

Sylvania City Council
September 6, 2016

6:45 p.m. Finance Committee Meeting
Ohio Checkbook

7:30 p.m. Council Meeting
Agenda

1. Roll call.
2. Pledge of Allegiance to the United States of America led by Mrs. Westphal.
3. Additions to the agenda.
4. Approval of the Council meeting minutes of August 15, 2016.
5. Mr. Scott Nelson, Sylvania City Schools Superintendent to provide information on the upcoming school levy.
6. Proposed Ordinance 40-2016, Amending the Sylvania Codified Ordinances, by adding Chapter 765-Dealers in Second-Hand Articles.
7. Alexis Road & Acres Road Traffic Signal Improvement Project.
 - a. Service Director's report on bids.
 - b. Proposed Ordinance 52-2016, Accepting the bid of FET Construction Services, LLC for the Alexis and Acres Roads Traffic Signal Improvement Project.
8. Water Supply.
 - a. Service Director's report to retain Fishbeck, Thompson, Carr & Huber for continued professional services.
 - b. Proposed Ordinance 53-2016, Accepting the proposal of Fishbeck, Thompson, Carr & Huber, Inc. to provide continued professional services relative to the Water Services Study.
9. City of Sylvania & Lucas County Sanitary Engineer Sanitary Lining Project.
 - a. Service Director's report on bids.
 - b. Proposed Ordinance 54-2016, Accepting the bid of Insituform Technologies USA, LLC and awarding contract for the City of Sylvania and Lucas County Sanitary Engineer Sanitary Lining Project.
10. Whiteford Township Service Area No. 1.
 - a. Service Director's report on agreement modification.
 - b. Proposed Ordinance 55-2016, Authorizing to enter into an agreement for the Discharge of Sanitary Sewer from the Service Area of Whiteford Township Sewer Disposal System No.1.

11. Set the date and time for Trick-or-Treat in the City. October 31 is a Monday.
12. Committee reports.
 - a. Buildings & Grounds Committee meeting held August 24, 2016.
 - b. Finance Committee meeting held at 6:45p.m. on this date.
13. Committee referrals.

INFORMATION

- A. August 2016 Cash Report from the Division of Taxation.
- B. Letter to Sylvania Residents regarding Noise Mitigation Petition US-23.
- C. 2nd Quarter 2016 Management Reports.

Minutes of the Meeting of Council
August 15, 2016

The Council of the City of Sylvania, Ohio met in regular session on August 15, 2016 at 7:30 p.m. with Mayor Craig A. Stough in the chair. Roll was called with the following members present: Katie Cappellini, Mark Frye, Mark Luetke, Doug Haynam, Sandy Husman, Jason Mishka, Mary Westphal: (7) present;, (0) absent.

Roll call:
All present.

Mayor Stough recognized Mr. Tim Snyder of the Toledo Regional Chamber of Commerce. Mr. Snyder stated his office of Advocacy and Public Policy specializes in Local Government relations that focus on legislation on the federal, state and local level. His service area is Northwest Ohio and is available for any questions the City may have.

Mr. Luetke 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:

- 19a. Schedule a Building & Grounds Committee meeting.

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

Additions to the agenda.

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

Mrs. Westphal presented the July 18, 2016 meeting 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 July 18, 2016 be approved; roll call vote being: Frye, Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Approval of the July 18 meeting minutes.

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

Mr. Haynam moved, Mr. Luetke seconded to refer Zoning Ordinance Amendment Petition No. ZA-3-2016, a request from Joe Mercurio, for a zoning change from B-2, "General Business District", and R-1, "Single-Family Residential Large Lot District" to B-2, "General Business District" for property located at 5142 W. Alexis Rd (Approx. 400' west of the intersection of Alexis and Whiteford on the north side of Alexis, Parcel #82-05182.) to the Planning Commission for review and recommendation; roll call vote being: Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

Referral to Plan Commission;
ZA-3-2016.

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

Mr. Haynam moved, Mrs. Husman seconded to set the public hearing date for ZA-2-2016 for September 19 at 7:15 p.m. and authorize the clerk to advertise; roll call vote being: Husman, Luetke, Mishka, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays. The motion carried.

ZA-2-2016, set
Public Hearing-
9/19/16 at
7:15p.m.

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

Mr. Mishka presented and read aloud by title only, proposed Ordinance No. 41-2016, a written copy of same having been previously furnished to each member of Council, "To assess a special tax upon the lots and lands described in the schedule referred to herein to pay a part of the cost and expense of providing for the construction, maintenance, repair, cleaning and enclosing open drainage ditches within the corporate limits of the City of Sylvania for the year ending December 31, 2016; and declaring an emergency."; Mr. Mishka moved, Mrs. Husman seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Luetke, Mishka, Westphal, Cappellini, Frye, Haynam, Husman, (7) yeas; (0) nays. The motion carried.

Ordinance No.
41-2016, "To
assess a special
tax...open
drainage
ditches..."

Mr. Mishka moved, Mrs. Westphal seconded, that Ordinance No. 41-2016 be enacted as an emergency measure as declared therein; roll call vote being: Mishka, Westphal, Cappellini, Frye, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

Mrs. Cappellini presented and read aloud by title only, proposed Ordinance No. 42-2016, a written copy of same having been previously furnished to each member of Council, "To assess a special tax upon the lots and lands described in the schedule referred to herein to pay a part of the cost and expense of providing for the removal and 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 for the year ending December 31, 2016; and declaring an emergency."; Mrs. Cappellini moved, Mr. Luetke seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Westphal, Cappellini, Frye, Haynam, Husman, Luetke, Mishka, (7) yeas; (0) nays. The motion carried.

Ordinance No.
42-2016, "To
assess a special
tax... shade
trees...."

Mrs. Cappellini moved, Mrs. Westphal seconded, that Ordinance No. 42-2016 be enacted as an emergency measure as declared therein; roll call vote being: Cappellini, Frye, Haynam, Husman, Luetke, Mishka, Westphal, (7) yeas; (0) nays. The motion carried.

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Mr. Mishka presented and read aloud by title only, proposed Ordinance No. 43-2016, a written copy of same having been previously furnished to each member of Council, "Ordinance approving the assessment heretofore authorized by Resolution No. 7-2016 for Street Lighting; levying said assessments; and declaring an emergency." Mr. Mishka moved, Mrs. Husman seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Frye, Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Ordinance No. 43-2016,
"Approving the assessment for street lighting..."

Mr. Mishka moved, Mr. Luetke seconded, that Ordinance No. 43-2016 be enacted as an emergency measure as declared therein; roll call vote being: Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

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

Service Director's report on Municipal Court Parking Lot Expansion Project, Change Order #1 (Final) was placed on file. Mrs. Husman presented and read aloud by title only proposed Ordinance No. 44-2016, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to approve Change Order No. 1 (Final) to this City's Agreement with Salenbien Trucking & Excavating, Inc. for the Municipal Court Parking Lot Expansion Project which reflects the actual work performed on this project; increasing the contract amount by \$25,955.93; appropriating funds therefore; and declaring an emergency." Mrs. Husman moved, Mr. Luetke seconded, that Council dispense with the Second and Third Reading of said Ordinance; roll call vote being: Haynam, Husman, Mishka, Westphal, Luetke, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

Ordinance No. 44-2016,
"Court Parking Lot...Change Order #1 (Final)...."

Mrs. Husman moved, Mrs. Westphal seconded, that Ordinance No. 44-2016 be enacted as an emergency measure as declared therein; roll call vote being: Husman, Luetke, Mishka, Westphal, Cappellini, Frye, Haynam; (7) yeas; (0) nays. The motion carried.

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

Mr. Haynam presented and read aloud by title only proposed Ordinance No. 45-2016, a written copy of same having been previously furnished to each member of Council, "Accepting for Annexation to this City of Sylvania, Ohio, the territory described in Annexation Petition Number 2016-1 for which James E. Moan is the agent, and as hereinafter described; providing for the interim Zoning of said territory; and declaring an emergency." Mr. Haynam moved, Mr. Luetke seconded, that Council dispense with the Second and Third Reading of said Ordinance; roll call vote being: Mishka, Westphal, Luetke, Cappellini, Frye, Haynam, Husman, (7) yeas; (0) nays. The motion

Ordinance No. 45-2016,
"Accepting for Annexation Petition # 2016-1..."

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carried.

Mr. Haynam moved, Mr. Mishka seconded, that Ordinance No. 45-2016 be enacted as an emergency measure as declared therein; roll call vote being: Westphal, Cappellini, Frye, Haynam Husman, Luetke, Mishka; (7) yeas; (0) nays. The motion carried.

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

Mr. Haynam presented and read aloud by title only proposed Ordinance No. 46-2016, a written copy of same having been previously furnished to each member of Council, "Accepting for Annexation to this City of Sylvania, Ohio, the territory described in Annexation Petition Number 2016-2 for which James E. Moan is the agent, and as hereinafter described; providing for the interim Zoning of said territory; and declaring an emergency." Mr. Haynam moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Reading of said Ordinance; roll call vote being: Cappellini, Frye, Haynam, Husman, Luetke, Mishka, Westphal, (7) yeas; (0) nays. The motion carried.

Ordinance No. 46-2016, "Accepting for Annexation Petition # 2016-2..."

Mr. Haynam moved, Mr. Frye seconded, that Ordinance No. 46-2016 be enacted as an emergency measure as declared therein; roll call vote being: Frye, Haynam, Husman, Luetke, Mishka, Westphal, Cappellini; (7) yeas; (0) nays. The motion carried.

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

Mrs. Husman presented and read aloud by title only proposed Ordinance No. 47-2016, 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 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." Mrs. Husman moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Reading of said Ordinance; roll call vote being: Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

Ordinance No. 47-2016, "...Lease agreement... Laura Jakes, 5702 Main St, Suite B2..."

