

Sylvania City Council

March 5, 2018

6:15 p.m. – Streets Committee Meeting

Proposed Resolution No. 5-2018

7:00 p.m. – Committee-of-the-Whole Meeting

Toledo Area Water Authority MOU

7:30 p.m. Council Meeting

Agenda

1. Roll call. Mrs. Cappellini, Mr. Frye, Mr. Haynam, Mrs. Husman, Mr. Luetke, Mr. Richardson, Mrs. Westphal.
2. Pledge of Allegiance to the United States of America led by Mr. Luetke.
3. Additions to the agenda.
4. Approval of the Council meeting minutes of February 20, 2018.
5. Mr. Mike Lieber, Town Crier to present 2017 Report.
6. Monroe Street Bridge over North Branch of Ten Mile Creek Rehabilitation project.
 - a. Service Director's report on project.
 - b. Proposed Ordinance No. 10-2018, Accepting the proposal of Northwest Consultants, Inc. to provide professional engineering services for the Monroe Street Bridge over North Branch of Ten Mile Creek Rehabilitation project.
7. Main Street Reconstruction Project.
 - a. Service Director's report on contract award.
 - b. Proposed Ordinance No. 11-2018, Accepting the bid of Helms and Sons Excavating, Inc. and awarding the contract for the Main Street Reconstruction Project.
8. 2018 Microsurfacing Project.
 - a. Service Director's report on project.
 - b. Proposed Ordinance No. 12-2018, Accepting the proposal of Strawser Construction, Inc. to provide pavement rehabilitation by Microsurfacing work for the 2018 Microsurfacing project.
9. Proposed Ordinance No. 13-2018, An Ordinance to approve, adopt and enact current replacement pages to the Codified Ordinances; to repeal Ordinances in conflict therewith, and to publish the enactment of new matter.
10. Zoning Ordinance Amendment Petition No. SUP-1-2018, a request from St Elias Church/Little Miracles Montessori School, 4940 Harroun Road to amend the Special Use Permit; for referral to the Planning Commission.

11. Approval of vehicle to be offered for auction on GovDeals.com.
12. Committee reports.
 - a. Employee & Community Relations Committee meeting from February 27, 2018.
 - b. Streets Committee meeting from this date.
 1. Proposed Resolution No. 5-2018.
 - c. Utility & Environment Committee meeting from February 28, 2018.
 - d. Committee-of-the-Whole meeting from this date.
 1. Proposed Ordinance No. 14-2018, Authorizing the Mayor and Director of Finance to enter into a Memorandum of Understanding providing for the development of a Plan of Operation for an ORC Chapter 6199 Entity to be established to provide Regional Water Resource Utility Services.
13. Committee referrals.

INFORMATION

None.

Minutes of the Meeting of Council
February 20, 2018

The Council of the City of Sylvania, Ohio met in regular session on February 20, 2018 at 7:30 p.m. with Mayor Stough in the chair. Roll was called with the following members present: Katie Cappellini, Doug Haynam, Sandy Husman, Mark Luetke, Mary Westphal; (5) present; Mary Frye, Patrick Richardson; (2) absent.

Roll call:
Frye,
Richardson
absent; excused.

Pledge of Allegiance to the United States of America led by Mrs. Husman.

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

Pledge of
Allegiance.

The following items were added to the agenda:

8b. Schedule an Employee & Community Relations Committee meeting.

Mrs. Westphal moved, Mrs. Husman seconded to approve the agenda as amended; roll call vote being: Cappellini, Haynam, Husman, Luetke, Westphal; (5) yeas; (0) nays. The motion carried.

Agenda
approval.

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

Mrs. Westphal presented the February 5, 2018 meeting minutes. Mrs. Westphal moved, Mr. Luetke 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 February 5, 2018 be approved; roll call vote being: Haynam, Husman, Luetke, Westphal, Cappellini, (5) yeas; (0) nays. The motion carried.

Approval of the
February 5,
meeting
minutes.

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

Mr. Haynam moved, Mrs. Westphal seconded to refer proposed Resolution No. 5-2018, A Resolution in support of the Board of Lucas County Commissioners to enact a County Motor Vehicle License Fee pursuant to ORC Section 4504.24 to the Streets Committee for review and recommendation. Roll call vote being: Luetke, Westphal, Cappellini, Haynam, Husman, (5) yeas; (0) nays. The motion carried.

Resolution No.
5-2018,
Referred to
Streets
Committee

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

Service Director's report on Skid Steer Loader purchase was placed on file. Mrs. Cappellini presented and read aloud by title only, proposed Ordinance No.8 -2018, 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 Buck & Knobby, Inc. for the provision of a new Model JCB280 Skid Steer Loader for the Division of Streets, Department of Public Service; appropriating \$51,891 therefore; and

Ordinance No.
8-2018,
accept proposal
of Buck &
Knobby to
purchase Skid

Minutes of the Meeting of Council
February 20, 2018

declaring an emergency.”; Mrs. Cappellini moved, Mr. Haynam seconded, that Council dispense with the Second and Third Reading of said Ordinance; roll call vote being: Luetke, Westphal, Cappellini, Haynam, Husman, (5) yeas; (0) nays. The motion carried. Steer Loader...”

