

Sylvania City Council

May 1, 2017

6:00 p.m. Zoning & Annexation Committee Meeting

Proposed Ordinance 31-2017-Adult Day Care Centers

Medical Marijuana regulations update

7:30 p.m. Council Meeting

Agenda

1. Roll call. Mrs. Cappellini, Mr. Frye, Mr. Haynam, Mrs. Husman, Mr. Luetke, Mr. Mishka, Mrs. Westphal.
2. Pledge of Allegiance to the United States of America led by Mrs. Cappellini.
3. Additions to the agenda.
4. Approval of the Council meeting minutes of April 17, 2017.
5. 2016 Sanitary Lining Project.
 - a. Service Director's report on Change Order No. 2.
 - b. Proposed Ordinance No. 38-2017, Authorizing to approve Change Order No. 2 with Insituform Technologies USA, LLC for the 2016 Sanitary Sewer Lining Project.
6. Ohio Department of Transportation Salt Bid.
 - a. Service Director's report on salt bids for 2017-2018 season.
 - b. Proposed Ordinance No. 39-2017, Authorizing to enter into an agreement with ODOT for the purchase of roadway de-icing salt.
7. Proposed Ordinance No. 82-2016, Authorizing to enter into a Memorandum of Understanding between Sylvania Township Board of Trustees and the City of Sylvania to help provide a framework for fostering economic development through Joint Economic Development District, Annexations, and other Annexation Agreements in the Sylvania Community. Currently in Zoning & Annexation Committee, Township has approved agreement.
8. Proposed Ordinance No. 40-2017, Authorizing the Director of Law to initiate the filing of a lawsuit against the State of Ohio regarding the unconstitutionality of the amendments to the Ohio Revised Code Chapter 4939 concerning cell tower locations.
9. Confirmation of Mayor Stough's appointments of John Bolster, for a term expiring in 12/31/19, Michael Lieber and Jan Scheer, for a term expiring 12/31/18 to the Sister City Commission.

10. Committee reports.
 - a. Zoning & Annexation Committee meeting from May 1, 2017 at 6:00p.m.
11. Committee referrals.

INFORMATION

- A. Public Safety & Service Day information.

Minutes of the Meeting of Council
April 17, 2017

The Council of the City of Sylvania, Ohio met in regular session on April 17, 2017 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.

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

Pledge of
Allegiance.

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

Requests were made for the following additions to the agenda:

- 14a. Move agenda item 14a to 4a.
- 15a. Schedule a Zoning & Annexation 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.

Agenda
approval.

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

Mrs. Westphal presented the April 3, 2017 meeting minutes. Mrs. Westphal moved, Mrs. Husman 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 April 3, 2017 be approved; roll call vote being: Frye, Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Approval of the
April 3 meeting
minutes.

Mr. Luetke reported on the Employee & Community Relation Committee meeting held April 14, 2017 to discuss proposed Ordinance No. 83-2016, Amending Part One-Administrative Code of the Codified Ordinances of the City of Sylvania, by adding Chapter 161-Sister City Commission. He also provided information the Red Bird District signage.

Report Emp. &
Com. Relations
Sister City
Commission.

Mr. Luetke presented and read aloud by title only, proposed Ordinance No. 83-2016, a written copy of same having been previously furnished to each member of Council, "Amending Part-One-Administrative Code of the Codified Ordinances of the City of Sylvania, 1979, by adding Chapter 161-Sister City Commission; and declaring an emergency."; Mr. Luetke moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Mishka, Westphal, Cappellini, Frye, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

Ordinance No.
83-2016;
".....Adding
Chapter 161-
Sister City
Commission..."

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Mr. Luetke moved, Mrs. Husman seconded, that Ordinance No. 83-2016 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 5.

Plan Commission's recommendation for Zoning Ordinance Amendment Application No. PD-1-2017, a request from Mercurio Developers for an amendment to an approved Planned Development for property located at 5142 W. Alexis Rd., Sylvania, Ohio was placed on file. Mr. Haynam moved, Mrs. Westphal seconded to set the public hearing for Zoning Amendment Application No. PD-1-2017 for June 5, 2017 at 6:00 p.m. and authorize the clerk to advertise the same. Roll call vote being: Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

Public Hearing
set: PD-1-2017;
6/5/17, 6:00p.m.