Mrs. Husman moved, Mr. Haynam seconded, that Ordinance No. 47-2016 be enacted as an emergency measure as declared therein; roll call vote being: Husman, Luetke, Mishka, Westphal, Cappellini, Frye, Haynam; (7) yeas; (0) nays. The motion carried.

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

Mrs. Husman presented and read aloud by title only proposed Ordinance No. 48-2016, 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 Laura Jakes, individually and d/b/a LJ Creates, as Lessee, of Suite B3 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." Mrs. Husman moved, Mr. Frye seconded, that Council dispense with the Second and Third Reading of said Ordinance; roll call vote being: Luetke, Mishka, Westphal, Cappellini, Frye, Haynam, Husman, (7) yeas; (0) nays. The motion carried.

Ordinance No. 48-2016, "...Lease agreement... Laura Jakes, 5702 Main St, Suite B3..."

Mr. Husman moved, Mr. Luetke seconded, that Ordinance No. 48-2016 be enacted as an emergency measure as declared therein; roll call vote being: Mishka, Westphal, Cappellini, Frye, Haynam, Husman, Luetke; (7) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 13.

Mrs. Husman presented and read aloud by title only proposed Ordinance No. 49-2016, a written copy of same having been previously furnished to each member of Council, "Authorizing a Lease between the City of Sylvania, as Lessor, and Interrupt, LLC, as Lessee, of Suite E in the Maplewood Marketplace, 5703 N. Main Street, Sylvania, Ohio, 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." Mrs. Husman moved, Mr. Luetke seconded, that Council dispense with the Second and Third Reading of said Ordinance; roll call vote being: Westphal, Cappellini, Frye, Haynam, Husman, Luetke, Mishka, (7) yeas; (0) nays. The motion carried.

Ordinance No. 49-2016, "Lease agreement... Interrupt, Inc... 5703 Main St, Suite E..."

Mrs. Husman moved, Mrs. Westphal seconded, that Ordinance No. 49-2016 be enacted as an emergency measure as declared therein; roll call vote being: Cappellini, Frye, Haynam, Husman, Luetke, Mishka, Westphal; (7) yeas; (0) nays. The motion carried.

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

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Mrs. Westphal presented and read aloud by title only proposed Ordinance No. 50-2016, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to enter into an agreement for the Regional Addiction Diversion program, on behalf of the City of Sylvania, Ohio, with the Board of Lucas County Commissioners, for the provision of Court Addiction Diversion Services through the Lucas County Court of Common Pleas Work Release Court Addiction Diversion Program to Sylvania Municipal Court; and declaring an emergency." Mrs. Westphal moved, Mr. Haynam seconded, that Council dispense with the Second and Third Reading of said Ordinance; roll call vote being: Frye, Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Ordinance No. 50-2016, "...agreement for Regional Addiction Diversion Program..."

Mrs. Westphal moved, Mr. Mishka seconded, that Ordinance No. 50-2016 be enacted as an emergency measure as declared therein; roll call vote being: Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, Frye; (7) yeas; (0) nays. The motion carried.

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

Mrs. Westphal presented and read aloud by title only proposed Ordinance No. 51-2016, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to enter into an agreement, on behalf of the City of Sylvania, Ohio, with the Board of Lucas County Commissioners, for the provision of Public Defender Services to the Sylvania Municipal Court for the years 2015 and 2016; and declaring an emergency." Mrs. Westphal moved, Mr. Luetke seconded, that Council dispense with the Second and Third Reading of said Ordinance; roll call vote being: Husman, Luetke, Mishka, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays. The motion carried.

Ordinance No. 51-2016, "...agreement for Public Defender Svcs for 2015 & 2016..."

Mrs. Westphal moved, Mr. Frye seconded, that Ordinance No. 51-2016 be enacted as an emergency measure as declared therein; roll call vote being: Luetke, Mishka, Westphal, Cappellini, Frye, Haynam, Husman; (7) yeas; (0) nays. The motion carried.

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

Bill Sanford provided an update on the progress of the Community Calendar for 2017 project. He provided information on sponsorship, the concept of the calendar and what will be included, and costs.

Community Calendar update.

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

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Mrs. Westphal moved, Mr. Haynam seconded to not request a public hearing on the liquor permit from Tony Packos Toledo LLC, d/b/a Tony Packos Cafe, 5827 Monroe St., Sylvania, OH; roll call vote being: Mishka, Westphal, Cappellini, Frye, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

No hearing requested for liquor permit... Tony Packos Cafe.

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

Mrs. Husman stated the Buildings & Grounds Committee met on July 20, 2016 to discuss the Lathrop House-Historical Village. Mrs. Husman provided an update on the activities and maintenance of the facilities.

Bldgs & Grounds Com...SHV

Mr. Mishka stated the Utilities & Environment Committee met on August 5, 2016 to discuss the Refuse & Recycling Contract and the Sylvania Water Study. Mr. Mishka reviewed information on the Water Study and the Refuse and Recycling Contract.

Utilities Com.water study and refuse contract.

Mr. Mishka presented and read aloud by title only proposed Ordinance No. 38-2016, a written copy of same having been previously furnished to each member of Council, "Determining the lowest and best bid for collection and disposal of residential curbside refuse and recycling in the City of Sylvania, Ohio; accepting the bid of Allied Waste Services of North America, LLC, d/b/a Allied Waste Services of Toledo; rejecting all other bids; authorizing the Mayor and Director of Finance to enter into a contract pursuant to the lowest and best bid, the advertisements therefore, Notice to Bidders, Request for bids including specifications for the Refuse and Recycling Collection and Disposal Contract, and Chapters 941 and 943 of the Codified Ordinances of the City of Sylvania, 1979, as amended; and declaring an emergency." Mr. Mishka moved, Mr. Frye seconded, that Council dispense with the Second and Third Reading of said Ordinance; roll call vote being: Mishka, Westphal, Cappellini, Frye, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

Ordinance No. 38-2016, "...Refuse & Recycling Contract... Allied Waste Serviced of Toledo..."

Mr. Mishka moved, Mrs. Husman seconded, that Ordinance No. 38-2016 be enacted as an emergency measure as declared therein; roll call vote being: Westphal, Cappellini, Frye, Haynam, Husman, Luetke, Mishka; (7) yeas; (0) nays. The motion carried.

Mrs. Westphal stated the Safety Committee met at 7:15 p.m. to discuss proposed Ordinance 40-2016, Amending the Sylvania Codified Ordinances, 1979, as amended by adding Chapter 765-Dealers in Second-hand Articles. An amendment to exempt car dealers will be added and brought back for council approval.

Safety Com.... Ord No. 40-2016, Dealers in 2nd had articles.

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Mrs. Husman scheduled a Buildings & Grounds Committee for Wednesday, August 24, 2016 at 7:30 a.m. in Council Chambers for review of the financial status of the Lathrop House and Sylvania Historical Village.

Set Bldgs &
Grounds Com.
mtg: 8/24/16,
7:30 a.m.

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

Mrs. Westphal moved, Mr. Mishka seconded that this meeting adjourn; all present voting yea (7); (0) nays. The motion carried and the meeting adjourned at 9:08 p.m.

Adjournment.

Clerk of Council

Mayor

ORDINANCE NO. 40 -2016

AMENDING THE SYLVANIA CODIFIED ORDINANCES, 1979, AS AMENDED, BY ADDING CHAPTER 765 – DEALERS IN SECOND-HAND ARTICLES; AND DECLARING AN EMERGENCY.

WHEREAS, the Chief of Police and Director of Law have recommended that Chapter 765 – Dealers in Second-Hand Articles be added to the Sylvania Municipal Code; and,

WHEREAS, at the July 18, 2016 meeting of Sylvania City Council, the proposed Chapter 765 – Dealers in Second-Hand Articles was referred to the Safety Committee for its review and recommendation; and,

WHEREAS, the Safety Committee met on August 15, 2016 and thereafter recommended approval of Chapter 765 – Dealers in Second-Hand Articles subject to dealers in motor vehicles and watercraft being specifically excluded from the definition of “second-hand dealer” and motor vehicles and watercraft being excluded from the definition of “second-hand article” as set forth herein.

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

SECTION 1. That Chapter 765 – Dealers in Second-Hand Articles, of the Codified Ordinances of Sylvania, 1979, be, and the same hereby is, amended to read as set forth on “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 this ordinance must be immediately effective to make 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, _____, 2016, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

CHAPTER 765
Dealers in Second-Hand Articles

| | | | |
|---------------|---|---------------|---|
| 765.01 | Definitions. | 765.08 | Record of sale. |
| 765.02 | License required; exception. | 765.09 | Prohibitions. |
| 765.03 | Application for license. | 765.10 | Report to Police Division. |
| 765.04 | Display of license. | 765.12 | Hours of Business. |
| 765.05 | License fee; expiration date; renewal. | 765.13 | Additional rules. |
| 765.06 | Transfer of license. | 765.14 | Denial or revocation of license; |
| 765.07 | Record to be kept. | | Notice of liability; appeals. |
| | | 765.99 | Penalty. |

765.01 DEFINITIONS.

(a) "Second-hand dealer" means any person, society, firm, club, partnership, organization or corporation that sells or purchases for the purpose of resale, second-hand articles not including titled motor vehicles or watercraft. "Second-hand dealer" includes the sale of goods on consignment and the sale of second-hand goods in combination with the sale of new merchandise, however, does not include titled motor vehicles or watercraft. For purposes of this chapter:

(1) Anyone who conducts more than seven sale days of second-hand goods during a calendar year from any location within the City of Sylvania shall be considered a dealer in second-hand goods within the meaning of this chapter.

(2) A "second-hand dealer" includes any person issued a license pursuant to Ohio Revised Code § 4727.02 (Pawnbroker), § 4737.07 (Second-hand Goods Dealer, Junk Yard) who sells, purchases, or accepts on consignment second-hand goods.