Mrs. Cappellini moved, Mr. Luetke seconded, that Ordinance No. 8-2018 be enacted as an emergency measure as declared therein; roll call vote being: Westphal, Cappellini, Haynam, Husman, Luetke, (5) yeas; (0) nays. The motion carried.

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

Mrs. Husman moved, Mrs. Westphal seconded to approve the items to be offered for auction on GovDeals as listed in Service Director Aller’s memo dated 2/13/18. Roll call vote being: Cappellini, Haynam, Husman, Luetke, Westphal, (5) yeas; (0) nays. The motion carried. Approval of items for GovDeals.com.

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

Mr. Luetke reported on an Employee & Community Relations Committee meeting held on February 12, 2018 to discuss the 2019 city calendar, review a request from Lourdes University to display street banners on Main Street, consider proposed legislation to establish a funding request policy for community organizations and a policy amending the procedure for council appointments to city-funded community boards. Mr. Luetke reported that legislation to come before Council to accept the proposal of Flanders & Fuller for the 2019 City Calendar. Report of Emp & Com Relations mtg. from 2/12/18.

Mr. Luetke presented and read aloud by title only, proposed Ordinance No. 9-2018, a written copy of same having been previously furnished to each member of Council, “Accepting the proposal of Flanders & Fuller to provide creation and design services relative to the 2019 City Calendar Project; appropriating funds therefore in the amount not to exceed \$2,500; and declaring an emergency.”; Mr. Luetke moved, Mrs. Westphal seconded, that Council dispense with the Second and Third Reading of said Ordinance; roll call vote being: Cappellini, Haynam, Husman, Luetke, Westphal, (5) yeas; (0) nays. The motion carried. Ordinance No. 9-2018, “Accepting Flanders & Fuller...2019 Calendar design...”

Mr. Luetke moved, Mrs. Husman seconded, that Ordinance No. 9-2018 be enacted as an emergency measure as declared therein; roll call vote being: Haynam, Husman, Luetke, Westphal, Cappellini, (5) yeas; (0) nays. The motion carried.

Minutes of the Meeting of Council
February 20, 2018

Mr. Luetke will set an Employee & Community Relations Committee meeting to continue the discussion on the Lourdes banners on Main Street.

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

Mrs. Westphal moved, Mr. Luetke seconded that this meeting adjourn; all present voting yea (5); (0) nays. The motion carried and the meeting adjourned at 8:02 p.m.

Adjournment.

Clerk of Council

Mayor

69



DEPARTMENT OF PUBLIC SERVICE
KEVIN G. ALLER, PE DIRECTOR

March 5, 2018

To: The Mayor and Members of Sylvania City Council

Re: **Monroe Street Bridge over North Branch of Ten Mile Creek Rehabilitation
Contract for Professional Engineering Services**

Dear Mr. Mayor and Council Members:

Each year the City of Sylvania has our bridges inspected by the Ohio Department of Transportation to evaluate bridge metrics. During the 2017 round of inspections it was documented that the Monroe Street Bridge over North Branch of Ten Mile Creek was in need of rehabilitation.

Specifically, the deck surface had several spalled sections including curbing and sidewalk that was cracked. The recommended rehabilitation approach to address these issues consists of hydrodemolition with a concrete overlay. This process consists of removing the top 3" of concrete from the deck and overlaying the remaining sound surface with rigid concrete. Other work includes full/partial depth slab repairs, curbing and sidewalk reconstruction, and bridge railing and guardrail replacement.

The City requested engineering services proposals from two local firms. The lowest proposal received was by Northwest Consultants, Inc. (NCI) from Toledo, Ohio in the amount of \$16,989. Their scope of services includes conducting a bridge deck field evaluation, preparation of construction plans and specifications, and bidding/construction phase assistance. It is anticipated that this project will be constructed in 2019 or 2020.

Funds for the engineering services will be taken out of our Capital Improvement Fund account number 401-7610-53503. We would recommend approval of the proposal from NCI in the amount of \$16,989. Please call if you should have any questions.

Sincerely,

Kevin G. Aller, P.E.

Director of Public Service

6730 MONROE STREET • SYLVANIA, OHIO 43560-1948 • (419) 885-8965 • FAX (419) 885-0486

www.cityofsylvania.com



February 7, 2018

Mr. Joseph Shaw, PE, PS
Deputy Director
City of Sylvania – Department of Public Service
6730 Monroe St.
Sylvania, OH 43560

Re: Monroe St. Bridge Resurfacing

Dear Mr. Shaw:

Northwest Consultants, Inc. (NCI) is pleased to provide you with this proposal to prepare plans for rigid resurfacing of the Monroe Street Bridge over North Ten Mile Creek.

Scope of work

NCI will perform a field evaluation of the existing bridge deck in order to better estimate patching areas. This will include the area of the traveled lanes, sidewalks, and slab fascia. Based on previous conversations it is understood that City Streets Department will assist with lane closures while we perform this work. At this time we will also take field measurements for use in the proposed plans. A topographic survey is not necessary for this type of work.