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

Plan Commission's recommendation on proposed Ordinance No. 27-2017, Amending Codified Ordinances by creating Chapter 1143 – B-5, Office, Residential and Retail District was placed on file. Mr. Haynam moved, Mr. Luetke seconded to set the public hearing on proposed Ordinance No. 27-2017 for June 5, 2017 at 6:00 p.m. and authorize the clerk to advertise the same. Roll call vote being: Husman, Luetke, Mishka, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays. The motion carried.

Public Hearing
set: Ord No.
27-2017;
6/5/17, 6:00p.m.

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

Plan Commission's recommendation for Zoning Ordinance Amendment Application No. ZA-1-2017, a request from the City of Sylvania for a zoning change from "B-3" Central Business District to "B-5" Office, Residential and Retail District for property located at 0 Main St., 0 Monroe St., 6447, 6453, 6457, 6461, 6465, 6465 Monroe St., Sylvania, Ohio was placed on file. Mr. Haynam moved, Mrs. Westphal seconded to set the public hearing for Zoning Amendment Application No. ZA-1-2017 for June 5, 2017 at 6:00 p.m. and authorize the clerk to advertise the same. Roll call vote being: Husman, Luetke, Mishka, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays. The motion carried. Roll call vote being: Husman, Luetke, Mishka, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays. The motion carried.

Public Hearing
set: ZA-1-2017;
6/5/17, 6:00p.m.

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

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Mr. Mishka presented and read aloud by title only, proposed Ordinance No. 32-2017, a written copy of same having been previously furnished to each member of Council, "Providing for the construction, maintenance, repair, cleaning and enclosing open drainage ditches located within the Corporate limits of the City of Sylvania; authorizing the Director of Public Service, by and through the proper officers of said City to do said work during the year 2017; establishing one district for said purpose in accordance with the provisions of Section 727.012 of the Revised Code of Ohio; providing for the assessment of the cost and expense thereof upon abutting property; and declaring an emergency"; Mr. Mishka moved, Mrs. Westphal 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. 32-2017,
"Providing...
repair, cleaning
...ditches..."

Mr. Mishka moved, Mr. Luetke seconded, that Ordinance No. 32-2017 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 9.

Mrs. Cappellini presented and read aloud by title only, proposed Ordinance No. 33-2017, a written copy of same having been previously furnished to each member of Council, "Providing for the controlling blight and disease of shade trees and for planting, maintaining, trimming and removing shade trees in and along the streets and within public right-of-way of the City of Sylvania; authorizing the Director of Public Service, by and through the proper officers of said City to do said work during the year 2017; establishing one district for said purpose in accordance with the provisions of Section 727.011 of the Revised Code of Ohio; providing for the assessment of the cost and expense thereof upon abutting property; and declaring an emergency"; Mrs. Cappellini moved, Mrs. Husman 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. 33-2017,
"Providing for
the controlling
of blight and
disease...shade
trees..."

Mrs. Cappellini moved, Mr. Haynam seconded, that Ordinance No. 33-2017 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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Mayor Stough stated that Council will now consider agenda item 10.

Mr. Mishka presented and read aloud by title only, proposed Resolution No. 3-2017, a written copy of same having been previously furnished to each member of Council, “Declaring the necessity of lighting the streets in the City of Sylvania, Ohio; determining the manner of providing street lighting and the basis for the property owner’s share of the cost and annual assessment; and declaring an emergency”; Mr. Mishka moved, Mrs. Husman seconded, that Council dispense with the Second and Third Readings of said Resolution; roll call vote being: Frye, Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Resolution No. 3-2017, “declaring the necessity of lighting the streets...”

Mr. Mishka moved, Mr. Luetke seconded, that Resolution No. 3-2017 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 11.

Service Director’s report on the River Trail Phase 2 project was placed on file. Mrs. Cappellini presented and read aloud by title only, proposed Ordinance No. 34-2017, a written copy of same having been previously furnished to each member of Council, “Authorizing the Mayor and Director of Finance to accept the amendment to the proposal of Smithgroup JJR to provide Construction Engineering Services for the River Trail Phase 2 Project; appropriating funds therefore in an amount not to exceed \$55,400; and declaring an emergency.”; Mrs. Cappellini moved, Mr. Mishka 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. 34-2017; “authorizing amendment to design services ...River Trail Phase 2 project”

Mrs. Cappellini moved, Mr. Luetke seconded, that Ordinance No. 34-2017 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 12.

