

Sylvania City Council
September 17, 2018

7:00 p.m. Buildings & Grounds Committee Meeting
City owned property at 6606 Erie Street

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. Haynam.
3. Additions to the agenda.
4. Approval of the Council meeting minutes of September 5, 2018.
5. Proposed Ordinance No. 46-2018, First Amendment to Real Estate Purchase Agreement of SOMO MF Partners, LLC and SOMO Retail Holdings, LLC. (Revised)
6. Proposed Ordinance No. 49-2018, Authorizing certain changes to Variable Mode Health Care Revenue Bonds issued for the benefit of Rosary Care Center.
7. Street Banner Permit request from Lourdes University.
 - a. Proposed Ordinance No. 50-2018, Approving the Banner Application of Lourdes University.
8. Main Street Reconstruction Project.
 - a. Service Director's report on Change Order No. 1.
 - b. Proposed Ordinance No. 51-2018, Authorizing to approve Change Order No. 1 to agreement with Helms and Sons Excavating, Inc.
9. Sylvania River Trail Phase 2 Project.
 - a. Service Director's report on Change Order No. 1.
 - b. Proposed Ordinance No. 52-2018, Authorizing to approve Change Order No. 1 to agreement with Miller Brothers Construction, Inc.
10. Salt Conveyor System purchase.
 - a. Service Director's report on purchase.
 - b. Proposed Ordinance No. 53-2018, Authorizing to enter into a Joint Cooperation Agreement with Board of Monclova Township Trustees for the purchase and use of a Portable Salt Conveyor.
11. Committee reports.
 - a. Buildings & Grounds Committee meeting from this date regarding 6606 Erie St.
12. Committee referrals.

INFORMATION

- A. August 2018 Cash Report from the Division of Taxation.
- B. August 2018 Bank Reconciliation.
- C. Board of Architectural Review minutes from September 12, 2018.
- D. Public Meeting Notice regarding US-23 and Monroe Street Interchange Study.

Minutes of the Meeting of Council
September 5, 2018

The Council of the City of Sylvania, Ohio met in regular session on September 5, 2018 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, Patrick Richardson, Mary Westphal; (7) present; (0) absent.

Roll call:
All present.

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

Pledge of
Allegiance.

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

The following items were added to the agenda:
Two information items.

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

Agenda
approval.

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

Mrs. Cappellini presented the August 20, 2018 meeting minutes. Mrs. Cappellini moved, Mrs. Husman seconded, that since the Mayor, members of Council, and others had been furnished copies of these minutes prior to this meeting, Council dispense with the reading of these minutes at this time, and the journal of the minutes of the regular meeting of August 20, 2018 be approved; roll call vote being: Frye, Haynam, Husman, Luetke, Richardson, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Approval of the
August 20
meeting
minutes.

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

Mayor Stough presented and read aloud the proclamation to Scott and Barbara Hudson of Hudson Gallery for their contribution to the City of Sylvania's Art community and their 15th Anniversary.

Proclamation to
Hudson Gallery.

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

Mr. Rick Arnos of Republic Development provided an update on the SOMO project. He requested an extension to re-bid the project to get it within budget.

Rick Arnos
...SOMO
project info.

Mr. Haynam moved, Mrs. Cappellini seconded to enter into Committee of the Whole Executive Session for the purpose of possible real estate property sale at 8:14 p.m. Roll call vote being: Cappellini, Frye, Haynam, Husman, Luetke, Richardson, Westphal, (7) yeas; (0) nays. The motion carried.

C-O-W
Executive
Session re: real
estate sale,
SOMO.

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Mr. Luetke moved, Mrs. Westphal seconded to return from Committee of the Whole Executive Session to General Session at 8:34 p.m. Roll call vote being: Frye, Haynam, Husman, Luetke, Richardson, Westphal, Cappellini, (7) yeas; (0) nays. The motion carried.

Mrs. Westphal moved, Mr. Haynam seconded to direct the administration to revise the legislation with the purpose of granting the extension for the Commercial Real Estate Purchase Agreement (SOMO property). Roll call vote being: Haynam, Husman, Luetke, Richardson, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

Order revised
legislation with
purpose to grant
extension.
(SOMO project)

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

Mr. Richardson presented and read aloud by title only, the second reading of proposed Ordinance No. 43-2018, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to enter into a Joint Cooperation Agreement on behalf of the City of Sylvania with the Board of Lucas County Commissioners, relative to the Holland-Sylvania Road Resurfacing Project; appropriating \$278,176 for said project; and declaring an emergency." Mr. Richardson moved, Mrs. Westphal seconded, that Council dispense with the Third Reading of said Ordinance;, roll call vote being: Haynam, Husman, Luetke, Richardson, Westphal, Cappellini, Frye, (7) yeas; (0) nays. The motion carried.

Ordinance No.
43-2018;
"...Joint Co-Op
Agreement...
Holland-
Sylvania
Resurfacing
project..."

Mr. Richardson moved, Mr. Haynam seconded, that Ordinance No. 43-2018 be enacted as an emergency measure as declared therein; roll call vote being: Husman, Luetke, Richardson, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays. The motion carried.

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

Mr. Richardson presented and read aloud by title only, the second reading of proposed Ordinance No. 44-2018, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to enter into a Joint Cooperation Agreement on behalf of the City of Sylvania with the Board of Lucas County Commissioners, relative to the Sylvania Avenue Resurfacing Project; appropriating \$82,850 for said project; and declaring an emergency." Mr. Richardson moved, Mrs. Westphal seconded, that Council dispense with the Third Reading of said Ordinance;, roll call vote being: Luetke, Richardson, Westphal, Cappellini, Frye, Haynam, Husman, (7) yeas; (0) nays. The motion carried.

Ordinance No.
44-2018,
"Authorizing
Joint Co-Op
Agreement....
Sylvania
Avenue
Resurfacing
Project..."

Minutes of the Meeting of Council
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Mr. Richardson moved, Mrs. Husman seconded, that Ordinance No. 44-2018 be enacted as an emergency measure as declared therein; roll call vote being: Richardson, Westphal, Cappellini, Frye, Haynam, Husman, Luetke, (7) yeas; (0) nays. The motion carried.

Mayor Stough stated that Council will now consider agenda item 9.

