

Sylvania City Council
September 18, 2017

7:00 p.m. Employee & Community Relations Committee Meeting
2018 City Calendar, and Honorary designation nomination.

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. Frye.
3. Additions to the agenda.
4. Approval of the Council meeting minutes of September 6, 2017.
5. Rae Betz provides an update on the Downtown Sylvania Association and the Red Bird Arts District.
6. 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. (Council has set the public hearing for 10/2/17 at 7:00 p.m. – no action necessary.)
7. 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 the public hearing for 10/2/17 at 7:00 p.m. – no action necessary.)
8. Proposed Ordinance 59-2017, Amending Chapter 921, Water Regulations; amending Chapter 923-Water Service Charges; adding Chapter 922-Cross Connection Control and Water Quality Protection.
9. Main Street Reconstruction project.
 - a. Service Director's report on the temporary construction easement.
 - b. Proposed Ordinance No. 65-2017, Accepting a temporary construction easement from Speedway, LLC relative to the Main Street Reconstruction project; dedicating the easement for public purposes & appropriating funds.

10. Agreement for replacement of overhead lead-in sign at interchange US23 & SR51.
 - a. Service Director's report on agreement for replacement of sign.
 - b. Proposed Ordinance No. 66-2017, Authorizing to enter into an Agreement between the State of Ohio, Department of Transportation and the City of Sylvania to replace an overhead lead-in sign located at the interchange of US23 and SR51.
11. Committee reports.
 - a. Employee & Community Relations Committee meeting from 7:00p.m. on this date.
12. Committee referrals.

INFORMATION

- A. August 2017 Bank Reconciliation.
- B. August 2017 Cash Report from the Division of Taxation.
- C. Board of Architectural Review minutes from September 13, 2017. (Will be distributed on meeting night)
- D. Municipal Planning Commission minutes from September 13, 2017. (Will be distributed on meeting night)

Minutes of the Meeting of Council
September 6, 2017

The Council of the City of Sylvania, Ohio met in regular session on September 6, 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, Doug Haynam, Sandy Husman, Jason Mishka, Mary Westphal; (6) present; Mark Luetke (1) absent.

Roll call:
Luetke, absent;
excused.

Mrs. Cappellini 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.

Mrs. Westphal moved, Mr. Haynam seconded to approve the agenda as submitted; roll call vote being: Cappellini, Frye, Haynam, Husman, Mishka, Westphal, (6) yeas; (0) nays. The motion carried.

Agenda
approval.

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

Mrs. Westphal presented the August 21, 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 August 21, 2017 be approved; roll call vote being: Frye, Haynam, Husman, Mishka, Westphal, Cappellini, (6) yeas; (0) nays. The motion carried.

Approval of the
August 21
meeting
minutes.

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

Mayor Stough read Proclamations "Mayor for a Day" to each sibling winner, Samantha Budas (5th grade) and Jack Budas (3rd grade), both of Sylvan Elementary School.

"Mayors for a
Day" Samantha
& Jack Budas.

Samantha and Jack, (Mayors for a Day) read the Proclamation "Reading Day in Sylvania" on September 7th.

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

Service Director's report on the city-owned property, 4827 Holland-Sylvania Road demolition project was placed on file. Mrs. Husman presented and read aloud by title only, proposed Ordinance No. 63-2017, a written copy of same having been previously furnished to each member of Council, "Accepting the amendment to the proposal of DMD Environmental to manage the asbestos removal from the City's property at 4827 Holland-Sylvania Road; appropriating funds therefore in the amount of \$10,650; and declaring an emergency." Mrs. Husman moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance: roll call vote being: Husman, Mishka, Westphal, Cappellini, Frye, Haynam, (6) yeas; (0) nays. The motion carried.

Ordinance No.
63-2017,
"Accepting
proposal DMD
Environmental
...asbestos
removal... 4827
Holland-
Sylvania Rd..."

Minutes of the Meeting of Council
September 6, 2017

Mrs. Husman moved, Mr. Mishka seconded, that Ordinance No. 63-2017 be enacted as an emergency measure as declared therein; roll call vote being: Mishka, Westphal, Cappellini, Frye, Haynam, Husman, (6) yeas; (0) nays. The motion carried.

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

Service Director's report on the Alexis Road Storm Sewer Improvements project was placed on file. Mr. Mishka presented and read aloud by title only, proposed Ordinance No. 64-2017, a written copy of same having been previously furnished to each member of Council, "Accepting the proposal of Northwest Consultants, Inc. to provide professional engineering and surveying services for the Alexis Road Storm Sewer Improvement Project; appropriating funds therefore in the amount of \$22,772; 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: Westphal, Cappellini, Frye, Haynam, Husman, Mishka, (6) yeas; (0) nays. The motion carried.

Ordinance No. 64-2017, "Accepting proposal... Northwest Consultants... Alexis Road Storm Sewer..."

Mr. Mishka moved, Mrs. Westphal seconded, that Ordinance No. 64-2017 be enacted as an emergency measure as declared therein; roll call vote being: Cappellini, Frye, Haynam, Husman, Mishka, Westphal, (6) yeas; (0) nays. The motion carried.

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

Mr. Mishka reported on the Utilities and Environment Committee meeting held on this date at 6:45p.m. regarding proposed Ordinance 59-2017, Amending Chapters 921 and 923, and adding Chapter 922, specifically Water Regulations, Service Charges, and Cross Connections. Mr. Aller reviewed details of the water regulations, charges and connections. Mr. Aller also provided information on city residents that receive water from the Toledo water system. Administration will amend the proposed legislation and return to council.

Report on Util. Com. Mtg. regarding Proposed Ordinance No. 59-2017.

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

Adjournment.

Mrs. Westphal moved, Mrs. Cappellini seconded that this meeting adjourn; all present voting yea (6); (0) nays. The motion carried and the meeting adjourned at 8:05 p.m.

Clerk of Council

Mayor



September 14, 2017

To: Mayor and Members of City Council

Re: **Council Referral – Proposed Ordinance No. 62-2017**

Dear Mayor and Members of Council:

Following is an excerpt from the minutes of the regular meeting of the Municipal Planning Commission of September 13, 2017, Council Referral – Proposed Ordinance No. 62-2017, Amending Part Eleven – Planning and Zoning Code of the Sylvania Codified Ordinances, 1979, as amended by amending Section 1101.10-Definitions and by amending Section 1153.02 – Special Uses:

..."Mr. McCann moved, Mr. Arnold seconded to recommend to Council to approve the Proposed Ordinance as submitted. Vote being: Stough, McCann, Marciniak, Arnold and Lindsley (5) aye; (0) nay. Motion passed by a 5 to 0 vote."...

Sincerely,



Debra Webb, Secretary
Municipal Planning Commission



City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

September 14, 2017

To: Mayor and Members of City Council

Re: **Council Referral – Special Use Permit 2-2017**

Dear Mayor and Members of Council:

Following is an excerpt from the minutes of the regular meeting of the Municipal Planning Commission of September 13, 2017, Council Referral – 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:

..."Mr. Marciniak moved, Mr. Arnold seconded to recommend to Council to approve the Special Use Permit as submitted. Vote being: Stough, McCann, Marciniak, Arnold and Lindsley (5) aye; (0) nay. Motion passed by a 5 to 0 vote."...

Sincerely,

Debra Webb, Secretary
Municipal Planning Commission

ORDINANCE NO. 59-2017

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.

