

Sylvania City Council

October 2, 2017

6:00 p.m. Committee-of-the-Whole Meeting
Downtown Sylvania Association/Red Bird Arts District

7:00 p.m. Public Hearings
SUP-2-2017 – Nicor, Inc.
Ordinance No. 57-2017 – Sign Code Amendments

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 Mr. Haynam.
3. Additions to the agenda.
4. Approval of the Council meeting minutes of September 18, 2017.
5. Chief Rhodus to introduce our three new police officers: Patrick Gilmore, Christopher Barrow, and Marc Tanner.
6. Report on public hearings held on this date at 7:00 p.m.
 - a. SUP-2-2017, Nicor, Inc.
 - b. Ordinance No. 57-2017, Sign Code Amendments.
7. Erika Buri, Olander Park System to provide update on levy.
8. Plan Commission's recommendation on proposed Ordinance 62-2017, Amending Part Eleven-Planning and Zoning Code of the Sylvania Codified Ordinances, 1979, as amended, by amending Section 1101.10-Definitions and Section 1153.02-Special Uses. (marijuana cultivation) Council received last meeting. Set public hearing and authorize clerk to advertise. (Earliest date Nov. 6, 2017)
9. Service Director's report on the Sylvania River Trail, Phase II project; and authorize the clerk to advertise for bids.

10. Alexis Road Hydraulic Study.
 - a. Service Director's report on contract for professional surveying and engineering agreement.
 - b. Proposed Ordinance No. 67-2017, Accepting proposal of Northwest Consultants, Inc. to provide professional Engineering and Surveying Services for the Alexis Road Hydraulic Study.
11. Church Demolition at 4827 Holland-Sylvania Road project.
 - a. Service Director's report on project.
 - b. Proposed Ordinance No. 68-2017, Authorizing to accept the amendment to the proposal of DMD Environmental for the asbestos removal from the City's property at 4827 Holland-Sylvania Rd.
12. Main St. Reconstruction project.
 - a. Service Director's report on Temporary Construction Easement-Toledo Edison Co.
 - b. Proposed Ordinance No. 69-2017, Accepting a temporary construction easement from Toledo Edison Company relative to the Main Street Reconstruction project, dedicating the easement for public purposes and appropriating funds.
13. Approval of 1999 Ford F450 Dump Truck to be offered for auction on GovDeals.com.
14. Committee reports.
 - a. Committee-of-the-Whole meeting from 6:00 p.m. on this date.
15. Committee referrals.

INFORMATION

- A. Certificate of Notice for SUP-2-2017, Nicor, Inc.

Minutes of the Meeting of Council
September 18, 2017

The Council of the City of Sylvania, Ohio met in regular session on September 18, 2017 at 7:30 p.m. with Acting Mayor Mary Westphal in the chair. Roll was called with the following members present: Katie Cappellini, Mark Frye, Doug Haynam, Sandy Husman, Mark Luetke, Jason Mishka, Mary Westphal; (7) present; (0) absent.

Roll call:
All council present.

Mr. Frye led the Pledge of Allegiance to the United States of America.

Pledge of Allegiance.

Mrs. Westphal stated that Council will now consider agenda item 3.

The following items were added to the agenda:

- 3a. Election of President Pro-Tem.
- 13. Sister City Commission update.

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

Agenda approval.

Due to Mayor Stough's absence, Mr. Luetke moved, Mr. Frye seconded to nominate Mr. Haynam as President Pro-Tem. There were no other nominations, and all present voted: (7) Yeas, (0) Nays. The motion carried.

Mr. Haynam, President Pro-Tem.

Mrs. Westphal stated that Council will now consider agenda item 4.

Mr. Haynam presented the September 6, 2017 meeting minutes. Mr. Haynam moved, Mr. Mishka 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 September 6, 2017 be approved; roll call vote being: Frye, Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Approval of the September 6 meeting minutes.

Mrs. Westphal stated that Council will now consider agenda item 5.

Rae Betz and Dani Fuller provided an update on the Downtown Sylvania Association and the Red Bird Arts District. They requested support for the continuation and expansion of their programming in 2018 and commitment of \$16,000.00 for the DSA's efforts in the Red Bird Arts District.

