

Sylvania City Council

March 3, 2014

6:30 p.m.

Public Involvement Meeting
Arbor Way Sanitary Sewer Project

7:15 p.m.

Parks & Forestry
Proposed Ordinance 6-2014, Amending Chapter 951

7:30 p.m. Council Meeting

Agenda

1. Roll call. Mr. Brown, Mrs. Cappellini, Mr. Haynam, Mrs. Husman, Mr. Luetke, Mr. Milner, Mrs. Westphal.
2. Pledge of Allegiance to the United States of America led by Mr. Luetke.
3. Additions to the agenda.
4. Approval of the meeting minutes of February 18, 2014.
5. Proposed Ordinance 8-2014, Authorizing a lease between the City of Sylvania and Laura Jakes, d/b/a LJ Creates in the Maplewood Marketplace, Suite B2.
6. Proposed Ordinance 11-2014, Accepting the proposal of Poggemeyer Design Group to assist the City with preparation of its Downtown Revitalization Competitive Grant Application in an amount not to exceed \$7,500.
7. Surface Water Improvement Fund Grant Application;
 - a. Service Director's report; and
 - b. Proposed Resolution 4-2014, Authorizing to prepare and submit a grant application to Ohio EPA.
8. Safe Routes to Schools Non-Infrastructure Grant, Round 2;
 - a. Service Director's report; and
 - b. Proposed Resolution 5-2014, Authorizing to prepare and submit an application for Safe Routes to School Funds from the State of Ohio Dept. of Transportation.

9. Notice of the transfer of the D1 - beer for on-premises consumption until 1:00a.m., D2 - wine and certain prepackaged mixed drinks until 1:00 a.m., D3 - spirituous liquor until 1:00 a .m. and D6 - sale of liquor on Sundays until midnight, permit from Jenna, LLC, d/b/a Jennas Restaurant, 5629 Main St, to Dansul, Inc. d/b/a Executive on the Main, 5629 Main St.
10. Approval of items to be offered for auction on GovDeals.com.
11. Committee reports.
 - a. Parks & Forestry Committee Report.
 1. Proposed Ordinance 6-2014.
 - b. Economic Development Sub-Committee Report.
 - c. Employee & Community Relations Report.
12. Committee referrals.

Information

- A. Lucas County Commissioner's letter regarding Annexation Petitions 2013-5 and 2013-6.
- B. Letter from Karsen Barr, 4304 N. McCord Rd regarding Olander Park dog regulations.
- C. Letter from Derek Schafer, 4304 N. McCord Rd regarding bus driver's certifications.

Minutes of the Meeting of Council
February 18, 2014

The Council of the City of Sylvania, Ohio met in regular session on February 18, 2014 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.

Mrs. Husman 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.

- 9c. Schedule an Employee & Community Relations Committee Meeting.

Mr. Haynam moved, Mr. Milner 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 February 3, 2014 minutes. Mrs. Westphal 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 February 3, 2014 be approved; roll call vote being: Cappellini, Haynam, Husman, Luetke, Milner, Westphal, Brown (7) yeas; (0) nays. The motion carried.

Approval of the February 3 minutes.

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

Mayor Stough stated Council is in receipt of the Municipal Planning Commission's recommendation on Zoning Amendment Application ZA-1-2014. Mr. Haynam moved, Mrs. Westphal seconded to set the public hearing for April 7, 2014 at 7:00 p.m.; roll call vote being: Cappellini, Haynam, Husman, Luetke, Milner, Westphal, Brown (7) yeas; (0) nays. The motion carried.

ZA-1-2014, Public Hearing set for 4/7/14; 7:00 p.m.

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

Mr. Brown presented and read aloud by title only, proposed Resolution 8-2014, a written copy of same having been previously furnished to each member of Council, "Declaring it Necessary to improve the City of Sylvania, Lucas County, Ohio, municipal street of Arbor Way between Silvertown Drive and Whiteford Road by installing eight inch sanitary sewer lines, widening the pavement, installing a new

Resolution 8-2014, "Declaring it necessary.... Arbor Way

Minutes of the Meeting of Council
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surface course of asphalt and other related appurtenances; and declaring an emergency.” Mr. Brown moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Resolution; roll call vote being: Haynam, Husman, Luetke, Milner, Westphal, Brown, Cappellini, (7) yeas; (0) nays. The motion carried.

Sanitary
Sewer....”

Mr. Brown moved, Mr. Haynam seconded, that Resolution 8-2014 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. Brown presented and read aloud by title only, proposed Ordinance 9-2014, a written copy of same having been previously furnished to each member of Council, “Authorizing an agreement with Zambelli Fireworks Manufacturing Co. for the Independence Day Celebration on July 3, 2014 at Centennial Terrace and Quarry; authorizing the Mayor and Director of Finance to sign an agreement for the Fireworks Display which will cost Twenty-Eight Thousand Eight Hundred Seventy-Five Dollars (\$28,875); authorizing a 50% Deposit payment upon the signing of the agreement which will be shared by the City, Sylvania Township, Coca-Cola Corporation, the Sylvania Area Joint Recreation District and area businesses; and declaring an emergency.”; Mr. Brown moved, Mrs. Husman 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
9-2014, “...
agreement with
Zambelli
Fireworks for
7/3/14
Display...”

Mr. Brown moved, Mrs. Westphal seconded, that Ordinance 9-2014 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 8.