Plans will be prepared detailing hydrodemolition & rigid concrete overlay for the bridge traveled lanes, including full/partial depth slab repairs; patching & reconstruction of curb/sidewalk; replacement of the bridge railing; repair of slab fascia; sawing/resealing of the transverse slab joints; milling & filling approach slab asphalt wearing surface; and replacement of approach guardrail. Upon completion of the project a bridge load rating analysis will be prepared utilizing the AASHTO BrR program.

It has been assumed for the purposes of this proposal that traffic will be detoured for the duration of the project. This would allow the deck to be resurfaced without a joint, resulting in a better finished product that will hold up better over time. We estimate that the project will take 6-7 weeks to complete under full-closure. If a full closure cannot be tolerated by the public for that amount of time we have provided an alternative approach in which traffic would be maintained during bridge rail replacement by closing the outside lanes and sidewalks, and maintaining 1 lane of traffic in each direction in the center of Monroe Street. The approximate duration for this phase will be 5-6 weeks. Once bridge rail work is complete a short-term detour will be used for the remainder of the work. The approximate duration for this phase will be 2-3 weeks. Pedestrians will be detoured for the full duration of the project utilizing the River Trail.

It has been assumed that the City will administer the bidding and construction phases of the project. NCI will provide support to the City during these phases by assisting with pre-bid questions, RFI's, and contractor submittal reviews. We will also attend up to two (2) meetings or site visits to assist with any questions that may arise during construction.

Deliverables

NCI will supply signed & sealed plans, specifications, construction estimate, and load rating electronically in pdf format. In addition, the BrR load rating file will be provided electronically.

Schedule

We are available to start immediately, and will base our design schedule to meet the City's desired funding and construction timeframes.

Cost

NCI will complete the work outlined above for a lump sum amount of **\$14,443**. If construction staging plans are required we have provided an if-authorized lump sum of **\$2,546** to complete that additional work. Please see the attached Price Determination Backup for more information.

We appreciate the opportunity to assist the City with this project. Please let us know if you have any questions regarding this proposal or need any additional information.

Sincerely,

NORTHWEST CONSULTANTS, INC.



Jon Drummond, P.E.
Senior Project Manager

cc: File

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

This Agreement entered into this _____ day of _____, 2018 by and between the *City of Sylvania*, hereinafter referred to as the **CLIENT**, and *Northwest Consultants, Inc.*, organized and existing under the laws of the State of Ohio for the practice of engineering, hereinafter referred to as the **CONSULTANT** whose principal offices are located at 3220 Central Park West, Toledo, Ohio 43617.

WITNESSETH:

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

CLAUSE I - PROJECT DESCRIPTION

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

Monroe St. Bridge Resurfacing

CLAUSE II – WORK SCHEDULE & PROGRESS REPORTS

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

COMMENCEMENT	Within five (5) days after receipt of authorization to proceed.
COMPLETION OF SERVICES:	Completion of final plan tracings by December 31, 2020.

CLAUSE III - PRIME COMPENSATION

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

Sixteen Thousand Nine Hundred Eighty-Nine and 00/100 Dollars
(\$16,989.00)

PAYMENTS

Partial payments equal to 100% of the earned fee shall be due to the **CONSULTANT** on a monthly basis on the presentation of properly documented invoices based on percentage completion.

SUBLET SERVICES

For all services sublet to other professional organizations the charges shall be the actual costs to the *CONSULTANT*.

It is understood that services will not be sublet without prior approval of the *CLIENT*.

CLAUSE IV - ADDITIONAL COMPENSATION

The *CLIENT* also agrees to compensate the *CONSULTANT*, in addition to the Prime Compensation established in CLAUSE III hereinabove, for provision of Supplemental Services, as authorized by the *CLIENT*. Compensation for Supplemental Services shall be at the same rate as for Basic Services, and shall require additional written authorization by the *CLIENT*.

CLAUSE V - INCORPORATION BY REFERENCE

The following documents, or specified portions thereof, are hereby incorporated into and made a part of this Agreement as though expressly rewritten herein:

- A. Proposal for Engineering Services, Northwest Consultants, Inc., dated February 7, 2018
- B. The following sections of the ODOT "Specifications for Consulting Services" 2010 Edition. Where applicable, the term *CLIENT* shall be substituted for STATE, DEPARTMENT, ODOT, or DIRECTOR in interpreting these Specifications – Exhibit "B".
 - 2.04 Non-Discrimination Regulations
 - 2.25 Insurance and Indemnity
 - 2.27 STATES (*CLIENT'S*) Obligations
 - 2.36 Reviews
 - 2.37 Errors and Omissions
 - 2.40 Dispute Resolution
 - 2.42 Suspension

CLAUSE VI - TERMINATION OPTIONS

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

- A. The *CLIENT* effects a termination in the event of death, incapacity, resignation, or termination for any reason of any of the *CONSULTANT'S* principal and/or key personnel, or the reorganization of the *CONSULTANT'S* firm, if the *CLIENT* should

- consider such loss or change of such magnitude to affect materially the **CONSULTANT'S** capability and/or capacity to complete satisfactorily the performance of the work in conformance with the Work Schedule; or
- B. The **CLIENT** considers that the quality and/or rate of performance of the **CONSULTANT'S** work is unacceptable; or
- C. The **CLIENT** considers that its program flexibility and/or funding resources and/or other convenience would be served.

