

**Sylvania City Council**  
April 1, 2013

**6:00 p.m. Utilities & Environment Committee**  
Maumee Wastewater Treatment Plan Debt

**6:30 p.m. Zoning & Annexation Committee**  
Building Rehabilitation Standards

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

1. Roll call.
2. Pledge of Allegiance to the United States of America led by Mr. Luetke.
3. Additions to the agenda.
4. Approval of the minutes of the March 18 meeting.
5. Service Director Kevin Aller's report on Monroe Street Reconstruction and Waterline Replacement; and authorize the clerk to advertise for bids.
6. Proposed Resolution 5-2013, Adopting the 2013 Revisions to the Lucas County All Natural Hazard Mitigation Plan.
7. Proposed Ordinance 2-2013, Amending Chapter 1166 – Sign Regulations of the Sylvania Codified Ordinances.
8. Proposed Ordinance 30-2013, Authorizing first amendment to Water Tower Attachment Lease Agreement within Burnham Park with Sprint Spectrum Realty, L.P.
9. Proposed Ordinance 32-2013, Approve, adopt, and enact current Replacement Pages of the Codified Ordinances.
10. Annual providing ordinances for the maintenance special assessments:
  - a. Proposed Ordinance 33-2013, providing for the ditch maintenance and providing the assessment of same; and
  - b. Proposed Ordinance 34-2013, providing for tree control and providing for the assessment of same.
11. Committee reports.
  - a. Utilities & Environment Committee Meeting from 6:00 p.m.
  - b. Zoning & Annexation Committee Meeting from 6:30 p.m.

12. Committee referrals.

Information

A. Annexation Petition 2013-1 Hearing Notice from County.

Minutes of the Meeting of Council  
March 18, 2013

The Council of the City of Sylvania, Ohio met in regular session on March 18, 2013 at 7:30 p.m. with Mayor Craig A. Stough in the chair. Roll was called with the following members present: Mike Brown; Katie Cappellini, Doug Haynam, Sandy Husman, Mark Luetke, Todd Milner, Mary J. Westphal (7).

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.

- 17. Executive Session to discuss possible sale of Real Estate and On-going Litigation.
- 18. Proposed Ordinance 2-2013.

Mr. Luetke 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.

Mrs. Westphal presented the March 4 minutes. Mrs. Westphal moved, Mr. Milner 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 March 4, 2013 be approved as amended; roll call vote being: Haynam, Husman, Luetke, Milner, Westphal, Cappellini, Brown (7) yeas; (0) nays. The motion carried.

Approval of the March 4 minutes as amended.

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

Mrs. Westphal presented and read aloud by title only, proposed Resolution No. 4-2013, a written copy of same having been previously furnished to each member of Council, "A Resolution of the Council of the City of Sylvania commending Sylvania Southview High School's Cougarettes Dance Team on its First Place finishes in the Pom and Jaz Divisions in the Ohio Association of Secondary School Administrators State Cheerleading and Dance Team Championship; and declaring an emergency." Mrs. Westphal moved, Mr. Luetke seconded, that Council dispense with the Second and Third Readings of said Resolution; roll call vote being: Husman, Luetke, Milner, Westphal, Cappellini, Brown, Haynam (7) yeas; (0) nays. The motion carried.

Resolution No. 4-2013, "... commending... Southview... Cougarettes... Championship.."

Minutes of the Meeting of Council  
March 18, 2013

Mrs. Westphal moved, Mr. Haynam seconded, that Resolution No. 4-2013 be enacted as an emergency measure as declared therein: roll call vote being: Luetke, Milner, Westphal, Cappellini, Brown, Haynam, Husman, (7) yeas; (0) nays. The motion carried.

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

Mrs. Westphal moved, Mr. Milner seconded, that no hearing be requested for the transfer of the D5 liquor license to Pastrokos & Skiadas, LLC, 7625-27 Sylvania Ave., Sylvania, OH 43560 from Skiadas, Inc. & Patio, 1540 W. Sylvania Ave., Toledo, OH 43612.; roll call vote being: Milner, Westphal, Cappellini, Brown, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

No hearing...  
liquor permit  
transfer...  
Pastrokos &  
Skiadas, LLC.

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

Mrs. Westphal moved, Mr. Haynam seconded, that no hearing be requested for the transfer of the D5, D6 liquor license to Bennett Enterprises, LLC, 5700 Monroe St, Unit 5702 & Patio, Sylvania, OH 43560 from Bennett Enterprises, Inc. d/b/a/ Ralphies Sports Eatery, 5700 Monroe St, Unit 5702 & Patio, Sylvania, OH 43560.; roll call vote being: Westphal, Cappellini, Brown, Haynam, Husman, Luetke, Milner, (7) yeas; (0) nays. The motion carried.

No hearing...  
liquor permit  
transfer ...  
Bennett  
Enterprises, LLC.

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

The Service Director's report on Arbor Way Sanitary Sewer Project was placed on file. Mr. Brown presented and read aloud by title only, proposed Ordinance 29-2013, "Accepting the proposal of Lewandowski Engineers to provide survey services relative to the Arbor Way Sanitary Sewer Project; appropriating funds therefore in an amount not to exceed \$4,240; and declaring an emergency." Mr. Brown 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 No.  
29-2013  
"Accepting  
proposal...  
Lewandowski  
Eng....Arbor  
Way Sanitary  
Sewer Project..."

Mr. Brown moved, Mrs. Westphal seconded, that Ordinance 29-2013 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.

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March 18, 2013

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

The Service Director's report on Sprint Cell Tower was placed on file. Mr. Haynam moved, Mrs. Cappellini seconded, to table this proposed Ordinance 30-2013 until the next council meeting; roll call vote being: Haynam, Husman, Luetke, Milner, Westphal, Brown, Cappellini, (7) yeas; (0) nays. The motion carried.

Ordinance No. 30-2013, tabled until next meeting.

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

The Service Director's report on the Safe Routes to School was placed on file. Mr. Milner presented and read aloud by title only, proposed Ordinance 31-2013, "Authorizing the Mayor and Director Finance of the City of Sylvania, Ohio to approve Amendment No. 1 to this City's Agreement with the Ohio Department of Transportation relative to the Safe Routes to School Project; and declaring an emergency." Mr. Milner moved, Mr. Haynam 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 No. 31-2013, "Authorizing Amendment No. 1 to Agreement with ODOT... Safe Routes to School..."

Mr. Milner moved, Mrs. Husman seconded, that Ordinance 30-2013 be enacted as an emergency measure as declared therein; roll call vote being: Milner, Westphal, Brown, Cappellini, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

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

Service Director Kevin Aller's report on the Erie Street Bridge No. 122 Replacement was placed on file. Mr. Milner moved, Mr. Haynam seconded to authorize the clerk to advertise for bids for the project; roll call vote being: Westphal, Brown, Cappellini, Haynam, Husman, Luetke, Milner, (7) yeas; (0) nays. The motion carried.

Bids for Erie St. Bridge No. 122 Replacement.

Mayor Stough stated that Council will now consider agenda item 12.

Service Director Kevin Aller's report on Building Rehabilitation Standards was placed on file. Mr. Haynam moved, Mrs. Westphal seconded, to refer the Building Rehabilitation Standards to the Zoning and Annexation Committee for review along with proposed legislation for incorporation into the Zoning Code.

Referral to Zoning & Annex. ...Bldg. Rehab. Standards

The Zoning and Annexation Committee will meet on April 1, 2013 at 6:30 p.m. to discuss the Building Rehabilitation Standards.

Zoning & Annex Com. meeting... April 1, 6:30p.m.

Minutes of the Meeting of Council  
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Mayor Stough stated that Council will now consider agenda item 13.

Service Director Kevin Aller's report on Maumee River Wastewater Treatment Plant Debt, 2010-2011 Improvements was placed on file. Mrs. Westphal stated this matter was discussed at the Finance Committee meeting of this date and the recommendation was to refer it to the Utilities & Environment Committee. Mrs. Westphal moved, Mr. Haynam seconded, to refer this matter to the Utilities & Environment Committee for review and recommendation.

Report...  
Maumee River  
WW Treatment  
Plant Debt.  
Referral to Util.  
Comm.

The Utilities & Environment Committee will meet on April 1, 2013 at 6:00 p.m. to discuss the Maumee Wastewater Treatment Plan Debt.

Utilities Com.  
set for April 1,  
6:00 p.m.

Mayor Stough stated that Council will now consider agenda item 14.

Mayor Stough presented the Planning Commission's recommendation for proposed Ordinance 24-2013, Amending Section 1117.07 – Accessory Buildings and Uses of the Planning and Zoning Code. Mr. Milner moved, Mrs. Westphal seconded, to set the public hearing date for May 6, 2013 at 6:30 p.m., and to authorize the clerk to advertise for same; roll call vote being: Brown, Cappellini, Haynam, Husman, Luetke, Milner, Westphal, (7) yeas; (0) nays. The motion carried.