Mr. Frye presented and read aloud by title only, the second reading of proposed Ordinance No. 45-2018, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to enter into an agreement on behalf of the City of Sylvania between the City of Sylvania and the Board of Lucas County Commissioners for the Suburban Court Services Program; agreeing to participate in funding a portion of the local share for Suburban Courts' Services; appropriating \$25,000 therefore; and declaring an emergency." Mr. Frye moved, Mrs. Westphal seconded, that Council dispense with the Third Reading of said Ordinance;, roll call vote being: Westphal, Cappellini, Frye, Haynam, Husman, Luetke, Richardson, (7) yeas; (0) nays. The motion carried.

Ordinance No. 45-2018, ".....agreement with Lu. Co. CommissionersSuburban Court Services program..."

Mr. Frye moved, Mrs. Husman seconded, that Ordinance No. 45-2018 be enacted as an emergency measure as declared therein; roll call vote being: Cappellini, Frye, Haynam, Husman, Luetke, Richardson, Westphal, (7) yeas; (0) nays. The motion carried.

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

Mr. Haynam moved, Mrs. Westphal seconded to allow Mr. Frye to push back from the table due to conflict of interest; roll call vote being: Cappellini, Frye, Haynam, Husman, Luetke, Richardson, Westphal, (7) yeas; (0) nays. The motion carried.

Mrs. Westphal presented and read aloud by title only, the second reading of proposed Ordinance No. 47-2018, a written copy of same having been previously furnished to each member of Council, "Authorizing the Mayor and Director of Finance to enter into an Intergovernmental Cooperative Agreement for a New Water Management Facility; and declaring an emergency."; Mrs. Westphal moved, Mr. Haynam seconded, that Council dispense with the Second and Third Readings of said Ordinance; roll call vote being; Haynam, Husman, Luetke, Richardson, Westphal, Cappellini, (6) yeas; (0) nays. The motion carried.

Ordinance No. 47-2018, ".... Intergovernmental Co-Op Agreement... New water Mgmt Facility..."

Minutes of the Meeting of Council
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Mrs. Westphal moved, Mrs. Husman seconded, that Ordinance No. 47-2018 be enacted as an emergency measure as declared therein; roll call vote being: Husman, Luetke, Richardson, Westphal, Cappellini, Haynam, (6) yeas; (0) nays. The motion carried.

Mr. Frye returned to the table.

Mayor Stough stated that Council will now consider agenda item 11.

Mrs. Westphal moved, Mr. Frye seconded to forward proposed Ordinance 48-2018 to the Buildings & Grounds for further study; roll call vote being: Husman, Luetke, Richardson, Westphal, Cappellini, Frye, Haynam, (7) yeas; (0) nays. The motion carried.

Proposed Ord
No. 48-2018 to
Bldgs &
Grounds
Committee.

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

Mrs. Husman moved, Mr. Luetke seconded to grant permission to the Sylvania Historical Village to rename the Blacksmith Barn as "Armstrong" Barn at the Historical Village to honor Joy and Army Armstrong. Roll call vote being: Westphal, Cappellini, Frye, Haynam, Husman, Luetke, Richardson, (7) yeas; (0) nays. The motion carried.

Rename
Blacksmith Barn
to "Armstrong"
Barn at Hist.
Village.

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

Mr. Frye reported the Safety Committee met on this date to discuss the Designated Outdoor Refreshment Area (DORA). Support from liquor permit holders in the downtown area was acknowledged for the DORA. The Committee moved to assemble an Ad Hoc DORA Committee be created that would be comprised of two Council members, members of Administration including Mr. Sanford and Mrs. Brinning, one representing the liquor permit holders, one other downtown business, and one neighbor to the potential DORA to study the logistics of this concept.

Report of Safety
Committee....
Designated
Outdoor
Refreshment
Area.

Mr. Frye moved, Mr. Luetke seconded to create an Ad Hoc Committee of Council for the investigation of a Designated Outdoor Refreshment Area (DORA) which is comprised of two Council members, members of Administration including Mr. Sanford and Mrs. Brinning, one representing the liquor permit holders, one other downtown business, and one neighbor to the potential DORA. Roll call vote being: Westphal, Cappellini, Frye, Haynam, Husman, Luetke, Richardson, (7) yeas; (0) nays. The motion carried.

Creation of Ad
Hoc DORA
Committee to
study concept.

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September 5, 2018

Mrs. Husman scheduled a Building & Grounds Committee meeting to discuss the City's property at 6606 Erie Street for September 17, 2018 at 7:00 p.m.

Bldgs &
Grounds Com
Mtg; 9/17/18,
7:00 p.m.

Mayor Stough provided two information items:

- a. Income tax receipt are down around 4%, due to several businesses relocating outside the City. He state this will be taken into account when considering the 2019 Budget.
- b. The 9/11 Ceremony will be held on Tuesday morning at Toledo Memorial Park's First Responder Memorial.

Mrs. Westphal stated that the Sylvania Library will be having a program at 5:30p.m. to celebrate the re-opening on Friday, September 7th.

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

Mrs. Westphal moved, Mrs. Husman seconded that this meeting adjourn; all present voting yea (7); (0) nays. The motion carried and the meeting adjourned at 9:17 p.m.

Adjournment.

Clerk of Council

Mayor

ORDINANCE NO. 46 2018

APPROVING THE FIRST AMENDMENT TO COMMERCIAL REAL ESTATE PURCHASE AGREEMENT OF SOMO MF PARTNERS, LLC AND SOMO RETAIL HOLDINGS, LLC TO PURCHASE THE CITY'S REAL ESTATE KNOWN AS THE SOMO PROPERTY LOCATED ALONG MONROE STREET; AUTHORIZING THE MAYOR AND THE DIRECTOR OF FINANCE TO ACCEPT SAID FIRST AMENDMENT TO COMMERCIAL REAL ESTATE PURCHASE AGREEMENT ON BEHALF OF THE CITY OF SYLVANIA; DETERMINING SAID REAL ESTATE TO BE NO LONGER NEEDED FOR MUNICIPAL PURPOSES; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 40-2008, passed April 21, 2008, authorized the Mayor and Director of Finance to enter into an Offer to Purchase the property located at 6453 Monroe Street for \$165,000; and,

WHEREAS, Ordinance No. 89-2008, passed September 3, 2008, authorized the Mayor and Director of Finance to enter into an Offer to Purchase the Property located at 6447-6449 Monroe Street for \$360,000; and,