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

CLAUSE VII - INSURANCE

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

General Liability - Commercial	-	\$1,000,000.00 per occurrence
	-	\$2,000,000.00 general aggregate
Automobile Liability	-	\$1,000,000.00 combined single limit bodily injury and property damage
Umbrella/Excess Liability	-	\$1,000,000.00 per occurrence
	-	\$1,000,000.00 general aggregate
Workers' Compensation	-	Per Ohio State Law
Professional Liability	-	\$2,000,000.00 per claim
	-	\$4,000,000.00 general aggregate
Valuable Papers	-	\$ 50,000.00 blanket coverage

CLAUSE VIII - OWNERSHIP OF ENGINEERING DOCUMENTS

The **CONSULTANT** agrees that all survey data, reports, studies, drawings, maps, computations, plans, specifications, estimates and other documented evidence of the work prepared under the provisions of the Agreement, shall become and remain the property of the **CLIENT** upon termination or completion of the work.

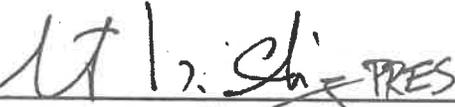
If the **CLIENT** applies or incorporates any portion the **CONSULTANT'S** work into any project other than that for which the work was performed, the **CLIENT** shall save the **CONSULTANT** harmless from any claims or liability resulting from such action.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed as of the date of acceptance by the **CLIENT** written above.

Witness:



NORTHWEST CONSULTANTS, INC.

By:  PRES.
Ernest Er-Li Ch'ang, P.E.

Title: President

Address for Giving Notices:
3220 Central Park West
Toledo, OH 46317

Witness:

CITY OF SYLVANIA

By: _____
Craig A. Stough

Title: Mayor

Witness:

By: _____
Toby A. Schroyer

Title: Finance Director

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

6b

ORDINANCE NO. 10 -2018

ACCEPTING THE PROPOSAL OF NORTHWEST CONSULTANTS, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE MONROE STREET BRIDGE OVER NORTH BRANCH OF TEN MILE CREEK REHABILITATION PROJECT; APPROPRIATING FUNDS THEREFORE IN THE AMOUNT OF \$16,989; AND DECLARING AN EMERGENCY.

WHEREAS, during the 2017 Ohio Department of Transportation’s bridge inspections, it was documented that the Monroe Street Bridge over North Branch of Ten Mile Creek was in need of rehabilitation; and,

WHEREAS, the Director of Public Service, by report dated March 5, 2018, requested engineering service proposals from two local firms to provide engineering services relative to the Monroe Street Bridge over North Branch of Ten Mile Creek rehabilitation, including a bridge deck field evaluation, preparation of construction plans and specifications, and bidding/construction phase assistance; and,

WHEREAS, the Director of Public Service, by report dated March 5, 2018, has recommended that the proposal of Northwest Consultants, Inc. to provide professional engineering services for the Monroe Street Bridge over North Branch of Ten Mile Creek Rehabilitation at a cost of Sixteen Thousand Nine Hundred Eighty-Nine Dollars (\$16,989.00), be accepted.

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

SECTION 1. That the proposal of Northwest Consultants, Inc. in the amount Sixteen Thousand Nine Hundred Eighty-Nine Dollars (\$16,989.00) to provide professional engineering services for the Monroe Street Bridge over North Branch of Ten Mile Creek Rehabilitation Project is hereby accepted.

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

SECTION 3. That to provide funds for said professional engineering services hereby authorized, there is hereby appropriated from the **CAPITAL FUND** from funds therein not heretofore appropriated to **Account No. 401-7610-53503, Street Improvements**, the amount of Sixteen Thousand Nine Hundred Eighty-Nine Dollars (\$16,989.00).

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

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

SECTION 6. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the City should provide for the engineering 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, _____, 2018, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

7a



DEPARTMENT OF PUBLIC SERVICE
KEVIN G. ALLER, PE DIRECTOR

March 5, 2018

To: The Mayor and Members of Sylvania City Council

Re: **CONSTRUCTION CONTRACT AWARD**
LUC-CR 1572-8.96, PID #104438 (MAIN STREET RECONSTRUCTION)

Dear Mr. Mayor and Council Members:

We received two (2) bids on February 7, 2018 for the above referenced project.

The lowest bid was submitted by Helms and Sons Excavating, Inc. of Findlay, Ohio. Their bid of \$789,924.43 was approximately 6.8% over the Engineer's Estimate of \$739,343.70.

Helms and Sons has not performed work for the City on past projects, but several references were checked during the bid review process, including the governmental agencies of the Lucas County Engineer, City of Wapakoneta, and City of Marion. All references checked yielded a positive response.

Helms and Sons is an ODOT prequalified contractor for the type of work to be performed on this project. In addition, ODOT has affirmed the Disadvantaged Business Enterprise (DBE) Plan submitted by Helms and Sons to meet the ODOT specified goal of 7%.

