

Sylvania City Council

November 6, 2017

7:00 p.m. Public Hearing
Proposed Ordinance No. 62-2017

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. Flag Ceremony and Pledge of Allegiance to the United States of America led by Maplewood School Cub Scout Pack 158 Arrow of Light (5th graders).
3. Additions to the agenda.
4. Approval of the Council meeting minutes of October 16, 2017.
5. Recognition by Mayor of Artists commemorating the 25th Anniversary of Sister City. Ian Mahoney, Ethan Archer, and Connor Estrel.
6. Proposed Ordinance No. 84-2017, Authorizing to enter into an Economic Development Grant Agreement with First Federal Bank.
7. Report on Public Hearing from 7:00 p.m. on this date regarding proposed Ordinance No. 62-2017.
8. 2018 Budget.
 - a. Report on Finance Committee meeting from 10/18/17.
 - b. Proposed First Reading of Ordinance No. 77-2017, To make appropriations for current expenditures and other expenditures of the City of Sylvania, Ohio, for the fiscal year ending December 31, 2018.
9. Professional Engineering Services Proposal of US23/Monroe Street interchange.
 - a. Service Director's report on engineering services for the study.
 - b. Proposed Ordinance No. 78-2017, Accepting proposal of Mannik & Smith Group to provide engineering services for the US23/Monroe Street Interchange project.
10. Acres Road Resurfacing Project (Alexis Road to Monroe Street).
 - a. Service Director's report on project.
 - b. Proposed Ordinance No. 79-2017, Accepting proposal of Crestline Paving & Excavating for the Acres Road Resurfacing Project.
11. McCord Road Microsurfacing Project Change Order No. 1 (Final).
 - a. Service Director's report on change order.
 - b. Proposed Ordinance No. 80-2017, Authorizing to approve Change Order No. 1 with Zimmerman Paint Contractors for the McCord Road Resurfacing Project.

12. Service Director's report on Main Street Reconstruction project.
 - a. Request authorization to begin the Letter of Interest solicitation for Construction Engineering Services.
13. River Trail Phase II Project.
 - a. Service Director's report on SB 310 Community Recreation Project.
 - b. Proposed Ordinance No. 81-2017, Authorizing to enter into a pass through Grant Easement with the Ohio Department of Natural Resources.
 - c. Service Director's report on bids for Phase II.
 - d. Proposed Ordinance No. 82-2017, Accepting the bid of Miller Brothers Construction, Inc. and awarding the contract for the River Trail Improvements Phase II Project.
14. Proposed Ordinance No. 83-2017, Authorizing to enter into an agreement with the Board of Lucas County Commissioners, for the provision of Public Defender Services to the Sylvania Municipal Court for the Year 2018.
15. Committee reports.
16. Committee referrals.

INFORMATION

- A. October 2017 Cash Report from the Division of Taxation.
- B. October 2017 Bank Reconciliation.

Minutes of the Meeting of Council
October 16, 2017

The Council of the City of Sylvania, Ohio met in regular session on October 16, 2017 at 7:30 p.m. with Mayor Stough 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.

Mrs. Husman 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.

The following items were added to the agenda:

17. SCAT upcoming activities.

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

Agenda approval.

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

Mrs. Westphal presented the October 2, 2017 meeting minutes. Mrs. Westphal moved, Mr. Haynam seconded, that since the Mayor, members of Council, and others had been furnished copies of these minutes prior to this meeting, Council dispense with the reading of these minutes at this time, and the journal of the minutes of the regular meeting of October 2, 2017 be approved as amended; roll call vote being: Frye, Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Approval of the October 2 meeting minutes as amended.

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

Mr. Adam Fineske, Superintendent of Sylvania Schools presented a district update and goals for the future. He stated enrollment is up 5% in 2 years with 160 more students this year than last year at this time (80 of the 160 students were kindergarteners).

Sylvania School District update.

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

Service Director's report on the Roundabout Study (Brint & Main, Brint & Harroun, & Holland-Sylvania & Harroun) was placed on file. Mr. Frye presented and read aloud by title only, proposed Ordinance No. 71-2017, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to accept the proposal of NE Roundabouts, Inc. for professional engineering

Ordinance No. 71-2017, "Authorizing ...Roundabout Study...three

services for Roundabout Studies at three intersections in the City of Sylvania; appropriating funds therefore in the amount of \$11,400, and declaring an emergency.” Mr. Frye moved, Mr. Mishka seconded, that Council dispense with the Second and Third Readings of said Ordinance: roll call vote being: Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

intersections...”

Mr. Frye moved, Mrs. Husman seconded, that Ordinance No. 71-2017 be enacted as an emergency measure as declared therein; roll call vote being: Husman, Luetke, Mishka, Westphal, Cappellini, Frye, Haynam, , (7) yeas; (0) nays. The motion carried.

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

Service Director’s report on Ohio Department of Transportation’s plan to move forward with a storm sewer replacement and asphalt resurfacing project in 2018 on Alexis Road between Monroe Street and Flanders Road was placed on file. Mr. Frye presented and read aloud by title only, proposed Resolution No. 9-2017, a written copy of same having been previously furnished to each member of Council, “A Resolution of the Council of the City of Sylvania consenting to the City’s participation in the Alexis Road Resurfacing and Storm Sewer Replacement project authorizing the Mayor and Director of Finance to execute contracts as required; and declaring an emergency.” Mr. Frye moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Resolution: roll call vote being: Luetke, Mishka, Westphal, Cappellini, Frye, Haynam, Husman, (7) yeas; (0) nays. The motion carried.

Resolution No. 9-2017, “...consenting to Alexis Rd resurfacing & storm sewer replacement... with ODOT...”

Mr. Frye moved, Mr. Luetke seconded, that Resolution No. 9-2017 be enacted as an emergency measure as declared therein; roll call vote being: Mishka, Westphal, Cappellini, Frye, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

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

Service Director’s report on an OPWC grant application for the Brint, Centennial, Sylvania-Metamora and King Roads Resurfacing project was placed on file. Mr. Frye presented and read aloud by title only, proposed Resolution No. 10-2017, a written copy of same having been previously furnished to each member of Council, “A Resolution authorizing the Mayor and Director of Finance to file a grant application with the Ohio Public Works Commission for the Brint Road, Centennial Road, Sylvania-Metamora Road and King Road Resurfacing project; and declaring an emergency.” Mr. Frye moved, Mr. Mishka seconded, that Council dispense with the Second and Third Readings of said Resolution: roll call vote being: Westphal, Cappellini, Frye, Haynam, Husman, Luetke, Mishka, (7) yeas; (0) nays. The motion carried.

Resolution No. 10-2017, “...authorizing to file a grant application with OPWC...Brint, Centennial, Syl-Met, and King Roads resurfacing...”

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Mr. Frye moved, Mr. Luetke seconded, that Resolution No. 10-2017 be enacted as an emergency measure as declared therein; roll call vote being: Cappellini, Frye, Haynam, Husman, Luetke, Mishka, Westphal, (7) yeas; (0) nays. The motion carried.

Mayor Stough state 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. Mishka presented and read aloud by title only, proposed Ordinance No. 72-2017, a written copy of same having been previously furnished to each member of Council, "Accepting a temporary construction easement from Food-King Supermarket, Inc. relative to the Main Street Reconstruction Project; dedicating the easement for public purposes; appropriating funds therefore, and declaring an emergency." Mr. Mishka moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance: roll call vote being: Frye, Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Ordinance No. 72-2017, "accepting temporary construction easement.... Main St. project... Food-King Supermarket, Inc...."

Mr. Mishka moved, Mrs. Husman seconded, that Ordinance No. 72-2017 be enacted as an emergency measure as declared therein; roll call vote being: Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

Service Director's report on a temporary construction easement for the Main Street Reconstruction was placed on file. Mr. Mishka presented and read aloud by title only, proposed Ordinance No. 73-2017, a written copy of same having been previously furnished to each member of Council, "Accepting a temporary construction easement from Sautter's Food Center, Inc. relative to the Main Street Reconstruction Project; dedicating the easement for public purposes; appropriating funds therefore, and declaring an emergency." Mr. Mishka moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Readings of said Ordinance: roll call vote being: Frye, Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Ordinance No. 73-2017, "accepting temporary construction easement.... Main St. project... Sautter's Food Center, Inc...."

Mr. Mishka moved, Mr. Haynam seconded, that Ordinance No. 73-2017 be enacted as an emergency measure as declared therein; roll call vote being: Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

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

Service Director's report on SOMO site was placed on file. Mrs. Husman presented and read aloud by title only, proposed Ordinance No. 74-2017, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to accept the proposal of Feller, Finch & Associates to provide surveying and engineering services for the SOMO re-plat project; appropriating funds therefore in an amount not to exceed \$3,500; 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, Luetke, Mishka, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays: The motion carried.

Ordinance No. 74-2017, "authorizing to accept proposal Feller, Finch.... SOMO re-plat project..."

Mrs. Husman moved, Mr. Haynam seconded, that Ordinance No. 74-2017 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 11.

Mrs. Husman presented and read aloud by title only, proposed Ordinance No. 75-2017, a written copy of same having been previously furnished to each member of Council, "Approving the offer to purchase of First Brookside, LLC to purchase a 7' x 148.84' parcel of the City's real estate at a sale price of \$500.00; authorizing the Mayor and the Director of Finance to accept said offer to purchase on behalf of the City of Sylvania; determining said real estate to be no longer needed for municipal purposes; 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: Luetke, Mishka, Westphal, Cappellini, Frye, Haynam, Husman, (7) yeas; (0) nays. The motion carried.

Ordinance No. 75-2017, "approving offer to purchase 7' x 148.84' parcel of city property of First Brookside, LLC..."

Mrs. Husman moved, Mrs. Westphal seconded, that Ordinance No. 75-2017 be enacted as an emergency measure as declared therein; roll call vote being: Mishka, Westphal, Cappellini, Frye, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

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

Mrs. Husman presented and read aloud by title only, proposed Ordinance No. 76-2017, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to enter into a Loan Agreement with the Department of The Navy, Navel History and Heritage Command, for the brass ship's bell from the USS Sylvania; and declaring an emergency."

Ordinance No. 76-2017, "Authorizing.... Loan Agreement ...bell, Dept. of

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Mrs. Husman moved, Mr. Luetke seconded, that Council dispense with the Second and Third Readings of said Ordinance: roll call vote being: Westphal, Cappellini, Frye, Haynam, Husman, Luetke, Mishka, (7) yeas; (0) nays. The motion carried. Navy...USS Sylvania ...”

Mrs. Husman moved, Mrs. Westphal seconded, that Ordinance No. 76-2017 be enacted as an emergency measure as declared therein; roll call vote being: Cappellini, Frye, Haynam, Husman, Luetke, Mishka, Westphal, (7) yeas; (0) nays. The motion carried.

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

Mrs. Westphal presented and read aloud by title only, proposed Resolution No. 11-2017, a written copy of same having been previously furnished to each member of Council, “A Resolution of the Council of the City of Sylvania supporting the five-year, 0.8-Mill Operating Levy for the Olander Park System; and declaring an emergency.” Resolution No. 11-2017, “...supporting the 5-year 0.8-mill operating levy...Olander Park System...” Mrs. Westphal moved, Mr. Luetke seconded, that Council dispense with the Second and Third Readings of said Resolution: roll call vote being: Frye, Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Mrs. Westphal moved, Mrs. Husman seconded, that Resolution No. 11-2017 be enacted as an emergency measure as declared therein; roll call vote being: Haynam, Husman, Luetke, Mishka, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

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

Mrs. Westphal moved, Mr. Hayman seconded, to set the 2018 Council Meeting Schedule as presented. Roll call vote being: Husman, Luetke, Mishka, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays. The motion carried. Set 2018 Council Meeting schedule.

Mrs. Westphal moved, Mrs. Husman seconded to set 2018 Trick-or-Treat for Wednesday, October 31st, 6:00-7:30p.m. Roll call vote being: Luetke, Mishka, Westphal, Cappellini, Frye, Haynam, Husman, (7) yeas; (0) nays. The motion carried. Set 2018 Trick or Treat: Wed., October 31st.

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

Mr. Frye stated the Streets Committee met at 7:00 p.m. on this date to continue discussions on the Main Street Reconstruction Project. Mr. Aller presented options after getting input from Council members to include decorative concrete, no green space, poles with hanging baskets, stamped sidewalks, and ornamental fencing with brick piers, etc. Construction completion date: late August-early September 2018. Streets Com. Mtg...discuss Main St. Reconstruction.

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Mayor Stough stated that there are no items for agenda item 16, so Council will now consider agenda item 17.

Mrs. Husman presented the SCAT upcoming events. The Walk of Lights is October 18th at Southview High School. October 28th is Drug Take-back at the police station, and SCATACULAR is November 1, 2017, 7:30-8:30 a.m.

SCAT
upcoming
events.

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

Mrs. Westphal moved, Mr. Haynam seconded that this meeting adjourn; all present voting yea (7); (0) nays. The motion carried and the meeting adjourned at 8:41 p.m.

Adjournment.

