNTY OF LUCAS)

Before me appeared Lanell Tomaszewski as the Lessee in the above lease who acknowledged that the execution of this lease was her free act and deed this _____ day of _____, 2011.

Notary Public

This instrument was prepared by:
Douglas A. Dymarkowski
5431 Main Street
Sylvania, Ohio 43560
419-882-4999

ORDINANCE NO. 7-2012**AUTHORIZING THE PAYMENT OF TRANSPORTATION
PLANNING ASSESSMENTS FOR 2012 IN THE AMOUNT
OF \$2,212.00 TO TOLEDO METROPOLITAN AREA
COUNCIL OF GOVERNMENTS; AND DECLARING AN
EMERGENCY.**

WHEREAS, Resolution No. 1-85, passed January 7, 1985, authorized the City to again become a member of the Toledo Metropolitan Area Council of Governments (it had not been a member since March 15, 1982) and authorized the signing of an Agreement of Membership, a copy of which was attached to said Resolution; and,

WHEREAS, membership dues have been established annually in accordance with the bylaws pursuant to the Agreement of Membership, on a cents per capita basis, and which are authorized to be paid by virtue of the City having entered into said Agreement of Membership; and,

WHEREAS, the Transportation Committee of the Toledo Area Council of Governments, has, by Resolution, established the local share of the cost of urban transportation planning which are the transportation assessments, a copy of which Resolution is on file with the Clerk of this Council, and a copy of the invoice for such assessments is attached hereto as "Exhibit A"; and,

WHEREAS, although the dues are required to be paid by virtue of the Agreement of Membership, the assessment, by the Agreement requires specific authorization by the Council for payment and such assessment in the amount of Two Thousand Two Hundred Twelve Dollars (\$2,212.00) is considered to have been beneficial to this City and the same should be paid.

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

SECTION 1. That the transportation planning assessments for 2012, as allocated to the City of Sylvania in the amount of Two Thousand Two Hundred Twelve Dollars (\$2,212.00), by the Transportation Committee of the Toledo Metropolitan Area Council of Governments is hereby authorized to be paid to Toledo Metropolitan Area Council of Governments, and such amount shall be charged to, and paid from, **Account No. 110-7735-52140 - Dues.**

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 allocation of assessments was made due in November, 2011, and payment of the same should not be delayed. 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, _____, 2012, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

City of Sylvania
Scott S. Smith, Director of Finance
6730 Monroe Street
Sylvania, OH 43560-1948

November 1, 2011

INVOICE

TOLEDO METROPOLITAN AREA COUNCIL OF GOVERNMENTS
P.O. Box 9508
Toledo, OH 43697-9508
(419) 241-9155

TRANSPORTATION COMMITTEE

Membership fees for City of Sylvania for 2012: \$2,212.00

TMACOG/TRANSPORTATION Planning Assessment for 2012
which was adopted by the TMACOG Board of Trustees on June 8, 2011.

cc: Mayor Craig A. Stough

(PLEASE RETURN ONE COPY OF THIS INVOICE WITH YOUR REMITTANCE)

"Exhibit A"

RESOLUTION NO. 1 -2012

REQUESTING THE COUNTY AUDITOR TO MAKE ADVANCES TO THE TREASURER OF THE CITY OF SYLVANIA, OHIO; AND DECLARING AN EMERGENCY.

WHEREAS, taxes have been assessed and are now in the process of collection for and on behalf of the City of Sylvania, Ohio; and,

WHEREAS, the City of Sylvania will have need of such funds prior to the regular semi-annual settlements for such collections, and the County Treasurer desires to release part of the funds collected prior to regular settlements.

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

SECTION 1. That the Auditor of Lucas County, Ohio, be requested to issue warrants upon the County Treasurer of said County in favor of George S. Eichenauer, Treasurer of the City of Sylvania Ohio in said County, for amounts, when available, allocated to the **GENERAL FUND** of said municipality, and for amounts, when available, allocated to servicing the debt charges of said municipality, all being a portion of the current collections of taxes assessed and collected for and in behalf of said municipality, all of which shall be held and treated as advance payments at the ensuing February, 2012 and August, 2012, settlements respectively, as provided by law.

SECTION 2. That the Clerk of Council be, and she hereby is, directed to certify a copy of this Resolution to the County Auditor of Lucas County, Ohio.

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 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 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 reason that funds from taxes collected are needed to maintain the good credit of this City. 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, 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, _____, 2012, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

B



City Of Sylvania

SYLVANIA CITY COUNCIL
MARGARET LINTNER, MMC, CLERK

Committee-of-the-Whole
Thursday, January 5, 2012 7:30 a.m.

Sylvania City Council will meet in Committee-of-the Whole on Thursday, January 5, 2012 at 7:30 a.m. in Council Chambers, 6635 Maplewood Avenue, Sylvania, OH 43560, for continued review and monitoring of the 2012 budget, and any other business the committee members vote to discuss.

C



City Of Sylvania

SYLVANIA CITY COUNCIL
MARGARET LINTNER, MMC, CLERK

Notice of Committee Meeting
Sylvania City Council

Economic Development sub-Committee
Wednesday January 18, 2012 6:00 p.m.

The sub-committee formed to consider economic development will meet on Wednesday, January 18, 2012 at 6:00 p.m. in Council Chambers, located in the Police and Council Building, 6635 Maplewood Avenue, Sylvania, Ohio 43560, for a presentation on downtown, and any other business the committee members vote to discuss.