(b) "Second-hand article" means any merchandise or item of whatever nature, including antiques, that is not new and/or has been used or worn by a previous owner. A second-hand article includes, but is not limited to, any article composed wholly, or in part, of gold, silver, platinum or other precious metal; old gold, silver or platinum for the purpose of melting, refining or selling; used or worn merchandise or item of whatever nature taken as trade-in on a new article, item or merchandise and sold by any person, society, firm, club, partnership or corporation; or any merchandise or item evidenced by a pawnbroker's ticket or other evidence of pledged article from a person, society, firm, club, partnership, organization or corporation other than a pawnbroker who deals in the redemption of sale of furs, or clothing. Titled motor vehicles and watercraft are not included as "second-hand articles" as defined herein and covered under Chapter 765. "Second-hand article" also includes "fixtures" attached to residential or commercial property and "special purchase articles" as defined in Ohio Revised Code § 4737.04(A)(2).

(c) "Location" means the place where any sale or purchase of a second-hand article is transacted.

(d) "Picture identification" means one or more of the following that includes a photograph of the bearer:

- (1) Valid driver's license issued by a state government;
- (2) A state identity card;
- (3) Passport issued by a legitimate government; or

(4) An alien registration identification card issued by the United States Immigration and Naturalization Service.

(e) "Purchase" means buy for valuable consideration, take in trade, or accept on consignment.

(Ord. _____-2016. Passed _____-2016.)

765.02 LICENSE REQUIRED; EXCEPTION.

No person, society, firm, club, partnership, organization or corporation, or an employee, agent or representative of same, shall engage in the business of second-hand dealer without applying for and obtaining a license therefore from the Chief of Police in the manner and form hereinafter provided. A separate license shall be required for each location at which sales or purchases of second-hand articles are transacted. For purposes of this section and subject to zoning requirements, a license is required for any garage, yard, or estate sale which exceeds seven cumulative calendar days within a ninety day period.

(Ord. _____-2016. Passed _____-2016.)

765.03 APPLICATION FOR LICENSE.

(a) Application for a second-hand dealer license, as defined herein, shall be made to the Chief of Police upon such forms as shall be prepared therefor by him.

(b) Each applicant for a license defined herein shall set forth on the application provided therefor all the information requested therein, including but not limited to, the name and home address of the applicant, the name of the business and the address where the business is to be conducted, the applicant's social security number and the date of birth of the applicant.

(c) The applicant shall take the completed application to the Records Section of the Division of Police for a record check. The Records Section shall return the application within five business days to the Chief of Police with a copy of the applicant's record, if any.

(d) The Chief of Police shall issue, or reissue, a second-hand dealer license to any applicant who has met all the requirements of this chapter and has paid all the fees relevant hereto.

(e) No license shall be issued, or reissued, to any person, society, firm, club, partnership, organization or corporation who/which has been convicted, within five years of the date of application, of buying, receiving, retaining, concealing, or disposing of goods and/or property which was stolen or otherwise unlawfully obtained, or of any theft offense as defined in Ohio R.C. 2913.01(K) or of any felony drug abuse offense as defined by Ohio R.C. 2925.01. No license shall be issued, or reissued, to any person, society, firm, club, partnership, organization or corporation if any person named on the application has had a second-hand dealer license revoked within five years of the date of the application. No license shall be issued to any person, society, firm, club, partnership, organization or corporation who/which has submitted an incomplete or inaccurate application.

(Ord. _____-2016. Passed _____-2016.)

765.04 DISPLAY OF LICENSE.

No person licensed pursuant to this chapter shall fail and/or refuse to display any license issued under this chapter at the place of business and in full view of the patrons.

(Ord. _____-2016. Passed _____-2016.)

765.05 LICENSE FEE; EXPIRATION DATE; RENEWAL.

(a) The nonproratable fee for a second-hand dealer license shall be one hundred twenty-five dollars (\$125.00) per year.

(b) The term of such license shall be from April 1 of each year thru March 31 of the following year, unless revoked pursuant to this chapter.

(c) Any renewal of a second-hand dealer license shall be submitted to the Chief of Police, upon such form as shall be prepared therefor by him, not earlier than thirty days but at least ten days prior to the expiration date of the license. The procedure established by Section 765.03 shall then be followed for each renewal.

(Ord. _____-2016. Passed _____-2016.)

765.06 TRANSFER OF LICENSE.

No person, society, firm, club, partnership, organization or corporation issued a license pursuant to this chapter shall sell, barter, assign or exchange same. A license issued under this chapter shall be void in the hands of any person or business other than the one to whom/which it was issued.

(Ord. _____-2016. Passed _____-2016.)

765.07 RECORD TO BE KEPT.

(a) Each second-hand dealer must establish and maintain a record, to be called the "Second-Hand Dealer's Register", of all property, other than recyclable beverage containers, purchased by the dealer.

(b) Each second-hand dealer, immediately after the purchase of any property, must set out in the register in the English language a record of the purchase in chronological order by date of purchase. The record must include:

- (1) The name, residence or street address, and birth date of the seller from whom the second-hand dealer, or any employee of the dealer, purchased the property;
- (2) Confirmation of the identity of the seller by way of picture identification, including a color photo copy of the picture identification, and the name of the authority who issued it. A second-hand dealer may use an electronic device that decodes and records information contained in the metallic strip on a personal identification card to record a person's name, address, and photograph in lieu of making a copy of a person's personal identification card to comply with the requirements of this section on the condition that the dealer or person retains that recorded information and makes it available in accordance with the requirements set forth herein.
- (3) A photocopy of the property that depicts the make, model, serial number and any markings that identify an owner;
- (4) The type of purchase as described in the definition of "purchase" in Section 765.01(e);
- (5) The price paid for the property;
- (6) The precise date and hour of purchasing the property;
- (7) Identifiable or distinguishing marks on the property; and

(8) In the case only of a second-hand dealer who is a junk dealer purchasing metal salvage, the make, description, and license number of any motor vehicle used by the seller to deliver the property to the second-hand dealer's premises.

(c) Each second-hand dealer must:

(1) Record all information in the register in legible handwriting in ink; and

(2) Record all information in the register electronically. Every secondhand dealer shall provide an electronic record utilizing the LeadsOnline electronic reporting system or the electronic system then in use by the City. Such report shall enter and upload all information from its books and records regarding contracts for purchase, pledges and purchase transactions of any secondhand scrap iron, automobile parts, tires, household furniture or furnishings, household appliances, office equipment, coins, jewelry, jewels, weapons, bicycles, tools, toys, electronic media and or electronic equipment to LeadsOnline or a similar system as soon as reasonably possible after the transaction is consummated. Every secondhand dealer shall input information to every data field supported by the LeadsOnline system.

(3) Before close of each business day, print out a hard copy of all electronic information recorded during the course of the day, and maintain all such hard copies as a manual version of the register; and

(4) If the dealer is unable, for any reason, to record or transmit entries electronically, the dealer shall comply with subsection (c)(1) until electronic recording and transmitting is again available, and must then immediately enter all transactions electronically all purchases made by the dealer and not previously recorded or transmitted.

(d) A second-hand dealer shall not amend, obliterate, deface, or erase any entry in the register or remove any page from the register, either wholly or partially or electronically or manually.

(e) Each second-hand dealer, during business hours on business days, must produce the register for inspection by the Chief of Police, any police force member, or any person designated by the Chief of Police.

(Ord. _____-2016. Passed _____-2016.)

765.08 RECORD OF SALE.

At the time of the sale or disposition of such article, except furniture received from a bona fide residence, store, warehouse or factory, the second-hand dealer disposing thereof shall enter in his record book along with the entry made at the time of the acquisition of such second-hand article, the name, address and description of the person to whom such second-hand article is transferred, and shall obtain in ink in his record book, the signature of the person or persons acquiring such second-hand article.

(Ord. _____-2016. Passed _____-2016.)

765.09 PROHIBITIONS.

(a) No dealer in second-hand goods:

(1) Shall purchase any second-hand goods, articles or things from any person under the influence of alcohol or drugs or from any person who is known by the

licensee to be a habitual drunkard, drug addict, thief or an associate of thieves, or any receiver of stolen property, or from any person he has a reason to suspect to be such;

(2) Shall carry on the business of buying or selling second-hand property except at the premises designated in the dealer's license;

(3) Shall purchase any property from any person between 6:00 p.m. of one calendar day and 6:00 a.m. of the next calendar day;

(4) Shall purchase any property whose serial number or other identifiable marking has been wholly or partially tampered with or removed;

(5) Shall purchase any property from any person under the age of eighteen (18) years; and

(6) Shall fail to display a license required by this chapter.

(7) Shall purchase or receive any second-hand articles from a person who refuses to show the dealer the person's personal identification card.

(8) Shall fail to maintain a hand written and electronic register as set forth under Section 765.07 (c).

(b) No dealer in second-hand goods shall within thirty (30) days of purchasing a second-hand item or within fifteen (15) days of purchasing a second-hand item where the record of the purchase was transmitted electronically as set forth in Section 765.07(c) shall:

(1) Repair, alter, dispose of, part with possession of, or remove from the second-hand dealer's premises or possession the item of property or possession; and

(2) Suffer or permit any other person to repair, alter, dispose of, part with possession of, or remove from the second-hand dealer's premises the item of property or possession.

(c) The Chief of Police shall provide a list, as he or she determines appropriate, of the names and descriptions of persons known to be or who are suspected to be thieves or receivers of stolen property. No dealer in second hand goods shall purchase or receive articles from any person identified on the list the dealer receives from the Chief of Police.

(Ord. _____-2016. Passed _____-2016.)

765.10 REPORT TO POLICE DIVISION.

Any person, society, firm, club, partnership, organization or corporation buying, receiving or taking in exchange any tires, used motor vehicles, accessories or parts thereof, shall make a report to the Police Division each morning of the tires, used motor vehicles, accessories or parts thereof bought, received or taken in exchange during the preceding twenty-four hours. They shall fill out a form to be approved by the Police Division giving in the report a full description of the property bought, received or taken in exchange.

(Ord. _____-2016. Passed _____-2016.)