DSA & Red Bird Arts Dist. Update/request financial support.

Mr. Luetke moved, Mr. Mishka seconded to move the request for support for the DSA and Red Bird Arts District to the Committee-of-Whole for further discussion; roll call vote being: Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

Minutes of the Meeting of Council
September 18, 2017

Mrs. Westphal set a Committee-of-the-Whole meeting for October 2, 2017 at 6:00 p.m.	C-O-W Mtg; 10/2/17 @ 6:00 p.m.
Mrs. Westphal stated that Council will now consider agenda item 6.	
Mrs. Westphal stated that Council is in receipt of the Plan Commission's recommendation on proposed Ordinance 62-2017, Amending Part Eleven-Planning and Zoning Code of the Sylvania Codified Ordinances, 1979, as amended, by amending Section 1101.10-Definitions and Section 1153.02-Special Uses.	Plan Com recommendation on proposed Ordinance No. 62-2017.
Mrs. Westphal stated that Council will now consider agenda item 7.	
Mrs. Westphal stated that Council is in receipt of the Plan Commission's recommendation on SUP-2-2017, a request for a Special Use Permit for an Adult Day Services/Vocational Habilitation for property located at 5631, 5635, 5639 West Alexis Road, 5530 and 5526 Alger Road, Sylvania, Ohio from Nicor, Inc. Council has set October 2, 2017 at 7:00 p.m. for the public hearing on this matter.	Plan Com. recommendation on SUP-2-2017.
Mrs. Westphal stated that Council will now consider agenda item 8.	
Mr. Mishka presented and read aloud by title only, proposed Ordinance No. 59-2017, a written copy of same having been previously furnished to each member of Council, "Amending Chapter 921-Water Regulations; amending Chapter 923-Water Service Charges; adding Chapter 922-Cross Connection Control and Water Quality Protection of the Sylvania Codified Ordinances, 1979, as amended; and declaring an emergency." Mr. Mishka 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. 59-2017, "Amending Chapter 921- Water Regs; Chapter 923 Water Service Chgs; adding Chapter 922 Cross Connection..."
Mr. Mishka moved, Mr. Luetke seconded, that Ordinance No. 59-2017 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.	
Mrs. Westphal stated that Council will now consider agenda item 9.	
Service Director's report on a temporary construction easement for the Main Street Reconstruction was placed on file. Mr. Frye presented and read aloud by title only, proposed Ordinance No. 65-2017, a written copy of same having been previously furnished to each member of Council, "Accepting a temporary construction easement from Speedway, LLC relative to the Main Street Reconstruction Project; dedicating the	Ordinance No. 65-2017, "accepting temp. construction easement....

Minutes of the Meeting of Council
September 18, 2017

easement for public purposes; appropriating funds therefore, and declaring an emergency.” Mr. Frye moved, Mrs. Husman 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.

Main St.
project...”

Mr. Frye moved, Mr. Mishka seconded, that Ordinance No. 65-2017 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.

Mrs. Westphal stated that Council will now consider agenda item 10.

Service Director’s report on ODOT’s sign replacement project in 2018 was placed on file. Mr. Frye presented and read aloud by title only, proposed Ordinance No. 66-2017, a written copy of same having been previously furnished to each member of Council, “Authorizing the Mayor and Director of Finance of the City of Sylvania, Ohio, to enter into an agreement between the State of Ohio, Department of Transportation and the City of Sylvania to replace an overhead head-in sign located at the interchange of US23 and SR51 in the City of Sylvania; 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: Frye, Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Ordinance No.
66-2017,
“Authorizing
agreement with
ODOT...replace
sign at US23 &
SR51...”

Mr. Frye moved, Mrs. Husman seconded, that Ordinance No. 66-2017 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 that Council will now consider agenda item 11.

Mr. Luetke reported on the Employees & Community Relations Committee meeting held on this date at 7:00p.m. regarding the 2018 city calendar and a honorary designation nomination for Don Townsend. He stated Mr. Townsend taught Art for 28 years and is a renowned Artist. Mr. Luetke would like to designate the bridge on Silica as the “Don Townsend Gateway Bridge”. He also provided information on the upcoming re-appointments to the Board of Zoning Appeals.