WHEREAS, the Director of Public Service has recommended that Chapters 921 and 923 be amended and that Chapter 922 be added as set forth on the attached “Exhibit A;” and,

WHEREAS, at the August 21, 2017 meeting of Sylvania City Council, the proposed revisions were referred to the Utilities Committee for their review and recommendation; and,

WHEREAS, the Utilities Committee met on September 6, 2017 to discuss the proposed amendments and thereafter recommended that additional amendments be made; and,

WHEREAS, the recommended amendments have been made and are as set forth on the attached “Exhibit A.”

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

SECTION 1. That Chapter 921 – Water Regulations of the Codified Ordinances of Sylvania, 1979, as amended, be and it is, hereby further amended to read as set forth on the attached “Exhibit A.”

SECTION 2. That Chapter 922 – Cross Connection Control and Water Quality Protection of the Codified Ordinances of Sylvania, 1979, as amended, be and it is, hereby added to read as set forth on the attached “Exhibit B.”

SECTION 3. That Chapter 923 – Water Service Charges of the Codified Ordinances of Sylvania, 1979, as amended, be and it is, hereby further amended to read as set forth on the attached “Exhibit C.”

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 amendment to this Chapter should be provided for immediately. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by this Charter.

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

Passed, _____, 2017, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of
Law

APPROVED:

Mayor

Date

CHAPTER 921
Water Regulations

<u>921.01</u>	Contract with consumer.
<u>921.02</u>	Right to discontinue service.
<u>921.03</u>	Orders for stoppage of plumbing work.
<u>921.04</u>	Inspection of pipes and fixtures; tests.
<u>921.05</u>	Notice to consumers.
<u>921.06</u>	Application for tapping permit.
<u>921.07</u>	Improvement of street; failure to apply for tap.
<u>921.08</u>	Licensing of tappers.
<u>921.09</u>	Quality of service pipe; maintenance.
<u>921.10</u>	Gate valve.
<u>921.11</u>	Compliance with plumbing regulations.
<u>921.12</u>	Water meters; installation and control.
<u>921.13</u>	Protection and repair of pipes.
<u>921.14</u>	Supplying water to others; permit required.
<u>921.15</u>	Opening fire hydrant.
<u>921.16</u>	Damage to water works system.
<u>921.17</u>	Tampering with water works system after discontinuance of service.
<u>921.18</u>	Tampering with water lines or meter.
<u>921.19</u>	Minimum size of water lines.
<u>921.20</u>	Enforcement of water rules and regulations.
<u>921.21</u>	Service to newly annexed territory.
<u>921.22</u>	Assessment equivalent outside connection charge.
<u>921.23</u>	Cross-connection control.
<u>921.99</u>	Penalty.

CROSS REFERENCES

- Service Director to supervise improvements to water system - see
Chtr. Art. VII, §4.0
- Tampering with water hydrants, pipes or meters; unauthorized
connections - see Ohio R.C. 4933.22
- Excavations - see S.U. & P.S. Ch. 905
- Water service charges - see S.U. & P.S. Ch. 923
- Improvements - see S.U. & P.S. 933.05

921.01 CONTRACT WITH CONSUMER.

(a) The regulations set forth in this chapter and Chapter **923** shall be considered a part of the contract with every person, company or corporation that is supplied with water through the water works system of the City, and every such person, company or corporation using and accepting water through such water works system shall be considered to express their consent to be governed thereby.

(b) The City reserves the right to change, alter or amend the provisions of this chapter or Chapter **923** at any time; but any alterations or additions shall not affect any contract with consumers for the current month.

(c) No water service shall be extended to any users outside the corporate limits of the City except under the conditions set forth in subsections (d) and (e) hereof. Provided, further, that any person presently receiving water service from the City shall, upon notice from the City, immediately comply with the provisions of subsection (d). Failure to comply with such policy shall result in the water service being terminated 60 days from the date of notice.

(d) The City may extend water service to land which is outside of the corporate limits of the City but within the City's water service area provided that before such water service is extended or continued, the owner of such land must comply with the following:

(1) Compliance with the zoning regulations of the governmental entity in which the property is located.

(2) Compliance with the Planning Code of the City of Sylvania.

(3) Execute an agreement to annex the property to the City or a petition for annexation to the City, as determined by the City. Such owner shall exert all efforts to obtain annexation of their property, including, if requested by the City, signing an annexation petition. In the case of an agreement to annex to the City, the owner of such land must also agree to require a similar agreement from anyone to whom they sell all or any part of their land.

(4) The water service area is as described in the contract between the City of Sylvania and the City of Toledo dated September 15, 2008, or as hereafter amended.

(5) All water main extensions that have been extended pursuant to and subject to this Rule shall be dedicated to the City of Sylvania.

(e) The Director of Public Service ("Director") shall review and either approve or deny requests for the extension of water service. The request for extension of water service shall be denied unless the criteria set forth in subsection (d) above are met.

(Ord. 11-2009. Passed 2-18-09.)

921.02 RIGHT TO DISCONTINUE SERVICE.

The City reserves the right, power and authority to shut off the supply of water at any time without incurring any liability or cause of action for damages, any permit granted or any regulation to the contrary notwithstanding, and in no case shall the City be liable for damages for failure to supply water in consequence of accident or any other unavoidable cause.

(Ord. 34-64. Passed 4-20-64.)

921.03 ORDERS FOR STOPPAGE OF PLUMBING WORK.

The City reserves the right to stop any and all work on connections or plumbing on any premises where water is to be used at any time for good and sufficient reasons, and the City may refuse the use of water to any consumer until all connections are made to conform to the plumbing regulations of the City as contained in this chapter or in the Building Code.

(Ord. 34-64. Passed 4-20-64,)

921.04 INSPECTION OF PIPES AND FIXTURES; TESTS.

The Director or other authorized persons shall have free access at all proper and reasonable hours to all parts of any building or place where water is delivered to consumers to examine the pipe and fixtures and to ascertain their condition. The City reserves the right to test the quantity of water used.
(Ord. 34-64. Passed 4-20-64.)

921.05 NOTICE TO CONSUMERS.

Whenever in this chapter or Chapter 923 it is stated that notice shall be given to the consumer, it signifies that notice left on or sent to the premises where water is consumed shall be sufficient notification.
(Ord. 34-64. Passed 4-20-64.)

921.06 APPLICATION FOR TAPPING PERMIT.

(a) The Director or designee is hereby authorized and directed to receive applications for and issue water tapping permits under the provisions of this chapter.

(b) The fee required with the application includes a water meter, all necessary materials and labor to deliver water inside of the curb line at a point most convenient for setting the curb box, such curb box to be located where it will be best protected from damage in streets, and to the lot line in alleys, of property abutting on alleys where mains are located.

(Ord. 47-87. Passed 5-4-87.)

(c) The tapping fee shall accompany the application. The fee shall be determined as follows:

1" Tap	= \$1,200.00
2" Tap	= \$5,700.00

The fee for larger installations shall be net cost plus twenty-five percent overhead. Net cost shall include cost of materials, equipment and payroll. Payroll is defined as the cost of salaries, including sick leave, vacation time, holiday pay, hospitalization, employer's contribution to P.E.R.S., Worker's Compensation and all other basic and fringe benefits granted to City employees. (Ord. 92-2013. Passed 12-2-13.)