Mrs. Husman presented and read aloud by title only, proposed Ordinance 10-2014, a written copy of same having been previously furnished to each member of Council, “Authorizing a Lease Agreement between the City of Sylvania, as Lessor, and Mike Buck, Individually and d/b/a Mike Buck State Farm, as Lessee, of a portion of 6465 Monroe Street, Sylvania, Ohio, for the purpose of operating an Insurance Office, 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

Ordinance
10-2014,
“Authorizing
lease agreement
... Mike Buck
State Farm
...6465 Monroe

Minutes of the Meeting of Council
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a lease on behalf of the City of Sylvania; and declaring an emergency ”; Mrs. Husman moved, Mr. Milner 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. St....”

Mrs. Husman moved, Mr. Haynam seconded, that Ordinance 10-2014 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 9.

Mrs. Cappellini stated the Parks & Forestry Committee met to discuss Proposed Ordinance 6-2014, Amending Chapter 951 of the Sylvania Codified Ordinances. The Committee scheduled another meeting for March 3, 2014 at 7:15 p.m. to address specific questions about this amendment. Set Parks-Forestry Com Meeting ... 3/3/14, 7:15 p.m.

Mr. Luetke stated the Economic Development Sub-Committee met to discuss downtown parking and a Tier Two Grant Application. Mr. Luetke moved, Mr. Milner seconded to request administration to prepare legislation to retain Poggemeyer Design for the purposes of applying for this grant; roll call vote being: Cappellini, Haynam, Husman, Luetke, Milner, Westphal, Brown, (7) yeas; (0) nays. The motion carried. Set Econ. Dev. Sub-committee meeting... 2/28/14, 8:00 a.m.
Mr. Luetke stated that additional discussion on downtown parking is needed. An Economic Development Sub-Committee meeting is set for Friday, February 28, 2014 at 8:00 a.m. to continue discussion on downtown parking.

Mr. Luetke stated an Employee & Community Relations Committee meeting is set for Friday, February 28, 2014 at 7:45 a.m. to continue discussion on the recognition of Eddie Boggs. Mr. Luetke stated the Chamber of Commerce has planned an evening to honor Eddie Boggs for August 14, 2014. Set Community Relations Com Meeting... 2/28/14, 7:45 a.m.

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 8:17 p.m. Adjournment.

Clerk of Council

Mayor

ORDINANCE NO. 8 -2014

AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY OF SYLVANIA, AS LESSOR, AND LAURA JAKES, INDIVIDUALLY AND d/b/a LJ CREATES, AS LESSEE, OF SUITE B2 IN THE MAPLEWOOD MARKETPLACE, 5702 N. MAIN STREET, SYLVANIA, OHIO, FOR THE PURPOSE OF OPERATING A GRAPHIC DESIGN BUSINESS, 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 prior lease for Suite B2 in the Maplewood Marketplace has expired and is vacant; and,

WHEREAS, the City and Laura Jakes, individually and d/b/a LJ Creates have proposed to lease approximately 570 square feet in the Maplewood Marketplace, Suite B2, 5703 N. Main Street for twenty-four (24) months with rental according to the following schedule:

April 1, 2014 – March 31, 2016: Lessee shall pay as rent the sum of Eighteen Thousand Two Hundred Forty Dollars (\$18,240.00) in equal monthly installments of Seven Hundred Sixty Dollars (\$760.00) per month, commencing on the 1st day of April, 2014.

a copy of said Lease Agreement 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, including Suite B2 comprising approximately 570 square feet, in Sylvania, Ohio, which is hereby determined not to be needed for municipal purposes for a period of twenty-four (24) months so as long as the activities conducted on said premises are compatible with the stated purpose of the Lease.

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 Laura Jakes, individually and d/b/a LJ Creates, as Lessee, or to such other Lessee for the term of twenty-four (24) months.

SECTION 3. That rent for the property shall include the following schedule April 1, 2014 – March 31, 2016: Lessee shall pay as rent the sum of Eighteen Thousand Two Hundred Forty Dollars (\$18,240.00) in equal monthly installments of Seven Hundred Sixty Dollars (\$760.00) per month, commencing on the 1st day of April, 2014.

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 agreement on behalf of the City of Sylvania, Ohio, as Lessor, as authorized in Section 2 hereof for the property described in Section 1 hereof.

BUSINESS PROPERTY LEASE

THIS AGREEMENT is made at Sylvania, Ohio, this _____ day of _____, 2014, by and between the City of Sylvania, an Ohio municipality (hereinafter "Lessor") and Laura Jakes, individually and d/b/a LJ Creates hereinafter ("Lessee").

In consideration of the promises set forth herein, and for and on behalf of its 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 Five Hundred Seventy (570) square feet of office space located on the second (2nd) Floor of the Maplewood Market, at 5503 N. Main St., Suite B 2, Sylvania, Ohio 43560, whose dimensions are set forth on Exhibit A attached hereto.

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 24 months, commencing on the 1st day of April, 2014 and terminating on the 31st day of March, 2016.

3. RENT: Lessee shall pay as rent the total sum of Eighteen Thousand Two Hundred Forty Dollars (\$18,240.00) according to the schedule set forth below:

April 1, 2014 – May 1, 2016: Eighteen Thousand Two Hundred Forty Dollars (\$18,240.00) payable in equal monthly installments of Seven Hundred Sixty Dollars (\$760.00) per month.