Clerk of Council

Mayor

ORDINANCE NO. 84 - 2017

AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO AN ECONOMIC DEVELOPMENT GRANT AGREEMENT WITH FIRST FEDERAL BANK; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 54-95, passed May 15, 1995, adopted a Job Creation and Retention Program and adopted guidelines for administering the program; and,

WHEREAS, the Economic Development/Administrative Services Coordinator of this City negotiated with Dirk VanHeyst of First Federal Bank and, after outlining to him the economic development proposal which would be available to First Federal Bank, made a grant proposal to First Federal Bank, subject to the approval of the Mayor and the Sylvania City Council; and,

WHEREAS, First Federal Bank has its home office in Defiance, Ohio, and this will be another branch for the bank and the insurance division is currently located in Maumee, Ohio, however, is relocating to 5520 Monroe Street in the City of Sylvania and the decision to relocate to the City was based, in part, on receiving an economic development grant; and,

WHEREAS, the Mayor and Director of Finance have recommended that the grant agreement between this City and First Federal Bank be formalized using the economic development letter grant agreement attached hereto as "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 the Mayor and Director of Finance be, and they hereby are, authorized and directed to enter into an agreement with First Federal Bank, in the form and substance of said "Exhibit A" and further authorized to send or deliver the same to First Federal Bank, currently of 601 Clinton Street, Defiance, Ohio 43512, and that upon receiving an accepted copy of said letter grant agreement pursuant to the letter on or before November 30, 2017, said grant agreement will be in full force and effect.

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

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

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that it is essential that the grant agreement be formalized forthwith so as to meet the promised prompt action of the grant request. 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:

Clerk of Council

APPROVED:

Mayor

Date

APPROVED AS TO FORM:

Director of Law

November 2, 2017

MEMO

To: Mayor Stough & City Council
Fm: Bill Sanford
Re: Job Creation Grant

First Federal Bank & Insurance will be coming to Sylvania. They will occupy 25,000 square feet in the former Capital Bank Building on Monroe Street that is now vacant as the ProMedica jobs that were located there have moved to downtown Toledo.

Developer Tom Schlachter owns the building. Besides First Federal, Tom is negotiating with another tenant to take the remaining 25,000 square feet in the building (50,000sf).

I have been working with First Federal for the last year. There will be a bank branch on the first floor with an insurance office on the second floor.

They will have a total of 35 jobs in this building; five will be retail jobs with the bank branch.

They have applied for a job creation grant with the City. The grant is for 30 jobs (less retail) and an annual projected payroll of \$1.825 million.

Here is the breakdown for the calculation for the grants:

Payroll:	\$1,825,000
City of Sylvania Payroll Tax:	<u> .015</u>
Payroll tax paid to the City:	\$ 27,375
	<u> ÷ 3</u>
Grant amount paid to the company:	\$ 9,125
Number of years for the grant:	<u> x 5</u>
Total grant amount:	\$ 45,625

To be eligible for this grant the company's payroll would need to total at least \$500,000 annually and create a minimum of 5 new jobs.

The projected annual payroll must be maintained throughout the duration of the grant period in order to maintain the annual grant payment.

The bank branch is an additional branch for the bank that has its home office in Defiance, Ohio. They currently have branches in 27 communities in Ohio including Findlay, Bowling Green, Oregon, Maumee and Perrysburg as well as in Indiana and Michigan.

The insurance jobs will be coming from Maumee. They will be signing a 20 year lease for their space (5520 Monroe St.). They are investing \$1 million to remodel the space for their offices and bank branch.

First Federal is projected to pay \$91, 250 in payroll taxes to the City over the length (5 years) of this grant.

If you have any questions on this please let me know. We will need City Council approval for this grant to move forward.

First Federal Bank bringing new branch to Sylvania

Monday, October 30th 2017, 10:31 pm EDT

By Fayth Atkins, Digital Content Producer

CONNECT



SYLVANIA, OH (WTOL) -

First Federal Bank announced that it's bringing a sixth location to the Toledo area in Sylvania Monday afternoon.

"The Toledo area and its suburbs, including Sylvania, have had significant growth momentum and we are proud to be a part of this effort by expanding our existing footprint," said Joel Jerger, Executive Vice President, Market Area Executive. "Our history of hiring talented leaders in the communities we serve, and building strong relationships with businesses and community members made an additional office in Sylvania a perfect fit for us."

Half of the 2,500 square foot building will be occupied by the bank's affiliate company, First Insurance Group and will also create six full-time positions and one part-time.

An innovation center, technology bar, digital display and an ATM will also be featured.

"The needs of our clients are rapidly changing. To continue to be the bank of choice, we understand that the need for smart banking solutions is more important than ever," said Dirk VanHeyst, Senior Vice President, Senior Commercial Lender. "To exceed the expectations of our clients, we have dedicated teams and resources to deliver innovative products and solutions to help our clients achieve their financial goals"

The new office will be located at 5520 Monroe Street and is expected to open in early 2018.

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ORDINANCE NO. 77 -2017

TO MAKE APPROPRIATIONS FOR CURRENT EXPENDITURES AND OTHER EXPENDITURES OF THE CITY OF SYLVANIA, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2018; AND DECLARING AN EMERGENCY.

WHEREAS, it is provided by State law and the Sylvania City Charter that an annual appropriation ordinance shall be passed by Council; and,

WHEREAS, attached hereto is "Exhibit A" entitled "2018 Budget Summary of Estimated Expenditures" which exhibit identifies by a four-digit department code number and name each Account in a Fund identified by a three-digit code and name to which appropriations within such Fund are made by this ordinance; and

WHEREAS, attached hereto is "Exhibit B" entitled "2018 Budget Summary of Revenues (2015 - 2018)" which exhibit lists the specific sources of revenue and the actual amounts received by the City from each source within each Fund for the years 2015 and 2016, and the estimated amounts expected to be received by the City from each source for each Fund for the years 2017 and 2018, referred to herein as "estimated resources."

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

SECTION 1. That to provide for the current expenditures and other expenditures of the City of Sylvania for the fiscal year ending December 31, 2018, the following appropriations are hereby authorized.

SECTION 2. That there be and is hereby appropriated from the GENERAL FUND the sum of \$12,100,000 to the respective Accounts of said Fund listed in "Exhibit A" in the several amounts and for the respective purposes shown for such Account. Estimated resources for 2018 for said Fund, as shown in "Exhibit B" total \$12,100,000. There is a sufficient balance as of January 1, 2018 in this Fund to be considered as available for appropriation.

SECTION 3. That there be and is hereby appropriated from the STREET CONSTRUCTION, MAINTENANCE AND REPAIR FUND the sum of \$1,320,000 to the respective Accounts of said Fund listed in "Exhibit A" in the several amounts and for the respective purposes shown for such Accounts. Estimated resources for 2018 for this Fund, as shown in "Exhibit B", total \$1,320,000. There is a sufficient balance as of January 1, 2018 in this Fund to be considered as available for appropriation.

SECTION 4. That there be and is hereby appropriated from the CITY PERMISSIVE TAX FUND the sum of \$240,000 to the respective Account of said Fund listed in "Exhibit A" in the amount and for the respective purpose shown for such Accounts. Estimated Resources for 2018 for this Fund as shown in "Exhibit B" total \$240,000.

SECTION 5. That there be and is hereby appropriated from the STATE HIGHWAY IMPROVEMENT FUND the sum of \$65,000 to the respective Account of said Fund listed in "Exhibit A" in the amount and for the respective purpose shown for such Account. Estimated resources for 2018 for this Fund as shown in "Exhibit B" total \$73,000.

SECTION 6. That there be and is hereby appropriated from the LAW ENFORCEMENT TRUST FUND the sum of \$5,000 to the respective Account of said Fund listed in "Exhibit A" in the amount and for the respective purpose shown for such Account. Estimated resources for 2018 for this Fund as shown in "Exhibit B" total \$50,000.

SECTION 7. That there be and is hereby appropriated from the DRUG LAW ENFORCEMENT TRUST FUND the sum of \$4,000 to the respective Account of said Fund listed in "Exhibit A" in the amount and for the respective purpose shown for such Account. Estimated resources for 2018 for this Fund as shown in "Exhibit B" total \$5,000.

SECTION 8. That there be and is hereby appropriated from the INDIGENT DRIVERS ALCOHOL TREATMENT FUND the sum of \$40,000 to the respective Account of said Fund listed in "Exhibit A" in the amount and for the respective purpose shown for such Account. Estimated resources for 2018 for this Fund as shown in "Exhibit B" total \$30,000. There is a sufficient balance as of January 1, 2018 in this Fund to be considered as available for appropriation.

SECTION 9. That there be and is hereby appropriated from the INDIGENT DRIVERS ALCOHOL MONITOR FUND the sum of \$15,000 to the respective Account of said Fund listed in "Exhibit A" in the amount and for the respective purpose shown for such Account. Estimated resources for 2018 for this Fund as shown in "Exhibit B" total \$30,000.

SECTION 10. That there be and is hereby appropriated from the FEDERAL EQUITABLE SHARING FUND the sum of \$5,000 to the respective Account of said Fund listed in "Exhibit A" in the amount and for the respective purpose shown for such Account. Estimated resources for 2018 for this Fund as shown in "Exhibit B" total \$20,000.

SECTION 11. That there be and is hereby appropriated from the INDIGENT SUPPORT FUND the sum of \$40,000 to the respective Account of said Fund listed in "Exhibit A" in the amount and for the respective purpose shown for such Account. Estimated resources for 2018 for this Fund as shown in "Exhibit B" total \$50,000.

SECTION 12. That there be and is hereby appropriated from the GENERAL OBLIGATION DEBT SERVICE FUND the sum of \$1,858,000 to the respective Account of said Fund listed in "Exhibit A" in the several amounts and for the respective purposes shown for such Accounts. Estimated resources for 2018 for this Fund as shown in "Exhibit B" total \$2,065,000.

SECTION 13. That there be and is hereby appropriated from the CAPITAL IMPROVEMENT FUND the sum of \$3,135,000 to the respective Accounts of said Fund listed in "Exhibit A" in the amount and for the respective purposes shown for such Accounts. Estimated resources for 2018 for this Fund as shown in "Exhibit B" total \$4,772,000.

SECTION 14. That there be and is hereby appropriated from the COURT CAPITAL IMPROVEMENT FUND the sum of \$104,000 to the respective Accounts of said Fund listed in "Exhibit A" in the several amounts and for the respective purposes shown for such Accounts. Estimated resources for 2018 for this Fund as shown in "Exhibit B" total \$115,000.

SECTION 15. That there be and is hereby appropriated from the SPECIAL ASSESSMENT SERVICES TREE REPAIR & REPLACEMENT FUND the sum of \$250,000 to the respective Accounts of said Fund listed in "Exhibit A" in the several amounts and for the respective purposes shown for such Accounts. Estimated resources for 2018 for this Fund as shown in "Exhibit B" total \$250,000.

SECTION 16. That there be and is hereby appropriated from the SPECIAL ASSESSMENT SERVICE STREET LIGHTING FUND the sum of \$400,000 to the respective Accounts of said Fund listed in "Exhibit A" in the several amounts and for respective purposes shown for such Accounts. Estimated resources for 2018 for this Fund as shown in "Exhibit B" total \$410,000.

SECTION 17. That there be and is hereby appropriated from the SPECIAL ASSESSMENT SERVICES DITCH & DRAINAGE FUND the sum of \$275,000 to the respective Accounts of said Fund listed in "Exhibit A" in the several amounts and for the respective purposes shown for such Accounts. Estimated resources for 2018 for this Fund as shown in "Exhibit B" total \$280,000.

SECTION 18. That there be and is hereby appropriated from the WATER FUND the sum of \$5,578,000 to the respective Accounts of said Fund listed in "Exhibit A" in the several amounts and for the respective purposes shown for such Accounts. Estimated resources for 2018 for this Fund as shown in "Exhibit B" total \$5,675,000.

SECTION 19. That there be and is hereby appropriated from the SEWER FUND the sum of \$2,532,000 to the respective Accounts of said Fund listed in "Exhibit A" in the several amounts and for the respective purposes shown for such Accounts. Estimated resources for 2018 for this Fund as shown in "Exhibit B" total \$2,578,000.

SECTION 20. That there be and is hereby appropriated from the RESOURCE RECOVERY FUND the sum of \$175,000 to the respective Accounts of said Fund listed in "Exhibit A" in the several amounts and for the respective purposes shown for such Accounts. Estimated resources for 2018 for this Fund as shown in "Exhibit B" total \$175,000.

SECTION 21. That there be and is hereby appropriated from the MEDICAL CARE – SELF INSURED FUND the sum of \$2,500,000 to the Account of said Fund listed in "Exhibit A" in the amount and for the respective purpose shown for such Account. Estimated resources for 2018 for this Fund as shown in "Exhibit B" total \$2,500,000.

SECTION 22. That there be and is hereby appropriated from the POLICE PENSION FUND the sum of \$558,000 to the respective Account of said Fund listed in "Exhibit A" in the amount and for respective purpose shown for such Account. Estimated resources for 2018 for this Fund as shown in "Exhibit B" total \$450,000. There is a sufficient balance as of January 1, 2018 in this Fund to be considered as available for appropriation.

SECTION 23. That there be and is hereby appropriated from the PROPERTY ROOM FUND the sum of \$1,000 to the respective Accounts of said Fund listed in "Exhibit A" in the several amounts and for the respective purposes shown for such Accounts. Estimated resources for 2018 for this Fund as shown in "Exhibit B" total \$10,000.

SECTION 24. That there be and is hereby appropriated from the INCOME TAX FUND the sum of \$7,493,000 to the respective Accounts of said Fund listed in "Exhibit A" in the several amounts and for the respective purposes shown for such Accounts. Estimated resources for

2018 for this Fund as shown in "Exhibit B" total \$7,510,000.

SECTION 25. That there be and is hereby appropriated from the UNCLAIMED MONIES FUND the sum of \$1,000 to the respective Accounts of said Fund listed in "Exhibit A" in the several amounts and for the respective purposes shown for such Accounts. Estimated resources for 2018 for this Fund as shown in "Exhibit B" total \$5,000.