Report on Emp.
& Com Rel.
Com. Mtg. re:
2018 calendar &
honorary
designation.

Mr. Luetke moved, Mrs. Husman seconded to designate the Silica Road bridge as the “Don Townsend Gateway Bridge”; roll call vote being: Frye, Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Honorary
Designation...
“Don Townsend
Gateway
Bridge”

Minutes of the Meeting of Council
September 18, 2017

Mrs. Westphal stated that Council will now consider agenda item 13.

Mr. Luetke provided an update on the Sister City Commission and their activities. He provided information on the fall festival parade and the 25th year Anniversary Celebration Honoring our Sister Cities.

Sister City
Commission
update.

Mrs. Westphal stated that all items on the agenda had been considered.

Mr. Luetke moved, Mr. Haynam seconded that this meeting adjourn; all present voting yea (7); (0) nays. The motion carried and the meeting adjourned at 8:22 p.m.

Adjournment.

Clerk of Council

Mayor



City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

October 2, 2017

To: The Mayor and Members of Sylvania City Council

Re: **Sylvania River Trail Phase II**

Dear Mr. Mayor and Council Members:

The Service Department received bids on September 8, 2017 for the above referenced project and received one (1) bid. The bid submitted by Miller Brothers Construction, Inc. was more than 10% over the engineer's published construction estimate. According to the Ohio Revised Code, Section 153.12(A), the City is not permitted to accept a bid above 10% of the engineer's estimate. As a result the bid was rejected.

The City and project engineer, SmithGroupJJR, have reviewed the plans and cost estimate and have made several changes. The revised engineer's estimate for the project is \$2,577,000.

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

Sincerely,

Kevin G. Aller, P.E.
Director of Public Service

Joseph E. Shaw for KGA

10a



City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

October 2, 2017

To: The Mayor and Members of Sylvania City Council

Re: **Alexis Road Hydraulic Study**
Contract for Professional Surveying and Engineering Services

Dear Mr. Mayor and Council Members:

The majority of the Alexis Road storm sewer system was installed in the late 1950's as a part of a State of Ohio Department of Highways (now ODOT) project from Monroe Street to Secor Road. Most of the land use within the current municipal limits of Alexis Road at that time was agricultural in nature. Today Alexis Road is a commercial corridor with more impervious surface cover than decades ago.

The City would like to study this sewer system and review hydraulic capacities. The trunk sewer system will be modeled using current drainage design standards and land uses. The study limits will include Alexis Road from Monroe Street to McClain Road, Acres Road from Randall Drive to Monroe Street, and Monroe Street from Alexis Road through the Dave White Chevrolet property.

Once the system has been modeled the results will be used to check design capacities for the ODOT LUC-184-0.35 (PID 99662) and City Alexis Road Storm Sewer Replacement Projects, both scheduled for construction in 2018. In addition, areas outside of those project limits will be reviewed and could lead to future storm sewer infrastructure projects to address any capacity deficiencies found.

We have received a proposal from NCI to provide professional surveying and engineering services to conduct the study in the amount of \$26,718. NCI is already familiar with the Alexis Road area having performed surveying and right-of-way services for the ODOT project and surveying and engineering services on the current City project (Ord. 64-2017). We would recommend approval of the proposal from NCI in the amount of \$26,718. Please call if you should have any questions.

Sincerely,

Kevin G. Aller, P.E.
Director of Public Service



NORTHWEST CONSULTANTS, INC.

CIVIL - STRUCTURAL - ENVIRONMENTAL

1167-E LYONS ROAD
CENTERVILLE, OHIO 45458
(937) 291-9092
FAX (937) 291-9093

September 25, 2017

Mr. Joseph E. Shaw, P.E., P.S.
Deputy Director
City of Sylvania
Department of Public Service
6730 Monroe Street
Sylvania, OH 43560

Re: **Alexis Road Hydraulic Study
Fee Proposal**

Dear Mr. Shaw,

Please find attached our proposal for the scope of work and fee to provide professional engineering services for the above referenced project. The scope of work proposed herein is based on a site visit and the information contained within the RFP dated September 20, 2017, our phone conversation and various email correspondence.

The estimated fee to provide the basic services for this project is a Not-to-Exceed lump sum amount of **\$26,718**.