(d) No permit to tap, either directly or indirectly, into a water line of the City shall be issued by any official of the City to any person, persons, firm or corporation, unless the lot or lots or lands to be connected with such water line are wholly inside of the Sylvania Water District as defined in the Sylvania-Toledo Water Agreement as amended from time to time, or inside of the territorial limits of the City, and in either case the Director may issue such permit. (Ord. 74- 79. Passed 8-20-79.)

921.07 IMPROVEMENT OF STREET; FAILURE TO APPLY FOR TAP.

Any applicant for water service, having been duly notified of the improvement of a street or alley from which the water service tap must be made to their premises, shall, if such tap is not applied for before the completion of such street or alley, be compelled to pay all additional expense on making such a tap at a future time.

(Ord. 34-64. Passed 4-20-64.)

921.08 LICENSING OF TAPPERS.

All tapping and inserting of ferrules in the street mains or distributing pipes of the water works shall be done only by persons approved by the Director or their representative.

(Ord. 34-64. Passed 4-20-64.)

921.09 QUALITY OF SERVICE PIPE; MAINTENANCE.

(a) From the curb box to the meter, each service pipe or pipes must be copper (type K soft roll type) and must be laid under the direction of the Water Division. The applicant shall first have the Water Division establish the location of the curb box. When this has been done, the service line may be installed beginning at a point six feet outside the property line and laid at a depth of four feet. The City shall make the connection to the curb box. Under Section **921.12(c)**, where a meter pit is required the applicant shall connect to the City service line and install the meter setting and remaining house service.

(b) All service pipes, plumbing and fixtures must be of sufficient strength, with a sufficient margin of safety, to withstand changes in domestic pressure, which may range from 50 to 120 pounds per square inch.

(c) All consumers shall keep their own service pipes and apparatus in good repair and protected from frost at their own risk and expense. By the acceptance of water service each consumer agrees that no claims shall be made against the City by reason of the breaking of any service pipe or service cock, or from damage arising from shutting off water to repair mains, or for other purposes. (Ord. 34-64. Passed 4-20-64.)

921.10 METER VALVE & BACKFLOW PREVENTION .

The applicant shall provide a locking Ford meter valve, or equivalent, on the street side of the water meter and an approved ball valve on the house side of the water meter. (Ord. 34-64. Passed 4-20-64.)

921.11 COMPLIANCE WITH PLUMBING REGULATIONS.

The applicant must comply with all provisions of this chapter and the Building Code. (Ord. 34-64. Passed 4-20-64.)

921.12 WATER METERS; INSTALLATION AND CONTROL.

(a) All water shall be metered unless the use of water for temporary purposes is permitted by the Director as provided in Section **923.04**. All meters shall be installed by the Director, or other person commissioned by the Director, only when meter space is provided.

(b) Meters shall remain the property of the City, and the City reserves the right to examine and repair or change any meter at any time. Only meters approved by the City shall be installed.

(c) Any building or dwelling 125 feet or more from the curb line shall have a meter pit at such curb line, constructed to specifications set up by the Director and on file with the Water Division.

(d) Owners of existing apartment houses, flats, office buildings, halls, store rooms or dwellings occupying the same lot may supply two or more tenants through one meter under the provisions of Section **923.02**.

(e) The City reserves the right to install two or more meters in any building or any other place where City water is used when, in the judgment of the Director, the amount of water consumed is more than should be delivered through the meter in use.

(f) Upon request from an owner or consumer and agreement to pay the test charge, the Director shall test any meter upon payment of a fee of twenty dollars (\$20.00) for a five-eighths inch meter. Testing fees or costs will be reimbursed to the owner if a meter is found to be inaccurate. The customer shall be responsible for all coordination and costs for testing the meter for all other sizes. Meters larger than 1-inch shall be tested every 5 years or more often if deemed necessary by the City. If, upon examination and test, it is found that the meter registers outside the tolerance limits of the following percentages of water through it: two percent over or under on disc meters, sizes one-half inch to two inches, on flows from one to twenty gallons per minute; five percent over or under on all other types and sizes of meters on flows from low to high ratings; then the meter shall be considered inaccurate and the water charges shall be adjusted upon the basis of that test, for the

preceding billing month. (Ord. 34-64. Passed 4-20-64.)

921.13 PROTECTION AND REPAIR OF PIPES.

(a) The consumer shall not allow service pipes or fixtures connected therewith to remain out of order or unprotected from frost.

(b) In case of neglect or refusal to promptly repair any imperfection in service pipes, service stops or other fixtures, the City may cause the same to be done at the expense of the owner of such service, which expense shall be paid before the water is turned on.

(c) There shall be a minimum charge of sixty dollars (\$60.00) for the first hour or less and sixty dollars (\$60.00) an hour thereafter, for thawing service lines or plumbing if during regular working hours. There shall be a minimum charge of two hundred forty dollars (\$240.00) for the first hour or less and sixty dollars (\$60.00) an hour thereafter, for thawing service lines or plumbing if not during regular working hours.
(Ord. 34-64. Passed 4-20-64.)

921.14 SUPPLYING WATER TO OTHERS; PERMIT REQUIRED.

No consumer shall supply others except by special permit from the Director.
(Ord. 34-64. Passed 4-20-64.)

921.15 OPENING FIRE HYDRANT.

No persons except those authorized by the Director shall be permitted to turn water into a fire hydrant or remove the caps therefrom, except in case of fire.
(Ord. 34-64. Passed 4-20-74.)

921.16 DAMAGE TO WATER WORKS SYSTEM.

No person shall open any private stop cock or street washer, or place or deposit any dirt or any other material in any stop cock box, or turn any private stop cock or public valve, or commit any act tending to obstruct the use thereof, or enter or mar any building or injure in any manner any fixture, valve box, machinery, pipe or apparatus of the water works system. (Ord. 34- 64. Passed 4-20-64.)

921.17 TAMPERING WITH WATER WORKS SYSTEM AFTER DISCONTINUANCE OF SERVICE.

No person shall operate, open or otherwise tamper with any valve, stop cock, curb cock or other device, after the same have been closed for violation of any regulation of the City or provision of this chapter, or lawfully secure a supply of water through such valve, stop cock, curb cock or other device after the same have been closed for the violation of any regulation of the City or provision of this chapter or in any way take water for private use unlawfully or without first having secured the necessary permit from the Director.
(Ord. 34-64. Passed 4-20-64.)

921.18 TAMPERING WITH WATER LINES OR METER.

No person shall connect to any public water line, tamper with or remove any meter or metal seal or insert a meter bypass without the permission of the Director under penalty of having the water turned off, or being fined as provided in Section 921.99.
(Ord. 34-64. Passed 4-20-64.)

921.19 MINIMUM SIZE OF WATER LINES.

All public water lines installed or relocated in the City in streets, rights of way or easements, except service pipes, shall be of eight inch minimum diameter.
(Ord. 11-77. Passed 2-7-77.)

921.20 ENFORCEMENT OF WATER RULES AND REGULATIONS.

The Director shall make and enforce such rules and regulations as he may deem necessary and proper for the enforcement of the provisions of this chapter and for the safe, economical and efficient management and protection of the water system.
(Ord. 11-77. Passed 2-7-77.)

921.21 SERVICE TO NEWLY ANNEXED TERRITORY.

Whenever any person or corporation, who is the owner of any lots and lands hereafter annexed to the City, desires to tap into any water main or line in the City, and which newly annexed lots and lands have not been especially assessed for the construction of any such water mains or lines whether such tap is directly into such water mains or lines or by way of newly constructed water mains or lines, such owner of any such lots or lands shall, for the right and privilege of tapping and using such water mains or lines, pay in addition to the regular tapping fee a sum equal to the special assessments charged against comparable lots and lands bounding and abutting any such water mains and lines or charged against lots and lands that benefit from such water mains and lines.
(Ord. 83-64. Passed 11-2-64.)