If rent is not paid by the 5th day of the month, a \$50 late charge will be assessed.

4. SECURITY DEPOSIT: Lessee shall deposit the additional sum of \$760.00 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. Once the modifications and improvements are complete, if Lessee desires to make any additional changes or changes to the improvements and modifications as agreed upon, those costs will be Lessee's sole responsibility and she shall hold Lessor harmless thereon.

6. USE OF PREMISES: The leased premises are to be used as commercial business office space and related purposes, and for no other purpose. Lessor specifically agrees and/or any other lawful purpose consistent therewith.

7. RESPONSIBILITIES OF LESSOR:

- a) Maintain and keep in proper repair any common areas not exclusively under the control of Lessee.
- b) Repair drywall and paint all walls and stained ceiling tiles, remove three partial walls and mirror, replace baseboard, seal crumbling brick, remove carpet and install mid-grade hardwood flooring. These improvements shall not exceed \$4,000. Lessor will contribute the cost of painting and drywall repair to the improvements totaling approximately \$800 and Lessee will be responsible for the remaining \$3,200.00 which is calculated in to the monthly rent and payable over the term of the Lease.

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 save less or 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 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: The party set forth below shall be responsible for the charges set forth, until Lessee shall surrender possession of the premises:

Lessor shall pay electrical charges.

Lessor shall pay heat 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 60 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. Lessor shall maintain fire and building insurance in the minimum amount of \$ 1,000,000. Said coverage shall be reviewed annually and if increased coverage is required 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 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 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. Additionally, in the event of default by Lessee, the unpaid balance on the improvements and modifications to the space as provided for in Item 7(b) shall immediately become due and owing. 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.

18. THIS LEASE IS EXPRESSLY CONTINGENT UPON FORMAL APPROVAL BY SYLVANIA CITY COUNCIL ON OR BEFORE MARCH 17, 2014. FAILURE TO OBTAIN SAID APPROVAL BY MARCH 17, 2014 RENDERS THIS AGREEMENT VOID.

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

Toby Schroyer, Director of Finance
City of Sylvania
6730 Monroe Street
Sylvania, Ohio 43560

and with a copy to:

Leslie B. Brinning, Director of Law
City of Sylvania
6730 Monroe Street
Sylvania, Ohio 43560

All notices to Lessee shall be addressed as follows:

Laura Jakes
LJ Creates
5703 N. Main St., Ste. B
Sylvania, OH 43560

Witness as to City:

CITY OF SYLVANIA (Lessor)

By: _____
Craig A. Stough, Mayor

By: _____
Toby Schroyer, Director of Finance

STATE OF OHIO)
)
COUNTY OF LUCAS) ss:

Before me appeared Craig A. Stough, Mayor and Toby Schroyer, 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 _____, 2014.

Notary Public

Witnesses as to Lessee:

LJ CREATES (Lessee)

By: _____
 Laura Jakes

Laura Jakes, Individually

STATE OF OHIO)
)
COUNTY OF LUCAS) ss:

Before me appeared Laura Jakes, individually and on behalf of LJ Creates, lessee in the above lease who acknowledged that the execution of this lease was her free act and deed this _____ day of _____, 2014.

Notary Public

THIS LEASE IS THE ENTIRE AGREEMENT BETWEEN THE PARTIES.

This instrument was prepared by:
Leslie B. Brinning, Director of Law
City of Sylvania
4930 Holland-Sylvania Road
Sylvania, Ohio 43560

ORDINANCE NO. 11 -2014

ACCEPTING THE PROPOSAL OF POGGEMEYER DESIGN GROUP TO ASSIST THE CITY OF SYLVANIA WITH THE PREPARATION OF ITS DOWNTOWN REVITALIZATION COMPETITIVE GRANT APPLICATION; APPROPRIATING FUNDS THEREFORE IN AN AMOUNT NOT TO EXCEED \$7,500; AND DECLARING AN EMERGENCY.

WHEREAS, at the February 3, 2014 meeting of Sylvania City Council, the issue of whether to pursue a Tier II grant for the downtown area was referred to the Economic Development Subcommittee for its review and recommendation; and,

WHEREAS, the Economic Development Subcommittee met on February 18, 2014 to consider applying for a Tier II Downtown Grant with Poggemeyer Design Group's assistance and, thereafter, recommended to approve the proposal of Poggemeyer Design Group; and,

WHEREAS, Poggemeyer Design Group's proposal to provide professional planning services to help assist the City in preparing its Downtown Revitalization Competitive Grant application preparation includes meeting with the downtown business/property owners, attending the required public hearings, assistance in determining grant eligible activities, drafting applicable narratives on past downtown planning efforts, preparing a building and public facilities inventory of the downtown, preparation of a downtown conditions survey, preparation of slum and blight certification, preparing a sources and uses of funds for all grant activities, and coordinating with Lucas County CDBG staff on the required local review of the application to meet the County's deadline for submittal to the State of Ohio at a cost not to exceed \$7,500 for the year 2014; and,

WHEREAS, the Economic Development/Administrative Services Director has also recommended acceptance of the proposal of Poggemeyer Design Group for assistance with the City's grant application.

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 Poggemeyer Design Group in the amount of Seven Thousand Five Hundred Dollars (\$7,500.00), to provide professional planning services, is hereby accepted.