We are available to begin providing the required services immediately upon receipt of a notice to proceed and have the staffing capacity to meet the proposed schedule included within the RFP.

Please do not hesitate to call if you have any questions or need additional information. I look forward to continuing to work with you on this project.

Respectfully,

NORTHWEST CONSULTANTS, INC.

Thomas R. Lyons, P.E.
Ohio Division Manager

**ENGINEERING AGREEMENT BETWEEN
NORTHWEST CONSULTANTS, INC. AND CITY OF SYLVANIA
FOR PROFESSIONAL SERVICES**

This Agreement entered into this ____ day of _____, 2017 by and between *City of Sylvania*, hereinafter referred to as the *CLIENT*, and *Northwest Consultants, Inc.*, organized and existing under the laws of the State of Ohio for the practice of engineering, hereinafter referred to as the *CONSULTANT* whose principal offices are located at 3220 Central Park West, Toledo, Ohio 43617.

WITNESSETH:

That the *CLIENT* and the *CONSULTANT*, for the mutual consideration hereinafter specified, have agreed and do hereby agree as follows:

CLAUSE I - PROJECT DESCRIPTION

Except as modified or otherwise provided, the *CONSULTANT* agrees to perform all surveying and engineering services as subsequently authorized by the *CLIENT* by written notice or notices to proceed, for the project:

*Alexis Road Hydraulic Study: Starting from the 42" Outlet West of Monroe Street
And Acres Road to the upstream end at Alexis Road and McLain Road.
Inclusive of the branch that starts at Alger Drive.*

CLAUSE II – WORK SCHEDULE & PROGRESS REPORTS

The fundamental time elements of the work schedule are established as follows:

COMMENCEMENT	Within five (5) days after receipt of authorization to proceed.
COMPLETION OF SERVICES:	Completion of final Task #4 by November 30, 2017.

CLAUSE III - PRIME COMPENSATION

The *CLIENT* agrees to compensate the *CONSULTANT* for the performance of the Consultant Services described in Clause I as follows:

Twenty-Six Thousand Seven Hundred Eighteen and 00/100 Dollars
(\$26,718.00)

CLAUSE VI - TERMINATION OPTIONS

The *CLIENT* may, at its own option at any time prior to completion of the work and additional work specified in any Agreement, terminate any Agreement by giving written notice by registered mail to the *CONSULTANT* not less than fifteen (15) days prior to the effective date of said termination, in any of the following circumstances:

- A. The *CLIENT* effects a termination in the event of death, incapacity, resignation, or termination for any reason of any of the *CONSULTANT'S* principal and/or key personnel, or the reorganization of the *CONSULTANT'S* firm, if the *CLIENT* should consider such loss or change of such magnitude to affect materially the *CONSULTANT'S* capability and/or capacity to complete satisfactorily the performance of the work in conformance with the Work Schedule; or
- B. The *CLIENT* considers that the quality and/or rate of performance of the *CONSULTANT'S* work is unacceptable; or
- C. The *CLIENT* considers that its program flexibility and/or funding resources and/or other convenience would be served.

Total compensation to the *CONSULTANT*, in the event of any termination by the *CLIENT* as provided hereinabove, shall be made promptly by the *CLIENT* for the total of all compensations earned by the *CONSULTANT*, under the provisions of the Agreement to the effective date of said termination, less any payments previously paid or in the process of payment by the *CLIENT*, provided, however, that in the event the notice of termination is given to the *CONSULTANT* prior to completion of twenty percent (20%) of the estimated services, as set forth in the contractually current Work Schedule, the *CONSULTANT* also shall be reimbursed for the actual costs of reasonable and necessary mobilization and demobilization expenses.

CLAUSE VII - INSURANCE

The *CONSULTANT* shall secure and maintain such insurance as will protect him from claims under the Workers' Compensation Acts and from claims for bodily injury, death, or property damage which may arise from the performance of his services under this Agreement, and shall also carry professional liability insurance. *CLIENT* shall be named as an additional insured on general liability policies including property and auto liability. Limits of Liability shall be as follows:

General Liability - Commercial	-	\$1,000,000.00 per occurrence
	-	\$2,000,000.00 general aggregate
Automobile Liability	-	\$1,000,000.00 combined single limit bodily injury and property damage
Umbrella/Excess Liability	-	\$1,000,000.00 per occurrence
	-	\$1,000,000.00 general aggregate

Witness:

By: _____
Toby A. Schroyer

Title: Finance Director

Address for Giving Notices:
6730 Monroe Street
Sylvania, OH 43560

10 b.