921.22 ASSESSMENT EQUIVALENT OUTSIDE CONNECTION CHARGE.

No water tapping permit shall be issued for premises outside the territorial limits of the City unless there is first paid to the City the sum of five thousand dollars (\$5,000), which currently is the approximate assessment equivalent for the installation of a proper waterline to serve any lot inside the City; provided, however, that such assessment equivalent charge shall be waived for any lot intended to be served by such tapping permit as to which there has been extended, by one or ones other than the City, along the entire frontage of the lot intended to be so served, an eight inch or larger waterline pursuant to the City Master Plan, and provided further, however, that such assessment equivalent charge shall not apply if the City has created a specific waterline service area which includes the premises sought to be connected to the City water system and for which service area the City has established a connection fee.
(Ord. 72-92. Passed 8-3-92.)

921.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than five hundred dollars (\$500.00) and a separate offense shall be deemed committed upon each day during or on which a violation has occurred or continues.

CHAPTER 922
Cross Connection Control and Water Quality
Protection

922.01 Backflow protection.	922.06 Type of protection required
922.02 Definitions.	922.07 Backflow prevention devices.
922.03 Cross connections prohibited	922.08 Booster Pumps
922.04 Surveys and investigations.	922.99 Penalty
922.05 Where protection is required.	

CROSS REFERENCES

Cross connections – see OAC 3745-95-02
Backflow prevention devices – see OAC 3745-95-06
Violations – see OAC 3745-95-08

922.01 BACKFLOW PROTECTION.

If, in the judgment of the Director of Public Service (“Director”), the integrity of the public water system is, or can be, endangered by backflow from an actual or a potential cross connection within the plumbing system of a water consumer, the Director may order the installation of an approved backflow prevention method or device consisting of either an air-gap, vacuum breaker, reduced pressure principle backflow preventer or any combination thereof at the water service connection to the premise. The water consumer shall install the designated device or method per the Director’s Rules at their own expense, and failure, refusal or inability to install such device or method immediately shall constitute a ground for discontinuing water service to the premise until such device or method has been installed and approved by the Director. The use of the approved backflow preventer at the water service connection does not in any way affect or eliminate the need for individual fixture devices or air-gaps as required by the laws of the State of Ohio.

922.02 CROSS CONNECTIONS PROHIBITED

(a) No person shall install or maintain a water service connection to any premises where actual or potential cross connections to a public water system or a potable consumer’s water system may exist unless such actual or potential cross connections are abated or controlled to the satisfaction of the Director.

(b) No person shall install or maintain any connection whereby water from an auxiliary water system may enter a public water system or potable consumer’s water system unless the auxiliary water system and the method of connection and use of such system shall have been approved by the Director and by the Ohio E.P.A. as required by Ohio R.C. 6109.13-15.

(c) Except as otherwise provided in this chapter, no person shall install or maintain a water system wherein any air gap separation distance is less than twice the diameter of the water supply pipe or faucet or is less than one inch, whichever is the greater distance.

922.03 SURVEYS AND INVESTIGATIONS.

(a) The Director, or their authorized representative, shall have the right to enter premises served by the public water system at all reasonable times for the purpose of making surveys and investigations of water use practices within the premises.

(b) On request by the Director, or their authorized representative, the consumer shall furnish the water purveyor, or its authorized representative, information on water use practices within the consumer's premises.

(c) Subsection (a) hereof does not relieve the consumer of the responsibility for conducting, or causing to be conducted, periodic surveys of water use practices on their premises to determine whether there are actual or potential cross connections in the consumer's water system through which contaminants or pollutants could backflow into a public water system or a potable consumer's water system.

922.99 PENALTY.

Whoever violates any provision of this chapter for which another penalty is not specifically provided shall be guilty of a misdemeanor of the first degree, punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not exceeding six months or both.

CHAPTER 923
Water Service Charges

- 923.01** Director defined; powers.
- 923.02** Water rate schedule.
- 923.03** City reserves right to change water rates.
- 923.04** Water used for temporary construction purposes.
- 923.05** Taking water for private uses from public sources.
- 923.06** Fire service charge.
- 923.07** Swimming pool filling on application.
- 923.08** Due date for payment of water and repair charges.
- 923.09** Delinquent accounts.
- 923.10** Responsibility of property owners for water charges.
- 923.11** Consumer moving to new premises; payment of former bills.
- 923.12** No allowance for loss of water through leakage.
- 923.13** No charge for turning water on and off unless for violation or vacation.
- 923.14** Misuse or waste of water.
- 923.15** Discontinuance of service for tampering with meter.
- 923.16** Discontinuance of service for violation or nonpayment of charges.
- 923.99** Penalty.

CROSS REFERENCES

- Service Director to manage and have control over water supply - see Chtr. Art. VII, **§4.0**
- Water works mortgage revenue bonds - see Ohio R.C. 715.09 et seq.
- Weekly deposit of water works money collected - see Ohio R.C. 743.06
- Water regulations - see S.U. & P.S. Ch. **921**
- Improvements - see S.U. & P.S. **933.05**

923.01 DIRECTOR DEFINED; POWERS.

(a) As used in this chapter and Chapter 923, "Director" means the Director of Public Service, or, if no person has been appointed to such office, the Director of Finance or other City official who has been assigned the responsibilities provided in this chapter.

(b) The Director shall make such rules and regulations as they may deem necessary and proper for the enforcement of the provisions of this chapter and the safe, economical and efficient management and protection of the water system.

(Ord. 3-65. Passed 1-4-65.)

923.02 WATER RATE SCHEDULE.

The following rate is hereby established for consumers of water of the City and such rate applies to water consumed during each monthly period unless otherwise provided in these regulations.

Water Rate Schedule

	City User	Non City User
Commencing January 1, 2017	\$9.71 per 1,000 gallons	\$12.14 per 1,000 gallons

(Ord. 80-2015. Passed 12-7-15.)

923.03 CITY RESERVES RIGHT TO CHANGE WATER RATES.

The City reserves the right to change the rates for the use of water from time to time as experience may show to be necessary and to impose such restrictions on the uses of water as may be deemed reasonable and proper.

(Ord. 34-64. Passed 4-20-64.)

923.04 WATER USED FOR TEMPORARY CONSTRUCTION PURPOSES.

All applications for use of water for temporary construction purposes, without a meter, shall be referred to the Director for specific determination as to rates and conditions in each case. (Ord. 34-64. Passed 4-20-64.)

923.05 TAKING WATER FOR PRIVATE USES FROM PUBLIC SOURCES.

No person shall take for private use water from any public fountain, hydrant, street sprinkler, draw-cock or hose pipe, except for fire purposes, or in any way take any water for private use which is supplied by the water works system without paying therefor as a temporary user as provided in Section 923.04.

(Ord. 34-64. Passed 4-20-64.)