SECTION 2. That the Economic Development/Administrative Services Director shall promptly give notice to Poggemeyer Design Group to proceed under the proposal hereby approved and accepted.

SECTION 3. That to provide funds for said services hereby authorized, there is hereby appropriated from the **GENERAL FUND** from funds therein not heretofore appropriated to **Account No. 110-7320-51294 – Special Projects** the total sum of Seven Thousand Five Hundred Dollars (\$7,500.00).

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 professional planning services for the grant application should be provided for immediately to meet the County and State deadlines for grant submission. 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
APPROVED AS TO FORM:

Clerk of Council
APPROVED:

Director of Law

Mayor

Date

7a



City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

March 3, 2014

To: The Mayor and Members of Sylvania City Council

Re: **2014 SURFACE WATER IMPROVEMENT FUND GRANT APPLICATION
HARROUN COMMUNITY PARK STORM WATER DEMONSTRATION PROJECT**

Dear Mr. Mayor and Council Members:

The Ohio EPA has announced that statewide grant proposals are being accepted through April 11, 2014 for eligible Surface Water Improvement Fund (SWIF) projects. SWIF was created in 2008 and authorizes the Ohio EPA to provide grant funding to local governments, park districts, conservation organizations as well as many other agencies. It is anticipated that \$1,800,000 will be available with grant awards of up to \$150,000 expected.

The City currently has an ongoing erosion and sedimentation issue in Harroun Community Park adjacent to the St. Joe's Church parking lot. Approximately one acre of uncontrolled runoff from the parking lot travels down the embankment into the Ten Mile Creek floodplain. This runoff creates large washouts and unnecessary sediment deposits. To alleviate the problem, the Department would like to install curbing, storm sewer and a bioretention cell which will reduce/control runoff and remove sedimentation from the floodplain.

The total anticipated cost of the project is \$105,776. The Department is seeking \$82,162 in funding assistance with this application. The remaining portion of the project is to be funded on a 50/50 split between the City and St. Joseph's Church.

We are requesting approval to submit an application to the Ohio EPA for funding assistance in the amount of \$82,162 for this project.

Sincerely,

Kevin G. Aller, P.E.
Director

7b.

RESOLUTION NO. 4 -2014

A RESOLUTION AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO PREPARE AND SUBMIT A GRANT APPLICATION TO THE OHIO ENVIRONMENTAL PROTECTION AGENCY AND TO EXECUTE CONTRACTS AS REQUIRED; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Sylvania is applying for funding from the Ohio Environmental Protection Agency (“Ohio EPA”) for eligible Surface Water Improvement Fund (“SWIF”) projects; and,

WHEREAS, as part of the application process, the Ohio EPA requires applicants to pass legislation stating that if the funding is approved, the City will enter into an agreement with Ohio EPA for the grant; and,

WHEREAS, the City has an ongoing erosion and sedimentation issue in Harroun Community Park adjacent to the St. Joseph Catholic Church parking lot; and,

WHEREAS, currently, uncontrolled runoff from the parking lot travels down the embankment into the Ten Mile Creek floodplain resulting in large washouts and unnecessary sediment deposits; and,

WHEREAS, to alleviate the problem, the City is proposing to install curbing, storm sewer and a bioretention cell which will reduce/control runoff and remove sedimentation from the floodplain; and,

WHEREAS, the total anticipated cost of the project is \$105,776 with the City seeking \$82,162 in grant funds with the remaining portion of the project to be divided evenly between the City and St. Joseph Catholic Church.

NOW, THEREFORE BE IT RESOLVED 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 apply to the Ohio EPA for funds as described above.

SECTION 2. The Mayor and Director of Finance are further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

SECTION 3. If the Harroun Community Park Storm Water Demonstration Project is approved for financial assistance, the City of Sylvania will commit the necessary funds to meet the local share as indicated in the corresponding project application and will enter into an agreement with the Ohio EPA for the grant.

SECTION 4. It is hereby found and determined that for 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 5. 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 6. 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 the City should file its application for the grant immediately and indicate its willingness to enter into an Agreement and appropriate the funds for said project as necessary and therefore this Resolution should be made effective immediately. 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, _____, 2014, as an emergency measure.

ATTEST:

President of Council

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

8a



City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

February 28, 2014

To: The Mayor and Members of Sylvania City Council

Re: **Safe Routes to Schools
Non-Infrastructure Grant, Round 2**

Dear Mr. Mayor and Council Members:

As you are aware, the City recently completed our Safe Routes to Schools (SRTS) project. Our project addressed the infrastructure needed in relation to a Safe Routes to Schools Travel Plan submitted in 2010.

There are additional non-infrastructure items in the plan that has been initiated in this school year by a committee of Sylvania School teachers, parents and volunteers as well as Toledo Children's Hospital staff. These activities have been funded through an existing grant administered by the City approved by Resolution 3-2013 and Ordinance 85-2013.

The committee wishes to apply for a second round of SRTS Non-Infrastructure Grant funds in the amount of \$32,898 to further implement project activities. Promedica's Flower and Toledo Children's Hospital has committed match funding of \$4,000 in educational materials, supplies and student incentives.

This grant is administered through the Ohio Department of Transportation (ODOT). ODOT requires that the applicant be a Local Public Agency or, in this case, the City of Sylvania.

The total cost of the project is \$32,898. The grant will be in the amount of \$28,898 and Promedica has committed the remaining \$4,000. The City will incur no net expense on the project. We will pay necessary expenses and be fully reimbursed by ODOT.