WHEREAS, Ordinance No. 111-2009, passed October 19, 2009, authorized the Mayor and Director of Finance to enter into an Offer to Purchase the property located at 6465, 6461 and 6457 Monroe Street for \$735,000; and,

WHEREAS, Ordinance No. 26-2017, passed March 6, 2017, approved the Offer to Purchase of Republic Development, LLC and J.C. Hart Company, Inc. to purchase the City's real estate known as the SOMO Property located along Monroe Street at a sale price of \$1,200,000 and authorized the Mayor and Director of Finance to accept said Offer to Purchase on behalf of the City of Sylvania; and,

WHEREAS, the City has recently been informed that the contractor bids received to date by Buyer have greatly exceeded the Buyers' construction budget and, therefore, they are requesting additional time to solicit, negotiate and evaluate bids prior to closing on the purchase

the property; and,

WHEREAS, SOMO MF Partners, LLC and SOMO Retail Holdings, LLC have submitted a First Amendment to Commercial Real Estate Purchase Agreement to purchase said real estate known as SOMO located along Monroe Street from the City of Sylvania, which First Amendment to Commercial Real Estate Purchase Agreement is now on file with the Clerk of this Council; NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sylvania, Lucas County, Ohio, _____ members elected thereto concurring:

SECTION 1. That this Council hereby finds and determines that the real estate known as SOMO is no longer needed for any municipal purpose.

SECTION 2. That the First Amendment to Commercial Real Estate Purchase Agreement, submitted by SOMO MF Partners, LLC and SOMO Retail Holdings, LLC for the purchase of the SOMO property is hereby approved and the Mayor and Director of Finance be, and they hereby are, authorized to accept said First Amendment to Commercial Real Estate Purchase Agreement of this City.

SECTION 3. That the method, manner, consideration and procedure for the sale of said City owned real estate is hereby determined to be as set forth herein and as approved by this Ordinance and it is hereby determined that the sale of said real estate as hereby approved complies with those requirements.

SECTION 4. That the Mayor and Director of Finance be, and they hereby are, authorized to execute and deliver a Warranty Deed for said premises prepared by the Director of Law and they are hereby authorized to so any and all things necessary and incidental to facilitate the closing on said sale of real estate, all under the supervision of the Director of Law.

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 any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6. That the Clerk of Council is hereby directed to post a copy of this Ordinance in the Office of the Clerk of Council in the Municipal Building pursuant to ARTICLE III, Sections 11 and 12, of the Charter of this City.

SECTION 7. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that this City must act on the amendment to the purchase agreement

immediately or lose the benefits thereof and therefore this Ordinance should be effective forthwith. 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 the Mayor or as otherwise provided by the Charter.

Vote dispensing with the third reading: Yeas _____ Nays _____

Passed, _____, 2018, as an emergency measure.

President of Council

ATTEST:

Clerk of Council

APPROVED:

APPROVED AS TO FORM:

Mayor

Director of Law

Date

FIRST AMENDMENT TO COMMERCIAL REAL ESTATE PURCHASE AGREEMENT

This First Amendment to Commercial Real Estate Purchase Agreement (the "Amendment") is entered into as of September __, 2018 (the "Effective Date") by and among the City of Sylvania, Lucas County, Ohio, having an address at 6730 Monroe Street, Suite 203, Sylvania, Ohio 43560 ("Seller"), SOMO MF Partners, LLC, an Indiana limited liability company, having an address of 805 City Center Drive, Carmel, Indiana 46032 ("MF") and SOMO Retail Holdings, LLC, an Ohio limited liability company, having an address at 3150 Republic Blvd. N., Suite 3, Toledo, Ohio 43615 ("Retail"). MF and Retail shall be collectively referred to herein as "Buyer". Capitalized terms which are not otherwise defined herein shall have the meaning given to them in the Agreement.

Seller, J. C. Hart Company, Inc., an Indiana corporation ("Hart") and Republic Development LLC, an Ohio limited liability company ("Republic") entered into a Commercial Real Estate Purchase Agreement dated March 6, 2017 (the "Agreement"). Hart and Republic have assigned their rights under the Agreement to MF and Retail.

Seller is the owner of real property known as the SOMO property, located along Monroe Street in Sylvania, Ohio, consisting of approximately 5.5 acres and an approximately 5,000 square foot commercial retail/office building, and more particularly depicted on Exhibit "A" attached hereto and made a part hereof, which has been divided into Lot 1 and Lot 2 (the "Property"). Pursuant to the Agreement, and the assignments referenced above, (a) Seller has agreed to convey Lot 1 to MF, and MF has agreed to purchase Lot 1 from Seller, and (b) Seller has agreed to convey Lot 2 to Retail, and Retail has agreed to purchase Lot 2 from Seller.

Due to unanticipated cost increases and extenuating circumstances, and pursuant to Section 22.06 of the Agreement, the parties agree to amend the Agreement as follows:

1. The Approval Period in Section 9.06 is hereby extended to October 10, 2018, during which time Buyer shall solicit, negotiate and evaluate construction bids for the development contemplated on the Property, and seek financing for the development. Upon written notice to Seller any time prior to October 10, 2018, Buyer may extend the Approval Date to November 10, 2018.

2. Section 18 of the Agreement is hereby amended to read its entirety as follows:

"18. Right to Repurchase.

(a) In the event MF has not begun excavation for development of Lot 1 by July 31, 2019 (the "Lot 1 Trigger Date"), Seller shall have the right, upon thirty (30) days' written notice to MF, to repurchase Lot 1 from MF for \$1,032,000.00,

(b) In the event the redevelopment of Lot 2 is not completed by June 30, 2028 (the "Lot 2 Trigger Date"), Seller shall have the right, upon thirty (30) days' written notice to Retail, to repurchase Lot 2 from Retail for \$168,000.00.

3. Except as amended in Sections 1 and 2 hereof, all terms and provisions of the Agreement shall remain in full force and effect.

Executed as of the date first written above.