Public hearing...  
Proposed Ord.  
No. 24-2103 set  
for May 6,  
6:30pm

Mayor Stough presented the Planning Commission's recommendation for proposed Ordinance 25-2013, Amending Part Eleven of the Planning and Zoning Code to regulate use of Illuminated Tubing. Mrs. Westphal moved, Mr. Milner seconded, to set the public hearing date for May 6, 2013 at 7:00 p.m., and to authorize the clerk to advertise for same; roll call vote being: Cappellini, Haynam, Husman, Luetke, Milner, Westphal, Brown, (7) yeas; (0) nays. The motion carried.

Public hearing...  
Proposed Ord.  
No. 25-2013 set  
for May 6,  
7:00pm

Mayor Stough stated that Council will now consider agenda item 15.

Mrs. Westphal stated the Finance Committee met at 6:45p.m. to discuss the 2011 management letter. Mrs. Westphal moved, Mr. Milner seconded, that a written policy be developed for review for cell phone, vehicles, and credit card usage; roll call vote being: Cappellini, Haynam, Husman, Luetke, Milner, Westphal, Brown, (7) yeas; (0) nays. The motion carried. Westphal stated the Maumee Wastewater Treatment Plan Debt was also discussed.

Report of  
Finance  
Comm...policy  
development...  
cell phone,  
vehicles, credit  
cards.

Minutes of the Meeting of Council  
March 18, 2013

Mr. Luetke reported on the Employee & Community Relations Committee meeting from 6:30p.m. to discuss the future editions of the Country Journal newsletter. Mr. Luetke moved, Mr. Haynam seconded, to approve the recommendation of the committee to reduce the number of editions of the Country Journal to two in 2013; roll call vote being: Haynam, Husman, Luetke, Milner, Westphal, Brown, Cappellini, (7) yeas; (0) nays. The motion carried.

Report of  
Employee &  
Community Rel.  
Comm.

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

Mrs. Westphal moved, Mr. Milner seconded to enter into the Committee-of-the-Whole Executive Session to discuss potential sale of real estate and current state of litigation at 8:34 p.m; roll call vote being: Haynam, Husman, Luetke, Milner, Westphal, Brown, Cappellini, (7) yeas; (0) nays. The motion carried.

Exec. Session...  
sale of real estate  
and litigation  
update.

Mrs. Westphal moved, Mr. Milner seconded to return from the Committee-of-the-Whole Executive Session to regular session at 9:35 p.m; 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 18.

Mr. Haynam requested that proposed Ordinance 2-2013, Sign Code amendment be placed on the agenda for next meeting.

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

Mrs. Westphal moved, Mr. Haynam seconded, that this meeting adjourn; all present voting yea (7); (0) nays. The motion carried and the meeting adjourned 9:40 p.m.

Adjournment.

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Clerk of Council

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Mayor



DEPARTMENT OF PUBLIC SERVICE  
KEVIN G. ALLER, PE, DIRECTOR

April 1, 2013

To: The Mayor and Members of Sylvania City Council

Re: Monroe Street Reconstruction and Waterline Replacement

Dear Mr. Mayor and Council Members:

Construction drawings for the above-mentioned project have been reviewed and are now complete and ready to be bid. This project will reconstruct the asphalt pavement on Monroe Street from Erie Street to Silica Drive. Other improvements include pavement underdrains, partial sidewalk replacements and partial waterline replacements through the corridor.

The estimated cost for this project is \$934,395 with \$389,300 of funding provided by OPWC.

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

Sincerely,

Kevin G. Aller  
Director of Public Service

**RESOLUTION NO. 5 -2013**

**A RESOLUTION ADOPTING THE 2013 REVISIONS TO THE LUCAS COUNTY ALL NATURAL HAZARD MITIGATION PLAN; AND DECLARING AN EMERGENCY.**

WHEREAS, Lucas County maintains a Countywide All Natural Hazard Mitigation Plan (“CANHMP”) which identifies potential natural hazards that could affect Lucas County, estimates potential losses from such hazards, and develops mitigation strategies to assist the County and its subdivisions in preventing losses; and,

WHEREAS, a countywide committee has reviewed and updated the plan for 2013; and,

WHEREAS, the Director of Public Service has reviewed the revisions and recommends the City adopt the revisions to the CANHMP; and,

WHEREAS, the City’s adoption of the revisions to the CANHMP are a necessary step in the Federal Emergency Management Agency’s (“FEMA”) approval of Lucas County’s Plan.

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

SECTION 1. The Council of the City of Sylvania adopts the 2013 revisions to the Lucas County Countywide All Natural Hazard Mitigation Plan on behalf of the City of Sylvania.

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

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

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

**SECTION 5.** That this ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately from and after its passage. The reason for the emergency lies in the fact that this ordinance is necessary for the immediate preservation of the public peace, health, safety and property and for the further reason that this ordinance must be immediately effective for Lucas County to submit the CANHMP to FEMA for its approval.

Vote dispensing with the second and third readings:      Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Passed, \_\_\_\_\_, 2013, as an emergency measure.

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Director of Law

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

**ORDINANCE NO. 2 -2013**

**AMENDING CHAPTER 1166 – SIGN REGULATIONS OF THE SYLVANIA CODIFIED ORDINANCES BY AMENDING SECTION 1166.03 – PERMIT REQUIRED; BY AMENDING SECTION 1166.07 – STANDARDS FOR PERMITTED SIGNS; DENYING THE RECOMMENDATION OF THE SYLVANIA MUNICIPAL PLANNING COMMISSION; AND DECLARING AN EMERGENCY.**

WHEREAS, Ordinance No. 1-2006, passed February 22, 2006, amended Chapter 1166 – Sign Regulations of the Sylvania Codified Ordinances; and,

WHEREAS, at the January 7, 2013 meeting of Sylvania City Council, the proposed amendments to Sylvania Codified Ordinance Sections 1166.03 and 1166.07 were referred to the Sylvania Municipal Planning Commission for its review and recommendation; and,

WHEREAS, the Sylvania Municipal Planning Commission met on January 16, 2013 to consider the proposed amendments to Sections 1166.03 and 1166.07 and thereafter voted to conduct further review and research prior to making a recommendation to Sylvania City Council; and,

WHEREAS, said Municipal Planning Commission did report its recommendation to Council on February 19, 2013 of its February 13, 2013 review of the proposed amendments to Sylvania Codified Ordinance Sections 1166.03 and 1166.07, which recommendation was as follows:

...“After further review and discussion of the proposed ordinance were made, Mr. Marciniak moved, Dr. Backus seconded to not recommend the proposed changes to the Sylvania Sign Code. Vote being: Marciniak, Lindsley, Backus, Stough (4) aye; (0) nay. Motion passed by a 4 to 0 vote.”...

and,

WHEREAS, this Council, on January 22, 2013, established March 4, 2013, at 6:30 p.m., as the date and time for the Public Hearing before this Council on said proposed amendments; and,

WHEREAS, such Hearing was advertised pursuant to the Codified Ordinances of the City and notices given as required and the Hearing was duly held at the date, time and location specified in the notices and advertisements; and,

WHEREAS, following the public hearing, a recommendation was made to deny the Municipal Planning Commission's recommendation and adopt the proposed amendments to Sections 1166.03 and 1166.07 as set forth on the attached "Exhibits A and B."

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

SECTION 1. That Section 1166.03 – Permit Required, of the Codified Ordinances of Sylvania, 1979, be, and the same hereby is, amended to read as set forth on "Exhibit A."

SECTION 2. That Section 1166.07 – Standards for Permitted Signs, of the Codified Ordinances of Sylvania, 1979, be, and the same hereby is, amended to read as set forth on AExhibit B.@

SECTION 3. 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 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 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 must be immediately effective to provide for the necessary changes to the Codified Ordinances. 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, \_\_\_\_\_, 2013, as an emergency measure.

ATTEST:

\_\_\_\_\_  
President of Council  
APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Director of Law

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

1166.03 PERMIT REQUIRED.

\* \* \*

- (14) Temporary Signs that conform to the requirements of Section 1166.07(h) and are less than or equal to nine (9) square feet in size may be displayed. This allowance shall not apply to banners, promotional banners, construction signs, future development signs, portable commercial signs, other Temporary Signs with a commercial message and other Temporary Signs larger than nine (9) square feet in size; and all such Temporary Signs shall be subject to permit as required in Section 1166.03(a).

\* \* \*

- (17) Temporary signs in zoning districts other than residential that conform to the requirements of Section 1166.07(h) and are less than or equal to fifteen (15) square feet in size may be displayed. (Ord. \_\_\_\_\_-2013. Passed \_\_\_\_\_-2013.)

\* \* \*

“Exhibit A”

1166.07 STANDARDS FOR PERMITTED SIGNS.

\* \* \*

(h) Temporary Signs.

(I) General requirements. Temporary signs shall be permitted only in accordance with the following regulations and other applicable regulations of this chapter, the Building Code, or other City ordinances, except that temporary signs shall be permitted in addition to the maximum number of signs as provided in Section 1166.07(a).