SECTION 26. That there be and is hereby appropriated from the POLICE COMMUNITY AFFAIRS FUND the sum of \$24,000 to the respective Accounts of said Fund listed in "Exhibit A" in the several amounts and for respective purposes shown for such Accounts. Estimated resources for 2018 for this Fund as shown in "Exhibit B" total \$10,000. There is a sufficient balance as of January 1, 2018 in this Fund to be considered as available for appropriation.

SECTION 27. Estimated resources for the PARKS-RECREATION FOUNDATION FUND for 2018 as shown in "Exhibit B" total \$2,000.

SECTION 28. That "Exhibit C" attached hereto is illustrative of the transfers anticipated within the 2018 Operating Budget.

SECTION 29. That the Director of Finance be and he is hereby authorized and directed to draw warrants against any of the foregoing appropriations upon proper certificates or vouchers therefore, approved by any officer or officers authorized by law to approve the same, or by any Ordinance or Resolution of Council to make expenditures or as otherwise provided by law.

SECTION 30. That the Director of Finance be and he is hereby authorized to make all operating transfers as delineated in the 2018 Budget, shown on "Exhibit A".

SECTION 31. It is hereby found and determined that all formal actions of the 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 action, were in meetings open to the public, in compliance with all requirements including Section 121.22 of the Ohio Revised Code.

SECTION 32. 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 33. 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 immediate provision should be made for the enactment of

appropriations for the payment of current expenditures for the calendar year of 2018. 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 _____ reading(s): Yeas ____ Nays ____

Passed, _____, 2017, as an emergency measure.

President of Council

ATTEST:

Clerk of Council

APPROVED:

Mayor

Date

APPROVED AS TO FORM:

Director of Law

Exhibit "A"

**2018 BUDGET
SUMMARY OF ESTIMATED EXPENDITURES**

Dept.	Name	Personal Services	Fringe Benefits	Contract Services	Materials & Supplies	Capital Outlay	Transfers	Totals
110 General Fund								
7110	Police Law Enforcement	2,907,000	763,000	204,000	165,000			4,039,000
7115	Fire Prev. & Insp.	4,000	2,000					6,000
7125	Police/Fire Comm.	425,000	189,000	36,000	7,000			657,000
7210	Correctional Programs			23,000				23,000
7215	Cemetery			10,000				10,000
7220	Pymt.Co.Brd.Health			113,000				113,000
7310	Parks & Forestry	545,000	260,000	117,000	40,000			962,000
7320	Community Programs			363,000				363,000
7415	Zoning	76,000	33,000	3,000	7,000			119,000
7425	Mowing-Private Prop.			2,000				2,000
7515	Garb.& Refuse Collection	67,000	11,000	791,000	16,000			885,000
7620	Street Cleaning	105,000	17,000	13,000	19,000			154,000
7710	Mayor's Office	260,000	102,000	4,000	19,000			385,000
7715	Finance Admin.	170,000	70,000	63,000	7,000			310,000
7725	Legal Admin.	102,000	37,000	1,000	5,000			145,000
7726	Prosecutors' Office	261,000	96,000	38,000	6,000			401,000
7730	Service Admin.	80,000	55,000	7,000	7,000			149,000
7735	Legislation	112,000	20,000	12,000	7,000			151,000
7740	Municipal Court	1,055,000	503,000	218,000	61,000			1,837,000
7745	Civil Serv.Comm.			2,000	3,000			5,000
7750	Lands & Buildings	5,000	2,000	84,000	19,000			110,000
7755	Engineering	87,000	56,000	3,000	2,000			148,000
7765	Elections			5,000				5,000
7775	Delq.Land Advertg.			1,000				1,000
8000	Transfers						625,000	625,000
8020	Information Technology	155,000	65,000	73,000	202,000			495,000
	Totals	6,416,000	2,281,000	2,186,000	592,000		625,000	12,100,000

**2018 BUDGET
SUMMARY OF ESTIMATED EXPENDITURES**

Dept. Code	Name	Personal Services	Fringe Benefits	Contract. Services	Materials & Supplies	Capital	Debt Service	Transfers	Totals
=====									
222	Street C M & R								
=====									
7610	Street C M & R	755,000	373,000	62,000	102,000				1,292,000
7635	Traffic Signs.Etc			25,000	3,000				28,000
	Totals	755,000	373,000	87,000	105,000				1,320,000
=====									
223	City Perm.Tax								
=====									
7611	Permissive Tax Maint.			33,000	132,000	75,000			240,000
=====									
224	State Hwy.Improv.								
=====									
7612	State Hwy.Maint.			35,000	30,000				65,000
=====									
225	Law Enforcement Trust Fund								
=====									
7126	Police & Fire Comm.				5,000				5,000
=====									
226	Drug Law Enforcement Fund								
=====									
7126	Drug Law Enforcement				4,000				4,000
=====									
227	Ind.Alcohol Treatment Fund								
=====									
7740	Ind.Alcohol Treatment			40,000					40,000
=====									
228	Ind.Alcohol Monitor Fund								
=====									
7740	Ind.Alcohol Monitor Fund			15,000					15,000
=====									
229	Federal Equitable Sharing Fund								
=====									
7126	Drug Law Enforcement				5,000				5,000
=====									
231	Indigent Support								
=====									
7740	Domestic/Theft ISFC			40,000					40,000

**2018 BUDGET
SUMMARY OF ESTIMATED EXPENDITURES**

Dept. Code	Name	Personal Services	Fringe Benefits	Contract. Services	Materials & Supplies	Capital	Debt Service	Transfers	Totals
331 G.O. Retirement Fund									
7910	Bond & Note Retirement			8,000			1,850,000		1,858,000
401 Capital Impr.Fund									
7110	Police Law Enforcement					112,000			112,000
7310	Parks & Forestry					36,000			36,000
7610	Street C M & R					2,241,000			2,241,000
7615	Sidewalks					10,000			10,000
7635	Traffic Signals					0			0
7740	Municipal Court					0			0
7750	Lands & Buildings				13,000	500,000			513,000
7970	Promissory Notes						23,000		23,000
8020	Information Tech.					200,000			200,000
	Totals				13,000	3,099,000	23,000		3,135,000
405 Court Capital Improvement Fund									
7740	Municipal Court			50,000	4,000		50,000		104,000
501 Spec.Assess.Trees									
7440	Tree Maintenance	127,000	40,000	76,000	7,000				250,000
502 Spec.Assess. Street Lighting									
7130	S.A. Street Lighting	10,000	2,000	388,000					400,000
503 S.A. Ditches & Drains									
7510	Ditches & Drains	180,000	28,000	29,000	38,000				275,000
701 Water Fund									
7520	Water Admin.	230,000	82,000	81,000	65,000				458,000
7525	Distribution	428,000	298,000	3,925,000	69,000	170,000	230,000		5,120,000
	Totals	658,000	380,000	4,006,000	134,000	170,000	230,000		5,578,000

**2018 BUDGET
SUMMARY OF ESTIMATED EXPENDITURES**

Dept. Code	Name	Personal Services	Fringe Benefits	Contract. Services	Materials & Supplies	Capital	Debt Service	Transfers	Totals
702 Sewer Fund									
7530	Sewer Admin.	231,000	77,000	110,000	57,000				475,000
7540	Sewer Collection	322,000	173,000	1,281,000	41,000	240,000			2,057,000
	Totals	553,000	250,000	1,391,000	98,000	240,000			2,532,000
705 Resource Recovery									
7314	Compost	73,000	11,000	51,000	40,000				175,000
707 Medical Care - Self Insured									
8030	Medical Care		2,212,000	288,000					2,500,000
801 Police Pension									
7135	Police Pension		550,000	8,000					558,000
802 Property Room									
7170	Property Room				1,000				1,000
804 Income Tax Fund									
7760	Tax Adm.	240,000	112,000	68,000	223,000				643,000
8000	Transfers Out							6,850,000	6,850,000
	Totals	240,000	112,000	68,000	223,000			6,850,000	7,493,000
805 Unclaimed Fund									
7520	Refunds				1,000				1,000

**2018 BUDGET
SUMMARY OF ESTIMATED EXPENDITURES**

Dept. Code	Name	Personal Services	Fringe Benefits	Contract. Services	Materials & Supplies	Capital	Debt Service	Transfers	Totals
808	Escrow Fund								
7520	Escrow				0				0
810	Police Community Affairs								
7160	Police Community Affairs			6,000	18,000				24,000

Exhibit "B"

**2018 ESTIMATED REVENUE
SUMMARY OF REVENUE 2015-2018**

	<u>2015 Actual</u>	<u>2016 Actual</u>	<u>2017 Estimate</u>	<u>2018 Estimate</u>
<u>General Fund (110)</u>				
Real Estate Taxes	820,629	843,493	850,000	900,000
City Income Taxes	1,628,376	2,748,733	2,800,000	2,800,000
Other Taxes	59,605	67,959	60,000	65,000
Shared revenue	677,043	764,496	725,000	735,000
Charges for Services	479,642	459,968	493,000	500,000
Fees, Licenses, Permits	408,879	395,899	408,000	410,000
Interest Earnings	61,982	62,185	60,000	70,000
Fines & Forfeits	955,348	862,136	987,000	945,000
Other revenue	311,489	249,445	333,000	275,000
Transfers In	4,500,000	4,900,000	5,400,000	5,400,000
Totals	9,902,992	11,354,314	12,116,000	12,100,000
<u>Street C. M. & R. Fund (222)</u>				
Veh. Reg. & Gasoline Tax	822,130	798,495	850,000	800,000
Other Revenue	7,588	17,445	20,000	20,000
Transfers In	300,000	450,000	450,000	500,000
Totals	1,129,718	1,265,940	1,320,000	1,320,000
<u>Permissive Tax Fund (223)</u>				
Permissive Vehicle Tax	227,371	227,861	250,000	240,000
Other Revenue	9,141	0	0	0
Totals	236,512	227,861	250,000	240,000
<u>State Highway Imp.Fund (224)</u>				
Veh. Reg. & Gasoline Tax	68,791	64,743	75,000	73,000
Totals	68,791	64,743	75,000	73,000
<u>Law Enforcement Trust (225)</u>				
Contraband-Sales-Proceeds	1,311	52,991	15,000	50,000
Totals	1,311	52,991	15,000	50,000
<u>Drug Law Enforcement (226)</u>				
Drug Enforcement Fines	5,231	3,645	5,000	5,000
Totals	5,231	3,645	5,000	5,000

**2018 ESTIMATED REVENUE
SUMMARY OF REVENUE 2015-2018**

	<u>2015 Actual</u>	<u>2016 Actual</u>	<u>2017 Estimate</u>	<u>2018 Estimate</u>
<u>Ind. Drivers Alcohol Treatment Fund (227)</u>				
Municipal Court Fines	25,166	14,910	30,000	30,000
Totals	25,166	14,910	30,000	30,000
<u>Ind. Drivers Alcohol Monitor Fund (228)</u>				
Municipal Court Fines	27,834	23,245	30,000	30,000
Transfers In	0	0	0	0
Totals	27,834	23,245	30,000	30,000
<u>Equitable Federal Sharing Fund (229)</u>				
Shared revenue	0	48,520	20,000	19,000
Transfers In	153	139	1,000	1,000
Totals	153	48,659	21,000	20,000
<u>Indigent Support Fund (231)</u>				
Fines & Fees	47,215	43,406	50,000	50,000
Transfers In	0	0	0	0
Total	47,215	43,406	50,000	50,000
<u>G.O. Debt Service (331)</u>				
Real Estate Taxes	566,009	581,819	510,000	535,000
Shared revenue	1,441		80,000	80,000
Other revenue	0	0	2,000	0
Bond Proceeds	0	0	0	0
Note Proceeds	0	0	0	0
Transfers In	1,450,000	1,450,000	1,450,000	1,450,000
Totals	2,017,450	2,031,819	2,042,000	2,065,000
<u>Capital Improvement Fund (401)</u>				
City Income Tax	1,628,376	878,353	900,000	900,000
Shared revenue	15,930	256,667	1,375,000	2,497,000
Interest Earnings	98,228	93,719	90,000	105,000
Other revenue	338,953	358,421	360,000	1,270,000
Transfers In	0	0	700,000	0
Totals	2,081,486	1,587,160	3,425,000	4,772,000

**2018 ESTIMATED REVENUE
SUMMARY OF REVENUE 2015-2018**

	<u>2015 Actual</u>	<u>2016 Actual</u>	<u>2017 Estimate</u>	<u>2018 Estimate</u>
<u>Court Capital Improvement Fund (405)</u>				
Fines & Forfeits	113,582	99,363	115,000	115,000
Other revenue				
Totals	113,582	99,363	115,000	115,000
<u>S.A. Serv. - Trees (501)</u>				
Special Assessments	243,202	243,402	249,000	245,000
Miscellaneous revenue	177	528	1,000	5,000
Transfers In	0	0	0	0
Totals	243,379	243,930	250,000	250,000
<u>S.A. Street Lighting Fund (502)</u>				
Special Assessments	388,747	391,487	405,000	405,000
Reimbursements-Damages	235	0	5,000	5,000
Totals	388,982	391,487	410,000	410,000
<u>S.A. Ditches & Drainage Fund (503)</u>				
Special Assessments	243,202	277,438	284,000	280,000
Miscellaneous	0	0	1,000	0
Transfers In		0	0	0
Totals	243,202	277,438	285,000	280,000
<u>Water Fund (701)</u>				
Charges for Services	3,816,559	5,000,442	4,967,000	5,570,000
Interest Earnings	11,104	8,904	15,000	15,000
Other revenue	137,234	82,096	93,000	90,000
Totals	3,964,897	5,091,442	5,075,000	5,675,000
<u>Sewer Fund (702)</u>				
Charges for Services	1,983,326	1,966,098	2,515,000	2,500,000
Interest Earnings	8,685	6,934	8,000	8,000
Other revenue	39,150	914	40,000	70,000
Totals	2,031,161	1,973,946	2,563,000	2,578,000