We request approval to submit an application for a Safe Routes to Schools Non-Infrastructure Grant.

Please call if you have any questions.

Sincerely,

Kevin G. Aller, P.E.
Director of Public Service
KGA/dsw

8b

RESOLUTION NO. 5 -2014

A RESOLUTION AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO PREPARE AND SUBMIT AN APPLICATION FOR SAFE ROUTES TO SCHOOL FUNDS FROM THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION; AND DECLARING AN EMERGENCY.

WHEREAS, Resolution No. 3-2013, passed by Sylvania City Council March 4, 2013, authorized the Mayor and Director of Finance to prepare and submit an application for Safe Routes to School Funds from the State of Ohio Department of Transportation; and,

WHEREAS, Ordinance No. 85-2013, passed November 18, 2013, authorized the Mayor and Director of Finance of the City of Sylvania, Ohio to enter into an agreement with ProMedica Toledo Children's Hospital relative to the Safe Routes to School Project; and,

WHEREAS, the United States Congress has set again aside monies for Safe Routes to School ("SRTS") Projects through the State of Ohio Department of Transportation; and,

WHEREAS, Applicants can apply for these monies and be selected for funding by the State of Ohio, Department of Transportation; and,

WHEREAS, this non-infrastructure SRTS project, that were initiated in this school year by a committee of Sylvania School teachers, parents and volunteers as well as Toledo Children's Hospital Staff, is an activity eligible to receive federal transportation funding that would allow the committee to further implement project activities.

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

SECTION 1. That the Mayor and Director of Finance of the City of Sylvania are hereby empowered on behalf of the City of Sylvania to prepare and execute an application for SRTS funds for the stated described project and to submit same to the State of Ohio, Department of Transportation.

SECTION 2. That the total cost of the project is estimated to be \$32,898, with grant funding anticipated to cover \$28,898 and ProMedica committing the remaining \$4,000. The City will incur no net expense on the project.

SECTION 3. Upon completion of the described Project, the City of Sylvania shall provide adequate reports and verification of work performed and provide a detailed plan for sustaining project once funding is concluded.

SECTION 4. If the application is approved for the funding the Mayor and Director of Finance of the City of Sylvania is hereby empowered on behalf of the City of Sylvania to enter into a contract with the Director of the Ohio Department of Transportation necessary to complete the above-described project.

SECTION 5. It is hereby found and determined that for 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 6. 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 7. 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 the City should file its application for the grant immediately and indicate its willingness to enter into an Agreement and appropriate the funds for said project as necessary and therefore this Resolution should be made effective immediately. 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, _____, 2014, as an emergency measure.

ATTEST:

Clerk of Council

APPROVED:

Mayor

Date

President of Council

APPROVED AS TO FORM:

Director of Law

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

19255690005 <small>PERMIT NUMBER</small>			TRFO <small>TYPE</small>	DANSUL INC DBA EXECUTIVE ON THE MAIN 5629 MAIN ST 1ST FL & BSMT SYLVANIA OHIO 43560
06	01	2012 <small>ISSUE DATE</small>		
02	14	2014 <small>FILING DATE</small>		
D1 D2 D3 D6 <small>PERMIT CLASSES</small>				
48	077	A <small>TAX DISTRICT</small>	F11512 <small>RECEIPT NO.</small>	

FROM 02/19/2014

4275703 <small>PERMIT NUMBER</small>				JENNA LLC DBA JENNAS RESTAURANT 5629 MAIN ST 1ST FL & BSMT SYLVANIA OHIO 43560
06	01	2012 <small>ISSUE DATE</small>		
02	14	2014 <small>FILING DATE</small>		
D1 D2 D3 D6 <small>PERMIT CLASSES</small>				
48	077	 <small>TAX DISTRICT</small>	 <small>RECEIPT NO.</small>	



MAILED 02/19/2014

RESPONSES MUST BE POSTMARKED NO LATER THAN. 03/24/2014

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES

A TRFO 1925569-0005

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

**CLERK OF SYLVANIA CITY COUNCIL
6730 MONROE ST
SYLVANIA OHIO 43560**

PERMIT NUMBER (CORPORATION) 19255690005
DANSUL INC
DBA EXECUTIVE ON THE MAIN
5629 MAIN ST 1ST FL & BSMT
SYLVANIA OHIO 43560

F.T.I. NUMBER 46-1117042
STATUS (ACTIVE OR INACTIVE) ACTIVE
SHARES OUTSTANDING 1.00
ACTIVE DATE 02/14/14
INACTIVE DATE
EXCEPTION CODE TEXT
STOCK TRANSFER CODE TEXT AND DATE

* DANIEL SULLIVAN	1.00	02/14/14	ACTIVE	PRESIDENT
KELLEY HASSAN	.00	02/14/14	ACTIVE	VICE PRES

Gov Deals

City of Sylvania Police Division vehicles to be placed on Gov Deals for auction:

2009 Ford Crown Victoria	-	Vin:2FAHP71V89X129027	Mileage:	125,244
2009 Ford Crown Victoria	-	Vin:2FAHP71V19X129029	Mileage:	121,721
2009 Ford Crown Victoria	-	Vin:2FAHP71V89X129030	Mileage:	108,032
2009 Ford Crown Victoria	-	Vin:2FAHP71VX9X129031	Mileage	130,753

COMMUNITY AFFAIRS ITEMS FOR AUCTION ON GOVDEALS:

- 1.) IBM ThinkPad Laptop Computer
Model 1875 S/N: L3-AH558
- 2.) IBM Lenovo T61 Notebook Laptop Computer
Model 6457-CTO S/N: L3Z8056

1191.