- A. Permit required. Unless specifically identified as not requiring a permit in Section 1166.03, all temporary signs shall require a sign permit.
- B. Sign Area. Temporary signs requiring a permit shall be limited in size to nine (9) square feet in residential zoning districts and limited to fifty (50) square feet in all other zoning districts.
- C. Display Period. Temporary signs shall be permitted for a specific period not to exceed one (1) year or such other period as specified herein.
- D. Location. Temporary Signs shall not be placed on any public property, public right-of-way, public utility facility, utility pole, lamp post, electric light, railway, shade tree, fire hydrant or any box covering them, bridge or bridge abutment, pavement, sidewalk, crosswalk, public building, or any property belonging to the City.
- E. Condition. Temporary signs may be displayed only so long as they remain in good structural condition. In addition, all temporary signs shall be kept neatly painted, stained, sealed and preserved, including all metal parts and all supports.
- F. Removal of Temporary Signs. If a temporary sign is unpermitted, illegally placed, or non-conforming in condition the Zoning Administrator or his designee may have it removed.  
(Ord. \_\_\_\_-2013. Passed \_\_\_\_\_-2013.)

\* \* \*

“Exhibit B”

**ORDINANCE NO. 30 -2013**

**AUTHORIZING A FIRST AMENDMENT TO WATER TOWER ATTACHMENT LEASE AGREEMENT BETWEEN THE CITY OF SYLVANIA, AS LESSOR, AND SPRINT SPECTRUM REALTY COMPANY, L.P., A DELAWARE CORPORATION, AS LESSEE, OF THE WATER TOWER WITHIN BURNHAM PARK AND ADDITIONAL LAND IN BURNHAM PARK, FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING, REPAIRING, OPERATING, ALTERING, INSPECTING AND REMOVING EQUIPMENT; 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 Burnham Park, located in the City of Sylvania, Ohio; and,

WHEREAS, Ordinance No. 176-97, passed December 15, 1997, authorized a lease between Sprint Spectrum, L.P. for space on the water tower in Burnham Park and an additional 400 square feet of land; and,

WHEREAS, Sprint Realty Company, L.P., successor in interest to Sprint Spectrum L.P. has proposed to continue to lease space on the water tower and additional land of approximately 400 square feet at Burnham Park, located in the City of Sylvania, Ohio, for the initial term of sixty (60) months with two additional sixty (60) month lease terms under financial terms set forth in said lease, with rental for the initial term to be at Two Hundred Twelve Thousand Five Hundred Ninety-Three and 32/100 Dollars (\$212,593.32); and,

WHEREAS, the City of Sylvania will receive as additional compensation one-half of the cost to repaint the water tower at Burnham Park not to exceed Forty-One Thousand Ninety-One Dollars (\$41,091.00); and,

WHEREAS, a copy of said lease is attached hereto as "Exhibit A" and made a part

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 water tower at Burnham Park and attached additional land located in the City of Sylvania, Ohio which is hereby determined not to be needed for municipal purposes.

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 Sprint Realty Company, L.P., a Delaware Corporation, successor in interest to Sprint Spectrum, L.P., a Delaware Corporation, as Lessee, for the initial term of sixty (60) months with two additional sixty (60) month lease terms under financial terms set forth in said lease, with rental for the initial term to be at Two Hundred Twelve Thousand Five Hundred Ninety-Three and 32/100 Dollars (\$212,593.32), 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. A copy of said lease is attached hereto as "Exhibit A", and made a part hereof.

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 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 and for the further reason that continuing to provide communications technology to our citizens enhances the development and growth 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, \_\_\_\_\_, 2013, as an emergency measure.

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Director of Law

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

**FIRST AMENDMENT TO  
WATER TOWER ATTACHMENT LEASE AGREEMENT**

THIS FIRST AMENDMENT TO WATER TOWER ATTACHMENT LEASE AGREEMENT ("Amendment") is made effective as of \_\_\_\_\_, 201\_\_ ("Effective Date"), by and between the City of Sylvania, Ohio, an Ohio municipal corporation ("Landlord") and Sprint Spectrum Realty Company, L.P., a Delaware limited partnership, successor in interest to Sprint Spectrum L.P., a Delaware limited partnership ("Tenant").

**BACKGROUND**

Pursuant to a Water Tower Attachment Lease Agreement dated December 15, 1997 ("Lease"), Landlord leased to Tenant a certain portion of real property located at 6829 Erie Street, City of Sylvania, County of Lucas, State of Ohio, as more particularly described in the revised Exhibit B attached hereto ("Premises").

Landlord and Tenant desire to amend the Lease as set forth herein. Words and phrases having a defined meaning in the Lease have the same respective meanings when used herein unless otherwise expressly stated.

**AGREEMENT**

The parties agree as follows:

1. **TERM.** Section 3 of the Lease is amended by adding the following:

Notwithstanding anything set forth in 3 to the contrary, the current term of the Lease will expire on December 31, 2012. Commencing on January 1, 2013, the term of the Lease ("New Initial Term") is sixty (60) months. The Lease will be automatically renewed for up to two (2) additional terms (each a "Renewal Term") of sixty (60) months each. Each Renewal Term will be deemed automatically exercised without any action by either party unless Tenant gives written notice of its decision not to exercise any option(s) to Landlord before expiration of the then current term.

2. **RENT.** Section 4 of the Lease is amended by adding the following:

Notwithstanding anything set forth in Section 4 to the contrary, effective January 1, 2013, the rent shall be paid in equal monthly installments of Three Thousand Three Hundred Thirty-Six and 91/100 Dollars (\$3,336.91), and shall continue during the term (until increased as set forth herein), partial months to be prorated, in advance ("Rent"). Commencing on January 1, 2014, the Rent will be increased annually by three percent (3%) of the then current Rent. Thereafter, commencing on January 1, 2023, the Rent will be increased annually by five percent (5%) of the then current Rent.

January 1, 2013	\$3,336.91
January 1, 2014	\$3,437.02
January 1, 2015	\$3,540.13

Landlord initials: \_\_\_\_\_

Tenant initials: \_\_\_\_\_

January 1, 2016	\$3,646.33
January 1, 2017	\$3,755.72
January 1, 2018	\$3,868.39
January 1, 2019	\$3,984.44
January 1, 2020	\$4,103.97
January 1, 2021	\$4,227.09
January 1, 2022	\$4,353.90
January 1, 2023	\$4,571.60
January 1, 2024	\$4,800.17
January 1, 2025	\$5,040.18
January 1, 2026	\$5,292.19
January 1, 2027	\$5,556.80

3. **MAINTENANCE.** Section 7.1 of the Lease is deleted in its entirety and replaced with the following:

"7.1 Landlord will maintain the Tower in a proper operating and safe condition. All costs associated with the maintenance and repair of the Tower, will be paid by Landlord, unless the damage to the tower is caused by Tenant, in which case Tenant shall repair such damage or, at Tenant's option, reimburse Landlord for the costs and expenses incurred by Landlord to repair damage. The above notwithstanding, based on previous disclosures made by and discussions with Landlord, Tenant agrees that at anyone time during Term hereof, that should Landlord desire to paint the Tower, Tenant shall pay one half of such costs, not to exceed Forty-One Thousand Ninety-One and 00/100 Dollars (\$41,091.00). Tenant shall pay Tenant's share with thirty days after written documentation has been given Tenant, supporting, to Tenant's reasonable satisfaction that such work has been done on the Tower and that such costs relate solely to the Tower."

4. **HOLDING OVER.** The last sentence of Section 8 of the Lease deleted in its entirety.

5. **NOTICES.** Section 9 of the Lease is deleted in its entirety and replaced with the following:

"All notices, requests, demands or other communications with respect to the Lease, whether or not herein expressly provided for, must be in writing and will be deemed to have been delivered upon receipt or refusal to accept delivery after being either mailed by United States first-class certified or registered mail, postage prepaid, return receipt requested or deposited with an overnight courier service for next-day delivery to the parties at the following addresses (the addresses may be changed by either party by giving written notice).

Landlord: City of Sylvania, Ohio  
Attn: Service Director  
6730 Monroe Street  
Sylvania, OH 43560

Landlord initials: \_\_\_\_\_

Tenant initials: \_\_\_\_\_

Tenant: Sprint Spectrum Realty Company, L.P.  
Sprint/Nextel Property Services  
Site ID: DE14XC004-A  
Mailstop KSOPHT0101-Z2650  
6391 Sprint Parkway  
Overland Park, KS 66251-2650

with a copy to: Sprint/Nextel Law Department  
Attn: Real Estate Attorney  
Site ID: DE14XC004-A  
Mailstop KSOPHT0101-Z2020  
6391 Sprint Parkway  
Overland Park, KS 66251-2020"

6. **EXHIBIT B.** The attached Exhibit B shall be incorporated into and made a part of the Lease and shall supersede and replace the existing Exhibit B to the Lease, respectively. Upon full execution of this Amendment, Tenant is permitted to do any work necessary to install, modify, or otherwise relocate the Communications Facility on the Premises, as more fully described in attached Exhibit B.

7. **ADDITIONAL TERMS AND CONDITIONS TO THIS AMENDMENT.** Landlord agrees to promptly execute and deliver to Tenant a recordable Memorandum of Amendment in the form of Attachment 1, attached.

8. **REAFFIRMATION; INTENTION TO BE BOUND.** Except as provided in this Amendment, each and every term, condition and agreement contained in the Lease will remain in full force and effect. The parties reaffirm that the representations and warranties made by each of the parties in the Lease are true and accurate as of the Effective Date. The parties executing this Amendment, on behalf of themselves, their assigns and successors, acknowledge and reaffirm their intention to be bound by the terms and conditions of the Lease.