Mrs. Cappellini presented and read aloud by title only, proposed Ordinance No. 35-2017, a written copy of same having been previously furnished to each member of Council, “Accepting an easement from Flower Hospital and Promedica Continuing Care Services for the purpose of maintaining and installing a bike path; and declaring an emergency.”; Mrs. Cappellini moved, Mr. Mishka seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Westphal,

Ordinance No. 35-2017, “Accepting easement... Flower Hospital ... maintaining

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Cappellini, Frye, Haynam, Husman, Luetke, Mishka, (7) yeas; (0) nays. The motion carried. & installing bike path...”

Mrs. Cappellini moved, Mr. Luetke seconded, that Ordinance No. 35-2017 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 13.

Service Director’s report on the Administration building chiller replacement project was placed on file. Mrs. Husman presented and read aloud by title only, proposed Ordinance No. 36-2017, a written copy of same having been previously furnished to each member of Council, “Accepting the bid of Henson Plumbing and Heating, Inc. and awarding the contract for the Administration Building Chiller Replacement Project to same; authorizing the expenditure for the improvements in the amount of \$52,800; appropriating funds therefore; and declaring an emergency.”; Mrs. Husman moved, Mr. Frye 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. 36-2017; “Accepting bid...Henson Plumbing... Admin. Bldg. Chiller Replacement project...”

Mrs. Husman moved, Mr. Haynam seconded, that Ordinance No. 36-2017 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 13.

Service Director’s report on Joint Cooperation Agreement regarding the Sylvania Avenue Rectangular Rapid Flash Beacon project was placed on file. Mr. Frye presented and read aloud by title only, proposed Ordinance No. 37-2017, a written copy of same having been previously furnished to each member of Council, “Authorizing the Mayor and Director of Finance to enter into a Joint Cooperation Agreement on behalf of the City of Sylvania with the Board of the Sylvania City School District relative to the Sylvania Avenue Rectangular Rapid Flash Beacon Project; and declaring an emergency.”; Mr. Frye moved, Mr. Haynam seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being: Husman, Luetke, Mishka, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays. The motion carried. Ordinance No. 37-2017, “Authorizing Joint Co-Op Agreement for Sylvania Rapid Flash Beacon project....”

Mr. Frye moved, Mr. Mishka seconded, that Ordinance No. 37-2017 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.

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

Mr. Hayman reported on the Zoning & Annexation Committee meeting held at 6:00p.m. on this date to discuss proposed Ordinance No. 31-2017, Adult Day Care Centers in the Zoning code. There was discussion on the regulations of such facilities. The Committee will consult with Administration and resume review and consideration at a future Committee meeting.

Report on
Zoning Com. re:
Ordinance No.
31-2017, Adult
Day Care.

Mr. Frye reported on the Streets Committee meeting held at 6:45p.m. on this date to discuss the Alexis Road Safety Study. Mr. Shaw, Deputy Service Director provided information on the area and ECAT study. The Committee heard from area businesses regarding median installation affecting their business. The Committee provided direction to Administration to accept the signalization as only modification and make application to State for funding. The Committee requested Administration to bring forward a traffic study for same area for possible speed reductions.

Report on
Streets Com. re:
Alexis Road
Safety Study.

Mayor Stough stated that there are no items for agenda item 15.

Mr. Haynam set a Zoning & Annexation Committee meeting for Monday, May 1 2017 at 6:00 p.m. to continue discussions on the Adult Day Care Centers and to discuss medical marijuana regulations update.

Z&A Com. Mtg.
5/1/17, 6:00p.m.

Mrs. Husman provided information on the Take-Back Day scheduled for Saturday, April 29th from 10:00a.m. to 2:00 p.m. She also provided information on the Community Days at the Village to be held the first Saturday of each month from June through October at the Historical Village.

SCT Activities,
Community
Days at Village.