765.11 HOURS OF BUSINESS.

No person, society, firm, club, partnership, organization or corporation engaged in the occupation of second-hand dealer shall keep open his place of business before the hour of 6:00 a.m., nor after hour of 8:00 p.m., except on Saturdays, when the closing hour shall be 10:00 p.m.

(Ord. _____-2016. Passed _____-2016.)

765.12 ADDITIONAL RULES.

The Chief of Police is hereby authorized and directed to adopt and promulgate such rules as he deems necessary for the efficient execution and performance of this chapter.
(Ord. _____-2016. Passed _____-2016.)

765.13 DENIAL OR REVOCATION OF LICENSE; NOTICE OF LIABILITY; APPEALS.

(a) Any applicant whose application for a second-hand dealer license is denied by the Chief of Police shall be notified in writing of the denial by the Chief of Police. Such applicant may appeal the denial to a Board of Appeals comprised of the Director of Law, who shall act as Chair of the Board of Appeals, the Director of Public Safety, the Chief of Police, or their selected representatives. A written request for an appeal hearing shall be submitted to the Chief of Police within ten days after receipt of the application denial notice.

(b) The Chief of Police, as a result of his own investigation, may revoke or suspend the second-hand dealer license issued to any person, society, firm, club, partnership, organization or corporation under the provisions of this chapter, for a violation of any provision of this chapter. Any person, society, firm, club, partnership, organization or corporation whose second-hand dealer license has been revoked or suspended by the Chief of Police shall be notified in writing of the revocation by the Chief of Police. Such person, society, firm, club, partnership, organization or corporation may appeal the revocation to the Board of Appeals created in subsection (a) hereof. A written request for an appeal hearing shall be submitted to the Chief of Police within ten days after receipt of the license revocation notice.

(c) The Board of Appeals, as herein established, shall hear any appeal, pursuant to subsections (a) and (b) hereof within thirty days from the date the request for appeal is received by the Chief of Police. The Board shall have the power to sustain, modify or reverse the decision of the Chief of Police. The Board's decision shall be in writing and sent to the appellant/applicant, or his/her legal representative, within fifteen days after the hearing is concluded. The action of the Board of Appeals is final. A quorum of the Board shall consist of a majority of the members of the Board.

(d) In addition to any other penalty provided for in Chapter 765, the Chief of Police or his/her designee may issue a Notice of Liability to any person engaged in the business of second hand dealer who violates any provision of this chapter, regardless of whether the person is licensed under this chapter.

Said notice shall describe the location and nature of the violation, the time and date it was observed and the fine assessed to the violator. No notice of liability may be issued to a violator more than once during any seventy-two (72) hour period for the same violation.

(1) The Notice of Liability shall be served upon the owner by personal service or by First Class United States mail.

(2) Any person charged with a Notice of Liability may appeal said notice to the Board of Appeals as provided by this section. The failure to file an appeal shall constitute a waiver of the right to contest and an admission of the Notice of Liability.

(3) Any person found in violation of a Notice of Liability issued under Chapter 765 shall be subject to a civil fine as follows:

(A) \$250 for each first offense;

(B) \$500 for each second offense within a three year period.
The levying of fines shall not preclude any other legal recourse which the Chief of Police may have, including suspension and revocation of the license holder's license. If more than three (3) years occurs between offenses, a subsequent violation shall be considered a first offense.

(Ord. _____-2016. Passed _____-2016.)

765.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the second degree for a first offense and a misdemeanor of the first degree for a subsequent offense. Each day that any person, society, firm, club, partnership, organization or corporation engages in any occupation requiring a license as provided for herein, without having obtained such license, shall constitute a separate offense.

(Ord. _____-2016. Passed _____-2016.)

7a



City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

September 6, 2016

To: The Mayor and Members of Sylvania City Council

Re: **ALEXIS ROAD & ACRES ROAD TRAFFIC SIGNAL IMPROVEMENTS PROJECT**

Dear Mr. Mayor and Council Members:

We received bids on August 23, 2016 for the above referenced project. There were a total of two (2) bids received.

The lowest bid was submitted by FET Construction Services, LLC of Sylvania, Ohio. Their bid of \$25,493.50 was approximately 17.6% under the Engineer's Estimate of \$30,950.

Therefore, it is our recommendation that the contract be awarded to FET Construction Services, LLC of Sylvania, Ohio 43560, in the amount of \$25,493.50.

Please call if you have any questions.

Sincerely,

Kevin G. Aller, P.E.

Director of Public Service

dsw

Alexis Road and Acres Road Traffic Signal Improvements
 Bid Open: August 23, 2016

| Line | Item | Description | Unit | Qty | FET Construction Services | | Lake Erie Electric | |
|--------------------|------|--|------|-----|---------------------------|--------------------|--------------------|--------------------|
| | | | | | Unit Price | Total | Unit Price | Total |
| 0001 | 614 | Law Enforcement Officer With Patrol Car For Enforcement | Hour | 8 | \$46.25 | \$370.00 | \$56.00 | \$448.00 |
| 0002 | 614 | Maintaining Traffic, As Per Plan | Lump | 1 | \$200.00 | \$200.00 | \$777.00 | \$777.00 |
| 0003 | 625 | Conduit, 3", 725.051, As Per Plan | Ft | 210 | \$5.50 | \$1,155.00 | \$10.10 | \$2,121.00 |
| 0004 | 625 | Trench | Ft | 210 | \$5.15 | \$1,081.50 | \$4.40 | \$924.00 |
| 0005 | 625 | Pull Box, 725.08, 24" | Each | 2 | \$900.00 | \$1,800.00 | \$1,150.00 | \$2,300.00 |
| 0006 | 625 | Ground Rod | Each | 1 | \$240.00 | \$240.00 | \$300.00 | \$300.00 |
| 0007 | 632 | Signalization Misc.: Reuse of Existing Wiring | Each | 1 | \$3,666.00 | \$3,666.00 | \$1,100.00 | \$1,100.00 |
| 0008 | 632 | Signal Cable, 7 Conductor, No. 14 AWG | Ft | 400 | \$2.20 | \$880.00 | \$2.30 | \$920.00 |
| 0009 | 632 | Signal Cable, 12 Conductor, No. 14 AWG | Ft | 400 | \$3.00 | \$1,200.00 | \$4.40 | \$1,760.00 |
| 0010 | 632 | Power Cable, 3 Conductor, No. 6 AWG | Ft | 250 | \$4.00 | \$1,000.00 | \$5.20 | \$1,300.00 |
| 0011 | 632 | Power Service, As Per Plan | Each | 1 | \$960.00 | \$960.00 | \$1,400.00 | \$1,400.00 |
| 0012 | 632 | Signalization Misc.: Modification of Existing Traffic Controller | Each | 1 | \$1,750.00 | \$1,750.00 | \$1,200.00 | \$1,200.00 |
| 0013 | 632 | Signalization Misc.: Reuse of Existing Spread Spectrum Radio | Each | 1 | \$1,500.00 | \$1,500.00 | \$1,225.00 | \$1,225.00 |
| 0014 | 633 | Controller Item Misc.: Reuse of Existing Controller | Each | 1 | \$7,471.00 | \$7,471.00 | \$8,888.00 | \$8,888.00 |
| 0015 | 633 | Cabinet Foundation, As Per Plan | Each | 1 | \$1,900.00 | \$1,900.00 | \$2,449.00 | \$2,449.00 |
| 0016 | 633 | Controller Work Pad | Each | 1 | \$320.00 | \$320.00 | \$999.00 | \$999.00 |
| Bid Totals: | | | | | | \$25,493.50 | | \$28,111.00 |

7b

ORDINANCE NO. 52 -2016

ACCEPTING THE BID OF FET CONSTRUCTION SERVICES, LLC AND AWARDING THE CONTRACT FOR THE ALEXIS ROAD AND ACRES ROAD TRAFFIC SIGNAL IMPROVEMENTS PROJECT TO SAME; AUTHORIZING THE EXPENDITURE FOR THE IMPROVEMENTS IN THE AMOUNT OF \$25,493.50; APPROPRIATING FUNDS THEREFORE; AND DECLARING AN EMERGENCY.

WHEREAS, plans for the Alexis Road and Acres Road Traffic Signal Improvements Project have been completed and are now on file with the Clerk of this Council; and,

WHEREAS, the Clerk of Council was authorized to advertise for bids and thereafter the Clerk advertised for bids, and the bids were opened on August 23, 2016, and thereafter, the Director of Public Service, by report dated September 6, 2016, stated that the total estimate for the Alexis Road and Acres Road Traffic Signal Improvements Project was \$30,950 and the following bids were received:

| <u>BIDDERS</u> | <u>BID PRICE</u> |
|--------------------------------|------------------|
| FET Construction Services, LLC | \$25,493.50 |
| Lake Erie Electric | 28,111.00 |

WHEREAS, the two (2) bids offered by the above bidders meet all of the City's specifications and the Director of Public Service, by report dated September 6, 2016, has recommended acceptance of the lowest and best bid of FET Construction Services, LLC and that the contract for the Alexis Road and Acres Road Traffic Signal Improvement Project be awarded to same.

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

SECTION 1. That the bid of FET Construction Services, LLC of Sylvania, Ohio for said Alexis Road and Acres Road Traffic Signal Improvement Project, in the amount of Twenty-Five Thousand Four Hundred Ninety-Three and 50/100 Dollars (\$25,493.50), is hereby determined to be the lowest and best bid received and the same is hereby accepted.

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

SECTION 3. That to provide funds for said improvement project hereby authorized, there is hereby appropriated from the **CAPITAL IMPROVEMENT FUND** from funds therein not heretofore appropriated to **Account No. 401-7635-53543, Traffic Signal Project**, the total sum of Twenty-Five Thousand Four Hundred Ninety-Three and 50/100 Dollars (\$25,493.50).