**2018 ESTIMATED REVENUE
SUMMARY OF REVENUE 2015-2018**

	<u>2015 Actual</u>	<u>2016 Actual</u>	<u>2017 Estimate</u>	<u>2018 Estimate</u>
<u>Resource Recovery (705)</u>				
Other revenue	72,572	81,838	85,000	85,000
Transfers In	50,000	50,000	90,000	90,000
Totals	122,572	131,838	175,000	175,000
<u>Medical Care - Self Insured (707)</u>				
Miscellaneous revenue	158,012	269,838	70,000	70,000
Other revenue	1,958,829	2,207,374	2,430,000	2,430,000
Totals	2,116,841	2,477,212	2,500,000	2,500,000
<u>Information Technology Support (709)</u>				
City IT Contributions	274,368	300,000	500,000	0
Other revenue	0	404	0	0
Totals	274,368	300,404	500,000	0
<u>Police Pension Fund (801)</u>				
Real Estate Taxes	362,114	372,506	375,000	390,000
Miscellaneous revenue	0	0	0	0
Shared revenue	56,855	58,484	60,000	60,000
Totals	418,969	430,990	435,000	450,000
<u>Property Room (802)</u>				
Miscellaneous revenue	-440	35,045	10,000	10,000
Totals	-440	35,045	10,000	10,000
<u>Income Tax Fund (804)</u>				
City Income Tax	6,513,333	7,367,847	7,500,000	7,500,000
Misc. revenue	910	844	15,000	10,000
Totals	6,514,243	7,368,691	7,515,000	7,510,000
<u>Unclaimed Monies Fund (805)</u>				
Miscellaneous revenue	767	1,442	5,000	5,000
Totals	767	1,442	5,000	5,000

**2018 ESTIMATED REVENUE
SUMMARY OF REVENUE 2015-2018**

	<u>2015 Actual</u>	<u>2016 Actual</u>	<u>2017 Estimate</u>	<u>2018 Estimate</u>
<u>Escrow Fund (808)</u>				
Miscellaneous Revenue	586	0	0	0
Total	586	0	0	0
 <u>Police Community Affairs (810)</u>				
State Shared revenue				
Other revenue	5,220	5,485	10,000	10,000
Totals	5,220	5,485	10,000	10,000
 <u>Parks-Recreation Foundation (811)</u>				
Interest Earnings	1,428	0	2,000	2,000
Totals	1,428	0	2,000	2,000

**2018 ESTIMATED REVENUE
SUMMARY OF REVENUE 2015-2018**

	<u>2015 Actual</u>	<u>2016 Actual</u>	<u>2017 Estimate</u>	<u>2018 Estimate</u>
<u>Recapitulation of Funds</u>				
110 - General	9,902,992	11,354,314	12,116,000	12,100,000
222 - Street CM & R	1,129,718	1,265,940	1,320,000	1,320,000
223 - Permissive Tax	236,512	227,861	250,000	240,000
224 - State Highway Improvement	68,791	64,743	75,000	73,000
225 - Law Enforcement	1,311	52,991	15,000	50,000
226 - Drug Law	5,231	3,645	5,000	5,000
227 - Ind Drivers Alcohol Trmt	25,166	14,910	30,000	30,000
228 - Ind Drivers Alcohol Monitor	27,834	23,245	30,000	30,000
229 - Equitable Federal Sharing	153	48,659	21,000	20,000
231 - Indigent Support	47,215	43,406	50,000	50,000
331 - G.O. Debt Service	2,017,450	2,031,819	2,042,000	2,065,000
401 - Capital Improvement	2,081,486	1,587,160	3,425,000	4,772,000
405 - Municipal Court Improvement	113,582	99,363	115,000	115,000
501 - S.A. Serv. - Trees	243,379	243,930	250,000	250,000
502 - S.A. Street Lighting	388,982	391,487	410,000	410,000
503 - S.A. Ditches & Drainage	243,202	277,438	285,000	280,000
701 - Water Fund	3,964,897	5,091,442	5,075,000	5,675,000
702 - Sewer Fund	2,031,161	1,973,946	2,563,000	2,578,000
705 - Resource Recovery	122,572	131,838	175,000	175,000
707 - Medical Care	2,116,841	2,477,212	2,500,000	2,500,000
709 - Information Technology	274,368	300,404	500,000	0
801 - Police Pension	418,969	430,990	435,000	450,000
802 - Property Room	-440	35,045	10,000	10,000
804 - Income Tax	6,514,243	7,368,691	7,515,000	7,510,000
805 - Unclaimed Monies	767	1,442	5,000	5,000
808 - Escrow Fund	586	0	0	0
810 - Community Affairs	5,220	5,485	10,000	10,000
811 - Parks-Rec Foundation	1,428	0	2,000	2,000
Grand Total	31,983,614	35,547,406	39,229,000	40,725,000

Exhibit "C"

2018 INTERFUND TRANSFERS

Fund	Transfer From	Fund	Transfer To
General	500,000	Street C M & R	500,000
General	90,000	Resource Recovery	90,000
General	1,000	Fed Equitable Sharing	1,000
General	34,000	Capital Improvement	34,000
Income Tax	5,400,000	General	5,400,000
Income Tax	1,450,000	Debt Service	1,450,000
Totals	7,475,000		7,475,000

9a



City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

November 6, 2017

To: The Mayor and Members of Sylvania City Council

Re: **Professional Engineering Services Proposal**
LUC-US 23-11.75 Interchange Study

Dear Mr. Mayor and Council Members:

At the May 15, 2017 meeting City Council authorized the Service Department to request Letters of Interest (LOI's) from consultants to provide engineering services for the study of interchange modifications to the US-23/Monroe Street interchange.

During the solicitation we received LOI's from three engineering consultants and conducted detailed project interviews with two of them. Interviews were conducted with DGL Consulting Engineers and the Mannik & Smith Group, both from Maumee, Ohio.

After the interviews the Service Department selected the Mannik & Smith Group as the most highly qualified firm and project team to move forward with and entered into scope of services and fee negotiations. We have completed those negotiations and the Mannik & Smith Group has prepared a proposal in the amount of \$153,565 to complete the scope of services. The proposal includes \$149,379 in authorized tasks as well as an additional \$4,186 in "if-authorized" tasks which include supplemental survey services should more detailed information be required at specific locations.

The Service Department has coordinated the scope of services and fee proposal with the Ohio Department of Transportation (ODOT), District 2, and both entities are ready to move forward with the project. This is an appropriated item in the 2017 budget.

We would recommend approval of the proposal in the amount of \$153,565 with the Mannik & Smith Group.

Sincerely,

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



October 19, 2017

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

Re: PID 105889 LUC-23-11.75 Sylvania Interchange Study

Dear Mr. Shaw:

Please find enclosed the revised scope and fee proposal for the LUC-23-11.75 Sylvania Interchange. The fee and scope proposal includes the fee for both subconsultants; Burgess & Niple and Burton Planning. The subconsultant fees are carried to the fee summary and their detailed backups are provided herein.

We have included the scoping meeting minutes and the review comment disposition in this document in the final section

Sincerely,

A handwritten signature in black ink, appearing to read "Jean M. Hartline". The signature is fluid and cursive, with a prominent initial "J" and "H".

Jean M. Hartline, PE, PTOE
Senior Project Manager

SUMMARY OF STEPS

SUMMARY OF STEPS

C-R-S LUC-23-11.75 Interchange Study
 Consultant: The Mannik & Smith Group, Inc
 Agreement No. 0
 Modification No. 0
 PID No. 105889
 Proposal Date 9/13/2017 Revised October 18 2017

Average Hourly Rate	Total Hours	Labor Costs	Overhead Costs	Cost of Money	Direct Costs	Subcon BN Costs	Subcon BP	Net Fee	Total Cost
AUTHORIZED TASKS:									
Planning Phase									
\$0.00	300	\$10,859	\$17,787	\$52	\$1,247	\$25,006	\$5,970	\$3,020	\$64,630
Preliminary Engineering Phase									
\$0.00	422	\$14,915	\$24,431	\$72	\$28	\$33,205	\$7,861	\$4,148	\$84,748
Environmental Engineering Phase									
\$0.00	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Final Engineering Phase									
\$0.00	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Construction Engineering Phase									
\$0.00	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL AUTHORIZED TASKS									\$149,379

IF-AUTHORIZED TASKS:									
Planning Phase									
Survey	40	\$209	\$342	\$1	\$231			\$377	\$4,186
Preliminary Engineering Phase									
Environmental Engineering Phase									
Final Engineering Phase									
Construction Engineering Phase									
TOTAL IF-AUTHORIZED TASKS									
GRAND TOTAL including "If Authorized"									\$153,565

9b

ORDINANCE NO. 78 -2017

ACCEPTING THE PROPOSAL OF THE MANNIK & SMITH GROUP TO PROVIDE ENGINEERING SERVICES FOR THE US23/MONROE STREET INTERCHANGE PROJECT; APPROPRIATING FUNDS THEREFORE IN THE AMOUNT OF \$153,565; AND DECLARING AN EMERGENCY.

WHEREAS, at the May 15, 2017 meeting of Sylvania City Council, the Director of Public Service was authorized to request Letters of Interest from consultants to provide engineering services for the study of interchange modifications to the US23/Monroe Street Interchange; and,

WHEREAS, the Director of Public Service, by report dated November 6, 2017, reported that he received Letters of Intent from three engineering consultants and conducted detailed project interviews with two of the consultants and thereafter selected The Mannik & Smith Group as the most qualified team; and,

WHEREAS, the Director of Public Service, in a report dated November 6, 2017, has recommended that the proposal of The Mannik & Smith Group to conduct professional engineering services for the study of interchange modifications to the US23/Monroe Street interchange in the amount of One Hundred Fifty-Three Thousand Five Hundred Sixty-Five Dollars (\$153,565.00), 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 The Mannik & Smith Group in the amount One Hundred Fifty-Three Thousand Five Hundred Sixty-Five Dollars (\$153,565.00) to conduct professional engineering services for the study of interchange modifications to the US23/Monroe Street interchange, 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 services hereby authorized, there is hereby appropriated from the **CAPITAL IMPROVEMENT FUND** from funds therein not heretofore appropriated to **Account No. 401-7610-53610, Monroe/US23 Feasibility Study**, the amount of One Hundred Fifty-Three Thousand Five Hundred Sixty-Five Dollars (\$153,565.00).

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 professional engineering services 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

10a



City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

November 6, 2017

To: The Mayor and Members of Sylvania City Council

Re: **Acres Road Resurfacing Project (Alexis Road to Monroe Street)**

Dear Mr. Mayor and Council Members:

Acres Road, between Alexis Road and Monroe Street, is a composite pavement consisting of 2" of asphalt over 9" of concrete base. This roadway has the sixth lowest Pavement Conditioning Rating (PCR) within our asphalt pavement inventory with the asphalt surface course showing signs of deterioration and distress.

This roadway is ready for corrective maintenance which will consist of removing the 2" asphalt layer and replacing with the same thickness. The Average Daily Traffic (ADT) on this section of Acres Road is over 16,000 vehicles per day. As a result the construction plan calls for the roadway to be closed for one (1) day during resurfacing with a detour posted. The work can only occur during the daytime on a Saturday or Sunday, or at night (7 pm to 6 am), Monday through Friday.

The Service Department requested proposals from four (4) area asphalt contractors and received bids from three (3). The lowest bid received was from Crestline Paving & Excavating of Toledo, Ohio in the amount of \$31,887. This bid was approximately 5.9% under the Engineer's Estimate of \$33,870. The work can occur in 2017 (weather permitting) or can be completed by May 31, 2018.

We would recommend approval of the construction contract with Crestline Paving & Excavating in the amount of \$31,887.

Sincerely,

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

ORDINANCE NO. 79 -2017

ACCEPTING THE PROPOSAL OF CRESTLINE PAVING & EXCAVATING FOR THE ACRES ROAD RESURFACING PROJECT; APPROPRIATING FUNDS THEREFORE IN THE AMOUNT OF \$31,887; AND DECLARING AN EMERGENCY.

WHEREAS, Acres Road between Alexis Road and Monroe Street is in need of repair; and,

WHEREAS, the Director of Public Service requested proposals for the resurfacing project from four area contractors and received responses from three; and,

WHEREAS, the Director of Public Service, in a report dated November 6, 2017, has recommended acceptance of the proposal of Crestline Paving & Excavating for the Acres Road (Alexis Road to Monroe Street) Resurfacing Project at a cost to the City of \$31,887.00.

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 Crestline Paving & Excavating in the amount of Thirty-One Thousand Eight Hundred Eighty-Seven Dollars (\$31,887.00), for the Acres Road (Alexis Road to Monroe Street) Resurfacing Project, is hereby accepted.

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

SECTION 3. That to provide funds for said services hereby authorized, there is hereby appropriated from the **CAPITAL IMPROVEMENT FUND** from funds therein not heretofore appropriated to **Account No. 401-7610-53503, Street Improvements** the total sum of Thirty-One Thousand Eight Hundred Eighty-Seven Dollars (\$31,887.00).

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 resurfacing improvement project 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 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



City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

November 6, 2017

To: The Mayor and Members of Sylvania City Council

Re: **MCCORD ROAD MICROSURFACING PROJECT
CHANGE ORDER NO. 1 (FINAL)**

Dear Mr. Mayor and Council Members:

The McCord Road Microsurfacing Project was recently completed. The original contract amount with Zimmerman Paint Contractors, Co. on the project was \$27,145 and received Council approval on October 17, 2016 by Ordinance 62-2016.