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

Mrs. Westphal moved, Mrs. Cappellini seconded that this meeting adjourn; all present voting yea (7); (0) nays. The motion carried and the meeting adjourned at 8:02 p.m.

Adjournment.

Clerk of Council

Mayor

5a



City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

May 1, 2017

To: The Mayor and Members of Sylvania City Council

Re: **2016 SANITARY LINING PROJECT (CITY OF SYLVANIA & LUCAS COUNTY SANITARY ENGINEER)
CHANGE ORDER NO. 2**

Dear Mr. Mayor and Council Members:

The Lucas County Sanitary Engineer (LCSE) has requested a change order to complete the necessary work at two locations in their service area as a part of this joint agency project.

The total amount of additional work requested by the LCSE is \$10,065.30. The LCSE has reviewed these change order requests and found them to be acceptable. Change Order No. 1 (Ord. 11-2017) was approved by Council on February 21, 2017 which increased the original contract from \$560,396.50 to \$575,675.50. We would recommend approval of Change Order No. 2 which will increase the contract amount from \$575,675.50 to \$585,740.80.

Please call if you have any questions.

Sincerely,

Kevin G. Aller, P.E.

Director of Public Service

dsw

CITY OF SYLVANIA, OHIO

CHANGE ORDER Number 2

Project Ordinance No.: 54-2016 Purchase Order No. 52576

Contract: 2016 Sanitary Lining Project (COS & LCSE)

Title of Change Order: _____

Date: 4/20/2017

Description of Change: Changes in Work (See Attached) \$10,065.30

RECOMMENDED FOR APPROVAL BY: Kevin G. Aller 4/21/17
 Kevin G. Aller, P.E. Date
 Public Service Director

Original Contract Amt	\$ 560,396	50	REVIEWED BY: <u>Joseph E. Shaw</u>
Previous Changes (+ or -)	\$ +15,279	00	DATE: <u>4/21/17</u> <small>Engineer</small>
This Change (+ or --)	\$ +10,065	30	SUBMITTED BY: <u>J. M. Sifert</u> <small>Engineers Signature</small>
Adjusted Contract Amt	\$ 585,740	80	DATE: <u>4-20-17</u> <u>T. Schroyer</u> <small>Name of Contractor</small> <small>Contractor's Signature</small>

City of Sylvania, Ohio

The above proposal is hereby approved.

The above proposal is hereby approved.

Craig A. Stough, Mayor Date Toby Schroyer, Finance Director Date

**CITY OF SYLVANIA
CHANGE ORDER NO. 2**

2016 SANITARY LINING PROJECT (COS & LCSE)

4/20/2017

Sheet 1 of 1

1 CHANGES IN WORK

a. LCSE-Airport Triplex Pump Station Bypass Installation \$9,435.30

- 1) The existing bypass for the pump station is 4" in size which is inadequate to handle the current flows. The change order would install a permanent 6" bypass and allow the contractor to perform the pump station manhole lining as planned once the bypass work is completed. The work includes installing a manhole with access hatch, 16"x6" tap sleeve and 6" flange valve, 6" companion flange with camlock adapter, labor, restoration and traffic control.

LCSE-Airport Triplex Pump Station Bypass Installation: \$9,435.30

b. LCSE-Spot Grouting of Jasik/Capri Manhole \$630.00

- 1) This manhole has a significant leak around the incoming pipe. This work would include injecting chemical grout into the leak.

LCSE-Spot Grouting of Jasik/Capri Manhole: \$630.00

2 CHANGE ORDER NO. 2 (ADD)

\$10,065.30

5b

ORDINANCE NO. 38 -2017

AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO APPROVE CHANGE ORDER NO. 2 TO THIS CITY'S AGREEMENT WITH INSITUFORM TECHNOLOGIES USA, LLC FOR THE 2016 SANITARY SEWER LINING PROJECT WHICH REFLECTS THE ACTUAL WORK PERFORMED ON THIS PROJECT; INCREASING THE CONTRACT AMOUNT BY \$10,065.30; APPROPRIATING FUNDS THEREFORE; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 54-2016, passed September 6, 2016, accepted the bid of Insituform Technologies USA, LLC, which bid was in the amount of \$560,396.50; and,