923.06 FIRE SERVICE CHARGE.

The owners of private fire hydrants attached to the City water distribution system shall pay the City through the Division of Utilities, a fire hydrant maintenance charge of five dollars (\$5.00) per month per hydrant. Fire hydrants and fire lines shall meet City standards. Where fire mains are connected to the City water system, a charge of two dollars (\$2.00) monthly per inch diameter of such mains shall be made. Such charges shall cover routine operation and maintenance of the fire main system. Repairs of lines and hydrants and replacement of parts, when necessary, shall be billed in addition to the above charges at cost of labor, materials and equipment plus ten percent (10%) overhead costs. These charges shall be billed and paid monthly in the same manner as the water bills and subject to the penalties prescribed in Section 923.09. (Ord. 29-69. Passed 7-7-69.)

923.07 SWIMMING POOL/ICE RINK FILLING ON APPLICATION.

A consumer, on prior application therefor filed with the Utilities Office shall be permitted to have a seasonal fill or refill of a swimming pool or ice rink with water at the rate established in Section 923.02(a)(1) per 1,000 gallons of water exclusive of the water used by such consumer for all other purposes.

(Ord. 41-83. Passed 5-23-83.)

923.08 DUE DATE FOR PAYMENT OF WATER AND REPAIR CHARGES.

(a) All water rents for those accounts of consumers with a water service meter shall be due and payable monthly on or about the 24th day of each month, or on such other day in each of the twelve months of each year as the Director establishes by rule at the office of the Division of Utilities, Department of Public Service.

(b) The cost of all repairs shall be due and payable upon completion of the work. Any moneys received on a combined labor and water rent bill shall be applied to the labor bill first and the balance, if any, shall be applied to the water rent bill.

(Ord. 21-2002. Passed 2-18-02.)

923.09 DELINQUENT ACCOUNTS.

(a) Each and every bill rendered for water used shall be paid within twenty days after the same becomes due. No discount shall be allowed for payment within that period. Ten percent (10%) additional shall be charged on each and every bill rendered for water used if not paid within twenty days after the same becomes due, and such delinquent water accounts are subject to shut-off at the discretion of the Director.

(b) When water bills are not paid within twenty days after becoming due, the Director may do either or both of the following:

(1) Certify them, together with the penalties provided hereinabove and interest allowed by law, to the County Auditor who shall place them on the real property tax list and duplicate against the property served by the connection. The Director shall, at the time of such certification, also certify that the unpaid rents have arisen pursuant to a service contract made directly with the owner of the property served. The amount placed on the tax list and duplicate shall be a lien on the property served from the date placed on the tax list and duplicate and shall be collected in the same manner as other Municipal taxes.

(2) Collect them, together with the penalties provided hereinabove and interest allowed by law, by action at law, in the name of the City, from the owner, tenant and/or other person who is liable to pay the rents.

(Ord. 44-88. Passed 5-16-88.)

923.10 RESPONSIBILITY OF PROPERTY OWNERS FOR WATER CHARGES.

(a) All applications for water service shall be made by contract between the record title owner of the property to be served and the City, provided however, that an agent who represents himself to be authorized by the owner may make the application and contract on behalf of the owner upon agreeing to be personally liable for water and sewer charges and providing such security as the Director may require. Within fourteen days of the signing of any contract for water service with the City, proper proof of ownership of the premises to be served shall be presented to the City. Should proper proof of ownership not be presented within fourteen days, the City shall have the right to cancel the contract and to terminate the water service provided to the premises.

(b) As used in this section, "proper proof of ownership" means either the original or a photocopy of the owner's deed, land contract, or similar document setting forth the ownership of the property to be served.

(c) As used in this section, "record title owner" includes the grantee or grantees named in a deed which grantee or grantees are also listed as the current owner or owners on the records of the Auditor of Lucas County, Ohio, Real Estate Division, and shall also include the land contract vendee or vendees of such a grantee or grantees.

(d) In the event that the record title owner of the property to be served is a corporation, partnership, association or other entity, the application for water service shall be signed by a duly authorized officer of such entity.

(Ord. 85-83. Passed 11-7-83.)

923.11 CONSUMER MOVING TO NEW PREMISES; PAYMENT OF FORMER BILLS.

Any person or persons, firm, corporation or association owing water rent and moving to other premises where there are water connections, or where connections shall be made, before being permitted to use the water, shall pay all former delinquencies. Should it come to the attention of the Director that any person or persons, firm, corporation or association, currently using City water, owes the City for any water charges incurred at a former premises in the City Water District, those charges owed plus penalty and interest shall be added to the account for water currently being used and the same shall be billed to the consumer; provided, however, the late charge shall not be compounded. All unpaid accounts for water shall be a lien against the property served and all unpaid accounts for water charges of any person or persons, firm, corporation or association incurred previously at premises served by a City water connection shall be a lien against the premises currently being served.

(Ord. 45-88. Passed 5-16-88.)

923.12 NO ALLOWANCE FOR LOSS OF WATER THROUGH LEAKAGE.

No allowance shall be made for water use, lost or wasted through leaks, carelessness, neglect or otherwise, after the same has passed through the meter.

(Ord. 34-64. Passed 4-20-64.)

923.13 NO CHARGE FOR TURNING WATER ON AND OFF UNLESS FOR VIOLATION OR VACATION.

(a) New water customers shall not be required to pay a water turn-on charge regardless of when it is turned on.

(b) Customers applying for a vacation turn-off and turn-on shall pay a charge of twenty-five dollars (\$25.00) on applying for the turn-off.

(c) Except as provided in subsections (a) and (b) hereof, there shall be no charge for turning water off and/or on for any owner unless shut-off and/or turn-on is caused by a violation of this chapter or Chapter **921**, or any part thereof; provided, however, that a special charge of one hundred twenty dollars (\$120.00) for a shut-off and/or turn-on for the same owner, shall be made to the owner of premises served if any of the work necessary to effect such shut-off and/or turn-on is completed by any City employee at a time other than regular working hours for City employees.

(Ord. 47-88. Passed 5-16-88.)

923.14 MISUSE OR WASTE OF WATER.

In all cases of misuse or waste of water, the water shall be immediately turned off and a shut-off and turn-on charge made against the owner of sufficient size to compensate the City for water waste and damage done, if any.

(Ord. 34-64. Passed 4-20-64.)

923.15 DISCONTINUANCE OF SERVICE FOR TAMPERING WITH METER.

If the Director finds that a meter seal has been broken or any bypass inserted and there is evidence that the meter has been tampered with, the water shall be shut off and shall not be turned on again until the owner of the premises pays for the estimated quantity of water which has been used and not registered, and in addition thereto, the special charge provided in Section **923.16** for turning on such water. The payments made as hereinabove required shall not in any way relieve any person from criminal prosecution and penalties provided by the laws of the State or by ordinance.

(Ord. 79-74. Passed 12-9-74.)

923.16 DISCONTINUANCE OF SERVICE FOR VIOLATIONS OR NONPAYMENT OF CHARGES.

For a violation of any of the provisions of this chapter or Chapter **921**, or for nonpayment of water rent charges within twenty days after the due date thereof, the City reserves the right to shut off the supply of water without any preliminary notice and such water shall not be turned on again until all back water bills together with all delinquency penalties thereon and the charges required by any provision violated plus the special charge as determined herein have been paid. A special charge referred to herein shall be made for a shut-off only without a turn-on for the same owner or for a shut-off and turn-on for the same owner, and in either event, such charge shall be as follows:

(a) Sixty dollars (\$60.00), if the work necessary to effect such shut-off or shut-off and turn-on is completed by the City employee or during regular working hours for City employees.

(b) One hundred twenty dollars (\$120.00), if any part of such work is completed at a time other than the time specified in subsection (a) hereof.

