

**Sylvania City Council**  
June 3, 2019

**5:45 p.m. Committee of the Whole**  
New City Logo

**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. Richardson.
3. Additions to the agenda.
4. Approval of the Council meeting minutes of May 20, 2019.
5. Chief Schnoor to introduce Danilynn Miller as the newly promoted Captain.
6. Proposed Ordinance No. 44-2019 requested by Councilman Haynam, Amending the Codified Ordinances of Sylvania, by adding Section 537.21 Parental Rights relating to Drug Testing Minors. (Second Reading)
7. Proposed Ordinance No. 47-2019, An Ordinance to levy a municipal Motor Vehicle License Fee pursuant to Ohio Revised Code Section 4504.173. (Second Reading)
8. Abandoned Gas Station Cleanup Grant Program.
  - a. Economic Development Director's report on grant for property at 6511 Monroe St.
  - b. Proposed Ordinance No. 50-2019, Authorizing to enter into a Grant Agreement between the Ohio Development Services Agency and the City of Sylvania for the Abandoned Gas Station Cleanup Grant Program.
9. Proposed Ordinance No. 51-2019, Approving the offer to purchase of First Brookside, LLC (Inside the Five) to purchase a 7' x 148.84' parcel of the City's real estate at a sale price of \$500.
10. Report of Zoning Ordinance Amendment application ZA-1-2018, for property located at 4713 King Road from Bruce J. Fondren, Sr.
11. Committee reports.
  - a. Committee of the Whole from this date.
12. Committee referrals.

**INFORMATION**

None.

Minutes of the Meeting of Council  
May 20, 2019

The Council of the City of Sylvania, Ohio met in regular session on May 20, 2019 at 7:30 p.m. with Mayor Stough in the chair. Roll was called with the following members present: Katie Cappellini, Doug Haynam, Mark Luetke, Patrick Richardson, Mary Westphal; (5) present; Mark Frye, Sandy Husman, (2) absent.

Roll call:  
Frye, Husman  
absent; excused.

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

Pledge of  
Allegiance.

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

The following items were added to the agenda:

- 12a. Re-schedule a Committee of the Whole meeting to discuss new city logo.
- 14. Art Walk & Pickleball event notice.

Mrs. Westphal moved, Mr. Haynam seconded to approve the agenda as amended; roll call vote being: Cappellini, Haynam, Luetke, Richardson, 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 May 6, 2019 meeting minutes. Mrs. Westphal moved, Mr. Haynam seconded, that since the Mayor, members of Council, and others had been furnished copies of these minutes prior to this meeting, Council dispense with the reading of these minutes at this time, and the journal of the minutes of the regular meeting of May 6, 2019 be approved; roll call vote being: Haynam, Luetke, Richardson, Westphal, Cappellini, (5) yeas; (0) nays. The motion carried.

Approval of the  
May 6 meeting  
minutes.

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

Mr. Michael Lieber, Sylvania Town Crier presented his new uniform and provided a listing of all his 2018 activities.

Michael Lieber,  
Syl. Town Crier  
Update.

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

Mr. Hayman presented an opening statement regarding his requested proposed Ordinance No. 44-2019, Amending the Codified Ordinances of Sylvania, by adding Section 537.21 Parental Rights relating to drug testing minors.

Discussion on  
proposed  
Ordinance No.  
44-12019.

Sylvania School Superintendent Dr. Adam Fineske provided background on the recently passed drug testing policy. Amy Natyshak, attorney for Sylvania Schools provided legal perspective on the drug policy and proposed Ordinance No. 44-2019.

Mr. Hayman presented the first reading of proposed Ordinance No. 44-2019, Amending the Codified Ordinances of Sylvania, 1979, as amended, by adding Section 537.21 Parental Rights relating to Drug Testing Minors.

First reading  
Ordinance No.  
44-2019;  
"...Drug testing  
minors..."