WHEREAS, Ordinance No. 11-2017, passed February 21, 2017, authorized the Mayor and Director of Finance to approve Change Order No. 1 to the City's Agreement with Insituform Technologies USA, LLC and increased the contract amount by \$15,279; and,

WHEREAS, the Director of Public Service, by report dated May 1, 2017, has indicated that the Lucas County Sanitary Engineer has requested a change order to complete the necessary work at two locations in their service area as part of this joint agency project; and,

WHEREAS, the additional work resulted in an increase to the contract in the amount of \$10,065.30; and,

WHEREAS, the actual work performed resulted in a net increase to the contract in the amount of Ten Thousand Sixty-Five and 30/100 Dollars (\$10,065.30), for a total contract amount of \$585,740.80.

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

SECTION 1. That said change order increasing the contract amount by the sum of Ten Thousand Sixty-Five and 30/100 Dollars (\$10,065.30), authorized to be appropriated be, and the same hereby is, approved, and the Mayor and the Director of Finance be, and they hereby are, authorized to sign said change order on behalf of this City, thereby indicating such approval and changing the total contract amount.

SECTION 2. That, to provide funds for said change order for improvements, there is hereby appropriated from the **SEWER FUND** from funds therein not heretofore appropriated to **Account No. 702-7540-53501**, the sum of Ten Thousand Sixty-Five and 30/100 Dollars (\$10,065.30).

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

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the adjustments in the contract for said additional improvements should be approved 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.

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

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

Passed, _____, 2017, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date



April 27, 2017

To: The Mayor and Members of Sylvania City Council

Re: **ODOT Salt Bid**

Dear Mr. Mayor and Council Members:

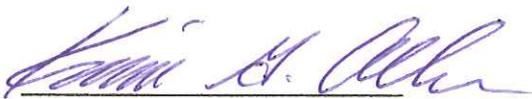
The Ohio Department of Transportation (ODOT) has advised us that they will receive bids for the 2017-2018 supply of rock salt.

Based on our current supply, it is our intention to purchase a total of 1,000 tons within this contract.

We hereby request authorization to participate in the ODOT Cooperative Purchasing Program for the quantity listed above.

Please call if you have any questions.

Sincerely,



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

6b

ORDINANCE NO. 39 -2017

AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE OF THE CITY OF SYLVANIA, OHIO, TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PURCHASE OF ROADWAY DE-ICING SALT; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Sylvania (hereinafter referred to as the "Political Subdivision") hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual winter road salt bid (018-18) in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT winter road salt contract; and,

WHEREAS, the Director of Public Service, by report dated May 1, 2017, has recommended that the City of Sylvania participate in the State of Ohio contract for roadway de-icing salt; and,

WHEREAS, the City of Sylvania has participated in the State of Ohio contract for roadway de-icing salt for 2011, 2012, 2013, 2014, 2015 and 2016.

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

SECTION 1. That the Mayor and Director of Finance be, and they hereby are, authorized to enter into, on behalf of this City, a Purchasing Services Contract with the Ohio Department of Transportation in the form and substance of said "Exhibit A."

SECTION 2. As a participant in this agreement, the Political Subdivision agrees:

- A. To be bound by all terms and conditions established by ODOT in the winter road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract.
- B. The City of Sylvania hereby acknowledges that upon the Director of ODOT's signing of the winter road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision.

- C. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT winter road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses or other damages arising out of the City of Sylvania's participation in the winter road salt contract.
- D. The Political Subdivision hereby requests through this participation agreement a total of _____ tons of Sodium Chloride (Road Salt) of which the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT.
- E. The City of Sylvania hereby agrees to purchase a minimum of 90% of its above-requested salt quantities from its awarded salt supplier during the contract's effective period of October 1, 2017 through April 30, 2018.
- F. The City of Sylvania hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT winter salt contract.
- G. The City of Sylvania acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Thursday June 1, 2017. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision's participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision's participation agreement and/or the Political Subdivision's request to rescind its participation agreement.