ORDINANCE NO. 67 -2017

ACCEPTING THE PROPOSAL OF NORTHWEST CONSULTANTS, INC. TO PROVIDE PROFESSIONAL ENGINEERING AND SURVEYING SERVICES FOR THE ALEXIS ROAD HYDRAULIC STUDY; APPROPRIATING FUNDS THEREFORE IN THE AMOUNT OF \$26,718; AND DECLARING AN EMERGENCY.

WHEREAS, in June, the City was notified by the Ohio Department of Transportation that they are improving Alexis Road between Acres and Flanders by replacing the storm sewers and resurfacing the road in 2018; and,

WHEREAS, Ordinance No. 64-2017, passed September 6, 2017, accepted the proposal of Northwest Consultants, Inc. to provide professional engineering and surveying services for the Alexis Road Storm Sewer Improvement Project; and,

WHEREAS, because the majority of the Alexis Road storm sewer system was installed in the late 1950's when most of the land use within the corporate limits on Alexis Road was agriculture, the system and its hydraulic capacities should be studied; and

WHEREAS, the study limits will include Alexis Road from Monroe Street to McClain Road, Acres Road from Randall Drive to Monroe Street, and Monroe Street from Alexis Road through the Dave White Chevrolet Property; and,

WHEREAS, the results will be used to check design capacities for the ODOT and City Alexis Road Storm Sewer Replacement Projects scheduled for construction in 2018; and,

WHEREAS, the Director of Public Service, by report dated October 2, 2017, has recommended that the proposal of Northwest Consultants, Inc. to provide professional surveying and engineering services for the Alexis Road Hydraulic Study at a cost of Twenty-Six Thousand Seven Hundred Eighteen Dollars (\$26,718.00), 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 Northwest Consultants, Inc. in the amount Twenty-Six Thousand Seven Hundred Eighteen Dollars (\$26,718.00) to provide professional surveying and engineering services to study the storm sewer and review hydraulic capacities for the Alexis Road Hydraulic Study is hereby accepted.

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

SECTION 3. That to provide funds for said professional surveying and engineering services hereby authorized, there is hereby appropriated from the **FUND** from funds therein not heretofore appropriated to **Account No. 401-7610-53503-Street Improvements**, the amount of Twenty-Six Thousand Seven Hundred Eighteen Dollars (\$26,718.00).

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

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

SECTION 6. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the City should provide for the engineering and surveying 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.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

11a



DEPARTMENT OF PUBLIC SERVICE
KEVIN G. ALLER, PE DIRECTOR

September 28, 2017

To: The Mayor and Members of Sylvania City Council

Re: **4827 Holland-Sylvania Road**
Church Demolition

Dear Mr. Mayor and Council Members:

During the asbestos removal portion of the demolition there were two dormer type roofs discovered beneath the larger roof structure that we were unaware of. Those two dormer roofs had shingles that contained asbestos and required removal and disposal.

DMD Environmental incurred an additional cost of \$661 in labor and disposal costs due to this discovery. We agree that this work is beyond the original scope and we are requesting an increase to the original contract in the amount of \$661. The total cost of the asbestos removal is \$38,191.00.

Please call if you should have any questions.

Sincerely,

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

11b.