SECTION 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 5. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 6. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the bid of FET Construction Services, LLC should be accepted immediately so as to provide for the commencement of the Alexis Road and Acres Road Traffic Signal Improvement Project at the earliest possible time. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

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

Passed, _____, 2016, as an emergency measure.

President of Council

ATTEST:

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

September 1, 2016

To: The Mayor and Members of Sylvania City Council

Re: **Water Supply**

Dear Mr. Mayor and Council Members:

As you are aware, we recently received our report regarding water supply options from our consultant, Fishbeck, Thompson, Carr and Huber (FTCH). We were quite pleased with the performance of the firm and the attention and consultation they provided us.

As we proceed with planning the City's future water supply, we would appreciate the ability to reach out to FTCH for their technical and/or financial knowledge to assist us.

Accordingly, we would request approval to retain FTCH for continued professional services in an amount not-to-exceed \$25,000.

Please call if you have any questions.

Sincerely,

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



August 10, 2016

Mr. Kevin Aller
Director of Public Service
City of Sylvania
6730 Monroe Street
Sylvania, Ohio 43560

Re: City of Sylvania - Continuation of Professional Services

Dear Mr. Aller:

Fishbeck, Thompson, Carr and Huber, Inc. (FTCH) is pleased to present this proposal to the City of Sylvania for continuation of professional services for water system planning. Services may include attendance at meetings, calculations, technical evaluations, etc., or other needs as directed by the City.

We would be happy to continue to retain Utility Financial Services, Inc. (UFS) as our subconsultant for ongoing services regarding rate and financial evaluations if the City would like to continue to work with UFS under our existing contract. This includes a markup of 5%, which is a reduction of our standard markup of 10%. Alternately, the City could contract directly with UFS and we will continue to coordinate with them as needed.

We have included standard rate sheets for FTCH and UFS. We would suggest a budget of \$25,000 for ongoing services. We would request to bill time for additional services performed and expenses incurred to date in support of the Water System Study Update against this budget.

We appreciate the opportunity to present this proposal and look forward to continuing to work with the City on this important project.

If you have any questions or require additional information, please contact me at 616.464.3801 or jawillemin@ftch.com.

Sincerely,

FISHBECK, THOMPSON, CARR & HUBER, INC.

A handwritten signature in black ink, appearing to read "John A. Willemin". The signature is fluid and cursive.

John A. Willemin, PE

nes
By email



RATE SCHEDULE

July 2, 2016

| | |
|--|-----------------------------|
| Principal | \$217 |
| Senior Associate | \$186-\$207 |
| Associate | \$129-\$186 |
| Architect Construction Engineer/Manager/Administrator Engineer Estimator Geologist Hydrogeologist Industrial Hygienist Interior Designer Project Manager Scientist Surveyor | |
| Senior Level | \$120-\$207 |
| Mid Level | \$104-\$120 |
| Staff Level | \$70-\$104 |
| Architectural Specialist Engineering Specialist Environmental Specialist Health & Safety Specialist Operations Specialist Technical Specialist Project Superintendent Survey Specialist | |
| Senior Level | \$129-\$186 |
| Mid Level | \$87-\$129 |
| Staff Level | \$79-\$87 |
| Technician | |
| Senior Level | \$104-\$120 |
| Mid Level | \$87-\$104 |
| Staff Level | \$54-\$87 |
| Production Support | \$70 |
| Photocopies | \$0.10/Copy |
| Mileage/Passenger Vehicles | \$0.70/Mile |
| Field and Services Vehicles | \$0.95/Mile (\$37/day min.) |
| Equipment Schedule | Separate Schedule |
| Expenses and Outside Services | Cost Plus 10% |

Compensation to be at one and one-half times the hourly rate for approved overtime.

Invoices are rendered every four weeks and payment is due upon receipt. A service charge of 1% per four-week period is added to accounts unpaid after 28 days from date of billing.

7/16

Hourly Rate

| | |
|---------------------------|-------------------|
| Mark Beauchamp, President | \$ 290.00 |
| Dawn Lund, Vice-President | \$ 230.00 |
| Project Managers | \$ 210.00 |
| Technology Personnel | \$190.00 |
| Support Staff | \$110.00 - 120.00 |

86

ORDINANCE NO. 53 -2016

ACCEPTING THE PROPOSAL OF FISHBECK, THOMPSON, CARR & HUBER, INC. TO PROVIDE CONTINUED PROFESSIONAL SERVICES RELATIVE TO THE WATER SERVICES STUDY FOR THE CITY OF SYLVANIA; APPROPRIATING FUNDS THEREFORE IN AN AMOUNT NOT TO EXCEED \$25,000; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 136-95, passed December 4, 1995, authorized the Mayor and Director of Finance to enter into a Water Supply Feasibility Study Agreement with Black & Veatch, Ltd. of Michigan to determine the feasibility of obtaining water from Lake Erie, and transporting it to the Whiteford Township/Sylvania area through southern Monroe County, Michigan; and,

WHEREAS, Black & Veatch, Ltd. submitted its final report dated April, 1996 for the Phase A and Phase B portions of the feasibility study; and,

WHEREAS, Ordinance No. 54-96, passed May 20, 1996, authorized a modification to the City's Agreement with Black & Veatch, Ltd. by changing the scope of Phase C of the study; and, WHEREAS, Black & Veatch, Ltd., in a letter dated August 26, 1998, acknowledged the desire of the City of Sylvania to proceed with the easement and right-of-way related tasks of the proposed Phase D Initial Service Area Financial and Management Feasibility Study known as Subtask 102; and,

WHEREAS, Ordinance No. 105-98, passed September 9, 1998, authorized a modification to the City's agreement with Black & Veatch, Ltd. by changing the scope of Phase D of the study; and,

WHEREAS, the study suggested that the City of Sylvania should proceed forward in developing a water supply system for the southeastern Michigan and northwestern Ohio area that would draw water from Lake Erie off southern Monroe County, Michigan; and,

WHEREAS, Ordinance No. 29-2002, passed March 18, 2002, appropriated \$125,373 to acquire permanent easements from Consumers Energy Company consisting of a twenty foot wide permanent easement, a thirty foot wide temporary construction easement, and a one acre water pumping station easement; and,

WHEREAS, Ordinance No. 81-2002, passed August 5, 2002, authorized the Mayor and Director of Finance to enter into a Lease on behalf of the City of Sylvania, as Lessee, with Consumers Energy Company for a one-acre parcel of Lessor's property in Monroe County, Michigan, for the purpose of constructing, operating and maintaining a water pumping station; and,

WHEREAS, Ordinance No. 49-2015, passed July 20, 2015, accepted the proposal of Fishbeck, Thompson, Carr & Huber, Inc., to provide the City a comprehensive study for the future of water service in the City of Sylvania at a cost not to exceed \$104,800; and,

WHEREAS, the Fishbeck, Thompson, Carr & Huber, Inc. recently delivered its report detailing the City's water supply options; and,

WHEREAS, the Director of Public Service, by report dated September 1, 2016, recommended that the proposal of Fishbeck, Thompson, Carr & Huber, Inc. to provide continued professional services be approved at a cost not to exceed \$25,000 be accepted.

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 Fishbeck, Thompson, Carr & Huber, Inc. in an amount not to exceed the total sum of Twenty-Five Thousand Dollars (\$25,000.00) for providing a continued professional services in conjunction with the City's water supply study and options, is hereby approved and accepted.---

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

SECTION 3. That to provide funds for said comprehensive water study hereby authorized, there is hereby appropriated from the **WATER FUND** from funds therein not heretofore appropriated to **Account No. 701-7525-51189 – Professional Services** the sum of

Twenty-Five Thousand Dollars (\$25,000.00).

SECTION 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 6. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the additional professional services to further plan the City's future water supply in Sylvania should commence at the earliest possible time and therefore this Ordinance should be effective immediately. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

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

Passed, _____, 2016, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

9a



City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

September 6, 2016

To: The Mayor and Members of Sylvania City Council

Re: **CITY OF SYLVANIA & LUCAS COUNTY SANITARY ENGINEER SANITARY LINING PROJECT**

Dear Mr. Mayor and Council Members:

We received bids on August 31, 2016 for the above referenced project. There were a total of five (5) bids received.

The lowest bid was submitted by Insituform Technologies USA, LLC of Chesterfield, Missouri. Their bid of \$560,396.50 was approximately 11.0% under the Engineer's Estimate of \$629,707.

The Ohio Public Works Commission (OPWC) is funding 49% of the project including \$274,594.28 in anticipated construction costs. The remaining \$285,802.22 is being cost shared by the City of Sylvania and Lucas County Sanitary Engineer (LCSE) based on each entity's schedule of work. It is anticipated that the City's construction cost share will be \$130,997.10 and the LCSE share will be \$154,806.11.

Therefore, it is our recommendation that the contract be awarded to Insituform Technologies USA, LLC of Chesterfield, Missouri 63005, in the amount of \$560,396.50.

Please call if you have any questions.

Sincerely,

Kevin G. Aller, P.E.

Director of Public Service

dsw

9b.

ORDINANCE NO. 54 -2016

ACCEPTING THE BID OF INSITUFORM TECHNOLOGIES USA, LLC AND AWARDING THE CONTRACT FOR THE CITY OF SYLVANIA AND LUCAS COUNTY SANITARY ENGINEER SANITARY LINING PROJECT TO SAME; AUTHORIZING THE EXPENDITURE FOR THE IMPROVEMENTS IN THE AMOUNT OF \$560,396.50; APPROPRIATING FUNDS THEREFORE; AND DECLARING AN EMERGENCY.