ORDINANCE NO. 6 -2014

AMENDING CHAPTER 951 – STREET, PARK AND OTHER TREES OF THE SYLVANIA CODIFIED ORDINANCES, 1979, AS AMENDED; AND DECLARING AN EMERGENCY.

WHEREAS, the Director of Public Service has recommended that Chapter 951 be amended as set forth on the attached “Exhibit A;” and,

WHEREAS, at the February 3, 2014 meeting of Sylvania City Council, the proposed amendments were referred to the Parks and Forestry Committee for their review and recommendation; and,

WHEREAS, the Parks and Forestry Committee met on February 18, 2014 to discuss the proposed amendments and thereafter recommended approval and adoption of same.

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

SECTION 1. That Chapter 951 of the Codified Ordinances of Sylvania, 1979, as amended, be and it is, hereby further amended to read as set forth on the attached “Exhibit A.”

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 amendment to this Chapter should be provided for 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 this Charter.

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

Passed, _____, 2014, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

CHAPTER 951
Street, Park and Other Trees

951.01	Definitions.	951.10	Pruning; corner clearance. [Repealed]
951.02	Duties and responsibilities.	951.11	Removal of stumps. [Repealed]
951.03	Street tree species permitted to be planted.	951.12	Interference with City Parks and Forestry Division.
951.04	Spacing.	951.13	Removal of trees in public right of way.
951.05	Distance from curb and sidewalk.	951.14	Procedure for residents to request the City to remove trees from residential
951.06	Distance from street corners and fire hydrants.	951.99	Penalty.
951.07	Utilities.		
951.08	Public Tree Care.		
951.09	Tree topping. [Repealed]		

* * *

951.02 DUTIES AND RESPONSIBILITIES.

It shall be the responsibility of the Division of Parks and Forestry (“Forestry Division”) to investigate, study, develop and plan for the care, preservation, pruning, planting, replanting, removal and disposition of street trees and park trees annually, to present same to the Mayor, which the Mayor shall transmit to Council with his recommendation. The Forestry Division under the direction of the Mayor shall be responsible for the implementation and administration of all such plans.

The Forestry Division when requested by Council, shall research, investigate, make findings, report to and recommend upon any special matter or question coming within the scope of its work.

(Ord. _____-2014. Passed _____-2014.)

951.03 STREET TREE SPECIES PERMITTED TO BE PLANTED.

The Forestry Division shall be contacted prior to planting any tree in the public right-of-way for approval that the tree is appropriate for the site.

(Ord. _____-2014. Passed _____-2014.)

951.04 SPACING.

Street trees shall not be planted closer together than fifty feet, except special plantings designed by a landscape architect and approved by the Forestry Division.

(Ord. _____-2014. Passed _____-2014.)

* * *

951.07 UTILITIES.

Prior to planting street trees, the Water Division and the Sewer Division shall, upon request of the Forestry Division, check to be sure that there are no turn-off valves or shallow pipes that will be interfered with or obstructed by such planting.

(Ord. ____-2014. Passed ____-2014.)

951.08 PUBLIC TREE CARE.

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The Forestry Division may remove for cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements or is affected with any injurious fungus, insect or pest. The planting of street trees by adjacent property owners is not prohibited providing the size, species, location and planting of such trees is in accordance with this chapter.

(Ord. ____-2014. Passed ____-2014.)

951.09 TREE TOPPING.

[REPEALED.]

(Ord. ____-2014. Passed ____-2014.)

951.10 PRUNING; CORNER CLEARANCE.

Every owner of any tree overhanging any street or right of way within the City shall prune the branches so that such branches shall not obstruct the light from any lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the sidewalk and of thirteen feet above the surface of the street. Such owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, with the visibility of any traffic control device or sign or with the field of vision along a street or right of way a distance of sixty-six feet measured from the point of the nearest intersecting curb or curblines or edges of the improved portion of the street surface when there are no curbs or curblines.

(Ord. ____-2014. Passed ____-2014.)

951.11 REMOVAL OF STUMPS.

[REPEALED.]

(Ord. ____-2014. Passed ____-2014.)

951.12 INTERFERENCE WITH CITY PARKS AND FORESTRY DIVISION.

No person shall prevent, delay or interfere with the Forestry Division, or any of its agents while they are engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees or other trees on private grounds, as authorized in this chapter.

(Ord. ____-2014. Passed ____-2014.)

951.13 REMOVAL OF TREES IN PUBLIC RIGHT OF WAY.

(a) No tree which is located in the public right of way shall be removed by an adjoining resident without prior written authorization of the Forestry Division.

(b) A request for authorization by an adjoining resident to remove a tree which is located in the public right of way shall be made in writing to the Forestry Division. Upon receipt of such a request, the Forestry Division shall conduct an inspection of the tree to be removed and upon completion thereof shall approve or deny the request.