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

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

SECTION 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the City should indicate its participation in the Ohio Department of Transportation's roadway de-icing salt purchasing contract 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, _____, 2017 as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

ORDINANCE NO. 82 -2016

AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE SYLVANIA TOWNSHIP BOARD OF TRUSTEES AND THE CITY OF SYLVANIA; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Sylvania desires to continue its cooperation with Sylvania Township; and,

WHEREAS, attached hereto is a Memorandum of Understanding between the Sylvania Township Board of Trustees and the City of Sylvania that help provides a framework for fostering economic development through Joint Economic Development District, annexations, other Annexation Agreements in the Sylvania Community; and,

WHEREAS, at the December 19, 2016 meeting of Sylvania City Council, this matter was referred to the Zoning and Annexation Committee for its review and recommendation; and,

WHEREAS, the Sylvania Township Trustees met on April 18, 2017 and approved the proposed Agreement by Resolution No. 17-041.

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

SECTION 1. That the Mayor and Director of Finance be, and they hereby are, authorized, on behalf of the City of Sylvania, Ohio, to enter into a Memorandum of Understanding Between the Sylvania Township Board of Trustees and the City of Sylvania, which Agreement is attached hereto as "Exhibit A."

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the Memorandum of Understanding should be entered into as soon as possible. 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

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE SYLVANIA TOWNSHIP BOARD OF TRUSTEES
AND THE CITY OF SYLVANIA**

This Memorandum of Understanding is entered into by and between the Sylvania Township Board of Trustees and the City Council of the City of Sylvania on this _____ day of _____, 2016.

WHEREAS, the parties hereto wish to increase and continue their cooperation with one another in fostering economic development in the region that will inure to the benefit of both the City of Sylvania and Sylvania Township;

WHEREAS, the laws of the state of Ohio provide for the creation of agreements by and between cooperating political subdivisions to encourage economic development; and

WHEREAS, the parties hereto agree that their entering into this Memorandum of Understanding will serve as a first step to establishing the basis for and negotiating an agreement between the parties that will further the economic development goals of the parties and would serve to enhance the revenues of the parties, thereby benefiting current and future residents and businesses.

ACCORDINGLY, the undersigned parties enter into this Memorandum of Understanding by which each agrees to cooperate with the other to achieve the aforesaid goals, and, to that end, hereby AGREE as follows:

1. The parties agree to the annexation of an initial, specific property/properties, to be identified by the City, to which the Township will not oppose. The parties further agree they will negotiate a service payment to be made by the City to the Township, utilizing as a guide to the amount Exhibit A attached hereto, said amount to be based upon the amount of revenue received by the City as a result of the annexation of said property.
2. The Township agrees it will identify a property or properties that could form the basis for establishing a Joint Economic Development District (JEDD), and the parties further agree to work with one another and with property owners in order to enter into a JEDD agreement with regard to said property or properties. Said negotiations would include, among other statutorily allowed subjects, a statement of services to be provided to the property, economic development to be provided to and for the property, a determination of the amount of the income tax to be levied by the District, and how said tax would be allocated between the parties, again taking into consideration the guidelines set forth in Exhibit A hereto.
3. The City and Township agree to engage in mutual planning meetings on an agreed timeline in order to discuss potential, and specific, anticipated

development that may be included in a JEDD or be the subject of a separate annexation agreement or community economic development agreement (CEDA). The parties agree such mutual planning meetings will occur on a regular basis, but no less frequently than three times per year.

4. In accordance with R.C. Chapter 509, Sylvania Township Police officers are also appointed as Constables and, therefore, have County-wide jurisdiction. However, ¶The parties understand and acknowledge that since the Sylvania Township Police District covers only the unincorporated portion of the Township, any Township territory annexed into the City, once annexed, will not be in the District and, therefore, will not be subject to the Township's police levy. The Township agrees that upon entering into an agreement, the police district organization ~~will~~would not be changed by the Township so as to require any Township police levy to be levied on properties in the ~~un~~incorporated portions of the Township.
5. The parties further acknowledge that the mutual cooperation and practice between the Township and City police departments, to provide mutual aid and back-up to one another, will continue.
6. The parties agree that this Memorandum of Understanding is the good faith beginning and identification of a process, and does not obligate either party to agree to the creation of a specific JEDD or other agreement with one another, nor does it preclude either party from negotiating with or entering into a JEDD or other agreement with any other entity not a party hereto.

The undersigned have read this Memorandum of Understanding and have voluntarily executed it, each having been authorized by their respective Council and Board.