(Ord. 46-88. Passed 5-16-88.)

923.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00). A separate violation shall be deemed committed upon each day during or on which the violation occurs or continues.

9a



City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

September 18, 2017

To: The Mayor and Members of Sylvania City Council

Re: **LUC-CR-1572-8.96 (Main Street Reconstruction)**
Temporary Construction Easement – Parcel 4-T (Speedway, LLC)

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, Speedway, LLC. 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 \$928 for the temporary construction easement. We would request approval of the temporary easement with Speedway, LLC and authorization of payment in the amount of \$928.

Sincerely,

Kevin G. Aller, P.E.
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 **Speedway, LLC, successor-in-interest to EMRO Marketing Company**.

NOW, THEREFORE, in consideration of \$928.00 and other certain good and valuable consideration to them, to be paid to **Speedway, LLC, successor-in-interest to EMRO Marketing Company** by the **City of Sylvania, Ohio, Speedway, LLC, successor-in-interest to EMRO Marketing Company** shall grant to the **City of Sylvania, Ohio** a temporary construction easement, Parcel 4-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

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.

It is further understood and agreed that Grantee and/or its contractor shall provide Grantor with no less than 48 hours' prior notice when the southernmost access point on Main Street is to be completely closed off. The closing of such access point will prevent Grantor's fuel transport from exiting the site, and in being provided with such advance notice, Grantor can coordinate its fuel delivery accordingly. Grantee shall completely close such southernmost access point for a period not to exceed 24 hours. Grantee shall further coordinate its construction such that one access point on Main Street shall remain open at all times. In constructing such access points, Grantee and/or its contractors shall use QC-MS concrete, which will allow such access points to be re-opened in 24 hours. In addition, when Grantee or its contractors partially close off any access point within the easement area, such access point will remain at least 15 feet wide at all such times.

[GRANTOR SIGNATURE AND NOTARY APPEARS ON THE FOLLOWNG PAGE]

EXHIBIT A

LPA RX 887 T

Page 1 of 2

Rev. 07/09

Ver. Date 06/13/17

PID 104438

**PARCEL 4-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, and also being part of Lot 6 of Blocks 30 of Sylvania Subdivision (Volume B-2, Page 103 of the Lucas County Recorder office) 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 said Main Street (74.25 feet right of way) with the Northerly line of lands now or formerly owned by Sautter Food Center, Inc. through Microfiche 91 468C06 of the Lucas County records, (Station 157+21.98, 37.125 feet left of Main Street);

- 1) Thence Westerly along the Northerly line of said Sautter Food Center, Inc. lands, South 88 degrees 31 minutes 30 seconds West, a distance of 4.00 feet to a point, (Station 157+21.94, 41.125 feet left Main Street);
- 2) Thence Northerly along a line parallel with the centerline of said Main Street, North 01 degrees 00 minutes 47 seconds West, a distance of 119.00 feet to a point on the existing Southerly right of way line of Monroe Street, (Station 158+40.94, 41.125 feet left Main Street);
- 3) Thence Easterly along the existing Southerly right of way line of said Monroe Street, North 88 degrees 31 minutes 30 seconds East, a distance of 4.00 feet to a point on the existing right of way of said Main Street, (Station 158+40.98, 37.125 feet left Main Street);
- 4) 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 119.00 feet to the **True Point of Beginning**;

SPEEDWAY LLC

CERTIFICATION

February 8, 2017

I, David E. Ball, Vice President - Law of Speedway LLC, a Delaware limited liability company (the "Company"), on behalf of the Company and not in my individual capacity, hereby Certify as follows:

That the following resolution was duly adopted by written consent of the Managers of the Company on February 6, 2006:

"RESOLVED: That the President, any Vice President, any Director, or any Regional Director, be and each hereby is authorized and empowered, as occasion may require from time to time in the ordinary course of business of the Company, to enter into, in the name and on behalf of the Company, transactions pertaining to the business of the Company or to the acquisition, care, operation, management, sale or other disposition of property of the Company, real or personal, upon such terms and conditions each may deem advisable, and to execute and deliver any and all instruments of writing in connection with any such transaction; and that the Secretary or any Assistant Secretary be and hereby is authorized and empowered to attest the execution of any and all such instruments of writing.

That the foregoing resolution is in full force and effect as of the date hereof and has not been amended, superseded or otherwise modified in any material respect.

That Gregory S. Whitman is the Director, of Real Estate & Operations Planning of the Company and that he is serving as such on this date.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on behalf of the Company as of the date first written above.

SPEEDWAY LLC

By: David E. Ball
David E. Ball
Vice President - Law

ORDINANCE NO. 65 -2017

ACCEPTING A TEMPORARY CONSTRUCTION EASEMENT FROM SPEEDWAY, LLC 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, Speedway, LLC 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 Nine Hundred Twenty-Eight Dollars (\$928.00), 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 Speedway, LLC, 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 Nine Hundred Twenty-Eight Dollars (\$928.00).

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

**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 **Speedway, LLC, successor-in-interest to EMRO Marketing Company**.

NOW, THEREFORE, in consideration of \$928.00 and other certain good and valuable consideration to them, to be paid to **Speedway, LLC, successor-in-interest to EMRO Marketing Company** by the **City of Sylvania, Ohio, Speedway, LLC, successor-in-interest to EMRO Marketing Company** shall grant to the **City of Sylvania, Ohio** a temporary construction easement, Parcel 4-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: SPEEDWAY LLC, successor-in-interest to EMRO Marketing Company, the Grantor(s) herein, in consideration of the sum of \$928.00, 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): 004-T
LUC-Main Street

SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF
Lucas County Current Tax Parcel No. 82-10187
Prior Instrument Reference: Microfiche 89 109B10, 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.

It is further understood and agreed that Grantee and/or its contractor shall provide Grantor with no less than 48 hours' prior notice when the southernmost access point on Main Street is to be completely closed off. The closing of such access point will prevent Grantor's fuel transport from exiting the site, and in being provided with such advance notice, Grantor can coordinate its fuel delivery accordingly. Grantee shall completely close such southernmost access point for a period not to exceed 24 hours. Grantee shall further coordinate its construction such that one access point on Main Street shall remain open at all times. In constructing such access points, Grantee and/or its contractors shall use QC-MS concrete, which will allow such access points to be re-opened in 24 hours. In addition, when Grantee or its contractors partially close off any access point within the easement area, such access point will remain at least 15 feet wide at all such times.

[GRANTOR SIGNATURE AND NOTARY APPEARS ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, SPEEDWAY LLC has caused its name to be subscribed by Gregory S. Whitman, its duly authorized Director of Real Estate and Operations Planning, and its duly authorized agent on the 6th day of September, 2017.

SPEEDWAY LLC



By: *Gregory S. Whitman*
GREGORY S. WHITMAN
Director of Real Estate and Operations Planning

STATE OF OHIO, COUNTY OF CLARK ss:

BE IT REMEMBERED, that on the 6th day of September, 2017, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Gregory S. Whitman, who acknowledged being the Director of Real Estate and Operations Planning and duly authorized agent of Speedway LLC, 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.