CITY OF SYLVANIA

By: _____

SOMO MF PARTNERS, LLC,
an Indiana limited liability company

By: J.C. Hart Company, Inc.,
an Indiana corporation, Manager

By: 

John C. Hart, Jr., President

SOMO RETAIL HOLDINGS LLC,
an Ohio limited liability company

By: Republic Properties LLC,
an Indiana limited liability company, Manager

By: 

Richard L. Arnos, President

ORDINANCE NO. 49 - 2018

AUTHORIZING CERTAIN CHANGES TO VARIABLE MODE HEALTH CARE REVENUE BONDS ISSUED FOR THE BENEFIT OF ROSARY CARE CENTER; AUTHORIZING EXECUTION OF A SUPPLEMENT TO TAX REGULATORY AGREEMENT WITH RESPECT TO THE BONDS; AUTHORIZING EXECUTION OF A BOND PURCHASE AGREEMENT WITH RESPECT TO THE BONDS; AND AUTHORIZING OTHER DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF THE BONDS; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Sylvania (the “Issuer”) has previously issued, pursuant to Ordinance No. 12-2012, its Health Care Revenue Bonds, Series 2012 (Rosary Care Center) (the “Series 2012 Bonds”), for the purpose of (i) the acquisition, construction, renovation, installation and equipping of certain improvements to hospital facilities consisting of a 17 unit assisted living facility, and including the refinancing of certain debt with respect thereto to be operated by Rosary Care Center (the “Corporation”) and (ii) paying certain costs of issuance of the Series 2012 Bonds; and,

WHEREAS, the Trust Indenture between the Issuer and The Bank of New York Mellon Trust Company, N.A. (the “Trustee”) dated January 1, 2012 (the “Trust Indenture”) relating to the Series 2012 Bonds provides for the Conversion of the Series 2012 Bonds from one Direct Purchase Mode to another Direct Purchase Mode, and such Conversion is desired by the Corporation; and,

WHEREAS, while it is contemplated that many Conversions from one Interest Rate Mode to another Interest Rate Mode under the Trust Indenture can be accomplished without further action by this Council, certain changes can constitute a “reissuance” of the Series 2012

Bonds for federal tax purposes and require action by the Issuer to preserve the exclusion from taxable income for federal income tax purposes of the interest on the Series 2012 Bonds; and,

WHEREAS, it is necessary in connection with the Conversion to a new Direct Purchase Mode pursuant to the Series 2012 Bonds Trust Indenture to provide for a Supplement to the Tax Regulatory Agreement dated the date of the Conversion, among the Corporation, the Issuer and the Trustee; and,

WHEREAS, it is necessary in connection with the contemplated Conversion of the Series 2012 Bonds from one Direct Purchase Mode to another Direct Purchase Mode to also provide for the authorization of a Bond Purchase Agreement, a new form of Bond, and to authorize certain other documents in connection with the Conversion of the Series 2012 Bonds.

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

SECTION 1. That for the purpose of better providing for the health and welfare of the people of the State of Ohio by enhancing the availability, efficiency and economy of hospital facilities and facilitating the financing of hospital facilities to be available to or for the service of the general public without discrimination by reason of race, creed, color or national origin, this Council had determined to issue the Series 2012 Bonds pursuant to Section 140.06, Ohio Revised Code, in the principal amount of \$4,395,000 for the purposes set forth in the preambles hereto and Council hereby determines that the changes contemplated are consistent with that determination. The Series 2012 Bonds shall be issued in the form and denominations and shall be executed, dated, be subject to redemption prior to maturity on the dates and at the prices, bear interest, and be payable on the dates, as provided in the Trust Indenture and Bond Purchase Agreement hereinafter authorized. The interest rate on the Series 2012 Bonds shall not exceed the lesser of 25% per annum or the maximum rate allowed by law.

SECTION 2. That the Mayor and Director of Finance of the Issuer are each hereby authorized and directed to execute and deliver on behalf of the Issuer a Bond Purchase Agreement (the "Bond Purchase Agreement") providing for the conversion to a new Direct Purchase Mode, substantially in the form heretofore presented to this Council. The Huntington National Bank (the "Direct Purchaser") shall be the holder of the Series 2012 Bonds after the conversion to the new Direct Purchase Mode. Such Bond Purchase Agreement and/or the Trust Indenture shall set forth the outstanding amount and the principal amount, maturities and interest rate or rates on the Series 2012 Bonds, and additional redemption provisions of the Series 2012 Bonds and the execution and delivery of the Bond Purchase Agreement by such officers of the

Issuer shall be conclusive evidence of the authorization by the Issuer of the conversion to a new Direct Purchase Mode of the Series 2012 Bonds and the other changes described therein.

SECTION 3. That the Mayor and Director of Finance of the Issuer and the Trustee are hereby authorized and directed to do all the acts and things required of them by the provisions of the Series 2012 Bonds and the Trust Indenture to the end that full and complete performance of all of the terms, covenants and agreements of the Series 2012 Bonds and Bond Purchase Agreement be effected, including taking all actions necessary to (i) effect changes in the Mode of the Series 2012 Bonds, under the Trust Indenture, and (ii) complete the 'sale' of the Series 2012 Bonds under the "Blue Sky" laws of any jurisdiction; provided that the Issuer shall not be required to submit to service of process in connection with any such "Blue Sky" action in any state except Ohio.

SECTION 4. That the Mayor and Director of Finance of the Issuer are each hereby authorized and directed to execute and deliver on behalf of the Issuer a Supplement to Tax Regulatory Agreement substantially in the form presented to this Council and on file with the Clerk of this Council, subject to such changes, insertions and omissions that are not inconsistent with this Ordinance, are not adverse to the Issuer and are permitted Chapter 140 of the Ohio Revised Code and as may be approved by the officers executing the Trust Indenture, which approval shall be conclusively evidenced by the execution of the Supplement to Tax Regulatory Agreement as aforesaid.

SECTION 5. That this Council, hereby covenants that, to the extent within its control, it will restrict the use of the proceeds of the Series 2012 Bonds hereby authorized in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code and the regulations prescribed thereunder. The Clerk or any other officer having responsibility with respect to the issuance of the Series 2012 Bonds is authorized and directed to give an appropriate certificate on behalf of the Issuer, on the date of delivery of the Series 2012 Bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of Section 148 and regulations thereunder.

SECTION 6. That the Mayor and Director of Finance of the Issuer are each hereby authorized to execute and deliver on behalf of the Issuer such other certificates, documents and instruments in connection with the sale of the Series 2012 Bonds in a new Direct Purchase Mode and subsequent Modes under the Trust Indenture and as may be required, necessary or appropriate, including, without limitation, any documents which are necessary or appropriate in order to ensure continuing compliance of the Series 2012 Bonds with the Internal Revenue Code, including IRS Forms 8038 (or other similar applicable forms), escrow deposit agreements and home office payment agreements. Such documents, including the ones specifically authorized hereby, shall be subject to such changes, insertions and omissions that are not inconsistent with this Ordinance, are not adverse to the Issuer and are permitted Chapter 140 of the Ohio Revised Code and as may be approved by the officers executing such documents, which approval shall be conclusively evidenced by the execution thereof by any member of this Council.