WHEREAS, plans for the City of Sylvania and Lucas County Sanitary Engineer Sanitary Lining Project have been completed and are now on file with the Clerk of this Council; and,

WHEREAS, the Clerk of Council was authorized to advertise for bids at the July 18, 2016 Council meeting and thereafter the Clerk advertised for bids, and the bids were opened on August 31, 2016, and thereafter, the Director of Public Service, by report dated September 6, 2016, stated that the total estimate for the City of Sylvania and Lucas County Sanitary Engineer Sanitary Lining Project was \$629,707 and the following bids were received:

| <u>BIDDERS</u> | <u>BID PRICE</u> |
|----------------------------------|------------------|
| Insituform Technologies USA, LLC | \$560,396.50 |
| Advanced Rehab. Tech. | 572,085.00 |
| United Survey, Inc. | 600,344.50 |
| Inland Waters | 655,821.00 |
| Lanzo Trenchless Tech. | 877,966.00 |

WHEREAS, the five (5) bids offered by the above bidders meet all of the City's specifications and the Director of Public Service, by report dated September 6, 2016, has recommended acceptance of the lowest and best bid of Insituform Technologies USA, LLC and that the contract for the City of Sylvania and Lucas County Sanitary Engineer Sanitary Lining Project be awarded to same; and,

WHEREAS, the Ohio Public Works Commission is funding 49% of the project, or \$274,594.28 of the construction costs with the remaining \$285,802.22 being shared between the

City of Sylvania and the Lucas County Sanitary Engineer based on each entity's proposed work, therefore, the City's anticipated cost share will be \$130,997.10 and Lucas County's anticipated cost share will be \$154,806.11.

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

SECTION 1. That the bid of Insituform Technologies USA, LLC for said City of Sylvania and Lucas County Sanitary Engineer Sanitary Lining Project, in the amount Five Hundred Sixty Thousand Three Hundred Ninety-Six and 50/100 Dollars (\$560,396.50), is hereby determined to be the lowest and best bid received and the same is hereby accepted.

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

SECTION 3. That to provide funds for said improvement project hereby authorized, there is hereby appropriated from the **SEWER FUND** from funds therein not heretofore appropriated to **Account No. 702-7540-53501**, the total sum of Five Hundred Sixty Thousand Three Hundred Ninety-Six and 50/100 Dollars (\$560,396.50).

SECTION 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 5. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Section 12, of the Charter of this City.

SECTION 6. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the bid of Insituform Technologies USA, LLC should be accepted immediately so as to provide for the commencement of the City of Sylvania and Lucas County Sanitary Engineer Sanitary Lining Project at the earliest possible time. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

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

Passed, _____, 2016, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

10a.



City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

September 2, 2016

To: The Mayor and Members of Sylvania City Council

Re: **Whiteford Township Service Area No. 1**

Dear Mr. Mayor and Council Members:

The above agreement was initially entered into on March 3, 1994 with modifications in 2005 and 2014.

Whiteford Township desires to modify the agreement to allow additional properties to connect to the sanitary sewer. The modifications would allow the properties along the force main to connect to that force main for their sanitary sewer service.

The additional service area is only a 200-ft. strip along the force main, not the entirety of properties. This limits large scale developments along the route. The area north of Section Road is the service area in the existing agreement.

Other noteworthy items include:

- Agreement is for a 20-year period.
- Flow limitation of 0.22 mgd was not changed.
- Whiteford Township will now share in any surcharge fees we pay due to exceeding our allotted capacity at the LCWRRF.

We recommend approval of the attached agreement.

Please call if you have any questions.

Sincerely,

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

**AGREEMENT FOR THE DISCHARGE OF SANITARY SEWER
FROM THE SERVICE AREA OF WHITEFORD TOWNSHIP
SEWAGE DISPOSAL SYSTEM NO. 1**

This Agreement, made and entered into as of this 16th day of AUGUST, 2016, by and with the TOWNSHIP OF WHITEFORD, a Township corporation in the State of Michigan (hereinafter sometimes referred to as WHITEFORD), the CITY OF SYLVANIA, a municipal corporation and political subdivision in the County of Lucas and State of Ohio (hereinafter sometimes referred to as SYLVANIA) and the COUNTY OF LUCAS, a political subdivision of and in the State of Ohio (hereinafter sometime referred to as LUCAS).

WHEREAS, WHITEFORD represents that it is fully authorized under the laws of the State of Michigan Act 188 Public Acts of Michigan of 1954 (M.C.L. 41.721 et seq.) and by its township board to enter into this Agreement for the discharge and disposal of sanitary sewage from the service area of Whiteford Township Sewage Disposal System No. 1 to the City of Sylvania Sewer System; and

WHEREAS, SYLVANIA and LUCAS represent that they are duly authorized to enter into this Agreement for the acceptance and ultimate disposal of sanitary sewage from the service area of Whiteford Township Disposal System No. 1, SYLVANIA being authorized by Ordinance of its Council and LUCAS being authorized by Resolution of its Board of Commissioners; and

WHEREAS, the service area of Whiteford Township Sewage Disposal System No. 1 is that area in Whiteford Township, Monroe County, Michigan, designated as Whiteford Township Sewage Disposal System No. 1 Service Area on Exhibit A attached hereto and made a part hereof, which area is sometimes hereinafter referred to as the Service Area; and

WHEREAS, the service area is connected by a force main and pump station in the service area near Section Road, south along Hicker Road to Yankee Road, thence east along Yankee Road to Acres road, thence south along Acres Road to the Michigan/Ohio State line and thence south to the point of connection in Acres Road to the Sylvania Sanitary Sewer System; and,

WHEREAS, in order for SYLVANIA to continue to accept sanitary sewage from the Service Area of WHITEFORD and for such sanitary sewage to be transported to the LUCAS sanitary sewer system and treated at the Lucas County Water Resource Recovery Facility (LCWRRF), it is necessary for the parties hereto to enter into this Agreement.

NOW, THEREFORE, in consideration of the premises and the covenants of each party to the other, the parties hereto agree as follows:

1. WHITEFORD is hereby authorized to continue use of said sanitary sewer force main servicing said Service Area to the SYLVANIA sanitary sewer in Acres Road at the designated point and to discharge sanitary sewer originating in said Service Area through such connection to the SYLVANIA sanitary sewer system subject to the conditions hereinafter set forth.

2. The connection is temporary only and shall be for a period of twenty (20) years from the date of this Agreement; provided however, WHITEFORD may terminate this Agreement early if an alternate source for handling the sanitary sewage becomes available and is economically reasonable. Upon expiration or termination of this Agreement, the parties agree to meet and negotiate in good faith an extension of this Agreement or a new agreement for the continued discharge of sanitary sewage.
3. WHITEFORD will maintain to SYLVANIA's standards and install a flow meter to measure the amount of sewage discharged to the Sylvania Sanitary Sewer System from the Service Area by the force main. SYLVANIA's personnel will read the flow meter and WHITEFORD will have access thereto. If the flow meter and appurtenances thereto are not maintained or not sufficiently maintained in the sole discretion of SYLVANIA, SYLVANIA may make such repairs or maintenance on same as it deems appropriate and the entire cost thereof shall be paid by WHITEFORD in addition to SYLVANIA's charge for sanitary sewer service and upon such additional charge being included in the bill for such services. Said flow meter shall be calibrated annually by persons certified in such practice.
4. WHITEFORD, agrees to pay for the sewage passing through the flow meter at the rate as provided in Section 925.05 of the Sylvania codified ordinances or as may be amended; provided however, the rates for WHITEFORD shall remain at the sixty-seven percent (67%) surcharge as presently provided. The billing for the sewage passing through the flow meter may be monthly. SYLVANIA shall send all bills for sanitary sewer serve to WHITEFORD or its agent designated for handling billing services.
5. Total daily flow through the flow meter shall not exceed 0.22 million gallons per day. If the total daily flow through the flow meter exceeds 0.22 million gallons per day, SYLVANIA or LUCAS may terminate this Agreement on 180 days notice.

In any event, if the sewage flow received by Lucas County in any billing month from Sylvania exceeds a volume equivalent to the number of days in the billing month times the contracted daily flow which is currently 5.4 million gallons (allowable monthly total), there shall be a surcharge applied equivalent, initially, to \$423 times each million gallons, or fraction thereof, of flow actually received from WHITEFORD. WHITEFORD'S maximum surcharge fee for any billing month shall be initially capped at \$500.00 and shall be escalated annually beginning January 1, 2017 based on the Engineering News Record Construction Code Index with the base index being 10,333 for January 2016. Billing month shall be defined as the period from the last Monday of a calendar month through the last Monday of the next calendar month. An example of computing the surcharge is attached hereto as Exhibit C.

All proceeds from this surcharge shall be deposited in a separate SYLVANIA fund to be used exclusively toward the cost of the next expansion of SYLVANIA trunk sewer and/or LCWRRF. Interest earned in this fund shall become part of the fund and used

exclusively toward the cost of the next expansion. Surcharge billings shall be determined each quarter and billed quarterly. Further, the \$423 per million gallon surcharge rate shall be escalated annually beginning on January 1, 2017 based on the Engineering News Record Construction Code Index with the base index being 10,333 for January of 2016.

6. WHITEFORD agrees to abide by all applicable Ordinances, rules and regulations of SYLVANIA in any respect pertaining to sanitary sewers and charges and rates therefore, including, but not limited to, Chapters 925 and 929 of the Codified Ordinances of SYLVANIA, 1979, as amended, and as they may be amended from time to time, and including rules promulgated by the Director of Public Service of SYLVANIA from time to time.
7. WHITEFORD agrees to maintain and restore the sanitary sewer connection in Acres Road the City of Sylvania right-of-way so as not to cause any damage to existing pavement and facilities and to do so in such a manner as to create no liability on SYLVANIA in any respect, all of which WHITEFORD does hereby agree and further agrees to save and hold SYLVANIA harmless therefrom.
8. WHITEFORD agrees with SYLVANIA and LUCAS that the waste discharged from said force main to the Sylvania Sanitary Sewer System will, at all times, be in compliance with LUCAS industrial pre-treatment program as administered and inspected by the Lucas County Sanitary Engineer's office, and will, at all times, be within the effluent metal limitations for processed waste water as provided by State of Ohio and Federal regulations and will be subject to the high strength surcharge rates set forth in Exhibit B, which is attached hereto and made part hereof. All pre-treatment systems, if required in the future, must be reviewed and approved by the Office of the Lucas County Sanitary Engineer prior to installation of same.
9. LUCAS, by entering into this Agreement, hereby approves the use of the force main connecting to the Sylvania Sanitary Sewer System in the Acres Road and approves discharge of sanitary sewage from said Service Area into the Sylvania Sanitary Sewer system for ultimate treatment and disposition at the Lucas County Water Resource Recovery Facility, which approvals are subject to all of the foregoing conditions.
10. In the event that any one or more of the provisions of this contract shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions hereof, but this contract shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.
11. The parties hereto shall be permitted to assign their respective duties and responsibilities under this Agreement upon providing thirty (30) days prior written notice of such assignment. Furthermore, WHITEFORD shall be permitted to assign or subcontract its duties and responsibilities associated with the operation and maintenance of the Whiteford Township Sewage Disposal System No. 1; provided

however, that it shall remain liable for said agent's or subcontractor's actions taken within the scope of this Agreement.