Now that the project is completed, the final installed pavement marking quantities have been resolved and a change order is necessary to adjust the final contract price. The installed quantities have resulted in an increase to the original contract in the amount of \$3,412.

We recommend approval of Change Order No. 1 (Final) which will increase the final contract amount from \$27,145 to \$30,557.

Please call if you have any questions.

Sincerely,

Kevin G. Aller, P.E.

Director of Public Service

dsw

CITY OF SYLVANIA, OHIO

CHANGE ORDER Number 1 (FINAL)

Project Ordinance No.: 62-2016 Purchase Order No. 52744

Contract: McCord Road Microsurfacing

Title of Change Order: _____

Date: 10/18/2017

Description of Change: (See Attached) \$3,412.00

TOTAL **\$3,412.00**

RECOMMENDED FOR APPROVAL BY: Kevin G. Aller 10/30/17
 Kevin G. Aller, P.E. Date
 Public Service Director

Original Contract Amt	\$ 27,145 00	REVIEWED BY: <u>Joseph E. Shaw</u>
Previous Changes (+ or --)	\$ 0 00	DATE: <u>10/23/17</u> <u>Da. Shaw</u> Engineer's Signature
This Change (+ or --)	\$ 3,412 00	SUBMITTED BY: <u>Zimmerman Paving Contractors Co.</u>
Adjusted Contract Amt	\$ 30,557 00	DATE: <u>10/19/17</u> <u>William K. ...</u> Contractor's Signature

City of Sylvania, Ohio

The above proposal is hereby approved.

The above proposal is hereby approved.

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

**CITY OF SYLVANIA
CHANGE ORDER NO. 1 (FINAL)
MCCORD ROAD MICROSURFACING**

10/18/2017

Sheet 1 of 1

1 ADDITIONAL WORK				
a. Stop Line				\$175.00
		<u>Quantity</u>	<u>Unit Price</u>	
		<u>(FT)</u>	<u>(\$/FT)</u>	
	Stop Line:	25	\$7.00	\$175.00
2 QUANTITY ADJUSTMENTS (see attached)				\$3,237.00
3 CHANGE ORDER NO. 1 (FINAL) - (#1 + #2)				\$3,412.00

TO OWNER:

CITY OF SYLVANIA
6730 MONROE STREET
SYLVANIA, OHIO 43560

FROM CONTRACTOR:
ZIMMERMAN PAINT CONTRACTORS, CO.
2710 HAYES AVENUE
FREMONT, OHIO 43420

APPLICATION NO: 4 (FINAL)

PERIOD TO: 8/10/2016 TO
9/6/2016

PROJECT:

MCCORD ROAD MICROSURFACING

SHEET: 1 OF 1

LINE NO.	BID ITEM NO.	DESCRIPTION OF WORK	UNIT	BID QUANTITY	UNIT PRICE	BID VALUE	ESTIMATED QUANTITY INSTALLED	VALUE	MATERIALS PRESENTLY STORED (NOT IN C)	TOTAL COMPLETED AND STORED TO DATE (D+E)	% (F/B)	BALANCE TO FINISH (B-F)
1	614	Removal of Pavement Markings Temp Striping (One	LUMP	1	\$11,500.00	\$11,500.00	1	\$11,500.00		\$11,500.00	100%	\$0.00
2	614	Application of Center Line,	LUMP	1	\$3,500.00	\$3,500.00	1	\$3,500.00		\$3,500.00	100%	\$0.00
3	642	Edge Line and Channel Lines)	MI	1.7	\$600.00	\$1,020.00	2	\$1,200.00		\$1,200.00	118%	(\$180.00)
4	642	Edge Line	MI	0.1	\$850.00	\$85.00	0.2	\$170.00		\$170.00	200%	(\$85.00)
5	642	Center Line Solid Double	MI	1.2	\$850.00	\$1,020.00	1.64	\$1,394.00		\$1,394.00	137%	(\$374.00)
6	644	Center Line Solid Dashed Double	FT	200	\$2.00	\$400.00	698	\$1,396.00		\$1,396.00	349%	(\$996.00)
7	644	Channelizing Line	FT	180	\$7.00	\$1,260.00	276	\$1,932.00		\$1,932.00	153%	(\$672.00)
8	644	Crosswalk Line	EACH	52	\$10.00	\$520.00	97	\$970.00		\$970.00	187%	(\$450.00)
9	644	Transverse Line	EACH	2	\$600.00	\$1,200.00	2	\$1,200.00		\$1,200.00	100%	\$0.00
10	644	School Symbols	EACH	38	\$80.00	\$3,040.00	46	\$3,680.00		\$3,680.00	121%	(\$640.00)
11	644	Lane Arrows	LUMP	2	\$80.00	\$160.00	0	\$0.00		\$0.00	0%	\$160.00
12	644	Words on Pavement, 72" Yield Line	FT	96	\$15.00	\$1,440.00	96	\$1,440.00		\$1,440.00	100%	\$0.00
13	642	Repaint of Center Line and Edge Line After 30 Days	LUMP	1	\$2,000.00	\$2,000.00	1	\$2,000.00		\$2,000.00	100%	\$0.00
		TOTAL				\$27,145.00		\$30,382.00		\$30,382.00		(\$3,237.00)

11 b.

ORDINANCE NO. 80 -2017

AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO APPROVE CHANGE ORDER NO. 1 TO THIS CITY'S AGREEMENT WITH ZIMMERMAN PAINT CONTRACTORS CO. FOR THE McCORD ROAD RESURFACING PROJECT WHICH REFLECTS THE ACTUAL WORK PERFORMED ON THIS PROJECT; INCREASING THE CONTRACT AMOUNT BY \$3,412; APPROPRIATING FUNDS THEREFORE; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 62-2016, passed October 17, 2016, accepted the bid of Zimmerman Paint Contractors Co., which proposal was in the amount of \$27,145; and,

WHEREAS, the Director of Public Service, by report dated November 6, 2017, has recommended the acceptance of Change Order No. 1(Final) of Zimmerman Paint Contractors Co. for said McCord Road Microsurfacing Project to reflect the final installed pavement marking quantities on this project; and,

WHEREAS, the actual work performed resulted in a net increase to the contract in the amount of Three Thousand Four Hundred Twelve Dollars (\$3,412.00), for a total contract amount of \$30,557.

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

SECTION 1. That said change order increasing the contract amount by the sum of Three Thousand Four Hundred Twelve Dollars (\$3,412.00), authorized to be appropriated be, and the same hereby is, approved, and the Mayor and the Director of Finance be, and they hereby are, authorized to sign said change order on behalf of this City, thereby indicating such approval and changing the total contract amount.

SECTION 2. That, to provide funds for said change order for improvements, there is hereby appropriated from the **CAPITAL IMPROVEMENT FUND** from funds therein not heretofore appropriated to **Account No. 401- 7610-53503, Street Improvements**, the sum of Three Thousand Four Hundred Twelve Dollars (\$3,412.00).

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

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the adjustments in the contract for said final installed pavement marking quantities should be approved immediately. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

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

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

Passed, _____, 2017, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

12



City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

November 6, 2017

To: The Mayor and Members of Sylvania City Council

Re: **Letters of Interest (LOI) Solicitation for Construction Engineering Services
LUC-CR 1572-8.96, PID 104438 (Main Street Reconstruction)**

Dear Mr. Mayor and Council Members:

The construction plans and specifications for the above referenced project are nearly complete. The Service Department is in the final stages of certifying the right-of-way acquisition to ODOT District 2 and will be submitting the Plans, Specifications, and Estimates (PS&E) package to ODOT Central Office before the end of the year. Approval of the PS&E package by Central Office will allow the City to officially advertise the project for construction, which is planned for the 1st quarter of 2018.

The next step in this process locally is to request Letters of Interest from construction engineering consultants. Specifically the City will need to have a Construction Project Engineer (CPE) secured that is ODOT pre-qualified for Construction Inspection and Administration. City staff members will review the Letters of Interest and select the most qualified consultant. Once the consultant is selected the City will enter into fee negotiations to complete the scope of services. It is our goal of having a construction engineer ready for Council approval in January 2018.

The construction engineering contract is an anticipated capital item and was included as a necessary project expense in the 2018 budget.

We would request authorization to begin the Letter of Interest solicitation.

Sincerely,

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

13a



City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

October 31, 2017

To: The Mayor and Members of Sylvania City Council

Re: **River Trail Phase 2**
SB 310 Community Recreation Project

Dear Mr. Mayor and Council Members:

As you are aware, we had been provided with funding for our River Trail project appropriated by the state legislature as part of their annual 2017 budget, per Senate Bill 310. We will receive \$392,000 through the Community Recreation program.

The attached agreement will enable us to receive those funds as we move forward with the project. We request your approval to enter into the agreement.

Please call if you have any questions.

Sincerely,

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

**Community Recreation Project – Pass Through Grant Agreement
Ohio Department of Natural Resources**

This Community Recreation Project Pass Through Agreement (hereinafter referred to as the "Agreement") is made and entered into by and between the State of Ohio (the "State"), Department of Natural Resources, (hereinafter referred to as "ODNR"), acting by and through its Director, pursuant to Sections 154.17, 154.22 and 1501.01 of the Ohio Revised Code and Amended Senate Bill No. 310, 131st General Assembly of the State of Ohio and the City of Sylvania, an Ohio political subdivision (hereinafter referred to as "Grantee") acting by and through its authorized representative.

All notices, demands, requests, consents, approvals and other communications required or permitted to be given pursuant to the terms of this Agreement shall be in writing, shall be sent by United States certified mail, return receipt requested, by overnight courier service (Fed Ex, UPS, etc.), by hand delivery in each case with written record of receipt by the recipient, or sent by fax or email with acknowledgement of the receipt by the receiving party, and shall be respectively addressed as follows:

(a) with respect to ODNR:

Ohio Department of Natural Resources
Office of Real Estate
2045 Morse Road, E2
Columbus, Ohio 43229
Attn: Recreation Services Administrator

(b) with respect to the Project Grantee:

City of Sylvania
6730 Monroe St.
Sylvania, OH 43560

Attn: Director of Public Service

The parties designated above shall each have the right to specify as their respective address for purposes of this Agreement any other address upon fifteen (15) days prior written notice thereof, as provided herein, to the other parties listed above.

Pursuant to Amended Senate Bill No. 310, the 131st General Assembly of the State of Ohio has appropriated funds in the amount of Four Hundred Thousand Dollars (\$400,000.00) to make a grant to the Grantee for the costs associated with of construction of public park facilities in appropriation item C725E2, described as 'City of Sylvania River Trail', (hereinafter referred to as "Project"). Furthermore, \$8,000.00 of the total Project appropriation will be used by the ODNR for the administration of the Project. The Project reference number is LUCA-006C.

The General Assembly has identified the Parks and Recreation Improvement Fund (Fund 7035), created and existing under Section 154.22(F) of the Revised Code, as the fund from which these monies will be disbursed.

Pursuant to ORC Chapter 154 and Article VIII Section 2i of the Ohio Constitution, capital facilities lease-appropriation bonds (the "Bonds") have been or will be issued by the Ohio Treasurer of State (the "Treasurer") for the purpose of paying the "costs of capital facilities" including acquiring, constructing, reconstructing, rehabilitating, renovating, enlarging and otherwise improving, equipping and furnishing capital facilities for parks and recreation, all as defined and described in ORC Section 154.01(K). A portion of those Bond proceeds will be used by ODNR to provide funding to the Grantee for the Project under this Agreement. Because ODNR is funding the Project with proceeds of those Bonds, ODNR requires that the Grantee make certain representations, warranties and covenants (both affirmative and negative) concerning the Project and use of the grant funds, as more fully described or provided in this Agreement, in order to

comply with federal and State laws, regulations and rules relating to those Bonds and the projects funded with proceeds of those Bonds.

NOW, THEREFORE, for the purposes of providing the funds to the Grantee pursuant to Amended Senate Bill No. 310 of the 131st General Assembly, the parties hereto covenant and agree as follows:

1. **FUNDING AMOUNT.** ODNR agrees to provide the Grantee Three Hundred Ninety-Two Thousand Dollars (\$392,000.00), via qualifying advance and reimbursement, to be used toward the total cost of the Project. Eight Thousand Dollars (\$8,000.00) of the amount appropriated for the Project will be retained by ODNR to cover administrative cost. In no event shall ODNR's payment to Grantee exceed Three Hundred Ninety-Two Thousand Dollars (\$392,000.00). Funds for this Project have been released by the Controlling Board as of _____, and encumbered by Contract Encumbrance Record Number _____ and are so certified by the Director of Budget and Management on _____. Obligations of the State are subject to the provisions of Section 126.07 of the Ohio Revised Code. Any funds provided under this Agreement that are not spent shall be returned in full to the State of Ohio.
2. **PROJECT DESCRIPTION.** The Grantee shall use the grant funds for 'City of Sylvania River Trail', a project to develop trail facilities in Sylvania, OH, all as more fully described in Exhibit A attached hereto.
3. **COMMENCEMENT AND TERMINATION DATES.** This Agreement commences on its effective date and will, unless otherwise earlier terminated as provided herein, expire on the later of: i) 15 years from the date of Project completion (or Project acquisition if the Project is solely land acquisition); or ii) the date upon which the latest Bond issuance funding or refinancing of the Project is paid in full (the "Term"). Grantee shall complete the Project on or before June 30th, 2018.
4. **NO RESTRICTIONS OF RECORD.** The Grantee hereby represents and warrants that there are not now, and there will not be, any restrictions of record with respect to the Project, including without limitation, any encumbrances, liens or other matters, which would interfere with or otherwise impair the use of the property as a public parks and recreation facility. The Grantee represents that it is the fee simple owner, or has a long-term lease with a term longer than the Term hereof, or has a long-term cooperative use agreement, with a term longer than the Term hereof, on the property as described on Exhibit B attached hereto, on which the Project will be located and developed, and that the only restrictions of record with respect to the property are (a) any state of facts which an accurate survey might show, (b) all zoning regulations, restrictions, rules and ordinances, and other laws and regulations now in effect or hereafter adopted by any Governmental Authorities having jurisdiction over the property and (c) all matters of record pertaining to the property, including dedicated public rights-of-way and the items identified on said Exhibit B, 'Boundary Map'.
5. **CONSTRUCTION SERVICES.** The Grantee represents that at the time of facility development on any land acquired with the proceeds of this Agreement it will contract for all construction services for the Project, and will provide construction administration. The Grantee shall have the full authority to contract with appropriate persons for the design and construction of the Project. The Grantee will secure all necessary permits and/or licenses for the Project. The Grantee warrants that it will cause the Project to be constructed or acquired, as applicable, with all reasonable speed and reasonably adhere to any submitted development timeline.