ORDINANCE NO. 68 -2017

AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ACCEPT THE AMENDMENT TO THE PROPOSAL OF DMD ENVIRONMENTAL FOR THE ASBESTOS REMOVAL FROM THE CITY'S PROPERTY AT 4827 HOLLAND-SYLVANIA ROAD; APPROPRIATING FUNDS THEREFORE IN THE AMOUNT OF \$661; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 46-2017, passed June 5, 2017, accepted the proposal of DMD Environmental to manage the asbestos removal from the City's property at 4827 Holland-Sylvania Road and appropriated funds therefore in the amount of \$26,880; and,

WHEREAS, Ordinance No. 63-2017, passed September 6, 2017, accepted the amendment to the proposal of DMD Environmental for additional asbestos removal from the City's property at 4827 Holland-Sylvania Road and appropriated \$10,650; and,

WHEREAS, during the asbestos removal portion of the demolition there were two dormer type roofs discovered beneath the larger roof structure that had shingles containing asbestos that required removal and disposal; and,

WHEREAS, the Director of Public Service, by report dated September 28, 2017, has recommended that the contract modification of DMD Environmental to perform the additional asbestos removal work relative to the demolition of 4827 Holland-Sylvania Road in the amount of Six Hundred Sixty-One Dollars (\$661.00) 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 Mayor and the Director of Finance be, and they hereby are, authorized to sign the amendment to the proposal of DMD Environmental on behalf of this City, thereby indicating such approval and acceptance said amendment to the proposal for the asbestos removal work for the property at 4827 Holland-Sylvania Road.

SECTION 2. That to provide funds for said services hereby authorized, there is hereby allocated from the **CAPITAL IMPROVEMENT FUND** from funds therein not heretofore allocated to **Account No. 401-7750-53102 – Land Improvements**, an amount of Six Hundred Sixty-One Dollars (\$661.00).

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 proposal for said professional services should be approved immediately so that asbestos removal at the property located at 4827 Holland-Sylvania Road can continue moving forward 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.

President of Council

APPROVED AS TO FORM:

Director of Law

ATTEST:

Clerk of Council

APPROVED:

Mayor

Date

12a



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

October 2, 2017

To: The Mayor and Members of Sylvania City Council

Re: **LUC-CR-1572-8.96 (Main Street Reconstruction)**
Temporary Construction Easement – Parcel 1-T (The Toledo Edison Company)

Dear Mr. Mayor and Council Members:

In order to accommodate this roadway improvement it is necessary to purchase a temporary construction easement from the property owner, The Toledo Edison Company. This temporary easement will be used for driveway and sidewalk construction purposes as well as landscaping restoration and extends 4' onto the subject property from the existing right-of-way line of Main Street.

We have come to an agreement with the owners in the amount of \$1,235 for the temporary construction easement. We would request approval of the temporary easement with The Toledo Edison Company and authorization of payment in the amount of \$1,235.

Sincerely,



Kevin G. Aller, P.E. *Joseph F. Shaw for KGA*
Director of Public Service

**MAIN STREET RECONSTRUCTION
LUC CR 1572 8.96, PID 104438**

RIGHT OF WAY AGREEMENT

This Agreement is entered into this ____ day of _____, 2017 by the **City of Sylvania, Ohio and The Toledo Edison Company.**

NOW, THEREFORE, in consideration of \$1,235.00 and other certain good and valuable consideration to them, to be paid to **The Toledo Edison Company** by the **City of Sylvania, Ohio, The Toledo Edison Company** shall grant to the **City of Sylvania, Ohio** a temporary construction easement, Parcel 1 T, as attached for the LUC CR 1572 8.96 Project.

Approved by the City of Sylvania Council by Ordinance: _____

City of Sylvania, Ohio:

Mayor – Craig A. Stough

Director of Finance – Toby A. Schroyer

Approved:

Director of Law – Leslie B. Brining

TEMPORARY EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT: The Toledo Edison Company, the Grantor(s) herein, in consideration of the sum of \$1,235.00, to be paid by City of Sylvania, the Grantee herein, does hereby grant, bargain, sell, convey and release to said Grantee, its successors and assigns, a temporary easement to exclusively occupy and use for the purposes mentioned in Exhibit A the following described real estate:

PARCEL(S): 001-T
LUC-Main Street

SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF
Lucas County Current Tax Parcel No. 82-02121
Prior Instrument Reference: Vol. 714, Page 484, Lucas County Recorder's Office.

To have and to hold said temporary easement, for the aforesaid purposes and for the anticipated period of time described below, unto the Grantee, its successors and assigns.

The duration of the temporary easement herein granted to the Grantee is 12 months immediately following the date on which the work described above is first commenced by the Grantee, or its duly authorized employees, agents, and contractors.