As a result, it is our recommendation that the contract be awarded to Helms and Sons Excavating, Inc. of Findlay, Ohio 45840, in the amount of \$789,924.43.

Please call if you have any questions.

Sincerely,

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

7b

ORDINANCE NO. 11 -2018

ACCEPTING THE BID OF HELMS AND SONS EXCAVATING, INC. AND AWARDING THE CONTRACT FOR THE MAIN STREET RECONSTRUCTION PROJECT TO SAME; AUTHORIZING THE EXPENDITURE FOR THE IMPROVEMENTS IN THE AMOUNT OF \$789,924.43; APPROPRIATING FUNDS THEREFORE; AND DECLARING AN EMERGENCY.

WHEREAS, plans for the Main Street Reconstruction Project have been completed and are now on file with the Clerk of this Council; and,

WHEREAS, the Clerk of Council was authorized to advertise for bids at the January 3, 2018 Council meeting and thereafter the Clerk advertised for bids, and the bids were opened on February 7, 2018, and thereafter, the Director of Public Service, by report dated March 5, 2018, stated that the total estimate for the Main Street Reconstruction Project was \$739,343.70 and the following bids were received:

<u>BIDDERS</u>	<u>BID PRICE</u>
Helms and Sons Excavating, Inc.	\$ 789,924.43
B & J Concrete	1,047,377.15

WHEREAS, the two (2) bids offered by the above bidders meet all of the City's specifications and the Director of Public Service, by report dated March 5, 2018, has recommended acceptance of the lowest and best bid of Helms and Sons Excavating, Inc. and that the contract for the Main Street Reconstruction 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 Helms and Sons Excavating, Inc., Findlay, Ohio for said Main Street Reconstruction Project, in the amount of Seven Hundred Eighty-Nine Thousand Nine Hundred Twenty-Four and 43/100 Dollars (\$789,924.43), is hereby determined to be the lowest and best bid received and the same is hereby accepted.

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

SECTION 3. That to provide funds for said improvements 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 Seven Hundred Eighty-Nine Thousand Nine Hundred Twenty-Four and 43/100 Dollars (\$789,924.43).

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 Helms and Sons Excavating, Inc. should be accepted immediately so as to provide for the commencement of the Main Street Reconstruction Project at the earliest possible time. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

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

Passed, _____, 2018, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

8a



March 5, 2018

To: The Mayor and Members of Sylvania City Council

Re: **2018 Microsurfacing Project**

Dear Mr. Mayor and Council Members:

The City plans to provide pavement rehabilitation by Microsurfacing on approximately 1.8 miles of residential roadways as a part this year's pavement maintenance program. Microsurfacing consists of applying a polymer-modified asphalt emulsion based resurfacing material to the existing pavement surface. This application will provide a hard wearing surface on structurally sound pavements with the primary goal of extending pavement life by covering cracks, stop unraveling, reduce water infiltration and oxidation deterioration.

The following roadways have been field reviewed and found to be suitable for this application:

- Acres Road, Cameron Road, Claremont Road, Glasgow Road, Glenmore Road, Graham Road, and Wythe Road.

Ohio Revised Code Section 5513.01 (B) allows political subdivisions to purchase machinery, materials, supplies or other articles from the Ohio Department of Transportation's Cooperative Purchasing Program. Strawser Construction, Inc. is available to perform the required Microsurfacing work under this program at a price not to exceed \$91,340.16.

We request approval to enter into an agreement with Strawser Construction, Inc. at a price not to exceed \$91,340.16 to perform this pavement rehabilitation work.

Sincerely,

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

8b

ORDINANCE NO. 12 -2018

ACCEPTING THE PROPOSAL OF STRAWSER CONSTRUCTION, INC. TO PROVIDE PAVEMENT REHABILITATION BY MICROSURFACING WORK FOR THE 2018 MICROSURFACING PROJECT; APPROPRIATING FUNDS THEREFORE IN THE AMOUNT OF \$91,340.16; AND DECLARING AN EMERGENCY.

WHEREAS, the City plans to provide pavement rehabilitation by Microsurfacing on approximately 1.8 miles of residential roadways as a part of this year's pavement maintenance program; and,

WHEREAS, the residential roadways reviewed and identified as suitable for this application include Acres Road, Cameron Road, Claremont Road, Glasgow Road, Glenmore Road, Graham Road, and Wythe Road; and,

WHEREAS, Ohio Revised Code Section 5513.01(B) allows political subdivisions to participate in the Ohio Department of Transportation's Cooperative Purchasing Program; and,

WHEREAS, the Deputy Director of Public Service, in a report dated March 5, 2018, has recommended that the proposal of Strawser Construction, Inc. to provide pavement rehabilitation by Microsurfacing for the 2018 Microsurfacing Project at a cost of Ninety-One Thousand Three Hundred Forty and 16/100 Dollars (\$91,340.16), 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 Strawser Construction, Inc. in the amount Ninety-One Thousand Three Hundred Forty and 16/100 Dollars (\$91,340.16) for providing pavement rehabilitation by Microsurfacing for the 2018 Microsurfacing 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 microsurfacing 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 amount of Ninety-One Thousand Three Hundred Forty and 16/100 Dollars (\$91,340.16).