6. OPERATION, MAINTENANCE, AND UPKEEP. The Grantee, or its assigns approved by ODNR, shall be solely responsible for the operation, maintenance, and upkeep of the Project acquired or developed pursuant to this Agreement, and shall take all actions reasonably necessary to ensure that the Project is available to the public for the intended parks and recreation purpose during the Term. Failure to comply with this provision or any other provision of the Agreement may result in demand for repayment of all or a portion of the grant funds paid by ODNR to Grantee under this Agreement. The amount to be repaid will be calculated based on the ratio of (x) the number of months from the event triggering the reimbursement to the final scheduled maturity date of the Bonds used to finance the grant to the Grantee over (y) the total number of months that such Bonds are scheduled to be outstanding. Grantee shall not make any grant repayment unless first consulting with ODNR, and ODNR shall not accept any repayment without first obtaining the approval of the Ohio Public Facilities Commission.

7. REMITTANCES. If for any reason funds acquired through this Agreement are required to be paid, repaid or remitted to the State of Ohio, they shall be remitted in full by the Grantee within forty-five (45) days of demand to:

Ohio Treasurer of State
30 East Broad Street, 9th Floor
Columbus, Ohio 43215

8. COPY WITH REMITTANCE. Any such remittance shall include a copy of this Agreement. A copy of the cover letter transmitting the remittance to the Treasurer of State shall be sent simultaneously to ODNR.

9. CONVEYANCE OF INTEREST IN PROJECT TO ODNR. As security for the performance of the Grantee's obligations under this Agreement, the Grantee hereby conveys to ODNR an interest in the property upon which the Project shall be constructed, or if the Project is solely land acquisition, the Project, consisting of the right to use and occupy the facilities funded in whole or in part with grant funds under this Agreement upon default of this Agreement by the Grantee. This long-term interest shall be in effect during the Term of this Agreement. The Grantee hereby acknowledges and agrees that ODNR may assign or convey such right to use and occupy such facilities to the Ohio Public Facilities Commission or such other State agency selected by ODNR, and Grantee does hereby consent to such assignment or conveyance. In addition, ODNR has entered into a lease with the Ohio Public Facilities Commission relating to the Bonds and the Project; provided that so long as Grantee shall not default under this Agreement, such lease shall not affect Grantee's Project or the use thereof. The ODNR acknowledges that, absent a default by Grantee, ODNR has no right to use or occupy the Project. ODNR shall have the right during the Term hereof to enter upon the Property during normal business hours for purposes of inspection of the Project for compliance with this Agreement.

10. PROHIBITION AGAINST DISPOSITION. The Grantee shall not dispose of all or any part of the Project funded by ODNR through the Term of this Agreement without the prior written consent of ODNR and the Ohio Public Facilities Commission.. All notices, demands, requests, consents, approvals and other communications to the Ohio Public Facilities Commission shall be addressed as follows:

Ohio Public Facilities Commission
30 East Broad Street, 34th Floor
Columbus, Ohio 43215
Attn: Assistant Secretary

- 11. WAIVER OF LIABILITY.** On and after the date of this Agreement, the Grantee agrees not to seek any determination of liability against ODNR, the OPFC, the Treasurer or any department, agency or official of the State of Ohio in the case of claim or suit arising from the Project including acquisition of property or any future condition, construction, operation, maintenance or use of property or facilities which may be developed in relation to the Project. The Grantee forever releases and waives any and all claims it may ever possess or assert against ODNR and all employees, agents, officials and contractors and attorneys of same in relation to the Project.
- 12. INSURANCE.** Unless otherwise agreed by ODNR, the Grantee shall maintain, or cause to be maintained, at no cost to the State, commercial general liability insurance and property insurance to insure the ODNR, the OPFC, the Treasurer and the State in an amount and type determined by a qualified risk assessor to be sufficient to cover the full replacement costs of improvements funded, in whole or in part, by the State, and the bodily injury, property damage, personal injury, advertising injury and employer's liability exposures of the Grantee. Unless otherwise agreed by ODNR, such insurance shall remain in force at all times from the date hereof through the Term of this Agreement.
- 13. BONDED AND INSURED EMPLOYEES AND AGENTS.** Prior to release of funds by the Controlling Board, Grantee will provide ODNR with a document that demonstrates that all employees or agents of Grantee who are responsible for maintaining or disbursing funds acquired through this Agreement will be fully bonded or insured against loss of such funds. The bonding agent or insurer shall be licensed to do business in Ohio. No part of the funds acquired by Grantee through this Agreement shall be spent to obtain that bonding or insurance.
- 14. PUBLIC FUNDS COMPLIANCE.** The Grantee will assure compliance with all applicable Federal, State, and local laws and regulations pertaining to handling, management and accountability in relation to public funds. All funds received by Grantee under this Agreement shall be deposited in one or more financial institutions that fully insure, secure or otherwise protect the funds from loss through federal deposit insurance and/or other deposit and/or collateralization strategies that protect the funds against loss. If the Grantee is a political subdivision of the State, grant funds shall be held in compliance with Chapter 135 of the Ohio Revised Code.
- 15. REPORTS AND RECORDS.** The Grantee will keep and make all reports and records associated with the Project funded under this Agreement available to the State Auditor, or the Auditor's designee, ODNR and Ohio Public Facilities Commission for a period of not less than eighteen (18) years after the date of Project closeout. These reports and records shall include a description of the Project, a detailed overview of the scope of work, and disbursement detail (including amount, date, nature/object of expenditure), and vendor information. The Grantee acknowledges that the Auditor of State and other departments, agencies and officials of the State of Ohio may audit this Project at any time, including before, during and after completion. The Grantee agrees that any costs of audit by the Auditor of State or any other department, agency or official of the State of Ohio will be borne exclusively by and paid solely by Grantee, and that the funds provided under this Agreement will not be used by Grantee for payment of any audit expenses for any reason at any time. Grantee will be solely responsible for all costs associated with audit.
- 16. RESTRICTIONS ON EXPENDITURES.** The Grantee affirmatively states that Grantee is fully aware of the restrictions and guidelines for expending funds Granted under this Agreement and intends to comply fully with same. Grantee will implement appropriate monitoring controls to ensure that funds acquired through this Agreement are expended in accordance with all applicable laws, rules and requirements.

- 17. DETERMINATION OF INELIGIBILITY.** If it is determined by an audit by the Auditor of State or any department, agency or official of the State of Ohio or other agency or entity with legal audit authority that any Project expense is ineligible, or not properly documented, the Grantee will repay that amount in full to the State of Ohio.
- 18. NO FINDING FOR RECOVERY.** The Grantee represents and warrants to the State that it is not subject to a finding for recovery under R.C. 9.24, or that it has taken appropriate remedial steps required under R.C. 9.24 or otherwise qualifies under that Section. The Grantee agrees that if this representation or warranty is determined by ODNR to be false, the Agreement shall be void *ab initio* as between the parties to this Agreement, and any funds paid by the State hereunder immediately shall be repaid in full to the State, or an action for recovery immediately may be commenced by the State for recovery of said funds.
- 19. UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT.** The Grantee will comply with the terms of Title II and Title III, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (PL 91-646), Stat. 1894 (1970), and Ohio Revised Code Chapter 163 for all real property acquisitions, and where applicable will assure that these requirements have been complied with for Project to be developed using funds provided by the legislature in Amended Senate Bill No. 310 of the 131st General Assembly.
- 20. PROJECT NONDISCRIMINATION.** The Grantee agrees that any facilities that may be developed now or in the future on the lands comprising the Project will be made available to all persons regardless of race, color, sex, religion, national origin, ancestry, age, military status, handicap or disability on the same terms and conditions.
- 21. EMPLOYMENT NONDISCRIMINATION.** The Grantee will not discriminate against any employee or applicant for employment, because of race, color, religion, national origin, ancestry, sex, age, military status, handicap or disability. The Grantee will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, national origin, ancestry, sex, handicap or disability. Such action will include, but is not limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rate of pay or other forms of compensation, and selection for training, including apprenticeship. The Grantee agrees to post in conspicuous places, available to employees and applicants for employment, notices as may be provided by the State of Ohio setting forth the provisions of this non-discrimination clause.
- 22. ODNR RIGHT TO TERMINATE.** The State of Ohio reserves the right to terminate this Agreement and to recover any funds distributed by the Grantee to contractors or other payees in violation of the terms of this Agreement if the Grantee is determined by ODNR to be unable to proceed with the Project, or if Grantee violates any of the terms herein.
- 23. LEGAL, FEDERAL TAX, AND OTHER COMPLIANCE.** The Grantee will assure that monies expended under this Agreement are spent in conformity with their intent and purpose of the appropriation, the limitations on use set forth in the bill containing the appropriation, and Chapter 154 of the Ohio Revised Code and all other laws that apply to expenditure of monies by the Grantee. If Grantee is required to submit an annual financial report to the Auditor of State, in accordance with Auditor of State Bulletin 2001-012, then the Grantee shall report the funds it acquires through this Agreement as a separate column identified consistent with the Project description in appropriation item C725E2. If Grantee is not required to submit the report identified above in this paragraph, Grantee shall file an annual detailed expenditure report of all expenditures associated with the Project with the Auditor of State by March 1st every year until all

funds provided in this Agreement have been spent. The above reports shall be sent to the address provided in Auditor of State Bulletin 2001-012.

The Grantee agrees to comply with all applicable federal, state and local laws and regulations, in the conduct of the work hereunder and acknowledges that its employees are not employees of the ODNR with regard to the application of the Ohio Public Employees Retirement law, Fair Labor Standards Act minimum wages and overtime payments, Federal Insurance Contribution Act, the Social Security Act, the Federal Unemployment Tax Act, the provisions of the Internal Revenue Code and for state revenue and tax laws, state workers' compensation laws and state unemployment insurance laws.

The Grantee agrees to use funds provided under this Agreement in accordance with the Ohio Constitution and any state or federal laws and regulations that may apply. The Grantee shall repay the ODNR for any funds improperly expended. Additionally, the Grantee agrees to comply with all requirements within its control necessary to preserve the tax status of all tax-exempt or tax-advantaged bonds the proceeds of which are used to provide the funding to Grantee set forth in this Agreement. Unless otherwise determined by the OPFC, such requirements include, but are not limited to, ensuring that the funds provided under this Agreement finance capital expenditures (as opposed to working capital expenditures) and are not used to refund or otherwise refinance existing debt of the Grantee. Grantee shall be liable for any payments to the Internal Revenue Service or the U.S. Treasury as penalties or to preserve the tax status of tax-exempt or tax-advantaged bonds, and any other costs, resulting in whole or in part from actions taken by Grantee, including the failure of Grantee to comply with federal income tax laws applicable to such bonds. The Grantee agrees to consult with OPFC if the Grantee is uncertain of what expenditures are eligible to be financed with funds provided under this Agreement.

24. CONTRIBUTIONS CERTIFICATION. Grantee hereby certifies that neither it nor any of its officers nor the spouse of any such person, has made contributions to the Governor of Ohio in excess of the limitations specified in R.C. § 3517.13.

25. CONSTRUCTION CONTRACT COMPLIANCE. Grantee represents that it will comply with the Executive Order of the Governor of Ohio regarding equal employment and that it will include in any construction contracts for the Project provisions for compliance with the terms and conditions of the Copeland Anti-Kick Back Act, 18 U.S.C. §874, as the same are supplemented by regulations promulgated by the U.S. Department of Labor in 29 CFR, Part 3.

26. MODIFICATION. This Agreement may be modified if agreed to in writing by both parties.

27. ETHICS CERTIFICATION. The Grantee, by signature on this document, certifies that it: (i) has reviewed and understands the Ohio ethics and conflict of interest laws as found in Ohio Revised Code Chapter 102 and in Ohio Revised Code Sections 2921.42 and 2921.43, and (ii) will take no action inconsistent with those laws. The Grantee understands that failure to comply with Ohio's ethics and conflict of interest laws is, in itself, grounds for termination of this Agreement and may result in the loss of other contracts or grants with the State of Ohio.

28. SEVERABILITY. Each provision hereof shall be separate and independent and the breach of any provision by either party hereto shall not discharge or relieve the other party from its obligations to perform each and every covenant to be performed by it hereunder. If any provisions hereof (or the application thereof to any person, firm or corporation or to any circumstances) shall be deemed invalid or unenforceable by any court of competent jurisdiction, the remaining provisions of this Agreement (or the application of such invalid provision to such persons, firms or corporations or

circumstances other than those as to which it is invalid or unenforceable), shall not be affected thereby, and said provisions hereof shall be valid and enforceable to the fullest extent permitted by law.