- 12. With the exception of the two residences located at 5815-050-031-10 and 5815-050-031-20, WHITEFORD agrees that it will not connect any additional users south of the existing pump station located at 6176 Section Road until a new master meter has been installed to properly meter the new users.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and delivered by the undersigned, being duly authorized by the respective governing bodies of such parties, all as of the day and year first above written.

TOWNSHIP OF WHITEFORD

By: Walter H. Ruhl
Walter H. Ruhl, Supervisor

By: Angela Christensen
Angela Christensen, Clerk

APPROVED AS TO FORM:

Whiteford Township Legal Counsel

CITY OF SYLVANIA

By: _____
Craig A. Stough, Mayor

By: _____
Toby Schroyer, Director of Finance

APPROVED AS TO FORM:

Leslie Brinning, Sylvania Director of Law

COUNTY OF LUCAS

By: _____
President, Board of County Commissioners

By: _____
County Commissioner

By: _____
County Commissioner

APPROVED AS TO FORM:

Lucas County Prosecutor

10b.

ORDINANCE NO. 55 -2016

AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO AN AGREEMENT FOR THE DISCHARGE OF SANITARY SEWER FROM THE SERVICE AREA OF WHITEFORD TOWNSHIP SEWAGE DISPOSAL SYSTEM NO. 1; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 23-95, passed March 6, 1995, authorized the Mayor and Director of Finance to enter into an Agreement with the County of Monroe, Michigan, the Township of Whiteford, Monroe County, Michigan and the County of Lucas in the State of Ohio permitting the Whiteford Township Sewer No. 1 Service Area to connect to the City of Sylvania Sewer System and discharge sewage to the Sylvania system for ultimate treatment at Lucas County's Maumee River Waste Water Treatment Plant; and,

WHEREAS, Ordinance No. 98-2004, passed November 15, 2004, authorized the Mayor and Director of Finance to enter into an Agreement with the County of Monroe, Michigan, the Township of Whiteford, Monroe County, Michigan and the County of Lucas in the State of Ohio permitting the Whiteford Township Sewer No. 1 Service Area to connect to the City of Sylvania Sewer System and discharge sewage to the Sylvania system for ultimate treatment at Lucas County's Maumee River Waste Water Treatment Plant; and,

WHEREAS, Ordinance No. 38-2014, passed July 21, 2014, authorized the Mayor and Director of Finance to enter into an Assignment and Transfer to Whiteford Township for the discharge of sanitary sewer from the Whiteford Township Sewer No. 1 Service Area; and,

WHEREAS, the Director of Public Service has met with representatives of Whiteford Township who desires to modify the agreement as follows: 1. to allow additional properties to connect to the sanitary sewer along a 200 foot strip along the force main; 2. The flow limitation remains unchanged; 3. Whiteford Township will now share in any surcharge fees incurred by

**AGREEMENT FOR THE DISCHARGE OF SANITARY SEWER
FROM THE SERVICE AREA OF WHITEFORD TOWNSHIP
SEWAGE DISPOSAL SYSTEM NO. 1**

This Agreement, made and entered into as of this 16th day of AUGUST, 2016, by and with the TOWNSHIP OF WHITEFORD, a Township corporation in the State of Michigan (hereinafter sometimes referred to as WHITEFORD), the CITY OF SYLVANIA, a municipal corporation and political subdivision in the County of Lucas and State of Ohio (hereinafter sometimes referred to as SYLVANIA) and the COUNTY OF LUCAS, a political subdivision of and in the State of Ohio (hereinafter sometime referred to as LUCAS).

WHEREAS, WHITEFORD represents that it is fully authorized under the laws of the State of Michigan Act 188 Public Acts of Michigan of 1954 (M.C.L. 41.721 et seq.) and by its township board to enter into this Agreement for the discharge and disposal of sanitary sewage from the service area of Whiteford Township Sewage Disposal System No. 1 to the City of Sylvania Sewer System; and

WHEREAS, SYLVANIA and LUCAS represent that they are duly authorized to enter into this Agreement for the acceptance and ultimate disposal of sanitary sewage from the service area of Whiteford Township Disposal System No. 1, SYLVANIA being authorized by Ordinance of its Council and LUCAS being authorized by Resolution of its Board of Commissioners; and

WHEREAS, the service area of Whiteford Township Sewage Disposal System No. 1 is that area in Whiteford Township, Monroe County, Michigan, designated as Whiteford Township Sewage Disposal System No. 1 Service Area on Exhibit A attached hereto and made a part hereof, which area is sometimes hereinafter referred to as the Service Area; and

WHEREAS, the service area is connected by a force main and pump station in the service area near Section Road, south along Hicker Road to Yankee Road, thence east along Yankee Road to Acres road, thence south along Acres Road to the Michigan/Ohio State line and thence south to the point of connection in Acres Road to the Sylvania Sanitary Sewer System; and,

WHEREAS, in order for SYLVANIA to continue to accept sanitary sewage from the Service Area of WHITEFORD and for such sanitary sewage to be transported to the LUCAS sanitary sewer system and treated at the Lucas County Water Resource Recovery Facility (LCWRRF), it is necessary for the parties hereto to enter into this Agreement.

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3. WHITEFORD will maintain to SYLVANIA's standards and install a flow meter to measure the amount of sewage discharged to the Sylvania Sanitary Sewer System from the Service Area by the force main. SYLVANIA's personnel will read the flow meter and WHITEFORD will have access thereto. If the flow meter and appurtenances thereto are not maintained or not sufficiently maintained in the sole discretion of SYLVANIA, SYLVANIA may make such repairs or maintenance on same as it deems appropriate and the entire cost thereof shall be paid by WHITEFORD in addition to SYLVANIA's charge for sanitary sewer service and upon such additional charge being included in the bill for such services. Said flow meter shall be calibrated annually by persons certified in such practice.
4. WHITEFORD, agrees to pay for the sewage passing through the flow meter at the rate as provided in Section 925.05 of the Sylvania codified ordinances or as may be amended; provided however, the rates for WHITEFORD shall remain at the sixty-seven percent (67%) surcharge as presently provided. The billing for the sewage passing through the flow meter may be monthly. SYLVANIA shall send all bills for sanitary sewer serve to WHITEFORD or its agent designated for handling billing services.
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exclusively toward the cost of the next expansion. Surcharge billings shall be determined each quarter and billed quarterly. Further, the \$423 per million gallon surcharge rate shall be escalated annually beginning on January 1, 2017 based on the Engineering News Record Construction Code Index with the base index being 10,333 for January of 2016.

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7. WHITEFORD agrees to maintain and restore the sanitary sewer connection in Acres Road the City of Sylvania right-of-way so as not to cause any damage to existing pavement and facilities and to do so in such a manner as to create no liability on SYLVANIA in any respect, all of which WHITEFORD does hereby agree and further agrees to save and hold SYLVANIA harmless therefrom.
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9. LUCAS, by entering into this Agreement, hereby approves the use of the force main connecting to the Sylvania Sanitary Sewer System in the Acres Road and approves discharge of sanitary sewage from said Service Area into the Sylvania Sanitary Sewer system for ultimate treatment and disposition at the Lucas County Water Resource Recovery Facility, which approvals are subject to all of the foregoing conditions.
10. In the event that any one or more of the provisions of this contract shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions hereof, but this contract shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.
11. The parties hereto shall be permitted to assign their respective duties and responsibilities under this Agreement upon providing thirty (30) days prior written notice of such assignment. Furthermore, WHITEFORD shall be permitted to assign or subcontract its duties and responsibilities associated with the operation and maintenance of the Whiteford Township Sewage Disposal System No. 1; provided

however, that it shall remain liable for said agent's or subcontractor's actions taken within the scope of this Agreement.

- 12. With the exception of the two residences located at 5815-050-031-10 and 5815-050-031-20, WHITEFORD agrees that it will not connect any additional users south of the existing pump station located at 6176 Section Road until a new master meter has been installed to properly meter the new users.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and delivered by the undersigned, being duly authorized by the respective governing bodies of such parties, all as of the day and year first above written.