KATHERINE S. BORGWALD
NOTARY PUBLIC • STATE OF OHIO
My commission expires 3/16/19

Katherine S. Borgwald
NOTARY PUBLIC
My Commission expires: 3-16-19

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

LPA RX 887 T

Page 1 of 2

Rev. 07/09

Ver. Date 06/13/17

PID 104438

**PARCEL 4-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, and also being part of Lot 6 of Blocks 30 of Sylvania Subdivision (Volume B-2, Page 103 of the Lucas County Recorder office) 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 said Main Street (74.25 feet right of way) with the Northerly line of lands now or formerly owned by Sautter Food Center, Inc. through Microfiche 91 468C06 of the Lucas County records, (Station 157+21.98, 37.125 feet left of Main Street);

- 1) Thence Westerly along the Northerly line of said Sautter Food Center, Inc. lands, South 88 degrees 31 minutes 30 seconds West, a distance of 4.00 feet to a point, (Station 157+21.94, 41.125 feet left Main Street);
- 2) Thence Northerly along a line parallel with the centerline of said Main Street, North 01 degrees 00 minutes 47 seconds West, a distance of 119.00 feet to a point on the existing Southerly right of way line of Monroe Street, (Station 158+40.94, 41.125 feet left Main Street);
- 3) Thence Easterly along the existing Southerly right of way line of said Monroe Street, North 88 degrees 31 minutes 30 seconds East, a distance of 4.00 feet to a point on the existing right of way of said Main Street, (Station 158+40.98, 37.125 feet left Main Street);
- 4) 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 119.00 feet to the **True Point of Beginning**;

EXHIBIT A

LPA RX 887 T

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The above described tract contains 0.011 acres more or less.

Grantor gained title through Microfiche 89-109B10 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
4-T

6/13/2017
Date



SPEEDWAY LLC

CERTIFICATION

February 8, 2017

I, David E. Ball, Vice President - Law of Speedway LLC, a Delaware limited liability company (the "Company"), on behalf of the Company and not in my individual capacity, hereby Certify as follows:

That the following resolution was duly adopted by written consent of the Managers of the Company on February 6, 2006:

"RESOLVED: That the President, any Vice President, any Director, or any Regional Director, be and each hereby is authorized and empowered, as occasion may require from time to time in the ordinary course of business of the Company, to enter into, in the name and on behalf of the Company, transactions pertaining to the business of the Company or to the acquisition, care, operation, management, sale or other disposition of property of the Company, real or personal, upon such terms and conditions each may deem advisable, and to execute and deliver any and all instruments of writing in connection with any such transaction; and that the Secretary or any Assistant Secretary be and hereby is authorized and empowered to attest the execution of any and all such instruments of writing.

That the foregoing resolution is in full force and effect as of the date hereof and has not been amended, superseded or otherwise modified in any material respect.

That Gregory S. Whitman is the Director, of Real Estate & Operations Planning of the Company and that he is serving as such on this date.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on behalf of the Company as of the date first written above.

SPEEDWAY LLC

By: David E. Ball
David E. Ball
Vice President - Law

10a.



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

September 18, 2017

To: The Mayor and Members of Sylvania City Council

Re: **LUC-D02-SIGN-FY2018 (PID 101124)**

Dear Mr. Mayor and Council Members:

The Ohio Department of Transportation (ODOT) plans to move forward with a sign replacement project in 2018 at various freeways and interstates throughout District 2. One location is located in Sylvania and will replace the overhead lead-in signs on Monroe Street near US-23.

Because the location of the project is within the City municipal limits ODOT requires legislation that provides consent for the work. This work will be completed at no cost to the City with all project expenses paid by ODOT. The anticipated sale date of the project is May 3, 2018.

We would recommend approval of the consent legislation for this project.

Please call if you should have any questions.

Sincerely,

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

ORDINANCE NO. 66 -2017

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 LEAD-IN SIGN LOCATED AT THE INTERCHANGE OF US 23 AND SR 51 IN THE CITY OF SYLVANIA; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Sylvania and State of Ohio Department of Transportation have determined that the overhead lead-in signs to various freeways and interstate highways, including one lead-in sign within the City of Sylvania, located at the interchange of US23 and SR 51 should be replaced; and,

WHEREAS, the Director of Public Service has recommended that the City of Sylvania enter into the Agreement for the replacement of an overhead lead-in sign at the US 23 and SR 51 interchange within the City limits.

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, an Agreement with the Ohio Department of Transportation for the replacement of an overhead lead-in sign at the US 23 and SR 51 interchange within the City limits in the form and substance of said "Exhibit A" attached hereto.

SECTION 2. The City of Sylvania shall cooperate with the Director of Transportation in the above described project as follows:

1. The City of Sylvania will assume and bear one hundred percent (100%) of the total cost of any features requested by the City which are not necessary for the project as determined by the State and/or the Federal Highway Administration.
2. The City of Sylvania consents to having the State acquire all necessary rights of way for the subject property in the name of the City.
3. The City of Sylvania agrees, upon completion of the project, to own and maintain all those portions of the project under its jurisdiction.
4. The State agrees to be the lead agency and to administer all phases of the project.

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 Agreement should be entered into immediately to provide for the replacement of the overhead lead-in sign at the US23 and SR 51 interchange within the City limits. 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

PRELIMINARY LEGISLATION

Consent

Ordinance # _____

PID No. 101124

County/Route/Section: D02 SIGN FY2018

The following is an ordinance enacted by the City of Sylvania, Lucas County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the stated described project.

SECTION I - Project Description

WHEREAS, the LPA/STATE has identified the need for the described project:

To replace an overhead lead-in signs to various freeways and interstate highways, including one lead-in sign, within the City of Sylvania, located at the interchange of US 23 and SR 51.

NOW THEREFORE, be it ordained by the City of Sylvania, Ohio

SECTION II - Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III - Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

- 1) The LPA will assume and bear one hundred percent (100%) of the total cost of any features requested by the LPA which are not necessary for the project as determined by the State and/or the Federal Highway Administration.
- 2) The LPA consents to having the State acquire all necessary rights of way for the subject project in the name of the LPA.
- 3) The LPA agrees, upon completion of the project, to own and maintain all those portions of the project under its jurisdiction.
- 4) The State agrees to be the lead agency and to administer all phases of the project.

SECTION IV - Utilities and Right-of-Way Statement

The LPA agrees that all existing street and public way right-of-way within the jurisdiction of the LPA which is necessary for the described project shall be made available therefor. The LPA further agrees that any right-of-way acquired by said LPA on behalf of the described project shall be acquired and/or made available in accordance with current State and Federal regulations.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION V - Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: 1) provide adequate maintenance for those portions of the Project under the jurisdiction of the LPA in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C., Section 116; 2) provide ample financial provisions, as necessary, for the maintenance of those portions of the Project under its jurisdiction; 3) maintain the right-of-way, keeping it free of obstructions; and 4) hold said right-of-way inviolate for public highway purposes.

SECTION VI - Authority to Sign

The _____ of said City is hereby empowered on behalf of the City
(Contractual Officer)

to enter into contracts with the Director of Transportation necessary to complete the above described project.