**SIGNATURES APPEAR ON THE FOLLOWING PAGE**

Landlord initials: \_\_\_\_\_

Tenant initials: \_\_\_\_\_

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed as of the Effective Date.

**Landlord:**

**Tenant:**

**City of Sylvania, Ohio,  
an Ohio municipal corporation**

**Sprint Spectrum Realty Company, L.P.,  
a Delaware limited partnership**

By: \_\_\_\_\_  
(please use blue ink)

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Printed Name: Nathan Olson

Title: \_\_\_\_\_

Title: Authorized Representative

Date: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_  
(please use blue ink)

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Landlord initials: \_\_\_\_\_

Tenant initials: \_\_\_\_\_

**EXHIBIT B**

(See attached.)

Landlord initials: \_\_\_\_\_

MD7

Tenant initials: \_\_\_\_\_



ENGINEER:



PREPARED FOR:



CONSULTANT:



SEAL:

SITE NUMBER: DE14XC004  
 SITE ADDRESS: 6829 ERIE STREET  
 WEST SYLVANIA, OH 43080  
 LUCAS COUNTY

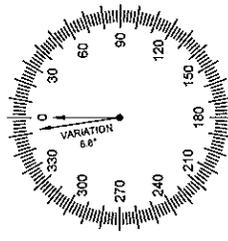
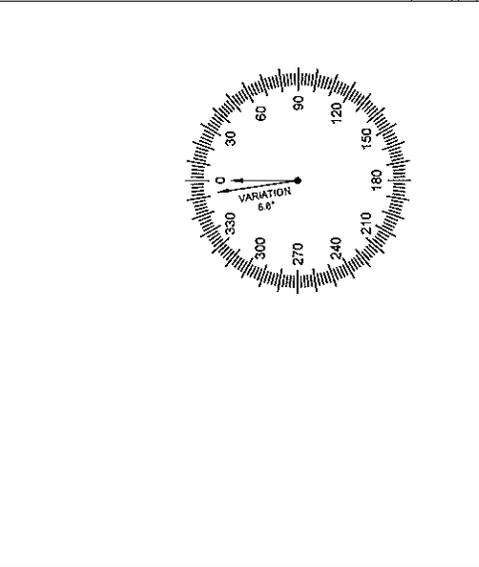
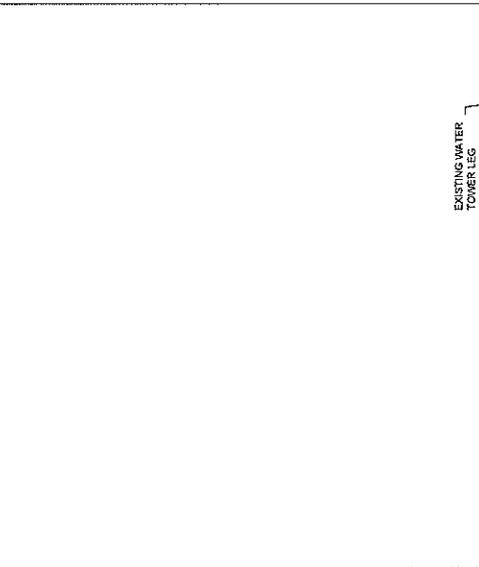
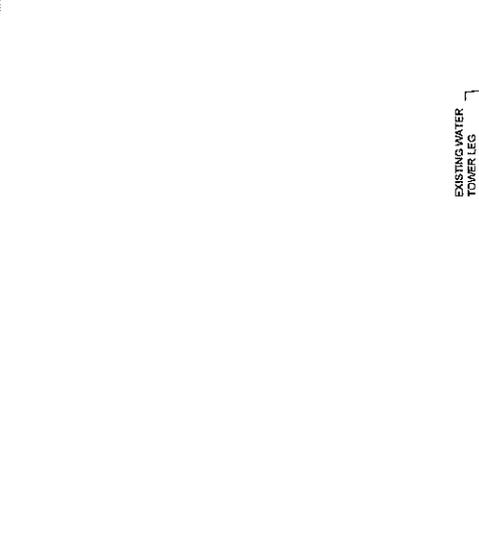
THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY TO THE CLIENT AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED. ANY REUSE OR REPRODUCTION OF THIS INFORMATION WITHOUT THE WRITTEN PERMISSION OF THE CLIENT IS STRICTLY PROHIBITED.

DATE	07/10/12	SK-1
NO.		SUBJECT
REVISION		DATE
BY		
CHECKED		
DESIGNED		
DRAWN		
PROJECT NO.	012-01787-00	
PROJECT NAME	Eric's Drink	
PROJECT LOCATION	Eric's Drink	
CLIENT	MAHONEY MCKAY/CMK	
DESIGNED BY		
DRAWN BY		

PROJECT NO. 012-01787-00  
 PROJECT NAME Eric's Drink  
 PROJECT LOCATION Eric's Drink  
 CLIENT MAHONEY MCKAY/CMK  
 DESIGNED BY  
 DRAWN BY

EQUIPMENT SITE PLAN

A2



1 EQUIPMENT SITE PLAN (FINAL) SCALE: 1/4" = 1'

2 EQUIPMENT SITE PLAN (TEMPORARY) SCALE: 1/4" = 1'

3 EQUIPMENT SITE PLAN (EXISTING) SCALE: 1/4" = 1'

**NOTES:**

- CONTRACTOR TO FIELD VERIFY ANTENNA CABLE LENGTHS. ALL CABLES SHALL BE COLOR CODED IN THE FOLLOWING MANNER: COLOR CODE ALL ANTENNAS AND COAX WITH 2" WIDE BANDS OF COLORED TAPE WITH 1" SEPARATION BETWEEN BANDS.
- COLOR CODE ALL TOP AND BOTTOM GROUND KIDS WITH 1" WIDE BANDS OF COLORED TAPE WITH 1/2" SEPARATION BETWEEN BANDS.
- ANTENNAS SHALL BE PROTECTED FROM LIGHTNING PROTECTING.
- START SECTOR COLOR NEXT TO END CONNECTOR.
- ALL MAIN CABLES WILL BE GROUNDED W/ COAXIAL CABLE GROUND KITS AT:
  - THE ANTENNA LEVEL
  - NO LEVEL IF TOWER IS OVER 200'
  - TERMINATION OF COAX LINES TO JUMPERS
- ALL NEW GROUND BAR DOWNLEADS ARE TO BE CADWELDED TO THE EXISTING ADJACENT GROUND BAR DOWNLEADS A MINIMUM DISTANCE OF 4FT BELOW GROUND BAR