TOWNSHIP OF WHITEFORD

By: Walter H. Ruhl
Walter H. Ruhl, Supervisor

By: Angela Christensen
Angela Christensen, Clerk

APPROVED AS TO FORM:

Whiteford Township Legal Counsel

CITY OF SYLVANIA

By: _____
Craig A. Stough, Mayor

By: _____
Toby Schroyer, Director of Finance

APPROVED AS TO FORM:

Leslie Brinning, Sylvania Director of Law

COUNTY OF LUCAS

By: _____
President, Board of County
Commissioners

By: _____
County Commissioner

By: _____
County Commissioner

APPROVED AS TO FORM:

Lucas County Prosecutor

A



City of Sylvania

DIVISION OF TAXATION

CHRISTY M. GOLIS, COMMISSIONER OF TAXATION

September 1, 2016

Mayor Craig A. Stough and Members of Council
City of Sylvania
Sylvania, Ohio

Dear Mayor Stough and Council Members:

The monthly cash report from the Division of Taxation is as follows:

| | Deposits | Refunds | Balance |
|--------------------|--------------|-------------|--------------|
| August 31, 2016 | 753,068.41 | 16,968.29 | 736,100.12 |
| August 31, 2015 | 707,226.35 | 24,874.38 | 682,351.97 |
| Monthly Difference | 45,842.06 | (7,906.09) | 53,748.15 |
| Year to Date 2016 | 7,592,801.08 | 140,269.87 | 7,452,531.21 |
| Year to Date 2015 | 6,814,093.52 | 188,793.05 | 6,625,300.47 |
| Yearly Difference | 778,707.56 | (48,523.18) | 827,230.74 |
| | | | 12.49% |

Respectfully submitted,

Christy M. Golis
Tax Commissioner

c: Mr. Toby Schroyer, Finance Director



City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

September 8, 2016

To: City of Sylvania Resident

Re: **Noise Mitigation Petition-US-23 (Monroe Street to Ohio/Michigan State Line)**

Dear City Resident:

The City of Sylvania is assisting the Ohio Department of Transportation (ODOT) to begin the process of analyzing the US-23 corridor from Monroe Street to the Ohio/Michigan state line for noise mitigation.

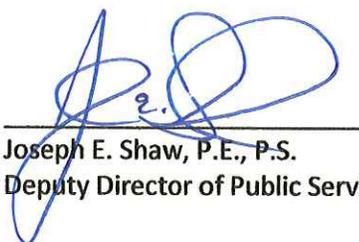
City residents may qualify to participate in ODOT's Type II Noise Wall Retrofit (NWR) Program through the Office of Environmental Services, Division of Planning. The goal of the Type II Program is to provide acoustic protection for residential areas that were in existence prior to the construction of the adjacent highway.

Communities that qualify and desire a noise barrier are required to submit an application and petition in order to start the process. City residents that are being contacted with this letter are on properties within 400' of the edge of pavement on both sides of US-23 within the proposed study area limits. A future noise analysis will determine the exact demarcation line of benefitted receptors, but generally dwellings within this tolerance are impacted and are eligible to sign the petition. To move forward with the project, tenant, property owners, or both, from at least 51% of the impacted dwellings will need to sign the petition.

At this time the City is asking for participation in the petition process. **Those residents in receipt of this letter and in favor of a noise wall project are asked to stop by the City of Sylvania Service Department Office (6730 Monroe Street) to sign the official copy of the petition.** You do not have to be the property owner to sign the petition. Renters, as well as property owners, are encouraged to participate. Our office is open from 8:00 am to 4:30 pm, Monday through Friday. We are asking that residents sign the petition on or before October 7, 2016.

If you would like more information or have specific questions please feel free to email me at jshaw@cityofsylvania.com or call me at (419) 885-8965.

Sincerely,



Joseph E. Shaw, P.E., P.S.
Deputy Director of Public Service



City Of Sylvania

DIVISION OF UTILITIES

DAVID W. FRANCE, UTILITY MANAGER

2nd Quarter 2016

| | 1st Qtr | 2nd Qtr | 3rd Qtr | 4th Qtr | Y-T-D | Prior Year |
|-------------------------------------|-----------------------|-----------------------|---------|---------|-----------------------|-----------------------|
| Number of Water Accounts | 7,182 | 7,185 | | | | |
| Number of Sewer Accounts | 8,705 | 8,710 | | | | |
| Number of Water Tap Permits | 5 | 6 | | | 11 | 33 |
| Number of Sanitary Tap Permits | 6 | 18 | | | 24 | 70 |
| Number of Storm Tap Permits | 6 | 5 | | | 11 | 27 |
| Number of Second Meter Permits | 3 | 3 | | | 6 | 22 |
| | | | | | 0 | |
| Utilities | | | | | | |
| Number of Payments Received | 19,707 | 19,730 | | | 39,437 | 78465 |
| Total Collection Water | \$854,374.67 | \$1,004,599.55 | | | \$1,858,974.22 | \$3,750,328.06 |
| Total Collection Sewer | \$442,069.04 | \$437,372.80 | | | \$879,441.84 | \$1,913,074.22 |
| Total Collection Refuse | \$113,259.71 | \$109,490.58 | | | \$222,750.29 | \$460,040.60 |
| Total Collection On/Off | \$100.00 | \$100.00 | | | \$200.00 | \$635.00 |
| Total Collection Fire | \$907.58 | \$903.76 | | | \$1,811.34 | \$3,505.71 |
| Total Collection Misc | \$2,758.13 | \$3,430.39 | | | \$6,188.52 | \$14,781.43 |
| Total Collection Water Tap Pay Plan | \$199.83 | \$135.87 | | | \$335.70 | \$794.28 |
| Total Collection Sewer Tap Pay Plan | \$0.00 | \$0.00 | | | \$0.00 | \$0.00 |
| Total Collection Tree Removal | \$82.74 | \$82.74 | | | \$165.48 | \$26.69 |
| Utility/Zoning Permit Sales | | | | | | |
| Water Tap Permits | \$4,895.00 | \$7,200.00 | | | \$12,095.00 | \$37,333.73 |
| Sanitary Tap Permits | \$570.00 | \$1,710.00 | | | \$2,280.00 | \$7,803.37 |
| Sanitary Connection Fees | \$1,720.00 | \$3,090.00 | | | | \$31,510.00 |
| Sanitary Cost Recovery | \$0.00 | \$0.00 | | | | \$27,517.72 |
| Sanitary Project Reimbursement | \$0.00 | \$0.00 | | | | \$10,295.04 |
| Storm Tap Permits | \$570.00 | \$475.00 | | | \$1,045.00 | \$2,485.00 |
| Second Meter Permits | \$900.00 | \$900.00 | | | \$1,800.00 | \$6,600.00 |
| Hydrant Permits | \$0.00 | \$1,650.00 | | | \$1,650.00 | \$4,684.01 |
| Zoning Permits | \$4,992.80 | \$5,100.00 | | | \$10,092.80 | \$29,254.63 |
| | | | | | \$0.00 | |
| Service Dept Sales | | | | | | |
| Sewer and Sidewalk Licenses | \$395.00 | \$326.00 | | | \$721.00 | \$1,512.00 |
| Plans/Bid Documents | \$495.00 | \$50.00 | | | \$545.00 | \$1,750.00 |
| Refuse/Green Yard Waste | | | | | | |
| Refuse Extra Bag Tags | \$343.00 | \$289.00 | | | \$632.00 | \$1,336.00 |
| Refuse Bulk Item Sticker | \$722.00 | \$763.00 | | | \$1,485.00 | \$2,862.00 |
| Green Yard Waster Stickers/Bags | \$4,442.00 | \$11,703.00 | | | \$16,145.00 | \$15,214.00 |
| | | | | | | |
| Misc. | \$503.00 | \$430.05 | | | \$933.05 | \$4,433.21 |
| Total Collection | \$1,434,299.50 | \$1,589,801.74 | | | \$3,019,291.24 | \$6,327,776.70 |

| | 1st Qtr | 2nd Qtr | 3rd Qtr | 4th Qtr | Y-T-D | Prior year |
|-----------------------------------|-------------|-------------|---------|---------|-------------|-------------|
| Total Water Purchased (Gallons) | 129,228,220 | 164,245,840 | | | 293,474,060 | 602,885,008 |
| Average Daily Water Purchased | 1,435,869 | 1,824,954 | | | 3,260,823 | 1,674,755 |
| Total Sewer Flow (Gallons) | 262,760,000 | 326,830,000 | | | 589,590,000 | 812,640,000 |
| Average Daily Sewer Flow | 2,919,555 | 3,631,444 | | | 6,550,999 | 9,029,332 |
| Estimated Population Served-Water | 21,400 | | | | | |
| Estimated Population Served-Sewer | 25,300 | | | | | |

Activities To Be Performed

Monitoring meter reading
Continue comparision of Mag Meter to Master Meters
Continue replacement of Dead MTUs

Progress This Period

Systematic Cleaning of sewer collection system
Online utility account availability and email billing
Maintenance and repairs of water distribution system



David W. France
Utility Manager



City of Sylvania Management Report
for the Division of Vehicle Maintenance
Second Quarter 2016

Key Statistics

No. of vehicles serviced and repaired:

| | |
|--------------|-----|
| This Quarter | 115 |
| Last Quarter | 109 |

| | <u>Unit count</u> | <u>Parts \$</u> | <u>Labor \$</u> | <u>Hours</u> |
|---|-------------------|-----------------|-----------------|--------------|
| <u>Fleet Condition:</u> | | | | |
| <u>SPD:</u> Good, routine maint. | 43 | \$4,699.00 | \$4,020.00 | 101 |
| <u>Streets:</u> Good, routine maint. | 39 | \$10,377.00 | \$7,520.00 | 188 |
| <u>Water:</u> Good, routine maint. | 7 | \$681.00 | \$600.00 | 15 |
| <u>Sewer:</u> Good, routine maint. | 8 | \$487.00 | \$525.00 | 13 |
| <u>Parks:</u> Good, routine maint. | 15 | \$2,308.00 | \$1,981.00 | 50 |
| <u>Other Depts:</u> Good, routine Maint. | 3 | \$193.00 | \$225.00 | 6 |

| | | | | |
|----------------------|------------|--------------------|--------------------|------------|
| <u>Totals</u> | 115 | \$18,745.00 | \$14,871.00 | 372 |
|----------------------|------------|--------------------|--------------------|------------|

Misc Repairs (sublet): All Dept. **\$4,942.00**

Total Vehicle Maintenance cost: **\$38,558.00**

Third Quarter 2016 activities: Provide revolving repair and maintenance for all departments. Ready and maintain seasonal equipment such as leaf loaders and plow trucks. As the fleet age: the equipment will require more maintenance and repairs.

Jason Music

Jason Music
 Vehicle Maintenance Manager
 August 12, 2016