SECTION 7. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were passed 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 the law, including Section 121.22 of the Ohio Revised Code.

SECTION 8. 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 9. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety, property and this community's welfare in that the changes in mode and other provisions of the Bond Purchase Agreement are necessary to immediately address the changes enacted by the bill commonly known as the Tax Cuts and Jobs Act of 2017, and the required tender of the Bonds. Provided this Ordinance receives the affirmative vote of five (5) or more members elected to Council, and 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

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ORDINANCE NO. 50 -2018

APPROVING THE BANNER APPLICATION OF LOURDES UNIVERSITY; AUTHORIZING THE ZONING ADMINISTRATOR TO INDICATE SUCH APPROVAL ON BEHALF OF THE CITY OF SYLVANIA; AND DECLARING AN EMERGENCY.

WHEREAS, Resolution No. 19-2000, passed June 5, 2000, granted permission to install banners in the public right-of-way on the Toledo Edison poles located on Monroe Street by Wendy's across to the area in front of Country Squire Plaza (near the intersection of Corey Road and Monroe Street); and,

WHEREAS, Resolution No. 19-2000 provided that the applications were to be reviewed on an application-by-application basis and set forth the criterion on which the applications were to be considered; and,

WHEREAS, Ordinance No. 20-2018, passed May 21, 2018, amended Part Eleven – Planning and Zoning Code of the Codified Ordinances of Sylvania, 1979, as amended, by amending Section 1166.07 – Standards for Permitted Signs to permit banners to be installed in the downtown; and,

WHEREAS, Lourdes University has submitted a request to hang a banner within said public right-of-way to promote the Lourdes University homecoming festivities from October 12-14, 2018; and,

WHEREAS, the banner will hang from October 1, 2018 – October 15, 2018 and will comply with all of the terms and conditions set forth in Resolution No. 19-2000 and Ordinance No. 20-2018.

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

SECTION 1. That the application of Lourdes University to hang a banner on across the downtown block of Main Street between Maplewood Avenue and Monroe Street is found to comply with Section 1166.07(h)(2)(A)(1) and is hereby approved.

SECTION 2. That the Zoning Administrator is authorized to sign said permit granting permission to proceed under the application hereby approved.

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

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

SECTION 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, property and welfare and for the further reason that permission should be granted immediately to provide for the immediate installation of the banner. 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

City of Sylvania
Division of Zoning
STREET BANNER APPLICATION/PERMIT

Fee: \$ 100.00

Name of Organization Lourdes University

Contact Person Brittanie Kuhr

Telephone or E-mail bkuhr@lourdes.edu (419) 517-8990

Explanation of the Qualifying Event* Lourdes University would like to promote the annual Homecoming festivities, which take place October 12 - 14, 2018.

Dates of Event October 12 - 14, 2018

Installation & Removal Dates of Banner September 17 - October 15, 2018
[maximum four (4) weeks]

Banner Location ~~Toledo Edison poles by Wendy's and Country Squire on Monroe Street~~
across Main Street, near Chandler's alley

Text of Banner Homecoming Weekend / Welcome Alumni & Friends

Company Installing Banner: Yankee Doodle

Address 3525 N. Holland Sylvania Road, Toledo, OH 43615

Telephone 800-228-3524 Fax _____

Insurance on File Hylant Group, Policy Y6304C496144TIL17 (enclosed)

Edison Approval _____

City Approval _____

The banner and installation shall meet the attached specifications.

- * - The purpose of the banner installation shall be one of the following reasons:
 - a. A Sylvania charitable or civic event.
 - b. Banners may not be installed for private commercial or political gain.



Resized
48' x 41'

fourdes.edu



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
7/12/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Hylant Group Inc - Toledo
811 Madison Ave
Toledo OH 43604

CONTACT NAME:
PHONE
[A/C No, Ext]: 419-255-1020
FAX
[A/C No]: 419-255-7557
E-MAIL ADDRESS:

INSURED
SISTOFS-05
Lourdes University
6832 Convent Blvd.
Sylvania OH 43560

INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A :	Travelers Prop Cas Co of Amer	25674
INSURER B :		
INSURER C :		
INSURER D :		
INSURER E :		
INSURER F :		

COVERAGES

CERTIFICATE NUMBER: 1024922900

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDITIONAL SUBROGATION WAIVED	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:	Y	Y6304C496144TIL17	11/1/2017	11/1/2018	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Emp Benefits \$ 1,000,000 COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ EACH OCCURRENCE \$ AGGREGATE \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY					BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ EACH OCCURRENCE \$ AGGREGATE \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$					PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/>	Y6304C496144TIL17 Stop Gap	11/1/2017	11/1/2018	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
City of Sylvania is an Additional Insured on the General Liability policy as required by written contract, per attached endorsement CGD188.

CERTIFICATE HOLDER
City of Sylvania
6730 Monroe St.
Sylvania OH 43560

CANCELLATION
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
AUTHORIZED REPRESENTATIVE
Michael M. [Signature]

8a



City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

September 17, 2018

To: The Mayor and Members of Sylvania City Council

Re: **MAIN STREET RECONSTRUCTION (LUC-CR 1572-8.96, PID 104438)
CHANGE ORDER NO. 1**

Dear Mr. Mayor and Council Members:

This change order request contains four items of additional work and/or modified work from the original contract documents for the ongoing Main Street Reconstruction Project (LUC-CR 1572-8.96, PID 104438). A brief summary of these items are as follows:

- Storm Sewer Material Switch – The specifications at the time of bidding allowed the use of corrugated polyethylene smooth lined pipe for storm sewer. This is an ODOT approved pipe, but currently not a type of pipe permitted for use under pavements within the City. As a result the material was switched to PVC solid wall pipe to align with City standards.
- Geogrid & Superberm Materials – During pavement excavation there were several areas of unsuitable soils encountered. The project geotechnical engineer recommended the most cost effective approach to address these areas would be with geogrid and superberm backfill in lieu of further excavation and granular backfill as directed in the construction plans.
- Stage 3 MOT Lane Closure – Stage 3 maintenance of traffic (MOT) required the reduction of westbound Monroe Street from two lanes to one lane at Summit Street. Additional labor and hours were required from the MOT contractor to perform this lane closure.
- Temporary Crosswalk Lines – The material to be used for the decorative crosswalks at the intersection of Main Street & Monroe Street is currently on delay. As a result temporary crosswalk lines were required to be installed for the interim period.