(c) No request for authorization to remove a tree which is located in the public right of way shall be considered for approval by the Forestry Division unless:

- (1) The person, firm or corporation who will perform the removal of the tree has a policy of public liability insurance in the amount of one hundred thousand dollars (\$100,000) for each person, three hundred thousand dollars (\$300,000) for each occurrence and one hundred thousand dollars (\$100,000) for property damage. The policy shall name the City as an additional insured party. A copy of such policy shall accompany the request for authorization; and
- (2) The adjoining resident making the request and the person, firm or corporation who will perform the removal of the tree executes an agreement releasing the City from all claims for property damage, personal injury, and/or death which may result from the performance of the removal of the tree from the public right of way and saving the City harmless therefrom.

(Ord. ____-2014. Passed ____-2014.)

951.14 PROCEDURE FOR RESIDENTS TO REQUEST THE CITY TO REMOVE TREES FROM RESIDENTIAL PRIVATE PROPERTY.

The procedure for City of Sylvania residents to petition the City for tree removal from residential private property and have the costs of said removal and associated administrative and recording fees assessed on their tax bill for a five-year period is hereby approved and adopted.

(Ord. ____-2014. Passed ____-2014.)

* * *



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

Jody L. Balogh
Clerk of the Board

February 12, 2014

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

Re: Annexation Petition Nos. 2013-5 and 2013-6
Portions of Sylvania Township
to the City of Sylvania

Dear Ms. Bucher:

Enclosed are certified copies of Resolution Nos. 14-83 and 14-84 granting the above-referenced annexation petitions. If there are no appeals filed within 30 days, I will send you a complete record of the proceedings.

If you have any questions, please give me a call.

Sincerely,

A handwritten signature in blue ink that reads "Jody L. Balogh".

Jody L. Balogh, Clerk

/jlb
Enclosure

Date: January 28, 2014

Resolution No. 14-83

Title: Hearing and Approval of Annexation Petition 2013-5, 1.768± Acres of Real Estate in Sylvania Township to the City of Sylvania (Parcel 78-23506)

Department/Agency: Prosecutor

Contact: John A. Borell

Summary/Background: There was filed with this Board on November 4, 2013, a petition for the annexation by a majority of the owners of approximately 1.768 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 *O.R.C.* 709.02

On November 12, 2013, this Board accepted the filing of Annexation Petition 2013-5 and set the hearing date of January 7, 2014; however, due to a Level 3 Snow Emergency declared in Lucas County on this date, hearing was rescheduled by Resolution 14-1 to January 28, 2014 at 1:30 p.m.

On January 28, 2014, at 1:38 p.m., Commissioner Contrada opened the hearing pursuant to, and in accordance with, *O.R.C.* 709.03 (A) and 709.032 (B); Commissioner Skeldon Wozniak and Commissioner Gerken were present. The notice of this public hearing was first published on December 27, 2013 in the Toledo Legal News and then republished on January 15, 2014 in the Toledo Legal News due to rescheduled hearing. The affidavits of the proof of publication were provided by the agent for the petitioners.

The agent for the petitioners, Leslie B. Brinning for James E. Moan, Esq., was present. Ms. Brinning stated the technical requirements of said annexation and affirmed that said annexation meets the requirements set forth in, and was filed in accordance with *O.R.C.* 709.02.

Mr. John Zeitler, Sylvania Township Administrator, was present and stated that he understands that the property owners have filed this petition to get City of Sylvania water. Mr. Zeitler also stated that after doing some research, he discovered it is not mandatory for the property to be in the City of Sylvania for the City to supply water. Mr. Zeitler requested that, in the future, the City of Sylvania supply water to property owners that want city water without requiring the annexation of their property. Mr. Zeitler pointed out that currently the City of Sylvania's water district has boundaries outside the City.

Ms. Brinning stated that the property owners came to the City and requested this annexation. Ms. Brinning stated that the property owners will also have lower water rates and lower tap fees.

No one spoke in opposition to the annexation. The hearing was closed at 1:45 p.m

Budget Impact: N/A

Statutory Authority/ORC: 709.02

January 28, 2014

Hearing and Approval of Annexation Petition 2013-5, 1.768± Acres of Real Estate in Sylvania Township to the City of Sylvania (Parcel 78-23506)

Page 3

Section 4. If after the expiration of thirty days from the date of this resolution no appeal has been filed, the Clerk of the Board is directed to deliver a certified copy of the entire record of the annexation proceedings to the auditor or clerk of the municipality.

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 meetings open to the public to the extent required by law.

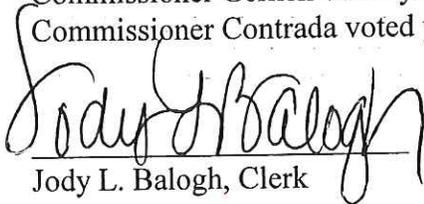
Section 6. This resolution shall be in full force and effect from and immediately upon its adoption.

Action Taken:

Commissioner Skeldon Wozniak voted yes

Commissioner Gerken voted yes

Commissioner Contrada voted yes



Jody L. Balogh, Clerk

I hereby certify that the foregoing is a true and exact copy of Resolution No. 14-83 duly passed by the Board of County Commissioners, Lucas County, Ohio, at its meeting on January 28, 2014
Clerk of County Commissioners



Date: January 28, 2014

Resolution No. 14-84

Title: Hearing and Approval of Annexation Petition 2013-6, 1.295± Acres of Real Estate in Sylvania Township to the City of Sylvania (Parcel 78-11974)

Department/Agency: Prosecutor

Contact: John A. Borell

Summary/Background: There was filed with this Board on November 22, 2013, a petition for the annexation by a majority of the owners of approximately 1.295 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 *O.R.C. 709.02*

On December 3, 2013, this Board accepted the filing of Annexation Petition 2013-6 and set the hearing date of January 28, 2014 at 1:30 p.m.