Minutes of the Meeting of Council  
May 20, 2019

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

Service Director's report on the purchase of a Gorman-Rupp pumping station for Centennial Crossings was placed on file. Mrs. Westphal presented and read aloud by title only, proposed Ordinance No. 45-2019, "Accepting the proposal of the Craun-Liebing Company for the purchase of a Gorman-Rupp Aboveground Self-priming Packaged Pump Station; appropriating funds therefore in the amount of \$49,890; and declaring an emergency." Mrs. Westphal moved, Mr. Luetke seconded, that Council dispense with the Second and Third Reading of said Ordinance; roll call vote being: Luetke, Richardson, Westphal, Cappellini, Haynam, (5) yeas; (0) nays. The motion carried.

Ordinance No. 45-2019,  
"...purchase of Gorman-Rupp Pumping Station..."

Mrs. Westphal moved, Mr. Haynam seconded, that Ordinance No. 45-2019 be enacted as an emergency measure as declared therein; roll call vote being: Richardson, Westphal, Cappellini, Haynam, Luetke, (5) yeas; (0) nays. The motion carried.

Service Director's report on the installation of the Centennial Crossing pumping station was placed on file. Mrs. Westphal presented and read aloud by title only, proposed Ordinance No. 46-2019, "Accepting the proposal of United Precast, Inc. for the installation of the Centennial Crossing Pump Station; appropriating funds therefore in the amount of \$16,177; and declaring an emergency." Mrs. Westphal moved, Mr. Haynam seconded, that Council dispense with the Second and Third Reading of said Ordinance; roll call vote being: Westphal, Cappellini, Haynam, Luetke, Richardson, (5) yeas; (0) nays. The motion carried.

Ordinance No. 46-2019;  
"...Installation of Centennial Crossing pump station..."

Mrs. Westphal moved, Mr. Haynam seconded, that Ordinance No. 46-2019 be enacted as an emergency measure as declared therein; roll call vote being: Cappellini, Haynam, Luetke, Richardson, Westphal, (5) 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 first reading of proposed Ordinance No. 47-2019, "An Ordinance to levy a Municipal Motor Vehicle License Fee pursuant to Ohio Revised Code Section 4504.173.

First reading  
Ordinance No. 47-2019,  
"...levy a municipal motor vehicle license fee..."

Minutes of the Meeting of Council  
May 20, 2019

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

Mrs. Westphal presented and read aloud by title only, proposed Ordinance No. 48-2019, "Amending Chapter 929-Sewer Regulations of the Sylvania Codified Ordinances, 1979, as amended; and declaring an emergency." Mrs. Westphal moved, Mr. Haynam seconded, that Council dispense with the Second and Third Reading of said Ordinance; roll call vote being: Haynam, Luetke, Richardson, Westphal, Cappellini, (5) yeas; (0) nays. The motion carried.

Ordinance No. 48-2019;  
"Amending Chapter 929-Sewer Regulations..."

Mrs. Westphal moved, Mr. Luetke seconded, that Ordinance No. 48-2019 be enacted as an emergency measure as declared therein; roll call vote being: Luetke, Richardson, Westphal, Cappellini, Haynam, (5) yeas; (0) nays. The motion carried.

Mrs. Westphal presented and read aloud by title only, proposed Ordinance No. 49-2019, "Amending Chapter 925-Sewer Service Charges of the Sylvania Codified Ordinances, 1979, as amended; and declaring an emergency." Mrs. Westphal moved, Mr. Haynam seconded, that Council dispense with the Second and Third Reading of said Ordinance; roll call vote being: Richardson, Westphal, Cappellini, Haynam, Luetke, (5) yeas; (0) nays. The motion carried.

Ordinance No. 49-2019,  
"Amending Chapter 9125-Sewer Service Charges..."