The total cost of these changes is \$18,663.98. We would recommend approval of Change Order No. 1 which will increase the contract amount from \$789,924.43 to \$808,588.41. 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

Project Ordinance No.: 11-2018 Purchase Order No. 55207

Contract: Main Street Reconstruction (LUC-CR 1572-8.96, PID 104438)

Title of Change Order: _____

Date: 9/6/2018

Description of Change:	Storm Sewer Material Switch (Project CO#1)	\$3,731.22
	Geogrid & Superberm Materials (Project CO#4)	\$10,021.75
	Stage 3 MOT Lane Closure (Project CO #5)	\$3,531.01
	Temporary Crosswalk (Project CO#5)	\$1,380.00
	TOTAL	\$18,663.98

RECOMMENDED FOR APPROVAL BY: *Kevin G. Aller* 9-10-18
 Kevin G. Aller, P.E. Date
 Public Service Director

Original Contract Amt	\$ 789,924	43	REVIEWED BY: <u><i>Joseph E Shaw</i></u> Engineer
Previous Changes (+ or -)	\$ 0	00	DATE: <u>9/10/18</u>
This Change (+ or --)	\$ 18,663	98	SUBMITTED BY: <u><i>Heinz and Sons Excavating, Inc.</i></u> Name of Contractor
Adjusted Contract Amt	\$ 808,588	41	DATE: <u>9-10-18</u> <u><i>[Signature]</i></u> Contractor's Signature

City of Sylvania, Ohio

The above proposal is hereby approved.

 Craig A. Stough, Mayor Date

The above proposal is hereby approved.

 Toby Schroyer, Finance Director Date

86

ORDINANCE NO. 51 -2018

AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO APPROVE CHANGE ORDER NO. 1 TO THIS CITY'S AGREEMENT WITH HELMS AND SONS EXCAVATING, INC. FOR THE MAIN STREET RECONSTRUCTION PROJECT WHICH REFLECTS THE ACTUAL WORK PERFORMED ON THIS PROJECT; INCREASING THE CONTRACT AMOUNT BY \$18,663.98; APPROPRIATING FUNDS THEREFORE; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 11-2018, passed March 5, 2018, accepted the bid of Helms and Sons Excavating, Inc. for the Main Street Reconstruction Project, which bid was in the amount of \$789,924.43; and,

WHEREAS, the Director of Public Service, by report dated September 17, 2018, has recommended the acceptance of Change Order No. 1 of Helms and Sons Excavating, Inc. for said Main Street Reconstruction Project to reflect four items of additional work and/or modified work from the original construct documents including different material for the storm sewer, additional geogrid and superberm backfill required during pavement excavation, Stage 3 maintenance of traffic lane closure which resulted in additional labor and hours required for this lane closure, and temporary crosswalk line installation; and,

WHEREAS, the addition of these items resulted in a net increase to the contract in the amount of Eighteen Thousand Six Hundred Sixty-Three and 98/100 Dollars (\$18,663.98), for a total contract amount of \$808,588.41.

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 Eighteen Thousand Six Hundred Sixty-Three and 98/100 Dollars (\$18,663.98), 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 Eighteen Thousand Six Hundred Sixty-Three and 98/100 Dollars (\$18,663.98).

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 the actual work performed and materials used 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, _____, 2018, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

9a



City Of Sylvania

DEPARTMENT OF PUBLIC SERVICE

KEVIN G. ALLER, PE DIRECTOR

September 17, 2018

To: The Mayor and Members of Sylvania City Council

Re: **SYLVANIA RIVER TRAIL PHASE 2
CHANGE ORDER NO. 1**

Dear Mr. Mayor and Council Members:

This change order request contains two items of additional work from the original contract documents for the ongoing Sylvania River Trail Phase 2 Project. A brief summary of these items are as follows:

- Repair of US-23 Storm Sewer (CO#1) – During a field review it was discovered that an existing ODOT storm sewer located in the US-23 median (north of the Ottawa River) within our project limits was in very poor condition. Removal and replacement of this storm sewer was not included in the project scope of work. ODOT agreed to the additional work subject to the City paying the contractor directly as a part of the Sylvania River Trail Phase 2 Project. City reimbursement of this expense would come in the form of a credit for expenses the City pays ODOT annually for US-23 maintenance and repairs (approximately \$30,000 each year).
- Meter Disconnect & Feeder to TE Pole (CO#2) – The plans did not provide a bid item and costs for establishing a new electrical service with Toledo Edison for Trail lights. The submitted amount covers the cost for Brint Electric to perform the necessary work to tie-in to Toledo Edison facilities.

The total cost of these changes is \$10,380.71. We would recommend approval of Change Order No. 1 which will increase the contract amount from \$2,487,260.26 to \$2,497,640.97. 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

Project Ordinance No.: 82-2017 Purchase Order No. 54535

Contract: Sylvania River Trail Phase II

Title of Change Order: _____

Date: 9/10/2018

Description of Change:	Repair of US-23 Storm Sewer (Project CO#1)	\$7,252.76
	Meter Disconnect & Feeder to TE Pole (Project CO#2)	\$3,127.95
	TOTAL	\$10,380.71

RECOMMENDED FOR APPROVAL BY:


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

9-11-18
 Date

Original Contract Amt	\$ 2,487,260	26
Previous Changes (+ or -)	\$ 0	00
This Change (+ or -)	\$ 10,380	71
Adjusted Contract Amt	\$ 2,497,640	97

REVIEWED BY: Joseph E. Shaw
 DATE: 9/11/18
 SUBMITTED BY: Miller Bros. Const. Inc.
 DATE: 9/11/18

Engineer
Engineer's Signature
Name of Contractor
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