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 pavement rehabilitation services for the 2018 Microsurfacing Project at the earliest possible time. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force thirty (30) days after it is approved by the Mayor or as otherwise provided by the Charter.

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

Passed, _____, 2018, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

ORDINANCE NO. 13-2018

AN ORDINANCE TO APPROVE, ADOPT AND ENACT CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES; TO REPEAL ORDINANCES IN CONFLICT THEREWITH; TO PUBLISH THE ENACTMENT OF NEW MATTER; AND DECLARING AN EMERGENCY.

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

WHEREAS, Council has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision; and

WHEREAS, the codification of such ordinances, together with the new matter to be adopted, the matters to be amended and those to be repealed are before the Council;

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

SECTION 1. That the ordinances of the City of Sylvania, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections with the 2018 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

SECTION 2. That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law:

Traffic Code

- 303.04 Road Workers, Motor Vehicles and Equipment Excepted. (Amended)
- 303.081 Impounding Vehicles on Private Residential Property. (Amended)
- 303.082 Tow Away Zones. (Amended)
- 313.09 Driver’s Duties Upon Approaching Ambiguous Traffic Signal. (Amended)
- 331.03 Overtaking, Passing to Left; Driver’s Duties. (Amended)
- 333.01 Driving Under the Influence. (Amended)
- 335.09 Display of License Plates. (Amended)
- 337.28 Use of Sunscreening, Nontransparent and Reflectorized Materials. (Amended)
- 351.07 Unattended Vehicles: Duties. (Amended)

General Offenses Code

- 501.01 General Definitions. (Amended)
- 513.09 Controlled Substance or Prescription Labels. (Amended)
- 525.05 Failure to Report a Crime, Injury or Knowledge of Death. (Amended)
- 529.07 Open Container Prohibited. (Amended)
- 529.08 Hours of Sale or Consumption. (Amended)
- 537.15 Temporary Protection Order. (Amended)
- 537.18 Contributing to Child Delinquency. (Amended)
- 541.02 Arson. (Amended)
- 549.01 Weapons Definitions. (Amended)
- 549.02 Carrying Concealed Weapons. (Amended)
- 549.04 Improperly Handling a Firearm in a Motor Vehicle. (Amended)

A summary of the amendments to the sections listed above is set forth in Appendix A which is attached to this ordinance.

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

SECTION 4. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Sections 11(e) and 12, of the Charter of this City.

SECTION 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that there exists an imperative necessity for the earliest publication and distribution of current Replacement Pages to the officials and residents of the City, so as to facilitate administration, daily operation and avoid practical and legal entanglements. 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, _____, 2018, as an emergency measure.

President of Council

ATTEST:

Clerk of Council

APPROVED:

Mayor

Date

APPROVED AS TO FORM:

Director of Law

Summary of 2017 Model Amendments

303.04 Road Workers, Motor Vehicles and Equipment Excepted. (Adds subsection (d) defining “engaged in the performance of official duties”).

303.081 Impounding Vehicles From Private Residential Property. (Authorizes the Public Utility Commission to establish towing and storage fees and establishes a fee for retrieval of personal property from vehicles after hours; modifies civil actions.)

303.082 Private Tow Away Zones. (Authorizes the Public Utility Commission to establish towing and storage fees and establishes a fee for retrieval of personal property from vehicles after hours; modifies civil actions.)

313.09 Driver’s Duties Upon Approaching Ambiguous or Non-Working Traffic Signal. (Adds provision on “bicycles” to the first paragraph.)

331.03 Overtaking, Passing to Left; Driver’s Duties. (Adds last sentence to subsection (a)(1) pertaining to passing a bicycle.)

333.01 Driving Under the Influence. (Extends the look back period for OVI offenses from six to ten years and modifies the provisions pertaining to ignition interlock devices.)

335.09 Display of License Plates. (Adds new subsection (b) making a violation a strict liability offense and specifying under what circumstances a citation will be issued.)

337.28 Use of Sunscreening, Nontransparent and Reflectorized Materials. (Adds sentence to subsection (a)(1)A. and (b)(4) explaining how FMVSS 205 can be obtained.)

351.07 Unattended Vehicle. (Redefines under what circumstances the requirements of the section do not apply.)

501.01 Definitions. (Adds reference to “Ohio R.C. 2903.04(A)(1)” to subsection (i)(1).)

513.09 Controlled Substance or Prescription Labels. (Completely rewrites section to comply with current State law.)

525.05 Failure to Report a Crime, Injury or Knowledge of Death. (Redefines the titles of “nurse”, “physician” and similar designations within the section.)

529.07 Open Container Prohibited. (Rewrites subsection (c)(5) to clarify exception for an F-9 permit holder.)

529.08 Hours of Sale or Consumption. (Revises listing of permit holders if subsections (b) and (c).)

537.15 Temporary Protection Order. (Revises subsection (b)(3) and adds new subsection (d); renumbers former subsection (d) as subsection (e).)

537.18 Contributing to Unruliness or Delinquency of a Child. (Modifies truancy and school attendance laws.)

541.02 Arson. (Modifies subsection (b) to eliminate lack of the owner's consent as an element of arson when the property is not occupied.)