The temporary easement interest granted herein is being acquired by Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a public road.

IN WITNESS WHEREOF The Toledo Edison Company, has caused its name to be subscribed by Wendy Schwingel, its duly authorized Director of Real Estate and Facilities for First Energy Service Company on behalf of The Toledo Edison Company, and its duly authorized agent on the 28th day of September, 2017.

THE TOLEDO EDISON COMPANY

By: Wendy Schwingel
WENDY SCHWINGEL
Director of Real Estate and Facilities for First
Energy Service Company on behalf of The Toledo
Edison Company

STATE OF OHIO, COUNTY OF SUMMIT ss:

BE IT REMEMBERED, that on the 28th day of September, 2017, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Wendy Schwingel, who acknowledged being the Director of Real Estate and Facilities for First Energy Service Company on behalf of The Toledo Edison Company and duly authorized agent of The Toledo Edison Company, and who acknowledged the foregoing instrument to be the voluntary act and deed of said entity.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.



Karon S. Keiger
Resident Summit County
Notary Public, State of Ohio
My Commission Expires: 07/19/2018

Karon S. Keiger

NOTARY PUBLIC
My Commission expires: _____

This document was prepared by the City of Sylvania Law Director in the name of and for the use by the City of Sylvania, Ohio.

EXHIBIT A

Page 1 of 2

LPA RX 887 T

Rev. 07/09

Ver. Date 06/13/17

PID 104438

**PARCEL 1-T
LUC-MAIN STREET
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
INSTALL SIDEWALK
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
"CITY OF SYLVANIA", LUCAS COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Lucas, City of Sylvania, and being part of the Northwest Quarter of Section 10, Town 9 South, Range 6 East as shown on the right of way plans prepared in April, 2017, for the City of Sylvania, titled "LUC-MAIN STREET" and being further bounded and described as follows:

Beginning at the intersection of the existing Westerly right of way line of Main Street (74.25 feet right of way) with the Southerly line of lands now or formerly owned by Food King Super Market through Deed Volume 1767, Page 425 of the Lucas County records, (Station 155+59.98, 37.125 feet left of Main Street);

- 1) Thence Southerly along the existing Westerly right of way line of said Main Street, said right of way line being parallel with the centerline of said Main Street, South 01 degrees 00 minutes 47 seconds East, a distance of 109.98 feet to a point, (Station 154+50.00, 37.125 feet left Main Street);
- 2) Thence Westerly along a line perpendicular to the centerline of said Main Street, South 88 degrees 59 minutes 13 seconds West, a distance of 4.00 feet to a point, (Station 154+50.00, 41.125 feet left Main Street);
- 3) Thence Northerly along a line parallel with the centerline of said Main Street, North 01 degrees 00 minutes 47 seconds West, a distance of 109.94 feet to a point located on the Southerly line of said Food King Super Market lands, (Station 155+59.94, 41.125 feet left Main Street);
- 4) Thence Easterly along the Southerly line of said Food King Super Market lands, North 88 degrees 31 minutes 30 seconds East, a distance of 4.00 feet to the **True Point of Beginning**;

EXHIBIT A

LPA RX 887 T

The above described tract contains 0.010 acres more or less.

Grantor gained title through Deed Volume 714, Page 484 of the Lucas County Records.

The basis of the bearings shown are relative to an assumed meridian and are shown to denote angular measurement only.

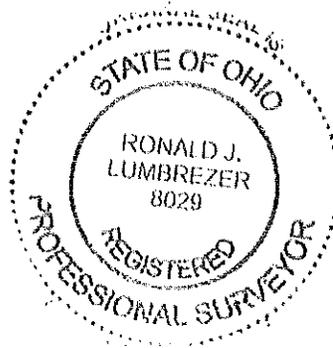
This description was written by Cody Gable and reviewed by Ronald J. Lumbrezer, Registered Surveyor Number 8029, DGL Consulting Engineers, LLC, in May 2017. This description is based on a field survey made on December 22, 2017 by DGL Consulting Engineers, LLC under the direction and supervision of R.J. Lumbrezer, Registered Surveyor Number 8029.