Mrs. Westphal moved, Mr. Luetke seconded, that Ordinance No. 49-2019 be enacted as an emergency measure as declared therein; roll call vote being: Westphal, Cappellini, Haynam, Luetke, Richardson, (5) yeas; (0) nays. The motion carried.

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

Mrs. Westphal presented and read aloud by title only, proposed Ordinance No. 43-2019, a written copy of same having been previously furnished to each member of Council, "Providing for the construction, maintenance, repair, cleaning and enclosing open drainage ditches located within the Corporate limits of the City of Sylvania; authorizing the Director of Public Service, by and through the proper officers of said City to do said work during the year 2019; establishing one district for said purpose in accordance with the provisions of Section 727.012 of the Revised Code of Ohio; providing for the assessment of the cost and expense thereof upon abutting property; 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:, Cappellini, Haynam, Luetke, Richardson, Westphal, (5) yeas; (0) nays. The motion carried.

Ordinance No. 43-2019,  
"Providing... repair, cleaning ...ditches..."

Mrs. Westphal moved, Mr. Luetke seconded, that Ordinance No. 43-2019 be enacted as an emergency measure as declared therein; roll call vote being: Haynam, Luetke, Richardson, Westphal, Cappellini, (5) yeas; (0) nays. The motion carried.

Minutes of the Meeting of Council  
May 20, 2019

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

Law Director Brinning reported that the additional information from Bruce J. Fondren, Sr. on zoning ordinance amendment application ZA-1-2018 has not yet been received due to applicant working with their engineer for final plans. Proposed action on this application will be continued until next meeting.

Continuation of  
ZA-1-2018  
action until  
next meeting.

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

Mrs. Westphal moved, Mr. Richardson seconded to set a Committee of the Whole for Monday, June 3, 2019 at 5:45p.m. to discuss the new city logo with Fuller Art House.

COW Mtg,  
6/3/19  
@5:45p.m.  
Re: City logo.

Mayor Stough state that there are no items for agenda item 13 so Council will now consider agenda item 14.

Mrs. Cappellini provided information on the Art Walk and Pickleball event on Friday, June 7<sup>th</sup> from 5:00 - 8:00 p.m. This event will include art, live music, and food trucks.

Art Walk &  
Pickleball event.  
6/7/19.

Mayor Stough stated all items have been addressed.

Mrs. Westphal moved, Mr. Richardson seconded to adjourn at 9:00 p.m. Roll call vote being: Cappellini, Haynam, Luetke, Richardson, Westphal, (5) yeas; (0) nays. The motion carried.

Adjournment.

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Clerk of Council

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Mayor

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**ORDINANCE NO. 44 -2019**

**AMENDING THE CODIFIED ORDINANCES OF SYLVANIA, 1979, AS AMENDED, BY ADDING SECTION 537.21 PARENTAL RIGHTS RELATING TO DRUG TESTING MINORS; AND DECLARING AN EMERGENCY.**

WHEREAS, the Board of Education of Sylvania City Schools has adopted Policy No. 2431-02 “Sylvania Schools Extra-Curricular/Co-Curricular Drug Testing Policy and Code of Conduct” which will subject virtually all high school students in Sylvania’s public schools to drug testing; and

WHEREAS, the Drug Testing Policy provides parents or legal guardians no opportunity to prevent the drug testing of their minor children except by choosing to exclude their child student from important and valuable education opportunities; and

WHEREAS, the Drug Testing Policy requires students be excluded from important and valuable education opportunities if a positive test result occurs; and

WHEREAS, the Drug Testing Policy provides that students subjected to a test will be removed from class to a secured testing area where only lab technicians, designated school administrators and other students will be the only witnesses to the test; and

WHEREAS, the Drug Testing Policy provides that students subjected to a test may only wear pants, t-shirts or dresses and specifically provides that students subjected may not wear sweaters, coats vests, jackets, or baggy clothing; and