549.01 Definitions. (Adds subsection (r) defining "active duty".)

549.02 Carrying Concealed Weapons. (Creates an exception to the requirements of obtaining a license to carry a concealed handgun for active duty members of the armed forces meeting the proper training requirements.)

549.04 Improperly Handling Firearms in a Motor Vehicle. (Creates an exception to the requirements of obtaining a license to carry a concealed handgun for active duty members of the armed forces meeting the proper training requirements.)

PETITION FOR ZONING ORDINANCE AMENDMENT

To: City of Sylvania, Ohio
City Council and
Municipal Planning Commission

Application No. SUP-1-2018
Date 2/16/18

Petitioner Name(s) St. Elias Church / Little Miracles Montessori School

Petitioner Address 4940 Harroun Rd.

Telephone _____

Location of property for which zoning amendment is requested:
4940 Harroun Rd. Sylvania, OH 43560

Purpose of amendment request: Amending special use permit

Current Zoning: R-1 special use
SUP

Requested Zoning: R7 SUP

The undersigned, being one or more of the owners, lessees or occupants within the area proposed to be changed by the amendment, hereby petition for an Amendment to the Zoning Code, pursuant to Chapter 1107 of the Codified Ordinances of the City of Sylvania, Ohio, as amended.

- Attachments:
1. Full legal description of the property for which the Zoning Amendment is proposed.
 2. Area location map.
 3. Site plan - if plan is larger than 11" x 17", eighteen (18) copies must be submitted.

A check for ~~\$150.00~~^{\$100.00}, payable to the City of Sylvania, is attached for processing of said Petition. It is understood that no refund is to be made after the filing of the Petition. + cost of advertising w/ Toledo Blade

By: Donna Schroyer-Busen

Date referred by Council: 3/5/18

Date of Commission Action: _____

Date of Council Action: _____

Action: _____

#8426 5100 2/16/18 rd. Donna Schroyer

ST. ELIAS ANTIOCHIAN ORTHODOX CHURCH ASSOCIATION

Legal Description

Parcel 1: The Southerly nine (9) rods of the Northerly twenty-five (25) rods of the Westerly forty (40) rods of the North one-half (½) of the Northeast (1/4) of Section fifteen (15), Town nine (9) South, Range six (6) East, in Sylvania Township, Lucas County, Ohio. Subject to legal highways.

Tax Parcel No.: 82-04530

Parcel 2: The West forty (40) rods of the South eight (8) rods of the North sixteen (16) rods of the North one-half (½) of the Northeast quarter (1/4) of Section fifteen (15), Town nine (9) South, Range six (6) East, in Sylvania Township, Lucas County, Ohio, subject to legal highways.

Tax Parcel No.: 82-04532

Parcel 3: That part of the Northerly twenty-five (25) rods of the Northeast quarter of Section fifteen (15), Town nine (9) South, Range six (6) East, in the City of Sylvania, Lucas County, Ohio, lying Northwesterly of relocated U. S. 23, excepting therefrom the Westerly forty (40) rods thereof, subject to legal highways.

Tax Parcel No.: 82-04529

Parcel 4: The North eight (8) rods of the West forty (40) rods of the Northeast quarter (1/4) of Section fifteen (15), Town nine (9) South, Range six (6) East, in the City of Sylvania, Lucas County, Ohio. Subject to legal highways.

Tax Parcel No.: 82-04534

Address: 4940 Harroun Road
Sylvania, OH 43560



City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

Memo

To: The Mayor and City Council
 From: Kevin G. Aller, Director of Public Safety/Service *KGA*
 Date: 3/1/2018
 Re: Obsolete Equipment

Council Members,

The following vehicle is no longer of use in our City operations as listed below:

2004 Ford F-250 truck with plow VIN # 1FTNF21L04ED03474

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

Please call if you have any questions. Thank you.

1261.

RESOLUTION NO. 5 -2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SYLVANIA IN SUPPORT OF THE BOARD OF LUCAS COUNTY COMMISSIONERS TO ENACT A COUNTY MOTOR VEHICLE LICENSE FEE PURSUANT TO OHIO REVISED CODE SECTION 4504.24; AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of Sylvania recognizes the importance of maintaining county roads and that the funds available for road maintenance remain stagnant while the cost of road maintenance is increasing; and,

WHEREAS, the Council of the City of Sylvania recognizes the importance the county road system has on the orderly and efficient flow of traffic within and through the county including the Townships and Municipalities of Lucas County, Ohio; and,

WHEREAS, Ohio Revised Code Chapter 4504.24 allows the Board of Lucas County Commissioners to levy an additional annual license fee of \$5.00 upon the operation of motor vehicles on the public roads and highways in the county for any authorized purpose including paying for the construction, reconstruction, improvement, maintenance and repair of highways, roads, and streets designated as necessary or conducive to the orderly and efficient flow of traffic within and through the county, repair of bridges and culverts, the costs and expenses of administering the license plate tax, for purchasing, erecting, and maintaining traffic signs, markers, lights, and signals; for purchasing road machinery and equipment, and for planning, constructing, and maintaining suitable buildings to house road equipment.