R.J. Lumbrezer
Ohio Professional Surveyor #8029
DGL CONSULTING ENGINEERS, LLC
3455 Briarfield Blvd. – Suite E
Maumee, Ohio 43537
1-T

6/13/2017

Date



12b.

ORDINANCE NO. 69 -2017

ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT FROM THE TOLEDO EDISON COMPANY RELATIVE TO THE MAIN STREET RECONSTRUCTION PROJECT; DEDICATING THE EASEMENT FOR PUBLIC PURPOSES; APPROPRIATING FUNDS THEREFORE; AND DECLARING AN EMERGENCY.

WHEREAS, plans for the reconstruction of Main Street in the City of Sylvania, Ohio have been completed; and,

WHEREAS, it is necessary to obtain a temporary construction easement for relative to the Main Street Reconstruction Project; and,

WHEREAS, The Toledo Edison Company is entitled to receive payment of just compensation representing the fair market value of the temporary construction easement and it has executed and delivered a temporary easement and she will be paid the sum of One Thousand Two Hundred Thirty-Five Dollars (\$1,235.00), a copy of which grant of easement is attached hereto as "Exhibit A;" and,

WHEREAS, said grant of temporary easement is presented to this Council for acceptance and for appropriation of funds and authorization of payment thereof to the Grantor.

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

SECTION 1. That the temporary easement as executed and tendered as described on "Exhibit A" be, and the same hereby is, accepted from The Toledo Edison Company, the grantor therein.

SECTION 2. That the perpetual easement area identified and described in said easement as set forth on "Exhibit A" be, and the same hereby is, dedicated for the respective public expressed in said easement.

SECTION 3. That the Director of Law is hereby directed to deliver the recorded temporary easement document to the Director of Finance for retention by him as custodian of the

records of this City.

SECTION 4. That, to provide funds for payment to the Grantor of said temporary easement hereby accepted, there is hereby appropriated from the **CAPITAL IMPROVEMENT FUND**, from funds therein not heretofore appropriated, to **Account No. 401-7610-53503 – Street Improvements**, the sum of One Thousand Two Hundred Thirty-Five Dollars (\$1,235.00).

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.

SECTION 6. 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 7. 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 reconstruction of Main Street should proceed as soon as possible and accordingly the acquisition of the necessary right-of-way and temporary easements should proceed forthwith 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, _____, 2017, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council
APPROVED:

Director of Law

Mayor

Date



City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

Memo

To: The Mayor and City Council
 From: Kevin G. Aller, Director of Public Safety/Service *KGA*
 Date: 9/27/2017
 Re: Obsolete Equipment

Council Members,

The following item is no longer of use in our City operations:

1999 Ford F450 Dump Truck VIN # 1FDXF46S4XEB25590

We would request approval to dispose of this item by posting it for sale on the GovDeals website. Should we not receive any bids to purchase the item we will dispose of it either through scrap value and/or landfill disposal.

Please call if you have any questions. Thank you.

SUP-2-2017
NICOR, Inc.

5631, 5635, 5639 Alexis Road, 5530 and 5526 Alger Dr. adjacent properties

TD/Parcel	Owner	Property Address	City	St	Zip Code	Mailing Address	
8282247	FOUR HOWARDS LTD	5625 W ALEXIS RD	SYLVANIA	OH	43560	5525 SCHULTZ	SYLVANIA OH 43560
8282237	ZEEKAY HOLDINGS LLC AN OHIO LLC	5521 SCHULTZ DR	SYLVANIA	OH	43560	P.O. BOX 667	SYLVANIA OH 43560
8282101	NEWBURY KENNETH R & JOANK	5522 ALGER DR	SYLVANIA	OH	43560	1160 N POSEY LAKE HWY	HUDSON MI 49247 9626
8204457	SOMERSET PLAZA INC	5600 W ALEXIS RD	SYLVANIA	OH	43560	152 S BEACH	MARCO ISLAND FL 34145
8282071	MJG & JC	5525 ALGER DR	SYLVANIA	OH	43560	4571 WESTBOURNE RD	TOLEDO OH 43623 2015
8282081	PISCIOTTA JOANNE D TRUSTEE	5649 W ALEXIS RD	SYLVANIA	OH	43560	PO BOX 1210	CAMPBELL CA 95009 1210