**COAXIAL ANTENNA CABLE NOTES:**

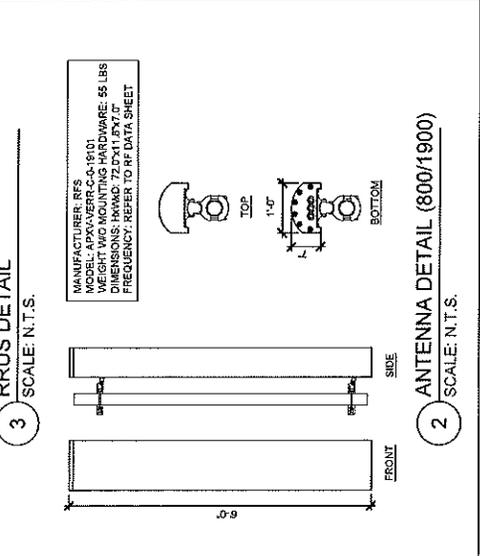
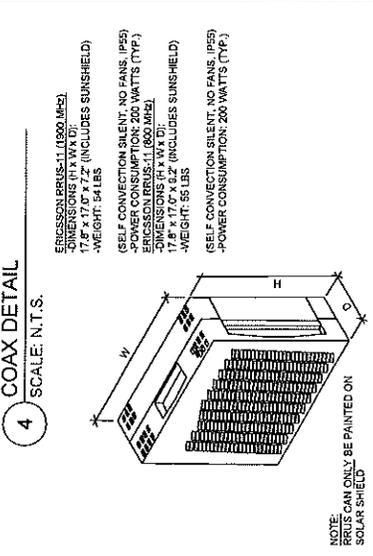
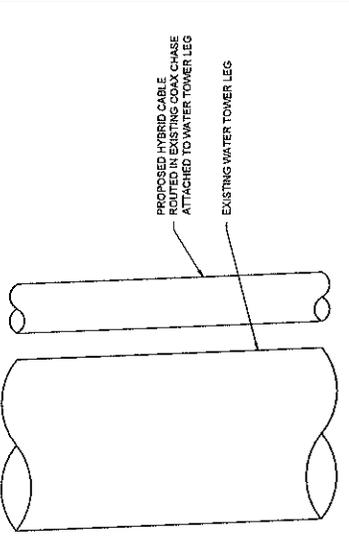
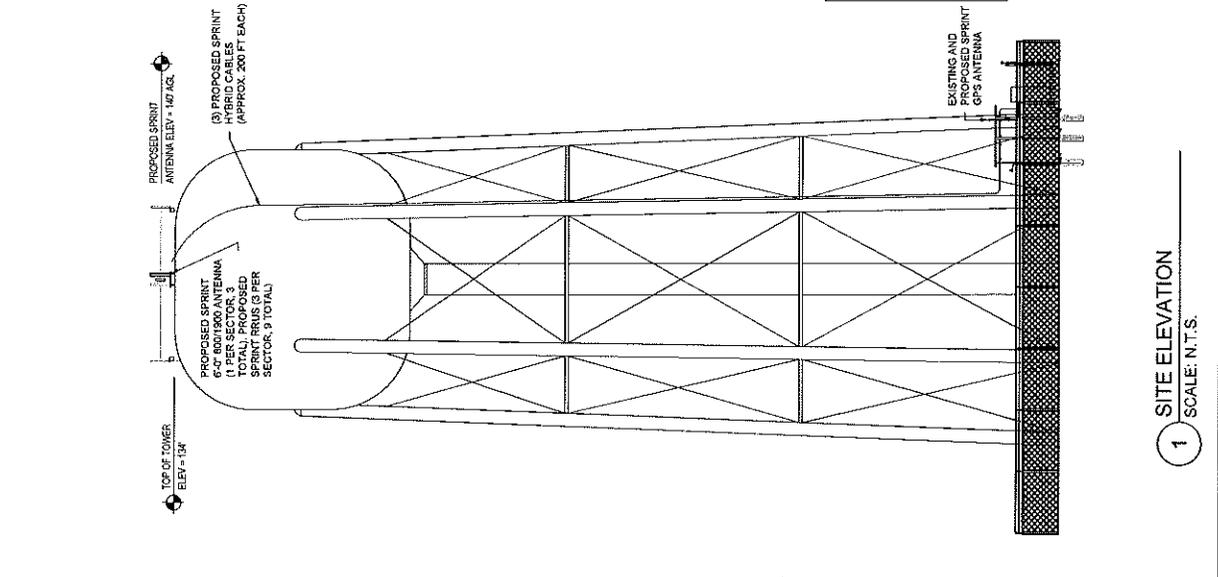
- THE ANTENNA COAXIAL CABLE INSTALLER SHALL BE RESPONSIBLE FOR PERFORMING AND SUPPLYING SPRING WITH 3 TYPEWRITTEN SMEP TESTS (ANTENNA RETURN LOSS TEST). THIS TEST SHALL BE PERFORMED TO THE SPECIFICATIONS AND PARAMETERS OUTLINED BY THE MANUFACTURER OF THE ANTENNA. THIS TEST SHALL BE PERFORMED PRIOR TO FINAL ACCEPTANCE OF THE SITE.
- THE COAXIAL ANTENNA CABLE INSTALLER SHALL BE RESPONSIBLE FOR PERFORMING AND VERIFY CABLE LENGTH AND TO CHECK FOR WATER DAMAGE.
- ALL ANTENNAS SHALL BE GROUNDED TO THE MAIN TRANSMISSION LINE WILL BE 1/2" JUMPERS AND SHALL NOT EXCEED 6'-0". MAXIMUM LENGTH FOR THE JUMPERS AT WMAX BTS UNITS WILL BE 6'-0".
- IF COAX IS BEING RE-USED FOR THIS INSTALLATION, PRE AND POST ANTENNA LINE SWEEPS ARE REQUIRED.

**ANTENNA MOUNTING NOTES:**

- DESIGN AND CONSTRUCTION OF ANTENNA SUPPORTS SHALL CONFORM TO CURRENT NATIONAL ELECTRICAL CODES AND ALL APPLICABLE LOCAL ELECTRICAL AND STEEL CODES.
- ALL STEEL MATERIALS SHALL BE GALVANIZED AFTER FABRICATION IN ACCORDANCE WITH ASTM A152 ZINC (NOT DIPPED GALVANIZED) COATINGS ON IRON AND STEEL PRODUCTS.
- ALL BOLTS, ANCHORS AND MISCELLANEOUS HARDWARE SHALL BE GALVANIZED IN ACCORDANCE WITH ASTM A53 ZINC-COATING (HOT DIP) ON IRON AND STEEL HARDWARE, UNLESS OTHERWISE NOTED.
- DAMAGED GALVANIZED SURFACES SHALL BE REPAIRED BY COLD GALVANIZING IN ACCORDANCE WITH ASTM A53 ZINC-COATING (HOT DIP) ON IRON AND STEEL HARDWARE.
- ALL ANTENNA MOUNTS SHALL BE INSTALLED WITH DOUBLE NUTS AND SHALL BE INSTALLED SNUG TIGHT.
- MINIMUM HORIZONTAL SPACING SHALL BE 2'-0" BETWEEN ALL ANTENNAS.

**NOTES:**

- ALL AZIMUTHS ARE TO BE ESTABLISHED CLOCKWISE FROM THE TRUE NORTH HEADING.
- CONTRACTOR SHALL VERIFY PROPOSED ANTENNA RAD CENTER AND ORIENTATIONS WITH SPRINT PRIOR TO INSTALLATION OF ANTENNAS.
- PROPOSED ANTENNA MOUNTING RESTRICTIONS, EXISTING TOWER AND TOWER FOUNDATION MUST BE ANALYZED BY A LICENSED STRUCTURAL ENGINEER TO VERIFY TOWER IS CAPABLE OF SUPPORTING THE PROPOSED LOADS. REFER TO STRUCTURAL ANALYSIS BY OTHERS.
- CONTRACTOR SHALL REFER TO TOWER STRUCTURAL CALCULATION FOR ADDITIONAL INFORMATION. ANY MODIFICATION OF TOWER SHALL BE MADE WITHOUT APPROVAL OF STRUCTURAL ENGINEER.





**ATTACHMENT 1**

**RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:**

Sprint/Nextel Property Services  
Mailstop KSOPHT0101-Z2650  
6391 Sprint Parkway  
Overland Park, Kansas 66251-2650

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**MEMORANDUM OF FIRST AMENDMENT TO  
WATER TOWER ATTACHMENT LEASE AGREEMENT**

The MEMORANDUM OF FIRST AMENDMENT TO WATER TOWER ATTACHMENT LEASE AGREEMENT ("Memorandum"), evidences that an amendment ("Amendment") was made to Water Tower Attachment Lease Agreement dated December 15, 1997 ("Lease"), by and between the City of Sylvania, Ohio, an Ohio municipal corporation ("Landlord") and Sprint Spectrum Realty Company, L.P., a Delaware limited partnership, successor in interest to Sprint Spectrum L.P., a Delaware limited partnership ("Tenant").

The terms and conditions of the Lease and Amendment are incorporated herein by reference.

The Lease as amended provides in part that Landlord leased to Tenant a certain site located at 6829 Erie Street, City of Sylvania, County of Lucas, State of Ohio, which is more particularly described on **Exhibit A** attached and incorporated herein by reference. The Amendment grants Tenant the option to extend the Lease for two (2) additional sixty (60) month terms after the expiration of the new initial sixty (60) month term which commenced on January 1, 2013.

All notices to Tenant must be sent via U.S. Postal Service certified mail, return receipt requested with all postage prepaid to:

Sprint Spectrum Realty Company, L.P.  
Sprint/Nextel Property Services  
Site ID: DE14XC004-A  
Mailstop KSOPHT0101-Z2650  
6391 Sprint Parkway  
Overland Park, KS 66251-2650

with a mandatory copy to:  
Sprint/Nextel Law Department  
Attn: Real Estate Attorney  
Site ID: DE14XC004-A  
Mailstop KSOPHT0101-Z2020  
6391 Sprint Parkway  
Overland Park, KS 66251-2020

Landlord initials: \_\_\_\_\_

Tenant initials: \_\_\_\_\_

IN WITNESS WHEREOF, the parties have executed this Amended Memorandum as of the day and year indicated below.

**Landlord:**  
**City of Sylvania, Ohio,**  
**an Ohio municipal corporation**

**Tenant:**  
**Sprint Spectrum Realty Company, L.P.,**  
**a Delaware limited partnership**

By:           (NOT FOR EXECUTION)            
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By:           (NOT FOR EXECUTION)            
Printed Name: Nathan Olson  
Title: Authorized Representative

Landlord initials: \_\_\_\_\_

Tenant initials: \_\_\_\_\_

**EXHIBIT A  
TO MEMORANDUM OF FIRST AMENDMENT TO  
WATER TOWER ATTACHMENT LEASE AGREEMENT**

**Description of Property**

A portion of certain real property located at 6829 Erie Street, City of Sylvania, County of Lucas, State of Ohio, described as follows:

**Part of Lot 23 of "Burnham's Addition" part of Section 9, T.9 S., R.6 E., City of Sylvania, Lucas County, State of Ohio (Volume 19, Page 2 Lucas County Records), commencing at the Northeast corner of Lot 22; thence along the North lot line West, 10.32 feet; thence S 03°52'36" W, 31.95 feet; thence S 57°28'06" W, 45.00 feet; thence S 89°16'11" W, 38.62 feet; thence S 88°47'23" E, 8.00 feet to the Point of Beginning; Thence S 03°12'37" W, 20.00 feet; thence N 88°47'23" W, 20.00 feet; thence N 03°12'37" E, 20.00 feet; thence S 88°47'23" E, 20.00 feet to the Point of Beginning, containing 400.0 square feet or 0.009 acres and subject to easements and restrictions of record.**

Landlord initials: \_\_\_\_\_

Tenant initials: \_\_\_\_\_

**RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:**

Sprint/Nextel Property Services  
Mailstop KSOPHT0101-Z2650  
6391 Sprint Parkway  
Overland Park, Kansas 66251-2650

[space above this line for Recorder's use]

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The terms and conditions of the Lease and Amendment are incorporated herein by reference.