WHEREAS, the Drug Testing Policy provides that students subjected to a test will be given a collection cup by a lab technician and directed to urinate directly into the collection cup while the lab technician observes the collection process sufficiently to hear normal sounds of urination; and

WHEREAS, the Drug Testing Policy is unnecessarily intrusive, demeaning and potentially harmful to all students; and

WHEREAS, the Drug Testing Policy violates students' rights to be free from unreasonable search and seizure, as outlined by the Fourth Amendment of the United States Constitution and Article 1, Section 14 of the Ohio Constitution; and

WHEREAS, the Drug Testing Policy presumes students to be guilty until proven innocent and students subjected to the drug test must prove their innocence by having a clean urine sample; and

WHEREAS, the Drug Testing Policy violates a parent's or legal guardian's fundamental right to provide for the care, custody and control of their children as protected by the Due Process Clause of the Fourteenth Amendment of the United States Constitution as well as Article 1, Section 16 of the Ohio Constitution; and

WHEREAS, the City seeks to protect and preserve the fundamental rights of parents as they relate to drug testing of their children.

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

SECTION 1. That Chapter 537 – Offenses Against Persons, of the Sylvania Codified Ordinances of Sylvania, as amended, be and it is further amended to add Section 537.21 – Parental Rights Relating to Drug Testing Minors to read as set forth on the attached “Exhibit A.”

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

Vote dispensing with the third reading:                      Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Passed, \_\_\_\_\_, 2019, as an emergency measure.

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Director of Law

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date



**Exhibit A**  
**ORDINANCE NO. \_\_\_\_-2019**

**537.21 PARENTAL RIGHTS RELATING TO DRUG TESTING MINORS**

(a) No person shall collect urine or other samples from any minor for the purpose of conducting a drug test except when a parent or legal guardian of the specific minor from whom the sample is to be collected is present to observe the sample collection process.

(b) No person shall collect urine or other samples from a minor for the purpose of conducting a drug test without providing the parent or the parents or legal guardian of the specific minor from whom the sample is to be collected no less than 30 days actual notice in advance of the time that the sample is to be collected. If a parent or legal guardian cannot be present at the time initially proposed for collecting the sample, the person proposing to collect the sample shall reschedule the sample collection with the parent or legal guardian of the minor from whom the sample is to be collected to a mutually agreeable time after the time initially proposed.

(c) This section will have no application to the execution of a properly served warrant issued by a duly constituted Court of the United States or the State of Ohio.

(d) Whoever violates this section is guilty of a misdemeanor of the first degree.

**ORDINANCE NO. 47 -2019**

**AN ORDINANCE TO LEVY A MUNICIPAL MOTOR VEHICLE LICENSE FEE PURSUANT TO OHIO REVISED CODE SECTION 4504.173.**

WHEREAS, as authorized by the provisions of O.R.C. Chapter 4504, Sylvania City Council finds it necessary to impose an annual license tax upon the operation of motor vehicles on the public roads in the municipality for the purpose of construction and maintaining public roads, highways, streets and bridges.

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

SECTION 1. There is hereby levied an annual license tax upon the operation of motor vehicles on the public roads or highways pursuant to O.R.C. Section 4504.173 for the purposes of paying the costs and expenses of enforcing and administering the tax provided for in this section and to provide additional revenue for the purposes set forth in O.R.C. Section 4504.06, and to supplement revenue already available for such purposes.

SECTION 2. Such tax shall be at the rate of Five Dollars (\$5.00) per motor vehicle on each and every motor vehicle the district of registration of which, as defined in O.R.C. Section 4503.10, is the City of Sylvania.

SECTION 3. As used in the Ordinance, the term "motor vehicle" means any and all vehicles included within the definition of motor vehicle in O.R.C. Sections 4501.01 and 4505.01.

SECTION 4. The tax imposed by this Ordinance shall apply to and be in effect for the registration year commencing January 1, 2020, and shall continue in effect and application during each registration year thereafter.