96

ORDINANCE NO. 52 -2018

AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO APPROVE CHANGE ORDER NO. 1 TO THIS CITY'S AGREEMENT WITH MILLER BROTHERS CONSTRUCTION, INC. FOR THE RIVER TRAIL PHASE 2 PROJECT WHICH REFLECTS THE ACTUAL WORK PERFORMED ON THIS PROJECT; INCREASING THE CONTRACT AMOUNT BY \$10,380.71; APPROPRIATING FUNDS THEREFORE; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 82-2017, passed November 6, 2017, accepted the bid of Miller Brother Construction, Inc. for the River Trail Phase 2 Project, which bid was in the amount of \$2,487,260.26; and,

WHEREAS, the Director of Public Service, by report dated September 17, 2018, has recommended the acceptance of Change Order No. 1 of Miller Brothers Construction, Inc. for said River Trail Phase 2 Project to reflect two items of additional work including removal and replacement of an existing storm sewer located in the US-23 median and meter disconnect and feeder to Toledo Edison for the establishment of new electrical service with Toledo Edison; and,

WHEREAS, the addition of these items resulted in a net increase to the contract in the amount of Ten Thousand Three Hundred Eighty and 71/100 Dollars (\$10,380.71), for a total contract amount of \$2,497,640.97.

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

SECTION 1. That said change order increasing the contract amount by the sum of Ten Thousand Three Hundred Eighty and 71/100 Dollars (\$10,380.71), 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. 401-7750-53585 – River Trail Project**, the sum of Ten Thousand Three Hundred Eighty and 71/100 Dollars (\$10,380.71).

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 the actual work performed and materials used 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, _____, 2018, as an emergency measure.

President of Council

ATTEST:

APPROVED AS TO FORM:

Clerk of Council

Director of Law

APPROVED:

Mayor

Date

10a



DEPARTMENT OF PUBLIC SERVICE
KEVIN G. ALLER, PE DIRECTOR

September 14, 2018

To: The Mayor and Members of Sylvania City Council

Re: Salt Conveyor

Dear Mr. Mayor and Council Members:

In December of 2017, Council approved the purchase of a portable salt conveyor system.

The conveyor system will be used for our salt deliveries to fully utilize our storage facility. The conveyor will be a substantial safety improvement for our employees as well.

We have attached a proposed agreement with the Monclova Township trustees to jointly purchase a portable conveyor system.

Monclova Township has the same concerns as we do. Rather than each entity purchasing a separate conveyor we believe that it is more prudent to share a piece of equipment that will only be used a couple weeks per year.

We recommend approval of the attached agreement. Please call if you have any questions.

Sincerely,

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

JOINT COOPERATION AGREEMENT

FOR

PURCHASE AND USE OF SALT CONVEYOR SYSTEM

This Agreement by and between the City of Sylvania, Ohio, hereinafter referred to as the **CITY** and the Board of Monclova Township Trustees, hereinafter referred to as the **TOWNSHIP**.

WITNESSETH

WHEREAS, the **CITY** and the **TOWNSHIP** desire to purchase a portable conveyor and flat truck unloading conveyor, hereinafter referred to as the **CONVEYOR**, and

WHEREAS, the **CITY** and **TOWNSHIP** agree the purchase of said **CONVEYOR** would be beneficial to the citizens of the **CITY** and **TOWNSHIP**, and

WHEREAS, the **CITY** and the **TOWNSHIP** desire to conclude an agreement which will accomplish the shared purchase of said **CONVEYOR**,

NOW, THEREFORE, the **CITY** and **TOWNSHIP** do hereby agree as follows:

1. The **CITY** will act as the lead agency for the detailed specifications, design and purchase of the **CONVEYOR**.
2. The total cost of the **CONVEYOR** is estimated to be \$78,000. The **CITY** shall pay 50% of the cost, \$39,000. The **TOWNSHIP** shall pay 50% of the cost, \$39,000.

The **CITY** will invoice the **TOWNSHIP** for its share after the **CONVEYOR** is received.

3. Future maintenance costs shall be shared on the cost basis of average annual salt order over the past five years, to be recalculated every 5 years. If work is performed by **CITY/TOWNSHIP** forces, only

material cost will be requested of the other party. If outside forces are necessary, the total cost of the maintenance and/or repair shall be included in the request. Both sides agree to operate the equipment in a proper manner and keep it in good working order. It is the intent of this Agreement that the **CITY** and **TOWNSHIP** shall each properly and expeditiously discharge any requirements that may devolve upon them from time to time during the period this Agreement will be in force.

IN WITNESS WHEREOF, the Board of Monclova Township Trustees pursuant to Resolution _____ adopted on ____ day of _____, 2018 and the City of Sylvania, by its Mayor and Director of Finance pursuant to Ordinance Number _____ passed this ____ day of _____, 2018, have affixed their signatures respectively.

CITY OF SYLVANIA

BOARD OF MONCLOVA TOWNSHIP TRUSTEES

Mayor

Brian Craig

Director of Finance

Chuck Hoecherl

Barbara Lang

Approved as to Form:

Director of Law, City of Sylvania

Lucas County Prosecutor

Date: _____

Date: _____

ORDINANCE NO. 53 -2018

AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO A JOINT COOPERATION AGREEMENT ON BEHALF OF THIS CITY OF SYLVANIA WITH THE BOARD OF MONCLOVA TOWNSHIP TRUSTEES FOR THE PURCHASE AND USE OF A PORTABLE SALT CONVEYOR SYSTEM; AND DECLARING AN EMERGENCY.

WHEREAS at the December 18, 2017 meeting of Sylvania City Council, the purchase of a portable salt conveyor system was approved; and,

WHEREAS, the Director of Public Service solicited interest from other area communities to identify potential partners in purchasing the portable conveyor system; and,

WHEREAS, Monclova Township is interested in participating in the purchase of the portable conveyor system; and,

WHEREAS, the Director of Public Service, by report dated September 14, 2018, has recommended approval of the Joint Cooperation Agreement with the Board of Monclova Township Trustees for the purchase of the portable salt conveyor system, a copy of which is attached hereto as "Exhibit A"; and,

WHEREAS, the attached Joint Cooperation Agreement sets forth both the technical and financial responsibilities of the City and Monclova Township for the project; and,

WHEREAS, the total estimated cost of the conveyor is \$78,000 with the cost being split evenly between the City and Monclova Township, with each entity paying \$39,000.

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

SECTION 1. That the Mayor and Director of Finance be, and they hereby are, authorized, on behalf of the City of Sylvania, Ohio, to enter into a Joint Cooperation Agreement with the Monclova Township Trustees for the purchase and use of a portable salt conveyor system.