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All notices to Tenant must be sent via U.S. Postal Service certified mail, return receipt requested with all postage prepaid to:

Sprint Spectrum Realty Company, L.P.  
Sprint/Nextel Property Services  
Site ID: DE14XC004-A  
Mailstop KSOPHT0101-Z2650  
6391 Sprint Parkway  
Overland Park, KS 66251-2650

with a mandatory copy to:  
Sprint/Nextel Law Department  
Attn: Real Estate Attorney  
Site ID: DE14XC004-A  
Mailstop KSOPHT0101-Z2020  
6391 Sprint Parkway  
Overland Park, KS 66251-2020

**SIGNATURES APPEAR ON THE FOLLOWING PAGE**

Landlord initials: \_\_\_\_\_

Tenant initials: \_\_\_\_\_



**EXHIBIT A  
TO MEMORANDUM OF FIRST AMENDMENT TO  
WATER TOWER ATTACHMENT LEASE AGREEMENT**

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Landlord initials: \_\_\_\_\_

Tenant initials: \_\_\_\_\_

**ORDINANCE NO. 32 -2013**

**AN ORDINANCE TO APPROVE, ADOPT AND ENACT CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES; TO REPEAL ORDINANCES IN CONFLICT THEREWITH; TO PUBLISH THE ENACTMENT OF NEW MATTER; AND DECLARING AN EMERGENCY.**

WHEREAS, certain provision within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and,

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and,

WHEREAS, Council has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision; and,

WHEREAS, the codification of such ordinances, together with the new matter to be adopted, the matters to be amended and those to be repealed are before the Council.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, \_\_\_\_\_members elected thereto concurring:

SECTION 1. That the ordinances of the City of Sylvania, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections with the 2013 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

SECTION 2. That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law:

Traffic Code

- 301.031 Beacon; Hybrid Beacon. (Added)
- 301.061 Highway Traffic Signal. (Added)
- 301.17 Intersection. (Amended)
- 301.181 Median. (Added)
- 301.26 Private Road or Driveway. (Added)
- 301.361 Shared-Use Path. (Added)
- 301.45 Traffic. (Amended)
- 301.46 Traffic Control Device. (Amended)
- 301.47 Traffic Control Signal. (Amended)
- 303.01 Compliance With Order of Police Officer. (Amended)

303.041 Emergency, Public Safety and Coroner's Vehicles Exempt. (Amended)  
 303.99 General Traffic Code Penalty. (Amended)  
 313.03 Traffic Signal Indications. (Amended)  
 313.04 Lane-Use Control Signal Indications. (Amended)  
 313.05 Special Pedestrian Control Signals. (Amended)  
 313.06 Flashing Traffic Signals. (Repealed)  
 331.12 U-Turns Restricted. (Amended)  
 333.11 Texting While Driving Prohibited. (Added)  
 335.032 Electronic Wireless Communication Device Prohibited. (Added)  
 335.07 Driving Under License Suspension or Restriction. (Amended)  
 335.072 Driving Under Financial Responsibility Law Suspension or Cancellation.  
 (Amended)  
 335.074 Driving Under License Forfeiture or Child Support Suspension.  
 (Amended)  
 337.01 Driving Unsafe Vehicles. (Amended)  
 337.09 Lights on Parked or Stopped Vehicles. (Amended)  
 337.18 Motor Vehicle and Motorcycle Brakes. (Amended)  
 337.23 Limited Load Extension on Left Side of Passenger Vehicle. (Amended)  
 337.29 Bumper Heights. (Amended)  
 339.01 Oversize or Overweight Vehicle on State Routes. (Amended)  
 339.03 Maximum Width, Height and Length. (Amended)  
 339.06 Vehicles Transporting Explosives. (Amended)  
 339.07 Towing Requirements. (Amended)  
 339.08 Loads Dropping or Leaking. (Amended)  
 341.01 Commercial Vehicle Definitions. (Amended)  
 341.03 Prerequisites to Operation of a Commercial Motor Vehicle. (Amended)  
 341.05 Commercial Drivers' Criminal Offenses. (Amended)  
 351.04 Parking Near Curb; Handicapped Parking. (Amended)  
 373.02 Riding Upon Seats; Handlebars; Helmets. (Amended)

#### General Offenses Code

501.11 Organizational Criminal Liability. (Amended)  
 513.12 Drug Paraphernalia. (Amended)  
 513.121 Marihuana Drug Paraphernalia. (Added)  
 517.01 Gambling Definitions. (Amended)  
 517.02 Gambling. (Amended)  
 517.05 Cheating. (Amended)  
 517.06 Methods of Conducting a Bingo Game. (Amended)  
 517.07 Instant Bingo Conduct. (Amended)  
 517.08 Raffles. (Amended)  
 517.09 Charitable Instant Bingo Organizations. (Amended)  
 517.10 Location of Instant Bingo. (Amended)  
 517.11 Bingo or Game of Chance Records. (Amended)  
 517.13 Bingo Exceptions. (Amended)  
 517.15 Skill-Based Amusement Machines. (Amended)  
 529.021 Purchase by Minors. (Amended)  
 529.04 Liquor Consumption in Motor Vehicle. (Amended)  
 533.08 Procuring. (Amended)  
 533.09 Soliciting. (Amended)  
 545.05 Petty Theft. (Amended)  
 549.15 Possessing Replica Firearms in School. (Amended)

Fire Prevention Code

1511.05      Open Burning; Recreational Fires; Portable Outdoor Fireplaces.  
(Amended)

A summary of the amendments to the sections listed above is set forth in Appendix A which is attached to this ordinance.

SECTION 3. 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 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, Sections 11(c) and 12, of the Charter of this City.

SECTION 5. 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 there exists an imperative necessity for the earliest publication and distribution of current Replacement Pages to the officials and residents of the City, so as to facilitate administration, daily operation and avoid practical and legal entanglements. 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, \_\_\_\_\_, 2013, as an emergency issue.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Clerk of Council

APPROVED:

APPROVED AS TO FORM:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Director of Law

\_\_\_\_\_  
Date

Appendix A

Summary of 2013 Model Changes

- 301.031 Beacon; Hybrid Beacon. (Adds new definition to Traffic Code.)
- 301.161 Highway Traffic Signal. (Adds new definition to Traffic Code.)
- 301.17 Intersection. (Expands definition to include certain locations controlled by a traffic control device.)
- 301.181 Median. (Adds new definition to Traffic Code.)
- 301.26(b) Private Road Open to Public Traffic. (Adds new definition to Traffic Code.)
- 301.361 Shared-Use Path. (Adds new definition to Traffic Code.)
- 301.45 Traffic. (Adds “private road open to public travel” to definition.)
- 301.46 Traffic Control Device. (Adds “private road open to public travel” and “shared use path” to definition.)
- 301.47 Traffic Control Signal. (Adds “highway traffic signal” to definition.)
- 303.01 Compliance With Order of Police Officer. (Amends subsection (d) to add authorization for imposition of a class five license suspension and limiting driving privileges.)
- 303.041 Emergency, Public Safety and Coroner’s Vehicles Exempt. (Deletes reference to Ohio R.C. 4511.15 in subsection (a).)
- 303.99 General Traffic Code Penalty. (Amends subsection (a) to provide for a general code classification of a minor misdemeanor penalty regardless of any prior offenses.)
- 313.03 Traffic Signal Indications. (Revises section to bring it into compliance with Ohio Manual of Uniform Traffic Control Devices.)
- 313.04 Lane-Use Control Signal Indications. (Revises section to bring it into compliance with Ohio Manual of Uniform Traffic Control Devices.)
- 313.05 Special Pedestrian Control Signals. (Revises section to bring it into compliance with Ohio Manual of Uniform Traffic Control Devices.)
- 313.06 Flashing Traffic Signals. (Repeals Section.)
- 331.12 Turning at Intersections. (Adds exception “as provided in Section 313.03” to subsection (a).)
- 333.11 Texting While Driving Prohibited. (Adds new section which prohibits “texting” while driving a motor vehicle.)

335.032 Use of Electronic Wireless Communication Device Prohibited While Driving. (Adds new section which prohibits the holder of either a temporary instruction permit or a probationary driver's license from using an electronic wireless communication device while driving a motor vehicle.)

335.07 Driving Under license Suspension or Restriction. (Adds exception "and as provided in Sections 335.072 and 335.074" to subsection (a).)

335.072 Driving Under Financial Responsibility Law Suspension or Cancellation; Driving Under a Nonpayment of Judgment Suspension. (Amends subsection (d)(2) to make a violation a misdemeanor of the fourth degree; deletes former subsections (e) to (g).)