SECTION 5. The tax imposed by this Ordinance shall be paid to the Registrar of Motor Vehicles of the State of Ohio or to a Deputy Registrar at the time application for registration of a motor vehicle is made as provided in O.R.C. Section 4504.10.

SECTION 6. All monies derived from the tax hereinbefore levied shall be used by the City of Sylvania for the purposes specified in this Ordinance.

SECTION 7. 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 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.

Passed, \_\_\_\_\_, 2019.

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Director of Law

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

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# City Of Sylvania

OFFICE OF THE MAYOR  
William D. Sanford  
Economic Development /  
Admin. Services Coordinator

May 31, 2019

To: The Mayor and Members of City Council

Re: **Ordinance No. 50-2019**  
**Grant Agreement with The Ohio Development Services Agency**

Dear Mr. Mayor and Council Members:

The Ohio Development Services Agency, part of the State of Ohio, in partnership with Ohio EPA has a grant program to help clean up abandoned gas and service stations throughout Ohio.

This grant program provides funding to assess and clean up BUSTR Class C sites (Bureau of Underground Storage Tank Regulations). Local governments can apply for this grant if they have an agreement with the landowner of an eligible property. Five Gals, LLC is the owner of the former tire store property, 6501/6503/6511 Monroe Street, which is an eligible site.

The City submitted a proposal to assess and remediate this site and we have been awarded a grant for up to \$250,000 for that purpose.

To determine if the site was eligible, testing was done by subcontractors hired by Natural Resources Management, LLC in order to assess if the site was eligible for the grant funding.

The following activities are planned for the site during 2019. Also listed is the estimated cost for each function.

- Site Soil Testing \$7,900 (Completed)
- VAP (Voluntary Action Program) Phase II Site Assessment \$82,000
- Remedial Action Plan \$7,100
- Asbestos survey \$3,000

- Asbestos Abatement (if necessary) Unknown at this time
- Demolition of building \$46,000
- Removal of contaminated soils/site restoration \$89,000
- Final VAP No Further Action Report \$15,000

NOTE: If the cost to remediate the site exceeds \$250,000 you have the opportunity to apply for additional grant funds to complete the project.

The property owners agree to allow the City to contract for these services and to come on their property to execute what needs to be done.

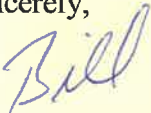
The owners and future buyer and/or developer agree to work with the City as to how the site will be developed once the remediation is completed.

The goal of the program is to provide assistance to clean up a contaminated site so that it can become economically viable in the community.

Other communities that have utilized this grant program; Williams County for a closed gas station in Bryan and closed gas stations in Bexley, Mansfield, Toledo, Sandusky, Fostoria, Vermillion and Northwood.

Chip Tokar of Natural Resources Management, LLC helped prepare our application and technical assistance was also provided by Tim Pedro and Susan Yarger of TTL Associates.

Sincerely,



William D. Sanford  
Economic Development Director

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**ORDINANCE NO. 50 -2019**

**AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO A GRANT AGREEMENT BETWEEN THE OHIO DEVELOPMENT SERVICES AGENCY AND THE CITY OF SYLVANIA FOR THE ABANDONED GAS STATION CLEANUP GRANT PROGRAM; AND DECLARING AN EMERGENCY.**

WHEREAS, in September, 2018, the Economic Development Director applied for the Abandoned Gas Station Cleanup Grant Program through the Ohio Development Services Agency for the property located at 6511 Monroe Street, Sylvania, Ohio; and,

WHEREAS, although the property is not owned by the City, the grant program requires the municipality in which the property is located to apply for and administer the grant; and,

WHEREAS, the City received a maximum grant amount of \$250,000 for remediation/corrective action for the property located at 6511 Monroe St., Sylvania, Ohio; and,

WHEREAS, the Economic Development Director, by report dated May 31, 2019, has recommended approval of the Grant Agreement between the Ohio Development Services Agency and the City of Sylvania, Ohio.