On January 28, 2014, at 1:46 p.m., Commissioner Contrada opened the hearing pursuant to, and in accordance with, *O.R.C. 709.03 (A)* and *709.032 (B)*; Commissioner Skeldon Wozniak and Commissioner Gerken were present. The notice of this public hearing was published on January 16, 2014 in the Toledo Legal News. The affidavit of the proof of publication was provided by the agent for the petitioners.

The agent for the petitioners, Leslie B. Brinning for James E. Moan, Esq., was present. Ms. Brinning stated the technical requirements of said annexation and affirmed that said annexation meets the requirements set forth in, and was filed in accordance with *O.R.C. 709.02*.

Mr. John Zeitler, Sylvania Township Administrator, was present.

No one spoke in opposition to the annexation. The hearing was closed at 1:47 p.m.

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, based upon a preponderance of the substantial, reliable, and probative evidence on the whole record, hereby makes the following findings fact:

- a. The petition meets all of the requirements set forth in, and was filed in, the manner provided in *O.R.C. 709.02*;

January 28, 2014

Hearing to Consider Approval of Annexation Petition 2013-6, 1.295± Acres of Real Estate in Sylvania Township to the City of Sylvania (Parcel 78-11974)

Page 3

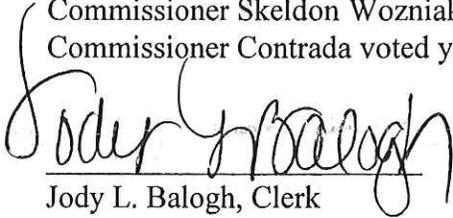
Section 6. This resolution shall be in full force and effect from and immediately upon its adoption.

Action Taken:

Commissioner Gerken voted yes

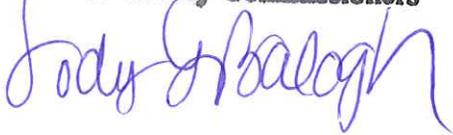
Commissioner Skeldon Wozniak voted yes

Commissioner Contrada voted yes



Jody L. Balogh, Clerk

I hereby certify that the foregoing is a true and exact copy of Resolution No. 14-84 duly passed by the Board of County Commissioners, Lucas County, Ohio, at its meeting on January 28, 2014
Clerk of County Commissioners



B

Karsen Barr
4304 N. McCord Road
Sylvania OH 43560

February 14, 2014

Sylvania City Council
6730 Monroe St.
Sylvania OH, 43560

Dear Sylvania Council,

My name is Karsen Barr, I live in Sylvania OH. I would like to address an issue at Olander Park with the "no dogs allowed" rule. My opinion with not allowing dogs at Olander park is very strong. We love to go to the park together as a family. We have a great time walking or riding our bikes around the lake at Olander Park.

However, since we got a puppy last March we do not go to Olander anymore, because we can not bring our dog, the newest member of our family. We love our dog very much and if Olander would allow dogs there it would make many pet owners lives so much easier, and maybe bring more people to the park.

Pet owners wouldn't have to tie them up or put them in a cage, just so they can get exercise or spend time walking and talking with friends and family. Dogs need exercise too! The dogs could swim in the lake and run in the big open space. They could run, walk or jog with the owners. The dogs could even play with the other dogs. The pet owners would be responsible to pick up their dogs' droppings, the same law as the City of Sylvania has in place. I really believe that if Olander Park would allow dogs, the Park would be enjoyed by many more people and of course by the pets too! Thank you, for your time.

Sincerely,

Karsen Barr

Karsen Barr

C

Derek Schafer
4304 N McCord Rd
Sylvania, OH 43560

February 14, 2014

Sylvania City Council
6730 Monroe St
Sylvania, OH 43560

Dear Council,

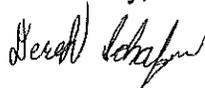
My name is Derek Schafer and I reside at 5761 Eagle Park Rd in Sylvania, Ohio. I am an eighth grader at McCord Junior High School.

I am writing you, in hopes that you could make it so our busses in the City of Sylvania are better and safer, and make it so our bus drivers are more certified and are more well suited for the job. My school would really benefit from you making it so that our busses are safer and our bus drivers are certified. I would appreciate this because I ride the bus every day, and our bus driver has hit a mailbox and almost rear ended a Mustang, which is why I would suggest having better, more certified bus drivers. January 2010: In New York, a bus driver was sentenced to 90 days in jail when she was convicted of DUI and 37 counts of reckless endangerment (one count for every student aboard the bus). I don't want things like that occurring in our district.

I would also like it if you could make our busses safer. I would like this because busses have been known to be pretty unsafe. It has been proven that every year about 20 children die. People always talk about child safety and wearing your seatbelt but as soon as you put 20 or more children on a bus, it's ok for them not to wear seatbelts? I don't think children should be able to not wear seatbelts. Children should have to wear seatbelts because of all these unsafe people that are driving on the roads.

If you could please look into what I have said and maybe even pass a law that makes it so that children have to wear seat belts. Thank you for your time and attention, thank you.

Sincerely,



Derek Schafer