335.074 Driving Under License Forfeiture or Child Support Suspension. (Amends subsection (c)(2) to make a violation a misdemeanor of the fourth degree; deletes former subsections (b), (e) and (f).)

337.01 Driving Unsafe Vehicles. (Amends penalty to make a violation a minor misdemeanor regardless of any prior offense.)

337.09 Lights on Parked or Stopped Vehicles. (Amends penalty to make a violation a minor misdemeanor regardless of any prior offense.)

337.18 Motor Vehicle and Motorcycle Brakes. (Amends penalty to make a violation a minor misdemeanor regardless of any prior offense.)

337.23 Limited Load Extension on Left Side of Passenger Vehicle. (Amends penalty to make a violation a minor misdemeanor regardless of any prior offense.)

337.29 Bumper Heights. (Amends penalty to make a violation a minor misdemeanor regardless of any prior offense.)

339.01 Oversize or Overweight Vehicle on State Routes. (Amends penalty to make a violation a minor misdemeanor regardless of any prior offense.)

339.03 Maximum Width, Height and Length. (Adds new clause immediately preceding "B-train assembly" in the third paragraph of subsection (f) and makes minor stylistic changes.)

339.06 Vehicles Transporting Explosives. (Amends penalty to make a violation a minor misdemeanor regardless of any prior offense.)

339.07 Towing Requirements. (Amends penalty to make a violation a minor misdemeanor regardless of any prior offense.)

339.08 Loads Dropping or Leaking. (Amends penalty to make a violation a minor misdemeanor regardless of any prior offense.)

341.01 Commercial Vehicle Definitions. (Amends last line in 341.01(l) to read "as defined in Ohio R.C. 4923.01.")

341.03 Prerequisites to Operation of a Commercial Motor Vehicle. (Amends reference in subsection (b)(7) from Ohio R.C. Chapter 4919 to Chapter 4905.)

341.05 Criminal Offenses. (Adds new introductory paragraph and subsections (a)(6), (11) and (13).)

351.04 Parking Near Curb; Handicapped Parking. (Reworded measurement for height of a handicapped parking sign in subsection (e).)

### General Offenses Code

501.11 Organizational Criminal Liability. (The amendment makes nonsubstantive stylistic and wording changes to section.)

513.12 Drug Paraphernalia. (Adds subsection (d)(2) creating an exception for possession of marihuana drug paraphernalia which is now covered by Section 513.121.)

513.121 Marihuana Drug Paraphernalia. (Creates new offense of possession of marihuana drug paraphernalia.)

517.01 Gambling Definitions. (Completely revises and renumbers gambling definitions.)

517.02 Gambling. (Amends subsection (d)(1)C. to limit games of chance at festivals to not more than five days a calendar year.)

517.05 Cheating. (Increases the threshold amount from \$500 to \$1000 for determining whether a violation of the section is a misdemeanor.)

517.06 Methods of Conducting a Bingo Game. (Adds sentence to subsection (b)(1) exempting charitable organizations from paying taxes on leased premises; amends subsection (c)(6) to prohibit bingo sessions between two a.m. and ten a.m.)

517.07 Instant Bingo Conduct. (Adds exception to subsection (a)(10) and deletes former subsection (b)(1).)

517.08 Raffles. (Changes reference in subsection (a)(2) from Section 517.01(z) to 517.01(v).)

517.09 Charitable Instant Bingo Organizations. (Adds second and third paragraphs to subsection (d) relative to payment of expenses and deletes former subsection (b).)

517.10 Location of Instant Bingo. (Changes reference to Section 517.09 in subsection (a).)

517.11 Bingo or Game of Chance Records. (Adds "or electronic fund transfers" to last line of subsection (c).)

517.13 Bingo Exceptions. (Changes in text references in subsections (a)(1)D.2. and (a)(2)F.2. from Section 517.01(s)(2) to 517.01(o)(2).)

General Offenses Code (Cont.)

517.15 Skill-Based Amusement Machines. (Changes reference in subsection (a) from Section 517.01(bbb) to 517.01(vv).)

529.021 Purchase of Liquor by Minor. (Amends penalty to allow the court to require the offender to perform community service in lieu of suspending offender's temporary instruction permit or license.)

529.04 Liquor Consumption in Motor Vehicle. (Amends penalty to allow the court to require the offender to perform community service in lieu of suspending offender's temporary instruction permit or license.)

533.08 Procuring. (Changes penalty classification to a felony if the person involved is a minor less than eighteen years of age.)

533.09 Soliciting. (Adds last sentence to subsection (c) authorizing a court to require community service in lieu of a license suspension.)

545.05 Petty Theft. (Adds subsection (c)(3) authorizing a court to require community service in lieu of suspending a license, permit or operating privileges.)

549.15 Possessing Replica Firearms in School. (Adds last clause to subsection (d)(2) authorizing a court to require community service in lieu of suspending the license, permit or operating privileges.)

Fire Prevention Code

1511.05 Open Burning; Recreational Fires; Portable Outdoor Fireplaces. (Adds subsection (g)(1)C. on portable outdoor fireplaces.)

**ORDINANCE NO. 33 -2013**

**PROVIDING FOR THE CONSTRUCTION, MAINTENANCE, REPAIR, CLEANING AND ENCLOSING OPEN DRAINAGE DITCHES LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SYLVANIA; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE, BY AND THROUGH THE PROPER OFFICERS OF SAID CITY TO DO SAID WORK DURING THE YEAR 2013; ESTABLISHING ONE DISTRICT FOR SAID PURPOSE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 727.012 OF THE REVISED CODE OF OHIO; PROVIDING FOR THE ASSESSMENT OF THE COST AND EXPENSE THEREOF UPON ABUTTING PROPERTY; AND DECLARING AN EMERGENCY.**

WHEREAS, it is immediately urgent and necessary that work is authorized for the purpose of constructing, maintaining, repairing, cleaning and enclosing open drainage ditches located within the corporate limits of the City of Sylvania during the year 2013;

WHEREAS, the Director of Public Service has recommended to Council the construction, maintaining, repairing, cleaning and enclosing open drainage ditches located within the corporate limits of the City of Sylvania during the year 2013 in accordance with plans, estimates and schedules therefore heretofore prepared and now on file in the Office of the Clerk of Council.

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

SECTION 1. That it is hereby declared necessary and conducive to public health, convenience and welfare to construct, maintain, repair, clean and enclose open drainage ditches located within the corporate limits of the City of Sylvania during the year 2013. That for said purpose there is hereby established one (1) district which shall include all territory within and coextensive with the boundaries of the City of Sylvania, pursuant to the provisions of Section 727.012 of the Revised Code of Ohio.

SECTION 2. That the work of such construction, maintaining, repairing, cleaning and enclosing open drainage ditches located within the district of the City shall be done within said district, as herein set forth, and through the proper officers of the City of Sylvania; and such officers be, and they hereby are, authorized and directed to purchase required materials; to purchase or rent the necessary tools, machinery and appliances; to employ the necessary labor to

do said work all in accordance with the plans, estimates and schedules therefore heretofore prepared and now on file in the Office of the Clerk of Council for inspection of all persons interested, which said plans, estimates and schedules, including approximate present estimates of the cost of said work, is in the aggregate sum of Two Hundred Forty-Three Thousand, Two Hundred and Fifty Dollars (\$243,250.00).

SECTION 3. That said cost and expense of construction, maintaining, repairing, cleaning and enclosing open drainage ditches located within the corporate limits of the City in the amount of Two Hundred Forty-Three Thousand, Two Hundred and Fifty Dollars (\$243,250.00) shall be specially assessed by the front foot upon all of the lots and lands abutting and bounding upon each of said streets and public right-of-way in said district in the amount of thirty-five cents (35¢) per front foot as provided in Section 727.012 of the Ohio Revised Code, which said lots and lands are hereby determined to be specially benefitted by said work in the amount equal to the amount specially assessed against each such lot and land. The cost of said work shall include acquisition of the necessary materials, tools, machinery and appliances, the wages for the necessary labor, the cost of said plans, estimates and schedules, cost of publication and mailing of notices, and cost of this Ordinance, costs of the preparation, levy and collection of special assessments and interest on notes issued in anticipation of the levy and collection of the special assessments together with all necessary expenditures.

SECTION 4. That the special assessment so to be levied on said lots and lands shall be paid in one (1) installment in the manner provided in the case of special assessments pursuant to Section 727.01 of the Ohio Revised Code.

SECTION 5. That to provide a fund out of which shall be paid the assessed cost and expense of said work, bonds or notes or certificate of indebtedness of the City of Sylvania are hereby authorized to be issued and sold in anticipation of the levy and collection of said assessments.

SECTION 6. That the Director of Finance has prepared and filed in the Office of the Clerk of Council a list of the special assessments, pursuant to this Ordinance, and this Council finds and determines that such special assessments are in proportion to the special benefit derived by each property against which such assessments are to be levied and are not in excess of any statutory limitation.