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 Joint Cooperation Agreement should be entered into forthwith. 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



A

City of Sylvania

DIVISION OF TAXATION

CHRISTY M. GOLIS, COMMISSIONER OF TAXATION

September 5, 2018

Mayor Craig A. Stough and Members of Council
City of Sylvania
Sylvania, Ohio

Dear Mayor Stough and Council Members:

The monthly cash report from the Division of Taxation is as follows:

	Deposits	Refunds	Balance
August 31, 2018	626,117.36	20,804.54	605,312.82
August 31, 2017	723,979.45	11,191.55	712,787.90
Monthly Difference	(97,862.09)	9,612.99	(107,475.08)
Year to Date 2018	7,281,250.73	214,049.75	7,067,200.98
Year to Date 2017	7,565,111.62	194,392.04	7,370,719.58
Yearly Difference	(283,860.89)	19,657.71	(303,518.60)
			-4.12%

Respectfully submitted,

Christy M. Golis
Tax Commissioner

c: Mr. Toby Schroyer, Finance Director

City of Sylvania
Bank Reconciliation
August 2018

B

Ending balance for July 2018	25,339,593.55
Add: Monthly Receipts	<u>3,930,291.27</u>
Subtotal	\$ 29,269,884.82
Less: Monthly Disbursements	<u>3,187,775.87</u>
Ending balance for August 2018	\$ 26,082,108.95
Less:	
CD Metamora Bank	\$ (2,081,574.53)
Star Ohio	(79,238.81)
Petty Cash (1)	(2,050.00)
Cemetery Savings	(1,062.86)
Toledo Community Fund	(31,803.18)
Key Bank Securities	(8,148.58)
5/3rd Securities	(8,417,099.25)
SJS Account	(5,609,673.05)
Morgan Stanley Investment	(2,111,582.03)
First Federal Bank (CD)	(2,000,000.00)
Key Bank (CD)	(1,000,000.00)
Sylvania Township Bonds	(375,000.00)
	\$ 4,364,876.66
Ck - Caremark pd in 9/18	5,900.00
Bank Adj.	(0.52)
	<u>\$ 4,370,776.14</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
	<u>\$ 2,050.00</u>

BANK BALANCE	
EOM 5/3rd Bank Balance	\$ 5,033,548.01
Deposit in Transit:	
Income Tax	1,510.00
General Deposit	48,745.59
Bank Encoding Error	1,085.00
Subtotal	\$ 5,084,888.60
Less: Outstanding Checks (2)	<u>714,112.46</u>
Adjusted Bank Balance	\$ 4,370,776.14
(2)	
July Outstanding Checks	\$ 288,039.49
Checks written this month	1,583,291.40
Subtotal	<u>\$ 1,871,330.89</u>
Checks Cleared this month	<u>(1,157,218.43)</u>
August Outstanding Checks	\$ 714,112.46

Toby Schroyer

Toby Schroyer
 Director of Finance, City of Sylvania

C

Board of Architectural Review

Minutes of the regular meeting of September 12, 2018. Mr. Lindsley called the meeting to order.

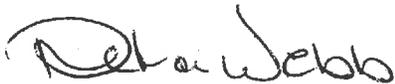
Members present: Mayor Craig Stough, Ken Marciniak, Daniel Arnold, Brian McCann, and Thomas Lindsley (5) present. Zoning Administrator, Timothy Burns present.

Mr. Arnold moved, Mr. McCann seconded to approve the Minutes of the August 15, 2018, meeting as submitted. Vote being: Stough, Arnold, McCann, Marciniak and Lindsley (5) aye; (0) nay. Motion passed by a 5 to 0 vote.

Item 3 – Regulated Sign – app. no. 41-2018 requested by Rick Kwapich for Taco Bell, 5844 Alexis Road, Sylvania, Ohio 43560. Application is for a new wall sign in combination with a new awning sign, a new monument sign to replace the current pole sign and a new canopy over the drive thru. Mr. Kwapich was present and explained that the new signs were part of a remodel of Taco Bell. He said the signs will be externally lit; the bell over the front door will be lit with a flood light and the letters will be lit with a LED strip. The monument sign will replace the existing pole sign. Signs are within the limits of the Sylvania Sign Code. Mr. Marciniak moved, Mr. Arnold seconded, to grant a Certificate of Appropriateness for the signs shown in the drawings submitted with the application. Vote being: McCann, Marciniak, Arnold, Stough and Lindsley (5) aye; (0) nay. Motion passed by a 5 to 0 vote.

Mr. McCann moved, Mr. Marciniak seconded to adjourn the meeting. All present voted aye. Meeting adjourned.

Submitted by,



Debra Webb, Secretary
Municipal Planning Commission

PUBLIC MEETING

US-23 and Monroe Street (SR-51) Interchange Study LUC-US23-11.75 (PID: 105889)



Larger versions of maps are available online at www.cityofsylvania.com.

Proposed Project

- Reconstruction of the US-23 Interchange with Monroe Street and Alexis Road and improvements to intersecting roadways between Harroun Road and US-23.
- Review viable alternatives to improve deficiencies, increase capacity and accessibility at the Monroe Street interchange.
- The recommended preferred configuration is a Hybrid Diamond Loop, as shown in Alternative A & B pictured above.

Please Join Us!

- No formal presentation. Attend any time during open house hours.
- Representatives from the City of Sylvania, the Ohio Department of Transportation (ODOT), and the consultant team will be available to provide information, answer questions, and discuss project.
- We need your input on the Alternative and intersection options shown above!

Accommodations

- Individuals who may require interpretation services or a reasonable accommodation to participate in this meeting should contact the City no later than 15 calendar days prior to the public meeting (October 1, 2018). Public participation is solicited without regard to race, color, sex, age, national origin, or disability.

When:

October 16, 2018
4:00 - 6:00 p.m.

Where:

City Council Chambers
City of Sylvania
6635 Maplewood Ave.
Sylvania, OH 43560

Contact Information:

Joseph E. Shaw
City of Sylvania
6730 Monroe Street
Sylvania, OH 43560
jshaw@cityofsylvania.com

Additional project
information online,
including larger maps:
www.cityofsylvania.com



We look forward to seeing you on October 16th!



The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by ODOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 11, 2015 executed by FHWA and ODOT.