29. MISCELLANEOUS.

- a. Controlling Law. This Agreement and the rights of the parties hereunder shall be governed, construed, and interpreted in accordance with the laws of the State of Ohio. Grantee consents to jurisdiction in a court of proper jurisdiction in Franklin County, Ohio.
- b. Waiver. A waiver by any party of any breach or default by the other party under this Agreement shall not constitute a continuing waiver by such party of any subsequent act in breach of or in default hereunder.
- c. Successors And Assigns. Neither this Agreement nor any rights, duties or obligations hereunder may be assigned or transferred in whole or in part by Grantee, without the prior written consent of the ODNR.
- d. Notices. Except to the extent expressly provided otherwise herein, all notices, consents and communications required hereunder (each, a "Notice") shall be in writing and shall be deemed to have been properly given when: 1) hand delivered with delivery acknowledged in writing; 2) sent by U.S. Certified mail, return receipt requested, postage prepaid; 3) sent by overnight delivery service (Fed Ex, UPS, etc.) with receipt; or 4) sent by fax or email. Notices shall be deemed given upon receipt thereof, and shall be sent to the addresses first set forth above. Notwithstanding the foregoing, notices sent by fax or email shall be effectively given only upon acknowledgement of receipt by the receiving party. Any party may change its address for receipt of Notices upon notice to the other party. If delivery cannot be made at any address designated for Notices, a Notice shall be deemed given on the date on which delivery at such address is attempted.
- e. Conflict. In the event of any conflict between the terms and provisions of the body of this Agreement and any exhibit hereto, the terms and provisions of the body of this Agreement shall control.
- f. Entire Agreement. This Agreement contains the entire agreement between the parties hereto and shall not be modified, amended or supplemented, or any rights herein waived, unless specifically agreed upon in writing by the parties hereto. This Agreement supersedes any and all previous agreements, whether written or oral, between the parties.
- g. Execution. This Agreement is not binding upon the ODNR unless executed in full, and is effective as of the last date of signature by the ODNR.
- h. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, and all of which shall constitute but one and the same instrument.
- i. Electronic Signatures. Any party hereto may deliver a copy of its counterpart signature page to this Agreement electronically pursuant to R.C. Chapter 1306. Each party hereto shall be entitled to rely upon an electronic signature of any other party delivered in such a manner as if such signature were an original.

30. **TIME IS OF THE ESSENCE.** Time is of the essence in this Agreement.

IN TESTIMONY WHEREOF, the Grantee and the ODNR have caused this Agreement to be executed by their respective officers duly authorized as of the date on which the Director of the Department of Natural Resources signs this Agreement.

FOR THE GRANTEE:

City of Sylvania

Signature

Printed Name: _____

Printed Title: _____

FOR THE STATE OF OHIO, ODNR:

Paul R. Baldrige

Chief, Office of Real Estate & Land Management

Ohio Department of Natural Resources

Date: _____

APPROVED BY:

JAMES ZEHRINGER, DIRECTOR

Ohio Department of Natural Resources

Date: _____

ATTORNEY CERTIFICATION

I, _____ [name and title], acting as attorney for the City of Sylvania, do certify that I have examined the Agreement and find that acceptance by Grantee has been authorized and that the execution thereof is proper and in accordance with the laws of the State of Ohio. Following signature, the Agreement, in my opinion, is a legal obligation of the City of Sylvania in accordance with the terms thereof, and that Grantee possesses the legal authority to fully perform all obligations incurred by Grantee in signing this Agreement, as Authorized in Resolution or Ordinance No. _____, dated _____, 201__.

Legal Counsel for Grantee _____
(Signature)

Printed Name of Legal Counsel _____

Address _____

Registration Number _____

EXHIBIT A

PROJECT INFORMATION FILE

Forms and requested materials (maps, etc.) on pages 2-10 comprise the 'project information package'. Please complete these forms and send all completed forms and requested materials to the address below. This is the first step in the project coordination process.

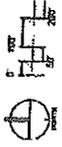
Mary Fitch
ODNR
Office of Real Estate
2045 Morse Road, E2
Columbus, Ohio 43229-6693

BASIC INFORMATION

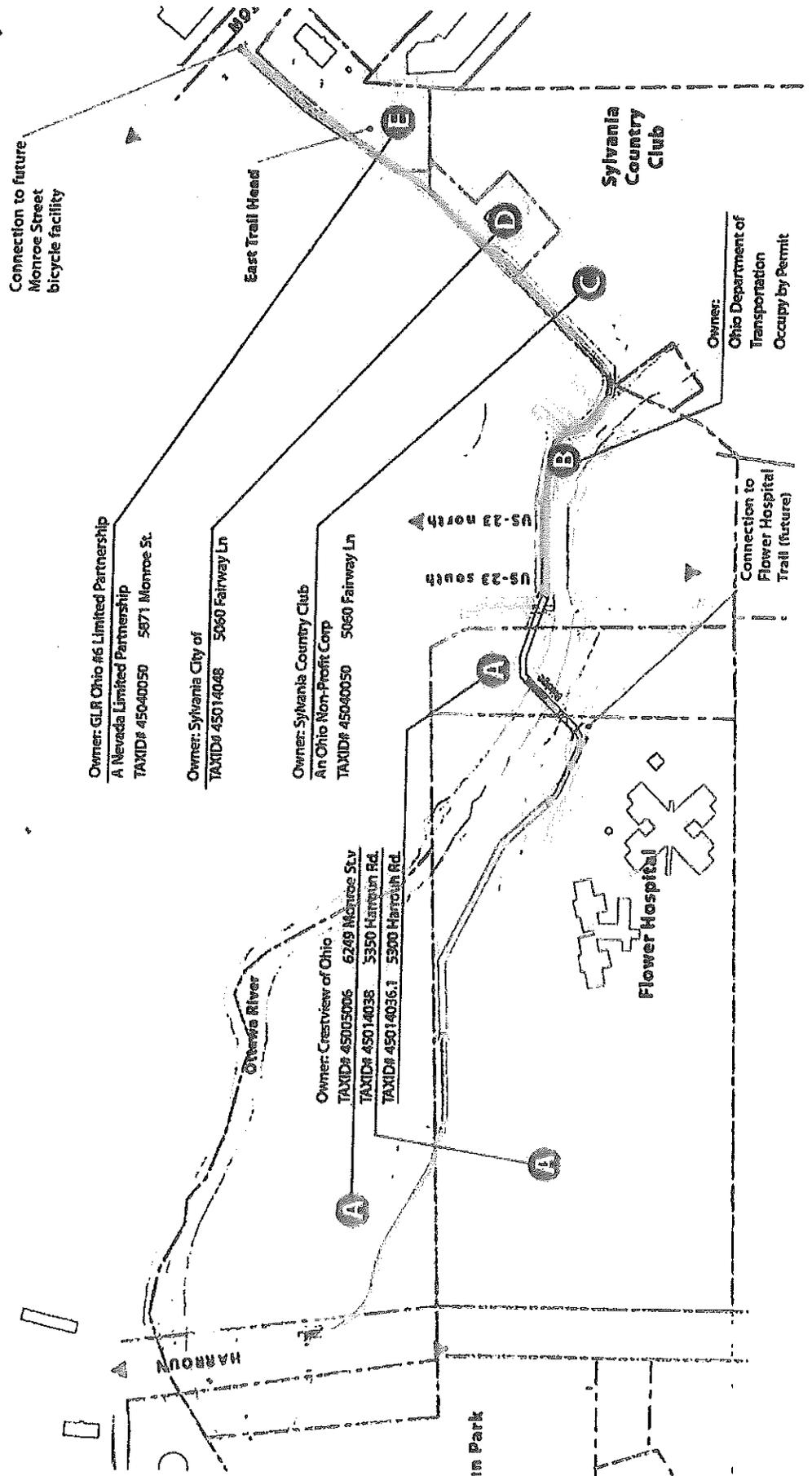
1. Awarded Project Sponsor: City of Sylvania
2. Address, including zip code:
6730 Monroe Street
Sylvania, Ohio 43560
3. Tax Identification Number: 34-6401391
4. Telephone Number: 4198858965
5. Contact Person & Title: Kevin Aller, Director of Public Service
6. Email: kaller@cityofsylvania.com
7. Telephone Number: (419) 885-8965
8. Brief Description of Project:
The Sylvania River Trail(SRT) will be a treasured recreational resource for Sylvanians as well as a significant regional tourism and commercial destination. The greenway will be available to multiple non-motorized user groups such as walkers, joggers, bicyclists, and rollerbladers, and will be barrier-free to accommodate all ages and abilities. It will improve community connectivity, expand existing trail systems, and restore degraded riverbanks and habitats. The SRT is on the regional bicycle trail plan and will provide a safe pedestrian and bike connection beneath US 23.

Sylvania River Trail - Phase 2

EXHIBIT B



MONROE



Connection to future Monroe Street bicycle facility

Owner: GLR Ohio #6 Limited Partnership
A Nevada Limited Partnership
TAXID# 45040050 5871 Monroe St.

Owner: Sylvania City of
TAXID# 45014048 5060 Fairway Ln

Owner: Sylvania Country Club
An Ohio Non-Profit Corp
TAXID# 45040050 5060 Fairway Ln

Owner: Crestview of Ohio
TAXID# 45005006 6249 Monroe St
TAXID# 45014038 5350 Harroun Rd.
TAXID# 45014036.1 5900 Harroun Rd.

in Park

Flower Hospital

Sylvania Country Club

Owner: Ohio Department of Transportation
Occupy by Permit

Connection to Flower Hospital Trail (future)

590

East Trail Head

US 23 NORTH
US 23 SOUTH

HARROUN

ORDINANCE NO. 81 - 2017

AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO A PASS THROUGH GRANT AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Sylvania received funding for the River Trail Phase II Project as part of the State of Ohio 2017 Budget pursuant to Senate Bill 310; and,

WHEREAS, in order to receive the funds totaling \$392,000, it is necessary to enter into an Agreement with the Ohio Department of Natural Resources; and,

WHEREAS, the Director of Public Service, by report dated October 31, 2017, has recommended approval of the Pass Through Grant Agreement attached hereto as "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 the Mayor and Director of Finance be, and they hereby are, authorized and directed to enter into an agreement with the Ohio Department of Natural Resources, in the form and substance of said "Exhibit A" for the receipt of \$392,000 through the Community Recreation Program for the River Trail Phase II Project.

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

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

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that it is essential that the grant agreement be formalized forthwith so as to receive the funds 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:

Clerk of Council

APPROVED:

Mayor

Date

APPROVED AS TO FORM:

Director of Law

Bc



City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

November 6, 2017

To: The Mayor and Members of Sylvania City Council

Re: **SYLVANIA RIVER TRAIL PHASE II**

Dear Mr. Mayor and Council Members:

We received bids on November 1, 2017 for the above referenced project. There were a total of four (4) bids received.

The lowest Base Bid amount (and the number used to qualify the lowest bidder) was submitted by Miller Bros. Const., Inc. of Archbold, Ohio. Their Base Bid of \$2,487,260.26 was approximately 3.5% under the Engineer's Estimate of \$2,577,000.

Therefore, it is our recommendation that the contract be awarded to Miller Bros. Const., Inc. of Archbold, Ohio 43502 in the amount of \$2,487,260.26.

Please call if you have any questions.

Sincerely,

Kevin G. Aller, P.E.

Director of Public Service

dsw

13d

ORDINANCE NO. 82 -2017

ACCEPTING THE BID OF MILLER BROTHERS CONSTRUCTION, INC. AND AWARDING THE CONTRACT FOR THE RIVER TRAIL IMPROVEMENTS PHASE II PROJECT TO SAME; AUTHORIZING THE EXPENDITURE FOR THE IMPROVEMENTS IN THE AMOUNT OF \$2,487,260.26; APPROPRIATING FUNDS THEREFORE; AND DECLARING AN EMERGENCY.

WHEREAS, plans for the River Trail Improvements Phase II Project have been completed and are now on file with the Clerk of this Council; and,

WHEREAS, the Clerk of Council was authorized to re-advertise for bids at the October 2, 2017 Council meeting and thereafter the Clerk advertised for bids, and the bids were opened on November 1, 2017, and thereafter, the Director of Public Service, by report dated November 6, 2017, stated that the total estimate for the River Trail Improvements Phase II Project was \$2,577,000 and the following bids were received:

<u>BIDDERS</u>	<u>BID PRICE</u>
Miller Brothers Construction Inc.	\$2,487,260.26
Hank’s Plumbing & Heating	2,627,094.80
Salenbien	2,747,378.10
Anderzack-Pitzen Construction, Inc.	2,793,192.90

WHEREAS, the four (4) bids offered by the above bidders meet all of the City’s specifications and the Director of Public Service, by report dated November 6, 2017, has recommended acceptance of the low bid of Miller Brothers Construction Inc. and that the contract for the River Trail Improvements Phase II Project be awarded to same.

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

SECTION 1. That the bid of Miller Brothers Construction Inc., Archbold, Ohio, for said River Trail Improvements Phase II Project, in the amount of Two Million Four Hundred Eighty-Seven Thousand Two Hundred Sixty and 26/100 Dollars (\$2,487,260.26), is hereby determined to be the best bid received and the same is hereby accepted.