SECTION 7. That, pursuant to Ohio Revised Code Section 727.14, the Clerk of Council is hereby directed to give notice of the passage of this Ordinance by publication of such notice once a week for two (2) consecutive weeks, and as to an owner of any lot or parcel of land the assessment upon which is estimated to exceed Two Hundred Fifty Dollars (\$250.00), the Clerk of Council is hereby directed to serve such notice in the same manner as service of summons in civil cases, or by certified mail addressed to such owner at his last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods. Objections to estimated assessments must be filed, in writing with the Clerk of Council within two (2) weeks after completion of the notice hereby required. An owner who fails to file an objection shall be deemed to have waived any objection. Any and all properly filed objections to estimated assessments shall be considered by Council at its first regular Council meeting held more than two (2) weeks after the completion of the notice hereby required and the estimated assessments so objected to shall at such meeting, be adjusted by Council by motion or other action reflected in the journal of the minutes of Council. Council, after adjusting such estimated assessments or, after the time for filing objections without any properly filed objections having been timely filed, may, by Ordinance, levy such estimated assessments and adjusted estimated assessments, as the case may be. No notice shall be required other than as herein required.

SECTION 8. That the method, manner, consideration and procedure for such drainage ditch work is hereby approved and this Council hereby determines the method, manner and procedure for levying assessments for such drainage ditch work to be as set forth in this Ordinance.

SECTION 9. 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 10. 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 11. 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 repair, cleaning, construction and maintenance of drainage ditches should be provided for immediately and therefore this Ordinance should be effective forthwith. 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, \_\_\_\_\_, 2013, as an emergency measure.

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Director of Law

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

**ORDINANCE NO. 34 -2013**

**PROVIDING FOR THE CONTROLLING BLIGHT AND DISEASE OF SHADE TREES AND FOR PLANTING, MAINTAINING, TRIMMING AND REMOVING SHADE TREES IN AND ALONG THE STREETS AND WITHIN PUBLIC RIGHT-OF-WAY OF THE CITY OF SYLVANIA; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE, BY AND THROUGH THE PROPER OFFICERS OF SAID CITY TO DO SAID WORK DURING THE YEAR 2013; ESTABLISHING ONE DISTRICT FOR SAID PURPOSE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 727.011 OF THE REVISED CODE OF OHIO; PROVIDING FOR THE ASSESSMENT OF THE COST AND EXPENSE THEREOF UPON ABUTTING PROPERTY; AND DECLARING AN EMERGENCY.**

WHEREAS, it is immediately urgent and necessary that work is authorized for the purpose of controlling blight and disease of shade trees and for planting, maintaining, trimming and removing shade trees in and along the streets and within public right-of-way of the City of Sylvania during the year 2013;

WHEREAS, the City Forester, through the Director of Public Service has recommended to Council the removal or special treatment of shade trees and for planting, maintaining, trimming and removing shade trees in and along the streets and within public right-of-way of the City of Sylvania during the year 2013 in accordance with plans, estimates and schedules therefore heretofore prepared and now on file in the Office of the Clerk of Council.

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

SECTION 1. That it is hereby declared necessary and conducive to public health, convenience and welfare to remove and provide special treatment for shade trees for the purpose of controlling blight and disease of same, and for planting, maintaining, trimming and removing shade trees in and along the streets and within public right-of-way of the City of Sylvania during the year 2013. That for said purpose there is hereby established one (1) district which shall include all territory within and coextensive with the boundaries of the City of Sylvania, pursuant to the provisions of Section 727.011 of the Revised Code of Ohio.

SECTION 2. That the work of such removal or special treatment of shade trees for the purpose of controlling blight and disease of same and for planting, maintaining, trimming and removing shade trees in and along the streets and within public right-of-way of the City of Sylvania shall be done within said district, as herein set forth, and through the proper officers of the City of Sylvania; and such officers be, and they hereby are, authorized and directed to purchase required materials; to purchase or rent the necessary tools, machinery and appliances; to employ the necessary labor to do said work all in accordance with the plans, estimates and schedules therefore heretofore prepared and now on file in the Office of the Clerk of Council for inspection of all persons interested, which said plans, estimates and schedules, including approximate present estimates of the cost of said work, is in the aggregate sum of Two Hundred Forty-Three Thousand, Two Hundred and Fifty Dollars (\$243,250.00).

SECTION 3. That said cost and expense of removal or special treatment of shade trees for the purpose of controlling blight and disease of same and for planting, maintaining, trimming and removing shade trees in and along the streets and within public right-of-way of the City of Sylvania in the amount of Two Hundred Forty-Three Thousand, Two Hundred and Fifty Dollars (\$243,250.00) shall be specially assessed by the front foot upon all of the lots and lands abutting and bounding upon each of said streets and public right-of-way in said district in the amount of thirty-five cents (35¢) per front foot as provided in Section 727.011 of the Ohio Revised Code, which said lots and lands are hereby determined to be specially benefitted by said work in the amount equal to the amount specially assessed against each such lot and land. The cost of said work shall include acquisition of the necessary materials, tools, machinery and appliances, the wages for the necessary labor, the cost of said plans, estimates and schedules, cost of publication and mailing of notices, and cost of this Ordinance, costs of the preparation, levy and collection of special assessments and interest on notes issued in anticipation of the levy and collection of the special assessments together with all other necessary expenditures.

SECTION 4. That the special assessment so to be levied on said lots and lands shall be paid in one (1) installment in the manner provided in the case of special assessments pursuant to Section 727.01 of the Ohio Revised Code.

SECTION 5. That to provide a fund out of which shall be paid the assessed cost and expense of said work, bonds or notes or certificate of indebtedness of the City of Sylvania are hereby authorized to be issued and sold in anticipation of the levy and collection of said assessments.

SECTION 6. That the Director of Finance has prepared and filed in the Office of the Clerk of Council a list of the special assessments, pursuant to this Ordinance, and this Council finds and determines that such special assessments are in proportion to the special benefit derived by each property against which such assessments are to be levied and are not in excess of any statutory limitation.

SECTION 7. That, pursuant to Ohio Revised Code Section 727.14, the Clerk of Council is hereby directed to give notice of the passage of this Ordinance by publication of such notice once a week for two (2) consecutive weeks, and as to an owner of any lot or parcel of land the assessment upon which is estimated to exceed Two Hundred Fifty Dollars (\$250.00), the Clerk of Council is hereby directed to serve such notice in the same manner as service of summons in civil cases, or by certified mail addressed to such owner at his last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods. Objections to estimated assessments must be filed, in writing with the Clerk of Council within two (2) weeks after completion of the notice hereby required. An owner who fails to file an objection shall be

deemed to have waived any objection. Any and all properly filed objections to estimated assessments shall be considered by Council at its first regular Council meeting held more than two (2) weeks after the completion of the notice hereby required and the estimated assessments so objected to shall at such meeting, be adjusted by Council by motion or other action reflected in the journal of the minutes of Council. Council, after adjusting such estimated assessments or, after the time for filing objections without any properly filed objections having been timely filed, may, by Ordinance, levy such estimated assessments and adjusted estimated assessments, as the case may be. No notice shall be required other than as herein required.

SECTION 8. That the method, manner, consideration and procedure for such shade tree work is hereby approved and this Council hereby determines the method, manner and procedure for levying assessments for such shade tree work to be as set forth in this Ordinance.

SECTION 9. 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 10. 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 11. 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 provision should be made immediately to provide for tree maintenance and therefore this Ordinance should be effective forthwith. 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, \_\_\_\_\_, 2013 as an emergency measure.

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Director of Law

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date



A.

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

Jody L. Balogh  
*Clerk of the Board*

March 19, 2013

Ms. Margaret Linter  
Clerk of Council  
City of Sylvania  
6730 Monroe Street  
Sylvania, OH 43560

Re: Annexation Petition 2013-1  
Portion of Sylvania Township to the City of Sylvania (6.30± Acres)

Dear Ms. Linter:

Enclosed is a copy of Resolution No. 13-248, accepting the filing of the above-referenced annexation petition. The hearing date for this annexation is set for Tuesday, May 21, 2013, at 1:30 p.m., One Government Center, First Floor, Commissioners' Chambers, Toledo, Ohio.

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

Sincerely,

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

Jody L. Balogh, Clerk

/jlb  
enc.

**Date:** March 12, 2013

**Resolution No. 13-248**

**Title:** Accepting the Filing of Annexation Petition No. 2013-1, Portion of Sylvania Township to the City of Sylvania

**Department/Agency:** Commissioners

**Contact:** Jody L. Balogh, Clerk

**Summary/Background:** There was filed with this Board on March 4, 2013, a petition for the annexation by a majority of the owners of approximately 6.30 acres of land, more or less, of real estate in Sylvania Township to the City of Sylvania by James A. Moan, Esq., agent for the petitioners. The petitioners requested that the territory be annexed pursuant to the annexation procedures contained in R.C. 709.02

**Budget Impact:** N/A

**Statutory Authority/ORC:** 709.02

**Commissioner Contrada offered the following resolution:**

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

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

Section 2. This Board's March 12, 2013, meeting is the first available regular session of the Board since the filing of the petition.

Section 3. This Board hereby sets the hearing date of **May 21, 2013, at 1:30 p.m.**, in the Commissioners' Hearing Room, First Floor, One Government Center, Toledo, Ohio.

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

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

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