City of Sylvania

Sylvania Township Board of Trustees

By Date

By Date

By Date

By Date

Exhibit A
Guidelines for Discussion Purposes
for Joint Non-Residential DEVELOPMENT
For Potential Annexation Agreements, Understandings and JEDDS

Distance to City	Revenue Sharing (20 to 40 yrs?)		
	<u>City</u>	<u>TWP</u>	<u>Note</u>
Less than ½ mile	80%	20%	Annexed to City *
More than ½ mile	50%	50%	Annexed to City *
Beyond 1 mile	20%	80%	<u>Not</u> annexed to City **

Notes:

- 1) Revenue sharing percentages after collection cost of CITY
- 2) The TOWNSHIP share of development costs such as infrastructure and improvements will be limited to its percentage of revenue cost (20% to 80%) over the initial 20 to 40 yrs.
- 3) Use CITY income tax rate (currently 1.5%)
- 4) TOWNSHIP and CITY general costs such as administration, legal, management and co-ordination will be the responsibility of each entity and not be a part of shared development cost.
- 5) If the territory remains in the TOWNSHIP and at a later date, the CITY is able to annex the non-residential development during the initial 20 to 40 year period, then the CITY will reimburse the TOWNSHIP for the TOWNSHIP remaining share of development costs and a TOWNSHIP minimum of 10% in revenue sharing would remain and the TOWNSHIP would not continue to provide services.

* Should annexation be a part of the initial non-residential development project and an annexation agreement, JEDD or other type of understanding cannot be reached with 30 days, then Township will not share in development cost and will not provide any services, but will collect a minimum of 10% in revenue.

** Assumes land remains in Township and is not annexed.

ORDINANCE NO. 40 -2017

AUTHORIZING THE DIRECTOR OF LAW TO INITIATE THE FILING OF A LAWSUIT AGAINST THE STATE OF OHIO REGARDING THE UNCONSTITUTIONALITY OF THE AMENDMENTS TO OHIO REVISED CODE CHAPTER 4939; AND DECLARING AN EMERGENCY.

WHEREAS, Substitute Senate Bill No. 331 of the 131st General Assembly amending Ohio Revised Code Chapter 4939 became effective March 31, 2017; and,

WHEREAS, the amendments to Ohio Revised Code Chapter 4939 authorize micro wireless facility operators to construct and operate small cell data towers within municipal corporation rights-of-way; and,

WHEREAS, the Director of Law has recommended that the City of Sylvania proceed with the filing of the lawsuit.

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

SECTION 1. That the Director of Law is hereby authorized to file a lawsuit in the Lucas County Common Pleas Court challenging the constitutionality and enforceability of Sub. SB No. 331 enacted by the 131st General Assembly amending Ohio Revised Code Chapter 4939.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the lawsuit challenging the constitutionality of Sub. S.B. No. 331 amending Ohio Revised Code Chapter 4939 should be filed 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, _____, 2017, as an emergency measure.

ATTEST:

Clerk of Council

President of Council

APPROVED AS TO FORM:

APPROVED:

Director of Law

Mayor

Date



OFFICE OF THE MAYOR
CRAIG A. STOUGH, MAYOR

April 28, 2017

TO THE MEMBERS OF SYLVANIA CITY COUNCIL:

RE: Appointments to the Sister City Commission

Dear Council Members:

At the April 17, 2017 meeting of Sylvania City Council, Ordinance No. 83-2016 was passed and established the Sylvania Sister City Commission.

Mr. John Bolster, Mr. Michael Lieber and Mrs. Jan Scheer have expressed their interest in serving on the Sister City Commission. Mr. Bolster, Mr. Lieber and Mrs. Scheer have been active in the Sister City Commission under its previous organization and have demonstrated their active interest and commitment to Sylvania through their service to the community.

Therefore, I am pleased to announce the appointment of Mr. John Bolster, Mr. Michael Lieber and Mrs. Jan Scheer to the Sister City Commission for a term expiring December 31, 2018 for Mr. John Bolster; for terms expiring December 31, 2019 for Mr. Michael Lieber and Mrs. Jan Scheer, and request that you confirm these appointments.

Respectfully submitted,

Craig A. Stough
Mayor

CAS/lb