Passed: _____, 2_____.
(Date)

Attested: _____
(Clerk Signature)

(Contractual Officer Signature)

Attested: _____
(Clerk Signature)

(President of Council Signature)

This ordinance is hereby declared to be an emergency measure to expedite the highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

CERTIFICATE OF COPY
STATE OF OHIO

City of Sylvania, Lucas County, Ohio

I, _____, as Clerk of the City of Sylvania, Ohio, do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the legislative Authority of the said City, on the _____ day of _____, 2____, that the publication of such ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such ordinance have been taken; and that such ordinance and certificate of publication thereof are of record in

_____, Page _____
(Ordinance Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this _____ day of _____, 2 _____.

Clerk

(SEAL)
(If Applicable)

City of Sylvania, Ohio

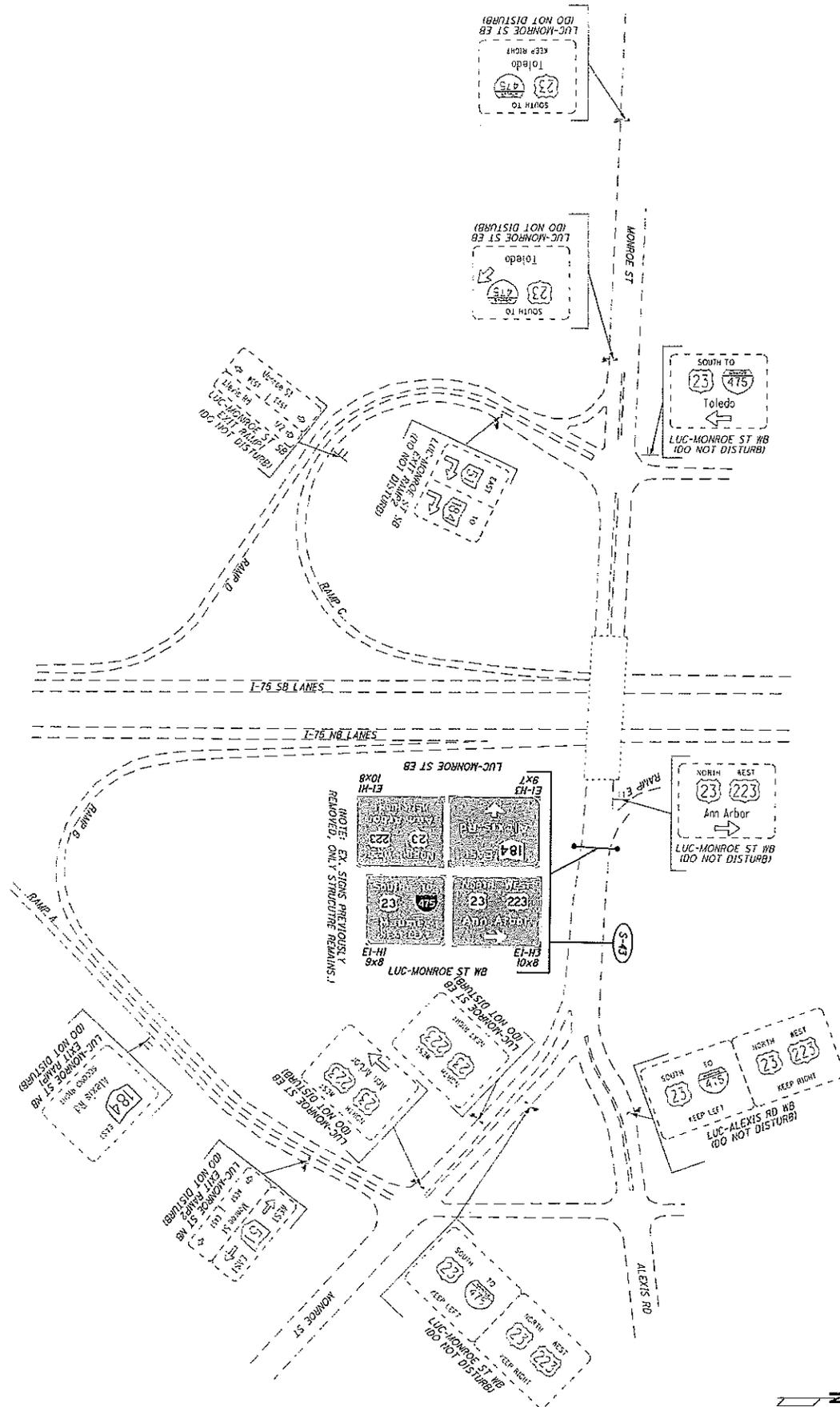
The afore going is accepted as a basis for proceeding with the project herein described.

For the City of Sylvania, Ohio

Attest: _____, Date _____
Contractual Officer

For the State of Ohio

Attest: _____, Date _____
Director, Ohio Department of Transportation



A

City of Sylvania

Bank Reconciliation

August 2017

Ending balance for July 2017 23,878,527.22
 Add: Monthly Receipts 5,100,654.21
 Subtotal \$ 28,979,181.43
 Less: Monthly Disbursements 4,175,521.76
 Ending balance for Aug 2017 \$ 24,803,659.67

Less:
 CD Metamora Bank \$ (2,000,000.00)
 Star Ohio (77,975.65)
 Petty Cash (1) (2,050.00)
 Cemetery Savings (1,062.86)
 Toledo Community Fund (31,803.18)
 PNC Money Market (1,029,916.11)
 Key Bank Securities (1,008,143.95)
 5/3rd Securities (7,896,932.13)
 SJS Account (5,519,299.05)
 Morgan Stanley Investment (2,075,824.56)
 Sylvania Township Bonds (440,000.00)
 \$ 4,720,652.18

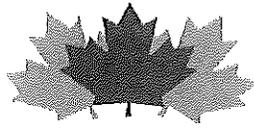
Less:
 Bank Charge Reversal (232.86)

(1)
 Division of Public Service \$ 150.00
 Department of Finance 100.00
 Division of Water 600.00
 Division of Police 200.00
 Municipal Court 700.00
 Division of Taxation 150.00
 Division of Forestry 150.00

Petty Cash Balance \$ 2,050.00

BANK BALANCE
 EOM 5/3rd Bank Balance \$ 4,724,032.50
 Deposit in Transit 1,167.28
 Subtotal \$ 4,725,199.78
 Less: Outstanding Checks (2) 4,780.46
 Adjusted Bank Balance \$ 4,720,419.32
 (2)
 July Outstanding Checks \$ 39,755.04
 Checks written this month 1,265,365.30
 Voided checks #69691, #69904, (1,214.84)
 #69917, #70344, #70415
 Subtotal \$ 1,303,905.50
 Checks Cleared this month (1,299,125.04)
 Aug Outstanding Checks \$ 4,780.46


 Toby Schroyer
 Director of Finance, City of Sylvania



B

City of Sylvania

DIVISION OF TAXATION

CHRISTY M. GOLIS, COMMISSIONER OF TAXATION

September 1, 2017

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, 2017	723,979.45	11,191.55	712,787.90
August 31, 2016	753,068.41	16,968.29	736,100.12
Monthly Difference	(29,088.96)	(5,776.74)	(23,312.22)
Year to Date 2017	7,565,111.62	194,392.04	7,370,719.58
Year to Date 2016	7,592,801.08	140,269.87	7,452,531.21
Yearly Difference	(27,689.46)	54,122.17	(81,811.63)
			-1.10%

	Deposits	Refunds	Balance
August 31, 2017	723,979.45	11,191.55	712,787.90
August 31, 2015	707,226.35	24,874.38	682,351.97
Monthly Difference	16,753.10	(13,682.83)	30,435.93
Year to Date 2017	7,565,111.62	194,392.04	7,370,719.58
Year to Date 2015	6,814,093.52	188,793.05	6,625,300.47
Yearly Difference	751,018.10	5,598.99	745,419.11
			11.25%

Respectfully submitted,

Christy M. Golis
Tax Commissioner

c: Mr. Toby Schroyer, Finance Director