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

Section 1. The City of Sylvania, Ohio hereby supports the Board of Lucas County Commissioners levy of an additional annual license fee of \$5.00 upon the operation of motor vehicles on the public roads and highways in the county for any authorized purpose including paying for the construction, reconstruction, improvement, maintenance and repair of highways, roads, and streets designated as necessary or conducive to the orderly and efficient flow of traffic within and through the county, repair of bridges and culverts, the costs and expenses of administering the license plate tax, for purchasing, erecting, and maintaining traffic signs, markers, lights, and signals; for purchasing road machinery and equipment, and for planning, constructing, and maintaining suitable buildings to house road equipment.

SECTION 2. That the Clerk of Council be, and she hereby is, authorized to send a certified copy of this Resolution to the Clerk of the Board of Lucas County Commissioners.

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

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

SECTION 5. That this Resolution 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 reason that the Council should provide its support for the county motor vehicle license fee as soon as possible. Provided this Resolution 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, _____, 2018, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

12d1.

ORDINANCE NO. 14 -2018

AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING PROVIDING FOR THE DEVELOPMENT OF A PLAN OF OPERATION FOR AN OHIO REVISED CODE CHAPTER 6119 ENTITY TO BE ESTABLISHED TO PROVIDE REGIONAL WATER RESOURCE UTILITY SERVICES TO BE KNOWN AS THE TOLEDO AREA WATER AUTHORITY (“TAWA”); RATIFYING THE MAYOR’S SIGNATURE TO THE MEMORANDUM OF UNDERSTANDING ON JANUARY 31, 2018; AUTHORIZING THE DIRECTOR OF LAW TO PARTICIPATE IN THE FILING OF THE PETITION FOR THE CREATION OF THE OHIO REVISED CODE CHAPTER 6119 ENTITY; AND DECLARING AN EMERGENCY.

WHEREAS, Lake Erie provides the Northwest Ohio and Southeast Michigan region with perhaps its greatest asset – one of the world’s largest supplies of fresh water; and,

WHEREAS, Lake Erie provides water for the health, recreation, commerce, economic development, and jobs for hundreds of thousands of residents in the region; and,

WHEREAS, an additional water supply and treatment facility, together with regional water system interconnectivity, will create redundancy for a safe water supply to protect all residents and businesses during an emergency; and,

WHEREAS, representatives of several of the region’s water utility service providers and consumers have worked collaboratively to develop and recommend a Memorandum of Understanding providing the framework for an Ohio Revised Code Chapter 6119 entity to serve as a Regional Water Resource Utility designated as the Toledo Area Water Authority (TAWA); and,

WHEREAS, the framework for a Regional Water Resource Utility provides for shared and collaborative Chapter 6119 entity governance, rate setting based on the costs to provide service, and transparent financial reporting; and,

WHEREAS, TAWA will be best positioned to provide a long-term capital infrastructure planning and financing solution; and,

WHEREAS, the Memorandum of Understanding is attached hereto as “Exhibit A;” and,

WHEREAS, at the February 5, 2018 meeting of Sylvania City Council, this matter was referred to the Utilities & Environment Committee for its review and recommendation; and,

WHEREAS, the Utilities & Environment Committee met on February 28, 2018 to review and discuss the attached Memorandum of Understanding.

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

SECTION 1. That the Mayor and the Director of Finance be, and they hereby are, authorized to sign the proposed Memorandum of Understanding regarding the formation of the Toledo Area Water Authority (“TAWA”) and the Mayor’s signature to the Memorandum of Understanding dated January 31, 2018 is hereby ratified.

SECTION 2. That the City of Sylvania supports the creation of the Ohio Revised Code Chapter 6119 entity (TAWA) as delineated in the Memorandum of Understanding recommended by representatives of prospective TAWA members on January 31, 2018.

SECTION 3. That the City of Sylvania’s intent to become a TAWA Represented Member is not contingent on any other regional water service providers joining TAWA.

SECTION 4. That the City of Sylvania will take actions necessary, including the filing of Ohio Revised Code Chapter 6119 Petition to the Court of Common Pleas as applicable, to create the Chapter 6119 entity, all under the supervision of the Director of Law.

SECTION 5. That the City of Sylvania will fund its proportionate share of the Transition Costs, which costs are currently estimated to be \$150,000, defined in the Memorandum of Understanding to provide resources to establish the TAWA, develop the Plan of Operation, and effect the Conditions Precedent required prior to the TAWA Operational Effectiveness Date.

SECTION 6. That the City of Sylvania finds that a Regional Water Resource Utility is the region’s best long-term means to provide a safe, reliable, and plentiful supply of potable water with redundant infrastructure and interconnectivity between neighboring systems to ensure safe drinking water in emergency situations.

SECTION 7. That the City of Sylvania supports gradual transitioning of regional water utility rates guided by evaluation of the cost of water service using industry accepted guidance and transparent financial reporting.

SECTION 8. 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 9. 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 10. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that the Memorandum of Understanding should be entered into to provide for the creation of an Ohio Revised Code Chapter 6119 entity to provide regional water resources 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, _____, 2018, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date