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

SECTION 1. That the Mayor and Director of Finance be, and they hereby are, authorized to enter into, on behalf of this City, a Grant Agreement between the Ohio Development Services Agency for the assessment/corrective action for the property located at 6511 Monroe Street, Sylvania, Ohio in the form and substance of said Grant Agreement now on file with the Clerk of Council.

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 Grant Agreement should be entered into immediately to provide for the environmental assessment and corrective action for the property located at 6511 Monroe Street, Sylvania, Ohio. 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, \_\_\_\_\_, 2019 as an emergency measure.

\_\_\_\_\_  
President of Council

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Director of Law

APPROVED:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

**ORDINANCE NO. 51 -2019**

**APPROVING THE OFFER TO PURCHASE OF FIRST BROOKSIDE, LLC TO PURCHASE A 7' X 148.84' PARCEL OF THE CITY'S REAL ESTATE AT A SALE PRICE OF \$500.00; AUTHORIZING THE MAYOR AND THE DIRECTOR OF FINANCE TO ACCEPT SAID OFFER TO PURCHASE ON BEHALF OF THE CITY OF SYLVANIA; DETERMINING SAID REAL ESTATE TO BE NO LONGER NEEDED FOR MUNICIPAL PURPOSES; AND DECLARING AN EMERGENCY.**

WHEREAS, Ordinance No. 8-2017, passed January 17, 2017, approved the Offer to Purchase of Midland Agency of Northwest Ohio, Inc. to purchase the City's real estate known as the Maplewood Marketplace, 5703 Main St. at a sales price of \$1,100,000; and,

WHEREAS, during the diligence period, some issues were identified that needed to be repaired, and in lieu of the City making the repairs, the Buyer has requested that credits equal to the repair cost be given off the purchase price and the Buyer will make the necessary repairs and improvements; and,

WHEREAS, Ordinance No. 43-2017, passed May 15, 2017, authorized the Mayor and Director of Finance to enter into a Third Amendment to Real Estate Purchase Agreement to purchase said real estate known as the Maplewood Marketplace, 5703 Main St., from the City of Sylvania for a total purchase price of One Million Fifty-Nine Thousand Four Hundred Fifty-Four Dollars (\$1,059,454.00); and,

WHEREAS, the closing on the sale of the property was held on May 17, 2017 and since that time, the owners of the property have been finalizing their plans for the property and building which include incorporating some of the City's property adjacent to the Maplewood Marketplace; and,

WHEREAS, Ordinance No. 75-2017, passed October 16, 2017, approved the Offer to Purchase of First Brookside, LLC to purchase a 7' x 148.84' parcel of the City's real estate at a sale price of \$500.00; and,



WHEREAS, thereafter, First Brookside decided to delay the purchase of the strip of land while they finalized their plans; and,

WHEREAS, the Purchase Agreement approved in 2017 has expired; and,

WHEREAS, First Brookside, LLC has proposed to purchase the approximate 7' x 148.84' parcel of property adjacent to the Maplewood Marketplace for the sum of Five Hundred Dollars (\$500.000).

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 7' x 148.84' parcel of real estate adjacent to the Maplewood Marketplace is no longer needed for any municipal purpose.

SECTION 2. That the Offer to Purchase, submitted by First Brookside, LLC in the amount of Five Hundred Dollars (\$500.00) for the purchase of the property adjacent to the Maplewood Marketplace is hereby approved and the Mayor and Director of Finance be, and they hereby are, authorized to accept said Offer to Purchase on behalf 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 purchase agreement 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 by the Mayor or as otherwise provided by the Charter.

Vote dispensing with the second and third readings:           Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Passed, \_\_\_\_\_, 2019, as an emergency measure.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Clerk of Council

APPROVED:

APPROVED AS TO FORM:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Director of Law

\_\_\_\_\_  
Date