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

SECTION 3. That to provide funds for said improvement project hereby authorized, there is hereby appropriated from the **CAPITAL IMPROVEMENT FUND** from funds therein not heretofore appropriated to **Account No. 401-7750-53585 – River Trail Project**, the total sum of Two Million Four Hundred Eighty-Seven Thousand Two Hundred Sixty and 26/100 Dollars (\$2,487,260.26).

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

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

SECTION 6. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the bid of Miller Brothers Construction Inc. should be accepted immediately so as to provide for the River Trail Phase II Improvements 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

ORDINANCE NO. 83 -2017

AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO AN AGREEMENT, ON BEHALF OF THE CITY OF SYLVANIA, OHIO, WITH THE BOARD OF LUCAS COUNTY COMMISSIONERS, FOR THE PROVISION OF PUBLIC DEFENDER SERVICES TO THE SYLVANIA MUNICIPAL COURT FOR THE YEAR 2018; AND DECLARING AN EMERGENCY.

WHEREAS, the Board of Lucas County Commissioners created a public defender commission to contract for public defender services for the legal representation of indigent persons; and,

WHEREAS, the City of Sylvania desires to be included within the plan for appointment of counsel in the Sylvania Municipal Court; and,

WHEREAS, Ordinance No. 82-2005, passed December 19, 2005, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for providing public defender services to the Sylvania Municipal Court for the year 2006 at a cost of Twenty-Eight Thousand Dollars (\$28,000.00); and,

WHEREAS, Ordinance No. 32-2008, passed April 7, 2008, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for the provision of public defender services to the Sylvania Municipal Court for the years 2007 and 2008 at a cost of Forty-Two Thousand Fifty Dollars (\$42,050.00) per year; and,

WHEREAS, Ordinance No. 101-2009, passed October 5, 2009, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for the provision of public defender services to the Sylvania Municipal Court for the year 2009 at a cost of Forty-Two Thousand Fifty Dollars (\$42,050.00); and,

WHEREAS, Ordinance No. 114-2009, passed November 2, 2009, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County

Commissioners for the provision of public defender services to the Sylvania Municipal Court for the year 2010 at a cost of Forty-Two Thousand Fifty Dollars (\$42,050.00); and,

WHEREAS, Ordinance No. 6-2011, passed February 7, 2011, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for the provision of public defender services to the Sylvania Municipal Court for the year 2011 at a cost of Forty-Six Thousand Six Hundred Sixty-Five Dollars (\$46,665.00); and,

WHEREAS, Ordinance No. 10-2012, passed January 18, 2012, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for the provision of public defender services to the Sylvania Municipal Court for the year 2012 at a cost of Forty-Six Thousand Six Hundred Sixty-Five Dollars (\$46,665.00); and,

WHEREAS, Ordinance No. 38-2013, passed April 15, 2013, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for the provision of public defender services to the Sylvania Municipal Court for the year 2013 at a cost of Forty-Six Thousand Six Hundred Sixty-Five Dollars (\$46,665.00); and,

WHEREAS, Ordinance No. 1-2014, passed January 6, 2014, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for the provision of public defender services to the Sylvania Municipal Court for the year 2014 at a cost of Forty-Six Thousand Six Hundred Sixty-Five Dollars (\$46,665.00); and,

WHEREAS, Ordinance No. 51-2016, passed August 15, 2016, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County Commissioners for the provision of public defender services to the Sylvania Municipal Court for the year 2015 at a cost of \$32,700 and 2016 at a cost of \$29,400; and,

WHEREAS, Ordinance No. 76-2016, passed November 21, 2016, authorized the Mayor and Director of Finance to enter into an Agreement with the Board of Lucas County

Commissioners for the provision of public defender services to the Sylvania Municipal Court for the year 2017 at a cost of \$29,400; and,

WHEREAS, the Director of Law has received the proposed Agreement with the Board of Lucas County Commissioners for the provision of Public Defender services to the Sylvania Municipal Court for the year 2018; and,

WHEREAS, the proposed Agreement provides that the City will pay \$24,000 for public defender services for 2018.

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 Agreements with the Board of Lucas County Commissioners, in the form and substance of "Exhibit A" this Council hereby agreeing to appropriate the necessary funds for payment required under said Agreement.

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

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

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the Agreement should be authorized immediately so that defendants appearing in Sylvania Municipal Court can continue to receive Public Defender services. 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

AGREEMENT

This Agreement is made this _____ day of _____, 20____ by and between the Lucas County Public Defender Commission and the City of Sylvania.

WHEREAS, the Board of Lucas County Commissioners (hereinafter referred to as "the County") has created a Public Defender Commission pursuant to Ohio Revised Code Section 120.13; and

WHEREAS, the Lucas County Public Defender Commission (hereinafter referred to as "LCPDC") pursuant to Sections 120.04 and 120.13 of the Ohio Revised Code, may contract for public defender services for the legal representation of indigent persons; and

WHEREAS, the City of Sylvania desires public defender services for every Monday 8:30 a.m. to 12:30 p.m. with one staff or contract attorney plus intern support, and Wednesday 8:30 a.m. to 4:30 p.m. with one staff attorney, one contract attorney, and intern support.

NOW, THEREFORE, IT IS HEREBY AGREED:

1. That this contract will be in effect from January 1, 2018 to December 31, 2018.
2. The City of Sylvania will pay "the County" Twenty-Four Thousand and 00/100 Dollars (\$24,000.00) for 2018. The City of Sylvania shall deposit with Lucas County twenty-five percent (25%) of the annual contracted amount on January 1, 2018; April 1, 2018; July 1, 2018; and October 1, 2018 to cover the necessary expenses and cost of counsel to represent indigent persons charged with a violation of municipal ordinances of the City of Sylvania, for which the penalty or possible adjudication includes the potential loss of liberty. This legal representation could include providing representation to indigent persons charged with traffic offenses arising out of a violation of the municipal ordinances of the City of Sylvania, other than minor misdemeanors, for which the penalty or any possible adjudication includes the potential loss of liberty. Representation commenced under this section shall continue through all trial court proceedings and probation violation hearings.
3. No provisions of this contract prohibit the public defenders from withdrawing from a case due to a conflict of interest recognized by a court due to a finding of the client's financial ineligibility for services, or due to the attorney's excessive workload as determined pursuant to rule 120-1-07 of the Administrative Code. No provisions of this contract prohibit the public defenders from withdrawing from a case due to other conflicts of interest that may arise. It is anticipated that a conflict of interest for an individual public defender does not necessarily mean that representation cannot continue through a different public defender. The reassignment of a case to a different public defender shall not be

considered a new appointment for the purposes of identifying the number of cases referred. In the event that a conflict of interest does exist which prevents representation by the public defenders then the Court shall assign a private attorney to represent the indigent client.

4. The Lucas County Public Defender Commission (LCPDC) agrees that it could require the public defender to furnish upon request, to the City, on a quarterly basis, a list of criminal charges filed. Said list shall include the names of the indigents for whom representation was provided, the violation or violations with which the indigent had been charged, and the Municipal Court case number of said charges.

5. The LCPDC, at the City's request agrees to review the public defender operations and budget with the City.

6. It is further agreed that the contract shall be reviewed each year after July 1 and after October 1 in light of any standards that may be imposed by the State Public Defender Commission and to determine whether the advances called for under the contract are sufficient or insufficient for the purpose intended.

7. The City of Sylvania and the Judge of the Sylvania Municipal Court agree to coordinate Public Defender days for the Sylvania Municipal Court with the Judges of the Maumee and Oregon Municipal Courts and the public defenders.

8. The Sylvania Municipal Court agrees to furnish the LCPDC its latest completed annual report with a breakdown of cases by jurisdiction, which may be used as a factor for future public defender contracts.

9. All reimbursement to the City of Sylvania from the Lucas County Commissioners shall be pursuant to the provisions under the Ohio Revised Code and the percentage established by the State Public Defender's Office.

10. Future contracts between LCPDC and the City of Sylvania may be by a contractual amount or a fee schedule, however, in either event the payment shall not exceed the fee schedule in effect and adopted by the Lucas County Commissioners.

11. This Agreement shall provide for conformity with the standards of indigency and other rules and standards established by the Ohio Public Defender Commission and the State Public Defender.

12. Pursuant to OAC 120-1-72 (7), this contract provides that the public defender office shall compensate its staff employees, subcontractors and retained forensic experts at rates commensurate with

their training, experience and responsibilities, and compensation paid to persons doing similar work in public agencies in the jurisdiction.

CITY OF SYLVANIA, OHIO

LUCAS COUNTY PUBLIC DEFENDER

COMMISSION

By: _____
Mayor

Jeffrey J. Madrzykowski, Chairman
On behalf of the entire Lucas County
County Public Defender Commission

By: _____
Director of Finance

By: _____
Director of Law

**APPROVED BY THE BOARD OF
COUNTY COMMISSIONERS,
LUCAS COUNTY, OHIO**
Resolution Number _____

Adopted _____

**APPROVED AS TO FORM BY
STATE OF OHIO PUBLIC DEFENDER
COMMISSION**

By: _____

Date: _____

APPROVED AS TO FORM
Julia R. Bates, Prosecuting Attorney

By: _____
Assistant Prosecuting Attorney

Date: _____

July 2016 - June 2017

PUBLIC DEFENDER ASSIGNED	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	TOTAL
CITY CASES - ORDINANCE	12	17	13	10	8	13	12	14	21	16	12	12	160
CITY CASES - STATE CODE	27	28	16	19	20	27	24	34	35	26	18	21	295
LUCAS COUNTY SHF	72	65	85	55	69	60	63	56	62	62	78	64	791
OHIO PATROL	44	27	26	20	18	30	34	29	20	25	28	24	325
SYLVANIA TOWNSHIP	78	80	81	75	70	59	88	72	87	70	82	102	944
HOLLAND	8	5	3	6	9	7	8	14	12	2	8	6	88
HOLLAND-STATE CODE	24	32	29	28	28	33	40	33	32	34	30	26	369
LIQUOR CONTROL			1	1			2						4
ODNR					1						1		2
BERKEY													0
HUMANE								1					1
STATE METRO PARKS													0
METRO PARKS										1			1
STATE CODE-OTTAWA HILLS		2			1			1		1		1	6
ZONING VIOLATION					1								1
LC DOG WARDEN											1		1
DEPARTMETN OF HEALTH													0
TAX													0
TOLEDO POLICE DEPT													0
TMDT													0
PORT AUTHORITY													0
NORFOLK-SOUTHERN RAILROAD													0
METRO DRUG TASK FORCE							2						2
BUREAU MOTOR VEHICLES									1				1
DEPT HOMELAND SECURITY													0
OHIO DEPT OF PUBLIC SAFETY				1							1		2
MAUMEE POLICE DEPT													0
OREGON POLICE DEPT								1					1
Total	265	256	254	215	225	229	273	255	270	237	259	256	2994



City of Sylvania

DIVISION OF TAXATION

CHRISTY M. GOLIS, COMMISSIONER OF TAXATION

A

November 2, 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
October 31, 2017	919,202.94	31,186.80	888,016.14
October 31, 2016	973,760.39	23,483.85	950,276.54
Monthly Difference	(54,557.45)	7,702.95	(62,260.40)
Year to Date 2017	9,344,068.22	239,883.63	9,104,184.59
Year to Date 2016	9,420,312.88	167,933.49	9,252,379.39
Yearly Difference	(76,244.66)	71,950.14	(148,194.80)
			-1.60%

	Deposits	Refunds	Balance
October 31, 2017	919,202.94	31,186.80	888,016.14
October 31, 2015	795,607.47	20,098.24	775,509.23
Monthly Difference	123,595.47	11,088.56	112,506.91
Year to Date 2017	9,344,068.22	239,883.63	9,104,184.59
Year to Date 2015	8,342,722.30	231,134.87	8,111,587.43
Yearly Difference	1,001,345.92	8,748.76	992,597.16
			12%

Respectfully submitted,

Christy M. Golis
Tax Commissioner

c: Mr. Toby Schroyer, Finance Director

City of Sylvania
Bank Reconciliation
October 2017

B

Ending balance for Sept 2017	25,220,550.38
Add: Monthly Receipts	<u>3,174,175.98</u>
Subtotal	\$ 28,394,726.36
Less: Monthly Disbursements	<u>2,750,338.73</u>
Ending balance for Oct 2017	\$ 25,644,387.63

Less:	
CD Metamora Bank	\$ (2,000,000.00)
Star Ohio	(78,133.44)
Petty Cash (1)	(2,050.00)
Cemetery Savings	(1,062.86)
Toledo Community Fund	(31,803.18)
PNC Money Market	(1,030,346.46)
Key Bank Securities	(1,008,145.64)
5/3rd Securities	(7,912,810.34)
SJS Account	(5,537,996.95)
Morgan Stanley Investment	(2,080,599.63)
Sylvania Township Bonds	(440,000.00)
	\$ 5,521,439.13

Less:	
Utility NSF	(121.30)
Utility NSF	(25.30)

	<u>\$ 5,521,292.53</u>
(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
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BANK BALANCE	
EOM 5/3rd Bank Balance	\$ 5,328,476.97
Deposit in Transit:	
Income Tax	6,080.25
General	211,407.81
	<u>217,488.06</u>
Subtotal	\$ 5,545,965.03
Less: Outstanding Checks (2)	<u>24,672.50</u>
Adjusted Bank Balance	\$ 5,521,292.53
(2)	
Sept Outstanding Checks	\$ 11,284.16
Checks written this month	848,657.43
	<u>859,941.59</u>
Subtotal	\$ 859,941.59
Checks Cleared this month	<u>(835,269.09)</u>
Oct Outstanding Checks	\$ 24,672.50


Toby Schroyer
Director of Finance, City of Sylvania